

MINUTES
BOARD OF VARIANCE
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL
MARCH 11, 2015 AT 7:00 P.M.

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 February 11, 2015 be adopted as amended."
CARRIED

Townsend Drive Existing accessory building
Applicant: Terry Cronk
Property: 4849 Townsend Drive
Variance: Relaxation of interior side lot line setback from 3.0 m to 1.5 m

BOV #00469 The Notice of Meeting was read and the applicant's letter received.

Applicants Terry Cronk, owner, was present in support of the application, and explained the reasons behind the siting of the existing building. He noted the area where the building was sited was clear as it was previously used for parking. He is here for approval in order to obtain a building permit.

In response to questions, Mr. Cronk stated:

- He did not consider another location because the area was already clear and he did not wish to take healthy trees down.
- He is sure of the setbacks because of the pegs in the ground.
- He has lived on this property for over 30 years and on Townsend Drive his whole life.
- The neighbours next door are renters, he owns the adjoining property.

The Zoning Officer confirmed that a survey will be required for the building permit.

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 101.7(a)(ii), further to the retention of an existing accessory building at Lot 2, Section 106, Lake District, Plan 40037 (4849 Townsend Drive):

- a) relaxation of interior side lot line setback from 3.0 m to 1.5 m

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

Board comments:

- The garage is professionally built; does not affect the neighbours.
- A site survey will be required.
- This is the most appropriate location on the site.

The Motion was then Put and CARRIED

Rainbow Street
Existing roof top
guard rails

H. Charania excused himself from the meeting citing conflict of interest.

BOV #00470

Applicant: Michael Isaac
Property: 4017 Rainbow Street
Variance: Relaxation of height from 8.5 m to 8.84 m

The Notice of Meeting was read and the applicant’s letter received. Signatures of no objection received from H. Truong, 4021 Rainbow Street; T. Knowles, 4019 Rainbow Street; K. Chu, 4015 Rainbow Street; A. Sogomonian, 4013 Rainbow Street; E. Sogomonian 4033 Rainbow Street; F. de la Fierste, 482 Rainbow Crescent; M. Pimentel, 4026 Rainbow Hill Lane; G. Jorisch, 4020 Rainbow Hill Lane; V. Watters, 4013 Rainbow Hill Lane; J. Mark, 4016 Rainbow Hill Lane; D. Greenwood, 4022 Rainbow Hill Lane.
Letter of objection received from B. Eaton and B. Beach, 4012 Rainbow Hill Lane.

In response to a question relating to Covenants on the land, the Zoning Officer advised it is her understanding that the Covenant is for condos and not for single family dwellings. If there is a Covenant that applies to this property it would have been found at the building permit stage.

Applicants

Michael Isaac, owner, was present in support of his application and responded to questions of the Board as noted:

- He is here due to errors made by the builders.
- He has support from all but one neighbour.
- The rooftop deck with rails is already constructed; he is unsure of how it would be removed.
- His hardships are the difficulty with design if asked to remove the landing, the cost of removal, and the empty use of space. This is an engineered structure that is tied into the framing of the house.
- The Surveyor was JE Anderson, the designer Zebra Designs, and the builder was Island Construction.
- The guard rail is 13 inches over height.

The Zoning Officer confirmed that the Building Inspection department approved the permit plans and the design meets Building Code requirements.

In Favour

Nil

In Opposition

Nil

MOTION:

MOVED by D. Gunn and Seconded by R. Kelley: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 1615.6(b), further to the retention of existing roof top guard rails on Lot 10, Section 49, Victoria District, Plan VIP86255 (4017 Rainbow Street):

- a) relaxation of height from 8.5 m to 8.84 m**

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

Board comments:

- This is a relatively minor variance given the overall height.

- The errors were not the fault of the applicant; he had hired professionals to do the work.
- The neighbours who are most impacted support the application.
- It would be very costly to remove the landing and remediate the error.

