

MINUTES
BOARD OF VARIANCE
COMMITTEE ROOM NO. 1, SAANICH MUNICIPAL HALL
OCTOBER 8, 2014, AT 5:00 P.M.

Members: H. Charania, D. Gunn, R. Gupta (left meeting at 5:45 p.m.), R. Kelley, R. Riddett
Staff: K. Gill, 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 September 10, 2014 be adopted as circulated."
CARRIED

Locarno Lane **Applicant: Dennis and Margaret Dale**
New House **Property: 4034 Locarno Lane**
BOV #00438 **Variance: Relaxation of overall building height from 7.5 m to 7.67 m**
Relaxation of flat building height from 6.5 m to 6.87 m
Relaxation of single face flat building height from 6.5 m to 7.55 m

The Notice of Meeting was read and the applicant's letter received. Letter of no objection received from 4031 Hollydene Place.

Applicants Dennis and Margaret Dale, owners, were present in support of their application. They stated that a mistake was made and the wrong numbers were indicated on the plans previously submitted to the Board. Other than the numbers, the plans have not changed.

In Favour Nil

In Opposition Nil

MOTION: MOVED by D. Gunn and Seconded by R. Riddett: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Section 250.4(b)(i) and (ii), further to the construction of a new house on Lot 3, Section 44, Victoria District, Plan 26635 (4034 Locarno Lane):

- a) relaxation of overall building height from 7.5 m to 7.67 m
- b) relaxation of flat building height from 6.5 m to 6.87 m
- c) relaxation of single face flat building height from 6.5 m to 7.55 m

And further that the variances so permitted be in accordance with the plans submitted to the Board, and expire on October 8, 2016, if not acted upon."

The Board commented that this is a minor amendment to the first variance that was granted.

The Motion was then Put and CARRIED

Viewmont Ave. **Applicant: Jordan Hett for Len Hemming**
Existing addition **Property: 4394 Viewmont Avenue**
BOV #00434 **Variance: Relaxation of rear lot line setback from 7.5 m to 6.56 m**

The Notice of Meeting was read and the applicant's letter received. Letter of objection received from L. Green, 1183 Glen Tara Lane (owner 4396 Viewmont Avenue).

Applicants Victor Hemming and Leonard Hemming, owners, and Jordan Hett, applicant, were present in support of the application. L. Hemming stated that an honest mistake was made when measurements were taken at the fence line.

In response to a question from the Board, the Zoning Officer clarified that the cantilevered section of the building cannot encroach into the setback.

In Favour Nil

In Opposition L. Green, 4396 Viewmont Avenue:

- Expressed concern that she was never notified about the project.
- Expressed concern that the applicant's letter indicated there was an agreement between the two property owners about the fence; there was no such agreement or communication in this regard.
- Would like to know when the project will be completed and will there be any damage to the surrounding area as a result.

The Chair noted that the fence in question is on Ms. Green's property, and is not affected by the applicant's structure.

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

- The construction was done to Code.
- They did not approach the neighbours about the project.
- Construction started in May 2014. An architect designed the plans. Plans were approved and a permit was issued.
- The contractor went off the existing survey which is about 30 years old. A second survey was done during construction which showed the encroachment, resulting in the work having to be stopped.

S. Neufield, obo 4384 Viewmont Avenue:

- Questioned the process.
- Expressed concern that the finished product will fit in with the existing house, as this can directly affect neighbouring property values.
- Would like assurance that the construction adheres to Code and Bylaws.
- Knows of a relaxation (overseas) that resulted in a collapsed building.
- It feels like precedents are set when relaxations are granted.

Board comments:

- The process seems to be what concerns the neighbours.
- The property lines should be defined properly for the benefit of both owners.
- The Board does not look at aesthetics, they consider the variance being requested.

MOTION: MOVED by R. Riddett and Seconded by R. Kelley: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 220.4(a)(i), further to the retention of an existing addition to the house on Lot 17, Section 9, Lake District, Plan 32213 (4394 Viewmont Avenue):

a) relaxation of rear lot line setback from 7.5 m to 6.56 m

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

Board comments:

- Concern was expressed about the process in that the error wasn't picked up until after the slab stage of the project.

- It was an honest mistake, a minor encroachment, and does not affect the neighbours.
- The building quality is outside the Board's purview.

The Motion was then Put and CARRIED

Judge Place
Addition

Applicant: Nadine and Peter Korby
Property: 1206 Judge Place
Variance: Relaxation of allowable floor space in non-basement areas from 80% to 100%

BOV #00435

The Notice of Meeting was read and the applicant's letter received. Letter/signatures of no objection received from J. Dawson, 3827 Cumberland Road; A. Rogalsky, 1205 Judge Place; J. Tudor, 1225 Judge Place; and P. Sinclair, 1201 Judge Place.

Letter/signatures of objection received from C. and J. Petersen, 1200 Judge Place; B. and U. Attridge, 1207 Judge Place; C. Carpenter and R. Ponce de Leon, 1212 Judge Place; B. and B. Dunne, 1218 Judge Place; L. and D. Dickson, 3705 Pointer Place; V. and B. Baleshta, 3701 Pointer Place; K. Dobell, 1227 Judge Place; H. and A. Giroux, 3713 Pointer Place; and K. Dearborn, 3705 Nancy Place.

Applicants

Nadine and Peter Korby, owners, were present in support of the application. Mr. Korby stated that the house which was built in 1952 is existing non-complying at 96%; they are asking for an additional 4%.

