

MINUTES  
**BOARD OF VARIANCE MEETING**  
COMMITTEE ROOM NO.2,  
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE,  
**WEDNESDAY, FEBRUARY 13, 2008, AT 7:00 PM**

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Members: Mr. Weinrich in the Chair; Mr. Bartlett; Mr. Charania; Ms. Jones and Mr. Parker.  
Staff: Mr. Jackson, Building Inspector; Mrs. Hoffmann, Sr. Committee Clerk.  
Minutes: Moved by Mr. Charania and Seconded by Mr. Bartlett: That the Minutes of January 9, 2008 be adopted as amended."  
Carried.

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Cordova Bay Rd      **APPLICATION OF ROBERT AND VERONICA SEABROOK FOR RELAXATION OF THE REAR LOT LINE FROM 12 M TO 7.6 M FURTHER TO THE CONSTRUCTION OF AN ADDITION TO THE HOUSE ON LOT 1, SECTION 30, LAKE DISTRICT, PLAN 6662, 5024 CORDOVA BAY ROAD.**  
Addition &      The Notice of Meeting was read and the applicants' letter received.  
House Lifting

Applicant: Mr. and Mrs. Seabrook, owners and applicants, were present in support of the application. In response to questions, they stated:

- They were unaware of the encroachment on the rear yard until they applied for a building permit.
- The house had to be lifted to repair a failing foundation; it will be replaced in the same location. They knew the foundation needed repair when they bought the property, but didn't realize how bad it was until the house was lifted and a structural engineer was consulted. It had sunk into the ground by about 6".
- A new lower floor will be built. They also plan to add a couple of small "bump outs" on the dining room and living room, but these do not affect the variance at all.

In Favour: Nil  
In Opposition: Nil

MOTION:      **MOVED BY MS. JONES AND SECONDED BY MR. CHARANIA: "THAT A VARIANCE BE GRANTED TO RELAX THE REAR LOT LINE FROM 12 M TO 7.6 M FURTHER TO THE CONSTRUCTION OF AN ADDITION TO THE HOUSE ON LOT 1, SECTION 30, LAKE DISTRICT, PLAN 6662, 5024 CORDOVA BAY ROAD, IN ACCORDANCE WITH THE PLANS SUBMITTED TO THE BOARD, WITH SAID VARIANCE EXPIRING ON FEBRUARY 13, 2010 IF NOT ACTED UPON."**

**CARRIED**

Conway Road      **APPLICATION OF CHRIS AND RENEE AUDY FOR RELAXATION OF THE FRONT LOT LINE FROM 7.5 M TO 0 M AND THE EXTERIOR SIDE LOT LINE FROM 7.5 M TO 0 M FURTHER TO THE RETENTION OF AN EXISTING ACCESSORY STRUCTURE ON LOT 1, SECTION 96, BLOCK 20, LAKE DISTRICT, PLAN 1742AM, 401 CONWAY ROAD.**  
Retention of      The Notice of Meeting was read and the applicants' letter received.  
Accessory bldg.

Applicant: Mr. Chris Audy, owner and applicant, was present in support of the application and had nothing to add.

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In Opposition: Nil  
 In Favour: Nil

**MOTION: MOVED BY MR. BARTLETT AND SECONDED BY MR. CHARANIA: "THAT A VARIANCE BE GRANTED TO RELAX THE FRONT LOT LINE FROM 7.5 M TO 0 M AND THE EXTERIOR SIDE LOT LINE FROM 7.5 M TO 0 M FURTHER TO THE RETENTION OF AN EXISTING ACCESSORY STRUCTURE ON LOT 1, SECTION 96, BLOCK 20, LAKE DISTRICT, PLAN 1742AM, 401 CONWAY ROAD, IN ACCORDANCE WITH THE PLANS SUBMITTED TO THE BOARD."**

**CARRIED.**

Viewmont Ave  
 Addition

**APPLICATION OF JARRETT INTEGRITY BUILDERS LTD. ON BEHALF OF ANNA KIETKAMP AND ALBERT STADT, FOR RELAXATION OF THE ALLOWABLE FLOOR SPACE IN NON-BASEMENT AREAS FROM 80% TO 92% FURTHER TO THE CONSTRUCTION OF AN ADDITION TO THE EXISTING HOUSE ON LOT B, SECTION 9, LAKE DISTRICT, PLAN VIP 55604, 4552 VIEWMONT AVENUE.**

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

**Applicant:** Mr. Jarrett Jellema, applicant, and Ms. Anne Hietkamp, owner, were present in support of the application.

**In Favour:** Elizabeth Hewitson, 4550B Viewmont Avenue was concerned about adding additional space to the house.

- A variance has already been granted to allow for an extra bedroom and if another bedroom is added, this will be an 8 bedroom house, which she thinks is unreasonable.

Eleanor Jenkins, 4550A Viewmont Avenue was opposed to the application, noting this is a panhandle lot and sometimes parking is an issue when vehicles are parked in front of her home.

- The house also has a 3-bedroom suite for two elderly people, but on the plans submitted this is shown as a recreation room.

The applicant stated:

- She takes in foreign exchange students for financial reasons.
- Normally parking is not an issue, especially as they do not entertain a lot and there is space in front of the house for 3 cars.
- She has a legal 3 bedroom in-law suite where her in-laws live.
- She has 4 children, 2 foreign students, and works from her home.
- She would like to have another bedroom for one of her children who needs to have a space separate from his siblings.
- 100 sq.ft. of the existing garage will be converted into a bedroom.

It was confirmed by the Building Inspector that according to Saanich Bylaws, it is legal to provide a kitchen if you have rooms or a suite for family members, and it is also quite legal to have boarders (such as foreign students).

In Opposition: Nil  
**MOTION:**

**MOVED BY MS. JONES AND SECONDED BY MR. PARKER: "THAT A**

**VARIANCE BE APPROVED TO RELAX THE ALLOWABLE FLOOR SPACE IN NON-BASEMENT AREAS FROM 80% TO 92% FURTHER TO THE CONSTRUCTION OF AN ADDITION TO THE EXISTING HOUSE ON LOT B, SECTION 9, LAKE DISTRICT, PLAN VIP 55604, 4552 VIEWMONT AVENUE, IN ACCORDANCE WITH THE PLANS SUBMITTED TO THE BOARD, WITH SAID VARIANCE EXPIRING ON FEBRUARY 13, 2010, IF NOT ACTED UPON.”**

Discussion noted:

- There will be no exterior changes.
- Additional kitchens are permitted in rooms or suites for family members. Boarders are allowed.
- Unfortunate the applicants did not talk with the neighbours.
- Some members questioned whether generating income at the expense of deviation from the bylaw is a hardship.

**CARRIED.**

Savannah Ave  
addition

**APPLICATION OF MING HUNG CHEN FOR RELAXATION OF THE ALLOWABLE FLOOR SPACE IN NON-BASEMENT AREAS FROM 80% TO 90%, THE SINGLE FACE HEIGHT FROM 6.5 M TO 7.4 M, AND THE OVERALL HEIGHT FROM 6.5 M TO 6.8 M, FURTHER TO THE CONSTRUCTION OF AN ADDITION TO THE HOUSE ON LOT 10, SECTION 63, VICTORIA DISTRICT, PLAN 4270, 3540 SAVANNAH AVENUE.**

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

Applicant:

Ming Hung Chen, owner and applicant, together with his son Yuan Hung Chen, were present in support.

In answer to questions from the Board, Mr. Chen Jr. stated:

- His father wanted more light in the house so they changed the existing small window into a dormer window, which made the roof slope lower, bringing it down to a flat roof rather than a pitched roof.
- A designer was hired but did not advise that the construction exceeded the bylaw requirements.
- He confirmed the separate entrance at the rear of the house is for three tenants who live in the basement.
- He confirmed no building permit was applied for or issued.

In Favour: Nil

In Opposition: Nil

MOTION:

Discussion ensued regarding the sequence of events from the time the construction was started and completed, correspondence received from Saanich Planning and permits applied for. No clear answers could be found and the Board recommended the application be tabled until clarification on the chronology is provided by the Inspection Department.

- The hardship was questioned.
- Also, the existing house encroaches into the side setback by 0.2 m and is legal non-conforming; although the new construction does not encroach, it would be in the applicant's best interests to have this minor variance addressed at this time.

**MOVED BY MR. CHARNAIA AND SECONDED BY MS. JONES: "THAT THE APPLICATION BE TABLED TO THE MARCH 12, 2008 MEETING IN ORDER THAT THE CHRONOLOGY OF THE EVENTS LEADING UP TO THE VARIANCE REQUEST CAN BE PROVIDED BY THE INSPECTION DEPARTMENT."**

Noted it would be beneficial if the designer could attend the March meeting.

