

MINUTES
BOARD OF VARIANCE
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL
MARCH 8, 2017 AT 7:00 P.M.

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

Gordon Point Drive
Beach access stairs and railing
Applicant: Jonathan Craggs OBO Alan and Carolyn Winter
Property: 4548 Gordon Point Drive
Variance: Relaxation of height from 0.6 m to 1.41 m

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

BOV #00603

Applicants Jonathan Craggs, applicant and Carolyn Winter, owner, were present in support of the application. In response to questions from the Board, the applicant and owner stated:

- The stairs are steep and handrails are needed for safety.
- They are aware of the covenant on the property. They had CN Ryzuk there to survey and the covenant does not affect the handrail.
- Winter storms hammer the beach so the stairway cannot sit on the beach. They have made it so they can raise the stairs in the winter months.
- There are partial handrails on a cross portion because the drop-off from the far side is not high, there are existing plant there and the design is best aesthetically.
- They have tried to keep everything as low to the ground as possible.

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 5.16(b) further to the construction of a set of beach access stairs with a handrail on Lot 16, Section 85, Victoria District, Plan VIP63660 (4548 Gordon Point Drive):

a) relaxation of height from 0.6 m to 1.41 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 steep staircase needs handrails for safety reasons.
- The homeowner should be able access the beach from their property.
- The covenant requirements have been met.
- There are no impacts to the environment or to neighbours.

The Motion was then Put and CARRIED

Mount Douglas Cross Road Stairs
Applicant: Lisheng Kong and Ming Shang
Property: 1550 Mount Douglas Cross Road
Variance: Relaxation of front lot line from 7.5 m to 3.60 m

BOV #00604 The Notice of Meeting was read and the applicant's letter received. Three letters not in support received.

Applicants Lisheng Kong and Ming Shang, applicant/owners, and P. Sandhu, builder, were present in support of the application. The owners submitted and read out their written response about their neighbours' concerns about the application.

Board members asked questions, and the following was noted:

- The existing house is different than that of the plans of a 2012 Development Variance Permit (DVP) because the current owners wanted their own house design.
- The windows on the ground floor were part of the approved building plan and were moved at one point.
- They were told that the stairway to the main entrance would be considered landscaping because it was a tiered design.
- The lot was purchased in May 2015 and they purchased the lot only, not the house plans.
- The builder explained how the steps were built and noted that a lot of rock on the site required blasting.
- Removing the structure would be a huge financial hardship as they are currently trying to pay all of their bills to date.
- Their English is poor which is difficult. They did not choose to make a mistake; they understood that the stairs were considered to be landscaping because of the landings in between the steps.
- Their neighbours say their house is beautiful.
- The builder stated he only spoke to Planning staff about the landings with 2-3 steps between, he did not talk about other options.

The Zoning Officer advised that:

- The DVP is for the lot width and not the design, and if the owners are within the Bylaw, they can apply to make changes to their approved plans such as moving windows.
- Any proposed plan changes would have had to be made by the Approving Officer.
- Although he was not privy to conversations about this, he confirmed that a ground level entrance would be considered landscaping, but an entrance that is nine feet above ground would not be considered landscaping.

Board comments:

- There is sympathy for the miscommunication due to the language barrier and lack of documentation.
- Although there were options to stay within the bylaw, this was an innocent error that would be costly to correct.
- When considering already constructed structures, the Board should consider the structure as not being there, and then decide whether they would allow for the construction.
- There are other options. This violates the intent of the Bylaw as well as the report to Council back in 2012.
- This is a major variance and had the building been constructed to the plans in the Building Permit there would have been other solutions.
- The house was built inadvisably.

Board members could not come to a consensus on this application. As per Section 14c) of Board of Variance Bylaw, 2004, No. 8599, consideration of this application was TABLED to a future meeting when all members can attend.

In Favour Nil

In Opposition Nil

Abbey Road Accessory building
Applicant: Robert Renaud
Property: 975 Abbey Road
Variance: Relaxation of interior side lot line from 1.5 m to 1.28 m

BOV #00606 The Notice of Meeting was read and the applicant's letter received. Four signatures of no objection received.

Applicants Robert and Sandy Renaud, applicant/owners, were present in support of the application and noted that existing foundation is about 60 years old. The original site plan showed the required setback and a new site plan done after the project was completed showed the back corner of the structure as being a few inches shy of the required setback. In response to questions from the Board, they noted:

- The railing on top of the garage is for a deck and it meets the height requirement.
- The ceiling height in the garage is eight feet.
- They had built the structure without a permit. They had started by working on the existing carport and just got carried away and made the mistake.

In Favour Nil

In Opposition Nil

MOTION: MOVED by H. Charania and Seconded by D. Gunn: "That the following request for variance be granted from the requirements of Zoning Bylaw 2003, Section 295.4(a)(ii), further to allowing an existing accessory building to remain as is on Lot 1, Section 30, Lake District, Plan 10574 (975 Abbey Road):

- a) relaxation of interior side lot line from 1.5 m to 1.28 m."

Board comments:

- This is a very minor variance.
- This is an unintentional error. They should have applied for a permit but have one now.
- The building is not offensive.
- If it hadn't already been constructed, would have been in favour of the variance request.
- It is a hardship using the old foundation and old site plan with the error.
- This does not go against the intent of the bylaw.

The Motion was then Put and CARRIED

Derby Road Addition
Applicant: Aspire Custom Designs Inc. OBO F. Karfhold and R. Berger
Property: 1600 Derby Road
Variance: Relaxation of combined side lot line setback from 4.5 m to 3.2 m

BOV #00607

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

Applicants Lindsay Baker, Aspire Custom Designs Inc., applicant, Felix Karfhold, owner, and Erik Beiderwieden, EB Renovations, were present in support of the application. Two letters of no objection were submitted.

