

MINUTES
BOARD OF VARIANCE
Via Microsoft Teams
August 10, 2022 at 6:01 p.m.

Members:	M. Horner (Chair), K. Zirul, A. Gill, J. Uliana; M. Cole
Staff:	K. Kaiser, Planning Technician; J. McLaren, Planning Technician; N. Chaggar, Senior Committee Clerk
Earl Grey Street Addition BOV00982	<p>Applicant: Nathan Muller Property: 3121 Earl Grey Street Variance: Relaxation of the minimum combined side yard setback from 4.5 m (14.8 ft) to 3.35 m (11.0 ft)</p> <p>The Notice of Meeting was read, and the applicant's letter received.</p>
Applicants:	<p>David Adams, designer, and Nathan Miller, applicant/owner, were present in support of the application and noted the following:</p> <ul style="list-style-type: none"> • The survey plans provided were based on an estimate of where the property line was. The lot is slightly wider than what the survey plan depicts, and thus this changes the proposed variance required from 1.15 m to 0.88 m. • Not having a garage would be a hardship.
Public input:	Nil
Discussions:	<p>In response to questions from the Board, the applicant stated:</p> <ul style="list-style-type: none"> • To convert the existing suite into a garage would reduce the square footage of the home; the applicant did not consider this as an option. • Consideration was given to placing a detached garage in the rear; however, there is an easement and tree in the back. • Any accessory building in the rear yard would crowd the property. • Undue hardship is that the existing property and structure doesn't have a garage. • There's isn't anything unique or specific to the lot that has created this situation. <p>Board discussion:</p> <ul style="list-style-type: none"> • The Board must consider the application at hand based on the plans provided. Should the applicant wish to alter the numbers and variance requested, a new application should be brought forward. • There is nothing unique about the lot that creates a hardship which would require a variance. • It is rare to have a house without a garage, today. It is a reasonable request, on balance. • There are a number of houses in the area where garages have been added and this proposal would remain within the character of the neighborhood. • This house was built during a time when not everyone had a vehicle. • Not having a garage may be considered as a hardship. • The intent of the bylaw for sideyard setbacks is to preserve greenspace between houses. This proposal would go against the intent of the bylaw. • There are new zones which provide for smaller setbacks in order to increase density. The RS-6 zoning may be outdated for today's reality. The

	Board is here to add a certain reasonableness to the application of the bylaw.
MOTION:	<p>MOVED by J. Uliana and Seconded by A. Gill: “That the following request to relax the minimum combined side yard setback from 4.5 m (14.8 ft) to 3.35 m (11.0 ft) from the requirements of Zoning Bylaw 2003, Section 230.4 (a)(i) further to the construction of an addition on Lot 22, Block P, Sections 11 and 12, Victoria District, Plan 860 (3121 Earl Grey Street) be APPROVED.”</p> <p style="text-align: right;">DEFEATED With M. Horner, K. Zirul, and M. Cole OPPOSED</p>
Amblewood Drive Addition BOV00983	<p>Applicant: Fankun Meng Property: 4661 Amblewood Drive Variance: Relaxation of the minimum rear lot line setback from 7.5 m (24.5 ft) to 7.24 m (23.75 ft)</p> <p>The Notice of Meeting was read, and the applicant’s letter and one letter from a neighbour received.</p>
Applicants:	Fankun Meng, applicant/owner, was present in support of the application.
Public input:	Nil
Discussions:	<p>In response to questions from the Board, the applicant stated:</p> <ul style="list-style-type: none"> • A building permit was granted with the intention of building the addition without encroaching into the rear lot line setback; however, the survey determined that the structure was too close to the setback. • The foundation was incorrectly formed due to a construction error. • Neighbours are supportive of the addition and variance request. • The east and south sides of the lot have steep slopes and are close to critical root zones. • While building, the applicant was careful not to dig down too much because there are two large trees nearby. • There is limited space to work with and this created a challenge. <p>Board Discussion:</p> <ul style="list-style-type: none"> • Should this application be denied, a portion of the building would have to be demolished; the added cost would partially be a hardship due to the fact that it was a construction error. • The demolition of the structure would also disturb the trees and neighbours. • The variance request is minor. • This lot has unusual sloping and quite a bit of trees. • There are no known impacts to the natural environment or use and enjoyment of adjacent land.
MOTION:	<p>MOVED by K. Zirul and Seconded by A. Gill: “That the following request to relax the minimum rear lot line setback from 7.5 m (24.5 ft) to 7.24 m (23.75 ft) from the requirements of Zoning Bylaw 2003, Section 210.4 (a)(ii) further to the construction of an addition on Lot 7, Section 8, Lake District, Plan 21798 (4661 Amblewood Drive) be APPROVED.</p> <p>And further that if construction in accordance with the plans submitted to the Board in the application is not substantially started within two</p>

