



# Board of Variance AGENDA

## -BOARD OF VARIANCE-

**Agenda** for the Board of Variance Meeting of the Village of Pemberton to be held Wednesday, January 26, 2022 at 5:00 PM via ZOOM Webinar ID: 837 3329 3432

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	Page
<b>1. CALL TO ORDER</b> In honour of the Lil'wat7ul, the Village of Pemberton acknowledges that we are meeting within the unceded territory of the Lil'wat Nation.	1
<b>2. APPROVAL OF AGENDA</b>  <b>Recommendation: THAT</b> the agenda be approved as presented.	
<b>3. MINUTES</b>  a) Board of Variance Meeting, September 22, 2021  <b>Recommendation: THAT</b> the minutes of the Board of Variance meeting held September 22, 2021 be adopted as circulated.	2-4
<b>4. 1353 Cedar Lane</b>  Report to the Board of Variance: Colin Brown, Planner II  The Applicant, Alex Ouimette, is applying to the Board of Variance to vary the provisions for <i>Exterior Side Setback</i> in the <i>Village of Pemberton Zoning Bylaw No. 832, 2018</i> , ("Zoning Bylaw") in order to allow for the construction of a proposed garage at the northwest corner of the property located at 1353 Cedar Lane. The proposed variance is to allow a minimum front yard setback of 1.6 metres, a proposed variance of 3 metres	7-12
<b>5. NEW BUSINESS</b>	
<b>6. NEXT MEETING</b> Wednesday February 23, 2022 (as required).	
<b>7. ADJOURNMENT</b>	

## BOARD OF VARIANCE MINUTES

**Minutes** for the Board of Variance Meeting of the Village of Pemberton held Wednesday, September 22, 2021 at 5:00 PM via ZOOM Webinar ID: 837 3329 3432

<b>IN ATTENDANCE:</b>	Trevor Burton Phill Read, Acting Chair Tom Fitzgerald
<b>STAFF IN ATTENDANCE:</b>	Cameron Chalmers, Contract Planner Lisa Pedrini, Manager of Development Services Nikki Segovia, Building and Planning Clerk
<b>APPLICANT:</b>	Grant Campbell, Agent on behalf of Applicant
<b>PUBLIC:</b>	3

### 1. CALL TO ORDER

At 5:05 p.m. the meeting was called to order.

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

### 2. APPOINTMENT OF ACTING CHAIR

Phill Read was appointed acting chair due to Chair Trevor Burton not being able to attend by Video.

### 3. APPROVAL OF AGENDA

Moved/Seconded  
**THAT** the agenda be approved as circulated.  
**CARRIED**

### 4. MINUTES

Moved/Seconded  
**THAT** the minutes of the Board of Variance meeting held July 28, 2021, be adopted as circulated.  
**CARRIED**

#### 4. Future Phase 2A Lot 9, Sunstone

Contract Planner Cameron Chalmers presented a report summarizing the requested request for a variance of the required minimum front yard setback for a proposed lot located in Phase 2A currently under a subdivision application. The Village of Pemberton Zoning Bylaw No. 832, 2018 - Residential Amenity 1 (RSA-1) zone, section 13.1.5(b) establishes a minimum front yard setback of 5 metres.

The variance request is to allow a minimum front yard setback of 2 metres, a proposed variance of 3 metres due to challenging topography.

The Board was given the opportunity to ask questions of Staff, and the applicants were allowed to speak in favour of the requested variance and answer questions.

Grant Campbell represented the Agent on behalf of Sunstone and added that the extensive investigation has shown the steeply sloping hillside topography of this lot would be an added challenge to development. Therefore to keep the house from being pushed back too far, the applicants are requesting the garage be situated as close as 2 metres to the property line thus minimizing the amount of retaining walls required for the development of the site. He also noted the application's rationale statement had an error that states "there is a long driveway terminating as high as possible" which should read "as low as possible."

The Board was given the chance to ask questions of the applicant and the public was also given the opportunity to ask questions.

Moved/Seconded

**THAT** the Board of Variance approve the following variance for Future Phase 2A, Lot 9, Sunstone to vary section 13.1.5 (b) of the Zoning Bylaw No. 832, 2018 to vary the minimum front yard setback requirement of 5 metres to 2 metres on Lot 9 in Phase 2A, a variance of 3 metres.

**CARRIED**

#### 5. NEW BUSINESS

Lisa Pedrini introduced the Village's new Planner II, Colin Brown, who will be the acting as the Village Staff support for the Board of Variance moving forward.

#### 6. NEXT MEETING

The next meeting date will be October 27, 2021, as required.

#### 7. ADJOURNMENT

Moved/Seconded

**THAT** the Board of Variance meeting be adjourned.  
**CARRIED**

At 5:28 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  
September 22, 2021.

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Acting Chair – Phill Read

DRAFT

**Date:** January 26, 2022  
**From:** Colin Brown, MCP, Planner II  
**Subject:** 1353 Cedar Lane – Exterior Side Yard Setback  
**Applicant:** Alex Ouimette, Property Owner, 1353 Cedar Lane

**PURPOSE**

The purpose of this report is for the Board of Variance to consider an application made by Alex Ouimette to vary the exterior side yard setback at 1353 Cedar Lane. The application is for the purpose of constructing a garage near the north property line.

**BACKGROUND**

The Applicant, Alex Ouimette, has applied to the Board of Variance to vary the provisions for *Exterior Side Setback* in the *Village of Pemberton Zoning Bylaw No. 832, 2018*, (“Zoning Bylaw”) in order to allow for the construction of a proposed garage at the northwest corner of the property located at 1353 Cedar Lane; LOT 2 DISTRICT LOT 7926 LILLOOET DISTRICT PLAN 7706, PID 009-941-266. The request seeks relief from the requirements of the Zoning Bylaw due to a pre-existing, in-ground storm drain running beneath the rear of the property.

The property is located west of the Village Core with the front property line abutting Cedar Lane and north property line abutting Cedar Drive, creating the Exterior Side Lot Line.

**DESCRIPTION OF THE REQUESTED VARIANCE**

The Application requests permission to reduce the *Exterior Side Setback* in order to construct a proposed garage located 1.6 metres from the *Exterior Side Property Line*.

The proposed garage will be constructed to within 1.6 metres from the north property line, with a steel structure and cladding. The proposed height is 3.36 metres (11’ 3/8”).



The Application Package is attached as **Appendix A**, and includes site plans, elevations, and rationale.

### **ZONING BYLAW NO. 832, 2018**

The Village of Pemberton Zoning Bylaw Residential 1 (R-1) zone, section 11.1.4 e) establishes a minimum exterior side yard setback of 4.6 metres.

The proposed variance is to allow a minimum front yard setback of 1.6 metres, a proposed variance of 3 metres.

### **THE LOCAL GOVERNMENT ACT, R.S.B.C. 2015**

The following Section 542(1) of the *Local Government Act* is relevant to the decision making of the Board of Variance and the decision under this subsection is final:

**542 (1)** On an application under section 540, the board of variance may order that a minor variance be permitted from the requirements of the applicable bylaw, or that the applicant be exempted from section 531 (1) [*alteration or addition while non-conforming use continued*], if the board of variance

- a) has heard the applicant and any person notified under section 541,
- b) finds that undue hardship would be caused to the applicant if the bylaw or section 531 (1) is complied with, and
- c) is of the opinion that the variance or exemption does not do any of the following:
  - i. result in inappropriate development of the site;
  - ii. adversely affect the natural environment;
  - iii. substantially affect the use and enjoyment of adjacent land;
  - iv. vary permitted uses and densities under the applicable bylaw;
  - v. defeat the intent of the bylaw;
  - vi. vary the application of an applicable bylaw in relation to residential rental tenure.

As per Section 542(3) of the *Local Government Act*, the default time frame is that construction must start within two years from the date of the order, this time frame can be altered longer or shorter by the Board of Variance in their decision.

### **COMMUNICATIONS**

A notice regarding this application has been mailed to all properties within 100 metres of the subject lands, satisfying Section 541 of the *Local Government Act*. If any submissions are received, they will be shared with the Board of Variance the evening before the meeting.

**OPTIONS**

In their consideration of the application for 1353 Cedar Lane to vary Section 11.1.4 e) of Zoning Bylaw No. 832, 2018 to reduce the minimum exterior side yard setback from 4.6 metres to 1.6 metres, the Board of Variance has the following options:

- (i) Approve the variance as presented;
- (ii) Approve the variance with conditions established by the Board;
- (iii) Reject the variance; The Applicant will have the option to redesign the project, or the applicant will have the option to seek a Development Variance Permit from Village of Pemberton Council.
- (iv) Deem the variance request to be outside the mandate of the Board of Variance, as the Board does not consider the request to be “minor”.

**NOTICE OF DECISION**

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 Village of Pemberton Building Official. Village Staff shall, within seven (7) days of the decision, enter that decision in the record maintained at the local government office.

**ATTACHMENTS:**

**Appendix A: Application Package**

Prepared and Submitted by:	Colin Brown MCP, Planner II
Manager Approval:	Scott McRae, Manager Development Services



# Appendix A

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

## BOARD OF VARIANCE APPLICATION

Date of Application: Dec 19/2021 VOP File Number: \_\_\_\_\_

### APPLICANT INFORMATION:

Name: Alex Ouimette Postal Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
Cel: \_\_\_\_\_ Email: \_\_\_\_\_

### REGISTERED OWNER INFORMATION:

Name: Alex Ouimette Postal: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
Cel: \_\_\_\_\_

### PROPERTY INFORMATION:

Civic Address: 1353 Cedar Lane Legal Description: Lot 2 Distinct lot 7926  
Lillooet District Plan 1106  
Zoning Designation: \_\_\_\_\_  
Section in Bylaw to be varied: \_\_\_\_\_

### DESCRIPTION OF VARIANCE REQUESTED:

Unable to build garage to property building setbacks due to underground storm drain running through property.

### APPLICATION CHECKLIST:

Certificate of Title	<input type="checkbox"/> Yes <input type="checkbox"/> No	Site Plan	<input 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 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 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 type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

I, Alex Ouimette hereby allow for the purposes of this application, any member(s) of the Board of Variance to view \_\_\_\_\_

Village of Pemberton  
Board of Variance Meeting  
January 26, 2022



December 20, 2021

To:

The Board of Variance

Village of Pemberton

**Regarding: 1353 Cedar Lane, Storm Drain on Property**

Dear Board of Variance Members,

I am submitting an application in request to alter my property setbacks.

I would like to build a garage on my property: 1353 Cedar Lane but am unable to due so because a storm drain is running through the back of the property which was the proposed area of the build. I am requesting variance to alter my property setbacks and move it closer to Cedar Lane. If approved I will change the location of the garage and build it closer to Cedar Lane.

Allie Sheill, Architect is currently working on the new drawings of the proposed area. Once completed I will submit the drawings.

