



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

MEETING OF THE BOARD OF VARIANCE
TUESDAY, JUNE 1ST, 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: Pardeep Sangha – 55 Kelvin Grove Way
Owner’s Representative: Jossy Sandjaja

Applicant: Owner: Eric & Janice Upenieks – 35 Kelvin Grove Way
Owner’s Representative: Mike Lightbody

Applicant: Owner: Randi & Melisa Byrne – 255 Oceanview Rd

1. Call to Order
BOV Secretary called the meeting to order at 6:35 p.m.
2. Approval of the Agenda
All in favor
3. Minutes – BOV Meeting March 4, 2021
Moved/Seconded
THAT these BOV Meeting minutes of March 4, 2021 be approved as circulated.
4. New Business: Application’s to be heard:
 - (1) Civic Address: 55 Kelvin Grove Way, Lions Bay, BC
Legal Description: Lot 50, Block B, Plan 18530, DL 1575
Owner: Pardeep Sangha
Request: Approval sought for Front Yard Variance of 21.5 ft
from 25 ft to 3.5 ft
Per Zoning Bylaw 520,2017 sec 7.5.1
AND
Approval sought for Height Variance for a flat roof of 3.5 ft
from 25 ft to 28.5 ft
Per Zoning Bylaw 520,2017 sec 7.8.1
 - (2) Civic Address: 35 Kelvin Grove Way, Lions Bay BC
Legal Description: DL 1575, Plan 84147
Owners: Eric Upenieks, Janice Tayler, Edward Upenieks
Request: Approval sought for Front Yard Variance of 8.5 ft
from 25 ft to 16.5 ft

AND

Approval sought for Rear Yard Variance of 8.5 ft
from 25 ft to 16.5 ft

Both Per Zoning Bylaw 520,2017 sec 7.5.1

- (3) Civic Address: 255 Oceanview Road, Lions Bay, BC
Legal Description: Lot 27, Block 8, Plan 13843, DL 6748
Owners: Randi & Melisa Byrne
Request: Approval sought for Front Yard Variance of 19 ft
from 25 ft to 6 ft
Per Zoning Bylaw 520,2017 sec 7.5.1

5. Discussion (1) 55 Kelvin Grove Way

Jossy Sandjaja, representative of owner Pardeep Sangha of 55 Kelvin Grove Way, presented the variance application for 55 Kelvin Grove Way. They are applying for a 21.5 ft front yard variance and a 3.5 ft height variance for a flat roof to accommodate a new build. The hardship is notably that the property is very steep; the driveway would be over 25% grade if a normal build. The Geotech Report supports the application for the variances and describes the physical setting dealing with a slope of up to 40% and elevation difference is approximately 18 metres (54ft) from east side to west side of the property. There is a precedent for this further up the street with similar conditions and bringing the house forward with a smaller front yard.

6. Decision

The Board of Variance, grants the application as sought. The variances in respect to the front yard variance sought from 25 ft to 3.5 ft and Height variance of 3.5 ft for a flat roof from 25 ft to 28.5 ft based on the hardship in this circumstance that the topography of the property in question. The Geotechnical Report Dated March 2, 2021 states that the slope can be up to 40 degrees and that the elevation difference between the east and west side of the property is 18 metres or 54 ft.

7. Discussion (2) 35 Kelvin Grove Way

Mike Lightbody, architect for 35 Kelvin Grove Way, presented for the owners Eric Upenieks, Janice Tayler & Edward Upenieks. The variance sought is for the front yard of 8.5 ft from 25ft to 16.5ft and rear yard variance of 8.5ft from 25ft to 16.5ft to accommodate building this new build residence. This variance is requested because only 1/3 of property is buildable on this triangulated corner lot. Several sitings were considered for this new build, with the key element being to keep the house as low as possible and down the hill side, so that the view for the houses across the street was not impeded. These two elements, the triangulated corner lot and keeping the house low played a role in the placement of the house on the lot.

Richard David, neighbour, of 20 Kelvin Grove Way, asked what their allowed for bylaw height requirement is – Mike Lightbody answered, that 30ft is allowed. On the plans the house is 16ft at street level. Ian Mackie, BOV Chair, advised that the owners of 35 Kelvin Grove Way were not seeking a height variance.

George Liu, neighbour of 30 Kelvin Grove Way, asked what the plans were for landscaping. He asked whether all the trees on the lot were being taken down? Eric Upenieks, owner, advised, their plan is to maintain as many trees as possible and preserve the nature around the house as an integral part of Lions Bay. Many of the trees will stay between 35 and 55 Kelvin Grove Way.

8. Decision

In the circumstances the Board of Variance grants the application in respect of 35 Kelvin Grove Way, as sought for a Variance of 8.5ft for Front and Rear yard setbacks, from 25ft to 16.5ft. Hardship dictates the granting of the Variance that only 1/3 of the lot is buildable and shape of the lot dictates the requirement for the Variance.

9. Discussion (3) 255 Oceanview Rd

Randi Byrne, owner, advised that currently to get to their front door you have to go down a considerable number of stone steps and they are concerned about safety. They have no driveway at the moment, which will be rectified when the landscaping and new driveway is complete, if the variance is granted. The parking at the moment is on the street, because of the way VOLB property cuts into the lot on an angle. This is the only possible area for a driveway and parking spot and carport as the septic system is at the back of the property, which would have been the only other area the driveway and carport could have been placed. The Board members were sympathetic to the difficulty and challenging topography of the site and to neutralize the impact of the dangerous steps and realize that is the only area on the property for the driveway, carport and parking.

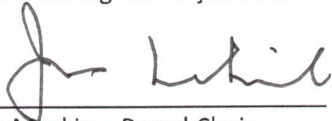
10. Decision

In the circumstances this application for a Front Yard Variance of 19ft from 25ft to 6ft, is granted in the form sought and hardship is the steep slope of the property from top to bottom and as well this being the only location this carport can be built on the property, as the lower part of the property is covered by the septic field and would not permit construction on it.

9. Adjournment
Moved/Seconded

THAT the meeting be adjourned.

The meeting was adjourned at 7:10 p.m., June 1st, 2021



Ian Mackie – Board Chair

Susan Loutet – Board Secretary

19/11/21

Date Adopted: