

MINUTES  
**BOARD OF VARIANCE MEETING**  
COMMITTEE ROOM NO.2,  
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE,  
**WEDNESDAY, FEBRUARY 11, 2009, AT 7:00 PM**

---

Members: Mr. Weinrich; Mr. Bartlett; Mr. Charania; Ms. Jones and Mr. Parker.  
Staff: Mr. Kevin Gill, Zoning Coordinator; Mrs. Hoffmann, Sr. Committee Clerk.

Minutes: Moved by Mr. Charania and Seconded by Mr. Bartlett: "That the Minutes of January 14, 2009 , be adopted as amended."  
Carried.

---

Cedar Hill X Rd  
Retention  
of deck

**Applicant: William Beadle**  
**Property: 3934 Cedar Hill Cross Road**  
**Variance: Relaxation of rear yard setback from 7.5 m to 5.37 m**

**Bov # 00003** The Notice of Meeting was read and the applicant's letter received.

Applicant: Mr. Beadle, owner and applicant, was present in support and stated:  

- This application is to finalize a building permit.
- He later discovered he needed a variance for the deck.
- The permit also applied to the porch and the garage.
- No neighbours are affected.

In Favour: Nil  
In Opposition Nil

MOTION: **MOVED BY MR. CHARANIA AND SECONDED BY MR. BARLTETT: "THAT A VARIANCE BE GRANTED TO RELAX THE REAR YARD SETBACK FROM 7.5 M TO 5.37 M FURTHER TO THE RETENTION OF AN EXISTING DECK ON LOT A, SECTION 32, VICTORIA LAND DISTRICT, PLAN VIP 78192, 3934 CEDAR HILL CROSS ROAD, IN ACCORDANCE WITH THE PLANS SUBMITTED.**  
**CARRIED.**

---

Canterbury Rd  
Addition

**Applicant: KB Design Inc (on behalf of Glenn Miskulin)**  
**Property: 852 Canterbury Road**  
**Variance: Relax allowable floor space in non-basement areas from 80% to 84.2%**

**Bov # 00004**

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

Applicant: Mr. Miskulin, owner and applicant, together with his son, was present in support of the application, and stated:  

- He and his wife have lived in this home for 24 years, raised their family here and do not wish to move.
- The addition is a modest 149 square feet in total, but applied in such a manner that it makes each room far more usable.

---

The Board complimented the designer on the plans.

In Opposition: Nil

In Favour: Nil

**MOTION: MOVED BY MR. CHARANIA AND SECONDED BY MS. JONES: "THAT A VARIANCE BE GRANTED TO RELAX THE ALLOWABLE FLOOR SPACE IN NON-BASEMENT AREAS FROM 80% TO 84.2% FURTHER TO THE CONSTRUCTION OF AN ADDITION TO THE HOUSE ON LOT 19, BLOCK 6, SECTION 49, VICTORIA LAND DISTRICT, PLAN 1178, 852 CANTERBURY ROAD, IN ACCORDANCE WITH THE PLANS SUBMITTED TO THE BOARD, WITH SAID VARIANCE EXPIRING ON FEBRUARY 11, 2011 IF NOT ACTED UPON."**

**CARRIED.**

Merriman Drive  
New house

**Applicant: Tanya and Luigi Silletta**

**Property: Proposed Lot B, 3834 Merriman Drive\*\***

**Variance:**

1. Relaxation of eastern rear lot line from 7.5 m to 6.85 m
2. Relaxation of western side lot line from 7.5 m to 6.5 m
3. Relaxation of overall height from 7.5 m to 8.22 m
4. Relaxation of single face height from 7.5 m to 9 m
5. Relaxation of flat roof height from 6.5 m to 7.43 m
6. Relaxation of accessory building height from 3.75 to 4.63 m

**BOV #00005**

**The Notice of Meeting was read and the applicants' letter received.**

**\*\*Note: This property has received conditional approval for subdivision.**

**Applicants:** Mr. and Mrs. Silletta, owners and applicants, together with their architect, George Gowland, were present in support.

In answer to questions from the Board as to why the variances were being considered at this time rather than waiting until the subdivision is approved and registered with Land Titles, and what the hardship would be if the application were tabled, the applicants stated:

- They applied to the Board on the recommendation of the Approving Officer.
- With respect to hardship, they have been working on the project for over two years, have experienced significant time delays, are working with an out-of-town architect and wanted to get on with the project.

The Architect noted that while the actual height variances were not marked on the property, the bench mark was indicated at 80.24 m.

