

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

Members: H. Charania, D. Gunn, R. Riddett
Absent: R. Gupta, R. Kelley
Staff: K. Gill, Zoning Officer, T. Douglas, Senior Committee Clerk

Minutes: Moved by R. Riddett and Seconded by D. Gunn: “That the minutes of the Board of Variance meeting held November 12, 2014 be adopted as circulated.”

CARRIED

Courtland Avenue House siting **Applicant: William Hodgson**
 Property: 1386 Courtland Avenue
 Variance: Relaxation of interior side lot line from 3.0 m to 2.89 m

BOV #00449 The Notice of Meeting was read and the applicant’s letter received.

Applicants Bill and Holli Hodgson, owners, were present in support of the application. In response to questions from the Board they stated:

- When the house was moved onto the site, it met all the pins in the ground except one.
- The bank is holding funds until certain stages of construction are done and because of the stop work order, they have lost a trade and have had difficulty getting trades back that had been previously scheduled.
- The delay has also increased their budget between 5-7%.
- Electrical and plumbing trades are working on the house. Various inspections are still to be done.
- The house has no heat or power, the upstairs is finished; water damage is of concern because of the rains that have occurred during the delay.
- The error in the survey was found one month ago; it was too late to apply for a variance when the error was discovered.
- The house is on septic; they plan to install a treatment plant.
- They are unsure of the history of the lot and how the house was on the property line.

The Zoning Officer noted the small lot size and stated it would not normally be zoned as A1 in today’s standards. In the past A1 zones were a minimum of five acres.

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 101.5(a)(ii), further to the existing siting of the house on Lot 7, Section 1, Lake District, Plan 1343 (1386 Courtland Avenue):**

- a) **relaxation of interior side lot line from 3.0 metres (9.8 feet) to 2.89 metres (9.48 feet)**

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

Board comments:

- The variance is very minor and only encroaches 3% of the required side yard; the side yard is already very wide.
- A series of mistakes occurred that were not the applicant’s fault; this was an unintended error.
- The applicant would incur tremendous cost and time loss if the variance is not granted.

The Motion was then Put and CARRIED

Adeline Place Addition
 BOV #00450
Applicant: Serrah Hayden, Citizen Design obo Tiffany & Cliff Congdon
Property: 1007 Adeline Place
Variance: Relaxation of rear yard setback from 7.5 metres (24.6 feet) to 6.59 metres (21.62 feet)

The Notice of Meeting was read and the applicant’s letter received. Signatures of support received from J. Esplen and J. Tanner, 1005 Adeline Place; T. Aspin, 1011 Adeline Place; K. Lewis, 4725 Falaise Drive.

Applicants
 Cliff Congdon, owner and Ryan McLeod, Citizen Design Build, were present in support of the application and had nothing to add. In response to questions from the Board the applicant and owner stated:

- The present deck is non-complying more than the proposed replacement deck.
- The size is needed in order to have room for a table on the deck.
- The current deck has holes and is unsafe so it must be replaced. It is currently blocked off so the children cannot access the deck.
- They are aware of a soil condition covenant on the property.

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 220.4(a)(i), further to the construction of an addition to the house on Lot 2, Section 110, Lake District, Plan 49680 (1007 Adeline Place):**

- a) relaxation of rear yard setback from 7.5 metres (24.6 feet) to 6.59 metres (21.62 feet)

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

Board comments:

- The backyard is well screened, and is a memorial park; does not affect neighbours.
- The deck is appropriate to the house will improve a dangerous safety issue.

The Motion was then Put and CARRIED

Marcola Place Addition
 BOV #00451
Applicant: Randall Recinos obo Peter & Susan Barriscale
Property: 1556 Marcola Place
Variance: Relaxation of combined front and rear yard setback from 15.0 metres (49.2 feet) to 13.9 metres (45.60 feet)

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

of support received from L. and D. Russell, 3979 Bel Nor Place; J. and C. Morgan, 1554 Marcola Place; L. and D. Hutcheson, 3975 Bel Nor Place; W. and J. Vallevand, 3992 Hopesmore Drive; J. Firth, 1557 Marcola Place; J. Waugh and Cheryl Gollub, 3995 Hopesmore Drive; J. Carter, 1550 Marcola Place.

Applicants Peter Barriscale, owner and Randall Recinos, applicant were present in support of the application and had nothing further to add.

The Chair noted, and the Zoning Officer confirmed, that the current house is non-complying. The addition complies with the bylaw for the front and rear setbacks, but not for the combined setback.

In Favour John Carter, 1550 Marcola Place was present in support of the application.

