

**MINUTES  
BOARD OF VARIANCE  
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL  
NOVEMBER 09, 2016 AT 7:00 P.M.**

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Members: H. Charania, D. Gunn, R. Kelley, R. Riddett  
Regrets: R. Gupta  
Staff: D. Blewett, Zoning Officer, P. Masse, Senior Committee Clerk

**Minutes:** **Moved by D. Gunn and Seconded by R. Kelley: "That the minutes of the Board of Variance meeting held October 12, 2016 be adopted as amended."**

**CARRIED**

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Vincent Avenue     **Applicant: Jeremy Bomhof**  
Accessory            **Property: 490 Vincent Avenue**  
Building             **Variance: Relaxation of the interior side lot line from 1.5 m to 1.32 m**

BOV #00582        The Notice of Meeting was read and the applicant letter was received.

Applicant         Jeremy Bomhof, applicant, was present and in support of the application. Mr. Bomhof stated:

- He recognizes that he should not have undertaken construction prior to securing a Building Permit; when he attempted to reinstate a permit that had lapsed the discrepancy caused by putting the bottom plate of the concrete forms on the wrong side of the line was discovered.
- All adjacent neighbours have given verbal assurance they are not concerned with the encroachment.
- All measurements are as per the submitted survey.

In response to questions from the Board, the Zoning Officer stated:

- The accessory building complies with height requirements and average grade calculations.
- The permit drawings indicate a gutter is too close to one property line; this will be rectified to comply with the BC Building Code.

In Favour         Nil

In Opposition     Nil

**MOTION:**         **MOVED by D. Gunn and Seconded by R. Kelley : "That the following variance be granted from the requirements of Zoning Bylaw 2003, Sections 210.5(a)(ii), further allowing the existing accessory building to remain as is on Part of Lot 16, Block 9, Section 15, Victoria District, Plan 1070 (490 Vincent Avenue):**

- a) relaxation of the interior side lot line from 1.5 m to 1.32 m

**And further that if construction in accordance with the plans submitted to the Board in the application is not substantially started within two years from the date of this Order, the variance so permitted by this Order will expire."**

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Board comments:

- This is a minor variance, is a legitimate error and does not result in inappropriate development of the property.
- Moving the building or correcting the encroachment would create a hardship.
- The encroachment does not negatively affect neighbours or the intent of the Zoning Bylaw.

**The Motion was then Put and CARRIED**

Cordova Bay Road  
 Accessory Building

**Applicant: Lindsay Baker**  
**Property: 5091 Cordova Bay Road**  
**Variance: Relaxation of front lot line from 7.5 m to 2.33 m**

BOV #00583

The Notice of Meeting was read and the applicant letter was received. One letter of opposition was received.

Applicant

Marie-Louise Wessels, owner, was present in support of the application. Ms. Wessels noted:

- Due to lot layout and the location of the existing right-of-way this is the only logical area on the property to locate a new garage.

In Favour

Nil

In Opposition

G. McMorran, Cordova Bay Road:

- He has lived in the Cordova Bay neighbourhood since childhood.
- This is the third variance request related to the subject property.
- The existing home is too large for the size of the lot; the proposed garage is much too large to be accommodated logically on the site.
- Approval of the variance request would result in reckless and dangerous vehicular movements onto Cordova Bay Road; the rear end of vehicles could easily encroach into traffic.
- The owners knew where the right-of-way was located when they purchased the property, as well as when they applied for and received approvals for previous variance requests.
- He could not locate any similar garage siting in the Cordova Bay neighbourhood; alternative parking options should be considered.

L. McConnachie, R. McConnachie, Cordova Bay Road:

- The variance request based on claims of hardship are weak and inaccurate.
- This property should be required to be aesthetically consistent with surrounding properties.
- Approval of the variance request would cause a dangerous situation for cyclists and vehicles on Cordova Bay Road.
- The owners were not required to remove the previous carport; they elected to do so in order to extend the foundation of their home.
- The subject property has already received excessive lot line relaxation and lot coverage allowances; combined with the rear lot relaxation already granted, the total granted setback relaxations would exceed 25 feet, this would set a troubling and dangerous precedent.
- Based on past experience, they are concerned the applicants will take liberties regarding footprint, size and lot coverage if this variance is granted.
- Bylaws should be upheld and all citizens should be treated equally.

**D. Mitton, Cordova Bay Road**

- This proposal would not fit with the aesthetics and character of the neighbourhood and would instead stand out singularly as a new accessory dwelling.
- When the owners purchased the home they realized its potential; a garage should have been incorporated in the design of the renovation.
- Access or egress so close to Cordova Bay Road would be safety hazard for bicycle and vehicular traffic.
- EDPA considerations should be clearly outlined.