Mrs. Silletta stated:

- She and her husband have invested a lot of time into this process, including 41 meetings with staff and 23 separate meetings with neighbours.
- They purchased the lot in 2006, received conditional approval for a two-lot subdivision and proceeded to the Board on the advice of the Approving Officer.
- The hardships experienced with this lot have been excessive.
- Originally, a three lot subdivision was proposed, but on the advice of the

Mayor, it was reduced to two lots.

- They have worked closely with Saanich staff to meet all environmental and tree issues; there are no outstanding issues in this regard.
- The interpretation of the bylaw has created a hardship for them in that the property has four rear lot lines, two front lot lines and one side yard, resulting in large setbacks of 24.6 feet, which severely limits the building envelope and forces them to design a narrow home.
- There is also a natural state covenant on the property and a protected area; the house will be kept well away from these areas.

The Architect, Mr. Gowland, stated:

- The lot drops tremendously; originally he had asked for storm water drains to the north, but the connections that would have to be made were horrendous.
- The partial flat roof design of the house is used for water retention and the natural grade of the driveway slopes down towards Merriman.
- The driveway is at 12% and meets Saanich's grade requirements.
- No matter where the house is situated on the property, there will be a height variance.
- The selected location was considered to be the best one.
- Any material removed to allow the construction of the house will be used as fill to create the side yards and for the garage.

In Opposition:

Mr. Alan Hincks, 1500 Shorncliffe Road, has lived here for 12 years and stated his house is to the west of the subject property.

- He noted the proposed house is a total of 5,600 sq.ft.; his home is less than 4,000 sq.ft.
- He admitted the previous owner of his home was granted a height variance, but the one section it applied to did not affect the neighbours.
- He has good views to the north and south; he also has good views to the west from his kitchen.
- He is concerned the increased height will block sunlight and the fact that the easterly lot line will be moved closer to his home.
- Currently the oak trees on the eastern property boundary provide screening and it seems these will be removed to allow for the accessory building.
- He has difficulty understanding the hardship in this case and feels it is related to this particular house design.
- The proposed house will definitely impact the neighbourhood.
- He noted one of the variances is for an increase in the height of the accessory building by 3'; he is unsure why this building is necessary and why a height variance is required.
- He is pleased to note the access to the property will not be onto Malton.

Mr. Roger Davidson, 1496 Shorncliffe Road, stated he and his wife Sherri have lived here for 42 years.

- The Sillettas have been very good about keeping him advised on the progress and he is also pleased there will be no access via Malton.
- The impact from the proposed house to his property is modest, but he does have concerns about the height variance.
- He understood the applicants wanted a house in keeping with the character

of the neighbourhood, but 5,600 sq.ft. is far larger than any other house in the area. His own home is only 3,200 sq.ft.

- He is also unclear about the purpose of the large accessory building and the chosen siting close to the setbacks seems awkward.

Mrs. Silletta stated:

- Her husband will use the accessory building as a woodworking shop.
- It will be 12 x 24 feet, with 8' ceilings and a flat roof.
- The height variance is necessary because the property slopes by over 9' from the front to the back of the building.
- Although the request is for 15', the actual height will be within 10'.
- Siting is restricted because they cannot build within the covenanted areas.

Ms. Lucinda Metcalfe, 3828 Merriman Drive, stated:

- Any home on this property will be looking down into her backyard and her privacy will be impacted considerably.
- She appreciated the fact that the Sillettas have gone to such lengths to protect the sensitive areas and is pleased there will be limited blasting.
- The term "hardship" does not apply in this case: Mr. Hinck's home is a very impressive building but to imagine anything bigger than this house in the neighbourhood is difficult.
- She had no idea about the size of the building until tonight, and while she understands it is not unusual for homes of this size to be built today, this will change the neighbourhood.

Mr. and Mrs. Tom Newton, 1495 Shorncliffe, stated they have lived here for 16 years and they are concerned about the size of the home.

- Most of the homes on Malton and Shorncliffe are one-storey homes, 1,400 sq.ft. and under.
- They are very concerned about the height, and also what might be following for the design on Lot A, which could be the same size as this one.
- This area has a Garry Oak ecosystem and that is part of what adds to the charm and character of the neighbourhood.
- The proposed house will not fit in: it will loom over the area and permanently change the character of the street.

Mrs. Silletta stated:

- The main floor and top floor of the house total 3,200 sq.ft.
- The maximum permitted in this zone for a lot of this size is 4,082 sq.ft.
- With the basement and garage the total is 5,200 sq.ft.

