

2-3

4

a) Board of Variance Meeting, January 26, 2022

**Recommendation: THAT** the minutes of the Board of Variance meeting held January 26, 2022 be adopted as circulated.

### 4. 1775 Pinewood Drive – Height Variance

Report to the Board of Variance: Colin Brown, Planner II

The Applicant, Bryant Cook and Ruth Weaver are applying to vary Section 11.1.4 of the Village of Pemberton Zoning Bylaw to allow for a building height greater than 10.5 m to a maximum of 10.93m.

### 5. NEW BUSINESS

### 6. NEXT MEETING

Wednesday March 30, 2022 (as required).

### 7. ADJOURNMENT



### **BOARD OF VARIANCE MINUTES**

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

IN ATTENDANCE:	Trevor Burton, Chair Tom Fitzgerald
STAFF IN ATTENDENCE:	Colin Brown Planner Scott McRae, Manager of Development Services
APPLICANT:	Alex Ouimette, Applicant
PUBLIC:	0

### 1. CALL TO ORDER

At 5:11 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 September 22, 2021, be adopted as circulated.

### CARRIED

### 4. 1353 Cedar Lane

Planner Colin Brown presented a report summarizing the request 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

Village of Pemberton Board of Variance Meeting, January 26, 2022

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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.

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.

Alex Ouimette, Applicant, explained that he discovered the culvert when he was planning to build a garage in the back yard. The location selected was chosen to provide clearance from the garage and the house. Alex answered questions about the offset of the proposed building from the culvert.

No members of the public in attendance, so no questions from the public were received.

Moved/Seconded

**THAT** the Board of Variance approve the variance with no conditions. **CARRIED** 

## 5. NEW BUSINESS

Village staff confirmed another application has been received. A report and agenda will be prepared by staff and provided to the Board 1 - 2 weeks prior to the meeting.

### 6. NEXT MEETING

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

## 7. ADJOURNMENT

Moved/Seconded THAT the Board of Variance meeting be adjourned. CARRIED

At 5:38 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 January 26, 2022.

Chair – Trevor Burton





Date: February 23, 2022

From: Colin Brown, MCP, Planner II

Subject: 1775 Pinewood Street – Maximum Building Height

Applicant: Bryant Cook, Property Owner, 1775 Pinewood Street

### **PURPOSE**

The purpose of this report is for the Board of Variance to consider an application made by Bryant Cook to vary the maximum *Building Height* at 1775 Pinewood Street. The application is for the purpose of constructing a new *Detached Dwelling* on the property.

### BACKGROUND

The Applicant, Bryant Cook, has applied to the Board of Variance to vary the provisions for maximum *Building Height, Principal* in the *Village of Pemberton Zoning Bylaw No. 832, 2018,* ("Zoning Bylaw") in order to allow for the construction of a Detached Dwelling on the property located at 1775 Pinewood Street; STRATA LOT 56 DISTRICT LOT 211 LILLOOET DISTRICT STRATA PLAN KAS 1994 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1, PID 025-706-101. The request seeks relief from the requirements of the Zoning Bylaw due to hillside slope conditions and to minimize impacts on the natural geological features, vegetation and habitat, while achieving an aesthetically pleasing design.

The property is located on the Pemberton Plateau, on the edge of the northeast facing slope and overlooks Den Duyf Park to the north.

### DESCRIPTION OF THE REQUESTED VARIANCE

The Application requests permission to increase the allowable *Building Height, Principal* from 10.5 metres to 10.93 metres in order to construct a proposed home. Building Height is measured from the lowest average natural or finished grade to the top of the flat portion of the roof.

The proposed home would be constructed using a cantilever design meant to minimize the impact on the natural features, flora and



Board of Variance 1353 Cedar Lane February 23, 2022 Page 2 of 3

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

### ZONING BYLAW NO. 832, 2018

In the Zoning Bylaw, Residential 1 (R-1) zone, section 11.1.4 i) establishes the *Maximum Building Height, Principal* at 10.5 metres.

The Zoning Bylaw defines *Height* – means, in respect to a building or structure, the vertical distance between the building grade and the highest point of a structure of a flat roof, of the midpoint of a sloping roof, measured in accordance with section 4.4 of the Zoning Bylaw. Section 4.4 goes into more detail on measurements for various roof types including domes, dormers, and other features commonly in a roof design. Section 4.4 is provided as **Appendix B**.

The proposed house in this application is unique with a slope from the highest point downward over the cantilevered portion. Section 4.4 of the Zoning Bylaw does not have a specific reference for this type of structure. With the massing of the building, it is staff's interpretation that the highest point should be used as the reference when measuring building height.

## 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.

Board of Variance 1353 Cedar Lane February 23, 2022 Page 3 of 3

### 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 1775 Pinewood Street to vary Section 11.1.4 i) of Zoning Bylaw No. 832, 2018 to increase the maximum Building Height, Principal from 10.5 metres to 10.93 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 of 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: <u>www.pemberton.ca</u>

Date of Application:	26/01/2022	2			VOP	File Number				notice ( ).
APPLICANT INFORMA	TION:				_ VOF I	-lie Number.				
Name Bryant Cook				Post	al Addres	se.				
Phone:					170	3 Wishbone	CRT			
Fax:					Per	mberton, VON	12L3	1		
Cel:		-		Ema	il:					-
REGISTERED OWNER	INFORMA	TION:		· · · · · · · · · · · ·						
Name: Bryant Cook	& Ruth W	eaver		Post	tal Addres	5S:				
Phone:					170	3 Wishbone	CRT			
Fax:					Per	mberton, BC,	VON	2L3		
Cel				— Ema	ail·					-
PROPERTY INFORMA	TION:		1. 1905 Jahr			an a				Numeric
Civic Address:			Lega	I Descrip	tion:	Strata Lot 56	, Dis	strict Lot	211	
1775 Pinewood Street			Zonir	na Desiai	nation:	RS-1				
Pemberton, BC Bylaw to			to be va	aried:	11.1.4					
V0N 2L1					Maxium Bui	ilding	g Height,	Principal		
DESCRIPTION OF VAR	IANCE RE	QUESTE	D:		All and a second second					
To vary section 11.1.4	of the VO	P Zoning	g Byla	w 832, 20	018 to all	ow for a build	ding	height gr	eater that	n
10.5m to a maximum	of 10.93m.									
APPLICATION CHECK	LIST:			Site	Plan		N	Ve 🗆	No 🗖	NI/
Application Fee	X Yes			Prop	erty Within Reserve	n Agricultural		Yes X		N/
Authorization Form	Yes	No	XN	I/A Prop	erty Subje	ct to		Yes X	No 🗌	N/
Rationale for Variance	X Yes	□ No		I/A Prop	erty Adjac	ent to	X	Ye 🗌	No 🗍	N/
	_		_	Resid	iential Pro	perties				
I, Bryant Cook	ini s name		h	erehv all	ow for the	e nurnoses o	f this	applicat	ion, any	
member(s) of the Boar	rd of Varia	nce to v					ince	e upon re	quest.	
	Mara tan 1		For O	ffice Use	Only				No. No.	
				Pros	noro No :					
Roll No.:	and the second state of the	and a state of the second second second	as hat the shares in the		spero no	A State of the sta	and the second second	The state of the second second	and the she and the	12 10 10 10 10

Created Sept 2011

### 1775 Pinewood Avenue, Lot 56, The Plateau Letter to the Board of Variance

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

Dear Board of Variance

The purpose of this letter is to outline the rationale for the request of a height variance to build our home at 1775 Pinewood Avenue.

Part 11.1.4 of the VOP Zoning Bylaw 832 restricts the maximum building height from grade to 10.5m

Great care was taken to design a home that has minimal impact on the landscape and enhance the natural features of the site while working within the building code and bylaw restrictions

VOP Hillside Development Vision is to develop an environmentally sensitive, functionally appropriate and aesthetically pleasing building. By minimising the building foundation of our home through the use of a cantilever, we have been able to reduce site excavation and disturbance causing minimal loss of existing natural geological features and flora present. At the same time we believe that by following the step contour of the site we have not only produced an aesthetically pleasing design but one that enhances this challenging site.

Unfortunately, due to a difference in the interpretation of the bylaw regarding how to determine natural grade height from which to measure maximal building height. The VOP believes that our design exceeds 10.5m and has suggested that we seek a variance.

