

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

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Members: H. Charania, R. Gupta, R. Riddett  
Absent: D. Gunn, R. Kelley  
Staff: D. Blewett, Zoning Officer, T. Douglas, Senior Committee Clerk  
Minutes: The June 14, 2017 minutes will be adopted at the next meeting when more Board members will be present.

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Gordon Point Drive Beach access BOV #00629  
**Applicant: Jonathan Craggs OBO Maico and Naomi Melo**  
**Property: 4540 Gordon Point Drive**  
**Variance: Relaxation of maximum height for a structure within 7.5m of the natural boundary of the ocean from 0.6m to 2.30 m**

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

Applicants Jonathan Craggs, applicant and Mike and Naomi Melo, owners were present in support of the application and had nothing to add.

Neighbour comments: E. Pereira, Gordon Point Drive:  
▪ Looked at the proposed design and supports the application. This is a reasonable request.

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

- In order to get stairs down to the beach, they had to design stairs that can be removed because federal regulations do not allow for stairs to remain permanently on the beach. A winch system has been designed to address this requirement. The posts are removable.
- There are not many options to get the access needed and to meet the federal requirements.
- They will obtain a geotechnical report. They were advised by Environmental Services to request a variance prior to discussing the Environmental Development Permit Area (EDPA).
- They will meet all the requirements of the property covenant.

The Zoning Officer advised that these stairs are not considered a structure so the Building Code does not apply. He also informed the Board that Saanich Council has recently temporarily suspended the EDPA requirements for single family dwelling lots. However, applicants must discuss their proposal with the Environmental Division to ensure other regulations do not apply.

**MOTION: MOVED by R. Riddett and Seconded by R. Gupta: "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 on Lot 14, Section 85, Victoria District, Plan VIP 63660 (4540 Gordon Point Drive):**

- a) relaxation of maximum height for a structure within 7.5m of the natural boundary of the ocean from 0.6m to 2.30 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."**

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## Board comments:

- Safety must override the Zoning Bylaw.
- There are lots of houses in the area with similar topography.
- This is a very elaborate system.
- Another applicant in the area had the same request and was approved.
- All covenants are being observed.
- The owners need access to the beach. It was evident the family actively uses the beach.

**The Motion was then Put and CARRIED**

Salsbury Way Existing chicken coop	<b>Applicant:</b> Susanne Rosebrock <b>Property:</b> 3461 Salsbury Way <b>Variance:</b> Relaxation of side lot line from 4.57 m to 3.00 m
BOV #00630	The Notice of Meeting was read and the applicant's letter received. Three letters of support and three letters not in support received.
Applicants	Susanne Rosebrock and Scott Wingfield, applicant/owners, were present in support of the application. They noted: <ul style="list-style-type: none"> <li>▪ The Saanich Strategic Plan promotes an increase in backyard vegetable garden and poultry keeping.</li> <li>▪ Two of the neighbours opposed stated they do not like chickens, but do prefer the coop in its current location.</li> <li>▪ They provided a history of how they started keeping birds via a program offered by Reynold's Secondary School.</li> </ul>
Neighbour comments:	<p>A. Caird, Maplewood Road:</p> <ul style="list-style-type: none"> <li>▪ She has lived in the area for over 30 years and has never had any problems related to the chickens.</li> <li>▪ The rats are coming from an open compost pile that another neighbour has in their yard, not from the chickens.</li> </ul> <p>S. Kowalchuk, Salsbury Way:</p> <ul style="list-style-type: none"> <li>▪ Has lived in the area for 10 years and is in support of the application. The applicant provides good upkeep for the chickens and has a beautiful garden.</li> </ul> <p>B. Summers, Salsbury Way:</p> <ul style="list-style-type: none"> <li>▪ Became involved in this issue when two rodent holes were found between his fence and the coop.</li> <li>▪ He investigated what the regulations are for the setbacks and learned that the coop is too close to the property line.</li> <li>▪ Is concerned that Saanich has different requirements for different sized lots, the Board should recommend to Council that this be changed.</li> <li>▪ Offered a couple options for the applicants to consider.</li> <li>▪ Has no objection to the chickens or the variance request, he is opposed to the chickens [chicken run] being so close to his property line and would like them to be moved no less than three metres away.</li> <li>▪ Will not support the variance request unless the applicant's agree to move the chicken run.</li> </ul> <p>The applicants acknowledged the coop is too close to the property line. They have a dog and traps set to help with rat control, and the entire structure is wired, even on the ground under the chickens. It was noted moving the coop would not change the fact that there are rats in the neighbourhood.</p>

The Zoning Officer stated that the only issue before the Board is the location of the coop, not the chicken run.

