

MINUTES  
**BOARD OF VARIANCE**  
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL  
**SEPTEMBER 10, 2014 AT 7:00 P.M.**

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Members: H. Charania, D. Gunn, R. Gupta, R. Kelley, R. Riddett  
Staff: L. Gudavicius, Zoning Officer, T. Douglas, Senior Committee Clerk  
Minutes: Moved by R. Gupta and Seconded by D. Gunn: "That the minutes of the Board of Variance meeting held August 13, 2014 be adopted as circulated."

CARRIED

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Wildflower Lane **Applicant: Keith Lee**  
Fence Height **Property: 4377 Wildflower Lane**  
**Variance: Relaxation of height from 1.07 m to 1.52 m**  
BOV #00418

**Moved by D. Gunn and Seconded by R. Gupta: "That the request for variance at 4377 Wildflower Lane Road be lifted from the table."**

CARRIED

The Notice of Meeting was read and the applicant's letter received.  
Letter of no objection received from K. Bellamano, 1076 Valewood Trail.

Applicants Keith Lee, owner and his son-in-law Jeremy Chow were present in support of the application. Mr. Lee stated that since the last meeting he and his adjacent neighbour at 1076 Valewood Trail have come to an agreement about the fence.

Mr. Bob Isbister, on behalf of the Broadmead Area Resident's Association (BARA), advised that BARA has no more involvement in this application and excused themselves from the issue.

In Favour Nil

In Opposition Nil

**MOTION: MOVED by R. Riddett and Seconded by R. Kelley: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 6.2(e), further to the construction of a fence on Lot 11, Section 8, Lake District, Plan VIS2683 (4377 Wildflower Lane) :**

**a) relaxation of height from 1.07 m to 1.52 m**

**And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on September 10, 2016, if not acted upon."**

Board comments:

- While the legal height limit is 42", the applicant has a higher level of safety concern due to the large drop on the other side of the fence.

**The Motion was then Put and CARRIED**

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West Saanich  
Road  
Existing  
accessory  
building

**Applicant: Stacey Jones**  
**Property: 5986 West Saanich Road**  
**Variance: Relaxation of height from 3.75 m to 5.75 m**

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

BOV #00428

Applicants

Stacey McGaghey Jones and Trevor Jones, owners, were present in support of their application. In response to questions from the Board they stated:

- They spoke with the next-door neighbours, who have no concerns.
- They purchased the property 5 years ago. The structure was built 2 years ago to store excavation equipment; it is now used for hobbies, storage and a play area upstairs.
- They did not pull a permit when they built the structure. Since then, they applied for a building permit and were told they had to apply for a variance.
- They could obtain a permit for an agricultural building but would need to put in beams and posts for the floor load improvements. This is very costly and not needed for the present use
- They may sell the property and would like to ensure that the building is legalized for non-agricultural use.
- They are prepared to assure the Board that the building is built according to the plans as submitted.
- They were told a Geotechnical report is required and have had a report done in this regard.

The Zoning Officer advised that the Building Department may require that some areas be pulled apart to ensure that the building has been constructed correctly.

In Favour

Nil

In Opposition

Nil

**MOTION:**

**MOVED by R. Riddett and Seconded by R. Kelley: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 101.7(b), further to the retention of an existing accessory building on Lot A, Section 80, Lake District, Plan 9491 (5986 West Saanich Road):**

**a) relaxation of height from 3.75 m to 5.75 m**

**And further that the variance so permitted be in accordance with the plans submitted to the Board."**

Board comments:

- It is a significant variance but given the siting of the building it is not obtrusive.
- This seems like an unintended error. It would be a hardship to install posts and beams.
- The Board appreciates that the applicant is trying to legalize the building.

