THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

BOARD OF VARIANCE MEETING
OF THE VILLAGE OF LIONS BAY
JUNE 1, 2022 at 6:00 p.m.
AT 400 CENTRE RD. LIONS BAY, BC AND
VIA ZOOM VIDEO CONFERENCE

Link to join meeting: https://us02web.zoom.us/j/82932822212
To join via phone, dial 778-907-2071 - Meeting ID: 829 328 222 12

AGENDA

1. **Call to Order**

2. **Appointment of the Chair**
   THAT Morgan Gatto be appointed as the Chair of the Board of Variance Committee.

3. **Approval of the Agenda**
   THAT the June 1, 2022 Board of Variance agenda be approved, as presented.

4. **Approval of the Minutes**
   THAT the February 2, 2022 Board of Variance Meeting minutes be approved as circulated. (Page 2)

5. **Public Comments**

5. **New Business – Application to be heard** (Page 5)

   1)

Civic Address:	222 Panorama Place, Lions Bay, BC
Legal Description:	Plan 10595, DL 1575, Lot 24, Block 7
Owner:	Jeffrey and Shelley Browne
Request:	Approval sought for front yard setback of 7.6 meters to 1.525 meters to accommodate a detached garage in the front yard. Proposed building will be sited 1.525 meters from the front lot lone, therefore a relaxation of 6.075 meters is requested.

6. Public Questions & Comments

7. Adjournment

THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

BOARD OF VARIANCE MEETING
OF THE VILLAGE OF LIONS BAY
FEBRUARY 2, 2022 at 6:00 p.m.
AT 400 CENTRE RD. LIONS BAY, BC AND
VIA ZOOM VIDEO CONFERENCE

MINUTES

In attendance:

Board of Variance: Morgan Gatto (Chair)
Scott Gordon
David Lee

Staff: Karla Duarte (Recorder)

Public: 6

Applicant Representative: Kent Halex, Architect AIBC

1. **Call to Order**
   Morgan Gatto called the meeting to order at 6:02 p.m.

2. **Appointment of the Chair**
   Moved/Seconded
   THAT Morgan Gatto be appointed as the Chair of the Board of Variance Committee.
   CARRIED

3. **Approval of the Agenda**
   Moved/Seconded
   THAT the February 2, 2022 Board of Variance agenda be approved, as presented.
   CARRIED

4. **Approval of the Minutes**
   Moved/Seconded
   THAT the June 1, 2021 Board of Variance Meeting minutes be approved as circulated.
   CARRIED

5. **Public Comments**
   A. Kent Halex, Architect and Applicant Representative
      K. Halex commented on his correspondence that was presented to the Board of Variance, noting that he can elaborate on the information presented.

   B. David Tikkanen

D. Tikkanen commented on his opposition to the application, noting that the proposed variance would impact his view and the value on his home.

C. Kelly Aimers
K. Aimers commented on her opposition to the application, noting that she made changes to her home based on the current roof line and the proposed application, if approved, would block her views.

D. R. Marklund
R. Marklund commented on his concern of the duration of the construction project, noting that there is a project which has been ongoing for three years, which has been exhaustive to the neighbourhood.

5. New Business – Applications to be heard

1)

Civic Address:	115 Mountain Drive, Lions Bay, BC
Legal Description:	Lot 44, Block A, Plan 14452, DL 1814
Owner:	Amaringer Sarum, Jarolaw & Vanessa Janusz
Request:	Approval sought for Height Variance for a flat roof of 6.75 ft from Elevation Maximum Flat Roof Height of 729.95 ft to Elevation Maximum, Flat Roof Height of 736.70 ft Per Zoning Bylaw 520,2017 sec 7.8.1

The Board of Variance considered the application and was of the opinion that:
- consideration of hardship: maximizing property value, which was identified as the hardship in the application, is not considered hardship
- geotechnical challenges: no report presented
- Board of Variance jurisdiction: cannot relax anything for financial means
- Alternative ways to maximize square footage other than through height variance and stay within bylaws
- Improvements to the house would be preferable, proponent could come up with a solution and stay within bylaws

6. Public Questions & Comments

A. Kent Halex, Architect and Applicant Representative
K. Halex commented on the challenges with the site and the rocks on the surface, noting:
- he did not realize a geotechnical report would be necessary due to the amount of rocks presented on the site
- when originally built, house was limited to two stories due to the site
- design is mindful of limiting construction term
- had met with neighbours and mindful not to obstruct their views; comments on individual neighbour discussion

Decision

After considering the facts before it, and its role to determine whether there was undue hardship, the Board determined that the requested variance did not present undue hardship.

DRAFT

Moved/Seconded
THAT the Board of Variance does not approve the Height Variance for a flat roof of 6.75 ft from Elevation, Maximum Flat Roof Height of 729.95 ft to Elevation Maximum, Flat Roof Height of 736.70 ft as requested through the application from 115 Mountain Drive.

CARRIED

7. Adjournment

Moved/Seconded
THAT the meeting be adjourned.

