THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

BOARD OF VARIANCE MEETING

OF THE VILLAGE OF LIONS BAY
JULY 20, 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/84956356640
To join via phone, dial 778-907-2071 - Meeting ID: 849 5635 6640

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 July 20, 2022 Board of Variance agenda be approved, as presented.

4. **Approval of the Minutes**
   THAT the June 1, 2022 Board of Variance Meeting minutes be approved as circulated.

5. **Public Comments**

5. **New Business – Applications to be heard**

1)	**Civic Address:**	42 Sweetwater, Lions Bay, BC
	Legal Description:	Lot 14, Block B, Plan 18530, DL 1575
	Owner:	Jason and Akracha Brink Brian Lawry, Kombi Design Ltd., on behalf of the owners
	Request:	Approval sought for front yard variance of 4.513 metres from 7.5 metres to 2.987 metres to accommodate an accessory building. Per Zoning Bylaw 520, 2017 sec. 7.5.1

6. Public Questions & Comments

7. Adjournment

THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

BOARD OF VARIANCE MEETING
OF THE VILLAGE OF LIONS BAY
HELD ON TUESDAY, JUNE 1, 2022 at 6:00 PM
AT 400 CENTRE ROAD, LIONS BAY, BC
AND VIA ZOOM VIDEOCONFERENCE

AGENDA

In Attendance:

Board of Variance:	Morgan Gatto (Chair) Scott Gordon David Lee
Staff:	Carol Lee, Mosaic Writing Group (Recorder) (via videoconference)
Public:	0
Applicants:	Jeffrey and Shelley Browne

1. Call to Order

Morgan Gatto called the meeting to order at 6:03 p.m.

2. Approval of the Agenda

Moved/Seconded

THAT the June 1, 2022 Board of Variance agenda be approved, as presented.

CARRIED

3. Approval of the Minutes

Moved/Seconded

THAT the February 2, 2022 Board of Variance meeting minutes be approved as circulated.

CARRIED

4. Public Comments

A. Jeffrey Browne, Applicant

J. Browne advised that he had informed the neighbouring property owners of the Board of Variance application, and all have indicated their support for the application.

DRAFT

5. New Business – Applications to be Heard

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 metres to 1.525 metres to accommodate a detached garage in the front yard. Proposed building will be sited 1.525 metres from the front lot line, therefore a relaxation of 6.075 metres is requested.

6. Public Questions and Comments

A. Jeffrey Browne, Applicant
In response to questions from the Board of Variance, J. Browne provided information regarding:
- The grade of the location of the proposed garage
- Stormwater management plans required for the garage given the steep terrain of the property.

Decision
After considering the facts before it, the Board of Variance determined that the requested variance was reasonable and would not result in any negative impact to the neighbouring properties.

Moved/Seconded
THAT the Board of Variance approves the variance to the front yard setback requirement of 7.6 metres to a front yard setback of 1.525 metres as requested through the application from 222 Panorama Place.

CARRIED

7. Adjournment

Moved/Seconded
THAT the meeting be adjourned.

CARRIED
(6:10 p.m.)

_____ _____
Mayor Corporate Officer

Date Approved by Council:	

Schedule "A"

Village of Lions Bay
Board of Variance Application Form

RECEIVED
JUN 14 2022

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

LAND SUBJECT OF THE APPLICATION	
Street Address:	42 Sweetwater
Legal Description:	Lot 14 Block B DL 1575 Plan 18530
Zoning: RSL	PID# 007-165-072

OWNER/CONTACT INFORMATION	
Full Name(s) of Property Owner(s):	Jason & Akracha Brink
Full Name of Owner's Authorized Representative (if applicable):	Brian Lawry Kombi Design Ltd
Address to Which Notices Should be Mailed:	[redacted]
Daytime Phone # of Owner or Authorized Representative:	[redacted]
Name of Person Who Will Represent Applicant at the Hearing:	Brian Lawry

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:
Siting 7.5.1

Variance From (current requirement): 7.5 Metres

To (new requirement requested): ~~9.8 Metres~~ 2.987 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: Complicating land use; the topography is quite steep in all areas except the Front yard where the Gazebo is situated and easily accessible. Syting exemption 4.7.4 allows Accessory Building w/in Rear setback; Rear setback area is very steep (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 June 14 (day), 2022 (year):

[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:

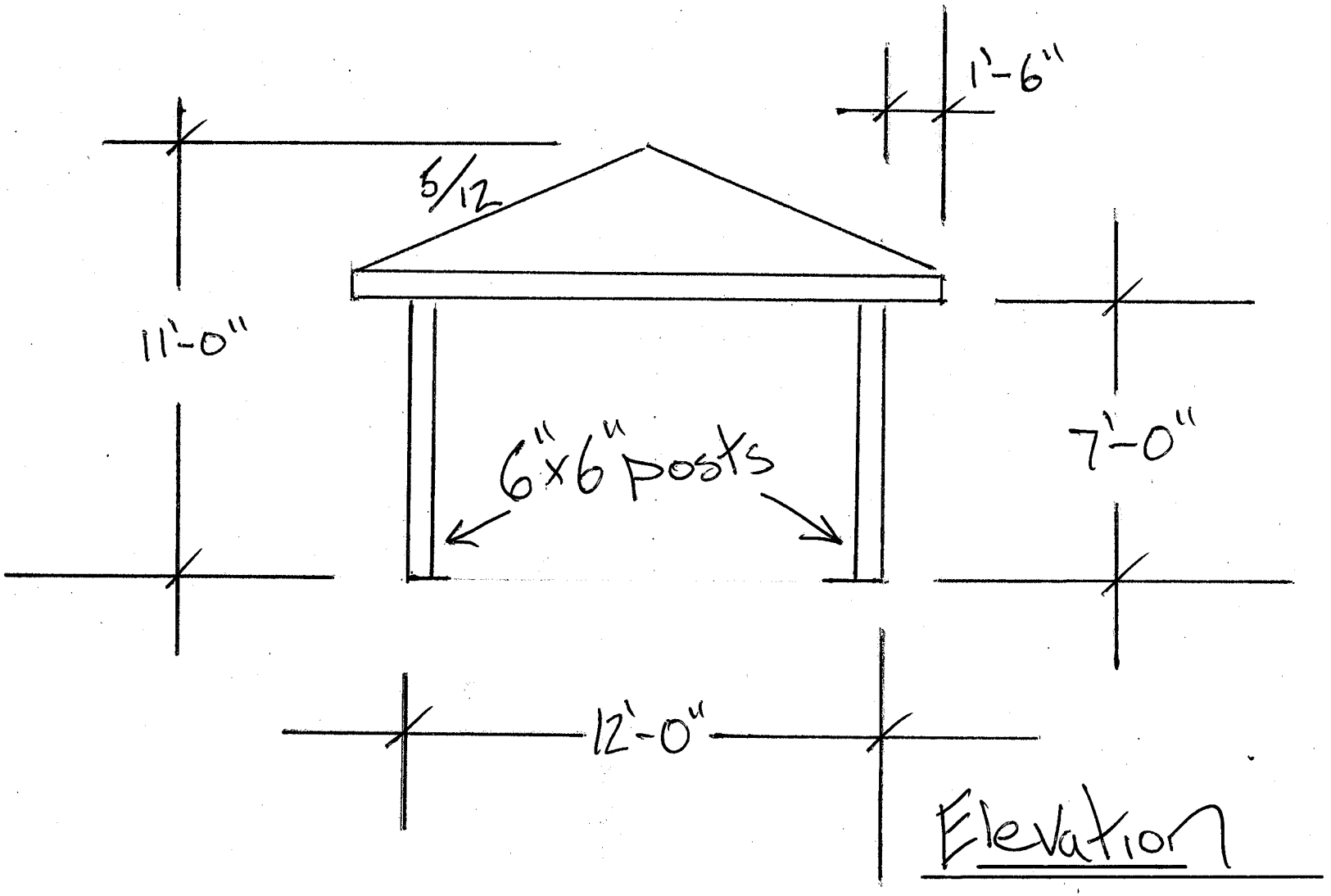
(a) result in inappropriate development of the site;
(b) adversely affect the natural environment;
(c) substantially affect the use and enjoyment of adjacent land;
(d) vary permitted uses and densities under the applicable bylaw; or
(e) defeat the intent of the bylaw.

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.

42 Sweetwater

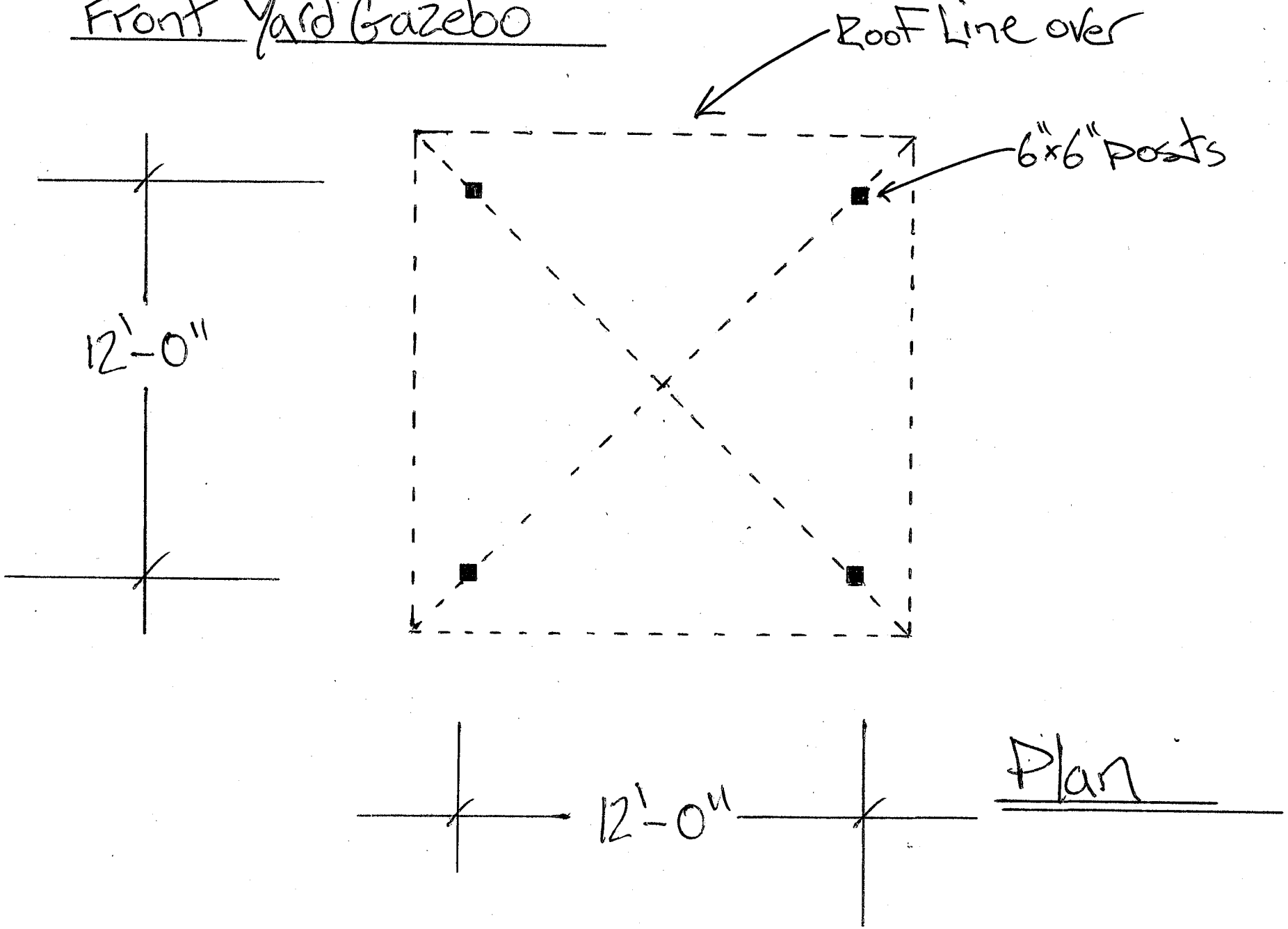
Front Yard Gazebo



Elevation

42 Sweetwater

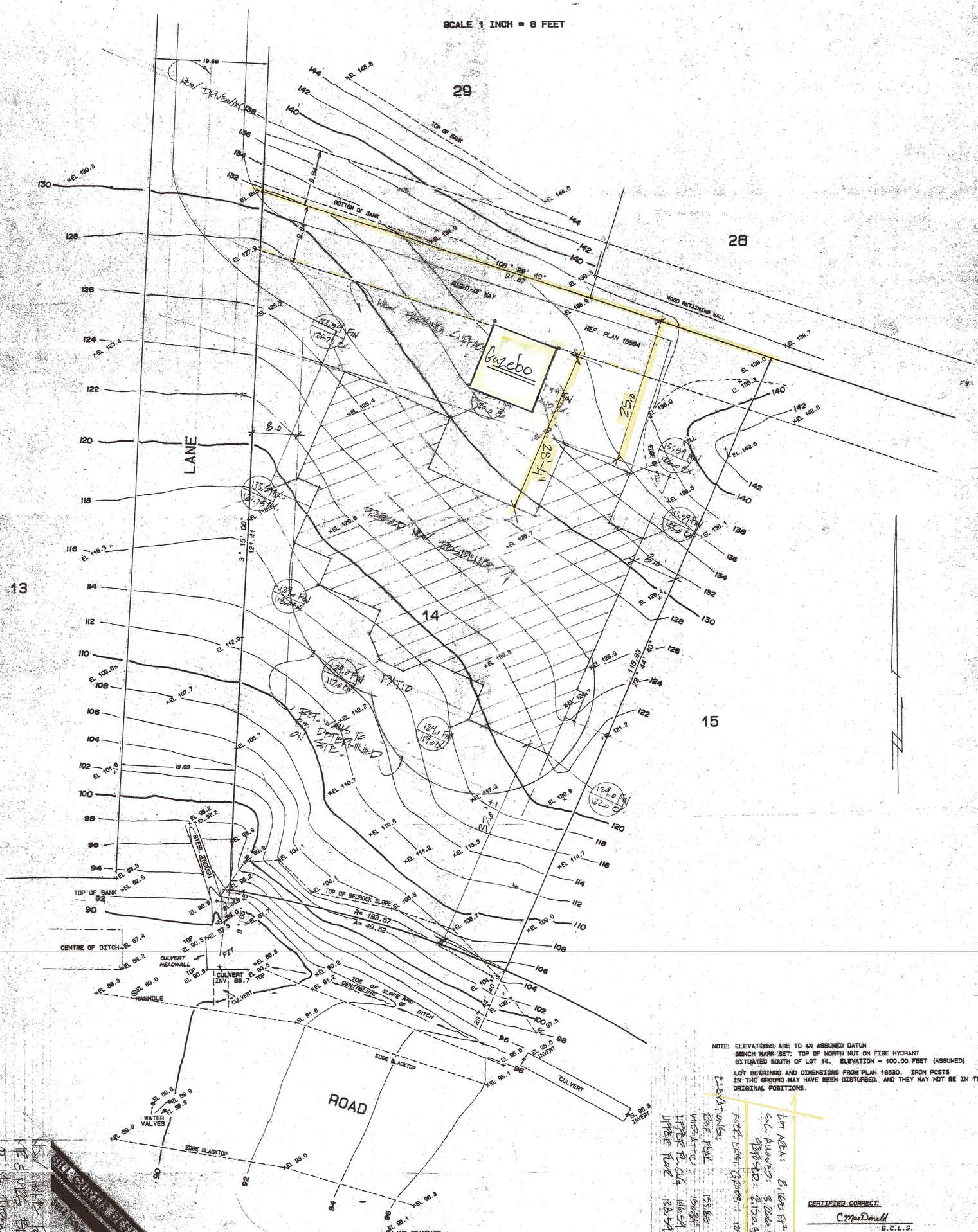
Front Yard Gazebo



PLAN OF TOPOGRAPHIC SURVEY OF
LOT 14, BLOCK B, D.L. 1575
PLAN 18530

PID 007-165-072

SCALE 1 INCH = 8 FEET



NOTE: ELEVATIONS ARE TO AN ASSUMED DATUM
BENCH MARK SET: TOP OF NORTH NUT ON FIRE HYDRANT SITUATED SOUTH OF LOT 14. ELEVATION = 100.00 FEET (ASSUMED)

LOT BEARINGS AND DIMENSIONS FROM PLAN 18530. IRON POSTS IN THE GROUND MAY HAVE BEEN DISTURBED, AND THEY MAY NOT BE IN THEIR ORIGINAL POSITIONS.

ELEVATIONS:
INDEX DISC. GROOVE: 157.34
EAST PEAK: 151.80
MID-ATTIC: 150.91
UPPER PL. 264: 146.59
UPPER FLUE: 138.54

LOT AREA: 8,165 FT²
S.R.W. ALONG S.P.: 5,206 FT² (0.48)
REMAINING: 2,152.5 FT² (0.20)

CERTIFIED CORRECT:
C. MacDonald
B.C.L.S.
18 September 1989
DATE

BENCH MARK SET:
NORTH NUT OF HYDRANT: EL 100.00 FT. (ASSUMED)
● FIRE HYDRANT

FB 1235 P. 105-116 M 1912-21 DISC: MISC #1

HOBBS, KYLER AND WINTER,
B.C. LAND SURVEYORS,
880 WEST FIRST STREET,
NORTH VANCOUVER, B.C.
V7P 1A2 985-1371

SILKSCREEN DESIGN LTD. 985-4550

PROJECT

SCALE 1" = 8'
DRAWN BY: [illegible]
CHECKED BY: [illegible]
DWG. NO.

1 OF 1

NEW HYD. PER NEE. INSTALLED AT LOT 4 DRIVE WAY. TONS BAY.

28

14

Gazebo

STOP WORK
Posted
20 JUNE
2022

DOES NOT MEET
ZONING & DEVELOPMENT BYLAW 520.2017
SITING EXCEMPTION
4.7 (4)
DOES NOT MEET SETBACK
REQUIRMENTS
7.5 (1)
B of V REQUIRED
DAS