

MINUTES
BOARD OF VARIANCE
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL
JUNE 14, 2017 AT 7:00 P.M.

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

Minutes: Moved by H. Charania and Seconded by R. Kelley: "That the minutes of the Board of Variance meeting held May 10, 2017 be adopted as amended."

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 1.68 m

BOV #00616 The Notice of Meeting was read and the applicant's letter received. Signatures of support received from eight residences.

Moved by H. Charania and Seconded by R. Kelley, "That the application for variance at 1545 Oak Crest Drive be lifted from the table."

CARRIED

Applicants Cedar and Shannon Danielson, applicants/owners, were present in support of the application. They provided a quote of the cost to move the fence as well as two additional letters of support. Since the last meeting, they have lowered the proposed height of the carport and reduced the request to the front lot line.

In response to Board questions, the applicants stated:

- They have no intention of closing in the carport.
- They do not plan on moving away from the property.
- They have no plans to use the carport as a storage area.
- With regard to use by a potential future owner, they can only speak to how they plan to use the carport, which is to park their cars. They suggested that the neighbours would probably complain if the carport became an eyesore.

It was noted that the unsightly premises Bylaw would address any issues with regard to storage if the problem arose.

Neighbour comments: Ms. Lequesne, 1548 Oak Crest Drive, stated that the applicants have never stored anything on their property.

MOTION: **MOVED by H. Charania and Seconded by R. Riddett: "That the following variance be granted 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):**

a) relaxation of front lot line from 7.5 m to 1.68 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:

- Blasting would add risk and noise, and the cost of moving the fence and replanting established foliage would be a hardship.
- The open structure proposed is less intrusive than a full garage would be.
- The applicant made an effort to respond to the Board’s concerns expressed at the last meeting.
- The applicant agreed to not store anything in the carport except cars.

The Motion was then Put and CARRIED

Hollydene Place Addition BOV #00619	Applicant: KB Design Inc. OBO Morley, Debra, Bart and Reia Johnson Property: 4044 Hollydene Place Variance: Relaxation of rear lot line from 10.5 m to 3.16 m Relaxation of height from 6.5 m to 8.30 m Relaxation of single face height from 6.5 m to 9.10 m Relaxation of allowable floor space in non-basement areas from 70% to 76.53%
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The Notice of Meeting was read and the applicant’s letter received. Letter of comment received by two residences.

Applicants

Keith Baker, applicant, Morley and Bart Johnson, owners, and Paul Cosgrave, builder, were present in support of the application. The following was noted:

- There is a problem with the complex siting of the original house. There is also a sewer easement which encumbers re-siting the house.
- The existing house has value and the greenest solution is to not dig up the existing foundation.
- The proposed design takes advantage of the site and the views and is a minimum ask. The ceiling heights are only 8’ on all floors.
- The flat roof design causes the variance trigger by about a metre. A peaked roof design would be within the allowable height.
- The difference between the existing and proposed home was described. It was noted that the proposed massing opens neighbouring views.
- They provided a photo of the sightline to 4036 Hollydene place which illustrates the current privacy between the properties.
- The addition is to accommodate three generations living in the home; the plans also include a legal in-law suite. The family has been at the home since 1982.

Neighbour comments:

Brendan Fox, 4036 Hollydene Place:

- Expressed concern about privacy and had previously asked the applicant to consider planting cedar hedging between their properties. The Japanese maple tree provides adequate screening in the summer but there is concern about privacy when the tree has no foliage.

Two of the Board members stated that they were unable to open the gate to view the site. In response to questions from the Board, the applicant stated:

- They cannot change the basement relative to grade and would have to dig down to get more basement. They are only asking for 77% non-basement area.
- They have started demolition/salvage but have not started construction of the addition.
- If they are not granted a variance, they will have to re-design the house however they will need a variance no matter what because of the existing siting of the house. They felt going sideways makes best sense as there is a small amount of space at the front to work with.

- The new additions are within the existing envelope.
- Planning staff informed them about the defined front, rear and side lot lines.
- The massing is reduced because of the flat roof design.
- They are not adding floor area in the rear setback.

The Zoning Officer provided a history of the property and the resulting angle of the house placement. He noted that this is a legally non-conforming structure that the owner has the right to retain and he explained the portion of the variance being requested. Lastly, he stated that he received a call from the neighbour who lives behind and she did not express concern about the application.

