

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

**23 August, 2018 at 10:00 a.m.**

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**ATTENDING:**

Board Members:                   Gordon Safarik, Chair  
  Denny Warner  
  Paige Gibson

Absent:

Staff:                               Steve Jesso, Recording Admin

**Also Attending:**

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Chair G. Safarik called the meeting to order at 10:04 a.m.

**1. ADOPTION OF THE AGENDA**

MOVED BY: G. Safarik, Chair  
SECONDED: P. Gibson

**28-BOV**            To accept the Board of Variance agenda as circulated

CARRIED

**2. ADOPTION OF THE MINUTES**

MOVED BY: G. Safarik, Chair  
SECONDED: P. Gibson

**29-BOV**            That the approval of the minutes of the 19 July, 2018 Board of Variance Meeting be approved as circulated.

CARRIED

### **3. APPLICATIONS**

**3.1 11325 Chalet Road** – To allow for an increase to maximum height and increase size of a former dwelling to be converted into an accessory building.

- a) Location: Lot 3, Section 22, Range 3 West, Plan 7498  
Civic Address: 11325 Chalet Road  
Applicant/Owner: Paul Thiessen  
Variance: **The applicant is requesting to vary section 502.2.4(c) of Zoning Bylaw No. 1255 in order to increase the maximum height for an accessory building located within a Single Family Residential 2 Zone (R-2) from 5.6m to 7.16m, an increase of 1.56m or 28%. The applicant is also requesting to vary section 502.2.4(b)(iii) of Zoning Bylaw No. 1255 in order to increase the maximum size of an accessory building located within a Single Family Residential 2 Zone (R-2) from 102m<sup>2</sup> to 134m<sup>2</sup>, an increase of 32m<sup>2</sup> or 31%.**

#### **Correspondence:**

In Support: Email: David and Tricia Nickle (11/07/18), Email: Christine Kenwood & Andy Robinson (10/08/18)  
Email from Eddy and Barb Butler (12/07/18), Email: David Whitehead (13/07/18)  
Email from Ralph Salomons (12/07/18), Email: Suzannah Hahrt (13/07/18)

Chair, G. Safarik began by asking for any comments from the gallery.

Paul Thiessen, 1580 Lands End Rd took the podium. He inquired if he must reiterate comments he made to Board members during the site visit.

Chair, G. Safarik responded that he would have to do so.

Mr. Thiessen said that he had a total of 16 total letters of support, with no negative feedback from anyone. He stated that his hardship was due to environmental purposes and that taking down a perfectly good structure they thought was an already conforming structure would detract from the visual appeal of the property and that their neighbours agree. They plan on bringing it up to shape to look better. Mr. Thiessen concluded by saying he does not think having building there will affect anyone's enjoyment of their community.

Chair, G. Safarik thanked Mr. Thiessen and asked for comments from the gallery. There were none.

Chair called the question as there was no further discussion.

MOVED BY: P. Gibson

SECONDED: Chair, G. Safarik

OPPOSED:

#### **30-BOV**

*That the request to vary section 502.2.4(c) of Zoning Bylaw No. 1255 in order to increase the maximum height for an accessory building located within a Single Family Residential 2 Zone (R-2) from 5.6m to 7.16m, an increase of 1.56m or 28%. The applicant is also requesting to vary section 502.2.4(b)(iii) of Zoning Bylaw No. 1255 in order to increase the maximum size of an accessory building located within a Single Family Residential 2 Zone (R-2) from 102m<sup>2</sup> to 134m<sup>2</sup>, an increase of 32m<sup>2</sup> or 31% be **granted**.*

**3.2 10949 Madrona Drive** - To allow for a decrease in minimum rear setback to maintain position of an accessory structure (storage shed).

