

**MINUTES  
BOARD OF VARIANCE  
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL  
NOVEMBER 13, 2019 AT 6:00 P.M.**

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Members: H. Charania (Chair), E. Dahli, D. Gunn, M. Horner, R. Riddett

Staff: K. Kaiser, Zoning Officer, S. deMedeiros, Zoning Officer, T. Douglas, Senior Committee Clerk

Minutes: Moved by D. Gunn and Seconded by E. Dahli: "That the minutes of the Board of Variance meeting held October 9, 2019 be adopted as circulated."

CARRIED

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Gordon Head Road Addition  
BOV #00831

**Applicant: JC Scott Design Associates Inc. OBO Lana Foree**  
**Property: 4351 Gordon Head Road**  
**Variance: Relaxation of front lot line setback from 15.0 m to 11.40 m**  
**Relaxation of height for a flat roof from 6.5 m to 7.10 m**  
**Relaxation of single face height for a flat roof from 6.5 m to 10.30 m**

**MOVED by R. Riddett and Seconded by D. Gunn: "That the request for variance for an addition to the house at 4351 Gordon Head Road be lifted from the table."**

CARRIED

The Notice of Meeting was read and the applicant's letter received. Letter of no objection received from one residence.

Applicants: JC Scott, applicant, and Lana Foree, owner, were present in support of the application and stated:

- The design since the original hearing has changed in that they removed the rooftop deck and railing and instead created a lower deck.
- The goal is to not have to blast for the addition. This house has a good foundation and this design is the best for their carbon footprint.
- The house is on an extremely steep slope which triggers the height variances. Because the garage was reduced in length, the overall height measurements increased on paper even though the design is not taller.
- The owners were originally looking for a flat lot with easy access but this area is ideal for their family. They just want to make some modifications to the house and keep the existing foundation.

Public input: S. Purcell, Gordon Head Road:

- Appreciates the changes made and had sent in a letter of no objection to the Board.

J. Harrison, Gordon Head Road:

- Asked who monitors the build to ensure that the changes approved by the Board are constructed properly.
- Stated that views do matter.

It was noted that inspections occur at various stages of a build or renovation, and a surveyor will confirm measurements to ensure construction matches the building permit plans.

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

- There are two balcony additions on the east side. A sunroom has been changed to be a balcony.
- The space under the balcony nearest to the chimney is unusable and rocky.
- The small shed is a pump house and is to be removed provided they can get onto the sewer system.
- When out of town, the owner’s parent cares for the children. There are mobility issues for this person and the garage addition is necessary because of this.
- They started with a 2-car garage with the maximum footprint and this has changed to being the smallest possible garage.
- They wish to keep the existing accessory building on site for storage because there is no basement for storage.
- They have done their best to have the lowest impact for the neighbours and the environment, and want to keep the area looking like a park.

The Zoning Officer noted that the skylights are in compliance with the Bylaw and the overall height for a flat roof is existing non-conforming.

**MOTION:**

**MOVED by D. Gunn and Seconded by R. Riddett: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 290.3(a)(i) and 290.3(b)(i) and (ii), further to the construction of an addition to the house on Lot 1, Section 45, Victoria District, Plan 16045 (4351 Gordon Head Road):**

- a) relaxation of front lot line setback from 15.0 m to 11.40 m
- b) relaxation of height for a flat roof from 6.5 m to 7.10 m
- c) relaxation of single face height for a flat roof from 6.5 m to 10.30m

**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 topography and the siting of the existing house merits relief.
- There is no other place for a garage; the front variance is justified.
- Board appreciates the reduction of the garage size.
- There is no increase in absolute height and the single face height is because the space under the bump-out is not usable.
- The lot is panhandle so the front yard is more like a side yard.
- The neighbours do not object and this is a better option for the environment.

**The Motion was then Put and CARRIED**

White Rock  
Street  
Addition

**Applicant: Janet Darcie**  
**Property: 4014 White Rock Street**  
**Variance: Relaxation of allowable floor space in non-basement areas from 75% to 76.43%**

BOV #00834

The Notice of Meeting was read and the applicant’s letter received. Mr. Charania reported that he met with the applicant on site.