Kind Regards,

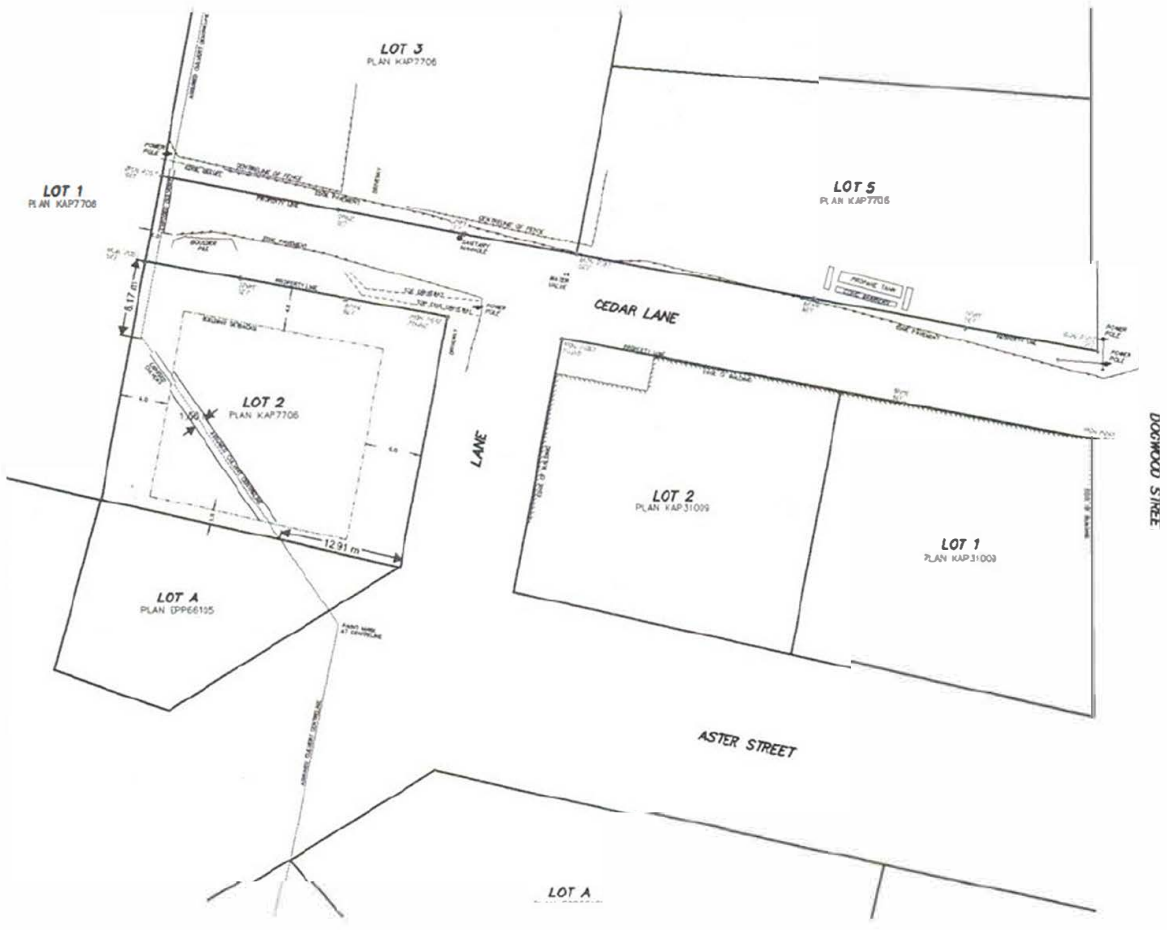
Alex Ouimette



**BC LAND SURVEYOR'S PLAN SHOWING EXISTING FEATURES**

ON CEDAR LANE, VILLAGE OF PEMBERTON

of dimensions, bearings or ground conditions  
 measurements and shown as  
 property lines and boundaries.  
 The bearings that are shown at  
 right angles to the property lines  
 are shown to help, to read, and  
 printed to scale.



Property line dimensions are derived  
 from field survey (see UPE6105).  
 This document was prepared for mortgage  
 and mortgage/registry district purposes and  
 is for the exclusive use of the client,  
 the Village of Pemberton.  
 The signatory accepts no responsibility or  
 liability for any damages that may be  
 suffered by a third party as a result of  
 any decision made, or reliance taken.

Village of Pemberton  
 Board of Variance Meeting  
 January 26, 2022  
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LOT 1  
PLAN KAP7706

UNSURVEYED  
CROWN LAND

LOT A  
PLAN EPP66105

CEDAR DRIVE

ASTER STREET

POWER POLE

POWER POLE

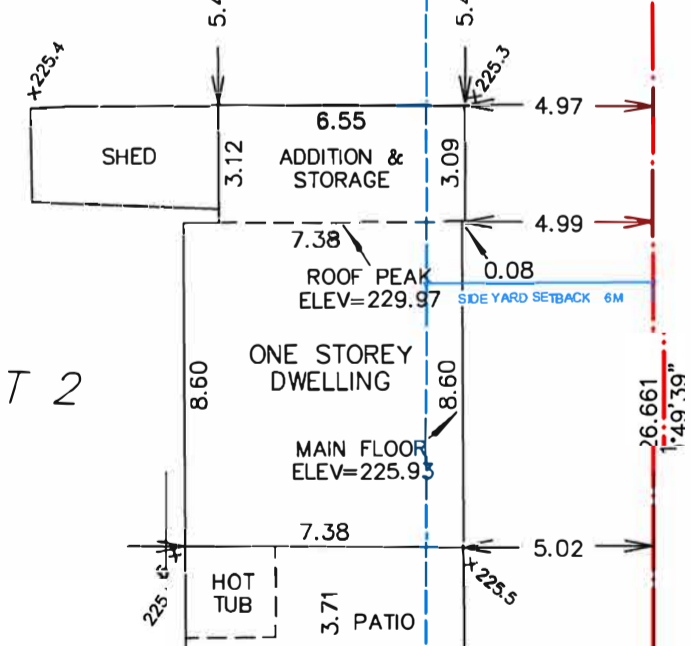
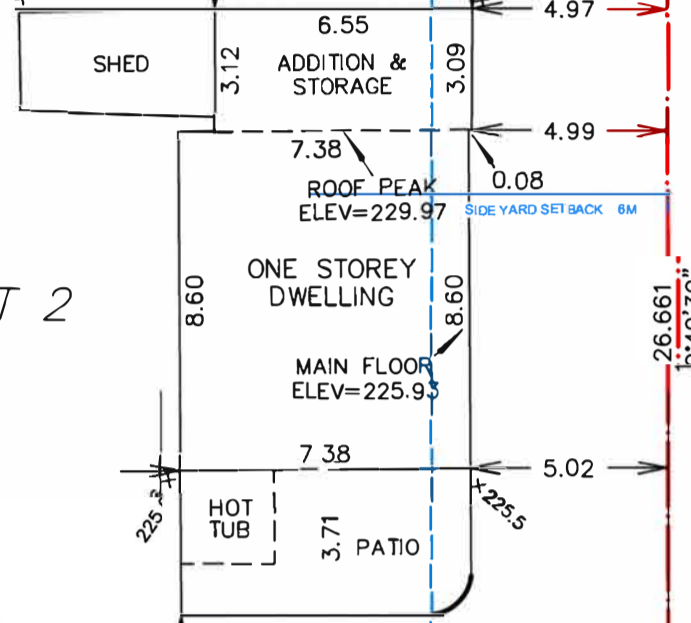
0.094  
1/100' var