- a) Location: Lot 21, Block 91, Section 19, Range 3 West, Plan 1211  
Civic Address: 10949 Madrona Drive  
Applicant/Owner: Karen Jackson  
Variance: **The applicant is requesting to vary section 502.2.3(d)(v)(A) of Zoning Bylaw No. 1255 in order to decrease the minimum side setback for a carport attached to a principal building located within a Single Family Residential 2 Zone (R-2) from 1.5m to 0.89m, a decrease of 0.61m or 41%, as well as a decrease of the minimum combined side setback from 4.5m to 3.99m, a decrease of 0.51m or 11%.**

**Correspondence:** None

In Support: N/A

Chair, G. Safarik began by asking for any comments from the gallery.

Karen Jackson from 10949 Madrona Dr took the podium. She stated she was applying for a variance to extend the carport on her property, replacing the old one with the wider version. She stated that the carport does not affect her neighbours visually. Mrs. Jackson said that her neighbours had no complaints with a 12 ft wide carport and that it is a standard size for cars. She mentioned that her current carport barely accommodates the size of her car.

Chair, G. Safarik thanked Mrs. Jackson and asked for any comments from the gallery. There were none.

Chair called the question as there was no further discussion.

MOVED BY: D. Warner

SECONDED: Chair, G. Safarik

OPPOSED:

### **31-BOV**

*That the request to vary section 502.2.3(d)(v)(A) of Zoning Bylaw No. 1255 in order to decrease the minimum side setback for a carport attached to a principal building located within a Single Family Residential 2 Zone (R-2) from 1.5m to 0.89m, a decrease of 0.61m or 41%, as well as a decrease of the minimum combined side setback from 4.5m to 3.99m, a decrease of 0.51m or 11% be **granted**.*

**3.3 10945 Greenpark Drive** – To allow for an increase in the amount of trees to be cut on property.

- a) Location: Section 20, Range 2 East, Plan 009-422-013  
Civic Address: 10945 Greenpark Drive  
Applicant/Owner: Roger Garside  
Variance: **The applicant is requesting to vary section 6.3(b) of Tree Protection Bylaw No. 935 in order to increase the maximum number of trees that may be cut in one calendar year on a parcel of land larger than 0.4 hectares from 150 trees to 276 trees, an increase of 126 trees or 84%.**

**Correspondence:** None

In Support: N/A

In Opposition: Email: Margaret White (21/08/2018)

**Chair, G. Safarik** began by asking for any comments from the gallery.

**Roger Garside** from 11353 Hummingbird Place took the podium. Mr. Garside delivered maps to each Board member to provide a better idea to the nature of his request. He requested approval to remove trees that would remain on property after cutting the maximum number of trees allowed per calendar year. He stated the reason for wanting to get it done quickly is to want to get going ahead with the project before the weather gets too bad and it becomes a mess. Mr. Garside explained that the trees will definitely be coming down during the construction process of the subdivision and that they have an opportunity and window to strengthen the remaining area for other birds and such that will be in the area at the time.

**P. Gibson** asked Mr. Garside for an anticipated timeline of completion.

**Roger Garside** replied it should be less than two months and that Staff had said that by law they must respond within this length of time however due to the amount of paperwork involved with the project it could go beyond and they had been permitted to go ahead and begin work on the site which is what he has been doing the past few weeks. He said the 6<sup>th</sup> of September is when they wish to begin removing trees from the roadway and south property line to permit a fence and walking path. He emphasized he would not be removing any more trees citing frequent meetings with Council and planning/rezoning committees.

**Paige Gibson** requested his assertion on record that once he (Mr. Garside) obtains that PLA in four and a half weeks or so that he will be authorized to take them down regardless of whether he gets a variance today or not. Mr. Garside affirmed this to be true.

**Chair, Gordon Safarik** thanked Mr. Garside for his statements and asked if anyone wished to speak to this motion.

Chair called the question as there was no further discussion. It was moved by D. Warner and Chair, G. Safarik who asked if there was any further discussion regarding this motion.

**P. Gibson** added that the only issue she struggled with was not so much the application as it was that in her opinion, an 84% increase was not minor and that it was more suitable for Council however would be “happily outvoted about that” citing her concern was the jurisdiction law as opposed to the impact on the property.

