

**MINUTES
BOARD OF VARIANCE**

Held electronically via MS Teams
November 12, 2025 at 6:00 p.m.

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

Staff: P. Eckard, Planning Technician; A. Sykes, Planning Technician; and
P. Chaggar, Senior Committee Clerk

Regrets: S. Wang

*** At 6:00 p.m., C. Schlenker declared a conflict of interest pertaining to the property at 173 Hampton Road and recused herself from the Board's discussions regarding either of the applications related to that property. ***

Hampton Road Accessory Building **Applicant: Caspar Gescher**
 Property: 173 Hampton Road
 variance: Relaxation of the rear setback from 1.5 m (4.9 ft) to 0.35 m (1.15 ft)

BOV01145

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

Applicants: C. Gescher, applicant, and C. Colwell, owner, were present in support of the application, the following was noted:

- The homeowner originally installed a prefabricated shed, which was replaced with a more secure structure of the same size and in the same location due to theft concerns.
- The shed is located within the setback area, moving it to comply with setbacks would bring it too close to a mature apple tree, potentially damaging the tree's roots and canopy.
- Other relocation options were considered but found unsuitable.

Public input: Nil

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

- The opposite side of the yard has a retaining wall and vegetable garden, and relocating the shed there would block sunlight and require ground leveling work.
- GIS mapping from 2013 shows a shed in the same location.
- The shed's existence was discovered during another property application; no bylaw complaints had been made.

The Planning Technician stated the following:

- The shed does not require a building permit, as it falls within the allowable size limits.

The following was noted during Board discussion:

- The applicant referenced the previously non-compliant shed as justification for placing the new shed in the same location.
- It was noted that the existing shed had been installed illegally and did not comply with bylaw requirements.

- The proposed location is not acceptable and there are other placement options.
- The shed has existed in that location for roughly 20 years without issues or complaints from neighbors.
- The new shed is under 100 sq. ft and continuing its use in the same spot seems reasonable.

MOTION: **MOVED by A. Gill and Seconded by K. Zirul: “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 (existing) on Lot 25, Block 1, Section 81, Victoria District, Plan 861, except the southerly 110 feet thereof (173 Hampton Road) be APPROVED:**

- **Relaxation of the rear setback from 1.5 m (4.9 ft) to 0.35 m (1.15 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
With K. Zirul OPPOSED

Hampton Deck and Awning BOV #01149	Applicant: Caspar Gescher Property: 173 Hampton Road Variance: Relaxation of the front setback from 6.0 m (19.7 ft) to 4.4 m (14.4 ft) Relaxation of the rear setback from 7.5 m (24.6 ft) to 5.8 m (19.0 ft) Relaxation of the combined front and rear setback from 15.0 m (49.2 ft) to 10.2 m (33.5 ft) Relaxation of the combined side setback from 4.5 m (14.8 ft) to 3.6 m (11.8 ft)
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The Notice of Meeting was read and the applicant’s letter received.

Applicants: C. Gescher, applicant, and C. Colwell, were present in support of the application, the following was noted:

- Both the front and rear decks encroach into the required setbacks due to work previously completed without permits.
- Reducing the front deck to meet setback requirements would make it narrower and less functional for the homeowner’s needs.
- The existing decks and awning support accessibility and overall use of the property.
- The deck and awning were constructed to align with an existing concrete patio and provide year-round covered outdoor space.

Public input: Nil

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

- There was no bylaw complaint; the variance is required because the previous contractor did not obtain a building permit.

- No other specific lot-related factors were identified when seeking hardship clarification.

The Planning Technician stated the following:

- It was confirmed that the stop work order was issued due to general compliance concerns on the property, not specifically related to this variance.

The following was noted during Board discussion:

- The property has added decks at both the front and back, resulting in multiple non-compliance issues.
- Personal use and weather protection as hardships, but no specific lot-related hardships were identified.
- If treated as a new application, the variances cannot be approved because the structures do not meet bylaw requirements.

MOTION: **MOVED by K. Zirul and Seconded by A. Gill: “That the following request to vary from the requirements of Zoning Bylaw 2003, Schedule 210.4 (a)(i), (ii) and (iii) further to the construction of two decks and an awning on Lot 25, Block 1, Section 81, Victoria District, Plan 861, except the southerly 110 feet thereof (173 Hampton Road) be DENIED:**

- Relaxation of the front setback from 6.0 m (19.7 ft) to 4.4 m (14.4 ft)
 - Relaxation of the rear setback from 7.5 m (24.6 ft) to 5.8 m (19.0 ft)
 - Relaxation of the combined front and rear setback from 15.0 m (49.2 ft) to 10.2 m (33.5 ft)
- Relaxation of the combined side setback from 4.5 m (14.8 ft) to 3.6 m (11.8 ft)**

CARRIED

*** Consideration of the items related to 173 Hampton Road concluded at 6:47 p.m., C. Schlenker rejoined the meeting as a Board member. ***

Blenkinsop Accessory Building	Applicant: Xiaorui Liu Property: 4335 Blenkinsop Road Variance: Relaxation of the minimum front yard setback from 7.5 m (24.6 ft) to 0.29 m (0.95 ft).
BOV #01155	Relaxation of the minimum interior side yard setback from 3.0 m (9.8 ft) to 1.36 m (4.46 ft).

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

Applicants: J. Liu, representing the applicant, and X. Liu owner, were present in support of the application, the following was noted:

- The garage was rebuilt by the family without professional assistance, leading to unintentional misalignment with the approved setback lines.
- Construction occurred on an existing concrete slab that was not properly aligned.

Public input: I. Gallant, Blenkinsop Road

- The building is located immediately adjacent to the parking area at the rear of their property.

- Expressed full support for the application and the variance.
- Does not want to see any part of the structure removed or modified.
- Noted that the new structure is an improvement over the previous structure.

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

- A portion of the existing slab was already in place during the previous approval. Although there was some uncertainty about what was existing versus newly poured.
- The variance under consideration applies only to the slab (building footprint). The requested adjustments are minimal, and members viewed the application as straightforward.
- Reference was made to the 2023 Board of Variance minutes, which indicated the proposal would maintain the same setbacks as the existing slab, supporting the accuracy of the slab's location.

The Planning Technician stated the following:

- The variance under consideration pertains strictly to the building footprint, specifically where the walls contact the ground.
- It was clarified that any roof or structural overhang extending beyond the property line is outside the Board's jurisdiction.
- Any portion of the structure extending beyond the property line falls under a separate Boulevard Encroachment Permit process.
- It was noted that approval of the current variance is required before applying for the Boulevard Encroachment Permit.

The following was noted during Board discussion:

- The requested changes are minimal and do not affect the rationale for the original approval.
- Hardship exists due to the lot's configuration and existing site conditions. Given these constraints, the small adjustments requested were considered reasonable for the proposed garage location.
- The directly affected neighbor expressed full support for the variance.

MOTION: MOVED by C. Schlenker and Seconded by A. Gill: "That the following request to vary from the requirements of Zoning Bylaw 2003, Schedule 101.7 (a)(i) and (ii) further to the construction of an accessory building (existing on Lot 2, Section 51, Victoria District, Plan 6210 (4335 Blenkinsop Road) be APPROVED:

- Relaxation of the minimum front yard setback from 7.5 m (24.6 ft) to 0.29 m (0.95 ft).
- Relaxation of the minimum interior side yard setback from 3.0 m (9.8 ft) to 1.36 m (4.46 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 C. Schlenker, the meeting was adjourned at 7:10 pm.

J. Uliana, Chair

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

Recording Secretary