

MINUTES
BOARD OF VARIANCE
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL
JULY 9, 2014 AT 5:00 P.M.

Members: H. Charania, D. Gunn, R. Gupta, R. Kelley, R. Riddett
Staff: K. Gill, 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 June 11, 2014 be adopted as amended."

CARRIED

Cordova Bay Road
Detached deck replacement
Applicant: Mark and Bev Insley
Property: 4909 Cordova Bay Road
Variance: Relaxation of interior side yard setback from 1.5 M to 0.36 M

BOV #00416
The Notice of Meeting was read and the applicant's letter received. Letter of support received by M. and M. Fitz, 4911 Cordova Bay Road.

Applicants
Mark and Bev Insley, owners and applicants were present in support of their application and stated:

- They have received an email of support from the neighbour to the south in addition to the letter submitted from the north neighbour.
- In the application the request was for 0.36 metres however the new survey shows that the side post in question is 0.2 metres from the property line.

It was noted that the application will have to be amended with the correct measurements for a future meeting, however the Hearing continued and the applicant responded to questions from the Board. The following was noted:

- The applicants have lived on the property since 1996; they built a new home in 2011 and received a variance in height for the new home. Approvals were in place as part of the building permit for the house, and the retaining wall and pavers were installed prior to the EDPA.
- The Environmental Development Permit Area (EDPA) came into effect in March 2012.
- They started work on the stairs/landings without a building permit and applied for a permit on May 1st when Bylaw Officers came out and issued a stop work order after a complaint was made.
- After the stop work order they hired a Geotechnical Engineer to confirm the footing placement and they also hired a Structural Engineer to review the plans. They may also need to obtain a Biologist's report.
- They dug looking for a place for the support posts; due to the bedrock, the only convenient places for posts was too far out or under the root system of the existing fir tree. The Geotechnical Engineer has confirmed this.
- The objective was to rebuild the path down to the beach. The steepest area is by the top landing. There was no deck previously, there was only a path.
- The Building Department has approved the application [with regard to review of the deck application as it relates to Building Code compliance]. Environmental Services has not given approval. The applicants met with the Environmental Services Manager to discuss the EDPA; a design alternative was suggested but was not acceptable. The horizontal joist and end piece are being removed and trimmed as requested by Environmental Services.
- The existing fir tree is no longer protected by Bylaw, they were advised by Parks staff that they could remove the tree but they want to keep it.

- The plans for the stairs were made after the building permit for the house was issued.
- Neighbours are supportive of the existing design; they wonder why the project is delayed and would like to see it completed.
- The hardships are: it is costly to re-build and there would be sightline problems. Additionally they would like to retain the large fir tree, however the only way to meet the bylaw would be to cut the fir tree down.
- The design suggested by Environmental Services was unsightly and was like a walking plank; they would like to soften the design and front retaining wall and have a deck that blends with the backdrop. They want the eye to see the curve, and the fir tree to be the focal point.

The Zoning Officer stated:

- Construction of the new home started in July 2011, and occupancy was given July 7, 2012. The EDPA was brought in in March 2012 and homeowners were give official notice prior to this.
- The deck was built with no permit, the owners should have been aware of the EDPA.

Board comments noted:

- The post is the only element that encroaches, and it is needed to support the beam/deck. The dilemma is how to support the deck without the post.
- The Environmental Services department has final authority on approval even if the Board of Variance approves the application.
- The applicants may wish to consider receiving approval from Environmental Services first before coming back to the Board.

The applicants expressed concern about safety, as people are using the deck and stairs, but there are no railings because of the stop work order.

In Favour Nil

In Opposition Nil

MOTION: **MOVED** by G. Gunn and **Seconded** by R. Gupta: "That the following variance request to relax the interior side yard setback from 1.5 metres to 0.35 metres from the requirements of Zoning Bylaw 2003, Section 295.4(a)(ii), further to the replacement of an existing detached deck on Lot NW10, Section 28, Lake District, Plan 3155 (4909 Cordova Bay Road) be **TABLED** for up to three months for the applicants to re-submit their information."

CARRIED

Adjournment On a motion from R. Kelly, the meeting was adjourned at 6:30 p.m.

Haji Charania, Chair

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

Recording Secretary