**CARRIED.**

S. Valley Drive  
Deck addition

**APPLICATION OF GEOFF MYERS FOR RELAXATION OF THE REAR LOT LINE FROM 7.5 M TO 3.3 M FURTHER TO THE CONSTRUCTION OF A DECK ADDITION TO THE HOUSE ON LOT 18, SECTION 16, VICTORIA DISTRICT, PLAN VIP 81821, 3824 SOUTH VALLEY DRIVE.**

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

Applicant: Mr. Geoff Myers, owner and applicant was present in support of the application.

As the site was not marked out in time for Board members to view in accordance with its procedures, it was recommended that the application be tabled.

MOTION:

**MOVED BY MR. CHARANIA AND SECONDED BY MR. BARTLETT : "THAT THE APPLICATION BE TABLED TO THE MARCH 12, 2008 MEETING IN ORDER THAT THE SITE CAN BE PROPERLY MARKED, IN ACCORDANCE WITH THE BOARD'S PROCEDURES."**

**CARRIED.**

Dalmeny Road  
addition

**APPLICATION OF LARRY FREEMAN FOR RELAXATION OF THE SOUTH INTERIOR SIDE LOT LINE FROM 1.5 M TO 2.2 M, THE NORTH INTERIOR SIDE LOT LINE FROM 1.5 TO 2.2M AND THE COMBINED INTERIOR SIDE LOT LINES FROM 4.5 TO 4.4 M, FURTHER TO THE CONSTRUCTION OF AN ADDITION TO THE HOUSE ON LOT 2, SECTION 12, BLOCK 5, LAKE DISTRICT, PLAN 1393, 4165 DALMENY ROAD.**

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

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

In Favour: Nil

In Opposition: Nil

MOTION: **MOVED BY MS. JONES AND SECONDED BY MR. BARTLETT: "THAT A VARIANCE BE GRANTED TO RELAX THE SOUTH INTERIOR SIDE LOT LINE FROM 1.5 M TO 2.2 M, THE NORTH INTERIOR SIDE LOT LINE FROM 1.5 TO 2.2M AND THE COMBINED INTERIOR SIDE LOT LINES FROM 4.5 TO 4.4 M, FURTHER TO THE CONSTRUCTION OF AN ADDITION TO THE HOUSE ON LOT 2, SECTION 12, BLOCK 5, LAKE DISTRICT, PLAN 1393, 4165 DALMENY ROAD, IN ACCORDANCE WITH THE PLANS SUBMITTED TO THE BOARD, WITH SAID VARIANCE EXPIRING ON FEBRUARY 13, 2010, IF NOT ACTED UPON."**

**CARRIED**

Boleskine Road  
Accessory bldg

**APPLICATION OF JIM MERRICK FOR RELAXATION OF THE REAR YARD SETBACK FROM 1.5 M TO 0.4 M AND THE EXTERIOR SIDE LOT SETBACK FROM 3.5 M TO 0.3 M, FURTHER TO THE RETENTION OF AN EXISTING ACCESSORY BUILDING ON LOT 1, SECTION 7, VICTORIA DISTRICT, PLAN 38840, 452 BOLESKINE ROAD.**

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

Applicant: Mr. Jim Merrick, owner and applicant, was present in support of the application. He stated:

- The garage existed when he bought the property and once he realized it encroached over the property line, he moved it back 3' and applied for a variance.
- After that point the property was surveyed and it was found that the garage encroached more than originally thought – 2' rather than 18".
- He realizes now he should have had a survey completed in the first place as that would have saved him from coming back to the Board a second time.

