

**MINUTES
BOARD OF VARIANCE
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL
JUNE 12, 2019 AT 6:00 P.M.**

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

Minutes: Moved by D. Gunn and Seconded by R. Riddett: "That the minutes of the Board of Variance meeting held May 8, 2019 be adopted as circulated."

CARRIED

McRae Avenue
Addition
BOV #00810

Applicant: Zebra Design & Interiors Group OBO D. Perera & C. Juteau
Property: 1501 McRae Avenue
Variance: Relaxation of front lot line setback from 6.0 m to 2.02 m
Relaxation of height from 7.5 m to 8.29 m
Relaxation of single face height from 7.5 m to 8.79 m
Relaxation of allowable floor space in non-basement areas from 80% to 97.85%

The Notice of Meeting was read and the applicant's letter received. Signatures of no objection received from six residences

Applicants:

Russ Collins, Zebra Design, applicant and Dan Perera and Carrie Juteau, owners, were present in support of their application and stated:

- They are withdrawing the request for variance for the accessory building.
- The building, constructed in approximately 1920, needs to be brought up to current standards.
- The owners have two small children and need more space.
- They wish to increase the basement height to create a suite and increase the upper floor to construct a new bedroom and bathroom.
- They cannot dig a basement because of poor gravity flow to the services, and also the driveway grade will not meet the bylaw requirements if they dig a basement.
- They plan to raise the house by two feet in order to get an 8' ceiling in the basement.
- The house is already non-conforming as it stands and there are not a lot of options to have the addition they need.
- They have neighbours' support to beautify their deteriorating home.

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

- They cannot dig down because of the shallow depths of the sewer drain; they would have to pump the sewage and this could fail under storm circumstances.
- The current basement ceiling is about 6'6" but is not even in all areas. The renovation will level the ceiling and will include fire and sound separation which takes about 3" of space.
- The sewer pipe is located near the garage on Wetherby Road.
- The current height of the house is 7.63 metres; the current single face height is 8.14 m.
- They are asking for approximately 260 square feet more. The area in the basement already exists and they are not changing it. They are proposing the lift the house by 2 feet and put in more square footage upstairs.

- Primary use of the lower floor will be for a utility room, the carport entrance and a secondary suite, which they are permitted to have.
- Their plan since purchase was always to renovate the home and create a suite.
- Their hardships include: the grades of the driveway would not comply with the bylaw if they dig down; digging down would result in them not being able to maintain the gravity fall to the storm and sewer services; and, the house is already non-conforming.
- The dormers are what make the house over height. This is not a tall house.
- They have shown the neighbours their proposed changes and received no negative feedback.

Board discussion:

- The front lot line variance could be reduced if it was re-designed.
- The heights are already existing and are minor, and the house is already non-conforming for the non-basement area.
- There is a hardship in bringing an older house into compliance to meet current codes.
- There is a question about the validity of the claim that the sewer services would need to be pumped if they dig down for a basement, as the house sits two metres above the road. Evidence to support this claim would have been useful.
- There is a hardship with the location of the house on the lot. This is an old house with good bones that needs to be brought up to code.
- Digging down is less attractive with the connection issues and the fact that basements have smaller windows.
- There are pros and cons to raising a house. They are adding to the non-conformity in doing so.
- The upper floor is a conversion of the attic to room for the growing family.
- The lower floor is the creation of a secondary suite.
- Raising the house does not increase the square footage.

Public input: Nil

MOTION:
WITHDRAWN

MOVED by R. Riddett: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 210.4(a)(i), 210.4(b)(i) and (ii), and 210.4(c), further to the construction of an addition to the house on Lot 1, Section 34, Victoria District, Plan 1228 (1501 McRae Avenue):

- a) relaxation of front lot line setback from 6.0 m to 2.02 m
- b) relaxation of height from 7.5 m to 8.29 m
- c) relaxation of single face height from 7.5 m to 8.79 m
- d) relaxation of allowable floor space in non-basement areas from 80% to 97.85%

Comments:

- The front lot line ask is more than minor, the stairs could be redesigned to reduce the setback.
- Board members would prefer to have more information about the services prior to making a decision on this application.

