

MINUTES  
**BOARD OF VARIANCE**  
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL  
**AUGUST 9, 2017 AT 7:00 P.M.**

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Members: H. Charania (Chair); R. Gupta, R. Riddett  
Absent: D. Gunn, R. Kelley  
Staff: N. Findlow, Zoning Officer, I. Hoffmann, Senior Committee Clerk  
Minutes: Moved by R. Riddett and Seconded by R. Gupta: "That the minutes of the Board of Variance meeting held June 14, 2017 be considered at the September 13, 2017 meeting; the Minutes of the meeting held July 12, 2017 be adopted as amended.  
CARRIED

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Harriet Road **Applicant: Nicholas Bishop**  
New House **Property: 3615 Harriet Road**  
BOV #00618 **Variance: Relaxation of the front lot line from 6.0 m to 3.54 m**  
**Relaxation of the rear lot line from 7.5 m to 3.56 m**  
**Relaxation of combined front and rear lot lines from 15.0 m to 7.10 m**  
**Relaxation of the allowable floor space in non-basement areas from 80% to 100%**

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

Applicants Nicholas Bishop, applicant, and Tal Porter were present in support.

In response to comments from the Board about the number of variances requested and how the proposed new house would affect the streetscape, Mr. Bishop stated:

- The back stairs will be removed and the eaves will be reduced by 1.5 feet so there is no encroachment of the property line.
- It is planned to plant some mature trees and additional landscaping so the lot doesn't look barren.
- He has lived here for ten years and wants his new home to fit in with the neighbourhood in terms of height and massing, and that is also habitable for a family.
- The existing house does have attic space and there is no secondary suite in the basement.
- He doesn't have the funds to consider consolidating the properties and rezoning for a duplex. Having two separate houses is better financially.

Mr. Porter stated they have not considered an alternative design. This is a 50' lot and if you need one variance for a front setback, you need the combined setback as well.

- If the application is rejected, they could look at ways to reduce the footprint, but it would be very minor, as it is hard to design a habitable family space less than the proposed 1,250 sq.ft.
- In support of the variance requests, he stated the proposed house has a traditional roof line that fits with the existing neighbourhood. There is no side yard or height variances; the house is only 35 feet wide.
- There is very little we can do from a design standpoint with respect to the non-basement area.
- The garage is important to prevent on-street parking.

In Favour Nil

In Opposition Nil

**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 (c) further to the construction of a new house on Lot Pt 2, Block 18, Plan 877, Section 24, Victoria District, Portion N 50 feet (3615 Harriet Road).

- a) relaxation of the front lot line from 6.0 m to 3.54 m
- b) Relaxation of the rear lot line from 7.5 m to 3.56 m
- c) Relaxation of the combined front and rear lot lines from 15.0 m to 7.10 m
- d) Relaxation of the allowable floor space in non-basement areas from 80% to 100%

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 lot is a sub-standard size and it was approved by Saanich.
- The owner should be allowed to build a house that is compatible with the neighbourhood.
- Although there is a concern about the multiple variances, the design is for a modest house.
- It is understood a permit will be obtained to remove the staircase and reduce the overhang on the eaves.

The Planner confirmed the existing encroachment on the lot will be removed before a permit is issued for the new house. Although the encroachment is not an issue while the applicant owns both properties, this may not always be the case.

**The Motion was then Put and CARRIED**

Courtland Av  
Accessory  
Building

**Applicant:** **AJB Home Design (Taylor Simpson-Bisson)**  
**Property:** **1368 Courtland Avenue**  
**Variance:** **Relaxation of the rear lot line from 7.5 m to 4.19 m**

BOV #00638

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

Applicants

Alan and Taylor Bisson, AJB Home Design, were present in support.

- There is no garage currently; the owner collects cars and would like to get everything into an enclosed space as the neighbours are complaining about the condition of the yard.
- Nothing can be built on the other side due to the existing septic field.

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

- If the variance is rejected, the garage will not be built and the neighbours will continue to complain about the state of the property.
- There is a covenant on the property which does not allow driveway access on to Interurban Road.

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, Sections 101.7 (a) (i) further to the construction of an accessory building (garage) on Lot 2, Section 1, Lake District, Plan VIP69607 (1368 Courtland Avenue):

- a) relaxation of the rear lot line from 7.5 m to 4.19 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:

- Although the hardship to the applicant is questionable, having a garage will clean up the property and be less of a hardship on the neighbours.
- The shape of the property does cause some hardship.

