

**MINUTES
BOARD OF VARIANCE
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL
SEPTEMBER 11, 2019 AT 6:00 P.M.**

Members: H. Charania (Chair), D. Gunn, M. Horner, R. Riddett
Regrets: E. Dahli
Staff: K. Kaiser, Zoning Officer, S. deMedeiros, Zoning Officer, T. Douglas, Senior Committee Clerk

Minutes: Moved by D. Gunn and Seconded by M. Horner: "That the minutes of the Board of Variance meeting held August 14, 2019 be adopted as amended."

CARRIED

McRae Avenue Addition
BOV #00810

Applicant: Zebra Design & Interiors Group OBO D. Perera & C. Juteau
Property: 1501 McRae Avenue
Variance: Relaxation of front lot line setback from 6.0 m to 3.24 m
Relaxation of height from 7.5 m to 8.30 m
Relaxation of single face height from 7.5 m to 8.79 m
Relaxation of allowable floor space in non-basement areas from 80% to 97.85%

MOTION: MOVED by D. Gunn and Seconded by M. Horner: "That the application for variance for an addition to the house at 1501 McRae Avenue be lifted from the table."

CARRIED

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

Applicants: Russ Collins and Chase Collins, applicants, were present in support of the application and stated:

- They took the advice of the Board and re-designed the front stairs to go sideways instead of straight out to reduce the request for front lot line.
- They were not able to adjust the design for the non-basement area because they are at the maximum grade permitted for the carport.
- They could dig down about 10" but that would result in a step down and they are concerned about water issues. This is why they are keeping the height request.
- The only solution is to pave the back yard and park there, but they would prefer a carport.
- The house is not tall; they have to measure from the highest eave and this results in the need for the variances.

Board discussion:

- There is a hardship with the sloped site.
- This is a good design considering the constraints of the site.
- The house is in character with the neighbourhood and there are no objections.
- They are asking for the least amount of variance.

Public input: Nil

MOTION: **MOVED by D. Gunn and Seconded by R. Riddett: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 210.4(a)(i), 210.4(b)(i) and (ii), and 210.4(c), further to the construction of an addition to the house on Lot 1, Section 34, Victoria District, Plan 1228 (1501 McRae Avenue):**

- a) relaxation of front lot line setback from 6.0 m to 3.24 m
- b) relaxation of height from 7.5 m to 8.30 m
- c) relaxation of single face height from 7.5 m to 8.79 m
- d) relaxation of allowable floor space in non-basement areas from 80% to 97.85%

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.”

Board comments:

- This is a minor variance, there is clear hardship, there is no negative impact to the environment and this has the support of neighbours.

The Motion was then Put and CARRIED

Walema Avenue
New house

Applicant: Todd Martin obo Gregg Congdon

Property: 1022 Walema Avenue

Variance: Relaxation of front lot line setback from 7.5 m to 3.84 m

BOV #00825

Relaxation of rear lot line setback from 12.0 m to 11.44 m

Relaxation of allowable floor space in non-basement areas from 75% to 79.81%

MOTION: **MOVED by D. Gunn and Seconded by M. Horner: “That the application for variance for a new house at 1022 Walema Avenue be lifted from the table.”**

CARRIED

The Notice of Meeting was read and the applicant’s letter received. Letter of no objection received from one residence. H. Charania, M. Horner and D. Gunn stated they met with the owner on site.

Applicants:

Todd Martin, applicant, Gregg Congdon, owner, and Alina Anapreitchik, were present in support of the application and they submitted signatures of no objection from six residences. Mr. Martin advised that they did receive an estimate from BC Hydro that states it will cost a minimum of \$10,000 to relocate the Hydro pole on the property.

Board comments:

- The re-design is good and there is support from the neighbours.
- This is a RS-4 size house on an RS-4 size lot.
- The front lot line is a better distance than previously proposed and requires a smaller variance.
- The Hydro pole obstacle requires relief.
- There is an anomaly with the Zoning of this property.
- The owner has lived there for 12 years. This is a reasonable application.