CARRIED

DRAFT

Schedule "A"

RECEIVED
APR 21 2022

Village of Lions Bay
Board of Variance Application Form

I hereby apply for a hearing before the Board of Variance for:

LAND SUBJECT OF THE APPLICATION	
Street Address:	222 Panorama Place
Legal Description:	LOT 24, BLOCK 7, DISTRICT LOT 1575, PLAN 10595
Zoning:	RS1
OWNER/CONTACT INFORMATION	
Full Name(s) of Property Owner(s):	Jeffrey John Browne & Shelly Lynn Browne
Full Name of Owner's Authorized Representative (if applicable):	Same as owners
Address to Which Notices Should be Mailed:	PO Box [redacted] Lions Bay
Daytime Phone # of Owner or Authorized Representative:	[redacted]
Name of Person Who Will Represent Applicant at the Hearing:	Jeff Browne
TYPE OF APPLICATION (Complete Applicable Section)	
A. VARIANCE OF BYLAW RESPECTING SITING, SIZE OR DIMENSION OF A BUILDING OR STRUCTURE [s.540(a)(i)]	
Bylaw Name/Number & Section(s) from which relief is sought:	Dev. Bylaw No. 520 Part VII
Variance From (current requirement):	Front yard setback of 7.6 metres
To (new requirement requested):	Front yard setback to 1.525m metres
B. EXEMPTION FROM PROHIBITION OF A STRUCTURAL ALTERATION OR ADDITION TO A BUILDING OR STRUCTURE WITH A NON-CONFORMING USE [s.540(c) and s.531(1)]	
Bylaw Name/Number & Section(s) Which Previously Permitted Use:	
Bylaw Name/Number & Section(s) Which Resulted in Legal Non-Conforming Status:	

Continuing Non-Conforming Use:
Structural Alteration or Addition Desired: *Note: If alteration or addition will result in a structure contrary to current bylaw siting, size or dimension requirements, also complete Section A.*
C. APPEAL OF BUILDING INSPECTOR'S DETERMINATION OF DAMAGE TO NON-CONFORMING BUILDING [s.532(1) and s.544]
Date of Building Inspector's Determination (application must be filed within 30 days):
Summary of Building Inspector's Determination (copy attached):
Determination Requested of Board:
D. EXEMPTION TO RELIEVE HARDSHIP FROM EARLY TERMINATION OF LAND USE CONTRACT [s.543]
Bylaw Name(s)/Number(s) & Section(s) from which relief is sought:
Variance From (current requirement):
To (new requirement requested):
STATEMENT OF HARDSHIP (not required for Type C applicants)
I allege that compliance with either the bylaw or section 531(1) [strike one] would cause me hardship by: The steep terrain of the property, street frontage, the existing house location and its proximity to the property lines limits practical locations for a garage. These physical characteristics makes achieving both compliance with the setback regulations of the zoning bylaw and building a garage with a functional layout and access difficult and unreasonable. This hardship created is specific to the site and is created through no fault of the property owner. See attached letter. (attach additional pages if necessary)
TIME REQUIRED TO COMPLETE
Respecting Type A or B applications, the Board may specify a time for completion of the construction of the Building or Structure permitted by the minor variance or exemption, after

which the permission or exemption would terminate. If your application is permitted, when do you expect to complete the work?

ADDITIONAL INFORMATION/REASONS SUPPORTING THE APPLICATION

(Attach additional pages if required)

ATTACHMENTS

Fee and Title Documents:

- ☐ A Non-refundable application fee of $500.00 (cash or cheque), payable to the Village of Lions Bay.
- ☐ A Title Search Print dated within 30 days of the application and copies of all registered non-financial encumbrances noted thereon.

Drawings Which May be Required:

- ☐ A site plan showing the location of all Buildings and Structures, or proposed Buildings or Structures, on the subject property, preferably prepared and signed by a BC Land Surveyor A floor plan (for existing and proposed Buildings) showing space uses and door and window locations, preferably certified by an architect or structural engineer.
- ☐ A Building or Structure elevation plan preferably certified by an architect or structural engineer, including original and proposed alterations to site levels, if applicable.

Other Documents Which May be Required:

- ☐ A geotechnical engineer's report with respect to drainage, topography, and other geotechnical considerations.
- ☐ Explanatory materials and such other additional information as may be advisable in support of the application (eg: photographs, letters of support, etc.)

The Village Building Department may have some of the documents noted above – check first before ordering new. Further information may be required to enable the Board of Variance members to visualize the proposal and its relationship to the surrounding area. Approval, if given by the Board, is for the plans submitted. Changes to plans after the Board's decision will require a new application.

SIGNED BY ALL OWNERS ON TITLE ON APRIL (month) 21 (day), 2022 (year)

JUSTIN BROWNE [redacted] Shelley Bryce [redacted]

Note: Decisions of the Board of Variance regarding Type A, B or D applications are FINAL, other than an appeal to the BC Supreme Court in respect of procedure under the *Judicial Review Procedure Act*. Decisions regarding Type C applications may be appealed by the applicant or the Village of Lions Bay to the BC Supreme Court. Information in this application is subject to the *Freedom of Information and Protection of Privacy Act*.

IMPORTANT INFORMATION

On finding hardship, the Board may order a minor variance or exemption if it would not:

(a) result in inappropriate development of the site;
(b) adversely affect the natural environment;
(c) substantially affect the use and enjoyment of adjacent land;
(d) vary permitted uses and densities under the applicable bylaw; or
(e) defeat the intent of the bylaw.

An order of the Board must not:

(a) be in conflict with a registered *Land Title Act* Covenant;
(b) deal with a matter covered in a land use contract or permit;
(c) deal with a phased development agreement;
(d) deal with a floodplain specification under the *Local Government Act*; or
(e) apply to a heritage property.

April 12, 2022

Secretary of the Board of Variance

Village of Lions Bay

400 Centre Road

Lions Bay, BC

V0N2E0

RE: Request for Variance to Accommodate an Accessory Building/Garage at 222 Panorama Place – P.I.D. 009-255-109, Lot 24, Block 7, District Lot 1575, Plan 10595

Please accept this letter and application for a front yard setback variance to allow construction of a detached garage in the front yard. It requires a relaxation of the Zoning and Development Bylaw No. 520, 2017, Part VII front yard setback of 7.6 meters (approx. 25 feet) to 1.525 meters (5 feet). The proposed building will be sited 1.525 meters from the front lot line, therefore a relaxation of 6.075 meters is requested.

The steep terrain of the property, street frontage, the existing house location and its proximity to the property lines limits practical locations for a garage. These physical characteristics makes achieving both compliance with the setback regulations of the zoning bylaw and building a garage with a functional layout and access difficult and unreasonable. This hardship created is specific to the site and is created through no fault of the property owner.

The proposed garage will include similar attributes to the existing house to blend in with its surroundings, will be built on a similar grade to the existing asphalt parking area, will not be highly visible to neighboring properties due to its physical location and cedar hedge screening, will improve vehicle parking on the site and will provide a dry secure location for one vehicle and alleviate parking pressure on the very limited street parking available.

Sincerely,

[redacted]

Jeff Browne

222 Panorama Road

[redacted]

PROJECT DATA – ACCESSORY BUILDING (SINGLE VEHICLE GARAGE/PARKING), FRONT YARD VARIANCE

Civic Address

- 222 Panorama Place, Lions Bay, BC

Legal Description

- Lot 24, Block 7, District Lot 1575, Plan 10595, PID 009-255-109

Zoning

- RS1

AREA

- Lot Area 7968.6 S.F.
- Allowed Gross Floor Area (35%) = 2,789 S.F.
- Existing Gross Floor Area = 1,247 S.F.
- Allowed Maximum Accessory Building = 728 S.F.
- Proposed Accessory Building = 336 S.F.

PARCEL COVERAGE

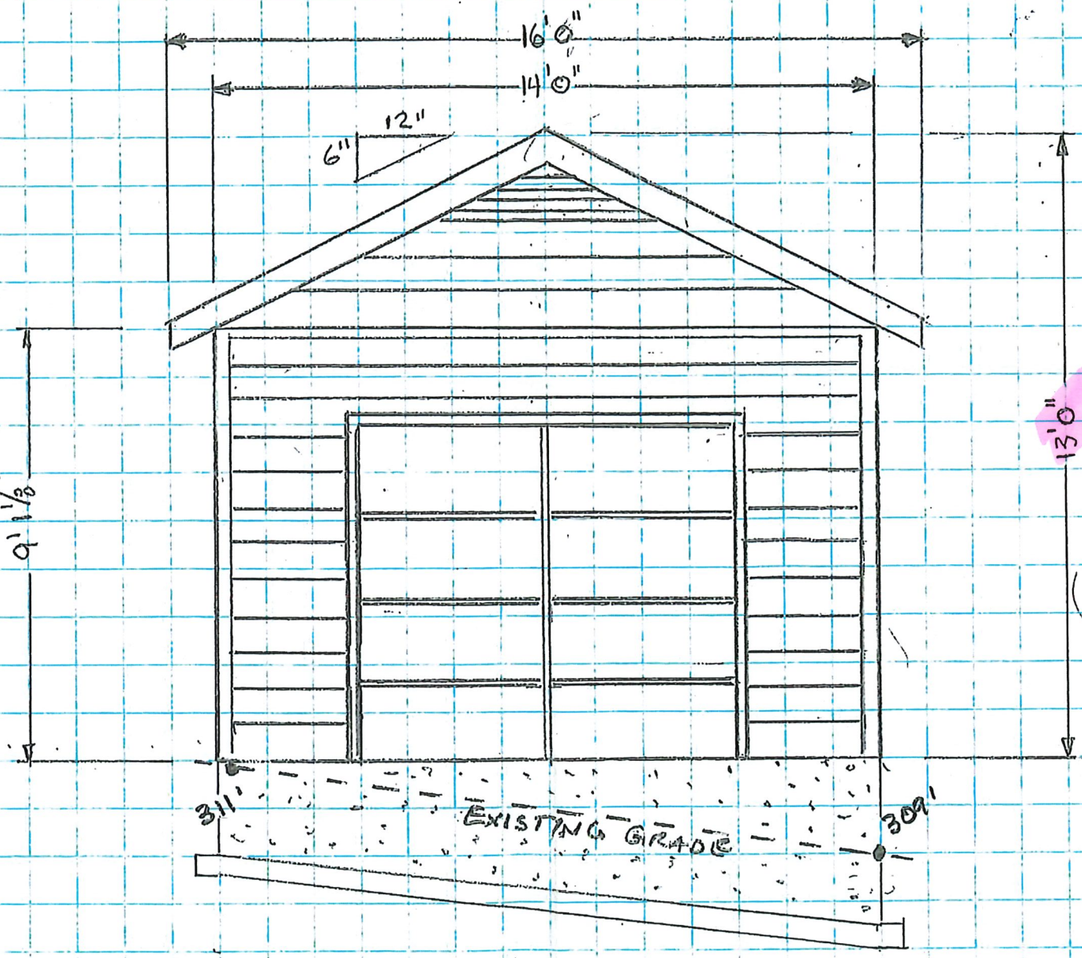
- Allowed parcel coverage (30%) = 2,390.6 S.F.
- Proposed building (house + proposed accessory building) coverage = 1,583 S.F.

