

MINUTES
BOARD OF VARIANCE
Held electronically via MS Teams
August 14, 2024 at 6:00 p.m.

Members: J. Uliana (Chair), M. Cole, C. Schlenker and K. Zirul

Staff: A. Whyte, Senior Planning Technician; D. Arcangel, Planning Technician, M. Macdonald, Senior Committee Clerk

Regrets: A. Gill

Minutes: **MOVED by K. Zirul and Seconded by M. Cole : “That the Minutes of the Board of Variance meeting held July 10, 2024, be adopted.”**

CARRIED

Killarney Road Addition
BOV #01091

Applicant: Francis McHugh
Property: 2549 Killarney Road
Variance: Relaxation of the maximum non-basement floor area from 80% (221.6 m²) to 99.5% (274.71 m²).

The Notice of Meeting was read and the applicant’s letter received. The Planning Technician also noted the following:

- The house was built in 1976, at that time, the non-basement area was 96.1% (265.33 m²). It is currently considered to be legal non-conforming.
- The proposed increase is only 3.4% more area than the current non-conforming status; from 96.1% (265.33 m²) to 99.5% (274.71 m²).

Applicants: Francis and Tara McHugh, owners, were present in support of the application, the following was noted:

- The application is to enclose the carport, which has a second floor above.
- This enclosure is within the same building footprint, the plan is to enclose the area which is currently supported by two posts, and make it livable.
- The proposed addition is a seismic and structural improvement.
- Currently they are renovating the subject property to combine two households and provide a multi-generational home.

Public input: Nil

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

- Permits were obtained for significant renovations to the house, during which it was realized that the posts were rotted and need to be replaced.
- The building permit has been granted for the house without the addition.
- The plans changed to include this addition after the permit was obtained.
- If the variance is not approved, they cannot enclose this area.
- The house is currently non-conforming. The building footprint will not change, as there is already a room above the carport.

The Planning Technician noted the following:

- If this is denied, the applicant will have to revert to the plans approved at the permit stage. The carport will need to continue to be used as such.

The following was noted during Board discussion:

- Upon site visit, it was noted that construction is already well underway.
- If the variance is not granted, they will need to remove the enclosure that is almost fully built and go back to the plans submitted for permit approval.
- The non-basement section of the Zoning Bylaw is intended to prevent monster homes being built above grade, which is a more recent issue.
- The hardship is that the intent of the Bylaw prevents this application, where the massing does not change. Applying the Bylaw to an older home like this is unfair as the bylaws were much different when it was built.
- The definition/style of a basement has changed greatly since the 80's.
- This application will not affect neighbours, it does not negatively impact the environment and it is within the current footprint, so it is not considered an inappropriate development of the site.

MOTION:

MOVED by K. Zirul and Seconded by M. Cole: "That the following request to vary from the requirements of Zoning Bylaw 2003, Section 230.4 (c) further to the construction of an addition on Lot 3, Section 44, Victoria District, Plan 1592 (2549 Killarney Road) be APPROVED:

- **Relaxation of the maximum non-basement floor area from 80% (221.6 m²) to 99.5% (274.71 m²).**

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

Adjournment

On a motion M. Cole the meeting was adjourned at 6:33 pm.

J. Uliana, Chair

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

Recording Secretary