The following responses to questions from the Board were noted:

- Their lot is long and narrow. They did look at the Bylaws when they moved the structure, and thought they were doing the job lawfully.
- The coop is clean and solid, has proper airflow, is cemented down and cost about \$1,400 in supplies plus labour.
- They researched the birds’ needs and they located the structure based on the need for shady spots.
- They feel that they have been pushed by their neighbour. It is hard to volunteer to move the bird run away from the fence since they were never asked to do that. They had started to erect a privacy fence.
- They are not opposed to moving the run, they just had not heard about the neighbour’s desire for this. They will do their best to keep the birds away from the property line.

**MOTION:**                    **MOVED by R. Gupta and Seconded by R. Riddett: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 5.31(a), Table 5.2(c)(i), further to the allowing an existing chicken coop to remain as is on Lot N22, Section 62, Victoria District, Plan 689B (3461 Salsbury Way):**

- a) relaxation of side lot line from 4.57 m to 3.00 m.”**

Board comments:

- They are impressed with the condition and upkeep of the structure.
- The neighbour’s concern about the rodents would not change if the structure is relocated.
- The structure has already been relocated once.
- They are willing to try to keep the birds away from the property line.
- The property is close to being 12,000 square feet; 3 metres is fair.

**The Motion was then Put and CARRIED**

Hybury Place  
Deck addition  
  
BOV #00631

**Applicant: Footprint Ventures OBO Theodora Mulder**  
**Property: 1616 Hybury Place**  
**Variance: Relaxation of combined front and rear lot line from 15m to 12.20m**  
**Relaxation of exterior side lot line from 3.5m to 3.48m**

The Notice of Meeting was read and the applicant’s letter received. Signatures of no objection received from 11 residences.

Applicants

- Josh Prowse, applicant, was present in support of the application and noted:
- The lot is an odd shape. If this was a square lot, they would be in compliance with the setbacks.
  - They have no access to the back yard from the house unless they go out the front. The proposed deck has stairs going into the back yard.
  - This house was previously used as a UVic rental house and was very much a party house in rough shape.
  - The new owners are renovating the home and are living there.
  - Most neighbours are in support and are excited that the homeowner will be living in the house.

- Neighbour comments:
- The neighbours have an even larger deck.
- L. Stiven, Hybury Place:
- Did speak to the neighbours about the application.
  - Feel they will be most impacted by the deck as they like to unwind in their back yard.
  - Expressed concern about the size of the deck that and the addition of the stairs.
- J. Lambert, Hybury Place:
- The applicant's deck was already there, and faces the side of the neighbour's house.
  - The function may change with having a bigger deck.

The applicant noted that the owners of 1610 Hybury would be the most affected and that the proposed deck is not encroaching in the rear setback. The variance request is for the combined front and rear measurement.

The following responses to questions from the Board were noted:

- The property was purchased by the owner in December 2016.
- If not approved there will be no access to the back yard.
- It was felt this is a straightforward request as they are rebuilding an existing deck.
- They could plant a privacy hedge but this would be up to the owner, and it would have to become about 14 feet tall in order to be effective.
- The steps are what triggers the variance.
- The width of the steps are required, and they are off the wall so as to not affect a downstairs window.
- There are sliding glass doors downstairs on the legal suite.

The Zoning Officer informed members that there is a right of way on the property and this would affect where a hedge could go.

**MOTION:** **MOVED** by R. Riddett and **Seconded** by R. Gupta: "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 a deck addition on Lot 25, Section 17, Victoria District, Plan VIP29309 (1616 Hybury Place):

- a) relaxation of combined front and rear lot line from 15m to 12.20m
- b) relaxation of exterior side lot line from 3.5m to 3.48m

**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 need for variance is due to the odd-shaped lot, which causes hardship.
- The way the Bylaw is written, it says this is the rear yard, even though it is the side yard for the neighbour. This unfairly holds the applicant to a higher standard.
- The client recently purchased the home and should have known the limitations of the lot.
- The circular front of the lot causes a hardship.
- Deck access to the backyard is needed and this is a small variance request.

**The Motion was then Put and CARRIED**

Royal Oak Drive Sunroom addition  
**Applicant:** Northern Tropic Homes OBO Gary Jopson/Mary Anne Skill  
**Property:** 1144 Royal Oak Drive  
**Variance:** Relaxation of rear lot line from 10.5 m to 8.53 m

BOV #00632 The Notice of Meeting was read and the applicant's letter received. Signatures of support received from three residences.