**The Motion was then Put and CARRIED**

Cordova Bay Addition. **Applicant:** John Pham  
**Property:** 5050 Cordova Bay Road  
**Variance:** Relaxation of the rear lot line from 10.5 m to 1.31 m  
 BOV #00640

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

Applicants John and Marisa Pham, owners and applicants, were present in support.

In response to comments from the Board, the applicants stated:

- They bought the property in April 2017 and were unaware of the encroachment until they made enquiries about legalizing a two-bedroom basement suite and obtaining a permit.
- They hired a surveyor who confirmed the rear setback encroachment.
- Given today’s market, they relied on the property disclosure form given by the previous owners, their relator and their lawyer. Steps are currently being explored on how this error occurred and what can be done.
- They are trying to do everything within the Zoning Bylaw.

The Planner explained that it appears a carport was built as a separate accessory building in accordance with the bylaws. At some point, the area between the carport and the house was enclosed – without permit. This led to the existing non-conformity because now the setback is for a single family dwelling and not an accessory building. Whether or not the variance is approved, the Building Department will still need to confirm that the construction has been built to Code.

In Favour A letter in support was received from the adjacent neighbour at 5046 Cordova Bay Road.

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, Sections 250.4 (a)(ii) further to the construction of an addition on Lot 2, Section 30, Lake District, Plan 44884 (5050 Cordova Bay Road):

**a) relaxation of the rear lot line from 10.5 m to 1.31 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 large encroachment and the Municipality is not in the business of approving variance retro-actively.
- However, the neighbour most affected has no objection.
- The applicants are in a situation which is not of their doing and they should have recourse with both the sellers and their agents.

**The Motion was then Put and CARRIED**

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Agate Lane Accessory Bldg	<b>Applicant: John Knappett</b> <b>Property: 5161 Agate Lane</b> <b>Variance: Relaxation of height from 3.75 m to 4.20 m</b>
BOV #00641	The Notice of Meeting was read and the applicant’s letter received.
Applicants	J. Knappett, owner and applicant, was present in support. He apologized for returning a second time but unfortunately the surveyor’s information was not available for the last meeting.
	<p>Mr. Knappett referred to the letter from the arborist recommending the grade height be increased to protect the tree roots.</p> <ul style="list-style-type: none"> <li>• The property was built on in the 1920s; it was carved down to its current level and fill was pushed out to make the lot level.</li> <li>• The back of the property is lower than Cordova Bay Road and the property next door.</li> <li>• The previous owners of the adjacent property were in favour because of the sound issue, which would be improved with raising the grade.</li> </ul> <p>In response to questions from the Board, Mr. Knappett stated:</p> <ul style="list-style-type: none"> <li>• If the application is not approved he does not have another plan; there is nothing else he could do other than what is proposed.</li> <li>• He explained it is not just the grade for the garage, but the driveway also.</li> <li>• As proposed, the driveway and the garage pad will “float” over the tree roots: the top soil would be removed and gravel added.</li> </ul>
In Favour	Nil
In Opposition	Nil
<b>MOTION:</b>	<b>MOVED by R. Riddett and Seconded by R. Gupta: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Sections 295.4(b) further to the construction of an accessory building (garage) on Lot 15, Section 81, Victoria District, Plan 861 (5161 Agate Lane):</b>
	<p><b>a) relaxation of the height from 3.75 m to 4.20 m</b></p> <p><b>And further that if construction in accordance with the plans submitted to the Board in the application is not substantially started within two years</b></p>

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**from the date of this Order, the variances so permitted by this Order will expire.”**

Board comments:

- The variance is minor and the reasons given to protect the tree roots are valid.
- There have been no objections from the neighbours.
- One member had some concerns about the rationale for the variance and why using conventional footings was not an appropriate approach. Alternatives such as reinforced flat slab, inverted waffle slab, inverted beams, etc. would be more appropriate to protect the root system and no variance would be required.

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

**The application will be tabled to a full Board meeting.**

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Albina St Addition	<b>Applicant: Kelsey and Graham Campbell</b>
	<b>Property: 3245 Albina Street</b>
BOV #00642	<b>Variance: Relaxation of the interior side lot line from 1.5 m to 0.8 m Relaxation of the allowable floor space in non-basement areas from 80% to 84.95%</b>

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

Applicants Graham Campbell, owner and applicant, was present in support.

