



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

MEETING OF THE BOARD OF VARIANCE  
THURSDAY, MARCH 4TH, 2021 AT 6:30PM.  
VIA ZOOM VIDEO CONFERENCE

In Attendance: Board of Variance Members: Ian Mackie, Peter Wreglesworth, Morgan Gatto  
Staff: Susan Loutet, BOV Secretary

Applicant: Owner: Arya 121 Holdings Ltd

1. Call to Order  
BOV Secretary called the meeting to order at 6:30 p.m.
2. Approval of the Agenda  
All in favor
3. Minutes – BOV Meeting July 9, 2019  
Moved/Seconded  
THAT these BOV Meeting minutes of July 9, 2019 be approved as circulated.
4. New Business: Application to be heard
  - 1) **Civic Address:** 105 Kelvin Grove Way, Lions Bay, BC  
**Legal Description:** Lot 53, Block B, NWD Plan 18530, DL 1575  
**Owner:** Arya 121 Holdings Ltd Inc No. 565302  
**Request:** Approval sought for Front Yard Variance of 16 ft from 25 ft to 9 ft  
Per Zoning Bylaw 520,2017 sec 7.5.1
5. Discussion 1) 105 Kelvin Grove Way

Hadi Khakpouri presented the variance application, on behalf of Arya 121 Holdings Ltd the owner of property at 105 Kelvin Grove Way. The application is for a front yard setback variance of 16 ft from 25 ft to 9 ft to accommodate the building of a new residence. In order to build the building, it is necessary to reduce the front yard setback to 9 ft due to the topography of the property. The building is to be 4,500 sq ft and 3 storeys to accommodate the 45-degree slope of the property. The Geotechnical consultant had advised that this siteing is the best location on this property as it has good bedrock. The cost would increase dramatically if the residence were to be sited 25 ft from the front property line, as it would be necessary to install many retaining walls for access to the dwelling. Also, the garage access would have a 20 degree slope with the 9 ft setback, but there would be greater problems with the slope if the owner had to build at 25 ft setback; and impossible to access

the garage beside the house. The Village of Lions Bay allows for average setbacks and neighbours, both to the north and south, are setback approximately 9 ft. If the owner has to build 25 ft from the property line, he cannot build a 3 storey dwelling and would probably not build on the property.

The Chair, Ian Mackie; Morgan Gatto and Peter Wreglesworth, have viewed the property.

Peter Wreglesworth clarified the 20 percent slope of the proposed driveway, from the roadway or existing pavement with the 9 ft setback on their property and remainder on Municipal property. Moran Gatto agreed that from the roadway to the garage is about a 20 percent grade but would have to have a lessening slope as it approaches the garage and have a knuckle at the top of the slope. There is a height difference of about 16 ft from the garage floor to the road and 31 ft from the edge of the road to the garage face. This is a 2-1 ratio which seems excessively steep.

Ian Mackie advised, even with a 9 ft setback the owners are going to have trouble with the slope of the driveway. Peter Wreglesworth advised that, there is a precedent set, albeit with a different house; the buildings on either side of the subject property here, have been granted variances for setback from the front property line. The difference is to help facilitate to build on the terrain in the village, which does create some hardship. This is a pretty unique site resulting in a house you do not see from the street. Houses on either side have worked with this variant and have more landscaping in the front. The houses on either side are higher and rise above the street, but this building is below the crest at every level, when you look at it, so you only see the garage door from the street level.

#### 6. Decision

The Board of Variance, grants the application as sought for the variance in respect to the front yard, from 25 ft to 9 ft in respect of this property at 105 Kelvin Grove Way. Legal description Lot 53, Block B, NWD Plan 18530, DL 1575, based on the hardship of the topography of the lot in question. It is an extremely steep lot with a slope of up to 45 degrees and a distance of 85 ft from the top of the property to the toe of the slope. In addition, there are two houses, to the north and to the south of the subject property and each of those had obtained a front yard setback variance similar to that sought in the variance application before the Board. The granting of this variance is not in line with the "Character" of the adjacent houses, but with the setback variance granted to them.


#### 7. Adjournment Moved/Seconded

THAT the meeting be adjourned.

The meeting was adjourned at 7:00 p.m., March 4, 2021.

  
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Ian Mackie – Board Chair

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Susan Loutet – Board Secretary

  
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Date Adopted: