

-BOARD OF VARIANCE

Agenda for the Board of Variance Meeting of the Village of Pemberton to be held Tuesday, July 25, 2017 at 10:00AM at 7400 Prospect Street.

	Report Total Pages
1. CALL TO ORDER	
2. GENERAL UPDATE	
3. MINUTES	
• Draft Minutes of the March 20, 2017 BoV Meeting	2
4. 1765 DOGWOOD STREET (Lot 48, Strata Plan KAS 1994, DL 211, LLD) To reduce a portion of the rear & exterior setbacks	
• Report to BoV	18
5. NEW BUSINESS	
6. NEXT MEETING	
7. ADJOURNMENT	

BORD OF VARIANCE MINUTES

Minutes for the Board of Variance of the Village of Pemberton March 20, 2017 at 11:00am at 7400 Prospect Street, Pemberton, B.C.

IN ATTENDANCE:

Niki Vankerk
Drew Meredith
Al Leblanc (Via Telephone/Speaker phone)

STAFF IN ATTENDANCE:

Tim Harris, Operations & Development Services Manager
Nelson Wall, Building Inspector
Suzanne Bélanger, Project Coordinator

APPLICANT:

Simon Talbot

PUBLIC:

0

1) CALL TO ORDER

At 11:05am the meeting was called to Order.

2) GENERAL UPDATE

Village Staff mentioned that as per the Council Procedure Bylaw 788, 2015 (Section 10) a commission member may participate in the meeting by means of electronic or other communication facilities.

Also, all Board of Variance members' terms as participant will expire at the end of 2017. The Project Coordinator will contact the members later this fall to discuss re-appointment should anyone be interested.

3) MINUTES

Moved/Seconded

THAT the minutes of the BoV meeting held January 16, 2016 be approved as circulated.

CARRIED

4) LOT 13-MAXIMUM BUILDING VARIANCE REQUEST (7468 Dogwood Street)

The Building Inspector gave an overview of the application and the challenges of building on a sloped lot as presented to the Commission members at the site visit on March 13, 2017.

The inspector stated that an elevation survey will be required post construction and before final sign off to confirm that the elevation meets or is lower than the height variance authorization.

All surrounding properties were mailed &/or emailed the details of the variance application. An email from the landowners of Lot 14 was received stating that they have no issues with the variance request.

RESOLUTION

Moved/Second

THAT the Board of Variance approve the request to increase the maximum building height from 10.5 m. to 11.28m.

CARRIED

5) NEW BUSINESS

No new business

6) NEXT MEETING

TBA

7) ADJOURNMENT

Moved/Second

THAT the Board of Variance meeting be adjourned.

CARRIED

At 11:15am the meeting was adjourned.

This is a true and correct copy of a meeting of the BoV of the Village of Pemberton, held March 20, 2016.

Chair

Date: July 25, 2017

From: Lisa Pedrini, Village Planner

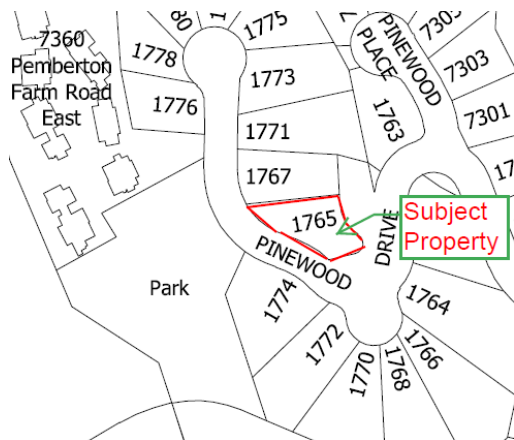
Subject: 1765 Pinewood Drive – Setback Variance Request

**Owners/
Agent:** Simon-Pierre Monette

PURPOSE

This report provides an overview for the Board of Variance of an application submitted by the owner of the property located at 1765 Pinewood (Lot 48, Strata Plan KAS 1994, DL 211, LLD), requesting a relaxation from the permitted setbacks in the Zoning Bylaw. A location plan is below.

LOCATION PLAN



BACKGROUND

Lots along Pinewood Drive above Pinewood Place are challenged due to the rocky, steep and varying topography of the sites.

1765 Pinewood Drive (Lot 48) is located near the top of the hill on steep, sloping terrain. The property is zoned RS-1 and has minimum building setbacks of 5 m for front and rear lot lines, and 3 m for exterior and 1.5 m for interior lot lines. Given that the lot is irregularly shaped and very steep, the owners opted for a two storey split-level design in order to construct a house that better responds to the natural topography. However, in order to accommodate a garage at ground level with a suite above, the home itself is all on one level. Therefore the decreased setbacks do not apply to the principal use, only to the garage and accessory suite and do not entail a height or lot coverage variance. When the average finished grade is calculated, the house does not exceed the maximum height.

Staff recommended that the applicant apply to the Board of Variance as a hardship given the topography of the site. Please see the application as **Appendix A**.

The photos attached as **Appendix B** provide a visual context of the property.

DESCRIPTION

The proposed variance is to decrease a portion of the rear lot line setback from 5.0 metres to 3.5 metres (a difference of 1.5m) and a portion of the exterior lot line setback from 3.0 metres to 1.25 metres, (a difference of 1.75m).

DISCUSSION

A Board of Variance has the ability to vary certain provisions in the Zoning Bylaw whereby they agree that undue hardship would be caused if the variance was not granted. The variance, however, shall not:

- result in inappropriate development of the site;
- adversely affect the natural environment;
- substantially affect the use and enjoyment of adjacent land;
- vary permitted uses and densities under the applicable bylaw; or
- defeat the intent of the bylaw.

Variances to the BC Building Code are not able to be varied.

Staff has reviewed the submission with the Letter of Intent and concur with the following arguments in favour of hardship:

Lot Topography – The site is at the top of the steep area of the Plateau development originally approved in 1998. The topography of the site is such that siting a home with access off the lane is challenging. The intent is to construct a house that would better respond to the natural topography while accommodating a smaller sized residence on one level with a suite with a total ground floor area of 0.09 m² (2,141.5 sq ft).

Maximum Height – The height of the dwelling from the street level is three stories on two corners, but the average finished grade (height) overall equates to 6.04 m which is much lower than the maximum of 10.5 m.

