

MINUTES
BOARD OF VARIANCE MEETING
COMMITTEE ROOM NO.2,
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE,
WEDNESDAY, MARCH 12, 2008, AT 7:00 PM

Members: Mr. Weinrich; 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 February 13, 2008 be adopted as amended."

Carried.

Holland Ave
Addition

APPLICATION OF REMI AND DOMINIQUE BANDET FOR PERMISSION TO BUILD ADDITIONAL ACCOMMODATION ON THE LOWER FLOOR OF AN EXISTING NON-CONFORMING DUPLEX AT 4126/4128 HOLLAND AVENUE (LOT 10, SECTION 13, LAKE DISTRICT, PLAN 11030), AND A REQUEST FOR THE BOARD TO RULE ON SECTION 911(5) OF THE LOCAL GOVERNMENT ACT. Note: this application was tabled at the December 12, 2007 meeting. Moved by Mr. Charania and Seconded by Mr. Bartlett: "That the application be lifted from the table."

Carried.

Applicant: Remi and Dominique Bandet, owners and applicants were present. In response to questions, they advised:

- 4126 Holland Avenue has a legal in-law suite and three kitchens.
- The property has been purchased with their parents, who intend to retire to Victoria and live in the house.
- The intent is to connect the spaces within 4126 so it is one unit, rather than three separate units, which presently exists.
- The tenant in the other half of the duplex will remain. There is no suite in this half, only one kitchen; the basement area is for storage only with no access to the upper floor.

The Building Inspector confirmed the bylaw does not permit rooms for family members in a duplex; but this is a non-conforming duplex in an "A" zone. Regulations for agricultural zoning do not pose an issue regarding kitchens. The matter has been discussed with the Solicitor.

In Favour: Nil
In Opposition: Nil
MOTION:

MOVED BY MR. CHARANIA AND SECONDED BY MS. JONES: "THAT A VARIANCE BE GRANTED TO ALLOW ADDITIONAL ACCOMMODATION TO BE BUILT ON THE LOWER FLOOR OF THE EXISTING NON-CONFORMING DUPLEX AT 4126/4128 HOLLAND AVENUE, (LOT 10, SECTION 13, LAKE DISTRICT, PLAN 11030) RELAXING SECTION 911(5) OF THE LOCAL GOVERNMENT ACT."

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.

Note: This application was tabled at the February 13, 2008 meeting.

Moved by Ms. Jones and Seconded by Mr. Charania: "That the application be lifted from the table."

Carried.

Applicant: Mr. Ming Hung Chen, and his son Yuan Hung Chen, were present. The Building Inspector presented a chronology of the events according to the file. In response to questions, Mr. Chen Jr. stated:

- The roof was damaged after a winter storm last year and the new dormers added, without applying for a permit.
- After a complaint was registered, a building inspector issued a stop work order and advised they had to apply to the Board.
- A designer prepared the plans and a permit application was made.
- His father is new to Canada and doesn't understand the language or the bylaws; his father completed the construction and electrical work.
- An engineer has advised the floor on the upper level needs to be reinforced.

Discussion ensued regarding liability issues and the fact that all the work was constructed without permit and/or inspections and there could be serious violations of the BC Building Code. Some of the construction will have to be removed so a proper inspection can be completed.

In Opposition: Nil
In Favour: 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 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, IN ACCORDANCE WITH THE PLANS SUBMITTED TO THE BOARD."**

Discussion noted the bylaw section regarding single face height is now being interpreted at 7.5 m rather than 6.5, therefore the only variance required in this case is the overall height from 6.5 m to 6.8m. Noted if the dormers were steeper a variance would not be required.

CARRIED,

With Mr. Parker and Mr. Bartlett voting against.

South Valley Dr
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 SAVANNAH AVENUE.

Note: This application was tabled at the February 13, 2008 meeting.

Moved by Mr. Charania and Seconded by Mr. Bartlett: "That the application be lifted from the table."

Carried.

- Applicant: Mr. G. Myers, owner and applicant, and Mr. Wil Pereboom, Victoria Design, were present. In response to questions, they stated:
- Saanich Parks staff requested removal of the Maple trees as they were dying. A fence with a lattice screen will be used for privacy.
 - The lot is unique in the way the property lines are determined, providing almost no back yard; also this is an RS-10 property covenanted to an RS-8 floor space ratio.
 - The main floor meets all requirements and is a modest 1800 sq.ft.
 - Because of the grades, fill has been added to make the lower floor half crawl space and half basement.
 - The house cannot be put lower into the ground due to driveway slope requirements.
 - Because of the steep slope and limited access to the rear yard, they are proposing a deck connected to the main floor; it is not feasible to have a ground level patio as it would be 14' below the main floor.
 - He acknowledged design of a new house on an empty lot should take the lot constraints into consideration; however, the covenant and the 7.5 m side lot line from Wilkinson Road were not disclosed to the owner by the realtor or the lawyer. This is the hardship.
 - The house was originally designed without knowing these factors and the owner wants to have some privacy from Wilkinson Road.

In Favour: Nil
 In Opposition: Nil

MOTION: **MOVED BY MS. JONES AND SECONDED BY MR. BARTLETT: "THAT A VARIANCE BE GRANTED TO RELAX 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 SAVANNAH AVENUE, IN ACCORDANCE WITH THE PLANS SUBMITTED TO THE BOARD, WITH SAID APPROVAL EXPIRING ON MARCH 12, 2010, IF NOT ACTED UPON."**

CARRIED.

Cadboro Bay Rd
 Replacement
 deck &
 alterations

APPLICATION OF DAVID STRASSER FOR THE FOLLOWING VARIANCES:

- a) the interior side setback from 1.5 m to 1.15 m, the rear yard setback from 7.5 m to 6 m, and the combined side yard setback from 4.5 m to 2.55 m, further the reconstruction of a previously existing deck on the northwest corner of the property;
- b) for structural alterations on the main floor of the house, relaxing the allowable floor space in non-basement areas from 80% to 88%,
- c) for a Board ruling on Section 911(5) of the Local Government Act to allow for interior structural alterations to the main floor of the house on Lot 2, Section 44, Plan 28736, 3905A Cadboro Bay Road.

Note: This application was tabled at the September 12, 2007 meeting.

Moved by Mr. Charania and Seconded by Ms. Jones: "That the application be lifted from the table."

Carried.

The Notice was read as the variances are slightly different from the September 12, 2007 application. A letter in opposition was received from Virginia Youens and Kirk Homis of 3860 Seacroft Place.

Applicant: David Strasser and Kate Waggoner, owners and applicants, were present in support of the application, together with their architect, Mr. John Kaye. In response to questions, Mr. Strasser stated:

- The measurements for the deck are taken to the structural posts.
- The east side of the house is closer to the property line than the deck, which is located at 1.4 m.
- He is not adding any interior space but simply deconstructing the previous suites inside the house to make it a single family home and his principal residence.
- The current tenant will be moving out in April.
- He has done no work since the stop work order was issued.
- There are no tenants in the two accessory buildings; the statements in the neighbours' letter are false. He has not been told by Saanich to remove the buildings – just the tenants.
- The hot tub was pre-paid and the electrical and plumbing connections completed prior to the stop work order being issued; as the company does not provide storage, the tub was delivered and installed. It is not part of the stop work order. Comments in the neighbours' letter are inaccurate.
- The two accessory buildings will be altered to be in compliance with the bylaws. He understands that all existing plumbing and electrical work has been done by permit. He understands the buildings cannot be occupied as dwellings.

Mr. Kaye confirmed:

- The previous application included dormer windows which affected the height; these have been removed. Although the existing house is over height, no changes are being made and therefore it does not require a variance.

In Favour: Mr. and Mrs. Hayden, 3905B Cadboro Bay Road, previous owners of the subject property who now live next door, stated Mr. Strasser's work has done nothing but enhance the property. His views are unaffected.

In Opposition: Ms. Youens and Mr. Homis, 3860 Seacroft Place were in opposition; they had submitted a letter and had no further comments to make.

MOTION: **MOVED BY MS. JONES AND SECONDED BY MR. PARKER: "THAT A VARIANCE BE GRANTED TO RELAX THE INTERIOR SIDE SETBACK FROM 1.5 M TO 1.15 M, THE REAR YARD SETBACK FROM 7.5 M TO 6 M, AND THE COMBINED SIDE YARD SETBACK FROM 4.5 M TO 2.55 M, FURTHER TO THE RECONSTRUCTION OF A PREVIOUSLY EXISTING DECK ON THE NORTHWEST CORNER OF THE PROPERTY ON LOT 2, SECTION 44, PLAN 286736, 3905A CADBORO BAY ROAD, IN ACCORDANCE WITH THE PLANS SUBMITTED, WITH SAID VARIANCE EXPIRING ON MARCH 12, 2010, IF NOT ACTED UPON."**

Discussion ensued, noting the following:

- The neighbours' comments about views were questioned as she previously thanked the applicants for doing some clearing to open up the views.
- The applicant is doing the right things for the right reasons but has made some wrong assumptions.
- He has hired a new architect/contractor and after April will have no more tenants.
- House is closer to the north side lot line than the deck, which is noted at 1.4 m. This is an issue and could need a variance.
- All deck construction was done without a permit and there is no hardship.

The Motion was put and REJECTED

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

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 88% AND FURTHER THAT THE BOARD RULE IN FAVOUR OF SECTION 911(5) OF THE LOCAL GOVERNMENT ACT TO ALLOW INTERIOR STRUCTURAL ALTERATIONS TO THE MAIN FLOOR OF THE EXISTING NON-CONFORMING STRUCTURE, ON LOT 2, SECTION 44, PLAN 286736, 3905A CADBORO BAY ROAD, IN ACCORDANCE WITH THE PLANS SUBMITTED, WITH SAID VARIANCE EXPIRING ON MARCH 12, 2010 IF NOT ACTED UPON."

**CARRIED,
with Mr. Bartlett voting against.**

Leslie Drive
Retention of
Accessory bldg.

APPLICATION OF CARL AND SHANNON WILKINSON FOR RELAXATION OF THE SIDE YARD SETBACK FROM 1.5 M TO 0.76 M, THE REAR YARD SETBACK FROM 7.5 M TO 3.35 M, FURTHER TO THE RETENTION OF AN EXISTING ACCESSORY BUILDING ON LOT 2, SECTION 33, VICTORIA DISTRICT, PLAN 19902, 824 LESLIE DRIVE.

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

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

In Favour: Nil

In Opposition: Nil

MOTION: **MOVED BY MR. BARTLETT AND SECONDED BY MR. PARKER: "THAT A VARIANCE BE GRANTED TO RELAX THE SIDE YARD SETBACK FROM 1.5 M TO 0.76 M, THE REAR YARD SETBACK FROM 7.5 M TO 3.35 M, FURTHER TO THE RETENTION OF AN EXISTING ACCESSORY BUILDING ON LOT 2, SECTION 33, VICTORIA DISTRICT, PLAN 19902, 824 LESLIE DRIVE, IN ACCORDANCE WITH THE PLANS SUBMITTED TO THE BOARD, WITH SAID APPROVAL EXPIRING ON MARCH 12, 2010 IF NOT ACTED UPON."**

CARRIED.

Agate Lane
New House

APPLICATION OF AL AND CONCETTA LEYENHORST FOR RELAXATION OF THE REAR LOT LINE FROM 12 M TO 0.76 M AND THE ALLOWABLE FLOOR SPACE IN NON-BASEMENT AREAS FROM 75% TO 85%, FURTHER TO THE CONSTRUCTION OF A NEW HOME ON LOT 25, SECTION 31, LAKE DISTRICT, PLAN 799, 5185 AGATE LANE.

