

MINUTES
BOARD OF VARIANCE
Via Microsoft Teams
June 23, 2022 at 6:01 p.m.

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

Regrets: J. Uliana

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

Oldfield Road **Applicant: Ian Laing**
New **Property: 5680 Oldfield Road**
Construction **Variance: Relaxation of the overall average height for a sloped roof**
from 7.5 m (24.6 ft) to 8.16 m (26.77 ft)

BOV00975

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

Applicants: Ian Laing (applicant/owner) and Trisha Julseth (owner) were present in support of the application and noted the following:

- The applicant was granted a height variance in May 2018 while the home was being constructed.
- During construction the applicant decided to add a 4th bedroom to accommodate their growing family unaware that this change would require another height variance application.
- The construction is now complete, and the applicant lives in the home.
- An occupancy permit cannot be obtained because of the outstanding height variance approval.
- Neighbouring properties are far away and are unaffected by this change and the height of the house.
- The applicant was housing staff who worked for his companies during the pandemic.

Public input: Nil

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

- It would be a hardship to excavate and lower the height of the house.
- The applicant submitted updated plans to the District to add a bedroom, and subsequently continued with construction unaware that an additional variance was required.
- The applicant was not made aware of any issues and passed all inspections. Various building inspectors worked on this file.
- To demolish the home or remove a portion of it at this stage would be financially unviable and would displace the occupants.
- This change does not affect neighbours.

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

- Construction must be completed in accordance with approved Board of Variance plans.
- If there are changes to the plans, another variance is required unless the Director of Planning determines the changes are minor.

Board discussion:

- The applicant did everything he was supposed to do.

- The applicant remained within the height variance previously approved; it is reasonable that the applicant was unaware that another height variance would be required.
- The Zoning bylaw applies to all properties. Undue hardship is defined as nuances of the property that require a variance in the bylaw.
- There is hardship with respect to cost and process.
- This issue should have been flagged sooner by staff.
- The original variance has been approved and the addition of a bedroom is minor.
- This is a situation of unfortunate circumstances.

MOTION: **MOVED by A. Gill and Seconded by K. Zirul: “That the following request to relax the overall average height for a sloped roof from 7.5 m (24.6 ft) to 8.16 m (26.77 ft) from the requirements of Zoning Bylaw 2003, Section 101.5 (b)(i) further to the construction of a new dwelling on Lot 3, Section 69, Victoria District, Plan 13907 (5680 Oldfield Road) be APPROVED.”**

CARRIED

Scarborough Road Addition BOV00976	<p>Applicant: Stellar Architectural Consulting (Eddie Williams) Property: 4579 Scarborough Road Variance: Relaxation of the minimum interior side lot lines from 3.0 m (9.8 ft) to 1.6 m (5.25 ft) and 3.0 m (9.8 ft) to 2.8 m (9.2 ft)</p>
Applicants:	The Notice of Meeting was read, and the applicant’s letter received. Stephanie Leather and Eddie Williams (applicants), and Sarah Voldeng (owner) were present in support of the application.
Public input:	Nil
Discussions:	In response to questions from the Board, the applicant stated: <ul style="list-style-type: none"> ▪ The deck addition caused the entire structure to encroach into the setback. ▪ The previous owner applied for a permit to build the deck in 2019. Subsequently, a list of deficiencies was provided, and these were not addressed. ▪ The building permit expired before the new owners purchased the house. ▪ The owners have inherited this situation and are trying to rectify all outstanding issues with the Municipality. ▪ The homeowner is obligated to lock the gates when they are away because of the pool and concerns of liability. ▪ Neighbours are unaffected by the structure encroaching into the setback. ▪ The homeowner would like to keep the structure as it is. ▪ Neighbours are unaffected. ▪ The hardship is mainly financial. ▪ The location of the pool creates a challenge for relocating the shed. <p>In response to questions from the Board, the Planning Technician stated:</p> <ul style="list-style-type: none"> ▪ In order to comply, the structure would have to be separated from the home by two feet. <p>Board Discussion:</p> <ul style="list-style-type: none"> ▪ It was noted that some board members were unable to access the property during site visits because the gates were locked. ▪ The property information report, which is accessible on GIS, illustrates permits and bylaw files related to properties in Saanich.

- The hardship of the lot is unclear.
- The current owners have inherited a problem that someone else created.
- This application is not asking for a significant variance.
- Because the deck is attached to the structure, this creates a different consideration and situation.
- Neighbours are unaffected.
- Use and enjoyment of adjacent land, and the natural environment are unaffected.