The Zoning Bylaw defines **height** (*of a building or structure*) as the vertical distance from the Average Finished Grade to the highest point of a flat roof, to the deck line of a mansard roof, and to the mean height level between the eaves and the ridge of a hip or gambrel roof.

Average Finished Grade means the average of elevations taken at the outermost corners of the finished elevation adjoining each exterior wall of a building.

IMPACT

Staff has reviewed the Letter of Intent and agrees that there appears to be minimal negative impacts if the proposed variance was granted, as the subject property is located on a corner lot, buffered by the location of the access lane and landscaping.

ALTERNATIVE OPTIONS

The Board of Variance in their consideration of the application to vary the lot line setbacks permitted on 1765 Pinewood Drive has the following options:

- (i) Approve the variance
- (ii) Approve the variance with certain conditions
- (iii) Reject the variance

The decision of the majority of the membership shall be the decision of the Board. The Secretary (Suzanne Belanger) shall, within seven (7) days of a decision, send by mail or otherwise deliver the written decision of the Board to the applicant, all persons who made representation at the hearing, and the local government Building Inspector. The Secretary shall, within seven (7) days of the decision, enter that decision in the record maintained at the local government office.

Appendices:

Appendix A – Application Package

Appendix B – Photos

June 15, 2017

To: Village of Pemberton

RE: Board of Variance Request-1765 Pinewood Drive

To whom it may concern;

We are applying for a setback variance for 1765 pinewood dr. The irregular shape and topography of the lot makes it extremely hard to build within the 5m setback lines.

We managed to keep the upper part of the building (main house) within it but the problem is that The SE corner of the lower part (garage & suite) comes to about 1.25 m of the lot line.

We tried to reduce that distance but feel that we are building the smallest practical garage (6.1m length) plus the 6.1m length required in front of it as per bylaw 509(b). We feel that having proper parking in front of the garage will be necessary to maintain good neighbour relationship with the others residents that share our driveway. The easternmost point of the lot would also make a great parking spot but again to encourage good relationships, we feel that Windridge made a mistake designing the lots/driveway and that the space is lost and will be common driveway. (The plan on page 2 of the attached document shows that it would be close to impossible to go around the bend with a snowplow or truck with trailer.)

The corner that we are applying for a variance will also be 1.5m above the common driveway so even though it is close to the lot line, it will feel further than it is.

There is 2 other scenarios that we have considered but decides against.

-Building a 2 story building at the top of the cliff with detached garage.

We feel that it would look like a skyscraper from the road below, the suite and main house would have no privacy and we wouldn't be able to have a single floor plan. It would also be an eyesore for lot 49 and 50.

This our second possible house but we would much rather do the proposed idea

-Build the same house but cantilever the part above the garage and build the garage 6" lower.

That would make the garage an accessory building and we would benefit of a 1m rear setback line. We would the need to apply for a variance to have the suite in the accessory building. Even though the buildings would be considered separate, it would look the same and cost more, which makes no sense.

As you can see in the drawings, our goal is to make the house is part of the landscape, not a big tall box sitting out top of a rocky knob and we truly feel that it is the best design for the lot.

Thank you
Simon-Pierre Monette

TITLE SEARCH PRINT

2017-06-16, 14:15:41

File Reference:

Requestor: Suzanne Belanger

Declared Value \$255000

****CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN****

Title Issued Under STRATA PROPERTY ACT (Section 249)

Land Title District KAMLOOPS
Land Title Office KAMLOOPS

Title Number CA5993103
From Title Number KV79705

Application Received 2017-05-15

Application Entered 2017-05-17

Registered Owner in Fee Simple
Registered Owner/Mailing Address: SIMON PIERRE MONETTE, DRILLER
KARINE L'ECUYER, TEACHER
54 1400 PARK STREET
PEMBERTON, BC
V0N 2L1
AS JOINT TENANTS

Taxation Authority North Shore - Squamish Valley Assessment Area
Pemberton, Village of
Pemberton Valley Dyking District

Description of Land
Parcel Identifier: 025-516-221
Legal Description:
STRATA LOT 48 DISTRICT LOT 211 LILLOOET DISTRICT STRATA PLAN KAS1994
TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT
ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1

Legal Notations
HERETO IS ANNEXED EASEMENT KM1932 OVER PART OF LOT 1 PLAN KAP60426
AS SHOWN ON PLAN KAP60926
BENEFIT CANCELLED AS TO PART FORMER LOT 2 PLAN KAP60426 INCLUDED IN
LOT A PLAN KAP71457 - SEE KT84977
AS TO PART FORMER LOT 2 PLAN KAP60426

HERETO IS ANNEXED EASEMENT KM1938 OVER PART OF LOT 2 PLAN KAP60426
AS SHOWN ON PLAN KAP60927
AS TO PART FORMER LOT 1 PLAN KAP60426

TITLE SEARCH PRINT

2017-06-16, 14:15:41

File Reference:

Requestor: Suzanne Belanger

Declared Value \$255000

HERETO IS ANNEXED RESTRICTIVE COVENANT KT123838 OVER STRATA LOTS
41 TO 47 STRATA PLAN KAS1994

Charges, Liens and Interests

Nature: STATUTORY RIGHT OF WAY
Registration Number: KL115660
Registration Date and Time: 1997-10-23 14:09
Registered Owner: BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
Remarks: INTER ALIA

Nature: STATUTORY RIGHT OF WAY
Registration Number: KL115661
Registration Date and Time: 1997-10-23 14:09
Registered Owner: BC TEL
Remarks: INTER ALIA

Nature: COVENANT
Registration Number: KM1933
Registration Date and Time: 1998-01-08 14:33
Registered Owner: VILLAGE OF PEMBERTON
Remarks: INTER ALIA
AS TO PART FORMER LOT 1 PLAN KAP60426

Nature: STATUTORY BUILDING SCHEME
Registration Number: KM8755
Registration Date and Time: 1998-01-28 11:30
Remarks: INTER ALIA
SECTION 220 LTA
AS TO PART FORMER LOT 2 PLAN KAP60426

Nature: COVENANT
Registration Number: KT123842
Registration Date and Time: 2002-11-12 13:24
Registered Owner: VILLAGE OF PEMBERTON
Remarks: INTER ALIA