Public input: Nil

MOTION: **MOVED by D. Gunn and Seconded by M. Horner: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 295.3(a)(i) and (ii), and 295.3(c), further to the construction of a new house on Lot 18, Section 32, Lake District, Plan 1196A (1022 Walema Avenue):**

- a) relaxation of front lot line setback from 7.5 m to 3.84 m
- b) relaxation of rear lot line setback from 12.0 m to 11.44 m
- c) relaxation of allowable floor space in non-basement areas from 75% to 79.81%

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

Arbutus Road
Accessory
building

Applicant: Julie Youngash
Property: 2571 Arbutus Road
Variance: Relaxation of front lot line setback from 7.5 m to 0.07 m
Relaxation of interior side setback from 1.5 m to 0.67 m

BOV #00811

The Notice of Meeting was read and the applicant’s letter received. Letters of objection received from four residences. H. Charania stated he met with the owner on site.

Applicants:

Julie Youngash, owner and Mitch Lindsay, were present in support of the application, and stated:

- The shed’s location gives them access to the items they need outside like the barbeque. It is close to the street and is handy storage for grocery items like dog food.
- They placed the shed in this location because the shed next door is in this location.
- The shed has been there for 3-4 years.

Public input:

C. Reimer, Arbutus Road:

- Is not in support of the application.
- Suggested the applicant had called in to complain about the neighbour’s shed.
- There is hardly any parking in the applicant’s driveway; suggested they could park in the shed area instead of parking on the street.

M. Freigang, Scolton Road:

- Is not in support of the application; asked that the applicants comply with the bylaw.
- They park in their own driveway and put their shed in the back yard.
- The applicant purchased the house the way it was and should have known the constraints of the lot.

Mr. Lindsay stated:

- The complaint about the neighbour’s shed was about the camera and light that shines into their living room.
- The hardship is that they need the shed for storage of garden equipment, tools, and materials for the toy boxes they make for charity.

Ms. Youngash stated:

- She has lived here since 2002.
- She never complained about the neighbour's shed.

In reply to questions from the Board the applicant and Mr. Lindsay stated:

- They did consider another location for the shed. The yard is professionally landscaped and there is very little room on the lot. If they put the shed in the middle of the yard to comply with the bylaw there would be no yard left.
- If they are denied the application there is no other location to place the shed.
- They purchased the smallest plastic shed available.
- They placed it in an accessible area; they are both disabled and need an accessible shed.
- There are many landscape rocks on the property so there is no spot for the shed except for the other side and the neighbours would object to that.
- The owner has spent years creating an exotic garden, this is her retirement home and they wish to enjoy the yard.

C. Reimer, Arbutus Road:

- They have defaced the hedge and are not professional landscapers.

Mr. Lindsay stated:

- He has taken a forestry technician course and worked in the forest industry.

On the question of whether Mr. Lindsay could make the shed portable, the Zoning Officer stated that it would still be subject to the setbacks regardless of whether it is portable.

Board discussion:

- This is a major variance request
- Board members are not convinced of the hardship.
- The neighbours are opposed and have concerns about parking. The area the shed sits in could be used for parking.
- The parking issue is up to Bylaw enforcement.
- The side yard setback is okay but the front lot request is not.
- This is a 6,000 square foot lot so there should be lots of space.
- The shed can be moved, it has no foundation and is not a permanent structure.

MOTION:

MOVED by D. Gunn and Seconded by R. Riddett: "That the following requests for variance from the requirements of Zoning Bylaw 2003, Section 205.5(a)(i) and (ii), to allow an existing accessory building remain as is at on Lot 4, Section 44, Victoria District, Plan VIP72108 (2571 Arbutus Road) be DENIED:

- a) relaxation of front lot line setback from 7.5 m to 0.07 m**
- b) relaxation of interior side setback from 1.5 m to 0.67 m."**

Board comments:

- This is a major variance.
- The shed is not a permanent structure and can be moved.
- The neighbours are opposed to the request for variance.

The Motion was then Put and CARRIED

Rowan Street Addition
BOV #00813

Applicant: Cumming Design OBO Matt and Erin Laird
Property: 1589 Rowan Street
Variance: Relaxation of interior side lot line setback from 1.5m to 1.3m
Relaxation of combined side lot line setbacks from 4.5 m to 3.68 m
Relaxation of allowable floor space in non-basement areas from 80% to 99.61%

The Notice of Meeting was read and the applicant's letter received. Signatures of no objection received from 13 residences. Mr. Charania stated that he met with the owners on site.

Applicants:

Tara Cumming, applicant, Matt and Erin Laird, owners, and Tim Rabey, builder, were present in support of the application. The following was noted:

- The existing house sits 1.3 metres from the property line and is not parallel to the property line.
- The non-basement area is the main problem due to the rock just under the surface.
- It would be difficult to create a basement and the storm drain is at a shallow depth. If they are forced to dig down for a basement they will have to continually pump storm water up to the drain.
- Whenever there are heavy rains (usually between October-March) their property becomes a lake; the field at Doncaster school drains onto their property.

In reply to questions from the Board:

- A member of the family has a room downstairs and they need more space; the ceiling height is less than 7' downstairs.
- The proposed floor is 1' lower than the existing floor but as part of the renovation the perimeter drains will be installed at the front. They can dig 1' down but cannot go 4-5' down to make a proper basement.
- The house was built in 1954 and they have lived there since 2005. Their grandmother owned the home previously.
- There are no plans to have a secondary suite.

It was noted that a downstairs bathroom was not included on the plans submitted. The applicant drew this information onto the plans.

Board comments:

- The present siting of the house along with the rock and drainage issues are hardships.
- The side lot line variance requests are already existing.
- The neighbours are in support and this is an improvement on the house and will protect it from flooding.
- There is small concern about massing however there is a hardship in modernizing an older house.
- The house will look the same in the front; the addition is at the back facing the school field.

Public input:

Nil

MOTION:

MOVED by M. Horner and Seconded by R. Riddett: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 210.4(a)(ii) and 210.4(c), further to the construction of an addition to the house on Lot 15, Section 37, Victoria District, Plan 1376 (1589 Rowan Street):"

- a) relaxation of interior side lot line setback from 1.5 m to 1.3 m
- b) relaxation of combined side lot line setbacks from 4.5 m to 3.68 m
- c) relaxation of allowable floor space in non-basement areas from 80% to 99.61%

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

Robinwood Place Addition
BOV #00823

Applicant: Philip and Susan Watt
Property: 1516 Robinwood Place
Variance: Relaxation of combined front and rear lot line setbacks from 15.0 m to 14.87 m
Relaxation of allowable floor space in non-basement areas from 80% to 85.67%

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

Applicants:

Philip and Susan Watt, applicant/owners and [REDACTED], were present in support of the application and noted that:

- The proposal is to build a suite [REDACTED]
- They never had intended to renovate their home but they wish to support their daughter.

A video of the proposed suite was shown to the Board. In reply to questions from the Board the applicants stated:

- They tried to design an addition that meets with the Bylaw but the existing footprint does not provide enough access.
- This is a 1970’s home and the weight bearing walls cannot be modified.
- They are not able to convert the upstairs space.
- They need a space that allows a person to manoeuvre a wheelchair.
- They are asking for 176 square feet more than what is existing.

Board comments:

- The neighbours are supportive and the design is not offensive.
- There is strong justification for this request.
- It would be much more costly to design this in another way.
- The hardship is personal in this case, but it is justified.
- The intent of the bylaw is to ensure massing is managed and this barely changes massing.
- There is no negative impact to the environment.

Public input:

Nil

MOTION:

MOVED by D. Gunn and Seconded by M. Horner: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 210.4(a)(i) and 210.4(c), further to the construction of an addition to the house on Lot 12, Section 86, Victoria District, Plan 29724 (1516 Robinwood Place):

- a) relaxation of combined front and rear lot line setbacks from 15.0 m to 14.87 m
- b) relaxation of allowable floor space in non-basement areas from 80% to 85.67%

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
New house

Applicant: Ryan Hoyt Designs OBO Glen and Robin Boy
Property: 4577 Cordova Bay Road
Variance: Relaxation of front lot line setback from 7.5 m to 3.55 m
Relaxation of exterior side lot setback from 3.5 m to 1.50 m

BOV #00828

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

Applicants:

Ryan Hoyt, applicant, was present in support of the application, and stated:

- This property has been before the Board previously. The previously approved design was ultimately too costly for the owners to move forward.
- They worked with the same Geotechnical firm as before and were advised to keep as far away from the slope as possible.
- There is a road allowance at the exterior side lot line; they feel that this should be considered an interior side lot line. Saanich Engineering has said there is no intent to construct a road on this portion of land.
- The variance at the front is significant but there is not a lot of room to manoeuvre. They have provided the safest vehicle access with the proposed design.
- This is a single storey structure from the street view.
- This is one of the most challenging sites that he has worked on; there is poor access and sightlines from the road.