HEIGHT

- Maximum height allowed for accessory building (pitch 6/12) = 15.25 Feet
- Proposed height of accessory building (lowest of AVG EX. to roof ridge) = 15.0 Feet

PROPOSED ACCESSORY BUILDNG SETBACKS

Setbacks	Allowed	Proposed
Front (East)	25.0 Feet	5.0 Feet (variance request from 25.0 Feet to 5.0 Feet)
Side (South)	8.0 Feet	13.0 Feet
Side (North)	8.0 Feet	33.0 Feet
Rear setback to main building		8.0 Feet



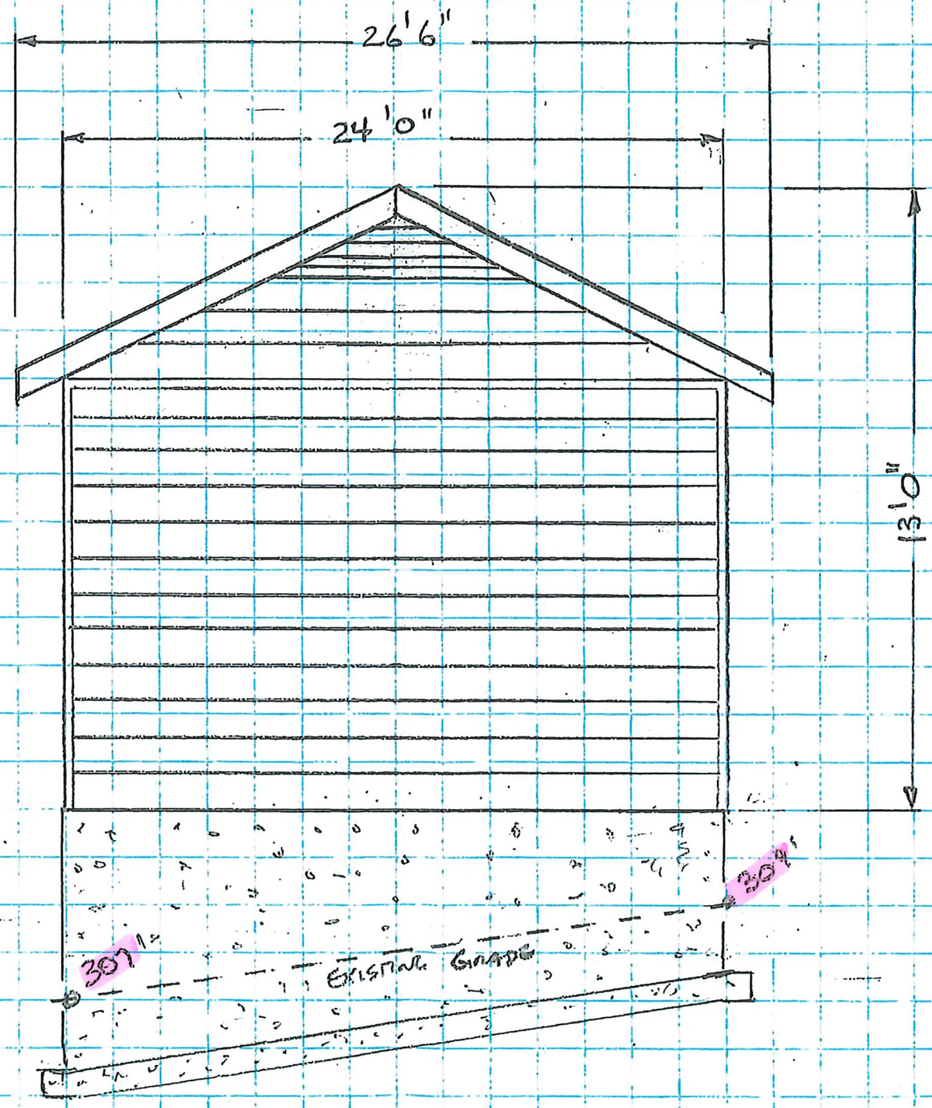
DETACHED GARAGE NORTH ELEVATION

ACCEPTED
By the Village of Lions Bay
Subject to B.C. Building Code (2018)

