



# Village of PEMBERTON

PO Box 100  
7400 Prospect St.  
Pemberton  
British Columbia  
CANADA  
V0N2L0

P. 604.894.6135  
F. 604.894.6136

[www.pemberton.ca](http://www.pemberton.ca)

December 15, 2020

Mr. and Mrs. Miles Dyczkowski  
1368 Fernwood Drive  
Pemberton, BC  
V0N 2L0

Via Email: [REDACTED]

**Re: Development Variance Permit No. 124 – 1368 Fernwood Drive**

Dear Mr. & Mrs. Dyczkowski:

For your records, this is to advise that at the Village of Pemberton Regular Council Meeting No. 1529, held Tuesday, December 8, 2020, Council considered the Development Variance Permit No. 124 for 1368 Fernwood Drive.

Unfortunately, the resolution put forward to support the Development Variance Permit was defeated. As such, the Development Variance Permit was not approved. Please be aware that a reapplication for the Variance may not be submitted until at least one (1) year has passed following the refusal date. However, this requirement may be waived by Council if 2/3 of its members are agreeable to doing so.

With the above in mind, Council passed the following resolution:

*Moved/Seconded*

***THAT Staff be directed to contact the Applicants to ask if they wish to request that the one (1) year waiting period for reapplication be varied.***

**CARRIED**

If you have any questions respecting this matter or your application, please contact Cameron Chalmers, Village Planning Consultant, directly at [REDACTED]

Kind regards,

VILLAGE OF PEMBERTON  
[REDACTED]

Sheena Fraser

Manager, Corporate & Legislative Services

Cc: Lisa Pedrini, Manager, Development Services  
Matt Rempel, GIS and Planning Technician  
Cameron Chalmers, Planning Consultant

RECEIVED

APR 07 2020



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

**DEVELOPMENT-GENERAL INFORMATION**

- Application:
- OCP Bylaw Amendment &/or Zoning Bylaw Amendment (Form OR13)
  - Development Permit (Form MDP13)
  - Major or Minor Development Permit (Form Minor DP)
  - Development Variance Permit (Form DVP13)
  - Temporary Use Permit (Form MDP13)
  - Subdivision, Bare Land Strata Approval & Strata Title Conversion (Form SUB13)
  - Antenna System Siting Review (Form ANT 13)

**All Applications Please include Application Requirements Form (Checklist)**

<b>Civic Address:</b> 1368 Fernwood Dr Pemberton, BC V0N 2L0	<b>Legal Description:</b> PID: 008-391-181	<b>Lot:</b> 1
	<b>District Lot(DL):</b> 203	<b>Plan:</b> KAP38637

<b>Owner Name(s):</b> Karen Dyczkowski and Miles Dyczkowski	<b>Home:</b> [REDACTED]
	<b>Work:</b>
<b>Mailing Address:</b> [REDACTED] Pemberton, BC V0N 2L0	<b>Cell:</b> [REDACTED]
	<b>Email:</b> [REDACTED]

**OWNER(S) AGENT IF APPLICABLE**

<b>Agent's Name:</b>	<b>Work:</b>
	<b>Fax:</b>
<b>Mailing Address:</b>	<b>Cell:</b>
	<b>Email:</b>

If applicable Please include Owner's Authorization

**X**  
**Owner Signature** [REDACTED] **Date** April 6/20

**X**  
**Authorized Agent Signature** [REDACTED] **Date**

**COMMENTS:**

<b>Application No</b>	<b>Fee:</b> \$
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## APPLICATION REQUIREMENTS FOR A DEVELOPMENT VARIANCE PERMIT

### 1. Pre-Application Meeting

It is strongly recommended that prior to submitting an application for a Development Variance Permit, an applicant should meet with Village of Pemberton Development Services Department to review the application requirements. The intent of the pre-application will be to confirm specific submission requirements for each proposal.

It is important to have the Village identify the information required for the application since any applications deemed incomplete by the Development Services Department will not be accepted and subsequently returned to the applicant.

