

BOARD OF VARIANCE
To be held virtually
Wednesday, March 8, 2023 at 6:00 pm via MS Teams

In light of the Saanich Communicable Disease Plan, this meeting will be held virtually.

Enquiries/comments may be submitted by email to BOV@saanich.ca and must be received no later than 12:00 pm on the day of the meeting. Alternatively, you may register to speak by telephone or electronically at the Hearing by sending an email (by the above deadline) to BOV@saanich.ca and noting the agenda item you wish to speak to. Instructions on how to join the meeting will be emailed to you.

1	Adoption of Minutes	Minutes of the Board of Variance meetings of: <ul style="list-style-type: none"> ▪ December 14, 2022 ▪ January 11, 2023 ▪ February 8, 2023
2	Rise and Report	Rise and Report from the Board of Variance meeting held February 28, 2023
3	3700 Kootenay Place Lot 1, Sections 32 and 43, Victoria District, Plan 25617 Except Parcel A (DD A62374) Thereof	New Single-Family Dwelling Relaxation of the maximum vertical portion of a dwelling within 5.0 m of a vertical plane extending from the outermost wall for a flat roof (single face) from 6.5 m (21.3 ft) to 7.72 m (25.3 ft). Relaxation of the maximum non-basement floor area from 80% (248.0 m ²) to 93.2% (289.03 m ²).
4	4967 Lochside Drive Lot 1, Section 29, Lake District, Plan 12450	New Single-Family Dwelling 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 8.0 m (26.2 ft).
	ADJOURNMENT	

**MINUTES
BOARD OF VARIANCE
HELD ELECTRONICALLY VIA MICROSOFT TEAMS
DECEMBER 14, 2022 AT 6:00 P.M.**

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

Regrets: M. Cole

Staff: J. McLaren, Senior Planning Technician; K. Kaiser, Planning Technician; M. MacDonald, Senior Committee Clerk

Glanford Avenue Addition
BOV #00981

Applicant: Chris Hajash
Property: 4029 Glanford Avenue
Variance: Relaxation of the maximum non-basement floor area from 80% (248m²) to 88.02% (272.86m²).

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

Applicants: The applicant was present virtually in support of the application. The hardship is in part due to the existing lower floor depth not being deep enough below the grade to be considered as basement area under the existing bylaw.

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

- The variance is requested due to the topography of the lot, there is a 2 m slope from the front of the lot to the back.
- The lower level is below grade at the front, above grade at the rear.
- This is for the existing lower level of the house; it is not deep enough to be considered a basement, despite being mostly below ground.
- Demolition, excavation, and new construction would be required to build allowable basement area.

Board discussion:

- This space was intended to be a basement despite not meeting today's standards of the definition.
- The cost to rebuild the house at a lower grade would be a hardship.
- The owner has taken a reasonable approach to minimize variances.
- Adjacent neighbours are not affected negatively.
- This does not adversely affect the natural environment.

Public input: Nil

MOTION: **MOVED by A. Gill and Seconded by J. Uliana: “That the following request to relax the requirements of Zoning Bylaw 2003, Section 210.4 (c), for the addition to the house on Lot A Section 50 Victoria District Plan 19171 (4029 Glanford Avenue) be APPROVED:**

- **Relaxation of the maximum non-basement floor area from 80% (248m²) to 88.02% (272.86m²).**

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

Polyanthus Cres
Setbacks

BOV #00994

Applicant: Sunita R Dugg
Property: 659 Polyanthus Crescent
Variance: Relaxation of the minimum rear yard setback from 7.5m (24.5 ft) to 6.41 m (21.03 ft).
Relaxation of the minimum combined front and rear yard setback from 15.0 m (49.2 ft) to 14.77 m (48.46 ft).

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

Applicants:

Sunita Dugg applicant, and Surinder Leel, owner, were present and spoke in favor of the relaxation of the request. The following was noted:

- This variance request was approved at the June 9, 2021 Board of Variance meeting, however the location of one window was moved on the lower floor and an additional window was added on the top floor.
- As the addition was not constructed as per the plans approved, the application needs to be considered by the Board again.
- Both windows are frosted and will not affect privacy of neighbours.
- There was an existing storage space that will now be enclosed.

