

BOARD OF VARIANCE MINUTES

Minutes for the Board of Variance Meeting of the Village of Pemberton held Wednesday, October 28, 2020 at 5:00 PM via ZOOM Webinar ID: 885 4126 2453

IN ATTENDANCE: Niki Vankerck, Chair
Drew Meredith
Alan LeBlanc

STAFF IN ATTENDANCE: Joanna Rees, Planner
Gwendolyn Kennedy, Building & Planning Clerk
Chris Derouin, Building Official

APPLICANT/PUBLIC: David Russell (Applicant)
Stephanie Nicoll-Russell (Applicant)
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1. CALL TO ORDER

At 5:03 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. MINUTES

Moved/Seconded

THAT the minutes of the Board of Variance meeting held September 30, 2020 be approved as circulated.

CARRIED

3. 7665 Cerulean Drive - Lot 24 District Lot 211 Lillooet District Plan EPP88381

Planner Joanna Rees presented a summary of the application to allow for an existing retaining wall structure to facilitate the development of a single detached residential dwelling. 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. in order to allow a retaining wall in excess of 1.2 m in height to be placed on the portion of the site in general compliance with location and height on the Site Plan completed by Doug Bush Survey Services dated October 5th 2020 or in a location approved by Building Permit, not to exceed 43 m in length; and
2. To vary Section 7.21 (a)i. to relax the maximum height of a retaining wall, from 1.2 m to a maximum of 4.32 m, a variance of 3.12 metres.

A notice regarding this application was mailed to owners of all properties within 100 metres of the subject lands. The Village received two letters in response, one in favour of and one against the variances, and these letters were forwarded to Board members and to the applicants in advance of the meeting.

Ms. Rees invited questions from Board members and provided clarification regarding the zoning bylaw reference to retaining wall height and regarding the absence of a permit for the retaining wall.

Chair Niki Vankerker offered the applicants the opportunity to speak.

The applicants, David Russell and Stephanie Nicoll-Russell, stated that they were forced to build the retaining wall to create a driveway of a reasonable slope due to the difference in elevation between Cerulean Drive and the building site. They noted that the retaining wall and proposed house would not obstruct the views of neighbours across the street from their lot. In reference to the letter written by neighbour Lee Edwards in opposition to the requested variances, the applicants explained that Ms. Edwards had initially been pleased to accept the fill from their retaining wall that had been left on her lot.

Applicant David Russell invited questions from the Board. Board members sought information on whether similar cut and fill and construction of large retaining walls would be necessary to create buildable sites on all lots on this street and in the Sunstone subdivision generally.

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

Lee Edwards, owner of the neighbouring lot located at 7663 Cerulean Drive, east of the subject lands, spoke against the application, warning of the potential ripple effect should this variance be approved. Ms. Edwards emphasized the importance of adhering to the Hillside Design Guidelines by designing houses that do not rely on large retaining walls to create level building sites. Ms. Edwards explained that her original plan was to build into the lot, requiring a small rock retaining structure on the lower side of the lot.

Ms. Edwards invited questions from Board members. Board members asked for confirmation that Ms. Edwards had planned to construct a retaining structure on her lot.

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.

Board members requested clarification from Building Official Chris Derouin regarding the necessity for large retaining structures to create buildable sites on Cerulean Drive lots. Building Official Derouin explained that houses could be designed to fit the topography of each lot without the need for large retaining structures and substantial cut and fill.

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

A motion by Chair Vankerk “that the variance request be denied” failed to receive a second.

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. in order to allow a retaining wall in excess of 1.2 m in height to be placed on the portion of the site in general compliance with location and height on the Site Plan completed by Doug Bush Survey Services dated October 5th 2020 or in a location approved by Building Permit, not to exceed 43 m in length; and
2. to vary Section 7.21 (a)i. to relax the maximum height of a retaining wall, from 1.2 m to a maximum of 4.32 m, a variance of 3.12 metres,

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

CARRIED

4. NEW BUSINESS

There was no new business for consideration.

5. NEXT MEETING

Planner Joanna Rees informed the Board that there are two applications for consideration at an upcoming meeting. Ms. Rees will coordinate the meeting with the members by email.

6. ADJOURNMENT

Moved/Seconded

THAT the Board of Variance meeting be adjourned.

CARRIED

At 6:10 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
October 28, 2020.

Chair