Applicants:

Janet Darcie, applicant/owner, was present in support of the application and stated:

- When she purchased the house it had been on the market for a long time as the previous owners had done some poor renovations.
- She obtained a permit to do work to improve the curb appeal of the home but inside there are issues with the space that she would like to rectify.
- After getting some advice from architects she decided to apply for a variance. The design results in the absolute minimum variance to improve the odd space.

In reply to questions from the Board Ms. Darcie stated:

- The neighbours that she spoke with know that the renovation will not affect the exterior of the home.
- The previous work done to the garage area was done with a permit.
- There are two bedrooms plus a recreation room downstairs. The ceiling height is 2” shorter than the standard. Her son is 6’10” so he lives upstairs.
- There is an option to convert the office into a bedroom.

Board discussion:

- Member appreciates that this is a very minor request, but questioned whether there is a hardship.
- Some areas of the home are not accessible or functional. This is a very minor request.

Public input: Nil

**MOTION: MOVED by M. Horner and Seconded by E. Dahli: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Sections 290.4(c), further to the construction of an addition to the house on Lot 5, Section 44, Victoria District, Plan 1544 (4014 White Rock Street):**

- a) relaxation of allowable floor space in non-basement areas from 75% to 76.43%

**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 with minimal impact on neighbours and the environment.
- The existing design is wasteful of space.
- The neighbours do not object.
- This lot is zoned incorrectly. This is a small lot, and if zoned appropriately, the non-basement area would be 80%.

**The Motion was then Put and CARRIED**

Edgemont Road Addition

**Applicant: Zobayer Ahmed**  
**Property: 1564 Edgemont Road**  
**Variance: Relaxation of allowable floor space in non-basement areas from 80% to 85.80%**

BOV #00836

The Notice of Meeting was read and the applicant’s letter received. Mr. Charania, Mr. Dahli and Mr. Gunn reported that they met with the applicant on site.

Applicants: Zobayer Ahmed, applicant/owner was present in support of the application. He stated that he spoke with three neighbours who have no objection to the project and he provided the real estate listing that showed the home’s potential to have a legal suite and space for his extended family. It was this listing information that he trusted to make the decision to purchase the home, and that the mortgage lender considered as potential revenue.

In reply to questions from the Board Mr. Ahmed stated:

- He tried to convert the house to a legal suite but it was found that he exceeds the permitted floor area.
- They propose to remove the garage door and install a window in that space.
- Extended family would live in one portion that is connected to the upstairs and a separate secondary suite would be created for revenue.
- They cannot afford the home without the revenue of a secondary suite.

The Zoning Officer stated that the required amount of parking stalls are on site.

Public input: Nil

**MOTION: MOVED by R. Riddett and Seconded by E. Dahli: “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 17, Section 17, Victoria District, Plan 26542 (1564 Edgemont Road):**

- a) relaxation of allowable floor space in non-basement areas from 80% to 85.80%**

**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 hardship for the owner as he unknowingly purchased a house with non-permitted renovations.
- This will have a minor impact on the neighbourhood and three neighbours are supportive.
- Saanich has a policy that encourages secondary suites.
- The total gross floor area is less than the maximum allowable.
- There is no impact to neighbours or the streetscape.
- The majority of work was done prior to the applicant purchasing the home.

**The Motion was then Put and CARRIED with D. Gunn OPPOSED**

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Elwood Avenue Addition  BOV #00837	<b>Applicant: Whitney and Steven Drinkwalter</b> <b>Property: 4117 Elwood Avenue</b> <b>Variance: Relaxation of allowable floor space in non-basement areas from 80% to 99.70%</b>
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The Notice of Meeting was read and the applicant’s letter received.

Applicants: Steven and Whitney Drinkwalter, applicants/owners, Tim Rodier, Designer, and Catherine Fryer, family member were all present in support of the application.