Applicants Troy Nelson, applicant and Mary Anne Skill, owner were present in support of the application and noted:

- They would like to expand the eating area, not the kitchen area.
- Their dining room is used as an office.
- They are not able to use the back yard because of the wind. They have been out there about four times in the past 7 years because of the wind tunnel effect.
- The fence has blown over because of the strong wind.

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

- The house is a 1-level rancher just under 2,000 square feet.
- They need two offices and use one bedroom and the dining room for office space.
- They could put up a wind screen but the neighbour has done so and found it ineffective.
- The proposed dimensions are because of the bay window, they cannot enclose that area.

Neighbour comments: Nil

**MOTION:** **MOVED by R. Riddett and Seconded by R. Gupta: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Sections 250.4(a)(ii), further to the construction of a sunroom addition to the house at Lot 30, Section 24, Lake District, Plan 48694 (1144 Royal Oak Drive):**

**a) relaxation of rear lot line from 10.5 m to 8.53 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 reasonable request that will increase the livability of the house.
- There is no impact on the neighbours.
- The adjacent bay window affects the design options.
- The wind tunnel is an issue and a sunroom will be able to be used year-round.

**The Motion was then Put and CARRIED**

Lochside Drive New house  
**Applicant:** Zak Rabbani  
**Property:** 4906 Lochside Drive  
**Variance:** Relaxation of single face height from 7.5 m to 7.63 m

BOV #00633

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

Applicants Zak Rabbani, owner/applicant, and Ryan Hourston, BCLS, were present in support of the application. The following was noted:

- They have been working on this project for five years.
- The plans were good on paper; they are not sure how the calculations were done but they thought the average grade numbers were correct.
- The owners lowered the main floor by 13 cm and the height was supposed to be 7.47m, but after the second floor was built, the height was maxed out.
- There was no intent to build too high. It is not known why the error occurred but it may be that the rafters were built wrong.
- The neighbours are in support of the variance.
- The plans just show the mid-point of the roof.
- The old house was demolished last year and the property was subdivided.
- The secondary suite is intended for family use.

Neighbour comments: 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 250.4(b)(ii), further to the construction of a new house on Lot 1, Section 28, Lake District, Plan 32377 (4906 Lochside Drive):

a) relaxation of single face height from 7.5 m to 7.63 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 and was a genuine mistake.
- This is a secluded property and there is no impact on neighbours.
- They have support from the neighbours.

**The Motion was then Put and CARRIED**

Watson Street Addition  
 BOV #00634  
**Applicant:** Aspire Custom Designs Ltd. OBO Carin & Richard Plischke  
**Property:** 1940 Watson Street  
**Variance:** Relaxation of allowable floor space in non-basement areas from 80% to 83.19%

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

Applicants Lindsay Baker, applicant, and Carin and Richard Plischke, owners, were present in support of the application and they submitted nine letters of support.

In response to questions from the Board, they stated:

- They would like the space for working on cars. This is a dream garage.
- To dig a garage down creating basement area would be difficult structurally and cause a hardship financially.
- They would like to create a usable, drive-in, attached garage that is accessible from the current driveway.

Neighbours comments: 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 210.4(c), further to the construction of an addition to the house on Lot 9, Section 27, Victoria District, Plan 1107 (1940 Watson Street):

- a) relaxation of allowable floor space in non-basement areas from 80% to 83.19%

**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 is compatible with the neighbourhood and they have the neighbours support.
- This is the only reasonable solution. It would be a hardship to have to build a basement.
- This is a minor variance, there is no impact on the environment/neighbours.

**The Motion was then Put and CARRIED**

Ilene Terrace  
Addition

**Applicant:** Ryan and Carly Sanderson

**Property:** 2926 Ilene Terrace

**Variance:** Relaxation of allowable floor space in non-basement areas from 80% to 97%

BOV #00635

The Notice of Meeting was read and the applicant’s letter received. Signatures of no objection received from two residences.

Applicants

Ryan Sanderson, applicant/owner, was present in support of his application and he explained how he marked the property for the Board’s visit. He looked at options of how to get stairs to the basement and noted that currently the access is limited to going through the exterior back door or garage.

The Zoning Officer noted that the existing house is currently non-compliant in terms of an internal connection between the upstairs and downstairs, and the proposed will bring the building into compliance if approved.

Neighbour  
comments:

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 210.4(c), further to the construction of an addition to the house on Lot 45, Section 26, Victoria District, Plan 11000 (2926 Ilene Terrace):

- a) relaxation of allowable floor space in non-basement areas from 80% to 97%

**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 seems like a big variance but it will make the building comply more.
- The design removes an existing side-yard encroachment.
- The design is compatible with the neighbourhood.

