

MINUTES
BOARD OF VARIANCE MEETING
COMMITTEE ROOM NO.2,
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE,
WEDNESDAY, JULY 9, 2008, AT 7:00 PM

Members: Mr. Weinrich in the Chair; Mr. Charania; Ms. Jones and Mr. Parker.
Staff: Mr. Gill, Development Assistant; Mrs. Hoffmann, Sr. Committee Clerk.
Minutes: Moved by Mr. Charania and Seconded by Ms. Jones: That the Minutes of June 11 and June 17, 2008 be adopted as amended."

Carried.

Gordon Head Rd
Addition

Applicant: Herbert Kwan Architect (on behalf of James Liu)
Property: 4329 Gordon Head Road
Variance: Front Lot Line from 7.5 m to 2.71 m

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

Applicant: Mr. Kwan, applicant, and Mr. Liu, owner, were present in support. Mr. Kwan stated:

- Mr. Liu owns the empty lot next door; the proposed reduced front lot line is well set back from the road.
- The new addition will be further away from the neighbour's property than the existing carport; the height is the same as the existing structure.

The Board noted:

- It appears that there are two separate dwellings on one parcel.
- The structure in question looks like it could have been a garage at one time and was converted into living space.
- The survey plans submitted to the Approving Officer at the time of subdivision show no carport, and indicate different setbacks compared to the plans submitted with this application.
- It was difficult to find the hardship in this case.

In response to questions from the Board, Mr. Liu advised:

- He needs an additional bedroom suite for his 85 year old parents.
- He had two children and a three-bedroom house and needs more space.
- He currently just has a carport, but no garage; having a garage will tidy up the site as well as providing additional storage space.
- The carport was built prior to the subdivision and he did not take out a permit, but this will be removed.
- He cannot locate the addition elsewhere because he has a swimming pool in the backyard and his master bedroom window would be blocked.
- The existing auxiliary building is old and needs to be replaced rather than repaired. At the same time, he plans to upgrade the rest of the house.

Mr. Kwan confirmed the 11.5' dimension on the plans submitted with this application was confirmed by the surveyor and is correct.

The Planner advised the subdivision was completed in 2001 and no development variance permit was issued.

In Opposition: Nil
In Favour: Nil

MOTION: MOVED BY MR. CHARANIA AND SECONDED BY MS. JONES: "THAT THE APPLICATION BE REJECTED."

Discussion ensued, noting:

- The subdivision plans do not conform to the evidence submitted.
- There is no undue hardship.
- The applicant should consider a Development Variance Permit instead.

The Motion was then Put and Carried.

Obed Avenue
addition

Applicant: Wm. A. Scott
Property: 321 Obed Avenue
Variance: Relax allowable floor space in non-basement areas from 80% to 86.5%
Front lot line from 6 m to 5.82 m

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

Applicant: Mr. Scott, owner and applicant, and David Lunt, Mesa Design Group, were present in support of the application. Mr. Lunt stated:

- The area in question is not livable space because it does not meet the headroom requirements under the Building Code.
- The existing suite in the basement will remain.

The proposed construction does not affect the side yard setback, which is already non-conforming.

In Favour: Nil
In Opposition: Nil

MOTION: MOVED BY MS. JONES AND SECONDED BY MR. CHARANIA: "THAT A VARIANCE BE GRANTED TO RELAX THE ALLOWABLE FLOOR SPACE IN NON-BASEMENT AREAS FROM 80% TO 86.5% and THE FRONT LOT LINE FROM 6 M TO 5.82 M, FURTHER TO THE CONSTRUCTION OF AN ADDITION TO THE HOUSE ON LOT 7, SECTION 13, BLOCK 7, VICTORIA DISTRICT, PLAN 1070, 321 OBED AVENUE, IN ACCORDANCE WITH THE PLANS SUBMITTED TO THE BOARD, WITH SAID VARIANCE EXPIRING ON JULY 9, 2010 IF NOT ACTED UPON."

