

MINUTES
BOARD OF VARIANCE
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL
APRIL 12, 2017 AT 7:00 P.M.

Members: H. Charania, D. Gunn, R. Gupta, R. Kelley, R. Riddett

Staff: D. Blewett, Zoning Officer, T. Douglas, Senior Committee Clerk

Minutes: Moved by D. Gunn and Seconded by R. Riddett: "That the minutes of the Board of Variance meeting held March 2, 2017, be adopted as amended.
CARRIED

Moved by D. Gunn and Seconded by R. Riddett: "That the minutes of the Board of Variance meeting held March 8, 2017, be adopted as amended.
CARRIED

Moved by D. Gunn and Seconded by R. Riddett: "That the minutes of the Board of Variance meeting held March 15, 2017 be adopted as circulated.
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 **Moved by R. Riddett and Seconded by R. Gupta, "That the application for variance at 1550 Mount Douglas Cross Road be lifted from the table."**
CARRIED

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

Applicants Lisheng Kong and Ming Shang, applicants/owners, and Mr. Sandhu, builder, were present in support of the application. The owners noted they had submitted a response on March 30, 2017 to address concerns raised at the last meeting.

The Board asked questions and the following responses were noted:

- Their communication with Saanich Planning was verbal only. They were told that the stairs with landings would be considered landscaping.
- They have no backup plans if rejected as there is no more money available to make any changes.
- The windows were installed in the front and the back of the house in consideration of the neighbours and also for privacy.
- This is an innocent mistake and was not done on purpose. They understood that the stairs were considered landscaping.
- They were not told that stairs are a structure. The stairs do not affect the windows. The trouble was with the misleading communication.
- In response to a question Mr. Sandhu stated he has built five to six houses in Saanich.

The Zoning Officer reported that he spoke with the staff member who had discussed the plans with the builder, and a winding sidewalk to the street was discussed. There was clearly a misunderstanding/miscommunication on the part of the applicant.

Board members had questions about the original plan’s house entrance and whether the building department was aware of the changes made to the plans that caused a problem with the entranceway. The Zoning Officer reported that the approved plans attached to the issued building permit did not have a window showing and therefore the grade was much higher. The grade was lowered when the windows were put in; if the contractor had brought in the amended plans showing the window, staff would have been able to inform them of the problem. He also noted that building inspectors are there to check for safety issues, not design, and would not have been aware of any problems during inspection.

In Favour Nil

In Opposition Nil

MOTION: **MOVED by R. Riddett and Seconded by R. Gupta: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 230.4(a)(i), further to allowing an existing set of stairs to remain as is on Lot 1, Section 55, Victoria District, Plan EPP33042 (1550 Mount Douglas Cross Road) in accordance with the plans submitted to the Board:**

a) relaxation of front lot line from 7.5 m to 3.60 m.”

Board comments:

- Neighbour’s concern that the stairs block traffic views is not an issue; this is not a traffic hazard.
- The encroachment is the result of about 4-5 steps. The cost to fix this small area would be very high and not justified.
- The plans did change at some point, and there was miscommunication about structure versus landscape. To rectify this would be very costly and would cause the applicant significant hardship.
- This is a monster structure and there is concern about setting a precedent.
- Acknowledge a communication breakdown occurred but fail to see an economic hardship on such an expensive house.
- There is no intrinsic hardship and if this had not already been built, they would not approve.
- This is halfway into the setback and increases the massing which is contrary to the bylaw intent.
- The neighbour’s concern about the views is not an issue. The variance request is for about 4-5 steps and changes the façade by about 2-3 feet.
- Feels the process was ignored and cannot comment on financial hardship.

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

Grange Road Addition

Applicant: Gordon and Janelle Doucette
Property: 3861 Grange Road
Variance: Relaxation of rear lot line from 7.5 m to 7.07 m
Relaxation of exterior side lot line from 3.5 m to 2.07 m

BOV #00596

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

Applicants

Gordon and Janelle Doucette, applicants/owners were present in support of their application. They noted they would like the garage to fall in line with the existing house for esthetics and ease of construction, and placement of the

bathroom also lines up for this reason. They are building the space for their son as it is difficult to find spaces to rent.

The following responses to questions from the Board were noted:

- In terms of hardship, in addition to their son needing a place to live they also need the space as they live in a cramped 1,350 square foot home.
- The house was built in 1943 and they purchased it in August 2016. They moved to the area to reduce a long commute to work.

The Zoning Officer responded to questions from the Board as follows:

- Originally they were looking at one setback but due to the parking requirements, the applicants have to ask for a rear variance as well.
- They will require three parking spots on site.
- A portion of the house is legally non-conforming.

In Favour Nil

In Opposition Nil

MOTION: MOVED by R. Gupta and Seconded by D. Gunn: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 210.4(a)(i) and (iii), further to the construction of an addition to the house on Lot 1, Section 79, Victoria District, Plan 1766 (3861 Grange Road):

- a) relaxation of rear lot line from 7.5 m to 7.07 m
- b) relaxation of exterior side lot line from 3.5 m to 2.07 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 house is already existing non-conforming, it is a modest house size and there is hardship with the need for parking and storage.
- The position of the house on the lot causes a hardship.
- There is no impact to the environment or neighbours.
- The design makes sense constructing a bathroom over the existing bathroom.

The Motion was then Put and CARRIED

Walter Avenue
Fence

Applicant: Kim Kenyon and Tony Sikich
Property: 464 Walter Avenue
Variance: Relaxation of height from 1.9 m to 1.98 m

BOV #00600

The Notice of Meeting was read and the applicant’s letter received. Seven signatures of support received. One letter of objection received.

Applicants

Tony Sikich and Kim Kenyon, applicants/owners, were present in support of the application. In response to a question they confirmed that they commissioned a professional builder to build a six foot fence.

In Favour Nil

In Opposition Nil

MOTION: **MOVED** by R. Gupta and **Seconded** by R. Kelley: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 6.2(f)(ii), further to allowing an existing fence to remain as is at Lot 16, Section 15, Victoria District, Plan 1070 Parcel A (464 Walter Avenue) in accordance with the plans submitted to the Board:

- a) relaxation of height from 1.9 m to 1.98 m.”

Board comments:

- This is a minor variance and there was no intent to disrespect the bylaw.
- It would be a hardship to take down such a minor amount.
- The applicant showed evidence that they intended to have a six foot fence.
- The adjacent house is higher; does not see a problem with the neighbour being affected.

The Motion was then Put and CARRIED

Torrington Road
Addition

Applicant: Peavey Brown
Property: 4425 Torrington Road
Variance: Relaxation of front lot line from 6.0 m to 5.65 m

BOV #00610

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

Applicants

Peavey Brown, applicant/owner, was present in support of the application.

The following comments were noted:

- Regarding neighbours’ concern about privacy and the structure being too close to the road: there is an eight foot hedge on either side of the front property, and the distance from the foundation to the curb is 36 feet.
- He is not trying to build in contravention to the bylaw; they used a 2003 survey to plan an addition on the property, and the new survey shows a discrepancy. They have a building permit that they posted in the window.
- They are creating a master bedroom with an ensuite over the garage. His son and son’s friends currently live in the house.
- An option is they could have built further towards the back, or made the addition one foot shorter
- They are not creating a secondary suite.
- The house is less than 2,000 square feet and only covers 15% of the lot.
- The garage is being extended for cars and storage, and the parking area/driveway is also being extended. His son has a car and a work van.
- They plan to downsize and move into this house in a few years.

The Zoning Officer confirmed that the combined setback is within the bylaw and that only two off-street parking spaces are required.

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 210.4(a)(i), further to the construction of an addition to the house on Lot 11, Section 67, Victoria District, Plan 26515 (4425 Torrington Road) in accordance with the plans submitted to the Board:

a) relaxation of front lot line from 6.0 m to 5.65 m.”

Board comments:

- This is a minor variance and an unintentional mistake. Relief is justified.
- No negative impact to the neighbourhood can be found in looking at the streetscape.
- The responses to the neighbours’ concern about privacy satisfy the Board.

The Motion was then Put and CARRIED

<p>Ironwood Place New house BOV #00611</p>	<p>Applicant: Yadvinder Mittal Property: 786 Ironwood Place Variance: Relaxation of allowable floor space in non-basement areas from 80% to 93.67%</p>
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The Notice of Meeting was read and the applicant’s letter received.

Applicants

Yadvinder and Madhu Mittal, applicant/owners, and Ron McNeal, designer, were present in support of the application. Signatures of no objection from ten residents were submitted to the Board.

The designer’s comments were noted as below:

- The lot is flat and drops off from the building envelope. They cannot have concrete stairs for access as Saanich is strict about how much area you can have open around a foundation.
- The request is for accessible space to accommodate aging parents.
- They are asking for half the amount in the basement.
- The garage design is smaller to keep the massing down and they have also compromised other areas in the house.

The following responses to questions from the Board was noted:

- If denied, they do not have a back-up plan because there is no other tangible option for this lot. A basement is not an option for their parents.
- The designer, who is also the approving authority for the subdivision, has put other constraints onto the proposed house to reduce massing and height.
- Design information about the houses on either side of this property were given. This proposed design will fit into the neighbourhood.
- The proposed house is a two-storey home that is under the site coverage and the maximum allowable height.
- If a basement was dug it would be legal, but they are not planning for a basement. A crawl space is planned that may contain some mechanical equipment.
- The variance request is basically the size of the suite.
- There would be a separate entrance for the parents. They do not plan to rent this space out.
- The suite will be built with a separate entrance because it is felt that having a soundproof and fireproof unit is good.

A detailed suggestion was made on how to alter the plans to reduce the size of the home. The designer responded by saying the subdivision is upper scale, and there is an expectation that homes will have certain amenities. If they go to the bank with changes that reduce the value of the home this could work against them. They already have a covenant for lower heights and have designed the home as best he can for the area and needs of the owners.