The Notice of Meeting was read and the applicants' letter received. Letters in opposition were received from Mr. Irvine Rogers on behalf of his father who lives at 5181 Cordova Bay Road; Mr. and Mrs. Silvester, 5183 Agate Lane; Mr. Karl Doetsch, 9-5187 Cordova Bay Road; Mr. Tony Hines, 8-5187 Cordova Bay Road; Mr. John Bouck, 13-5187 Cordova Bay Road.

Applicant: Mr. and Mrs. Leyenhorst, owners and applicants, were present in support of the application together with their designer, Gordon Burge.

Mr. Leyenhorst stated:

- After discussions with Mr. Cunim, BCLS, he has decided it would be more feasible to have a 9 m rear setback, rather than the 7.5 m requested.
- The increased setback will coincide with the development to the north and the single family home to the south which both have 9 m setbacks.
- Moving the house will not affect the second variance to the non-basement area.
- He is 700 square feet over the allowable area, 600 sq.ft. of that is for a recreation room above the garage.

In Opposition: Mr. Doetsch, 9-5187 Cordova Bay Road, on behalf of the Strata Council, stated:

- All the units to the north will be affected by the new building, and two units in particular.
- The proposed two storeys at the rear setback will have an impact on ocean views compared to the previous single storey construction.
- It is acknowledged height is not an issue according to the bylaw.
- Having a building of almost 30' in length to include additional floor space in non-basement areas is not acceptable.
- As an individual homeowner, he is affected by the length of the house as his view will be affected.

Mr. Leyenhorst confirmed that if the variance to the non-basement was rejected, the size of the house would not change; it would only mean that the interior space above the garage, within the roof line, could not be used as living space.

Mr. Doetsch challenged this statement and maintained by his calculations the footprint would change.

Mr. Hines, 8-5187 Cordova Bay Road stated he purchased his home 10 years ago and has five view windows, which is why he bought the house. These views would be obliterated by the proposed construction.

Mr. Leyenhorst stated unit 8 is 25' higher and unit 9 is 12' higher than his property. There are 21' high trees along the boundary within 3 m of the current setback.

In Favour: Mr. Dan Parker, 4838 Lochside Drive, stated:

- People get used to having use of space that is not necessarily theirs.

- The applicants have agreed to move the house back to 9 m and it is below the height requirements.
- Due to a high water table, it is not possible to build the house lower and in order to justify the property value and have a viable living space, you have to go up.
- There will be other transition changes in the neighbourhood and hopefully with cooperation from both sides concerns can be addressed.
- The further back the house is moved from the water, the more impact it will have on ocean views for the townhouses.
- The variance to the non-basement area above the garage is a red herring as the footprint won't change; the neighbours have provided no positive feedback and emotions are running high.

In Opposition:

Mr. Silvester, 5183 Agate Lane, stated:

- Increasing the rear yard setback to 9 m will not change anything as far as he is concerned. The further back the house is the better.
- He doesn't see the hardship; it is a new house and should comply with the bylaw.
- He has a basement 6' below ground level and has never had drainage issues.

Mr. Leyenhurst stated:

- The current 7.5 m setback was granted in 1974 for a one storey structure; because of the siting of the dwellings on either side, if he were to site his home at 12 m he would be in a pocket and lose all visibility to the north and south.
- The hardship for the non-basement area variance is due to not being able to have a basement because of the high water table.
- They were originally intending to renovate the existing house until the found out the foundation was unsafe.

MOTION:

MOVED BY MR. CHARANIA AND SECONDED BY MS. JONES: "THAT A VARIANCE BE GRANTED TO RELAX THE REAR LOT LINE FROM 12 M TO 9 M FURTHER TO THE CONSTRUCTION OF A NEW HOME ON LOT 25, SECTION 31, LAKE DISTRICT, PLAN 799, 5185 AGATE LANE, IN ACCORDANCE WITH THE PLANS SUBMITTED, WITH SAID VARIANCE EXPIRING ON MARCH 12, 2010, IF NOT ACTED UPON."