### 2. Submission Checklist

- Complete Application Form (*Form DVP13*)
- Application Fee (*in accordance with Development Procedures Bylaw No. 725, 2012*)
- Certificate of State of Title or of Indefeasible Title (*dated no more than thirty (30) days prior to submission of the application must accompany the application as a proof of ownership*)
- Copy of Charges on Title (*i.e. covenants, rights of way, statutory building schemes, etc*)
- Owners Agent Authorization (*if applicable*)

### 3. Property Information

Legal Description: Lot 1 DL 203 Plan 38637

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PID#: 008-391-181

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Civic Address: 1368 Fernwood Dr Pemberton, BC V0N 2L0

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Bylaw Requesting Variance: 677

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Specific Section of Abovementioned Bylaw Requesting Variance: Section 6.0 - Road

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Subsection 6.3.2 - Cross section Elements      Standard Drawing No. - VOP-R08

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### 4. Project Summary Information Checklist (*provide in written format*)

- Description of Proposed Development and Variance
- Rationale in Support of the Proposed Variance
- Supporting Surveys and Site/Architectural/Service Plans that may assist in describing the proposed variance

**APPLICATION FORM FOR A DEVELOPMENT VARIANCE PERMIT (DVP13)**

I/We hereby make application under the provisions of Part 26 of the *Local Government Act* and the Village's Development Procedure Bylaw No. 725, 2012 for a Development Variance Permit for lands legally described as:

Lot: 1, Plan: 38637, District Lot: 203, LLD.

**THIS APPLICATION IS MADE WITH MY FULL KNOWLEDGE AND CONSENT**

 \_\_\_\_\_

Registered owner's signature

February 25, 2020

Date

Where the applicant is NOT the REGISTERED OWNER, the application must be signed by the REGISTERED OWNERS designated AGENT and proof thereof must be registered in the office of the Village of Pemberton.

**FOR OFFICE USE ONLY:**

Application/File No.: \_\_\_\_\_

Application Fee received \$ \_\_\_\_\_

Receipt No.: \_\_\_\_\_

Date received: \_\_\_\_\_

\_\_\_\_\_  
Signature of Official

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

**Land Title District**

Land Title Office

KAMLOOPS

KAMLOOPS

**Title Number**

From Title Number

CA6585985

X210229

**Application Received**

2018-01-24

**Application Entered**

2018-01-26

**Registered Owner in Fee Simple**

Registered Owner/Mailing Address:

KAREN RUTH DYCZKOWSKI,  
MILES FRANK DYCZKOWSKI,

AS JOINT TENANTS

**Taxation Authority**

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

**Description of Land**

Parcel Identifier:

008-391-181

Legal Description:

LOT 1 DISTRICT LOT 203 LILLOOET DISTRICT PLAN 38637

**Legal Notations**

NONE

**Charges, Liens and Interests**

Nature:

RIGHT OF WAY

Registration Number:

102410E

Registration Date and Time:

1963-06-13

Registered Owner:

BRITISH COLUMBIA HYDRO AND POWER AUTHORITY

Remarks:

INTER ALIA

Nature:

EASEMENT

Registration Number:

X210230

Registration Date and Time:

1987-09-16 10:09

Remarks:

PART ON PLAN 38638 APPURTENANT TO LOT A PLANNING

Nature:

MORTGAGE

Registration Number:

CA6585986

Registration Date and Time:

2018-01-24 13:09

Registered Owner:

CANADIAN IMPERIAL BANK OF COMMERCE

**Duplicate Infeasible Title**

NONE OUTSTANDING

**Transfers**

NONE

**Pending Applications**

NONE

April 6, 2020

Village of Pemberton  
PO Box 100  
7400 Prospect St  
Pemberton, BC  
V0N 2L0

Attention: Village of Pemberton Council Members

We, Miles and Karen Dyczkowski, are the owners of 1368 Fernwood Dr, do hereby submit the attached Development Variance application for your consideration for the proposed subdivision located at 1368 Fernwood Dr. In this application we are seeking road variances as per Appendix "A".

**BACKGROUND**

The property was purchased in January of 2018 with the intention of sub dividing the lot into three or four additional lots. The property is a 1.17 acre parcel of land with an existing 1400 sqft bungalow, built in 1990. The property has one neighbour to the north who has an easement to cross through to get access to their lot.

Upon civil and survey work, it was determined, the large parcel of land could be subdivided into four lots but the access to the neighbouring lot with the easement would require them to participate in either a strata development or inclusion in the bareland strata. They do not wish to contemplate either at this point in time.

