

-BOARD OF VARIANCE-

Agenda for the Board of Variance Meeting of the Village of Pemberton to be held Wednesday, August 23, 2023 at 5:00 PM via ZOOM Webinar ID: 837 3329 3432

- | | Page |
|---|------|
| 1. CALL 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. APPROVAL OF AGENDA

Recommendation: THAT the agenda be approved as presented. | 2 |
| 3. MINUTES

a) Board of Variance Meeting, November 23, 2022

Recommendation: THAT the minutes of the Board of Variance meeting held November 23, 2022 be adopted as circulated. | |
| 4. 1950 Highway 99 – Minimum Front Side Setback

Report to the Board of Variance: Mia Bojic, Planning Assistant

The property owners of 1950 Highway 99, Carly and Ryan Fox, have applied to the Board of Variance requesting relief from the provisions for minimum Front Side Setback in <i>Village of Pemberton Zoning Bylaw No. 832, 2018</i> (Zoning Bylaw). A variance is required to lawfully permit a new industrial building. | 4 |
| 5. NEW BUSINESS
There is no new business arising. | |
| 6. NEXT MEETING
The next meeting will be September 20, 2023 if required. | |
| 7. ADJOURNMENT | |

BOARD OF VARIANCE MINUTES

Minutes for the Board of Variance Meeting of the Village of Pemberton held Wednesday, November 23, 2022 at 5:00 PM via ZOOM Webinar ID: 837 3329 3432

IN ATTENDANCE:	Trevor Burton, Chair Tom Fitzgerald Phill Read
STAFF IN ATTENDANCE:	Scott McRae, Manager of Development Services Nikki Segovia, Building and Planning Clerk
APPLICANT:	Sacha Patoine Applicant Janie Marcoux, Applicant
PUBLIC:	1

1. CALL TO ORDER

At 5:00 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. APPROVAL OF AGENDA

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

3. MINUTES

Moved/Seconded
THAT the minutes of the Board of Variance meeting held February 23, 2022, be adopted as circulated.
CARRIED

4. 3012 Tenquille Place - Minimum Rear Yard Setback, and Maximum Projection into a Setback

Manager of Development Services Scott McRae presented a report summarizing the request for relief from the provisions for Projections into a Required Setback in Village of Pemberton Zoning Bylaw No. 832, 2018 (Zoning Bylaw).

The board asked if there was record of the inspection where the Village inspected the setbacks, staff confirmed there was. There were no further questions of staff.

The applicant spoke to his process of building and where he is at with current construction. The hardship was explained in regard to waterproofing the deck, in terms of cost and time. The applicant also commented that the Village approved the plans.

The board didn't have any questions for the applicant. They asked how far along they were with the construction of the deck. The applicant showed a record of the framing inspection from January of 2022.

The floor was opened to public comment. Emilie TB commented on the application and said she lives in the area that she does not think the deck projects too far into the setback. There were no further comments from the public.

The Board commented they don't think there is a true hardship because the drawings were approved and then built not according to the approval. They commented that any time you deviate off of plan, you need to verify what you are doing. The board said their experience in this realm is that the architectural drawings govern and dictate the building design.

The Board asked if they could approve the Variance with conditions if there is a privacy screen in place. They commented that they still don't see it as a hardship, and that they now they see how it is affecting the neighbors. Their final comments were that the deck should be brought back into the bylaw requirements. If they choose to approve a variance because something was built over the setback line it will set a precedence.

The board proposed the motion to reject the Variance (Option 3) and either correct it or go to Council with a DVP application.

Moved/Seconded

THAT the Board of Variance reject the Variance and that 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.

CARRIED

5. NEW BUSINESS

3

There is no new business arising.

6. NEXT MEETING

The next meeting date will be January 23, 2022, as required.

7. ADJOURNMENT

Moved/Seconded

THAT the Board of Variance meeting be adjourned.

CARRIED

At 5:41 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 23, 2022.

Chair – Trevor Burton

Date: August 23, 2023
From: Mia Bojic, Planning Assistant
Subject: 1950 Highway 99 – Front Side Setback
Applicant: Carly and Ryan Fox, Property Owners, 1950 Highway 99

PURPOSE

The purpose of this report is for the Board of Variance to consider an application to vary the Minimum Front Setback at 1950 Highway 99.

BACKGROUND

The property owners of 1950 Highway 99, Carly and Ryan Fox have applied to the Board of Variance requesting relief from the provisions for a required *Front Side Setback* under the *Village of Pemberton Zoning Bylaw No. 832, 2018*. A variance is required to lawfully permit a proposed new industrial building to be constructed on the property located at 1950 Highway 99; LOT 1 DISTRICT LOT 210 LILLOOET DISTRICT PLAN 22407, PID 006-910-645.

The property is located south of Highway 99, opposite of the Industrial Park. The property is in the M-1 Industrial Zone. A Location Map is provided as **Appendix A**.

DESCRIPTION OF THE REQUESTED VARIANCE

The application request is to vary the zoning regulations on the parcel to relax the minimum front setback from 7.5m to 4.5m to allow for construction of an industrial building. The Zoning Bylaw section 4.14 limits the minimum setback from the front lot line where buildings and structures must be located outside the minimum setback. Relief is requested to allow effective use for the parcel. The parcel has a large frontage but minimal depth, making it difficult to construct buildings or structures on it that accommodate the 7.5m front setback.

The front property line is located along Highway 99, which is jurisdiction of the Ministry of Transportation and Infrastructure (MOTI), who has a minimum front setback of 4.5m. The applicant is requesting the Village setback requirements be reduced to align with MOTI and allow for construction of the proposed development plans. The Application Package is attached as **Appendix B**, and includes site plans, architectural drawings of the proposed industrial building, and rationale from the applicant.

The application requests relief due to the irregular geometry of the parcel. The claim of undue hardship is based on the irregular shape of the parcel that does not allow for a reasonably practical building with current setbacks, thus leaving the property owners with vacant land.

ZONING BYLAW NO. 832, 2018

In the Zoning Bylaw, M-1 Industrial Zone, section 16.1.5 establishes the *Building Regulations*, with 16.1.5 b) establishing a 7.5m *Front Setback*. *Front Setbacks* are measured from the front property line to the nearest footing or foundation.

In the Site Plan in the Application Package, dated 27 May 2020, the extent of the proposed building footprint is shown with the proposed 4.5m front setback.

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

The following Section 540 of the *Local Government Act* is relevant to the decision making of the Board of Variance and the applicants hardship:

540 A person may apply to a board of variance for an order under section 542 [board powers on application] if the person alleges that compliance with any of the following would cause the person hardship:

(a) a bylaw respecting

(i) the siting, size or dimensions of a building or other structure, or

(ii) the siting of a manufactured home in a manufactured home park;

(b) a subdivision servicing requirement under section 506 (1) (c) [provision of water, sewer and other systems] in an area zoned for agricultural or industrial use;

(c) the prohibition of a structural alteration or addition under section 531 (1) [restrictions on alteration or addition while non-conforming use continued];

(d) a bylaw under section 8 (3) (c) [fundamental powers — trees] of the Community Charter, other than a bylaw that has an effect referred to in section 50 (2) [restrictions on authority — preventing all uses] of that Act if the council has taken action under subsection (3) of that section to compensate or mitigate the hardship that is caused to the person.

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 1950 Highway 99, to vary Section 4.14(a). of Zoning Bylaw No. 832, 2018 to decrease the minimum Front Setback from 7.5m to 4.5m, 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

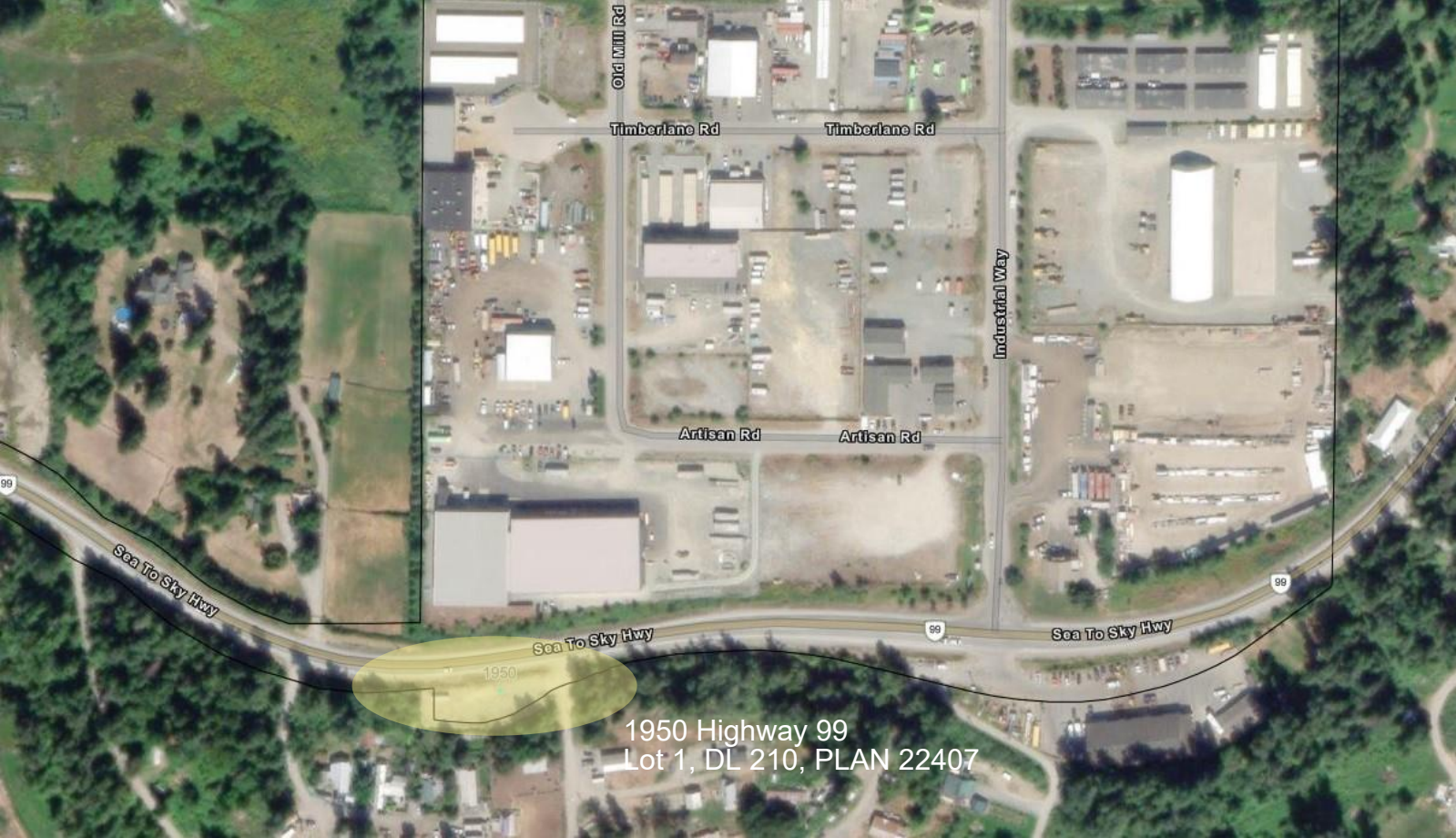
The decision of the majority of the membership shall be the decision of the Board. Village Staff shall, within seven (7) days of a decision, send by mail or otherwise deliver the written decision of the Board to the applicant to all persons who made representation at the hearing and the Village of Pemberton 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:** Location Map
Appendix B: Application Package

Prepared and Submitted by:	Mia Bojic, Planning Assistant
Manager Approval:	Scott McRae, Manager of Development Services

Appendix A - Location Map





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: 19 July 2023 VOP File Number: _____

APPLICANT INFORMATION:

Name: Carly and Ryan Fox Postal Address: _____
 Phone: C; 604 902 0688 _____ 45-1500 Spring Creek Drive, Whister BC V8E 0L2
 Fax: _____
 Cel: R: 604 902 1543 Email: carlymfox@outlook.com

REGISTERED OWNER INFORMATION:

Name: As Above Postal Address: _____
 Phone: _____
 Fax: _____
 Cel: _____ Email: _____

PROPERTY INFORMATION:

Civic Address: 1950 Highway 99, Legal Description: Lot 1, District Lot 210, Lillooet District Plan 22407
Pemberton, BC V0N 1L0 Zoning Designation: M-1
 Section in Bylaw to be varied: 16.1.5 b) Minimum Front Setback

DESCRIPTION OF VARIANCE REQUESTED:

We, the owners request a variance to the front setback of the property from 7.5 metres to 4.5 metres. The block of land is uniquely shaped and narrower than any other Lot in the area with M-1 zoning. With the current setback and unique shape of the Lot, the building width is limited to a maximum of 2.75 metres.

APPLICATION CHECKLIST:

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

I, Carly Fox *applicant's name* hereby allow for the purposes of this application, any member(s) of the Board of Variance to view the property [REDACTED] upon request.

 Signature

For Office Use Only

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

19 July 2023

To Whom It May Concern:

Ryan and I are applying for the front/highway setback minimum for building on our property at 1950 Highway 99, Pemberton to be decreased from 7.5 metres to 4.5 metres.

Our property is in M-1 zoned Industrial Park however our block is a unique shape in that it has a lot of property frontage (66m) and very little depth unlike the majority of the properties in the area.

If we are to build within current setbacks the building size we are limited to is 2.7m in width as the depth of the property at the west end is 13.25 metres with a curve along the southern wall out to 15 metres.

We are requesting a variance of the setback to align with the MOTI highway setback of 4.5 metres to allow us to build a structure that is 12.2m x 7.3m (40' x 24'). We have a specific building planned for purchase if the setback is approved.

Engineered plans have been requested for the building and an image of the building design has been included.

Please let me know if you require any further information regarding our submission.

Kind regards

A solid black rectangular box used to redact the signature of the sender.

Carly and Ryan Fox

Appendix B

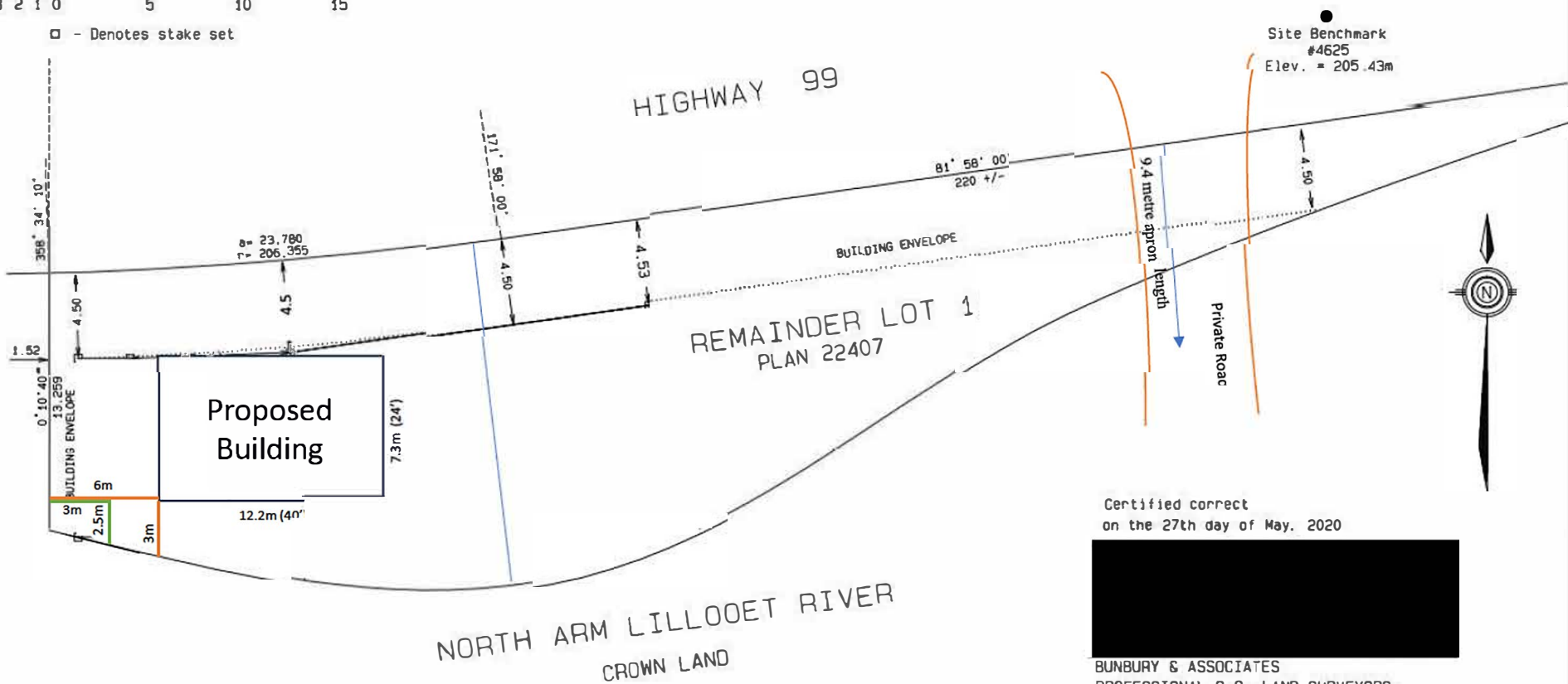
PLAN OF PROPOSED BUILDING LOCATION ON
THE REMAINDER OF LOT 1, D.L. 210, LILLOOET DISTRICT,
PLAN 22407 EXCEPT PLAN 34734.

SCALE : 1 : 250

ALL DISTANCES SHOWN ARE IN METRES



□ - Denotes stake set



Certified correct
on the 27th day of May, 2020



BUNBURY & ASSOCIATES
PROFESSIONAL B.C. LAND SURVEYORS,
SQUAMISH & WHISTLER, BC www.bunbury-surveys.com
No. 204-1085 MILLAR CREEK ROAD, WHISTLER, B.C. 604-932-3770
JOB FILE 2020-022 DATA FILE 20-02207.DAT L-0077-4

ELEVATIONS ARE IN METRES AND ARE REFERRED
TO WATER RESOURCES BENCHMARK #854
ELEVATION OF BENCHMARK 204.089m

MODEL: S25-14

CUST. NAME: PAPPAS

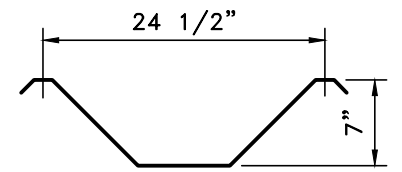
ORDER NUMBER: 000000

(121") ROOF PANELS	1
(107") ROOF PANELS	1
(121") J - PANELS	2
(44") STRAIGHT PANELS	2

GENERAL NOTES:

1. NO LOADS OTHER THAN THOSE GIVEN UNDER "DESIGN DATA" BELOW BE IMPOSED ON THE "STRUCTURE"
2. THE FOUNDATION ON THE DRAWING IS A SUGGESTED SOLUTION ONLY. CHANGES MAY BE NECESSARY DUE TO LOCAL BUILDING REGULATIONS.
3. THE FOUNDATION SHALL BE FOUNDED ON NATURAL UNDISTURBED SOIL CAPABLE OF SAFELY SUSTAINING 1500 PSF. AND AT LEAST 12 IN. BELOW FINISHED GRADE.
4. SLAB ON GRADE SHALL BE PLACED ON SOIL CAPABLE OF SUSTAINING 500 PSF. WITHOUT APPROPRIATE SETTLEMENT.
5. BUILDING MUST BE GROUTED INTO TROUGH, INSIDE AND OUT TO MAINTAIN STRUCTURAL INTERGRITY EXCEPT WHEN USING BASE PLATE CONNECTORS.
6. CROSS TIES MUST BE INCASED IN CONCRETE WHEN CONCRETE SLAB IS NOT USED

ARCH DATA:

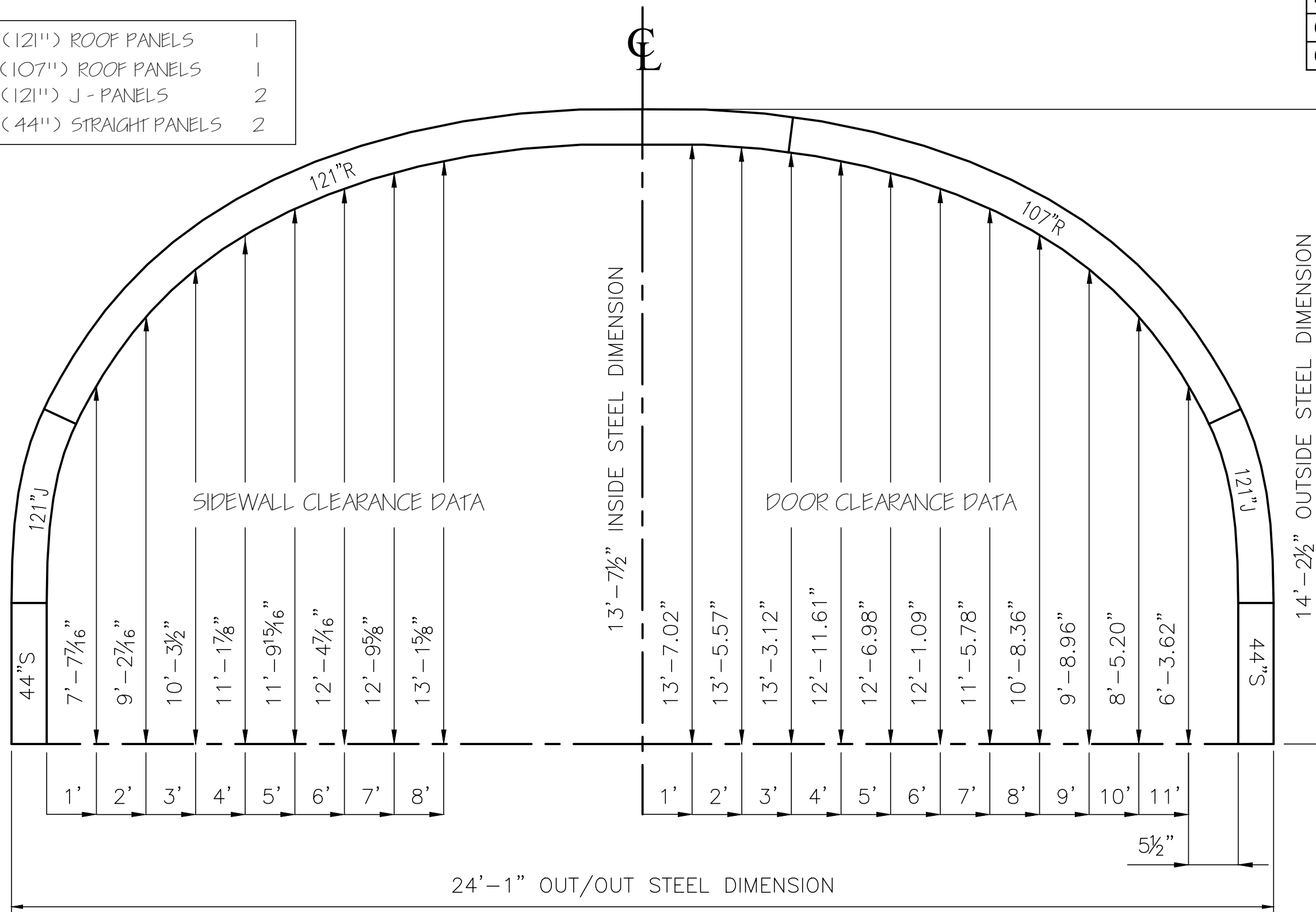


DESIGN DATA:

STEEL GAGE: 18
 50 KSI MIN. YIELD
 GALVALUME SHEET STEEL
 LIVE LOAD: 100 PSF
 ULTIMATE WIND SPEED: 165 MPH

MATERIALS:

1. CONCRETE STRENGTH AT 28 DAYS TO BE 2500 PSI
2. REINFORCING STEEL TO BE DEFORMED BARS. GRADE 60
3. ALL MATERIALS SHALL CONFORM TO THE APPROPRIATE ASTM SPECIFICATIONS.



NOTE:
 THE SHORT PANELS MUST BE ALTERNATED FROM SIDE TO SIDE ON SUCCESSIVE ARCHES, TO CREATE A STAGGERED JOINT FOR GREATER STRENGTH.

ARCH PROFILE	
ONE ENDWALL SOLID	
Village of Pemberton Board of Variance August 23, 2023	
SCALE: NTS	SHEET: 1 OF 5

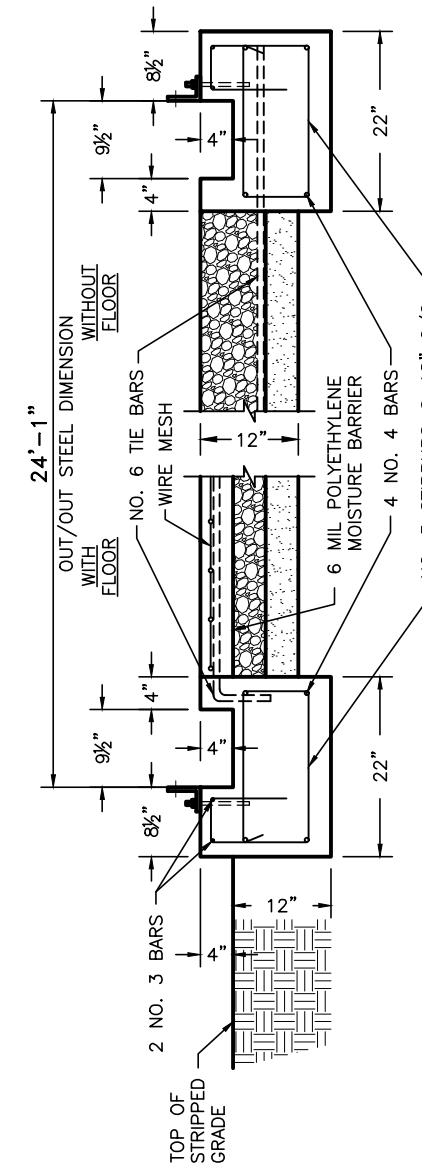
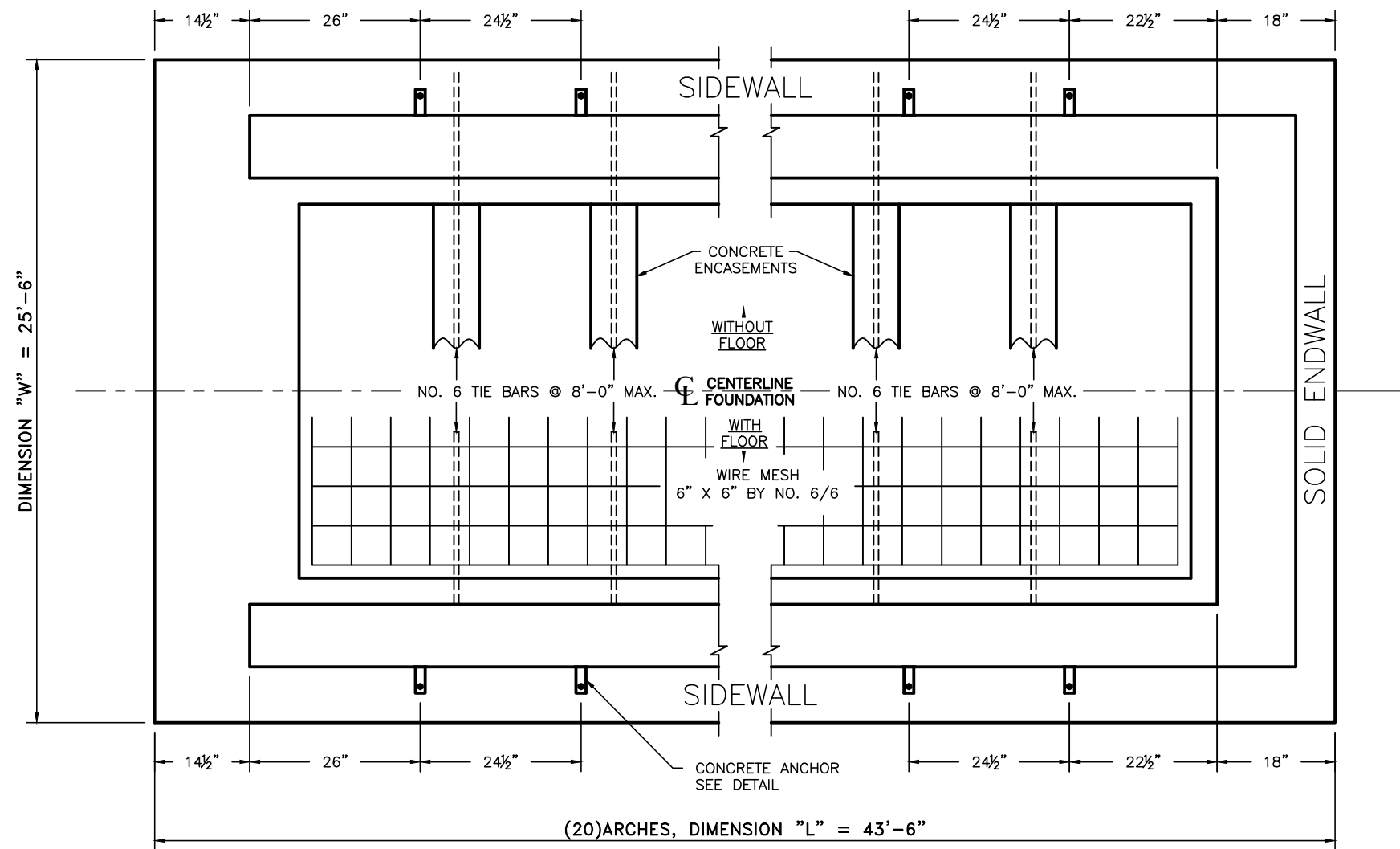
ATTENTION:

The foundation shown may not conform to your local by-laws and has no warranty as to its sufficiency for your particular area and or application. Retain a registered professional engineer to design a foundation which meets local by-laws and frost level depth requirements (if applicable), is adequate for soil conditions on the site, and conforms to the intended use of the building. The engineer should also be retained to inspect construction to ensure that the foundation is being built in conformity with his design. If the design engineer requires, retain a soils engineering specialist to report on soil conditions and soil compaction values.

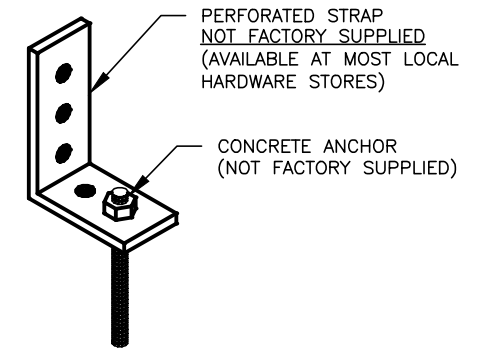
MODEL: S25-14

CUST. NAME: PAPPAS

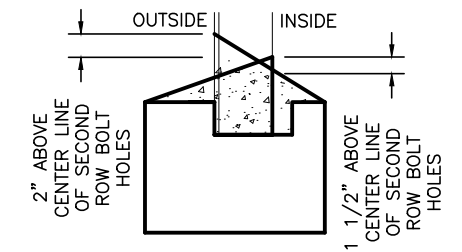
ORDER NUMBER: 00000



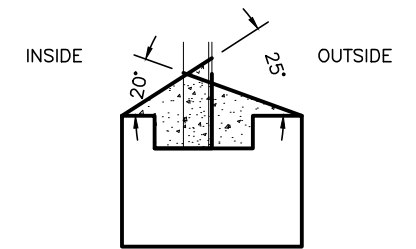
SECTION THROUGH WIDTH



CONCRETE ANCHOR DETAIL



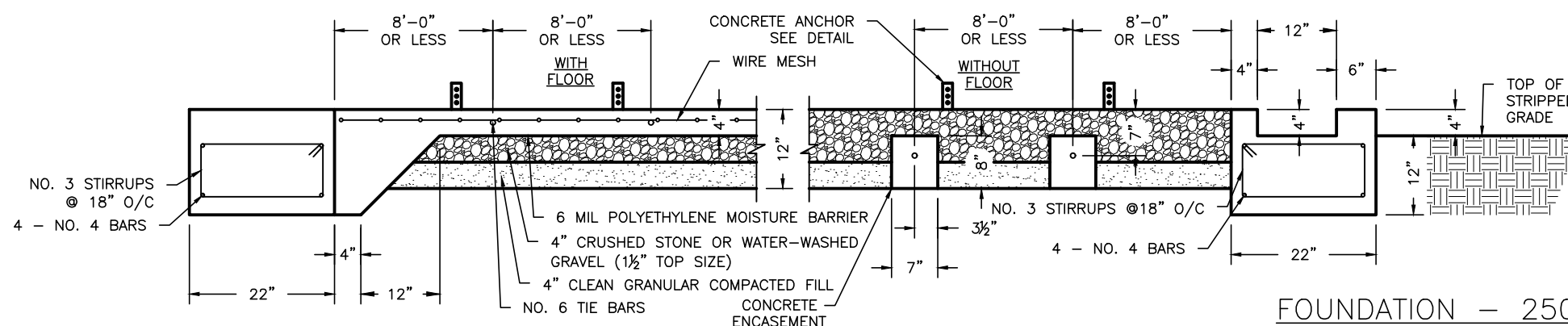
SIDEWALL GROUTING



ENDWALL GROUTING

NOTE:

Inside grouting should be higher than outside grouting to prevent water seepage. Concrete grouting procedures must be in accordance with factory specifications to retain structural warranty.



SECTION THROUGH LENGTH

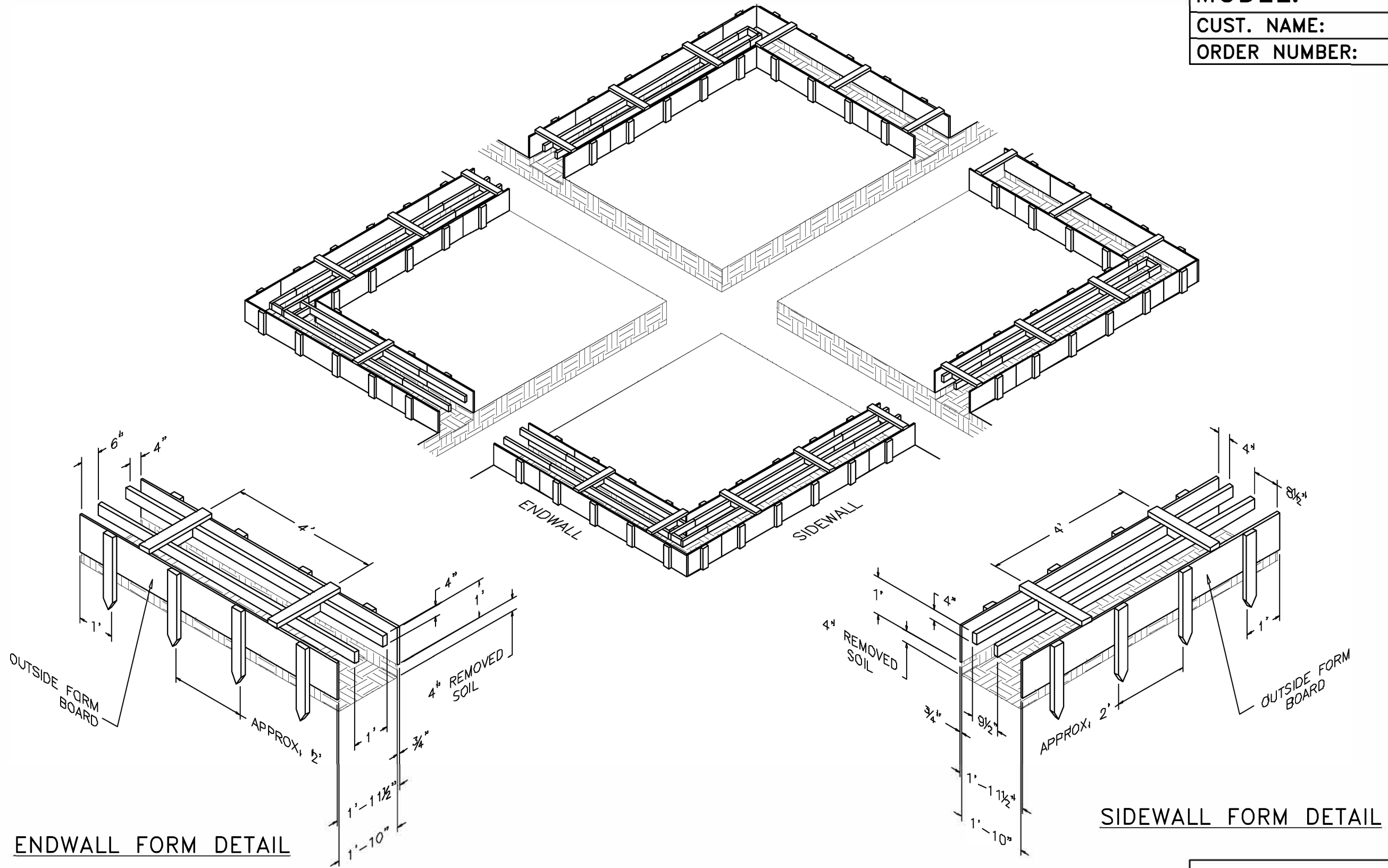
FOUNDATION - 2500 PSI STRENGTH
GROUT - 5000 PSI STRENGTH

**CONCRETE TROUGH FOUNDATION
GENERAL ARRANGEMENT**

ONE ENDWALL SOLID

Village of Pemberton
Board of Variance
August 23, 2023
SCALE: NTS **SHEET 2 OF 5**

MODEL:	S25-14
CUST. NAME:	PAPPAS
ORDER NUMBER:	00000



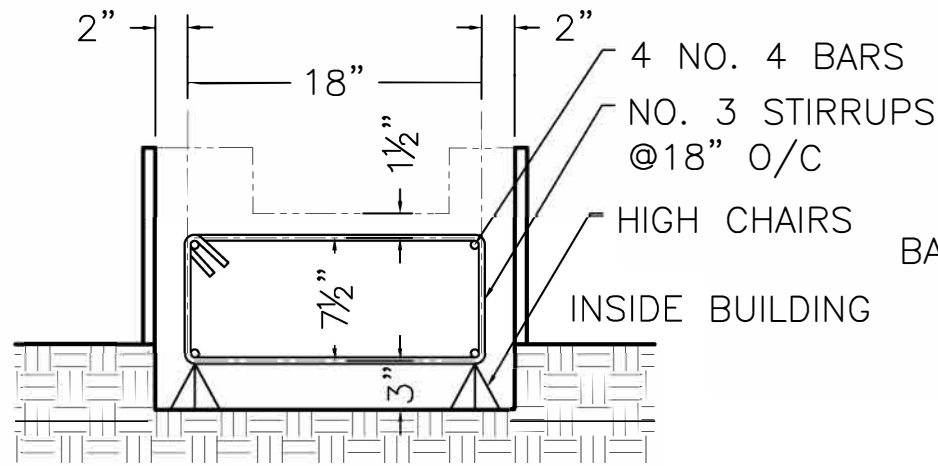
NOTES: REINFORCING STEEL NOT SHOWN. REFER TO SHEET #4.

CONCRETE TROUGH FOUNDATION WOODEN FORM ARRANGEMENT	
ONE ENDWALL SOLID	
SCALE: NTS	SHEET: 3 OF 5

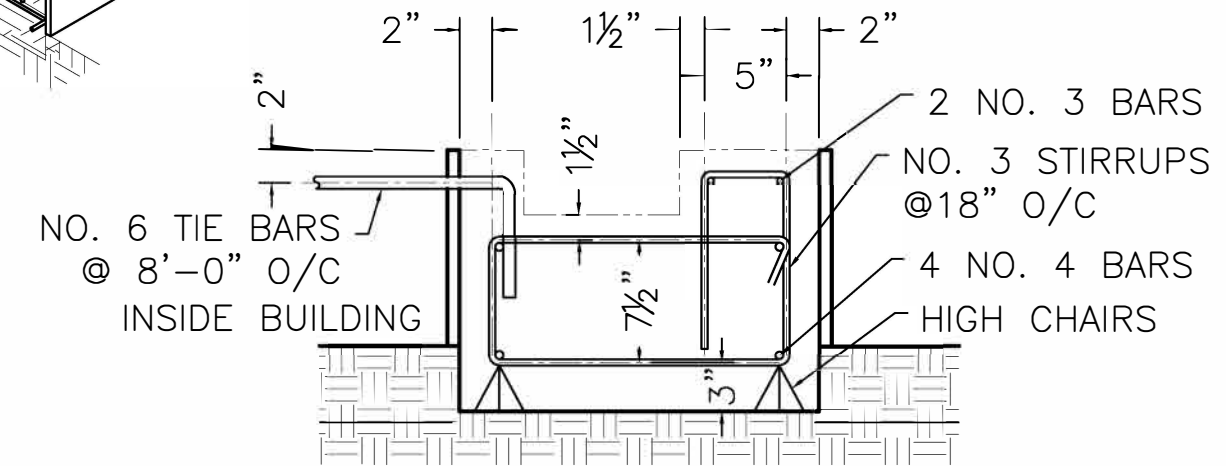
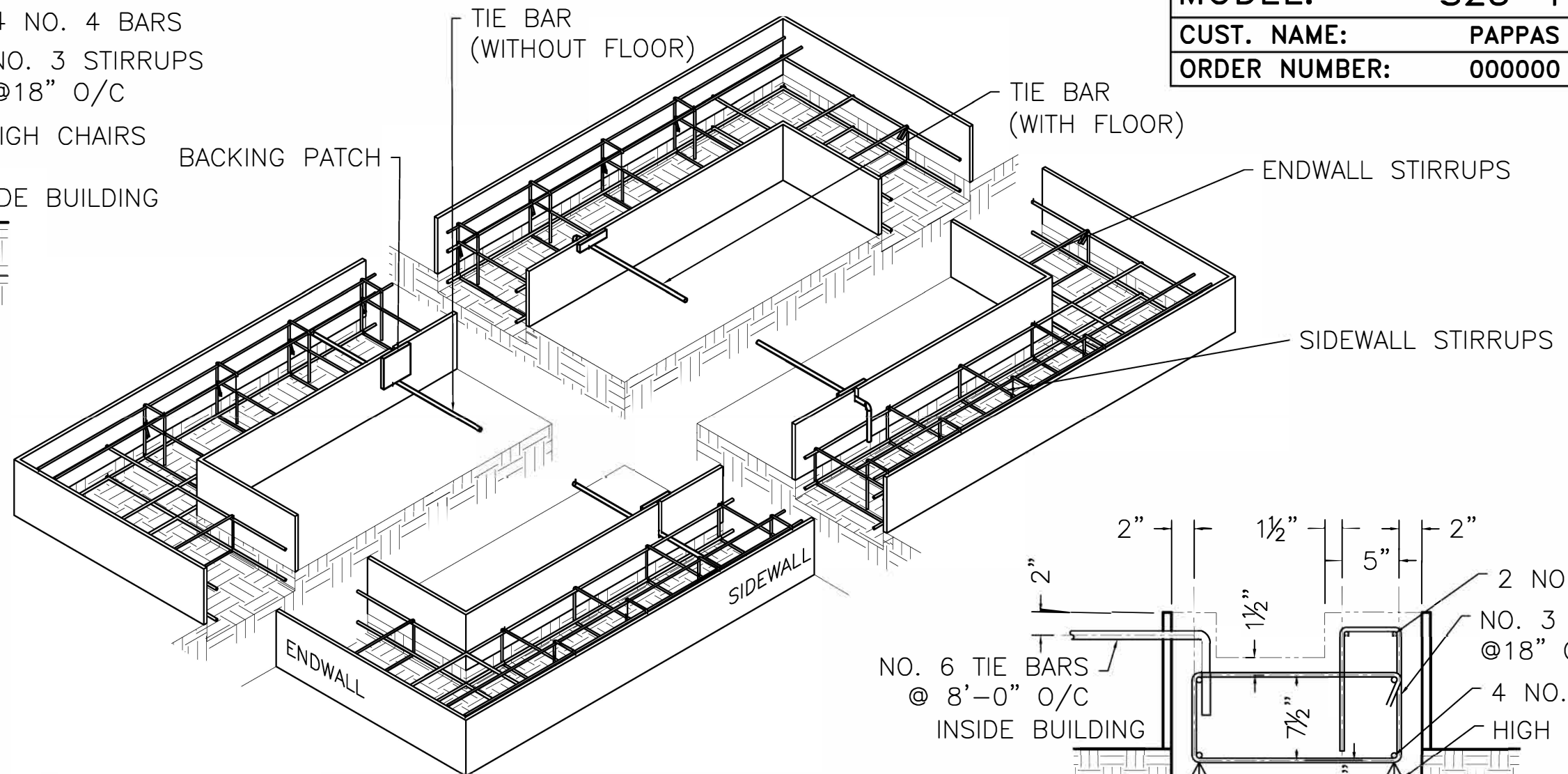
Village of Pemberton

Board of Variance
August 23, 2023

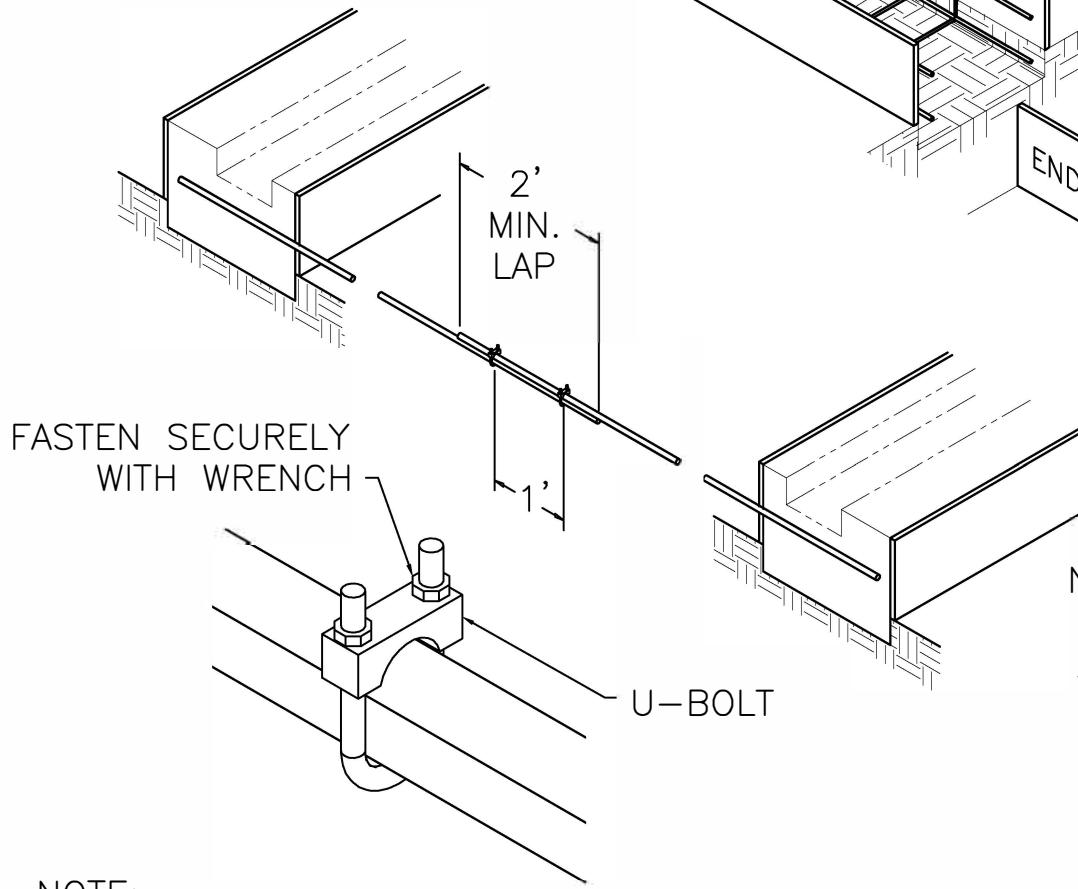
MODEL: S25-14
 CUST. NAME: PAPPAS
 ORDER NUMBER: 00000