	<p>years from the date of this Order, the variances so permitted by this Order will expire.”</p> <p style="text-align: right;">CARRIED</p>
<p>Viewmont Avenue Addition BOV00984</p>	<p>Applicant: Amy Mills-Guest and Kevin Guest Property: 4396 Viewmont Avenue Variance: Relaxation of the minimum rear lot line setback from 7.5 m (24.6 ft) to 1.55 m (5.09 ft) Relaxation of the minimum combined front and rear setbacks from 15.0 m (49.2 ft) to 9.55 m (31.33 ft)</p> <p>The Notice of Meeting was read, and the applicant’s letter and five letters from neighbours received.</p>
<p>Applicants:</p>	<p>Amy Mills-Guest and Kelly Guest, applicants/owners, were present in support of the application.</p>
<p>Public input:</p>	<p>Nil</p>
<p>Discussions:</p>	<p>In response to questions from the Board, the applicant stated:</p> <ul style="list-style-type: none"> • A substantial hardship is the positioning of the existing building on the lot, and the fact that it’s an irregularly shaped panhandle lot. • Any kind of addition will require a variance. • Letters of support from impacted neighbours have been provided. • One neighbour brought up concerns regarding height and impacted views; however, this proposal has minimal impact to those neighbours. • Angled design is to minimize impact on neighbours. • Alternate plans were considered; however, impact to neighbours and trees would be significant, and variances would still be required. • Applicant is willing to install parking signage for construction vehicles to reduce impact on neighbours. <p>In response to questions from the Board, the Planning Technician stated:</p> <ul style="list-style-type: none"> • The bylaw determines the front lot line on panhandle lots as the lots perpendicular to the access strip. • Non-conformity would only apply to the existing house. The entire new section needs to comply with the bylaw or would require a variance. <p>Board Discussion:</p> <ul style="list-style-type: none"> • Owners have given consideration to neighbours and made efforts to minimize impact to neighbours and surrounding environment. • Owners have gone through a challenging design cycle with this type of lot and have looked at alternatives. • This is an unusually shaped lot with a number of retaining walls. • Letters of support speak to the use and enjoyment of adjacent land. • This is a large lot and applicants are asking for a relatively small addition.
<p>MOTION:</p>	<p>MOVED by K. Zirul and Seconded by A. Gill: “That the following request to relax the minimum rear lot line setback from 7.5 m (24.5 ft) to 7.24 m (23.75 ft) from the requirements of Zoning Bylaw 2003, Section 210.4 (a)(ii) further to the construction of an addition on Lot 18, Section 9, Lake District, Plan 32213 (4396 Viewmont Avenue) be APPROVED.</p>

	<p>And further that if construction in accordance with the plans submitted to the Board in the application is not substantially started within two years from the date of this Order, the variances so permitted by this Order will expire.”</p> <p style="text-align: right;">CARRIED</p>
<p>Minutes:</p>	<p>MOVED by J. Uliana and Seconded by K. Zirul: “That the minutes of the Board of Variance meeting held July 13, 2022 be adopted.”</p> <p style="text-align: right;">CARRIED With M. Cole ABSTAINING from the vote</p>
<p>The meeting adjourned at 7:15 p.m. The next meeting is scheduled for September 14, 2022.</p>	
	<p style="text-align: right;">_____ Melissa Horner, Chair</p> <p style="text-align: center;">I hereby certify that these Minutes are a true and accurate recording of the proceedings.</p> <p style="text-align: right;">_____ Recording Secretary</p>