

MINUTES
BOARD OF VARIANCE
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL
THURSDAY, DECEMBER 17, 2015 AT 7:00 P.M.

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

Minutes: **Moved by D. Gunn and Seconded by R. Kelley: “That the minutes of the Board of Variance meeting held November 12, 2015 be adopted as amended.”**

CARRIED

Previously tabled Sea View Road New house	Applicant: Virginia Vincent Property: 2861 Sea View Road Variance: Relaxation of overall height from 7.5 m to 8.17 m Relaxation of single face height from 7.5 m to 9.0 m
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BOV #00516 The Notice of Meeting was read and the applicant’s letter received. Signatures of support received from F. Birkenhead, 2851 Sea View Road; W. and J. Ormond, 2855 Sea View Road; P. Golby, 2850 Sea View Road; and H. Gibbard and M. Meagher, Garry Oak Meadow Preservation Society. Letter not in support received from J. Vasko, 2870 Sea View Road.

Applicants Marc Vincent, owner and Will Peereboom, Victoria Design Group, were present in support of the application. Mr. Vincent displayed a variety of visual aids in support of his application, and had the following to add:

- Due diligence was done by the owners, realtor and lawyers. They can build a house with no variance but want to do the right thing by using the existing foundation. The proposed house fits within the neighbourhood.
- A visual aid demonstrating the massing of the proposed home and the area houses was provided. They could build a much larger house; the one being proposed is below average in size compared to other houses in the area.
- Alternative locations were considered both before and after the previous BOV meeting. Due to the EDPA, bedrock, and trees, the proposed location was determined as least invasive with least negative impact.
- A financial hardship of about \$150,000 would be incurred if a variance is not granted as 23% more blasting would be necessary for the alternative plan, and tree removal and remediation costs would be necessary.
- Renderings from two independent firms demonstrating the impact on the views of opposing neighbours and the adjacent Bedford Park were shown. The house with no variance would result in more loss of views for the neighbours.
- The opposing neighbour’s home is 100 metres away and ten metres higher. Photos taken from a drone were shown to demonstrate that the existing trees on the property will impede the neighbour’s views in the months when they are covered in foliage.
- If the house has to be moved to a location where no variance is required, it may be necessary to install a privacy fence along the property line.

In Favour W. Ormond, 2855 Sea View Road:
Supports the application and suggested that if not approved, the additional blasting necessary for the alternative house plan could negatively affect the Garry oaks, and they may end up in the water.

In Opposition

J. Vasko, 2870 Sea View Road:

- Inquired about the square footage and number of storeys of the proposed house and of the alternate house if the variance is not granted.

Mr. Vincent stated the proposed house is two storeys with a basement. He provided drawings showing the proposed house with a variance is smaller.

T. Vasko, 2870 Sea View Road:

- Stated that the applicant should not say there is no impact to views, because there will be an impact on his view of the sailboat races. He is glad that the applicant did his homework this time.

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

- The total non-basement area is 602 square metres and the gross floor area is about 758 square metres; 815 square metres is allowed.
- They plan to use and preserve the existing access road (driveway).
- The pitch of the roof will not affect the views, and the overall height would be negligible if pitch was changed. They would prefer to keep the 8/12 pitch for their traditional home design.

In response to a question from the Board about a covenant to protect the trees, the Zoning Officer suggested that they could ask for a covenant but he noted that a tree protection plan will be required at the building permit process.

MOTION:

MOVED by R. Riddett and Seconded by D. Gunn: "That the following variances 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 E, Section 44, Victoria District, Plan 24236 (2861 Sea View Road) be approved:

- a) relaxation of overall height from 7.5 m to 8.17 m
- b) relaxation of single face height from 7.5 m to 9.0 m

And further that the variances so permitted be in accordance with the plans submitted to the Board, and expire on December 17, 2017, if not acted upon."

Board comments:

- The proposed house has less impact on neighbouring views; the height regulations need to be imaginative with the slopes; the roof pitch will not affect neighbouring views.
- In looking at all views there will be very little impact. The present siting is preferable to the natural environment. Wishes the roof pitch was lower.
- This is a much preferred solution with less environmental impact. The extra \$150,000 is an extra burden. The additional blasting damage would be significant.
- The applicant will use the current driveway and will ensure a tree protection plan is registered with the municipality.

The Motion was then Put and CARRIED

Wesley Road
Addition

Applicant: Michael and Shauna Lukaitis

Property: 5027 Wesley Road

Variance: Relaxation of height from 5.0 m to 5.26 m

BOV #00523

Relaxation of single face height from 5.0 m to 6.04 m

The Notice of Meeting was read and the applicant's letter received. Signatures of support received from C. Lazer, 916 Claremont Avenue; authorized signatory at 5029 Wesley Road; J. and D. Lowe, 894 Claremont Avenue; M. and C. Taylor, 5024 Wesley Road; and, Z. and K. Light, 5020 Wesley Road. Letter of objection received from J. Hoyrup, 5025 Wesley Road.

