

**MINUTES
BOARD OF VARIANCE
HELD ELECTRONICALLY VIA MICROSOFT TEAMS
WEDNESDAY MARCH 8, 2023 AT 6:01 P.M.**

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

Regrets: M. Horner

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

Minutes: **Moved by J. Uliana and Seconded by A. Gill: "That the minutes of the Board of Variance meeting held December 14, 2022, January 11, 2023 and February 8, 2023 be adopted."**

CARRIED

Rise and Report From the In Camera meeting of February 22, 2023

"That the Board of Variance shall hear the representations of Mr. Nanos with respect to BOV Application BOV01004 and the applicant's response to Mr. Nanos' representations at the March 8, 2023, Board of Variance meeting. Following the submissions from Mr. Nanos and the applicant, the Board of Variance shall decide to either:

- a) confirm the February 8, 2023 decision; or
- b) rescind the order made on February 8, 2023 and make a new order."

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 of King George Terrace (owner/applicant) was present in support of the application.

Public input: D. Nanos, Kootenay Place

- Questions were raised about the pole which was erected to show where the allowable height would be compared to the request.
- The space allocated for the shared driveway may not be sufficient for a vehicle to turn around if the neighbour is parked on their driveway.
- Concerns about the height and loss of views were expressed.

- Discussions: In response to comments from the public, the applicant stated:
- The design was changed to minimize the variance being requested.
 - Given the location of the shared driveway and steep slope, there is no other possible location for the garage.
 - The house is stepped down along the slope, this split level design was used to ensure that the height variance needed for the street facing side was minimal while a modest sized living space is created.

The following was noted during Board discussion:

- The applicant answered the questions presented fully.
- While losing views is not ideal, the applicant has done their best to minimize impacts to the neighbour.
- The neighbour seemed satisfied with the responses received.

MOTION: MOVED by M. Cole and Seconded by A. Gill: "That the Board of Variance confirm the February 8, 2023 decision related to BOV01004 at 3700 Kootenay Place."

CARRIED

Lochside Drive **Applicant: Igor Kotliarsky**
 Non-basement **Property: 4967 Lochside Drive**
 BOV #01007 **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 sloped roof (single face) from 7.5 m (24.6 ft) to 8.0 m (26.2 ft).**

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

- Applicants: Igor Kotliarsky (applicant/owner) and Ron McNeil (designer) were present in support of the application. The following was noted:
- The lot is a steep slope, the existing driveway is non-conforming and in order for engineering to approve the driveway proposal the house elevation needs to be where it is currently proposed to be.
 - Alternative options would impact the trees, more removals would be necessary.
 - Neighbours are not impacted as adjacent lots are at a higher elevation.

- Public input: D. & B. McHugh, Cordova Bay Road
- Concerned about the grade of the property, the lowest grade will require a pump to drain water and there is a potential risk of flooding adjacent lots.
 - The back of the house will overlook the lower property which may cause privacy concerns for the existing neighbour.

- Discussions: In response to questions and comments from the public, the applicant stated:
- The main floor of the new house will be approximately 1.5 to 2 feet higher than it is currently, there is not a big difference.

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

- There would be significant impacts to trees on the lot if an alternative approach is taken.
- The driveway will be non-permeable, flooding should not be an issue.

The following was noted during Board discussion:

- The driveway is difficult to use, there is nearly a 6 metre height difference between the road and the house/garage.
- The slope creates a hardship that would not exist if the lot was flat.
- The requested variance is minor, this does not affect neighbors.
- This application has taken steps to minimize environmental impacts.

MOTION:

MOVED by A. Gill and Seconded by J. Uliana: “That the following variance request to relax the requirements of Zoning Bylaw 2003, Sections 295.3 (b)(ii) further to the construction of a single family dwelling on Lot 1, Section 29, Lake District, Plan 12450 (4967 Lochside Drive) be APPROVED:

- **Relaxation of the maximum vertical portion of a dwelling within 5.0 m of a vertical plane extending from the outermost wall for a sloped roof (single face) from 7.5 m (24.6 ft) to 8.0 m (26.2 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

Adjournment

On a motion from A. Gill, the meeting was adjourned at 6:46 pm.

Kevin Zirul, Chair

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

Recording Secretary