

Applicants Harold Leyenhorst, applicant, and Susan Hunter, owner, were present in support of the application. They noted that the yard is large and there is reasonable space for this room; only 10 square feet of the room requires a Variance. In response to questions the owner and applicant stated:

- The house backs onto a forest at Camosun and they don't have usable outside space in that area.
- The proposed addition will be good for when the grandchildren are over and for the family lifestyle. The overall lot coverage is much below the allowance.
- If they reduce the room by 10 square feet to comply with the bylaw, the room would decrease in size by 35% and not be very usable.
- A right-of-way for a sewer line on the property causes a hardship.
- They have the support of neighbours and have a building permit.

In Favour Nil

In Opposition Nil

MOTION: MOVED by R. Riddett and Seconded by D. Gunn: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 210.4(a)(i), further to the construction of an addition to the house on Lot 7, Section 98, Lake District, Plan 46484 (1285 Layritz Place):

a) relaxation of rear lot line setback from 7.5 m to 6.24 m

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on November 12, 2016, if not acted upon."

Board comments:

- The only neighbour that would be affected by the addition is supportive.
- The variance is minor.
- The sewer line right-of-way creates a hardship.

**The Motion was then Put and CARRIED
OPPOSED: R. Gupta**

Woodley Road Addition
BOV #00441

Applicant: Peter Pardell
Property: 1925 Woodley Road
Variance: Relaxation of rear lot line setback from 10.5 m to 6.30 m

The Notice of Meeting was read and the applicant's letter received. Letters not in support received from J. Ross, 3460 Carter Drive; S. Behal & M. Boeyenga, 3456 Carter Drive; S. Colwill, 1911 Woodley Road; R. and S. Miller, 1933 Woodley Road

Applicants Peter Pardell, owner, and Chris Mackie, resident of 1925 Woodley Road, were present in support of the application. In response to letters received that were not in support Mr. Pardell stated:

- He is the owner on title and would like to construct an addition which follows the existing foundation so they do not have to jog in 3 feet. This looked like the best design for the house which is already non-conforming.
- He was unsuccessful in trying to meet with the neighbours about this variance.
- Concerns expressed by neighbours do not address the variance.
- He would like to keep with the design of the 50's style house.
- Engineering staff has said that the storm drain will connect at Woodley Road.
- A secondary suite will be added on the east side. They are permitted to build a 90 square metre suite but are only building 55 square metres. There is

enough parking on the west side of the house.

- There is a lack of rental housing and this generation is counter-dependent on income from suites. There are six other houses on the street with suites. He wants to put in a suite legally.
- If a variance is not granted, he will build an addition and suite within the constraints of the bylaw, however this will push the design to the front yard and will make the house higher.

In Favour Nil

In Opposition Rob Miller, 1933 Woodley Road:

- In addition to the concerns outlined in his correspondence, he is concerned about the proposed height of the home and the loss of privacy.
- Does not see a hardship to the applicant.
- For what the applicant wants to achieve, he probably purchased the wrong property.

Sheila Colwill, 1911 Woodley Road:

- Is concerned about densification of the area, and noted this is one of the smallest lots and houses on the street.
- Understands the applicant's situation but feels he should follow the rules.
- If the footprint changes, there is opportunity for the density to increase and this could set a precedent.
- Does not see a hardship; the applicant knew what he was buying.

Mike Boeyenga, 3456 Carter Drive:

- Is very concerned about privacy loss as the house and deck already are encroaching and it will be built higher.
- Asked a question regarding the deck being raised if the house is raised.

The Board noted that the only issue before them is the rear yard setback. The Secondary Suite Bylaw that was approved by Council allows for increased density.

In response to questions from the Board, Mr. Pardell stated:

- The house is non-conforming already.
- They do have an alternate plan if the variance is denied; this will involve raising the house and the roofline; the view at the front will change.
- Mr. Mackie will live upstairs in the house.
- The age of the deck is not known and he is unsure if it was built with a permit.
- He was told to go to the Board of Variance; was not given the option of applying for a development variance permit or rezoning.
- Mr. Pardell provided information regarding the square footage allowed, and what he proposes to add.
- His hardship is that the house is old and in need of repair and he needs to put in a suite to afford it.

MOTION:

MOVED by D. Gunn and Seconded by R. Gupta: "That the request to relax the rear lot line setback from 10.5 m to 6.30 m, from the requirements of Zoning Bylaw 2003, Section 250.4(a)(ii), further to the construction of an addition to the house on Lot A, Section 35, Victoria District, Plan 5672 (1925 Woodley Road) be denied."