Public input:

Nil

Discussions:

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

- The addition will not pass the final inspection due to the location of the windows, as they are as per the plans approved by the board.
- The location of the stairs prevented the window from being installed as per the original plans.
- The existing patio was enclosed, this was not included with the previous variance request.
- The setbacks are the same as the previous variance request.
- Moving the windows now would be difficult.
- Letters of support were received from the neighbours.

Board discussion:

- Part of the original house and the recently enclosed area sit within the setback. They are not asking to increase the existing encroachment.
- The location of house on the lot is a hardship. The massing and setbacks were previously approved at the June 9, 2021 meeting.

- The board stated that the hardship was demonstrated in the previously approved variance request which was: “that the original house was built in the 1970’s prior to the current Bylaw. Back then, the house was constructed closer to the rear lot line, and now they want to add an addition. Even though they are not building any closer to the lot line, they need to apply for a variance.
- The minor design change does not change the hardship.

MOTION: **MOVED by A. Gill and Seconded by J. Uliana: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 210.4 (a) (i) further to the construction of an addition on Lot 7, Section 82, Victoria District, Plan 25243 (659 Polyanthus Crescent):**

- a) Relaxation of the minimum rear yard setback from 7.5m (24.5 ft) to 6.41 m (21.03 ft).
- b) Relaxation of the minimum combined front and rear yard setback from 15.0 m (49.2 ft) to 14.77 m (48.46 ft).

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

<p>Lockehaven Drive Height BOV #00995</p>	<p>Applicants: Ramona Johnston Property: 5020 Lockehaven Drive Variance: Relaxation of the maximum overall average height for a flat roof from 6.5 m (21.3 ft) to 6.99 m (22.93 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 flat roof (single face) from 6.5 m (21.3 ft) to 7.46 m (24.47 ft).</p>
--	---

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

Applicants: Ramona Johnston (owner) and Russ Collins of Zebra Design Group (applicant) were present in support of the relaxation request. This request is to demolish the existing house and build a new single family home.

Public input: Nil

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

- The grade of the lot is a slope from the road down to the water.
- Only one small corner of the house will be visible from the street.
- If the roof was sloped instead of the proposed flat roof, the Zoning Bylaw would allow for it to be higher, and it would be measured from the mid point. The flat roof will have much less visual impact on the neighbours up the slope and their views of the water.
- To get the house to conform to the bylaw there would be excavation required. There would be cascading effects as were outlined in the letter

to the board, including redesigning the driveway, further blasting and removal of soil and the removal of trees on site.

- The proposed house sits lower than the existing house, there will be less visual impact to neighbours when the current house is replaced.

Board discussion:

- The slope of the lot is a hardship. If the house was to be lowered the additional blasting and environmental impacts would be a hardship.
- There is a significant slope that creates complications for driveway access, further excavation to lower the home would exacerbate this.
- This proposal is within the allowable square footage and respects the setbacks of the bylaws. The request for height is quite minor given the fact the new house will be lower than the existing house.
- Considerations were made to improve the natural environment and reduce impacts to adjacent neighbours.

MOTION:

MOVED by A. Gill and Seconded by K Zirul: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 290.3 (b) (i) & (ii), further to the construction of a single-family dwelling on Lot 18, Section 44, Victoria District, Plan 5900 (5020 Lockehaven Drive):

- a) Relaxation of the maximum overall average height for a flat roof from 6.5 m (21.3 ft) to 6.99 m (22.93 ft).
- b) Relaxation of the maximum vertical portion of a dwelling within 5.0 m of a vertical plane extending from the outermost wall for a flat roof (single face) from 6.5 m (21.3 ft) to 7.46 m (24.47 ft).

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

Shore Way
Addition

Applicants: Annie Charbonneau, Architect

Property: 4410 Shore Way

BOV #00996

Variance: Relaxation of the maximum vertical portion of a dwelling within 5.0 m of a vertical plane extending from the outermost wall for a flat roof (single face) from 6.5 m (21.3 ft) to 7.11 m (23.33 ft).

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

Applicants:

Annie Charbonneau (applicant) and Jack Feng (owner) were present in support of the application.

Public input:

Nil

Discussions:

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

- This was an addition/renovation to an existing home. The north wall where the grade changes is the area where the variance is needed.

- Variance is for an existing wall, the allowable height is different between flat and sloped roof designs.
- The grade in this area cannot be changed as it would compromise the trees and violate the Tree Protection Bylaw.
- The building permit was granted, the roof style was changed prior to being built, and this issue was not identified.
- Documents were submitted to Saanich; a full set of all necessary documents were provided, and approval was granted for the project.
- The 2 metre difference in the grade creates an issue, which was not identified until the survey was complete.