In reply to questions from the Board:

- The Geotechnical engineer recommended the location of the proposed garage and parking area. Mr. Hoyt referred to the site plan and explained the areas where the Geotechnical engineer recommended they build within.
- A description was given of how the building would be supported with pilings, structural slabs, cantilevered portions and ballasts.
- Information was provided about the construction budget differences from 2015 to present, and how the structure has been altered to be a simple stacked structure to reduce costs.
- The small one-car garage is needed. There is high visibility from the road and there is very little in the way of usable land to place it elsewhere.
- The neighbours were consulted. Originally they were concerned about the height but moving the home toward the road right-of-way gives the neighbours across the street a better view. They left the plans out on site and spoke to neighbours that asked them questions.

Board comments:

- This is an unusual lot and the Bylaw does not fit with it.
- Speculation was made about whether this is a buildable lot. The variance to move the home to closer to the road allowance is a bonus to the lot.
- The exterior side lot line should be considered as the interior side. This is the safest way to get cars in and out of the property.

- The house is essentially a one-storey house in the front.
- The garage is an integral part of the structure.
- No opposition was received.

Public input: Nil

MOTION: **MOVED by R. Riddett and Seconded by M. Horner: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 295.3(a)(i) and (iv), further to the construction of a new house on Lot 1, Section 24, Lake District, Plan 1278A (4577 Cordova Bay Road):**

- a) relaxation of front lot line setback from 7.5 m to 3.55 m
- b) relaxation of exterior side lot setback from 3.5 m to 1.50 m

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

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| <p>Waring Place Addition BOV #00829</p> | <p>Applicant: Ryan Hoyt Designs OBO Gerald and Carolyn Shields Property: 3785 Waring Place Variance: Relaxation of front lot line setback from 7.5 m to 5.50 m Relaxation of height from 5.0 m to 7.96 m Relaxation of height for a flat roof from 5.0 m to 6.75 m</p> |
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The Notice of Meeting was read and the applicant’s letter received.

Applicants: Ryan Hoyt, applicant and Gerry Shields, owner were present in support of the application. Mr. Hoyt submitted correspondence of no objection from three residences and he stated:

- The addition to the front is to enclose the carport so vehicles can be secured and park functionally.
- They felt it was important to maintain a minimum 5.5 metre front setback so that cars could still park on the driveway and be off the street safely.
- The proposed garage size is not huge at 19 feet, but is functional.
- The current height of the roof is non-conforming and they are not proposing to increase the existing height.

Mr. Shields stated:

- They moved into the house of May last year.
- They did their basic due diligence when purchasing; they saw this as a beach house that deserved to survive.
- They did not know to look at whether it was non-conforming when they were house shopping.

In reply to questions from the Board, the applicant and the owner stated:

- The existing carport is partially non-conforming already.
- There weren’t any other options for the front. They are proposing the absolute minimum size for a garage at just under 20 feet.
- The neighbours have seen the plans and are happy. The carport roof will be lower because it will be flat.
- The hardship is that they are already non-conforming for height and in the front the house is constructed with a non-functional carport. They are trying to improve the function and add curb appeal.

- There is a woeful lack of storage. The only way to enhance this is to convert the carport into a garage. They are trying to maintain an older home.
- The other houses in the neighbourhood are taller and built closer to the road despite having the same lot size.
- The second floor bedrooms are undersized and they would like to increase the space.
- The existing home is more non-conforming than the improvements they are proposing.
- They are adding about 400 square feet.

Board comments:

- Board member observed how close the adjacent homes are to the street.
- They cannot make any changes to the roof without a variance.
- The height request is a technicality because it is already over height.
- The carport is only being extended slightly; if it were not already existing then they may be less likely to consider it.
- One member questioned the hardship and suggested the variances requested were major.

Public input: Nil

MOTION: **MOVED by D. Gunn and Seconded by R. Riddett: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 255.4(a)(i) and 255.4(b)(i), further to the construction of an addition to the house on Lot 2, Section 44, Victoria District, Plan VIP8088 (3785 Waring Place):**

- a) relaxation of front lot line setback from 7.5 m to 5.50 m
- b) relaxation of height from 5.0 m to 7.96 m
- c) relaxation of height for a flat roof from 5.0 m to 6.75 m

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.”