In response to questions from the Board, the following was noted:

- The existing carport is legal non-conforming.
- They need more space in order to accommodate an expanding family.
- They are not intending to have a secondary suite.
- The downstairs section under the addition will be open to the outside.

An error was pointed out and it was noted that the applicant is requesting more room than needed. When asked if he would like to change the request from 3.2 m to 3.92 metres, the applicant opted to stay with the original request.

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 210.4(a)(ii), further to the construction of an addition to the house on Lot 1, Section 37, Victoria District, Plan 10256 (1600 Derby Road):

- a) relaxation of combined side lot line setback from 4.5 m to 3.2 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:

- Space is needed for a growing family; they would like to stay in the area.
- The house is existing non-conforming; the house siting causes a hardship.
- This meets the intent of the bylaw and does not affect neighbours.

The Motion was then Put and CARRIED

Belgrave Road Addition

Applicant: Douglas Davis
Property: 3785 Belgrave Road
Variance: Relaxation of rear lot line from 12.0 m to 9.05 m

BOV #00608

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

Applicants

Douglas Davis, applicant/owner and David Lunt, T-Square Designs were present in support of the application. They noted that the size of the property would be zoned as RS-11 under present zoning requirements. Instead they show as RS-18 which requires larger setbacks.

In response to questions from the Board, the following was noted:

- Many Saanich lots are not zoned properly; the Bylaw needs to be edited.
- In terms of site coverage, there is not one listed for RS-18 zone.
- The old garage is to be removed.
- Although they are almost doubling the house size, they are still below the allowable size.
- The variance is for only a portion of the addition at the back.

In Favour Nil

In Opposition Nil

MOTION: **MOVED by D. Gunn and Seconded by H. Charania: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 295.3(a)(ii), further to the construction of an addition to the house on Lot AM3, Section 16, Victoria District, Plan 1425 (3785 Belgrave Road):**

a) relaxation of rear lot line from 12.0 m to 9.05 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 zoning abnormality causes a hardship.
- The requested setback makes sense.
- This does not impact the neighbours.

The Motion was then Put and CARRIED

Midgard Avenue Accessory building **Applicant: Tine Lathouwers**
Property: 1710 Midgard Avenue
Variance: Relaxation of front lot line from 7.5 m to 1.50 m

BOV #00 #609 The Notice of Meeting was read and the applicant’s letter received.

Applicants Tine Lathouwers and Greg Goforth, applicant/owners, were present in support of the application. They stated that the proposed placement of the accessory building would allow them to fully use their yard, ensure their children’s safety and work with the neighbourhood’s aesthetics. Part of the hedge will be removed if approved.

In response to questions from the Board, the following was noted:

- They are not sure what the west side neighbours use their garage for, they assume for storage.
- The proposed building is for an office and a workshop.
- They have lived there for nine years and want to stay in the area as they have good neighbours and are near school.
- Rebuilding is less expensive than buying another residence.
- Although the building plans look like a suite, they do not intend on using the space as a secondary suite.
- Part of the building is to be used for indoor bicycle training area and for computers.
- The hardships are that they would have to put the structure in the middle of the yard to conform to the bylaw, restricting the use of the yard, and they have two frontages which causes the issue.

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 210.5(a)(ii), further to the construction of an accessory building on Lot 2, Section 40, Victoria District, Plan 402F (1710 Midgard Avenue):**

a) relaxation of front lot line from 7.5 m to 1.50 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 good neighbourhood and although the double frontage causes a hardship, the Earlston streetscape should be preserved.
- The proposed building looks like a suite. This should be up to Council as this could go against density if it becomes a residence. This is not a minor change.
- Next door is developed in the same fashion and the laneway has some alteration already.
- The applicant’s explanation of use is accepted. Municipality has rules for converting space for secondary suites.
- This is consistent with the building to the west.

The Motion was then Put and CARRIED

Wesley Road Addition

BOV #00605

Applicant: Geoffrey Jefferson and Zubaida Khan
Property: 5059 Wesley Road
Variance: Relaxation of height from 5.0 m to 5.49 m
Relaxation of single face height from 5.0 m to 6.60 m

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

Applicants

Geoffrey Jefferson, applicant/owner, and Ron McNeil, designer, were present in support of the application. They noted that:

- They have the neighbours’ support.
- There are not a lot of options available to create the space needed.
- The house is already existing non-conforming.
- The ridge on the plans is slightly lower than what is existing.
- They did their best to keep the height down by having eight foot ceilings instead of the desired nine foot ceiling height.
- They are adding to the low side of the house and so it measures higher.
- If they did the addition on the other side, it would be too close to the neighbour.
- They are adding about 1,000 square feet, they wanted a bedroom and a recreational room for the kids downstairs.
- There is lots of parking space for everyone in the yard.
- An accessory building will be built with a separate permit.

In Favour

Nil

In Opposition

Nil

MOTION:

MOVED by H. Charania and Seconded by D. Gunn: “That the following variances be granted 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 4, Section 30, Lake District, Plan EPP1851 (5059 Wesley Road):

a) relaxation of height from 5.0 m to 5.49 m

b) relaxation of single face height from 5.0 m to 6.60 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 primary hardship is the topography of the site.
- They need to expand the building to make it a proper dwelling.
- The topography is challenging, this is a special zone, and they have made an effort to lower the house height plan from what it is currently, which merits relief.

The Motion was then Put and CARRIED

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

Robert Riddett, Chair

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

Recording Secretary