CARRIED.

Killarney Road
addition

Applicant: Clare and Roger Purdue
Property: 2612 Killarney Road
Variance: Front Lot Line from 7.5 m to 3.47 m

The Notice of Meeting was read and the applicant's letter received. A variance to relax the front lot line to 3.47 m was granted in August 2004, but has now expired. As well, the plans were modified due to cost constraints, therefore Board approval was required.

Applicant: Mr. Roger Purdue, owner and applicant, and Gerrard Aust, Contractor, were present in support of the application. They had nothing to add.

In favour: Nil
In opposition: Nil

MOTION: **MOVED BY MR. CHARANIA AND SECONDED BY MS. JONES: "THAT A VARIANCE GRANTED IN 2004 BE EXTENDED TO RELAX THE FRONT LOT LINE FROM 7.5 M TO 3.47 M, FURTHER TO THE CONSTRUCTION OF AN ADDITION TO THE HOUSE ON LOT 2, SECTION 44, VICTORIA DISTRICT, PLAN 5541, 2612 KILLARNEY ROAD, IN ACCORDANCE WITH THE REVISED PLANS SUBMITTED, WITH SAID VARIANCE EXPIRING ON JULY 9, 2010, IF NOT ACTED UPON."**
CARRIED.

Lily Avenue
New House

Applicant: Clifford and Janine Le Beau
Property: 798 Lily Avenue
Variance: Relaxation of the allowable floor space in non-basement areas from 80% to 88%

The Notice of Meeting was read and the applicant's letter received. A letter of concern was received from Daphne Sidaway-Wolf of 4169 Kincaid Street.

Applicants: Mr. Cliff Le Beau, owner and applicant, was present in support and stated:

- Contrary to the concerns of his neighbour at 4169 Kincaid, he is not adding a basement suite. The access to the basement space is through the garage, and this would not be conducive to having a suite.
- He has built houses in other municipalities, this is his first time in Saanich and he has never run into this problem before.
- He has located his plumbing and heating fixtures in the crawlspace and would like this area to be higher to provide easier access.
- He noted there was a conflict between the Building Code and the Saanich Bylaws in terms of basement height and non-basement space. He did not understand that the basement had to be less than 6'3" high and he thought he built it according to Code.
- He has his building permit and the mistake was discovered during the framing inspection.

Some Board members wanted to table the application for clarification on when the error was discovered and why it was not found at the permit stage.

In Favour: Nil
In Opposition: Nil

MOTION: **MOVED BY MS. JONES AND SECONDED BY MR. PARKER: "THAT A VARIANCE BE GRANTED TO RELAX THE ALLOWABLE FLOOR SPACE IN NON-BASEMENT AREAS FROM 80% TO 88%, FURTHER TO THE CONSTRUCTION OF A NEW HOUSE ON LOT 3, PARCEL A, SECTION 65, PLAN 3174, 798 LILY AVENUE, IN ACCORDANCE WITH THE PLANS SUBMITTED TO THE BOARD."**
CARRIED, with Mr. Charania voting against.

Ralph Street
Addition/
Renovation

Applicant: W. Van Den Broek
Property: 638 Ralph Street
Variance: Relaxation of the combined interior side lot line from 4.5 m to 3.36 m

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

Applicant: Mr. Van Den Broek, owner, and Mr. Graham Smith, Contractor, were present in support. They presented some elevation drawings of the site and the proposed renovation for a carport with a deck on top, noting that the deck will be lower than the main floor of the house.

In Favour: Nil
In Opposition: Nil

MOTION: **MOVED BY MS. JONES AND SECONDED BY MR. PARKER: "THAT A VARIANCE BE GRANTED TO RELAX THE COMBINED INTERIOR SIDE LOT LINES FROM 4.5 M TO 3.36 M, FURTHER TO THE CONSTRUCTION OF A CARPORT ADDITION AND DECK TO THE HOUSE ON LOT B, SECTION 49, VICTORIA DISTRICT, PLAN 84323, IN ACCORDANCE WITH THE PLANS SUBMITTED, WITH SAID VARIANCE EXPIRING ON JULY 9, 2010 IF NOT ACTED UPON."**

CARRIED.