Board comments:

- The application is more suited for a Development Permit or rezoning.
- It feels like this is creating a duplex or dorm house which varies the density and is against the intent of the bylaw.

- The neighbour's concerns are valid; there is significant impact on the neighbours.
- Not convinced about hardship.
- The balcony extending into the rear setback is significant.
- Given the multiplicity of an existing non-confirming existing structure, this would be a major variance.

The Motion was then Put and CARRIED

Tracksell Avenue
Accessory
building

Applicant: Mark and Kelly Wilson
Property: 1287 Tracksell Avenue
Variance: Relaxation of height from 3.75 m to 4.63 m

BOV #00443

The Notice of Meeting was read and the applicant's letter received. Signatures of support received from H. & G. Baker, 1280 Tracksell Avenue; G. Dodds, 1206 Tracksell Avenue; R. Cross, 1288 Tracksell Avenue; D. Spittlehouse, 1281 Tracksell Avenue; R. Rode, 1291 Tracksell Avenue.

Applicants

Mark and Kelly Wilson, owners/applicants and Steve Turnbull and Hike Preuss, contractors were present in support of the application. Mr. Wilson explained that they are asking for an additional variance to 4.63 m from the original 4.36 m previously granted because construction issues and materials chosen by the engineer resulted in the building being over height. He has spoken with neighbours and none object to the additional variance request.

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

- There were water runoff issues that needed addressing.
- Taking 10" off the top of is not easily done with the installed ridge beam.
- The original blue prints called for 2x10's on 12" centres; what was installed were 2x12's on 16" centres.
- There was a lot of shale; they had to jackhammer down farther to solid rock and did not compensate for the water issue.
- The building is over-engineered.

The owners confirmed that the area above the garage is to be used for storage.

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 210.5(b), further to the construction of an accessory building on Lot A, Section 62, Victoria District, Plan 17295 (1287 Tracksell Avenue):

a) relaxation of height from 3.75 m to 4.63 m

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on November 12, 2016."

Board comments:

- The comments from the last meeting still apply.
- The design fits and this is a minor change.
- The increase in variance was unexpected and happened in an advanced stage of construction.
- The upper portion of the structure is to be used for storage.

The Motion was then Put and CARRIED

Trent Street Accessory building	Applicant: Wai Ying (Winnie) Wong Property: 2411 Trent Street Variance: Relaxation of front lot line setback from 7.5 m to 0.43 m
BOV #00442	The Notice of Meeting was read and the applicant's letter received. Signatures of no objection received from D. Ross, 2431 Trent Street; A. Jensen, 2328 Foul Bay Road; L. Karman, 2421 Trent Street
Applicants	Winnie Wong, applicant/owner, and Laureen Jones of Dean Avenue, were present in support of the application. In response to questions Ms. Jones stated: <ul style="list-style-type: none"> ▪ She came on board after the project was done. ▪ It was not known that this is a double facing lot. ▪ There was an existing building on an existing pad previous to the construction; it was previously a carport. ▪ The contractor led Ms. Wong along and has since disappeared. ▪ Ms. Wong had requested that the contractor get a permit and he advised it was not necessary because there was already a building there. ▪ The original fence was wooden; the contractor covered it to make it look like stone. ▪ All of the fences on the laneway are on Saanich property. Ms. Wong stated: <ul style="list-style-type: none"> ▪ She needs the building for storage. Her house has flooded four times since she has lived there and she needs a safe place to store her items. ▪ She has found someone to finish the masonry work.
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 210.5(a)(i), further to the retention of a partially constructed accessory building on Lot 11, Section 25, Victoria District, Plan 1220A (2411 Trent Street): a) relaxation of front lot line setback from 7.5 m to 0.43 m And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on November 12, 2016." Board comments: <ul style="list-style-type: none"> ▪ Sufficient hardship has been shown with the lot having 2 frontages. ▪ Financial hardship is also apparent. ▪ The neighbours are all in support and have all done the same thing. ▪ The applicant will likely have to remove the part that encroaches on Saanich property. ▪ The structure was constructed on an existing pad. ▪ The applicant will take out a permit which will make the building compliant. <p style="text-align: right;">The Motion was then Put and CARRIED</p>
Majestic Drive Fence height	Applicant: Luis Rojas and Miriam Guevara Property: 4304 Majestic Drive Variance: Relaxation of:
BOV #00445	Height along Kenmore Road front lot line from 1.5 m to 1.9 m