Planning staff provided background information; the following was noted:

- The first building permit was issued based on a sloped roof design.
- A new designer took over during the build and new plans were submitted to Saanich Inspections.
- Some of the changes to the plans were not noted clearly. The updated plans were not forwarded to Saanich Planning for review.

Board discussion:

- This is an unusual situation, as the wall was existing previously.
- The slope of this lot creates a hardship, further complicated by the restrictions to protect the trees in this area.
- The slope is significant and leads to water and drainage issues.

MOTION:

MOVED by J. Uliana and Seconded by A. Gill: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 250.4 (b) (ii) further to the construction of an accessory building on Lot 3, Section 85, Victoria District, Plan 11124 (4410 Shore Way):

- a) **Relaxation of the maximum vertical portion of a dwelling within 5.0 m of a vertical plane extending from the outermost wall for a flat roof (single face) from 6.5 m (21.3 ft) to 7.11 m (23.33 ft).**

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

Christmas Avenue Addition

Applicants: Amy and Noah Read
Property: 1701 Christmas Avenue
Variance: Relaxation of the minimum combined front and rear setback from 15.0 m (49.2 ft) to 13.6 m (44.6 ft).

BOV #00997

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

Applicants:

Noah Read (owner/applicant) was present in support of the relaxation request.

Public input:

- D. Hill, Christmas Avenue:
- Concerned about the effects of water with the increased lot coverage, however this concern has been addressed on the site plans.
 - There is an existing covered porch in the backyard

- Discussions: In response to public input and further Board comments the applicant stated:
- Most houses in this area have driveway parking; street parking spaces are also available.
 - The house was constructed in the 1950's, considerations are being made to ensure the home fits the esthetic of newer build homes.
 - There is far environmental impact to keep it and build the requested additions than there would be to demolish and build a new house.
 - The variance is requested for a portion of the covered front porch, which will accommodate space for a couple chairs to sit in.
 - The house is set back from the street, this porch would not extend further into the front yard than other houses, it blends well in the area.
 - Building a new home on the lot is not favorable for environmental aspects, it would also mean significantly higher costs.
 - This is a multigenerational home with limited space, the renovation will mean the home is more appropriately size, although still modest.
 - The proposed renovation would allow for a functional porch, seating in this area will not be an option without the variance.
 - Lot coverage is only 37%, which is still below the bylaw requirements.
 - Requesting flexibility to permit a functional living space.

Planning staff provided background information; the following was noted:

- There are certain projections such as eaves, steps and canopies that would be allowed in the setback; allowable projections do not include a porch or a deck.

Board discussion:

- Construction of the house predates current zoning. The placement of the house on the lot is not where it would be built now.
- The applicant needs more space, most of the proposed addition and modernization could happen without the covered porch.
- Landscaping or other options would be available.
- Consideration of hardship as provided by the applicant is acceptable.
- This will not affect the use or enjoyment of adjacent lands.
- The front yard set back and back yard set back are both conforming, it is just the combined setback that does not conform.
- 1.4 metres is a minor variance given the circumstances.
- Letters of support were received from the majority of neighbours.

MOTION:

MOVED by A. Gill and Seconded by J. Uliana: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 210.4 (a)(i) further to the construction of an addition on Lot 390, Section 40, Victoria District, Plan 402C (1701 Christmas Avenue):

- a) **Relaxation of the minimum combined front and rear setback from 15.0 m (49.2 ft) to 13.6 m (44.6 ft).**

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**

Hira Place
Height
BOV #00998

Applicant: Deane Strongitharm
Property: 4012 Hira Place
Variance: 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 8.06 m (26.44 ft) and relaxation of the maximum allowable non-basement floor area from 224.4 m² (80%) to 270.11 m² (96.3%).

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

Applicants: Gurjinder Mehmi (owner) and Deane Strongitharm (applicant) were present and provided information in support of the application. The following additional was noted:

- The trees to the right side are protected by covenant, and cannot be removed. A gravity feed connection to the road at a lower elevation is not an option due to the protected trees in the area.
- The front of the property to the rear is approximately a 15m slope.
- The possibility of a power outage is increased during a heavy storm event, which would cause a sump pump to stop running.

