

**MINUTES  
BOARD OF VARIANCE  
HELD ELECTRONICALLY VIA MICROSOFT TEAMS  
SAANICH MUNICIPAL HALL  
NOVEMBER 10, 2021 AT 6:00 P.M.**

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Members: M. Horner (Chair), J. Uliana, K. Weir, K. Zirul

Staff: S. de Medeiros, Senior Planning Technician, T. Da Silva, Senior Committee Clerk

Minutes: **Moved by J. Uliana and Seconded by K. Weir: “That the minutes of the Board of Variance meeting held October 13, 2021 be adopted as circulated.”**

**CARRIED**

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Chairs Remarks **W. Goldiet has resigned his position.**

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Camcrest Place Addition  
BOV00943

**Applicant: Trevor Morley**  
**Property: 3487 Camcrest Place**  
**Variance: Relaxation of the minimum rear yard setback from 10.5m (34.5 ft) to 8.84 m (29 ft).**

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

Applicants: Trevor Morley, Applicant, was present in support of the application. The applicant noted that:

- Nothing additional to add; the position is stated clearly in the application letter.

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

- The existing deck is 4.5 feet wide, more of a walkway deck, not a sitting patio. If the deck were to be reduced to comply with the bylaw regulations there would be no space.
- One of the primary goals of building these stairs is to create another exit. This exit will decrease the amount of time to get down to the yard in an emergency.
- Both adjacent neighbours are in support. There is substantial mature landscaping to mitigate privacy issues.

Board discussion:

- This dwelling met the building code requirements at the time of initial construction.
- Building code requirements change over time; not permitting the stairs does create a hardship. In a fire, it makes more sense to exit the house via these stairs versus jumping out of a second-storey window.
- This variance is a minor request with a reasonable approach.
- Change should to be embraced where there are a potential improvements for the better. This is a potential safety issue.

Public input: Nil

**MOTION:** **MOVED by J. Uliana and Seconded by K. Weir: “That the following request to relax the minimum rear yard setback from 10.5 m (34.5 ft) to 8.84 m (29 ft) from the requirements of Zoning Bylaw 2003, Section 265.4 (a)(ii), to further the construction of stairs for an existing deck at Lot 7, Section 37, Victoria District, Plan 4958 (3487 CAMCREST PLACE) be APPROVED.**

**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.”**

**The Motion was then Put and CARRIED**

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<p>Seawood Terrace New Construction  BOV00944</p>	<p><b>Applicant:</b> Kerrett Hugh Washington Wallace  <b>Property:</b> 4595 Seawood Terrace  <b>Variance:</b> Relaxation of the maximum overall height for a sloped roof from 7.5 m (24.6 ft) to 8.0 m (26.25 ft);                  Relaxation of the maximum overall height for a flat roof from 6.5 m (21.3 ft) to 7.35 m (24.11 ft);                  Relaxation of the maximum vertical portion of a dwelling within 5.0 m of a vertical plan extending from the outermost wall for a flat roof (single face) from 6.5 m (21.3 ft) to 6.75 m (22.15 ft).</p>
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The Notice of Meeting was read, the applicant’s letter and one email in opposition from a neighbour was received.

Applicants: M. Dunsmuir, Step One Design,; Applicant; K. Wallace, Beam Crescent, Owner; were present in support of the application and noted:

- The common access driveway was previously finished at 1.0 m above the subject lot’s natural grade. There is a restrictive covenant on the north side of the property. Both of these factors create challenges for the placement of the home.
- As the house must be placed within a constrained footprint, the proposed driveway would exceed the maximum driveway slope allowance of 15% without an approved variance.
- The variances requested will allow the home to be raised closer to the road level, alleviating pressure on the driveway grading, thereby allowing for a more efficient approach to the house.

In response to Board questions, the applicant stated:

- There is one less metre to play with as this design is a flat roof.
- Consideration needs to be given to the run length of the driveway, as there needs to be a one-metre allowance at both the top and the bottom of the driveway.
- The Building Step Code requires more roof cavity space to allow the appropriate amount of insulation.
- Even with a sloped roof, a variance will be required.
- When driving down the steep, treed, driveway the house is much lower than the street; this house will be looked down upon.
- Reducing the ceiling height from nine feet to eight feet creates ducting issues due to dropped bulkheads.

