

MINUTES
BOARD OF VARIANCE
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL
MAY 14, 2014 AT 7:00 P.M.

Members: H. Charania, D. Gunn, R. Gupta, R. Kelley, R. Riddett
Staff: L. Gudavicius, Zoning Officer, T. Douglas, Senior Committee Clerk
Minutes: Moved by D. Gunn and Seconded by R. Gupta: "That the minutes of the Board of Variance meeting held March 12, 2014 be adopted as circulated.

CARRIED

Bonnieview Place Deck replacement
Applicant: Anne Wood obo Nora Wood
Property: 4593 Bonnieview Place
Variance: Relaxation of rear lot line from 10.5 metres to 5.1 metres

BOV #00405
The Notice of Meeting was read and the applicant's letter received. Signatures of no objection received from T. and L. VanInsberghe, 4585 Bonnieview Place; L. and S. Mackie, 4595 Bonnieview Place; T. Graham and M. Muth, 4582 Sumner Place, M. Dix, 4596 Bonnieview Place.

Applicants
Anne and Nora Wood, applicant and owner, were present in support of the application. They submitted information to show which neighbours they had contacted with regard to their request.

In response to questions from the Board, the applicant stated:

- The new replacement deck will be constructed by a hired professional and will comply with the current Building Code.
- The survey plan is from 1988 and came from municipal hall files.

The Zoning Officer advised that a legal survey may be slightly different than the 1988 survey, and suggested that the applicant hire a surveyor and have the correct lot lines marked prior to the deck construction.

In Favour Nil

In Opposition Nil

MOTION: MOVED by R. Kelley and Seconded by D. Gunn: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 250.4(a)(ii), further to the construction of a deck to the house on Lot 6, Section 84, Victoria District, Plan 10361 (4593 Bonnieview Place):

a) relaxation of rear lot line from 10.5 metres to 5.1 metres

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on May 14, 2016, if not acted upon."

The Board commented that the applicant is simply replacing a structure and this project does not change the intent of the Zoning Bylaw.

The Motion was then Put and CARRIED

Del Monte Avenue Existing deck
Applicant: Thomas and Heather Presnail
Property: 5091 Del Monte Avenue
Variance: Relaxation of combined interior yard setback from 4.5 metres to 3.16 metres

BOV #00402

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

Applicants Heather Presnail, applicant, was present in support of the application and stated that the deck is smaller than the original deck.

In response to a question from the Board about the existing lot line, the applicant stated that after the deck was constructed, it was discovered that the plans for the new smaller deck were drawn based upon the original property survey of 1989, instead of the more recent 2010 survey.

The Zoning Officer confirmed that the GIS view of the lot line is distorted. She noted that the variance request that was granted in 2010 for 3.28 metres was based on the information provided at that time, and they had really needed to ask for a variance of 3.16 metres.

In Favour Nil

In Opposition Nil

MOTION: MOVED by D. Gunn and Seconded by R. Gupta: "That the following variance request to relax the combined interior yard setback from 4.5 metres to 3.16 metres be granted from the requirements of Zoning Bylaw 2003, Section 250.4(a)(iii), further to the retention of an existing deck at Lot E, Section 46, Lake District, Plan 48194 (5091 Del Monte Avenue)

The Board commented that this is a minor variance and the conflicting surveys created a hardship for the applicants.

The Motion was then Put and CARRIED

Doncaster Drive Addition
BOV #00403

Applicant: Bruce and Wenda Daykin
Property: 3581 Doncaster Drive
Variance: Relaxation of allowable floor space in non-basement areas from 80% to 85%

The Notice of Meeting was read and the applicant's letter received. Signatures of no objection received from: J. King, 3561 Doncaster Drive; N. Drader, 3585 Doncaster Drive; V. Hildebrand, 3570 Doncaster Drive; W. Maycock, 3580 Doncaster Drive; C. Bowie, 1509 Cranbrook Place

Applicants Bruce and Wenda Daykin, applicants, were present in support of the application. The followings comments were noted:

- They attempted to stay within the square footage by reducing the size of the addition but the design was structurally awkward and more difficult to build.
- This problem was inherited when they purchased the house. Additionally, unusable attic space counts as square footage which takes them over the floor space limit.
- The attic is accessed by a narrow staircase.
- The addition should not impact trees on the property, but they may encounter roots when the footings are done.

The Zoning Officer stated that the attic is counted as floor space because it is insulated.

In Favour Nil

In Opposition Nil

MOTION: **MOVED** by R. Riddett and **Seconded** by R. Gupta: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 210.4(c), further to the construction of an addition to the house Lot 2, Section 43, Victoria District, Plan VIP66968 (3581 Doncaster Drive):

- a) relaxation of allowable floor space in non-basement areas from 80% to 85%

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on May 14, 2016, if not acted upon.”