**Mr. Garside** said he believes the situation was where it was as it was the only real way to deal with it – that all concerned were aware it was more trees than permitted in a calendar year however with the project ongoing for two years, his assertion that all involved wished to move forward with everything, and that the Board of Variance deals with tree issues therefore it’s the suggested route to take in order to resolve the matter of language of the permit process being “flawed.”

**Mr. Garside** re-iterated that Council is well aware of the issue and that he has spoken to all of the neighbours and all understand what would be happening.

**Chair, Gordon Safarik** thanked Mr. Garside, agreeing with P. Gibson that this variance is generally of a higher magnitude than they are accustomed to, though he added he himself has no problems with the application.

MOVED BY: D Warner  
SECONDED: Chair, G. Safarik  
ABSTAINED: P. Gibson

### **32-BOV**

*That the request to vary section 6.3(b) of Tree Protection Bylaw No. 935 in order to increase the maximum number of trees that may be cut in one calendar year on a parcel of land larger than 0.4 hectares from 150 trees to 276 trees, an increase of 126 trees or 84% be **approved conditional upon adoption of Bylaw 1443.***

**3.4 771 Towner Park Rd –** To allow for decrease to setbacks to allow for increase of carport size.

- a) Location: Lot 8, Section 16, Range 2 West, Plan 3577  
Civic Address: 771 Towner Park Rd  
Applicant/Owner: Ian Baker on behalf of James and Sharon Duke (owners)  
Variance: **The applicant is requesting to vary section 502.2.4(b)(ii) of Zoning Bylaw No. 1255 in order to increase the maximum size of an accessory building located within a Single Family Residential 2 Zone (R-2) from 65m<sup>2</sup> to 115.94m<sup>2</sup>, an increase of 50.94m<sup>2</sup> or 78%.**

#### **Correspondence:**

In Support: Letter from Carole MacDonald (dated 27 July 2018)  
Letter from Virginia Smith (dated 29 July 2018)  
Letter from owners at 738 Towner Park Rd (Irene Dunic), 802 Towner Park Rd (Joanne Tsu)

**Chair, G. Safarik** began by asking for any comments from the gallery.

**Jim Duke** from 771 Towner Park Road took the podium. Stated his request is for a variance to allow him to extend a two car garage into four equal bays. He indicated he was joined by his builder and designer, and a good neighbor of his who would be the most affected by his variance application. He explained his hardship comes from having a long narrow lot with some constraints such as an easement on his neighbours side (his east side), and a wildlife corridor on the west side. Stated the garage is attached to the breezeway its nature as being legally non-conforming (was when it was first built) that defines the garage as an accessory building and he is seeking a variance that allows him to complete the garage that does not offend the sensibilities of his neighbours, mentioning that they did not have any objections to it and would allow him to get his vehicles into the new space.

**Chair, G. Safarik** asked if there were any questions or comments.

**P. Gibson** wished for it to be known and on record that she does know this family but did not discuss this application.

Chair called the question as there was no further discussion.

MOVED BY: D. Warner  
SECONDED: Chair, G. Safarik  
OPPOSED:

**33-BOV**

*That the request to vary section 502.2.4(b)(ii) of Zoning Bylaw No. 1255 in order to increase the maximum size of an accessory building located within a Single Family Residential 2 Zone (R-2) from 65m<sup>2</sup> to 115.94m<sup>2</sup>, an increase of 50.94m<sup>2</sup> or 78% be **granted**.*

**ADDITIONAL NOTES:**

Board and Recording Clerk discussed including an overhead snapshot map showing the areas they would be visiting to assist in route planning. The Recording Clerk does not have problems including this into future BOV packages.

P. Gibson noticed a correction to be made from the last BOV Minutes regarding the wording of one of her statements which will be corrected and approved by Chair.

**DATE OF NEXT MEETING**

The date of the next Board of Variance meeting will be 20 September, 2018 at 10:00 am.

**ADJOURNMENT**

MOVED BY: G. Safarik, Chair  
SECONDED: D. Warner

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

CARRIED

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G. Safarik  
Chair

Email: L. Coburn