

MINUTES
BOARD OF VARIANCE
Held electronically via MS Teams
May 14, 2025 at 6:20 p.m.

Members: J. Uliana (Chair), A. Gill, C. Schlenker, and K. Zirul

Absent: S. Wang

Staff: Alison Whyte, Senior Planning Technician; Andrew Sykes, Planning Technician; Preet Chaggar, Senior Committee Clerk and Angela Hawkshaw, Committee Clerk

Minutes: **MOVED by A. Gill and Seconded by C. Schlenker: "That the Minutes of the Board of Variance meeting held April 9, 2025 be adopted as circulated."**

CARRIED

Lochside Drive Addition BOV #01124	Applicant: Tanaka, Takato Property: 5060 Lochside Drive Variance: Relaxation of the minimum interior side (north) lot line setback from 1.5 m (4.92 ft) to 1.37 m (4.49 ft). Relaxation of the minimum interior side (south) lot line setback from 1.5 m (4.92 ft) to 0.0 m (0.0 ft). Relaxation of the minimum sum of both sideyards from 4.5 m (14.76 ft) to 1.37 m (4.59 ft).
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The Notice of Meeting was read, and the applicant's letter was received.

Applicants: T. Tanaka, (Hoyt Design Co.), applicant, and R. Mill, owner were present in support of the application, the following was noted:

- Some non-conforming elements of the existing house are unrelated to the proposed addition. The variances, if granted will apply only to these existing elements, allowing the new addition to be built legally.
- Adjacent neighbors have expressed their support.
- The current deck existed prior to the purchase of the house in 2012.

Public input: Nil

Discussions: The Planning Technician stated the following in response to questions:

- A variance application was submitted in 1968 for the south side lot line to be reduced to 2.0 ft.
- In 2018 a building permit was issued for the deck, but this did not include the installation of the new railings.

The following was noted during Board discussion:

- The existing home does not conform to the current bylaws and therefore makes it a valid hardship.

MOTION: **MOVED by A. Gill and Seconded C. Schlenker: “That the following request to vary from the requirements of Zoning Bylaw 2003, 295.3 (a) (iii) further to the construction of an addition to a single-family dwelling on Amended Lot 19 (DD244828I), Section 30, Lake District, Plan 7575 (5060 Lochside Drive) be APPROVED:**

- **Relaxation of the minimum interior side (north) lot line setback from 1.5 m (4.92 ft) to 1.37 m (4.49 ft).**
- **Relaxation of the minimum interior side (south) lot line setback from 1.5 m (4.92 ft) to 0.0 m (0.0 ft).**
- **Relaxation of the minimum sum of both side yards from 4.5 m (14.76 ft) to 1.37 m (4.59 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>Larchwood Drive Fence</p> <p>BOV #01102</p>	<p>Applicant: Stephen Lam</p> <p>Property: 4117 Larchwood Drive</p> <p>Relaxation of the maximum fence height within the intersecting lot lines at a street corner from 1.0 m to 1.91 m.</p> <p>Relaxation of the maximum fence height within the exterior side lot line from 1.5 m to 1.87 m.</p>
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The Notice of Meeting was read, and the applicant’s letter was received.

Applicants: S. Lam, applicant, was present in support of the application, the following was noted:

- The original fence was removed in 2024 due to rot.
- The variance request is to build a new fence at the same height as the original.
- Maintaining the height provides privacy and safety.
- The fence follows the natural topography of the land, rather than using artificial elevation.

Public input: Nil

Discussions: The Planning Technician stated the following in response to questions:

- The Engineering Department has reviewed the site and raised no objections.
- A building permit is not required.

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

- The contractor did not provide guidance regarding the bylaw.

The following was noted during Board discussion:

- Contractors are not responsible for educating owners on current bylaws; this does not constitute a hardship.
- The request would be more understandable if it were for a backyard fence.
- In the Zoning Bylaw for corner lots, the front yard fence height is limited to 1.5 meters.
- Privacy concerns are valid.
- Currently there are no bylaws restricting the size of the hedge above the fence.
- Car lanes are located farther from the house due to the bike lanes. This increases safety.