MOTION:

MOVED by H. Charania: “That the following variances from the requirements of Zoning Bylaw 2003, Sections 275.3(a)(ii) and 275.3(b)(i) and (ii), 275.3(c), further to the construction of an addition to the house on Lot 3, Section 44, Victoria District, Plan 35050 (4044 Hollydene Place) be DENIED:

- a) relaxation of rear lot line from 10.5 m to 3.16 m
- b) relaxation of height from 6.5 m to 8.30 m
- c) relaxation of single face height from 6.5 m to 9.10 m
- d) relaxation of allowable floor space in non-basement areas from 70% to 76.53%”

The Motion DIED due to lack of a seconder

MOVED by R. Riddett and Seconded by R. Kelley: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 275.3(a)(ii) and 275.3(b)(i) and (ii), 275.3(c), further to the construction of an addition to the house on Lot 3, Section 44, Victoria District, Plan 35050 (4044 Hollydene Place):

- e) relaxation of rear lot line from 10.5 m to 3.16 m
- f) relaxation of height from 6.5 m to 8.30 m
- g) relaxation of single face height from 6.5 m to 9.10 m
- h) relaxation of allowable floor space in non-basement areas from 70% to 76.53%

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:

- Siting setbacks do not cause concern; this will not affect neighbour’s views.
- The slope of the lot and topography gives the impression of a major variance but they are mostly dealing with what is already existing non-conforming.
- The easements and the fact that the existing house was sited inappropriately are hardships.
- Not using the existing structure and rebuilding from scratch would be a hardship.
- The lot is sloped and well-treed, has minimum impact on neighbours and the house fits in with the neighbourhood.

- There was little attempt to meet the height bylaw; was prepared to approve the rear lot request but feels this is a fairly major variance, and questions the hardship.

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

Garkil Road
Addition

Applicant: Daniel and Leah Godwin
Property: 1255 Garkil Road
Variance: Relaxation of front lot line from 7.5 m to 6.03 m

BOV #00621

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

Applicants

Leah and Daniel Godwin, owners/applicants, Robert Seabrooks, contractor, and Will Peereboom, designer, were present in support of the application. They explained that they are raising the house and would like to add a front porch with staircase. Raising the house means having a longer staircase which encroach onto the front setback.

A Board member noted that the existing stairs encroach onto the setback and the applicant is proposing a lesser encroachment. It was also noted that the lot is zoned RS-10, but is closer to size of an RS-6 zone.

In Favour

Nil

In Opposition

Nil

MOTION:

MOVED by H. Charania and Seconded by R. Kelley: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 230.4(a)(i), further to the construction of an addition to the house on Lot 15, Section 32, Victoria District, Plan 10389 (1255 Garkil Road):

- a) relaxation of front lot line from 7.5 m to 6.03 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.
- There is a clear hardship with needing new stairs for safety.
- If the design was straight it would be larger.
- There is a hardship in renovating any 1960’s home.

The Motion was then Put and CARRIED

Bethune Avenue
New house

Applicant: Mike Sogomonian OBO David Sogomonian
Property: 3458 Bethune Avenue
Variance: Relaxation of height from 6.5 m to 6.57 m
Relaxation of single face height from 6.5 m to 6.84 m

BOV #00622

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

Applicants

Mike Sogomonian, applicant, was present in support of the application. He explained the mistake that occurred with regard to the discovery of the high

water table and the decision to raise the foundation elevation and reduce the trusses to compensate this.

Two Board members stated that they had a discussion with the applicant on site and both stated they were given the same information about the water table problem and the adjustment which resulted in a minor height problem.

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 (ii), further to the construction of a new house on Lot A, Section 7, Victoria District, Plan 21989 (3458 Bethune Avenue):

- a) relaxation of height from 6.5 m to 6.57 m
- b) relaxation of single face height from 6.5 m to 6.84 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 discovery of the high water table by the Geotechnical Engineer was unforeseen by the owner.
- This is a minor variance and was an unintentional mistake.
- It would be impossible to lower the house.
- Looking at the topography there is a water problem with the slope of the land.

The Motion was then Put and CARRIED

Agate Lane
Accessory
building

Applicant: John Knappett
Property: 5161 Agate Lane
Variance: Relaxation of front lot line from 15.0 m to 7.5 m

BOV #00623

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

Applicants

John and Betty Ann Knappett, owners, were present in support of the application, and stated they would like to be able to put the garage on the back of the property to save established Fir and Western Red cedar trees. In terms of input from neighbours, the people across the road are happy with this as it will block noise, and they do not have much contact with their south side neighbours.

