

MINUTES  
**BOARD OF VARIANCE**  
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL  
**JULY 8, 2015 AT 7:00 P.M.**

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Members: H. Charania, R. Kelley, R. Riddett  
Absent: D. Gunn, R. Gupta  
Staff: K. Gill, Zoning Officer, T. Douglas, Senior Committee Clerk  
Minutes: Adoption of the June 10, 2015 minutes was postponed as the majority of Board members present at that meeting are not in attendance tonight.

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Ascot Drive Addition  
BOV #00489  
**Applicant: Alan Bisson, AJB Home Design OBO John Larsen**  
**Property: 3907 Ascot Drive**  
**Variance: Relaxation of allowable floor space in non-basement areas from 80% to 93%**

The Notice of Meeting was read and the applicant's letter received. Letter of support received from N. and L. Crisp, 3906 Ascot Drive. Letter not in support received from D. and K. Lawrence, 3909 Ascot Drive.

Applicants John Larsen, owner, and Joshua Macdonald, Contractor, were present in support of the application. Mr. Macdonald stated:

- The reasons for the proposed addition include family and community as well as cost.
- They have looked at many ways to configure the addition and the one proposed worked best for the family and the property.
- They understand the concerns of the neighbours to the north and have addressed most of them.
- If the addition is constructed where the garage is, it would be too close to the property line.
- They have talked to two other neighbours on the south and west side and they have no objections.

It was noted that the only issue before the Board is the floor area, not height or setbacks.

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

- The garage will be used for storage after the family moves out.
- The lower floor ceiling height is nine feet. The upper floor, walls are eight feet with a trussed vault on top.
- With regards to the neighbour's concern about height, if they have to, they will lower it. The shading is caused by trees, not the proposed house.

In Favour Nil

In Opposition D. Lawrence, 3909 Ascot Drive:

- The shading is not the only issue, the overall size and height of the building is of concern, as it will be 80 feet long.
- They did meet with the owners to discuss options but there was no real discussion about the actual building; they mostly talked about landscaping options.
- The proposed fence was a compromise that came up in initial discussions. Initially they were told that the Larsens would pay for half of the fence.
- They have not seen a landscape plan. Landscaping is a secondary issue.
- They did not commit to the fence or removal of a cedar tree.

Mr. Macdonald stated that the trees are located between the fence and the house. The tree's roots will most likely be impeded with the construction and they will probably need to be removed.

The Chair stated that the applicant must consider the impact on the neighbour, and suggested that if the trees have to come down anyway, the applicant is not truly offering any concessions to the Lawrence family. He also noted that they have not looked at lowering the ceiling, and asked why they are only willing to pay for half of the fence.

Mr. Macdonald stated they would put in a hedge.

In response to the Chair, Mr. Larsen stated that:

- They will pay for the whole fence.
- They will provide foliage for his side of the fence.
- They will pay for foliage for the Lawrence's side of the fence.
- They are adding about 20 feet to the house, it is not an 80 foot addition.
- They are willing to drop the ceiling height of the lower floor to 8.5 feet.

K. Lawrence, 3909 Ascot Drive:

- The addition is 29 feet in total, not 20 feet.

The Zoning Officer provided information on the allowable fence height, noting that it cannot be higher than 4.9 feet for the first 20 feet from the front property line.

Mr. Larsen stated they would be willing to remove the window at the top of the stairs that is meant for air flow. The dining room window will remain, as the fence will provide privacy, and the bathroom windows will remain, with privacy glass.

**MOTION:**

**MOVED by R. Riddett and Seconded by R. Kelley: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 210.4(c), further to the construction of on Lot A, Section 32, Victoria District, Plan VIP51876 (3907 Ascot Drive):**

- a) relaxation of allowable floor space in non-basement areas from 80% to 93%**

**And further that the variance so permitted be in accordance with the plans as revised, by lowering ceiling height on the ground floor from 9' to 8.5', and by removing the air flow window located at the top of the stairs. This variance will expire on July 8, 2017, if not acted upon."**

Board comments:

- There is a hardship with three generations living there, and they are not asking for height or setbacks.
- The approval is based upon the accessory building no longer being used as residential space.
- There is definite hardship; raising children in a garage is not proper accommodation.
- The concessions to install a fence, install foliage, remove a window, and lower the height, were agreed to by the owner.

