

MINUTES
BOARD OF VARIANCE
Held electronically via MS Teams
July 10, 2024 at 6:00 p.m.

- Members: J. Uliana (Chair), M. Cole, A. Gill, C. Schlenker and K. Zirul
- Staff: A. Whyte, Senior Planning Technician; D. Arcangel, Planning Technician, S. Froud, Deputy Manager, Legislative Services; Angela Hawkshaw and Colton Whittaker, Committee Clerks
- Minutes: **MOVED by K. Zirul and Seconded by A. Gill: “That the Minutes of the Board of Variance meeting held June 12, 2024, be adopted as amended.”**
- Committee discussion ensued with the following comment:
- Minor spelling and grammar errors are to be changed.

The Motion was then Put and CARRIED

Georgia Park Terrace Addition **Applicant: Sean Dance, D3 Studio**
Property: 4980 Georgia Park Terrace
Variance: Relaxation of the minimum front lot line setback from 7.5 m (24.6 ft) to 4.17 m (13.68 ft).

BOV #01087

The Notice of Meeting was read and the applicant’s letter received.

- Applicants: S. Dance (D3 Studio) and D. Owens (Yager Construction), applicants, were present in support of the application, the following was noted:
- This application was considered and passed by the Board April 10, 2024, however a measurement issue was noticed during construction.
 - The previous application was for existing setbacks to where the house is currently located, this request has not changed.
 - The request is for a .03 metre increase to the setback, as the plans previously presented had the wrong measurement.

Public input: Nil

- Discussions: The applicant stated the following in response to questions from members of the Board:
- The buildable area is limited due to site conditions. The only place to build is up, keeping the same non-compliant setback as the existing home.

- The following was noted during Board discussion:
- This seems to be a minor correction which does not change the footprint of the building.
 - The hardship and site conditions have not changed from the previous Board consideration and discussion, which granted approval.

MOTION: **MOVED by A. Gill and Seconded by C. Schlenker: “That the following request to vary from the requirements of Zoning Bylaw 2003, Section 295.3 (a)(i) further to the construction of an addition on Lot 2, Section 29, Lake District, Plan 14851 (4980 Georgia Park Terrace) be APPROVED:**

- **Relaxation of the minimum front lot line setback from 7.5 m (24.6 ft) to 4.17 m (13.68 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

Jersey Road Addition	Applicant: Angela Lee
	Property: 5217 Jersey Road
BOV #00979	Variance: Relaxation of the minimum front lot line setback from 7.5 m (24.6 ft) to 5.53 m (18.14 ft).

The Notice of Meeting was read and the applicant’s letter received.

Applicants: A Lee, applicant, was present in support of the application, the following was noted:

- A one storey house was built in 1969, in 1975 a two-storey addition and carport was built. The structure is now non-compliant as the carport post is too close to the front lot line.
- Renovations and planning for a small addition are underway.
- The roof of the carport will be altered when the addition is built. this change means the non-compliant structure now needs a variance.
- Relocating the carport is not ideal as it would negatively impact the trees.

Public input: Nil

Discussions: The applicant stated the following in response to questions from members of the Board:

- The current footprint of the carport will not be changed. This structure has been in place since 1975, when it may have been compliant.
- Any changes to the existing carport or roof will require a variance.

The planner stated the following:

- The changes to the roof need a variance as there is no approval on file.

The following was noted during Board discussion:

- The carport footprint has been the same for decades. Changing the roof to match a new addition to the home seems reasonable.
- Bylaws from 1975 would have been different, the carport was built and the documents are on file.
- The existing structure location and inability to relocate due to bylaw protected trees can be considered a site-specific hardship.

MOTION: **MOVED** by K. Zirul and **Seconded** by M. Cole: “That the following request to vary from the requirements of Zoning Bylaw 2003, Sections 295.3 (a)(i) further to the construction of an addition on Lot A, Section 32, Lake District, Plan 38713 (5217 Jersey Road) be **APPROVED**:

- **Relaxation of the minimum front lot line setback from 7.5 m (24.6 ft) to 5.53 m (18.14 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

Wesley Road Fence BOV #01085	Applicant: Walter Schneider Property: 5029 Wesley Road Variance: Relaxation of the maximum fence or guard height constructed on top of a retaining wall from 1.07 m (3.51 ft) to 2.45 m (8.04 ft). Relaxation of the maximum fence height within the front yard from 1.5 m (4.9 ft) to 2.11 m (6.92 ft). Relaxation of the maximum fence height from 1.9 m (6.2 ft) to 3.02 m (9.91 ft).
--	---

The Notice of Meeting was read and the applicant’s letter received. The Committee Clerk noted an administrative correction as the variance noted on the notice was updated. The correct variance is to relax the maximum fence or guard height constructed on top of a retaining wall 2.45 m (8.04 ft). The 2.45 m (8.04 ft) was updated from 2.42 m (7.94 ft).

Applicants: W. Schneider, owner, was present in support of the application, the following was noted:

- Renovations to the front gate and fencing took place as the previous fence, gate and hedge were in a state of disrepair.
- A retaining wall was built, as well as a chain link fence. A hedge was planted along the back property line which will grow to hide the fence.

Public input: Nil

Discussions: The applicant stated the following in response to questions from members of the Board:

- The fence panels are within the allowable six feet, however the height to the top of the posts and the sloping lot make some measurements more.
- When building the sport court, it was determined that a taller fence along the back would be necessary to stop basketballs from leaving the yard.
- Attempts were made to stay within the bylaw allowable heights.
- The neighbours are generally supportive.
- The fence has already been constructed; removal would be expensive.
- A section of the fence on the south side was heightened slightly for privacy between the patio and the neighbours house.
- A hedge previously provided privacy on the front and south side.

The planner stated the following:

- The Zoning Bylaw does not limit the height of hedges.

The following was noted during Board discussion:

- The before hedge removal pictures clearly show that the height of the hedge on the side and front is much higher than that of the new fence.
- The slope of the lot creates hardship for the fence, as average grade calculations are affected. The front fence is less favorable.
- The height of the fence at the back is less favorable as the hardship is more related to recreational preferences.
- Vegetation will soon grow to hide the fencing all around this property.

MOTION:

MOVED by A. Gill and Seconded by K. Zirul: "That the following request to vary from the requirements of Zoning Bylaw 2003, Sections 6.2 (e), (f)(i) & (ii) further to the construction of a fence on Lot A, Section 30, Lake District, Plan 7315 (5029 Wesley Road) be APPROVED:

- Relaxation of the maximum fence or guard height constructed on top of a retaining wall from 1.07 m (3.51 ft) to 2.45 m (8.04 ft).
- Relaxation of the maximum fence height within the front yard from 1.5 m (4.9 ft) to 2.11 m (6.92 ft).
- Relaxation of the maximum fence height from 1.9 m (6.2 ft) to 3.02 m (9.91 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

With K. Zirul and C. Schlenker OPPOSED

Adjournment

On a motion A. Gill, the meeting was adjourned at 6:58 pm.

J. Uliana, Chair

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

Recording Secretary