MOTION: **MOVED by A. Gill and Seconded by M. Cole: “That the following request to relax the minimum interior side lot lines from 3.0 m (9.8 ft) to 1.6 m (5.25 ft) and 3.0 m (9.8 ft) to 2.8 m (9.2 ft) from the requirements of Zoning Bylaw 2003, Section 101.5 (a)(ii) further to the construction of an addition on Lot 9, Section 16, Lake District, Plan 7780 (4579 Scarborough Road) be APPROVED.”**

**CARRIED
With K. Zirul OPPOSED**

<p>Payton Place Fence Height BOV00977</p>	<p>Applicant: Norman Aitken Property: 1430 Payton Place Variance: Relaxation of the maximum height of a fence within the minimum setback distance of the principal building and abutting the street from 1.5 m (4.9 ft) to 1.84 m (6.0 ft) Relaxation of the maximum height of a fence at a street corner from 1.0 m (3.3 ft) to 1.84 m (6.0 ft)</p>
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The Notice of Meeting was read, and the applicant’s letter and two letters from neighbours received.

Applicants: Norman Aitken, applicant/owner, was present in support of the application and noted the following:

- The fence is built on covenanted land.
- Environmental Services staff were consulted about height and construction of the fence. Photos and dimensions were provided, and no comments were made about non-compliance.

Public input: Nil

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

- The applicant was encouraged to fence the property by Environmental Services because the covenanted land looks like public open space.
- Cutting the posts of the fence would take away from the appearance of the fence and does not make a significant difference in height.

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

- The environmental planner was looking at the fence strictly from a natural state covenant aspect, and not from a Zoning perspective.

Board Discussion:

- It was noted that there are letters of support from neighbours.
- Sightline issues were not detected during site inspections.
- The fence doesn’t affect deer or the natural environment.
- The applicant was under the assumption that the fence complied with the bylaw since he had been consulting with a Planner.

MOTION: **MOVED by K. Zirul and Seconded by A. Gill: “That the following request to relax the maximum height of a fence within the minimum setback distance of the principal building and abutting the street from 1.5 m (4.9 ft) to 1.84 m (6.0 ft), and to relax the maximum height of a fence at a street corner from 1.0 m (3.3 ft) to 1.84 m (6.0 ft) from the requirements of Zoning Bylaw 2003, Sections 6.2 (f)(i) and 6.3 (b) further to the retention of an existing fence at Strata Lot 1, Section 32, Victoria District, Strata Plan EPS4150 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V (1430 Payton Place) be APPROVED.”**

CARRIED

Lambie Drive Addition
BOV00978

Applicant: Wes Meiklejohn
Property: 635 Lambie Drive
Variance: Relaxation of the minimum required rear lot line setback from 7.5 m (24.6 ft) to 5.02 m (16.47 ft)
Relaxation of the minimum combined front and rear setbacks from 15.0 m (49.2 ft) to 13.22 m (43.37 ft)

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

Applicants: Wes and Heather Meiklejohn, owners, and Russ Meiklejohn, architect, were present in support of the application and noted the following:

- The applicant is asking for less of a variance than what previously approved.
- The construction looks different enough that the applicant needed to come back to the Board of Variance.

Public input: Nil

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

- The shape of the lot is unique; the rear lot line is at a severe angle and creates a challenge for space on the property.
- The applicant made improvements to the aesthetics of the previous proposal that was approved, and less of a variance is being requested.

Board Discussion:

- The shape and slope of the lot is clearly a hardship.
- The applicant is asking for the minimum amount of variance required.

MOTION: **MOVED by K. Zirul and Seconded by A. Gill: “That the following request to relax the minimum required rear lot line setback from 7.5 m (24.6 ft) to 5.02 m (16.47 ft), and to relax of the minimum combined front and rear setbacks from 15.0 m (49.2 ft) to 13.22 m (43.37 ft) from the requirements of Zoning Bylaw 2003, Sections 210.4 (a)(i), further to the construction of an addition on Lot 26, Section 77, Victoria District, Plan 9600 (635 Lambie Drive) 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

Minutes: **MOVED by A. Gill and Seconded by K. Zirul: “That the minutes of the Board of Variance meeting held May 11, 2022 be adopted.”**

CARRIED

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- Housekeeping ▪ In-person meetings are now permitted in Committee Room 2 at Saanich
Item: Municipal Hall.
- Board members and staff discussed their preferences.
 - This discussion will continue when everyone has had an opportunity to provide input before a decision is made.
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The meeting adjourned at 7:43 p.m. The next meeting is scheduled for July 13, 2022.

Melissa Horner, Chair

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

Recording Secretary