

**MINUTES
BOARD OF VARIANCE
COMMITTEE ROOM NO. 1, SAANICH MUNICIPAL HALL
JANUARY 11, 2017 AT 5:00 P.M.**

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

Election of Chair: The Secretary called the meeting to order and asked for nominations to the Chair for 2017.

Moved by R. Riddett and Seconded by R. Kelley: "That H. Charania be nominated as the Board of Variance Chair for 2017."

Appointment of Vice-Chair: Mr. Charania accepted the nomination.

There being no other nominations, **the Motion was then Put and CARRIED**

H. Charania assumed the Chair and R. Riddett was appointed as Vice-Chair.

Mr. Charania suggested that other Board members be given opportunity to Chair meetings this year as follows:
March 2017 – R. Riddett in the chair
June 2017 – D. Gunn in the chair
September 2017 – R. Kelley in the chair
December 2017 – R. Gupta in the chair

Minutes: **Moved by R. Riddett and Seconded by R. Gupta: "That the minutes of the Board of Variance meeting held December 14, 2016 be adopted as amended."**

CARRIED

McBriar Avenue Carport Addition
BOV #00581

Applicant: Liubov Goundareva
Property: 1030 McBriar Avenue
Variance: Relaxation of side yard setback from 1.5 m to 0.30 m
Relaxation for the maximum lot coverage of all accessory buildings combined from 10.0% to 12.40%

The Notice of Meeting was read and the applicant's letter received. Letter of no objection received from one residence. Letter of objection received from one residence.

The Zoning Officer provided information about accessory building lot coverage, noting that without this proposal the two existing accessory buildings occupy the maximum 10% lot coverage permitted.

Applicants Lyuba Goundareva, owner, was present in support of the application. In response to questions from the Board, she stated:

- The driveway is 14.5' wide, the carport is 10' wide and the gate is 3.5' wide.
- The previous carport sat on the fence line for 30 years; the new carport is 1' away from the fence.
- The contractor she hired did the best he could; he did not say anything other than the carport could not be on the fence line.
- A neighbour complained about the carport; the affected neighbour is supportive of the carport and likes it for privacy.

- She did not know a permit was needed to replace an existing structure.
- The wall of the carport is shielded by the fence that was installed by the neighbour. The neighbour also planted the hedge – they can only see the rooftop of the carport.
- The other building is a studio and is not used for living, other than to be short term accommodation when family visits.
- If not approved, she will be out \$4,000 and will have no shelter for her vehicle.

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 210.5(a)(ii) and 210.5(c), further to the construction of a carport addition on Lot 3, Section 66, Victoria District, Plan 12701 (1030 McBriar Avenue):**

- a) relaxation of side yard setback from 1.5 m to 0.30 m
- b) relaxation for the maximum lot coverage of all accessory buildings combined from 10.0% to 12.40% .”

Board comments:

- The affected neighbour is in support.
- In terms of site coverage, if this was attached to the house it would be within the 40% lot coverage, so this is an unreasonable distinction with the bylaw.
- There is need for a carport and this is the only place to put one.
- The hedge and fence provide a visual barrier.
- The structure was there previously and was just replaced; there was no mal-intent.
- There are setbacks for a reason but this structure existed before for 30 years. It is very close to the fence, but is better than it was.

The Motion was then Put and CARRIED

Kenneth Street
Enclose carport

Applicant: Anthony and Carolyn Green
Property: 658 Kenneth Street
Variance: Relaxation of sum of both side yards from 4.5 m to 3.11 m

BOV #00593

The Notice of Meeting was read and the applicant’s letter received. Letter of no objection received from one residence.

Applicants

Anthony Green, owner, and John Green, were present in support of the application. They noted that a variance was granted in the past and they are here because the plans have changed from the initial plans.

The Zoning Officer clarified that the variance was tied to the original plans and that the new construction/walls need new approvals.

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

- He purchased the house in 2014.
- They enclosed the carport further and were told by Inspections that a variance was needed.
- He did the work himself; no structural changes were made.

- The enclosed carport will be used as secure storage for several household items.

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(a)(ii), further to the request to enclose an existing carport at Lot 11, Section 49, Victoria District, Plan 1477 (658 Kenneth Street):

- a) relaxation of sum of both side yards from 4.5 m to 3.11 m

And further that if construction in accordance with the plans submitted to the Board in the application is not substantially started within two years from the date of this Order, the variance so permitted by this Order will expire.”

Board comments:

- The work was done in good faith with an existing variance.
- This is a change in the structure, not with the variance.
- The structure is not intrusive and has minimal impact.
- It would be a hardship for the owner to not be able to secure household items.
- It would be a financial hardship to demolish the existing structure.

