

**MINUTES  
BOARD OF VARIANCE  
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL  
FEBRUARY 13, 2019 AT 6:00 P.M.**

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Members: H. Charania (Chair), E. Dahli, D. Gunn, M. Horner, R. Riddett

Staff: K. Kaiser, Zoning Officer, T. Douglas, Senior Committee Clerk

Minutes: Moved by R. Riddett and Seconded by D. Gunn: "That the minutes of the Board of Variance meeting held January 9, 2019 be adopted as amended."

CARRIED

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Inez Drive  
Addition

**Applicant: Nicholas Bellamy and Morgan Zazula**

**Property: 2872/2876 Inez Drive**

**Variance: Relaxation of allowable floor space in non-basement areas from 80% to 84.68%**

BOV #00786

**Permission of structural alteration to a building while non-conforming use continues**

The Notice of Meeting was read and the applicant's letter received. Mr. Gunn stated that he met with the applicant during the site visit.

Applicants: Nicholas Bellamy and Morgan Zazula were present in support of the application and stated:

- They moved into the dwelling a couple of years ago. They rent out the top portion of the home.
- They have since had a child and need extra room.
- The basement is a workshop/storage area and is not usable. The laundry access is shared with the tenant and is accessible only from the outside.
- They feel that by closing their deck in they can add the bedroom and bathroom that is needed for their growing family.
- They are having difficulty trying to figure out another location for the stairs.

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

- They spoke to the neighbours but did not ask any of them for signatures of support. One neighbour helped them to survey their property.
- This is a non-conforming legal duplex. It is not a strata and they own both portions of the building.
- There are two people living in the upper suite and three people living in the lower suite.
- They have not been able to find any building records that show an inside staircase; the home was built in 1917 and it looks like there has only been an exterior staircase.
- The upstairs suite is about 657 square feet, the main is 989 square feet and the basement is 480 square feet.

In reply to a question, the Zoning Officer stated that although this is an RS-6 Zone (single family dwelling) at some point in the past an owner provided evidence to Saanich showing that the dwelling is approved for use as a duplex.

Public input: Nil

**MOTION: MOVED by D. Gunn and Seconded by M. Horner: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 201.4(c), and Section 531(1) of the Local Government Act, further to the**

**construction of an addition to the house on Lot 13, Section 15, Victoria District, Plan 1070 (2872/2876 Inez Drive):**

- a) relaxation of allowable floor space in non-basement areas from 80% to 84.68%
- b) permission of structural alteration to a building while non-conforming use continues

**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 lot is small for an RS-6 zone.
- There is a hardship with the inability to use the basement space.
- This will not add to the massing of the home.
- There is no opposition from neighbours.
- This will not negatively impact the environment.

**The Motion was then Put and CARRIED**

Piedmont  
Gardens  
Addition

**Applicant: Lana Popham**  
**Property: 818 Piedmont Gardens**  
**Variance: Relaxation of front lot line from 7.5 m to 2.26 m**  
**Relaxation of interior side lot line from 1.5 m to 0.15 m**

BOV #00782

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

Applicants:

There was no one in attendance to speak to this application.

Public input:

Nil

Board discussion:

- The site was marked clearly for the Board.
- The area of variance is very close to a public path and the applicant would be aware of this.
- They are trying to fix something that was created by someone else; the assumption is that this was in place when the house was purchased.
- There was a variance given for this property in 1985 for a front setback, and it looks like the house may not be built according to the variance issued.
- There was a question regarding the allowable setback; the letter states the current setback is 1.52 metres, however the Bylaw states it is 1.50 metres.

**MOTION:**

**MOVED by D. Gunn and Seconded by R. Riddett: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 250.4(a)(i) and (ii), further to the construction of replacement stairs to the house on Lot 5, Section 45, Lake District, Plan 41353 (818 Piedmont Gardens):**

- a) relaxation of front lot line from 7.5 m to 2.26 m
- b) relaxation of interior side lot line from 1.5 m to 0.15 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 looks to be a replacement of what is there already.
- The original staircase was built by a previous owner without a permit.
- The existing stairs and walkway have deteriorated and they need to be replaced.
- There is no impact to the neighbours.

**The Motion was then Put and CARRIED**

Chartwell Drive  
Addition  
  
BOV #00787

**Applicant: Aspire Custom Designs OBO Deanna Coleman & Leon Carl**  
**Property: 4375 Chartwell Drive**  
**Variance: Relaxation of rear lot line from 7.5 m to 6.25 m**

The Notice of Meeting was read and the applicant’s letter received. The applicant submitted five letters of no objection from neighbours.

Applicants:

Lindsay Baker, applicant, and Leon Carl, owner, were present in support of the application. They stated that the hardship is with the corner lot as the side yard is really more of a rear yard, and noted that there is a lot of space between this house and the neighbour’s house.

The following was noted in reply to Board questions:

- They need usable garage space, the current garage is small and there is a slope they have to drive down to it.
- Their ‘plan B’ would be to look at buying elsewhere, however they like this neighbourhood and the schools in the area.
- The garage is old and they would like to convert it into a bedroom and bathroom as the family needs more space.

The question was raised as to why there are so many rooms that could be potential bedrooms. It was suggested there could be up to nine bedrooms in the house and concern was expressed that this could be a rooming house for university students.

In reply to this the applicant and owner stated:

- The majority of rooms are small.
- The suite is being turned into a family kitchen.
- The owner’s parents will be staying there in the future.
- One flex space is for the owner’s tutoring business and other flex space is for the children.
- The garage and study will not be used as bedrooms.
- This will be a five bedroom house and is not meant to house university students.

The Zoning Officer confirmed that the proposed addition will meet the non-basement area requirements. He also confirmed that they do not have to ask for combined setbacks in this zone, they only need the rear lot line relaxation.

Public input: Nil

**MOTION:**            **MOVED** by D. Gunn and **Seconded** by E. Dahli: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 230.4(a)(i), further to the construction of an addition to the house on Lot 12, Section 85, Victoria District, Plan 13042 (4375 Chartwell Drive):

- a) relaxation of rear lot line from 7.5 m to 6.25 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:

- The hardship is the siting of the original house which merits relief.
- The house being on a corner lot is also a hardship as the front lot line is really used as the side lot line.
- The neighbours are not opposed and there is no negative impact to the environment.
- There are few options to add to the home based upon its siting. This appears to be the best design option available.

**The Motion was then Put and CARRIED**

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Adjournment            On a motion from D. Gunn, the meeting was adjourned at 7:00 pm.

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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