

MINUTES
BOARD OF VARIANCE
COMMITTEE ROOM NO. 1, SAANICH MUNICIPAL HALL
MARCH 9, 2016 AT 5:00 P.M.

Members: H. Charania, D. Gunn, R. Gupta, R. Kelley, R. Riddett (Acting Chair)
Staff: K. Gill, Zoning Officer, P. Masse, Senior Committee Clerk

Minutes: Moved by R. Gupta and Seconded by R. Kelley: "That the minutes of the Board of Variance meeting held February 10, 2016 be adopted as circulated.

CARRIED

Old West Saanich Road Addition **Applicant: David Adams OBO Corrie Cowan and Anne Conway**
Property: 5440 Old West Saanich Road
Variance: Relaxation of height from 7.5 m to 7.98 m

BOV #00536 The Notice of Meeting was read and the applicant's letter received.

Applicants Corrie Cowan and Anne Conway, owners, and David Adams, applicant, were present in support of the application, and the following was noted:

- The roof of the existing home measured from grade exceeds the height permitted in the Zoning Bylaw and is therefore non-conforming.
- The proposed addition would be 1.1m lower in height than the existing home.
- The perimeter grade contributes to the non-conforming height and an alteration to the roof would be too onerous. The owners have lived in the home for 24 years and have not manipulated the grade in any way during that time.
- The existing home was constructed in the early 1970's. The Building Permit issued for the addition was based in part on the original survey. The original survey and a current BCLS height survey conclude different measurement findings and confirm the original survey is incorrect.
- Eight trees are slated to be removed.

In Favour Nil

In Opposition Nil

MOTION: MOVED by H. Charania and Seconded by D. Gunn: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 101.5(b)(i) further to the retention of an existing addition to the house on Lot A, Section 71, Lake District, Plan VIP55346 (5440 West Saanich Road):

a) Relaxation of height from 7.5 m to 7.98 m

And further that the variance so permitted be in accordance with the plans submitted to the Board, and as already constructed."

Board comments:

- The Tree Preservation Bylaw will apply to this proposal and will ensure tree replacement requirements are met.
- This minor variance will not adversely affect neighbours due to sufficient separation and it does not violate the intent of the Zoning Bylaw.
- Hardship has been established; the variance request is absorbed by the measurement errors discovered on the original survey.

The Motion was then Put and CARRIED

Tyndall Avenue Addition
BOV #00538

Applicant: Lavonne Owen
Property: 4436 Tyndall Avenue
Variance: Relaxation of the separation between the principal building and the accessory building's columns from 1.2 m to 0.7 m
Relaxation of the separation between the principal building's roof overhang and the accessory building's roof overhang from 60 cm to 0.15 m
Relaxation of overall height from 7.5 m to 8.73 m
Relaxation of single face height from 7.5 m to 8.95 m

The Notice of Meeting was read and the applicant's letter received. Letter of no objection received from J. Vantreight, 4437 Tyndall Avenue

Applicants

Lavonne and Jason Owen, owners, were present in support of the application and the following was noted:

- Due to an injury, Ms. Owen suffers from limited back function and requires better accessibility to the washroom on the sleeping level of their home. The existing washroom is too small for her to effectively access and utilize it. If the variance is not granted and a subsequent Development Variance Permit application fails they will have to move to another home.
- The height variance is requested to maintain existing rooflines; if the addition is designed with a flat roof in order to be in compliance it would not enhance the existing home nor would it fit the form and character of the neighbourhood.
- Moving the carport would result in the same issues of non-compliance in the rear yard and would result in a loss of an additional parking space.
- The carport is non-conforming and is not enclosed; volatile or combustible items are not stored there.
- If the carport were to be demolished and rebuilt it would require a Building Permit, would need to be built to code and the requested variances would come under scrutiny once again.

In Favour

Ms. Jean Vantreight, 4437 Tyndall Avenue

- The addition would not create any negative impacts to neighbours and would be in keeping with the character of the neighbourhood.