The Motion was WITHDRAWN

MOTION: **MOVED by D. Gunn and Seconded by M. Horner: “That consideration of the requests for variance from the requirements of Zoning Bylaw 2003, Sections 210.4(a)(i), 210.4(b)(i) and (ii), and 210.4(c), further to the construction of an addition to the house on Lot 1, Section 34, Victoria District, Plan 1228 (1501 McRae Avenue) be TABLED for up to three months to allow the applicant to provide evidence regarding the sewer service location, and to consider options to reduce the request for front lot line setback.”**

The Motion was then Put and CARRIED

Sinclair Road
Addition

Applicant: KB Design Inc OBO G. McRae & A. Roszak
Property: 2444 Sinclair Road
Variance: Relaxation of allowable floor space in non-basement areas from 80% to 100%

BOV #00812

The Notice of Meeting was read and the applicant’s letter received. Email of no objection received from one residence.

Applicants:

Keith Baker, applicant, was present in support of the application and stated:

- This is a straightforward addition at the back and a small addition to the front to make the entrance more functional.
- The proposed bedroom at the back is needed badly.
- The owner is a musician and wishes to add a music space with proper soundproofing of the walls.
- A description was given of an addition that was done to the house a number of years ago.
- They are asking for 100% non-basement area.
- The new master bedroom would have a walkout deck over the studio room.
- The proposed addition complies with all bylaws except for the non-basement rule.

In reply to questions from the Board, Mr. Baker stated:

- The proposed master bedroom would be partially supported by posts.
- The owners are a growing family with creative interests (artist and musician) and they need more space in the home.
- It is a hardship to have to create a basement in this house. They were told by their builder that they would have drainage issues if they dug lower.
- The space for the proposed music room is not low enough to be considered basement, so they have to ask for non-basement area.
- At the time of the addition years ago, the owner was not married with children so he did not need the extra space at the time.
- There is an easement for a sewer connection in the backyard.
- They are asking for about 936 square feet.

Board discussion:

- This is a major variance with 936 square feet above what is allowed.
- The existing house has four bedrooms and a large area for hobbies.
- Not convinced of the hardship; no evidence was given regarding drainage problems with creating a basement.
- They are asking for an extension of the existing lower floor.
- One Board member sees a hardship with needing the master bedroom.

Public input:

Nil

MOTION: **MOVED by D. Gunn and Seconded by R. Riddett: “That the request for variance to relax the allowable floor space in non-basement areas from 80% to 100% from the requirements of Zoning Bylaw 2003, Section 230.4(c), further to the construction of an addition to the house on Lot 20, Section 44, Victoria District, Plan 13194 (2444 Sinclair Road) be DENIED.”**

Board comments:

- This is a major variance and undue hardship was not proven.

The Motion was then Put and CARRIED

Magdelin Street
Addition

BOV #00814

Applicant: Suzan Last
Property: 4020 Magdelin Street
Variance: Relaxation of rear lot line setback from 7.5 m to 2.60 m
Relaxation of combined front and rear setbacks from 15.0 m to 10.42 m
Relaxation of allowable floor space in non-basement areas from 80% to 88.45%

The Notice of Meeting was read and the applicant’s letter received. Letter of no objection received from one residence. Mr. Charania advised that he met with the applicant on the site visit.

Applicants:

Suzan Last, applicant/owner, was present in support of the application and stated:

- They are a large family with six people living there full time and an elderly parent will be coming soon. The house has only four bedrooms.
- The elderly parent will need an accessible entrance. Digging down for a basement would result in stairs.
- If they built the addition on the other side, they would have to tear down their garage. They need the garage for storage and this would not be very sustainable.
- A description was given of family members and their personal needs.

