

MINUTES
BOARD OF VARIANCE
Via Microsoft Teams
Saanich Municipal Hall
February 9, 2022 at 6:01 p.m.

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

Staff: K. Kaiser, Planning Technician; N. Chaggar, Senior Committee Clerk

Normandy Road Deck Construction
Applicant: Matthew Lopez
Property: 546 Normandy Road
Variance: Relaxation of the minimum front lot line setback from 7.5 m (24.6 ft) to 4.77 m (15.65 ft).

BOV #00950

The Notice of Meeting was read and the applicant's letter and two letters from residents in support of the application were received.

Applicants: Matthew Lopez, applicant, and Brian and Lily Blair, owners, were present in support of the application.

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

- The revised drawings dated January 24, 2022 are the plans that Board members will review and consider; the drawings dated December 15, 2021 are being disregarded.
- The deck is due for replacement; the width of the deck will increase from 4 ft to 6 ft and the direction of the stairs will change to make for better accessibility.
- The deck is existing non-conforming and it would be impractical to re-build it as it is currently.
- There are letters from neighbours in support of the application.

Board discussion:

- This is a panhandle lot.
- The build would not adversely affect the natural environment and would not affect the use and enjoyment of adjacent land.
- The existing deck was inherited with the house and makes the situation challenging for the home owners.
- Widening the deck by two feet would improve its usability.

Public input: Nil

MOTION: **MOVED by J. Uliana and Seconded by A. Gill: "That the following request to relax the minimum front lot line setback from 7.5 m to 4.77 m from the requirements of Zoning Bylaw 2003, Sections 230.4(a)(i), further to the construction of a deck according to plans dated January 24, 2022 on Lot B, Section 108, Lake District, Plan VIP53121 (546 Normandy Road) be APPROVED.**

And further that if construction in accordance with the plans dated January 24, 2022 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."

CARRIED

Santa Clara Avenue
Fence Height
BOV #00949

Applicant: Anita Rebner
Property: 5095 Santa Clara Avenue
Variance: Relaxation of the maximum height of a fence fronting a street from 1.5 m (4.9 ft) to 2.13 m (7.0 ft).

The Notice of Meeting was read and the applicant's letter and five letters from residents in support of the application received.

Applicants:

Anita Rebner, owner/applicant, and Doug Forsdick, representative, were present in support of the application. The representative noted:

- The fence was constructed by a reputable fencing company and it was not the applicant's intention to violate any bylaws; it was assumed that the fence would be built accordingly.
- Prior to building the fence, the applicant consulted with one of the adjacent neighbours and they had no concerns. The applicant also looked at fences in the neighborhood to get a sense of how they were built.
- After the applicant learned about the bylaw violation, she inquired with the fencing company as to whether the fence could be modified. It was determined that this would be possible.

Discussions:

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

- One of the photos submitted in the application illustrates a neighbouring fence; the purpose for this submission was to provide a comparison of other fences in the area.
- The 6 ft fence has helped with keeping deer out; however it may not impede trespassers from entering the property.
- The applicant feels that the fence has increased her sense of safety for the property.
- The fence was built in July 2021.
- The key hardship is the financial impact of altering the fence to bring it into compliance.
- The fence doesn't defeat the intent of the bylaw and it blends nicely with the neighborhood.

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

- The intent of the bylaw being set at 1.5 m for a fence fronting a street is to avoid a "compound look" and to keep fences lower around road frontages.
- If the Board grants the variance requested, it would be for the current state of the fence as it has been built.
- The Board will consider the variance request based on the plans and drawings that have been submitted in the application package.
- This application is the result of a Bylaw complaint regarding the height of the fence.
- Fences do not require a permit from the municipality.

Board discussion:

- This fence is visually unobtrusive and doesn't create road safety concerns. The fence's impact is minimal given its design.
- Deer could still come into the property from the side yard.
- The Board considers each application on its own and doesn't set precedents for future applications.
- The fence adversely affects the environment by impeding deer from entering the property and gathering food.

