

MINUTES
BOARD OF VARIANCE
Held electronically via MS Teams
January 8, 2025 at 6:00 p.m.

Members: K. Zirul (Acting Chair), A. Gill, C. Schlenker, S. Wang and J. Uliana

Staff: A. Whyte, Senior Planning Technician; Dallas Arcangel and Andrew Sykes, Planning Technicians 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. John Uliana was nominated and accepted the nomination.

Moved by C. Schlenker and Seconded by A. Gill: “That John Uliana be appointed as Chair of the Board of Variance for the 2025 term.”

CARRIED

K. Zirul assumed the Chair as Acting Chair for the January 8, 2025 meeting.

Minutes: **MOVED by C. Schlenker and Seconded by A. Gill: “That the Minutes of the Board of Variance meeting held December 11, 2024, be adopted as circulated.”**

CARRIED

Scoular Place Addition BOV #01101 **Applicant: Mark Morrill**
Property: 1373 Scoular Place
Variance: Relaxation of the minimum rear lot line setback from 7.5m (24.6 ft) to 6.16 m (20.2 ft)

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

Applicants: M. Morrill, owner, was present in support of the application, the following was noted:

- More space is needed to accommodate family members. Having accessible space near the living area on the main floor is necessary.
- The proposed location is the only place which an addition can be built due to the unique lot shape and location of existing windows and doors.
- Alternative configurations or a separate garden suite would negatively impact the family in more than one way. This is the only viable option.

Public input: Nil

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

- A garden suite is not feasible for several reasons. The hope is to have space to accommodate family members within the same house.
- The adjacent neighbours are supportive of the application.

The Planning Technician stated the following in response to questions:

- The rear lot line is defined as the western lot line.
- A variance granted in 1983 allows for the existing non-compliant garage.

The following was noted during Board discussion:

- The request is for a minor variance, the lot is not a typical shape.
- The hardship is the location of the existing home on the lot, a variance would be required to build anywhere on this site.

MOTION: MOVED by J. Uliana and Seconded by C. Schlenker: "That the following request to vary from the requirements of Zoning Bylaw 2003, Section 230.4 (a) (i) further to the construction of an addition on Lot C, Section 32, Victoria District, Plan 27494 (1373 Scouler Place) be APPROVED:

- **Relaxation of the minimum rear lot line setback from 7.5m (24.6 ft) to 6.16 m (20.2 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

Clatworthy Avenue Addition	Applicant: Christine Madsen Property: 998 Clatworthy Avenue Variance: Relaxation of the minimum required rear setback from 7.5 m (24.60 ft) to 5.87 m (19.26 ft)
----------------------------	---

BOV #01112

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

Applicants: T. Thompson, owner, was present in support of the application, the following was noted:

- A deck was in place when the home was purchased, it deteriorated to the point of being an unusable safety hazard during the 2020 pandemic.
- There was an irregularly shaped, two-tiered deck and a number of steps in place previously. Although the rebuild was intended as a simpler version of the same sized deck, the new deck is not bylaw compliant.
- Neighbours are fine with the deck as built. This improves the accessibility and usability of the back yard, which is a sloped rocky outcrop.
- The deck posts are set right at the setback line, a small portion of the deck is non-compliant, the variance request is primarily for the stairs.

Public input: Nil

- Discussions: The applicant stated the following in response to questions from members of the Board:
- This is a reconstruction of the previous deck, with minor modifications.
 - A contractor was hired early in the process, who had applied for a permit. The permit was not obtained and the contractor never returned to do the work. If the variance is granted, the permit can then be obtained.
 - Previous deteriorating deck was unsafe, it was two levels and an odd shape. The new single level rectangular deck will allow for the family to use this space safely. The stairs are located entirely within the setback.
 - This is a small lot with a significant slope, the deck means that an otherwise unusable space in the back yard can be functional.

The following was noted during Board discussion:

- There is thick vegetation along the rear property line, this request does not affect adjoining landowners. No concerns were raised.
- The location of the stairs causes the setback request to be more than what the deck is. Without the stairs this deck would be nearly compliant.
- Placing the steps in another location would not be ideal. This would require one to step further down the slope then walk up to the upper area.
- The previous deck was in place for decades, this is a minor request.

MOTION: MOVED by A. Gill and Seconded by C. Schlenker : “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 65, Victoria District, Plan 25285 (998 Clatworthy Avenue) be APPROVED:

- **Relaxation of the minimum required rear setback from 7.5 m (24.60 ft) to 5.87 m (19.26 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>Mann Avenue Garden Suite</p> <p>BOV #01109</p>	<p>Applicant: Studio Ink Design (Gary Streight)</p> <p>Property: 768 Mann Avenue</p> <p>Variance: Relaxation of the rear yard lot coverage from 25% to 27% Relaxation of the minimum rear lot line setback from 3 m (9.84 ft) to 2.4 m (7.87 ft) Relaxation of the minimum separation between the principle building and a garden suite measured in a horizontal projection between roof overhangs including gutters and other projections from 4 m (13.1 ft) to 2.5 m (8.20 ft)</p>
---	---

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

Applicants: G. Streight, applicant, and D. Grimston, owner, were present in support of the application, the following was noted:

- The owner would like to build a two-storey garden suite.
- The space needs to be useable and functional.
- The current house is setback further from the street than required, which restricts the back yard space and makes complying with separation space required in the bylaw difficult. The closet projects into this space.
- In speaking to neighbours, they were generally supportive.

