



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: May 26/2021 VOP File Number: _____

APPLICANT INFORMATION:

Name: Matteo Durfeld Postal Address: _____
Phone: _____
Fax: _____
Cel: _____ Email: _____

REGISTERED OWNER INFORMATION:

Name: Erich Baumann Postal Address: _____
Phone: _____
Fax: _____
Cel: _____ Email: _____

PROPERTY INFORMATION:

Civic Address: 1700 Sugarloaf Place Legal Description: Strata Lot 22 Plan E934695 District Lot 211 Land District 27
Pemberton, BC V0N 2L1 Zoning Designation: RA-2
Section in Bylaw to be varied: Zoning Bylaw 832, 2018
Section 7.21.a.i "Retaining Walls"

DESCRIPTION OF VARIANCE REQUESTED:

Retaining Wall Height Variance

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 type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | <input type="checkbox"/> N/A | |
| Authorization Form | <input checked="" 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 checked="" 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, Matteo Durfeld hereby _____ on, any member(s) of the Board of Variance to view the prop _____ est.

For Office Use Only

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

PO Box 899 Whistler, B.C. V0N 1B0
Office: (604) 932-4419
Fax: (604) 932-4341
info@durfeldconstructors.com
www.durfeldconstructors.com

1700 Sugarloaf Board of Variance Application – Retaining Wall Height

May 25, 2021

To the Village of Pemberton Board of Variance,

I am pleased to submit the attached letter detailing our application for a retaining wall height variance at the above noted property. We believe that this case is a minor variance on the existing bylaw and fits within the ridge design and building guidelines, and hope you agree with our rationale.

Village of Pemberton Zoning Bylaw 832, 2018 Section 7.21.a.i states the following:

7.21 Retaining Walls

- (a) In a *residential zone*, a single retaining wall shall:
- i. Not exceed a Height of 1.2 m measured from the average *natural grade* level at its base; and
 - ii. Not be located within 0.6 m, measured horizontally, of any other retaining wall.

The retaining walls constructed at 1700 Sugarloaf are two tiers of rock stack wall, with the bottom tier ranging in height from 0.6m to 2.5m, and the top tier remaining a constant 0.6m. The tiers are set back horizontally about 1.2m. We are requesting a variance on the maximum height of the bottom tiers.

After having the plans approved by the village, the owners wished to shift his house closer to the road to allow for more privacy from an adjacent neighbor. We advised them to run it past the VOP building department first. After meeting with them, the VOP gave approval via email for this request, stating they did not see anything that could affect the building bylaws. See letter attached.

At the time nobody picked up on this issue. The original plans had enough room from the setback to allow the walls to sprawl out more naturally, however the new location

has the south west corner of the carport pinched against the setback, requiring the steeper walls that were constructed.

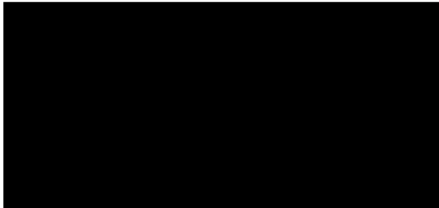
To mitigate the issue, the owners intend to raise the grade at the base of the retaining walls by at least 0.5m with topsoil, as well as plant various shrubs and greenery at the base and on the tiers of the walls to further obscure the walls visually. They also plan on constructing an earth berm adjacent to the road to further isolate the house. Together these measures will help to lessen the visual impact of the wall.

The walls are well constructed out of large, angular rocks, and are attractive visually, not looking out of place in the natural hilly landscape of the Ridge. The construction was reviewed and approved by a licensed geotechnical engineer who produced a stamped memo certifying their construction.

We are requesting a variance from the bylaw stating the maximum height of a retaining wall be 1.2m or less, and to allow our walls to remain as constructed.

I trust this letter explains our position on this matter, and hope you grant us the variance requested. If you require any more information, please do not hesitate to contact the undersigned.