**The Motion was then Put and CARRIED**

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Sea View Road      **Applicant:** W. Leonard McKay  
Addition to      **Property:** 2811 Sea View Road  
accessory      **Variance:** Relaxation of front yard setback from 7.5 m to 1.5 m  
building      Relaxation of interior side yard setback from 1.5 m to 0.50 m

BOV #00429      The Notice of Meeting was read and the applicant's letter received.

Applicants      William L. McKay, owner/applicant, was present in support of his application and had nothing further to add. In response to questions from the Board, Mr. McKay stated:

- If the application is not approved he will have no place to put his cars. He currently houses 3 cars in a 2-car garage.
- His neighbour, Ms. J. Lovell, is in favour of his request.

The Board noted that this request is incremental; a variance was granted in 2000 and the minutes reflect that the addition will not encroach any further.

In Favour      Nil

In Opposition      Nil

**MOTION:**      **MOVED by R. Gupta and Seconded by R. Kelley: "That the following variances from the requirements of Zoning Bylaw 2003, Sections 290.4(a)(i) and (ii), further to the construction of an addition to the existing accessory building on Lot 2, Section 44, Victoria District, Plan VIP7266 (2811 Sea View Road) be DENIED:**

- a) relaxation of front yard setback from 7.5 m to 1.5 m
- b) relaxation of interior side yard setback from 1.5 m to 0.50 m"

Board comments:

- This is a major variance request and defies the intent of the previous variance to not encroach further. It is difficult to see a hardship.
- There is no place else to put the structure, no neighbours object, the size and shape of the lot is typical for the neighbourhood.
- The applicant is looking to extend an existing variance. The siting of the house could be considered a hardship as it doesn't sit squarely on the lot.
- The side yard is the predominant feature; it feels like a significant change.
- Not convinced of hardship, this is a major variance and will impact the street front. It is an incremental variance for a previously granted variance in 2000.

**The Motion was then Put and CARRIED  
OPPOSED: R. Riddett and D. Gunn**

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Seapearl Place      **Applicant:** Tony Akhavan, JTA Construction OBO Kathryn Akhavan  
Existing deck      **Property:** 978 Seapearl Place  
addition      **Variance:** Relaxation of rear yard setback from 10.5 m to 9.73 m

BOV #00430      The Notice of Meeting was read and the applicant's letter received.

Applicants      Kathryn Akhavan, owner and Jesse Minielly, contractor, were present in support of the application. Ms. Akhavan stated she spoke with neighbours and they had no objection. In response to questions from the Board, they stated:

- The deck was finished around April or May 2014. Previously there was a shorter deck that was in line with the deck below.

- They had a building permit and were told that they would need a land survey and a variance; they thought a partner had done this and found out it had not been done. The survey was done in the middle of construction.

The Zoning Officer clarified that the building permit was rejected the first time because it did not meet the setback. The plans were adjusted to comply with the setback and the permit was issued then. A condition of the permit was that a site survey be done before final inspection. The survey was not done until final inspection occurred.

Discussion continued and the following was noted:

- The deck was built according to the final plan as far as the contractor knows.
- The neighbour below is not opposed to the deck.
- Mr. Minielly never saw the original permit; he found rot and poor construction so posts were put in. A piece of flashing had been installed the wrong way which had resulted in water damage.
- There were various ways to make the repair and this was the easiest. The objective was to have a safer deck, not a longer deck. They followed the alcove and same footprint.

In Favour Nil

In Opposition Nil

**MOTION: MOVED by R. Gupta and Seconded by R. Riddett: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 250.4(a)(ii), further to the retention of a deck addition to the house on Lot 31, Section 27, Lake District, Plan 44061 (978 Seapearl Place):**

- a) relaxation of rear yard setback from 10.5 m to 9.73 m

**And further that the variance so permitted be in accordance with the plans submitted to the Board.”**

Board comments:

- This is a minor variance.
- It is too late to fix the mistake without causing significant hardship.
- Concern was expressed about the process as they built what they wanted regardless of the Zoning Bylaw.
- Neighbours and the environment are not affected.

