

**MINUTES
BOARD OF VARIANCE
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL
MAY 8, 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 D. Gunn and Seconded by E. Dahli: "That the minutes of the Board of Variance meeting held April 10, 2019 be adopted as circulated."
CARRIED

Miarmontes Drive Accessory building
Applicant: Brian Morris Architect OBO Eric Onasick & Kellie Wylie
Property: 3811 Miramontes Drive
Variance: Relaxation of height from 3.75 m to 5.95 m

BOV #00806
The Notice of Meeting was read and the applicant's letter received. Signatures of no objection received from three residences. Mr. Gunn stated that he met with the contractor on site.

Applicants: Brian Morris, applicant, and Eric Onasick, owner, were present in support of the application. In reply to questions from the Board, the owner and the applicant stated:

- They did not get comment from one neighbour as they are in the hospital.
- The footprint was not marked but the height was. The posts are where the ridge will be on the auxiliary building. They did not mark the area because of a garage and cottage being demolished on the site.

Two Board members noted the request was clear to them when they visited the site and that the height was marked.

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

- The owner expects to be in a wheelchair in the future and is planning for this possibility.
- A description was given of the property slope and the stairs that go down along the sides of the house.
- The proposed building will be multi-purpose use: for recycling and garbage, bicycles, garden tools etc., and it will have an elevator.
- It may seem like a big variance but the way the land drops affects the height measurement.
- This is the most reasonable place to put a building on the property. There is a cluster of Garry oak trees they wish to preserve on the corner of the property and they also wish to preserve a heritage apple tree.
- They meet the setbacks and want to keep the cars off the road. Any building they'd design on this part of the site would need a variance.
- They need a way to get down to the house. There are a lot of steps and retaining walls on the property. They feel this is well designed and the rock and natural materials won't be overbearing.
- The lay of the land and the wish to preserve trees is their hardship. They would have preferred to have a garage but that would be bigger and it is too steep.
- If denied they would possibly come back with a different proposal.

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 290.4(b), further to the construction of an accessory building on Lot 4, Section 44, Victoria District, Plan VIP3859 (3811 Miramontes Drive):

- a) relaxation of height from 3.75 m to 5.95 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 looks major because of the land slope but it is tucked away from the road. This location will protect neighbour’s views.
- This is minor in how it appears from the road and is an elegant solution to the problem.
- The applicant is protecting trees and has the support of neighbours. They wish to age in place.
- One member was of the opinion that this is a major variance and the height could be reduced. Not convinced of the hardship to save trees. This building seems like an afterthought.

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

Cameo Street
Addition

Applicant: M. Alayne Brygadyr-McCoy
Property: 847 Cameo Street
Variance: Relaxation of rear lot line setback from 7.5m to 6.46m
Relaxation of combined front and rear setbacks from 15.0m to 13.81m

BOV #00809

The Notice of Meeting was read and the applicant’s letter received. Mr. Charania disclosed that he knows the applicant’s father personally.

Applicants:

Tim Rodier, designer, Alayne Brygadyr-McCoy and spouse Connor, applicants, were present in support of the application. The designer noted that:

- They are looking at this addition as a renovation. The mudroom in the south west corner is sinking and they wish to rebuild this portion of the building.
- They found out the mudroom is non-conforming and Saanich records on this are vague. In order to keep this room they require a variance.
- They are not changing the footprint, they are just doing interior renovations.

In reply to questions the applicant/designer stated:

- They do not have any comments in writing in neighbours but did speak to two neighbours who had no objection.
- The mudroom has always been used as a storage space. It was added sometime after the main house was built.
- The hardship is that this is an existing structure and if removed, that portion of the roof will not be supported.
- They are not asking to change anything, they are wishing to repair an existing structure.

After a comment was made that this area is legally non-conforming, the Zoning Officer stated that this is not legally non-conforming because an enclosed corner for a mudroom/pantry is not shown on the original building plans.

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 220.4(a)(i), further to the construction of an addition to the house on Lot 29, Section 11, Lake District, Plan 33474 (847 Cameo Street):

- a) relaxation of rear lot line setback from 7.5m to 6.46m
- b) relaxation of combined front and rear setbacks from 15.0m to 13.81m

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:

- Present construction of the house, placement of the house on the lot and the irregular lot shape are hardship.
- There are no impacts to the neighbourhood or environment and the encroachment is minor.
- The applicant pointed out the justification for the need to do the work.
- The neighbours are not in disagreement.
- This is currently non-conforming and it would be a hardship to remove.