Prospect Lake
New house

Applicant: Gordon Porritt
Property: 5025 Prospect Lake Road
Variance: Relaxation of projection into required side yards to 122 cm

The Notice of Meeting was read and the applicant's letter received. A letter of concern was received from Winona Pugh, 5021 Prospect Lake Road, and a letter in support was received from Melinda Waitzner, 5035 Prospect Lake Road.

Applicant: Mr. Gordon Porritt, owner and applicant, together with Keith Baker, Designer, were present in support. Mr. Baker stated:

- Referring to the letter from Mrs. Pugh she is unable to see the house and the minor variance does not impact her.
- The variance is to allow for trim board on the front left corner of the house; no other part of the house encroaches.
- The property used to be two separate lots and the house has been sited diagonally to not only make it fit into the building envelope but to maximize the lake views.
- Regarding hardship, it was difficult to comply with the required 30' setback from the Lake and the SPEA (Streamside Protection and Enhancement Area) guidelines, but they were able to make it work except for the one corner.
- He recognized that allowing the barge board to remain is not technically a hardship, but it is very minor and the trim is in keeping with the style of home the owner desired.
- He confirmed the neighbour at 5035 Prospect Lake Road had no issues with the proposed variance.

In Favour: Nil

In Opposition: Nil

MOTION: MOVED BY MR. PARKER AND SECONDED BY MR. CHARANIA: "THAT A VARIANCE BE GRANTED TO ALLOW THE PROJECTION INTO REQUIRED SIDEYARDS TO BE RELAXED TO 122 CM, FURTHER TO THE CONSTRUCTION OF A NEW HOUSE ON LOT A, SECTION 88, LAKE DISTRICT, PLAN 1485, 5025 PROSPECT LAKE ROAD, IN ACCORDANCE WITH THE PLANS SUBMITTED TO THE BOARD, WITH SAID APPROVAL EXPIRING ON JULY 9, 2010, IF NOT ACTED UPON."

CARRIED.

Blenkinsop Road
Second dwelling

Applicant: Dean and Caroline Mace
Property: 4201 Blenkinsop Road
Variance: Permission to replace an existing second dwelling with new home, increasing the lot coverage and gross floor area

The Notice of Meeting was read and the applicant's letter was received. A letter to the applicant from the Planning Department confirmed that in the Municipal Solicitor's opinion the Board was able to consider and relax section 3.5(b) of the Zoning Bylaw respecting the size of the building by virtue of the Local Government Act, Section 901(1)(a).

Applicant: Mr. and Mrs. Mace and family, together with Mrs. Mace. Sr., were present in support of the application. They submitted a letter from the original owner of the property regarding the legality of the second dwelling.

The following was noted from discussions with the applicants:

- The two homes were built in 1944 and 1956.
- The proposal is to replace the 1944 home with a new and larger home.
- Neil Findlow in the Planning Department had researched the matter and found copies of the original building permits for the 1956 dwelling.
- The property is in the ALR, is zoned A-1 and is outside the UCB.

In Favour: Mr. Lazlo Nagy, 4207 Blenkinsop Road stated he has lived here for 21 years.

- This property has had two homes on it for many years and he fully supports the proposal to build a new second home.
- There are other lots in the Valley that have two homes on the one parcel.

The Board noted the proposed home is double the size of the existing house, and this is a 100% variance. If a variance is granted it will allow the non-conformity that has existed for the past 50 years to continue. Due to the type and extent of the variance, it might be better for Council to consider a Development Variance Permit, particularly as Council, unlike the Board, doesn't have to find hardship.