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

- The idea is with the new layout, the footings that are put down will not affect the tree roots. A floating slab would mean that the roots would be cut.
- The proposed design means some fast growing maples will be lost but the fir tree would be saved. Trees will be replaced 2:1.
- They have designed the house to accommodate the tree. They will have a narrower driveway with permeable pavers. Trees will be planted alongside the driveway.
- The building will be used as a workshop and for boat storage.

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 295.4(a)(i), further to the construction of an accessory building on Lot 15, Section 31, Lake District, Plan 722 (5161 Agate Lane):

a) relaxation of front lot line from 15.0 m to 7.5 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 proposed siting has no impact on neighbours.
- The narrow driveway with pavers help to minimize impact.
- The arborist report and parks memo support the proposed request.
- The tree loss is of concern, member would have entertained a height variance as mentioned by Parks staff to save more trees.

The Motion was then Put and CARRIED

Cumberland Road Accessory building

Applicant: Paul Cosgrave OBO Tuffy McPherson
Property: 4032 Cumberland Road
Variance: Relaxation of interior side lot line from 3.0 m to 1.50 m

BOV #00624

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

Applicants

Paul Cosgrave, applicant and Tuffy McPherson, owner, were present in support of the application and noted:

- The owner is self-employed and needs a private workspace.
- The property is zoned A-1 but is surrounded by properties zoned RS-6 and RS-8. They are hoping to obtain a relaxation that would be in line with RS-6 zoning.

In response to a question from the Board, the Zoning Officer stated that the lots were created prior to the Zoning Bylaw and that blanket zoning was typical.

The applicant and owner responded to questions from the Board as follows:

- They are connected to the sewer system.
- The house size is about 2,100 square feet.
- The accessory building is to be used as an office. It has a coffee/bar station and a fridge. A washroom is used for clients and the owner.
- They are not sure if this could be an accessory suite in the future. There is no intent to use this space for a suite.
- The space is more valuable as an office than a suite. There are no options for a stove and there is no power line, so there is not enough electricity for a suite. They just have the wet bar and washroom.
- There is a big rock on the lot and they do not want to blast. There are cedar hedges and a vegetable garden on the other side.
- There is a 30 gallon water tank and a ductless heat system.

- They were told by Planning staff that rezoning would never happen, and were advised to apply for a variance.

In Favour Nil

In Opposition Nil

MOTION: **MOVED by R. Riddett and Seconded by H. Charania: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 101.7(a)(ii), further to the construction of an accessory building on Lot 9, Section 32, Victoria District, Plan 10607 (4032 Cumberland Road):**

- a) relaxation of interior side lot line from 3.0 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 variance so permitted by this Order will expire.”

Board comments:

- The zoning for the property is inaccurate which causes a hardship. This should be treated the same as neighbouring lots.
- The owner has no intention of using the building for a secondary suite and if this was zoned differently, it would not have to come before the Board.
- This is a modest structure and is placed in the most logical location.
- The rock on the lot causes the need for the placement. There is no impact to neighbours.

The Motion was then Put and CARRIED

Jamaica Road Addition

BOV #00625

Applicant: Hyldig Construction OBO Carol and Tim Turcotte
Property: 1446 Jamaica Road
Variance: Relaxation of front lot line from 6.0 m to 4.90 m
Relaxation of combined side yard from 4.5 m to 4.20 m
Relaxation of allowable floor space in non-basement areas from 80% to 80.85%

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

Applicants

Carol and Tim Turcotte, owners, and Lee Hyldig, applicant, were present in support of the application and had nothing further to add. In response to questions from the Board, the owners and applicant stated:

- They have no intention of creating a secondary suite. The addition is to accommodate their growing family.
- The existing hedges will stay.
- The proposed jog in the design which does not line up with the original foundation is because of the bathroom layout. The size of the rooms without the jog would be 8.5’ wide, and the rooms with the jog are about 10’ x 10’. The 1962 home was constructed with 2 x 4s and now the 2 x 6 construction means it will have a jog regardless.