Sincerely,



Matheo Durfeld, CEO

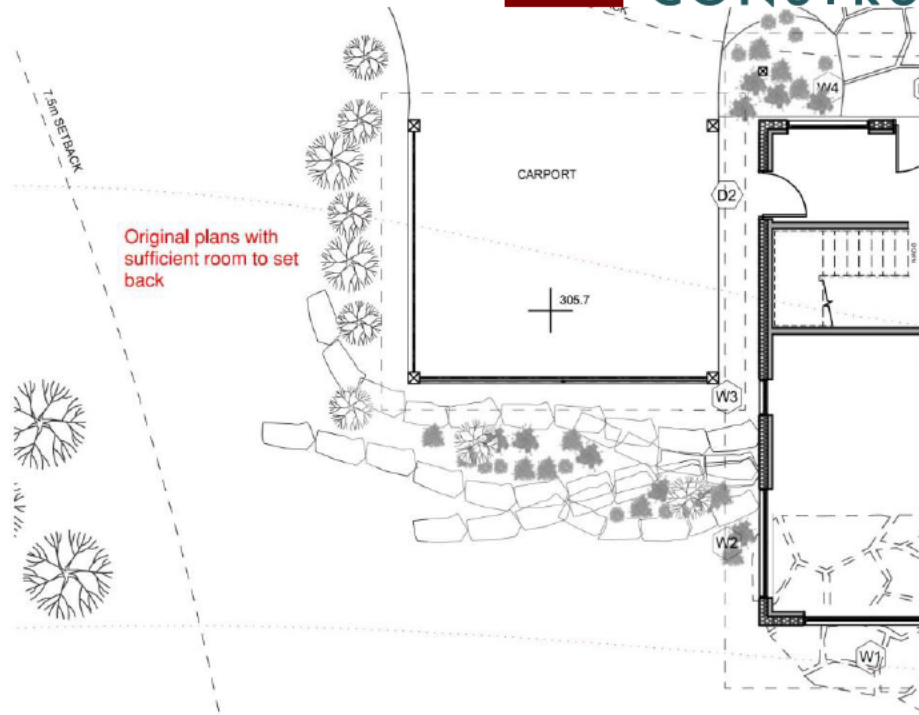


Figure 1 - Original House Location

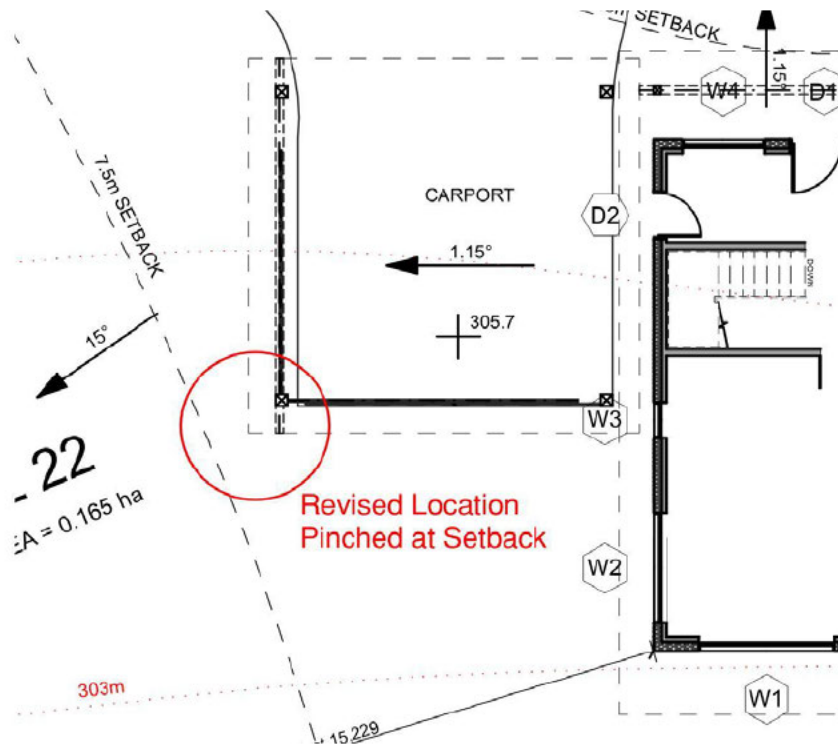


Figure 2 - Revised House Location

Brandon Sales

From: Erich Baumann [REDACTED]
Sent: Tuesday, September 22, 2020 4:14 PM
To: Matheo Durfeld; Brandon Sales; Tom Ballhausen; Tony Feuz
Subject: Fwd: 1700 Sugarloaf Place.