Public input: D. Mann, Blueridge Place:

- Expressed concerns about timelines, privacy, noise from the subdivision process, possible future noise, and size of the dwellings.

Discussions: In response to public input and further Board comments the applicant stated:

- Concerns raised about potential future garden suites, possible bylaw infractions and other allegations mentioned are not in the purview of the board for consideration of this variance application.
- Permitting the height variance requested would allow for the sanitary and storm water to be gravity-fed rather than requiring a sump pump.
- With the variance requested, the main (second) floor of the house will be approximately one meter below the road, there is a significant slope.
- Possible sump pump failure, or the possibility of the sump pump being overwhelmed during heavy rain would both create hardship.
- The house plans were created after the subdivision, once the road and engineering servicing were in place, resulting in this variance request.
- The house has received a building permit to be built at the lower height with the sump pump. The owners were not fully aware of how the connection to the sanitary and storm water would happen at that time.
- Raising the house as requested to avoid the pump means that the lower floor no longer qualifies as basement area as defined in the Zoning Bylaw. If the house was built without the height variance the lower floor would be basement and would not require the non-basement variance.
- The slope of the lot, the covenant protected trees and connecting to the sanitary and sewer system with a gravity fed connection are hardships.
- The owners hope to avoid potential future issues and risks involved with potential sump pump failure by using the gravity fed connection.
- If building at a higher elevation, there would be less blasting involved and therefore less impact to the neighbours.
- The size of the building will not change if the variance is approved or denied. The minor change to elevation provides a long-term solution to avoid flooding or potential pump failure.

Board discussion:

- The basement bathroom and storm water system would require the pump at the lower grade, the main floor could be gravity fed.
- Sump pump systems can fail and lead to sewage backups or flooding, using gravity fed systems are the ideal option when possible.
- Protected trees in the lower lying section of the lot prevented the drain from being installed at a lower grade. The applicant tried to minimize the variance and considered alternatives, although they would not work.
- The variances are tied together, as the non-basement area variance is only necessary due to the basement being at a higher level.

MOTION:

MOVED by A. Gill and Seconded by K. Zirul: “That the following request to relax the new single-family dwelling from the requirements of Zoning Bylaw 2003, Sections 210.4 (b) (ii) and (c), further to the construction of Strata Lot B, Section 9, Esquimalt District, Strata Plan EPS7580; Together With An Interest In The Common Property In Proportion To The Unit Entitlement Of The Strata Lot As Shown On Form V (4012 Hira Place) be APPROVED:

- a) 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 8.06 m (26.44 ft).
- b) Relaxation of the maximum allowable non-basement floor area from 224.4 m² (80%) to 270.11 m² (96.3%).

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

***** Board member K. Zirul exited the meeting at 8:24 p.m. *****

Hira Place
Height

BOV #00999

Applicant: Deane Strongitharm
Property: 4016 Hira Place
Variance: 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 8.03 m (26.3 ft). Relaxation of the maximum non-basement floor area from 226.4m² (80%) to 243.53m² (86.05%).

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

Applicants:

Sushil Hira (owner) and Deane Strongitharm (applicant) were present and provided information in support of the application. The following new information was noted:

- This application has the same requests as the previous application for 4012 Hira Place. The reasons for the request are also the same, as the lots are side by side and are similar.

- The large fir trees in the lower portion of the lot are protected by covenant, they cannot be removed. Gravity fed connections to the road at a lower elevation are not an option due to the protected trees.
- The front of the property to the rear is approximately a 15m slope.
- Lot topography and the covenant protected trees in the lower area create the hardship of being unable to connect to the storm/sanitary system with a gravity fed connection.
- The possibility of a power outage is increased during a heavy storm event, which would cause a sump pump to stop running.
- The request for variance of the maximum non-basement floor area is due to the height, a portion would no longer be considered basement.

Public input:

D. Mann, Blueridge Place:

- Expressed concerns about privacy, noise, size of the dwellings and the ongoing development and subdivision process.

Discussions:

In response to public input and further Board comments the applicant stated:

- The size of the dwelling is within the bylaw requirements, and a building permit has been issued to build at the lower level.
- The setback from the rear property line is 9.6 metres, the bylaw requirement is 7.5 metres, which means additional space in the back yard for privacy landscaping and noise mitigation measures to address the concerns of neighbouring properties.
- The inverts were designed by the engineers, resulting in the need for sump pumps; this connection was not realized until it was too late.
- This is a modest variance request to allow the owners to avoid the hardship of potential flooding due to sump pump failure.