In Favour Nil

In Opposition Nil

MOTION: **MOVED by H. Charania and Seconded by R. Riddett: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 210.4(a)(i) and (ii), and 210.4(c), further to the construction of an**

addition to the house on Lot A, Section 52, Victoria District, Plan 15249 (1446 Jamaica Road):

- a) relaxation of front lot line from 6.0 m to 4.90 m**
- b) relaxation of combined side yard from 4.5 m to 4.20 m**
- c) relaxation of allowable floor space in non-basement areas from 80% to 80.85%**

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:

- They need space for their growing family.
- They have been assured that there will be no secondary suite.
- This is a minor variance and the best layout.
- It would be costly and inconvenient to have a different design.
- The existing structure of a 1960s home causes a hardship and the setbacks being requested are minimal.

The Motion was then Put and CARRIED

<p>Claremont Avenue Accessory building</p>	<p>Applicant: Michael Giordano Property: 780 Claremont Avenue Variance: Relaxation of rear lot line from 7.5 m to 1.50 m Relaxation of interior side lot line from 3.0 m to 1.50 m</p>
<p>BOV #00626 Applicants</p>	<p>The Notice of Meeting was read and the applicant’s letter received.</p> <p>Michael Giordano, owner, was present in support of his application. He stated:</p> <ul style="list-style-type: none"> ▪ His lot is zoned A-1 which is not appropriate; if he was zoned the same as the neighbouring properties, he would not need a variance. ▪ He could apply for rezoning but that process takes a long time and is costly. ▪ He has a five year plan to build a new home and would like to construct an accessory building first to store some classic cars. ▪ The placement of the proposed building is so that they will have more back yard space to enjoy. <p>In response to questions from the Board, Mr. Giordano stated:</p> <ul style="list-style-type: none"> ▪ The property is serviced by the sewer system. ▪ The existing house is usually rented out but is unoccupied. Its condition is almost to the point of being a tear-down. ▪ He is not able to complete construction of a new single family dwelling at this time as construction costs are prohibitive. He would like to construct the accessory building first, followed by a new house in the future. If the variance is not granted, he will look at the rezoning process. ▪ He would store vehicles in the accessory building while renters live in the existing single family dwelling. ▪ The proposed accessory building is placed within the same setbacks as the properties surrounding his lot. ▪ He has never built in Saanich but has built in other municipalities. <p>In response to a question from the Board, the Zoning Officer stated that with the current zoning, the applicant could construct a house that is approximately</p>

200 square feet larger than what would be allowed with RS-10 zoning. There is really no advantage in terms of gross floor area with the A-1 zoning.

In Favour

Nil

In Opposition

Valter Valentinuzzi, 5035 Benton Court:

- Expressed concern that the variance is extreme and the proposed structure would be within 5 feet of his property line.
- Feels the building should be constructed within the bylaw.

Marion Hoadley, 5039 Benton Court:

- Expressed concern about the amount of trees removed from the property and noted that this has affected privacy.
- Asked if this is to be a storage facility in a residential area.
- Expressed concern that the structure could be rented out as a suite.

It was noted that the plans do not show a suite and the structure, if approved, would have to be built in accordance with the plans as presented to the Board.

Consensus of Board members was they would like to see a plan for the entire site, as the current request would take advantage of RS-10 zoning for the accessory building and A-1 zoning for the single family dwelling.

The applicant stated that he is not in a financial position to build a new house on the lot. The Zoning Officer advised that if the application is tabled, the applicant could come back with a house plan, but the focus of this application is the accessory structure and the Board has no reason to consider the single family dwelling as there is no variance request for a house.

MOTION:

MOVED by H. Charania and Seconded by R. Kelley: "That the following variances from the requirements of Zoning Bylaw 2003, Sections 101.7(a)(i) and (ii), further to the construction of an accessory building on Lot 25, Section 46, Lake District, Plan 1522 (780 Claremont Avenue) be TABLED until such time that the applicant is able to apply for a building permit for a principal residence on the site:

- a) relaxation of rear lot line from 7.5 m to 1.50 m**
- b) relaxation of interior side lot line from 3.0 m to 1.50 m"**

Board comments:

- The Board would like to see a plan of the lot with a single family dwelling and all accessory structures.
- The variance request does impact the neighbours' enjoyment of their properties.
- If abatement testing is done on the existing house, it may not be rented and may become an accessory building.
- The Board wants to ensure that the applicant does not take advantage of two separate zoning regulations for one property.

The Motion was then Put and CARRIED

Murray Drive
Existing house
siting

Applicant: John King
Property: 2838 Murray Drive
Variance: Relaxation of interior lot line from 1.5 m to 0.16 m

BOV #00627

The Notice of Meeting was read and the applicant’s letter received. One letter of no objection received. One letter not in support received.