**The Motion was then Put and CARRIED**

Central Saanich Road Existing accessory building

**Applicant: Gordon Pedersen**  
**Property: 6101 Central Saanich Road**  
**Variance: Relaxation of height from 3.75 m to 6.54 m**

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

BOV #00431

Applicants

Gordon Pedersen, owner, was present in support of his application. In response to questions from the Board, he stated:

- This part of the property is not farmable, he has a business licence for an excavating/trucking company and needed a place to store his equipment.

- The structure is about 10 years old; he purchased the property in 1959.
- He cannot afford the 100 lb/ft<sup>2</sup> rule for the flooring; he will never use the building for agricultural use. All the posts and beams that are required for this type of flooring would ruin his shop. It is built for 40 lb/ft<sup>2</sup>.
- He has not heard from any neighbours about this; most of his neighbours are family members.
- He has employed a new engineer for the project as the previous engineer passed away.
- He is going to apply to change from agricultural to non-agricultural use.

In Favour Nil

In Opposition 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 101.7(b), further to the retention of and existing accessory building on Lot A, Section 18, South Saanich Land District, Plan 38982 (6101 Central Saanich Road):**

**a) height from 3.75 m to 6.54 m**

**And further that the variance so permitted be in accordance with the plans submitted to the Board.”**

Board comments:

- It is a significant variance but is non-consequential and doesn’t affect neighbours.
- Height limits are usually to protect views but the building is hidden by trees and does not affect views. The land is isolated.

**The Motion was then Put and CARRIED**

Beaver Road  
Existing  
accessory  
building

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**R. Kelley excused himself from the meeting citing a conflict of interest.**  
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BOV #00432

**Applicant: Karine Tregear and Ian Rose**  
**Property: 4792 Beaver Road**  
**Variance: Relaxation of interior side lot line from 3.0 m to 0.8 m**

The Notice of Meeting was read and the applicant’s letter received. Letters of no objection received from the Hamiltons, 4805 Beaver Road; owners of 4834 Beaver Road; T. Forest, 525 Beaver Lake Road; D. Smith, 465 Beaver Lake Road; D. McAmmond, 4822 Townsend Drive; and the tenants at 4780 Beaver Road. Letter of objection received from V. Rebneris, 4764 Beaver Road (owner 4780 Beaver Road Road).

Applicants

Ian Rose and Karine Tregear, owners, were present in support of their application. Ms. Tregear responded to the letter of objection by stating the following:

- They intend to use the shed for storage. It is not a barn or pony shelter.
- They made it clear to the neighbours that the pony on the property is temporary; it goes back to live on another property in the winter months (December/January). The pony is usually kept in their field below in consideration of the neighbours wishes.

- The shed will not be used for the pony; pony shelters have dirt floors, not concrete.
- She submitted a letter from the new tenants at 4780 Beaver Road who have stated they have no problems with the shed.
- The Bylaw Officer made a surprise visit and saw that the shed is being used as a shed.

In Favour Nil

In Opposition

Krista Rosatta, daughter of Victoria Rebneris, 4764 Beaver Road:

- They are horse people and have no issue with the neighbour having a pony.
- The concern is the proximity of the shed to the property line, which is the backyard of the house her mother owns at 4780 Beaver Road.
- If the shed had been moved down the field, there would be no issue. The structure is obtrusive.

Victoria Rebneris, 4764 Beaver Road:

- Has lived in the area for 45 years.
- The applicants did tell her that the structure was a temporary pony shelter. This was of concern so she showed the applicant the Bylaw.
- She is not worried about property value; she is concerned about flies, grain attracting rats, and the smell of urine/dung because the applicant said she was going to keep the pony in there. The applicant also told her that they would clean the barn every day.
- She would have liked to have worked this out with the neighbours, she does not want to have a bad relationship with them.
- She is ok with the structure if the applicant plants vegetative screening and uses the structure as a storage shed.

