

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 variance request is in response to a challenging development that has taken place the south of the subject property. There have been issues with privacy, light pollution, and potential drainage problems, due to the construction that has taken place next door.

The option of a taller than normal fence has been designed as an extension of the existing retaining wall on site that helps navigate a large transition in grade from the road level down to the main level of the house. This topographical step makes it challenging to accommodate any level of privacy. The continuation of wall+fence both in height and material is thought to be the best fit to address the conditions on site.

Compliance with the zoning regulation is challenging given the size, height, and proximity of the neighbour to the south. Additionally, the neighbouring property has installed a number of lights which shine at all hours into many rooms of the applicant's house. Also, mechanical units have been installed (HVAC and Generator) that create an excessive amount of noise to which there seem to be no intention of shrouding/screening. Lastly, there is some concern that drainage and/or septic issues are now flowing down the existing slope into the applicant's yard. This has created an oversaturated soil bank that is beginning to slump causing soil stability issues.

The proposed variance will not impact the character of the streetscape or surrounding neighbourhood. The frontyard fence will require no variance, and the wall+fence itself maintains the same height above the grade at the front yard setback. It will in fact reduce the perceived overall height of the neighbour to the south as one travels along the frontage road.

PROPERTY DESCRIPTION:

Civic address: 6857 Indian Rock Road

Legal Description (e.g. Lot, Plan No. and District Lot):

KAP4075 Lot 7, District Lot 212 & 391, Yale District Plan 13417, Folio 05048-000, PID 032-086-865

Current land use:

RS3 (no change)

Surrounding land uses:

RS3

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.: 6.13 Retaining Walls

Current regulation: (4a) Max Height of Retaining Wall in setbacks 1.2m, (5) 2.0m abutting

Proposed variance: Max Height of Retaining Wall in setbacks to 3.66m in front and side setback

Section No.: 6.4 (c) Fence Heights

Current regulation: Max height of fence + retaining 1.8m

Proposed variance: Max height of retaining walls and fence in setback to be 6.2m

DEVELOPMENT INFORMATION:

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

To allow for an over sized retaining wall and fence within the setbacks.