**The Motion was then Put and CARRIED**

Brookridge  
Addition

**Applicant: Darren Sopher**  
**Property: 712 Brookridge Place**  
**Variance: Relaxation of rear lot line from 7.5 m to 3.20 m**

BOV #00636

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

It was clarified that the applicant is requesting only the rear lot line variance, and not the combined side yard setback as posted on the public agenda.

Applicants

Darren Sopher, applicant/owner, was present in support of his application. He noted that the neighbours are happy with the improvements being made to the house and noted that with the property backing onto a park, the outdoor living space is important as it feels like living in the countryside. In response to questions from the Board, he noted:

- The proposed deck adds on a 4 foot by 12 foot area which is approximately 100 square feet.
- When he purchased the property he did not have it inspected. After he took possession, he noticed that the deck was unsafe with rotting posts and unstable footings.
- He felt that increasing the deck to the full length of the house made sense.
- He learned when he went to re-build the deck that the previous deck was already non-conforming.
- The size and shape of his lot is irregular and there is a skinny portion of his property at the ravine area that is not usable.
- If rejected, he will rebuild what was there before.
- He is creating a legal suite for his parents and the space under the deck will provide the suite with covered outdoor living space.

The Board noted that adding more of a variance to an existing non-compliant structure is a problem.

The Zoning Officer noted the plans show that the placement of a sliding patio door to provide access to the deck is located where the previous stairs had been. If the applicant comes back with an application designed the same as the previous deck, he will need to relocate the stairs.

Board members agreed that there is a challenge with the shape of the lot, however they are not supportive of allowing an already non-compliant deck to increase in size. The applicant was requested to submit new plans with the previous deck dimensions that existed prior to its demolition.

Neighbours  
comments

**Nil**

**MOTION:**

**MOVED by R. Gupta and Seconded by R. Riddett: "That the following variance request from the requirements of Zoning Bylaw 2003, Section 210.4(a)(i), to relax the rear lot line from 7.5 metres to 3.20 metres further to the construction of a deck addition to the house on Lot 13, Section 99, Lake District, Plan 15711 (712 Brookridge Place) be TABLED for up to three months, in order for the applicant to submit plans with the original deck dimensions, prior to its demolition."**

**The Motion was then Put and CARRIED**



Arbutus Road  
Roof over lap  
pool      **Applicant: Hamid & Hohreh Mousavi**  
**Property: 2335 Arbutus Road**  
**Variance: Relaxation of rear lot line from 10.5 m to 2.46 m**

BOV #00637      The Notice of Meeting was read and the applicant's letter received. One letter not in support received.

Applicants      Hamid & Hohreh Mousavi, applicants/owners, were present in support of the application. They stated:

- They understand the concern from a neighbour about the white canvas cover, and would like to propose a different cover that is nicer looking. The main problem is the metal brown safety fence is limiting in terms of pool access and covering the area with the heat blanket.
- Debris, garbage, leaves, and rainwater are a problem, and the sitting water also results in a mosquito problem. It is difficult to keep the pool clean.
- There is a privacy issue because three of the neighbours are located at a higher elevation and can look down upon them. They could plant trees but this would take time.
- It seems like the neighbour's concern relates to the blocked view and are not able to speak to the point that the neighbour's tree that was 40 feet away died. There is a tree that is 3 feet away from the pool and it is healthy.
- Their children were very excited about using the pool when they purchased the house, but it has become a useless feature, and privacy is needed for pool users.

A discussion occurred regarding alternative products that could be used to cover the existing frame. The Zoning Officer pointed out that they could replace the aluminum frame if necessary but must rebuild something that is the same shape if they wish to proceed with the current variance request. The frame does not require the variance, but once a cover is added the frame is no longer considered a landscape feature.

The applicant stated they would prefer to keep the existing structure and put in either plexi-glass or glass, preferably frosted for privacy. They do not want to use the white canvass cover. This would help keep the area looking nice and assist with the heating of the pool.

The plan was amended by hand by the applicant at the meeting, reflecting that the existing frame will be filled in with either plexi-glass or frosted glass material.

Neighbour  
comments      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 250.4(a)(ii), further to the construction of a roof over a lap pool at Lot 1, Section 44, Victoria District, Plan VIP69777 (2335 Arbutus Road):**

- a) relaxation of rear lot line from 10.5 m to 2.46 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 solution is less intrusive with a frosted glass and seems to address the neighbour's main concern.
- The new owners did not create this problem, the existing structure was put there by the previous owner.
- Privacy is a concern for the applicant.
- A cover will help with energy efficiency and will have no negative environmental impact.

**The Motion was then Put and CARRIED**

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Adjournment

On a motion from R. Riddett, the meeting was adjourned at 9:45 pm

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Haji Charania, Chair

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

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Recording Secretary