In reply to a comment that the plans may change the Board advised that, if approved, the addition must be built as per the plans presented.

In reply to Board questions, the following was noted:

- Living arrangements for family members were clarified. The rec room and loft will be for her sons at this time. The elderly parent will move in the future.
- The sewer right of way on her property has been removed and she provided evidence in this regard.
- If the lot was oriented differently it would be better. The back yard really works as a side yard.
- They could dig down but that would make it not accessible with having to install stairs.

Board discussion:

- The rear request is for almost 15 feet due to the layout of the lot.
- The setbacks of the property are not generous.
- The hardship is personal; will it exist in the future?

Public input:

Nil

MOTION: **MOVED by D. Gunn and Seconded by M. Horner: “That the following variance requests to relax the rear lot line setback from 7.5 m to 2.60 m, relax the combined front and rear setbacks from 15.0 m to 10.42 m, and relax the allowable floor space in non-basement areas from 80% to 88.45% from the requirements of Zoning Bylaw 2003, Sections 210.4(a)(i) and 210.4(c), further to the construction of an addition to the house on Lot 3, Section 55, Victoria District, Plan 16351 (4020 Magdelin Street) be DENIED.”**

Board comments:

- Member sees personal hardship at this moment but variances are permanent.
- The setback request is not minor.
- Member is of the opinion that the way the house sits on the lot is a hardship.
- Given the parameters to consider hardship, member cannot support.

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

Adeline Place
Addition

BOV #00816

Applicant: Philip Doucette
Property: 1070 Adeline Place
Variance: Relaxation of rear lot line setback from 7.5 m to 3.85 m
Relaxation of combined front and rear setbacks from 15.0 m to 13.45 m
Relaxation of allowable floor space in non-basement areas from 80% to 82.72%

The Notice of Meeting was read and the applicant’s letter received. Signatures of no objection received from two residences. Mr. Gunn stated that he met with a neighbour on site who assisted him in finding the point where the three lots meet.

Applicants:

Philip and Liz Doucette, applicant/owners, were present in support of the application and stated:

- The deck and the sunroom were there in 1997 when they moved into the house. These structures were in disrepair/rotting so they started repairs.
- They discovered it was not to code when they began repairs and Saanich came out to inform them of this. They are now trying to work with Saanich to correct this error.
- They thought repairing an existing structure was permitted; they did not increase the size of either structure.

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

- They partially replaced about seven joists; they cut out the rot and replaced those portions.
- They put in pressure treated wood to parts of the deck.
- The sunroom is tied to the roof. There is no heating, insulation or electrical wiring in the sunroom.
- They intend to use hardy board or drywall to finish the sunroom. This structure may be a little smaller than what was there before.
- They know there are standards to abide by and they are not trying to take advantage. They will not do further repairs without permission.

In reply to a comment that the deck could be considered existing non-conforming, the Zoning Officer stated that this request is to legalize a deck that was constructed without a permit.

Public input: Nil

MOTION: MOVED by R. Riddett and Seconded by D. Gunn: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 220.4(a)(i) and 220.4(c), further to the construction of an addition to the house on Lot 18, Section 110, Lake District, Plan 49680 (1070 Adeline Place):

- a) relaxation of rear lot line setback from 7.5 m to 3.85 m
- b) relaxation of combined front and rear setbacks from 15.0 m to 13.45 m
- c) relaxation of allowable floor space in non-basement areas from 80% to 82.72%

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:

- Even though the deck was not legal it has been there so long that this could be viewed as reconstruction. They are accustomed to having this space.
- The property at the back is forested and is a cemetery.
- In terms of the extra floor area of 104 square feet, this is a minor addition.
- The intent of the bylaw is not being contravened and this is a minor variance with minimal impact.
- It is regrettable that this was built in the past but the owners should be permitted to repair their existing structure.
- If not permitted, the deck would only be three feet wide and not useful.

