

**MINUTES
BOARD OF VARIANCE
HELD ELECTRONICALLY VIA MICROSOFT TEAMS
WEDNESDAY OCTOBER 11, 2023 AT 6:01 P.M.**

Members: J. Uliana (Chair), A. Gill, M. Horner, and M. Cole

Regrets: K. Zirul

Staff: J. McLaren, Senior Planning Technician – Subdivision; C. Yancoff, Planning Technician and M. MacDonald, Senior Committee Clerk

Minutes: **Moved by M. Cole and Seconded by A. Gill: “That the minutes of the Board of Variance meetings held August 9, 2023 be adopted as circulated.”**

CARRIED

Parker Ave
Roof Addition
BOV #01041

Applicant: Lindsay Baker (Aspire Custom Designs Ltd.)
Property: 5267 Parker Avenue
Variance: Relaxation of the maximum height from 7.5 m to 8.0 m. 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 to 9.98 m for a sloped roof (Single Face).

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

Applicants: L. Baker, applicant, and B. Walter, owner, were present in support of the application, the following was noted:

- The redesigned roof slope will allow for better drainage of rainwater and avoid the current water retention and leaking issues.
- Existing house is already over height, any changes to the house will require a variance. The proposal is close to the existing roof height.
- The roof addition is the minimum slope to be considered a sloped roof.

Public input: G. Chew, Parker Avenue

- Neighbour whose water views could be impacted, however still supportive of the application as it will correct ongoing drainage issues on the flat roof.
- The applicant has tried to solve the issue, however this is the only feasible

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

- The interior of the house will not be changed, only the exterior.
- Any change to the existing house will require a variance as it is existing non-conforming. No changes can be made without approval.

The following was noted during Board discussion:

- The variance is the minimum amount of change to eliminate the issues that are being caused by the flat roof.
- The request does not adversely affect the natural environment, neighbours or defeat the intent of the bylaw.

MOTION: **MOVED** by M. Cole and **Seconded** by M. Gill: “That the following requests to vary from the requirements of Zoning Bylaw 2003, Sections 295.3 (b) (i) & (ii) further to the construction of a roof addition on Lot 1, Section 32, Lake District, Plan 1196 be **APPROVED**:

- Relaxation of the maximum height from 7.5 m to 8.0 m.
- 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 to 9.98 m for a sloped roof (Single Face).

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

Kisber Ave
Single family
dwelling

BOV #01042

Applicant: Vadim Melamed (Modern Home Design)
Property: 1736 Kisber Avenue
Variance: Relaxation of the maximum height from 7.5 m to 7.69 m.
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 to 7.79 m for a sloped roof (Single Face).

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

Applicants:

C. Hui was present in support of the application, the following was noted:

- During construction it was realized that the basement floor was going to be set below the water table. The floor was raised to avoid flooding and the constant use of sump pumps.
- The designer recalculated the height, the third-floor ceiling height was reduced, and the slope of the roof was adjusted to try to comply with the requirements of the Zoning Bylaw.

Public input:

K. Deegan, Christmas Avenue

- Not supportive of the variance as the house as built is much higher than others in the area. This blocks views of Mount Tolmie.
- Windows in the back of this house cause privacy issues as they overlook neighbouring properties.

Discussions:

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

- Minor changes were made to the plans to allow for a gravity fed storm and wastewater connections rather than sump pumps.
- Flooding in this area is a potential hardship. The build has taken months, and delaying the application due to the height is not ideal.
- The truss design may have impacted the height.
- Once the floor level was changed and the height issue was realized, the plans were changed as an attempt to be compliant.
- The sump pump will run only when it rains heavily.

The following was noted during Board discussion:

- Windows and privacy concerns are not within purview of the Board.
- The variance for height is minimal. Sometimes this happens with truss design and height. Changing the plans to avoid flooding is reasonable.
- Surrounding houses include ranchers and older style homes, this new style house may look large in the area, however it is compliant with gross floor area and other current size limitations.
- Mistakes can happen at many places during the building process, this happens sometimes. While not ideal, this was not avoidable.
- the original application was intended to be below height.
- A difference of approximately seven inches is relatively minor.
- Deconstruction and rebuilding smaller walls would be a hardship.

MOTION: **MOVED by A. Gill and Seconded by M. Cole: “That the following requests to vary from the requirements of Zoning Bylaw 2003, Sections 210.4 (b) (i) & (ii) further to the construction of an addition on Lot A, Section 40, Victoria District, Plan 42925 (1736 Kisber Avenue) be APPROVED:**

- Relaxation of the maximum height from 7.5 m to 7.69 m.
- 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 to 7.79 m for a sloped roof (Single Face).

