

MINUTES
BOARD OF VARIANCE
Held electronically via MS Teams
December 11, 2024 at 6:00 p.m.

Members: A. Gill (Acting Chair), M. Cole and C. Schlenker

Staff: C. Yancoff, Senior Planning Technician; Andrew Sykes, Planning Technician and M. MacDonald, Senior Committee Clerk

Regrets: J. Uliana and K. Zirul

MOVED by C. Schlenker and Seconded by M. Cole: "That Board member A. Gill be appointed as Chair for the meeting of December 11, 2024."

CARRIED

Minutes: **MOVED by C. Schlenker and Seconded by M. Cole: "That the Minutes of the Board of Variance meeting held November 13, 2024, be adopted as circulated."**

CARRIED

Amblewood Court Addition
BOV #01108

Applicant: Josh Miller
Property: 997 Amblewood Court
Variance: Relaxation of the maximum height from 6.5 m (21.33 ft) to 6.8 m (22.31 ft)

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

Applicants: J. & C. Miller, owners, were present in support of the application, the following was noted:

- A new compliant dormer was permitted and constructed, however a survey following the installation of the dormer determined that the contractor had not measured properly, and the roof is now over height.

Public input: Nil

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

- The roof would require a complete tear down and rebuild, resulting in significant cost implications and further delays.
- Every day the project is delayed means another day of cold air entering the house from the partially constructed area. This is especially concerning with the snow and rainy season approaching.
- The roof pitch is close to being considered a sloped roof, which would have a 7.5 m maximum height, which it is well below.
- Neighbours are supportive of the variance.
- If denied, it is unlikely that this dormer could be torn down and rebuilt before next spring due to the weather and construction timelines.

The following was noted during Board discussion:

- This is a minor variance; it was noted that when visiting the site Board members could barely tell the difference between the marking of what was allowable and where the roof was installed.
- Concerns about delaying this application during the winter weather and to rebuild for such a small request are valid.

MOTION: MOVED by M. Cole and Seconded by C. Schlenker: “That the following request to vary from the requirements of Zoning Bylaw 2003, Section 230.4 (b) (i) further to the construction of an addition on Lot 1, Section 8, Lake District, Plan 32749 (997 Amblewood) be APPROVED:

- **Relaxation of the maximum height from 6.5 m (21.33 ft) to 6.8 m (22.31 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

Cordova Bay
Road
Fence

Applicant: Knott in a Box (Todd Martin)
Property: 744 Cordova Bay Road
Variance: Relaxation of the maximum fence height from 1.9m (6.2ft) to 2.07m (6.8ft)

BOV #01076

The Clerk gave a brief overview of the application, which was included and discussed during the November 13, 2024, meeting (memo on file). This application was heard and a motion to approve was made resulting in a tie vote. It was noted at that time that the application would be tabled until January, however with recent Board of Variance Bylaw updates, that information was incorrect.

MOTION: “That the following request to vary from the requirements of Zoning Bylaw 2003, Section 6.2 (f) (ii) further to the construction of a fence on Lot 2, Section 42, Lake District, Plan 19203 (744 Cordova Bay Road) be APPROVED:

- **Relaxation of the maximum fence height from 1.9m (6.2ft) to 2.07m (6.8ft)**

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.”

Clarification was given that as per the Board of Variance Bylaw, this was a tie vote (2 in support and 2 opposed). Therefore, the motion is defeated, and the application has been denied.

Scoular Place Addition
BOV #01101

Applicant: Mark Morrill
Property: 1373 Scoular Place
Variance: Relaxation of the minimum rear lot line setback from 7.5m (24.6 ft) to 6.16 m (20.2 ft)

The Notice of Meeting was sent to adjacent neighbours. Subsequently, the applicant requested that this application be postponed. The Clerk introduced the item and notified the public that this item would be included on the agenda of January 8, 2025; and that the Notice of Meeting will be sent again.

Nicholson Street Garden Suite
BOV #01104

Applicant: Backyard Bungalows (Nick Kardum)
Property: 1055 Nicholson Street
Variance: Relaxation of the Rear Yard Lot Coverage (GS) of all buildings and structures from 25% of the rear lot area to 25.4%
Relaxation of the minimum separation space between the garden suite and the principal building from 4 m (13.1 ft) to 2.12 m (6.9 ft)

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

Applicants: N. Kardum, Backyard Bungalows, applicant, was present in support of the application, the following was noted:

- The roof overhang meets the required separation space. The existing deck will be replaced with stairs, which creates the current issues.
- An easement exists along the rear of the lot, without this, the separation space could be increased. Regulations allow for the garden suite to be taller and closer to neighbors. The location is limited by the easement.
- The garden suite will be used for aging in place, this use is allowable.
- An additional parking space will be created for the garden suite.

Public input: Nil

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

- The easement and the new stairs create the requirement for a variance.

The following was noted during Board discussion:

- Separation between the buildings is compliant, aside from the stairs.
- The easement in the rear yard creates a hardship for a small variance.
- The concerns of the neighbour have been addressed. Consideration of the neighbours was given when designing the garden suite.

MOTION: **MOVED** by C. Schlenker and **Seconded** by M. Cole: "That the following request to vary from the requirements of Zoning Bylaw 2003, Schedule H 3 Lot Coverage (a) and Schedule H 3 Siting and Height (a) (v) further to the construction of a garden suite on Lot 7, Section 32, Victoria District, Plan 9745 (1055 Nicholson Street). be **APPROVED**:"

- **Relaxation of the Rear Yard Lot Coverage (GS) of all buildings and structures from 25% of the rear lot area to 25.4%**
- **Relaxation of the minimum separation space between the garden suite and the principal building from 4 m (13.1 ft) to 2.12 m (6.9 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>Blenkinsop Road Single-family dwelling BOV #01107</p>	<p>Applicant: Ning Yan Property: 4606 Blenkinsop Road Variance: Relaxation of the maximum height from 7.5 m (24.6 ft) to 8.71 m (28.58 ft). Relaxation of the maximum vertical portion of a dwelling within 5.0 m of a vertical plane extending from the lowest outermost wall from 7.5 m (24.6 ft) to 8.12 m (26.64 ft) for a sloped roof.</p>
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The Notice of Meeting was read and the applicant's letter was received.

Applicants: N. Yan, owner, was present in support of the application, the following was noted:

- The site is sloped, average grade calculations result in a taller building.
- The natural topography of the Blenkinsop Valley causes groundwater to be directed and collect here. Previously, the house basement flooded.
- A video was shared of entrance from outside to the basement during a storm and power outage. The sump pump was not able to run, and the water was nearly up to the ceiling, just below level with the ground.
- The only way to avoid flooding is to build higher. The new house is designed above the water table with a gravity drain.
- Future flooding is likely. Redesigning the house as a one storey structure would mean much more floor area and less space for farming.

Public input: Nil

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

- The house is designed with an interest in protecting the farmland. Bringing in fill would defeat the purpose as it is not good for farming.
- The basement will be used to store farm tools, eliminating the need for a separate outbuilding.
- A gravity fed drain will work in this location as proposed.

The Senior Planning Technician stated the following:

- Bringing in fill would not make a difference, as bylaw measurements are based on existing grade; the house would still require a variance.

The following was noted during Board discussion:

- The water table presents a clear hardship, and the video demonstrates the extent of the basement flooding. This is not a large variance request.
- The lot size is over 12 acres, the bylaw is not being violated in a way that would affect neighbors as they are not close to the house.

MOTION: MOVED by M. Cole and Seconded by C. Schlenker: “That the following requests to vary from the requirements of Zoning Bylaw 2003, Sections 101.5 (b) (i) & (ii) further to the construction of a single family dwelling on Lot 2, Section 7, Lake District, Plan 46727 (4606 Blenkinsop Road). be APPROVED:

- Relaxation of the maximum height from 7.5 m (24.6 ft) to 8.71 m (28.58 ft)
- Relaxation of the maximum vertical portion of a dwelling within 5.0 m of a vertical plane extending from the lowest outermost wall from 7.5 m (24.6 ft) to 8.12 m (26.64 ft) for a sloped roof

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

Bowkett Place Single-family dwelling	Applicant: Ian Sutherland Property: 3136 Bowkett Place Variance: Relaxation of the minimum front lot line setback from 7.5m (24.6ft) to 6.2m (20.34ft).
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BOV #01105

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

Applicants: I. Sutherland, applicant, was present in support of the application, the following was noted:

- The request is for a variance on the front yard setback to build a new single-family home on this vacant lot. The proposal is a modest size home, and the lot is large. The building envelope is small but irregular.
- A natural state covenant covers approximately 50% of the lot. The location of statutory rights-of-way for sewer and storm drain through the center of the lot and a desire to retain mature trees create the hardship.
- In order to maintain the existing mature trees in the front yard, the garage needs to be placed as far east on the lot as possible.

Public input: Nil

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

- Alternative locations and layouts were explored. Due to the site conditions, this is the only viable option.

The following was noted during Board discussion:

- Looking at the lot considerations, it is impressive that a house footprint can be squeezed into the available area.
- Significant sizable trees make this challenging. These trees combined with the unique lot conditions, two statutory rights of way, a significant area covered by the natural state covenant make it really hard to build here.
- The house could be bigger if more trees were removed. It is commendable that the applicant is attempting to save as many trees as possible.
- Hardship has been clearly demonstrated. The variance request is quite small given the challenges faced with building a house on this lot.

MOTION: MOVED by M. Cole and Seconded by C. Schlenker: “That the following request to vary from the requirements of Zoning Bylaw 2003, Section 250.4 (a) (i) further to the construction of a single family dwelling on Strata Lot H, Section 79, Victoria District, Strata Plan EPS4264, Together With An Interest In The Common Property In Proportion To The Unit Entitlement Of The Strata Lot As Shown On Form V (3136 Bowkett Place) be APPROVED:

- Relaxation of the minimum front lot line setback from 7.5m (24.6ft) to 6.2m (20.34ft)

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 from M. Cole, the meeting was adjourned at 6:51 pm.

J. Uliana, Chair

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

Recording Secretary