MOTION: MOVED by K. Zirul and Seconded by A. Gill: "That the following request to vary from the requirements of Zoning Bylaw 2003, 6.2 (f) (i) and 6.3 (b), further to the construction of a fence at Lot 1, Section 55, Victoria District, Plan 45156 (4117 Larchwood Drive), be APPROVED."

- Relaxation of the maximum fence height within the intersecting lot lines at a street corner from 1.0 m to 1.91 m.
- Relaxation of the maximum fence height within the exterior side lot line from 1.5 m to 1.87 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
With C. Schlenker OPPOSED

Foul Bay Garden Suite BOV #01130	Applicant: Kelly Somogyi Property: 2490 Foul Bay Road Variance: Relaxation of minimum front lot line setback from 6.0 m (19.7 ft) to 1.6 m (5.25 ft)
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The Notice of Meeting was read, and the applicant's letter was received.

Applicants: K. Somogyi (York Brooks Design), applicant, was present in support of the application, the following was noted:

- The lot is considered a double fronting lot and does not have a rear lot setback.
- The request is to convert an existing accessory building into a garden suite. The existing slab, exterior walls, and footprints will not change.

Public input: Nil

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

- The deck is included in the permit and will be removed.

The following was noted during Board discussion:

- The garage footprint will remain unchanged, which is seen as a positive element.
- The variance aligns with the intent of the Zoning Bylaw.
- Parking is a concern.

MOTION: MOVED by C. Schlenker and Seconded by A. Gill: “That the following requests to vary from the requirements of Zoning Bylaw 2003, Schedule H, 3 (a) (i), further to the construction of a garden suite on the north 50 feet of Lot 6, Block 2, Section 25, Victoria District, Plan 1220A (2490 Foul Bay Road), be APPROVED:

- **Relaxation of the minimum front lot line setback from 6.0 m (19.7 ft) to 1.6 m (5.25 ft).**

CARRIED

Aldridge Street Addition	Applicant: Sheinberg, Mick A Property: 3231 Aldridge Street Variance: Relaxation of the minimum sum of both sideyards from 4.5 m (14.76 ft) to 4.4 m (14.44 ft). Relaxation of the minimum Front Yard Open Site Space (Small Scale, Multi-Unit Housing (SSMUH)) from 35% to 16%.
BOV #01132	

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

Applicants: M. and M. Sheinberg, owners, were present and in support of the application, the following was noted:

- No structural changes are proposed to the original footprint of the home.
- The current concrete pathways impede meeting the requirements but provide a safe connection to the driveway and home entrance.
- The stairs are part of the original design; modifying them would be costly and structurally challenging.

Public input: Nil

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

- Rerouting the footpaths along the property line would not meet the required 35% front yard open space.
- There will be two units on one side and a single unit occupying both floors on the other side.
- The second variance is unrelated to the stairs; it concerns the 4.5 meters setback from the rear property lines (2.2 meters on each side).

The Senior Planning Technician stated the following:

- The property is now regulated under SSMUH rules due to changes in duplex zoning, affecting the addition of a dwelling unit.

The following was noted during Board discussion:

- The concrete walkways create a non-continuous side yard.
- The existing footpaths occupy much of the green space, which is an existing condition.
- The hardship is the existing building and is easily supported.

MOTION: MOVED by A. Gill and Seconded C. Schlenker: “That the following request to vary from the requirements of Zoning Bylaw 2003, Schedule G, 6 (c) and 7 (b), further, to construct an addition to a houseplex on Lot 10, Block 1, Section 34, Victoria District, Plan 8410 (3231 Aldridge Street), be APPROVED:

- Relaxation of the minimum sum of both sideyards from 4.5 m (14.76 ft) to 4.4 m (14.44 ft).
- Relaxation of the minimum Front Yard Open Site Space (Small Scale, Multi-Unit Housing (SSMUH)) from 35% to 16%.

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 7:29 p.m.

J. Uliana, Chair

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

Recording Secretary