CARRIED

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 75% TO 86.05% FURTHER TO THE CONSTRUCTION OF A NEW HOUSE ON LOT 25, SECTION 31, LAKE DISTRICT, PLAN 799, 5185 AGATE LANE, IN ACCORDANCE WITH THE PLANS SUBMITTED, WITH SAID VARIANCE EXPIRING ON MARCH 12, 2010, IF NOT ACTED UPON."

Discussion ensued:

- Some members had difficulty with the hardship for the extra space.
- The variance will impact the neighbours.
- There are no physical constraints on the site to support this variance.

Applicant: Mr. Tal Bachman, owner and applicant, was present in support of the application.

The Building Inspector noted there may be some Building Code issues regarding the construction. The applicant stated he is aware of this.

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 LOT LINE FROM 1.5 M TO .48 M, AND RELAXATION OF THE OVERALL BUILDING HEIGHT FROM 3.75 M TO 4.38 M, FURTHER TO THE RETENTION OF AN EXISTING TREE HOUSE ON LOT 4, SECTION 44, BLOCK 6, VICTORIA DISTRICT, PLAN 1543, 2451 SUTTON ROAD, IN ACCORDANCE WITH THE PLANS SUBMITTED TO THE BOARD.”**

CARRIED.

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Ms. Jones returned to the meeting
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Amblewood Dr
addition

APPLICATION OF KEITH BAKER DESIGN ON BEHALF OF RAY AND MARILYN COPEs FOR RELAXATION OF THE OVERALL HEIGHT REQUIREMENTS FROM 6.5 M TO 6.9 AND THE SINGLE FACE HEIGHT FROM 7.5 TO 7.6 M, FURTHER TO THE CONSTRUCTION OF AN ADDITION TO THE HOUSE ON LOT 9, SECTION 8, LAKE DISTRICT, PLAN 21798, 4669 AMBLEWOOD DRIVE.

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

Applicant: Mr. Keith Baker, applicant and designer, together with the owner, Mrs. Copes, was present in support of the application. A letter was submitted in support from neighbours at 4665 Amblewood, 4659 Deerwood and 4670 Deerwood.

Mr. Baker stated:

- He assumes the house was first built, it was a legal conforming structure but with minor changes to the natural grade over the years the house is now considered legal non-conforming.
- The addition is for a garage with main floor living space on top.
- The owners have spoken to the Broadmead Covenant Society.

The Board noted the Surveyor’s certificate shows the single face height from 7.5 to 7.6 and yet this variance is for a flat roofed house. The Building Inspector explained that this interpretation of the bylaw has recently come to light whereby the single face height is now calculated from 7.5 m. In the past we have used 6.5 for a flat roof height – but this now only applies to overall height.

In Favour: Nil

In Opposition: Nil

MOTION: **MOVED BY MS. JONES AND SECONDED BY MR. CHARANIA: “THAT A**

VARIANCE BE GRANTED TO RELAX THE **OVERALL HEIGHT REQUIREMENTS FROM 6.5 M TO 6.9 AND THE SINGLE FACE HEIGHT FROM 7.5 TO 7.6 M, FURTHER TO THE CONSTRUCTION OF AN ADDITION TO THE HOUSE ON LOT 9, SECTION 8, LAKE DISTRICT, PLAN 21798, 4669 AMBLEWOOD DRIVE, IN ACCORDANCE WITH THE PLANS SUBMITTED TO THE BOARD, WITH SAID VARIANCE EXPIRING ON MARCH 12, 2010, IF NOT ACTED UPON.**"

CARRIED.

Miramar Drive
Fence height

APPLICATION OF MYRNA AND GODREY WESTMORELAND FOR RELAXATION OF THE FENCE HEIGHT REQUIREMENTS FROM 1.9 M TO 2.8 M FURTHER TO THE RETENTION OF AN EXISTING FENCE ON LOT 2, SECTIO 24, LAKE DISTRICT, PLAN 10523, 1243 MIRAMAR DRIVE.