Without the provision of a height variance, we would need to erect a large concrete retaining wall to raise the minimum average grade as interpreted by the VOP. This not only will have no effect on the finished height of the structure it will also be in contradiction to the Hillside Development Vision. Erection of a wall will cause major delays and cost obstructions towards getting our home built, with no engineering advantage or visual enhancement of the site.

For the above mentioned reasons we are seeking a variance to Bylaw 832 part 11.1.4 to increase the maximum allowable building height from 10.5m to 10.93m.

For the committee's reference, please see 2 photos of homes in the neighbourhood that are clearly above 10.5m if the bylaw is interpreted as the VOP suggests. The first home is the neighbouring house to our site.





PART 3: Definitions

Grade, Building means, in relation to a building, or building height, the lowest of the average levels of grade of the natural grade or finished grade adjoining each exterior wall of a building, excluding localised depressions such as for vehicle or pedestrian entrances.

4.4 Building and Structure Height

(b) Height shall be measured by a vertical line from the building grade to the point of the roof structure determined by the roof type as follows:

ii. For sloped, pitched, butterfly, or gambrel roofs, height shall be measured to the mid-point between the top of the exterior wall to the highest point of the roof structure.

11.1.4. Building Regulations

i) Maximum Building Height, Principal: 10.5 m

Thank you for your time and consideration, Bryant and Ruth

celebration which is *permitted* as a non-farm use in the Agricultural Land Reserve in accordance with the regulations in section 7.12 of this Bylaw:

#### Golf Course

means the use of land for playing golf, consisting of a least nine holes, with each hole generally consisting of tees, greens, fairways and hazards, and the following accessory uses, buildings, and

- i. Club house (licensed Restaurant),
- ii. Pro shop (retail sales of golf equipment),
- iii. Driving range.
- iv. Putting green,
- v. Mini putt area, and vi. Golf Schools

### Grade, Building

means, in relation to a *building*, or *building height*, the lowest of the average levels of grade of the *natural grade* or *finished grade* adjoining each exterior wall of a *building*, excluding localized depressions such as for vehicle or pedestrian entrances.

#### Grade, Finished

means, in relation to a building or structure, the elevation of the ground surface, or the angled plane of a sloped lot, after develop

#### Grade, Natura

neans, in relation to a *building* or structure, the elevation of the ground surface, or the angled plane of a sloped lot, in its natural or semi-natural state, prior to any development.

#### Greent

means a building or structure covered with translucent material and used for the purpose of agriculture and horticulture

### Height

means with respect to a *building* or *structure*, the vertical distance between the *building grade*, and the highest point of the *structure* of a flat roof, or the mid- point of a sloping roof, measured in accordance with section 4.4 of this Bylaw.

#### Highway

means a public street, road, trail, *Lane*, bridge, trestle, any other public way or any other *land* or improvement that becomes or has become a *highway* as per the British Columbia *Transportation Act*.

#### Home Occupation

Village of Pemberton Zoning Bylaw 832, 2018

- (b) Height shall be measured by a vertical line from the building grade to the point of the roof structure determined by the roof type as follow
- i. For flat or domed roofs, height shall be measured to the highest point of the roof structure
- ii. For sloped, pitched, butterfly, or gambrel roofs, *height* shall be measured to the mid-point between the top of the exterior wall to the highest point of the roof structure.
- For roofs with dormers, *height* shall be measured to the mid-point between the top of the exterior wall forming the dormer and the highest point of the oof structure

### (c) For clarity:

- the maximum building height in a zone may vary according to the use of the building or structure, as specified in the zone;
- where the regulation refers to a specific type of *building* or *structure*, the regulation shall be applied to that type of *building* or *structure* only.
- (d) Despite the *height* regulations in any *zone* or regulation, the maximum *building height* may be exceeded for the following features, provided that portions of, or projections from, buildings or structures shall not exceed 18.0 m:
  - i Communication towers and antennas:
  - ii. Architectural feature such as a clock tower, water tower, etc. iii. Chimneys;
  - iv. Flag poles;
  - v. Elevator shafts:
  - vi. Stair and hose towers:
  - vii Micro-wind turbines: and
  - viii. Solar panels.
- (e) Agricultural buildings and structures constructed on land zoned Agricultural (A-1) are exempt from the building height requirement

### 4.5 Fence Height

(a) The height of a fence, wall or similar screen shall be determined by measurement from the ground level at the average natural grade level within 1.0 m of both sides of such fence, wall or similar screen

### 4.6 Density Calculation with Land Dedication

(a) When calculation of *density* involves the dedication of *land* to any government agency for environmental, *park*, or other public purpose, the *density* calculation shall be based on the area of the lot before dedication

### Village of Pemberton Zoning Bylaw 832, 2018

#### PART 11: Residential Zones, Detached

### 11.1 Residential 1 (R-1)

- 11.1.1. Permitted Principal Uses
- (a) Dwelling, Detached

- (a) Bed and Breakfast

#### 11.1.3. Lot Regulation

a)	Minimum Lot Size:	700 m <sup>2</sup>
b)	Minimum Lot Width:	18 m
.4.	Building Regulations	
a)	Minimum Principal Building Width:	7.6 m
b)	Minimum Front Setback:	6 m
c)	Minimum Rear Setback:	5 m
d)	Minimum Interior Side Setback (subject to Conditions of Use):	1.5 m
e)	Minimum Exterior Side Setback:	4.6 m
f)	Maximum Lot Coverage:	40%
g)	Maximum Number of Principal Buildings:	1
h)	Maximum Number of Accessory Buildings:	2

4.6 m	• MAXII
40%	
1	811
2	
10.5 m	
4.6 m	DESIG
	4.6 m 40% 1 2 10.5 m 4.6 m

### 11.1.5. Conditions of Use





PROJECT:

COOK WEAVER





VIEW FROM STREET WITH RETAINING WALL

## VIEW FROM DOWNHILL FROM EAST TO WEST

# PROJECT: COOK WEAVER RESIDENCE PEMBERTON

AAA PROJECT CODE:21PEM

1775 PINEWOOD DRIVE, Pemberton, BC VON 2L3, Canada

PETER ANDERSON DESIGN CONSULTANT

T 415.243.9500 F 415.520.9522



DATE: PHASE: PREPARED BY:

12/21/2021 CD Author

# REVISION ISSUE DATE

TOTAL SF: KEY PLAN:

RENDERINGS





VIEW FROM STREET FROM SOUTH TO NORTH



VIEW FROM STREET FROM WEST TO EAST

# PROJECT: COOK WEAVER RESIDENCE PEMBERTON

AAA PROJECT CODE:21PEM

1775 PINEWOOD DRIVE, Pemberton, BC V0N 2L3, Canada

PETER ANDERSON DESIGN CONSULTANT

T 415.243.9500 F 415.520.9522



DATE: PHASE: PREPARED BY:

12/21/2021 CD Author

# REVISION ISSUE DATE

TOTAL SF: KEY PLAN:

RENDERINGS

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	PETER ANDERSON DESIGN CONSULTANT
	T 415.243.9500 F 415.520.9522
	DATE: 12/21/2021 PHASE: CD PREPARED Yafei Li BY: # REVISION ISSUE DATE
EVERED DECK	TOTAL SF: KEY PLAN:
	FLOOR PLAN
3 A45	A 2.1





















Lot Size: 10288 ft/sq Allowable Coverage 40% Building Footprint 1554 ft/sq Proposed Coverage 15%













• MINIMAL GRADING IS REQUIRED. • REMOVE TOP INCHES OF ORGANIC MATTER WITHIN FOOTPRINT OF BUILDING AND EXPOSE NATIVE ROCK. • NATIVE ROCK SHALL SERVE AS CONSTRUCTION FOOTING--NO EXCAVATION ON DISTURBANCE OF ROCK SURFACE. SEE GEOTECHNICAL REPORT. • STRUCTURAL FLOOR SLAB SHALL BE SUPPORTED ON CONCRETE BUILDING PERIMETER WALLS. VOID BELOW SLAB MAY BE FILLED WITH FOAM OR LEFT VOID PER GEOTECHNICAL REPORT. • SMALL AMOUNT OF TOPSOIL REMOVED FROM HOUSE FOOTPRINT SHALL BE RELOCATED ON SITE FOR FRONT YARD

