

MINUTES
BOARD OF VARIANCE
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL
JANUARY 10, 2018 AT 7:00 P.M.

Members: H. Charania (Chair), D. Gunn, R. Kelley, R. Riddett
Regrets: R. Gupta
Staff: D. Blewett, Zoning Officer, T. Douglas, Senior Committee Clerk

Election of Chair: The Secretary called the meeting to order and asked for nominations for the Chair. Mr. Charania was nominated and accepted the nomination. The Secretary called twice more for nominations and as there were none announced that Mr. Charania is acclaimed to the position of Chair for 2018. Mr. Charania assumed the Chair.

Board members were informed that, as per the Local Government Act, until a new member is appointed to replace him, Mr. Kelley will continue to serve on the Board.

Minutes: Moved by D. Gunn and Seconded by R. Riddett: "That the minutes of the Board of Variance meeting held December 13, 2017 be adopted as amended."
CARRIED

PREVIOUSLY TABLED
Spring Bay Rd
Accessory building
BOV #00670

Applicant: Todd Martin OBO Malcolm and Catherine Stewart
Property: 2998 Spring Bay Road
Variance: Relaxation of front lot line from 7.5 m to 1.8 m
Relaxation of the maximum lot coverage from 2.5% to 7.38%

Moved by D. Gunn and Seconded by R. Kelley that the application for variance at 2998 Spring Bay Road be lifted from the table.
CARRIED

The Notice of Meeting was read and the applicant's letter received.

Applicants Todd Martin, applicant and Malcolm and Catherine Stewart, owners, were present in support of the application. Mr. Stewart read out a letter providing the rationale and context to his application and he submitted this for the record. In part, Mr. Stewart stated:

- They recently retired and made the decision to live in Saanich to be closer to family.
- They plan to live here long term and be actively engaged in the community.
- They were aware that the existing garage was legal non-conforming and would need a variance to replace the structure.
- They are subject to zoning for larger lots and feel that the 7.4% ask is reasonable.
- The front lot line runs on a diagonal. The challenges of moving the garage to the south-east or further back on the north-west sides were described.
- They enjoy using the patio areas in front of the house in the afternoon light, the fruit tree produces well, and they enjoy the sight lines in that area.
- Connecting the garage to the house would be complex and costly, would alter the landscape, and reduce the home's appeal. Rock removal would be required, they would likely lose a bedroom, and the driveway would also reduce the usable area.
- It is felt that the seaside feel would be lost with having a connected garage.

- Their proposal has minimized impact to the environment, preserves existing views which is important to neighbours, and will be the least disruptive in terms of noise while renovating.

Board members made some comments and asked some questions, the following was noted:

- The existing garage is in an awkward position in relation to the front lot line.
- Future changes to the house will not affect the house footprint.
- It is understood that approval of the application would apply only to the garage.
- The mismatched zoning is acknowledged, but written evidence regarding the claim of a rock outcrop would have been good to have.
- The hydro pole is on the laneway and could be impacted if the garage has to be moved.

In Favour Nil

In Opposition Nil

MOTION: MOVED by D. Gunn and Seconded by R. Riddett: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 290.4(a)(i) and 290.4(c), further to the construction of an accessory building on Lot 8, Section 44, Victoria District, Plan 1544 (2998 Spring Bay Road):

- a) relaxation of front lot line from 7.5 m to 1.8 m
- b) relaxation of the maximum lot coverage from 2.5% to 7.38%

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 variances so permitted by this Order will expire.”

Board comments:

- The request is reasonable.
- The road itself is a narrow lane and there is sufficient room between the garage and the road.
- The house placement on the lot creates hardship, and the rock is apparent.
- Moving the garage will result in loss of light in the area used by the applicants.
- More space between the garage and the front is preferred. No evidence was given regarding the rock on the property. The lot coverage ask is supported, but the front lot line is not.

