

Policy Approach to Considering Requests for Variances

The following principles, overall criteria and regulation specific criteria are to be utilized by staff when assessing all variance requests, particularly those types of applications which are covered under the regulation specific criteria.

PRINCIPLES

New Single and Two Family Dwellings

Requests for variances on new single family dwellings will generally not be supported unless there is a hardship related to the site (such as slope and topography issues). Requests for siting variances on new single family dwellings located on newly created lots should not be supported as the subdivision would be created to allow for a residential dwelling to be constructed in accordance with the Zoning Bylaw.

Existing Single and Two Family Dwellings: Siting Regulation

Requests for setback variances for additions to existing legally constructed single and two family dwellings in which the variance does not further decrease a setback (e.g. addition at a different level or parallel extension of a non-conforming setback) may be supportable if the addition does not cause undue shadowing, privacy or view obstruction for neighbouring properties.

Existing Single and Two Family Dwellings: Height Regulation

Requests for height variances for additions to existing legally constructed single and two family dwellings may be supportable if the addition does not cause undue shadowing, privacy concerns or view obstruction for neighbouring properties, if the massing is compatible with the existing structure and it is demonstrated that there are no possible options for horizontal expansion.

Garages

Requests for variances to garage regulations may generally not be supported unless specific site conditions and bylaw restrictions do not allow for the construction of a 450 square foot garage.

OVERALL CRITERIA WHEN EVALUATING VARIANCES

Information Question

1. What is the intent of the bylaw which the applicant is seeking to have varied?

Assessment Questions

2. Is there a community benefit to the granting of the variance; beyond that received by the owner or occupant of the property?
3. Is there a hardship involved in adhering to the pertinent bylaw? A hardship must relate to the location, size, geometry or natural attributes (e.g. slope, floodplain, rock formation, natural vegetation) of the site and not the personal or business circumstances of the applicant.
4. If the answer to question #2 is 'No,' but the answer to question #3 is 'Yes,' can it still be demonstrated that the proposal still meets the intent of the bylaw?
5. Is this the most appropriate mechanism for achieving the end result of the proposed variance?
6. Is the proposed variance relatively minor?

'Yes' should be the answer to four out of five of the above assessment questions.

REGULATION SPECIFIC CRITERIA

1. Building Height

- Will the additional height impact neighbouring properties in terms of views?
- Will the additional height create undue shadowing on neighbouring properties?
- Will the additional height create privacy concerns for neighbouring properties in terms of windows or decks?
- Will the additional height result in massing for the building which is compatible with the rest of the building and the massing of the buildings along the street frontage?

2. Side Yard Setbacks

- Does the decreased setback still provide adequate space between the building and the adjacent building (or a building that could be built under the existing zoning) in terms of livability and open space proportionate to the size of the building?
- Does the decreased setback still provide for appropriate massing along the street?
- Does the decreased setback create privacy issues for the adjacent property in terms of windows, decks or balconies?
- Does the decreased setback create view obstruction issues?

3. Front Yard Setbacks

- What is the effect of the reduced front yard setback on the existing streetscape as defined by the front yard setbacks?
- Would the reduced front yard setback create any shadowing or view obstruction concerns with respect to the neighbouring properties?

4. Rear Yard Setbacks

- Does the reduced rear yard setback still leave adequate usable open space for the site?
- Does the reduced rear yard setback create any shadowing, privacy or view obstruction concerns for the neighbouring properties?
- Does the decreased setback create privacy issues for the adjacent properties in terms of windows, decks or balconies?

5. Garages

- Will the variance to the siting of the garage still provide adequate safety considerations in terms of vision clearance at corners and manoeuvrability in and out of the garage?
- Will a variance to the height of the garage result in any shadowing, view obstruction or privacy concerns for the adjacent properties?
- Will a variance to the height or site coverage of a garage result in an inappropriate scale for an accessory building?

Council Resolution: January 28, 2008