Applicants Michael and Shauna Lukaitis, owners, and Paul Heels, designer, were present in support of the application, and provided signatures of support from the five surrounding neighbours as above.

Public comment: J. and N. Hoyrup, 5025 Wesley Road:

- They have no negative things to say about this request however because they are new owners they received late notice, they are requesting that consideration of this application be postponed to January in order to have time to assess any impact of this application.

The applicants' had no objection in tabling this item until January.

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

- The deck was part of the plan submitted in June 2015, and the extension was always part of the plan. They have emails between themselves and the Planning department in this regard.
- They have an email apology from Saanich planning staff stating that staff had made an error by reading the plans incorrectly.
- The height of the deck roof does not come into play with this variance.
- The owners confirmed that they have no intention of enclosing the deck.

The Zoning Officer stated that the rules for measuring grade in this case have changed so the correspondence between Planning and the designer does not relate to the current bylaw. He noted that the zone RS12-A in this area was brought in to protect views.

The Board requested that the designer provide the above-referenced emails from the Planning department.

MOTION: **MOVED by R. Riddett and Seconded by R. Kelley: "That the following variances from the requirements of Zoning Bylaw 2003, Sections 255.4(b)(i) and (ii), further to the construction of an addition to the house on Lot 2, Section 30, Victoria District, Plan 7315 (5027 Wesley Road) be TABLED until the January 20, 2016 meeting:**

- a) relaxation of height from 5.0 m to 5.26 m
- b) relaxation of single face height from 5.0 m to 6.04 m."

The Motion was then Put and CARRIED

<p>Salsbury Road New house BOV #00525</p>	<p>Applicant: Ron McNeil obo Vince Mueller Property: 3509 Salsbury Road Variance: Relaxation of allowable floor space in non-basement areas from 80% to 97.5%</p>
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The Notice of Meeting was read and the applicant's letter received. Letter of no objection received from D. Carl, 3529 Salsbury Way.

Applicants Ron McNeil, applicant, was present in support of the application. He noted the challenge with the land having a hump in the middle of the allowed building envelope; this means the proposed house would have an awkward crawlspace instead of a normal basement. They will have to blast out anyway and feel that having a true basement is more suitable. They are bound by easements and a covenant.

Public comments F. Hoenisch, 3510 Maplewood:

- Believes there is an underground river between the properties at 3500 – 3510 Maplewood; has a sump pump for his property and is concerned that blasting could create flooding.

Mr. McNeil stated that they will have to blast no matter what, as they cannot carve a niche in the bedrock.

D. Carl, 3529 Salsbury Road:

- Was present in support of the application.

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

- There will be rooms in the basement.
- The front of the house is on the west side.
- The owners purchased the lot one or two months ago; due diligence was done. There is a covenant on the land and the drawings were approved when the subdivision was done. This proposed plan has better utility.
- The footprint was not marked because the application is for internal space, not a siting issue.
- A tree report will be submitted under the building permit.

MOTION: **MOVED by D. Gunn 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 a new house on Lot C, Section 62, Victoria District, Plan VIP83113 (3509 Salsbury Road):**

- a) **relaxation of allowable floor space in non-basement areas from 80% to 97.5%**

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on December 17, 2017, if not acted upon.”

Board comments:

- This is a difficult lot to work with and the plans are reasonable.
- The footprint and the elevations have not changed.
- There is no environmental impact or neighbourhood impact.
- They could comply with the bylaw but with a less practical and functional design.

The Motion was then Put and CARRIED

Altamont
Avenue
New house

Applicant: John Griffin
Property: 4062 Altamont Avenue
Variance: Relaxation of interior side lot line from 3.0 m to 1.83 m
Relaxation of front lot line from 7.5 m to 6.10 m

BOV #00526

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

- Applicants John and Sylvia Griffin, owners, were present in support of the application. They stated that the reason for the variance request is they have a narrow lot and would like to have off street parking and access to the back of the property where the garage is located. In response to questions from the Board they stated:
- They purchased the lot about two months ago. In terms of due diligence they purchased it quickly as there are not many lots on the market.
 - Mr. Griffin is a builder and thought that they could build a skinny house and make it work if it was located a little closer to the side.
 - They are aware that a variance was granted previously to another applicant. These house plans differ from the previously approved plans with the garage now situated at the back.
 - The house is to be a small rancher with a second floor, about 1,760 square feet total.
 - An attached garage is shown on the site plans. The garage is to store a boat and tools; it barely works in terms of space and maneuverability.

The Chair noted that if the Variance is approved, the applicant could come back to the Board for approval for minor changes to the plan, if they would like to move the garage over a little to make it more workable.