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

Applicants:

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

- Their neighbours, Steve and MaryAnn Rados operate a business from their property next door and have many vehicles coming and going, including large garbage, dump and delivery trucks every week.
- There are constant smells from chemicals used in their business.
- They were unsure of the exact zoning of their property but noted they border on the Agricultural Land Reserve and felt their property was zoned either A-1 or a residential zone. *(Later confirmed it is A-1)*

The Westmorelands were advised that Saanich has bylaws and regulations regarding home-based businesses but staff only act on a complaint basis. It was suggested if they have a complaint they direct it to the Bylaw Enforcement officers.

Note: After the applicants left the meeting, it was discovered that the neighbours, Mr. and Mrs. Rados were waiting in the lobby area and had not had an opportunity to speak at the hearing. The applicants were invited back along with Mr. and Mrs. Rados and the hearing was reopened.

In Favour:

Nil

In Opposition:

Mr. and Mrs. Rados, 1251 Miramar Drive were opposed to the fence. Mrs. Rados stated:

- She objects to the height of the fence, which doesn't even look like a real fence; it is an eyesore and constructed with illegal beach wood.
- She has had numerous issues with her neighbours over the years, including the illegal removal of trees from their backyard to build a swimming pool which was done without permit.
- The fence is not aesthetically pleasing from her side and should be brought down to the allowable height.
- She noted that illegal structures are often allowed to remain standing in Saanich due to lack of enforcement.
- In response to comments from the Board about trucking activities on their property, she stated that BFI comes once or twice a month but the allegations of constant traffic up and down her driveway is fictitious.
- Her neighbours have large trucks parked on the street blocking traffic.

The Chair advised that if the fence is not approved by the Board it will have to be removed.

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

Discussion ensued:

- The fence is inappropriate for a residential neighbourhood and the aesthetics are questionable.
- The neighbours should deal with bylaw complaints through appropriate channels.
- The fence was built many years ago and was not an issue until a legal battle ensued between the neighbours.
- No other neighbours are concerned about the fence.
- It seems like a pure harassment situation between neighbours.
- Saanich has a Swimming Pool Bylaw that requires a fence for safety reasons – but not 9' high.
- Can understand the applicants wanting privacy for their pool area and screening from the busy traffic area relating to the home based business next door.

The Building Inspector stated he will check to see if the pool is in violation of any bylaws and will ensure appropriate permits and rules are being followed.

**The Motion was Put and DEFEATED,
With Mr. Charania, Mr. Parker and Mr. Weinrich voting against.**

MOVED BY MR. CHARANIA AND SECONDED BY MR. PARKER: "THAT A VARIANCE BE GRANTED TO RELAX THE FENCE HEIGHT REQUIREMENTS FROM 1.9 M TO 2.8 M FURTHER TO THE RETENTION OF AN EXISTING FENCE ON LOT 2, SECTION 24, LAKE DISTRICT, PLAN 10523, 1243 MIRAMAR DRIVE, IN ACCORDANCE WITH THE PLANS SUBMITTED."

**CARRIED,
With Ms. Jones and Mr. Bartlett voting against.**

Mariposa Hgths
Addition

APPLICATION OF CLAYTON AND JOAN WARREN FOR RELAXATION OF THE ALLOWABLE FLOOR SPACE IN NON-BASEMENT AREAS FROM 80% TO 96.13%, FURTHER TO THE CONSTRUCTION OF AN ADDITION TO THE HOUSE ON LOT 1, SECTION 5, LAKE DISTRICT, PLAN 51291, 4136 MARIPOSA HEIGHTS.

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

Applicant: Mr. and Mrs. Warren, owners and applicants, were present in support of the application and had no additional comments to add.

The Board noted there could be a miscalculation of the percentage of non-basement area. The applicants could not confirm the calculations. Suggested that this matter be clarified with staff prior to issuance of the building permit.

