

MINUTES of the **Subdivision & Development Appeal Board** held on **Thursday, August 23, 2012 at 4:00 p.m.** in Council Chambers with the following in attendance:

<b>MEMBERS:</b>	L. Cutforth	Chairman
	V. Chester	Member at Large
	T. Nicholson	Member at Large
<b>OTHERS:</b>	P. Colling	Development Officer
	D. Sarsfield	Secretary to the Board

-----

### **SDAB HEARING 2012-03**

**Appellants: Patrick and Diane Bergen**

To construct a two storey detached garage and a request for a height waiver for the garage at 652 Florence Ho Leong Crescent North.

Development Application No. DEV04396  
Land Use District: R-SL (Small Parcel Low Density Residential)

There were no objections when the Chairman asked if anyone present had a lawful reason why any particular member(s) of the Board should not hear this appeal.

#### **Development Officer's Presentation:**

**Pam Colling, Development Officer**, outlined the case. An application was received on June 12, 2012 for a two storey garage. The Land Use Bylaw allows for a height of 4.50 m for a garage. The applicant was asking for a height of 7.70 m. Because of the request for a 3.20 m (10'6") building height waiver, the Development Officer did not make a decision on this application. Even if the second storey was removed, a height waiver of 1.21 m would still be required.

Letters were sent to the landowners within a 60 m radius of the parcel. One letter of objection was received. Of the thirteen accessory buildings within the 60 m radius of the parcel, only one had a received a building height waiver (of 0.63 m).

The application was subsequently refused by the Municipal Planning Commission on July 3, 2012 for the following reasons:

1. The building height was excessive
2. That it does not fit with the design, character and appearance of the neighbouring properties

**Appellants' Presentation:**

**Patrick and Pam Bergen**, outlined the grounds for the appeal. The following was stated:

- House is a walk-out
- Height differentiation from the grade was calculated incorrectly as the garage will be built into a hill
- Garage will be used for vehicles and storage
- Garage would not infringe on any neighbour's sight lines
- Storage shed would be located on the second storey
- Access will be built to the second storey
- Garage is being built into the hill so it does fit in with the neighbourhood

**There were no other presentations either in support or in opposition to the appeal.**

**Discussion:**

The Board addressed the following issues during question period:

- Alternative designs
- Zoning of neighbouring parcels
- Roof height compared to the grading of the hill
- Feasibility of having a separate building for storage
- Advantages of having a storage shed on the second floor
- Status of construction of the garage
- Location of neighbouring parcels that had been previously granted waivers
- Waiver required if a one-storey garage was built
- Lack of architectural controls for the neighbourhood

**Rebuttal:**

Mr. Bergen questioned what grade is utilized as the standard to determine the height waiver requirement.

**Decision:**

IN THE MATTER OF the Municipal Government Act

AND IN THE MATTER OF an Appeal made to the Subdivision and Development Appeal Board with respect to:

**Appellants: Patrick and Diane Bergen**

To construct a two storey detached garage and a request for a height waiver for the garage at 652 Florence Ho Leong Crescent North.

AND UPON HEARING from the Development Officer, the Appellants, and other interested parties,

AND UPON CONSIDERING the relevant provisions of the Municipal Government Act, the Municipal Development Plan, the Land Use By-law, any applicable Statutory Plans, and the circumstances and merits of this case, the decision of the Subdivision and Development Appeal Board is as follows and for the following reasons:

**L.CUTFORTH/T.NICHOLSON**

**DECISION:** The Appeal is **DENIED** and the decision of the of the Municipal Planning Commission regarding Development Application DEV04396 on July 3, 2012 to construct a two storey detached garage is confirmed.

**REASONS FOR DECISION:**

There are no compelling reasons to grant the height waiver of the magnitude requested for the two storey portion of the development. However, in light of the slope of the lot, a height waiver of 1.21 metres is granted for a one storey detached garage.

***V. CHESTER OPPOSED***

-----**CARRIED**

**T. Nicholson:**

THAT this meeting of the Subdivision and Development Appeal Board be adjourned.

-----**CARRIED**

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
SECRETARY TO THE BOARD