The Motion was then Put and CARRIED

Petworth Drive Addition
BOV #00818

Applicant: Ryan Hoyt Designs OBO R. Zorkin
Property: 179 Petworth Drive
Variance: Relaxation of height from 7.5 m to 7.71 m
Relaxation of single face height from 7.5 m to 9.14 m

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

Applicants:

Kyle Nielsen, Ryan Hoyt Designs, applicant, was present in support of the application and stated:

- The existing home is over height and the proposed addition is lower than the existing roof.
- One neighbour was concerned about their views but after learning that their floor height is about eight feet higher than this house (at the eaves troughs), they have no concerns.

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, Sections 101.5(b)(i) and (ii), further to the construction of an addition to

the house on Lot 5, Section 135, Lake District, Plan 39851 (179 Petworth Drive):

- a) relaxation of height from 7.5 m to 7.71 m
- b) relaxation of single face height from 7.5 m to 9.14 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 existing roofline and the topography of the lot merits relief.
- The property has generous setbacks and this will not impact the neighbours.

The Motion was then Put and CARRIED

Majestic Drive
Accessory
building

Applicant: David Cung OBO A. Rivera
Property: 4447 Majestic Drive
Variance: Relaxation of interior side lot line from 1.5 m to 1.44 m

BOV #00819

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

Applicants:

There was no one in attendance in support of the application.

Public input:

Nil

**MOTION:
*WITHDRAWN***

MOVED by R. Riddett and Seconded by M. Horner: “That the request for variance to relax the of interior side lot line from 1.5 m to 1.44 m from the requirements of Zoning Bylaw 2003, Section 210.5(a)(ii), further to the construction of an accessory building on Lot 16, Section 17, Victoria District, Plan 27406 (4447 Majestic Drive) be approved.”

Board comments:

- How did the markings move as was claimed in the application letter?
- Are they planning to decommission the existing suite? Currently there are two bedrooms, a kitchen, a full bathroom and a laundry room in the building.
- Is there enough separation between the house and the building?
- The floor plan given to the Board does not show any information about the layout.

THE MOTION WAS WITHDRAWN

MOTION:

MOVED by D. Gunn and Seconded by R. Riddett: “That the request for variance to relax the of interior side lot line from 1.5 m to 1.44 m from the requirements of Zoning Bylaw 2003, Section 210.5(a)(ii), further to the construction of an accessory building on Lot 16, Section 17, Victoria District, Plan 27406 (4447 Majestic Drive) be DENIED.”

Board comments:

- Based upon the site visit, Board members cannot form an opinion that this does not defeat the intent of the Bylaw by varying permitted uses and densities.

The Motion was then Put and CARRIED

Royal Oak Ave
Accessory
building

Applicant: Harmeet Salena Parhar OBO T. Parhar
Property: 804 Royal Oak Avenue
Variance: Relaxation of height from 3.75 m to 3.96 m

BOV #00820

The Notice of Meeting was read and the applicant's letter received. Signatures of no objection received from five residences. D. Gunn and M. Horner stated they briefly met with the applicant on the site visit.

Applicants: Salena Parhar, applicant/owner, and David Lunt, Designer were present in support of the application.

The designer explained the elevations/measurements and noted they have not been able to determine where the extra height in the trusses came from. In reply to Board questions the applicant and designer stated:

- The trusses were manufactured offsite.
- The building is to be used for a laser hair removal home business.
- The owner still have to apply for their permits.
- The full size tub does give the option for a future suite, but there are no plans at this time to make a suite; this is specifically for their business.
- Something may have changed in the construction of trusses. The measurements are correct in the building framing, the error is in the trusses.
- If denied they will have to tear off and replace the roof. This would cost in loss of materials as well as a delay of starting up their business. It was suggested that this would cost the owner about \$20,000.
- They are already delayed; business was to have opened in September.
- They will not be able to finish the project at this time, they will only be able to install a toilet and sink for now.