**The Motion was then Put and CARRIED**

Gladiola Avenue  
Deck addition  
BOV #00490

**Applicant: John and Cassbreea Dewis**  
**Property: 840 Gladiola Avenue**  
**Variance: Relaxation of interior side lot line setback from 3.0 m to 1.52 m**

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

Applicants John Dewis, applicant/owner, was present in support of the application and had nothing to add other than he wants to improve the use of the existing deck, and the current deck needs to come down.

It was noted that the proposed deck is slightly wider than the present deck. In response to questions the Zoning Officer stated:

- This is a two-family dwelling zone and the attached house at 830 Gladiola Avenue does not have a variance for their existing deck.
- This is considered a side yard because with corner lots, the front is considered to be the area with the least width, so in this case, on Primrose.

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

- He has lived at this property for four years.
- The neighbours are okay with the proposed deck. They have lived there for about a year.
- In terms of hardship, the deck is not to code and is unsafe and needs replacing.

In Favour Nil

In Opposition Nil

**MOTION: MOVED by R. Riddett and Seconded by R. Kelley: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 301.4(a)(iii), further to the construction of a deck addition to the house on Lot A, Section 78, Victoria District, Plan VIS223 (840 Gladiola Avenue):**

**a) relaxation of interior side lot line setback from 3.0 m to 1.52 m**

**And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on July 8, 2017, if not acted upon."**

Board comments:

- This is a safety issue; the deck needs replacing.
- This is the only reasonable place to have a deck.
- Even though this encroaches on the side yard, this deck is no larger than the other half of the duplex.
- This does not encroach on any of the neighbours.
- Being a corner lot imposes the siting rules.

**The Motion was then Put and CARRIED**

Palmer Road  
Existing carport  
BOV #00493

**Applicant: Willy Egeland, Footprint Eco-Builders OBO Bill and Corinne Cole**  
**Property: 1237 Palmer Road**  
**Variance: Relaxation of interior side lot line setback from 1.5 m to 1.42 m**

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

Applicants Willy Egeland, Footprint Eco-Builders, applicant, was present in support of the application and had nothing further to add.

In response to a question from the Board, Mr. Egeland stated he believes the survey measurement was taken to the post. The Zoning Officer confirmed that the measurement is taken to the part of the structure that is closest to the lot line.

In Favour Nil

In Opposition Nil

**MOTION: MOVED by R. Kelley and Seconded by R. Riddett: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 210.5(a)(ii), further to the retention of an existing carport at Lot 1, Section 32, Victoria District, Plan 37879 (1237 Palmer Road):**

**a) relaxation of interior side lot line setback from 1.5 m to 1.42 m**

**And further that the variance so permitted be in accordance with the carport as built.”**

Board comments:

- The variance is minor and this was an honest error.
- It would be a hardship to correct the error.

**The Motion was then Put and CARRIED**

Cordova Bay Road Addition

**Applicant: Ryan Hoyt Designs OBO Ron and Annie Myers**

**Property: 5087 Cordova Bay Road**

**Variance: Relaxation of rear lot line setback from 12.0 m to 7.2 m**

**Relaxation of interior side lot line setback from 1.5 m to 1.1 m**

**Relaxation of combined side yard setback from 4.5 m to 4.3 m**

BOV #00494

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

Applicants

Ryan Hoyt, applicant, and Ron and Annie Myers, owners, were present in support of the application. Mr. Hoyt noted that what they are proposing is no more non-conforming than what is already there. They would like to grandfather the non-conformity to make it legal and noted that properties at 5091 and 5095 Cordova Bay also received variances.