The Planner advised that a variance is no longer required for the rear lot line as the setback will be 7.87 m.

Mr. Campbell stated:

- The neighbour recently built a fence and the property survey indicated a discrepancy in the boundary.
- The posts are from the previous deck that was removed.
- There is no non-conformity for the rear lot line any more.
- The design of the house and efficiency of the space would be compromised if he moved the lower floor inwards to reduce the variance for the non-basement area.
- There is no suite in the house but there is a partial basement with a bedroom, laundry area and recreation room.

In Favour Nil

In Opposition Nil

**MOTION: MOVED by R. Gupta 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 9, Section 81, Victoria District, Plan 861 (3245 Albina Street):**

- a) relaxation of the interior side lot line from 1.5 m to 0.8 m
- b) relaxation of the allowable floor space in non-basement areas from 80% to 84.95%

**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:

- Both variance requests are minor.
- The existing structure is non-conforming.
- The addition is using the same footprint as the existing house.

**The Motion was then Put and CARRIED**

Prospect Av Addition  BOV #00643	<b>Applicant:</b> Zebra Construction <b>Property:</b> 1161 Newport Avenue <b>Variance:</b> Relaxation of the maximum height from 7.5 m to 7.6 m Relaxation of single face height from 7.5 m to 8.96 m
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The Notice of Meeting was read and the applicant’s letter received.

Applicants Corrine and Randy Storey, owners, and Katherine Koshman of Zebra Construction, applicant, were present in support.

Ms. Koshman stated the house was built in the 1990s; a height variance was approved at that time. The current proposal is in keeping with the existing roof lines. In response to questions from the Board, Ms. Koshman stated:

- The proposal is to enclose the upper floor deck off the master bedroom and tie in with the existing roof line. To use a flat roof design to avoid a variance would be incompatible with the current design.
- The house is already non-conforming; we are extending the scope of it.
- Mr. Storey noted that the deck leaks; the living room is directly below the deck. Adding the pitched roof will address the leakage problem.

In Favour Randy Storey stated he talked to his neighbours and has received emails in support from everyone he contacted.

In Opposition Nil

**MOTION: MOVED by R. Riddett and Seconded by R. Gupta: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 125.6(b)(i) and (ii) and further to the construction of an addition on Lot A, Section 78, Victoria District, Plan 9822 (4904 Prospect Avenue):**

- a) relaxation of the maximum height from 7.5 m to 7.6 m
- b) relaxation of the single face height from 7.5 m to 8.96 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 variance is minor and has no impact on the neighbours, who are all in support.
- There is no environmental impact.

**The Motion was then Put and CARRIED**

Primrose Rd addition.  
BOV #00644  
**Applicant: Jarrod R. Worth**  
**Property: 1065 Primrose Road**  
**Variance: Relaxation of the rear lot line from 7.5 m to 1.74 m**  
**Relaxation of the combined front and rear lot lines from 15 m to 11.58 m**

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

Applicants Jarrod Worth and Andrea Warkell, owners and applicants, were present in support.

In response to comments from the Board about hardship:

- Mr. Worth stated he owns collector vehicles, currently stored off-site in a rental space. He would like to be able to store the vehicles in a garage on his own property.
- Ms. Warkell stated the master bedroom is very small with very little closet space.

In Favour Nil

In Opposition Nil

**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) further to the construction of an addition on Lot A, Section 78, Victoria District, Plan 9822 (1065 Primrose Road):**

- a) relaxation of the rear lot line from 7.5 m to 1.74 m
- b) relaxation of the combined front and rear lot lines from 15.0 m to 11.58 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 shape of a lot causes some hardship.
- The properties at the rear do not have a problem with the variance.
- The house is small and the addition to the master bedroom is understandable; one member had difficulty with the rationale for hardship for the garage.

**The Motion was then Put and CARRIED**

Midgard Av New House.  
BOV #00645  
**Applicant: Amrit Gossal**  
**Property: 1710 Midgard Avenue**  
**Variance: Relaxation of the single face height from 7.5 m to 7.77 m**

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

Applicants Amrit Gossal, Gordon Head Developments, together with Dave Lunt and his associate, on behalf of the owners Tine Lathouwers and Greg Goforth, were present in support.

