

**MINUTES
BOARD OF VARIANCE
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL
OCTOBER 10, 2018 AT 6:00 P.M.**

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

Minutes: The September 12, 2018 Board of Variance minutes will be adopted at a future meeting.

Duke Street **Applicant: Penny Bax**
Accessory **Property: 1207 Duke Street**
building **Variance: Relaxation of front lot line from 7.5 m to 6.19 m**

BOV #00578 The Notice of Meeting was read and the applicant's letter received. Signatures of no objection received from six residences. Mr. Charania noted he met with the applicant on site.

Applicants: Penny Bax, applicant/owner and Chris Stevens were present in support of the application and had nothing to add.

Public input: Resident, 3685 Kathleen Street:

- Has no issue with the applicant building a garage, but expressed concern that it will be sited too close to their bedroom window and may be noisy. They would prefer the garage to be sited closer to the street.

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

- They purchased the property in March 2017.
- This is the best place to site the garage in order to protect oak trees on the property.
- The building is actually being sited further away from the rear property line which is better for the neighbour.
- There will be no windows in the building, and it will have one side door and the garage door.
- If denied they will move the building back to where permitted and the oak tree will likely die.
- They restore Cadillacs as a hobby and the building is for storage and to work on cars.

Board comments:

- The shallow lot is a hardship.
- They did the neighbour a favour by moving the building forward.
- Saving the tree also makes them not be in conflict with the Tree Protection Bylaw.
- The hardship is recognized but one member wondered if a smaller garage could be built.
- This is the best option to protect the environment and satisfy the neighbour.

MOTION: MOVED by R. Riddett and Seconded by R. Gupta: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 210.5(a)(i), further to the construction of an accessory building on Lot 3, Section 32, Victoria District, Plan 1399 (1207 Duke Street):"

a) relaxation of front lot line from 7.5 m to 6.19 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.”

The Motion was then Put and CARRIED

Brookleigh Road
Fence

BOV #00757

Applicant: David Neale OBO 1031688 Alberta Ltd.
Property: 458 Brookleigh Road
Variance: Relaxation of front fence height from 1.5 m to 2.60 m
Relaxation of side and rear fence height from 1.9m to 2.60m

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

Applicants:

David Neale, applicant/owner, was present in support of the application. He stated he talked to the neighbours and none expressed any objections to his fence. In reply to questions from the Board, the applicant stated:

- The fence was built in August 2017 and surrounds the entire 18 acre property.
- He lives in a rural area, this is a working farm, and he is trying to protect his crops. Farming without a deer fence is not viable.
- Most fences in the neighbourhood are higher; he built a comparable fence.
- He made an effort to make the fence not visually offensive as it is not solid.
- The Farm Protection Act and the Agricultural Land Commission Act allows for deer fencing.
- The land was surveyed to ensure the correct placement of the fence.
- The CRD study on deer states that a 2.5 metre fence is ideal to deter deer.
- Saanich has their own deer fence at an allotment garden and is breaking their own bylaw.

Public input:

Nil

MOTION:

MOVED by R. Riddett and Seconded by R. Gupta: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 6.2(f)(i) and (ii), further to allowing an existing fence to remain as is on Lot B, Section 57, Lake District, Plan 46363 (458 Brookleigh Road):

- a) relaxation of front fence height from 1.5 m to 2.60 m**
- b) relaxation of side and rear fence height from 1.9 m to 2.60 m.”**

Board comments:

- The land is in the Agricultural Land Reserve and is zoned for agricultural operations.
- The Zoning Bylaw conflicts with the need to protect agricultural operations.
- Parts of the fence is obscured by vegetation and it is a see-through fence.
- There is a clear inconsistency between the CRD study and the various Bylaws.
- The applicant has shown they have farm status and genuine agricultural operations.
- This was installed by a professional, was an unintentional error, and it would be very costly to order the applicant to reduce the fence height.

The Motion was then Put and CARRIED

**PREVIOUSLY
TABLED**

**Applicant: KSD Holdings Ltd.
Property: 4257 Pullet Place
Variance: Relaxation of allowable floor space in non-basement areas
from 80% to 99.95%**

Pullet Place
New house

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

BOV #00734

MOTION:

MOVED by R. Gupta and Seconded by R. Riddett: "That the application for variance at 4257 Pullet Place be lifted from the table."

CARRIED

Applicants:

Wil Peereboom, Victoria Design Group, was present in support of the application and noted this was tabled because of a math error. The Chair expressed disappointment in the submission as there was no information provided about the hardship or any attempts to mitigate the request for variance.

In reply to questions from the Board, the following was noted:

- A description of how the basement floor is established was given.
- There is a cross fall of 18" between the garages at Lot 1 and Lot 2. Driveway access for these lots is shared and because they will have to dig for a basement this increases the non-basement area.
- They asked Saanich if they could put in a retaining wall and fill this but they are not permitted to do so.
- This ask would not be necessary if they did not have to share a driveway. They would have put the garage on the front if they had the option.
- The bio-swale is the problem with the subdivision; it was poorly engineered. The roof and ground water should have had two connections instead of one.
- If denied, they would have a basement and a crawlspace and lose the secondary suite. The house was sold to the owners as a suitable home.