Board comments:

- The addition will improve the visual appearance of the home.
- If the unusable attic space is ignored, no relaxation is required.
- The proposed reconfiguration presented is reasonable.

The Motion was then Put and CARRIED

West Saanich Road New house	Applicant: James Reslein Property: 5621 West Saanich Road Variance: Relaxation of single face height from 7.5 metres to 8.0 metres
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BOV #00404 The Notice of Meeting was read and the applicant’s letter received.

Applicants Jim Reslein, applicant, was present in support of the application. He noted the property slopes down from West Saanich Road and that a floodplain exists on the west side of the parcel which is split by West Saanich Road.

In response to questions from the Board, the applicant stated:

- A subdivision application for the property was submitted to Saanich a couple of years ago.
- He is not sure whether the house will be a bi-level or 2-storey home. If the variance is approved it will likely be 2 storeys.
- The closest neighbouring house sits 16 metres higher so this will not affect anyone’s views.
- The variance requested allows for a high margin of error for building.

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

- This issue does not need to go to the Agricultural Land Commission until Council has dealt with the Floodplain Development Permit.
- The subdivision is not in conditional approval status yet.

The Board suggested that the application be tabled until such time that the applicant is ready to apply for a building permit, after Saanich and the Agricultural Land Commission has given approval. It was felt that there is not enough information in the application and the Board’s decision should be based upon building permit drawings. Concern was also expressed that approving this could vary the intent of the Zoning Bylaw.

The applicant stated that he feels it would benefit his subdivision application if he has approval from the Board and would prefer if the Board would make a decision. He stated that he would change the existing house to a farm out-building while building the new proposed house.

In Favour Nil

In Opposition Nil

MOTION: **MOVED by D. Gunn and Seconded by R. Gupta: "That the variance request to relax the single face height from 7.5 metres to 8.0 metres from the requirements of Zoning Bylaw 2003, Section 101.5(b)(ii), further to the construction of a new house at Lot E, Section 84, Lake District, Plan VIP63062 (5621 West Saanich Road) be denied.**

Board comments:

- The application is premature and incomplete.
- The applicant did not provide enough information or plans for the proposed house.
- The Board failed to see any hardship.

The Motion was then Put and CARRIED

Wolsey Place
Existing deck

Applicant: Kathleen and Ronald Csomany
Property: 3965 Wolsey Place
Variance: Relaxation of rear lot line from 11.0 metres to 8.46 metres

BOV #00406

The Notice of Meeting was read and the applicant's letter received. Signatures of no objection received from: A. and V. Irvine, 2941 Phyllis Street; T. and M. Redwood, 3962 Wolsey Place. Letter not in favour received by S. and I Barrodale, 3968 Tudor Avenue.

Applicants

Kathleen and Ronald Csomany were present in support of the application and had nothing to add. They acknowledged the objection from an adjacent neighbour and noted that the variance they are requesting is for the rear and not the side. They added that there are many trees and shrubs between the neighbouring property and submitted photos showing the views are private.

The Board thanked the applicants for their well-marked lines and noted the houses in the neighbourhood are well separated from each other. In response to questions from the Board, the applicants stated:

- They did not know a permit was required when they rebuilt their deck.
- The original deck was only large enough for four chairs and a barbecue.
- They do not know what triggered the bylaw officers to come out; they think perhaps someone in the neighbourhood thought the house was being expanded without consulting the neighbours.
- They were not given a stop work order because it was seen that the deck was being constructed properly.
- They had contacted their neighbours by telephone and explained the variance that was needed and asked for their support. One set of neighbours were not willing to communicate with them.

In Favour Nil

In Opposition Nil

MOTION: **MOVED by R. Riddett and Seconded by R. Kelley: "That the following variance request to relax the rear lot line from 11.0 metres to 8.46 metres be granted from the requirements of Zoning Bylaw 2003, Section 290.3(a)(ii), further to the retention of an existing deck at Lot 4, Section 44, Victoria District, Plan 24190 (3965 Wolsey Place).**

Board comments:

- They do not think the deck will significantly affect the neighbours.
- The application is for the rear yard not the side yard.
- It would be a financial hardship to tear the existing deck down.

