

**MINUTES
BOARD OF VARIANCE
COUNCIL CHAMBERS, SAANICH MUNICIPAL HALL
DECEMBER 9, 2020 AT 6:00 P.M.**

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

Staff: S. deMedeiros, Planning Technician, T. Douglas, Senior Committee Clerk

Minutes: Moved by R. Riddett and Seconded by D. Gunn: "That the minutes of the Board of Variance meeting held November 18, 2020 be adopted as amended."
CARRIED

Scolton Road
Fence

BOV #00870

Applicant: Victoria Stevens
Property: 3921 Scolton Road
Variance: Relaxation of height from 1.5 m to 2.50 m

The Notice of Meeting was read and the applicant's letter received. Signatures of no objection received from 21 residences. Correspondence not in support received from two residences.

Applicants: Victoria Stevens, applicant/owner, was present via telephone in support of the application. She noted that her hardship is the abundance of deer in the area, due to people in the neighbourhood feeding them.

Public input (via telephone):

S. and R. Samborski, Macdonald Dr. E.:

- Noted Saanich Climate Plan supports food security and production, ecosystem support, native planting.
- There has been a growth in the deer population. They are hard on the ecosystem.
- The structure is not an eyesore in their opinion.

G. McCoey, Scolton Road:

- Asked why this was tabled previously and noted people who support the structure do not live nearby.
- Feels a community garden poses security issues and there is the issue of the bylaw being broken.
- The structure is unsightly and devalues surrounding properties.

K. Odgers, Scolton Road:

- The structure is aesthetically pleasing; they enjoy the plants and vines growing on the structure.
- Supports increasing food security.
- The height is necessary to deter deer; the bylaw was put in place before the deer population increased.

Tricia Abbott, Scolton Road:

- The structure is too high and the applicant should follow the bylaw.
- Is not opposed to the structure if it adheres to the bylaw height and is moved back to the applicant's property. There are other ways to deter deer.
- Is not opposed to a community garden but wonders how it will work and be monitored.

A Board member commented that this item was tabled back in August because the site was not previously marked and the height and location were not obvious to Board members at that time.

In reply to questions from the Board, the neighbours in opposition both stated they are not opposed to the proposed location back on the applicant's property, however they are opposed to the structure being over height.

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

- Their intent is to move the structure off the boulevard and fully onto their property.
- Their intent is to allow for vegetation to grow up the structure.
- Even though the structure will be moved back onto their property, it will still be visible to the neighbours across the street.
- They invited the neighbours to discuss a compromise but both neighbours declined to engage in a compromise as they wish for her to comply with the height regulation.
- Eight feet is an appropriate height to keep deer out.

Board discussion:

- The Board must focus on the structure and not the land use.
- This does not violate the intent of the bylaw which is to prevent people from walling off their properties.
- The structure will be moved back and allowed to be covered with vines, which is similar to hedges on the street. It will not follow along the whole property line.
- The Bylaw did not anticipate the problems people are having with deer.
- Unrestrained deer population is an undue hardship for people to not have beneficial use of the property.
- This does not unduly impact the neighbours.
- The Board cannot speak to the other Saanich documents and can only vary the Zoning Bylaw on this matter.
- The applicant will have to follow the process pertaining to community gardens.

MOTION:

MOVED by D. Gunn and Seconded by E. Dahli: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 6.2(f), further to the construction of a garden fence on Lot 4, Section 44, Victoria District, Plan 1518 (3921 Scolton Road):

- a) relaxation of height from 1.5 m to 2.50 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."

**The Motion was then Put and CARRIED
With M. Horner OPPOSED**

Merida Place Addition
BOV #00891

Applicant: Cristine Pingol and Daryl Pope
Property: 1833 Merida Place
Variance: Relaxation of allowable floor space in non-basement areas from 80% to 97.32%

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

Applicants: Cristine Pingol and Daryl Pope, applicants/owners, were present via telephone in support of the application and had nothing to add. In reply to questions from the Board, they stated:

- They looked at different options for an addition and had some ideas, and then hired a designer that came up with this design.
- They purchased their house in August.
- They worked with a contractor and were not aware of the permit process.
- Renovations had occurred prior to them purchasing the house; there were hoses, outlets and wires hanging in the garage and storage rooms, and black mold in some areas when they moved in.
- The ceiling in the workshop area is below standard height.
- The existing suite is just over 1,400 square feet and they are only proposing to build the kitchen in the garage.
- The design is for a wheelchair accessible suite.

The Planning Technician confirmed that the Zoning bylaw defines non-usable areas as under 5.5 feet in height.

Board comments:

- Fail to see an undue hardship as there is an existing 1,400 square foot suite that has enough room to redesign for accessibility.
- They are proposing to add about 727 square feet of space above the allowable limit.
- The intent of the bylaw is to avoid massing. This has no effect on the existing size of the building, and there are no limits to the size of a suite.
- The neighbours do not object.
- Being mindful that wheelchairs need space to get around, this is a large space that could be redesigned.
- Appreciate that the external massing is not affected.
- There is no negative impact on natural environment or neighbours.
- This is a personal hardship which is not in perpetuity but the house is there in perpetuity.
- No evidence provided regarding the hardship of a disability.

The Planning Technician confirmed that the parking requirements for a single family dwelling is two vehicle spaces plus one for a suite. They need to be 2.4 metres x 5.5 metres and two of these can be tandem.

