

MINUTES
BOARD OF VARIANCE
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL
FEBRUARY 11, 2015 AT 7:00 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. Gupta: "That the minutes of the Board of Variance meeting held January 21, 2015 be adopted as amended."
CARRIED

Gordon Head Road **Applicant: Victoria Design Group OBO Douglas and Brenda MacAskill**
New house **Property: 4355 Gordon Head Road Address**
Variance: Relaxation of front lot line from 15 m to 4.39 m

BOV #00460

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

Applicants

W. Peereboom, Victoria Design Group, and Douglas and Brenda MacAskill, owners, were present in support of the application and stated the following:

- The proposed new dwelling will be constructed on a portion of the existing corner foundation. Part of the old foundation will be removed and replaced with a new foundation
- Due to the Environmental Development Permit Area (EDPA), the building cannot be pushed back any further.
- This is an unusual lot; the setback is maintained to the corner of the existing foundation.
- The owners originally wanted to renovate but then decided to do an addition; the new design of the house is a 90-95% re-build.
- If they keep the same footprint as existing, they would have to raise the house and this would block the neighbour's views.
- The plan meets the Bylaw's height requirements.
- The driveway is shared with the neighbour.

The Zoning Officer stated that as far as the Planning Department is concerned, this is an application for a new house. Clarification of the variance requested was given, due to a discrepancy with the designer and the surveyor reports.

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

- They are asking for an increase to a small portion of the building that is already non-conforming.
- The hardship is the difficult topography, the size and shape of the property, as well as the environmentally protected area.
- Alternatives were considered, they could add a second storey to the house within the bylaw requirements however it would block the neighbouring views. It was felt that this was the best design.

In Favour

M. McEvoy, 4345 Gordon Head Road:

- Has a view of the east elevation of the property in question; appreciates that the neighbours approached them to talk about the proposed house.
- Requested clarification regarding the plans surrounding the carport.
- Noted the design and location of the roofline will be about five feet higher however their view should mostly be maintained.
- Expressed concern about the parking space allotment.
- Asked for clarification about the roofline.

The Zoning Officer provided Bylaw information about permitted rooflines, and information pertaining to allowable square footage for the house and for a secondary suite. The designer explained the parking area which is for guests as well as a turn-around area. One parking spot is also required for a secondary suite.

It was noted that a Variance was previously granted in 1973 and that the request adds to this existing Variance. In response to a question asking why they did not design the house to meet the current regulations, the designer noted that there are very few options for this property with the 15 metre setback and they felt the design presented was the best option for this property.

Judy Harrison, 4345 Gordon Head Road:

- Expressed concern that if this application is not approved, the applicants will change the design and build a two-storey house, which will take away their views.

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 290.3(a)(i), further to the construction of a new house on Lot A, Section 45, Victoria District, Plan 15686 (4355 Gordon Head Road):

- a) relaxation of front lot line from 15 m to 4.39 m**

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on February 11, 2017, if not acted upon.”

Board comments:

- They will build as far west as possible near the undeveloped road, which protects the neighbouring view.
- The house is significant in size but has been placed in the most logical spot considering the irregularly shaped lot.
- This is a misuse of an existing variance; the assumption is that the existing variance is the setback, instead of the actual property line. Although there is challenge with the terrain and slope, more could have been done with the design.
- The slope, setbacks, environmental protected area and the restricted building envelope are hardships.
- There is some reservation because they are exploiting an old variance and making the footprint wider; almost doubling the house size.

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

Queenswood Drive
Fence height

BOV #00463

Applicant: Emmett and Karen Urquhart
Property: 2615 Queenswood Drive
Variance: Relaxation of height from 1.5 m to 2.13 m
Relaxation of height from 1.5 m to 2.13 m
Relaxation of height from 1.9 m to 2.13 m
Relaxation of height from 1.0 m to 2.13 m