ANF

ANF

LOT 2

LOT 2



1 EXISTING SITE SURVEY  
Scale: 1/16" = 1'-0"

2 PROPOSED SITE SURVEY  
Scale: 1:200

Part 9- Residential C Occupancy  
BC Building Code 2018

Zoning: R-1

FOR BUILDING PERMIT		
No.	Date	Issue Notes
A	22.12.21	REVISED SETBACKS AND LOCATION OF CULVERT INDICATED



Design Firm  
6226 Eagle Drive  
Whistler, BC, V0N 1B6  
as@allieshielldesign.com 604 966-7758

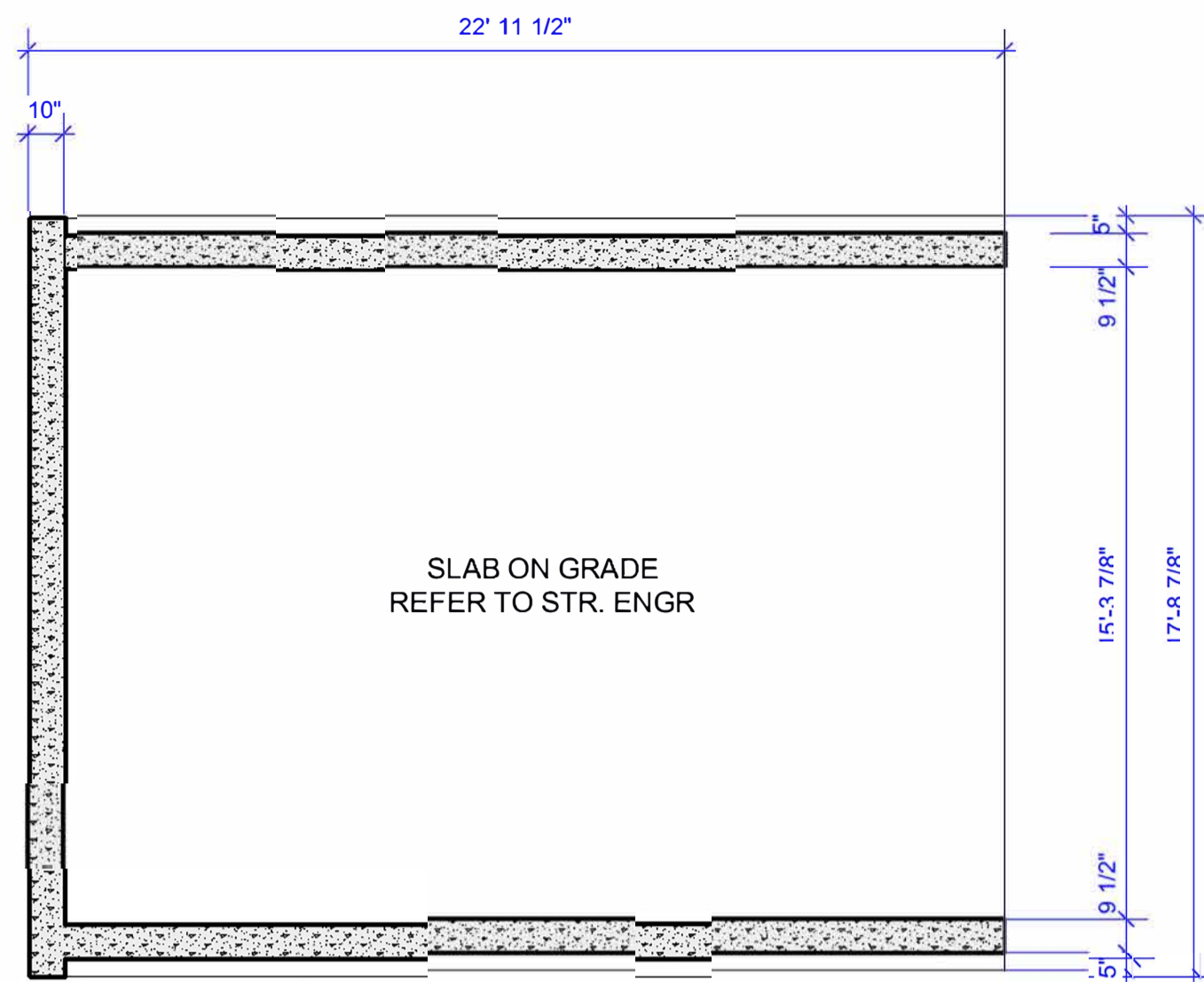
1. This drawing is not to be scaled. Dimensions are approximate. Any discrepancies noted on this drawing must be reported to the consultant immediately.  
2. By using this document the client agrees that the consultant's liability for services including negligence and omissions is strictly limited to the value of fees paid. The client agrees to indemnify and defend the consultant in the event of third party claims alleging negligence or injury as a result of services rendered.

Project Title  
1353 Cedar Drive  
PEMBERTON, B.C.