The Motion was then Put and CARRIED

H. Charania returned to the meeting.

Walema Avenue
Addition

BOV #00471

Applicant: Kyrie Bond
Property: 1013 Walema Avenue
Variance: Relaxation of front lot line setback from 7.5 m to 2.0 m
Relaxation of rear lot line setback from 12.0 m to 11.58 m
Relaxation of allowable floor space in non-basement areas from 75% to 78%

The Notice of Meeting was read and the applicant’s letter received. Letters of support received from W. Page, 5199 Sark Road; V. Higgens, 1003 Walema Avenue; D. and K. Shaw, 5218 Sark Road; P. and B. Drummond, 23-5187 Cordova Bay Road; S. MacPherson, 1010 Walema Avenue; C. Davies, 1025 Walema Avenue; K. Seiss, 1006 Walema Avenue; G. Laubenstein, 22-5187 Cordova Bay Road; R. Laurence, 22-5187 Cordova Bay Road; S. Hooker, 1018 Walema Avenue; T. and K. Insley, 1017 Walema Avenue.

Applicants

Kyrie Bond, owner and David Bond, were present in support of the application. In response to questions, the following was noted:

- There was an issue with lot size, their dimensions were different than those of the Planning department.
- The house is existing non-conforming. The porch which sits over the property line is to be removed.
- They will need to build stairs, but they can be placed in a different area.
- The survey was last done in 1988 when an addition was done.

The Zoning Officer confirmed that a new survey will be required for permits.

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 205.3(a)(i) and (ii) and 295.3(c), further to the construction of an addition to the house on Lot 7, Section 32, Lake District, Plan 1196A (1013 Walema Avenue):

- a) relaxation of front lot line setback from 7.5 m to 2.0 m
- b) relaxation of rear lot line setback from 12.0 m to 11.58 m
- c) relaxation of allowable floor space in non-basement areas from 75% to 78%

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

Board comments:

- They are building on the existing footprint and this is an appropriate development.
- The removal of the small deck makes the house less non-conforming than it is now.
- There is a hardship, they are a growing family that needs room and this is the best way to create space.
- Sark Road is considered the front yard, but it is really a private access to one home.

The Motion was then Put and CARRIED

Granville Avenue Addition

Applicant: Stephen Lentz obo Simon and Susie Williams
Property: 3997 Granville Avenue
Variance: Relaxation of interior side lot line setback from 3.0 m to 2.57 m

BOV #00472

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

Applicants

Stephen Lentz, applicant and Simon Williams, owner, were present in support of the application. The following was noted:

- The owners have lived at the house for 30 years.
- Their view of the east is a garage.
- The only issue that requires a variance is a small corner.
- The design could be changed to comply however it wouldn't suit the house.
- There is a renter living in the downstairs of the dwelling.

In Favour

Nil

In Opposition

Nil

MOTION:

MOVED by R. Gupta and Seconded by R. Kelley: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 101.5(a)(ii), further to the construction of an addition to the house on Lot B, Section 9 Esquimalt District and Section 13 Lake District, Plan 22988 (3997 Granville Avenue):

- a) relaxation of interior side lot line setback from 3.0 m to 2.57 m

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

Board comments:

- The variance is minor.
- It would be impractical to leave the section out in order to conform to the setback.
- The existing structure needs to be replaced.
- This does not affect any neighbours.

The Motion was then Put and CARRIED

Meadowview Place Addition
Applicant: Mike Dunsmuir, Step One Design obo Barbara Curtis
Property: 990 Meadowview Place
Variance: Relaxation of rear lot line setback from 7.5 m to 4.0 m

BOV #00473 The Notice of Meeting was read and the applicant’s letter received. Signatures of support received from V. Hernandez, 995 Meadowview Place, and K. Clark, 982 Meadowview Place.

Applicants Mike Dunsmuir, applicant/designer, was present in support of the application and noted that in addition to the two signatures of support he has submitted, they verbally consulted with two other neighbours who have no objection.

- In response to questions from the Board, the applicant stated:
- The house is existing non-conforming and was built around the 1980s.
 - They are asking for an extra metre in order to have stairs.
 - Building within the bylaw would be very limiting and they would not have a usable room. It is a small room to begin with.
 - The hardship is the house siting and a right-of-way in the front yard, which restricts them from building in the front.