Duplicate Infeasible Title NONE OUTSTANDING

Transfers NONE

Pending Applications NONE

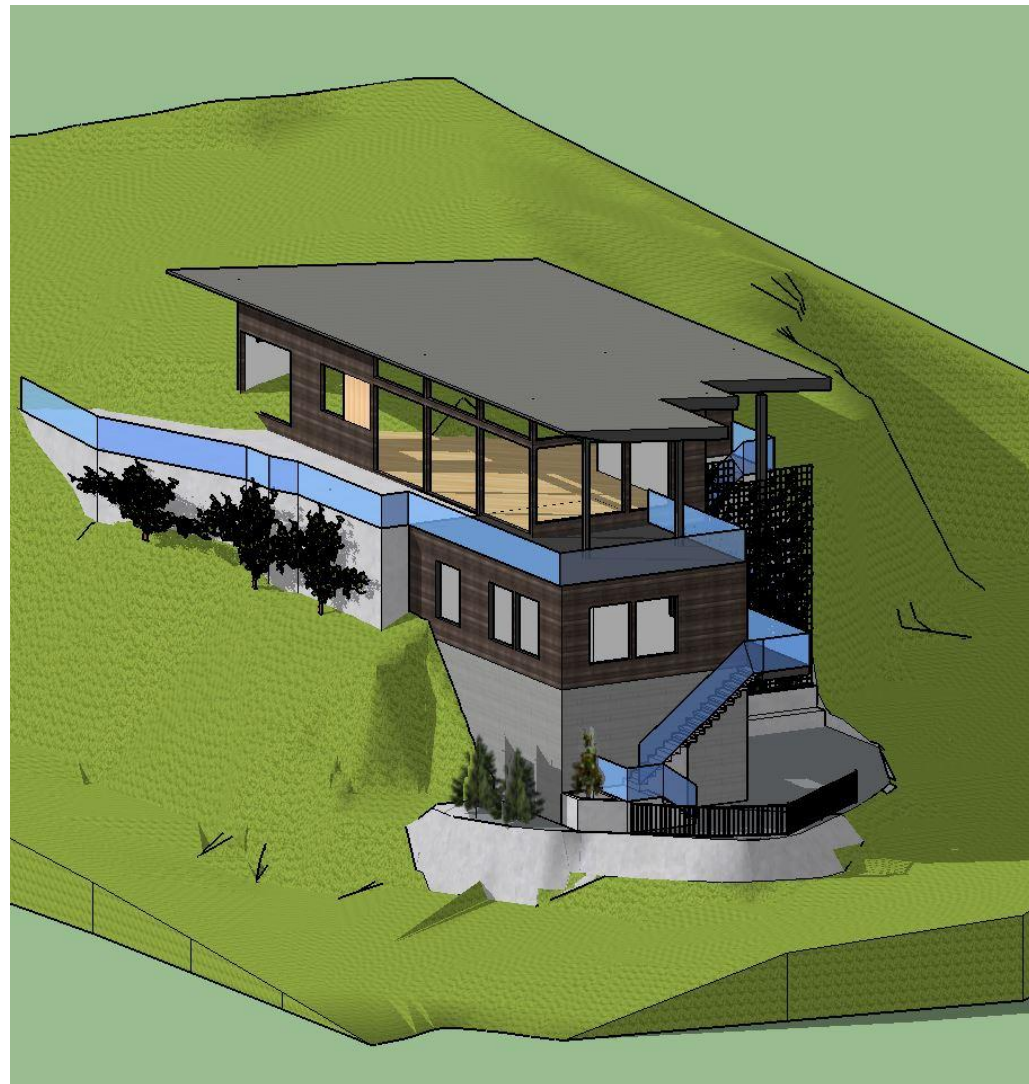
1765 PINWOOD NEW RESIDENCE

ISSUE/REVISION

ISSUE FOR APPLICATION FOR VARIANCE

Jun 12th, 2017

OCCUPANCY: RESIDENTIAL OCCUPANCY GROUP C



RS1 ZONE ANALYSIS CHART FOR NEW RESIDENCE		
SUBJECT	PERMITTED BY RS1 ZONE	PROPOSED
LOT SIZE: -PARCELLE AREA -LOT WIDTH	-700 m ² - 18m	-734.8 m ² -
HEIGHT (FOR SINGLE FAMILY DWELLING)	10.5 m	6.25m
OFF STREET PARKING	- 2 spaces for principal residence - 1 space for accessory suite	3
MAXIMUM LOT COVERAGE	40%	25.3%

GROSS FLOOR AREA	
MAIN BUILDING (As per GFA shown on BP drawings dated Sept 14, 2005)	
House	1539.5 sf
Accessory suite	602 sf
TOTAL GFA	2141.5 sf
Not included in GFA	
Garage	602 sf

BUILDING HEIGHT				
AVERAGE FINISH GRADE ELEVATION				
ELEVATION	N-E	N-W	S-W	S-E
Elevation	774.4 ft	787.64 ft	759.5 ft	774.66 ft
Average finish grade elevation	774.05 ft			
MEAN ROOF HEIGHT	793.87 ft			
BUILDING HEIGHT	19.82 ft	6.04 m		

- DRAWING LIST:
- A0.0 COVER
 - A1.0 SITE PLAN
 - A1.1 GARAGE PLAN
 - A1.2 SUITE PLAN
 - A1.3 HOUSE PLAN
 - A2.1 NORTH-EAST ELEVATION
 - A2.2 NORTH-WEST ELEVATION
 - A2.3 SOUTH-WEST ELEVATION
 - A2.4 SOUTH-EAST ELEVATION

Part 9 Building, Residential C Occupancy
Designed under BCBC 2012

ADRIEN BENECH
CONSTRUCTION DESIGN
#4-2120 NORDIC DRIVE, Whistler,
BC V0N 1B2
604-698-9486
whistleradrien@gmail.com

Project name:

New House

1765 Pinewood
Pemberton, BC

Sheet Title:

HOUSE PLAN

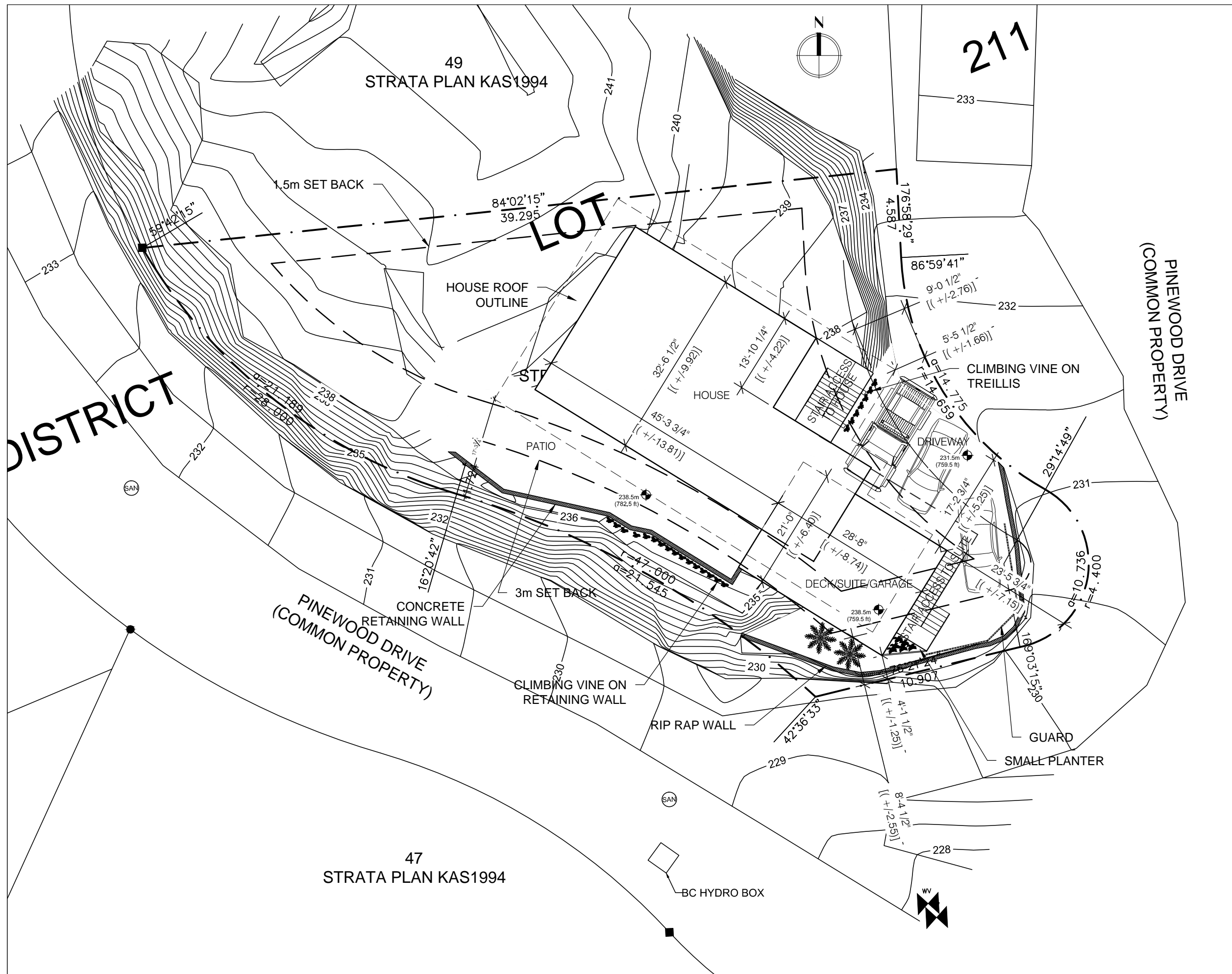
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Drawn:
Adrien Benech

