

MINUTES
BOARD OF VARIANCE

Held at Saanich Municipal Hall, Committee Room #2 and via MS Teams
770 Vernon Avenue
June 12, 2024 at 6:00 p.m.

- Members: J. Uliana (Chair), A. Gill, and K. Zirul
- Staff: C. Yancoff, Senior Planning Technician; S. Froud, Deputy Corporate Officer; and C. Whittaker, Committee Clerk
- Regrets: M. Cole and C. Schlenker
- Minutes: **MOVED by A. Gill and Seconded by K. Zirul: "That the Minutes of the Board of Variance meeting held May 8, 2024, be adopted as circulated."**

CARRIED

Lochside Drive **Applicant: Michael Koch**
Setback **Property: 5161 Lochside Drive**
BOV01061 **Variance: Relaxation of the minimum front lot line setback from 7.5 m (24.6 ft) to 1.83 m (6 ft).**

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

- Applicants: M. Koch, owner, was present in support of the application, the following was noted:
- The proposal is to build a shed in the front part of the property.
 - Other areas on the property that would be suitable to build the shed are occupied by a water management system and accessory building.
 - There is a pre-existing slab in the front yard.
 - The placement of the shed would not have any effect on neighbours.

Public input: Nil

- Discussions: The applicant stated the following in response to questions from members of the Board:
- This slab has been used for a variety of purposes in the past.
 - The shed is in the best place to avoid impact on neighbours.
 - Trail users will see the shed, however it is a minimal visual impact.

- The following was noted during Board discussion:
- This lot is challenging due to a substantial slope, trees and a stormwater management system on site, which limit buildable areas.
 - The shed is somewhat hidden in the trees and a distance from the road. The exterior design compliments the house.
 - Trail users will see the shed while walking by.
 - While this application does not abide by the setback requirements of the Zoning Bylaw, this location does not defeat the intent.

MOTION: **MOVED by A. Gill and Seconded by K. Zirul: “That the following request to vary from the requirements of Zoning Bylaw 2003, Section 5.34 (a)(i) further to the construction of an accessory building on Lot 1, Section 31, Lake District, Plan VIP78871 (5161 Lochside Drive) be APPROVED:**

- **Relaxation of the minimum front lot line setback from 7.5 m (24.6 ft) to 1.83 m (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**

MacDonald
Drive East
BOV01077

Applicant: Jamie Tasko
Property: 2694 MacDonald Drive East
Variance: Relaxation of the maximum fence height from 1.9 m (6.2 ft) to 3.59 m (11.78 ft).

The Notice of Meeting was read, the applicant’s letter and twelve pieces of correspondence were received.

Applicants:

J. Tasko, owner/applicant, and T. Martin of Knot in a Box Design, were present in support of the application, the following was noted:

- The construction of a climbing wall and an 1800sq/ft, 30x60 sports court took place with the understanding that a permit was not required.
- During discussion with neighbours it was decided that a concrete wall would provide better privacy and a reduction of noise.
- The lowest part of the property was chosen for this wall, there is also a hedge close by that disguises the wall.
- The requirement for a height variance was not realized until after construction was complete. The variance would permit a fence which is higher than bylaw allowable height to keep sports equipment contained.

Public input:

A. Chalmers, Fort Street on behalf of A. & M. Chalmers, MacDonald Drive E

- The play in the sports court has resulted in increased noise along with safety, privacy issues, and possibly decreased property value.
- Lacrosse balls entering neighbouring properties is a safety concern.
- The fence is unsightly and has reduced light for vegetation nearby.

The owner and applicant stated the following in response to comments from neighbours:

- There is no restriction against having a sports court, the variance request is to allow for a higher fence than the bylaw allows to assist in keeping lacross balls and other items within the court boundaries.
- If this were to be a retaining wall it would require a permit, but it is classified as a fence and therefore does not require a permit.

- Discussions: The applicant stated the following in response to questions from members of the Board:
- It was clarified that the concrete wall portion is considered a fence.
 - A sports court is an allowable use of this space.
 - There are significant financial implications if the concrete wall needs to be removed now.
 - Lowering the height of the fence would cause heightened safety concerns for neighbours as the allowable six foot fence would not provide nearly the same level of protection as the higher fence.

In response to questions, the Planning Technician stated the following:

- The variance requested is for the height of the fence, there is no issue with the setbacks as this is a fence, not a structure.