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 96.13%, FURTHER TO THE CONSTRUCTION OF AN ADDITION TO THE HOUSE ON LOT 1, SECTION 5, LAKE DISTRICT, PLAN 51291, 4136 MARIPOSA HEIGHTS, IN ACCORDANCE WITH THE PLANS SUBMITTED TO THE BOARD, WITH SAID APPROVAL EXPIRING ON MARCH 12, 2010, IF NOT ACTED UPON."**

CARRIED

Bossi Place
New house

APPLICATION OF NIGEL BANKS DESIGN ON BEHALF OF STEPHEN BOWSER FOR RELAXATION OF THE OVERALL HEIGHT REQUIREMENTS FROM 7.5 M TO 9.3 M, THE SINGLE FACE HEIGHT REQUIREMENTS FROM 7.5 M TO 9.75 M, THE ALLOWABLE FLOOR SPACE IN NON-BASEMENT AREAS FROM 80% TO 100%, FURTHER TO THE CONSTRUCTION OF A NEW HOUSE ON LOT 6, SECTION 28, LAKE DISTRICT, PLAN VIP 789082, 716 BOSSI PLACE.

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

Applicant: Mr. Nigel Banks, applicant and designer, was present in support of the application together with the owners, Mr. and Mrs. Bowser. Mr. Banks stated:

- The lot is topographically challenged and is one of the last properties to be developed in the subdivision.
- He distributed photos that demonstrated some of the problems and showed the adjacent homes in the area.
- A 2003 GIS photos shows a sloped site with substantial tree coverage.
- Today, this is a large, open, graded property which has had significant grade manipulation through blasting, cutting, and excavation, with retaining walls and stacked rock work on adjacent properties.
- The street elevation is in keeping with other homes and it is sited as close to the existing grade as possible.
- It is a 1.5 storey, two bedroom, two bathroom home with small dormers added to take advantage of the view corridor.
- Landscaping will be done after the house is built to create outdoor space.
- He believed there would be limited shadowing by the house to adjacent properties although some homes in the area probably have reduced sunlight because they are on the west side of an east facing slope.
- The height variance for the accessory building is created by a significant dip in the property and only applies to one corner. The driveway grade will be about 5%.

In Favour: **Nil**

In Opposition: Mr. David Shell, 721 Bossi Place, stated:

- The street has a nice symmetry and he is concerned the character will be changed if this house is higher than the others and it may start a precedent.
- He doesn't understand the comment about "view corridors" – his house and his neighbours' house comply with the bylaw. Any "view corridors" look directly over his backyard and affect his privacy.

Mr. Derek Clarke, 749 Wesley Road, stated:

- He showed a photo of his backyard, noting his backyard is adjacent to the subject property on the west side.
- He looks up to this property and building the house in the centre of the lot as proposed will take away some of his visual area – but building the garage as proposed will take up all of his view.
- He is not concerned with sun and shadow in the winter months; the shadow effect will be different in the summer.
- He is disappointed his neighbours didn't approach him before he received the Notice from Saanich – it may have been helpful but he is open to finding a compromise.
- He questioned the meaning of "technically impossible" in the applicant's letter, and noted that sometimes you can't have it all.

Mrs. Collins, 749 Wesley Road, stated:

- The topography of the lot and all the lots on the west side are well suited for a walk-in basement and ill suited for having an accessory building at the back of the property. In this case, the property will have to be raised by 21' to reach the required driveway grade.

Discussion noted that a covenant on the property restricts the gross floor area and the non-basement areas. Only Council has the authority to amend the covenant.

Mr. Bowser stated:

- The view corridor is registered on title at the Land Titles Office and provides for a view behind the properties to the east.
- There have been significant issues with the property at 720 Bossi, including over-excavating on that property and his, and the situation still needs to be resolved with a geotechnical engineer to confirm the integrity of that side of the property. This will be a significant cost.

The Board agreed to consider the variances for the house and the garage separately and suggested it would be beneficial to get Council's ruling on the covenant before considering the variance for the height of the house.