In Favour:

Mr. David Silletta, 4298 Glanford Avenue, stated he is the owner of Proposed Lot A.

- The setbacks assigned to this property by Saanich are large and a hardship.
- The overall height of the house blends with the contours of the property.
- There are large homes in this area.
- The lot is over 15,000 square feet and the proposed house is within the Building Code and the Bylaws in terms of size, and is in keeping with today's homes.

- Many of the other homes were built in the 50's and 60's, and at that time a 3,000+ sq.ft. home was considered large compared to the standard 1,200 square foot homes being built.

Mr. and Mrs. Guarascio, 1539 Shorncliffe stated they will be able to see both the homes on proposed Lots A and B and they are in favour of the application.

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

- A tree survey has been completed and they have met with the Parks Department; between the two subdivided lots and the driveway, 17 trees will be lost.
- According to the arborist and the Parks Department, some of the trees are diseased.
- It was a Saanich requirement to create a shared driveway off Merriman.
- With respect to the neighbours' concern about loss of privacy, regardless of the house location, or even if there was no house on this property, you can see down into some neighbours' yards because of the topography.
- The size of the proposed house is well within the zoning guidelines.
- The high point of the property is a naturally high knoll which will be leveled off by about a metre for the ground floor level of the house. Some of the material removed will be used for fill.
- They agreed they knew there would be problems with the property, but they had no idea there would be so many issues.
- The ceiling heights on the lower and upper floors are 9' and 8' respectively.

Ms. Betty Andrews, 1550 Oak Park Place, was concerned about drainage issues as she is at the bottom of the hill.

Mr. Gowland stated:

- All of the water from the site will drain to the south and the west; there will be some surface run-off on to the driveway to Merriman Drive; the driveway will be made from a porous material.
- A consultant was hired to develop a rain water management system.
- The goal is to have no additional run-off from the site.
- All the existing drainage systems were checked and cleaned at the owners' expense.

MOTION:

It was agreed to consider each variance individually. It was noted that the subject property has received conditional approval for subdivision. Once subdivided, the variance will apply to Lot B, with a civic address of 3834 Merriman Drive.

Board discussion noted the following points:

- The size of the house was a concern to the neighbours but it meets the zoning requirements and the property is over 1/3 of an acre.
- The applicants have addressed issues regarding drainage satisfactorily.
- Although the Board was sympathetic to the site's obvious constraints, particularly with the four rear lot lines and the topography, some members thought the house could have been designed to fit the lot better, particularly in terms of height.

- However, it was noted that it would be preferable to keep blasting to a minimum.
- There definitely appears to be an impact on the neighbourhood, but something will be built on this site eventually, and anything will have an impact and will also require a variance in terms of siting.
- The applicants have kept the environmental impacts to a minimum, as well as maintaining as many trees as possible.
- If Matlon were not a dedicated road, there would not be as many variances.
- Some members thought the house was enormous and could be reduced in height as well as size, thereby reducing the overall impact.
- The need for a separate accessory building was questioned, although the rationale for the height variance was understood.
- The owners must have been aware of the site's problems beforehand and the house was designed after the constraints were known.

**MOVED BY MR. CHARANIA AND SECONDED BY MS. JONES: "THAT A VARIANCE BE GRANTED TO RELAX THE EASTERN REAR LOT LINE FROM 7.5 M TO 6.85 M, FURTHER TO THE CONSTRUCTION OF A NEW HOUSE ON PROPOSED LOT B ON A PLAN OF SUBDIVISION FOR LOT 12, SECTION 32, VICTORIA LAND DISTRICT, PLAN 9229, 3830 MERRIMAN DRIVE, IN ACCORDANCE WITH THE PLANS SUBMITTED, WITH SAID VARIANCE EXPIRING ON FEBRUARY 11, 2011, IF NOT ACTED UPON."**

**CARRIED.**

**MOVED BY MR. CHARANIA AND SECONDED BY MS. JONES: "THAT A VARIANCE BE GRANTED TO RELAX THE WESTERN REAR LOT LINE FROM 7.5 M TO 6.5 M, FURTHER TO THE CONSTRUCTION OF A NEW HOUSE ON PROPOSED LOT B ON A PLAN OF SUBDIVISION FOR LOT 12, SECTION 32, VICTORIA LAND DISTRICT, PLAN 9229, 3830 MERRIMAN DRIVE, IN ACCORDANCE WITH THE PLANS SUBMITTED, WITH SAID VARIANCE EXPIRING ON FEBRUARY 11, 2011, IF NOT ACTED UPON."**