A suggestion was made that there may be a conflict of interest due to the fact that the designer of the subdivision is also the approving authority for the design. The designer responded by saying there is no conflict as he considers the needs of both the surrounding clients and the current clients.

In Favour Nil

In Opposition Nil

MOTION: MOVED by R. Gupta and Seconded by R. Riddett: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 220.4(c), further to the construction of a new house on Lot 7, Section 43, Lake District, Plan VIP85949 (786 Ironwood Place):

a) relaxation of allowable floor space in non-basement areas from 80% to 93.67%

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:

- Efforts have been made to mitigate not having a basement. There is a need for an accessible space for aging parents.
- The intent of the bylaw is to control massing and the designer has come up with something that is compatible to the neighbourhood.
- There is a hardship with the need to house the parents. The solution should be a larger lot but that is hard to find.
- The under height and smaller footprint of the house is appreciated.
- Lot shape could be considered a hardship. The owners should have been made aware of the constraints prior to purchase.
- The building does not look like it will be out of place.
- This is a fairly high variance. Due diligence was not done and there is a perceived conflict with the designer, however the family unity is important.
- Concern was expressed that the crawlspace could potentially become a future basement.

The Zoning Officer stated that if the plans changed to have a basement, they would have to consider the maximum gross floor area.

The Motion was then Put and CARRIED

Cook Street
Addition

BOV #00612

Applicant: Alan O’Rourke
Property: 3411 Cook Street
Variance: Relaxation of height from 7.5 m to 8.32 m
Relaxation of allowable floor space in non-basement areas from 80% to 98.34%

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

Applicant

Alan O’Rourke, applicant/owner, was present in support of the application. He noted that he has spoken with the neighbour on the east who has no issues with the addition. They would like to add onto the existing dormer to create 35 square feet to improve the existing bathroom on the top floor. The angled

bathroom wall is only four feet high and a person has to duck to use the room. It is a long walk to the next bathroom on the lower floor.

Responses to questions from the Board were noted as follows:

- They purchased the 1912 home in 2016 and planned to renovate. They love the house and felt that having a legal mortgage helper would be good.
- The basement work is almost complete. They have not started the proposed work that is before the Board.
- The house will be multi-generational with his father-in-law in the suite and his children/selves in the main house.
- They are proposing to add 1.1% to the existing house.
- Half of the basement is a two-bedroom suite and the other half is a rec room.
- If rejected, they would be stuck with a poor bathroom in on the top floor.
- The garage is to be used as a studio/office. It has cabinets and a bathroom and is currently messy storage space.

The Zoning Officer confirmed that the proposal is phased construction and that the applicant has permits for the construction in the basement. Digging the basement did not affect the floor area. He also noted that the home is existing non-conforming in height and floor area (97.24%) and explained that square footage is measured on the outside of the exterior wall.

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 210.4(b)(i) and 210.4(c), further to the construction of an addition to the house on Lot 14, Section 62, Victoria District, Plan 1264 (3411 Cook Street):**

- a) relaxation of height from 7.5 m to 8.32 m
- b) relaxation of allowable floor space in non-basement areas from 80% to 98.34%

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:

- A non-functioning bathroom is a hardship. There is no alternative to creating a functional bathroom, and this is a 1% minor variance. The design keeps the roofline consistent.
- The basement is grandfathered in, they are not lifting the height or changing the footprint. They are dealing with an existing non-conforming structure.
- They are attempting to update an older house and are not changing the streetscape.

The Motion was then Put and CARRIED

Millgrove Street Addition
Applicant: Gary Streight obo Chris and Karen Ainey
Property: 3068 Millgrove Street
Variance: Relaxation of front lot line from 6.0 m to 5.73 m

BOV #00613

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

Applicants

Gary Streight, applicant, and Chris and Karen Ainey, owners, were present in support of the application. They noted that:

- The existing porch needs repair. They would like to keep the existing footprint and be able to sit on the porch.
- They plan to replace the gable roof, which will enhance the streetscape.
- They think the existing porch was built in the 1970’s without permit, and noted it encroaches onto the front yard setback.
- If they were to have a shorter porch, they would not be able to use it. The house was not set back far enough on the lot to have a legal usable porch.
- They also plan to remove the bay window, which will give a little more space on the porch.
- The cement steps will be removed and only a small portion of the deck will be constructed in the setback.

In Favour

Nil

In Opposition

Nil

MOTION:

MOVED by R. Gupta and Seconded by D. Gunn: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 210.4(a)(i), further to the construction of an addition to the house on Lot 8, Section 1 1/2, Victoria District, Plan 860 (3068 Millgrove Street):

- a) relaxation of front lot line from 6.0 m to 5.73 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 request, they are dealing with an existing non-conforming structure that requires repairs for safety.

The Motion was then Put and CARRIED

Adjournment

On a motion from R. Gupta, the meeting was adjourned at 9:28 p.m.

 Haji Charania, Chair

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

 Recording Secretary