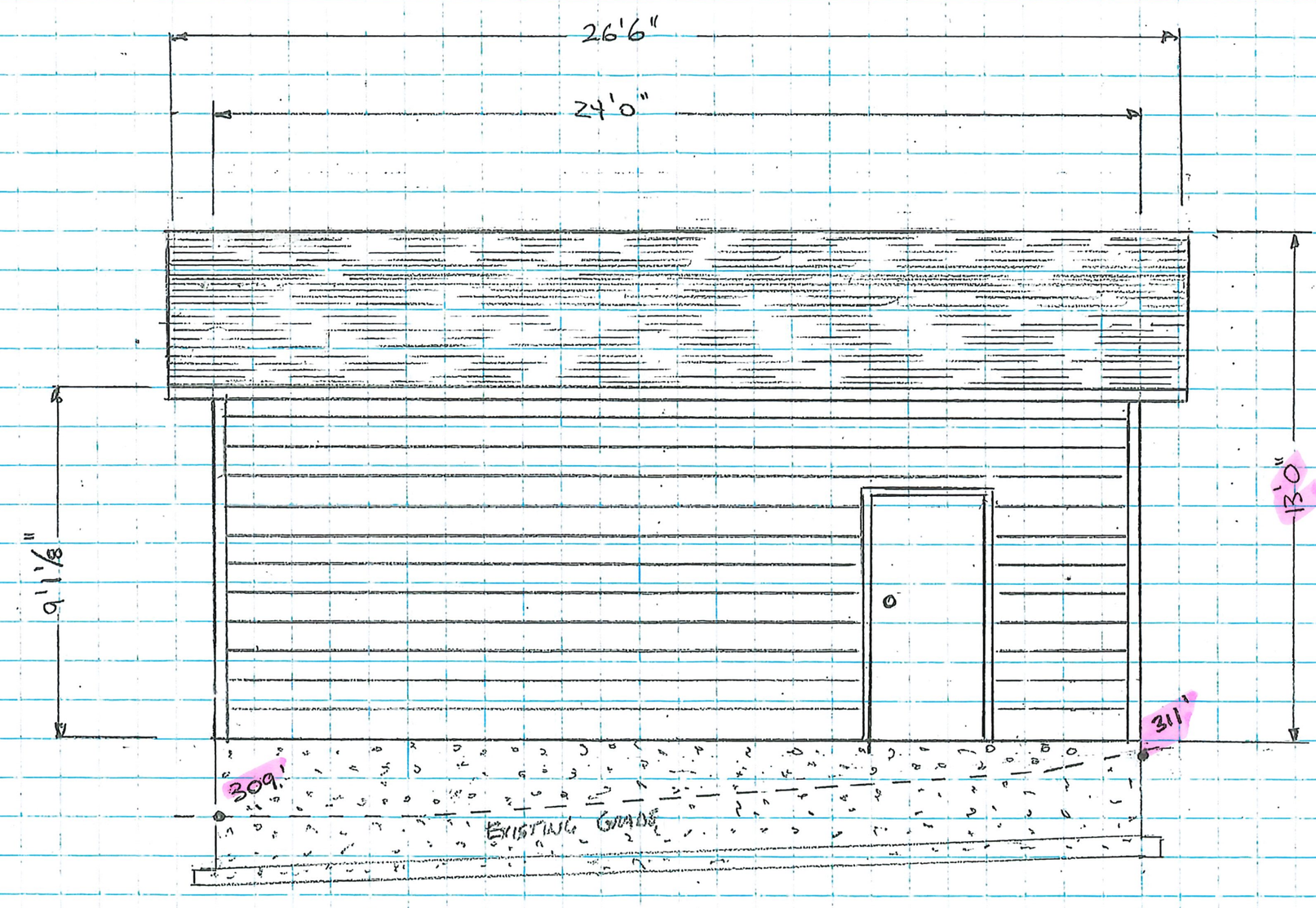
Signed: Building Official
Building Permit No.

ACCEPTED
By the Village of Lions Bay
Subject to B.C. Building Code (2018)

Signed: Building Official
Building Permit No.