Height along Majestic Drive from 1.5 m to 1.9 m
Height at rear lot line (for the first 3.5 m) from 1.5 m to 1.7 m
Height along west interior lot line (for the first 6 m) from 1.5 m to 1.9 m
Height in the area bounded by the intersecting lot lines at a street corner and a line joining points along said lot lines of 9 m from their point of intersection from 1.0 m to 1.9 m

The Notice of Meeting was read and the applicant's letter received. Signatures of support received from L. Hoskins, 1571 Kenmore Road; B. Wilkinson, 1579 Kenmore Road; J. Liao, 1580 Kenmore Road; J. Moran, 4317 Majestic Drive; A. Bajwa, 1602 Kenmore Road; D. Sherwood, 4314 Majestic Drive; and H. Jensen, 1575 Kenmore Road. Letter not in support received from P. Brown, 4313 Majestic Drive.

Applicants

Miriam Guevara, applicant and owner, was present in support of the application and stated:

- They have many signatures of support of their application and one email not in support.
- They hope that a higher fence will result in the dogs barking less.
- They have an 11 month old child that will be walking soon; her safety is at risk because people have thrown poison and other items into the back yard.
- They understand that adequate sightlines are needed and want to build an aesthetically pleasing fence for their child's safety. Photos of a fence design they would like to build were provided. Plantings at the corner may also be included.
- If the variance is not granted, the plan is to plant privacy hedges.

The Board asked if the applicant was aware there was previous concern about sightlines at the corner when a duplex was built. She stated that yes there had been opposition from a neighbour at that time.

The Zoning Officer advised that the Engineering department will agree to the variance if amended to be not more than 4.5 metres down each side at the joining points along the lot lines. This will maintain the view of the corridor at the corner.

In Favour

Nil

In Opposition

Nil

MOTION:

MOVED by R. Gupta and Seconded by R. Kelley: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 6.2(f)(i) and 6.3(b), further to the construction of a fence on Lot 10, Section 17, Victoria District, Plan 1591 (4304 Majestic Drive):

- a) relaxation of height along Kenmore Road front lot line from 1.5 m to 1.9 m
- b) relaxation of height along Majestic Drive from 1.5 m to 1.9 m
- c) relaxation of height at rear lot line (for the first 3.5 m) from 1.5 m to 1.7 m
- d) relaxation of height along west interior lot line (for the first 6 m) from 1.5 m to 1.9 m
- e) relaxation of height in the area bounded by the intersecting lot lines at a street corner and a line joining points along said lot lines of 4.5 m from their point of intersection from 1.0 m to 1.9 m

And further that the variances so permitted be in accordance with the plans submitted to the Board, and expire on November 12, 2016, if not acted upon.”

Board comments:

- Engineering is supportive if the request is adjusted as discussed.
- This is a route to school, the applicant has aggressive dogs and have shown sufficient hardship.
- Concern was expressed about sightlines and the impact on the streetscape.

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

McRae Avenue
Addition

R. Kelley abstained from the discussion.

BOV #00446

Applicant: Glenn Davies obo Allison Brodie
Property: 1506 McRae Avenue
Variance: Relaxation of rear lot line setback from 7.5 m to 1.5 m
Relaxation of combined front and rear setback from 15 m to 6.40 m

The Notice of Meeting was read and the applicant’s letter received. Letters of no objection received from B. and J. Venables, 3255 Wetherby Road; and C. and T. Bartels, 1508 McRae Avenue.

Applicants

Glenn Davies, applicant and Allison Brodie, owner were present in support of the application and had nothing further to add. In response to questions from the Board, the following comments were noted:

- The house is existing non-conforming.
- The hardship is also financial and there is no other way to add a suite without building up.
- The garage is used as an art studio and is part of the main house. It will become part of the new suite if approved.
- The owner is retired, but will continue to paint in the dining room.
- They did not design the new suite to line up with the house because they didn’t want a narrow walkway to the back yard, and also, it will look better from the house.
- It is understood that they will have to comply with the parking rules.