Mrs. Mace acknowledged the Board's concerns, but noted that the property is 10.9 acres, two dwellings have existed on the property since 1956 and the neighbours have no concerns.

Mr. Mace stated he did consider rezoning the property to A-2 but after discussing this with Mr. Findlow, decided to apply to the Board instead.

- Renovating the existing house is a last resort and not a viable option: it is in poor shape, the crawl space has a dirt floor and he has removed many dead rats.

Ms. Lynda Mace, 4201 Blenkinsop Road, stated:

- She and her husband bought the property in 1999 and unfortunately her husband died two years later.
- She would not be able to run the farm without her son and daughter-in-law's help, and if she can't farm the property, she won't be able to afford the \$6,000 in taxes.
- If Saanich wants this property to be kept as farmland then she needs help.

In Opposition: Nil

Motion: Board discussion ensued as follows:

- Acknowledged there are properties in rural Saanich on A-1 zoned lots that have two dwellings – and the majority of them have been built illegally.
- Although the Solicitor has confirmed that Board can rule on section 3.5(b), it is a major variance.

MOVED BY MR. CHARANIA AND SECONDED BY MR. PARKER: "THAT THE APPLICATION BE REJECTED."

- The Board was sympathetic to the applicants, understood the rationale for their request, and acknowledged there was a definite hardship.
- The ALR is under great pressure and there is a lot of abuse taking place because developable land is scarce.
- Section 3.5(b) states you can rebuild, repair, alter or extend the smallest single family dwelling on the lot provided there is no increase in height, lot coverage or gross floor area of the existing building: the applicant is doing none of those things; some members disagreed with the Solicitor's interpretation of the bylaw.
- All members agreed a Development Permit Application is a preferable method.

The Motion was then Put and Carried.

Castlerock Road
Barn

Applicant: Nichola and David Wade
Property: 6100 Castlerock Road (also know as 60 Durrance Road)
Variance: Exterior side lot line from 7.5 m to 5 m
Relaxation of the Animals Bylaw to reduce the clearance on an exterior side lot line from 15 m to 5 m

The Notice of Meeting was read and the applicant's letter received. Letters in support were received from:

James Firth, 6109 Castlerock Road; Helen Joinson, 14 Durrance Road; S. Virk, 20 Durrance Road; E. Holmes, 100 Durrance Road; S. and B. Elwell, 140 Durrance Road; B. and D. Burnham, 6115 Castlerock Road; Mr. and Mrs. Morris, 21 Durrance Road; Nicole Chameralain, 61 Durrance Road; Duarto and Connie Moniz, 71 Durrance Road; Jill Swartz and O. Goldstein, 6105

Castlerock Road, and residents at 82 Durrance Road and 141 Durrance Road.

- Applicant: Mr. and Mrs. Wade, owners and applicants, together with Gordon Pierik, contractor, were present in support. Mrs. Wade stated:
- The variance will help preserve and maintain the quality of the ALR land.
 - The property is steep and locating the barn in any other area would either compromise the hayfield, contaminate the well or require major tree removals. This is fully documented in her letter to the Board.
 - They don't want to construct the barn on the slope because there are issues with erosion and run off into the creek that traverses the property.
 - This site does not compromise sight lines or views for the neighbours.
 - She has talked to almost all of the neighbours; they support the variance, and have submitted letters or given verbal support.
 - The driveway will be fenced, which will keep the animals off the road.
 - Good manure management controls odours associated with horses.
 - She also has to consider the auxiliary features around the barn, such as a paddock, and this can be accommodated at the proposed location compared to other areas of the property.
 - The old unused house will eventually be removed once the new barn is constructed; the electrical panels for their home are located in the old house and need to be relocated to the barn.

Mr. Pierek stated:

- The visual impact of the barn is high and this design will have curb appeal.
- No other variances are required, and are only required because the building will house animals – if it were a garage, no variances would be necessary.
- The barn will be located beside a road, which provides a greater distance between homes.