An alternative solution of a fee-simple subdivision was proposed to the Village staff. We have received a Temporary Approval Letter (TAL) from the Village of Pemberton to proceed with the subdivision application for the subdivision but a Development Variance Permit of the Subdivision and Development Control Bylaw is required in order to proceed, as road variances are required as per Appendix "A"..

**DESCRIPTION OF PROPOSED DEVELOPMENT**

Although the lot is large, the topographical restraints are, very steep slopes on the upper north, lower south, and lower east areas of the lot. The proposed sub-division would see two to three additional lots and a road extension of Fernwood Dr that will be designed, dedicated, and constructed as a public road from the current terminus of Fernwood Dr road to the north property boundary This road would provide unencumbered access to neighbours property, with a turn-around for fire and emergency vehicles. See Appendix "C" for a draft sketch of the lot and road locations.

**ROAD VARIANCES REQUEST**

The primary reason for the development variance request is for approval of relaxation on certain limited subdivision servicing requirements to allow for the cost effective and efficient use of land. The proposed road would be located generally in the same position as the existing road.

See Appendix "B" for a cross section and details of the proposed road, prepared by the civil engineer.

## **RATIONALE IN SUPPORT OF THE PROPOSED ROAD VARIANCES**

The hardship we face building to Village of Pemberton standards is due to the application of the standards intended for collector roads, as opposed to a small road with no-exit, intended to serve a small number of residences.

The requested right of way width of 15m variance is in-line with several other roads in the Village of Pemberton such as.

- Cedar Street (9m).
- Frontier Street (13.5m).
- Meadow Lane (6.75m).
- Sections of Dogwood Street (15m) and Greenwood Street (16m)

The requested asphalt width of 7.5m variance would mean the proposed road would be comparable to the asphalt width on the section of Fernwood Dr. on the west side of Dogwood St. The asphalt width on the east section of Fernwood Dr. from Dogwood St into our lot varies from 5.8m at the corner of Dogwood and Fernwood to 3.8m at the entrance to our lot.

The asphalt width on the existing section of road from Dogwood St. to entrance of our property does not meet the current Village of Pemberton road standards. The proposed road for the development under the requested variances would be significantly wider than the existing section of Fernwood Dr. terminating at our lot.

The variance from Village of Pemberton standards will also make efficient use of buildable land.

The conditions for subdivision outlined in the Temporary Approval Letter will ensure that the subdivision works with the natural environment.


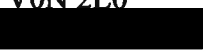
The development is small and the density of the resulting from the subdivision of the lot relative to the size of the lot is much less than similar lots in the area and therefore the subdivision will not affect the use and enjoyment of the adjacent lands.

The variances requested do not vary permitted uses or densities under bylaw 677, nor do they defeat the intent of the applicable bylaw.

The resulting public road would eliminate the easement for the neighbouring lot and afford them unencumbered access to their property.

Please let us know if you have any questions and we thank you for your time in considering this application.

