

**MINUTES
BOARD OF VARIANCE
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL
AUGUST 14, 2019 AT 6:00 P.M.**

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

Staff: K. Kaiser, Planning Technician, S. DeMedeiros, Planning Technician, 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 July 10, 2019 be adopted as circulated."

CARRIED

Linwood Avenue Addition
BOV #00824

Applicant: Step One Design OBO Alan O'Rourke & Carla Willock
Property: 3361 Linwood Avenue
Variance: Relaxation of height from 6.5 m to 7.82 m
Relaxation of allowable floor space in non-basement areas from 80% to 89.25%

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

Applicants: Lisa and Mike Dunsmuir, applicants, and Alan O'Rourke and Carla Willock, owners, were present in support of the application. They submitted signatures of no objection from four residences and provided a description of the proposed roof design.

Public input: Nil

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

- Half of the basement area is bedrock. They have not contemplated blasting to create a basement because of the excessive rock under the house. The concern is that blasting would damage the existing home, and they also pointed out that the foundation of the home sits on the rock.
- They wish to retain part of the existing roof. If the pitch is less than 3:12 the dormer wall would end up being less than five feet tall. The dormer cannot be seen from the street.
- The home was last renovated in the 1990's.
- They would like to have the master bedroom closer to the children's rooms.
- They have no desire to rent out any space in this home. They own another house that they rent out.
- The family could use more space. The house is not functional, they cannot currently entertain away from the children and the basement is not usable.

The Planning Technician provided the Board with information regarding the calculations for the non-basement area.

Board discussion:

- The house siting and the rock in the basement are hardships.
- The height variance applies to the existing roof; it is good that they are keeping a portion of the roof instead of demolishing it.
- The existing roof makes the variance request very minor.
- There is neighbour support and no impact to the environment.

MOTION: MOVED by D. Gunn and Seconded by M. Horner: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 210.4(b)(i) and 210.4(c), further to the construction of an addition to the house

on Block J, Section 62, Victoria District, Plan 255A, Parcel A of L 8 (3361 Linwood Avenue):

- a) relaxation of height from 6.5 m to 7.82 m
- b) relaxation of allowable floor space in non-basement areas from 80% to 89.25%

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.”

The Motion was then Put and CARRIED

| | |
|--|--|
| <p>Walema Avenue New house</p> <p>BOV #00825</p> | <p>Applicant: Todd Martin OBO Gregg Congdon</p> <p>Property: 1022 Walema Avenue</p> <p>Variance: Relaxation of rear lot line setback from 12.0 m to 5.24 m Relaxation of allowable floor space in non-basement areas from 75% to 79.81%</p> |
|--|--|

The Notice of Meeting was read and the applicant’s letter received. Letters not in support received from two residences.

Applicants:

Todd Martin, applicant, Gregg Congdon, owner, and Alina Anapreitchik, were present in support of the application and they submitted signatures of no objection from four residences. They stated:

- Due to the size of the lot, this RS-18 zoned property should be RS-4 or RS-6.
- They did look at pushing the home closer to the front but the Hydro pole on the property is in the way and it is very costly to move a Hydro pole.
- If they have a basement it is felt that there will be servicing problems due to the location of the storm and sewer grades in relation to where the basement would be located.
- The roof has a low slope and it is six metres at the highest point.
- Walema Avenue is the side yard and Beryl Road is the front yard. Beryl Road is narrow with a large boulevard.
- The proposed house is sitting on the front lot line.
- Most houses on the street are pushing the setbacks.
- Two parking spaces are needed.
- The house is positioned to meet the requirements of BC Hydro.

Public input:

Resident, 1018 Walema Avenue:

- Feels the proposed house is positioned to the advantage of the applicant and is disadvantageous to the neighbours. They would be more supportive if the house was moved forward.

The applicant responded:

- They did look at positioning the house closer to the front.
- The home at 1018 Walema is also 5 metres into the front setback.
- The Zoning requirement of 12 metres is excessive; this is a corner lot and there is no good footprint to design a house.
- They minimized the deck at the front.

In reply to a question from the Board, the Planning Technician confirmed that the lot size is more in line with RS-4 Zoning. Appreciation was expressed by a Board member that the applicant has tried to design a house that meets the lot size.

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

- The house could be moved forward however the Hydro pole is in the way and they would still need a variance for the rear of the house.

