

-BOARD OF VARIANCE

Agenda for the Board of Variance Meeting of the Village of Pemberton to be held Monday, Dec 14, 2017 at 10:00AM at 7400 Prospect Street.

| | Report Total Pages |
|--|--------------------------|
| 1. CALL TO ORDER | |
| 2. GENERAL UPDATE | |
| 3. MINUTES | |
| • Draft Minutes of the July 25, 2017 BoV Meeting | 2 |
| 4. 1765 PINWOOD STREET (Lot 48, Strata Plan KAS 1994, DL 211, LLD) | |
| To reduce a portion of the rear setback to accommodate a deck. | 12 |
| • Report to BoV | |
| 5. 1760 Hwy 99 (Lot 1, Plan EPP58015, DL211) | |
| To vary the water/sewer municipal connection requirement to allow a septic field & well water use. | 15 |
| • Report to BoV | |
| 6. NEW BUSINESS | |
| 7. NEXT MEETING | |
| 8. ADJOURNMENT | |

BORD OF VARIANCE MINUTES

Minutes for the Board of Variance of the Village of Pemberton July 25, 2017 at 10:00am at 7400 Prospect Street, Pemberton, B.C.

IN ATTENDANCE:

Niki Vankerk
Drew Meredith
Al Leblanc

STAFF IN ATTENDANCE:

Lisa Pedrini, Village Planner
Suzanne Bélanger, Operations & Development
Services Coordinator

APPLICANT/PUBLIC:

0

1) CALL TO ORDER

At 10:02 the meeting was called to Order.

2) MINUTES

Moved/Seconded

THAT the minutes of the BoV meeting held March 20th, 2017 be approved as circulated.

CARRIED

3) STRATA LOT 48-SETBACKS VARIANCE REQUEST (1765 Pinewood Street)

Prior to the meeting, two Board of Variance members participated in a site visit.

The Village Planner gave an overview of the application and the challenges of building on a rocky, steep and varying topography lot.

All surrounding properties were mailed &/or emailed the details of the variance application. No correspondence was received.

RESOLUTION

Moved/Second

THAT the Board of Variance approve the request to decrease the setback at the rear from 5.0 metres to 3.5 metres and the side setback from 3.0 metres to 1.25 meters

CARRIED

4) **NEW BUSINESS**

The Development Services Department was advised by the Village Corporate Officer that the Board of Variance members can approve minutes by electronic means when a long period of time would lapse between meetings.

Moved/Seconded

THAT the Board of Variance support that the minutes of meetings be approved by electronic means when the attending members all respond in favor of the minutes as presented.

CARRIED

5) **NEXT MEETING**

TBA

6) **ADJOURNMENT**

Moved/Second

THAT the Board of Variance meeting be adjourned.

CARRIED

At 10:10 the meeting was adjourned.

This is a true and correct copy
of a meeting of the BoV of the
Village of Pemberton, held July
25, 2017

Chair

Date: December 14, 2017

From: Lisa Pedrini, Village Planner

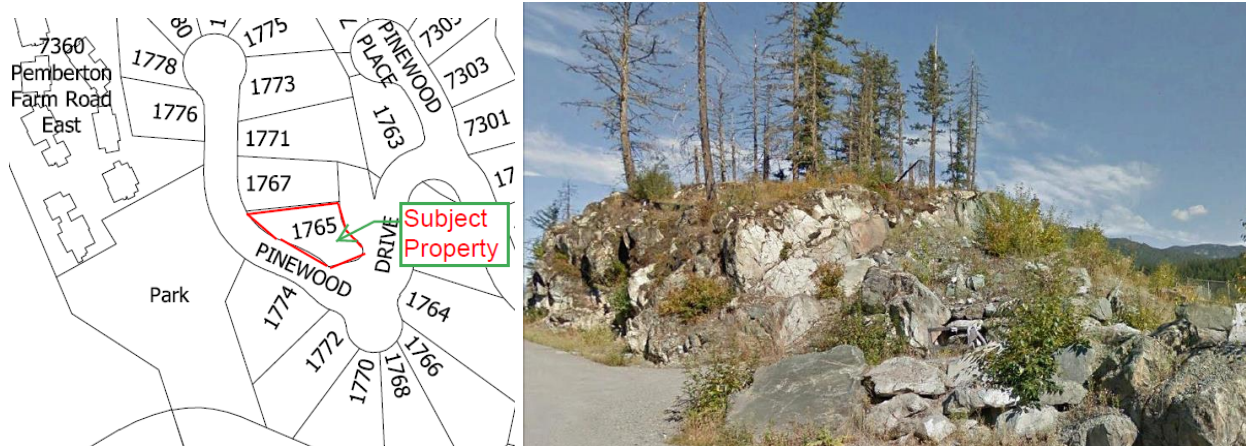
Subject: 1765 Pinewood Drive – Setback Variance Request

**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

This is the second Board of Variance application received for this proposed development. The requested variance was 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). The Board of Variance approved this request on July 25, 2017.

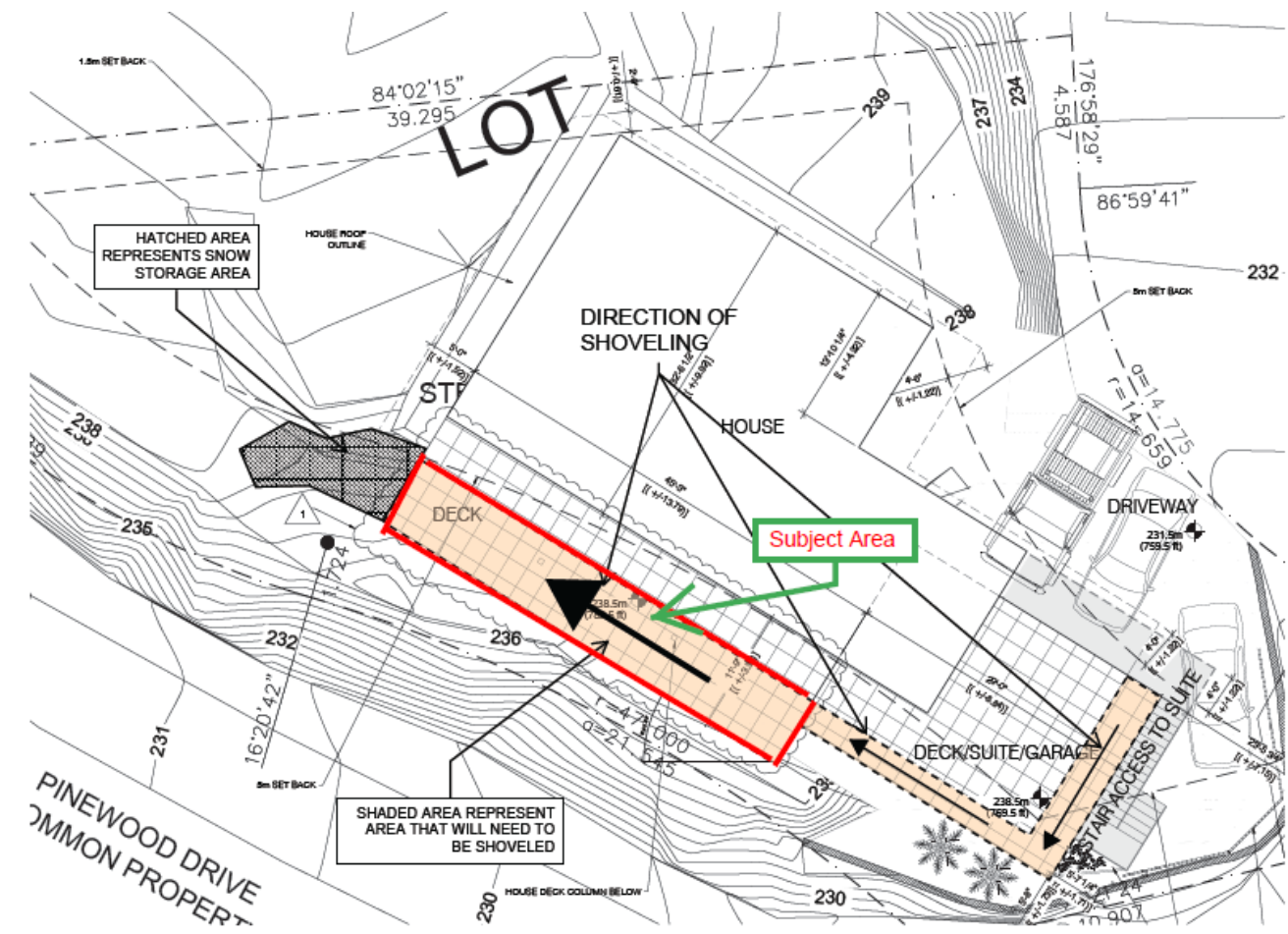
As noted earlier, lots along Pinewood Drive above Pinewood Place are challenged due to the rocky, steep and varying topography of the sites.