• NO CUT AND FILL OR TRANSPORT OF GRADING MATERIAL OFF SITE IS

PROJECT: COOK WEAVER RESIDENCE PEMBERTON
AAA PROJECT CODE:21PEM
1775 PINEWOOD DRIVE, Pembertor BC VON 2L3, Canada

PETER ANDERSON DESIGN CONSULTANT

T 415.243.9500 F 415.520.9522



DATE: PHASE: PREPARED BY:

12/21/2021 CD Author

# REVISION ISSUE DATE

TOTAL SF: KEY PLAN:

FINAL LOT **GRADING PLAN** 





2104 3- 52153	PROJECT: COOK WEAVER RESIDENCE
	PEMBERTON
	AAA PROJECT CODE:21PEM
	1775 PINEWOOD DRIVE, Pemberton, BC V0N 2L3, Canada
ET HUB 6888 1999 11.34	PETER ANDERSON DESIGN CONSULTANT
	T 415.243.9500 F 415.520.9522
	PRELIMINARY NOT FOR CONSTRUCTION
SET PKLP 6680	DATE: 12/21/2021 PHASE: CD PREPARED Yafei Li BY:
716.00 	# REVISION ISSUE DATE
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5108 24, 53	TOTAL SF: KEY PLAN:
	$ $ $\wedge$
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$(1) \frac{\text{SITE PLAN}}{1/8' = 1'.0'}$	A 1.2



• PRESERVE EXISTING NATIVE HILLSIDE VEGETATION AND LAND SURFACE TO MAXIMUM EXTENT POSSIBLE DURING • IN AREAS DISTURBED BY CONSTRUCTION, GRADE TO SMOOTHLY INTEGRATE INTO NATIVE LANDSCAPE. REPLANT WITH NATIVE VEGETATION TO FEATHER BACK INTO SURROUNDING NATIVE LANDSCAPE. • EXTERIOR LIGHTING TO BE CONCEALED, INDIRECT LED DOWNLIGHTS WITH NO LIGHT • ALL LANDSCAPE AND BUILDING SURFACES SHALL BE NATURAL CEMENT, NATURAL LOCAL GRAVEL, WEATHERED CORTEN STEEL, NATIVE

PROJECT: COOK WEAVER RESIDENCE PEMBERTON	
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TOTAL SF: KEY PLAN:	

LANDSCAPE PLAN 1 1/8" = 1'-0

LANDSCAPE PLAN



## **Appendix B**

## 4.4. Building and Structure Height

- (a) Where a *zone* or regulation establishes a maximum *height* for a *building* or *structure*, the *building* or *structure* shall be constructed no higher than the maximum *height* as determined by this Bylaw.
- (b) Height shall be measured by a vertical line from the building grade to the point of the roof structure determined by the roof type as follows:
  - i. For flat or domed roofs, *height* shall be measured to the highest point of the roof *structure*.
  - ii. For sloped, pitched, butterfly, or gambrel roofs, *height* shall be measured to the mid-point between the top of the exterior wall to the highest point of the roof *structure*.
  - iii. For roofs with dormers, *height* shall be measured to the mid-point between the top of the exterior wall forming the dormer and the highest point of the roof *structure*.
- (c) For clarity:
  - i. the maximum *building height* in a zone may vary according to the *use* of the *building* or *structure*, as specified in the zone;
  - ii. where the regulation refers to a specific type of *building* or *structure*, the regulation shall be applied to that type of *building* or *structure* only.
- (d) Despite the *height* regulations in any *zone* or regulation, the maximum *building height* may be exceeded for the following features, provided that portions of, or projections from, *buildings* or *structures* shall not exceed 18.0 m:
  - i. Communication towers and antennas;
  - ii. Architectural feature such as a clock tower, water tower, etc.;
  - iii. Chimneys;
  - iv. Flag poles;
  - v. Elevator shafts;
  - vi. Stair and hose towers;
  - vii. Micro-wind turbines; and
  - viii. Solar panel

(e) Agricultural buildings and structures constructed on land zoned Agricultural (A-1) are exempt from the building height requirements.