

## -BOARD OF VARIANCE-

**Agenda** for the Board of Variance Meeting of the Village of Pemberton to be held Thursday, June 18, 2019 at 5:00 PM at 7400 Prospect Street.

		Total Pages
1.	CALL TO ORDER	
2.	MINUTES	3
	Minutes of the May 2, 2019 Board of Variance Meeting	
3.	EAGLE DRIVE 1301, 1303, 1305 AND 1307 (BENCHLANDS LOTS 18, 17, 16 & 15)	19
	Report to BoV:	
	a) 1301, 1303, 1307 Eagle Drive (LOTS 18, 17 & 15, DL 202, PLAN KAP76833)	
	To reduce the minimum required front setback on each lot from 6 m to 5m facilitate the siting of a detached dwelling.	to
	b) 1305 EAGLE DRIVE (LOT 16, DL 202, PLAN KAP76833)	
	To reduce the minimum required front setback from 6 m to 3 m to facilitate the siting of a detached dwelling.	

- 4. NEXT MEETING
- 5. ADJOURNMENT



# **BOARD OF VARIANCE MINUTES**

**Minutes** for the Board of Variance of the Village of Pemberton May 2, 2019 at 5:00pm at 7400 Prospect Street, Pemberton, B.C.

IN ATTENDANCE:	Niki Vankerk Drew Meredith
REGRETS:	AI LeBlanc
STAFF IN ATTENDENCE:	Lisa Pedrini, Senior Planner Faruq Patel, Chief Building Inspector Gwendolyn Kennedy, Building & Planning Clerk
APPLICANT/PUBLIC:	Andrew Lambrecht, Applicant Ryan Gold, Applicant

## 1) CALL TO ORDER

At 4:58 p.m. the meeting was called to order.

## 2) MINUTES

Moved/Seconded **THAT** the minutes of the Board of Variance meeting held April 10, 2019 be approved as circulated. **CARRIED** 

# 3) 1314 Eagle Drive (Lot 11, 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 properties within 100 meters of the lot were mailed details of the variance application. No responses were received.

Lisa Pedrini, Manager of Development Services provided details of the application, noting that the two applications to be presented at this meeting are similar to the application approved at the April 10, 2019 Board of Variance Meeting. Both lots are on the west side of Eagle Drive where the land slopes

steeply upward from the front of the lot to the back. The presence of bedrock increases the hardship. A relaxation in the front setback from 6 meters to 5 meters would significantly reduce the excavation needed.

Ms. Pedrini noted that the neighboring house on the north side at 1312 Eagle Drive conforms to the 5 meter front setback as it was built prior to adoption of the amendment to Zoning Bylaw No. 832, 2018 that increased the front setback in the R-1 Zone to 6 meters.

Board members examined the house plans and noted that the second storey over the garage is set back from the first, reducing the visual impact of the mass of the building when viewed from the street.

#### 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 1314 Eagle Drive.

#### CARRIED

#### 4) 1320 Eagle Drive (Lot 8, 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 properties within 100 meters of the lot were mailed details of the variance application. No responses were received.

Ms. Pedrini noted that 1320 Eagle Drive is the last lot on the west side of Eagle Drive and there are no neighbours on the south side. No building permit has been received for the lot on the north side at 1318 Eagle Drive. The lot owners have been informed of this variance request.

Board members examined the house plans and observed that the master bedroom is sited at the 5 meter setback line and that there is a deck on this level.

## 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 1320 Eagle Drive.

## CARRIED

Village of Pemberton Board of Variance Meeting May 2, 2019 3

#### 5) NEW BUSINESS

There was no new business.

## 6) NEXT MEETING

Variance applications are expected to be received from the four lots located on the lower section of Eagle Drive. A meeting will be scheduled once the applications have been received.

#### 7) ADJOURNMENT

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

At 5:10 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 May 2, 2019.

Chair



# REPORT TO BOARD OF VARIANCE

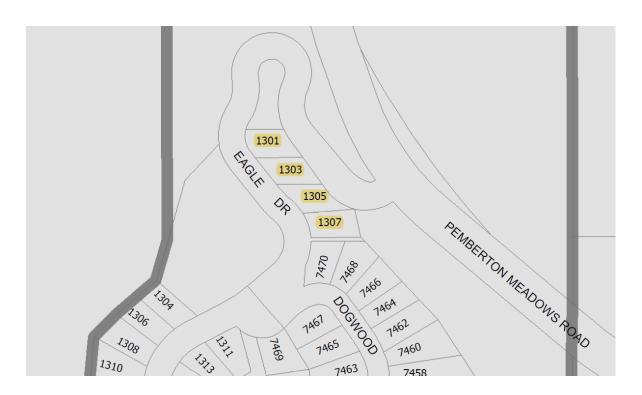
Date:	June 18, 2019
From:	Lisa Pedrini, Manager of Development Services
Subject:	1301, 1303, 1305, 1307 Eagle Drive - Front Setback Variance Request
Owners/ Agent:	Greg Dziedzic, Agent

#### PURPOSE

This report provides an overview for the Board of Variance of an application submitted by Greg Dziedzic, owner of the property located at 1305 Eagle Drive and agent for the owners of the properties located at 1301, 1303 and 1307 Eagle Drive (**Appendix A**). The variance request for all four properties has been presented as one application as the properties are adjacent to one another and face similar hardship due to the topography of the lots.

The property owners are requesting a relaxation from the permitted front lot line setbacks in Zoning Bylaw No. 832, 2018. A location map depicting the location of the subject properties is shown below.

#### LOCATION MAP



Board of Variance 1301 – 1307 Eagle Drive June 18, 2019 Page 2 of 3

#### BACKGROUND

The subject properties, 1301, 1303, 1305 and 1307 Eagle Drive, are located on the switchback of Eagle Drive and are challenged by the presence of bedrock, the steep sloping topography of the sites which becomes steeper toward the rear of the lots, and the presence of a rock cliff that runs along the rear of the properties. The properties are zoned R-1 as per Village of Pemberton Zoning Bylaw No. 832, 2019 and have a required front setback of six (6) metres.

The variance request consists of two parts:

**Part 1** applies to the properties located at 1301, 1303 and 1307 Eagle Drive. The owners are seeking a relaxation of the front setback, for a principal building, from 6 m to 5 m. The owners have noted that their lots were purchased in 2017 and building plans were drafted prior to the adoption of Zoning Bylaw No. 832, 2018, which increased the minimum front setback in the R-1 Zone from five (5) m to six (6) m. Complying with the new six (6) m front setback requirement would necessitate plan revisions and would impose significant hardship due to the steep sloping topography of the lots. The granting of the front setback relaxation would allow the homes to be placed closer to the front lot line and would allow the owners to build according to their existing building plans.

**Part 2** applies only to the property located at 1305 Eagle Drive. The owner (agent) is seeking a relaxation of the front setback, for a principal building, from 6 m to 3 m, due to hardship resulting from the steep topography of the lot, the full impact of which became apparent only after excavation for construction of the mechanically stabilized engineered wall (Sierra Wall) had begun, and further hardship resulting from the need to accommodate a 6" sewer pipe within a three (3) m easement that crosses the rear of the property. Due to the need to construct the Sierra Wall closer to the front of the lot than anticipated, three corners of the house, representing approximately 75 square feet of floor area, encroach into the five (5) m front setback line. The site plan shows that space has been allowed for the required parking. Significant costs would be incurred for redesign of the house should the requested relaxation not be granted.

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 had received no comments from any of the neighbouring property owners.

## OPTIONS

The Board of Variance in their consideration of the application for 1301, 1303, and 1307 Eagle Drive to vary the front lot line setbacks from six (6) m to five (5) m has the following options for each property:

- (i) Approve the variance;
- (ii) Approve the variance with conditions; or

(iii) Reject the variance.

The Board of Variance in their consideration of the application for 1305 Eagle Drive to vary the front lot line setback from six (6) to three (3) m has the following options:

- (i) Approve the variance;
- (ii) Approve the variance with conditions; or
- (iii) Reject the variance.

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: Application Packages

	APPENDIX A
	RECEIVED Box 100   7400 Prospect Street
Village of PEMBERTON	MAY 16 2019 Pemberton BC V0N 2L0 P: 604.894.6135   F: 604.894.6136 Email: admin@pemberton.ca Website: www.pemberton.ca
BOARD OF V	ARIANCE APPLICATION
Date of Application: 16 May 2	VOP File Number: BOV 2019-06
APPLICANT INFORMATION:	
Name: Gres DZIEDZIC	Postal Address:
Phone: 604 868 6334	7 - 7416 Flint St.
Fax:	Pemberton, B.C. VON 2L1
Cel: 604 868 6334	Email: gregdz99 & gmail.com
REGISTERED OWNER INFORMATION:	
Name: Greg/ Diane Dzie	Postal Address:
Phone: 6048686334	7-7416 Flint St.
Fox Diane col: 604 916 6815	Pemberton, B.C. VON 2L)
Cel: 604 868 6334	Email: gregdz 99@ gmail.com
PROPERTY INFORMATION:	
Civic Address: 1305 Eagle Dr. Pemberton 1307 Eagle Dr. Pemberton 1303 Eagle Dr. Pemberton 1301 Eagle Dr. Pemberton	Legal Description: LOT 15, 16, 17, 18 DISTRICT LOT 202 LILLOOGT DISTRICT PLAN KAP 76833 Zoning Designation: <u>RS-1</u> (now RID Section in Bylaw to be varied: Front Set Back relaxed from 6.0m. Bylaw 832
DESCRIPTION OF VARIANCE REQUESTE	
Please refer to the attac	hed letter that outlines the request;
Part 1 relax FRONT	SETBACK DIMENSION to 5.0m
Part 2 relax FRON	TSETBACK DIMENSION to near 3,0m
APPLICATION CHECKLIST:	
Certificate of Title Yes No	Site Plan  Yes No N/A Property Within Agricultural
Application Fee Yes No	Land Reserve
Authorization Form	□ N/A Property Subject to □ Yes ☑ No □ N/A Riparian Area Regulations
Rationale for Variance 🗹 Yes 🗌 No	□ N/A Property Adjacent to Residential Properties ✓ Yes □ No □ N/A
, Grag Dziedzic	hereby allow for the purposes of this application, any
member(s) of the Board of Variance to v	view the second second variance upon request.
	For Office Use Only
Roll No.:	Prospero No.:
Related Files:	Fee Submitted: \$ Receipt No.:
and the second	

٤.

F:\Development Services\3-Development Services-General Files\Committees\Board of Variance\Board of Variance Application.doc Created Sept 2011 Greg Dziedzic 7-7416 Flint St Pemberton, BC VON 2L1

14 May 2019

Village of Pemberton PO Box 100, 7400 Prospect St Pemberton, BC VoN 2Lo

# Attention: VoP Board of Variance

I represent the owners of Lots 15, 16, 17, 18 of the Phase 1 Development of the DISTRICT LOT 202, Lillooet District Plan KAP 76833. Attached is a Board of Variance Application along with the Owner's Authorization of Agent (Form C) for the purpose of this group application affected by the VoP Bylaw No. 832.

There are two parts to this request; **Part 1** is related to the recent changes to the front setback measurement of 6.0m; and **Part 2** is related to Lot 16 and the constraints realized near the end of the site preparation phase of the lot.

**Part 1** - We request the front setback of 6.0m is relaxed to 5.0m due to topographical constraints and to the purchase process that completed in 2017 that detailed the 5.0m front setback in the VoP Zoning Bylaw for RS1 single detached houses.

The four hardships experienced by each of the owners are,

- the construction on the steep and deep topography of the lots (the further back the house is sited the steeper the lot becomes),
- the rock cliff which is part of each lot (east, rear, of these properties),

- each of the owners' house plans are published already to fit the houses on the respective lots; respectful of the 5.0m front setback requirement (and all other setback requirements), and
- the considerable costs that would be borne by the owners to redesign each of their houses (note that two house designs have passed through the Developer's Architect Review and one already has a Building Permit)

While the only lots that are within 100m of these properties are these of the four owners in this application, and the owners all agree to approach the Board collectively for this Variance, we trust that the Board agrees with the above request.

**Part 2** – I request the front setback of Lot 16 to be relaxed to near 3.0m due to topographical constraints and for the ability to provide a free and clear path across my Lot for the sewer pipe to service Lot 15. Please note that due to the site alterations already completed in preparation for the house foundation, the area at the rear of the house is too constrained for the planned deck and for the crossing of the 6in. Schedule 80 PVC sewer pipe. Also note that the house has been designed to respect the VoP Bylaws in effect in 2017/18 but during the construction of the Mechanically Stabilized Engineered wall (*Sierra Wall*) the toe of this *Sierra Wall* was set to the requirements of the Geo-Technical Engineer as per the observed topography and geology that was exposed during the initial excavation to bedrock. This all resulted with the following,

- a) the constructed Sierra Wall is located closer to the front property line than anticipated and this was not considered in the house design and site layout (the design stage preceded the permit phase and excavation),
- b) several recent meetings at site and at the VoP Office Building with VoP Officials, the Geo-Technical Engineer, and the owner/builder,
- c) three additional surveys to determine the house foundation and the deck support pads relative to the top edge of the *Sierra Wall*, and
- d) this application to relax the front setback measurement to 3.0m

My hardship includes the expense of the construction of the *Sierra Wall* only to discover the loss of rear property, at the basement construction elevation, due to the constraints of the topography and unknown geology (until exposed), and the engineering decisions that resulted. Please note that additional hardship would be experienced for the additional costs

of redesign and the subsequent changes to the supply contract that is current with AJIA Custom Homes of North Vancouver.

Note that there are three corners of the building that encroach the 5.0m front setback line and they cover approximately 75sqft (southwest corner of Garage Bay #1, southwest corner of Garage Bay #2, and the southwest corner of the Foyer/Front Entrance to the house). You will also notice that parking is adequate despite this adjustment to the house location on the site plan.

I have discussed my house plan and the contents of this Variance Application with each of the owners of Lot 15, of Lot 17, and of Lot 18 (the only neighbours within 100m of my property frontage), and they have no objections to this proposed adjustment. I only hope that the Board agrees and I continue with the construction of the foundation/basement/etc of our retirement home!

Please contact me at your earliest convenience if you have concerns or questions related either of **Part 1** or of **Part 2** of this application.

Thank you for your time and your consideration.

Sincerely,



Greg Dziedzic



# **OWNER'S AUTHORIZATION OF AGENT – FORM C**

Building Permit No.: BOV 2019-06

SITE

The undersigned registered owner of land in the Village of Pemberton legally described as:

Civic Address: 1301 EAGLE DAIVE	Legal Description PID: 026-10		Lot: 18
POMBERTON BC	District Lot (DL):		Plan: KAP76833
OWNER(S)			
Owner Name(s): SCOTT + MI LANGTRI		Home: Work:	
Mailing Address: 8313 VAULE WHISTLEA BC VBEC	M DR	Cell: Email:	
ACKNOWLEDGMENT			ALL STATES

Hereby authorizes:

Greg DZIEDZIC Name of Agent\*

- 1. To apply for and obtain as my agent a building permit in respect of the land from the Village of Pemberton under the provisions of Building Bylaw No. 694, 2012;
- 2. To provide to the Village of Pemberton, as my agent, all information and documents required by the bylaw for such an application; and,
- 3. To execute and deliver to the Village of Pemberton, as my agent, the document entitled 'Acknowledgement of Owner or Owner'

SCOTT LANGTRY		/	
MARNI LANGTRY	X		
Owners Name (PRINT)	Owner signature	Dute	

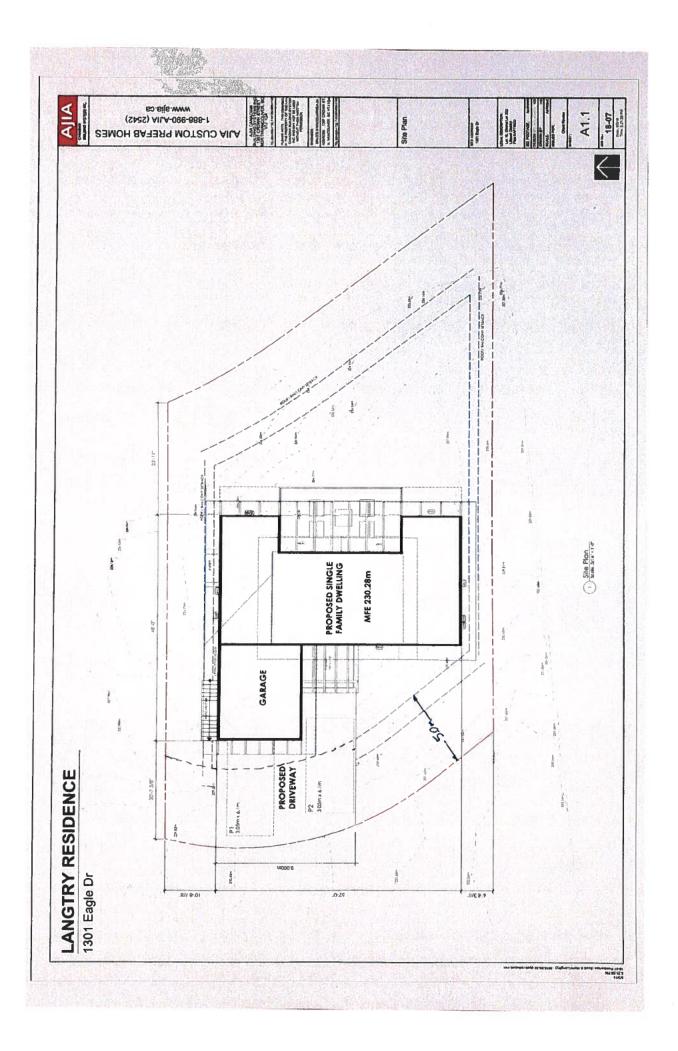
**\*NOTE:** An agent may not apply for or obtain a building permit on behalf of an owner without having provided a written authorization by the owner, in the form provided by the Village of Pemberton.

# Х

**Building Inspector Signature** 

Date

If more than one owner OR if owner is a company, please complete page over – Acknowledgement of Owner or Owner's Agent.



## Village of Pemberton **Re-print Receipt**

Batch ID

——Village of PEMBERTON—
- THOSE OF PEMIDERIUM

#### CR2010 Date : May 23, 2019

Page :1 Time :12:26 pm

Receipt No. :22304

201905230

atus: A

		S	tal
301			
	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		
	Item ID #0001 DPVAR : Development Variance GL : 01-1-256900-1500		
	10 250.00 250.00		
	Payment Subtotal         250.00           PST         0.00           GST 10698 5872         0.00		
	Payment Total 250.00		
	DEBIT 250.00 NAME: GREG DZIECZIC AUTHORIZATION CODE: 533957 NOTES: SCOTT & MARNI Change 0.00		
	23-May-19 11:52:10 D:0000005506 B:2019052301 AMENDOZA R:0000022304		

<end of receipt>



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

# **OWNER'S AUTHORIZATION OF AGENT – FORM C**

BOV 2019 06 **Building Permit No.:** 

SITE

(

The undersigned registered owner of land in the Village of Pemberton legally described as:

Civic Address:	Legal Descrip	tion:	
1303 Bagle Or	PID:		Lot: Lot 17
Remberton, B.C.	District Lot (	DL): 202	Plan: RAP76833
OWNER(S)			in and the second
Owner Name (strichard Q	kn Dif	Home:	
Ovancy Knort	en	Work:	
Mailing Address		Cell:	
Lubistler, O.C. USIE.	0778	Email:	
ACKNOWLEDGMENT			
Hereby authorizes: Gree	Dziedzi	c	

Name of Agent\*

- 1. To apply for and obtain as my agent a building permit in respect of the land from the Village of Pemberton under the provisions of Building Bylaw No. 694, 2012;
- 2. To provide to the Village of Pemberton, as my agent, all information and documents required by the bylaw for such an application; and,

		the document entitled
		-may 13,19
Owners Name (PRINT)	Owner Signature	Date

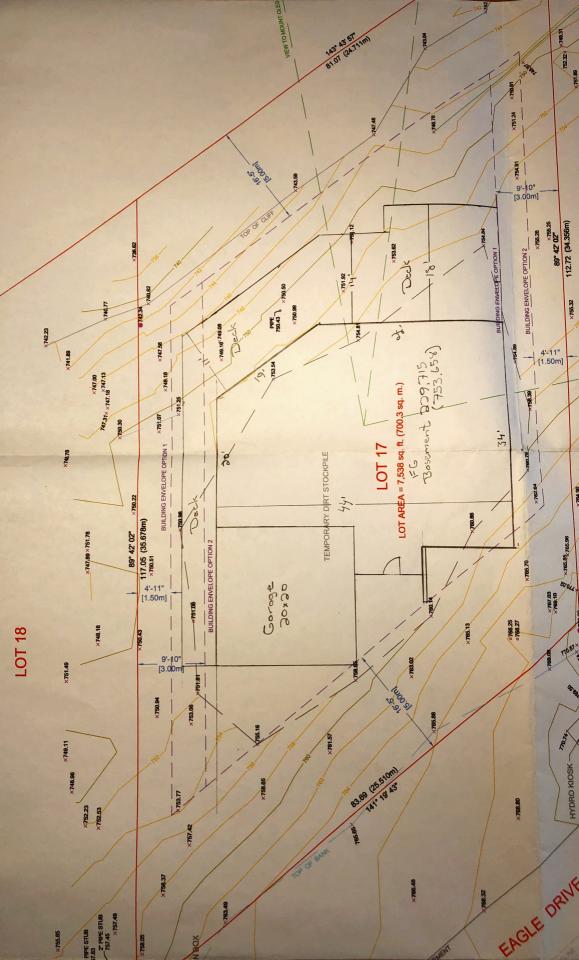
An agent may not apply for or obtain a building permit on behalf of an owner without having \*NOTE: provided a written authorization by the owner, in the form provided by the Village of Pemberton.

Х

**Building Inspector Signature** 

Date

If more than one owner OR if owner is a company, please complete page over -Acknowledgement of Owner or Owner's Agent.



# 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

--- Item ID #0001 ---DPVAR : Development Variance GL : 01-1-256900-1500 10 250.00 250.00 Payment Subtotal 250.00 PST 0.00 GST 10698 5872 0.00 \_\_\_\_\_ Payment Total 250.00 \_\_\_\_\_\_ 250.00 DEBIT NAME: GREG DZIEDZIX AUTHORIZATION CODE: 560058 NOTES: 1303 EAGLE DR Change 0.00

23-May-1912:34:39D:0000005506B:2019052301AMENDOZAR:0000022305



OWNER'S AUTHORIZATION OF AGENT – FORM C				
Building Permit No.:	BOV 2019-06			
SITE				
The undersigned registered owner of land in the Village of I	Pemberton legally described as:			
Civic Address: Legal Descriptio				
1307 EAGLE DRIVE PID: DZE	-109-557Lot: 15			
PEMBERTON District Lot (DL)	: 202 Plan: KAP 76833			
OWNER(S)				
Owner Name(s): GLENA + LORI ASHTON	Home:			
	Work:			
Mailing Address:	Cell:			
PEMBERTON, ON LOU LOU	Email:			
ACKNOWLEDGMENT				
Hereby authorizes: Gres DZIEDZIC Name of Agent				

- 1. To apply for and obtain as my agent a building permit in respect of the land from the Village of Pemberton under the provisions of Building Bylaw No. 694, 2012;
- 2. To provide to the Village of Pemberton, as my agent, all information and documents required by the bylaw for such an application; and,
- 3. To execute and deliver to the Village of Pemberton, as my agent, the document entitled 'Acknowledgement of Owner or Owner's Agen

**Owners Name (PRINT) Owner** Signature Date

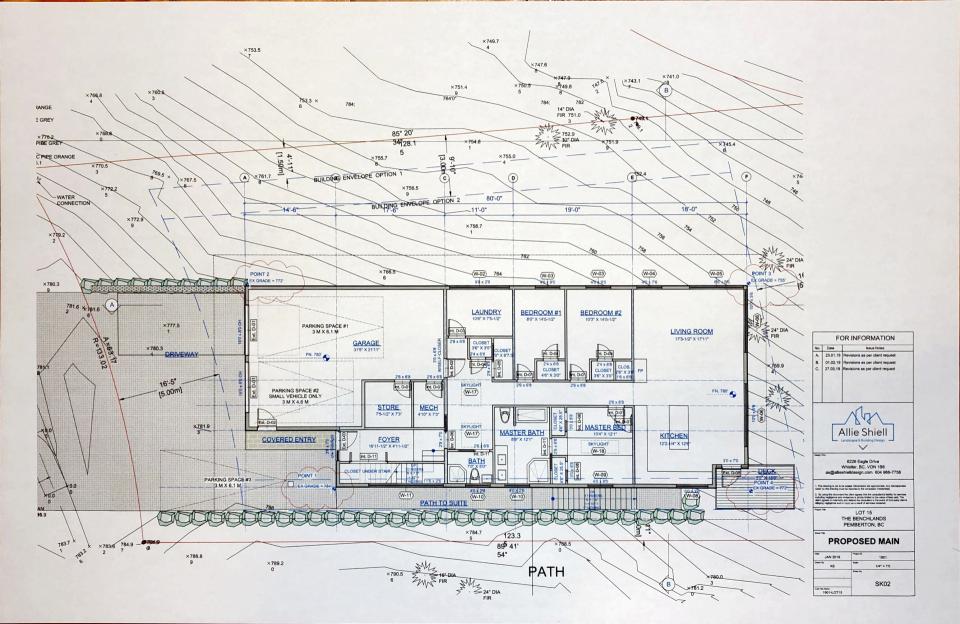
**\*NOTE:** An agent may not apply for or obtain a building permit on behalf of an owner without having provided a written authorization by the owner, in the form provided by the Village of Pemberton.

Х

**Building Inspector Signature** 

Date

If more than one owner OR if owner is a company, please complete page over – Acknowledgement of Owner or Owner's Agent.



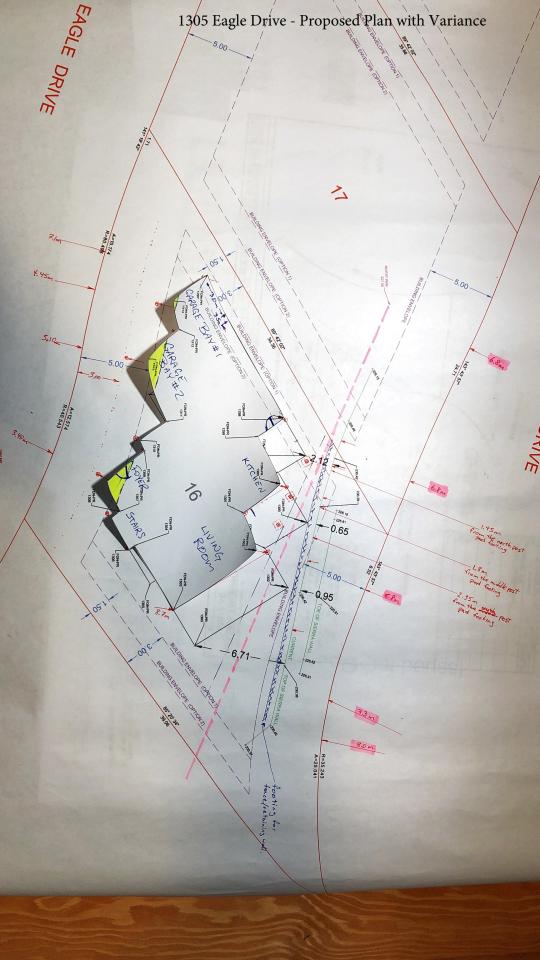
# RECEIPT RECORD

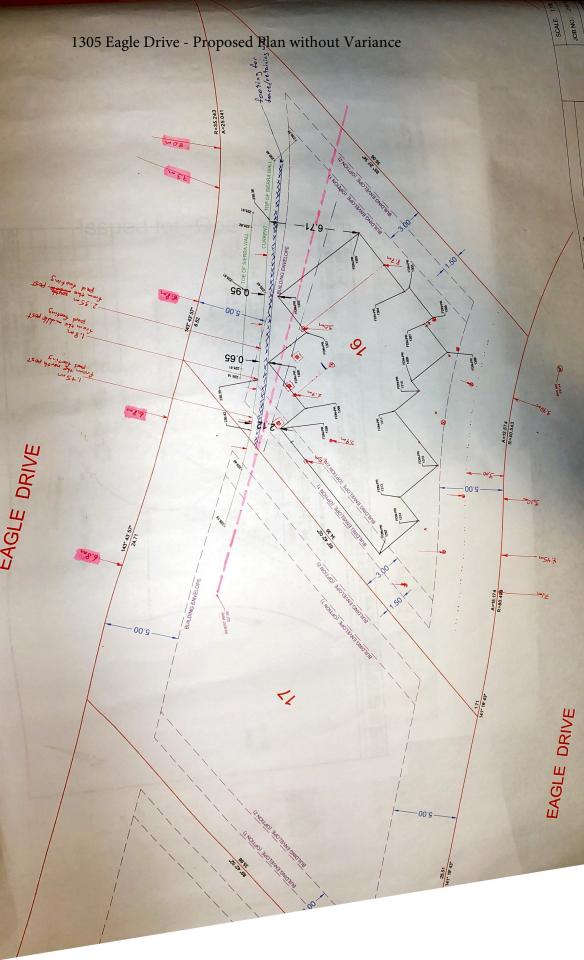
Village of PEMBERTON

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

--- Item ID #0001 \_\_\_ DPVAR : Development Variance GL : 01-1-256900-1500 10 250.00 250.00 Payment Subtotal 250.00 PST 0.00 GST 10698 5872 0.00 \_\_\_\_\_ 250.00 Payment Total ----CHEQUE 250.00 NAME: GLENN J ASHTON CHEQUE NUMBER: 126 NOTES: LOT 15 EAGLE DRIVE Change 0.00

21-May-19 D:0000005498 AMENDOZA 08:47:52 B:2019052101 R:0000022282





# RECEIPT RECORD



. . <sup>1</sup>

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

--- Item ID #0001 \_\_\_\_ DPVAR : Development Variance GL : 01-1-256900-1500 250.00 10 250.00 Payment Subtotal 250.00 PST 0.00 GST 10698 5872 0.00 \_\_\_\_\_ Payment Total 250.00 \_\_\_\_\_ 250.00 DEBIT NAME: GREG DZIEDZIC AUTHORIZATION CODE: 2057 NOTES: 1305 EAGLE DRIVE Change 0.00

17-May-19 10 D:000005495 B AMENDOZA R

16:25:12 B:2019051701 R:0000022281