The Notice of Meeting was read and the applicant's letter received. Signatures of no objection received from R. and L. Vollinger, 4011 Sherwood Road; M. and J. Brown, 4008 Sherwood Road; S. Walton, 2623 Queenswood Drive; H. O'Brien, 2614 Queenswood Drive; M. Reynolds, 2600 Queenswood Drive; R. Watts, 2595 Queenswood Drive; P. Christian, 2585 Queenswood Drive; Y. duGardein-Matson, 2620 Queenswood Drive; E. Dahli, Chair, Cadboro Bay Residents Association; C. Showler, 2525 Queenswood Drive; N. and R. Molson, 2550 Queenswood Drive; G. Johnson, 2560 Queenswood Drive; I. Friesen, 2561 Queenswood Drive; G. and P. Hammond, 2572 Queenswood Drive; D. and S. Ockwell, 2709 Queenswood Drive; and, F. Horton, 2583 MacDonald Drive West.

Applicants

Emmett Urquhart, owner, was present in support of his application and added a summary of his hardship as follows:

- There are people feeding the deer; the area is being used as a wildlife sanctuary, with as many as 32 deer.
- The land is steeply dipping and undulating with exposed granite in some areas, making it very difficult to build a fence.
- The west part of the property is a public right-of-way which is a security issue. They have had people come onto their property. They were not aware of the restrictions; they replicated the style of fence that was installed by their neighbours.
- There has only been one complaint about the fence on January 5, 2012. The Bylaw Officer visited the property on January 6, 2012, the day the fence was being installed. The Officer could see it was being installed at 7' high.
- They received a letter from the Bylaw Officer two weeks later stating that the fence should come down. They feel they should have been given a Stop Work Order at the scene when the install was occurring.
- They were in Alberta at the time of the construction (from January 4-10).
- It will be an extremely prohibitive expense to remove the fence.

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

- They have owned the property since 2009 and moved in in 2011.
- He believes this application was triggered from the 2012 complaint. He applied for this variance because of a recent letter from Bylaw about being fined for the overheight fence.
- He wanted to get in contact with the complainant to try to resolve the issue, however Bylaw Enforcement would not provide the name or contact information due to privacy issues.
- They built their house after the previous property owner passed away; they lived in the old house while the new one was being built.
- People leave bushels of apples to feed the wildlife, the deer charge at people and dogs - this is not safe.
- The original fence in the area was wire, not wood, what appears to be boulders are actually rocky outcrops due to the undulating land. They had to blast in order to build their house.
- The fence was not shown in the building permit plans.
- At the end where Sherwood Road and the path begins there are no lights; drug deals occur in this area. This is a safety and security concern.
- The Bylaw Officer should have tried to mitigate the problem at the time of their visit.
- They thought this problem had gone away because the complaint was two years ago and they went to the Cadboro Bay Residents Association and talked to neighbours about this.

- He was told by Planning staff that there is a new fence height being proposed for deer.
- The extra height is not affecting anyone negatively. The Sherwood Road to Queenswood right-of-way area will not be developed, everyone thinks it is a park.
- The chain link portion of the fence was constructed by Nordic Fencing, and the rest was done by Bruce Alexander.

In response to a question from the Board, the Zoning Officer stated that only one complaint is required to start a Bylaw Enforcement file. He clarified that he had told the applicant about a CRD stakeholders group of farmers and residents that are discussing deer, however what transpires from this committee is unknown.

The Chair noted that during his site visit he saw no deer, and observed that many neighbours have over-height fences.

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, Sections 6.2(f)(i) and (ii) and 6.3(b), further to the retention of an existing fence on Lot A, Section 44, Victoria District, Plan VIP5360 except part in plan VIP45077 (2615 Queenswood Drive):**

- a) relaxation of height from 1.5 m to 2.13 m between the minimum setback required for the principle building on the lot;
- b) relaxation of height from 1.5 m to 2.13 m on the lot line abutting a street;
- c) relaxation of height from 1.9 m to 2.13 m; and,
- d) relaxation of height from 1.0 m to 2.13 m in the area bounded by the intersecting lot lines at a street corner and a line joining points along said lot lines 9.0 m from their point of intersection.

And further that the variances so permitted be in accordance with the plans submitted to the Board, and expire on February 11, 2017.”