The applicants further responded to comments and questions from the Board:

- The corner of the shed to the neighbouring house is about 97 feet.
- The neighbours likely think it will be a pony shelter because the paddock is beside the shed. Eventually a barn will be built below.
- It was reiterated that the shed is not for the pony.
- They were going to offer to put some shrubs up; the problem is that the fence is on the property line. They have to be careful of what they plant and ensure the foliage chosen is not poisonous to ponies.
- No doors will be added to the shed.
- If they had known about the bylaw they would have kept it in the same location, but 10 feet in.
- The contractor mistook the 3 metre measurement for 3 feet.
- The shed sits on a concrete slab; it is movable but it would be expensive to move.

**MOTION:**

**MOVED by R. Gupta and Seconded by R. Riddett: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 101.7(a)(ii), further to the retention of an existing accessory building on Lot 5, Section 102, Lake District, Plan 2053 (4792 Beaver Road):**

**a) relaxation of interior side lot line from 3.0 m to 0.8 m**

**And further that the variance so permitted be in accordance with the plans submitted to the Board."**

Board comments:

- It is a small shed not being used to house animals; it is not an unreasonable request.
- The applicants stated they are willing to screen with non-harmful plantings.
- The tenant next door supports the shed.
- The applicants were not familiar with the bylaw; it appears that the contractor misinterpreted the bylaw.
- The Board strongly recommends that the applicant does something to mitigate the neighbour’s concerns, such as plant screening.

**The Motion was then Put and CARRIED**

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**R. Kelley returned to the meeting.**

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Cordova Bay Road  
Fence height

**Applicant: Wayne and Holly Fang**  
**Property: 4990 Cordova Bay Road**  
**Variance: Relaxation of front lot line fence height from 1.5 m to 2.29 m**  
**Relaxation of height from 1.5 m to 2.29 m for the first 6.0 m**

BOV #00433

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

Applicants

Wayne and Holly Fang, owners, were present in support of their application. They presented a model to show what their proposed fence would look like. In response to questions from the Board they stated:

- Having a hedge poses a safety concern as small children and pets can go through or under the hedge.
- The house slopes down so the view from the road is into their house.
- The top of the proposed fence will have shrubbery that will hang in and grow down to provide privacy and noise reduction from the street.
- The existing hedge does cut down on the noise; they feel a fence will soften the noise as well.
- The lower part of the proposed fence is 3.5 feet which meets the bylaw.
- They recognize that there are no other fences like this in the neighbourhood; they would like to have a showpiece instead of a cedar wall.
- They use the front yard often, the kiddy pool is set up and they play ball. They place a dog fence across the driveway for safety.
- If they are not granted this variance, their privacy issues won’t be addressed and also a hedge has safety issues and takes time to grow.

In Favour

Nil

In Opposition

Nil

**MOTION:**

**MOVED by D. Gunn and Seconded by R. Riddett: “That the following variances from the requirements of Zoning Bylaw 2003, Section 6.2(f)(i), further to the construction of # on Lot B, Section 29, Lake District, Plan 47563 (4990 Cordova Bay Road) be DENIED:**

- a) relaxation of front lot line fence height from 1.5 m to 2.29 m
- b) relaxation of height from 1.5 m to 2.29 m for the first 6.0 m”

Board comments:

- This is a significant variance and would impact the streetscape.

- There is a viable alternative available.
- The applicant's concern and possible hardship is recognized; the design and the height of the fence does not benefit the applicants.
- It is a nice presentable fence but is a significant proposal for the area.
- The Board is very sympathetic to the applicants; this is a big aesthetic change and will not solve noise issues; the proposed fence is more cosmetic than functional.

**The Motion was then Put and CARRIED**

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Adjournment      On a motion from R. Kelley, the meeting was adjourned at 9:25 p.m.

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Haji Charania, Chair

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

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Recording Secretary