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 4, Section 12, Lake District, Plan 47177 (990 Meadowview Place):

- a) relaxation of rear lot line setback from 7.5 m to 4.0 m**

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

Board comments:

- There is a hardship with the siting of the house and the right-of-way.
- This will not affect anyone, as the back yard abuts a park.
- This is an existing non-conforming structure.
- Concern was expressed about increasing an existing non-conformity.

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

Cordova Bay Road Addition

R. Gupta abstained from the discussion and decision on this application

BOV #00474 **Applicant: John Bibbey obo Marie-Louise Wessels**
Property: 5091 Cordova Bay Road
Variance: Relaxation of rear lot line setback from 12.0 m to 9.30 m

The Notice of Meeting was read and the applicant’s letter received. Letter of objection received from L. and R. McConnachie, 5095 Cordova Bay Road.

Applicants Marie-Louise Wessels, owner, and John Bibbey, applicant, were present in support of the application. In response to the letter of objection the applicant stated:

- They understand the concern about views, however they are only raising the house 2.8 feet in order to get an 8 foot basement.
- The privacy issues would be worse if they moved the house back towards the street; the current design is staggered.
- The bedroom that the neighbours expressed concern about is actually a living room.
- The work being done will increase the value all around.
- They are using the same footprint; the right-of-way takes up much of the space on the property.

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

- A stop work order was issued as they did not know that the work being done inside required permits.
- There is a partial vegetative screen on the creek side (to the north) and they could extend the screening.
- There was a willow tree there before that acted as a screen but it came down in a storm.
- They are permitted to do repairs to the deck on top of the seawall. This deck will remain.
- Landscaping will be done and they are in contact with Environmental Services in this regard.
- Once the culvert work is done the carport will go and they will look at having a garage or carport at the front of the house.
- The property was purchased in September 2014. The owner had wanted to renovate the house as it was, but it was found that the house was sagging to the side and the foundation is not sound. They will build a raft foundation.
- They understand that they require approval from the Environmental Services Department.

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 295.3(a)(ii), further to the construction of an addition to the house on Lot 19, Section 30, Lake District, Plan 4101 (5091 Cordova Bay Road):

a) relaxation of rear lot line setback from 12.0 m to 9.30 m

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

Board comments:

- They are dealing with an Environmental Development Permit Area and a right-of-way on the property, which prohibits the applicant from building a new home on the lot. Therefore the proposed changes must be done within the existing building footprint.
- The addition will increase the value and utility of the house.
- This is an appropriate solution for a growing family.

The Motion was then Put and CARRIED

Prospect Lake Road Accessory building
Applicant: Alan Bisson, AJB Home Design obo Tony Smethurst
Property: 250 Prospect Lake Road
Variance: Relaxation of height from 3.75 m to 5.85 m

BOV #00475

The Notice of Meeting was read and the applicant's letter received. Letter of support received from C. Schmidt, 273 Prospect Lake Road. Letters not in support received from J. Thornton, 200 Lohr Road and W. Pugh, 5021 Prospect Lake Road.

Applicants

Alan Bisson, AJB Home Designs, applicant, and Tony Smethurst, owner were present in support of the application and noted the following:

- The applicant's son and family is moving into their home and they need room to store their house items and for their cars.
- They are being honest with their intentions about the building use.
- The neighbour who wrote in expressing concern about the creek submitted incorrect numbers. A site survey was produced in this regard showing that the building will be 15 metres away from the centre of Todd Creek.

In response to concern expressed that the integrity of the creek will be maintained, the applicant stated that they will try to keep as many trees as they can and during construction the creek will not be disturbed. The applicant stated he is experienced with environmental requirements and will bring in very little fill. The retaining wall will be constructed with proper drainage.

The Zoning Officer confirmed that this is a Streamside Development Permit Area and the Environmental Services Department will provide best practices for the applicant to follow.

Further comments were noted as follows:

- In terms of alternate designs and/or location, they could lower the building but drainage is an issue. There is a small retaining wall on one side for safety and it could be removed if required.
- They feel the application is reasonable as they are not compromising the environment, are saving as many trees as possible, and this location has the best perc tests, which is important as the building will have a bathroom.
- It would be more difficult to increase the footprint and lower the height.
- There is a workshop and two vehicle bays on the main floor and a storage area on the upper level. The washroom is desired for convenience, as presently they have to walk up to the main house to use a washroom.
- The ridge of the proposed building is just about the same height of the house.