In response to questions from the Board, the owner stated:

- The front of the lot is the only area that a garage could be built; a third of the lot incorporates the right-of-way.
- The current house used the exact footprint of the previous home; however a carport was previously located on the right-of-way, which is not permitted.
- The proposed size of the garage is due to the small size of the home; there is a lack of required storage space, the garage would provide parking and storage functions.

In response to questions from the Board, the Zoning Officer stated:

- Constructing any structure on a right-of-way, including a parking pad, would be at risk of being deconstructed if Saanich crews needed to work on an existing below-grade storm line.
- Parking alternatives could include a parking pad in the front of the house or on the right-of-way, or an open carport. The option of a gravel parking pad in front of the house was reviewed by Engineering and requirements were met.
- The house is within permitted height allowances.

**MOTION:**

**MOVED by R. Riddett and Seconded by D. Gunn: "That the request for relaxation of the front lot line from 7.5 m to 2.33 m from the requirements of Zoning Bylaw 2003, Section 295.4(a)(i), further to the construction of a new accessory building on Lot 19, Section 30, Lake District, Plan 4101 (5091 Cordova Bay Road) be DENIED.**

Board comments:

- This is a major variance request that is out of character within the immediate area.
- Any possible future expansion to Cordova Bay Road would result in serious issues for the municipality if this variance were to be approved.
- Although the right-of-way has created siting issues, these issues were understood when the property was purchased.
- A garage is desirable; but, it is not required.
- Parking alternatives can be investigated and considerable previous relaxations have been granted for this property; a parking structure should have been incorporated into previous design plans.
- Hardship has not been proven and there are alternate ways of achieving a parking area.

**The Motion was then Put and CARRIED**

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Hopesmore Drive Fence      **Applicant: Shelly Williams**  
**Property: 3990 Hopesmore Drive**  
**Variance: Relaxation of fence height from 1.5 m to 1.78 m**

BOV #00585      The Notice of Meeting was read and the applicant letter was received. Four letters of support and four letters of opposition were received.

Applicant      Shelley Williams, applicant and owner, was present in support of the application. Ms. Williams noted the following:

- The grade difference existed when she purchased the home, she did not alter the grade in any way.
- She felt vulnerable and exposed without a fence; privacy and security are her main concerns.
- Family visits include grandchildren and a large dog, the fence is for their safety and security as well.
- She needs security fencing in this 'high-crime' area.
- She is surprised at any expressed opposition as she has received positive feedback from neighbours.
- The cedar fence was chosen for continuity of aesthetics within the existing neighbourhood; a 6 inch to 1 foot lattice section is proposed to be incorporated at the top of the fence for design purposes.
- She is a cautious, nervous and private person.

In response to questions from the Board, the Zoning Officer stated:

- The maximum fence height for any property line abutting a street is 1.5 m.
- The variance application requests a fence height of 1.78 m, including lattice.
- Portions of the fence do not comply due to grade fluctuations; however the variance request is related to the proposed lattice.

In response to questions from the Board, the applicant stated:

- Landscaping (hedges, trees and bushes) would not provide the level of safety, security and privacy that she desires.

In Favour      Nil

In Opposition      Nil

**MOTION:      MOVED by R. Riddett and SECONDED by D. Gunn: "That the application to relax the fence height from 1.5 metres to 1.78 metres on Lot 20, Section 56, Victoria District, Plan 40299 (3990 Hopesmore Drive) be TABLED for a period of up to three months in order to allow the applicant sufficient time to submit more detailed drawings indicating the exact height and placement of the fence, including photos of any proposed lattice".**

Board comments:

- While concerns regarding security and safety are compelling, the Zoning Bylaw is clear in its intent: walls are not to be created along streetscapes.
- Safety and security issues are subjective; the fence does not promote CPTED (Crime Prevention through Environmental Design) principles and several portions of the fence would be easy to scale, even at a foot higher.
- There is some neighbour opposition; however, aesthetics are subjective.
- The hardships of anxiety, perceived need and fear of security should be considered.

- This area is not associated with a high level of crime and the Community Association is active and in touch with police. A high fence shields the house from observation; letting neighbours see into your yard is sometimes the best protection.

**The Motion was then Put and CARRIED**

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Adjournment      On a motion from Robin , the meeting was adjourned at 8:45 p.m.

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Haji Charania, Chair

I hereby certify that these Minutes are a true and accurate recording of the proceedings.

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Recording Secretary