

BOARD OF VARIANCE MINUTES

Minutes for the Board of Variance Meeting of the Village of Pemberton held Thursday, November 26, 2020 at 5:00 PM via ZOOM Webinar ID: 874 8566 5846

IN ATTENDANCE:

Niki Vankerck, Chair
Drew Meredith
Alan LeBlanc

STAFF IN ATTENDANCE:

Joanna Rees, Planner
Chris Derouin, Building Official
Gwendolyn Kennedy, Building & Planning Clerk

APPLICANT/PUBLIC:

Brian Dorgelo (Applicant)
Maya Wassberg (Applicant)
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1. CALL TO ORDER

At 5:01 p.m. the meeting was called to order.

In honour of the Lil'wat7ul, the Village of Pemberton acknowledges that we are meeting within the unceded territory of the Lil'wat Nation.

2. AGENDA

Moved/Seconded

THAT the agenda be amended to remove item 4.

CARRIED

3. MINUTES

Moved/Seconded

THAT the minutes of the Board of Variance meeting held October 28, 2020, be amended to reflect that a motion was put on the table to deny the variance, and that the motion was not seconded.

CARRIED

Moved/Seconded

THAT the minutes of the Board of Variance meeting held October 28, 2020 be approved as corrected.

CARRIED

3. 7671 Cerulean Drive - Lot 27 District Lot 211 Lillooet District Plan EPP88381

Planner Joanna Rees presented a report summarizing the variance request.

The Applicants are requesting variances to allow for an existing retaining wall structure. The following variances from Sections 4.13 and 7.21 of Zoning Bylaw No. 832, 2018 are requested:

1. To vary Section 4.13(a) viii. to vary the height of one retaining wall, from 1.2 metres as required to a maximum of 3.91 meters, a relaxation of 2.71 metres, to be sited on the lot in general compliance with location and height on the Site Plan completed by MW Design Studio dated October 2nd 2020 or in a location approved by Building Permit; and
2. To vary Section 7.21 9 (a) i. to relax the maximum height of a retaining wall, from 1.2 to a maximum of 3.91 metres, a relaxation of 2.71 metres. Joanna Rees, Planner, presented a brief report summarizing the variance request application. A notice regarding this application was mailed to owners of all properties within 100 metres of the subject lands. The Village received no correspondence in response to this notification.

A notice regarding this application was mailed to owners of all properties within 100 metres of the subject lands. The Village received no correspondence in response.

Ms. Rees invited questions from Board members. The Board requested clarification from Building Official Derouin regarding whether other solutions were available that might render a wall of this size unnecessary.

Chair Niki Vankerk offered the applicants the opportunity to speak.

Maya Wassberg, Architect, MW Design Studio, spoke on behalf of the Applicant, Brian Dorgelo. Ms. Wassberg stated that the applicant had requested guidance from Village Staff regarding permitting requirements and had understood that the retaining wall did not require a permit, and that it had been included under the building permit issued for construction of a single family dwelling on the same lot. Ms. Wassberg contended that the wall does not create a negative impact on adjacent properties and that all lots in the neighborhood require retention due to the steep topography.

Brian Dorgelo, Applicant, reiterated Ms. Wassberg's statement that he had thought that construction of the wall was included in the building permit for the single family dwelling.

Chair Niki Vankerk invited members of the public to speak for or against the application.

Kate Coles, owner of the subject lands, addressed the Board, stating that the retaining wall is necessary to ensure accessibility of the house for her aging parents and to create a backyard for her young children.

Chair Niki Vankerk asked for further submissions from the public. Hearing none, Chair Vankerk closed the floor and referred the matter to the Board for discussion.

The Board members discussed the merits of the application in relation to Section 542 (1) of the Local Government Act.

Moved/Seconded

THAT the application for the following variances from Zoning Bylaw 832, 2018, in accordance with the attached drawing submitted with the Board of Variance application:

1. To vary Section 4.13(a) viii. to vary the height of one retaining wall, from 1.2 metres as required to a maximum of 3.91 meters, a relaxation of 2.71 metres, to be sited on the lot in general compliance with location and height on the Site Plan completed by MW Design Studio dated October 2nd 2020 or in a location approved by Building Permit; and
2. To vary Section 7.21 9 (a) i. to relax the maximum height of a retaining wall, from 1.2 to a maximum of 3.91 metres, a relaxation of 2.71 metres.

be approved on condition of general compliance with BV-3 Landscape Plan completed by MW Studio Design Studio, dated October 15th, 2020.

DEFEATED

Moved/Seconded

THAT the application for the following variances from Zoning Bylaw 832, 2018, in accordance with the attached drawing submitted with the Board of Variance application:

3. To vary Section 4.13(a) viii. to vary the height of one retaining wall, from 1.2 metres as required to a maximum of 3.91 meters, a relaxation of 2.71 metres, to be sited on the lot in general compliance with location and height on the Site Plan completed by MW Design Studio dated October 2nd 2020 or in a location approved by Building Permit; and
4. To vary Section 7.21 9 (a) i. to relax the maximum height of a retaining wall, from 1.2 to a maximum of 3.91 metres, a relaxation of 2.71 metres.

does not constitute a minor variance and therefore falls outside the mandate of the Board of Variance.

CARRIED

OPPOSED: Chair Niki Vankerk

4. NEW BUSINESS

There was no new business for consideration.

5. NEXT MEETING

The next meeting has been tentatively scheduled for December 17th at 5:00 p.m.
Details will be confirmed by Ms. Rees.

6. ADJOURNMENT

Moved/Seconded

THAT the Board of Variance meeting be adjourned.

CARRIED

At 6:00 p.m. the meeting was adjourned.

This is a true and correct
copy of a meeting of the
Board of Variance of the
Village of Pemberton, held
November 26, 2020.

Chair