

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

13 December, 2018 at 10:00 a.m.

ATTENDING:

Board Members: Denny Warner, Chair
 Gordon Safarik
 Paige Gibson

Absent:

Staff: Steve Jesso, Recording Admin

Also Attending:

Chair, D. Warner called the meeting to order at 10:00 a.m.

1. ADOPTION OF THE AGENDA

52-BOV

To accept the Board of Variance agenda as circulated.

CARRIED

MOVED BY: P. Gibson
SECONDED: D. Warner
OPPOSED: None

2. APPLICATIONS

2.1

- | | | |
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| a) | Location: | 1860 Dickson Ave |
| | Civic Address: | Lot A, Section 7, Range 2 East, Plan 42734 |
| | Applicant/Owner: | 1860 Dickson Ave |
| | Variance: | Erik Gault |
| | | The applicant is requesting a variance to Section 502.2.4(d)(iv) of Zoning Bylaw No. 1255 in order to decrease the minimum required exterior side setback for an accessory building in the Single Family Residential Zone 2 (R-2) from 7.6m to 0m, a decrease of 7.6m or 100%. |

Correspondence: None

Chair, D. Warner asked for discussion regarding the variance application.

Erik Gault, residing at 1860 Dickson Ave, introduced himself and stated his address.

Chair, D. Warner asked for Mr. Gault to state the hardship for his claim.

Mr. Gault described the topography of property and that the property is ideally suited to be replaced in that same position. He described how the property falls off dramatically towards the north, and that it would not be suited for the storage of equipment.

P. Gibson – confirmed his intentions with the variance application, ensuring that portions of the roof would not be potentially overhanging on to nearby property.

Mr. Gault responded that he has no intentions for any encroachment or overhang and that the roof will run along the property line

53-BOV

The application to vary Section 502.2.4(d)(iv) of Zoning Bylaw No. 1255 in order to decrease the minimum required exterior side setback for an accessory building in the Single Family Residential Zone 2 (R-2) from 7.6m to 0m, a decrease of 7.6m or 100% be granted.

CARRIED

MOVED BY: P. Gibson
SECONDED: D. Warner
OPPOSED: None

2.2

8530 West Saanich Road

- a) Location: Section 1, Range 2 West
- Civic Address: 8530 West Saanich Road
- Applicant/Owner: Danny Jadresko
- Variance: **The applicant is requesting a variance to the following:**

- Section 110.3 of Zoning Bylaw No. 1255 in order to decrease the minimum required setback for a structure from the natural boundary of the marine shoreline from 15m to 3.05m, a decrease of 11.95m or 80%;

- Section 501.4.4(c)(ii) of Zoning Bylaw No. 1255 in order to decrease the minimum required rear setback for an accessory building in the Rural Agricultural Zone (RA-4) from 7.6m to 3.05m, a decrease of 4.55m or 60%;

- Section 501.4.4(c)(iii) of Zoning Bylaw No. 1255 in order to decrease the minimum required interior side setback for an accessory building in the Rural Agricultural Zone (RA-4) from 7.6m to 0m, a decrease of 7.6m or 100%.”

Correspondence:

In Support: Sally Wait (8560 West Saanich Road), Patricia Heath (580 Seacliffe Road), Alfred and Jane Starke (8512 West Saanich Road), Lyall and Marge Copeland (610 Seacliffe Road), Dennis Atkinson (600 Seacliffe Road), Heather and Jeff Strosher (590 Seacliffe Road), Jennifer and Hugh Pite (570 Seacliffe Road), James Thompson (8560 Mink Road), Lika Austin (8580 Mink Road) – all dated 24 Oct 2017

In Opposition: Susan Wells, dated 10 Dec 2018

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

Danny Jadresko, residing at 8530 West Saanich Road, introduced himself and thanked the Board for their visit. Mr. Jadresko stated that house they live in was built in 1913 and is actually a cottage. He stated that the house owned the entire hillside and stated that a boathouse, old structures, and even neighbour's property including walkways, boardwalks, and breakwater once belonged to that property at one time. He noted that he had built the cookhouse BBQ area in an area that was used previously as a seating and enjoyment area.

