

## **BoV AGENDA**

## -BOARD OF VARIANCE

**Agenda** for the Board of Variance Meeting of the Village of Pemberton to be held *Thursday, May 2, 2019* at *5:00 PM* at 7400 Prospect Street.

	Total Pages
1. CALL TO ORDER	
2. MINUTES  Minutes of the April 10 <sup>th</sup> , 2019 BoV Meeting	3
<ul> <li>3. 1314 Eagle Drive (Lot 11, Benchlands - Phase 1C)</li> <li>To reduce the minimum required front setback from 6 meters to 5 meters (a difference of 1.0 m) to facilitate the siting of a detached dwelling.</li> <li>Report to BoV</li> </ul>	12
<ul> <li>4. 1320 Eagle Drive (Lot 8, Benchlands -Phase 1C)</li> <li>To reduce the minimum required front setback from 6 meters to 5 meters (a difference of 1.0 m) to facilitate the siting of a detached dwelling.</li> <li>Report to BoV</li> </ul>	10
5. NEXT MEETING	
6. ADJOURNMENT	



# **BoV MINUTES**

## **BOARD OF VARIANCE MINUTES**

**Minutes** for the Board of Variance of the Village of Pemberton April 10, 2019 at 5:00pm at 7400 Prospect Street, Pemberton, B.C.

IN ATTENDANCE: Niki Vankerk

**Drew Meredith** 

**REGRETS**: Al Leblanc

**STAFF IN ATTENDENCE:** Lisa Pedrini, Senior Planner

Faruq Patel, Chief Building Inspector

Gwendolyn Kennedy, Building & Planning Clerk

**APPLICANT/PUBLIC:** Ben Parnell, Owner/Applicant + 1

## 1) CALL TO ORDER

At 4:59 p.m. the meeting was called to Order.

## 2) MINUTES

Moved/Seconded

**THAT** the minutes of the Board of Variance meeting held January 17, 2019 be approved as circulated.

#### **CARRIED**

## 3) 1306 Eagle Drive (Lot 15, Benchlands, Phase 1C)

Variance Request: to reduce the minimum required front setback from 6 meters to 5 meters (a difference of 1.0 m) to facilitate the siting of a detached dwelling.

All surrounding properties were mailed details of the variance application. Other lot owners on Eagle Drive facing similar hardship have indicated their intention to apply for front set back variances.

Lisa Pedrini, Manager of Development Services, noted that the front set back in Zone R-1 was changed from 6.0 meters to 5.0 meters in July of 2018.

Ms. Pedrini provided details of the application, explaining the hardship arising from the presence of bedrock and the steep, upward sloping topography of the sites. 1306 Eagle Drive is further challenged by the specific fractures and faces

identified in the bedrock that currently contribute to slope stability. Granting of the variance would allow the home to be placed closer to the front of the lot and reduce the amount of excavation required and the corresponding disruption to the natural environment.

## DISCUSSION

Discussion focused on the recent change of the front set back from 6.0 meters to 5.0 meters in the R-1 Zone and the impact of this change on the lot owners on Eagle Drive.

Ms. Pedrini reminded the Board that the an applicant must prove hardship in order to be considered for a variance application, and noted that the Board's role is not to advise Council on legislative matters, but to evaluate variance applications.

The Board expressed some concern regarding the aesthetics of houses placed close to the road and the impact on parking for large vehicles. The Board agreed that the applicant faces a hardship due to the presence of bedrock and the sloping topography of the site.

## RESOLUTION

Moved/Seconded

**THAT** the Board of Variance approve the request to decrease the front setback from 6.0 meters to 5.0 meters for 1306 Eagle Drive.

**CARRIED** 

## 4) NEW BUSINESS

There was no new business.

## 5) NEXT MEETING

Lisa Pedrini, Manager of Development Services, will contact Board members to schedule the next meeting.

## 6) ADJOURNMENT

Moved/Second

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

**CARRIED** 

At 5:23 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 April 10, 2019.

Chair			



## MEMO BOARD OF VARIANCE

Date: May 2, 2019

From: Lisa Pedrini, Manager of Development Services

Subject: 1314 Eagle Drive – Front Setback Variance Request

Owner/

Agent: Andrew Lambrecht & Alison Megeney

## **PURPOSE**

This report provides an overview for the Board of Variance of an application submitted by the owners of the property located at 1314 Eagle Drive (Lot 11, Block F, DL 202, 8556 and 8680, LLD, Plan EPP72120), requesting a relaxation from the minimum front yard setback in the Zoning Bylaw. A location plan is shown below.

#### **LOCATION MAP**



#### **BACKGROUND**

Lots along the north side of Eagle Drive in the Benchlands (Phase 1C) are challenged due to the presence of bedrock and the steep, upward sloping topography of the sites. 1314 Eagle Drive (Lot 11) is located on land that slopes upward toward the rear setback.

Board of Variance 1314 Eagle Drive – Front Yard Setback Variance May 2, 2019 Page 2 of 4

The property is zoned R-1 as per the Village of Pemberton Zoning Bylaw No. 832, 2018 and has minimum required front setback of 6 m. At this time, the owners of lot 11 are seeking a relaxation from the Board of Variance due to the topography of their lot (steeply sloping uphill from front to back) for the siting of the detached dwelling.

The relaxation they are seeking is for the front lot line setback, for a principal building, from 6 m to 5 m. This will allow the home to be placed closer to the front setback, which will drastically minimize the amount of excavation of bedrock and the corresponding disruption to the natural environment) and improve site grading.

A notice regarding this application has been mailed to all neighbouring properties within 100 m of the property lines. At the time of writing this report, the Village received no comments from adjacent property owners were received.

#### **OPTIONS**

The Board of Variance in their consideration of this revision for 1314 Eagle Drive has the following options:

- (i) Approve the relaxation;
- (ii) Approve the relaxation with certain conditions;
- (iii) Reject the relaxation and request a 6 m setback as required.

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

#### Appendices:

**Appendix A** – Site Photos **Appendix B** – Application

## **APPENDIX A**



Lot 11 – looking North



Lot 11 – Looking Northwest

Board of Variance 1314 Eagle Drive – Front Yard Setback Variance May 2, 2019 Page 4 of 4



Lot 11 – Looking Northeast

# Village of PEMBERTON

## **APPENDIX B** RECEIVED

APR 05 2019

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

# Village of Pemberton BOARD OF VARIANCE APPLICATION

Date of Application:				VOP File Number:	
APPLICANT INFORMAT	ION:				
Name: Andrew L	ambred	nt		_ Postal Address:	
Phone: 604 894	-665	2		Box 949	
Fax:				Pemberton BC VON ZLO	
Cel: 604 698 9	6244			Email: andy @ lambrech + sur boards, co	s va
REGISTERED OWNER I	NFORMA	TION:			
Name: AndrewLamb	recht \$	Allison	Mereney	_ Postal Address:	
Phone: 604 894			3 1	Box 949	
Fax:			T08957414	Pemberton BC VON 2LO	
Cel: 604 698	-8244	l		Email: andye kurbrachtsnilboards, com	
PROPERTY INFORMAT		and the same			
Civic Address:			Legal De	PID 030-193-486 Description: Lot 11 Block F Pistroct Lots 8556 and ZOZ	
1314 Eagledrive	_		•	Designation: 2-1	
Pemberton BC		-		in Bylaw to be varied: Zoning Bylaw 832	
VON ZLO				The state of the s	
DESCRIPTION OF VARI	ANCE RE	QUESTE	D:		
				due to topo on Nor. I constraints we	
are requestion	Colon	, <b>L</b>	A +1.	ducto topographical constraints, we setback from 6m to 5m. (See	
affatched lette		arion	01 140	server from an issuitsee	
APPLICATION CHECKL		19 11 11 11 VO			
Certificate of Title	✓ Yes	□No		Site Plan Yes No N/A	
Application Fee	☐ Yes	□No		Property Within Agricultural	
			_	Property Subject to	
Authorization Form	☐ Yes	✓ No	∐ N/A	Riparian Area Regulations	
Rationale for Variance	✓ Yes	☐ No	□ N/A	Property Adjacent to Residential Properties  Yes No N/A	
I, Andrew bank cut hereby allow for the purposes of this application, any					
member(s) of the Board of Variance to view the property of the proposed variance upon request.					
			Ci	Sighathre	
	100		For Offic	ce Use Only	
Roll No.:		9		Prospero No.:	
Related Files:				Fee Submitted: \$ Receipt No.:	

Andrew Lambrecht/ Allison Megeney

Box 949

Pemberton, BC, Canada

V0N2L0

April 5, 2019

Attn: Village of Pemberton Board of Variance

We are owners of Lot 11 of the Benchlands development. We are applying for a variance to the new Zoning Bylaw No. 832 due to topographical constraints. We are requesting a relaxation of the setback from 6m to 5 m.