In Favour

Nil

In Opposition

Nil

MOTION:

MOVED by D. Gunn and Seconded by R. Gupta: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Section 210(a)(i), further to the construction of an addition to the house on Lot 4, Section 35, Victoria District, Plan 3830 (1506 McRae Avenue):

- a) relaxation of rear lot line setback from 7.5 m to 1.5 m
- b) relaxation of combined front and rear setback from 15 m to 6.40 m

And further that the variances so permitted be in accordance with the plans submitted to the Board, and expire on November 12, 2016, if not acted upon.”

Board comments:

- There is a hardship with being a corner lot that has larger setbacks.
- The applicant is commended for not building up and maintaining the general appearance.
- Parking will be taken care of.
- It is a significant variance. The house is already non-conforming.

The Motion was then Put and CARRIED

Hibbens Close
New House

BOV #00447

Applicant: William Peereboom, Victoria Design Group obo Curby Klaibert
Property: 2727 Hibbens Close
Variance: Relaxation of rear lot line setback from 10.5 m to 1.5 m
Relaxation of single face height from 5 m to 5.63 m

The Notice of Meeting was read and the applicant’s letter received. Signatures of support received from B. Evans, 2731 Hibbens Close; H. & H. Murray, 2723 Hibbens Close; R. and J Forth, 3737 Waring Place; C. Stooksbury, 2722 Hibbens Close

Applicants

William Peereboom, Victoria Design Group (applicant), and Curby and Bernadette Klaibert (owners), were present in support of the application.

Mr. Peereboom stated:

- When the lot was purchased, J. Bains of Saanich Engineering explained where the rear lot line is located and based upon this information the house was put in position on the plans.
- After the above was done, K. Gill of Saanich Planning advised that there are two rear setbacks to the property. There is a problem with staff interpreting the Bylaw differently.
- The adjacent property is not affected by the design.
- They will be digging out the grade line by about 5’.
- The single face rule was created to avoid a big wall on homes with more height which this one is not.
- It is a very restrictive Bylaw for this site; they are asking for 2’ on the lowest single face. The home is really a bungalow with a basement.

Mr. Klaibert confirmed that on May 15, 2013 he spoke with Mr. Bains and was advised which was front yard and which was rear yard. Mr. Klaibert was asked by Mr. Peereboom to ensure this was correct, so he had a subsequent conversation with Mr. Bains and was told the same information.

In Favour

Lindsay Baker, Aspire Custom Designs, agent for S. and B. Evans, 2731 Hibbens Close:

- Experienced the same difficulties with staff interpretation of the Bylaw with another property with an irregular shaped lot on Thornhill Crescent.
- If the applicant is required to build within the Bylaw, the house will create shade at the house at 2731 Hibbens Close.

In Opposition

Fraser Campbell, representing Mr. Jeffrey, owner of 2711 Hibbens Close:

- A history was given of Mr. Jeffrey’s research and subsequent purchase of the property located at 2711 Hibbens Close and 3735 Cadboro Bay Road in 1999. The research included investigating covenants and building Bylaws for the lot at 2727 Hibbens Close to consider how views would be impacted from any construction done on the property.
- A request for variance was made for siting at 2711 Hibbens Close during the design phase; this was denied. Mr. Jeffrey accepted the Board’s decision and

constructed a home within the Zoning Bylaw requirements.

- In 2012, 2727 Hibbens Close was put on the market and the property was staked out to indicate the building envelope area. It is not known who staked it. The lot was purchased in July 2013 by the Klaibert's.
- He understands that the staff interpretation of the Bylaw caused confusion, however the variance request is quite high.
- Moving the home to the proposed setback changes the elevation significantly, and will block the views between 1-2 metres. This is significant to the ambiance of his own site.

In response to questions from the Board, Mr. Peereboom stated:

- If required to stay within the setbacks, they would have a triangular area to build within, and a different configuration would be needed.
- The house was pushed to where it is to maintain the view of the neighbouring house. They did consider views and tried to minimize impact and maintain views. This is a modest 2 bedroom house with an office.
- Purchasing the lot at such a high price with misinformation from the planning/engineering departments, that was double-checked, is a hardship.
- He applied for a single face height variance first, and then it was discovered that a rear yard variance was also required.
- He could not get in contact with the owner at 2711 Hibbens Close because he lives out of province.

Mr. Campbell stated it is well known that he has lived at two houses in the area (including 2711 Hibbens Close) for the past 12 years and he did not learn about this application until he received the meeting Notice.

In response to a comment that setback information provided by Engineering is used during the subdivision process, the Chair stated that this is not a subdivision, and that the Planning Department is the correct contact for Variance applications.

