

MINUTES
SPECIAL BOARD OF VARIANCE MEETING
COMMITTEE ROOM NO.1,
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE,
TUESDAY, JUNE 17, 2008, AT 2:00 PM

Members: Mr. Weinrich in the Chair; Mr. Bartlett; and Mr. Charania.
Staff: Mr. Jackson, Building Inspector; Mrs. Hoffmann, Sr. Committee Clerk.

Agate Lane
New house

Applicant: AI and Concetta Leyenhorst
Property: 5185 Agate Lane
Variance: no new variance – Board review of amended plans only

Note: The application was originally considered on March 12, 2008. A variance was granted to relax the rear setback from 12 m to 9 m; a variance to the non-basement area was rejected and the applicant has subsequently revised the plans approved by the Board on March 12. There are no additional variances requested with this application.

A letter in opposition was received from Mr. Karl Doetsch on behalf of Strata 3220.

Applicant: Mr. and Mrs. Leyenhorst, owners and applicants, were present in support. In response to questions from the Board, they stated:

- Regardless of the comments in Mr. Doetsch's letter about the structure being over the allowable square footage, they feel the application is in compliance with the RS-18 zoning. The numbers have been confirmed by their designer.
- Mr. Doetsch has included the accessory building and the garage in his calculations; these are exempted from the allowable square footage.
- When their original application to have an extra 744 square feet included within the non-basement area was rejected, they revised their plans and eliminated the upper portion of the garage entirely.
- They feel the revised structure, with a roof 12' lower, is more appropriate rather than leaving the space over the garage available for future development.
- They could have left the plans as originally submitted but changed them because of concerns expressed by the neighbours.
- The 522 sq.ft. detached accessory building will be used as a garage/workshop and storage area.
- There is a sink in the building, but no other plumbing fixtures.

In Opposition: Mr. Karl Doetsch, on behalf of Strata 3220, stated:

- Their objection is of a technical nature regarding the definition of the gross floor area (GFA) in the Zoning Bylaw.
 - It is their contention that the total floor area of the structure exceeds the allowable square footage for an RS-18 zone.
 - Unless the definition of GFA has changed, they see no reason why this particular building should be approved as is because it exceeds the bylaw regulations.
 - By his calculations, the total GFA, including the proposed accessory
-

building and garage is 6,005 sq.ft. This doesn't include the existing carport on the property, which is 163 sq.ft.

The applicants confirmed that the existing accessory building, which is more of a structure than a carport, will be removed.

Considerable discussion ensued regarding the definition of GFA, with the Board and the Building Inspector confirming calculations based on the drawings submitted.

- Aside from comments from the Building Inspector that this particular section of the Zoning Bylaw needs clarification from the Solicitor, he noted that Saanich has consistently included only the principal dwelling in the GFA calculations; accessory structures are not included.
- Accessory buildings are regulated in other ways – including lot coverage.
- The Board members were satisfied that the GFA of the new house was within the limits allowed by the bylaw, having a total of 5027 sq. ft. The RS-18 zone permits 5046 sq.ft.
- Noted that 538 sq.ft. is generally allowed for a garage; the proposed detached garage is 16 sq.ft. over that allotment. Even if this were added to the 5027 sq.ft. for the house, it would still meet the guidelines.

Mr. Doetsch maintained that schedule 295.3 of the bylaw does not redefine the definition of GFA; it just states a limit for the garage area. He felt the bylaw was very clear on its definition of GFA.

The Board noted that it has to rule in a consistent way based on its understanding of the intent of the bylaw and as applied to past decisions. In the past there have been applications where the living space has been maximized and there are accessory buildings in addition to this.

In Favour: Nil

MOTION **MOVED BY MR. CHARANIA AND SECONDED BY MR. BARTLETT: "TTHAT THE REVISED PLANS DATED MAY 28, 2008 BE ACCEPTED AS SUBMITTED TO THE BOARD."**

CARRIED.

It was recommended that Mr. Doetsch's letter be referred to the Municipal Solicitor for comment and clarification with respect to the interpretation of the definition of gross floor area in the Zoning Bylaw.

Adjournment: On a Motion from Mr. Bartlett, the meeting adjourned at 2:35 p.m.

Peter Weinrich, Chair

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

Recording Secretary