Our hardship here is that this is a steeply sloping site, only one front edge of the building is positioned at the 5m setback. This allows light into the main living spaces at the rear of the house and additional needed southern exposure without onerous rockstacking or retaining walls. Adequate space for parking in this scheme has been shown (the reason the setback was changed).

Please let us know if you have any questions. Thank you for your consideration.

Sincerely.

Allison Megeney and Andy Lambrecht

THE ATTACHED IS TO CERTIFY THAT ON SEPTEMBER 21, 2018 THE STATE OF THE TITLE TO THE LAND DESCRIBED THEREIN IS AS STATED AND IS SUBJECT TO THE NOTATIONS APPEARING THEREIN. THIS CERTIFICATE IS TO BE READ SUBJECT TO THE PROVISIONS OF SECTION 23(1) OF THE LAND TITLE ACT AS AMENDED AND THE LAND ACT SECTIONS 47, AND 52-57 (SEE R.S.B.C. 1979, CHAPTER 214).

"Ian T. Davis"

IAN T. DAVIS, for RACE & COMPANY LLP, Barristers & Solicitors, 301-37989 Cleveland Avenue PO Box 1850 Squamish, B.C. V8B 0B3 (604-892-5254)

#### TITLE SEARCH PRINT

Requestor: Tracy Sutherland

2018-09-21, 14:57:54

File Reference: 59145 dnb Declared Value \$280000

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

**Land Title District** 

**KAMLOOPS** 

Land Title Office

**KAMLOOPS** 

**Title Number** 

CA6949817

From Title Number

CA6156088

**Application Received** 

2018-07-24

**Application Entered** 

2018-07-26

**Registered Owner in Fee Simple** 

Registered Owner/Mailing Address:

ANDREW BRENT LAMBRECHT, CARPENTER

ALLISON MEGENEY, PHYSIOTHERAPIST

**BOX 949** 

PEMBERTON, BC

**V0N 2L0** 

AS JOINT TENANTS

**Taxation Authority** 

North Shore - Squamish Valley Assessment Area

Pemberton, Village of

**Description of Land** 

Parcel Identifier:

030-193-486

Legal Description:

LOT 11 BLOCK F DISTRICT LOTS 8556 AND 202 LILLOOET DISTRICT PLAN EPP72120

**Legal Notations** 

NONE

Charges, Liens and Interests

Nature:

**UNDERSURFACE RIGHTS** 

Registration Number:

KV141326

Registration Date and Time:

2003-11-14 14:38

Registered Owner:

THE CROWN IN RIGHT OF BRITISH COLUMBIA

Remarks:

**INTER ALIA** 

SEE KV141324 SEC 50 LAND ACT

Nature:

COVENANT

Registration Number:

KV141327

Registration Date and Time:

2003-11-14 14:38

Registered Owner:

THE CROWN IN RIGHT OF BRITISH COLUMBIA

Remarks:

**INTER ALIA** 

## **TITLE SEARCH PRINT**

File Reference: 59145 dnb Declared Value \$280000

2018-09-21, 14:57:54

Requestor: Tracy Sutherland

Nature:

STATUTORY BUILDING SCHEME

Registration Number:

KV141328

Registration Date and Time:

2003-11-14 14:38

Remarks:

INTER ALIA

Nature:

STATUTORY RIGHT OF WAY

Registration Number:

LA173939

Registration Date and Time:

2006-12-19 09:55

Registered Owner:

BRITISH COLUMBIA HYDRO AND POWER AUTHORITY

Remarks:

**INTER ALIA** 

Nature:

STATUTORY RIGHT OF WAY

Registration Number:

LA173940

Registration Date and Time:

2006-12-19 09:55

Registered Owner:

TELUS COMMUNICATIONS INC. INCORPORATION NO. A55547

INCONFO

Remarks:

**INTER ALIA** 

**Duplicate Indefeasible Title** 

NONE OUTSTANDING

**Transfers** 

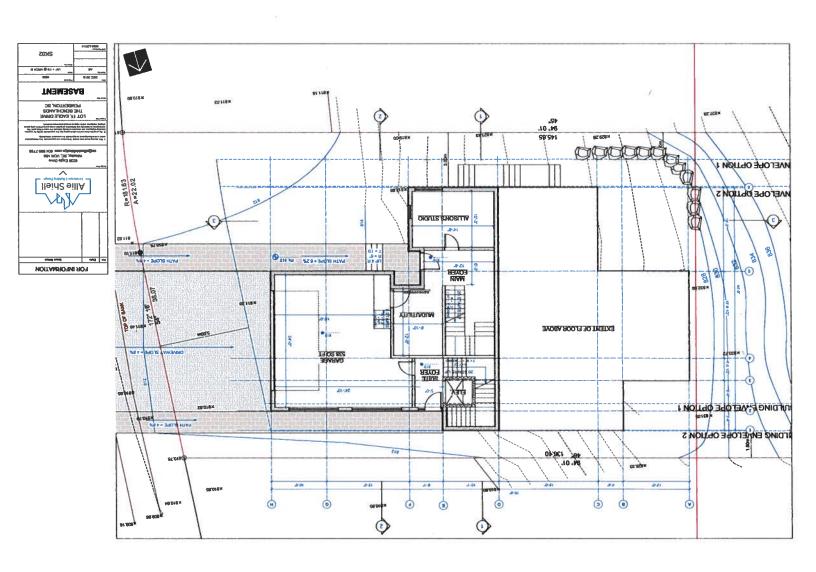
NONE

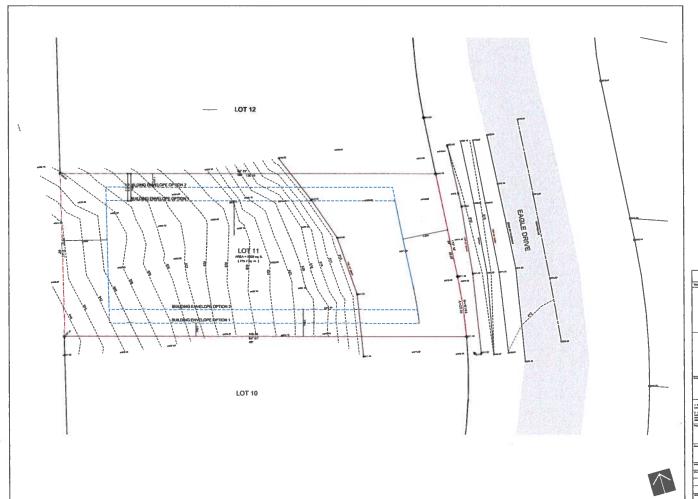
**Pending Applications** 

Title Number: CA6949817

**NONE** 

TITLE SEARCH PRINT Page 2 of 2











## MEMO BOARD OF VARIANCE

Date: May 2, 2019

From: Lisa Pedrini, Manager of Development Services

Subject: 1320 Eagle Drive – Front Setback Variance Request

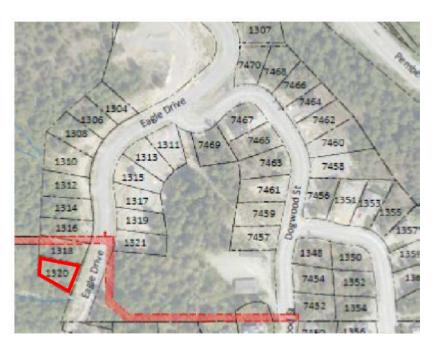
Owner/

Agent: Ryan Gold

## **PURPOSE**

This report provides an overview for the Board of Variance of an application submitted by the owners of the property located at 1320 Eagle Drive (Lot 8, Block F, DL 202, 8556 and 8680, LLD, Plan EPP72120), requesting a relaxation from the minimum front yard setback in the Zoning Bylaw. A location plan is shown below.

#### **LOCATION MAP**



## **BACKGROUND**

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The property is zoned R-1 as per the Village of Pemberton Zoning Bylaw No. 832, 2018 and has minimum required front setback of 6 m. At this time, the owners of lot 8 are seeking a relaxation

Board of Variance 1320 Eagle Drive – Front Yard Setback Variance May 2, 2019 Page 2 of 5

from the Board of Variance due to the topography of their lot (steeply sloping uphill from front to back) for the siting of the detached dwelling.

The relaxation they are seeking is for the front lot line setback, for a principal building, from 6 m to 5 m. This will allow the home to be placed closer to the front setback, which will drastically minimize the amount of excavation of bedrock and the corresponding disruption to the natural environment) and improve site grading.

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## Appendices:

**Appendix A** – Site Photos **Appendix B** – Application

## **APPENDIX A**



Lot 20 - Frontage looking West



Lot 20 – Looking Northwest

Board of Variance 1320 Eagle Drive – Front Yard Setback Variance May 2, 2019 Page 4 of 5



Lot 20 – Looking Southwest



Lot 20 - North Property Line

Board of Variance 1320 Eagle Drive – Front Yard Setback Variance May 2, 2019 Page 5 of 5



Lot 20 - South Property Line

## Appendix B



APR 1 1 2019

Box 100 | 7400 Prospect Street Pemberton BC V0N 2L0 P: 604.894.6135 | F: 604.894.6136 Email: admin@pemberton.ca Website:

## Village of Pemberton

Date of Application:	April	11,5	2019	VOP File Num	nber:				
APPLICANT INFORMAT	TION:	, /							
Name: Kyan	Gold	<u> </u>		Postal Address:					
Phone: 604 37	7 314	5		2226	o As	spen	Drive		
Fax:				Whis	of ler	E	. C.		
Cel:				Email: 1245	RYA	NJE	OLD	@ GM	AIL COM
REGISTERED OWNER	INFORMA	TION:							
Name:		· · · · ·		Postal Address:					
Phone:					#1				
Fax:									
Cel:	Ð			Email:	·				
PROPERTY INFORMAT	ION:								
Civic Address:			Legal De	escription: Lot 8	BLOCK	FL	035 85	56 AND	202
1320 Eagle Driv	e		Zoning [	Designation:	ו טופ	, LIC (	7-71	5 ETT 72	.120
Pemberton B.	<u>C</u> .		Section	in Bylaw to be varied:	E	CONT	SE	TBAC	K
VON 2LO						•			
DESCRIPTION OF VAR	IANCE RE	QUESTE	D:						
								· ·	
See Attack	ed								
0.20 2 20									
APPLICATION CHECKI						(pd	F)		
Certificate of Title	✓ Yes	☐ No		Site Plan		☐ Yes	☐ No	□ N/A	
Application Fee	Yes Yes	☐ No	/	Property Within Agricul Land Reserve	iltural	☐ Yes	☐ No	N/A	_
Authorization Form	☐ Yes	☐ No	V N/A	Property Subject to Riparian Area Regulation	tions	☐ Yes	E No	I N/A	58
Rationale for Variance	☐ Yes	☐ No	□ N/A	Property Adjacent to Residential Properties		V Yes	☐ No	□ N/A	
(Pa	4)			·					
1, Kyan Gol	d			by allow for the purpor				•	
member(s) of the Board of Variance to view the proposed variance upon request.									
Signature							I		
Dall Ma			For Offic	e Use Only					#11
Roll No.:				Prospero No.: Fee Submitted: \$2	7570	Opening	No.: 26	2008	
Neialeu Files.		<del></del>		_ ree Submitted: 🍑	XVV.	Receipt	IAO" OK	~~~ <i>U</i>	

Lisa Pedrini ext 234. L Pedrini @ pemberton.cn. BOARD OF VARIANCE APPLICATION CHEKLIST

1	Pre-A	pplication
(	V	Meet with the Manager of Development Services to review: bylaws, policies, regula-
	/	tions, and any special restrictions (Land Use Contract, development permits, restric-
		tive covenants, etc.)
		Review driveway access, road widening, service connection, etc. with a Certified
		Professional Engineer.  Have a clear understanding of the required variance being appealed to the Board.
	A II .	
	Applic	
		Complete Board of Variance Application form (can be obtained from the Village of-
		fice or online (www.pemberton.ca)
	닖	Letter addressed to the Board (photos optional)
		Floor plan (for existing and proposed) showing space uses and door and window
		locations
.4	$H \sim$	Elevation plans
10	$\Box$	Certificate of Tile (net older than 30 days) - may be obtained from the Village office
	ET .	for a \$20.00 fee
		Any documents registered on the title, covenants, easements, rights-of-ways, build-
		ing schemes, or design guidelines
K		Letter of Authorization (if required)
	Ш	Gepy of the Strata Council's approval for the proposed structure (for strata-owned
		properties)
	H	A non-refundable application fee of \$250.00, payable to the Village of Pemberton
		Site Plan, showing requested variance
		Lot measurements, width, length and area of lot
		<ul><li>Building envelope (based on the zoning bylaw required setbacks)</li><li>Identify adjacent roads, lanes streets, etc.</li></ul>
		Identify adjacent roads, raries streets, etc.  Identify all tree locations, size and species
		North arrow indicator
		Notificator
	For A	Il Existing Buildings
		Detailed dimensions of exterior width and length
	Ħ	Area of each floor and number of floors
	ليا	Trod of odor floor and hambor of floors
	For A	li Proposed Buildings
		Detailed dimensions of exterior width and length
		Area of each floor and number of floors
		Exterior stairs
		Heights (showing requested variance, if height variance is requested)
		Area of accessory buildings
		Include distance from any buildings, decks, garages, carports and sheds to all lot
		lines
	Let C	overage (in percentages)
		Lot coverage allowed
	H	Lot coverage required for existing structure
	H	Lot coverage required for proposed structure
	Ħ	Total lot coverage