The Motion was then Put and CARRIED

Sea View Road New house BOV #00808	Applicant: Michael Moody Architect OBO Xinwen Liu Property: 2701 Sea View Road Variance: Relaxation of front lot line setback from 15.0 m to 9.1 m Relaxation of height from 6.5 m to 8.0 m Relaxation of single face height from 6.5 m to 8.2 m
--	---

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

Applicants: Michael Moody, applicant and Tim Haggart, Horizon Homes, were present in support of the application. Mr. Moody stated:

- One letter from the neighbours notes that this property is the highest on the road, which supports that they have the steepest slope down to the water.
- With regards to a neighbour's concern about setting a precedent, this application will be heard on its own merits.
- They listened to neighbours' concerns and have tried to mitigate the height by moving further away from Seaview Road. They are 3' 8" lower than previously proposed.
- With moving further down the slope they will have to do more blasting and will have more tree loss.
- With respect to concerns about design, this is not a design panel and the owners are passionate about their design.
- Studies show that a pitched roof will block views more than a flatter roof.
- They have put in minimal windows on the south side to provide privacy for the neighbours. The owners are concerned about privacy too.
- The owners have a child and plan to have more.

In reply to a question the Zoning Officer confirmed that if they enclosed the space under pool (with a slight modification) they would not need a variance for single face height.

A Board member pointed out that although the height is lower, the ceilings are still 9' high.

Public input:

Resident, 2705 Seaview Road:

- The lots are narrow and houses are close together. There is only one buildable spot, and the applicant choosing to build in a challenging area is not a hardship.
- The owners have chosen to remove the existing house and have a design that does not fit within the Bylaw.
- Privacy is their main concern as this house will look down on their home.

Resident, 2710 Seaview Road:

- This is a major variance, even with the 3' reduction from the last application.
- The Bylaw is intended to prevent this height of home. Others down the street were denied a height variance.
- Having to build closer to the street makes the house more massive and all trees will be removed.
- There is no hardship; they can dig down or keep the original house. This is a design choice.

Resident, 2760 Seaview Road, speaking OBO 2724 Seaview Road:

- Asked if a geotechnical report was done; suggested the area is a sandbank.
- One house up the street had to dig down 15'.
- There will be a number of properties building in the area and they need to stay as close to the Bylaw requirements as possible.

Resident, 2709 Seaview Road:

- Has nothing further to add to the correspondence previously sent. They agree with the neighbours and ask that the applicant build within the Bylaw.

Resident, 2737 Tudor Avenue:

- Suggested that if approved, this home will be an eyesore.
- Would like a lower building that will fit within the neighbourhood.

In reply to questions from the Board and comments from the neighbours the applicant and contractor stated:

- It is premature to have a geotechnical report, as this is done after the house on site is removed. The site is a mixture of sand and rock.
- The current house was built in 1945 and has had poor modifications. There is mould and environmental problems with the house.
- Putting the house on the existing footprint will save some natural vegetation. A tree survey has not yet been done. The only trees impacted will be the ones in the new footprint portion. They intend to keep as many trees as possible.
- The proposed house almost fits into the existing footprint and deck area.
- A description of the ceiling heights including the vault was given.
- This proposal sinks the house further without harming trees. It was noted that this proposed plan is only about 6" different (closer to the road) than the existing house.
- They could conform with height if they have a pitched roof; they showed neighbours that this would be worse for their views.

- If denied, it will be up to the owners to decide how to proceed. They had hoped to alleviate the neighbour's concerns.
- The current house is 3,000 square feet on two floors. The proposed home is 5,188 square feet.

Board members pointed out that the design option sketches provided in their package shows a design that complies with the zoning regulations. The applicant stated that these options would result in a 12% pitch driveway and the loss of many trees. They would have to dig very deep to achieve this option.

Board discussion:

- Although there are height challenges here, all of the homes on the road are two-storey, not three.
- The applicant attempted to lessen the request, but there is question as to whether the hardship is undue. This issue was there when the property was purchased.
- The neighbours have many concerns, there is no arborist or geotechnical report, which would have been useful.
- There is sympathy with the challenges of the terrain. Maybe a smaller house in the same or similar location would be appropriate.
- The applicant has stated this is a design choice and that the owner wants this house. After visiting the site, it is felt this is not a hardship.

MOTION:

MOVED by R. Riddett and Seconded by D. Gunn: "That the followings requests for variance from the requirements of Zoning Bylaw 2003, Sections 290.3(a)(i) and 290.3(b)(i) and (ii), further to the construction of a new house on Lot 4, Section 44, Victoria District, Plan VIP6795 (2701 Sea View Road) be DENIED:

- a) relaxation of front lot line setback from 15.0 m to 9.1 m
- b) relaxation of height from 6.5 m to 8.0 m
- c) relaxation of single face height from 6.5 m to 8.2 m."

Board comments:

- There are other possibilities to be explored on this lot.
- This is a major variance, even though they have worked to lower it.
- This could be justified for the setback, but not for the height requirements.
- The sketch drawings show they can comply with the Bylaw.
- The enjoyment of neighbours is compromised.

The Motion was then Put and CARRIED

Adjournment

On a motion from R. Riddett, the meeting was adjourned at 7:30 pm.

Haji Charania, Chair

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

Recording Secretary