In Favour: Nil  
In Opposition: Nil

MOTION: **MOVED BY MS. JONES AND SECONDED BY MR. PARKER: "THAT A VARIANCE BE GRANTED TO RELAX THE REAR YARD SETBACK FROM 1.5 M TO 0.4 M AND THE EXTERIOR SIDE LOT SETBACK FROM 3.5 M TO 0.3 M, FURTHER TO THE RETENTION OF AN EXISTING ACCESSORY BUILDING ON LOT 1, SECTION 7, VICTORIA DISTRICT, PLAN 38840, 452 BOLESKINE ROAD, IN ACCORDANCE WITH THE PLANS SUBMITTED TO THE BOARD, WITH SAID VARIANCE EXPIRING ON FEBRUARY 13, 2010 IF NOT ACTED UPON."**

**CARRIED.**

James Heights  
Addition to house

**APPLICATION OF SUSAN HADDON FOR RELAXATION OF THE REAR LOT LINE FROM 7.5 M TO 5.3 M FURTHER TO THE CONSTRUCTION OF AN ADDITION TO THE HOUSE ON LOT 34, SECTION 62, VICTORIA DISTRICT, PLAN 11090, 3515 JAMES HEIGHTS.**

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

Applicant: Mr. and Mrs. Haddon, owners and applicants, were present in support of the application.

They submitted a more detailed and recent survey, showing trees, rock outcroppings and the driveway. The numbers for the variance are not affected, other than the new survey shows a distance of 5.4 m to the rear lot line rather than 5.3 m. They are still requesting a variance from 7.5 m to 5.3 m.

In Favour: Nil  
In Opposition: Nil

MOTION: **MOVED BY MS. JONES AND SECONDED BY MR. PARKER: "THAT A VARIANCE BE GRANTED TO RELAX THE REAR LOT LINE FROM 7.5 M TO 5.3 M FURTHER TO THE CONSTRUCTION OF AN ADDITION TO THE**

**HOUSE ON LOT 34, SECTION 62, VICTORIA DISTRICT, PLAN 11090, 3515 JAMES HEIGHTS, IN ACCORDANCE WITH THE PLANS SUBMITTED, WITH SAID VARIANCE EXPIRING ON FEBRUARY 13, 2010, IF NOT ACTED UPON.”**

**CARRIED.**

Frechette Street  
Addition

**APPLICATION OF ARCHIE WILLIE ON BEHALF OF PETER AND DARLENE NORTON, FOR RELAXATION OF THE ALLOWABLE FLOOR SPACE IN NON-BASEMENT AREAS FROM 80% TO 97% FURTHER TO THE CONSTRUCTION OF AN ADDITION TO THE HOUSE ON LOT 21, SECTION 34, BLOCK 3, VICTORIA DISTRICT, PLAN 8410, 3228 FRECHETTE STREET.**

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

Applicant:

Mr. Archie Willie, applicant, together with the owners, Mr. and Mrs. Norton, was present in support of the application. A letter in support was submitted from neighbours at 3224, 3232, and 3225 Frechette Street.

Mr. Willie stated:

- The intent was to have the addition match the existing house, keeping the roof at the same slope.
- There is concern about the connection of the existing storm drains; because of the rock bed an easement may have to be sought to connect to an existing storm drain.
- The existing basement is not deep enough into the ground to be considered a basement and the house is bermed at the front. The natural grade of the property does not work out to our benefit.
- The hardship in this case lies with the topography of the site and the problems with the storm drains. If the basement could be excavated another 5' and no further drainage problems were created, it would be a different matter.

In Favour: Nil

In Opposition: Nil

MOTION:

**MOVED BY MR. CHARANIA AND SECONDED BY MR. PARKER: “THAT A VARIANCE BE GRANTED TO RELAX THE ALLOWABLE FLOOR SPACE IN NON-BASEMENT AREAS FROM 80% TO 97% FURTHER TO THE CONSTRUCTION OF AN ADDITION TO THE HOUSE ON LOT 21, SECTION 34, BLOCK 3, VICTORIA DISTRICT, PLAN 8410, 3228 FRECHETTE STREET, IN ACCORDANCE WITH THE PLANS SUBMITTED TO THE BOARD, WITH SAID VARIANCE EXPIRING ON FEBRUARY 13, 2010 IF NOT ACTED UPON.”**

**CARRIED,  
WITH MS. JONES VOTING AGAINST.**

Special Meeting

It was agreed to hold a special “working lunch” meeting of the Board to discuss various issues that have been pending for some time – including:

- minute format and content
- time extensions to variances
- proposed administrative changes to Board procedures

- producing an annual report
- cases for hardship when a variance is applied for after construction, and
- variance requests that allow applicants to generate income from the construction (such as boarders, home based businesses, etc.)

**(Note: this meeting has now been set for Friday, February 29, 2008 at noon)**

Adjournment: On a Motion from Ms. Jones, the meeting adjourned at 9:00 p.m.

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Peter Weinrich, Chair

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

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Recording Secretary