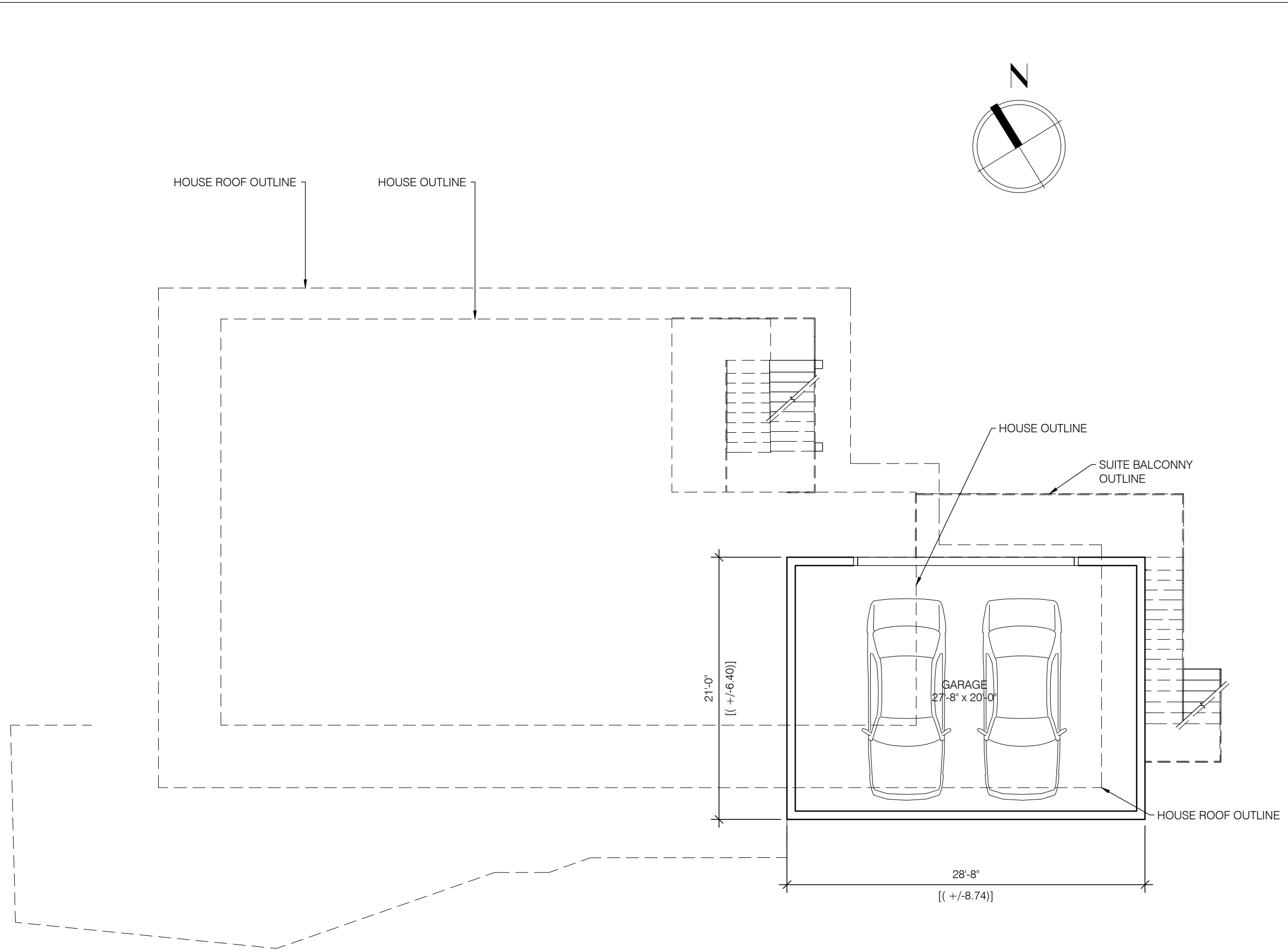
Date:
06/02/17

Sheet #:

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ISSUE FOR APPLICATION FOR VARIANCE	Jun 12th, 2017
Part 9 Building, Residential C Occupancy Designed under BCBC 2012	
<p>ADRIEN BENECH CONSTRUCTION DESIGN #4-2120 NORDIC DRIVE, Whistler, BC V0N 1B2 604-698-9486 whistleradrien@gmail.com</p>	
Project name:	
New House	
1765 Pinewood Pemberton, BC	
Sheet Title:	
HOUSE PLAN	
Scale:	Sheet #:
1/8" = 1'	A 1.0
Drawn:	
Date:	
Adrien Benech	
06/02/17	



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ISSUE FOR APPLICATION FOR VARIANCE	Jun 12th, 2017
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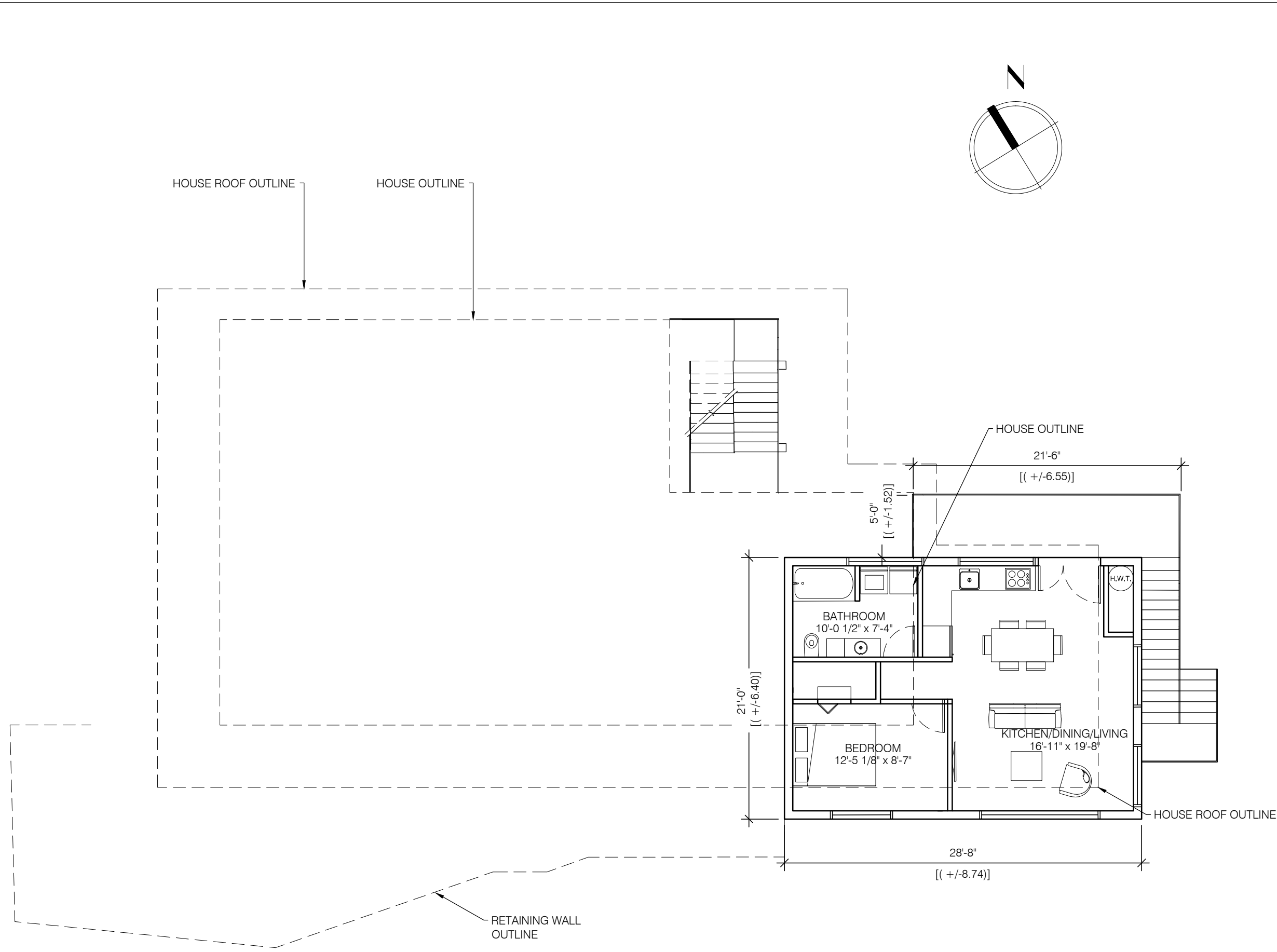
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whistleradrien@gmail.com

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Pemberton, BC

Sheet Title:
HOUSE PLAN

Scale: 1/8" = 1'	Sheet #: A 1.1
Drawn: Adrien Benech	
Date: 06/02/17	



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ISSUE FOR APPLICATION FOR VARIANCE	Jun 12th, 2017

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 whistleradrien@gmail.com

Project name:
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 Pemberton, BC