Hi Matheo,

I went to see the building department today after you and I talked about the shifting of the house. I took in a copy of the adjusted drawing from Brandon that is showing the 12' shift West and the 5 degree rotation clockwise.

Below is their consent to us making the shift and so I will pick up the building permit tomorrow before or after my site meeting with Tom. It sounds like we can move forward as planned by Brandon and get the survey done prior to butting the foundations in.

Best regards,

Erich

----- Forwarded Message -----

Subject:1700 Sugarloaf Place.

Date:Tue, 22 Sep 2020 22:27:50 +0000


From:Chris Derouin [REDACTED]

To: [REDACTED]

Good Afternoon Erich,

After reviewing the proposed changes to the sighting of your house I can find no issue that would be in contravention of our bylaws or the BC Building code. Your permit is ready for pick-up at the front desk of The Village office the total fee is [REDACTED]

-Chris


Village of **PEMBERTON**
Christopher Derouin
Building Official
Development Services

'Committed to Community'

Box 100, 7400 Prospect Street
Pemberton, BC V0N2L0
T. 604.894.6135 x247 | F. 604.894.6136
 VillageOfPemberton

www.pemberton.ca

This message and any attachments are intended only for the use of the intended recipient(s), are confidential, and may be privileged. If you are not the intended recipient, you are hereby notified that any review, retransmission, conversion to hard copy, copying, circulation or other use of this message and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender immediately by return e-mail, and delete this message and any attachments from your system. Please note that correspondence with Village of Pemberton Council and Staff, can be subject to disclosure under the Freedom of Information and Protection of Privacy Act.



Letter of Agency

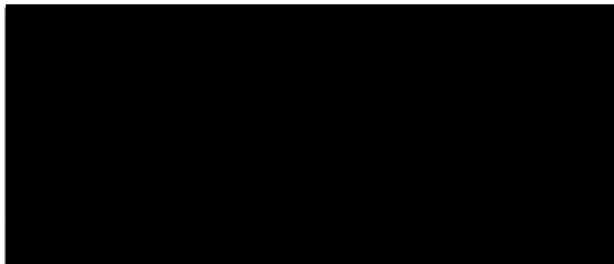
Civic Address: 1700 Sugarloaf Place

PID#: 030-333-482

Legal Description: STRATA LOT 22 DISTRICT LOT 211 LILLOEET DISTRICT STRATA PLAN EPS4695 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V
(the "Subject Lands")

Registered Owner: Erich & Barbara Bawman

I, Erich Bawman, being the Registered Owner (or duly authorized representative of the Registered Owner) of the Subject Lands, hereby authorize Mathea Daisfeld to act as Agent and authorized signatory for the Registered Owner in respect of all matters relating to the development application of the Subject Lands as may be required by the Village of Pemberton.



Signature of Registered Owner

May 25, 2021

Date

TITLE SEARCH PRINT

2021-05-25, 11:22:45

File Reference:

Requestor: [REDACTED]

Declared Value [REDACTED]

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

Title Issued Under STRATA PROPERTY ACT (Section 249)

Land Title District KAMLOOPS
Land Title Office KAMLOOPS

Title Number CA8006807
From Title Number CA6581652

Application Received 2020-01-29

Application Entered 2020-01-31

Registered Owner in Fee Simple
Registered Owner/Mailing Address: BARBARA HELEN BAUMANN-JENKS, RETIRED
ERICH BAUMANN, RETIRED

[REDACTED]
[REDACTED]
[REDACTED]

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

Description of Land
Parcel Identifier: 030-333-482
Legal Description:
STRATA LOT 22 DISTRICT LOT 211 LILLOOET DISTRICT STRATA PLAN EPS4695
TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT
ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V