1765 Pinewood Drive (Lot 48) is located near the top of the hill on steep, sloping terrain and is surrounded on three sides by roadway. 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.

The applicant now wishes to request a variance to the rear lot setback to accommodate a deck that would not be currently allowed. This is due to a design change of removing a previously proposed concrete retaining wall which then made the deck a landscape feature at grade level. The proposed change is to alleviate the massing visual impact. The new proposed deck is supported by wood columns and Under *Zoning Bylaw No. 466, 2001* for properties zoned Residential (RS-1), the minimum rear lot line setback is 5.0 m; however a siting exception pursuant to Section 205 (2) permits balconies to project into the rear lot line by not more than 1.2 m. The proposed variance is to further reduce a portion of the rear lot line setback (over and above the 1.2 m permitted siting exception), from 3.8 metres to 2.81 metres (a difference of 0.99 m).

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



DESCRIPTION

The proposed variance is to reduce a portion of the rear lot line setback (over and above the 1.2 m permitted siting exception), from 3.8 metres to 2.81 metres (a difference of 0.99 m). The above site plan shows the snow management area to ensure that the road below is not impacted.

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.

If the Board is not comfortable with the request as presented, the applicant has noted he would also accept a smaller variance to allow his deck to be 2.44m in depth instead which would go over the permitted sitting exception by 0.08m.

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 deck in the rear setback will not impact the street grade as much as if the lot and road were at the same average finished grade. A snow management plan has been submitted to ensure that snow does not fall onto the Village road right of way.

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. Village Staff 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. Village staff 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

1765 PINWOOD NEW RESIDENCE

Background

The lot shape has presented numerous challenges to design a residence that would fit while providing a minimum of exterior areas.

In July 2017, a variance has been accepted to reduce the set back requirement for the garage in order to have a deep enough driveway to park cars. At this time the house design included a concrete retaining wall on the south elevation of the house to create a patio area. The patio area was then considered as "landscaping feature".

Intent

We would like to reduce the mass effect of the house that may impact on the public in the street.

We propose to reduce the exterior patio area footprint on the south elevation and replace the imposing concrete retaining wall, by a wood deck supported by columns. The change from a wide light Grey opaque area partially hidden by plants to a series of wood posts and wood beams partially hidden by plants is going to reduce substantially the "mass effect" of the house from the street.

See on A0.0 a proposed snow shoveling plan, that will avoid any potential risks happening when shoveling snow on the street.

Variance request

Increase the permitted set back on the rear line so a 12' deck supported by columns can be built.

Alternate Variance request

Increase the permitted set back on the rear line so an 8' deck supported by columns can be built.

1765 PINEWOOD NEW RESIDENCE

OCCUPANCY: RESIDENTIAL OCCUPANCY GROUP C

Background

The lot shape has presented numerous challenges to design a residence that would fit while providing a minimum of exterior areas. In July 2017, a variance has been accepted to reduce the set back requirement for the garage in order to have a deep enough driveway to park cars. At this time the house design included a concrete retaining wall on the south elevation of the house to create a patio area. The patio area was then considered as "landscaping feature".

Intent

We would like to reduce the mass effect of the house that may impact on the public in the street.

We propose to reduce the exterior patio area footprint on the south elevation and replace the imposing concrete retaining wall, by a wood deck supported by columns. The change from a wide light Grey opaque area partially hidden by plants to a series of wood posts and wood beams partially hidden by plants is going to reduce substantially the "mass effect" of the house from the street.

See on A0.0 a proposed snow shoveling plan, that will avoid any potential risks happening when shoveling snow on the street.

Variance request

Increase the permitted set back on the front line so a 12' deck supported by columns can be built.

Alternate Variance request

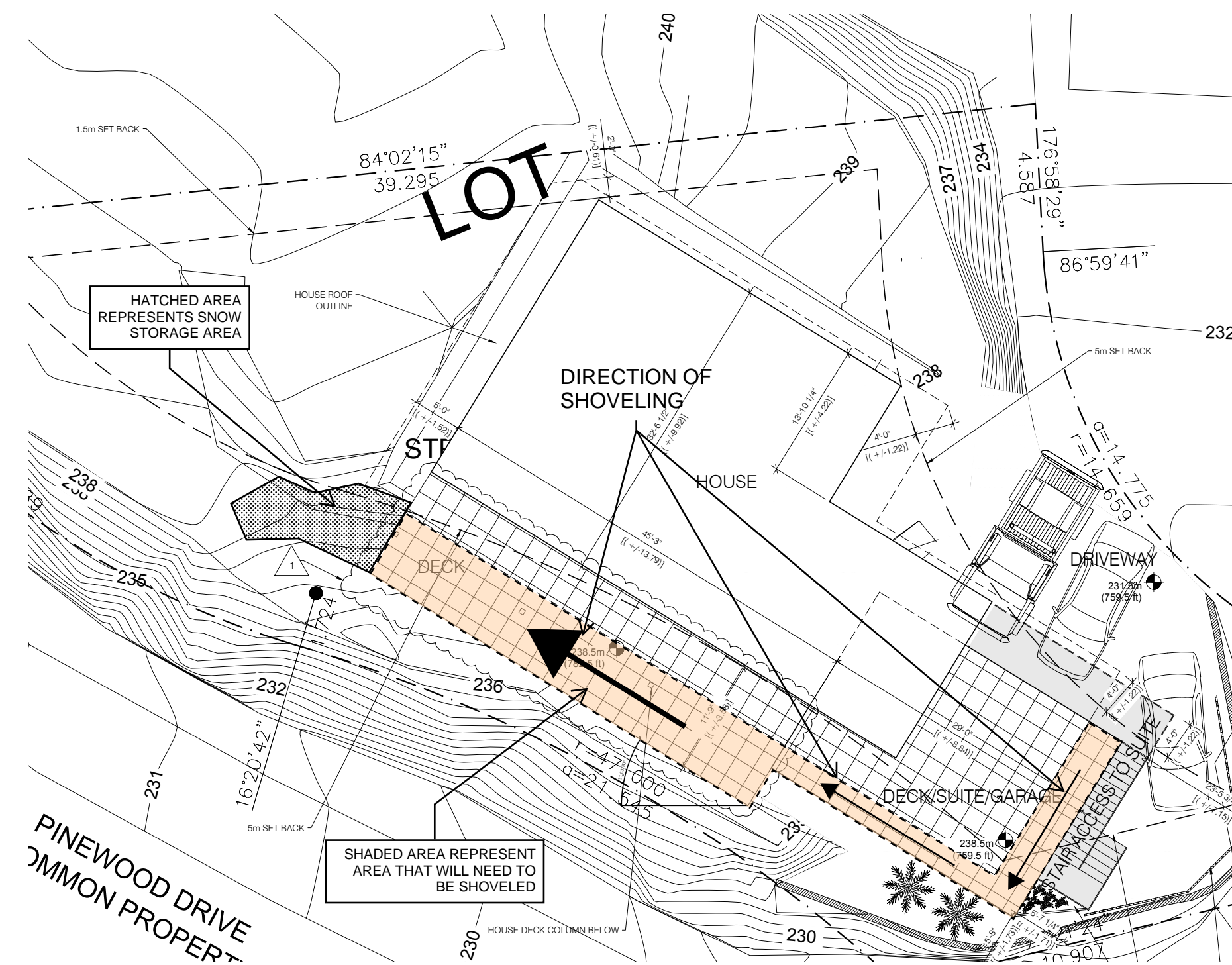
Increase the permitted set back on the front line so an 8' deck supported by columns can be built.