Board comments:

- The hardship is the location of the house on the lot; this triggers variances to do any work.
- Board member sees this as a fairly minimal request overall.
- There is a right-of-way on the west side for drainage.

The Motion was then Put and CARRIED with H. Charania OPPOSED

Tremblay Drive Addition
BOV #00830

Applicant: Trevor Howells
Property: 4456 Tremblay Drive
Variance: Relaxation of rear lot line setback from 7.5 m to 6.75 m
Relaxation of combined front and rear lot line setbacks from 15.0 m to 14.25 m

The Notice of Meeting was read and the applicant’s letter received. Letter of no objection received from one residence. Mr. Charania and Ms. Horner stated they saw the owners on the site visit.

- Applicants: Trevor Howells, applicant/owner was present in support of the application and provided signatures of no objection from three residences. Mr. Howells stated:
- The request for the combined setbacks is due to the fact that the rear lot line is irregular/on an angle.
 - They moved to the property three years ago.
 - The existing deck had damage from standing water and they intended to repair and expand the deck as the growing family needs more space.
 - They did not go through due process and apply for a building permit, and therefore did not know that they needed a variance for the back corner.
 - The previous deck was legal non-conforming.
 - There is a mature Japanese maple tree on the interior corner and they do not want to remove it; this is why they built the deck the way it is.
 - The deck is not intrusive and helps with a good flow to the home. They have placed foliage in pots on the deck for privacy.
 - If they have to remove the structure they are concerned it could negatively impact the root system of a cherry tree.
 - There are high costs associated with demolishing and re-doing the deck. If the corner is removed they will not have the space they need.
 - The hardships are that they are on a corner lot and the siting of the house combined with the irregular lot line is a problem. They thought the side lot line was the rear.
 - The deck keeps with the intent of the bylaw, and keeping it has the least impact on the environment and neighbourhood.

In reply to questions from the Board, Mr. Howells stated that this is a bylaw case because someone complained. Building a non-complying structure was an unintentional error.

Public input: Nil

MOTION: **MOVED by D. Gunn and Seconded by M. Horner: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Section 210.4(a)(i), further to the construction of an addition to the house on Lot 10, Section 84, Victoria District, Plan 27356 (4456 Tremblay Drive):**

- a) relaxation of rear lot line setback from 7.5 m to 6.75 m
- b) relaxation of combined front and rear lot line setbacks from 15.0 m to 14.25 m

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."

Board comments:

- This is a minor variance if you look at the extent of the intrusion.
- Other setbacks on the lot are generous.
- This is an irregular lot.
- This meets the intention of the Bylaw.

The Motion was then Put and CARRIED

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| Gordon Head Road Addition | Applicant: JC Scott Design Associates Inc. OBO Lana Foree |
| | Property: 4351 Gordon Head Road |
| | Variance: Relaxation of front lot line setback from 15.0 m to 9.67 m |

BOV #00831

**Relaxation of height for a flat roof from 6.5 m to 7.70 m
Relaxation of single face height for a flat roof from 6.5 m
to 11.30 m**

The Notice of Meeting was read and the applicant's letter received. Letter not in support received from one residence. Letter of no objection received from one residence.

J.C. Scott, applicant, was present in support of the application and he stated:

- When designing homes he always considers the neighbour's views.
- This is a clifftop home on a steep site. There is concern about the safety of the children and pets because of this.
- The design is eco-oriented. The intent is to have a very low carbon footprint so they are working within the existing footprint as much as possible. They were advised by a builder to knock the building down and build to the maximum allowable, but this would impact the environment and the neighbours.
- They tried to design the addition so it is lower than the existing highest point.
- The existing house is non-conforming.
- When the owners travel, a family member with mobility issues look after the children. They would like an attached and enclosed garage for this reason.

Public input:

S. Purcell, Gordon Head Road:

- Referred to the letter they submitted which explains their concerns.
- They do not object to the neighbours making improvements but the giant flat roof is of concern.
- There is an existing 2-car garage on the site and the need for the attached garage was questioned.
- When they built their own house, they had to put in a 'deluge curtain' to comply with the fire code as the house is already too close to the neighbours.