Legal Notations
HERETO IS ANNEXED EASEMENT CA2874965 OVER LOT 2, PLAN EPP21848
AS TO PART FORMERLY LOT 3 PLAN EPP21848

Charges, Liens and Interests
Nature: EASEMENT
Registration Number: CA2874965
Registration Date and Time: 2012-11-19 15:13
Remarks: INTER ALIA
APPURTENANT TO LOT 3, PLAN EPP21848,
AS TO PART FORMERLY LOT 2 PLAN EPP21848

TITLE SEARCH PRINT

2021-05-25, 11:22:45

File Reference:

Requestor: Neal Bird

Declared Value \$405000

Nature: COVENANT
Registration Number: CA4950098
Registration Date and Time: 2016-01-26 17:04
Registered Owner: VILLAGE OF PEMBERTON
Remarks: INTER ALIA
MODIFIED BY CA7195407

Nature: STATUTORY RIGHT OF WAY
Registration Number: CA5871774
Registration Date and Time: 2017-03-15 10:06
Registered Owner: BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
Remarks: INTER ALIA
AS TO PART FORMERLY LOT 2 PLAN EPP21848

Nature: STATUTORY RIGHT OF WAY
Registration Number: CA5871775
Registration Date and Time: 2017-03-15 10:06
Registered Owner: TELUS COMMUNICATIONS INC.
Remarks: INTER ALIA
AS TO PART FORMERLY LOT 2 PLAN EPP21848

Nature: COVENANT
Registration Number: CA6513043
Registration Date and Time: 2017-12-14 15:57
Registered Owner: VILLAGE OF PEMBERTON
Remarks: INTER ALIA

Nature: COVENANT
Registration Number: CA6513049
Registration Date and Time: 2017-12-14 15:57
Registered Owner: VILLAGE OF PEMBERTON
Remarks: INTER ALIA

Nature: COVENANT
Registration Number: CA6513055
Registration Date and Time: 2017-12-14 15:57
Registered Owner: VILLAGE OF PEMBERTON
Remarks: INTER ALIA

Nature: RESTRICTIVE COVENANT
Registration Number: CA6513056
Registration Date and Time: 2017-12-14 15:57
Remarks: INTER ALIA
APPURTENANT TO PCL A (DD W34182F PL A21) DL 211
LILLOOET DISTRICT

TITLE SEARCH PRINT

2021-05-25, 11:22:45

File Reference:

Requestor: Neal Bird

Declared Value \$405000

Nature: STATUTORY BUILDING SCHEME
Registration Number: CA6555908
Registration Date and Time: 2018-01-09 14:58
Remarks: INTER ALIA

Nature: EASEMENT
Registration Number: CA6555920
Registration Date and Time: 2018-01-09 14:58
Remarks: PART IN PLAN EPP78100 APPURTENANT TO STRATA LOT 23
LD STRATA PLAN EPS4695

Nature: EASEMENT
Registration Number: CA6555923
Registration Date and Time: 2018-01-09 14:58
Remarks: INTER ALIA
PART IN PLAN EPP78131 APPURTENANT TO THE COMMON
PROPERTY STRATA PLAN EPS4695