Board discussion:

- Raising the floor elevation necessitates the increase to non-basement floor area, if the floor was lower this would be considered basement.
- The house size and design has already been approved through the building permit process, the issue at hand is the height variance to accommodate the gravity fed system rather than a pump system.
- The significant slope causes a hardship to this lot.
- The lower level is 2.8 meters below the road. Although it may not meet the bylaw definition of a basement, it is below the road level.
- A minor variance to height has been requested to allow for the optimal gravity fed system to be installed. This avoids potential future floods.

MOTION:

MOVED by A. Gill and Seconded by J. Uliana: "That the following request to relax the new single-family dwelling from the requirements of Zoning Bylaw 2003, Sections 210.4 (b)(ii) and (c), further to the construction of Strata Lot A, Section 9, Esquimalt District, Strata Plan EPS7580; Together With An Interest In The Common Property In Proportion To The Unit Entitlement Of The Strata Lot As Shown On Form V (4016 Hira Place) be APPROVED:

- a) 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 8.03 m (26.3 ft).
- b) Relaxation of the maximum non-basement floor area from 226.4m² (80%) to 243.53m² (86.05%).

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

West Saanich Road Height
BOV #01000

Applicant: Jas and Reeta Toora
Property: 4614 West Saanich Road
Variance: Relaxation of the maximum height from 3.75 m (12.3 ft) to 5.1 m (16.7 ft).

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

Applicants: Jas and Reeta Toora (owners) and Norah Holloway (designer) were in attendance and provided the following information in support of the variance request:

- The request is for a height variance for an accessory building.
- The owners plan to convert the existing single-family dwelling to an accessory building storage. A new single family dwelling will be built in the rear yard of the lot.
- Preserving the existing structure will minimize climate impact by utilizing the existing materials as they stand rather than demolition.

Public input: Nil

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

- The existing house and roof are in useable condition, a larger house is needed to accommodate the owners and family. The plan is to convert the existing house to an accessory building and build a new home.
- Demolition of the existing building is unnecessary and would be detrimental to the environment, as materials are all in good shape.
- The accessory building will be used for storage, there will not be any livable space in the building. This will alleviate off site storage costs which are currently being incurred.
- In order for the building to meet the height limitations of the Zoning Bylaw, the roof would have to be removed, walls removed or lowered and a new lower roof installed. This option is cost prohibitive and wasteful given the current roof is in good working order.

The following was noted during Board discussion:

- The current house is standing and complies with the Bylaw as a home.
- Accessory buildings typically cannot be built this high, however this is an existing structure that is in good condition. Demolition would be wasteful and unnecessary.
- This is a large lot, the current structure is barely visible from the road.
- Reducing environmental impacts by maintaining the current structure is favorable.

MOTION: **MOVED** by J. Uliana and **Seconded** by A. Gill: “That the following request to relax the proposed accessory building from the requirements of Zoning Bylaw 2003, Sections 101.7 (b), further to the conversion of an existing single-family dwelling to an accessory building on Lot 1, Section 9, Lake District, Plan 12702 (4614 West Saanich Road) be **APPROVED**:

- Relaxation of the maximum height from 3.75 m (12.3 ft) to 5.1 m (16.7 ft).

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

Walton Place
Height

BOV #01001

Applicant: Zebra Group
Property: 304 Walton Place
Variance: Relaxation of the maximum overall average height for a flat roof from 6.5 m (21.3 ft) to 7.79 m (25.56 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 flat roof (single face) from 6.5 m (21.3 ft) to 8.93 m (29.3 ft).

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

Applicants:

Louis Horvat and Rus Collins of Zebra Group were in attendance and provided the following information in support of the variance request:

- The location of the portion of the flat roof is ideal for solar panels.
- A large sloped site creates difficulty in adhering to the bylaw.
- Neighbors were canvassed, there were no concerns reported.
- The roof was designed to meet the essence of the bylaw. The roof is a combination of flat and slopes, but technically considered a flat roof.
- The roof is below what would be allowed for a sloped roof. The area where there would typically be peaks was replaced with flat areas for the solar panels. This means the roof is technically a flat roof.
- Considerations were made to ensure this does not affect neighbours.
- Design solutions follow the intent of the bylaw requirements.
- This is located on a 20 acre lot, shadows will not effect neighbours.