**The Motion was then Put and CARRIED
With H. Charania OPPOSED**

Holland Avenue
New house

BOV #00673

Applicant: Jaisen Patel
Property: 3983 Holland Avenue
Variance: Relaxation of height for a sloped roof from 7.5m to 8.06m
Relaxation of height for a flat roof from 6.5m to 8.39m
Relaxation of single face height from 7.5m to 8.41m for a sloped roof
Relaxation of single face height from 6.5m to 8.43m for a flat roof

Applicants	<p>The Notice of Meeting was read and the applicant's letter received. Two signatures of no objection received.</p> <p>Jaisen Patel, owner, Patrick Patel, and Paul Vandermade, were present in support of the application. Mr. Patel noted he did his best to mark the height for Board members.</p> <p>The applicant answered Board questions, and the following was noted:</p> <ul style="list-style-type: none"> ▪ The property was purchased because of the location near work and the hospital. ▪ The applicant's aging parents will also live in the home. ▪ They spoke with neighbours regarding the variance request. ▪ Other siting options were presented to Board members. The applicant felt that the proposed siting was the best option. ▪ If they move closer to the existing house they won't have a usable yard. ▪ There are water issues on the property and only a .5% slope from the house to the road. If not for the water issues, the house could have been built on a slab without a crawlspace. ▪ There is only about 16" of topsoil and then clay. French drains are part of the design to address the water issues. ▪ A new septic field will be installed. ▪ The main floor has 9 foot ceilings and the upper floor has 8' ceiling with vaults. With the duct work that has to be installed, an 8' ceiling on the upper floor doesn't really work. ▪ They are asking for the worst case scenario, and may result with a lesser variance at the end of the project.
In Favour	<p>The Zoning Officer explained the variances for the flat and pitched roof and noted that the roof projection over the garage is what drives the variance for the overall height.</p> <p>Nil</p>
In Opposition	Nil
MOTION:	<p>MOVED by D. Gunn and Seconded by R. Riddett: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 101.5(b)(i) and (ii), further to the construction of a new house on Lot 2, Section 9, Esquimalt District, Plan 5820 (3983 Holland Avenue):</p> <ul style="list-style-type: none"> a) relaxation of height for a sloped roof from 7.5m to 8.06m b) relaxation of height for a flat roof from 6.5m to 8.39m c) relaxation of single face height from 7.5m to 8.41m for a sloped roof d) relaxation of single face height from 6.5m to 8.43m for a flat roof
	<p>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 variances so permitted by this Order will expire."</p>
	<p>Board comments:</p> <ul style="list-style-type: none"> ▪ This is a two-storey home, and the water table causes the hardship as the house needs to be lifted above the regular slope of the land. ▪ Due diligence was done and this appears to be the best solution.

- It is logical to raise the house and have a crawlspace with the water table issue.
- The applicant is aware of the storm drain locations and the septic issues with the property.

The Motion was then Put and CARRIED

Holland Avenue
New house

BOV #00675

Applicant: Paul Hicke
Property: 4152 Holland Avenue
Variance: Relaxation of height from 7.5 m to 9.31 m
Relaxation of single face height from 7.5 m to 9.93 m

The Notice of Meeting was read and the applicant’s letter received. Four signatures of no objection received.

Applicants

Paul and Trisha Hicke, applicant/owners, were present in support of the application and had nothing to add other than the previous owner had told them that there are water issues caused by the hill. Approval of this request will result in a less steep driveway, which will be better if there are water issues.

Board members noted that the drawings were difficult to read. The following responses to questions from the Board were noted:

- They also own the house at 4154 Holland Avenue where they will live while they build their new house.
- There are no plans to redevelop the property. They may rent it in the future.
- The property is about a foot lower than the road.
- There is backfill under the existing garage. The foundation wall is in front of the garage.
- The easement is for the storm drain which goes through all the properties out to the ditch on Gillie Road. They are already connected to this storm drain.
- The zoning is A-1 but the lot is only 50’ wide so they did their best to design a house that fits nicely. They originally had designed 9’ ceilings upstairs but changed them to 8’ to reduce the height.

In Favour

Nil

In Opposition

Nil

MOTION:

MOVED by R. Riddett and Seconded by R. Kelley: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 101.5(b)(i) and (ii), further to the construction of a new house on Lot 9, Section 1, Lake District, Plan 1719 (4152 Holland Avenue):

- a) relaxation of height from 7.5 m to 9.31 m
- b) relaxation of single face height from 7.5 m to 9.93 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 variances so permitted by this Order will expire.”