In Favour

Nil

In Opposition

U. Attridge, 1207 Judge Place:

- Asked what the intention of the east side of the yard and if there will be a driveway.
- What is the timeline for the completion of the project.
- Is there insurance for the hydraulic oil spills from the construction equipment on the property?

C. Pedersen, 1200 Judge Place:

- Asked how many cars will the driveway hold after the house is finished.
- Spoke of delayed repairs of the house over the years.
- Asked if permits have been obtained to do the work, and if yes, has the work been done.
- Her husband has developed their garden over the past 55 years; he can only work in the garden when the equipment next door is moved to the front. Quality of life has been affected by the constant construction at the Korby's.
- Stated that Mr. Korby is an artist/craftsman and the work he has completed has been well done.
- Requested that if a variance is granted, the Board ask that existing work be done first, before starting a new project.

B. Dunne, 1218 Judge Place:

- Expressed concern about the current parking issue and asked about parking plans at the applicant's house, as a suite implies more vehicles.
- Expressed concern about the timeline for completing the project.

In response, the applicant's stated:

- The plan is to have six parking spaces.
- The tractor and the dump truck will be sold after the project is completed.

- They plan to commence work immediately if the variance is granted. Weather is of concern, they cannot finish the front façade before the garage footings and foundations are done.
- Depending upon the weather, they are willing to look at finishing the front of the home before commencing work on the suite.
- The plan is to try to complete the work in one and a half years. Mr. Korby is not working elsewhere so he can focus working on his home.
- Company insurance and a spill kit addresses the concern about any hydraulic oil spills.
- They currently have five vehicles; two are surplus that will be sold. Eventually there will be three vehicles owned by the Korbys, and one tenant vehicle.
- They plan to install a retaining wall with a fence along the perimeter of the property.

The Chair advised that if there are any Bylaw infraction issues then Saanich should be called. The Board’s job is to consider the issue of allowable floor space in non-basement areas. He also noted that the area of land does qualify for RS8 zoning. Mr. Korby stated he was encouraged to not apply for rezoning.

The Zoning Officer provided information on the number of permitted vehicles according to the Bylaw. He also noted that the retaining wall does not need a permit and if it requires a guard rail, then Code will address this.

MOTION: MOVED by D. Gunn and Seconded by R. Riddett: “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 on Lot 8, Section 32, Victoria District, Plan 7985 (1206 Judge Place):

- a) relaxation of allowable floor space in non-basement areas from 80% to 100%**

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on October 8, 2016, if not acted upon.”

Board comments:

- The work done so far has been done in a good manner and it is a work in progress.
- The Board understands the neighbour’s concerns about the project being completed in a timely manner.
- The Variance is for the interior of the house, not for bylaw issues. All objections are outside the Board’s jurisdiction.
- It is a minor variance; the existing house is already at 96%.

The Motion was then Put and CARRIED

Lexington Ave. Addition BOV #0036	Applicant: Kelly Karr Property: 3952 Lexington Avenue Variance: Relaxation of allowable floor space in non-basement areas from 80% to 94%
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The Notice of Meeting was read and the applicant’s letter received.

Applicants Kelly Karr was present in support of the application. He stated he has spoken with the neighbours who have no objections to the addition.

The Zoning Officer explained that the building is existing non-conforming. He also provided information about the portion of the garage that has added to the square footage to the house.

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 210.4(c), further to the construction of an addition to the house on Lot 1, Section 45, Victoria District, Plan 28365 (3952 Lexington Avenue):**

- a) relaxation of allowable floor space in non-basement areas from 80% to 94%

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on October 8, 2016, if not acted upon.”

Board comments:

- The request is reasonable and does not negatively affect neighbours.
- The addition will remove a dangerous feature inside.
- The house is already non-complying.

The Motion was then Put and CARRIED

Seawood Terrace Addition **Applicant: Matthew Smith for Dave and Heather Lowdon**
Property: 4598 Seawood Terrace
Variance: Relaxation of rear lot line setback from 10.5 m to 7.0 m

BOV #00437 The Notice of Meeting was read and the applicant’s letter received. Letter of no objection received from J. Fenger, 4633 Seawood Terrace. Signatures of support received from H. and E. Terstappen, 4590 Seawood Terrace; K. and K. Wilson and B. Thomson, 4585 Seawood Terrace; B. Vivian, 4587 Seawood Terrace; J. Mason, 4601 Seawood Terrace; B. Maggiora, 4617 Seawood Terrace; D. and K. Carnes, 4609 Seawood Terrace; M. Park, 4634 Seawood Terrace; and M. Warkentyne, 4625 Seawood Terrace.

Applicants David and Heather Lowdon, owners, and Matthew Smith, applicant, were present in support of the application and advised that they have support signatures from 11 neighbours. They would like to build a new narrow upper deck that would connect to the existing deck. The lower existing non-conforming deck will be removed.

In response to a question about rear yard versus side yard, the Zoning Officer advised that the definition of front lot line is used. The rear of the property is defined as opposite and furthest from the street, and the front lot line has the narrowest width.

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 250.4(a)(ii), further to the construction of an addition to the house on Lot 15, Section 84, Victoria District, Plan 24004 (4598 Seawood Terrace):**

a) relaxation of rear lot line setback from 10.5 m to 7.0 m

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on October 8, 2016, if not acted upon.”

Board comments:

- The adjacent lot is higher so there is very little impact.
- The design looks well thought out and is not visible from the street.
- The existing lower deck is already non-conforming.
- Given the two roads, it makes it difficult to determine the side yard and the rear yard.

The Motion was then Put and CARRIED

Adjournment On a motion from R. Kelley, the meeting was adjourned at 6:23 p.m.

Haji Charania, Chair

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

Recording Secretary