The following was noted during Board discussion:

- The fencing is an important part of the sports court. No matter how effective it is there will still be balls that make it over. A higher fence will provide a greater level of safety.
- The fence height limitation restricts the usability of the sports court, posing safety risks and diminishing functionality.
- The concrete wall feels like a structure rather than a fence.
- Having a fence around a sports court seems reasonable.

MOTION:

MOVED by K. Zirul and Seconded by A. Gill: "That the following request to vary from the requirements of Zoning Bylaw 2003, Section 6.2 further to the construction of a fence on Lot 2, Section 44, Victoria District, Plan 42813 (2694 MacDonald Drive East) be APPROVED:

- **Relaxation of the maximum fence height from 1.9 m (6.2 ft) to 3.59 m (11.78ft).**

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 J. Uliana OPPOSED**

Donnington Place Setbacks	Applicant: James Kerr Property: 691 Donnington Place Variance: Relaxation of the maximum height from 6.5 m (21.3 ft) to 7.41 m (24.3 ft)
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BOV01081 The Notice of Meeting was read and the applicant's letter received.

Applicants: J. Kerr, Architect, was present in support of the application, the following was noted:

- Subject property is an acreage, with a historic single level home. The home has a steep roof and large attic, the proposal is to convert the attic into livable space. The dormers proposed are consistent with the style of this 1949 registered heritage home.

- The Saanich Heritage Foundation (SHF) provided positive feedback on the application as it preserves the heritage elements. They likely would not support alternative designs that compromise these elements.
- There will not be an impact on adjacent neighbours in terms of shade or privacy issues. Neighbours are supportive.
- The dormers are considered a flat roof, bringing the dormers into compliance would require the lowering of the ceiling height of the existing living room by 3 ft, which the SHF has advised against.
- Maintaining heritage elements and limited alternative designs create undue hardship.

Public input: Nil

Discussions: The applicant stated the following in response to questions from members of the Board:

- The height of the dormers is below the peak of the compliant sloped roof, the overall height of the home is not increasing.
- Proposed design is compatible with the historic character of the home.
- The height variance is warranted as lowering the ceiling of the existing living space would be a difficult and expensive task which may be more damaging to the character of the home than the height variance.

The following was noted during Board discussion:

- Trying to build a second floor in an existing heritage house with limited space is difficult. Protection of heritage is important.
- The alternative option to lower the existing ceiling was discouraged by SHF. This would create hardship and negative environmental impacts.

MOTION: **MOVED by K. Zirul and Seconded by A. Gill: "That the following request to vary from the requirements of Zoning Bylaw 2003, Section 101.5 (b)(i) further to the construction of an addition on Lot A, Section 54, Lake District, Plan VIP85315 (691 Donnington Place) be APPROVED:**

- **Relaxation of the maximum height from 6.5 m (21.3 ft) to 7.41 m (24.3 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

Cordova Bay Road	Applicant: Duane Ensing
	Property: 5053 Cordova Bay Road
BOV01082	Variance: Relaxation of the minimum rear lot line setback from 12.0 m (39.4 ft) to 9.6 m (31.5 ft) Relaxation of the maximum vertical portion of a dwelling within 5.0 m of a vertical plane extending from the lowest outermost wall from 7.5 to 8.35 m for a sloped roof (single face).

The Notice of Meeting was read, the applicant's letter and twenty-three pieces of correspondence were received.

Applicants: D. Ensing with Innovate Design Collective, applicant, was present in support of the application, the following was noted:

- The hardships on this lot primarily relating to the steep slope and geotechnical conditions.
- The proposal is to demolish the existing house, maintain the current basement foundation wall at the front of the home for slope stability, and construct a new two storey family home.
- Furthest extent of the deck lines up with both the existing neighbours' homes. The home will blend in with the surrounding area.
- The proposed relaxation is aligned in the spirit of the bylaw and the height of the home is acceptable for a single-family lot.
- Effort has been made to try and keep the height of the roof down while still meeting the homeowner's vision.

Public input: J. Pham, Cordova Bay Road

- Cannot support this variance due to the possible reduction of site lines and water views for neighbouring homes.