In reply to questions from the Board, the applicant stated:

- They would consider removing the existing garage if the attached garage is approved.
- The need for the attached garage is a safety issue for the caregiver and children.
- The sloped portion of the roofs are higher. It was felt that a flat roof addition is less obtrusive.
- The hardship is that they are trying to be as environmentally responsible as possible. It would be marginally more expensive to build a traditional 2-storey home with a peaked roof, but this option would also have greater impact on the neighbours. Lastly they want a safe and healthy home for the family.
- The client purchased the house this past spring. It was built in the mid 1970's and has had some renovations over the years.
- The square footage for the proposed addition is around 1,600 square feet, with about 350-400 square feet added to the footprint.
- If the rooftop glass railing is a deal breaker, the owners would forego this request.
- It is very important to the owners that this be an ecologically responsible renovation. A lot of thought has gone into this plan.

In reply to the Board's comments that the site was not marked or accessible for viewing, Mr. Scott provided a description of the addition. In reply to concerns

expressed that the variance is in perpetuity and this could be sold as a party house, Mr. Scott informed the Board that the family intends to stay in the home long term.

Board comments:

- These are major variances and the hardship is not clear.
- This is a challenging lot; they are not trying to build a massive home and are fixing existing problems. Question whether the railings are necessary.
- Clarification is needed on the existing garage.
- The site needs to be marked for the Board to visit in person.
- It would be helpful for the applicant to provide clearer drawings or diagrams.
- Board consensus was that this item be tabled for future consideration.

MOTION:

MOVED by D. Gunn and Seconded by M. Horner: “That consideration of the requests for variance from the requirements of Zoning Bylaw 2003, Sections 290.3(a)(i) and 290.3(b)(i) and (ii), further to the construction of an addition to the house on Lot 1, Section 45, Victoria District, Plan 16045 (4351 Gordon Head Road) be TABLED for up to three months and that the applicant be requested to:

- clarify whether the existing garage will be removed or retained,
- provide a hardship to justify the request for the glass rooftop railing, and,
- provide additional drawings or reference materials that gives a better visual of the home’s proposed design.”

The Motion was then Put and CARRIED with H. Charania OPPOSED

Santa Clara Avenue Accessory building

Applicant: Dezign Zone OBO Wally Yu
Property: 5241 Santa Clara Avenue
Variance: Relaxation of height from 3.75 m to 4.62 m

BOV #00827

The Notice of Meeting was read and the applicant’s letter received. Mr. Gunn reported that he met with Mrs. Yu on the site. He noted that the site was not marked for the visit.

Applicants:

Jordan Mills, applicant and Wally Yu, owner, were present in support of the application and Mr. Mills stated:

- The back of the proposed carport will be in line with the back of the house.
- There is a small slope from the back of the property to the front.
- The recreational vehicle is 11’ tall and so they gave a 1’ buffer.

In reply to questions from the Board, the following was noted:

- The Maple tree on site is dying and has to be removed. They have permits from the Parks department to do this.
- The owner has spoken with the adjacent neighbours and shown them the plans, and they have no concerns.
- The hardship is the owner needs to protect their personal property with a structure larger than what the zoning allows. The RV leaks and needs cover. When they do put a cover on the wind pulls it off.

In reply to a question, the Zoning Officer confirmed that lowering the inside of the proposed building could accommodate the request and meet the Bylaw requirement for height. The owner expressed concern that digging down could result in water problems.

Board comments:

- There is no evidence of hardship. Is there another option available to the applicant?
- For the size of the boat and the RV, not being able to enclose them is a hardship.
- This is a very large lot and it will not be an imposition to the neighbour's view. The request is minor.
- There is an option to have the structure as an extension to the house; no variance would be needed in that case.
- There is no hardship and this does not meet the intent of the Bylaw.

Public input: Nil

MOTION: MOVED by R. Riddett and Seconded by D. Gunn: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 101.7(b), further to the construction of an accessory building on Lot A, Section 44, Lake District, Plan VIP70865 (5241 Santa Clara Avenue):

- a) relaxation of height from 3.75 m to 4.62 m

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 variance so permitted by this Order will expire."

The Motion was then Put and DEFEATED with H. Charania and M. Horner OPPOSED

As the vote was a tie, the application is TABLED for consideration at a future meeting where all Board members are present.

Adjournment On a motion from D. Gunn, the meeting was adjourned at 9:25 pm.

Haji Charania, Chair

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

Recording Secretary