- If consideration was given to a main level and basement scenario, the average grade would still be determined by the rear grades at the back of the house. Excavating would become a concern, pumping waste water uphill to the septic tank with a full basement below the stormwater management system introduce additional concerns. It would be an entirely different house.

Board Discussion:

- The design is predicated on the main level and second floor above versus basement with a main level typology. Other design options meet the bylaws' intentions. This home has been designed well for a main level and second-floor style to mitigate the height issues.
- Bylaws are designed for typical lots, and this is a challenging lot.
- The easements in the front and back leave limited building space.
- The fixture of the road cannot be changed; in essence, the applicant must work backwards within the constraints of the bylaw. Not all design options have been considered to meet the bylaw regulations.

Public input: Nil

**MOTION:** **MOVED by K. Zirul and Seconded by J. Uliana: "That the following request, to relax the maximum overall height for a sloped roof from 7.5 m (24.6 ft) to 8.0 m (26.25 ft); to relax the maximum overall height for a flat roof from 6.5 m (21.3 ft) to 7.35 m (24.11 ft); and to relax the maximum vertical portion of a dwelling within 5.0 m of a vertical plan extending from the outermost wall for a flat roof (single face) from 6.5 m (21.3 ft) to 6.75 m (22.15 ft.) from the requirements of Zoning Bylaw 2003, Section 290.3 (b)(i) and (ii), to further the construction of a new dwelling at Lot B, Section 84, Victoria District, Plan EPP54148 (4595 SEAWOOD TERRACE) be APPROVED.**

**The Motion was then Put and DEFEATED  
With K. Weir and J. Uliana OPPOSED**

- The variances need to be reviewed.
- The applicant could consider an eight-foot main floor or a full re-design with a walk-out basement.

**MOVED by J. Uliana and Seconded by K. Weir: "That the Board of Variance Application for Lot B, Section 84, Victoria District, Plan EPP54148 (4595 SEAWOOD TERRACE) be TABLED to a future meeting to allow the applicant time to submit plans with reduced variances."**

**CARRIED**

Nev Place  
Addition  
BOV #00945

**Applicant: Leesa Lillis**  
**Property: 1401 Nev Place**  
**Variance: Relaxation of the minimum front lot line setback from 6.0 m (19.7 ft) to 1.3 m (4.27 ft).**

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

Applicants: L. Lillis, Nev Place, Owner; and D. Lunt, T-Square Designs; were present in support of the application and noted:

- There is no additional information.

In response to Board questions, the Senior Planning Technician stated:

- The new construction triggers the need to apply for a variance.

In response to Board questions, the applicant stated:

- This application is to allow for the reconstruction and upgrading of the existing framed-in storage underneath the deck and creation of a secondary suite.
- Proper foundations are being installed to improve the non-conforming issues.
- The building envelope will not be extended.

Board Discussion:

- When the house was built in the 1930s, a much larger home could be built here, given the current zoning.
- This request is an accommodation to an existing dwelling that is sensible without modification or demolition.
- This request is a relatively minor variance; the hardship is the non-conforming use and the siting.
- Granting this request will not adversely affect the environment or adjacent properties.

**MOTION: MOVED by K. Zirul and Seconded by K. Weir: "That the following request, to relax the minimum front lot line setback from 6.0 m (19.7 ft) to 1.3 m (4.27 ft). from the requirements of Zoning Bylaw 2003, Section 210.4 (a)(i), to further the construction of a new addition at Lot 1, Section 38, Victoria District, Plan VIS5368 (1401 NEV PLACE) be APPROVED.**

**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."**

**The Motion was then Put and CARRIED**

Adjournment      On a motion from K. Weir, the meeting was adjourned at 7:26 p.m.

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Melissa Horner, Chair

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

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Recording Secretary