

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:

We respectfully request approval of a Development Variance Permit to allow a minor encroachment into the required front yard setback for a proposed pool shade roof/ pergola structure within the SH5 (Small Holdings West Bench) zone.

The requested variance is limited in scope. One structural support column encroaches approximately 16 inches into the required setback, and a portion of the roof overhang projects approximately 36 inches into the setback area (of which according to the setback exemptions approximately 24 inches is allowed). The remainder of the structure complies with the zoning requirements. It should also be pointed out that the one column in question happens to reside on the pool side of the existing wall that surrounds the pool.

When the pool area was originally planned, we had not intended to add a shade roof, as we did not believe it would be necessary. However, after experiencing a full summer using the pool area, we have determined that the shade structure is necessary. Two of our grandchildren have a rare condition called Leber's Hereditary Optic Neuropathy, which has resulted in severe vision impairment and clinical blindness. They are extremely sensitive to sunlight and glare. Due to the orientation of the pool, the sun shines directly into the pool and surrounding outdoor area for much of the day, making it very difficult for them to use the space comfortably, even with umbrellas. We have found that being under a roof structure significantly reduces glare and provides shade over both the pool and adjacent outdoor area. This allows our grandchildren to enjoy the pool safely and more comfortably with the rest of the family.

We acknowledge that construction was started without the proper permit in place. We had chosen not to use the contractor who built the house for this portion of the work, which led to some confusion. We were mistakenly under the impression that the existing shed permit also covered the roof/ pergola structure.

We apologize for this misunderstanding and are now working to correct the matter through the proper RDOS process.

The requested variance is minor in nature and is not anticipated to negatively impact neighbouring properties, sightlines, access, drainage, or public safety. The structure remains accessory to the principal residential use and does not create additional density or intensify the use of the property.

In support of this request:

- The encroachment is limited to one support column and a roof overhang;
- The structure provides necessary shade and glare reduction for family members with significant vision impairment;
- The proposal maintains the residential character of the neighbourhood;
- The variance is site-specific and limited in scope;
- The structure does not interfere with road access, utilities, drainage, or neighbouring properties;
- A portion of the existing pool wall is already located within the setback area.

We respectfully request RDOS consideration and approval of this Development Variance Permit application.

Thank you for your time and consideration.