In Favour: Nil

In Opposition: Nil

MOTION: **MOVED BY MR. CHARANIA AND SECONDED BY MR. PARKER: "THAT A VARIANCE BE GRANTED TO RELAX THE EXTERIOR SIDE LOT LINE FROM 7.5 M TO 5 M FURTHER TO THE CONSTRUCTION OF A HORSE BARN, AND RELAXATION OF THE ANIMALS BYLAW TO REDUCE THE REQUIRED CLEARANCE FROM 15 M TO 5 M, ON LOT 4, SECTIONS 122 AND 123, LAKE DISTRICT, PLAN 31500, 6100 CASTLEROCK ROAD (ALSO KNOWN AS 60 DURRANCE ROAD), IN ACCORDANCE WITH THE PLANS SUBMITTED, WITH SAID VARIANCE EXPIRING ON JULY 9, 2010, IF NOT ACTED UPON."**

Discussion ensued:

- The 15 m requirement under the Animals Bylaw is a buffer zone, not a setback, and the road between properties adds to the buffer.
- The proposed location is an obvious choice given the steep terrain, the environmental concerns about the creek, the riparian areas and the well.
- Some members thought the barn could be closer to the house providing more clearance at the exterior side lot line with a smaller variance.
- The hardship was also questionable.

- Noted that one of the plans submitted show the barn to be 6 m from the road, not the 5 m that is being requested in the application.

The Motion was then Put and Carried, With Ms. Jones voting against.

S.Valley Drive
New house

Applicant: Chris Sheridan
Property: 3948 South Valley Drive
Variance: Single Face height from 7.5 m to 8.14 m

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

Applicant: Mr. Chris Sheridan, owner and applicant, and Mr. Wil Peereboom, designer, were present in support. Mr. Peereboom stated:

- The height could work if the house was put further into the ground; that could be done if the large tree in the front of the property wasn't protected.
- The roof of the house, will be lower than the surrounding homes.
- There is a 4' difference in elevation and there is also a "dip" on the site.
- Options were considered but the protected tree was always an issue.
- As well, the owner wants to keep the main floor of the house level with the base of the tree.

In Favour: Nil

In Opposition: Nil

MOTION: **MOVED BY MS. JONES AND SECONDED BY MR. CHARANIA: "THAT A VARIANCE BE GRANTED TO RELAX THE SINGLE FACE HEIGHT FROM 7.5 M TO 8.14 M, FURTHER TO THE CONSTRUCTION OF A NEW HOUSE ON LOT 9, SECTION 16, VICTORIA DISTRICT, PLAN VIP 81821, 3855 SOUTH VALLEY DRIVE, IN ACCORDANCE WITH THE PLANS SUBMITTED TO THE BOARD, WITH SAID APPROVAL EXPIRING ON JULY 9, 2010, IF NOT ACTED UPON."**

CARRIED.

Agate Lane
Stone wall
(retaining wall)

Applicant: Al and Connie Leyenhorst
Property: 5185 Agate Lane
Variance: Height relaxation from 0.6 m to 1.52 m

The Notice of Meeting was read and the applicants' letter received. A letter outlining concerns was received from Bill and Pat Silvester, 5183 Agate Lane.

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

- Brad Cunim, BCLS, confirmed in writing that the new fence will be within the boundaries of the parcel and the height will not exceed 1.5 m (5 feet) above finished grade, or the current natural grade, whichever is the lowest.
- The neighbour's wall is a similar design and with the ivy growing on top is about 5' 9" high.
- The wall will be a simple cement structure about 8" thick, located inside the existing rock wall which acts as a buffer for the undertow from the ocean.
- The landscaping will be natural and in keeping with the slope of the land.
- The existing gate and steps will stay to provide beach access.

The Board noted it would have been helpful to have a cross section sketch of the wall.