Mr. Jadresko explained that his property is five acres and that his neighbours is 4.76 acres and when it was built in 2013 (the BBQ cookhouse) that his neighbour was there constantly, encouraging the building and complimenting it. He acknowledged that there was no property markers between the two lots. Once the cookhouse structure was finished, he stated that District of North Saanich planning staff approached him and suggested he make an application to have the cookhouse conform to bylaws, was told to obtain a surveying certificate and identified for the first time that there was encroachment on to his neighbour's property.

He advised that he informed his neighbour, and the neighbour indicated he should leave it as is. It was determined that the structure was encroaching on the edge. Mr. Jadresko stated that since that time they have removed all encroachment from neighbours property and that the surveys confirm this to be accurate. Mr. Jadresko also said he has engaged all professionals to ensure there is no environmental impact (referencing geotechnical and archaeological work in conjunction with consulting First Nation bands to make sure no issues with excavations).

He noted that there are 11 letters of support from his other neighbours regarding his application and that due to the positioning of the structure it is not able to be seen from his neighbour's house. Mr. Jadresko concluded his statements by advising that his hardship stems from the amount of effort put into the building, how family enjoys the area, and emphasizing the amount of money spent to have to remove it at this point and says removing it could possibly cause environmental issues as there would be an exposed bank left there.

G. Safarik – Informed Mr. Jadresko that the Board does not consider financial hardships for variance applications.

Mr. Jadresko – Re-iterated how they use the cookhouse, that they have a small home and have three children and three grandchildren, and that they use that outdoor space as living space. He stated plans to build new home, and that his family currently enjoys the use of the cookhouse.

P. Gibson – Notes that it is an unfortunate circumstance, however that ignorance of or disregard for the bylaw is not an acceptable hardship. Ms. Gibson stated that from her perspective, if he (Mr. Jadresko) did not know of these bylaws that it's a shame, and that if did know about them then he took a gamble. She said that that she will not support variance, and that there is a letter from direct neighbour that has some bearing on that, and that the situation is a flagrant disregard for the setbacks which are generally well known.

Chair, D. Warner – Informed Mr. Jadresko that the Board of Variance is bound by the Local Government Act, and that the application does not conform to the bylaws despite his neighbours opinions of support, noting that not all are in favour. She specifically spoke to the disregard for the setback from ocean, property, and the intent of the bylaw and as such would not support this variance application.

54-BOV

The application to vary:

- Section 110.3 of Zoning Bylaw No. 1255 in order to decrease the minimum required setback for a structure from the natural boundary of the marine shoreline from 15m to 3.05m, a decrease of 11.95m or 80%;
- Section 501.4.4(c)(ii) of Zoning Bylaw No. 1255 in order to decrease the minimum required rear setback for an accessory building in the Rural Agricultural Zone (RA-4) from 7.6m to 3.05m, a decrease of 4.55m or 60%;
- Section 501.4.4(c)(iii) of Zoning Bylaw No. 1255 in order to decrease the minimum required interior side setback for an accessory building in the Rural Agricultural Zone (RA-4) from 7.6m to 0m, a decrease of 7.6m or 100%, be denied.

CARRIED

MOVED BY: G. Safarik
SECONDED: D. Warner
OPPOSED: None

3. ADOPTION OF THE MINUTES

The Board discussed that the approval of the minutes of the 15 November, 2018 Board of Variance Meeting be approved at a later date upon completion of corrections.

4. ADDITIONAL BUSINESS:

Board discussed the corrections to be made to previous BOV:

Clarification:

- Did not move for the withdrawal of application – moved to refund 500 dollars if possible.
- Additional business of last BOV– Discussion that moving the date would not create problems with notifications to property owners.
- Approval of November minutes be tabled for corrections

P. Gibson stated her appreciation for Gordon Safarik’s tenure on the Board of Variance. Chair, Denny Warner also thanked Gordon Safarik for his service.

5. DATE OF NEXT MEETING

The date of the next Board of Variance meeting will be 17 January, 2019 at 10:00 am.

6. ADJOURNMENT

55-BOV

That the Board of Variance meeting be adjourned at 10:14 am.

CARRIED

MOVED BY: Chair, D. Warner

SECONDED: P. Gibson

OPPOSED: None

D. Warner
Chair