The Board continued with questioning the owner and the applicant, and the following was noted:

- Approximately 12 feet of the building will be above grade and visible from the laneway.
- Mr. and Mrs. Klaibert live at 3731 Cadboro Bay Road, the new house on Hibbens Close is to hopefully encourage family to move back to Canada. Other family members also live in the immediate area.
- The proposed house meets the average grade height; it is the single face height that is an issue.

Mr. Campbell reiterated his concern that with this proposal, the house will be approximately 10 feet too high.

It was noted that the lot is a 6-sided lot. The Zoning Officer provided a definition of the rear lot line requirements of the Zoning Bylaw.

Questions from the Board continued and the following was noted:

- If the house was moved toward the water, it would be about two meters over and would have no view. It would also obstruct Mr. Campbell's view in that location.
- As designed, only the top floor would have a minimal view.
- The main hardship expressed by the owner is that they will have no view if they have to comply with the Zoning Bylaw.

The Chair noted that the Engineering staff member should be able to support the claims of the owner and suggested that the application be tabled. The owner expressed that he did not want to table the application.

MOTION: MOVED by R. Riddett and Seconded by D. Gunn: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 255.4(a)(ii) and (b), further to the construction of a new house on Lot 4, Section 44, Victoria District, Plan 33427 (2727 Hibbens Close):

- a) relaxation of rear lot line setback from 10.5 m to 1.5 m
- b) relaxation of single face height from 5 m to 5.63 m

And further that the variances so permitted be in accordance with the plans submitted to the Board, and expire on November 12, 2016, if not acted upon.”

Board comments:

- The designer put the building as far south as possible and has done a very good job to minimize the intrusion of views.
- The applicant has the support of all neighbours except one on the west side.
- Information is missing about the stakes posted on the lot in 2012, as is information confirming the misinterpretation by staff.
- The design seems to be the best location given the lot size.
- There is hardship with the shape and slope of the lot.
- The top floor of the neighbour’s view is not affected.
- Sympathy is given regarding the information however not enough thought was given for the rear setback with the late discovery of the second variance that was required. A little bit of thought could have mitigated the problem.
- The building placement is a major variance and the west neighbour was not consulted.
- Moving or tilting the house may have been an alternative; overall it would have been preferable to table this variance request.

**The Motion was then Put and CARRIED
OPPOSED: R. Gupta and R. Kelley**

Majestic Drive
Addition

Applicant: Md. Aminul Islam
Property: 4327 Majestic Drive
Variance: Relaxation of allowable floor space in non-basement areas from 80% to 88%

BOV #00448

The Notice of Meeting was read and the applicant’s letter received. Letters of support received from E. Klassen, 4324 Majestic Drive; L. Pross-Laseur & M. Laseur, 4328 Majestic Drive; resident, 1615 Agnew Avenue; and G. Sun, 4321 Majestic Drive.

Applicants

Aminul Islam, applicant and owner, and Lindsay Baker, agent, were present in support of the application and had nothing to add. In response to questions from the Board, the owner stated that the house, was purchased in 2012 and is rented now. His mother-in-law and his brother and his family will be living in the house and the addition is needed for the family.

Mr. Baker noted that:

- The addition will not conform to be a legal secondary suite because it is more than 40% of the floor area.
- The house is old and needs renovating. The basement is considered a lower floor as per the zoning.

- The hardship is with the existing basement height and the slope to the garage; to do the addition within the bylaw would require multiple floor heights and would be very costly.

The Zoning Officer provided information about the Zoning Bylaw as it pertains to family kitchens.

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 210.4(c), further to the construction of an addition to the house on Lot 3, Section 17, Victoria District, Plan VIP58888 (4327 Majestic Drive):

- a) relaxation of allowable floor space in non-basement areas from 80% to 88%

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on November 12, 2016, if not acted upon."

Board comments:

- The variance is minor and the family is growing which creates a hardship.
- The designer showed it is impractical to renovate another way.
- There is potential for a dormitory house or duplex.
- The density will change; this could be better dealt with rezoning.
- Historically, the Board has accepted applications for additional area to dwellings for family reasons (ailing parents/disability/growing family).
- Saanich Bylaw can deal with any bylaw infractions if any in the future.
- The request is reasonable and the home needs upgrading.

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

Adjournment On a motion from R. Gupta, the meeting was adjourned at 10:15 p.m.

Haji Charania, Chair

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

Recording Secretary