The Zoning Officer confirmed that if the building was for agricultural use there would be no issue regarding height compliance but would have to meet Building Code requirements for agricultural buildings.

In Favour

Nil

In Opposition

Nil

MOTION:

MOVED by D. Gunn 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 construction of an accessory building on Lot 1, Sections 86 & 87, Lake District, Plan 54726 (250 Prospect Lake Road):

- a) relaxation of height from 3.75 m to 5.85 m**

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

Board comments:

- There is a hardship with the rocky terrain, the numerous trees and the property setbacks.
- They are trying to avoid the floodplain and sensitive areas.
- This does not affect the neighbours; the building will be hidden in the trees.
- A lower building with a larger footprint would have more negative impact.
- The applicant will need to monitor the environmental development permit area (creek side) during construction, as the building requirements outline.
- Concern was expressed that not enough was done to meet the bylaw requirements.

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

Cordova Bay
Road
New house

BOV #00479

Applicant: Jerry Nischuk
Property: 4577 Cordova Bay Road
Variance: Relaxation of single face height from 7.5 m to 7.91 m
Relaxation of front lot line setback from 7.5 m to 3.01 m
Relaxation of exterior side lot line setback from 3.5 m to 1.22 m

The Notice of Meeting was read and the applicant’s letter received. Letter of support received from M. Loken, 4559 Cordova Bay Road. Letters not in support received from A. Browne and R. Marti, 4585 Cordova Bay Road; M. Tayour and N. Sabah, 4572 Cordova Bay Road; P. Shepard, 4576 Cordova Bay Road

Applicants

Jerry Nischuk, applicant/owner and Jan Anderson, 3902 Lauder Road, were present in support of the application and noted:

- He purchased the property a year ago and knew there would be a challenge with the size and shape of the lot.
- He worked with many people to find the best design and considered many options.
- The option he decided on will have the least impact and minimal tree loss. The design is smaller, and needs a variance but this will mean less construction time which will benefit the neighbours.
- The foundation will be very expensive as soil anchors and cantilevered design is needed. Slope retention, seismic considerations and best practices are all part of the plan.
- They have full sewer service available.
- The setbacks allow for ample parking and doesn’t affect the surrounding environment.
- They are not compromising Westbank Street public access and are not asking to go into the right-of-way. The Engineers would like to be as far away from the bank as possible.
- They do not have any direct neighbours at this time.

In response to correspondence received from neighbours, the applicant stated:

- Many of the concerns expressed are not applicable to this application.
- The municipal right-of-way is being used by a neighbour whose house crosses the line.
- People have been using his lot as a right of way.

- The adjacent neighbour's view of the road will not be affected as they will still be about 3 metres from the property line; several houses on the street are close to the road.
- The post to the actual roadway is about 6 metres away.
- The road easement, deer fence and trees are on their property, not on the Westbank Street public access.
- The view of the person across the street will be affected. The design they chose which requires a side variance was to help minimize the view impact.

In Favour

Nil

In Opposition

Reto Marti, and Annelies Browne, 4585 Cordova Bay Road:

- They are not against building on the lot, but it should be done according to the Zoning bylaw.
- Are concerned that if approved, the appearance of the Mount Doug parkway will be negatively impacted. No other houses are located that close to the road.
- The greenbelt will be affected and will disappear.
- The deer fence was installed for the children's safety. The deer trail itself is not compromised.
- They have lived there for 7 years and have seen a lot of movement in the bank; are concerned about bank stabilization.
- The lots are very small and there is much work needed to build proper footings in this unstable area.
- The maple tree root networks affect the bank stability.
- They have a permit from the municipality to use the Westbank Street space.

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

- The proposed house is 1,800 square feet. They feel the variance requests are reasonable.
- They used the same engineers and geotechs as the house down the street; they have experience with the area.
- The foundation alone will cost \$250,000. They felt asking for a smaller home is a creative approach that would also save them about \$100,000.
- If rejected they are not sure what they will do. They would have to build a larger house with a different foundation.
- When they purchased the lot they did their due diligence and planned a small footprint for a small lot.

