

SUBJECT TO ADOPTION

DISTRICT OF NORTH SAANICH
Minutes of the Meeting of the
BOARD OF VARIANCE

June 21, 2018 at 10:00 a.m.

ATTENDING:

Board Members: Gordon Safarik, Chair
 Denny Warner
 Paige Gibson

Absent:

Staff: Steve Jesso, Recording Secretary
 Lisa Coburn, Executive Secretary

Also Attending: **Larry Meyer – 10990 Madrona Drive**
 Bill Boyce – 9495 Glenelg Avenue
 Jen Dahl – 935 Downey Road

Chair G. Safarik called the meeting to order at 10:00 a.m.

1. ADOPTION OF THE AGENDA

MOVED BY: Safarik
SECONDED: Gibson

19-BOV To accept the Board of Variance agenda as circulated

CARRIED

2. ADOPTION OF THE MINUTES

MOVED BY: Safarik
SECONDED: Gibson

20-BOV That the minutes of the 17 May, 2018 Board of Variance Meeting be approved as circulated.

CARRIED

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3. APPLICATIONS

3.1 10990 Madrona Drive - to allow for a decrease in minimum rear setback to maintain position of an accessory structure (storage shed)

- a) Location: Lot A, Section 19, Range 3 West, North Saanich District, and District Lot 681 Cowichan District Plan VIP66802
Civic Address: 10990 Madrona Drive
Applicant/Owner: Larry Meyer
Variance: **To vary Section 504.4.4(c)(ii) and 504.4.4(c)(iii) of Zoning Bylaw No. 1255 within a Commercial Marina 2 (M-4) zone in order to decrease the minimum rear setback for an accessory building from 7.6m to 0.98m, a decrease of 6.62m or 87%, and to decrease the minimum interior side setback for an accessory building from 7.6m to 3.6m, a decrease of 4.0m or 53%.**

Chair, G. Safarik asked for any comments from the gallery.

Larry Meyer, Owner of Deep Cove Marina, requested special variance. Said that he obtained what was needed for the BOV. States hardship is to meet safety/security requirements. Location of car park cited as cause for no other feasible option for building location.

P. Gibson asked the reasons for having it there exactly. Mr. Meyer replied stating security reasons alongside averting any chances of environmental hazardous materials spilling.

D. Warner stated commercial zone was intended to provide land/water for marine with limited onshore facility and wanted to know on record she has issues with these variances that come before them when there is a structure already existing. Mr. Meyer responded that he consulted with planning department and that because it was a 10x10 there was no need for a plan/variance in place.

Chair, G. Safarik clarified the hardship was dock access/shed location. He asked for more comments and information. Bill Boyce, associate of Mr. Meyer and North Saanich occupant (address: 9495 Glenelg ave) – stated they talked to dev/planning regarding their intentions including the shed location and there were no discussions at the time about any offset. He said they discussed the issue of structure being as close as possible to gangway access to docks to give quick immediate access to safety equip. The only other location according to him would be across the driveway which would lead to longer response times for spills which are a large issue for marinas.

Mr. Boyce asked if this helped, and Chair, G. Safarik claimed that it did.

Mr. Meyer added afterwards that when they spoke to planning, that Staff did not come forth with information regarding marine zone info despite asking for guidance prior to placing structure where it is now. Claimed there was mentioning of setbacks as a concern and was told it was a 10x10 and therefore did not need anything else. Insisted they never intended to break any rules and that they did not get the proper advice.

P. Gibson said that coves are difficult as only direct neighbours of the subject property are notified of a variance application, even though other residents along the cove may be more affected by the variance than the direct neighbours. Her concern was that the person who made the complaint about the structure may not be aware of the variance application. P. Gibson therefore suggested the application be tabled until the next meeting, and proposed a motion directing that the addresses from 10892 Madrona on the west side to 592 Meldram on the east side receive notice of the variance.

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Mr. Meyer asked if there had been a written or verbal complaint, and P. Gibson replied that it was her understanding from speaking with the Building Inspector that there had been a complaint.

Mr. Boyce said it looks worse than it really is in regards to being called an eyesore and requested to at least secure the area that looks badly due to a tarp blowing in the wind, machinery nearby, etc. Chair, G. Safarik said he understands, and that P. Gibson's concern was that not enough were notified. P. Gibson reiterated her point earlier about this. Mr. Boyce clarified that the shed is not a fixed structure, and that worst case scenario is it gets moved.

Mr. Meyer said he did speak to Staff previous to the Stop-Work order and asked to come to the site and give them advice which was turned down. Claimed he was surprised then that during stop work order he was then able to visit the site. He questioned why he refused to come assist earlier when he asked.

G. Safarik replied that the Building Inspector had said he was responding to a complaint filed. Mr. Meyer responded that they were trying to be proactive, and were not trying to transgress any rules.

Chair, G. Safarik explained that P. Gibson is still concerned about the notification process. Mr. Meyer replied by stating that they are not to blame for the process.