The Chair noted that the Board does not legalize anything, they grant variances according to the plans submitted.

The applicant noted that the survey is to the present natural boundary. The Zoning Officer noted that the setbacks should be taken to the high watermark and not the lot line.

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

- He has owned the property for 20 years.
- The long term plan was to renovate the house and move in after retirement.
- Presently their daughter lives there.
- The house will be more comfortable with the renovations. The zoning restraints are very restrictive and are a hardship.

In Favour Nil

In Opposition Nil

**MOTION:**                **MOVED** by R. Riddett and **Seconded** by R. Kelley: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 295.3(a)(ii) and (iii), further to the construction of an addition to the house on Lot 18, Section 30, Lake District, Plan VIP4101 (5087 Cordova Bay Road):

- a) relaxation of rear lot line setback from 12.0 m to 7.2 m
- b) Relaxation of interior side lot line setback from 1.5 m to 1.1 m
- c) Relaxation of combined side yard setback from 4.5 m to 4.3 m

**And further that the variances so permitted be in accordance with the plans submitted to the Board, and expire on July 8, 2017, if not acted upon.”**

Board comments:

- The house will be comparable with the other homes in the neighbourhood; it is not out of place with the neighbourhood trend.
- The south deck will encroach less than it does presently.
- The east deck is comparable to the existing deck.
- The renovations are needed to enjoy their retirement home; they have owned the property for a long time.
- Because the property is existing non-conforming, they need the approval.

**The Motion was then Put and CARRIED**

Knockan Drive Addition

**Applicant: Emma Cope**  
**Property: 1270 Knockan Drive**  
**Variance: Relaxation of rear lot line setback from 7.5 m to 1.6 m**

BOV #00495

The Notice of Meeting was read and the applicant’s letter received. Letter not in support received from J. Scarbro, 1266 Knockan Drive.

Applicants

Glen Provost, friend/contractor, was present in support of the application. He noted that the home is oddly placed on the property and is tight to the property line, and acknowledged the letter received from 1266 Knockan Drive. In response to the concern about view loss, he stated that the neighbour could also lose their view if a hedge was there.

In Favour

Nil

In Opposition

- J. Scarbro, 1266 Knockan Drive:
- Her own kitchen sits in the centre of her house and only receives light in from one window; if the addition goes up this will affect her lighting and the view of the Sooke hills, and instead she will have to look at siding.
  - The applicant’s chicken coop and shed are attached to her property line.
  - The house is too close to her own house.
  - She has lived at her house for 25 years and the applicant has been there for nine years.
  - Asked if the addition could be moved to the other side.

In response to a question from the Board, Ms. Scarbro stated that she has previously spoken with the applicant, who is agreeable to do something if the chickens become bothersome, but the point is that there is a shed, a chicken coop and a house very close to her own property line.

The Chair stated that the house seems to be original to the area, and noted the applicant’s hardship of have growing children who need space. The property is difficult in terms of shape and size, and Mr. Prevost was asked about alternate designs.

Mr. Prevost stated that the house is single storey and the roof is hip, which is a design that gives the neighbours light relief. He noted that the applicant has a small budget and is not able to put the bedrooms in any other place. In response to questions about alternative designs he noted there are trees at the front of the house and the current design results in the best flow for the house. He feels the applicant is trying to minimize the effect on the neighbour. Mr. Prevost was not sure if the porch would be extended as it may not fit in with the budget.

**MOTION:                    MOVED by R. Riddett and Seconded by R. Kelley: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 220.4(a)(i), further to the construction of an addition to the house on Lot 1, Section 16, Lake District, Plan 50603 (1270 Knockan Drive):**

- a) relaxation of rear lot line setback from 7.5 m to 1.6 m**

**And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on July 8, 2017, if not acted upon.”**

Board comments:

- This is the only reasonable place to build. Perceptually this is a side yard, not the rear yard.
- The staggering of the design and the roofline minimizes the shading of the neighbours property. The neighbour’s window faces more west-northwest.
- There is hardship with the physical size and the nature of the property. There is some reservation of the siting/location but having bedrooms together seems to be the best option.
- The Board is not able to assess the hardship with the porch on the west side, but it may not get done.