In reply to questions from the Board, the following comments were noted:

- The current home is just under 1,700 square feet. They have four children and are tight on space. The hope is to add bedrooms for the children and create a separate suite for their mother to move into.
- They looked at ways to do an addition without demolishing the home. It is tough to dig down due to the bedrock and in order to add a basement they would have to blast.
- The geotechnical report indicates that blasting is not recommended, as damage to the home and neighbouring properties is possible.
- There is a partial basement but the home is on a slope.
- They conform to all other aspects of the bylaw and just need the non-basement area.
- They are proposing to add height to the master bedroom which faces the street, and the remainder of the addition is at the back.
- The neighbour that would be most impacted on the north side has no concerns about the addition.
- They are looking at only 25% lot coverage.
- There are plans for a small accessory building.
- They have spoken with all neighbours on the street except one. Neighbours do not want blasting to occur.
- They are proposing a build from approximately 1,700 square feet to 3,300 square feet. The floor space ratio is low at .34.
- The home has five bedrooms: three upstairs and two on the lower level.
- Their mother would be downsizing from a spacious home. They would like to create a two-bedroom suite for her to age in place and have space for a future caregiver.
- Their family has been in the neighbourhood for 40 years and would like to stay in the area.
- In reply to the comment they are creating a bungalow, the designer stated if they were able to sink into the ground they would have a basement and would not need a variance.
- There is no basement area currently because of the property slope. There is a crawlspace under the main floor.

In reply to a question about garden suites, the Zoning Officer advised that the proposed structure is too large for a garden suite and would require a four metre separation from the house. This meets the requirements for a secondary suite; the proposed is a self-contained secondary suite attached to a house.

Responses to Board questions continued as noted:

- They did not consider rezoning due to the cost and the wait times for rezoning applications. They are within the required RS-6 site coverage. In addition, the massing is stepped and they are within the allowable height.
- Their current gross floor area is about 153 square metres and they are asking to add about 155 square metres.
- In terms of an alternate plan they have been looking for a house for over a year and have not found anything suitable for the entire family. Garden suites do not yet exist so they cannot plan for this. They have lived in the neighbourhood for many years and wish to remain there.
- If they could build a basement they would, but a basement is not feasible.
- The neighbours do not want blasting to occur. Most of the houses in the area are from the early 1960s and sit on the same piece of rock.
- Their hardship is the rock and they cannot achieve the floor space that is available to them because of this rock.

- They are still well below what is allowable on an RS-6 Zone; it is only non-basement area and the proposed structure at the rear is low.

## Board discussion:

- The massing does not fit the zone and variances are in perpetuity. The proposed both adds to and raises the house.
- The request violates the intent of the Bylaw with regard to massing and this is not a minor request.
- The applicant supplied geotechnical evidence that they are not able to blast.
- They are trying to keep low and stay within all other zoning requirements.
- The Bylaw is unreasonable in this instance as they cannot dig down. It is impractical for the applicant to build a basement.
- They could re-design and extend the home at the back.
- No objections were received from neighbours.
- This is an incorrectly zoned property; it is A-1 across the street.
- The neighbourhood is changing and larger houses are being built.
- The geotechnical report was good; concern expressed that although no objections were received, there was no written consent either.

In reply to a question the Zoning Officer advised that both Rezoning applications (costing \$2000) and Development Variance Permit applications (costing \$500) take approximately 10-12 months to be heard.

Public input: Nil

**MOTION: MOVED by D. Gunn and Seconded by E. Dahli: "That the following request for variance to relax the allowable floor space in non-basement areas from 80% to 99.70% from the requirements of Zoning Bylaw 2003, Section 210.4(c), further to the construction of an addition to the house on Lot AM3, Section 13, Lake District, Plan 14759 (4117 Elwood Avenue) be DENIED."**

## Board comments:

- This request is not minor and violates the intent of the Bylaw.
- An application to Rezone, or a Development Variance Permit application through Council would be appropriate as they can grant major variances.
- There are alternatives for the applicant to consider, such as extending the addition to the back yard, going through Council, and wait for carriage houses to come into effect next year.

**The Motion was then Put and CARRIED with M. Horner and R. Riddett OPPOSED**

Adjournment On a motion from E. Dahli, the meeting was adjourned at 7:43 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