Duplicate Indefeasible Title NONE OUTSTANDING

Transfers NONE

Pending Applications NONE

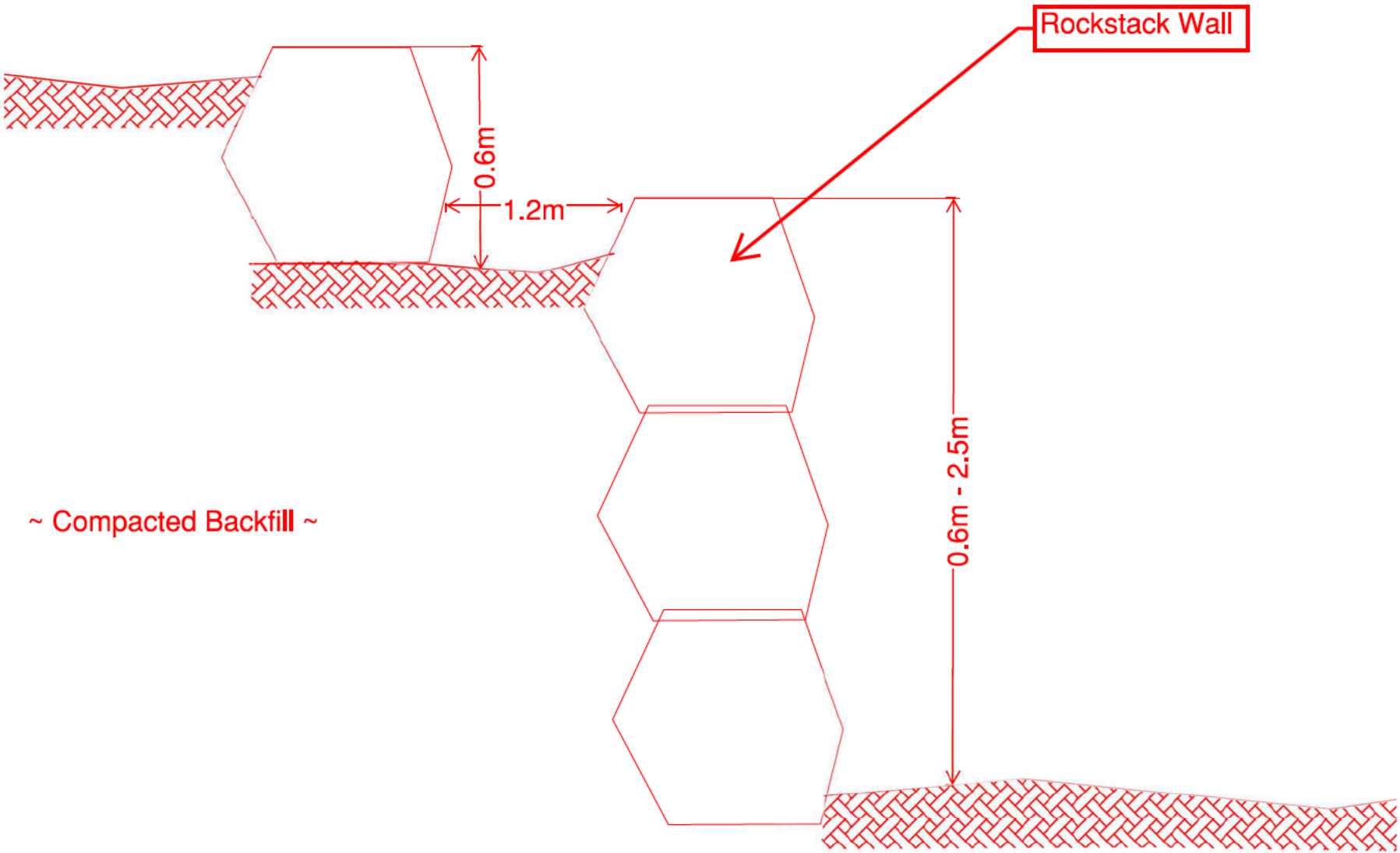


1700 Sugarloaf - Landscaping Cost Estimate

5/25/2021

| Item # | Cost Code | Base Contract Description | UoM | Quantity | Unit Price | Contract Amount |
|--------|-----------|------------------------------------|-----|----------|-----------------|------------------|
| 1 | | Phase 1 - Topsoil, seed, shrubbery | LS | 1.00 | | 20,000.00 |
| | | | | | | - |
| | | | | | Subtotal | 20,000.00 |
| | | | | | GST (5%) | 1,000.00 |
| | | | | | Total | 21,000.00 |

1700 Sugarloaf Retaining Wall Section



Rockstack Wall

0.6m

1.2m

0.6m - 2.5m

~ Compacted Backfill ~

~ Compacted Backfill ~

MEMORANDUM

May 10, 2021

Project No.: K-201174-00

To: Brandon Sales
Durfeld Constructors

By Email: [REDACTED]

Cc:

From: Evan Sykes, P.Eng.
Kontur Geotechnical Consultants Inc.

Subject **Rock Stack Retaining Wall**
Single Family Residential
1700 Sugarloaf Lane, Whistler, BC R1

Kontur Geotechnical Consultants Inc. (Kontur) has prepared this memorandum to summarize the visual observations noted during the construction of the new rock stack retaining wall located near the southwest corner of the above noted property near a carport.

