

MINUTES
BOARD OF VARIANCE
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL
MAY 10, 2017 AT 5:00 P.M.

Members: H. Charania, D. Gunn, R. Gupta, R. Kelley
Absent: R. Riddett
Staff: D. Blewett, Zoning Officer, T. Douglas, Senior Committee Clerk
Minutes: Moved by R. Gupta and Seconded by R. Kelley: "That the minutes of the Board of Variance meeting held April 12, 2017 be adopted as amended.

CARRIED

Boulderwood Drive New house
BOV #00614
Applicant: Alan Lowe Architects OBO Jinqiao Pan
Property: 4673 Boulderwood Drive
Variance: Relaxation of allowable floor space in non-basement areas from 80% to 99.61%

The Notice of Meeting was read and the applicant's letter received. Letters not in support received from four residences.

Applicants Alan Lowe, applicant, was present in support of the application, and submitted a package in response to concerns received from neighbours. He stated the following:

- The Notice makes it appear that they are asking to build more than they are permitted, which is not the case, and he described the basement his client wishes to have.
- He met with the Broadmead Area Resident's Association (BARA) executive who stated they have no objections, but they do not have the authority to approve new developments.
- Building lots described in the bylaw are usually flat, but this is a sloped property that drops about eight metres.
- Concern expressed by neighbours about height have nothing to do with the variance request; the house they are proposing is within the bylaw requirements for both height and siting.
- They can put in a basement without a variance but it would result in the house being 16 inches higher than the proposed house. This would still be within the allowable height.
- Blasting of the site will occur regardless of receiving a variance or not. The company doing the blasting work will conduct pre-blast surveys in the neighbourhood and will address any problems that may occur with blasting.
- The house should only cast a shadow in the evening.
- The hardship is that they cannot build the basement they want because the definition of a basement states the lower floor must be set into the ground.
- The neighbours to the south are concerned about the house's distance to the property line, but they are well within the allowable setbacks.
- Having the basement as proposed will reduce the massing at the back.
- This is a proposed 923 square foot basement below the first and second floors.

In Favour Nil

In Opposition R. Chumber, Boulderwood Drive:
▪ Asked if the applicant could remove the rock to make the house lower.

C. Cashin, Deerwood Place:

- The proposed house does not suit the character of the neighbourhood. All lots in the area are challenging with their natural constraints.
- The proposed house will be about six storeys higher than their own home. The owners should move the proposed house to a lower level.
- The neighbours do not want to cause a hardship; if there was no basement, people may be okay with the proposal.

J. Cashin, Deerwood Place:

- Is surprised to hear that BARA is not able to comment on this application and would like to challenge this.

Mr. Lowe responded to questions from the Board and the following was noted:

- He believes the owners purchased the property seven years ago. The owners also own the property at 4677 Boulderwood Drive. Mr. Lowe was hired in January 2017.
- A basement can be constructed without a variance by blasting and refilling the area, but they would not be able to have the windows they want.
- The owners would like the extra space downstairs for their son.
- They cannot move the house closer to the road as it affects the length and grade of the driveway.
- If the variance is denied they will construct the house as proposed and just replace the fill as noted earlier.

The Senior Committee Clerk confirmed that the property Title indicates that the property was purchased in June 2016.

Board member comments:

- Concern was expressed that the applicant did not mark the site which made it difficult to visualize the variance being requested. Also, having drawings that showed the proposal after blasting would have been more helpful.
- The proposed basement looks like it contains a suite. Broadmead area homes are not permitted to have secondary suites.
- BARA should be contacted about this application.
- The hardship is questionable as the owners knew about the topography issues when they purchased the property. This is a major variance.
- The massing is the same whether a variance is granted or not. The difference would be a more exposed basement vs a less exposed basement.
- An applicant wishing to have a basement is not a hardship.

MOTION:

MOVED by R. Gupta and Seconded by D. Gunn: "That the following variance request from the requirements of Zoning Bylaw 2003, Section 230.4(c), further to the construction of a new house on Lot 1, Section 8, Lake District, Plan 44665 (4673 Boulderwood Drive) be DENIED:

- a) relaxation of allowable floor space in non-basement areas from 80% to 99.61%."**

Board comments:

- This is a major variance and the hardship is not evident.
- The house can be built without a variance; building with no variance will just deprive the basement of natural light.

- Due diligence should have been done before property purchase.
- The alternative of blasting and then putting back the debris does not serve a purpose.