MOTION:

MOVED by D. Gunn and Seconded by R. Kelley: "That the following variances from the requirements of Zoning Bylaw 2003, Sections 295.3(a)(i) and (ii) and 295.3(b)(ii), further to the construction of a house on Lot 1, Section 24, Lake District, Plan 1278A (4577 Cordova Bay Road) be DENIED.

- a) relaxation of single face height from 7.5 m to 7.91 m
- b) relaxation of front lot line setback from 7.5 m to 3.01 m
- c) relaxation of exterior side lot line setback from 3.5 m to 1.22 m."

Board comments:

- The massing of a building of this size is too close to the road.
- This would impact the streetscape and may be a danger to cyclists and traffic.
- This is a major change to the streetscape, it may be more appropriate to apply to Council for a Development Variance Permit.

- The characteristics and intent of the RS-18 zoning does not support the variances sought by the applicants.
- Hardship with the instability and the lot size is there but concerns about the front lot line setback are valid.

CARRIED
OPPOSED: R. Gupta

Austin Avenue
Tree removal

BOV #00477

Applicant: Donna Roth
Property: 3067 Austin Avenue
Variance: Relaxation of Tree Protection Bylaw to remove a Willow tree

The Notice of Meeting was read and the applicant’s letter received. Signatures of support received from R. Rozel, 3057 Austin Avenue; B. Lucas, 690 Ker Avenue; D. Helliwell, 686 Ker Avenue; W. Edwards, 3104 Austin Avenue; M. Peeke-Vout, 3052 Austin Avenue; T. Wainman-Wood, 680 Ker Avenue; S. Ashley, 700 Newbury Street

Applicants

Donna Roth, owner, was present in support of her application. In response to questions from the Board, Ms. Roth stated:
The biggest concern is the care of the tree, it is constantly dropping limbs and leaves. The limbs are taken to Saanich yard and the leaves are composted. There is no concern about it hitting her house if it falls; the tree leans towards the neighbouring yard.
She did have a Garry oak and would like another one.
The tree is not diseased or unsafe but she would like to plant other trees and have a garden in the front.

In Favour

Nil

In Opposition

Nil

MOTION:

MOVED by R. Gupta and Seconded by D. Gunn: “That the variance request from the requirements of Tree Protection Bylaw No. 9272 further to the removal of a Willow tree on Lot A, Section 21, Victoria District, Plan 27532 (3067 Austin Avenue) be DENIED.”

Board comments:

- No significant hardship was shown.
- The tree is in an appropriate low lying wet area.
- Allowing the removal is contrary to the intent of the Tree Protection Bylaw.

The Motion was then Put and CARRIED

Woodley Road
Addition

BOV #00478

Applicant: Peter Pardell
Property: 1925 Woodley Road
Variance: Relaxation of rear lot line setback from 10.5 m to 6.62 m

The Notice of Meeting was read and the applicant’s letter received. Letters not in support received from R. and S. Miller, 1933 Woodley Road; M. Crowe, 1920 Woodley Road; B. Leadbeater, 1912 Woodley Road; M. Boeyenga and S. Behal, 3456 Carter Drive; S. Colwill, 1911 Woodley Road; B. Heayn, 1951 Woodley Road