Discussions: The applicant stated the following in response to questions from members of the Board:

- The roof slope is the minimum amount to be considered a sloped roof, this ensures that there is minimal impact to the view of neighbors.
- If the house was to be two storeys on the street front on Cordova Bay Road, the impact to neighbours would be much greater.
- The width of the home is not changing from the existing house, this will ensure neighbours water viewing corridors are not affected.

The following was noted during Board discussion:

- The applicant made efforts to reduce the visual impact and massing of the single face height in the design, including a deck and pergola.
- If the applicant wanted to build a third story, they could.
- This variance is minor given the substantial slope on the lot and appropriate design considerations to minimize impacts on neighbours.

MOTION: **MOVED by A. Gill and Seconded by K. Zirul: "That the following request to vary from the requirements of Zoning Bylaw 2003, Section 295.3 (a) and (b)(ii) of further to the construction of a single family dwelling on Lot 9, Section 30, Lake District, Plan 4101 (5053 Cordova Bay Road) be APPROVED:**

- **Relaxation of the minimum rear lot line setback from 12.0 m (39.4 ft) to 9.6 m (31.5 ft).**
- **Relaxation of the maximum vertical portion of a dwelling within 5.0 m of a vertical plane extending from the lowest outermost wall from 7.5 to 8.35 m for a sloped roof (single face).**

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

Calumet Avenue **Applicant:** **Damon Barber**
Property: **3593 Calumet Avenue**
BOV01080 **Variance:** **Relaxation of the minimum front lot line setback from 6.0 m (19.7 ft) to 5.88 m (19.29 ft).**
Relaxation of the minimum rear lot line setback from 7.5 m (24.6 ft) to 4.87 m (15.98 ft).
Relaxation of the minimum combined front and rear setbacks from 15.0 m (49.2 ft) to 10.55 m (34.61 ft).
Relaxation of the minimum interior lot line from 1.5 m (4.9 ft) to 1.28 m (4.2 ft).

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

Applicant: D. Barber of DC Custom Homes, applicant, was present in support of the application, the following was noted:

- A variance was granted for the same request in 2009, construction began soon after; however due to unforeseen circumstances the construction was halted and has sat unfinished since then.
- The applicant recently purchased the home and in the process of getting permits, survey plans, and more. During the process they discovered that the foundation was built in the wrong location.
- Multiple framing crews have come in to look at what needs to be done to go back to the original variance, but the entire home would have to be dismantled and the foundation would have to be removed.
- Neighbours expressed unanimous support to finish the home.

Public input: Nil

Discussions: The applicant stated the following in response to questions from members of the Board:

- The applicant purchased the property recently.
- There are a few pieces of the property that were built a long time ago and may not be compliant with current bylaws.

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

- The relaxation of the minimum rear lot line setback is for the closest portion of the addition to the lot line.

The following was noted during Board discussion:

- What is being asked is minor.
- There are substantial hardships as there is an existing structure that has been on the property for a long period of time.

MOTION: **MOVED by A. Gill and Seconded by K. Zirul: "That the following request to vary from the requirements of Zoning Bylaw 2003, Section 210.4 (a)(i) further to the construction of an addition on Lot 1, Section 9, Victoria District, Plan 19848 (3593 Calumet Avenue) be APPROVED:**

- **Relaxation of the minimum front lot line setback from 6.0 m (19.7 ft) to 5.88 m (19.29 ft).**
- **Relaxation of the minimum rear lot line setback from 7.5 m (24.6 ft) to 4.87 m (15.98 ft).**

- **Relaxation of the minimum combined front and rear setbacks from 15.0 m (49.2 ft) to 10.55 m (34.61 ft).**
- **Relaxation of the minimum interior lot line from 1.5 m (4.9 ft) to 1.28 m (4.2 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

Eagle View Lane **Applicant:** Hutchinson Contracting
 BOV01083 **Property:** 4933 Eagle View Lane
Variance: Relaxation of the maximum height from 7.5 m (24.61 ft) to 8.28 m (27.17 ft).
 Relaxation of the maximum vertical portion of a dwelling within 5.0 m of a vertical plane extending from the lowest outermost wall from 7.5 m (24.61 ft) to 8.61 m (28.25 ft) for a sloped roof (Single Face).

The Notice of Meeting was read, the applicant's letter and two pieces of correspondence were received.

Applicants: D. Hutchinson of Hutchinson Contracting, applicant, and L. Moore, Owner, was present in support of the application, the following was noted:

- The homeowners purchased the home for their family in 2021 with the intention of pursuing farming.
- A leak and mold was discovered, and further inspection revealed significant framing issues that posed a threat to the structural integrity.
- Numerous renovations took place without permits.
- Attempts were made to secure an emergency repair as the home had to be evacuated. Numerous other issues have since been realized.
- The family has been displaced from the home for over a year now.
- The owner has experienced significant challenges and has worked diligently to follow proper procedures, including obtaining permits.
- Current work being conducted in is the approved structural repairs.

Public input: P. Patta and R. Sandhu, representing Eagle View Lane strata

- The homeowners of the strata are concerned as the request was brought to the attention of the strata only a week ago.
- Extensive renovations are underway at the property, with contactors and machinery frequently passing through the street.
- Complaints about noise have been reported by other residents.

Discussions: The applicant stated the following in response to questions from members of the Board:

- The proposed location for the addition on the lot is a steep slope, which means it will exceed height requirements, requiring a variance.
- There are no changes planned for the right side of the home.
- The goal of this project is to update everything to current building codes simultaneously. Setbacks and lot coverage are compliant.

The following was noted during Board discussion:

- Repairs to the home's structure could be completed without adding to the height issue posed by the addition.
- The addition will be integrated into the existing nonconforming structure.
- The variance request is the same with or without the addition.

MOTION:

MOVED by A. Gill and Seconded by K. Zirul: "That the following request to vary from the requirements of Zoning Bylaw 2003, Section 101.5 (b)(i) and (ii) further to the construction of an addition at Strata Lot 5, Section 47, Lake District, Strata Plan VIS5082 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V (4933 Eagle View Lane) be APPROVED:

- Relaxation of the maximum height from 7.5 m (24.61 ft) to 8.28 m (27.17 ft).
- Relaxation of the maximum vertical portion of a dwelling within 5.0 m of a vertical plane extending from the lowest outermost wall from 7.5 m (24.61 ft) to 8.61 m (28.25 ft) for a sloped roof (Single Face).

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**

Doncaster Drive
BOV01084

Applicant: Julia Mullins
Property: 3346 Doncaster Drive
**Variance: Relaxation of the minimum exterior side lot line setback from 3.5 m (11.5 ft) to 2.92 m (9.58 ft).
Relaxation of the maximum vertical portion of a dwelling within 5.0 m of a vertical plane extending from the lowest outermost wall from 7.5 m (24.6 ft) to 7.58 m (24.87 ft) for a sloped roof.
Relaxation of the maximum non-basement floor area from 80% (209.6 m²) to 93.16% (244.09 m²).**

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

Applicants:

J. Mullins, applicant, was present in support of the application, the following was noted:

- The requested variance is to replace an existing dormer.
- The house has a 1930's three-piece bathroom adjacent to the bedrooms. The owners wish to increase the bathroom size to include a bathtub and larger shower to be consistent with newer bathrooms.
- The existing south facing wall of the home, including the original dormer, is nonconforming. The new dormer will be in the same location.
- The dormer is only visible to one neighbour as a tree creates privacy.

Applicants: B. Hunter, owner, was present in support of the application, the following was noted:

- The home was originally built in 1984 with an addition in 1994.
- The room on the third floor lacks a window, making it unsuitable as a bedroom. This room is not being used as it is not easily accessible.
- A deck and stairs would provide safe access to this room.
- The goal is to enhance the homes functionality and ensure safe use of the room.
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Public input: Nil

Discussions: The applicant stated the following in response to questions from members of the Board:

- The deck floor is not over height, it's only the handrail that exceeds the height limit.

The following was noted during Board discussion:

- Having a handrail is crucial for safety considerations.
- There are no neighbour concerns since the deck is not visible to anyone else.
- This variance is minor and approvable.

MOTION: MOVED by A. Gill and Seconded by K. Zirul: "That the following request to vary from the requirements of Zoning Bylaw 2003, Section 101.5 (b)(i) further to the construction of an addition (deck) on Lot 4, Section 66, Lake District, Plan 1244 (5908 Oldfield Road) be APPROVED:

- **Relaxation of the maximum vertical height from 6.5 m (24.6 ft) to 6.80 m (22.31 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 K. Zirul, the meeting was adjourned at 8:29 pm.

J. Uliana, Chair

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

Recording Secretary