## LAND TITLE OFFICE

## STATE OF TITLE CERTIFICATE

Certificate Number: STSR2505772

File Reference: C5897-1 Gold

MOUNTAIN LAW CORPORATION 200-1410 ALPHA LAKE ROAD WHISTLER BC VON 1B1

A copy of this State of Title Certificate held by the land title office can be viewed for a period of one year at <a href="https://apps.ltsa.ca/cert">https://apps.ltsa.ca/cert</a> (access code 172652).

I certify this to be an accurate reproduction of title number CA6667951 at 11:53 this 21st day of March, 2018.

**REGISTRAR OF LAND TITLES** 

Land Title District
Land Title Office

KAMLOOPS KAMLOOPS

Title Number

CA6667951

From Title Number

CA6156085

**Application Received** 

2018-03-08

**Application Entered** 

2018-03-12

**Registered Owner in Fee Simple** 

Registered Owner/Mailing Address:

RYAN JEFFREY GOLD, CARPENTER

TIA JAMIE GREGG, SERVER

2226 ASPEN DRIVE WHISTLER, BC

V0N 1B2

**AS JOINT TENANTS** 

**Taxation Authority** 

North Shore - Squamish Valley Assessment Area

Pemberton, Village of

#### LAND TITLE OFFICE

## STATE OF TITLE CERTIFICATE

Certificate Number: STSR2505772

**Description of Land** 

Parcel Identifier:

030-193-451

Legal Description:

LOT 8 BLOCK F DISTRICT LOTS 8556 AND 202 LILLOOET DISTRICT PLAN EPP72120

**Legal Notations** 

NONE

Charges, Liens and Interests

Nature:

Registration Number:

KV141326

Registration Date and Time:

2003-11-14 14:38

Registered Owner:

THE CROWN IN RIGHT OF BRITISH COLUMBIA

**UNDERSURFACE RIGHTS** 

**INTER ALIA** 

Remarks:

SEE KV141324 SEC 50 LAND ACT

Nature:

COVENANT

Registration Number:

KV141327

Registration Date and Time:

2003-11-14 14:38

Registered Owner:

THE CROWN IN RIGHT OF BRITISH COLUMBIA

Remarks:

**INTER ALIA** 

Nature:

STATUTORY BUILDING SCHEME

Registration Number:

KV141328

Registration Date and Time:

2003-11-14 14:38

Remarks:

**INTER ALIA** 

Nature:

STATUTORY RIGHT OF WAY

Registration Number:

LA173939

Registration Date and Time:

2006-12-19 09:55

Registered Owner:

BRITISH COLUMBIA HYDRO AND POWER AUTHORITY

Remarks:

**INTER ALIA** 

Nature:

STATUTORY RIGHT OF WAY

Registration Number:

LA173940

Registration Date and Time:

2006-12-19 09:55 TELUS COMMUNICATIONS INC.

Registered Owner:

**INCORPORATION NO. A55547** 

**INTER ALIA** 

Remarks:

**Duplicate Indefeasible Title** 

NONE OUTSTANDING

**Transfers** 

NONE

**Pending Applications** 

NONE

This certificate is to be read subject to the provisions of section 23(2) of the Land Title Act(R.S.B.C. 1996 Chapter

## \*\*\*REPRINT OF\*\*\* RECEIPT RECORD



Village of Pemberton PO Box 100 7400 Prospect St Pemberton, BC VON 2L0 Phone No.: (604)894-6135 Fax No.: (604)894-6136 RECEIVED

APR 1 1 2019

Village of Pemberton

Payment Total 250.00

DEBIT 250.00

NAME: RYAN GOLD

AUTHORIZATION CODE: 3101

NOTES: 1320 EAGLE DR FRONT SET BACK

Change 0.00

11-Apr-19 D:000005419 MMCGEE 15:31:56 B:2019041101 R:0000022008