The Motion was then Put and CARRIED

Lavender Avenue Addition

Applicant: Alex and Emily Nagelbach
Property: 961 Lavender Avenue
Variance: Relaxation of single face height from 7.5 metres to 9.32 metres

BOV #00407

The Notice of Meeting was read and the applicant's letter received. Signatures of no objection received from: F. DiCamillo, 950 & 960 Lavender Avenue; G. Butts, 941 Lavender Avenue; J. Mason, 971 Lavender Avenue; B. Nash, 954 Burnside Road West; W. Krahn, 950 Burnside Road West

Applicants

Emily and Alex Nagelbach, applicants and Lindsay Baker, designer, were present in support of the application. The applicants stated they have spoken with and have support from all but one neighbour who lives out of the country.

In response to questions from the Board, the applicants and designer stated:

- The variance is needed because the existing addition was built prior to the bylaw, and the step-out has to be a certain size.
- Based on new setbacks, a small area on one side of the building is non-compliant.
- The applicants need extra bedrooms for their expanding family.

The Board questioned the square footage measurements submitted, as it was noted that there is no garage, but the square footage allowed for a garage is being claimed. The Zoning Officer explained when lower floor is considered to be basement area and how non-basement area is calculated, and confirmed that there is a problem with this request since there is no garage.

Due to this error, the Board suggested that the applicant request the item be tabled and resubmitted, with a request for variances in both the height and allowable floor space in non-basement areas. The Board encouraged the applicants to ensure that the footprint and the proposed footprint are both accurate when they resubmit their application.

In Favour

Nil

In Opposition

Nil

MOTION:

MOVED by D. Gunn and Seconded by R. Riddett: "That the request for variance from the requirements of Zoning Bylaw 2003, Section 210.4(b)(ii), further to the construction of an addition to the house on Lot B, Section 79, Victoria District, Plan 38163 (961 Lavender Avenue) be TABLED for a period of up to 3 months in order to give the applicant time to submit an updated application.

CARRIED

Wellsview Road Addition

Applicant: Sabrina Cadoni
Property: 5691 Wellsview Road
Variance: Relaxation of interior side lot line from 3.0 metres to 2.1 metres

BOV #00408

The Notice of Meeting was read and the applicant’s letter received. Letters of no objection received from A. Weicker and D. Wedman, 5703 Wellsview Road; and C. Hyland and T. Kryt, 5566 Alderley Road.

Applicants

Sabrina Cadoni, owner, was present in support of the application. She stated that there is a mistake in the application - the letter requests a variance of 2.1 metres, however it should read 2.1 feet (or .064 metres).

In response to Board questions, the applicant stated:

- The carport roof does not encroach over the neighbour’s property.
- The old carport is falling down and needs replacing.
- They need a longer carport, not a wider carport. They would like to be able to store the lawnmower and bicycles as well as their vehicles in the carport.
- They have the support of neighbours.

The Zoning Officer noted that outside face of the carport post is 2.1 feet from the property line. She also advised that the building permit process typically requires a site survey; it was noted that the existing survey is 11 years old and may be inaccurate.

The Board explained that due to the need to legally notify adjacent neighbours, they cannot approve a variance request larger than the one that was requested. It was suggested to the applicant that this request be tabled to allow the applicant time to have the property surveyed, ensure where the footings and roofline will be and resubmit accurate drawings.

In Favour

Nil

In Opposition

Nil

MOTION:

MOVED by D. Gunn and Seconded by R. Gupta: “That the request for variance from the requirements of Zoning Bylaw 2003, Section 101.5(a)(ii), further to the construction of an addition to the house on Lot A, Section 39, Lake District, Plan 11185 (5691 Wellsview Road) be TABLED for a period of up to 3 months in order to give the applicant time to submit an updated application.

CARRIED

Darwin Avenue
Deck
replacement

Applicant: Marko Kardum obo Suemi and Keiichi Chiba
Property: 828 Darwin Avenue
Variance: Relaxation of front lot line from 6.0 metres to 3.4 metres

BOV #00409

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

Applicants

Marko Kardum, applicant, was present in support of the application and had nothing further to add.

In response to questions from the Board, the applicant confirmed that the setback is 3.4 metres and the footprint of the entry will be a little smaller than the existing porch. The applicant confirmed that the dwelling is non-conforming and that he had thought the lot line was located at the outside of the wall at the front of the property.

In Favour

Nil

In Opposition

Nil

MOTION: **MOVED** by D. Gunn and **Seconded** by R. Gupta: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 210.4(a)(i), further to the construction of a deck to the house at Lot 37, Section 33, Victoria District, Plan 1397 (828 Darwin Avenue):

a) relaxation of front lot line from 6.0 metres to 3.4 metres

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on May 14, 2016, if not acted upon.”

Board comments:

- There is hardship with the house being sited where it is and there is a need for a front porch.
- The applicant is replacing an existing structure.

The Motion was then Put and CARRIED

Haji Charania, Chair

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

Recording Secretary