

**MINUTES
BOARD OF VARIANCE
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL
APRIL 10, 2019 AT 6:00 P.M.**

Members: H. Charania (Chair), E. Dahli, D. Gunn, R. Riddett
Regrets: M. Horner
Staff: D. Blewett, 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 March 13, 2019 be adopted as amended."

CARRIED

Petworth Drive Addition
BOV #00793
Applicant: Rod Parker
Property: 200 Petworth Drive
Variance: Relaxation of height from 7.5 m to 9.61 m
Relaxation of single face height from 7.5 m to 10.34 m

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

Applicants: Rod Parker and Marian De Monye, applicant/owners, were present in support of the application and had nothing to add.

Mr. Gunn stated that he was not able to access the site to form an opinion. Mr. Riddett stated he did not visit the site as the property is large and the house is not visible to the neighbours, and he took the view that there is no impact on the neighbourhood and the intent of the Bylaw is being met.

***** Mr. Dahli arrived at 6:25 p.m. *****

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

- The height of the existing house will remain the same.
- The existing home has an A-framed roof and the renovation will use the existing footprint plus add about an additional 10'.
- The dormers on the house are what trigger the variance.
- The barn on the property is gambrel style and they would like the house to match that design.
- There are no immediate neighbours (neighbours cannot see each other).
- The gambrel roof is 8' at the edges and 12' at the top.
- If not granted, the hardship is they would have to remove the existing foundation and dig down.

Public input: Nil

MOTION: MOVED by R. Riddett and Seconded by E. Dahli: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 125.6(b)(i) and (ii), further to the construction of an addition to the house on Lot 2, Section 134/135, Lake District, Plan 36547 (200 Petworth Drive):

- a) relaxation of height from 7.5 m to 9.61 m
 - b) relaxation of single face height from 7.5 m to 10.34 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:

- There is no impact to neighbours and this meets the intent of the Bylaw.
- There is a hardship in lowering the house.
- They could lower the ceiling height but higher ceilings seem to be the standard.
- There is no environmental impact.
- The design choice is supportable.

**The Motion was then Put and CARRIED
With D. Gunn OPPOSED**

Lohr Road
Convert building

Applicant: T. Williams Architect OBO John Ellis and Debbie Haines
Property: 161 Lohr Road
Variance: Relaxation of height from 3.75 m to 6.69 m

BOV #00799

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

Applicants:

Terence Williams, Architect, applicant and Callum McLure, future son-in-law of the owner, were present in support of the application. They presented a model of the proposed site as well as some photographs, and stated:

- The proposal is to decommission the existing single family dwelling and convert it into an accessory building.
- The kitchen will be removed and a Letter of Credit will be submitted as required by Saanich to ensure this is done.
- A covenant will also be placed on the property to ensure residential accommodation will not occur in this building.
- Allowing them to keep the structure is recycling/reusing an existing structure, and renewing its purpose.
- The native trees have adapted to the building on this rocky site. There is hardship in losing the trees if the building is removed as they have adapted their root systems to the 50 year old concrete foundation.

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

- There was an error in measuring the average grade; they did not have the surveyor's figures, and when they applied for the permit the error was found.
- There are not many neighbours and they have spoken with those that are adjacent. The neighbours cannot see the area and are more worried about tree loss as opposed to leaving an existing structure intact.
- There are very big trees in the area and this is a 10.8 acre site.
- The small building on the south side of the property is legal; the A-2 zoning allows for two dwellings.

Public input:

Nil

MOTION:

MOVED by D. Gunn and Seconded by E. Dahli: "That the request for variance to relax the height from 3.75 metres to 6.69 metres from the requirements of Zoning Bylaw 2003, Section 110.7(b), further to converting a single family dwelling to an accessory building on Lot 20, Section 87, Lake District, Plan 422 (161 Lohr Road) be approved."

Board comments:

- Although it seems major, this is a remote area with a large lot size and this meets the intent of the Bylaw.
- This does not overshadow any neighbours and it makes sense to retain a good building.
- Member is satisfied with the Letter of Credit for the kitchen removal.
- It would be a hardship to lower the height of the existing building for no reason.
- This is a rocky site and this protects many established trees.
- This is good for the environment by keeping debris out of the landfill.
- The neighbours are satisfied.

