

MINUTES
BOARD OF VARIANCE
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL
MARCH 2, 2017 AT 7:00 P.M.

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

Minutes: Moved by R. Riddett and Seconded by R. Kelley: "That the minutes of the Board of Variance meeting held January 11, 2017 be adopted as amended.

CARRIED

Layritz Place
Accessory bldg.
and an addition

Applicant: Susan Hunter
Property: 1285 Layritz Place
Variance: Relaxation of rear lot line setback for a single family dwelling from 7.5 m to 6.11 m
Relaxation of rear lot line setback for an accessory building from 1.5 m to 0.68 m

BOV #00597

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

Applicants

Susan Hunter, owner, was present in support of the application and noted that she had been before the Board in 2014 for the addition which was approved at that time. A discrepancy was found in the original site plan of 2014 and the site survey that was done in 2016. The accessory building was already on the property when they purchased it and the Manager of Inspection Services had recommended that they apply to the Board to legalize the structure. The sunroom is used by the family and is an important space to the family. In response to a question, Ms. Hunter stated she didn't know that a survey was required to finalize the project and that a contractor probably signed the original permit application.

In Favour

Nil

In Opposition

Nil

MOTION:

MOVED by R. Kelley and Seconded by D. Gunn: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Section 210.4(a)(i) and Sections 210.5(a)(i) and (ii), further to allowing an accessory building to remain as is, and further to allowing an existing sunroom addition to remain as is to the house on Lot 7, Section 98, Lake District, Plan 46484 (1285 Layritz Place):

- a) relaxation of rear lot line setback for a single family dwelling from 7.5 m to 6.11 m.**
- b) relaxation of rear lot line setback for an accessory building from 1.5 m to 0.68 m."**

Board comments:

- This seems like a genuine error; there is no impact to the neighbours and they do not object.
- The hardship is in the shape of the lot as it has two rear lot lines. This was an unintentional error.
- The shed abuts municipal property and is existing non-conforming.
- To have to correct the error would be a financial hardship.

The Motion was then Put and CARRIED

Cordova Bay Road
 Accessory bldg.
 BOV #00598

Applicant: Lindsay Baker, Aspire Custom Designs OBO Marie-Louise Wessels
Property: 5091 Cordova Bay Road
Variance: Relaxation of front lot line setback from 7.5 m to 5.0 m
 Relaxation of minimum separation between an accessory building and principal building from 1.2 m to 0.99 m
 Relaxation of minimum separation between the accessory building roof overhang and the principal building from 60 cm to 0.15 m

The Notice of Meeting was read and the applicant's letter received. Two letters not in support received.

Applicants Lindsay Baker, applicant, was present in support of the application and he noted that:

- He is back with a new application; the proposed building has been pushed back as far as possible to minimize impact. This is a narrower and shorter garage for one vehicle, not two.
- This application increased the frontage distance reducing the variance request compared to the previous application.
- He has counted 16 similar garages along Cordova Bay Road.
- The property is only 15 metres wide and there is a Right-of-Way which reduces the lot even further; this is the narrowest and shortest lot. All of these factors contribute to the hardship.
- They have spoken with the neighbours about this; the one neighbour has a non-conforming fence.

In Favour Nil

In Opposition Bruce McMorran, Cordova Bay Road:

- They have lived in the area since 1924. He attended the meeting last October and his comments from then still stand.
- This is already a large house on a small lot and he is against having another building on the lot.
- The proposed building is still close to the road.
- He can think of only two other properties with garages on this road. Many cars today are parked on the road or in driveways, not in garages.

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

- There had previously been a carport on the property; it had to be removed because it was on the right-of-way. The owner would have preferred to keep this.
- He did consider a variety of options; the option of turning the building around provided no curb appeal, as the side of the garage would be showing, and the front door to the house would be out of view.
- A retaining wall would be needed for gravel on the right-of-way; anything bigger than 4' x '6 is considered a structure, and not landscaping.
- The setback between the house and proposed garage meets building code. It would be made with non-combustible hardy-plank.
- They considered a flat roof version but it did not look good, it looked out of place.