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

Tattersall Dr
Addition

BOV #01043

Applicant: Studio Ink Design
Property: 1265 Tattersall Drive
Variance: Relaxation of the maximum height from 7.5m to 7.73m.
 Relaxation of the maximum vertical portion of a dwelling within 5.0m of a vertical plane extending from the lowest outermost wall from 7.5m to 8.67m for a sloped roof (single face).
 Relaxation of the maximum non-basement floor area from 80% (248m²) to 85.4% (264.8m²).

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

Applicants: G. Streight, applicant, was present in support of the application, the following was noted:

- Applicants would like to renovate and expand the main floor dining room, and expand the upper floor to allow for an additional bedroom.
- The site slopes significantly from north to South, there is a 2-metre difference in grade which effects the calculations for height. The slope effects the non-basement calculations as well.

Public input: Nil

- Discussions: The applicant stated the following in response to questions from members of the Board:
- A survey was not completed prior to the final survey when the property line location issue was realised.
 - The survey pins could not be seen/located. The house is aligned with the property line, but the accessory building is not.

The following was noted during Board discussion:

- This neighbourhood appears to have many buildings which do not respect setbacks, this building does not look out of place.
- Construction contractors should be checking the setbacks.
- There was ample opportunity to avoid this by following best practices.
- This is a relatively minor variance. The neighboring property is a distance away, there is not a fire hazard due to proximity.
- Avoiding this issue by using a surveyor would have been easy. The owner should have known that this step was necessary.

MOTION: MOVED by M. Cole and Seconded by J. Uliana: “That the following request to vary from the requirements of Zoning Bylaw 2003, Section 5.34 (a) (ii) further to the construction of an accessory building on Lot 492 Section 39/0 Victoria District Plan 402C (1689 Kisber Avenue) be APPROVED:

- **Relaxation of the minimum interior lot line setback from 1.5 m (4.9 ft) to 1.25 m (4.1 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>Glenwood Avenue Application A – Accessory building (garage)</p>	<p>Applicant: Rachael Sansom (Grayland Consulting Ltd.) Property: 2898 Glenwood Avenue Variance: Relaxation of the maximum height from 3.75 m to 5.65 m. Relaxation of the maximum lot coverage for an individual accessory building from 70.0 m² to 79.25 m².</p>
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BOV #01016 The Notice of Meeting was read and the applicant’s letter received.

- Applicants: R. Sansom, applicant, and K. Baker, designer, were present in support of the application, the following was noted:
- The road is at a higher elevation than the lot, so the proposed garage must be constructed above grade to ensure the driveway is not too steep. This will not appear over height from the front, the back of the building will be taller due to the slope of the lot.
 - This lot is unique in that it is split in two parts with a creek and ocean inlet in the middle. The proposed site for the garage is adjoining the road, while the house is separated from the road and garage by the water. This unique circumstance creates a site-specific hardship.
 - Road and vehicle access from the road are on one side of the inlet, with a walkway to the other side where the house will be built.
 - Functionality is important, storage for vehicles and items is needed.

Public input: Nil

Discussions: The Clerk stated the following:

- The original application had a total of nine variances. For clarity, the application was split into three separate applications, one for the garage, one for a temporary vehicle bridge and another for a permanent foot bridge.
- Although these applications will be kept separate, there will be some information overlap as they all apply to the same property.

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

- Having the building lower would result in a much less functional 15% driveway slope, rather than the 10% slope which is proposed.
- Two garages would be allowable on the site; however, the shape and topography make this problematic. One slightly larger garage is the only feasible option given limited road access and site topography.
- Weather conditions including ice and snow necessitate a smaller slope than the 15%. The proposed 10% slope is still steep, however lowering the number would mean increasing the variance.
- The building is nearly half below the road, it will not be a huge building when looking from the road. A flat roof minimizes the visual impact.
- If the lot was shaped normally, this size garage would be permitted.
- Sharing a driveway with the neighbor was not considered an option.

The following was noted during Board discussion:

- The site and slope necessitate the need for a height variance.
- Separation of the house and garage are a hardship as the size of the garage as an accessory building is less than what would be allowed if the garage was attached to the house.

MOTION: MOVED by A. Gill and Seconded by M. Cole: “That the following request to vary from the requirements of Zoning Bylaw 2003, Sections 5.34 (b) & (e) further to the construction of an addition on Lot A, Section 21, Victoria District, Plan EPP97252 (2898 Glenwood Ave) be APPROVED:

- Relaxation of the maximum height from 3.75 m to 5.65 m.
- Relaxation of the maximum lot coverage for an individual accessory building from 70.0 m² to 79.25 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

<p>Glenwood Avenue Application B - Temporary vehicle bridge</p>	<p>Applicant: Rachael Sansom (Grayland Consulting Ltd) Property: 2898 Glenwood Avenue Variance: Relaxation of the minimum interior side lot line setback from 1.5 m to 0.0 m on the East natural boundary of the body of water. (Variances are continued on next page)</p>
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BOV #01033

Relaxation of the minimum interior side lot line setback from 1.5 m to 0.0 m on the West natural boundary of the body of water.