In Opposition

Nil

MOTION:

MOVED by H. Charania and Seconded by R. Gupta: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 5.29 (i) and (ii) and 210.4(b)(i) and (ii), further to the construction of an addition to the house on Lot 1, Section 84, Victoria District, Plan 27362 (4436 Tyndall Avenue):

- a) Relaxation of the separation between the principal building and the accessory building's columns from 1.2 m to 0.7 m
- b) Relaxation of the separation between the principal building's roof overhang and the accessory building's roof overhang from 60 cm to 0.15 m
- c) Relaxation of overall height from 7.5 m to 8.73 m
- d) Relaxation of single face height from 7.5 m to 8.95 m

And further that the variances so permitted be in accordance with the plans submitted to the Board, and expire on March 9, 2018, if not acted upon."

Board comments:

- This is a minor addition to the existing home and hardship has been well established due to the difficulties presented by the physical condition of the applicant.
- This addition will not result in negative impacts to the neighbourhood.

The Motion was then Put and CARRIED

Vantreight Drive
New house

BOV #00539

Applicant: Christine Lintott, Architect OBO David Price
Property: 4661 Vantreight Drive
Variance: Relaxation of rear lot line from 11.0 m to 2.9 m
Relaxation of overall height from 6.5 m to 6.95 m
Relaxation of single face height from 6.5 m to 6.95

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

Applicants

David Price, owner, and Christine Lintott, Architect, were present in support of the application and the following was noted:

- The market has shifted since the original approval from the Board of Variance which has resulted in refinements and adjustments to the original plans.
- The number of windows overlooking neighbours has been significantly reduced.

In response to questions from the Board, the Zoning Officer stated:

- All documentation associated with this variance request has incorrectly indicated the variance request for a relaxation of the rear lot line is from 11.0 meters to 1.5 meters; in fact, the request is for a relaxation of the rear lot line from 11.0 meters to 2.9 meters. This error was due to a difference in interpretation. If the factual relaxation request was higher than what was documented, the notification process would need to be undertaken again. In this case, the relaxation request is lower than what was documented; therefore, the Board is free to rule on this application.
- The current application differs from the original application in the following ways:
 - the previous application (approved by the Board on February 12, 2014) did not include the relaxation request for a single face height from 6.5 meters to 6.95 meters; and
 - the overall design has been altered.
- The plans previously approved by the Board have expired and no longer apply.
- Garage height was not considered by the Board through the previous application as it was concluded a detached garage is not supportable at any height.

In response to questions from the Board, Ms. Lintott stated:

- They have given considerable thought to what neighbours would view from their home if the variances are approved.
- Site and setback positions create a challenging lot.
- The previous application included a detached garage, which was not approved. The current plans include an attached garage which created an expanded footprint. This was the only design approach to allow for covered, on-site parking.
- The home has been rotated from its original siting to deal with spatial separation and window placement requirements.

- The home cannot be moved forward due to waterfront environmental requirements and the grade on that face is the most restrictive in terms of height. They believe they have achieved a siting balance that allows for sufficient view corridors through the property.
- A renter occupied the home since the original Board approval and vacated when the lease expired.
- The surrounding neighbours supported the original application.
- The height of 6.95 meters for the garage is to accommodate two upper bedrooms to enhance the marketability of the home.

In Favour

Nil

In Opposition

Mr. Gordon Griffiths, 4659 Vantreight Drive:

- Although the applicant has addressed all of his concerns, he prefers the orientation and siting of the previous design.
- Through a subdivision that occurred on his property many years ago, he was granted a small easement-in-perpetuity at the Vantreight Drive frontage to allow for more space.

Mr. Lee Ketterer and Ms. Nicole Thelin, 4460 Vantreight Drive:

- They purchased their home in September 2014 and share a side property line with the applicant.
- While they understand the lot is oddly shaped, the current design places the home exceedingly close to their home; it should be sited in a way that does not negatively impact neighbours.
- The proposed two bedrooms above the garage would look directly down into their yard.
- The value of their home could be negatively affected by the proposal.
- Their objection is mainly due to the proposed height of the garage.