In reply to a question, the Zoning Officer provided information about the definition of finished grade. A Board member noted the drainage constraints are a hardship.

Public input:

Nil

MOTION:

MOVED by R. Gupta: "That the request to relax the allowable floor space in non-basement areas from 80% to 99.95% from the requirements of Zoning Bylaw 2003, Section 210.4(c), from further to the construction of a new house on Lot 2, Section 11, Lake District, Plan EPS4249 (4257 Pullet Place) be DENIED."

The Motion DIED due to lack of a Seconder

NOTE

Although this item was tabled, the applicant later withdrew the application: this will not be presented to the Board at a future meeting.

Board comments:

- The application package was very weak and they have already been granted a height variance.
- There are other options available and the owner should know the constraints of the property.
- The variance seems justified, they are losing potential basement area.

As consensus was not met, this item was **TABLED** to a future Board meeting when a full Board is present.

Montcalm Avenue Addition
Applicant: Jack Van Domsellar
Property: 475 Montcalm Avenue
Variance: Relaxation of allowable floor space in non-basement areas from 80% to 94.91%

BOV #00756

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

Applicants: Christine and Jack Van Domsellar, applicants/owners, were present in support of the application. They were granted a past variance and are requesting 2% more non-basement area as they need more space for their family. They have five children 12 years and under, all of whom are homeschooled.

Public input: Alan Lidstone, neighbour/friend stated they are in support of the application as the Van Domsellar family/children improve the neighbourhood.

In reply to questions from the Board, the applicants stated:

- They need to fix the drains in the front and figured they may as well dig down to get some more square footage.
- The plans were previously approved eight years ago. They did an addition at the back but not in the front due to finances.
- Due to the space being awkward and tight, they move their table three times a day into the room to have meals. They would like a separate dining and living area.
- The family has grown since the last application was granted. At the time they could not afford to do the complete renovation and the variance expired.

The Zoning Officer confirmed that none of the existing house counts as basement at this time, and that walkout basements are not considered true basements.

MOTION: MOVED by R. Gupta and Seconded by R. Riddett: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 210.4(c), further to the construction of an addition to the house on Lot 2, Section 79, Victoria District, Plan 1814 (475 Montcalm Avenue):

- a) relaxation of allowable floor space in non-basement areas from 80% to 94.91%**

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 for a growing family in a small house.
- They have been living there for many years.
- The bylaw disqualifies the lower floor as being a basement. This is not fair with a sloping lot.
- The intent of the bylaw is to control massing; the house will not look bigger.
- There is not impact to environment or the neighbours.

The Motion was then Put and CARRIED

Vincent Avenue
Addition
BOV #00759

Applicant: Paul Bates
Property: 512 Vincent Avenue
Variance: Relaxation of front lot line from 6.0 m to 2.90 m
Relaxation of height from 6.5 m to 7.50 m

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

Applicants: Paul Bates, applicant/owner, and Alaina Parks were present in support of the application. In reply to questions from the Board they stated:

- They would like to raise the house in order to have usable space downstairs and have a safe and proper foundation for their home.
- This is their long term home for the family to grow in and they wish to keep its heritage character intact.
- Because they are lifting the house about one metre they will need to add a few stairs to the existing steps outside at the front.
- The house is already non-conforming for height due to a dormer in the back.
- They plan to remove and redo the foundation. They cannot dig down because of the sewer line location.
- The downstairs space will not be usable without a variance because it would only be six feet tall and the doors would have to be custom made. Currently the downstairs basement is in disrepair and wet; they basically do not have use of half their house.
- They have talked to neighbours and none indicated opposition.
- The house is not on the heritage registry.
- There is no secondary suite in the house.

It was pointed out that the applicant had actually requested a variance from 6.0 metres to 1.60 metres for the front line but the report indicated a 2.90 metre request. The applicant agreed to attempt to work within the 2.90 metre setback by changing the direction of the front steps. The plans were changed and initialled at the table.

Public input: Nil

MOTION: MOVED by R. Gupta and Seconded by R. Riddett: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 210.4(a)(i) and 210.4(b)(i), further to the construction of an addition to the house on Lot 18, Section 15, Victoria District, Plan 1070 (512 Vincent Avenue):

- a) relaxation of front lot line from 6.0 m to 2.9 m
- b) relaxation of height from 6.5 m to 7.50 m

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

Board comments:

- They cannot dig lower due to the sewer line.
- There are sediment issues with the foundation. It needs repair.
- They are already existing non-conforming for both height and the front.
- The massing of the proposed home is not severe.

The Motion was then Put and CARRIED

Waring Place
Plan
Amendment

Applicant: Chris Foyd
Property: 3757 Waring Place
Variance: Previously granted on September 12, 2018
Request: Approval for amended plans

BOV #00748

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

Applicants:

Chris Foyd, applicant, was present to provide information to the Board about the new design for the previously approved variance application.

Public input:

Nil

MOTION:

MOVED by R. Gupta and Seconded by R. Riddett: “That the amended plans dated October 1, 2018, showing changes to the application at 3757 Waring Place be approved.”

The Motion was then Put and CARRIED

Adjournment

On a motion from R. Riddett, the meeting was adjourned at 8:05 pm.

Haji Charania, Chair

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

Recording Secretary