

MINUTES

BOARD OF VARIANCE

Held electronically via MS Teams
September 11, 2024 at 6:00 p.m.

- Members: J. Uliana (Chair), M. Cole, A. Gill and K. Zirul
- Staff: A. Whyte and C. Yancoff, Senior Planning Technicians; D. Arcangel, Planning Technician; Andrew Sykes, Planning Technician; and M. MacDonald, Senior Committee Clerk
- Regrets: C. Schlenker
- Minutes: **MOVED by K. Zirul and Seconded by M. Cole: "That the Minutes of the Board of Variance meeting held August 14, 2024, be adopted as circulated."**

CARRIED

Georgia Park
Terrace
Addition
BOV #01086

Applicant: Elizabeth Dupuy
Property: 4961 Georgia Park Terrace
Variance: Relaxation of the minimum required rear yard setback from 12.0 m (39.4 ft) to 7.36 m (24.15 ft)

The Notice of Meeting was read, one letter of support and the applicant's letter were received.

- Applicants: E. Dupuy, owner/applicant, was present in support of the application, the following was noted:
- The current deck encroaches into the setbacks, this was existing when the home was purchased in March 2021.
 - Neither the realtor nor home inspector raised this as an issue prior to purchase. There is an outdoor kitchen area within the encroachment.
 - The outdoor space is used often and enjoyed by all, no issues have been raised by neighbours. As it is existing, it will not affect the environment.
 - The issue of the deck encroaching in the setback was noticed when applying for a building permit for unrelated renovations inside the house.

Public input: Nil

- Discussions: The applicant stated the following in response to questions from members of the Board:
- The previous owners left plans in the home which included the deck, kitchen area and an outdoor garden which was not built. These were dated approximately fifteen years ago.
 - No changes are proposed to the deck, the only request is to have the encroachment brought into compliance.
 - If the variance is approved, the outdoor kitchen area will be allowed.
 - If the variance is denied, a substantial portion of the deck will need to be removed.

The planning technician stated the following:

- The deck has been in place for approximately fifteen years.

The following was noted during Board discussion:

- Correspondence received from a neighbour was in favor, there were also signatures in support included with the application.
- This would legalize what has been in place for a significant time.
- It would be unfair and a hardship for the new owners to have to remove a structure they thought was allowed when they purchased the home.

MOTION: **MOVED by A. Gill and Seconded by K. Zirul: “That the following request to vary from the requirements of Zoning Bylaw 2003, Section 295.3 (a) (ii) further to the construction of an addition on Lot 1, Section 29, Lake District, Plan 15158 (4961 Georgia Park Terrace) be APPROVED:**

- **Relaxation of the minimum required rear yard setback from 12.0 m (39.4 ft) to 7.36 m (24.15 ft).**

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.”

CARRIED

<p>Hopesmore Drive Addition</p> <p>BOV #01089</p>	<p>Applicant: Troy Nelson (Northern Tropic Homes)</p> <p>Property: 3995 Hopesmore Drive</p> <p>Variance: Relaxation of the minimum required rear yard setback from 7.5 m (24.6 ft) to 4.19 m (13.75 ft).</p> <p> Relaxation of the minimum required combined front and rear setbacks from 15.0 m (49.2 ft) to 11.79 m (38.68 ft).</p>
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The Notice of Meeting was read and the applicant’s letter received.

Applicants: The applicant was not present.

Public input: Nil

Discussions: The following was noted during Board discussion:

- It is not favorable to make a decision without giving the applicant the opportunity to present information and answer questions.

MOTION: **MOVED by K. Zirul and Seconded by A. Gill: “That the Board of Variance Application for Lot 10, Section 56, Victoria District, Plan 40299 (3995 Hopesmore Drive) be POSTPONED to a future meeting to allow the applicant to attend.”**

CARRIED

Adjournment On a motion from A. Gill, the meeting was adjourned at 6:23 p.m.

J. Uliana, Chair

I hereby certify that these Minutes are a true
and accurate recording of the proceedings.

Recording Secretary