The Motion was then Put and CARRIED

Falaise Drive
Carport addition

BOV #00594

Applicant: Kirk and Marilyn Stone
Property: 4617 Falaise Drive
Variance: Relaxation of front lot line setback from 7.5 m to 6.39 m
Relaxation of sum of both side yards from 4.5 m to 4.35 m

The Notice of Meeting was read and the applicant’s letter received. Signatures of no objection received from seven residences.

Applicants

Earl (Kirk) and Marilyn Stone, owners, were present in support of the application. They stated they had used an older survey and thought they had room at the front to do their addition, and then found out later with a subsequent survey that there was a conflict.

In response to questions from the Board, they stated:

- The garage is half done; a carport is to be added.
- The carport is needed to protect their vehicles from the tree sap.
- Mr. Stone’s car does not fit in the garage; Mrs. Stone’s car is in the garage.

In Favour Nil

In Opposition Nil

MOTION: **MOVED** by R. Gupta and **Seconded** by R. Kelley: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 230.4(a)(i) and (ii), further to the construction of a carport addition at Lot 4, Section 109, Lake District, Plan 40754 (4617 Falaise Drive):

- a) relaxation of front lot line setback from 7.5 m to 6.39 m

b) relaxation of sum of both side yards from 4.5 m to 4.35 m

And further that if construction in accordance with the plans submitted to the Board in the application is not substantially started within two years from the date of this Order, the variances so permitted by this Order will expire.”

Board comments:

- This is a minor request.
- There was confusion with the surveys and there may have been a contractor oversight.
- There is a need to protect their assets in a safe and secure manner.

The Motion was then Put and CARRIED

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| Oakmount Road New House BOV #00595 | Applicant: Bhupinder Dhillon OBO JPN Construction Ltd. Property: 1297 Oakmount Road Variance: Relaxation of building height from 6.5 m to 7.18 m Relaxation single face height from 6.5 m to 7.28 m |
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The Notice of Meeting was read and the applicant's letter received. Letter of objection received from one residence.

Applicants Bhupinder Dhillon, applicant, was present in support of the application and he stated that he was originally building a spec house but it became a custom house when the purchaser wanted to change the flat roof to a sundeck. The house was re-designed and he did not realize that raising the flat roof to accommodate the steps inside created a height issue. A survey done 3-4 weeks later determined the height problem.

In Favour T. and L. Sinclair, future owners of 1297 Oakmount Road:

- The design was always for a flat roof; they would like to have a deck.

In Opposition M. Lebedynski, 1298 Ocean View Road:

- They have lost their view of many Oak trees because of new developments in the area.
- The developer had told them that this house would be a mirror of the other house built but changes were made and a second level deck was put in that faces over their back yard.
- The proposed deck will mean a loss of privacy, sightlines, and enjoyment of their back yard.
- The builder should be familiar with the codes and guidelines considering he just finished building a house next door.
- They would have liked to be asked by the developer about the changes.
- They were asked for their support but cannot offer this.

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

- A mistake was made by the designer; if he had known about the error he could have reduced the steps or redesigned, but it is too late.
- The 3:12 pitch roof is still under 7.5 metres and does not impact the view. The flat roof is still lower than if it were a sloped roof; if this was designed as a sloped roof they would not need a variance.
- He asked the designer to be here tonight, but the designer did not show up.
- The sundeck is what triggers the overheight variance request.
- The house impacts view whether there is a variance or not.

The Zoning Officer explained the single-face height measurement.

MOTION: **MOVED by R. Gupta and Seconded by R. Riddett: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 210.4(b)(i) and (ii), further to the construction of a carport addition at Lot 3, Section 62, Victoria District, Plan 40260 (1297 Oakmount Road):**

- a) relaxation of building height from 6.5 m to 7.18 m
- b) relaxation single face height from 6.5 m to 7.28 m

And further that if construction in accordance with the plans submitted to the Board in the application is not substantially started within two years from the date of this Order, the variances so permitted by this Order will expire.”

Board comments:

- The applicant is experienced and there should be no reason to not make it work, however it seems like the designer made a mistake.
- The neighbour’s comment about tree loss and views have nothing to do with the variance. In terms of massing, if this was a sloped roof it would be more invasive.
- This is a minor variance and does not add to the neighbour’s view losses; the lot is there for construction.
- Flat roof versus a ridge roof is always a challenge. This is a minor variance and the financial cost to fix this would be great.
- Understands the neighbour’s concerns but a flat roof is better for them in terms of views.

The Motion was then Put and CARRIED

Adjournment On a motion from R. Gupta, the meeting was adjourned at 6:28 p.m.

Haji Charania, Chair

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

Recording Secretary