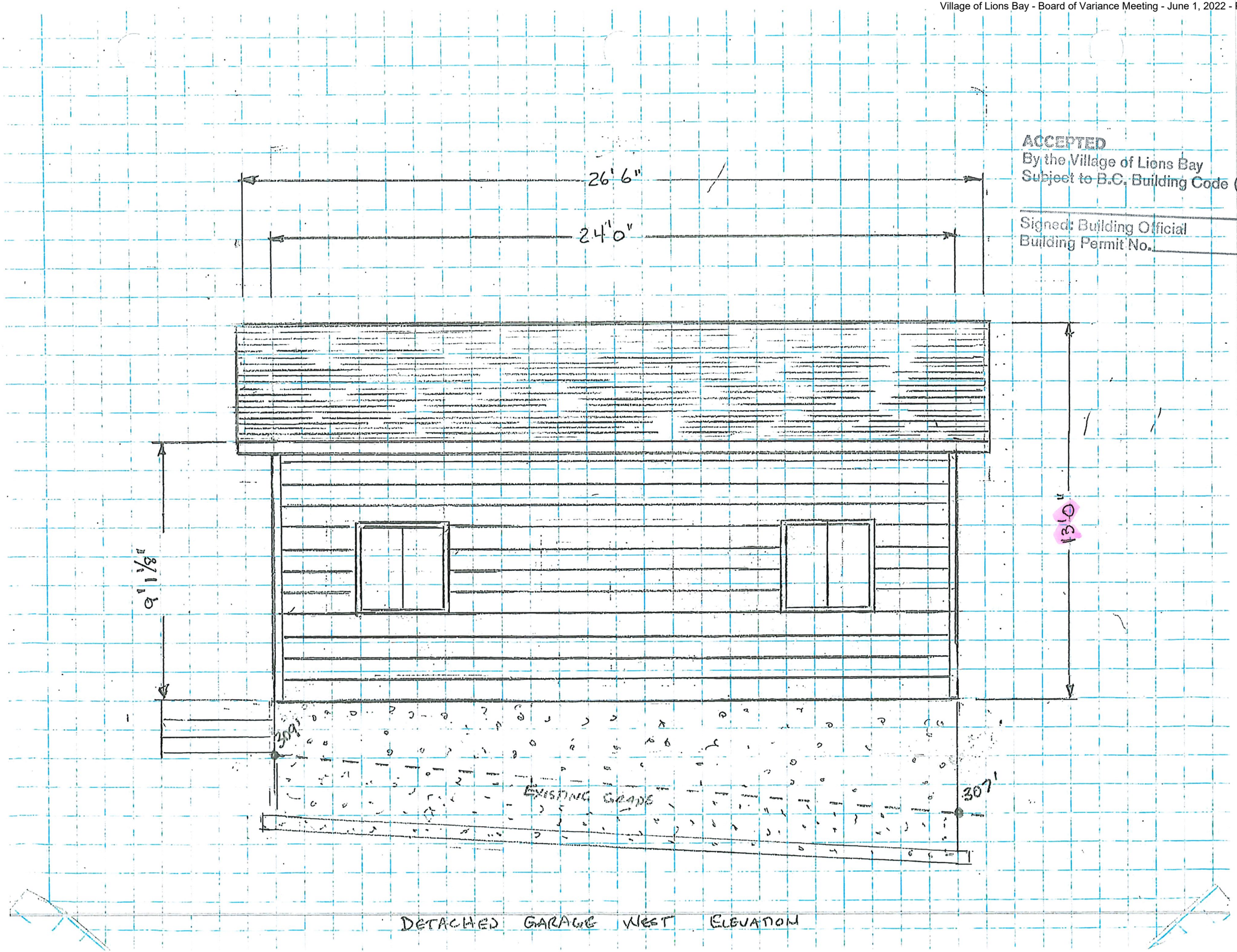


DETACHED GARAGE SOUTH ELEVATION



DETACHED GARAGE EAST ELEVATION

ACCEPTED
By the Village of Lions Bay
Subject to B.C. Building Code (2018)
Signed: Building Official
Building Permit No.



DETACHED GARAGE WEST ELEVATION

TRUSS CERTIFICATE REQUIRED FROM MANUFACTURER

RIDGE VENTING

ASPHALT SHINGLES OVER TWO PAPER AND 5/8 PLYWOOD

ENGINEERED TRUSSES SYSTEM

16" INCLUDING GUTTER

16"

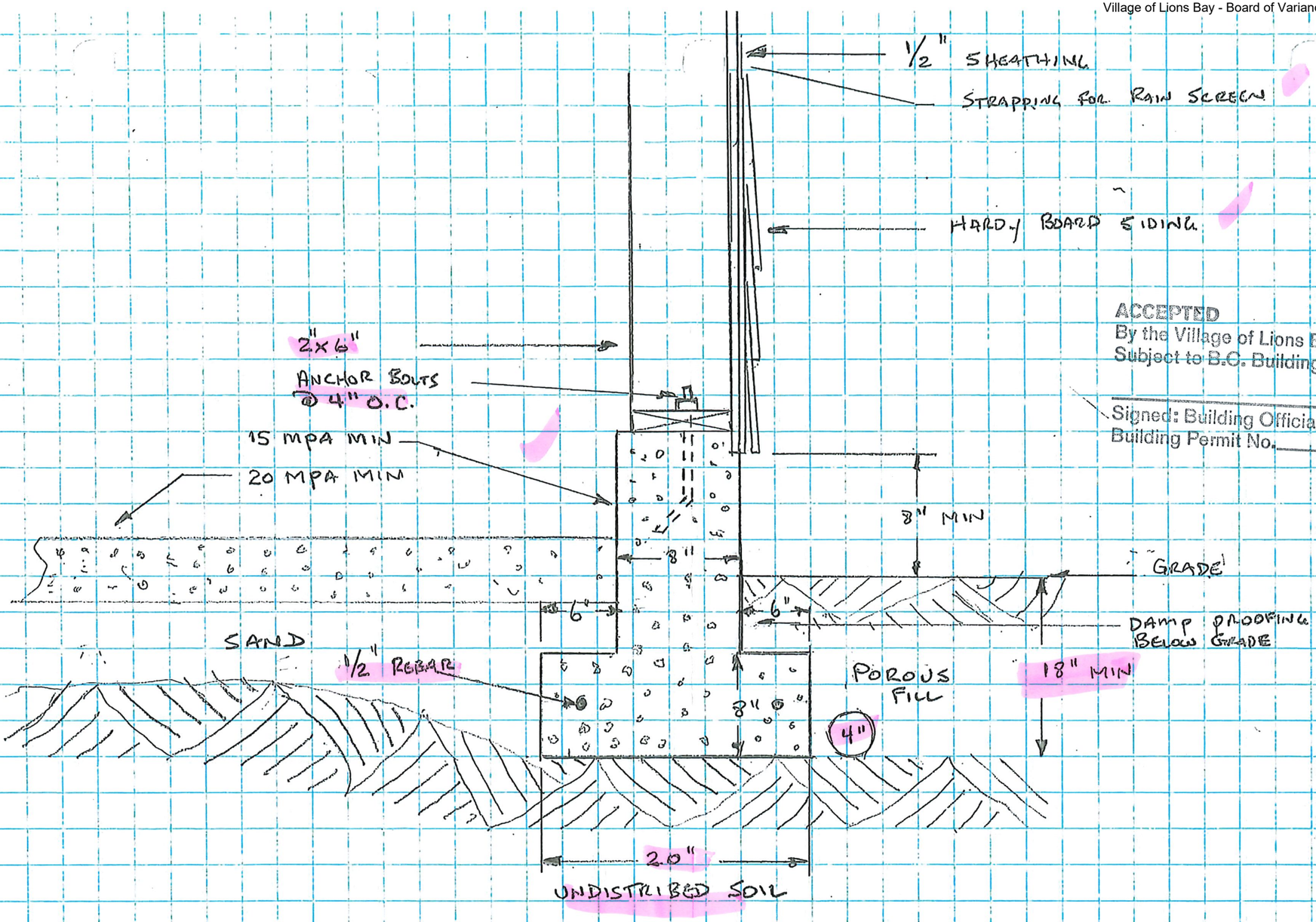
2x6" STUDS @ 16" O.C.

12"

CROSS SECTION

ACCEPTED
By the Village of Lions Bay
Subject to B.C. Building Code (2018)

Signed: Building Official
Building Permit No.



ACCEPTED
By the Village of Lions Bay
Subject to B.C. Building Code (2018)

Signed: Building Official
Building Permit No.

DETACHED GARAGE
TYPICAL FOUNDATION

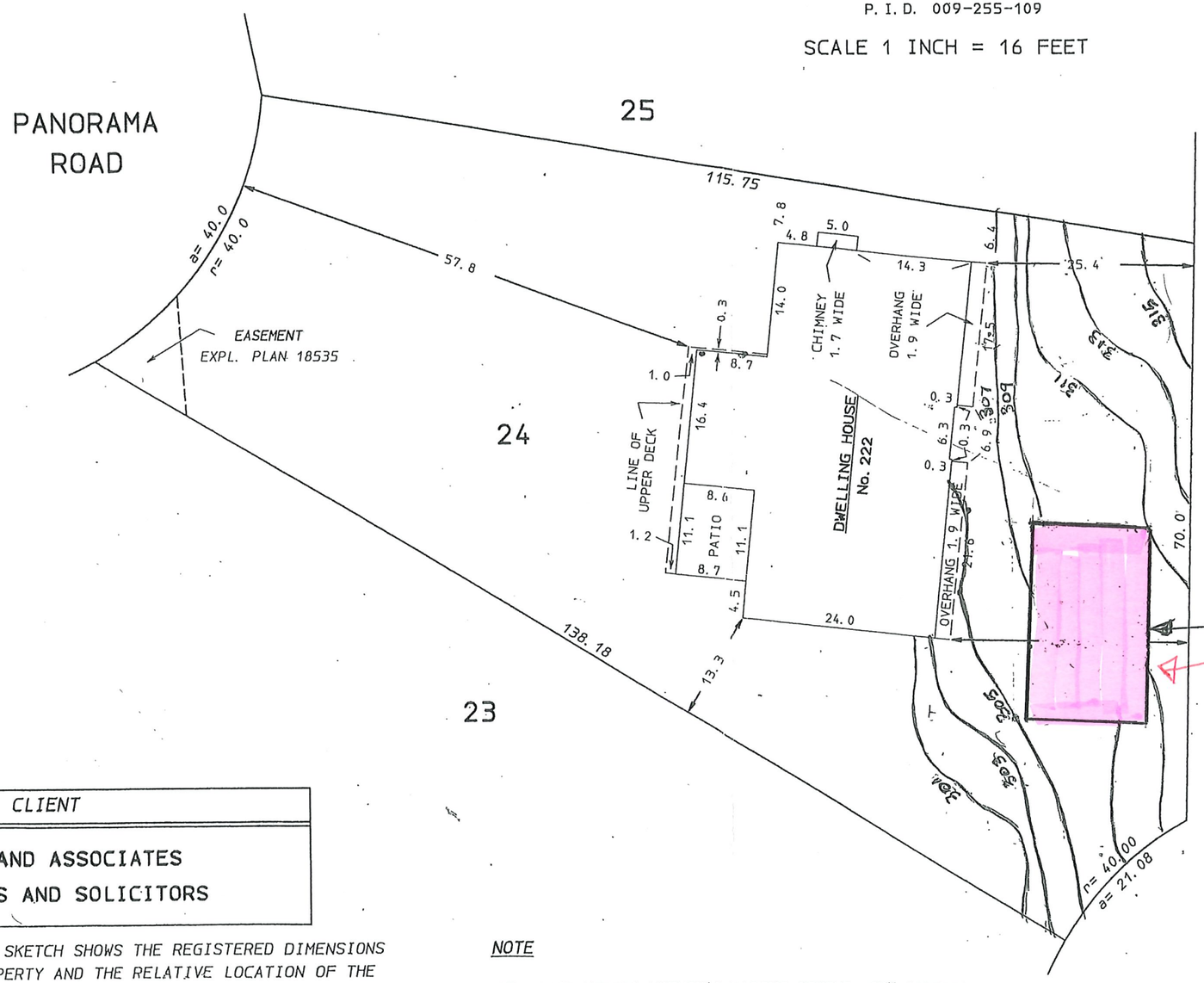
BRITISH COLUMBIA LAND SURVEYOR'S CERTIFICATE OF LOCATION

LOT 24, BLOCK 7,

DISTRICT LOT 1575, PLAN 10595

P. I. D. 009-255-109

SCALE 1 INCH = 16 FEET



ACCEPTED
By the Village of Lions Bay
Subject to B.C. Building Code (2018)

Signed: Building Official
Building Permit No._____

BofV required for front setback

PROPOSED DETACHED GARAGE ELEVATIONS

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Reviewed DAB

CLIENT
MARTIN AND ASSOCIATES BARRISTERS AND SOLICITORS

I HEREBY CERTIFY THAT THIS SKETCH SHOWS THE REGISTERED DIMENSIONS OF THE ABOVE DESCRIBED PROPERTY AND THE RELATIVE LOCATION OF THE BUILDINGS THEREON.