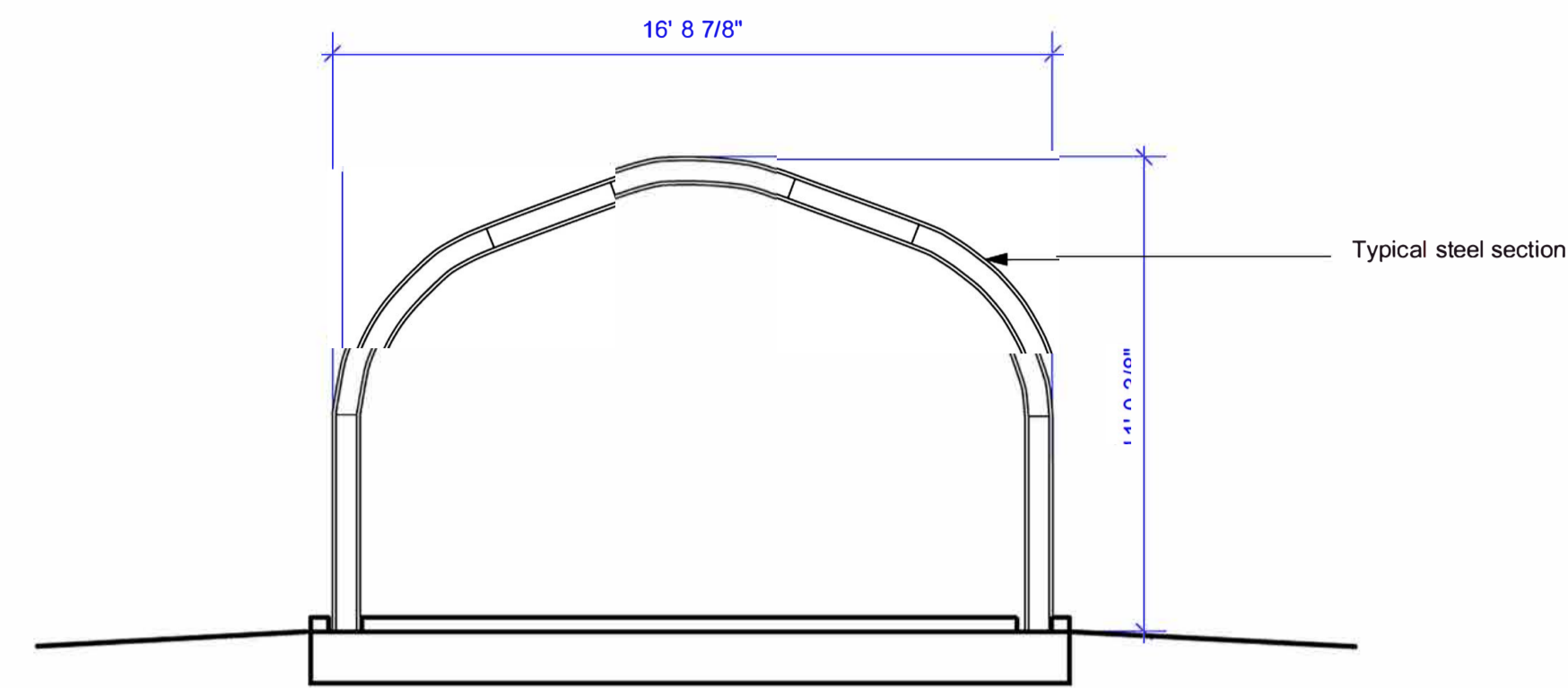
Sheet Title  
**EX. & PROPOSED SITE**

Date	NOV 2021	Project ID	2171
Drawn By	AS	Scale	1/8" = 10' @ ARCH D
CAD File Name	2171 001	Sheet No.	

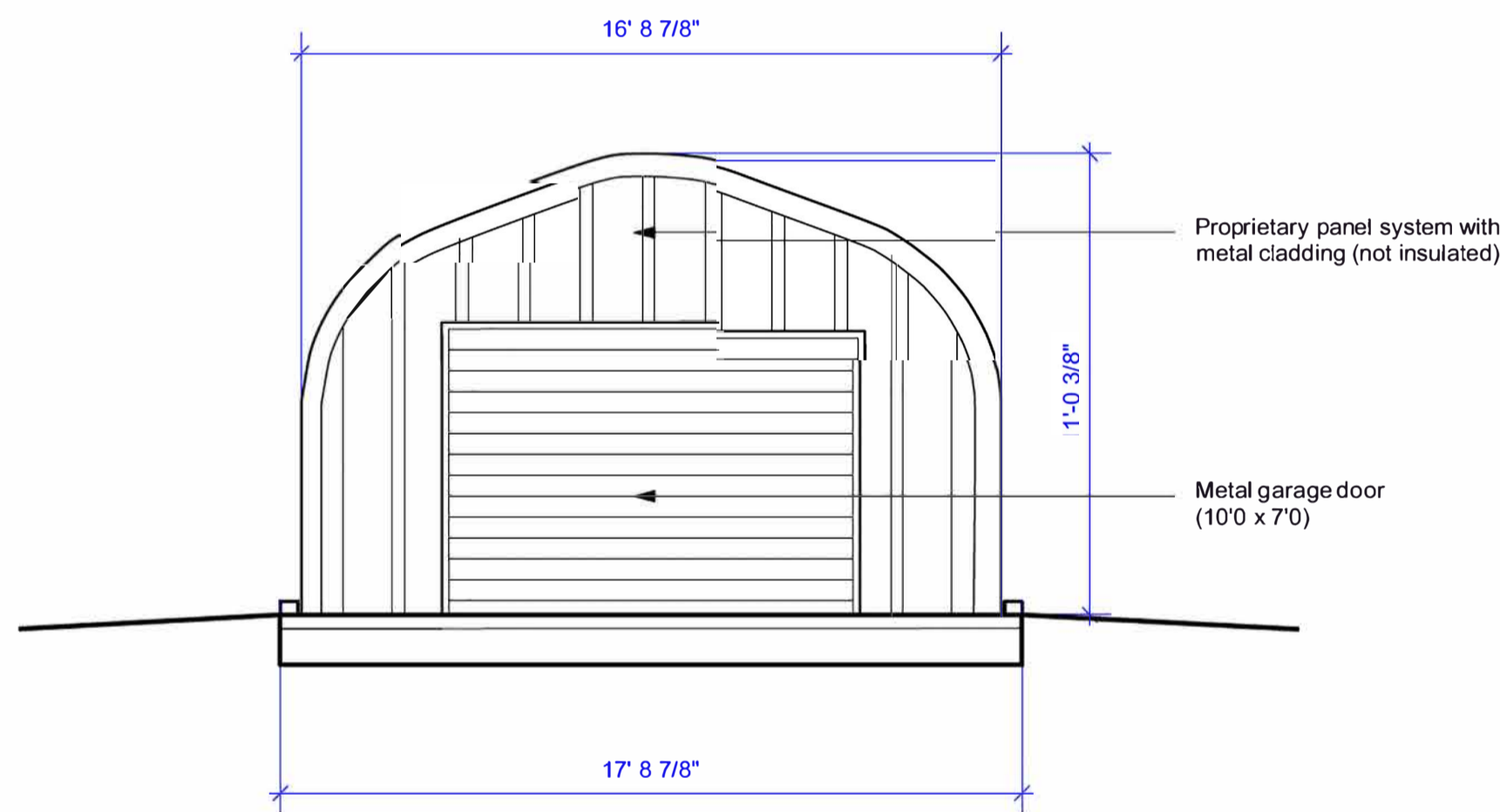




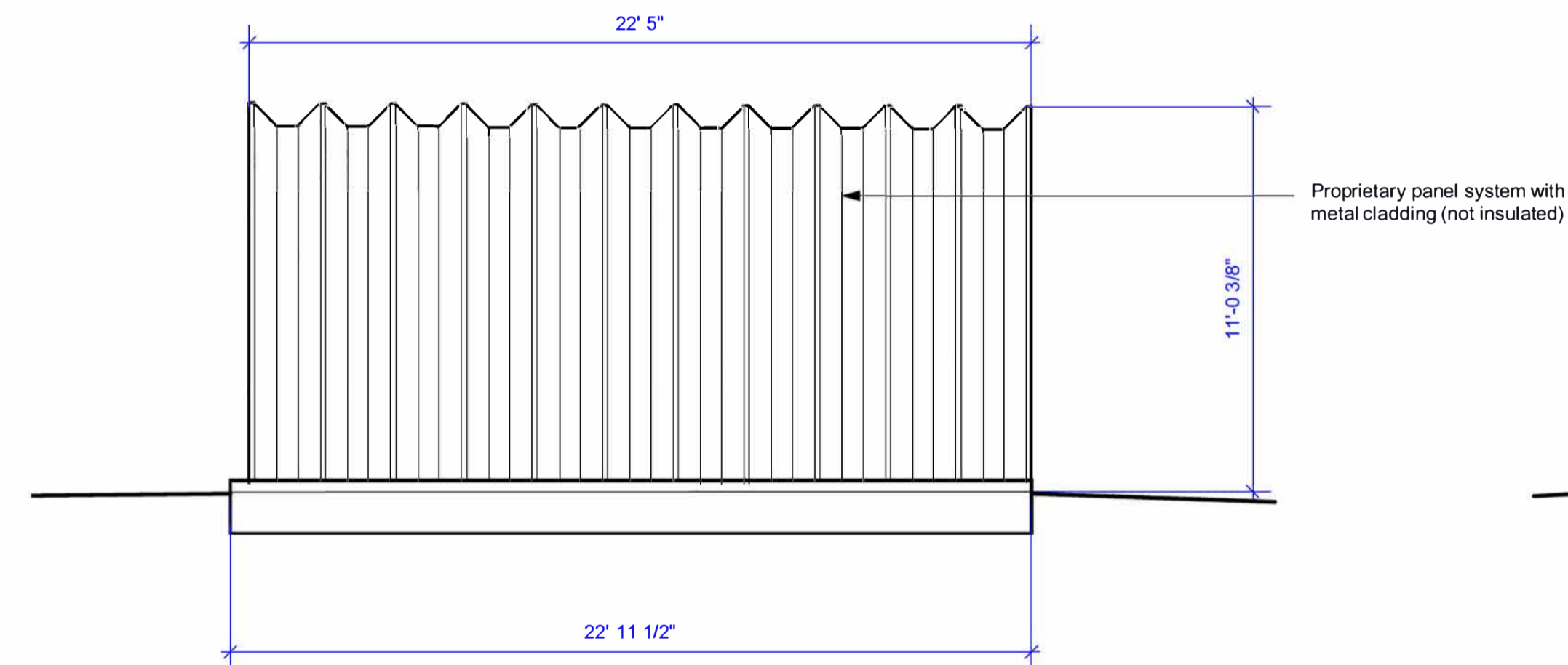
1 PROPOSED FOUNDATION  
Scale: 1/4" = 1'-0"



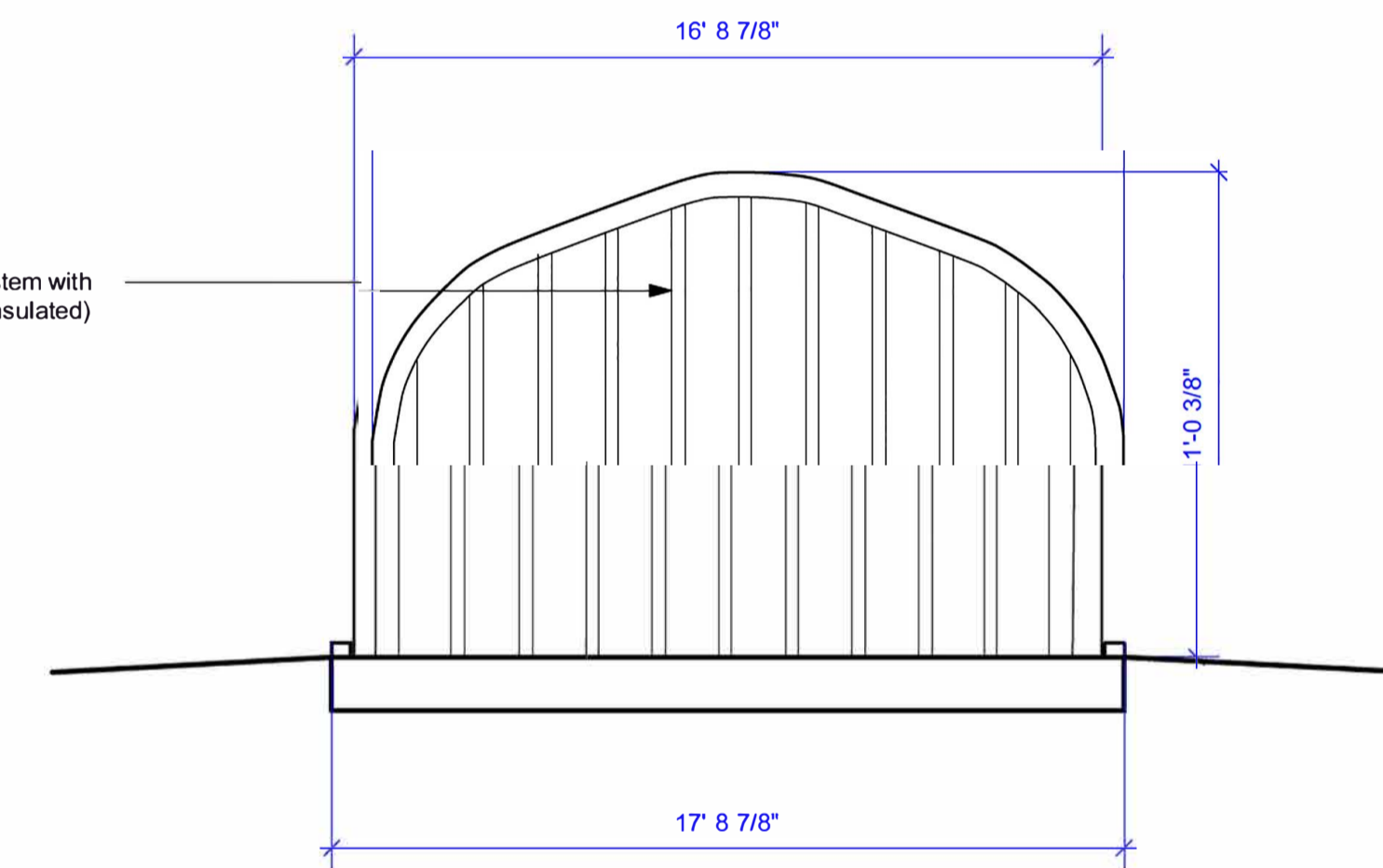
2 TYPICAL STEEL SECTION  
Scale: 1/4" = 1'-0"



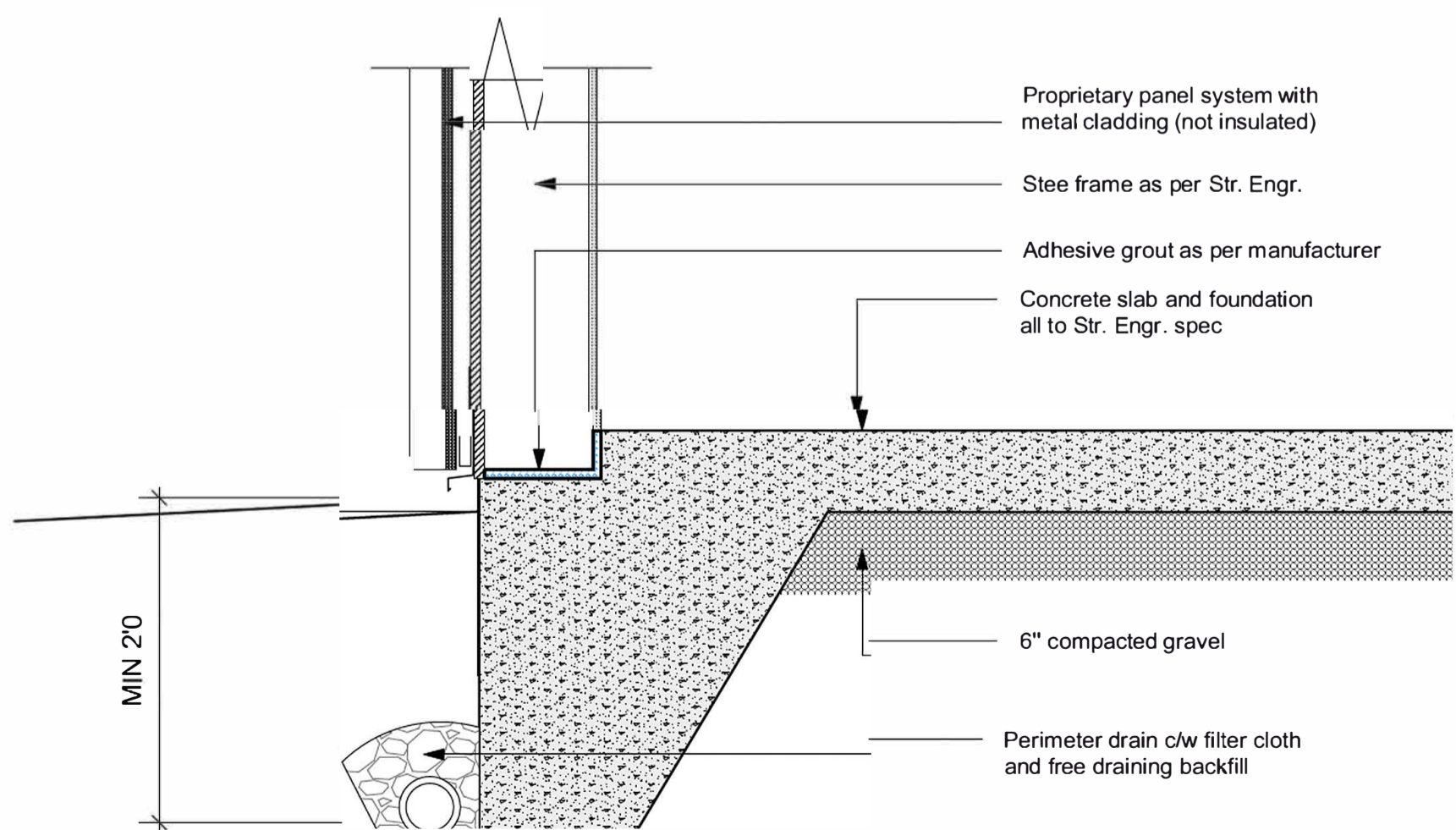
3 FRONT ELEVATION  
Scale: 1/4" = 1'-0"



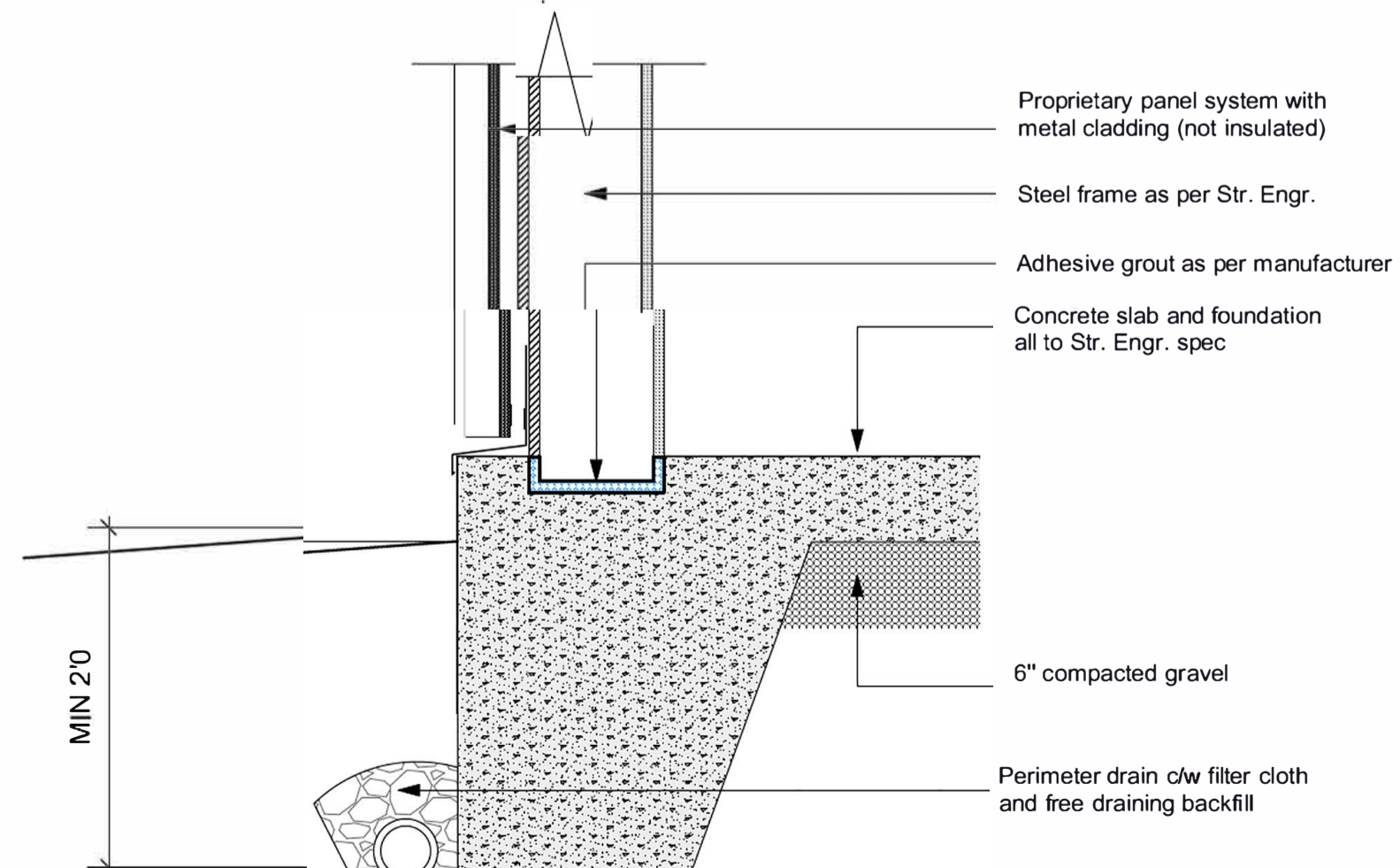
4 SIDE ELEVATION  
Scale: 1/4" = 1'-0"



5 REAR ELEVATION  
Scale: 1/4" = 1'-0"



6 FOUNDATION DETAIL A  
Scale: 1" = 1'-0"



7 FOUNDATION DETAIL B  
Scale: 1" = 1'-0"

Part 9- Residential C Occupancy  
BC Building Code 2018

Zoning: R-1

FOR BUILDING PERMIT		
No.	Date	Issue Notes
A.	22.12.21	REVISED SETBACKS AND LOCATION OF CULVERT INDICATED



Design Firm  
6226 Eagle Drive  
Whistler, BC, V0N 1B6  
as@allieshielldesign.com 604 966-7758

1. This drawing is not to be scaled. Dimensions are approximate. Any discrepancies noted on this drawing must be reported to the consultant immediately.  
2. By using this document the client agrees that the consultant's liability for services including negligence and omissions is strictly limited to the value of fees paid. The client agrees to indemnify and defend the consultant in the event of third party claims alleging negligence and or injury as a result of services rendered.

Project Title  
1353 Cedar Drive  
PEMBERTON, B.C.

Sheet Title  
**PLAN/SEC/ELEVATIONS**

Date NOV 2021 Project ID 2171

Drawn By AS Scale AS NOTED

Sheet No.

CAD File Name 2171 001

Village of Pemberton  
Board of Council Meeting  
January 10, 2022  
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