**The Motion was then Put and CARRIED**

Wascana Street  
Addition

**Applicant: Tyler and Raven Yager**  
**Property: 3334 Wascana Street**  
**Variance: Relaxation of single face height from 7.5 m to 7.88 m**

BOV #00496

The Notice of Meeting was read and the applicant’s letter received. Letters of support/no objection received from B. and M. Handley, 3335 Wascana Street, and C. Couturier, 117 Lurline Avenue.

Applicants

Tyler Yager, applicant/owner, was present in support of the application and had nothing to add.

In response to a question about hardship, Mr. Yager noted that they are already at 8 foot ceilings and lowering them would eat into the house. The cost of re-engineered drawings is prohibitive and their only other option is to move.

The Board expressed appreciation for the due diligence in marking the site for their inspection. The markings showed that this will not impact the streetscape.

In Favour

Nil

In Opposition Nil

**MOTION:** **MOVED by R. Kelley and Seconded by R. Riddett : “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 210.4(b)(ii), further to the construction of an addition to the house on Lot 24, Section 81, Victoria District, Plan 1006 (3334 Wascana Street):**

**a) relaxation of single face height from 7.5 m to 7.88 m**

**And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on July 8, 2017, if not acted upon.”**

Board comments:

- This fits in with the direction the neighbourhood is going.
- There was no objection received and this is not a major height variance; if anything this is lower than the average height.
- There is clear hardship; they want to stay in the neighbourhood and this is the most affordable solution.
- There is no difference in street view because other houses are higher.

**The Motion was then Put and CARRIED**

Cordova Bay  
Road  
Accessory  
buildings

**Applicant: Noel Burbidge OBO Robin Lamprecht**  
**Property: 5037 Cordova Bay Road**  
**Variance: Relaxation of interior side lot line setback from 1.5 m to .30 m**

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

BOV #00497

Applicants

Noel Burbidge, applicant, was present in support of the application and had nothing to add. In response to questions from the Board he stated that:

- There are no concerns from the neighbour on the south side, and he tried to contact the other neighbour, but they were away.
- He is not sure how long the owner has lived at the house but it has been many years.
- The existing sheds are dilapidated and the owners are spending money on a storage unit.

In Favour Nil

In Opposition Nil

**MOTION:** **MOVED by R. Kelley and Seconded by R. Riddett: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 295.4(a)(ii), further to the construction of two accessory buildings on Lot 3, Section 30, Lake District, Plan VIP4101 (5037 Cordova Bay Road):**

**a) relaxation of interior side lot line setback from 1.5 m to .30 m**

**And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on July 8, 2017, if not acted upon.”**

Board comments:

- There is no objection from the neighbours.
- The lots are constrained for space.
- They want to rebuild decrepit sheds which will look better.
- The two existing sheds already are in non-compliance and are needed.

- The property owner keeps up the rest of the property very well, the sheds are important to their lifestyle.

**The Motion was then Put and CARRIED**

- Other business:
- The legal opinion received regarding interpretation of Sections 911(10)(b) and 911(11) of the Local Government Act will be discussed when the full Board is present.
  - The Chair asked staff if a past applicant has the right to come to the Board to ask for their opinion that a covenant be removed from their property, considering the covenant was placed on their property due to the suggestion of the Board back in 2005. Staff stated that yes, the past applicant could approach the Board in this regard, and there was question about whether this would be considered a new application (with a fee and standard notification), and if not, how to proceed. The Chair requested background information and comment from the legal department.

Adjournment      On a motion from R. Riddett, the meeting was adjourned at 9:00 p.m.

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Haji Charania, Chair

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

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Recording Secretary