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

Epsom Drive
Addition

BOV #00615

Applicant: Patrick Gribbon
Property: 3846 Epsom Drive
Variance: Relaxation of allowable floor space in non-basement areas from 80% to 88.24%

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

Applicants

Patrick Gribbon and Gwenda Laughland, owners, and Ken Bartesko, designer, were present in support of the application.

Board members expressed concern that the site was not marked for their site visit. In response to questions from the Board, the following was noted:

- They are proposing to infill the existing single car garage, and add a double car garage, with a stairwell to a suite on top. The new proposed garage is to be built out towards the front.
- The house is built slab on grade and they are not able to dig down for a basement as it is very rocky.
- They would like to build this over the summer; the next step is to do a foundation plan and apply for a permit.
- The suite and stairwell makes them go over 23.96 square metres. They are well within the allowable area permitted. The suite is only 512 square feet.
- The owners are committed to staying on the property.
- This is a 1980’s home that needs upgrading. They will need the space above the garage for a long-term dependant adult.
- One of their children lives in the laundry room out in the garage. They cannot afford to move. They have been in this house since 2000.

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 210.4(c), further to the construction of an addition to the house on Lot 2, Section 32, Victoria District, Plan 34868 (3846 Epsom Drive):

- a) relaxation of allowable floor space in non-basement areas from 80% to 88.24%

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 modest variance and there is a need with the medical hardship.
- They have lived at the home for 17 years.
- The addition sits within the allowable setback.

- The new garage will poke out considerably further than others along the street. Concern was expressed about the massing of the building.
- Not being able to dig a basement due to the rock adds to the hardship.

The Motion was then Put and CARRIED

Oak Crest Drive
Accessory
building

Applicant: Cedar Danielson
Property: 1545 Oak Crest Drive
Variance: Relaxation of front lot line from 7.5 m to 0.61 m

BOV #00616

The Notice of Meeting was read and the applicant's letter received. Signatures of support received from four residences.

Applicants

Cedar Danielson, applicant/owner, was present in support of the application. He noted that if this application is approved, he will hire a surveyor to ensure that the project is correctly done. He submitted some signatures of support from neighbours.

Board members asked questions and the following was noted:

- They are hoping to build a 20' x 20' carport and the foundation may be closer than the two feet.
- If this is denied they will have to amend the application. Many neighbours have carports but nobody else has the rock in the yard that is causing the problem.
- The height of the roof may be lower than 15', they just wanted to propose the maximum size.
- They could push the building closer to the house if needed.
- Open parking is an option but having covered parking is desirable.

The Zoning Officer advised that if approved the closest construction above grade would have to be 2 feet from the property line (except for the overhang which is exempt from setback regulations; however must not go over the property line). He also noted that the plans presented are tied to the variance, however the Director of Planning is able to approve minor changes if, for example, they do not build to the maximum height as noted in the plans.

Concern was raised about the building's massing and extent of the variance. Board members suggested that the application be tabled in order for the applicant to explore different options available and mark out the site for a future site visit. It is acknowledged that a rock on the site is in the way, but it was suggested that a different layout may be an option.

In Favour

Nil

In Opposition

Nil

MOTION:

MOVED by D. Gunn and Seconded by R. Kelley: "That the following variance request from the requirements of Zoning Bylaw 2003, Section 210.5(a)(i), further to the construction of an accessory building (carport) on Lot 11, Section 36, Victoria District, Plan 7977 (1545 Oak Crest Drive) be TABLED for a maximum of three months:

- a) relaxation of front lot line from 7.5 m to 0.61 m."**

Board comments:

- The applicant should further investigate options that will minimize the variance request and the massing of the building.
- The applicant should ensure that the property is properly marked for the Board's next site visit.
- Not satisfied with the application as this is a major variance, the hardship is not evident, and there are no other structures in the neighbourhood that are so close to the property line.

**The Motion was then Put and DEFEATED
With H. Charania and R. Gupta OPPOSED**

Board members further discussed the application and the majority agreed that the applicant should be given the opportunity to consider a better design and location for the proposed carport.

MOVED by R. Gupta and Seconded by R. Kelley: "That the following variance request from the requirements of Zoning Bylaw 2003, Section 210.5(a)(i), further to the construction of an accessory building (carport) on Lot 11, Section 36, Victoria District, Plan 7977 (1545 Oak Crest Drive) be TABLED for a maximum of three months:

- a) relaxation of front lot line from 7.5 m to 0.61 m."

**The Motion was then Put and CARRIED
With H. Charania OPPOSED**

Adjournment On a motion from R. Kelley, the meeting was adjourned at 7:05 p.m.

Haji Charania, Chair

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

Recording Secretary