  
Karen and Miles Dyczkowski

  
1368 Fernwood Dr  
Pemberton, BC  
V0N 2L0  


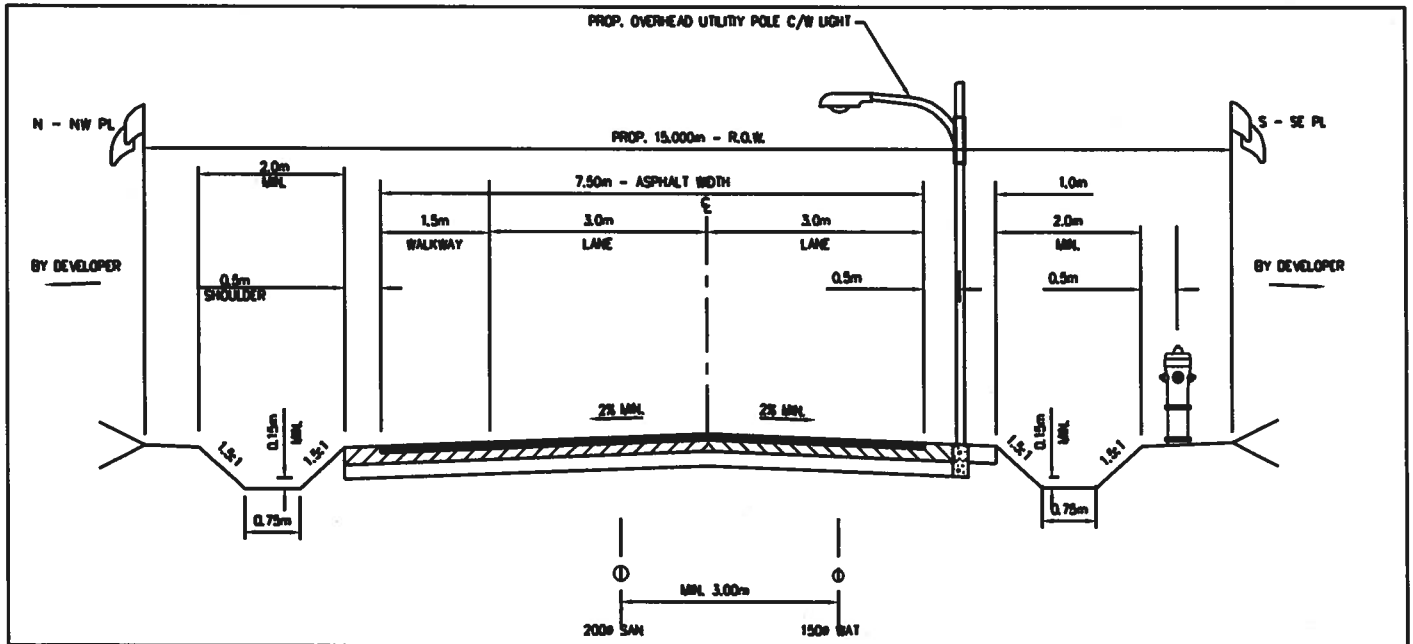
## Appendix A

### Karen and Miles Dyczkowski Summary of Road Variances Subdivision of 1368 Fernwood Dr.

	VOP STANDARD	REQUESTED VARIATION
Right of Way Width	21.0m	15.0m
Asphalt Width	11.0m	7.5m
Lane Width	3.5m	3.0m
Ditch Width	3.6m	2.0m
Parking Width	2.5m	0.0m
Storm System	Conveyed in ditch system and under roadway	Conveyed in ditch system
Non-municipal Services	Underground	Overhead
Lighting	Stand-alone pole	Installed on shared overhead pole



# Appendix "B"



**PROP. TYPICAL SECTION**  
SCALE 1:100



SKETCH - ISSUED FOR  
VARIANCE APPLICATION



TITLE :  
**1368 FERNWOOD**  
**PROP. TYPICAL SECTION**

DATE : 2019-09-25  
DWG. No. : **17-0925-SK1**  
SCALE : AS SHOWN

September 23, 2020  
Binnie File No. 17-0925

Village of Pemberton  
7400 Prospect Street  
Pemberton, BC, V0N 2L0

Attention: Nikki Gilmore  
Subject: Development Variance Permit No. 124  
Response to Council Concerns

Dear Village of Pemberton Council,

This letter is a response to the Council's concerns regarding the variance request for the proposed subdivision in Pemberton. The following concerns have been acknowledged in this letter:

- Snow clearing
- Snow storage
- Drainage
- Impacts to neighbors (parking and road width)

Regarding snow clearing, the proposed design will improve the existing condition by providing an efficient snow clearing area for both the existing section of Fernwood Drive and the new road with a proper turn-around for snow maintenance equipment. Identification of snow stockpiling areas where dumping can occur would be looked at during the design process. A medium sized truck has been assumed for turning movements. Additionally, drainage will be given consideration due to location and size of the area. Both drainage and snow stockpiling areas will be addressed in a separate report.

Parking considerations will also be included in the design process, where areas for extra parking could be identified in non-utilized sections of the road. A proposed turn-around would improve access and maneuverability of fire, emergency and utility vehicles for east Fernwood Drive. However, it should be noted that it is highly unlikely that it would be feasible to make remedial repairs to the existing section of Fernwood Drive given the size and scope of the project.

Respectfully,

R.F. BINNIE & ASSOCIATES LTD.

Peter Hawrylyshyn, P.Eng  
Design Engineer