Public input:

Nil

Discussions:

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

- Measurements to determine height are from the midpoint of a peaked roof, the midpoint of this roof if it had peaks would be compliant.
- The house was designed to have an aesthetically pleasing roof line.
- This new style of roof is a hybrid/blended style, with a pitched roof in some areas and flat in others; which is not defined in the bylaw.
- The roof is designed to be ideal to facilitate the ideal location of solar panels which are hidden from view.
- The house is on the steep side of the lot, with a 17% slope. The slope makes it difficult to build on this lot.

The following was noted during Board discussion:

- This is a large, sloped lot. The grade is a hardship; such a significant slope is not typical; it limits construction options.
- The design is favorable, hidden solar panels are appreciated.
- This does not adversely affect the natural environment or neighbours.

MOTION: **MOVED by A. Gill and Seconded by J. Uliana: “That the following requests to relax the proposed single-family dwelling from the requirements of Zoning Bylaw 2003, Sections 110.5 (b)(i) and (ii), further to the construction on Lot 3, Sections 65 and 66, Lake District, Plan 17679 (304 Walton Place) be APPROVED:**

- Relaxation of the maximum overall average height for a flat roof from 6.5 m (21.3 ft) to 7.79 m (25.56 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 flat roof (single face) from 6.5 m (21.3 ft) to 8.93 m (29.3 ft).

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

<p>Saanich Road Setbacks</p> <p>BOV #01002</p>	<p>Applicant: Dean Campbell</p> <p>Property: 3780 Saanich Road</p> <p>Variance: Relaxation of the minimum rear yard setback from 7.5m (24.5 ft) to 1.37 m (4.49 ft). Relaxation of the minimum combined front and rear yard setback from 15.0 m (49.2 ft) to 9.85 m (32.3 ft).</p>
--	---

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

Applicants: Dawn Thomas and Dean Campbell (owners) were present and provided information in support of the application.

Public input: C. Seaby, Babine Street:

- The deck overlooks the adjacent lot, it is too close to the property line.
- There is an elevation difference which means that anyone standing on the deck can see into the dining room and living area of the neighbour.

Discussions: In response to public input comments the applicant stated:

- Privacy screens have been installed on the deck to minimize impacts to neighbours.

In response to questions from the board the applicant stated:

- The existing house is non-conforming. This is consistent with houses built in the neighbourhood during this time.
- The lot hardship is in part due to the lot being a corner lot. The garage was built as small as possible, this is the only suitable location for it.
- The stairs were built previously, the garage was built beside them.

- Previously there was a raised concrete pad in the location of the garage.
- The structure was built during the pandemic and a building permit was not obtained. If the variance is approved then a permit will be applied for and the structure will have to be inspected.
- The hardship is in part due to the small size of the house, and a growing family. The house did not have a garage.
- The double fronting lot means what should be considered the side yard is technically the rear yard as per the bylaw definition.

Board discussion:

- The address is on Saanich Road, however the house appears more like it is on Brett Road.
- The existing house without the garage is existing non-conforming.
- It would be difficult to have any accessory building on this lot without a variance.
- The driveway is on Brett Avenue, not on Saanich Road. Brett Ave was

The Planning Technician noted the following in response to questions from the Board:

- The Zoning Bylaw definition is unclear as it applies to double fronting lots. Saanich road is the shorter front, which is considered to be the front. Brett Avenue is defined as the side yard.
- The lot is an unusual shape, and the location of the existing home is not where it would be built if the house was constructed today.
- The request would be less than .3 of a meter variance if the rear yard was considered to be the side yard as it appears to be.
- Impacts to the neighbour have been minimized as much as possible.

MOTION:

MOVED by A. Gill and Seconded by J. Uliana: “That the following request to relax the requirements of Zoning Bylaw 2003, Sections 210.4 (a)(i), further to the construction of a deck and addition to a single-family dwelling on Lot 15, Block 3, Section 33, Victoria District, Plan 1397; (3780 Saanich Road) be APPROVED:

- a) Relaxation of the minimum rear yard setback from 7.5m (24.5 ft) to 1.37 m (4.49 ft).
- b) Relaxation of the minimum combined front and rear yard setback from 15.0 m (49.2 ft) to 9.85 m (32.3 ft).

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

Hector Road
Setbacks

BOV #01003

Applicant: Doug Ko
Property: 330 Hector Road
Variance: Relaxation of the minimum rear lot line setback for an agricultural building from 7.5m (24.6 ft) to 3.0m (9.8 ft).