Board comments:

- The fence does not intrude on the neighbourhood; is not fortress-style, and vegetation will eventually grow through the fence.
- The owner has a point with his concerns about security/trespassers and the deer.
- It would be at an extremely high cost to replace and it is not intrusive.
- Everyone has to deal with deer, and there is concern that this will be used as a hardship with many variance applications. Saanich should look at their Bylaws regarding deer/fence heights.
- The fence is intrusive and the high cost to replace is of the owner's doing. There are other ways of dealing with security issues by using cameras and lighting.

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

Pauls Terrace Addition
Applicant: Ryan Hoyt Designs Inc. OBO Terry and Grace Bergen
Property: 2035 Pauls Terrace
Variance: Relaxation of rear lot line from 10.5 m to 6.80 m

BOV #00464

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

Applicants

Ryan Hoyt, applicant, was present in support of the application and stated that this is an odd non-conforming site and the small proposed addition does not encroach further. In response to questions from the Board he stated:

- There is a private covenant on the property but it does not affect the application.
- The owners just purchased the house earlier this year and have submitted plans for major renovations.
- The grade of the property is challenging.
- They are applying for a small variance that is less than 30 square feet.
- The area will be supported by a post.

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 250.4(a)(ii), further to the construction of an addition to the house at Lot A, Section 85, Victoria District, Plan VIP54838 (2035 Pauls Terrace):

- a) relaxation of rear lot line from 10.5 m to 6.80 m

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on February 11, 2017, if not acted upon."

Board comments:

- This is a minor variance.
- This is not visible to the neighbours and no objections were received.
- This is a small addition to an existing non-conforming house and is not intrusive to the environment.

The Motion was then Put and CARRIED

Colquitz Avenue Existing accessory building
Applicant: John and Catherine Culley
Property: 2810 Colquitz Avenue
Variance: Relaxation of rear lot line from 1.5 m to .45 m
 Relaxation of interior side lot line from 1.5 m to .61 m

BOV #00465

The Notice of Meeting was read and the applicant's letter received. Signatures of support received from M. Engel, 2812 Colquitz Avenue; S. Towner, 2817 Inlet Avenue, and S. Hutchinson, 2185 Inlet Avenue.

Applicants

John and Catherine Culley, owners, were present in support of the application and had nothing to add.

In Favour

Mike Engel, 2812 Colquitz Avenue, stated he has no problem with the structure.

In response to questions from the Board, Mr. and Mrs. Culley stated:

- The structure is located in the most level area in the back of the property.
- In order to move the structure they would have to remove the SunTuf and the roof, dismantle it, and create a foundation elsewhere because the ground is not level.
- The structure may not last forever and if they quit raising bees then they may not need it anymore.
- The structure is used to keep the rain off the bees and as a greenhouse.
- They did not think it was a real structure that required any permits
- This is a Bylaw issue; the person they suspect complained lives far away.

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 210.5(a)(ii), further to the retention of an existing accessory building on Lot 4, Section 21, Victoria District, Plan 1020 (2810 Colquitz Avenue):

- a) relaxation of rear lot line from 1.5 m to .45 m
- b) relaxation of interior side lot line from 1.5 m to .61 m

And further that the variances so permitted be in accordance with the plans submitted to the Board, and expire on February 11, 2017.”

Board comments:

- Moving the structure would be a hardship and would negatively affect the bees.
- The slope of the land on the other areas of the property is significant.
- The approval is for the current structure only and it cannot be replaced.
- They have adjacent neighbour’s support and the variance is fairly minor.
- The applicant has indicated that this is a temporary structure and this was an unintentional error.

The Motion was then Put and CARRIED

Cordova Bay Road
Accessory building
and house addition

Applicant: Paul Regensburg
Property: 5021 Cordova Bay
Variance: Relaxation of height from 5.0 m to 6.1 m
Relaxation of single face height from 6.0 m to 9.54 m
Relaxation of front lot line from 7.5 m to .60 m

BOV #00466

The Notice of Meeting was read and the applicant’s letter received. Letter of objection received from K. and E. Price, 5024 Cordova Bay Road. Comments received from B. and A. Inness, 5019 Cordova Bay Road.