| LIMITING DISTANCE | | | | | | | | | | | |
|---|-------|-------|--------|-------|-------|--------|-------|-------|--------|-------|--------|
| EXPOSITION | NE | | | NR | | | SE | | | SR | |
| | HOUSE | SUITE | GARAGE | HOUSE | SUITE | GARAGE | HOUSE | SUITE | GARAGE | HOUSE | GARAGE |
| EXPOSED BUILDING FACE (M) | 45.00 | 25.00 | 20.00 | 40.00 | 20.00 | 15.00 | 35.00 | 20.00 | 25.00 | 20.00 | 15.00 |
| SHADED DROPPING (M) | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| % SHADED DROPPING | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% |
| MAX % PERMITTED SHADED OPENING | -% | -% | -% | -% | -% | -% | -% | -% | -% | -% | -% |
| LIMITING DISTANCE TO PROPERTY LINE (M) @ 10:15:30 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| LIMITING DISTANCE SQUARED (M ²) | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

| 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 | | |



1 SNOW SHOVELING PLAN
A0.0 NTS

| Issue/Revision | Date |
|--------------------------|----------------|
| Issue for Variance | Jul 11th, 2017 |
| 1 Issue for 2nd Variance | Nov 17th, 2017 |

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:
COVER

| | |
|-----------------------------------|-----------------------------|
| Scale: indicated under drawing | Sheet #: A0.0 |
| Drawn: Amelie Croteau | |
| Verified by: Adrien Benech | |
| Date: | |

| Issue/Revision | Date |
|--------------------------|----------------|
| Issue for Variance | Jul 11th, 2017 |
| 1 Issue for 2nd Variance | Nov 17th, 2017 |

| | | | | | |
|--------------------------------|-----------|----------|----------|-----------|-----------|
| Average finish grade elevation | 768.48 ft | | | | |
| Elevation | 759.5 ft | 759.5 ft | 759.5 ft | 781.95 ft | 781.95 ft |
| Point mark | Point 1 | Point 2 | Point 3 | Point 4 | Point 5 |
| AVERAGE FINISH GRADE ELEVATION | | | | | |

| EXTERIOR FINISH | |
|-----------------|-----------------------------------|
| MARK | DESCRIPTION |
| 1 | PLANK SIDING HORIZONTAL |
| 2 | FIBRE CEMENT PANELS |
| 3 | CONCRETE SMOOTH FINISH |
| 4 | TORCH ON ROOF |
| 5 | WOOD COLUMN 10x10 FIR STAIN GRADE |



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:
NORTH ELEVATION

Scale:
indicated under drawing
Drawn:
Amelie Croteau
Verified by:
Adrien Benech
Date:

Sheet #:
A2.1

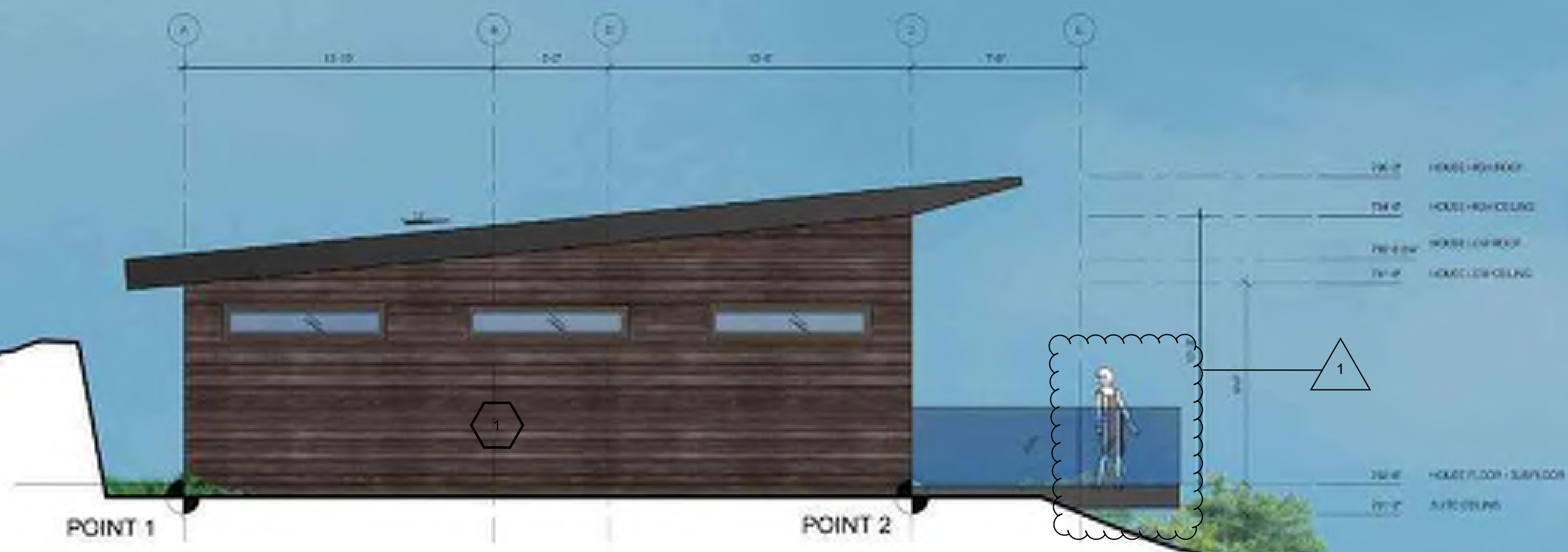
1 NORTH ELEVATION
SCALE: 1/4" = 1'

| Issue/Revision | Date |
|--------------------------|----------------|
| Issue for Variance | Jul 11th, 2017 |
| 1 Issue for 2nd Variance | Nov 17th, 2017 |

| AVERAGE FINISH GRADE ELEVATION | | |
|--------------------------------|-----------|-----------|
| Point mark | Point 1 | Point 2 |
| Elevation | 781.95 ft | 781.95 ft |
| Average finish grade elevation | 781.95 ft | |

| EXTERIOR FINISH | |
|-----------------|--------------------------|
| NOTE | DESCRIPTION |
| 1 | FLY ASH CONCRETE |
| 2 | PERC. CEMENT FINISH |
| 3 | CONCRETE SWATH FINISH |
| 4 | TOPCH. BRICK |
| 5 | WOOD COLUMN BRICK FINISH |

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



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:
WEST ELEVATION

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

| Issue/Revision | Date |
|--------------------------|----------------|
| Issue for Variance | Jul 11th, 2017 |
| 1 Issue for 2nd Variance | Nov 17th, 2017 |

| EXTERIOR FINISH | |
|-----------------|-----------------------------------|
| MARK | DESCRIPTION |
| 1 | PLANK SIDING HORIZONTAL |
| 2 | FIBRE CEMENT PANELS |
| 3 | CONCRETE SMOOTH FINISH |
| 4 | TORCH ON ROOF |
| 5 | WOOD COLUMN 10x10 FIR STAIN GRADE |

LAND GROUND ELEVATION LINE
 STREET ELEVATION LINE



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:
 EAST ELEVATION

| | |
|-----------------------------------|----------|
| Scale: indicated under drawing | Sheet #: |
| Drawn: Amelie Croteau | A2.3 |
| Verified by: Adrien Benech | |
| Date: | |

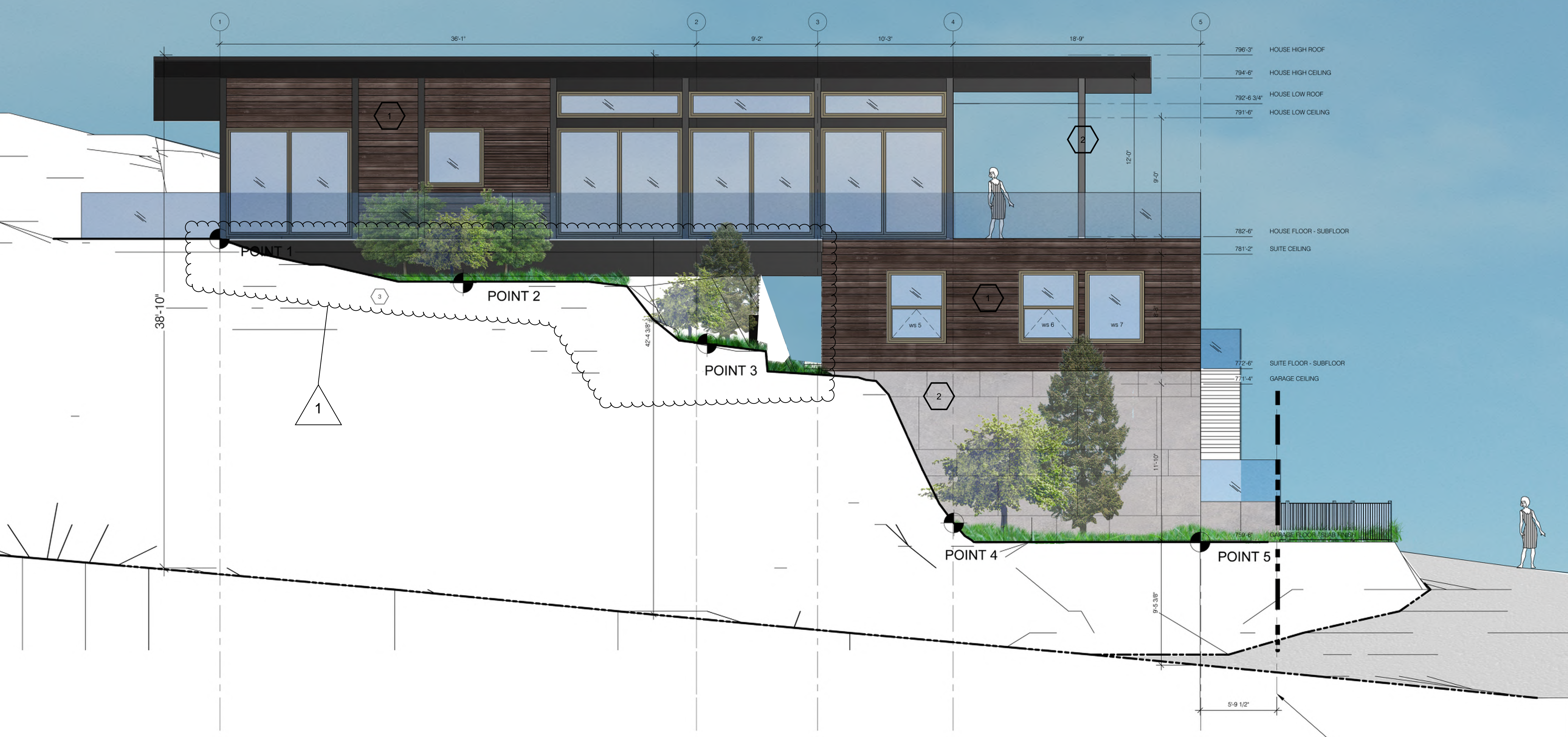
EAST ELEVATION
 SCALE: 1/4" = 1'

| AVERAGE FINISH GRADE ELEVATION | | | | | |
|--------------------------------|-----------|-----------|-----------|-----------|----------|
| Point mark | Point 1 | Point 2 | Point 3 | Point 4 | Point 5 |
| Elevation | 782.33 ft | 779.08 ft | 774.47 ft | 760.77 ft | 759.3 ft |
| Average finish grade elevation | 771.19 ft | | | | |

| Issue/Revision | Date |
|--------------------------|----------------|
| Issue for Variance | Jul 11th, 2017 |
| 1 Issue for 2nd Variance | Nov 17th, 2017 |

| EXTERIOR FINISH | |
|-----------------|-----------------------------------|
| MARK | DESCRIPTION |
| 1 | PLANK SIDING HORIZONTAL |
| 2 | FIBRE CEMENT PANELS |
| 3 | CONCRETE SMOOTH FINISH |
| 4 | TORCH ON ROOF |
| 5 | WOOD COLUMN 10x10 FIR STAIN GRADE |

LAND GROUND ELEVATION LINE
 STREET ELEVATION LINE



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

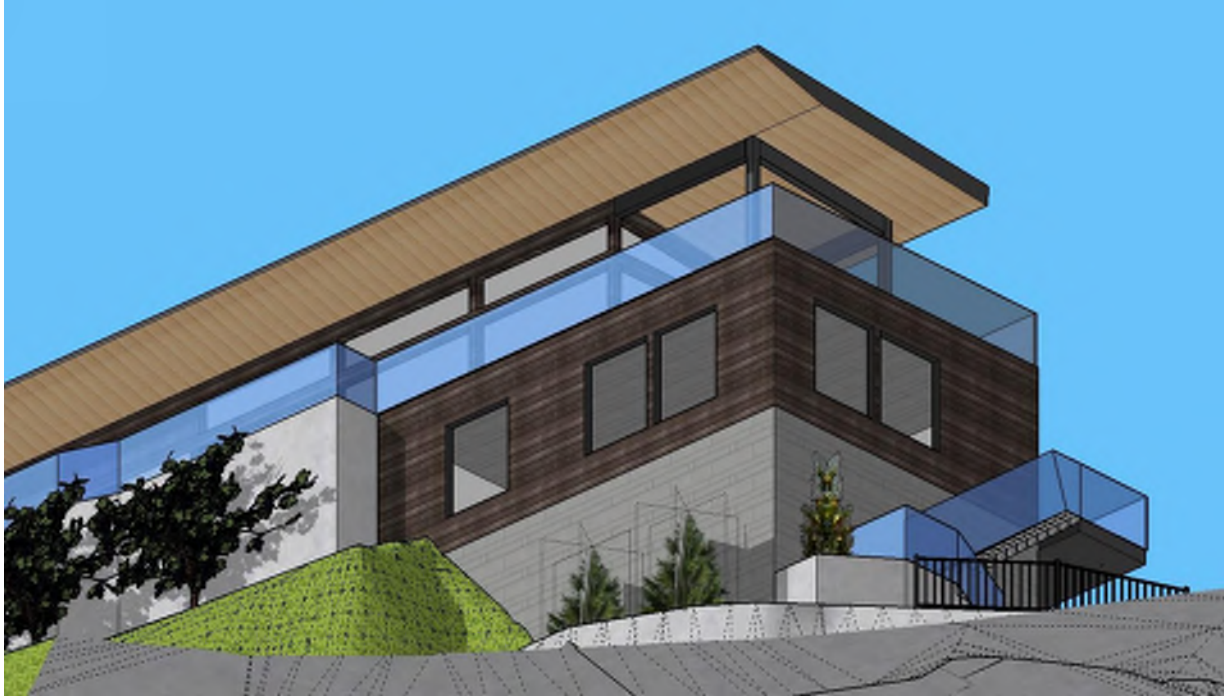
Project name:
 New House
 1765 Pinewood
 Pemberton, BC

Sheet Title:
 SOUTH ELEVATION

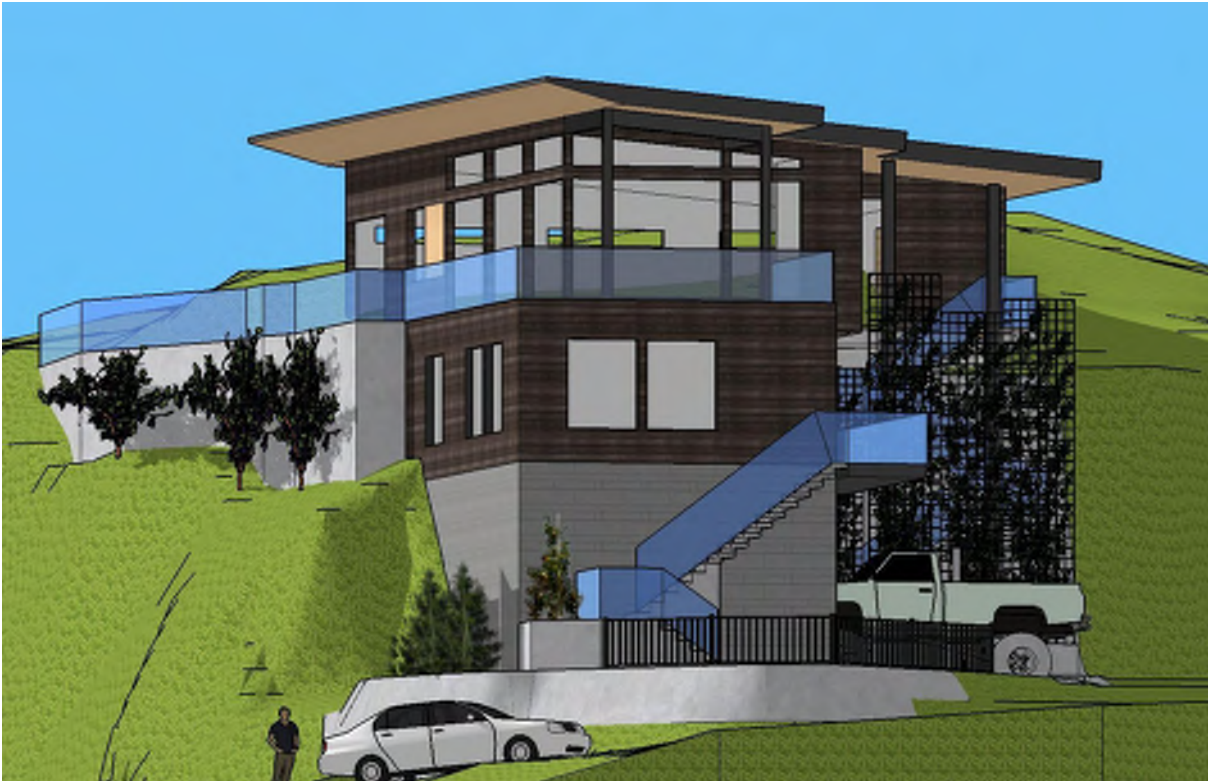
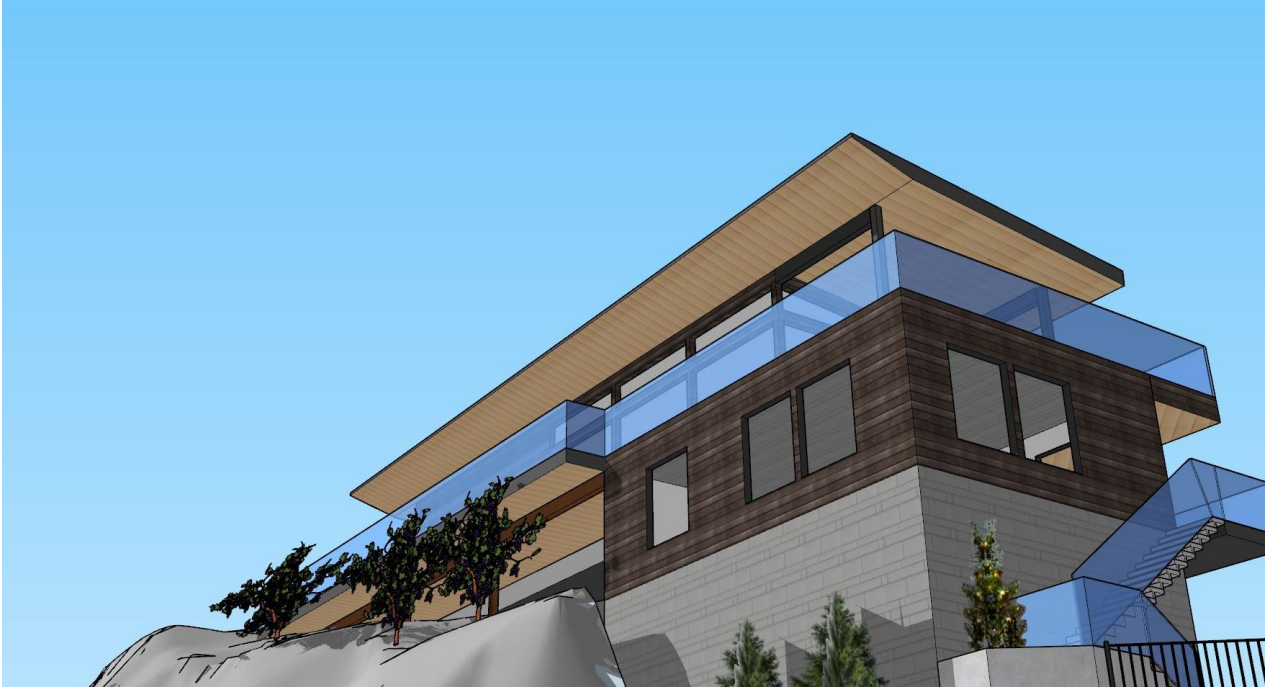
SOUTH ELEVATION
 SCALE: 1/4" = 1'

| | |
|-----------------------------------|----------|
| Scale: indicated under drawing | Sheet #: |
| Drawn: Amelie Croteau | A2.4 |
| Verified by: Adrien Benech | |
| Date: | |

PROPOSED FOR VARIANCE IN JULY 2017



PROPOSED MODIFICATION FROM VARIANCE ACCEPTED JULY 2017



Date: December 14, 2017

From: Lisa Pedrini, Village Planner

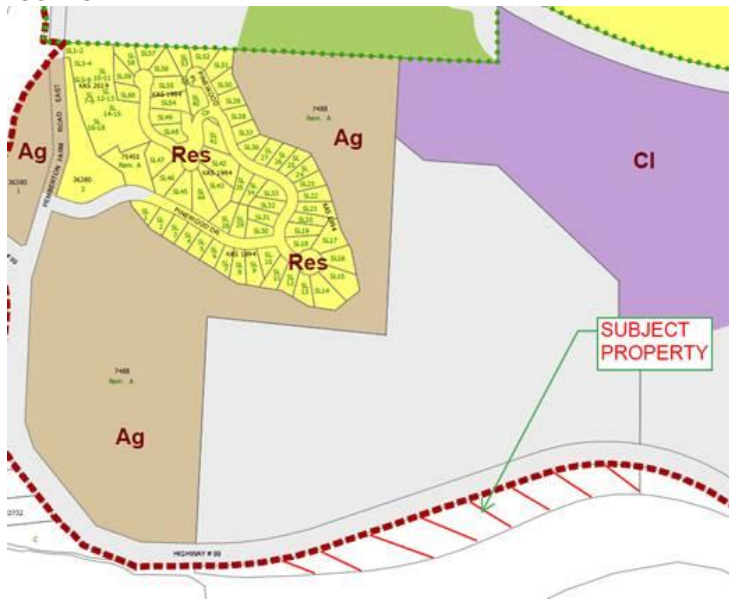
Subject: 1760 Highway 99 – Servicing Variance Request

**Owners/
Agent:** Drew Meredith

PURPOSE

This report provides an overview for the Board of Variance of an application submitted by the owner of the property located at 1760 Highway 99 (Lot 1, DL 211, LLD, Plan EPP58015), requesting a relaxation from the required servicing in the Land Development and Servicing Bylaw No. 677,2011. A location plan is below.

LOCATION PLAN



BACKGROUND

The property in question is vacant land located within the Agricultural Land Reserve. It is zoned AGR-1 under the SLRD Electoral Area C Zoning Bylaw No. 765. The property was brought into the Village’s boundaries in 2011 but has not yet been given Village zoning therefore it retains its zoning it had at the time it was incorporated. It is the Village’s intention to rezone this property as A-1 (Agriculture) as part of the Village’s review and update to their Zoning Bylaw. The SLRD AGR zone and the Village of Pemberton A-1 zone are practically indistinguishable.

DESCRIPTION

The proposed variance will relax the requirement under s. 5.1 **Servicing Requirements** of Bylaw 677, 2011 (Subdivision and Development of Land) to permit a private septic field and well for a new single family dwelling.

DISCUSSION

A Board of Variance has the ability to vary certain provisions in a Local Government 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.