In Favour: **Nil**
 In Opposition: **Nil**
 MOTION: **MOVED BY MR. CHARANIA AND SECONDED BY MR. PARKER: "THAT A VARIANCE BE GRANTED TO RELAX THE HEIGHT OF THE STONE FENCE (RETAINING WALL) FROM 0.6 M TO 1.52 M, ON LOT 25, SECTION 31, PLAN 799, 5185 AGATE LANE, IN ACCORDANCE WITH THE PLANS SUBMITTED, WITH SAID VARIANCE EXPIRING ON JULY 9, 2010, IF NOT ACTED UPON."**

Board discussion noted:

- No proper plans were submitted and some members did not want to approve something they couldn't see.
- The applicant has described the type of wall to be built and confirmed it will tie in with the existing wall on the south side.

**The Motion was Put and Carried,
 With Ms. Jones voting against.**

Arbutus Road
 Accessory bldg. **Applicant: John and Fiona Crisp**
 Property: 2619 Arbutus Road
 Variance: Interior Side Lot Line from 1.5 m to 0.23 m

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

Applicant: Mr. and Mrs. Crisp, owners and applicants, were present in support. Mr. Crisp submitted correspondence from the Land Surveyor verifying the position of the building, and stated:

- The survey indicates the building is 0.3 m from the lot line, which is less than originally thought.
- The shed was built without permit, he thought he didn't need one for a small shed, but it was slightly over the allowable size.
- The actual property line is just outside the fence, and the overhang of the shed roof is right on top of the fence, so there is zero encroachment.

On the other side of the fence is a deep cedar hedge, at least 2' wide, which screens the church parking lot.

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

MOTION: **MOVED BY MR. CHARANIA AND SECONDED BY MS. JONES: "THAT A VARIANCE BE GRANTED TO RELAX THE INTERIOR SIDE LOT LINE FROM 1.5 M TO 0.23 M, FURTHER TO THE RETENTION OF AN EXISTING GARDEN SHED ON LOT 6, SECTION 44, PLAN 12516, 2619 ARBUTUS ROAD, IN ACCORDANCE WITH THE PLANS SUBMITTED."**

CARRIED.

La Salle Street
 Lawn Bowling
 Club addition

Mr. Charania left the room due a conflict of interest with this application.

Applicant: Lake Hill Lawn Bowling Club
Property: 3930 La Salle Street
Variance: Rear Lot Line from 10 m to 0.6 m

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

NOTE: Previous variance relaxing the rear lot line to 0.53 m was granted November 14, 2007.

Applicant: Mr. Roger Vale, Lake Hill Lawn Bowling Club, and Becky Goodall, Saanich Parks, were present in support. Mr. Vale stated the addition will now be further away from the property line and a minimal change was made to the plans, which is the reason they had to come back to the Board for further approval.

In Favour: Nil

In Opposition: Nil

MOTION: **MOVED BY MR. PARKER AND SECONDED BY MS. JONES: “THAT A VARIANCE BE GRANTED TO RELAX THE REAR LOT LINE FROM 10 M TO 0.6 M, FURTHER TO THE CONSTRUCTION OF AN ADDITION TO THE LAWN BOWLING CLUBHOUSE ON LOT A, SECTION 32, VICTORIA DISTRICT, PLAN VIP 74346, 3930 LA SALLE STREET, IN ACCORDANCE WITH THE PLANS SUBMITTED, WITH SAID APPROVAL EXPIRING ON JULY 9, 2010, IF NOT ACTED UPON.”**
CARRIED.

Mr. Charania returned to the meeting.

Sea View Road
Repair and
Reconstruction –
Sea walls/boat
Ramp and boat
House etc.

