

PROPERTY DESCRIPTION:

Civic address: 165 Lakehill Road

Legal Description (e.g. Lot, Plan No. and District Lot): Lot 2, Plan 11203, District Lot 106S

Current land use: Residence

Surrounding land uses:

REQUESTED VARIANCE(S):

List all requested variances to the regulations in bylaws of the Regional District. Each variance should be marked on the applicable drawings. A variance cannot be considered where use or density would be affected.

Zoning Bylaw: No. 2800, 2022

Section No.: 13.1.5.c)i)

Current regulation: Minimum setbacks: c) Accessory building or structure on parcels less than 2,500 m2: i) front parcel line 7.5 meters.

Proposed variance: Front setback of 3.5 meters (existing garage setback is less than 2.5 meters).

Section No.: n/a

Current regulation: n/a

Proposed variance: n/a

DEVELOPMENT INFORMATION:

Please provide a general description of the proposed development:
(e.g. "to allow for an addition over an existing garage")

Replace the existing single car garage, which has reached the end of its life, with a new double car garage. The new garage will meet all code and bylaw requirements except the front setback requirement.

SUPPORTING RATIONALE:

When considering a variance request, Regional District staff will *generally* assess the proposal against the following criteria:

- *is the proposed variance consistent with the general purpose and intent of the zone?*
- *is the proposed variance addressing a physical or legal constraint associated with the site (e.g., unusual parcel shape, topographical feature, statutory right-of-way, etc.)?*
- *is strict compliance with the zoning regulation unreasonable or un-necessary?*
- *will the proposed variance unduly impact the character of the streetscape or surrounding neighbourhood?*

A request to change a zoning regulation should only be considered as a last resort to a design challenge. Please explain how the requested variance(s) meet the assessment criteria listed above:

The requested variance supports the replacement of an existing garage which has reached the end of its life.

The proposed garage will meet all code and bylaw requirements except the front setback requirement. An accessory building like a garage is, as we understand it, appropriate for the zone, AG1. The proposed garage location does not contain any environmentally important plants (just grass). Best efforts will be made to reuse and upcycle the materials from the existing garage.

We are requesting a variance from the minimum front setback requirement of 7.5 meters as a setback of 3.5 meters makes better use of the parcel. The existing and proposed garage locations are ideal and make excellent use of the lot grading and the unique lot shape. The Ministry of Transportation is supportive of a reduced front setback requirement (see attached permit). Note that if measured from the asphalt of Lakehill Road, the front setback of the existing garage is far in excess of 7.5 meters.

The existing and proposed garage location is relatively flat (less 5% grade sloping down towards the north). Having a front setback of 7.5 meters would have significant drawbacks: 1) this would locate the garage on a much steeper slope (about 13%) significantly increasing foundation and groundwork costs; 2) due to the unique lot shape, this would force the garage quite close to the principal building; 3) this would cause the garage to encroach on the old hazelnut tree requiring pruning and a marked loss of production; and 4) this would reduce the hours of available sunlight for the four fruit trees located next to the principal building. In summary, the existing location is ideal while a front setback of 7.5 meters would severely degrade the quality of the existing open space on the east half of the property.

The requested variance does not materially affect the use or enjoyment of the adjacent land. The proposed garage location will improve both the use and enjoyment of the adjacent land, as it will be setback by 1.5 meters from the side parcel line (the existing garage is only setback by 0.02 meters). The proposed garage will be consistent with the character of the neighbourhood.