Public input: Nil

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

- The existing shed will be removed and replaced by the garden suite.
- The overhanging closet on the second floor creates the 2% variance request for lot coverage. This is not part of the ground floor footprint.

The Senior Planning Technician stated the following:

- There is not an occupancy restriction for a garden suite.
- The existing deck will be removed and rebuilt as a smaller deck.
- Measurements have been confirmed by planning and a surveyor.
- If this was an accessory building or a single-story garden suite, the setback would be 1.5 m from the rear lot line. The requirement is double for a two-storey garden suite, such as the proposal.
- All Board of Variance applications are reviewed by Saanich Inspections, Planning and Engineering, which ensures that all building aspects are fully considered prior to consideration by the Board.
- A previous requirement that the owner was required to live on the property if a garden suite was being built was lifted when Provincial legislation came in to expedite housing.

The following was noted during Board discussion:

- The hardship is the existing home sitting too far back on the property.
- Second floor overhang creates the lot coverage issue, there is lots of space in yard. Inspections is supportive of the application.
- This is a minor variance but effects on neighbours should be considered.
- Saanich is quite permissive when it comes to building garden suites. This application not meeting three of the requirements is concerning, it may defeat the intent of the bylaw. The hardship does not warrant the request.
- With the context of an unhappy neighbour and this being rental units, making three variances to allow a two-storey building is not justifiable.

MOTION: MOVED by A. Gill and Seconded by J. Uliana: "That the following requests to vary from the requirements of Zoning Bylaw 2003, Schedule H 2 Lot Coverage (a) and Schedule H 3 Siting and Height (a) (ii) & (v) further to the construction of a garden suite on Lot 2, Section 97, Lake District, Plan 37991 (768 Mann Avenue) be APPROVED:

- Relaxation of the rear yard lot coverage from 25% to 27%
- Relaxation of the minimum rear lot line setback from 3 m (9.84 ft) to 2.4 m (7.87 ft)

- **Relaxation of the minimum separation between the principle building and a garden suite measured in a horizontal projection between roof overhangs including gutters and other projections from 4 m (13.1 ft) to 2.5 m (8.20 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.”

The following was noted during Board discussion:

- The hardship of the lot does not justify multiple variance requests.

DEFEATED

**With Board members C. Schlenker, J. Uliana, S. Wang and K. Zirul
OPPOSED**

MOVED by C. Schlenker and Seconded by J. Uliana: “That the requests to vary from the requirements of Zoning Bylaw 2003, Schedule H 2 Lot Coverage (a) and Schedule H 3 Siting and Height (a) (ii) & (v) further to the construction of a garden suite on Lot 2, Section 97, Lake District, Plan 37991 (768 Mann Avenue) be DENIED.”

CARRIED

<p>Roy Road Single-family Dwelling</p> <p>BOV #01113</p>	<p>Applicant: McNeil Design Ltd. (Ron McNeil)</p> <p>Property: 1270 Roy Road</p> <p>Variance: Relaxation of the minimum combined front and rear setbacks from 15.0 m (49.2 ft) to 13.85 m (45.43 ft) Relaxation of the minimum sum of both interior side yards from 4.5 m (14.8 ft) to 3.71 m (12.2 ft) Relaxation of the maximum non-basement floor area from 80% to 93.07%</p>
--	---

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

Applicants: R. McNeil, applicant, was present in support of the application, the following was noted:

- This is a request to move an existing house onto the proposed lot.
- One exterior deck post creates the requirement for the setback request, a portion of the deck was removed to reduce the variance. This post is responsible for supporting a portion of the roof; removing it would require significant modifications to the roof and second floor design.
- The non-basement floor area request cannot be avoided, as this is an existing structure which was built in a municipality with different bylaws.
- This relatively new house was going to be torn down and replaced, moving the house saves considerable debris from going to the landfill.

Public input: Nil

Discussions: The Senior Planning Technician stated the following:
- The front lot line is along Roy Road, this is a challenging lot to build given the triangular shape.

The following was noted during Board discussion:
- The request to vary the setbacks is justifiable given the unique lot shape.
- The increase to the non-basement area is less favorable, however when considering the environmental impact of destroying the proposed existing structure, and building using new material, this is a reasonable request.

MOTION: MOVED by A. Gill and Seconded by C. Schlenker: “That the following request to vary from the requirements of Zoning Bylaw 2003, Section 210.4 (a) (i), (ii) & (c) further to the construction of a single-family dwelling with a secondary suite on Lot B, Section 5, Lake District, Plan VIP54139 (1270 Roy Road) be APPROVED:

- Relaxation of the minimum combined front and rear setbacks from 15.0 m (49.2 ft) to 13.85 m 45.43 ft
- Relaxation of the minimum sum of both interior side yards from 4.5 m (14.8 ft) to 3.71 m (12.2 ft)
- Relaxation of the maximum non-basement floor area from 80% to 93.07%

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 C. Schlenker, the meeting was adjourned at 7:42 pm.

K. Zirul, Chair

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

Recording Secretary