Section 540 of the *Local Government Act* notes that a person may apply to a Board of Variance if the person alleges that compliance with any of the following would cause the person hardship:

- (b) a subdivision servicing requirement under section 506 (1) (c) [*provision of water, sewer and other systems*] in an area zoned for agricultural or industrial use;

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

Zoning and Location – The site is zoned for agricultural use and is not in close proximity to Village servicing connections. Having to abide by the required servicing standards as per Land Development and Subdivision Servicing Bylaw No. 677, 2011 is considered a hardship that the Board of Variance can consider alleviating.

IMPACT

Staff has reviewed the Letter of Intent and agrees that there is no negative impacts if the proposed variance was granted.

It is the Village's intention in the near future to clarify by bylaw amendment that servicing requirements do not apply to land zoned for agricultural use, so similar applications will not have to be seen by the Board of Variance.

ALTERNATIVE OPTIONS

The Board of Variance in their consideration of the application to vary the servicing requirements for 1760 Highway 99 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. Village Staff 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

To: Suzanne Belanger
From: Drew Meredith
Re: Board of Variance request for 1760 Sea to Sky Hwy 99, Pemberton, BC
Lot 1, DL 211, Plan EPP 58015
November 23, 2017

Dear Suzanne: Pursuant to your request I am submitting a BOV application to vary servicing requirements for our property at 1760 Sea to Sky Hwy 99, Pemberton, BC. I do this under protest as I believe that it is unnecessary and might jeopardize our building plans.

As you know we were incorporated into the Village of Pemberton through a boundary expansion initiated by the Village of Pemberton. We were advised that our zoning would continue to be AGR as per the SLRD Bylaw 675.

On July 28, 2014 we received a TAL from the Village of Pemberton authorizing the creation of the above described parcel. Contained in that report (attached) our onsite services, septic and well, were approved by the Village, Coastal Health and MOTI. We followed up with MOTI and Coastal Health and received all necessary approvals for these services. The report clearly recognizes the situation and makes no mention of any other servicing requirements.

We have now been advised that this form of sewage disposal and water supply are not allowed under Subdivision Bylaw 677. I would submit that Bylaw 677 was created for larger developments adjacent to servicing and that we are being unfairly targeted with a bylaw error. The SLRD and the zoning bylaw that we are currently governed by recognizes that wells and septic fields are our only option.

I appreciate that the boundary expansion has created somewhat of an anomaly as far as we are concerned. However, septic systems and wells are an accepted practice where community services are unavailable. I would estimate that Village services are at least 1 km away from the subject property. Be advised that we would gladly hook up to services were they available to us.

I have reviewed the subdivision bylaw 677 and the building bylaw 694. Section 13.10 of Bylaw 694 states that "any building that is connected to the Village water system, must have a water meter installed". Section 9.1.9 requires that "copies of approvals required under any enactment relating to health and safety, including, without limitation, sewage disposal permits, highway access permits, and Ministry of Health approval shall be part of the building permit application". Does this not presume that an alternative servicing scenario might exist.

Schedule "B" of the Village of Pemberton- Level of Works and Services provides that in the Agricultural zone Water Service is "NA" and sanitary service is "A". I am not totally sure what this means but I think it adds to the mystery. I have attached a copy of Schedule "B".

In closing we are anxious to get our building permit ahead of the bow wave of permits that I believe are on their way. Please process this application as soon as possible.



Box 100 | 7400 Prospect Street
 Pemberton BC V0N 2L0
 P: 604.894.6135 | F: 604.894.6136
 Email: admin@pemberton.ca
 Website: www.pemberton.ca

BOARD OF VARIANCE APPLICATION

Date of Application: November 23, 2017 VOP File Number: _____

APPLICANT INFORMATION:

Name: R. H. Drew Meredith and Lori Mitchell Postal Address: PO Box 281
 Phone: 604-932-7734 Pemberton, BC
 Fax: _____
 Cel: _____ Email: drewm@wrec.com

REGISTERED OWNER INFORMATION:

Name: R. H. Drew Meredith and Lori Mitchell Postal Address: _____
 Phone: _____
 Fax: _____
 Cel: _____ Email: _____

PROPERTY INFORMATION:

Civic Address: 1760 Sea to Sky Hwy 99 Legal Description: Lot 1, Plan EPP58015, DL 211
 Zoning Designation: AGR as per SLRD bylaw 765
 Section in Bylaw to be varied: Servicing

DESCRIPTION OF VARIANCE REQUESTED:

See Attached description

APPLICATION CHECKLIST:

| | | | | | | | |
|------------------------|---|-----------------------------|---|---|---|--|------------------------------|
| Certificate of Title | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | Site Plan | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A | |
| Application Fee | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | Property Within Agricultural Land Reserve | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A | |
| Authorization Form | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> N/A | Property Subject to Riparian Area Regulations | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| Rationale for Variance | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A | Property Adjacent to Residential Properties | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | <input type="checkbox"/> N/A |

I, R. H. Drew Meredith & Lori Mitchell hereby allow for the purposes of this application, any member(s) of the Board of Variance to view the property of the proposed variance upon request.

R. H. Drew Meredith L. R. Mitchell
 Signature

| | | |
|----------------------------|-------------------------|--------------------|
| For Office Use Only | | |
| Roll No.: _____ | Prospero No.: _____ | |
| Related Files: _____ | Fee Submitted: \$ _____ | Receipt No.: _____ |

VILLAGE OF PEMBERTON
SUBDIVISION AND DEVELOPMENT CONTROL BYLAW NO. 677, 2011
LEVEL OF WORKS AND SERVICES

The levels of works and services to be provided in subdivisions shall conform to the following table for the various zones as set out in the Village of Pemberton Zoning Bylaw No. 466, 2001 and amendments thereto.

| Description | ZONE | | | | | | | | | | |
|----------------------------------|------|----|----|-----|----|----|----|----|----|----|----|
| | RS | RT | RC | MHP | C | M | P | PR | A | AP | CD |
| 1. Water Service | | | | | | | | | | | |
| Village Service | R | R | R | R | R | R | R | R | NA | R | R |
| 2. Sanitary Service | | | | | | | | | | | |
| Village Service | R | R | R | R | R | R | R | R | A | R | R |
| 3. Drainage | | | | | | | | | | | |
| Enclosed Pipe System | R | R | R | R | R | R | R | NA | NA | R | R |
| Open Channel (Ditch)* | NA | NA | NA | NA | NA | NA | NA | A | A | NA | NA |
| 4. Highways | | | | | | | | | | | |
| Collector/Local Curbs & Gutter | R | R | R | R | R | R | R | R | NA | R | R |
| 5. Sidewalks | | | | | | | | | | | |
| Both Sides | NA | NA | NA | NA | R | NA | R | R | NA | NA | NA |
| One Side | R | R | R | RA | NA | R | NA | NA | NA | NA | R |
| 6. Street Lighting | | | | | | | | | | | |
| | R | R | R | R | R | R | R | R | A | A | R |
| 7. Non-Municipal Services | | | | | | | | | | | |
| Power; Underground | R | R | R | RA | R | R | R | R | NA | R | R |
| Power; Overhead | NA | NA | NA | NA | NA | NA | NA | NA | A | NA | NA |
| Telephone; Underground | R | R | R | RA | R | R | R | NA | NA | R | R |
| Telephone; Overhead | | | | | | | | | | | |
| Cablevision; Underground | R | R | R | RA | R | R | R | NA | NA | R | R |
| Cablevision; Overhead | | | | | | | | | | | |

*Open Channel (Ditches) shall be considered for Hillside subdivisions in accordance Village design criteria and standard drawings

Definitions:

R - means required
RA - means required if available in the Village
A - means allowed/required where a higher level of service is not required

Zone:

RS - Single and Two Family Unit
RT - Multi-family
RC - Mixed Use
MHP - Mobile Home Park
PR - Parks and Recreation
CD - Comprehensive Development
C - Commercial
M - Industrial
P - Civic Uses
A - Agriculture
AP - Airport

BUILDING BYLAW No. 694, 2012

- 9.1.6 a cross section through the **building** or **structure** illustrating foundations, drainage, ceiling heights and construction systems;
- 9.1.7 elevations of all sides of the **building** or **structure** showing finish details, roof slopes, windows, doors, finished grade, and spatial separation calculations.
- 9.1.8 cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the **building** or **structure** substantially conforms to the **Building Code**;
- 9.1.9 copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits and Ministry of Health approval;
- 9.1.10 a letter of assurance in the form of Schedule "A" as referred to in section 2.6 of Part 2 of the **Building Code**, signed by the **owner**, or a significant officer of the **owner** if the **owner** is a corporation, and the **coordinating registered professional**;
- 9.1.11 letters of assurance in the form of Schedules B-1 and B-2 as referred to in the **Building Code**, each signed by such **registered professionals** as required by the **building official** or **Building Code** to prepare the design for and conduct **field reviews** of the construction of the **building** or **structure**;
- 9.1.12 three (3) sets of drawings at a suitable scale of the design prepared by each **registered professional** and including the information set out in sections 9.1.5 to 9.1.8 of this Bylaw.
- 9.2 In addition to the requirements of section 9.1, the following may be required by a **building official** to be submitted with a building permit application for the construction of a **complex building** where the complexity of the proposed **building** or **structure** or siting circumstances warrant:
- 9.2.1 a **Building Code** analysis showing conformance to the **building** to the current **Building Code**;
- 9.2.2 a zoning analysis showing conformance to the current Zoning Bylaw and Development Permit;
- 9.2.3 site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a **registered professional**, in accordance with the Village's current Subdivision and Development Control Bylaw;
- 9.2.4 a section through the site showing grades, **buildings**, **structures**, parking areas and driveways;
- 9.2.5 any other information required by the **building official** or the **Building Code** to establish substantial compliance with this Bylaw, the **Building Code** and other Bylaws and enactments relating to the **building** or **structure**.

Proposal regarding 1759 Sea to Sky Hwy, Pemberton, BC

The total property is 21.16 hectares and we wish to sever the hooked parcel (2.66 ha) on the other side of the Sea to Sky Highway 99.

This property is extremely difficult to access and use due to the very busy highway traffic:

- In the summertime, it is estimated over 1500 RVs alone drive through the property on their way over the Duffy Lake Road.
- Logging has also become very active in the corridor and there is now a constant flow of fully loaded trucks.
- The Mt. Currie/Walkerville/Ivy Lake/Owl Ridge/D'Arcy population commutes on this highway daily to Pemberton/Whistler
- Anderson Lake is also an en route prominent summer destination for boaters/cottagers

While we have been successful in having a dotted centre line changed to a double solid, the speed limit continues to be 80 KMP on a straight stretch of highway with the no passing zone frequently ignored.

It is totally unsafe to move equipment, livestock and/or personnel back and forth across the highway to develop this parcel's agricultural potential.

We believe the requested severed site would be attractive to an organic vegetable or small livestock operation with good selling exposure and access to local markets/restaurants. - The soil is good with the majority of the land cleared. There is plenty of water available for domestic and irrigation purposes.

The North Arm Channel of the Lillooet River runs on the far side of the property and beyond that is surrounded by the Mount Currie Indian Reserve.

The property currently has:

- a small barn
- its own hydro including a separate meter
- a water system and septic field
- its own driveway and civic address.

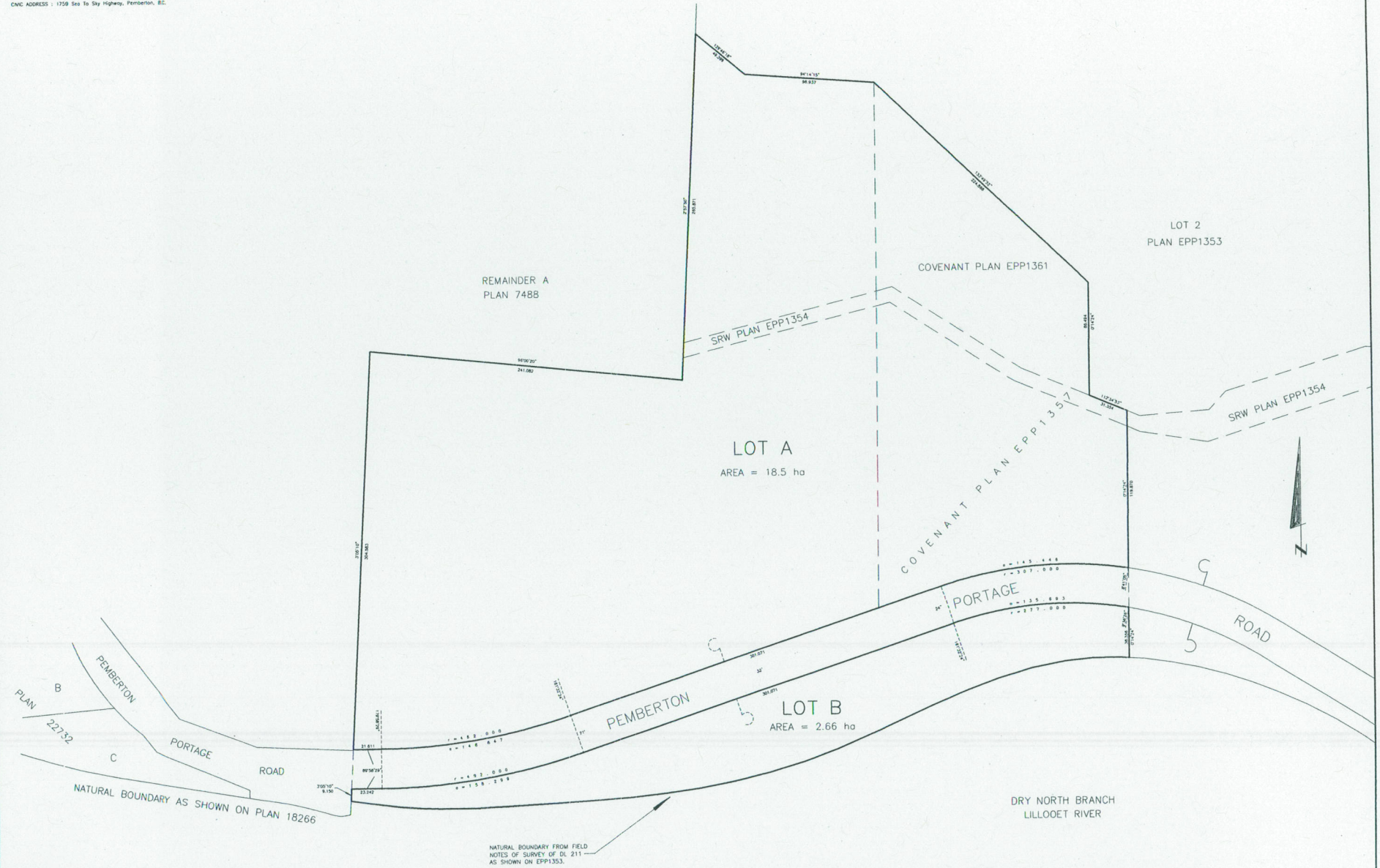
PROPOSED SUBDIVISION PLAN OF LOT 1,
DL 211, LILLOOET DISTRICT, PLAN EPP1353.

BCGS 92J.037
SCALE 1 : 1000



ALL DISTANCES ARE IN METRES.

BEARINGS AND DISTANCES ARE DERIVED FROM PLAN EPP1353.
THE INTENDED PLT SIZE OF THIS PLAN IS 85mm IN HEIGHT BY
1120mm IN WIDTH (E 502) WHEN PLOTTED AT A SCALE OF 1:1000.
CIVIC ADDRESS : 1759 Sea To Sky Highway, Pemberton, B.C.



H. B. Brown Land Surveying Ltd.
Professional Land Surveyors
P.O. Box 13, Whistler, B.C. V0N 1B0
604-932-2420 Fax: 604-938-1381
E-mail: hbb@hbb.com

NATURAL BOUNDARY FROM FIELD
NOTES OF SURVEY OF DL 211
AS SHOWN ON EPP1353.



July 28, 2014

Lori Mitchell and Drew Meredith
Box 281
1759 Sea to Sky Highway
Pemberton, BC
V0N 2L0

Dear Drew:

Re: Tentative Approval Letter –S057

Please accept this letter as a *Tentative Approval Letter* for a two (2) lot subdivision for the property at 1759 Sea to Sky Highway, Pemberton Lot 1, DL 211, Plan EPP1353. This tentative approval shall reference proposed Subdivision Plan attached as Appendix A.

The Tentative Approval Letter (TAL) outlines the conditions that must be addressed by the applicant/owner to the reasonable satisfaction of the Approving Officer prior to the final subdivision approval and, where appropriate, a narrative (*in italics*) has been provided to further clarify the requirements.

Land Use Considerations

1. All lots created by the subdivision shall be in compliance with municipal land use bylaws (Official Community Plan and Zoning Bylaw) and other related policies or approvals.

The subject lands were brought into municipal boundaries in May 2011 and subsequently into the Official Community Plan in June 2011. The subject property, however, has not yet been assigned a designated land use in the Official Community Plan (although the policies of the OCP apply). As a result the OCP designation designed from the Squamish Lillooet Regional District continues to apply to this property.

The property has also not yet been incorporated into the Village's Zoning Bylaw and as a result is subject to the provisions of the SLRD's zoning, which is AGR (Agriculture).

Development Permit Approval

2. The subject property is not designated as a Development Permit Area in the OCP.

Park Dedications

3. Both, the *Local Government Act* and the Village's *Subdivision and Development Control Bylaw* do not require a 5% park land dedication at

July 28, 2014

subdivision where there are “fewer than 3 additional lots created and/or when the smallest lot being created is larger than 2 hectares”. This subdivision proposes 2 lots only, with areas of 18.5 ha and 2.66 ha, respectively.

Trails

4. The subject property is not designated in the Pemberton and Area Trail Master Plan, but rather Highway 99 is identified as a commuter route. No trail dedications will be required.

Community Amenities

5. The Community Amenity Contribution requirements are triggered by residential subdivisions only.

Development Cost Charges

6. The *Local Government Act* indicates that a development cost charge is not payable if the development does not impose new capital cost burdens on the Village. The property is currently serviced by its own water and septic field; therefore the subdivision will not require municipal services.

Agricultural Land Commission

7. On March 26, 2014 the ALC approved the proposal to subdivide the proposed subdivision into two lots, subject to the following conditions:
 - The subdivision being in substantial compliance with the plan submitted with the application; and
 - The subdivision plan being completed within three (3) years from the date of the Commissions letter communicating this decision.

The ALC indicated in their decision the highway dividing the property makes it challenging for a single farm unit to safely move farm equipment from one side of the highway to another. The subdivision was also deemed appropriate, since the farming industry in the Pemberton Valley supports smaller scale market farms.

Pemberton Valley Dyking District

8. No concerns.

Ministry of Transportation and Infrastructure

9. Preliminary approval of the proposed subdivision is granted in accordance with Section 80 of the *Land Title Act*, provided final plans are prepared by a *British Columbia Land Surveyor*, and shall be identified with file number 2013-05798 directly below the signature block for the *Provincial Approving Officer*.

Village Engineer

10. Given the current agricultural zoning, the existing access, and that the water supply and onsite sanitary disposal are currently in place and assumed fully operational, no other requirements are required at this time.

July 28, 2014

Vancouver Coastal Health

11. The application for the above subdivision proposal was reviewed based on the Vancouver Coastal Health Subdivision Guidelines. Given the large area of proposed Lot A and that severing of the proposed Lot B would not affect our interests on Lot A we will not be assessing Lot A. We will only be assessing Lot B in accordance with our guidelines. The following comments apply to Lot B but insufficient information was provided to carry out the site assessment including an *Application of Subdivision, Site Report* and a *Plot Plan*. *Prior to subdivision the applicant should ensure that VCH is satisfied with the proposed subdivision.*

Lil'wat Nation

12. No concerns.

Final Subdivision Submission Requirements

13. *Prepare a legal survey plan together within any required right of ways, covenants or easements in accordance with the Land Title Office requirements for the Approving Officers approval.*

14. *Pay of any outstanding application processing fees and taxes that for all lands comprising the subdivision.*

This Tentative Approval shall not in any way be construed as final subdivision approval as required under the *Land Title Act* and the *Local Government Act*. The terms and conditions of the Tentative Approval are valid until July 28, 2016.

The above comments do not necessarily represent a complete list of the development requirements. Should the applicant proceed with this concept, additional requirements may be imposed which will be cost to the applicant. Any amendments to the Tentative Approval conditions shall be provided by the Village in writing.

Should you have any questions, please do not hesitate to contact me.

Yours truly,

VILLAGE OF PEMBERTON



Caroline Lamont
Approving Officer

Copy:

Russell Mack, Fire Chief
Lonny Miller, Manager of Public Works
Graham Schulz - ISL Engineering (Village Consultant)
Daniel Sailland, CAO Village of Pemberton

TITLE SEARCH PRINT

2016-04-27, 13:55:59

File Reference:

Requestor: Drew Meredith

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

Title Issued Under SECTION 98 LAND TITLE ACT

Land Title District KAMLOOPS
Land Title Office KAMLOOPS

Title Number CA5049948
From Title Number CA3944756

Application Received 2016-03-17

Application Entered 2016-03-31

Registered Owner in Fee Simple
Registered Owner/Mailing Address: LORI ANN MITCHELL, FARMER
RICE HOWARD DREW MEREDITH, BUSINESSPERSON
PO BOX 281
PEMBERTON, BC
V0N 2L0
AS JOINT TENANTS

Taxation Authority NORTH SHORE - SQUAMISH VALLEY ASSESSMENT AREA
VILLAGE OF PEMBERTON
PEMBERTON VALLEY DYKING DISTRICT

Description of Land
Parcel Identifier: 029-791-472
Legal Description:
LOT 1 DISTRICT LOT 211 LILLOOET DISTRICT PLAN EPP58015

Legal Notations
NOTICE OF INTEREST, BUILDERS LIEN ACT (S.3(2)), SEE CA3838181
FILED 2014-07-14

THIS CERTIFICATE OF TITLE MAY BE AFFECTED BY THE AGRICULTURAL LAND COMMISSION ACT, SEE AGRICULTURAL LAND RESERVE PLAN NO. M11127

TITLE SEARCH PRINT

2016-04-27, 13:55:59

File Reference:

Requestor: Drew Meredith

Charges, Liens and Interests

Nature: EASEMENT
 Registration Number: 65492E
 Registration Date and Time: 1956-07-11 15:29
 Remarks: INTER ALIA
 AS TO PART FORMER FRAC. SW 1/4 OF DL 211 LD
 APPURTENANT TO LOT A PLAN 7488 EXCEPT PLAN 18266

Nature: COVENANT
 Registration Number: KT44364
 Registration Date and Time: 2002-04-29 15:11
 Registered Owner: SQUAMISH-LILLOOET REGIONAL DISTRICT
 Remarks: INTER ALIA
 AS TO PART FORMER FRAC. SW 1/4 OF DL 211 LD

Nature: RESTRICTIVE COVENANT
 Registration Number: CA1132532
 Registration Date and Time: 2009-06-01 12:12
 Remarks: INTER ALIA
 APPURTENANT TO LOT 2 PLAN EPP1353

Nature: COVENANT
 Registration Number: CA1132533
 Registration Date and Time: 2009-06-01 12:12
 Registered Owner: PROVINCIAL AGRICULTURAL LAND COMMISSION
 Remarks: INTER ALIA

Nature: STATUTORY RIGHT OF WAY
 Registration Number: CA1132535
 Registration Date and Time: 2009-06-01 12:12
 Registered Owner: PEMBERTON VALLEY DYKING DISTRICT
 Remarks: INTER ALIA

Nature: RESTRICTIVE COVENANT
 Registration Number: LB319180
 Registration Date and Time: 2009-06-01 12:12
 Remarks: INTER ALIA
 APPURTENANT TO LOT 2 PLAN EPP1353

Nature: EASEMENT
 Registration Number: CA3944757
 Registration Date and Time: 2014-09-05 09:45
 Remarks: PART ON PLAN EPP43243
 APPURTENANT TO LOT A PLAN EPP43242

Duplicate Indefeasible Title NONE OUTSTANDING

TITLE SEARCH PRINT

File Reference:

2016-04-27, 13:55:59
Requestor: Drew Meredith

Transfers

NONE

Pending Applications

NONE