MOTION:

MOVED BY MR. BARTLETT AND SECONDED BY MR.CHARANIA: "THAT THE VARIANCE TO RELAX THE OVERALL HEIGHT REQUIREMENTS FROM 7.5 M TO 8.6 M, AND THE SINGLE FACE HEIGHT REQUIREMENTS FROM 7.5 M TO 8 M, FURTHER TO THE CONSTRUCTION OF A NEW HOUSE ON LOT 6, SECTION 28, LAKE DISTRICT, PLAN VIP 789082, 716 BOSSI PLACE, BE TABLED PENDING A COUNCIL DECISION ON THE COVENANT REGARDING GROSS FLOOR SPACE AND NON-BASEMENT AREAS."

CARRIED.

MOVED BY MR. CHARANIA AND SECONDED BY MR. BARTLETT: "THAT THE VARIANCE TO RELAX THE ACCESSORY BUILDING HEIGHT FROM 3.75 M TO 6.5 M BE REJECTED."

CARRIED.

Carey Road
Deck addition

APPLICATION OF MELISSA AND CALE COPELAND FOR RELAXATION OF THE INTERIOR SIDE LOT LINE FROM 1.5 TO 38.71CM FURTHER TO THE

CONSTRUCTION OF A DECK ADDITION TO THE HOUSE ON LOT 2, SECTION 82, VICTORIA DISTRICT, PLAN 10530, 4087 CAREY ROAD.

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

Applicant: Mrs. Copeland, owner and applicant, was present in support of the application. She noted this was an inherited variance that came with the property.

In Favour: Mr. Henry Lo, 4091 Carey Road, stated:
- The deck and addition actually encroaches on to his property.
- Mr. Copeland has asked if he could purchase a portion of the property but he doesn't want to do that.
- He has told his neighbours that he doesn't mind if they use his lawn area but he doesn't want to sell any of this property.
- The previous owners built the addition and did not tell the Copelands about the encroachment.

In Opposition: Nil

MOTION: **MOVED BY MR. PARKER AND SECONDED BY MR. BARTLETT: "THAT A VARIANCE BE GRANTED TO RELAX THE INTERIOR SIDE LOT LINE FROM 1.5 TO 38.71CM FURTHER TO THE CONSTRUCTION OF A DECK ADDITION TO THE HOUSE ON LOT 2, SECTION 82, VICTORIA DISTRICT, PLAN 10530, 4087 CAREY ROAD, IN ACCORDANCE WITH THE PLANS SUBMITTED, WITH SAID VARIANCE EXPIRING ON MARCH 12, 2010, IF NOT ACTED UPON."**
CARRIED.

Hopesmore Rd
Deck addition

APPLICATION OF EILEEN R. ADAMS FOR RELAXATION OF THE REAR LOT LINE FROM 7.5 M TO 6.38 M, RESULTING IN A RELAXATION OF THE COMBINED FRONT AND REAR SETBACKS FROM 15 M TO 13.88 M, FURTHER TO THE CONSTRUCTION OF A DECK ADDITION TO THE HOUSE ON LOT 8, SECTION 55, VICTORIA DISTRICT, PLAN 33875, 4020 HOPESMORE ROAD.

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

Applicant: Mr. Barry Adams, owner and applicant, was present in support of the application, together with the designer, Murray McCarten.

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 6.38 M, RESULTING IN A RELAXATION OF THE COMBINED FRONT AND REAR SETBACKS FROM 15 M TO 13.88 M, FURTHER TO THE CONSTRUCTION OF A DECK ADDITION TO THE HOUSE ON LOT 8, SECTION 55, VICTORIA DISTRICT, PLAN 33875, 4020 HOPESMORE ROAD, IN ACCORDANCE WITH THE PLANS SUBMITTED, WITH SAID VARIANCE EXPIRING ON MARCH 12, 2010, IF NOT ACTED UPON."**
CARRIED.

Adjournment: On a Motion from Ms. Jones, the meeting adjourned at 11:30 p.m.

Peter Weinrich, Chair

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

Recording Secretary