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 230.4(c), further to the construction of an addition to the house on Lot 23, Section 84, Victoria District, Plan 27891 (1833 Merida Place):

- a) relaxation of allowable floor space in non-basement areas from 80% to 97.32%

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:

- See a hardship in having a non-accessible house.
- There is no visual impact and no increase in massing.
- There is ample parking.
- There are no objections from neighbours.
- This increases the stock in housing.

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

Burnside Road
West
Accessory
building (house
conversion)

Applicant: Bhupender (Raj) Saini
Property: 1545 Burnside Road West
Variance: Relaxation of height of an accessory building from 3.75 m to 5.19 m

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

BOV #00893

Applicants:

Raj Saini, applicant/owner, and Ron McNeil, designer, were present via telephone in support of the application and stated:

- They evaluated their costs and the best way to lessen their request was to remove the dormers. This will reduce the higher massing and the square footage because there will be no attic space.
- The main building will be for the same use as previously proposed (office and storage use) and the basement will be primarily storage.
- They are asking for 1.44 metres less than previously requested.
- There is no objection from neighbours.
- If this is approved, the house will be decommissioned. The drawings show the removal of the kitchen, bathroom features and the dormers.

The Planning Technician confirmed that this structure would be for accessory use to the residence and there can be no kitchen or bedrooms. Sleeping in accessory buildings is not permitted. It is part of the building permit to maintain the proposed uses.

Board discussion:

- The reduction in the request is appreciated.
- The height has been taken from the average grade. This will appear to be less high from the roadway.
- The only hardship seen is the waste in removing a usable building and replacing it with new materials.
- They have removed the suspicion of the suite potential.

Public input:

Nil

MOTION:

MOVED by D. Gunn and Seconded by E. Dahli: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 101.7(b), further to the conversion of a single family dwelling into an accessory building on Parcel A of Lot 1, Section 9, Esquimalt District, Plan 9843 (1545 Burnside Road West):

a) relaxation of height of an accessory building from 3.75m to 5.19m

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.”

The Motion was then Put and CARRIED

<p>Feltham Road New house BOV #00894</p>	<p>Applicant: Amrita and Hardeep Rai Property: 1810 Feltham Road Variance: Relaxation of height 7.5 m to 7.72 m Relaxation of height (flat roof) 6.5 m to 7.03 m Relaxation of single face height 7.5 m to 8.19 m Relaxation of single face height (flat roof) 6.5 m to 7.5 m</p>
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The Notice of Meeting was read and the applicant’s letter received.

Applicants: Amrita and Hardeep Rai, applicants/owners, and Natalie Saunders, Java Designs, were present via telephone in support of the application. The designer reported that:

- They limited their request for variance to be smallest amount to achieve a flat driveway. A negative slope could affect the basement in terms of water and drainage issues.
- Elderly people will need to manoeuvre in and out of the main floor of the house so accessibility is an issue. An accessible washroom and main bedroom are shown on the floor plans.

In reply to questions from the Board the designer and applicants stated:

- The primary hardship is the sloping driveway because it slopes from the road to the lot. In order to have garage in line with the road so the driveway is flat, they have to pull house up to this level. Geodetic data has been provided to support this.
- If the house was lowered it would create a negative slope to the garage and potential water issues could occur.
- The home is designed so elderly parents can have their entrance on the ground level. Accessibility is an issue.
- Main floor ceiling heights are 9’ and upper floor ceilings are 9’.
- The driveway is what drives the variance, not the ceiling heights.
- If variance is not granted, the slope of the driveway would be -9% which is quite substantial.

Board member discussion:

- The site looked reasonably level and most homes in the area have driveways sloping down from the road with a trench drain.
- If drainage is installed properly then water should not be a concern.
- The contours and the site itself do not show a significant slope from the road to the house.
- There are lots of houses in Saanich with negative driveways and they are a problem waiting to happen. A positive slope is better in the long run.
- Negative driveways are a fact in Saanich and Council has rejected similar Development Variance Permit requests.
- A slight slope of the land appears to go from the right to the left.
- The contour lines from GIS, the application, and the survey map show the slope is minimal with about a one metre slope from east to west.

- No other attempts are made to reduce the height; both floors have ceiling heights at 9’.

Public input: Nil

MOTION: **MOVED** by D. Gunn and **Seconded** by E. Dahli: “That the following requests for variance from the requirements of Zoning Bylaw 2003, Sections 230.4(b)(i) and (ii), further to the construction of a new single family dwelling on Lot 9, Section 58, Victoria District, Plan EPP98286 (1810 Feltham Road) be **DENIED**:

- a) relaxation of height from 7.5 m to 7.72 m
- b) relaxation of height (flat roof) from 6.5 m to 7.03 m
- c) relaxation of single face height from 7.5 m to 8.19 m
- d) relaxation of single face height (flat roof) from 6.5 m to 7.5 m.”

Board comments:

- In addition to the previous remarks about the slope, there are design choices driving this request.
- Considering this is the first house in the area, the Board was not able to receive comments from neighbours concerning the application.

The Motion was then Put and CARRIED

Adjournment On a motion from M. Horner, the meeting was adjourned at 7:25 pm.

Haji Charania, Chair

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

Recording Secretary