

## REQUEST FOR MINOR VARIANCE TO RELIEVE HARDSHIP

### **Local Government Act, Section 901.(1)(a)**

A person may apply to a board of variance for an order under subsection (2) if the person alleges that compliance with any of the following would cause the person hardship:

(a) a bylaw respecting the siting, dimensions or size of a building or structure, or the siting of a manufactured home in a manufactured home park.

### **Purpose of Application**

The proposed development of 5524 Cliffside Road is to construct a two-storey single family dwelling with detached garage on a steeply sloping site. See Attachment 1, and Attachment 2.

Due to the topography of the site and the technical bylaw definition of Building Height & Perimeter Wall Height, the proposed home requires the following variances.

1) Increase in Building Height: See Attachment 2, drawing A4

a) For the home, from 7.0 m to 9.0 m

2) Increase in Perimeter Wall Height: See Attachment 2, drawing A5

a) For the West and East walls of the home, from 7.32 m to 9.3 m

b) For the South wall of the home, from 9.14 m to 9.5 m

### **Site Context**

The pertinent characteristics of the site are:

- It appears that the site is a “remnant piece” or “leftover” after the surrounding lots were created.
- It is a relatively large lot (larger than 0.9 acres) when compared to neighbouring residential lots, allowing for large set-backs from adjacent properties. Please see the analysis of bylaw requirement compliance in Table 1.
- It has significant slopes – on the order of 9 meters in some locations (See attached Topographic Map).
- The buildable area is further restricted due to seismic set-back requirements, as recommended by Lewkowich Engineering Associates.
- The surface of the buildable area is exposed bedrock as reported by Lewkowich Engineering Associates.
- The perimeter of the site is well treed (bottom) while the center is somewhat barren (top).
- The recognition of this set of unique characteristics, was, in fact, the inspiration for the design and siting of the proposed home.

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**Table 1: R1 Bylaw Compliance Analysis**

<b>Bylaw Provision</b>	<b>Requirement</b>	<b>Proposed</b>
Minimum Lot Size	500 m <sup>2</sup>	3650 m <sup>2</sup>
Minimum Lot Frontage	15 m	6.28 m – Note 1
Minimum Lot Depth	30 m	96 m (from road)
Front Yard Setback	4.5 m	60.1 m
Side Yard Setback	1.5 m	West: 18.6 m East: 7.8 m (Garage) 18.3 m (House) South: 3.8 m
Rear Yard Setback	7.5 m	21.6 m
Maximum Lot Coverage	40%	6% (Including Garage)
Height of Principal Building	7.0 m	9.0 m – Note 2
Perimeter Wall Height – East and West walls	7.32 m	9.3 m – Note 3
Perimeter Wall Height – South wall	9.14 m	9.5 m – Note 3

Notes: 1. Lot geometry was approved as part of a subdivision plan.

2. Variance is required for building height. The building height was calculated based on average natural grade.

3. Variance is required for perimeter wall height. The perimeter wall height was calculated based on the proposed finished grade.

### **Design Commentary**

The positioning of the proposed home on its lot is a consequence of the desire to minimize the impact of the built form on the natural landscape of the site and the wish to maximize the views to the water and mountains from the house. Although the variance requests are for increase in building heights, it should be noted that the home would appear as a bungalow from Cliffside Road. The home is entered by a bridge at its 2nd level which accommodates the “living spaces” while the bedrooms are below at the 1st level. The built form “steps down” the sloping site. The buildings also use a flat roof, which reduces the vertical extent of the buildings. Since the proposed home is a good distance from its lot lines and the site is well treed at its perimeter, the impact of shadowing and privacy issues on neighbouring properties will be minimized as presented in Attachments 3 and 4. We believe that we have considered the impact of the proposed development and will communicate our intentions with our future neighbours by letter due to the Covid-19 pandemic restrictions (Attachment 5 includes a sample letter).