The rock stack wall was about up to about 2m in height and constructed with two tiers. The lower tier was up to about 2.5 in height with second tier being setback about 1.2m from the crest of the lower tier with a height of about 0.6m. This rock stack wall was constructed with large, strong, angular and durable rock. Subgrade preparations for the rock stack wall foundation generally consisted of removal of organics and loose or unsuitable soils and achieving subgrade elevation with placement of 75mm minus pit run sand and gravel compacted to a dense state to create a level surface for placement of the base row of rocks. The base rocks were embedded at least 0.3m into the subgrade. The retaining wall was inclined with a batter of about 1H: 3V (Horizontal: Vertical) and backfilled with free draining structural fill. Each rock was supported by at least two underlying rocks. The construction of the rock stack wall was considered to be satisfactory. A pad footing for the carport located in close proximity to the retaining wall was founded below a gradient line inclined at 2H:1V originating at the toe of the rock stack wall and was considered to be acceptable.

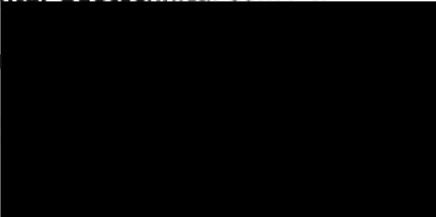
A rock stack retaining wall constructed on the east side of the building was constructed with two tiers. The lower tier was up to about 1.8m in height with the second tier being up to about 0.6m in height. The second tier was setback about 1.2m from the crest of the lower tier. This rock stack wall was constructed with large, strong, angular and durable rock. Subgrade preparations for the rock stack wall foundation generally consisted of removal of organics and loose or unsuitable soils and achieving subgrade elevation with placement of 75mm minus pit run sand and gravel compacted to a dense state to create a level surface for placement of the base row of rocks. It is understood that base rocks will be embedded at least 0.3m into the subgrade following final grading. The retaining wall was inclined with a batter of about 1H: 3V (Horizontal: Vertical) and backfilled with free draining structural fill. Each rock was generally supported by at least two underlying rocks. The construction of the rock stack wall was considered to be satisfactory.



Kontur trusts that the information described above meets your current requirements. If you should have any concerns or questions, please do not hesitate to contact the undersigned.

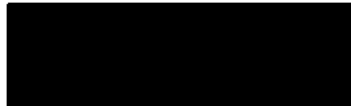
Sincerely,

Kontur Geotechnical Consultants Inc.

Per 

Evan Sykes, P.Eng.
Principal | Geotechnical Engineer

Reviewed by:



2021-05-10
J.Y. (Yoshi) Tanaka, P.Eng.
Principal | Geotechnical Engineer

Attachments: Interpretation and Use of Study and Report Document



INTERPRETATION AND USE OF STUDY AND REPORT DOCUMENT

1.0 STANDARD OF CARE

This study and Report have been prepared in accordance with generally accepted engineering consulting practices in this area. No other warranty, expressed or implied, is made. Engineering studies and reports do not include environmental engineering or consulting.

2.0 COMPLETE REPORT

All documents, records, data and files, whether electronic or otherwise, generated as part of this assignment are a part of the Report which is of a summary nature and is not intended to stand alone without reference to the instructions given to us by the Client, communications between us and the Client, and to any other reports, writings, proposals or documents prepared by us for the Client relative to the specific site described herein, all of which constitute the Report.

IN ORDER TO PROPERLY UNDERSTAND THE SUGGESTIONS, RECOMMENDATIONS AND OPINIONS EXPRESSED HEREIN, REFERENCE MUST BE MADE TO THE WHOLE OF THE REPORT. WE CANNOT BE RESPONSIBLE FOR USE BY ANY PARTY OF PORTIONS OF THE REPORT WITHOUT REFERENCE TO THE WHOLE REPORT.

3.0 BASIS OF THE REPORT

The Report has been prepared for the specific site, development, building, design or building assessment objectives and purpose that were described to us by the Client. The applicability and reliability of any of the findings, recommendations, suggestions, or opinions expressed in the document are only valid to the extent that there has been no material alteration to or variation from any of the said descriptions provided to us unless we are specifically requested by the Client to review and revise the Report in light of such alteration or variation.