- Financial hardship should not be considered.
- It is not the Board’s responsibility to approve the height error for the fence; it could have been built in compliance with the bylaw.
- The intent of the bylaw is to bring the community together.
- There are five letters in support of this application, and the fence doesn’t affect the use and enjoyment of the land.
- Approving this variance will not create an adverse impact to the environment, ie. It won’t require any trees to be cut down.

Public input: Nil

MOTION: **MOVED by A. Gill and Seconded by J. Uliana: “That the following request to relax the maximum height of a fence fronting a street from 1.5 m to 2.13 m from the requirements of Zoning Bylaw 2003, Sections 6.2(f)(i), further to the construction of a fence on Lot 1, Section 45 & 46, Lake District, Plan 24024 (5095 Santa Clara Avenue) 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.”

**CARRIED
With K. Zirul OPPOSED**

Hollis Road
Fence Height

BOV #00956

Applicant: Samuel Hartford
Property: 1180 Hollis Road
Variance: Relaxation of the maximum height of a fence in a side yard from 1.9 m (6.2 ft) to 3.0 m (9.84 ft).

The Notice of Meeting was read and the applicant's letter, four letters in support, and one letter in opposition of the application were received.

Applicants: Samuel Hartford, applicant/owner, is present in support of the application. The applicant stated:

- The fence was built to keep deer out and the applicant discussed it with the owners of adjacent properties at the time.
- The applicant is favourable of his neighbours, Mr. Jensen and Ms. Shaver, having a fence of any height between their properties.
- The applicant was unaware of the fence height requirements when the fence was built. The topography of the land is the main reason why the fence was built as it is.
- The highest post of the structure is 9.84 ft above the grade of the land.

Public input: Chris Jensen and Julie Shaver, Hollis Road, stated:

- This application is a result of a complaint of previous owners of their property. They hope to resolve the issue and help their neighbour come to compliance with the bylaw.
- Mr. Jensen and Ms. Shaver provide support for this application on the condition that they receive reciprocal support from Mr. Hartford should they build a fence in similar height on their property.

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

- The fence was built in 2014 or 2015.
- The sections along the east and north sides of the property are non-compliant.
- The fence is effective in keeping deer out.

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

- Measurements should be calculated from grade to the highest point of the structure.
- If any other portion of the fence is higher than 9.84 ft, the applicant would require a variance for that as well.
- The land’s contour from the front to the back of the property is a difference of approximately 23 ft.

Board Discussion:

- The fence is adversely affecting the environment of the deer.
- This lot’s topography is challenging.
- The Board makes their decision on the merits of each application and doesn’t set precedents.
- The fence doesn’t create visibility concerns.

MOTION: **MOVED by J. Uliana and Seconded by A. Gill: “That the following request to relax the maximum height of a fence in a side yard from 1.9 m to 3.0 m from the requirements of Zoning Bylaw 2003, Sections 6.2(f)(ii), further to the construction of a fence on Lot 10, Section 62, Victoria District, Plan 1194 (1180 Hollis Road) 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.”

**CARRIED
With K. Zirul OPPOSED**

Treetop Heights New Construction BOV #00957	Applicant: Robert and Roshni Grant Property: 4732 Treetop Heights Variance: Relaxation of the maximum overall height for a sloped roof from 7.5 m (24.6 ft) to 8.33 m (27.33 ft). Relaxation of the maximum vertical portion of a dwelling within 5.0 m of a vertical plane extending from the outermost wall for a sloped roof (single face) from 7.5 m (24.6 ft) to 8.28 m (27.17 ft).
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The Notice of Meeting was read and the applicant’s letter and ten letters from neighbours received.

Applicants: Robert Grant, applicant/owner, was present by telephone in support of the application. The applicant stated:

- The floor elevation of the house was set at 57 m.