Mr. Gossal stated:

- The physical height of the house is no different from what was originally proposed.

- The house is positioned 1 m closer to the front property line than planned – which does meet the bylaw.
- He doesn't understand why the square footage calculation has changed.
- The issue wasn't discovered until the framing stage.
- The east wall of the garage is set in an existing depression which may have changed the square footage calculations.

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, Sections 210.4(b)(ii) further to the construction of a new house on Lot 2, Section 40, Victoria District, Plan 402F (1710 Midgard Avenue):**

**a) relaxation of the single face height from 7.5 m to 7.77 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 variance is minor and the error unintentional.

**The Motion was then Put and CARRIED**

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<p>Feltham Rd addition. BOV #00647</p>	<p><b>Applicant: Bhupinder Dulku</b>  <b>Property: 1837 Feltham Road</b>  <b>Variance: Relaxation of the allowable floor space in non-basement areas from 80% to 87.49%</b></p>
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The Notice of Meeting was read and the applicant's letter received.

Applicants Bhupinder Dulku, owner and applicant, was present in support.

Mr. Dulku stated a variance application for this property was rejected 15 years ago because the Board found no hardship.

- He has spoken to the neighbours and has received written or verbal support from all of them except from the owner of 1835 Feltham, whom he tried to reach 3 times but there was no answer.
- The hardship is that the house has 3 bedrooms upstairs and 3 generations live in the home.
- His grandparents do not understand English very well and his grandmother is in ill health.
- His parents also live in the house and operate a catering business from the home.
- He and his brother share a room and there is very little space.
- If the variance was not granted they would likely have to place his grandmother in a seniors' home, which is not desirable given her health and lack of English language comprehension, and also she wants to continue to live with her husband.
- Granting the variance will improve the quality of life for his family.
- They had thought about raising the height of the basement but upon checking with the Building Department, the sewer lines are only 5' below



ground so this would likely not be approved. As well, it would be very disruptive and expensive.

In Favour All neighbours contacted were in support.

In Opposition Nil

**MOTION: MOVED by # and Seconded by #: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Sections 210.4(c) further to the construction of an addition on Lot 1, Section 58, Victoria District, Plan 402F, (1837 Feltham Road):**

- a) relaxation of the allowable floor space in non-basement areas from 80% to 87.49%

**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 option is the most practical solution of the 3 proposed.
- The neighbours are not affected.
- The massing of the building remains unchanged.
- The property most affected is owned by the applicant’s father.

**The Motion was then Put and CARRIED**

Brookridge Deck addition. **Applicant: Darren Sopher**  
**Property: 712 Brookridge Place**  
**Variance: Relaxation of the rear lot line from 7.5 m to 3.5 m**

BOV #00636 **MOVED by R. Gupta and Seconded by R. Riddett: That the application be lifted from the table.” CARRIED**

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

Applicants Darren and Darrell Sopher, owners and applicants, were present in support.

Darren Sopher stated a few minor changes were made to the plans after discussion with the Zoning Officer.

- The stairs will be inside the square footage of deck and will not be jutting out into the yard.
- He showed photos of the existing home and explained the rationale for the deck placement, noting it makes sense to have access directly from the kitchen and to take advantage of the view of the park area.
- The addition does not affect the neighbours.
- Having the deck run the full length of the house also allows access from the master suite.
- The home was purchased in the spring of 2017 and is jointly owned by him and his father.
- Because of the shape of the lot and where the existing house is situated, it means there is a need for a variance on the one corner of the deck.
- The right-of-way at the rear of the property is a protected area for the park.

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 210.4(a)(i) further to the construction of a deck addition on Lot 13, Section 99, Lake District, Plan 15711, (712 Brookridge Place):

b) relaxation of the rear lot line from 7.5 m to 3.5 m

**And further that if construction in accordance with the amended 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 location of the deck is the most practical given the kitchen access and overlooking the park area.
- There are no objections from the neighbours.
- The applicant has reduced the setback from 3.2 m to 3.5 m.
- It the location of the one post on the deck that results in the variance.
- The house is legally non-conforming and the lot shape is irregular.

**The Motion was then Put and CARRIED**

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Adjournment On a Motion from Mr. Riddett, the meeting adjourned at 9:02 p.m.

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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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Isobel Hoffmann  
Recording Secretary