

-BOARD OF VARIANCE

Agenda for the Board of Variance Meeting of the Village of Pemberton to be held *Wednesday, April 10, 2019 at 5:00 PM* at 7400 Prospect Street.

	Report Total Pages
1. CALL TO ORDER	
2. GENERAL UPDATE	
3. MINUTES	3
• Minutes of the January 17 th , 2019 BoV Meeting	
4. 1306 Eagle Drive (Lot 15, Benchlands -Phase 1C)	
To reduce the minimum required front setback from 6 meters to 5 meters (a difference of 1.0 m) to facilitate the siting of a detached dwelling.	9
• Report to BoV	
5. NEXT MEETING	
6. ADJOURNMENT	

BOARD OF VARIANCE MINUTES

Minutes for the Board of Variance of the Village of Pemberton January 17th at 5:30pm at 7400 Prospect Street, Pemberton, B.C.

IN ATTENDANCE:	Niki Vankerk Al Leblanc
STAFF IN ATTENDANCE:	Lisa Pedrini, Senior Planner Faruq Patel, Chief Building Inspector Melissa Sutherland, Building & Planning Clerk
APPLICANT/PUBLIC:	Dinny Corcoran, Owner/Applicant

1) CALL TO ORDER

At 5:29pm the meeting was called to Order.

2) MINUTES

Moved/Seconded

THAT the minutes of the BoV meeting held April 4, 2018 be approved as circulated.

CARRIED

3) STRATA LOT 60-FRONT SETBACKS VARIANCE REQUEST (1776 Pinewood Place)

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

The Senior 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 the details of the variance application. No correspondence was received.

DISCUSSION

Senior Planner, Lisa Pedrini provided details on the application explaining how lots along Pinewood Drive above Pinewood Place are challenged due to the rocky, steep and varying topography of the sites. Under Village of Pemberton Zoning Bylaw No. 832, 2018 for properties zoned Residential (R-1), the minimum front lot line setback is

5.0 m. The proposed variance is to reduce a portion of the front-line setback from 5 meters to 3.14 meters (a difference of 1.86 m) to facilitate the siting of an attached garage.

Chief Building Inspector, Faruq Patel provided details on the history of the building permit application explaining that the permit was issued for the main house, and that the garage had been removed from the plans. The foundation for the garage has been poured with the principal residence.

The application explained a misunderstanding as to what is considered a detached garage. If this garage was considered detached it would meet the required setbacks for an accessory building. Chief Building Inspector, Faruq Patel, explained a minor technicality that classifies this garage as attached and therefore requires the garage to meet the setbacks required for the principal dwelling. The main house and garage are attached by the corner of each structure, so the garage would not be considered an accessory building. He then explained that only a small corner of the garage requires the variance, rather than the entire garage.

Board of Variance members questioned the history of the application and why so much time had passed since the permit was issued. The applicant provided reasoning explaining that he wanted to the project to continue and was not prepared to start the application for a variance at that point in time. The Board also questioned why a foundation permit would've been issued at all without an approval for a variance first. Senior Planner, Lisa Pedrini, explained the application was processed by staff members that no longer work for the Village and that she was unable to provide insight into why the permit was issued as is.

Board of Variance members did agree that the variance request was minor and should not negatively impact the neighbouring properties.

RESOLUTION

Moved/Second

THAT the Board of Variance approve the request to decrease the front setback from 5.0 meters to 3.14 meters for 1776 Pinewood Place.

CARRIED

4) NEW BUSINESS

No new business

5) NEXT MEETING

TBA

6) **ADJOURNMENT**

Moved/Second

THAT the Board of Variance meeting be adjourned.

CARRIED

At 5:45pm the meeting was adjourned.

This is a true and correct
copy of a meeting of the
BoV of the Village of
Pemberton, held January
17, 2019.

Chair

Date: April 10, 2019
From: Lisa Pedrini, Manager of Development Services
Subject: 1306 Eagle Drive – Front Setback Variance Request
**Owner/
Agent:** Ben Parnell

PURPOSE

This report provides an overview for the Board of Variance of an application submitted by the owner of the property located at 1306 Eagle Drive (Lot 15, Block F, DL 202, 8556 and 8680, LLD, Plan EPP72120), requesting a relaxation from the permitted front yard setback in the Zoning Bylaw. A location plan is shown below.

LOCATION PLAN



BACKGROUND

Lots along the north side of Eagle Drive in the Benchlands (Phase 1C) are challenged due to the presence of bedrock and the steep, upward sloping topography of the sites. 1306 Eagle Drive (Lot 15) is located on land that slopes upward toward the rear setback.

The property is zoned R-1 as per the Village of Pemberton Zoning Bylaw No. 832, 2018 and has minimum required front setback of 6 m. Under the previous zoning bylaw, the front setback was 5 m but this was increased to 6 m to allow more room for parking.

At this time, the owners of lot 15 are w seeking a relaxation from the Board of Variance due to the topography of their lot (steeply sloping uphill from front to back) for the siting of the detached dwelling. The relaxation they are seeking is for the front lot line setback, for a principal building, from 6 m to 5 m. This will allow the home to be placed closer to the front setback, which will drastically minimize the amount of excavation of bedrock and the corresponding disruption to the natural environment) and improve site grading. Technically the request also has to do with the specific fractures and faces identified in the bedrock that currently contribute to slope stability.

A notice regarding this application has been mailed to all neighbouring properties within 100 m of the property lines. At the time of writing this report, the Village received one comment from an adjacent property owner, who is supportive of the request and because they are facing the same issue, may also submit a similar request to the Board of Variance in future. No comments from any other neighbours, either for or against the requested relaxation, were received.

OPTIONS

The Board of Variance in their consideration of this revision for 1306 Eagle Drive has the following options:

- (i) Approve the relaxation;
- (ii) Approve the relaxation with certain conditions;
- (iii) Reject the relaxation and request a 6 m setback as required.

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 – Site Photos

Appendix B – Application & Applicant's Rationale

APPENDIX A



Lot 15 – looking North



Lot 15 – Looking Northwest



Lot 15 – Looking Northeast

RECEIVED

MAR 14 2019



Village of Pemberton

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: March 14th / 2019 VOP File Number: _____

APPLICANT INFORMATION:

Name: Ben Parnell Postal Address: _____
Phone: 604-698-5690 #4-7416 Flint St.
Fax: / Pemberton, B.C PO Box 800
Cel: 11 Email: ben.e.parnell@gmail.com

REGISTERED OWNER INFORMATION:

Name: Ben Parnell Postal Address: _____
Phone: 604-698-5690 #4-7416 Flint St.
Fax: / Pemberton B.C. PO Box 800
Cel: / Email: ben.e.parnell@gmail.com

PROPERTY INFORMATION:

Civic Address: 1306 Eagle Drive. Legal Description: Lot #15 Block F DL 8556
Pemberton, BC and 202 L.D. PLAN EPP7211120
Zoning Designation: RESIDENTIAL 1
Section in Bylaw to be varied: PART II
11.1.4(b) - Building Regulations

DESCRIPTION OF VARIANCE REQUESTED:

Front Building Set-back: Currently 6m, requesting 5m.
-Rationale: Bedrock present, Will Improve Grades

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 type="checkbox"/> Yes	<input type="checkbox"/> No	Property Within Agricultural Land Reserve	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A	
Authorization Form	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Property Subject to Riparian Area Regulations	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A
Rationale for Variance	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Property Adjacent to Residential Properties	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A

I, Ben Parnell 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.

BP
Signature

For Office Use Only

Roll No.: _____ Prospero No.: _____
Related Files: _____ Fee Submitted: \$ _____ Receipt No.: _____

REPRINT OF
RECEIPT RECORD



Village of Pemberton
PO Box 100 7400 Prospect St
Pemberton, BC V0N 2L0
Phone No. : (604)894-6135
Fax No. : (604)894-6136

--- Item ID #0001 ---
DPVAR : Development Variance
GL : 01-1-256900-1500
1@ 250.00 250.00
Payment Subtotal 250.00
PST 0.00
GST 10698 5872 0.00

Payment Total 250.00
=====

DEBIT	250.00
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NAME: BED PARNELL
AUTHORIZATION CODE: 152782
NOTES: 1306 EAGLE DRIVE
Change 0.00

RECEIVED
MAR 15 2019
Village of Pemberton

15-Mar-19 10:53:22
D:0000005360 B:2019031501
MMCREE R:0000021799

From: Ben Parnell [mailto:ben.e.parnell@gmail.com]
Sent: Tuesday, April 2, 2019 11:21 AM
To: Lisa Pedrini
Subject: Re: BoV application rationale

Hi Lisa,

As our lot is almost entirely steep uphill bedrock this variance will allow us to drastically decrease the amount of bedrock that needs to be excavated from the site saving us roughly around \$10,000+. Technically this request also has to do with the specific fractures and faces identified in the bedrock that currently contribute to slope stability.

Anything else, let me know.

Thanks again.

Ben

On Monday, April 1, 2019, Lisa Pedrini <lpedrini@pemberton.ca> wrote:

Hello Ben,

I am just preparing the notification for your Board of Variance request.

As an applicant, it is your responsibility to state the basis for appeal in your application submission and demonstrate the “hardship” that would result from full compliance with the Village’s Zoning Bylaw regulations. I would appreciate a bit more of an explanation (minimum one sentence or two) as to your request so I can clearly communicate this to your neighbours.

Thanks Ben!



Village of PEMBERTON
Lisa Pedrini, MCIP, RPP
Senior Planner
Development Services

'Committed to Community'

Box 100, 7400 Prospect Street
Pemberton, BC V0N2L0
T. 604.894.6135 x234 | F. 604.894.6136
 VillageOfPemberton

www.pemberton.ca

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SUBDIVISION PLAN OF PART OF BLOCK F DISTRICT LOTS 202, 8556 AND 8680, EXCEPT PLANS KAP76833 AND EPP64969, LILLOET DISTRICT

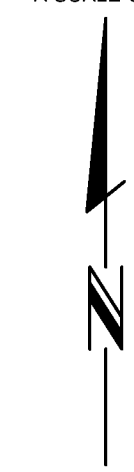
PLAN EPP72120

PURSUANT TO SECTION 74 OF THE LAND TITLE ACT.
VILLAGE OF PEMBERTON
BCGS 92J.036

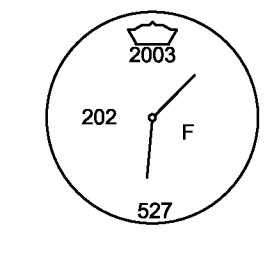
ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.
THE INTENDED PLOT SIZE OF THIS PLAN IS 560mm IN WIDTH BY 864mm IN HEIGHT (D SIZE) WHEN PLOTTED AT A SCALE OF 1:500

NAD83 (CSRS) 2002.0 UTM ZONE 10 COORDINATES				
STATION	NORTHING	EASTING	POINT COMBINED FACTOR	ESTIMATED HORIZONTAL POSITIONAL ACCURACY
5000	5574889.439	513337.871	0.9995665	0.05
5005	5574674.179	513236.262	0.9995648	0.05

NOTE: COORDINATES SHOWN FOR MAPPING PURPOSES ONLY.



BT FOUND	Species	diam.	Distance (Mkd)	Distance (Meas)	Brn. (mag.)
CEDAR		37cm	1.66	1.53m	295°



BT FOUND	Species	diam.	Distance (Mkd)	Distance (Meas)	Brn. (mag.)
CEDAR		37cm	5.55	5.30m	348°



BT FOUND	Species	diam.	Distance (Mkd)	Distance (Meas)	Brn. (mag.)
FIR		40cm	1.74m	1.58°	



LEGEND

GRID BEARINGS ARE DERIVED FROM GNSS DUAL FREQUENCY OBSERVATIONS AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 10.

BEARINGS TO BEARING TREES ARE MAGNETIC.

THE UTM COORDINATES AND ESTIMATED HORIZONTAL POSITIONAL ACCURACY ACHIEVED ARE DERIVED FROM GNSS DUAL FREQUENCY OBSERVATIONS USING THE PRECISE POINT POSITIONING SERVICE OF NATURAL RESOURCES CANADA.

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES UNLESS OTHERWISE SPECIFIED. TO COMPUTE GRID DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES BY THE AVERAGE COMBINED FACTOR OF 0.9995665. THE AVERAGE COMBINED FACTOR HAS BEEN DETERMINED BASED ON AN ELLIPSOIDAL ELEVATION OF 230 METRES.

- - DENOTES STANDARD IRON POST FOUND
- - DENOTES STANDARD IRON POST PLACED
- ⊙ - DENOTES STANDARD CAPPED POST FOUND
- US - DENOTES UNSUITABLE FOR POSTING
- SIP - DENOTES SHORT IRON POST

NOTE:
THIS PLAN SHOWS ONE OR MORE WITNESS POSTS WHICH ARE NOT SET ON THE TRUE CORNER(S).

bennett
LAND SURVEYING LTD.
BC LAND SURVEYORS
#201 - 275 FELL AVENUE
NORTH VANCOUVER, BC
V7P 3R5
TEL 604-980-4868
www.bennettsurveys.com

LOTS CREATED ON THIS PLAN ARE A CONTINUATION OF AN EXISTING NUMBERING SERIES

THIS PLAN LIES WITHIN THE JURISDICTION OF THE APPROVING OFFICER FOR THE VILLAGE OF PEMBERTON

THIS PLAN LIES WITHIN THE SQUAMISH-LILLOET REGIONAL DISTRICT

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED ON THE 8TH DAY OF JULY 2016.

JOHN M. FRANKO, BCLS #893