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

- There was an error in the original topographic plan. Nobody identified the error until the framing was built. A surveyor noted the error in December 2021.
- The topographic plans were produced by surveys conducted in 2003 and 2018 for the previous property owners.
- To meet the requirements of the bylaw, the applicant would have to take down the entire house and foundation, and start from scratch.
- The applicant purchased the land and drawings from Citizen Design Build as a package.

- The site plans include mislabelled contours with a discrepancy of one metre. There is a small notation on the drawings that illustrates the nature of the problem.
- The applicant tried to avoid this problem and built a 4-6 inch cushion in the height design based on the contour elevations.
- There were nine letters in support of the application and one letter expressing opposition.

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

- The intent of the single face bylaw is to manage the height of walls on the low side of sloping lots.

Board Discussion:

- This is an unfortunate situation; the applicant inherited the human error which resulted for the need of this application.
- The applicant tried to avoid this issue by building in a cushion but couldn't make up the difference of one metre.
- The topography of the land makes the build challenging.
- Lowering the roof by one metre would not be perceived as much of a difference.
- This application doesn't seem to impact the use of adjacent land.

Public input: Nil

MOTION: **MOVED by K. Zirul and Seconded by A. Gill: "That the following request to relax the maximum overall height for a sloped roof from 7.5 m to 8.33 m, and to relax the maximum vertical portion of a dwelling within 5.0 m of a vertical plane extending from the outermost wall for a sloped roof (single face) from 7.5 m to 8.28 m from the requirements of Zoning Bylaw 2003, Sections 295.3(b)(i) and (ii), further to the construction of a new dwelling on Lot 1, Section 25, Lake District, Plan 22467 (4732 Treetop Heights) 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

Hollyridge Place
Addition

Applicant: Nuala O'Donnell
Property: 4015 Hollyridge Place
Variance: Relaxation of the minimum front lot line setback from 6.0 m (19.7 ft) to 4.45 m (14.6 ft).

BOV #00959

The Notice of Meeting was read and the applicant's letter and one letter from a neighbour received.

Applicants:

D'Arcy Jones, applicant/architect, and Rajeev and Jaya Pai, owners, were present in support of the application. The applicant stated:

- This is an old variance that was previously approved in 2011 for relaxation of a setback.
- The applicant is taking two posts away to allow for outdoor living. The new design will reduce the impacts of the original variance.

- Discussions: In response to questions from the Board, the applicant stated:
- More relaxation was asked for than needed.
 - The fireplace location and design is within the setback requested.
 - If this variance isn't approved, the applicants would not be able to have a covered outdoor area with a fireplace.
 - This is the applicants' forever home.

- In response to questions from the Board, the Planning Technician stated:
- The variance being requested is tied directly to the 2011 application and the Director of Planning felt the change was not minor and required a new application to the Board of Variance.

- Board Discussion:
- This variance doesn't extend farther out from what was previously approved in 2011.
 - The site is well screened and well shielded from the road.
 - This is a minor request.
 - This is a unique situation because the application is to request a decrease in a previously granted relaxation.
 - Neighbours are in support of the application.
 - This request doesn't adversely affect the natural environment.
 - The Board may write to the Director of Planning to inquire about why this design required another variance.
 - The change in the look of the roof may be considered major but it's a reduction and therefore not requiring further relaxation of the bylaw.

Public input: Nil

MOTION: MOVED by A. Gill and Seconded by K. Zirul: "That the following request to relax the minimum front lot line setback from 6.0 m to 4.45 m from the requirements of Zoning Bylaw 2003, Sections 220.4(a)(i), further to the construction of an addition on Lot 6, Section 55, Victoria District, Plan 40400 (4015 Hollyridge 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."

CARRIED

Adjournment On a motion from J. Uliana, the meeting was adjourned at 8:03 pm.

Melissa Horner, Chair

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

Recording Secretary