

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

Members: H. Charania (Chair), E. Dahli, D. Gunn, M. Horner
Regrets: R. Riddett
Staff: D. Blewett, Zoning Officer, T. Douglas, Senior Committee Clerk
Minutes: Moved by D. Gunn and Seconded by M. Horner: "That the minutes of the Board of Variance meeting held June 12, 2019 be adopted as amended."

CARRIED

Seamist Court Fence
BOV #00817

Applicant: Rosalyn Gutierrez
Property: 840 Seamist Court
Variance: Relaxation of height from 1 m to 1.5 m in the area bounded by the intersecting lot lines at a street corner and a line joining points along said lot lines 9.0 m from their point of intersection

The Notice of Meeting was read and the applicant's letter received. Letters of no objection received from 12 residences. Letter of objection received from one residence.

Applicants: Rosalyn and Robert Gutierrez, applicant/owners, were present in support of the application, and stated:

- They did not adequately research the bylaws for corner lots; they assumed this fence height would be permitted as they have seen many similar fences in the neighbourhood.
- They spend a lot of time on the front patio; the lattice is not solid but gives a sense of privacy.
- The fence provides some safety for their grandchildren and dogs that visit, as they could easily climb a one metre fence.
- Regarding the neighbour's comments about impeding traffic views, the hedge next door creates more danger than this fence.
- A letter they received from Saanich states that an engineering technician has found no sightline issues. The letter also states that reducing the height to one metre would reduce the fence's effectiveness.
- The neighbours' have known about the fence for a long time and they have 12 signatures of support.
- Keeping the height at 1.5 metres is more aesthetically pleasing, is safer and does not affect sightlines.

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

- They had students dig the postholes and install the lattice panels in the fall. The posts were cut shorter later. After learning they were on the municipal boulevard they moved the fence back onto their property.
- The fence is not fully completed, they still need to install a gate on the Sea Ridge side and finish off the fence on the Seamist side. The existing fence was finished about one month ago.
- In reply to a comment that the measurements may be more than 1.5 metres, the owners stated that all of the fence is less than 59". The undulating ground elevations are a challenge when measuring the fence.
- They were surprised that they had encroached onto the boulevard as they found one pin and had installed their fence based on the pin. They later had the property surveyed and have corrected the fence location.

- Their understanding is that the Bylaw is for a solid fence, not a lattice fence.
- The hardship is the safety of grandchildren and pets. Also, they entertain in this space frequently and sometimes pets belonging to people walking by will come up onto their property. The fence helps with this problem.

In reply to questions from the Board, the Zoning Officer stated:

- If approved, a future owner could replace the fence as designed within this proposal with lattice, not solid panels.
- The Bylaw intent is to ensure clear visibility as a vehicle approaches the intersection.
- The Engineering department is not concerned; the fence does not impact sightlines when a vehicle approaches the intersection.

The following Board discussion was noted:

- The siting of the house and the unusual shape of the lot makes it challenging to have a back yard.
- There is a fair amount of traffic volume in this area.
- The intent of the Bylaw has been met; Saanich Engineering has said this does not violate sightlines.
- The aesthetic of a one metre fence is not good.
- A solid fence would be more concerning.
- A member commented that although they are troubled with the declared hardship, they would not want to see the safety of children compromised.
- The patio location off the living area of the house merits some relief.
- Only one neighbour is opposed and 12 are in support.
- The applicant did not know the Bylaw is different for corner lots, and the fence does not deviate from the intent of the Bylaw. If Engineering was opposed then Board member would be more concerned.

Public input: Nil

MOTION: MOVED by M. Horner and Seconded by D. Gunn: “That the following request for variance be granted from the requirements of Zoning Bylaw 2003, Section 6.3(b), for an existing fence on Lot 56, Section 27, Lake District, Plan 38786 (840 Seamist Court):

- a) **relaxation of height from 1 m to 1.5 m in the area bounded by the intersecting lot lines at a street corner and a line joining points along said lot lines 9.0 m from their point of intersection.”**

Board comments:

- There is a hardship in the siting of the house and the shape of the lot.
- There is no negative effect on the environment or the neighbours.
- The lattice design of the fence meets the intention of the Bylaw and allows the owners some enjoyment of their property.

The Motion was then Put and CARRIED

Obed Avenue Ramp addition
Applicant: Dan Hagel OBO City Light Church of Victoria
Property: 550 Obed Avenue
Variance: Relaxation of rear lot line setback from 10.0 m to 6.71 m

BOV #00822

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

Applicants: Dan Hagel, applicant and Brian Kendrick, designer, were present in support of the application and stated:

- They looked at all areas of the building and this appeared to be the best location to place a ramp because all other doors lead to stairs.
- A lift would cost about \$50,000 to install.
- There are about four church members that use wheelchairs. Currently other members carry them up/down the stairs which is undignified and unsafe.
- In the event of an emergency, a quick and safe way of egress is needed.

In reply to questions of the Board the applicant stated:

- There is an existing ramp in the old hall leading to the old church.
- There are steps between the old church and the church hall.
- The City of Light Church owns the building. A brief history of the City of Light Church was given.

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 1001.3(a)(i), further to the construction of an accessibility ramp to the church hall building on Lot A, Section 18A, Victoria District, Plan 14379 (550 Obed Avenue):**

- a) relaxation of rear lot line setback from 10.0 m to 6.71 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 is a minor variance.
- This is necessary to ensure safe access/egress for the people using the building.
- The use is complying. No concerns about the ramp were received.

The Motion was then Put and CARRIED

Adjournment On a motion from E. Dahli, the meeting was adjourned at 6:48 pm.

Haji Charania, Chair

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

Recording Secretary