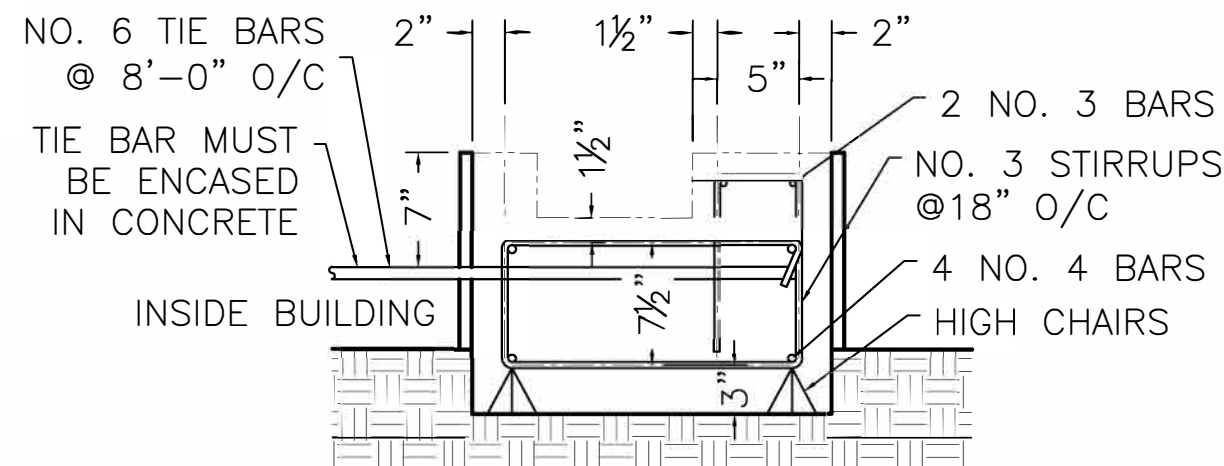
ENDWALL SECTION



SIDEWALL SECTION WITH FLOOR



TIE BAR SPLICING DETAIL



SIDEWALL SECTION WITHOUT FLOOR

NOTE:
 Use two U-bolts per splice. Encase tie bars and U-bolts in concrete as shown on Sheet 2.

REBAR TABLE		
BAR NO.	DIAMETER	MIN. LAP
NO. 3 (10M)	3/8" (11.3mm)	1'-0"
NO. 4 (15M)	1/2" (16.0mm)	1'-4"
NO. 6 (20M)	3/4" (19.5mm)	2'-0"

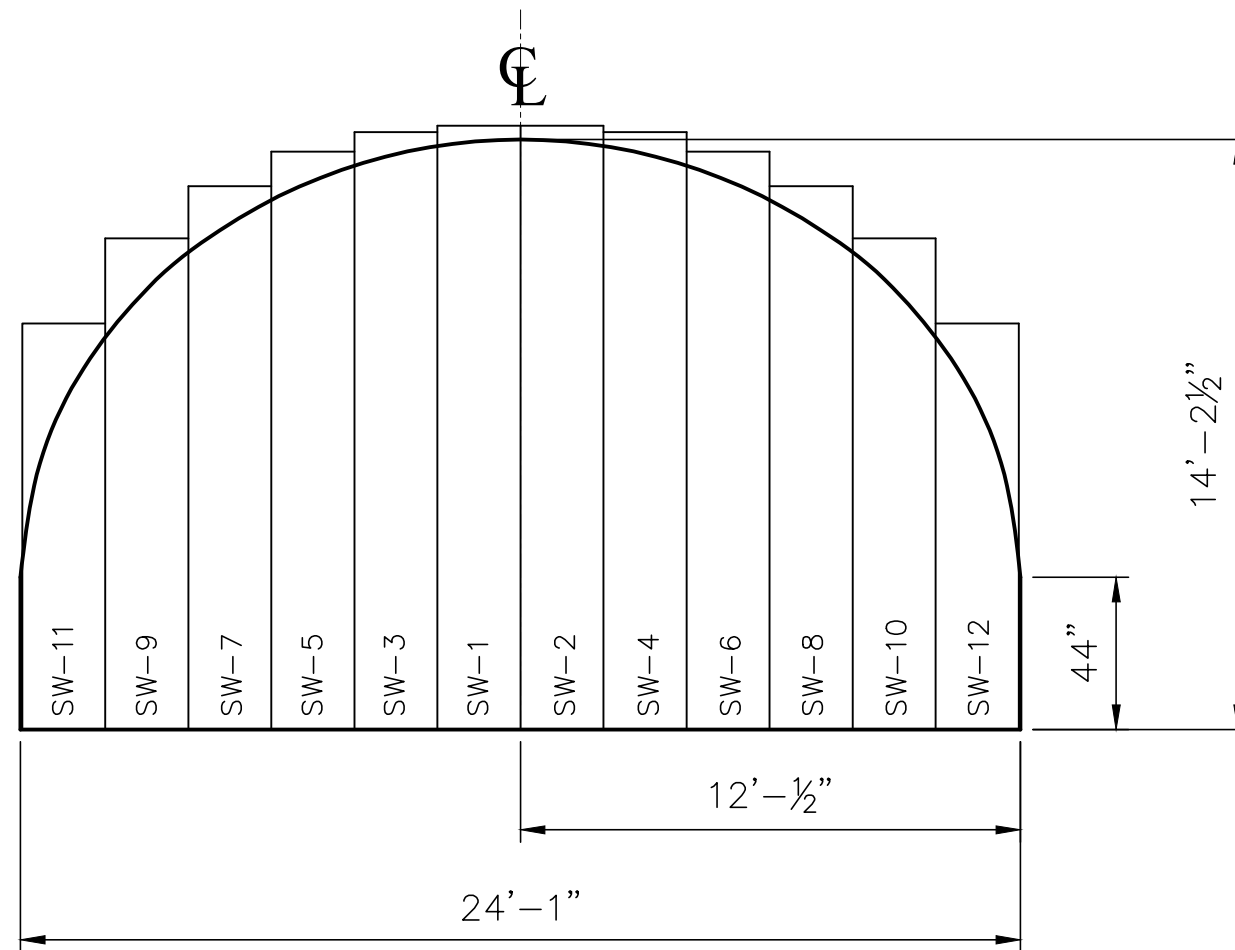
**CONCRETE TROUGH FOUNDATION
 STEEL REINFORCEMENTS
 ONE ENDWALL SOLID**

MODEL: S25-14

CUST. NAME: PAPPAS

ORDER NUMBER: 000000

S25-14 SOLID	
PANEL #	LENGTH
SW 1-SW 2	175
SW 3-SW 4	173
SW 5-SW 6	167
SW 7-SW 8	157
SW 9-SW 10	142
SW 11-SW 12	118



WALL DETAILS

ONE ENDWALL SOLID

SCALE: NTS

SHEET 5 OF 5

Village of Pemberton

Board of Variance
August 23, 2023