P. Gibson suggested tabling the application until the next meeting. Mr. Meyer said he had to push much of his team to get things done on time as investors are coming to visit in July. Mr. Boyce asked to finish shed – P. Gibson stated that such authorization is outside of the authority of the board.

D. Warner acknowledged that it does mention that building where it is now requires an environmental permit. Mr. Meyer held up some paperwork but at that time it was unclear if this was the permit he required.

MOVED BY: G. Safarik
SECONDED: P. Gibson and Warner

21-BOV

That the application to vary Section 504.4.4(c)(ii) and 504.4.4(c)(iii) of Zoning Bylaw No. 1255 within a Commercial Marina 2 (M-4) zone in order to decrease the minimum rear setback for an accessory building from 7.6m to 0.98m, a decrease of 6.62m or 87%, and to decrease the minimum interior side setback for an accessory building from 7.6m to 3.6m, a decrease of 4.0m or 53% be postponed to the 19 July BOV meeting as new notifications to owners are sent out from the addresses ranging from 10982 Madrona Drive up to and including 592 Meldram Drive.

OPPOSED: None

CARRIED

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3.2 935 Downey Road – to allow for an increase to maximum setback from front lot lines to avoid disruption to heritage garden and trees

- b) Location: Part of Lot 7, Section 17, Range 2 West, North Saanich District, Plan 6228, lying West of a straight boundary joining the parts of bisection of the North and South boundaries of said lot
- Civic Address: 935 Downey Road
- Applicant/Owner: Jennifer Dahl
- Variance: **To increase the Maximum Setback from front lot line for a principle residential building footprint in a Rural Agricultural 1 (RA-1) Zone from 60m to 70m, an increase of 10m or 17%, and to increase the Maximum Setback from the front lot line for the rear of a principle residential building in a Rural Agricultural 1 (RA-1) Zone from 50m to 60m, an increase of 10m or 20%.**

Chair, G. Safarik asked for any comments from the gallery.

Jen Dahl stating her hardship conditions as mentioned above. She said that she seeks to preserve the nature in the area after the work is done. P. Gibson asked if she was responsible for/owner of the property under the company 0833181 BC Ltd. Mrs. Dahl said she was so authorized.

D. Warner asked if due to being an ALR, if the variance is granted, and house built where she wanted, if she is possibly limiting the actual farming for future tenants. Ms. Dahl replied that there is currently a workshop where she wants the house so it is not being farmed anyhow. She included that they had a very large vegetable garden nearby. Ms. Dahl explained about the new gardens and trees that will be re-instated at a future time to restore the lands to a previous condition and that they will disrupt the land as little as possible.

D. Warner asked clarification on the hardship. Ms. Dahl again summarized her hardship by stating she wishes to prevent any harm to nature and repeated her hardship claim regarding the setbacks. P. Gibson said if it was not an ALR this would be a “no-brainer” and further stated that she didn’t consider the preservation of ornamental trees and shrubs to be a hardship given the agricultural context. She stated that the intent of the bylaw, and the ALC regulation, is to keep houses sited at the front of the agricultural lots, to maximize the agricultural potential of the property.

Chair, G. Safarik mentioned that the proposed house changes are large and that there is no real net loss of land ultimately. He proceeded to call for a motion.

Responding to call for motion, D. Warner re-states what is desired from Ms. Dahl, and it is repeated by Chair, G. Safarik. Chair, G. Safarik and D. Warner were in favour. P. Gibson was not in favour of the motion.

MOVED BY: G. Safarik
SECONDED: D. Warner

22-BOV

That the application to increase the Maximum Setback from front lot line for a principle residential building footprint in a Rural Agricultural 1 (RA-1) Zone from 60m to 70m, an increase of 10m or 17%, and to increase the Maximum Setback from the front lot line for the rear of a principle residential building in a Rural Agricultural 1 (RA-1) Zone from 50m to 60m, an increase of 10m or 20% be approved.

CARRIED

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OPPOSED: P. GIBSON

ADDITIONAL NOTES:

Chair, G. Safarik wants to notify the corresponding addresses before re-convene at the next BOV regarding the 10990 Madrona Drive application from Mr. Larry Meyer.

D. Warner wants to confirm if they got the environmental permit or if Mr. Meyer was in error.

(Recording Clerks note: I obtained clarification from the Director of Planning that Mr. Meyer does not need any additional permits at this time. An email was sent to D. Warner and Mr. Meyer at 0843hrs 22 June 2018 to clarify this matter and inform both parties. – Steve)

DATE OF NEXT MEETING

The date of the next Board of Variance meeting will be 19 July, 2018 at 10:00 am.

ADJOURNMENT

MOVED BY: Safarik

SECONDED: D. Warner

23-BOV That the Board of Variance meeting be adjourned at 10:29 am.

CARRIED

G. Safarik
Chair

Email: L. Coburn