## BoV AGENDA

## -BOARD OF VARIANCE

Agenda for the Board of Variance Meeting of the Village of Pemberton to be held Monday, March 20, 2017 at 11:00AM at 7400 Prospect Street.

1. CALL TO ORDER
2. GENERAL UPDATE
3. MINUTES

- Draft Minutes of the January 20, 2016 BoV Meeting

4. LOT 13-7468 DOGWOOD

MAXIMUM PERMITTED HEIGHT VARIANCE REQUEST

- Report to BoV

5. NEW BUSINESS
6. NEXT MEETING
7. ADJOURNMENT

## BoV MINUTES

## BORD OF VARIANCE MINUTES

Minutes for the Board of Variance of the Village of Pemberton held January 20, 2016 at 10:00am at 7400 Prospect Street, Pemberton, B.C.
in ATTENDANCE:

## REGRETS:

STAFF IN ATTENDENCE:

APPLICANT:
0
PUBLIC:
2

## 1) CALL TO ORDER

At 9:30am the meeting was called to Order.
The Chair offered the public members to introduce themselves:
> Bob Mares-Potential Buyer of 1349 Greenwood
> Stefan Miller-1351 Greenwood Street

## 2) MINUTES

The BoV minutes of July 22, 2015 were revised to update the resolution from
"THAT the minutes of the Advisory Land Use Commission"...
to:
"THAT the minutes of the Board of Variance"...
Moved/Seconded
THAT the minutes of the BoV meeting held July 22, 2015 be approved as per the revision as noted above.

CARRIED

## 3) LOT 7-SETBACK VARIANCE REQUEST (1349 GREENWOOD STREET)

Lisa Pedrini gave an overview of the application.
Lot 7 is located at corner of Dogwood Street and Greenwood Street. The landowner (Sabre) \& the potential buyer (Bob Mares) would like to gain driveway access from the
west side of the lot, off Dogwood Street. The frontage change proposed would require the setbacks to be as follow:

- Front yard (off Dogwood Street)= minimum 5.0m setback required
- North side= minimum 1.5 m setback required
- South side (Greenwood Street side) = minimum 3.0 m setback required.
- Rear setback= minimum 5.0 m setback

The variance request is to modify the following:

- Rear setback= from 5 m as to 1.5 m . This is the same setback distance should the driveway access remain off Greenwood Street.

Lisa mentioned that the Board of Variance were to look at the application keeping in mind if the changes needed were due to a hardship.

The potential buyer presented a conceptual drawing of the home layout on the property and described the challenges of construction \& access should the driveway remain off Greenwood Street and the benefits of moving the driveway to Dogwood. More specifically:

- Safety issues with a driveway being really close to the corner and to the stop sign where visibility is an issue.
- The cost of blasting the rock bluff to create a driveway and achieve the connections to the municipal water/sewer service would be difficult and expensive.
- The rock bluff is a natural feature that enhances the land and the neighbourhood.

The owner of 1351 Greenwood Street (neighbouring property) commented that he was supportive of the preservation of the rock bluff and in support of the application.

The board of variance members had the following comments:

- The Board inquired on how change would affect the civic address. Village Staff confirmed that there is process in place to modify civic addressing and that an application for the change would have to be submitted by the land owner.
- It was mentioned that perhaps the original location of the driveway access may have been done in relation to a traffic analysis for the Neighbourhood. However, it was also acknowledged that the variance application was based on justified hardship/challenges.
- The Board of Variance members were in support of the application


## RESOLUTION

Moved/Second
THAT the Board of Variance approve the request to reduce the rear (east) set-back from 5 metre to 1.5 metre and that the exterior (south-east) set-back be extended from 3 metre to 5 metre.

CARRIED

## 4) NEW BUSINESS

No new business
5) NEXT MEETING

TBA
6) ADJOURNMENT

Moved/Second
THAT the Board of Variance meeting be adjourned.
CARRIED
At 9:36am the meeting was adjourned.
This is a true and correct copy of a meeting of the BoV of the Village of Pemberton, held January 20, 2016.

Chair

REPORT TO BOARD OF VARIANCE

Date: $\quad$ March 20, 2017
From: Lisa Pedrini, Village Planner
Subject: 7468 Dogwood Street - Building Height Variance Request
Owners/
Agent: Simon Talbot / Jill Hodgkinson

## PURPOSE

This report provides an overview for the Board of Variance of an application submitted by the owner of the property located at 7468 Dogwood Street (Lot 13, DL 202, KAP76833, LLD), requesting a relaxation from the maximum height in the Zoning Bylaw. A location plan is below.

## BACKGROUND

For the past several years, owners and developers in the Benchlands' subdivision have experienced difficulties meeting particular provisions of the Zoning Bylaw with regard to the lots between Dogwood and Greenwood Streets as they are challenged due to the rocky and varying topography of the sites.

7468 Dogwood Street (Lot 13) is located at the top of the hill on steep, sloping terrain. The property is
 zoned RS-1 and has a maximum height of 10.5 m for the principle building. Given that the lot is pie-shaped and very steep, the owners opted for a two storey split-level design in order construct a house that better responds to the natural topography. However, given that the rear of the dwelling appears to be four storeys as it steps down the lot, when the average finished grade is calculated, the house exceeds the maximum height. Therefore the building permit cannot be approved due to the non-compliance with the way in which the Zoning Bylaw calculates height.

Staff recommended that the applicant apply to the Board of Variance as a hardship given the topography of the site. Please see the application as Appendix A. The Building Inspector supports this application and will be available at the Board of Variance meeting to help explain the application. The applicant is also seeking permission for a height allowance for the crawl space.

The photos attached as Appendix B provide a visual context of the property.

## DESCRIPTION

The proposed variance is to reduce the maximum height from 10.5 m to 11.28 m , a difference of 0.78 m , in order to permit the average finished grade of the dwelling to exceed the maximum height.

## DISCUSSION

A Board of Variance has the ability to vary certain provisions in the Zoning Bylaw whereby they agree that undue hardship would be caused if the variance was not granted. The variance, however, shall not:

- result in inappropriate development of the site;
- adversely affect the natural environment;
- substantially affect the use and enjoyment of adjacent land;
- vary permitted uses and densities under the applicable bylaw; or
- defeat the intent of the bylaw.

Variances to the BC Building Code are not able to be varied; therefore the applicant's request to vary the height of the crawl-space is not being addressed in this report.
Staff has reviewed the submission with the Letter of Intent and concur with the following arguments in favour of hardship:

Lot Topography - The site is at the top of the very rocky Benchlands development originally approved in 2004. The intent is to construct a house that would better respond to the natural topography and reduce the amount of backfill.

Maximum Height - The Zoning Bylaw defines height (of a building or structure) as the vertical distance from the Average Finished Grade to the highest point of a flat roof, to the deck line of a mansard roof, and to the mean height level between the eaves and the ridge of a hip or gambrel roof. Average Finished Grade means the average of elevations taken at the outermost corners of the finished elevation adjoining each exterior wall of a building.

The height of the dwelling from the street level is 8.18 m , but the average height overall equates to 11.28 m .

## IMPACT

Staff has reviewed the Letter of Intent and agree that there appears to be minimal negative impacts if the proposed variance was granted, as the property backs onto Crown Land.

## ALTERNATIVE OPTIONS

The Board of Variance in their consideration of the application to vary the maximum height permitted on 7468 Dogwood Street has the following options:
(i) Approve the variance
(ii) Approve the variance with certain conditions
(iii) Reject the variance

The decision of the majority of the membership shall be the decision of the Board. The Secretary (Suzanne Belanger) 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 local government Building Inspector. The Secretary shall, within seven (7) days of the decision, enter that decision in the record maintained at the local government office.

## Appendices:

Appendix A - Application Package
Appendix B - Photos

## BOARD OF VARIANCE APPLICATION

Date of Application: $\qquad$ VOP File Number: $\qquad$
APPLICANT INFORMATION:
Name: Jill Hodgkinson Postal Address:
Phone: 6049354692
Fax: $\qquad$ PO Box 1092, Pemberton, BC VON 2LO

Cel:
Email: simontalbot@hotmail.com

REGISTERED OWNER INFORMATION:

Name:
$\frac{\text { Simon Talbot }}{6049354692}$ Postal Address:
Phone: $\quad 6049354692$
Fax: $\qquad$
Cel: $\qquad$
PROPERTY INFORMATION:
Civic Address:
7468 Dogwood street
Pemberton, BC VON 2LO

Legal Description: Lot13 District Lot202 Lillooet Land Zoning Designation: RS-1
Section in Bylaw to be varied:

PO Box 1092, Pemberton, BC VON 2LO
simontalbot@hotmail.com

DESCRIPTION OF VARIANCE REQUESTED:
Request a variance in the building height calculation in respect to finish grade below street level. And crawl space ceiling height allowance.

| APPLICATION CHECKLIST: |  |  |  |  |  |  |
| :--- | :--- | :--- | :--- | :--- | :--- | :--- |
| Certificate of Title | $\square$ Yes | $\square$ No | Site Plan | $\square$ Yes | $\square$ No | $\square$ N/A |
| Application Fee | $\square$ Yes | $\square$ No | Property Within Agricultural <br> Land Reserve | $\square$ Yes | $\square$ No | $\square$ N/A |
| Authorization Form | $\square$ Yes | $\square$ No | $\square$ N/A | Property Subject to <br> Riparian Area Regulations | $\square$ Yes | $\square$ No |$\square$ N/A

I, Simon Talbot member(s) of the Board of Variance to view the property of the progosed variance upon request.


Signature

## For Office Use Only

Roll No.: $\qquad$
Related Files:

Prospero No.:
Fee Submitted: \$
$\$$ Receipt No:: Receipt No: $\longrightarrow$

[^0]I am writing this letter in order to request a variance in the building height calculation and stories calculation for: 7468 Dogwood Street (Lot\#13 Benchlands), Zoned RS-1.
The current Plans submission is for a split level home with a crawl space beneath the garage and the lower floor. The house plans street front view only shows a two-story house, with a fire truck height accessibility of less then 10.5 m from the finish grade.
This amendment is not to request approval for a final roof elevation higher then potentially allowed to be built by the currant Bylaw from the street curb level or to increase the living area square footage of the Lot over its allowance limit according to Bylaw. But mostly to lower the finish landscaping grade elevation near the north end of each roof coverage area by just less than 10.5 m from the average roof height, not the highest point of the roof, to the average finish grade directly beneath the individual roofline.

The request is for:
1- A finish grade of not any lowered then: 248.9 m directly below the upper roof covering area and not any lower then: 245.25 m directly below the lower roof covering area.
2- And also to allow a crawl space ceiling height higher then 2 m but not greater then 3 m directly below the garage and the lower level of the house.
These two requests would eliminate the construction of higher then needed concrete wall, retaining walls and an unnecessary amount of fill requirement.

A multi level split home was design to:
-Better flow with the natural grade of the Lot in order to minimize affecting the natural environment of the Lot.
-Prevent major undertaking in retaining wall construction.
-Eliminate having a slope downward driveway to a garage from the street.
-Minimize building a higher finished elevation then needed to minimize obstruction of view to Lot immediately west and Lots across the street.
-To prevent building only on the upper portion of the Lot which would resulted in a maximum house frontage from property limit to property limit in order to get a reasonable square footage home to match the high cost of a Lot.
The current proposed design substantially helps affect the use and enjoyment of adjacent land, by minimizing the implementation of a retaining wall and by lowering the maximum allowed roof peak height by a few meters according to the current zoning Bylaw.
The Pemberton Benchlands Housing Corp development was designed and approve with proposed minimum floor elevation assigned to each Lot in order to help mitigate building height issue and sanitary service connection. The assigned elevation is as follows:

- Lot\#14 was 238.73 m
- Lot\#13 was 251.13 m
- Lot\#12 was 251.53 m

Now if an average house, 40 foot wide home, were to be constructed with a roof slope of $6 / 12$ on a maximum height of 10.5 m it would have an average roof height of:
-Lot\#14, 249.23m, this makes the highest part of the roof near 252.23 m
-Lot\#13, 261.63m, this makes the highest part of the roof near 264.63 m
-Lot\#12, 262.03 m , this makes the highest part of the roof near 265.03 m
This is how the current proposed roof elevation for Lot\#13 is and it is well below the allowed limit in order to eliminate affects the use and enjoyment of adjacent land and minimize the implementation of a major retaining wall.
The proposed upper roof elevation average is:
-Lot\#13: 259.33m, this makes the highest part of the roof near $\mathbf{2 6 0 . 0 8 m}$












Pemberton Meadows Road View


Rear View



View from Centre of Lot 12 - Looking Northwest



Pemberton Meadows Road View


Rear View



View from Centre of Lot 12 - Looking Northwest




[^0]:    F:\Development Services 3 -Development Services-General FilestCommillees)Board of VariancelBoard of Variance Application doc

