

**DISTRICT OF NORTH SAANICH**  
MINUTES OF THE BOARD OF VARIANCE MEEETING  
NORTH SAANICH HALL – COUNCIL CHAMBERS

**18 October, 2018 at 10:00 a.m.**

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**ATTENDING:**

Board Members:                   Denny Warner, Chair  
  Gordon Safarik  
  Paige Gibson

Absent:

Staff:                               Steve Jesso, Recording Admin

Also Attending:                 1 anonymous member of the public (for 1089 Clayton Rd)

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Chair, D. Warner called the meeting to order at 10:01 a.m.

**1. ADOPTION OF THE AGENDA**

MOVED BY: D. Warner  
SECONDED: P. Gibson

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

**CARRIED**

**2. ADOPTION OF THE MINUTES**

MOVED BY:  
SECONDED:

**43-BOV**            That the approval of the minutes of the 18 October, 2018 Board of Variance Meeting be approved.

**CARRIED**

### **3. APPLICATIONS**

**3.1 2105 Wood Violet Lane** – To decrease minimum required rear and side setbacks of an accessory building (storage shed) within a CD-4 zone.

- a) Location: Lots 55, Section 7, Range 3 East, Plan EPP64767  
Civic Address: 2105 Wood Violet Lane  
Applicant/Owner: Darren Rich  
Variance:

**The applicant is requesting to vary section 508.5.4(d)(ii) of Zoning Bylaw No. 1255 in order to decrease the minimum required rear setback of an accessory building located within a Comprehensive Development 4 Zone (CD-4) from 1.5m to 0.24m, a decrease of 1.26m or 84%, as well as to vary section 508.5.4(d)(iii) of Zoning Bylaw No. 1255 in order to decrease the minimum required side setback of an accessory building located within a Comprehensive Development 4 Zone (CD-4) from 3.0 m to 0.39 m, a decrease of 2.61 m or 87%.**

Correspondence:

In Support: Jeff Holmes (Letter: 21 Sep 2018); Travis-James Smith (Letter: 11 Sep 2018); A.J. Mills (Letter: 08 Sep 2018); Warren Wolfe (Letter: 09 Sep 2018)

**Chair, D. Warner:** Asked for discussion regarding the variance application.

**Darren Rich** (2105 Wood Violet Lane) took the podium. Discussed his military background involving multiple relocations and moves during his service and how the move to North Saanich from Nanaimo will be his last as he is released from the Canadian Forces. He described the type of house he owned and related both it and his background to the purpose of his BOV application. Mr. Rich shared documentation showing pictures of his current garage with its storage and a Photoshop image showing what the proposed shed would look like in his back yard. Mr. Rich said that this would also allow him to park both of their vehicles within his garage. He informed the panel that the shed would be built professionally from a local shed builder.

Panel thanked Mr. Rich for his presentation.

**P. Gibson:** Expressed reservation for the potential effect on the property to the south regarding the sheds location, however noted that correspondence received from this neighbor had stated there is no issue with proposed location.

Chair called the question as there was no further discussion.

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

**44-BOV**

*That the application to:*

**That the request to vary section 508.5.4(d)(ii) of Zoning Bylaw No. 1255 in order to decrease the minimum required rear setback of an accessory building located within a Comprehensive Development 4 Zone (CD-4) from 1.5m to 0.24m, a decrease of 1.26m or 84%, as well as to vary section 508.5.4(d)(iii) of Zoning Bylaw No. 1255 in order to decrease the minimum required side setback of an accessory building located within a Comprehensive Development 4 Zone (CD-4) from 3.0 m to 0.39 m, a decrease of 2.61 m or 87%.**

*Be granted.*

**CARRIED**

**3.1 1089 Clayton Road** – To allow for the increase in the maximum allowable size for a guest cottage in an R-3 zone.

- a) Location: Lots B, Section 19, Range 1 West, Plan VIP56198
- Civic Address: 1089 Clayton Road
- Applicant/Owner: Norman Schafer
- Variance:

**The applicant is requesting to vary section 204.1.3(b) of Zoning Bylaw No. 1255 in order to increase the maximum gross floor area of a guest cottage from 92m<sup>2</sup> to 136.86m<sup>2</sup>, an increase of 44.87m<sup>2</sup> or 49%.**

Correspondence:

In Support:

**Chair, D. Warner:** Asked for discussion regarding the variance application.

**Norman Schafer** (husband to Kirsten Schafer) took the podium. He stated their intentions to close the carport and not build any other structure. Discussed the hardship regarding their intent to take care of their aging parents. He noted the declining health of Kirsten Schafer’s mother and her associated health conditions as well as the intentions to take care of his own parents in a similar fashion in the future, describing how this variance would assist with that as well. Mr. Schafer said that although he had no written support from neighbours he interpreted their silence as being fine with the variance application. He concluded his presentation by expressing a hope that he can enclose this space to make it a comfortable living space for family.

**Chair, D. Warner:** Asked if there were others would like to speak to application

**P. Gibson:** Stated she wanted to be sure they were looking at the right thing, as during the site visit she did not see the exact description of the unenclosed carport; rather a largely completed structure and wanted to be sure what she saw at the site visit was what is being discussed today.

**N. Schafer:** Confirmed that it is the structure being discussed, and that there was a stop-work order issued to it two years ago. Mr. Schafer described they had put walls up as they were having issues with water seeping into the car port. He attributed the stop-work order to somebody having an issue with the building.

**P. Gibson:** Asked Mr. Schafer if there was a second floor to that structure.

**N. Schafer:** Replied that there was not.

**G. Safarik:** Stated he is philosophically opposed, based on the principle of buying a property and being entitled only to the zoning that is intended for that property. Mr. Safarik said that he did not see any express consent from neighbours and added he has voted against such applications in the past.

**N. Schafer:** Said that he obtained verbal support only.

**Chair, D. Warner:** Asked Staff (Recording Admin) if there were correspondence and Staff replied there was none received in support or opposition.

**P. Gibson:** Said that she does not believe this variance to be minor, that it is her belief that the structure was not conceived to be a carport, and that drawings were erroneously shown to have cars within it. She reiterated that what she saw on the site visit was not what was described or shown noting the presence of a second floor to said “carport” that was complete with windows. Ms. Gibson further noted it to be a flagrant disregard of the Bylaw and could not see any similarity between a carport and what had been done with the additional structure. Ms. Gibson informed the applicant she would be voting against this application and did not accept the intent for this to be a car port and went contrary to the intent of the Bylaw.

Chair called the question for opposition as there was no further discussion.

MOVED BY: G. Safarik

SECONDED: P. Gibson

UNANIMOUSLY OPPOSED.

#### **45-BOV**

*That the application to:*

**That the request to vary section 204.1.3(b) of Zoning Bylaw No. 1255 in order to increase the maximum gross floor area of a guest cottage from 92m<sup>2</sup> to 136.86m<sup>2</sup>, an increase of 44.87m<sup>2</sup> or 49%.**

*Be denied.*

**CARRIED**

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#### **4. ADDITIONAL BUSINESS:**

No additional business at this time.

#### **5. DATE OF NEXT MEETING**

The date of the next Board of Variance meeting will be 15 November, 2018 at 10:00 am.

**ADJOURNMENT**

MOVED BY: Chair, D. Warner

SECONDED: G. Safarik

**46-BOV** That the Board of Variance meeting be adjourned at 10:18 am.

**CARRIED**

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D. Warner  
Chair