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

Applicants: Ari Franco (Owner), Doug Ko (applicant) and Joe Calenda (designer) were present in support of the application. The following was provided to the Board:

- The building is a permitted structure in this area.
- Location of the building was determined to be the only suitable area to allow for safe maneuvering of heavy equipment on site.
- This building is necessary to house heavy equipment.

Public input: Nil

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

- There are multiple easements and rights of way on the property, as well as a large rock outcrop, all these spaces cannot be built on.
- Maneuvering a tandem dump truck requires a large area.
- An existing chicken coop and garden shed which are currently existing in this area will be removed.
- Saanich Bylaws require that any large equipment is housed within a structure, they cannot be left out in the open.
- The owner is requesting permission to comply with Bylaws.

The following was noted during Board discussion:

- This is the best location for the building given the complexities of this lot. Considerations have been made for neighbouring properties.
- Heavy equipment on the rural lot should be housed appropriately.
- There is a watercourse on the lot, and many other unusable spaces.

MOTION: **MOVED by J. Uliana and Seconded by A. Gill: “That the following request to relax the proposed accessory structure from the requirements of Zoning Bylaw 2003, Sections 101.4 (a)(i)(ii) and (iii), further to the construction on Lot 3, Section 20, Victoria District, Plan 29502 (330 Hector Road) be APPROVED:**

- a) Relaxation of the minimum rear lot line setback for an agricultural building from 7.5m (24.6 ft) to 3.0m (9.8 ft).

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 A. Gill, the meeting was adjourned at 9:56 pm.

Melissa Horner, Chair

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

Recording Secretary

**MINUTES
BOARD OF VARIANCE
HELD ELECTRONICALLY VIA MICROSOFT TEAMS
WEDNESDAY JANUARY 11 AT 6:00 P.M.**

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

Regrets: M. Cole

Staff: J. McLaren, Senior Planning Technician; A. Whyte, Senior Planning Technician; and M. MacDonald Senior Committee Clerk

Appointment of Chair The Senior Committee Clerk called the meeting to order and asked for nominations for the Chair. K. Zirul was nominated and accepted the nomination.

Moved by A. Gill and Seconded by J. Uliana: "That Kevin Zirul be appointed as Chair of the Board of Variance for the 2023 term."

CARRIED

K. Zirul assumed the Chair.

Bute Street
Height
BOV#01005

Applicant: Footprints Ventures Inc
Property: 1141 Bute Street
Variance: Relaxation of the maximum vertical portion of a dwelling within 5.0 m of a vertical plane extending from the outermost wall for a flat roof (single face) from 6.5 m (21.3 ft) to 8.09 m (26.5 ft).

Notice of Cancellation: It was noted that this application was canceled shortly after statutory notifications had been sent out to neighbours. A cancellation notice was sent on January 3, 2023; no interested parties attended the meeting. This application will not be considered by the Board of Variance.

Parkside
Crecent
Non-basement
BOV #01006

Applicant: Darren Sopher, Mavericks Solutions Ltd
Property: 4355 Parkside Crescent
Variance: Relaxation of the maximum allowable non-basement floor area from 248.0 m² (80%) to 292.25 m² (94.27%).

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

Applicants: Darren Sopher of Mavericks Solutions Ltd. (applicant) and Roman Mokhnach (Owner) were present in support of the application. The following was noted:

- The house was built in the early 1960's, the lower floor was considered a basement when the house was built.
- The lower level does not meet the current definition of a basement as per the current Zoning Bylaw.

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

- The request will allow for a new master bedroom and ensuite bathroom to be built for the lower level.

- The variance is necessary as the foundation/slab was built slightly above the grade required for it to be considered basement.
- Allowing this variance would reduce environmental impacts.
- In order to comply with the bylaw, the family would have to remove a wall from the lower level, bring in machinery to remove the concrete slab, dig deeper and then build a new slab and then rebuild the house. That would be cost prohibitive, take much longer, and create many unnecessary environment impacts including demolition materials and requiring all new building materials for the entire lower floor.

The following was noted during Board discussion:

- The variance will not affect adjacent land.
- In order for the lower level to be considered a basement, there is approximately a 7” difference necessary, which is a minor request.
- Repurposing the existing space on site is a reasonable request.
- Bringing the existing slab down 7” as described above would create undue hardship for many reasons outlined above.
- The lower level was likely considered basement area by the definition of the previous Zoning Bylaw.
- There is a 1.5 metre drop from the front to the back of the site. The lower level looks to be a basement when observing from the road.

