

MINUTES
BOARD OF VARIANCE
Held electronically via MS
Teams February 12, 2025 at
6:00 p.m.

- Members: J. Uliana (Chair), A. Gill, and K. Zirul
- Staff: C. Yancoff, Senior Planning Technician; D. Arcangel and A. Sykes, Planning Technicians and A. Hawkshaw, Committee Clerk
- Regrets: C. Schlenker and S. Wang
- Minutes: The following was noted about the January 8, 2025 minutes during Board discussion:
- The word “destroy” in the final paragraph on page 4 should be changed to destroying.
 - The acting Chair at the meeting was K. Zirul, not J. Uliana.
 - The minutes will be adopted as amended at the next meeting.

Hillview Avenue Addition BOV #01114	Applicant: BOSS, NATHAN Property: 1658 Hillview Avenue Variance: Relaxation of the maximum vertical portion of a dwelling within a 5.0 m (16.4 ft) of a vertical plane extending from the outermost wall from 7.5m (24.6 ft) to 8.14 m (26.71 ft) for a sloped roof. (Single Face).
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The Notice of Meeting was read and the applicant’s letter received.

- Applicants: N. Boss, applicant and J. McLaren owner was present in support of the application, and the following was noted:
- The trusses do not conform to the architectural design that was approved by the Board. There is a discrepancy of 3 cm.
 - An amendment to a previous approved variance in December 2023 is required to ensure the building is conforming.

Public input: Nil.

- Discussions: The following was noted during Board discussion:
- The original hardship identified challenges with the site, including that the lot has a significant slope.
 - The work required to address the 3 cm non-conformance in construction is extensive.

MOTION: **MOVED** by A. Gill and **Seconded** by K. Zirul: “That the following request to vary from the requirements of Zoning Bylaw 2003, Sections 210.4 (b) (ii), further to the construction of a single-family dwelling with a secondary suite on Lot 1, Section 67, Victoria District, Plan 36485 (1658 Hillview Avenue) be **APPROVED**:

- Relaxation of the maximum vertical portion of a dwelling within a 5.0 m (16.4 ft) of a vertical plane extending from the outermost wall from 7.5m (24.6 ft) to 8.14 m (26.71 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

5367 Parker
Avenue
Addition

BOV #01114

Applicant: R. Paisner
Property: 5367 Parker Avenue
Variance: Relaxation of the minimum exterior side lot line setback from 3.5 m (11.48 ft) to 1.52 m (4.98 ft)
Relaxation of the maximum height from 6.5 m (21.32 ft) to 7.51 m (24.63 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 6.50 m (21.32 ft) to 8.0 m (26.24 ft) for a flat roof (single face)

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

Applicants: R. Paisner, applicant, C. Foyd, contractor and owner T. Schober and L. Schober were present in support of the application, the following was noted:

- The home was purchased with the intent of providing accessibility to accommodate the owner's mobility needs.
- Properties with a single frontage often require variances.
- The proposed garage location is set farther from the property line than the existing garage on-site.
- Accessibility to the beach via a laneway is not possible without crossing private property, and the property features a steep embankment.

Public input: J. Mackenzie, Parker Avenue

- The property is positioned further forward towards the shoreline with room in the back.
- Concerns were raised that the house is built close to the foreshore and will result in a loss of views, sunshine and privacy.
- It was suggested that alternative locations for the garage could be explored, including moving it closer to the neighboring property.
- The decision may impact the quality of life for affected residents.
- It was noted that an agreement could have been reached if more time had been provided.

Discussions:

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

- There is a 3-metre-wide Saanich right-of-way on the north side of the property, separating it from the neighbour. The proposed garage is larger than a standard garage to accommodate a HandyDART ramp. Due to the smaller lot size, rotating the garage 90 degrees toward the street is not feasible. Placing the garage on the north side would present the same challenges.
- The 1.5 m relaxation applies only to the one-story garage structure.
- The grading on the site presents challenges for construction.
- If accessibility needs were not a factor, the house could have potentially been built lower into the ground with a split-level design.
- A 3.5 m setback is required because the lot is treated as a corner lot, with the laneway classified as a road. If not for this, only a 1.5 meters setback would be needed, as seen with the neighboring properties.
- Moving the house forwards toward the street would not have resolved the issue.
- The rear yard required setback for the property is 12 m, while the proposed plans have a setback of 25.5 m. An attempt was made to reduce the effective massing on the site, and efforts were also made to ensure that, when viewed from the beach looking up to the house, it would not appear to loom over the area.
- It was noted that the two lifts required for mobility accessibility were not feasible on sloped ceilings. This was verified through software for graphic accuracy.
- The sloped roof applied to the building on half of the third floor would not be usable, leading to significant design changes that would affect the plans throughout. This would result in a different design, though the building would maintain the same height.
- A larger than necessary patio could have been added to the front, but this would have placed it closer to the shore. Additionally, top floor patios are typically not used.

The following was noted during Board discussion:

- The house and most of the garage comply with the minimum exterior side lot line setback, which improves the existing condition.
- The laneway, which will not be accessed, presents an undue hardship; the design would meet requirements if considered an interior side lot.
- Other height options exist, but the proposed design best meets the homeowner's needs.
- The single face height aligns with the bylaw's intent, avoiding a large flat facade.
- The applicant has outlined hardships related to the land and other factors in their letter.
- The rear design is well-articulated to minimize impact on views from the beach, and additional square footage to meet requirements would negatively affect neighbors.
- A level front entry is necessary due to the lot's 6-metre slope, demonstrating land-related hardship.
- The flat roof helps preserve neighbors' views more than a pitched roof.
- A variance is unavoidable due to site constraints.

MOTION: **MOVED** by A. Gill and **Seconded** by K. Zirul: “That the following request to vary from the requirements of Zoning Bylaw 2003, Sections 220.4 (a) (i) further to the construction of a single-family dwelling with a secondary suite on Lot 26, Section 34, Lake District, Plan 4733 (5367 Parker Avenue) be **APPROVED**:

- Relaxation of the minimum exterior side lot line setback from 3.5 m (11.48 ft) to 1.52 m (4.98 ft)
- Relaxation of the maximum height from 6.5 m (21.32 ft) to 7.51 m (24.63 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 6.50 m (21.32 ft) to 8.0 m (26.24 ft) for a flat 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

Adjournment On a motion K. Zirul, the meeting was adjourned at 6:49 pm.

J. Uliana, Chair

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

Recording Secretary