Board comments:

- This is a sloping lot and the building site is lower than the road, which means less affect on the uphill neighbours.
- They are limited by a 10’ side yard so are forced upwards.

- They have no choice given the slope and lot shape. The adjacent houses are close to the setbacks and this proposal provides good distance between houses.
- There are a number of challenges with the lot and the zoning. They have done the best they can and have the neighbour's support.

The Motion was then Put and CARRIED

Admirals Road
Accessory
building

Applicant: Aspire Custom Designs Ltd. OBO James Austin
Property: 2822 Admirals Road
Variance: Relaxation of height from 3.75 m to 4.06 m

BOV #00676

The Notice of Meeting was read and the applicant's letter received.

Applicants

Lindsay Baker, applicant, and James Austin, owner, were present in support of the application. It was noted that after discussing the application with neighbours, the request has been amended to a relaxation to 4.06 metres instead of 4.16 metres. This will reduce the impact to neighbours and also improve the driveway grade.

Mr. Kelley disclosed that he had met with the owner on site.

Responses to questions from the Board were recorded as follows:

- Two fir trees are to be removed, and the amended plan will protect the Arbutus root ball a little better.
- The Arbutus tree leans but does not need removal, just a good pruning.
- The initial application had the location of the building about 5 feet from the new proposed site; this results in a 10 cm lower building.
- If there was no roof projection they would not have to ask for a variance.
- They intend to remove the existing shed that is on the property.
- They would like to have a green roof on the structure if permitted.
- The loft will be used for storage and maybe for an office.
- If denied they will just have an awkward space for storage; they would keep the loft but they would not be able to walk through half of it.

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, Section 260.5(b), further to the construction of an accessory building on Lot 4, Section 21, Victoria District, Plan 11112 (2822 Admirals Road):

a) relaxation of height from 3.75 m to 4.06 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."

Board comments:

- This is a minor variance and there is a need for a useful loft.
- The applicant made an effort to change the plans for the neighbours benefit.
- The revised siting considers the neighbours and the Arbutus will be saved.
- They will remove the existing shed.

The Motion was then Put and CARRIED

Cordova Bay Rd **Applicant:** New Zealand Builders OBO Glen and Robin Boy
 New house **Property:** 4577 Cordova Bay Road
Variance: Relaxation of height from 6.5 m to 7.25 m
 BOV #00677 Relaxation of single face height from 6.5 m to 7.9 m

The Notice of Meeting was read and the applicant's letter received.

Applicants Andrew Chapman, applicant, and Glen and Robin Boy, owners, were present in support of the application.

Board members commented that there was no posted address on the site, and because the site was not properly marked for footprint and height, they were not able to get an idea of how the proposed house would impact the neighbourhood. Suggestions on how to mark the site were provided.

In Favour Nil

In Opposition Nil

MOTION: **MOVED** by D. Gunn and **Seconded** by R. Riddett: "That the request for variance from the requirements of Zoning Bylaw 2003, Sections 295.3(b)(i) and (ii), further to the construction of a new house on Lot 1, Section 24, Lake District, Plan 1278A (4577) be TABLED to the February 14, 2018 meeting, in order to provide the applicant an opportunity to mark the site as per the Board's request."

The Motion was then Put and CARRIED

Other business It was noted that sometimes the plans submitted to the Board for consideration are difficult to read. Board members requested that when possible, plans be sent to them electronically in order to assist with this problem. It was also noted that it would be useful for drawings to show the location of the variance request. Staff will review the application package to see where improvements can be made.

A brief discussion occurred about preferred methods of marking the site for Board site visits. Information could be provided in the application form or in the letter to the applicant/owner in this regard. D. Gunn to provide a draft letter that could be given to applicants. For future discussion.

Adjournment On a motion from D. Gunn, the meeting was adjourned at 9:00 p.m.

 Haji Charania, Chair

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

 Recording Secretary