- There is a hardship to moving the pole as they have been told by BC Hydro that it can cost \$10,000 - \$50,000 to move a pole. It will take 3-4 months to get a design quote.
- The site is very restrictive due to the incorrect zoning.
- The designer has been very creative with creating a house on the lot that is realistic. This is a habitable house on a very restrictive lot. They were aiming for only one variance and really tried to minimize the request.
- They have support from four neighbours.
- They are not sure whether other houses in the area have basements. The non-basement area is requested because it is felt that the services will be restrictive; sewer and drainage pumps would be needed and these could fail in storms.
- They struggled with driveway placement; the driveway cannot be closer than 1.5 metres to the Hydro pole.
- The current house, built in 1922, is also non-complying. They have lived here for 12 years and have been planning to build a new house for years.
- Information was provided about setbacks, square footage and zoning. This house is designed for an RS-4 size lot.

Board discussion:

- The designer is to be commended on designing a house that is appropriate to the RS-4 lot size. There is a hardship in the property’s zoning.
- They will need a variance regardless of the positioning of the building. They may not need the non-basement area variance if they move the house forward.
- The power pole is an issue and it is not practical to have a basement. The rear setback is of concern and it affects the neighbours.
- They need to work around the power pole; the location of the proposed home is not acceptable.
- This is not a huge house and was carefully designed but the rear setback is of concern.

Board consensus was that the applicant be given opportunity to re-design and relocate the proposed home, for further consideration at a future meeting. It is hoped that they can better meet the rear yard setback for an RS-4 zone.

MOTION: MOVED by R. Riddett and Seconded by D. Gunn: “That the variance request to relax the rear lot line setback from 12.0 m to 5.24 m and relax the allowable floor space in non-basement areas from 75% to 79.81% from the requirements of Zoning Bylaw 2003, Sections 295.3(a)(ii) and 295.3(c), further to the construction of a new house on Lot 18, Section 32, Lake District, Plan 1196A (1022 Walema Avenue) be TABLED for up to three months.”

The Motion was then Put and CARRIED

Garkil Road
Addition

Applicant: Daniel and Leah Godwin
Property: 1255 Garkil Road
Variance: Relaxation of front lot line setback from 7.5m to 5.01m

BOV #00826

The Notice of Meeting was read and the applicant’s letter received. Signatures of no objection received from six residences. Mr. Gunn and Mr. Charania stated they met with the owner on site.

Applicants:

Daniel and Leah Godwin, applicants/owners, were present in support of the application. In 2017 a variance request was granted to improve the front entrance and information was provided about problems that arose with building the stairs. The request is a relaxation from the previously approved 6.03 metres to 5.01 metres.

A brief discussion about the definition of 'cantilever' occurred. The applicant stated that they had the stairs engineered to be cantilevered so they are not providing any structural support.

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

- They have support from six neighbours.
- The inspection of the previous stairs failed so they tore them out and put in a storage area.
- They reduced the steps from 8" high to 6" because people in the house have bad hips and knees.
- The previous stairs were too tight and had water damage and mould issues due to their placement.
- The stairs are needed for upper floor access.
- They have considered installing an elevator.
- The original stairs did not match the 2017 drawings because it turned out that three steps did not reach the land because of excavation.
- There is not enough room to place stairs on the east side and they would still go into the setback.
- They were not happy with the originally approved design with the tight rise and run. They also found they needed storage.

Board discussion:

- Board member sees the unforeseen consequences of building a structure but is not sure if this merits relief. Noted they are asking for a one metre variance.
- Question raised if there is a hardship with aging and knee/hip problems?
- This application is a result of many errors.
- The neighbours do not object.
- There is a need for front door access and this is a hardship.

Public input: Nil

MOTION: **MOVED by R. Riddett and Seconded by M. Horner: "That the request to relax the front lot line setback from 7.5 m to 5.01 m from the requirements of Zoning Bylaw 2003, Section 230.4(a)(i), further to the construction of an addition to the house on Lot 15, Section 32, Victoria District, Plan 10389 (1255 Garkil Road) be GRANTED, and further that construction must be in accordance with the plans submitted to the Board."**

The Motion was then Put and CARRIED

Adjournment On a motion from E. Dahli, the meeting was adjourned at 7:25 pm.

Haji Charania, Chair

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

Recording Secretary