MOTION: **MOVED by D. Gunn: "That the requests for variance from the requirements of Zoning Bylaw 2003, Sections 5.29(i) and (ii) and 295.4(a)(i), further to the construction of an accessory building on Lot 19, Section 30, Lake District, Plan 4101 (5091 Cordova Bay Road) be approved.**

The Motion DIED due to lack of a Seconder

MOVED by R. Riddett and Seconded by R. Kelley: “That the following requests for variance from the requirements of Zoning Bylaw 2003, Sections 5.29(i) and (ii) and 295.4(a)(i), further to the construction of an accessory building on Lot 19, Section 30, Lake District, Plan 4101 (5091 Cordova Bay Road) be DENIED:

- a) relaxation of front lot line setback from 7.5 m to 5.0 m
- b) relaxation of minimum separation between an accessory building and principal building from 1.2 m to 0.99 m
- c) relaxation of minimum separation between the accessory building roof overhang and the principal building from 60 cm to 0.15 m.”

Board comments:

- The arguments from the last meeting still apply. Improvements to the application have been made, but it is still not enough.
- There are many cases of people parking beside houses in driveways. Garages are not fully necessary in this climate.
- The site was not marked so it was difficult to visualize the structure. The plan shows that the building still sticks out quite a bit.
- The applicant knew the lot was small, and should have dealt with this issue during the design stage.
- This proposal does not fit in with the area.
- The lot having the right-of-way does cause a hardship.

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

Seamist Court
Addition

Applicant: Gregory Baynton
Property: 854 Seamist Court
Variance: Relaxation of front lot line setback from 7.5 m to 6.10 m

BOV #00599

The Notice of Meeting was read and the applicant’s letter received. Three letters of no objection received.

Applicants

Marie and Gregory Baynton, owners, were present in support of the application, and had nothing further to add. The Board members thanked them for marking the site and for their good submission.

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 250.4(a)(i), further to the construction of an addition to the house on Lot 64, Section 27, Lake District, Plan 38786 (854 Seamist Court):

- a) relaxation of front lot line setback from 7.5 m to 6.10 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:

- This is a minor variance.
- The lot shape is irregular and the topography is challenging.
- There is no impact to neighbours.
- To not grant the variance would be a hardship.

The Motion was then Put and CARRIED

Elmhurst Place
Addition

Applicant: Doug Ko, TYKO Design Ltd. OBO Rui Yang
Property: 1858 Elmhurst Place
Variance: Relaxation of allowable floor space in non-basement areas from 80% to 86.64%

BOV #00601

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

Applicants

Doug Ko, TYKO Design Ltd., applicant, was present in support of the application. He read out his letter dated February 28, 2017 which outlines the history of the property and also what his client is willing to do to alleviate the one neighbour’s concerns. It was noted that most neighbours are in support of the application. It was also noted that there may be other development opportunities in the future but there are no plans to do so at this time.

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

- He has been involved with the property since December 24, 2016, after Saanich placed the Stop Work Order.
- A discrepancy was pointed out about the concrete wall and structure under the deck which shows as pilings on one set of plans. Mr. Ko confirmed that there was unfinished enclosed space under the deck when the house was purchased.
- In response to the definition of living space versus family space, Mr. Ko stated that the Saanich Bylaw says living space is enclosed with heat. He also considers this to be family space but does not state this in his letter.
- The hardship is that the owners purchased the property with the understanding that they could finish the area under the deck. It would be a financial hardship to take down the structure.
- When pointed out that there is a declaration during real estate transactions, Mr. Ko stated that maybe the current owner can pursue something with the previous owner about the real estate declaration.
- The room below the deck was being finished by the current owners when the stop-work order was issued.
- The house was purchased as-is and it would be a hardship to have to tear it down. The owner would like to have a secondary suite for their parents.
- If rejected they would have to take out the finished area under the deck and the parents could not live in the house.
- The parking will be pushed farther back into the driveway to make a larger space. The carport will only partially cover a car.
- The owners did not know that a renovation and an addition were the same thing.