Public input: Nil

MOTION: MOVED by M. Horner and Seconded by A. Gill: “That the following request to relax the maximum allowable non-basement floor area from the requirements of Zoning Bylaw 2003, Sections 210.4 (c) further to the construction of an addition on Lot 24, Section 52, Victoria District, Plan 13519 (4355 Parkside Crescent) be APPROVED:

- **Relaxation of the maximum allowable non-basement floor area from 248.0 m² (80%) to 292.25 m² (94.27%).**

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 A. Gill, the meeting was adjourned at 6:38 pm.

Kevin Zirul, Chair

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

Recording Secretary

**MINUTES
BOARD OF VARIANCE
HELD ELECTRONICALLY VIA MICROSOFT TEAMS
WEDNESDAY FEBRUARY 8, 2023 AT 6:00 P.M.**

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

Regrets: M. Horner

Staff: J. McLaren, Senior Planning Technician; A. Whyte, Senior Planning Technician; and M. MacDonald Senior Committee Clerk

Kootenay Place Height
BOV#01004

Applicant: Dan Robbins
Property: 3700 Kootenay Place
**Variance: Relaxation of the maximum vertical portion of a dwelling within 5.0 m of a vertical plane extending from the outermost wall for a flat roof (single face) from 6.5 m (21.3 ft) to 7.72 m (25.3 ft).
Relaxation of the maximum non-basement floor area from 80% (248.0 m²) to 93.2% (289.03 m²).**

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

Applicants: Dan Robbins (Owner/applicant) was present in support of the application. The following was noted:

- A variance for non-basement is requested as the lot would require significant blasting in order for the lower floor to be considered basement area.
- The lot has a significant slope. The height variance request relates to the street side of the house in part due to the sloped topography.
- The street facing side will fit aesthetically in the area, it is similar to the surroundings.

Public input: I. Gregory, Kootenay Place

- The additional height could potentially cast a shadow onto the neighbouring property. Current vegetation around the site requires full sun, additional shade could impact existing plantings.
- The location of the windows may reduce privacy.

Discussions: In response to comments from the public, the applicant stated:

- Clarification was given on the street facing location of the height variance.
- The location of the house will minimize shadows on neighbours.

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

- The ceiling height above the garage is 9ft, which is the lowest possible. The design was reconfigured with the rood being reduced from 11ft high when the need for a variance was identified.
- The topography of the lot and a shared driveway limits the options for relocating the garage. The location is predetermined by accessibility.

The following was noted during Board discussion:

- If the applicant was to build a sloped roof instead of a flat roof, the highest point would be higher than the proposal.
- The house is built into a cliff, the topography is a steep rocky slope.
- Site specific hardship of the non-basement aspect is due to the need for extensive blasting and the average grade.
- Massing has been broken up and the design fits into the area.
- The location of the shared driveway and the steep slope limits where the garage can be built, there is no other area.
- The applicant has made effort to minimize the variances.

Public input: Nil

MOTION: MOVED by A. Gill and Seconded by J. Uliana: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Section 210.4 (b) (ii) & (c) further to the construction of an addition on Lot 1, Sections 32 and 43, Victoria District, Plan 25617 Except Parcel A (DD A62374) Thereof (3700 Kootenay Place):

- Relaxation of the maximum vertical portion of a dwelling within 5.0 m of a vertical plane extending from the outermost wall for a flat roof (single face) from 6.5 m (21.3 ft) to 7.72 m (25.3 ft).
- Relaxation of the maximum non-basement floor area from 80% (248.0 m²) to 93.2% (289.03 m²).

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 A. Gill, the meeting was adjourned at 6:32 pm.

Kevin Zirul, Chair

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

Recording Secretary

Rise and Report

From the In Camera Board of Variance meeting of February 22, 2023

“That the Board of Variance shall hear the representations of Mr. Nanos with respect to BOV Application BOV01004 and the applicant’s response to Mr. Nanos’ representations at the March 8, 2023, Board of Variance meeting.

That following the submissions from Mr. Nanos and the applicant, the Board of Variance shall decided to either:

- a) confirm the February 8, 2023 decision; or**
- b) rescind the order made on February 8, 2023 and make a new order.”**