MOTION:

MOVED by D. Gunn and Seconded by H. Charania: "That the following variances from the requirements of Zoning Bylaw 2003, Sections 290.3(a)(ii) and 290.3(b)(i) and (ii), further to the construction of a new house on Lot 1, Section 85, Victoria District, Plan 2617 (4661 Vantreight Drive) be DENIED:

- a) Relaxation of rear lot line from 11.0 m to 2.9 m
- b) Relaxation of overall height from 6.5 m to 6.95 m
- c) Relaxation of single face height from 6.5 m to 6.95

Board comments:

- Placing the home at a southeast angle would change the perspective and proposing a standard garage would likely eliminate objections.
- Any contamination issues or hazardous materials need to be dealt with prior to demolition.
- The Board does not normally encourage incremental variances.
- The lot is difficult to build on as the setbacks appear to be reversed and result in encroachment issues.
- Although a different floor plan has been submitted, the property requires variances in order to build the house as proposed on the plans.

**The Motion was then Put and CARRIED
R. Riddett and R. Gupta Opposed**

Claremont
Avenue
New house

Applicant: Bhupinder Dhillon
Property: 952 Claremont Avenue
Variance: Relaxation of overall height from 7.5 m to 10.0 m
Relaxation of single face height from 6.5 m to 10.0 m

BOV #00541

The Notice of Meeting was read and the applicant's letter received. Letters of no objection received from S. Seivewright and J. Rees, 5061 Sunrise Terrace and M. Heyer, 958 Claremont Avenue. Two letters of objection received from M. Guoguo, 5064 Sunrise Terrace.

Applicants

Mr. and Mrs. Bhupinder Dhillon, owners, were present in support of the application and the following was noted:

- Plans have been amended after thorough consideration; changes include building below grade in order to ensure the proposed three-storey home represents at the same height of neighbouring homes.
- Geotechnical reports have been submitted regarding the proposed retaining walls and they are prepared to move forward on the recommendations.
- The goal is to build a home that creates a reputation of quality.
- As requested at the previous Board meeting, a cross-section of the proposed home and slope was submitted.
- The size of the proposed home is 4,500 ft² and meets Gross Floor Area and non-basement area requirements.
- Any drainage or slope concerns will be addressed by the Engineering, Planning and Building Inspection Departments who will ensure that all codes and requirements have been met.
- They are not permitted to remove any dead or dangerous trees prior to owning the property and receiving an approved Tree Removal Permit. Ownership was finalized on February 15, 2016. The removal of approximately 54-59 trees will be undertaken once the variance requests are decided upon and a Building Permit is issued.

In Favour

In Opposition

Roger Stonebanks, 5050 Lochside Drive:

- Concerned about ground stability, drainage and possible slippage that could affect neighbouring properties; a bond needs to be secured prior to building.

David and Janet Jones, 5056 Lochside Drive:

- Concerned about dangerous and dead trees located at the bottom of the slope which have fallen into, hang over and infringe upon their property. Their concerns have been reported to Saanich several times but to date nothing has been done to remedy the issue.

MOTION:

MOVED by R. Gupta and Seconded by R. Kelley: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 295.3(b)(i) and (ii), further to the construction of a new house on Lot 24, Section 30, Lake District, Plan 7575 (952 Claremont Avenue):

- a) Relaxation of overall height from 7.5 m to 10.0 m
- b) Relaxation of single face height from 6.5 m to 10.0 m

And further that the variances so permitted be in accordance with the plans submitted to the Board, and expire on March 9, 2018, if not acted upon."

Board comments:

- The construction process would ensure any dangerous trees are removed from the property.
- The attempt to mitigate possible negative impacts from the previous variance request is appreciated.
- A previous concern was visualizing possible effects to 953 Claremont Avenue via a cross-section; this has been achieved and the owners of 953 Claremont Avenue are no longer opposed to this proposal.
- The existing slope presents hardship and there are no detrimental impacts to neighbours.
- The proposal does not violate the intent of the Zoning Bylaw.
- The Board of Variance recommends the applicant and the District of Saanich undertake due diligence to ensure that:
 - any drainage, slippage or slope stability issues are properly addressed; and
 - any dangerous or dead tree issues are addressed, especially for trees located at the bottom of the slope.

The Motion was then Put and CARRIED

Adjournment On a motion from R. Gupta, the meeting was adjourned at 7:28 p.m.

Robert Riddett, Acting Chair

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

Recording Secretary