Sheet Title:
 SUITE PLAN

Scale: 1/16" = 1'	Sheet #: A 1.2
Drawn: Adrien Benech	
Date: 06/02/17	

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whistleradrien@gmail.com

Project name:

New House

1765 Pinewood
Pemberton, BC

Sheet Title:

GARAGE PLAN

Scale:

Sheet #:

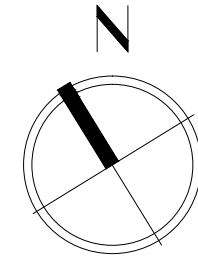
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Adrien Benech

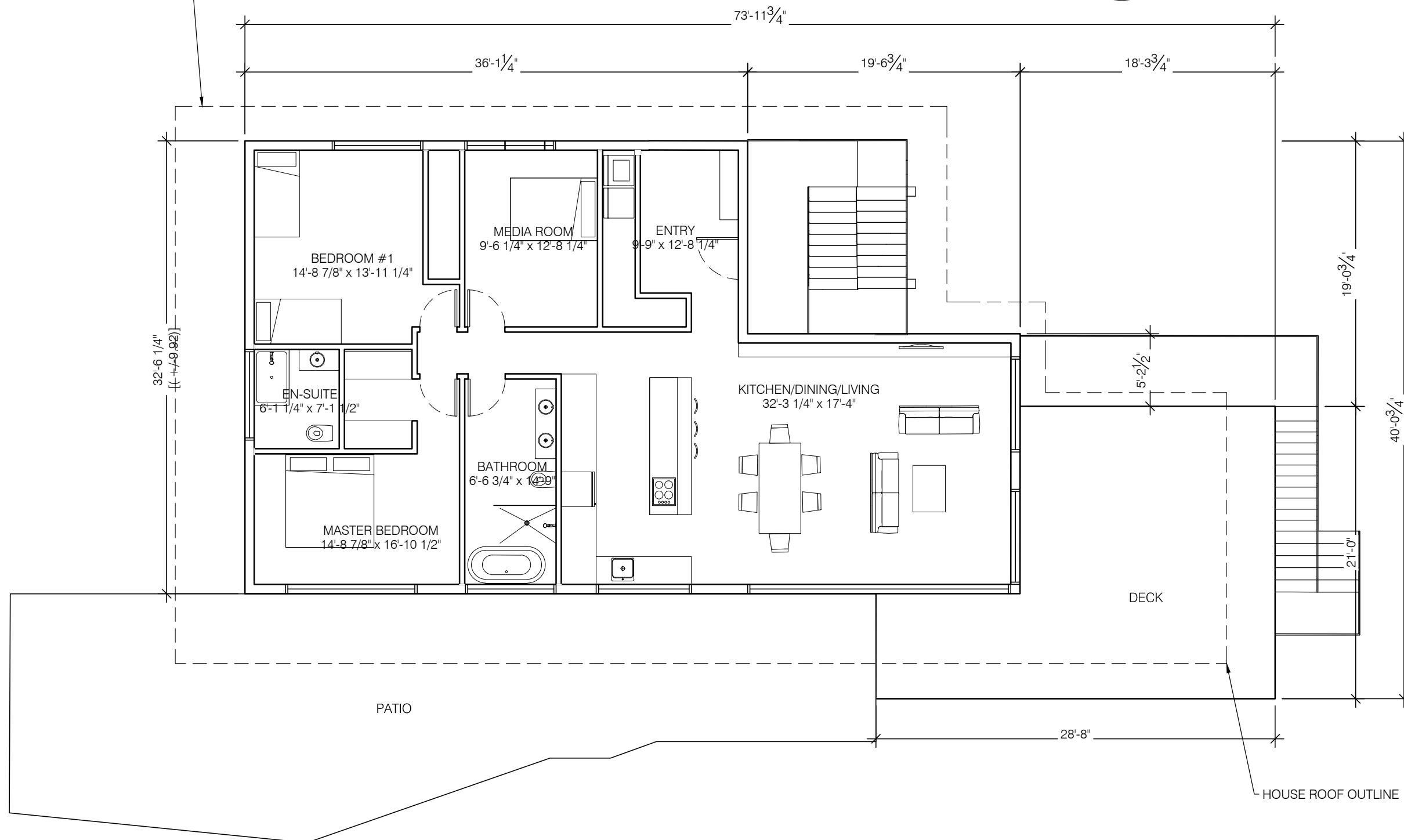
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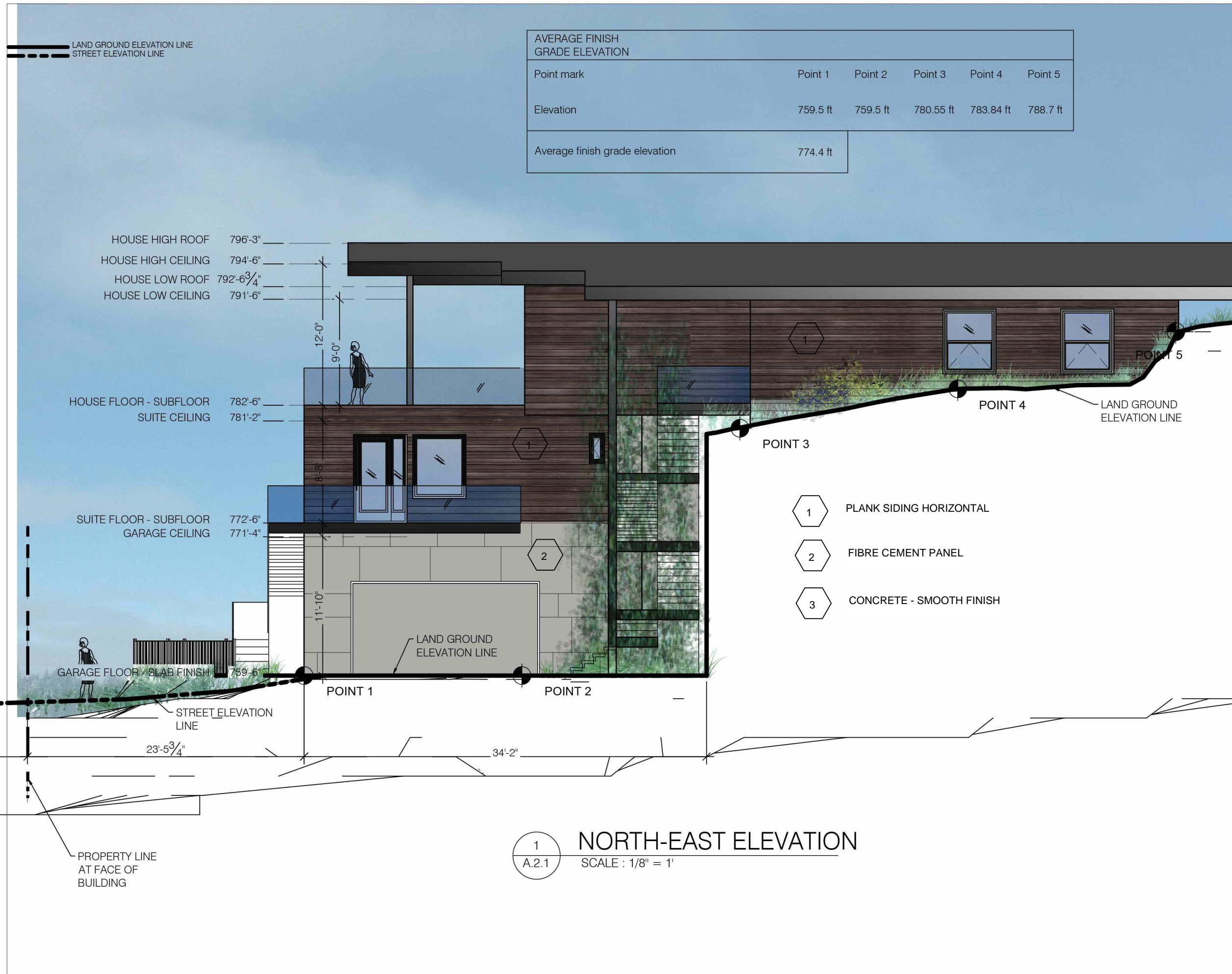
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A.1.3