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 101.4(a)(i) and (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 from 3.0 m to 1.83 m
- b) relaxation of front lot line from 7.5 m to 6.10 m

And further that the variances so permitted be in accordance with the plans submitted to the Board, and expire on December 17, 2017, if not acted upon."

Board comments:

- This is a zoning anomaly, it was a mistake not to rezone the property at the time of subdivision. Not happy about the parking; if they want the rear garage moved, they will have to come back for approval.
- The plans should be refined and presented to the Board for approval.
- There were no markings on the lot for the site visit; it was hard to tell where the house would be sited. The plans were not adequate and the property should be rezoned as RS-6.
- This is similar to the anomaly on Holland Avenue. The hardship has been shown. The home is workable and tastefully designed.
- The Board has no jurisdiction on parking but recalls last time this property was considered the neighbours were concerned.
- Lot is being put to proper use. Rezoning would be preferable but this is unfair to the applicant.
- The applicant must have the site properly surveyed to ensure they stay within the setbacks.

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

Cheverage
Place
Existing
accessory
building

Applicant: Kent and Judy Lindahl
Property: 4230 Cheverage Place
Variance: Relaxation of rear lot line from 1.5 m to 0.45 m
Relaxation of interior side lot line from 1.5 m to 0.61 m

BOV #00527

The Notice of Meeting was read and the applicant's letter received. Letter of objection received from S. and C. Slater, 4229 Thornhill Crescent.

Applicants

Kent Lindahl, owner, was present in support of his application. He stated that he could move the building as it is not a permanent structure, but would rather keep it as is to avoid excavation and relocation costs. The structure is in the best location for the property.

In Favour

Nil

In Opposition

S. and C. Slater, 4229 Thornhill Crescent:

- Their property sits below the applicant's property.
- Are opposed to the structure because during construction they asked the applicant about the legality of the structure. They had mentioned at the framing stage that they were doubtful it was being built as per the bylaw.
- Are against a person building a structure and asking for permission after.
- It is a beautiful building with nice shrubs but the cement foundation is right next to the Garry oak tree and the roof drips water onto the shared fence on the property line.
- The shed blocks the moon and morning light, and is about 14 x 20 feet; they would like it moved.

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

- He thought that a shed could be close to the property line if not on a permanent foundation; this is built on a slab and can be moved.
- He has been cleaning up the property. There were two gazebos on the property that were removed, and 12 yards of bamboo were removed from the property as well.
- The shed is about 12' x 16' and the concrete slab is not near the Garry oak. The building is 186 square feet in size with an 18" overhang.
- He had done trim and then removed it; the overhanging is the only trimmed area.
- He will store his fishing equipment and prawn traps behind his shed in view of the neighbours if he has to move the shed.
- It will cost about \$1,500 to move the building.
- The work was done without a building permit.

The Chair noted that the roof overhang may be a civil matter between the applicant and the neighbour. A discussion occurred regarding the fences between the properties; it was suggested that a proper survey be done to establish property lines.

In response to the Chair's question on how they feel about the applicant storing his fishing equipment in view, Ms. Slater stated that it would be unpleasant and finds it interesting that garbage is a factor in this discussion as she already can see a blue object on the property that obstructs her view. She would like the water to not drain on her property and feels if the shed is moved to the allowable area they would get their light back.

The Zoning Officer stated that there is an Unsightly Premises Bylaw for garbage issues. He also provided information on the Bylaw requirements for accessory building siting and overhangs, and noted that the applicant will have to apply for a building permit, and deal with any drainage issues as per the Building Code.

MOTION: MOVED by R. Riddett and Seconded by D. Gunn: "That the following variances from the requirements of Zoning Bylaw 2003, Section 210.5(a)(ii), further to the siting of an existing accessory on Lot 6, Section 54, Victoria District, Plan 27988 (4230 Cheverage Place) be DENIED:

- a) relaxation of rear lot line from 1.5 m to 0.45 m
- b) relaxation of interior side lot line from 1.5 m to 0.61 m."

Board comments:

- A hardship was not demonstrated, and the issue of the water dripping onto the property line is why setbacks are created.
- The applicant did not demonstrate need, and the building is not anchored so can be moved fairly easily.
- The building is too close to the property line, no building permit was applied for, and no survey was done.
- Size is a factor here as there is a bit of massing obstructing the neighbours view.
- There is concern with the applicant building and asking for forgiveness after. Feels this was an honest mistake being unfamiliar with the Bylaw.
- The building is well-constructed with working room around the wall. Moving it will be a fair amount of work.
- The drainage will be dealt with at the building permit stage.

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

Adjournment On a motion from R. Kelley, the meeting was adjourned at 10:05 p.m.

Haji Charania, Chair

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

Recording Secretary