**CARRIED**

**MOVED BY MR. CHARANIA AND SECONDED BY MS. JONES: "THAT A VARIANCE BE GRANTED TO RELAX THE OVERALL HEIGHT FROM 7.5 M TO 8.22 M, FURTHER TO THE CONSTRUCTION OF A NEW HOUSE ON PROPOSED LOT B ON A PLAN OF SUBDIVISION FOR LOT 12, SECTION 32, VICTORIA LAND DISTRICT, PLAN 9229, 3830 MERRIMAN DRIVE, IN ACCORDANCE WITH THE PLANS SUBMITTED, WITH SAID VARIANCE EXPIRING ON FEBRUARY 11, 2011, IF NOT ACTED UPON."**

**REJECTED,**

**With Mr. Parker, Mr. Weinrich and Mr. Bartlett voting against.**

**MOVED BY MR. CHARANIA AND SECONDED BY MS. JONES: "THAT A VARIANCE BE GRANTED TO RELAX THE SINGLE FACE HEIGHT FROM 7.5 M TO 9 M, FURTHER TO THE CONSTRUCTION OF A NEW HOUSE ON PROPOSED LOT B ON A PLAN OF SUBDIVISION FOR LOT 12, SECTION 32, VICTORIA LAND DISTRICT, PLAN 9229, 3830 MERRIMAN DRIVE, IN ACCORDANCE WITH THE PLANS SUBMITTED, WITH SAID VARIANCE EXPIRING ON FEBRUARY 11, 2011, IF NOT ACTED UPON."**

**REJECTED,**

**With Mr. Parker, Mr. Weinrich and Mr. Bartlett voting against.**

**MOVED BY MR. CHARANIA AND SECONDED BY MS. JONES: "THAT A VARIANCE BE GRANTED TO RELAX THE FLAT ROOF HEIGHT FROM 6.5 M TO 7.43 M, FURTHER TO THE CONSTRUCTION OF A NEW HOUSE ON PROPOSED LOT B ON A PLAN OF SUBDIVISION FOR LOT 12, SECTION 32, VICTORIA LAND DISTRICT, PLAN 9229, 3830 MERRIMAN DRIVE, IN ACCORDANCE WITH THE PLANS SUBMITTED, WITH SAID VARIANCE EXPIRING ON FEBRUARY 11, 2011, IF NOT ACTED UPON."**

**CARRIED**

**MOVED BY MR. CHARANIA AND SECONDED BY MS. JONES: "THAT A VARIANCE BE GRANTED TO RELAX THE ACCESSORY BUILDING HEIGHT FROM 3.75 M TO 4.63 M, FURTHER TO THE CONSTRUCTION OF A DETACHED ACCESSORY BUILDING ON PROPOSED LOT B ON A PLAN OF SUBDIVISION FOR LOT 12, SECTION 32, VICTORIA LAND DISTRICT, PLAN 9229, 3830 MERRIMAN DRIVE, IN ACCORDANCE WITH THE PLANS SUBMITTED, WITH SAID VARIANCE EXPIRING ON FEBRUARY 11, 2011, IF NOT ACTED UPON."**

**CARRIED**

Roy Road  
Addition  
  
**BOV# 00006**

**Applicant: David Bonifacio**  
**Property: 1305 Roy Road**  
**Variance: Relaxation of the allowable floor space in non-basement areas from 80% to 92%**

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

**Applicant:** Mr. and Mrs. Bonifacio, owners and applicants, were present in support of the application. They had nothing further to add.

**In Favour:** Nil  
**In Opposition:** Nil

**MOTION:** **MOVED BY MR. CHARANIA AND SECONDED BY MS. JONES: "THAT A VARIANCE BE GRANTED TO RELAX THE ALLOWABLE FLOOR SPACE IN NON-BASEMENT AREAS FROM 80% TO 92% FURTHER TO THE CONSTRUCTION OF AN ADDITION TO THE HOUSE ON LOT B, SECTION 5, LAKE DISTRICT, PLAN 39864, 1305 ROY ROAD, IN ACCORDANCE WITH THE PLANS SUBMITTED TO THE BOARD, WITH SAID VARIANCE EXPIRING ON FEBRUARY 11, 2010 IF NOT ACTED UPON."**

**CARRIED.**

**Adjournment:** On a Motion from Ms. Jones, the meeting adjourned at 9:25 PM

\_\_\_\_\_  
Peter Weinrich, Chair

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

\_\_\_\_\_  
Recording Secretary