HOUSE ROOF OUTLINE





AVERAGE FINISH GRADE ELEVATION					
Point mark	Point 1	Point 2	Point 3	Point 4	Point 5
Elevation	759.5 ft	759.5 ft	780.55 ft	783.84 ft	788.7 ft
Average finish grade elevation	774.4 ft				

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Pemberton, BC

Sheet Title:

NORTH-EAST ELEVATION

Scale:

1/8" = 1'

Drawn:

Adrien Benech

Date:

06/02/17

Sheet #:

A 2.1

1 NORTH-EAST ELEVATION
A.2.1 SCALE : 1/8" = 1'

LAND GROUND ELEVATION LINE
 STREET ELEVATION LINE

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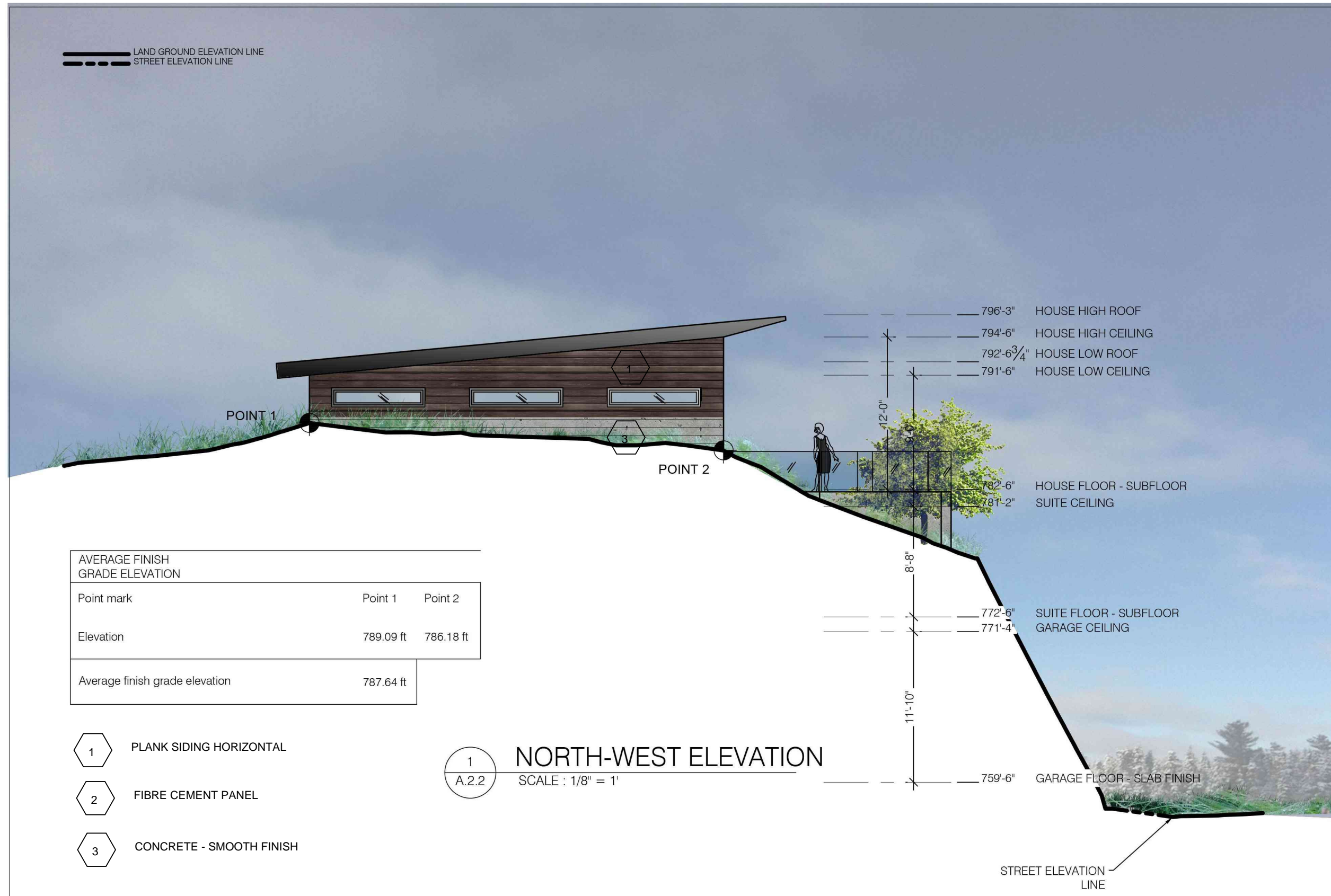
NORTH-WEST ELEVATION