The Motion was then Put and CARRIED

Keats Street
Accessory
building addition

Applicant: Heather and Jason Weir
Property: 3309 Keats Street
Variance: Relaxation of rear lot line from 1.5 m to 0.53 m
Relaxation of interior side lot line from 1.5 m to 1.07 m

BOV #00803

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

Applicants:

Jason and Heather Weir, applicants/owners, were present in support of the application and they noted that they spoke with the Parks department and will use an arborist consultant for the project.

In reply to questions from the Board, the Zoning Officer stated that a conditional approval is not needed with regards to the trees and there are a few steps the applicant will go through; the Clerk confirmed that no correspondence was received regarding this item.

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

- The building is a legal accessory building with a home office.
- There is a suite in the main house.
- There is no access to the storage area from the inside.
- There was a temporary structure used for a Recreational Vehicle that was taken down.
- They were not aware of the variance granted in 1991 to the prior owners.
- In 2014 a survey was done.
- The back of the building is not parallel to the lot line because they are trying to respect the existing setback.
- The failing wall will be addressed.

Public input:

Nil

MOTION:

MOVED by D. Gunn and Seconded by R. Riddett: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Section 210.5(a)(ii), further to the construction of an addition to an accessory building on Lot 3, Section 35, Victoria District, Plan 13229 (3309 Keats Street):

- a) relaxation of rear lot line from 1.5 m to 0.53 m
 - b) relaxation of interior side lot line from 1.5 m to 1.07 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:

- They are maintaining existing setbacks.
- There is a hardship to find storage somewhere else on the property.
- They are meeting the intent of the Bylaw with regards to setbacks and proximity to neighbours.
- There are no objections from neighbours.
- They mentioned the recreational vehicle will not be coming back.
- This is significant but the existing structure is there due to a variance granted in 1991.

The Motion was then Put and CARRIED

Perez Drive
Addition

BOV #00802

Applicant: Zhiwei (Wally) Meng
Property: 998 Perez Drive
Variance: Relaxation of height from 7.5 m to 8.1 m
Relaxation of single face height from 7.5 m to 9.29 m

The Notice of Meeting was read and the applicant’s letter received. Mr. Gunn and Mr. Dahli stated they met the applicant on the site visit.

It was pointed out that the site was not marked for Board members and Mr. Gunn suggested that they may want to table this item. Mr. Charania and Mr. Riddett both stated they did not see the site with markings.

Applicants:

Wally Meng and Jimmy Wu, co-owners, and Kevin Klipenstein and Matt Bergink, designers, were present in support of the application. Mr. Meng stated the site was not marked because he had not checked his mail. He did receive the Notice, but not in time to mark the site.

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

- The reason for the addition is for the benefit of their elderly parent who they would like to have remain in the house.
- The house does not currently meet the family’s needs.
- There is no other opportunity to provide space on the site; there is only one flat area that they could build on but they would like to keep this area for outside use.
- There will be trees removed on the garage side of the house.
- If the site was flat, this would not be an issue; they have a steep slope.
- The addition will not obstruct the views or the privacy of neighbours.
- If they are not able to do this addition, they will be unable to care for their elderly parent.

Public input:

Residents, 4620 Cliffwood Place, provided photos of the applicant’s house from their property and stated:

- Their property sits below the applicants. They are extremely concerned that the large boulders on the site could be displaced and fall onto their land or house.
- The applicant’s property keeps growing and growing; last year a cantilevered deck was installed.
- Who is responsible if the boulders fall onto their property?
- What is the point in having guidelines if people can manipulate them?

Resident, 4616 Cliffwood Place:

- Expressed concern that a precedent could be set for allowing this addition.
- Was surprised they were permitted the cantilevered deck.

Board members stated:

- Precedent is not set with their decisions.
- The concern of the neighbours seems to be safety and not the height which is before the Board.
- There could be blasting on the site.

The Zoning Officer advised that the cantilevered deck was built with the required permits.

The designers/applicants stated:

- It is not anticipated that blasting will be required. The plan is to drill and pin the structure to the rocks.
- The deck work was surface replacement on a rotting deck.
- The owners bought the house in 2005; they did not build the house.
- They did not replace the deck on the sea side because they planned to renovate/add to that area.
- There will be a concrete foundation wall under the home where it is being extended.
- The two Oak trees will be replaced.
- If they were to add to the south, they would lose the only flat greenspace in the area and there would be more tree loss.
- They are trying to keep their elderly parent in the house and have family care and interaction for them.
- Even if they were to build in the front, they would require a variance.
- They have not considered other designs as they do not see other options.

The Zoning Officer pointed out that there is a games room addition on the main floor and the applicant replied that this will be a family room. They plan to put in a service lift as their parent currently lives on the second floor.

MOTION:

MOVED by D. Gunn and Seconded by R. Riddett: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 245.4(b)(i) and (ii), further to the construction of an addition to the house on Lot 27, Section 8, Lake District, Plan VIP57812 (998 Perez Drive):

- a) relaxation of height from 7.5 m to 8.1 m
- b) relaxation of single face height from 7.5 m to 9.29 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:

- The roof slope is conservative and adds minimal height.
- The setbacks are generous and the ground slope is severe.
- This will have no visual impact for the neighbours. The neighbour's concern is about safety.

- There is needless loss of trees which is an environmental concern.
- The design choice adds an amenity to the building in perpetuity.

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

Colquitz Avenue Accessory building addition **Applicant: Brett and Debra Nicholson**
Property: 2815 Colquitz Avenue
Variance: Relaxation of height from 3.75 m to 4.63 m

BOV #00801 The Notice of Meeting was read and the applicant’s letter received. Mr. Charania stated he met with the applicants on the site visit.

Applicants: Brett and Debra Nicholson, applicants/owners, were present in support of the application. In response to Board member questions they stated:

- There will be two washrooms in the building, one exists in the lower workshop and one is proposed in the upstairs.
- There will be no additional plumbing installed downstairs.
- Their house is not large enough to accommodate family gatherings.
- They have no intention of using this space as a suite.

Public input: Nil

MOTION: MOVED by R. Riddett and Seconded by E. Dahli: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 210.5(b), further to the construction of an addition to an accessory building on Lot 5, Section 21, Victoria District, Plan 1020 (2815 Colquitz Avenue):

a) relaxation of height from 3.75 m to 4.63 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 showed no detriment to neighbours.
- This may not be a suite now, but the rules may change. Garden suites will be permitted eventually.
- The size and age of the house limits family activities; this is a good solution for their desire to have more space.
- There could be unintended consequences to the neighbours if this becomes a suite, but this is for Bylaw Enforcement if it becomes an issue.

The Motion was then Put and CARRIED

Sonria Place Addition **Applicant: M. Henry Contracting OBO Nola Ehrich**
Property: 1590 Sonria Place
Variance: Relaxation of allowable floor space in non-basement areas from 80% to 86.11%

BOV #00804

The Notice of Meeting was read and the applicant’s letter received. Mr. Charania stated that he met with a tenant on the site visit.

- Applicants: Mark Henry, applicant, was present in support of the application and had nothing to add. In reply to questions from the Board members he stated:
- He is representing the owners and was under the impression this is permitted.
 - He does not know how many properties the owner has, but he does work at three of her homes.
 - He is not sure who lives inside the house and it is not relevant.
 - There is an interior staircase access from the garage to the main building.

In reply to a Board comment that this looks like a dormitory with all the bedrooms and bathrooms, the Zoning Officer stated that:

- The number of properties the owners have are not relevant to the proposal in front of the Board.
- The owner is allowed to rent an entire house. Tenants and Boarders are permitted.
- The owner living at the property is only necessary for a secondary suite, but the applicant is not asking for a secondary suite.
- If this becomes a secondary suite without an owner of the property living in one of the dwelling units, it will be up to Bylaw Enforcement to address this.
- Bylaw Enforcement has not been called to the property.
- You cannot presume the owners intend to use the property in contravention of the bylaw.
- Staff have had many discussions with the applicant regarding the conversion of the garage and can assure the Board there is an existing internal staircase which is shown on the plans.

In reply to Board comments, Mr. Henry stated that:

- The hardship is that due to the rocky ground, they are restricted with the 80% non-basement area rule.
- The houses across the street can have a basement, and it seems unfair that this home is restricted to using only 80% of the space for living area.
- Suggested that the tax base should change based on these unfair numbers.
- Emphasized that this is not a request for a secondary suite and asked members to stop referring to this as a secondary suite.

Board discussion:

- The massing of the building will not change. The garage door would be removed.
- There is no hardship. The applicant does not live there.
- There is no reason to construct a suite in the building.
- Concern was expressed about adequate parking.

The Zoning Officer stated:

- The Board is continually referring to the area as a secondary suite however the application before the Board is not a secondary suite.
- The proposal is an interior renovation within an existing single family dwelling. Only two parking spaces are required and three are remaining on site if the garage is converted as proposed.

Public input: Nil

MOTION: MOVED by D. Gunn and Seconded by E. Dahli: "That the request for variance to relax the allowable floor space in non-basement areas from 80% to 86.11% from the requirements of Zoning Bylaw 2003, Section

210.4(c), further to the construction of an addition to the house on Lot 1, Section 36, Victoria District, Plan 33341 (1590 Sonria Place) be DENIED.”

Board comments:

- There is no real hardship or compelling reason for the extra accommodation on this property.
- There seemed to be a lack of parking available; many cars were parked on the street.
- There is no massing change.

**The Motion was then Put and CARRIED
With R. Riddett OPPOSED**

Regina Avenue
Accessory
building

Applicant: Jeffrey Brown
Property: 64 Regina Avenue
Variance: Relaxation of interior side lot line from 1.5 m to 0.3 m

BOV #00805

The Notice of Meeting was read and the applicant’s letter received. D. Gunn stated that he met with the owner on the site visit.

Applicants:

Jeff Brown, applicant/owner, was present in support of the application and in reply to questions from the Board, stated:

- He wishes to use his property efficiently.
- By removing a derelict truck at the request of a neighbour he has lost storage space. He would like to place an 8’x10’ shed in the truck’s spot.
- The alternate location as shown on his site plan is less desirable due to shading that will occur on his garden. It is also in the middle of the yard which is inefficient.
- The proposed location leaves about 4’ between the house and the shed.
- The shed will be used to store garden equipment and tools.
- The base will be 4 pressure-treated 2x10 posts doubled up. There will not be a sub-floor, he will install sheeting over the posts. The shed will be elevated off the ground on the posts/sheeting.
- If not granted he will have to reconsider the location or pull the brick patio out and place the shed in this location. This would reduce the patio size and devalue the existing area.

Public input:

Nil

MOTION:

MOVED by R. Riddett and Seconded by D. Gunn: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 210.5(a)(ii), further to the construction of an accessory building at Lot 1, Section 14 & 24, Victoria District, Plan 877 (64 Regina Avenue):

- a) relaxation of interior side lot line from 1.5 m to 0.3 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 temporary structure and a prefab shed.
- The alternate site does cut up the back yard unnecessarily.
- There was no neighbour objection and there is no environmental impact.

- This is a logical location as the ground is already disturbed.
- The structure must be built as described.

The Motion was then Put and CARRIED

Granville Avenue Addition **Applicant: Simon Williams**
Property: 3997 Granville Avenue
Variance: Relaxation of height from 7.5 m to 8.80 m

BOV #00800 The Notice of Meeting was read and the applicant’s letter received. Mr. Gunn and Mr. Charania stated that they met with the applicant on their individual site visits.

Applicants: Simon Williams, applicant/owner, Leah Stuart, family member, David Lunt, designer and Mike Barbon, contractor, were present in support of the application. Mr. Lunt stated that they are not creating any additional height to what already exists and they are actually making the house shorter because the average grade comes up.

The Zoning Officer stated that it was just discovered this evening that this application for variance is not required because the structure is already lawful non-conforming for height. The proposal raises the average grade which essentially reduced the non-conforming height, bringing the structure closer to compliance with the Zoning Bylaw regulation for height.

The application was withdrawn.

Adjournment On a motion from R. Riddett, the meeting was adjourned at 8:55 pm.

Haji Charania, Chair

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

Recording Secretary