- Applicants Peter Pardell, owner/applicant, Ken Jackson representing the applicant, and Chris Mackie, tenant, were present in support of the application. Mr. Jackson asked questions of staff regarding some of the bylaw requirements for secondary suites. In response to these questions the Zoning Officer confirmed that the plans meet the requirements for a single family dwelling with secondary suite, and they show the additional parking spot with a driveway that can hold three spots within the property.
- Mr. Jackson continued to speak to the application and the following was noted:
- A Development Permit is not an option as the property is not in the Development Permit area. A Development Variance permit takes about six months and the scope and scale of this particular variance is a very small area of the house.
 - Everything below the area being requested to vary is already existing non-conforming.
 - They are raising the deck by 4 feet. This is in the setback area entirely.
 - He apologized for the conversion errors. The metric calculations are correct but there was an error with imperial measurements.
 - Many of the comments submitted by neighbours are not applicable to this application. The scale of the variance is a very small portion above the eaves.
 - The proposed addition does not affect any siting, or density issues.
- In Favour Nil
- In Opposition Simmi Behal and Mike Boeyenga, 3456 Carter Drive:
- Has privacy concerns with the higher deck as they have a private yard at this time.
 - Have lived in the home for two years. The backyard is private and beautiful and they spend significant time there.
 - If the variance is approved this will encroach on their privacy and enjoyment.
 - They have never spoken with the applicant and feel he is not interested in their community.
 - Requested that the Board deny the application.
- James Colwill, 1911 Woodley Road:
- Lives to the west of the applicant and is not in support.
 - All properties are subject to RS-12 Zoning; the applicant should have checked the regulations and restrictions.
 - Does not see a hardship.
 - Zoning is in place to protect neighbours. This is a small lot and the side and back allowances are important.
- Michael Crowe, 1920 Woodley Road:
- Is active in the community association who had asked Saanich to change the zoning. This is well documented and approving the variance would negate the efforts to rezone the area.
- Marjorie Thompson, 1930 Woodley Road:
- Is against the application and noted the zoning importance.
 - The lot is small with a suitable small house that fits in with the neighbourhood.
 - There will be impact with extra cars on the street and the property.
 - To have a legal suite the owner needs to live there. An employee lives at the house, so adding a suite and renting it out means it would be a duplex.

The Zoning Officer clarified that before a secondary suite is approved, the owner must sign a declaration stating they will live in the home. If the house is sold then the new owners must sign a declaration as well. Any issues with contravening the bylaw can be reported to Bylaw Enforcement.

In response to comments about inconsistencies with the applicant's drawings, the Chair stated that if the variance is granted, they will have to build according to the plans submitted to the Board.

In response to questions from the Board, the following comments from the applicant, owner, and the Zoning Officer were noted:

- The previous application had requested that the foundation be moved into the setback. This amended application respects the setback in that area.
- The addition conforms to the setback from the rear lot line but it is acknowledged that due to the raising of the house there would be an impact vertically, however the building would not be exceeding the existing height of the zone
- The plans received by the Planning Department are for a shorter deck with no stairs. No stairs are proposed due to the setback and the scale of the variance. The old deck with stairs are to be removed.
- Excavating the basement to achieve the desired height would be an extraordinary expense and would be considered only as a last resort.
- The house at 1910 Woodley Road had a permit to have a second floor added and it is to be surveyed.
- The owner just wants to lift the deck, he obtained a permit to do this work and then was given a Stop Work Order. He does not want to push any further into the setback than is existing.
- The change is that they are lifting the house and they are only raising the existing non-conformity of the house.
- The Stop Work Order was issued because a Building Permit was issued in error. This was due to errors on the part of staff, the applicant and the designer. The issue of the deck encroachment was caught after the work was started. It was not understood that the raising of the deck would be an issue with regard to setbacks.
- It was again confirmed that there is no increase in deck size.

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 construction of an addition to the house on Lot A, Section 35, Victoria District, Plan 5672 (1925 Woodley Road):

- a) relaxation of rear lot line setback from 10.5 m to 6.62 m**

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

Board comments:

- The neighbours concern about privacy is recognized, as are the concerns raised about the drawing inconsistencies, however the proposed addition conforms to the setback does not increase the existing non-conformity of the footprint.
- The size of the deck will not be increased, and they are working within the existing footprint.
- There is a change in this application from the one submitted last year.

- Although this cannot be enforced, it would be desirable if the applicant could attempt to mitigate their relationship with the neighbours.
- Concern was expressed that this is a misfit in an RS-12 zoned area, the neighbours have many concerns, and there may be streetscape and parking implications.
- Many of the objections raised about the dwelling actually meet the bylaw and are irrelevant to this decision. The Board is only considering the rear setback.

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

Other business A brief discussion occurred about the Bylaw surrounding fences and the possible need for clarification regarding fences installed for the purposes of keeping deer off properties. No action to be taken at this time.

Adjournment On a motion from R. Kelley, the meeting was adjourned at 10:50 p.m.

Haji Charania, Chair

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

Recording Secretary