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, Sections 210.4(a)(i) and 220.4(b)(i), further to the construction of an addition to the house on Lot 15, Section 56, Victoria District, Plan 40299 (1556 Marcola Place):**

- a) relaxation of relaxation of combined front and rear yard setback from 15.0 metres (49.2 feet) to 13.9 metres (45.60 feet)

And further that the variances so permitted be in accordance with the plans submitted to the Board, and expire on December 10, 2016, if not acted upon.”

Board comments:

- The house is existing non-conforming.
- The minor variance is justifiable and will legitimize the existing building.

The Motion was then Put and CARRIED

<p>Ocean Park Place Building Height</p>	<p>Applicant: Kuldeep Sall Property: 4615 Ocean Park Place Variance: Relaxation of single face height from 7.5 metres (24.6 feet) to 7.70 metres (25.26 feet)</p>
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BOV #00452

The Notice of Meeting was read and the applicant’s letter received. Letter of no objection received from F. and M. Hermann, 4619 Ocean Park Place.

Applicants Kuldeep Sall, Manjit Sall and Samandeep Sall, owners, were present in support of the application and stated that:

- They have submitted a letter which explains the complications of their home build to date.
- They hired a surveyor several times to ensure that all stages of the building process were on par to the height requirements, and also hired engineers to ensure the build ran smoothly.
- There is one spot where they are 8” over the single face requirement
- They have neighbours support; including the Vice-President of the Strata.

In Favour Manjit Lider, 5630 Alderley Place spoke on behalf of the owners and stated:

- There were problems from the beginning over the height. The architect and the strata could not agree; the architect said it was not over height and the strata said it was. The architect changed the plans to lower the roof height.

- When the foundation was dug, the grade was benchmarked and surveyors came out multiple times during various stages.
- A letter of assurance was given by the surveyor however it was “as per the architect’s drawings” and they assumed that the architect was correct. Something went wrong from the second floor up. They passed in all but one area where they are 8” off.

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, Sections 250.4(b)(i) and (ii), further to the existing house at Lot 10, Section 24 & 25, Lake District, Plan VIS5709 (4615 Ocean Park Place):**

- a) relaxation of single face height from 7.5 metres (24.6 feet) to 7.70 metres (25.26 feet)

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

Board comments:

- The variance is minor and was caused by errors not of the applicant.
- The applicant made effort to comply with the bylaw and, in spite of these efforts, the error still occurred.
- Correcting the error would be very costly to try to fix.

The Motion was then Put and CARRIED

Ranger Place
Accessory
Building

Applicant: Benjermin Davidson
Property: 1163 Ranger Place
Variance: Relaxation of height from 3.75 metres (12.3 feet) to 4.70 metres (15.42 feet)

BOV #00453

The Notice of Meeting was read and the applicant’s letter received. Letter of objection received by M. and B. Byrne, 1171 Jolivet Crescent.

Applicants

Ben and Jaclyn Davidson, owners were present in support of the application and stated:

- They originally wanted to place the building in another area, however because of a BC Hydro easement, and because of the grade in other areas of the yard, the area they chose is most suitable.
- If they place the building on the side, they would need a retaining wall and they would also lose the use of the yard.
- They feel that this placement has the least amount of impact as it is beside the Lochside Trail.
- Engineered trusses are needed for the building.
- They have been transparent with communication with neighbours and acknowledge the opinion of the residents at 1171 Jolivet Crescent.

In Favour

Romeo Strasbourg, 1159 Ranger Place:

- The proposed building will block out noise from the trail.
- The garage framing is done and they cannot see the framed structure due to the cedars.

Joann Strasbourg, 1159 Ranger Place:

- One room of their house overlooks the Davidson’s home; their views are not

affected by the structure and the cedars help with this.

- For the last 10 years, the property was run-down and overtaken by invasive species; the Davidson's have really improved the area since they moved in.

The Zoning Officer noted that the letter of assurance is calculated from the building plan. The applicant must be aware that if and when a permit is issued, a survey must be done after the framing is complete to ensure the structure is not overbuilt.

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

- Their boat is currently in paid undercover storage.
- The backhoe belongs to a friend and will be used for backfill; it will not be stored permanently on the property.
- The proposed workshop is strictly for hobby use. There will be no commercial business done out of the building.
- Mr. Davidson is a heavy duty mechanic by trade. He has his own toolbox that needs to be kept secure.
- They plan to have a 'green' paved pathway to the building, using interlock paving stones with grass, and there will be a 16' slab in front of the garage. They want to keep as much green space as possible for their children to play on.
- They will continue to work on the relationship with the neighbour that expressed objection. They talked about building a fence or installing hedging together. They went into the neighbour's house to have a look at how the building would affect views, and in their opinion it is only obstructing the view of their back yard. The neighbour has a great view of the surrounding area.
- There has been no correspondence with the neighbour since the letter of objection was received on December 9, 2014.
- The finishing materials will match the house.

The Chair suggested that it may be an idea to involve the neighbours in choosing the finishing materials for the building.

The Zoning Officer noted that the applicant must be aware that original average grade is where the height measurement is taken from so they must ensure this is kept in mind after the slab is poured. The applicant stated that the building may end up being lower than what they are asking for.

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 295.4(b), further to the construction of an accessory building on Lot 16, Section 66, Victoria District, Plan 21285 (1163 Ranger Place):

b) relaxation of height from 3.75 metres (12.3 feet) to 4.70 metres (15.42 feet)

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

Board comments:

- The variance is large but is justified because of the slope of the site.

- The location in the back yard was best given the easement on the property.
- It would not take much to hide the building with cedars; this could help minimize any visual intrusion.
- The lot is RS-18 and the massing of the building is acceptable.

The Motion was then Put and CARRIED

Vantreight Drive
Building Height

BOV #00454

Applicant: Duncan Craig
Property: 4611 Vantreight Drive
Variance: Relaxation of single face height from 6.5 metres (21.3 feet) to 9.01 metres (29.56 feet).

The Notice of Meeting was read and the applicant’s letter received. Letter of support from W. and D. Graas, 4607 Vantreight Drive. Letter of opposition from B. Smook and R. Tolen, 4617 Vantreight Drive.

Applicants

Duncan Craig, owner residing at 2276 Arbutus Road, stated:

- The site is complicated and they have tried to be respectful of views.
- There is no way to build without a height variance, due to the slope of the land.

In Favour

Nil

In Opposition

Rhondda Tolen, 1561 Athlone Drive (owner 4617 Vantreight Drive):

- Is not against the application, but is concerned about the location of the new house and how the height may affect their lot in terms of sunlight loss in the winter, as well as privacy.
- The applicant has explained to her where decks will be located on the proposed home.
- Suggested if the house was built in the same place as the existing home, they would have no issue with the application.
- Right now their tenant has nature views; concern was expressed that they will end up looking at a wall with the proposed house.

Mr. Craig stated that there is a covenant that states the owner of 4611 Vantreight may not make changes that disturbs the view of 4607 Vantreight, as it was in 1985 when the covenant was made. This has been to arbitration and the Supreme Court in the past.

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

- In June they put the offer in to purchase the property, they worked for three months with Saanich and with the holder of the covenant to get to the point they are at today.
- The existing house is built on the slope, the basement slopes and you can see rock outcrops in the basement.
- The flatter portion of the property is in the Environmental Development Permit (EDP) area.
- They would have liked to build differently but the restrictions of the covenant and the property slope are problematic. They would have to do extensive blasting to get the house they want within all the constraints.
- There is a green roof on the garage and a landscape roof-top terrace in the plans. The only deck is on the west side.

The Zoning Officer advised that:

- The covenant is private and if violated would be a civil matter.
- A portion of the existing house is already in the EDP area.

- The drawings will need to be revised because the surveyor took the elevation measurements to the top of the roof. The applicant will need to take care that there are not extensive changes to the drawings as they are approved as submitted to the Board.

Board members noted that the view from the north neighbour is about 15 metres in distance, and there is a considerable amount of vegetation along the north property line.

MOTION:

MOVED by D. Gunn and Seconded by R. Riddett: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Sections 290.3(b)(i) and (ii), further to the construction of a new house on Lot 1, Section 85, Victoria District, Plan 2617 except part in plan 43156 (4611 Vantreight Drive):

- c) relaxation of single face height from 6.5 metres (21.3 feet) to 9.01 metres (29.56 feet)**

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

Board comments:

- The applicant has shown hardship with the slope of the land, the restrictive covenant and the EDP area. All of these issues restrict where and how the house can be built.
- The plans are a good compromise to fit in with the constraints; they did not go up very high despite the extreme slope. Overall average height is within the Bylaw.
- There is a problem with the Bylaw with regards to the single face height rule.
- The plans protect the view of the north neighbour and the structure is about 50’ away.
- The applicant worked with neighbours and the planning department with regards to respecting the EDP area.

The Motion was then Put and CARRIED

Adjournment

On a motion from D. Gunn, the meeting was adjourned at 8:43 p.m.

Haji Charania, Chair

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

Recording Secretary