Applicant: Michelle Isherwood
Property: 2871 Sea View Road
Variance: Permission to allow structures to be constructed below natural boundary of the ocean (sea wall, stairs, handrails, boat ramp)
Permission to allow the boat house to be relocated, having a height of 4.3 m

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

Applicant: Mr. and Mrs. Isherwood, owners and applicants, together with Aidan Small, landscape architect and Peter Lawton, contractor, were present in support. Mr. Small stated:

- The owners are undertaking various shoreline restoration works, returning parts of it to its natural state, removing some existing features, such as the tidal pool and the stairs. They still want to enjoy the shoreline and be able to launch their boat; the existing boat ramp and boat shed will be rebuilt and relocated.
- Modifications by the previous owner have not fared well against the elements and are hazardous in some areas.
- A marine consultant has been hired to assess the shoreline and consider in particular the removal of the saltwater tidal pool, reclaiming the area as a natural beach which could be accessed by the public and kayakers. This work is not part of the variances being requested.
- The existing boat ramp is in poor condition and the first variance relates to its replacement; the consultant supports this proposal and approval has been received from the Department of Fisheries and Oceans.
- The second variance is the reconstruction and relocation of the boat house. It will be 25’ x 12’ and built into the embankment so a major portion of the

structure will be out of sight. A height variance is needed because it is within 7.5 m of the natural boundary of the ocean.

- Originally they were planning a flat roof of the shed, with guard rails, and using the roof as a viewing area. The applicants have withdrawn this proposal because they recognized it would be difficult to identify “hardship”.
- Instead, vegetation will be planted on the roof to prevent access, and the height will be lowered from the originally requested 4.3 m to 3.7 m.
- The third variance relates to reconstruction and relocation of a seawall, shown as item 6 on the site plan. It will be moved forward 2’ towards the ocean. Currently 5’ high, it will be lowered to an average height of 1.27 m.
- The final variance relates to the handrails on the stairs: there are at least four sets of stairs from the upper garden to the beach and they are unsafe.
- The four sets of stairs will be reduced to two.
- If they find during the construction that other walls need repair, this will be done but will be within the 1.9’ height required by the bylaw.

Mrs. Isherwood stated:

- She has invited her neighbours to the site to explain the proposed works and they are all very excited about the restoration.
- They are on a tight time line because they would prefer to do the work from the land due to cost considerations; DFO has advised the works have to be completed by September 15 due to the tides and the marine environment.
- By next summer, the house will be completed and they will be unable to get the necessary equipment down to the shore; they will have to use a barge and access from the water, which will be very expensive.

Mr. Small submitted a summary of the works to be carried out, and outlined the requested variances.

In Favour: Nil
In Opposition: Nil

MOTION

The Planner stated due to the complexity of this application and the fact that it is contrary to the Local Area Plan with respect to building structures below the natural boundary of the ocean, the matter should be dealt with by the Planning Department through a Development Variance Permit. If the timeline was so important, the application should have been submitted months ago.

The Board members noted that the reigning authority in this matter is the Department of Fisheries and Oceans, and they have given approval. The applicant has hired a marine consultant and presented excellent, detailed plans and a well-researched proposal. The work they are proposing will be less intrusive and an improvement to the shoreline than what presently exists.

MOVED BY MS. JONES AND SECONDED BY MR. CHARANIA: “THAT A VARIANCE BE GRANTED TO ALLOW FOR THE REPAIR AND RECONSTRUCTION OF SEA WALLS, STAIRS AND HAND RAILINGS, A BOAT RAMP AND A BOAT SHED, ON LOT SW1, SECTION 44, VICTORIA DISTRICT, PLAN 3411, 2871 SEA VIEW ROAD, AS FOLLOWS:

1. REPLACEMENT AND REALIGNMENT OF THE BOAT RAMP AND OTHER STRUCTURES BELOW THE NATURAL BOUNDARY OF THE OCEAN.

2. CONSTRUCTION OF A BOAT SHED HAVING A HEIGHT OF 3.7 M, IN ACCORDANCE WITH THE PLANS SUBMITTED, WITH SAID APPROVAL EXPIRING ON JULY 9, 2010 IF NOT ACTED UPON.”

