

**MINUTES
BOARD OF VARIANCE
HELD ELECTRONICALLY VIA MICROSOFT TEAMS
WEDNESDAY FEBRUARY 8, 2023 AT 6:00 P.M.**

Members: K. Zirul (Chair), J. Uliana, A. Gill, M. Cole

Regrets: M. Horner

Staff: J. McLaren, Senior Planning Technician; A. Whyte, Senior Planning Technician; and M. MacDonald Senior Committee Clerk

Kootenay Place Height
BOV#01004

Applicant: Dan Robbins
Property: 3700 Kootenay Place
**Variance: Relaxation of the maximum vertical portion of a dwelling within 5.0 m of a vertical plane extending from the outermost wall for a flat roof (single face) from 6.5 m (21.3 ft) to 7.72 m (25.3 ft).
Relaxation of the maximum non-basement floor area from 80% (248.0 m²) to 93.2% (289.03 m²).**

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

Applicants: Dan Robbins (Owner/applicant) was present in support of the application. The following was noted:

- A variance for non-basement is requested as the lot would require significant blasting in order for the lower floor to be considered basement area.
- The lot has a significant slope. The height variance request relates to the street side of the house in part due to the sloped topography.
- The street facing side will fit aesthetically in the area, it is similar to the surroundings.

Public input: I. Gregory, Kootenay Place

- The additional height could potentially cast a shadow onto the neighbouring property. Current vegetation around the site requires full sun, additional shade could impact existing plantings.
- The location of the windows may reduce privacy.

Discussions: In response to comments from the public, the applicant stated:

- Clarification was given on the street facing location of the height variance.
- The location of the house will minimize shadows on neighbours.

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

- The ceiling height above the garage is 9ft, which is the lowest possible. The design was reconfigured with the rood being reduced from 11ft high when the need for a variance was identified.
- The topography of the lot and a shared driveway limits the options for relocating the garage. The location is predetermined by accessibility.

The following was noted during Board discussion:

- If the applicant was to build a sloped roof instead of a flat roof, the highest point would be higher than the proposal.
- The house is built into a cliff, the topography is a steep rocky slope.
- Site specific hardship of the non-basement aspect is due to the need for extensive blasting and the average grade.
- Massing has been broken up and the design fits into the area.
- The location of the shared driveway and the steep slope limits where the garage can be built, there is no other area.
- The applicant has made effort to minimize the variances.

Public input: Nil

MOTION: MOVED by A. Gill and Seconded by J. Uliana: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Section 210.4 (b) (ii) & (c) further to the construction of a new single family dwelling on Lot 1, Sections 32 and 43, Victoria District, Plan 25617 Except Parcel A (DD A62374) Thereof (3700 Kootenay Place):

- Relaxation of the maximum vertical portion of a dwelling within 5.0 m of a vertical plane extending from the outermost wall for a flat roof (single face) from 6.5 m (21.3 ft) to 7.72 m (25.3 ft).
- Relaxation of the maximum non-basement floor area from 80% (248.0 m²) to 93.2% (289.03 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 from A. Gill, the meeting was adjourned at 6:32 pm.

Kevin Zirul, Chair

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

Recording Secretary