Scale:
 $\frac{1}{8}'' = 1'$

Drawn:
Adrien Benech

Date:
 06/02/17

Sheet #:
A 2.2



AVERAGE FINISH GRADE ELEVATION		
Point mark	Point 1	Point 2
Elevation	789.09 ft	786.18 ft
Average finish grade elevation	787.64 ft	

- 1 PLANK SIDING HORIZONTAL
- 2 FIBRE CEMENT PANEL
- 3 CONCRETE - SMOOTH FINISH

1
 A.2.2 **NORTH-WEST ELEVATION**
 SCALE : 1/8" = 1'

 LAND GROUND ELEVATION LINE
 STREET ELEVATION LINE



1
 A.2.3 **SOUTH-EAST ELEVATION**
 SCALE : 1/8" = 1'

AVERAGE FINISH GRADE ELEVATION		
Point mark	Point 1	Point 2
Elevation	759.5 ft	759.5 ft
Average finish grade elevation	759.5 ft	

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Sheet Title:

SOUTH-EAST ELEVATION

Scale:
 1/8" = 1'

Drawn:
Adrien Benech

Date:
 06/02/17

Sheet #:

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SOUTH-WEST ELEVATION

Scale:

1/8" = 1'

Drawn:

Adrien Benech

Date:

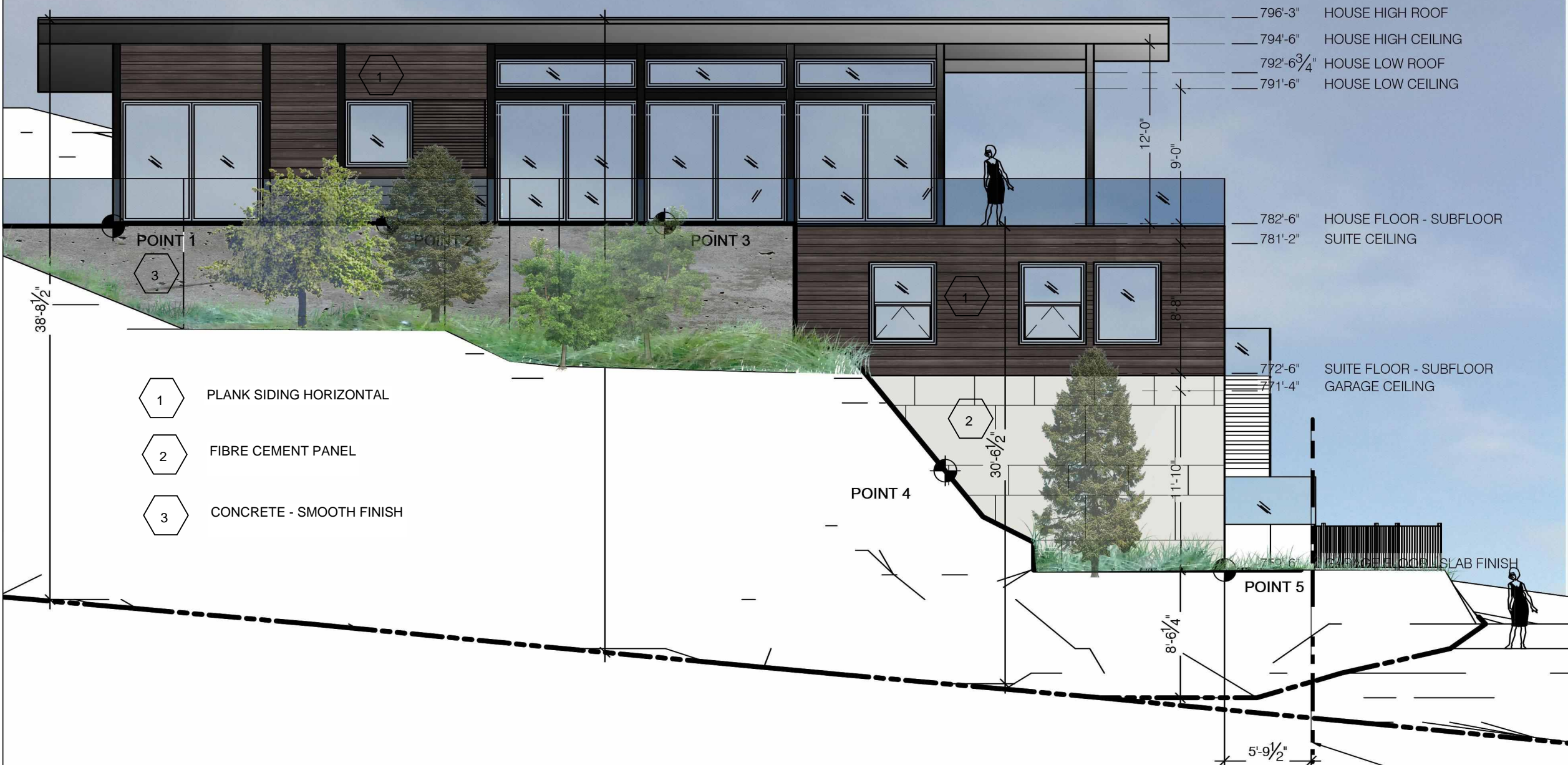
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Sheet #:

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—— LAND GROUND ELEVATION LINE
- - - - STREET ELEVATION LINE

AVERAGE FINISH GRADE ELEVATION					
Point mark	Point 1	Point 2	Point 3	Point 4	Point 5
Elevation	782.63 ft	782.63 ft	782.63 ft	765.9 ft	759.5 ft
Average finish grade elevation	774.66 ft				



1 SOUTH-WEST ELEVATION
A.2.4 SCALE : 1/8" = 1'

POINT OF VUE 1:
- FROM THE STREET ELEVATION
- AWAY FROM THE HOUSE



POINT OF VUE 2:

- FROM THE HEAD OF THE HUMAN IN POINT OF VIEW 1
- LOOKING TOWARDS THE HOUSE