4.0 USE OF THE REPORT

The information and opinions expressed in the Report, or any document forming the Report, are for the sole benefit of the Client. NO OTHER PARTY MAY USE OR RELY UPON THE REPORT OR ANY PORTION THEREOF WITHOUT OUR WRITTEN CONSENT. WE WILL CONSENT TO ANY REASONABLE REQUEST BY THE CLIENT TO APPROVE THE USE OF THIS REPORT BY OTHER PARTIES AS "APPROVED USERS". The contents of the Report remain our copyright property and we authorise only the Client and Approved Users to make copies of the Report only in such quantities as are reasonably necessary for the use of the Report by those parties. The Client and Approved Users may not give, lend, sell or otherwise make the Report, or any portion thereof, available to any party without our written permission. Any use which a third party makes of the Report, or any portion of the Report, are the sole responsibility of such third parties. We accept no responsibility for damages suffered by any third party resulting from unauthorised use of the Report.

5.0 INTERPRETATION OF THE REPORT

Nature and Exactness of Descriptions: Classification and identification of soils, rocks, geological units, contaminant materials, building envelopment assessments, and engineering estimates have been based on investigations performed in accordance with the standards set out in Paragraph 1. Classification and identification of these factors are judgmental in nature and even comprehensive sampling and testing programs, implemented with the appropriate equipment by experienced personnel, may fail to locate some conditions. All investigations, or building envelope descriptions, utilizing the standards of Paragraph 1 will involve an inherent risk that some conditions will not be detected and all documents or records summarising such investigations will be based on assumptions of what exists between the actual points sampled. Actual conditions may vary significantly between the points investigated and all persons making use of such documents or records should be aware of, and accept, this risk. Some conditions are subject to change over time and those making use of the Report should be aware of this possibility and understand that the Report only presents the conditions at the sampled points at the time of sampling. Where special concerns exist, or the Client has special considerations or requirements, the Client should disclose them so that additional or special investigations may be undertaken which would not otherwise be within the scope of investigations made for the purposes of the Report.

Reliance on Provided information: The evaluation and conclusions contained in the Report have been prepared on the basis of conditions in evidence at the time of site inspections and on the basis of information provided to us. We have relied in good faith upon representations, information and instructions provided by the Client and others concerning the site. Accordingly, we cannot accept responsibility for any deficiency, misstatement or inaccuracy contained in the report as a result of misstatements, omissions, misrepresentations or fraudulent acts of persons providing information.

To avoid misunderstandings, KONTUR should be retained to work with the other design professionals to explain relevant engineering findings and to review their plans, drawings, and specifications relative to engineering issues pertaining to consulting services provided by KONTUR. Further, KONTUR should be retained to provide field reviews during the construction, consistent with building codes guidelines and generally accepted practices. Where applicable, the field services recommended for the project are the minimum necessary to ascertain that the Contractor's work is being carried out in general conformity with KONTUR's recommendations. Any reduction from the level of services normally recommended will result in KONTUR providing qualified opinions regarding adequacy of the work.

6.0 ALTERNATE REPORT FORMAT

When KONTUR submits both electronic file and hard copies of reports, drawings and other documents and deliverables (KONTUR's instruments of professional service), the Client agrees that only the signed and sealed hard copy versions shall be considered final and legally binding. The hard copy versions submitted by KONTUR shall be the original documents for record and working purposes, and, in the event of a dispute or discrepancy, the hard copy versions shall govern over the electronic versions. Furthermore, the Client agrees and waives all future right of dispute that the original hard copy signed version archived by KONTUR shall be deemed to be the overall original for the Project.

The Client agrees that both electronic file and hard copy versions of KONTUR's instruments of professional service shall not, under any circumstances, no matter who owns or uses them, be altered by any party except KONTUR. The Client warrants that KONTUR's instruments of professional service will be used only and exactly as submitted by KONTUR.

The Client recognizes and agrees that electronic files submitted by KONTUR have been prepared and submitted using specific software and hardware systems. KONTUR makes no representation about the compatibility of these files with the Client's current or future software and hardware systems.