Applicants

Paul Regensburg, owner and Janet Nielsen, were present in support of the application.

The Zoning Officer noted that the height regulation for smaller zones differs from the restrictions of the regular single family zones. This is a small lot with larger zoning.

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

- His hardships are vehicle safety and restrictions of a small lot size. He noted there have been a number of vehicle break-ins on their street.
- For the main house there is significant water damage on the upper floor;

the reconfiguration of the roof will help water flow off the roof.

- The house sits on a very steep bank. In order to have a garage, the upper part of the property is the only place to place one, as other neighbours have done.
- He has lived at the property for five years.
- The proposed garage would be built on a parking pad and it complies with the height bylaws.

In Favour

Richard Wey, Surveyor, was present to answer any questions the Board may have.

In Opposition

Kevin Price, 5024 Cordova Bay Road:

- Is the owner of Price's Alarm and suggested there is a variety of security options available.
- This is a small and unique road section; the proposed garage affects the neighbourhood's character.

Emily Price, 5024 Cordova Bay Road:

- Is concerned that the proposed garage structure blocks the ocean view from the main floor of their home. This may impact their home's value.

The applicant stated that the roof of the proposed garage is designed with a low slope and clear storey windows. He tried to minimize the visual impact of the structure in consideration of the neighbours.

The applicant and Board members continued discussion and the following was noted:

- The applicant is not here regarding the height of the proposed garage.
- The property line is set back about 20 feet from the road; a bus stop is located on the street at the edge of the driveway.
- If the proposed garage's roof was flat, it could be about 10 feet tall. The applicant would like to avoid a flat roof because of his experience with water damage. A sloped roof would clear water from the structure.
- The applicant is willing to consider lowering the garage roof as the proposed roof is a design feature.
- The garage is meant to store two vehicles and bicycles.
- The applicant has spoken with the neighbour at 5019 Cordova Bay Road to discuss the proposed garage and the height issue.

Regarding the proposed garage, the applicant stated:

- He needs street level security and a garage for a better quality of life.
- There are many garage structures in the neighbourhood; he has an ugly paved pad. The street is a mix of modern and dilapidated structures.
- He was hoping to not go much higher than the fence line.
- He may have to consider moving if safety becomes an issue.

Regarding the request for the house addition, the applicant stated:

- Water damage from the flat roof is an issue.
- The existing large deck is underused.
- The proposed addition will be built within the existing envelope and within the allowed floor space ratio.

MOTION:

MOVED by D. Gunn and Seconded by R. Gupta: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Section 5.27(a), further to the construction of an addition to the house on Lot A, Section 29, Lake District, Plan VIP54161 (5021 Cordova Bay

Road):

- a) relaxation of height from 5.0 m to 6.1 m
- b) relaxation of single face height from 6.0 m to 9.54 m

And further that the variances so permitted be in accordance with the plans submitted to the Board, and expire on February 11, 2017, if not acted upon.”

Board comments:

- A sloped roof is required.
- The addition is not out of character for the area.
- It is recognized that rain is an issue, although this design may not fix the leaking problem.
- It is accepted that the family needs extra living area.
- The lot is small with limited potential for additions.

The Motion was then Put and CARRIED

MOVED by R. Riddett and Seconded by R. Kelley: “That the following variance request to relax the front lot line from 7.5 m to .60 m from the requirements of Zoning Bylaw 2003, Section 295.4(a)(i), further to the construction of an accessory building on Lot A, Section 29, Lake District, Plan VIP54161 (5021 Cordova Bay Road) be DENIED.

Board comments:

- The design of the garage is tasteful, however this is a major variance request; the applicant may want to apply to Council for a Development Variance Permit.
- Aerial photos of the streetscape indicated that many of the existing garages are older ones; the newer homes don't tend to have garages.
- The view of the frontage would be affected by this structure.
- There are alternative solutions for the safety concerns.
- The bus stop may need space for an alcove in the future.