Relaxation to allow a building or structure to be constructed or located upon or over the land lying below the natural boundary of the ocean.

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

Applicants:

R. Sansom, applicant, and K. Baker, designer were present in support of the application, the following was noted:

- It was noted that this application has the same hardship as the application which was just considered. It is the same address and property; the division of the lot is the main hardship.
- A temporary vehicle bridge will allow for vehicular traffic and movement of building materials to construct a new house on the otherwise inaccessible portion of the lot.
- A prebuilt logging bridge will be rented for use during the building process. It will then be removed and sent back to the supplier. The temporary bridge will be moved in using a crane.

Public input:

Nil

Discussions:

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

- The application is complicated due to crossing the property line, over the foreshore and the water onto the other side of the property.
- Crossing the property line means a variance is required.
- The location minimizes impacts to trees.

The following was noted during Board discussion:

- This bridge is necessary to transport material to build the house.

MOTION:

MOVED by A. Gill and Seconded by M. Cole: "That the following request to vary from the requirements of Zoning Bylaw 2003, Sections 5.34 (a) & 5.16 (a) further to the construction of an addition on Lot A Section 21 Victoria District Plan EPP97252 (2898 Glenwood Ave) be APPROVED:

- **Relaxation of the minimum interior side lot line setback from 1.5 m to 0.0 m on the East natural boundary of the body of water. Labeled B1 on plans dated Aug 17, 2023.**
- **Relaxation of the minimum interior side lot line setback from 1.5 m to 0.0 m on the West natural boundary of the body of water. Labeled B2 on plans dated Aug 17, 2023**
- **Relaxation to allow a building or structure to be constructed or located upon or over the land lying below the natural boundary of the ocean. Labeled B3 on plans dated Aug 17, 2023.**

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

Glenwood Avenue
Application – C
Permanent footbridge
BOV #01034

Applicant: Rachael Sansom (Grayland Consulting Ltd)
Property: 2898 Glenwood Avenue
Variance: Relaxation of the minimum interior side lot line setback from 1.5 m to 0.0 m on the East natural boundary of the body of water.
Relaxation of the minimum interior side lot line setback from 1.5 m to 0.0 m on the West natural boundary of the body of water.
Relaxation of the minimum exterior side lot line setback from 3.5 m to 2.51 m.
Relaxation to allow a building or structure to be constructed or located upon or over the land lying below the natural boundary of the ocean.

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

Applicants: R. Sansom, applicant, and K. Baker, designer, were present in support of the application, the following was noted:

- This application has the same hardship as two which were just considered at this address. The lot is unique.
- A permanent bridge is necessary for access to the house.
- The bridge will be level and it is proposed to be set in a location that aligns with the front door of the house. It will be narrow and allow for only foot traffic, no vehicular access.

Public input: Nil

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

- The utilities for the house will be hidden underneath the bridge, this bridge is a critical piece of infrastructure for the lot.
- Permission has been given for the bridge by the Federal and Provincial Governments, it is a multi-jurisdictional approval process.

The following was noted during Board discussion:

- Potential issues have been addressed by the applicant.
- Most of the lot would not be usable without this bridge.
- Hardship has been noted already during the previous applications, the lot is unique, and access/egress are difficult given the division of land.
- The bridge is the only appropriate option for this lot.

MOTION: **MOVED by M. Cole and Seconded by J. Uliana:** "That the following request to vary from the requirements of Zoning Bylaw 2003, Section 5.34 (a) & 5.16 (a) further to the construction of an addition on Lot A, Section 21, Victoria District Plan (2898 Glenwood Ave) be APPROVED:

- Relaxation of the minimum interior side lot line setback from 1.5 m to 0.0 m on the East natural boundary of the body of water.
 - Relaxation of the minimum interior side lot line setback from 1.5 m to 0.0 m on the West natural boundary of the body of water.
 - Relaxation of the minimum exterior side lot line setback from 3.5 m to 2.51 m.
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- **Relaxation to allow a building or structure to be constructed or located upon or over the land lying below the natural boundary of the ocean.**

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 J. Uliana, the meeting was adjourned at 8:14 pm.

J. Uliana, Chair

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

Recording Secretary