Although the hand railings on the stairs and parts of the sea wall to be reconstructed were over the permitted 0.6 m in height, as noted on the plans, they do not exceed the approved height variance of 3.7 m for the boat shed, and therefore additional height variances are not required.

The Motion was then Put and Carried.

McKenzie Ave
Deck/stair
access

Applicant: Don Patterson (on behalf of Marion Allan)
Property: 1670/72 McKenzie Avenue
Variance: Rear lot line from 10.5 m to 9.22 m
Interior side lot line from 3 m to 2.4 m
Combined interior side yards to 4.69 m

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

Applicant: Mrs. Allan, owner and Mr. Patterson, applicant and contractor, were present in support of the application. Mr. Patterson stated there is currently no fire access from the home. Mrs. Allan has lived here since 1989 and is not as mobile as she used to be and needs the assurance of a secondary access from the rear of the house.

In Favour: Nil

In Opposition: Nil

MOTION: **MOVED BY MR. CHARANIA AND SECONDED BY MR. PARKER: “THAT A VARIANCE BE GRANTED TO RELAX THE REAR YARD SETBACK FROM 10.5 M TO 9.22, THE INTERIOR SIDE YARD FROM 3 M TO 2.4 M, AND THE COMBINED INTERIOR SIDE YARD TO BE 4.69 M, FURTHER TO THE CONSTRUCTION OF A SECONDARY ACCESS, DECK AND STAIRS ON LOT 2, SECTION 57, STRATA PLAN 1458, 1670/72 MCKENZIE AVENUE, IN ACCORDANCE WITH THE PLANS SUBMITTED, WITH SAID VARIANCE EXPIRING ON JULY 9, 2010 IF NOT ACTED UPON.”**

CARRIED.

Sparton Road
Addition

Applicant: Nigel Banks Design (on behalf of C. and J. Simonyi)
Property: 370 Sparton Road
Variance: Single Face Height from 7.5m to 8.43 m

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

Applicant: Nigel Banks, designer, Christina Williams and J. Simonyi, owners, were present in support. They had nothing to add to their application.

In Favour: Nil

In Opposition: Nil

MOTION: **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 8.43 M, FURTHER TO THE CONSTRUCTION OF AN ADDITION TO THE HOUSE ON LOT 1, SECTION 70, LAKE DISTRICT, PLAN VIP 55948, IN ACCORDANCE WITH THE PLANS SUBMITTED TO THE BOARD, WITH SAID APPROVAL EXPIRING ON JULY 9, 2010 IF NOT ACTED UPON.”**

CARRIED.

Totem Lane
Deck enclosure

Applicant: Nigel Banks (on behalf of Monita and Michael Boyle)
Property: 1106 Totem Lane
Variance: Rear yard setback from 10.5 m to 8.8 m

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

Applicant: Nigel Banks, designer and applicant was present in support of the application. He noted a previous variance was granted in 1991 to 8.8 m for a deck and now the owners wish to enclose this space. The neighbours have no objections. The addition will not affect the allowable floor space in non-basement areas.

In Favour: Nil
In Opposition: Nil

MOTION: **MOVED BY MR. CHARANIA AND SECONDED BY MS. JONES: “THAT A VARIANCE BE GRANTED TO RELAX THE REAR YARD SETBACK FROM 10.5 M TO 8.8 M, FURTHER TO THE ENCLOSURE OF AN EXISTING DECK ON LOT 3, SECTION 28, LAKE DISTRICT, PLAN 49813, 1106 TOTEM LANE, IN ACCORDANCE WITH THE PLANS SUBMITTED, WITH SAID APPROVAL EXPIRING ON JULY 9, 2010 IF NOT ACTED UPON.”**

CARRIED.

Adjournment: On a Motion from Ms. Jones, the meeting adjourned AT 10:49 p.m.

Peter Weinrich, Chair

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

Recording Secretary