### **Assessment Against Local Government Act 901.(2)(c)**

Section 901.(2)(c)(i) – Inappropriate development of the site: The neighbouring properties have all been developed with single-family dwellings, most are two-storey although some of the older dwellings are one-storey, or one-storey with daylight basements. The proposed development will be a two-storey single-family dwelling, with a small daylight basement that is necessitated by the steeply sloping topography of the site.

Section 901.(2)(c)(i.1) – Adversely affect the natural environment: The development is designed to maintain the natural lot surface to the greatest extent possible, minimizing the impact on the natural environment of the site.

Section 901.(2)(c)(ii) – Substantially affect the use and enjoyment of adjacent land: The adjacent land will be grouped according to location around the development site. The impact of the variances required for the proposed development will not have any impact on the noise, dust or safety environment for any of the adjacent properties. The effects of the proposed development on the available direct sunlight are presented in Attachment 3 and the views of the proposed development from adjacent properties are presented in Attachment 4.

- 5530, 5533 and 5538 Cliffside Rd:
  - Located to the south and east of the proposed development, the only effect on sunlight would be late afternoon for 5530 Cliffside Dr only.
  - Elevation is at or higher than the development lot so effect on view would be only be affected to the west for 5530 and 5538 Cliffside Dr. This effect will be mitigated by the fact that the predominant feature to view are the mountains to the west, and will generally be unaffected by the proposed development, especially with the large distances between existing and proposed buildings.
- 5512 and 5518 Cliffside Rd:
  - Located to the south of the proposed development, there is no impact on sunlight.
  - Elevation is lower than the development lot. The effect on the view will be limited to the northerly view, which is a view of the ocean and coastal mountains. This reduced view to the north is not aggravated by the requested variance since the view is already currently obscured by trees, and would be affected in the same way without the requested variance.
- 5571, 5577 and 5578 Sunridge Pl:
  - Located to the west of the proposed development, the only effect on sunlight would be early morning. This reduced early morning sunlight is not aggravated by the requested variance due to the large distance between existing and proposed buildings.
  - Elevation is lower than the development lot. The effect on the view will be limited to the easterly view, which is a view of other houses. This reduced view to the east is not aggravated by the requested variance since the view is already currently partially obscured by the cliff and trees, and would be affected in the same way without the requested variance.
- 5527, 5537, 5547, 5557, 5567 and 5577 Lost Lake Rd:
  - Located to the north of the proposed development, the only effect on sunlight would be in the winter months (Sun Studies Attachment). This reduced sunlight is slightly aggravated by the requested variance as can be seen in the Sun Studies Attachment. The reduced sunlight is greatest for 5557 Lost Lake Rd, and is much reduced for the other properties.
  - Elevation is lower than the development lot. The effect on the view will be limited to the southerly view, which is a view of other houses. This reduced view to the south is not aggravated by the requested variance since the view is already currently partially obscured by the cliff and trees, and would be affected in much the same way without the requested variance.

Section 901.(2)(c)(iii) – Vary permitted uses and densities under the bylaw: The lot is designated as R1 and the proposed development does not change the permitted uses or densities of the lot.

Section 901.(2)(c)(iv) – Defeat the intent of the bylaw: The intent of the bylaw is to allow for the construction of a single-family dwelling of two stories in height on a R1 lot. The proposed building is two stories high, and if built on a flat lot, or one that was not bedrock, would not require any variances to the bylaw.

### **Undue Hardship**

The topography of the lot makes constructing a single-family home within the building height and wall height limits an undue hardship. The highest point on the lot is at the driveway with the lot dropping more than 3 m over the length of the house. The buildable area is further restricted due to seismic set-back requirements. In addition, major excavation in bedrock would be difficult and would disrupt the natural drainage patterns of the property.

### **Attachments**

Attachment 1: Context Plan with Proposed 5524 Cliffside Development.

Attachment 2: Proposed 5524 Cliffside Development Plan and Elevations.

Attachment 3: Sun Studies for Neighbouring Properties.

Attachment 4: View of Proposed Development from Neighbouring Properties.

Attachment 5: Sample Letter to Neighbours.