The Motion was then Put and CARRIED

Abbey Road Addition
BOV #00467

Applicant: Ricardo and Samantha Silva
Property: 961 Abbey Road
Variance: Relaxation of rear lot line from 12.0 m to 8.0 m

The Notice of Meeting was read and the applicant's letter received. Signatures of support received from T. and S. Henly, 5073 Lochside Drive; D. Williams and W. Robinson, 5069 Lochside Drive; T. Bate, 970 Abbey Road; S. Selvaraj and A. P. (resident), 965 Abbey Road; D. and S. Suzuki, 959 Abbey Road.

Applicants

Ricardo Silva, owner, was present in support of the application and had nothing further to add. In response to a question from the Board, he stated that they are enclosing a small space and building a deck over the carport using the existing foundation. Most is existing non-conforming.

In Favour

Nil

In Opposition

Nil

MOTION: **MOVED** by R. Gupta and **Seconded** by D. Gunn: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 295.3(a)(ii), further to the construction of an addition to the house on Lot 7, Section 30, Lake District, Plan 10574 (961 Abbey Road):

- a) relaxation of rear lot line from 12.0 m to 8.0 m

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on February 11, 2017, if not acted upon.”

Board comments:

- The variance does not seem minor, however it is already existing non-conforming.
- The addition is not intrusive and fits in with the neighbourhood.

The Motion was then Put and CARRIED

Altamont Avenue
New house

BOV #00468

Applicant: Hardeep Mangat
Property: 4062 Altamont Avenue
Variance: Relaxation of north interior side lot line from 3.0 m to 2.25 m
Relaxation of south interior side lot line from 3.0 m to 2.25 m

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

Applicants

Hardeep Mangat, owner, and Ivica Kalabric, agent, 4108 Mercer Place, were present in support of the application.

The Zoning Officer clarified on which lot that the proposed house will be built and explained the zoning of the area.

Public Comments:

Russell Baker, 4051 Santa Maria Avenue:

- Has lived at the south west corner of the applicant’s property for 16 years.
- Commented on the on-street parking and the traffic from the school; feels that more street parking would be bad.
- Requested clarification on where the proposed secure parking will be located.

The Zoning Officer noted that these are two legal lots and one is smaller than the other. If parking becomes an issue then the Bylaw Enforcement office should be called. Single family homes each need to provide two off street parking spots; or three spots in total if they have a secondary suite.

Julie Baker, 4051 Santa Maria Avenue:

- Asked for clarification about the two lots and if they could be made into equal size lots.
- Feels that the applicant knew the size of the lot and should have done their due diligence instead of asking for a variance.

The Zoning Officer explained the lot size restrictions and the process with the zoning anomaly, and he noted that in order to change the lot size the owner would have to apply to subdivide the land.

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

- The property purchase was quick.

- The design with the additional square footage will accommodate the family and help with the parking issue as it creates a double driveway and double garage. This would accommodate four cars and reduce the need to park on the street.
- They plan to build the house as shown, with maybe some minor tweaks.
- There is no basement.
- They will not consider subdividing or rezoning as that would be a big undertaking at a large cost.
- The owner has owned the property since October 2014, is on sewer, is not in the ALR, and owns the adjacent property at 4062 Altamont Avenue.

It was noted that the applicant's letter should have read 38 feet, and not 38 metres with regard to the lot width.

MOTION:

MOVED by D. Gunn and Seconded by R. Riddett: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Section 101.4(a)(ii), further to the construction of a new house on Lot 22, Section 5, Lake District, Plan 1730 (4062 Altamont Avenue):

- a) relaxation of interior side lot line (north) from 3.0 m to 2.25 m
- b) relaxation of interior side lot line (south) from 3.0 m to 2.25 m

And further that the variances so permitted be in accordance with the plans submitted to the Board, and expire on February 11, 2017, if not acted upon."

Board comments:

- This is an appropriate development for the property.
- The plan shows a modest house that will fit in with the neighbourhood.
- The old A1 Zoning is a significant hardship.

The Motion was then Put and CARRIED

Adjournment

On a motion from R. Gupta, the meeting was adjourned at 9:55 p.m.

Haji Charania, Chair

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

Recording Secretary