In reply to a comment that the owner would like to have staff, the Zoning Officer advised that a home occupation cannot have employees. The Zoning Officer also stated that this building would not be suitable as a future garden suite as it does not comply with the Building Code for that type of space.

Board discussion:

- The request is minor.
- The building will be appropriately used for a business.
- This is an unintentional error.
- It would be a hardship to have the roof replaced and they have already experienced a delay in starting their business because of this error.

Public input: Nil

MOTION: **MOVED** by D. Gunn and **Seconded** by R. Riddett: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 230.5(b), further to the construction of an accessory building on Lot 3, Section 8A, Lake District, Plan 44978 (804 Royal Oak Avenue):

- a) relaxation of height from 3.75 m to 3.96 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 the Board accepts the evidence regarding the use of the building and the cause of the error.
- To be asked to correct this would be punitive to the applicant.

The Motion was then Put and CARRIEDRock Street
Addition**Applicant: TYKO Designs Ltd. OBO Y. Lin and C. Lin****Property: 1185 Rock Street****Variance: Relaxation of allowable floor space in non-basement area
from 80% to 86.22%**

BOV #00821

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

Applicants:

Doug Ko, applicant, was present in support of the application and stated:

- The owner wishes to enclose the deck and turn the lower level into living space for a secondary suite. This would be done on the existing footprint.
- The change should not create shadows on the neighbour's property.
- They approached the neighbours to discuss parking and have three signatures of support. They propose to level an area by the road to make a parking pad for two cars.

Public input:

Resident, 3761 Kathleen Street:

- Is concerned about the parking. The narrow road with existing cars may affect emergency vehicle access on the street.
- The property has a 4-car driveway that three cars park in, and a 2-car garage which is not used for vehicles.

Resident, 3740 Kathleen Street:

- Echoed the previous concerns about parking and traffic density.
- Kathleen Street is a cut-through road as well for drivers who want to avoid the lights at Tattersall.
- Is concerned the addition could cause damage to the Chestnut tree.

The applicant stated:

- The proposed parking spots are off the edge of the road and should not affect traffic. They are offering more parking spots than is required.
- The trimming of the Chestnut tree is required.

In reply to questions from the Board, the Zoning Officer stated the intent of the Bylaw is to limit the size of homes above grade, and a description of non-basement area was given. They also confirmed that this variance request does increase massing.

A further discussion with the applicant occurred and the following was noted:

- The hardship is that in order to convert the downstairs to a secondary suite, they would have to build out and exceed the existing footprint. They would have to rip out the side of the existing home to tie-in the plumbing to add in a kitchen and bathroom.
- The proposal is for the home to have two bedrooms upstairs and four bedrooms downstairs. The suite would have two bedrooms and the other rooms would be for extended family.
- The owners have two boarders now and they want to make a legal suite with a kitchen for the same boarders.

Board discussion:

- There is a question about the hardship. The wish to preserve the environment by enclosing an area rather than build out is appreciated, but wanting a suite is not a hardship, it is a desire.
- There is no increase proposed in the number of bedrooms.
- The plans increase the massing and this is an inappropriate development of a small lot.
- The plans extend the roof at the top and propose a covered deck.

MOTION:

MOVED by D. Gunn and Seconded by M. Horner: “That the request for variance to relax the allowable floor space in non-basement area from 80% to 86.22% from the requirements of Zoning Bylaw 2003, Section 210.4(c), further to the construction of an addition to the house on Lot 4, Section 32, Victoria District, Plan 1399 (1185 Rock Street) be DENIED.”

Board comments:

- The proposed addition would result in an unacceptable increase in the massing of the home.
- The request is minor but no evidence of undue hardship was given.
- The neighbours have expressed concerns about parking in the area.
- One member noted that the application provides more parking than is required and felt that Saanich could deal with any parking issues. They did agree that the massing would increase if approved.

The Motion was then Put and CARRIED

Adjournment

On a motion from D. Gunn, the meeting was adjourned at 9:20 pm.

Haji Charania, Chair

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

Recording Secretary