Applicants

John King, applicant/owner, was present in support of the application and he stated:

- The house was built in 1942. They purchased the house in 2000. After they put in their offer, it was learned that there was an issue with the property line.
- They moved in and the neighbour approached them about an easement however they were advised by their lawyer to ignore this.
- A new survey done by Powell & Associates was the same as the old survey done by Michael Claxton.
- They need to repair the rotting wood on the 1970’s addition, and a variance is required.
- He confirmed that there is no elevation change, they are just replacing rotting wood.

The Zoning Officer noted that the applicant did their due diligence. Saanich records showed a difference with the sewer line, and the building permit for additions indicate the property line was in compliance with the Zoning Bylaw of the day. In response to a question from the Board he noted that there is very little pre-1970’s information on the property.

One Board member noted that he saw the signs of rot on his site visit and informed Mr. King that his repair cannot encroach into the neighbour’s yard.

In Favour

Nil

In Opposition

Nil

MOTION:

MOVED by H. Charania and Seconded by R. Kelley: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 250.4(a)(iii), further to legalize the existing siting of the house at Lot 7, Section 21, Victoria District, Plan 4344 (2838 Murray Drive):

- a) relaxation of interior lot line from 1.5 m to 0.16 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 large variance but the house needs to be repaired.
- The house is existing non-conforming.
- The hardship is evident if not granted.
- There is no significant effect on the neighbours, they are separated by a driveway and vegetation.

The Motion was then Put and CARRIED

Old West
Saanich Road

Applicant: Hanne Starck
Property: 6090 Old West Saanich Road
Variance: Relaxation of height from 3.75 m to 4.78 m

Existing
accessory bldg.
BOV #00628

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

- Applicants Hanne Starck, owner/applicant, and Geoff Rozon, co-owner, were present in support of the application. In response to questions they stated:
- The structure is important as it supplies light, power and water to the chickens beside the house; the surveillance camera system is reliant upon the structure, most of the farming activities occur in this area, and it will be a long distance from the new house to the working area.
 - The structure will be used for: storing feed, tools, cartons, produce, etc.; function as an egg-wash station; freezer and refrigeration of farm produce; starting seedlings, washroom facilities for workers, among other things.
 - The new home being built cannot handle the uses required to run a farm.
 - It would be a waste to tear down the structure because of the one metre height issue.
 - There is a barn full of machinery on the property.
 - They are not asking for a second single family dwelling; the building is currently a single family dwelling but once the new house is built it will be used as described. The new house has a bonus room where the applicant will live.
 - They will have to sign and pay for a covenant to be put on the property regarding the use of the building.
 - Mr. Rozon had originally signed a document saying the structure will be demolished. Since that time he has learned the operations of the farm and realized that demolishing the building would be damaging to the farm operations. He does not consider this a breach of the building permit conditions.
 - Removing the roof and putting a flat roof is possible but would be extremely costly due to necessary asbestos abatement. The cost of making the building an agricultural building would be equally costly. They cannot afford either of these options.
 - They will decommission the building when they have received occupancy for the new house.
 - Regarding the travel trailers on the property: one is used for camping and one is being sold.

- In Favour Carol Wallace, 6130 Old West Saanich Road:
- It would be a waste of money to tear down a solid house to replace with a shed. She has been in the downstairs of the building and there are tables, tools, cartons, etc. being stored/used there. Changing to a flat roof would be strange.

Dale Peddie, 6080 Old West Saanich Road:

- Supports the application.

In Opposition Nil

MOTION: **MOVED by H. Charania and Seconded by R. Riddett: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 101.7(b), further to the request to allow the existing proposed accessory building to remain as is Lot 2, Section 80, Lake District, Plan 41783 (6090 Old West Saanich Road):**

a) relaxation of height from 3.75 m to 4.78 m."

Board comments:

- It seems like a breach of condition with the building permit, but this is a fairly minor variance and the hardship is evident.
- There is no environmental impact and no neighbours are affected.

- A covenant will be placed on the Title.
- Removing the structure would cause a hardship.
- The structure supports agricultural farming operations; there is no justification in changing this.

The Motion was then Put and CARRIED

Adjournment On a motion from R. Riddett, the meeting was adjourned at 10.10 p.m.

Don Gunn, Chair

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

Recording Secretary