Jan 26th. 2000

C. Hobbs B.C.L.S.

NOTE

(1) LAND HEREIN WITHIN BUILDING SCHEME, SEE 423795L

(2) FOR RESTRICTIVE COVENANT 478921M, SEE 579818L

FB. 1729 .. p. 71 M 2550-36 MISC 85

HOBBS, WINTER & MacDONALD
B. C. LAND SURVEYORS
200-1160 EAST 3RD STREET,
NORTH VANCOUVER, B. C., V7J 1B8
TEL 986-1371 FAX 986-5204

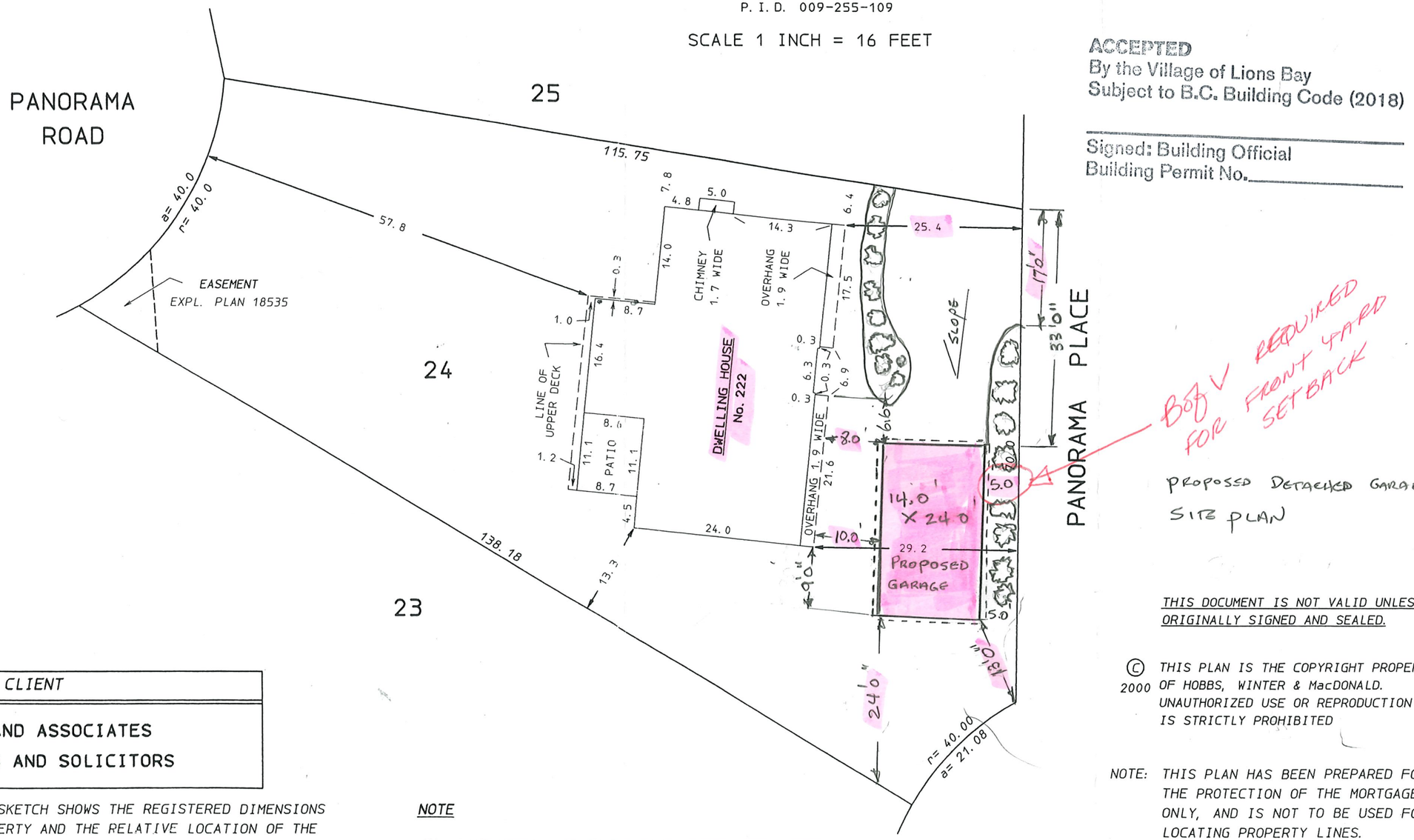
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LOT 24, BLOCK 7,

DISTRICT LOT 1575, PLAN 10595

P. I. D. 009-255-109

SCALE 1 INCH = 16 FEET



ACCEPTED
By the Village of Lions Bay
Subject to B.C. Building Code (2018)

Signed: Building Official
Building Permit No.

BOV REQUIRED FOR FRONT YARD SETBACK

PROPOSED DETACHED GARAGE
SITE PLAN

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Reviewed

CLIENT

MARTIN AND ASSOCIATES
BARRISTERS AND SOLICITORS

I HEREBY CERTIFY THAT THIS SKETCH SHOWS THE REGISTERED DIMENSIONS OF THE ABOVE DESCRIBED PROPERTY AND THE RELATIVE LOCATION OF THE BUILDINGS THEREON.

July 26th. 20 00

C. Hobbs B. C. L. S.

NOTE

(1) LAND HEREIN WITHIN BUILDING SCHEME, SEE 423795L

(2) FOR RESTRICTIVE COVENANT 478921M, SEE 579818L

FB. 1729 p. 71 M 2550-36 MISC 85

HOBBS, WINTER & MacDONALD
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