The Zoning Officer stated that the previously approved building permit was for an unenclosed deck and unenclosed space underneath. He noted that a neighbour provided a history, and stated that the previous owner had created the sunroom and unfinished enclosure under the deck and that the current owners purchased the property this way.

The Board Chair pointed out that a person can build a legal suite, but the intent of the Zoning Bylaw is not to allow people to overbuild.

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 210.4(c), further to the construction of an addition to the house on Lot 8, Section 58, Victoria District, Plan 20243 (1858 Elmhurst Place):

- a) relaxation of allowable floor space in non-basement areas from 80% to 86.64%

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 only issue before the Board is the non-basement area. The Bylaw intent is to control massing and this does not change massing.
- It is a small 6% addition and the owner is doing many things to alleviate concerns of one neighbour.
- The addition is within the footprint. The impact on the neighbours is minimal.
- The new owner inherited an illegal structure and thought she was finishing the space, not adding to it. There is also a language barrier.
- The owner shows a lack of due diligence. Work was done without a permit. There is concern that extra suites are being created and will have a major impact on the area.

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

Zinnia Road Addition BOV #00602	Applicant: Nigel Banks, Banks Design OBO Kevin Morin Property: 4048 Zinnia Road Variance: Relaxation of height from 6.5 m to 8.15 m Relaxation of single face height from 6.5 m to 8.3 m
Applicants	The Notice of Meeting was read and the applicant’s letter received. Two letters of no objection received. Nigel Banks, applicant, Kevin Morin, owner and David Monteith, were present in support of the application. The applicant noted that: <ul style="list-style-type: none"> ▪ The natural topography of the site causes the need for variance. ▪ The height has minimal impact on neighbours, as there is good separation between neighbours. ▪ Having a pitched roof would take away from the design and would raise the ridge by about eight inches, affecting the neighbour’s sightlines. ▪ They would need a variance for either a flat or pitched roof because of the grade. In response to questions from the Board, the owner and applicant stated: <ul style="list-style-type: none"> ▪ The owner has spoken with neighbours and no objections were received; people were happy the house is being improved. ▪ The structure on top outside the stairwell is being removed. There will be interior stairs. ▪ They need the space because they would like to expand their family at some point and it is only a two bedroom home. They are adding two bedrooms and a bathroom. ▪ If the variance is denied, their hardship is that the house would be less usable as a family home and they would like to stay in the area. Additionally the topography of the site causes a hardship and the existing non-conforming house is surrounded by Oak trees.
In Favour	Nil
In Opposition	Nil

MOTION: MOVED by D. Gunn 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 an addition to the house on Lot 2, Section 79, Victoria District, Plan 31507 (4048 Zinnia Road):

- a) relaxation of height from 6.5 m to 8.15 m
- b) relaxation of single face height from 6.5 m to 8.3 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 addition makes sense as the family will need more space.
- The slope of the lot causes a hardship and with the age of the house, the owner should be allowed to renovate it appropriately.
- The flat roof is less intrusive and has no impact on neighbours.

The Motion was then Put and CARRIED

3019 McAnally Road

The Zoning Officer advised that at the October 12, 2016 Board of Variance meeting, an incorrect reference to the Bylaw was made for the application at 3019 McAnally Road. He clarified the section of the bylaw that should have been referenced, and advised the Board that staff will have to re-notify neighbouring properties.

The applicant has been told that they do not need to re-appear as the application has not changed at all and the applicant has previously answered questions from the Board. A special meeting will be held on Wednesday, March 15, 2017 at 11:00 am to correct the error.

Adjournment

On a motion from R. Kelley the meeting was adjourned at 8:50 pm

Haji Charania, Chair

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

Recording Secretary