



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

MEETING OF THE BOARD OF VARIANCE
TUESDAY, JULY 9TH, 2019 AT 6:30PM.
IN THE COUNCIL CHAMBERS, 400 CENTRE ROAD, LIONS BAY, BC

In Attendance: Board of Variance Members: Ian Mackie, Peter Wreglesworth, Morgan Gatto
Staff: Susan Loutet, BOV Secretary
Neville Abbott – Councillor - Observer
Applicant: Owner: Wayne Peaker 20 Oceanview Road
Applicant: Owner's Representative: Craig Doherty 20 Oceanview Road
Applicant: Owner: Carl & Nicole Lund – 52 Brunswick Beach Road
Applicant: Owner's Representative: Mark Ritchie, Architect, 52 Brunswick

1. Call to Order
BOV Secretary called the meeting to order at 6:35 p.m.
2. Approval of the Agenda
All in favor
3. Minutes – BOV Meeting February 26, 2019 & April 23, 2019
Moved/Seconded
THAT these BOV Meeting minutes of February 26, 2019 & April 23, 2019 be approved as circulated.
4. New Business: Application to be heard
 - (1) Civic Address: 20 Oceanview Road, Lions Bay, BC
Legal Description: Lot 2, Block 7, Plan 10595, DL 1575
Owner: Wayne Peaker & Gillian Smith
Request: Approval sought for Rear Yard Variance of 21 ft
from 25 ft to 4 ft
Per Zoning Bylaw 520, Part 7.5.1
And
Approval sought for Side Yard Variance of 4 ft
from 8 ft to 4 ft
Per Zoning Bylaw 520, Part 7.5.2
 - (2) Civic Address: 52 Brunswick Beach Road, Lions Bay, BC
Legal Description: Plan EPP69335, DL 1815
Owner: Carl & Nicole Lund
Request: Approval sought for Front Yard Variance of .89m, from 5.46m to
4.57m
Per Zoning Bylaw 520, Part 7.6.2(b) 20 percent of parcel depth.

5. Discussion (1) 20 Oceanview Road

Craig Doherty, representative of owner Wayne Peaker and Gillian Smith of 20 Oceanview Road, presented the variance application for 20 Oceanview Road. They were applying for a 4 ft rear yard variance and a 4 ft side yard variance to accommodate the existing carport. This is a secondary access to the property and the carport was there when they purchased the property in 1996. The best evidence of this is from the neighbor at 10 Oceanview Road, who has written a letter to that fact. Home owner is not seeking forgiveness, after having not sought permission to build this carport in the setbacks, but wants to rectify the variances for the existing carport which was just shored up to make it safe. They believed no permit was needed as it was an existing structure. Their hardship is notably that the property is quite steep; the carport acts as a sound barrier to the Sea-to-Sky highway, and the secondary suite tenant parks in the carport. This variance was before the Board in 2013 but just prior to the hearing, Mr Peaker suffered a serious accident and was severely incapacitated. Mr Wreglesworth, a Board member, advised that this did come before the Board in 2013, and that he was on the Board at that time. The question at that time was, was it preexisting or not and there was no substantiation for that. There was a question whether the applicant has gone ahead and built this on his own or if it was a repair or building versus a repair. At that time Mr Peaker had his accident and the variance application was not proceeded with. The applicant stated that they would obtain an engineer's report for the carport and that what was there was stable and that the repairs that have been completed since, meets building codes for the structural design. As a condition of granting the Variance sought the applicant is to provide documentation to the effect that the carport meets all structural standards. A copy of this structural assessment will go to the Village of Lions Bay and to the BOV Members.

6. Decision

The Board of Variance, will grant the application as sought as the variances in respect to the rear yard variance sought from 25 ft to 4 ft and side yard variance from 8 ft to 4 ft based on the hardship that has been identified. This is a pre-existing structure and has been accepted as such by the Village of Lions Bay. This property in question is extremely steep and additional hardship is the highway noise as a result of the four-lane highway that was built. The Board of Variance is making it a condition of granting the variance that pursuant to the provisions of section 11.5 of the BOV Bylaw No. 502, 2016 that the applicant:

- 1) Retain a structural engineer to provide a letter of assurance that the carport is structurally sound and meets the requirements of the BC Building Code, or indication what remedial measures are required in order for it to do so, which may include Building Code requirements pertaining to the access and maintaining of the green roof of the structure; and
- 2) Retain a geotechnical engineer to provide a letter of assurance that the carport foundations and the driveway on which it sits is structurally sound and meets the requirements of the BC Building Code, or indication what remedial measures are required in order for it to do so (eg: the mish-mash of materials and off-cuts, logs, lumber, steel poles, and wire being used to hold the rotting cribbing in place on the lower side of the driveway).

7. Discussion (2) 52 Brunswick Beach Road

Mark Ritchie, architect for 52 Brunswick Beach Road, presented for the owners Nicole and Carl Lund. The variance sought is for the front yard from 5.46m to 4.57m to accommodate building a garage for this new built home. The reason this variance is requested is because there have been multiple designs and conditions to consider which have led to this design. The house is nearing its maximum gfa and given the size of the site we have nearly 2,000 sq. ft per floor and very little area within the buildable area and this design fits into that area.

The applicants are very conscious of the privacy issues of the neighbours and worked hard on the design to accommodate to produce an oceanside livable area and it still be private for neighbours on both sides. The applicants had to push the house design back away from the ocean as far as possible. The combination of the house being on a relatively small site and the very large boulevard on the road side, the applicant felt that it would be reasonable to ask for a minor variance of 3 ft (.89m) which puts the garage to a decent standard garage size. The site is a slight parallelogram, but the applicant has designed the house to be parallel to north and south side lines.

Mr Wreglesworth, a Board member commented that Brunswick Beach is highly desirable waterfront, residential area and the lots are very small and that some of the houses being built are going to push the limits. The neighbour at 51 Brunswick has no concerns with this variance or loss of view. The Board of Variance has dealt with a couple of properties in the same situation and granted variances.

Mr Mackie, BOV chair, inquired about the property on the oceanside, as our decision is based on hardship. Mark Ritchie advised that the house needed to be as far back as possible on the property. The 2,000 sq. ft floor plan is positioned where the applicant felt that the neighbours and owners would have the best relationship regarding privacy and, the need to provide enough living space. If the house was nearer the ocean, the applicant would have to excavate deeper. The owners are not building a basement. A combination of privacy, elevation and limited excavation and a decent area for living on the oceanside, were the factors that lead to this design.

Mr Wreglesworth also commented that this build will have to conform to the high-water line and the 200-year flood plan. The house needs to be placed as far back as possible from the ocean.


8. Decision

For the reasons identified by Mr Ritchie on behalf of the applicants, the Board of Variance is granting the application as sought. The property is ocean front and the lot is extremely small, so that dictates the need for the front yard variance that is sought from 5.46m to 4.57m.

9. Adjournment
Moved/Seconded

THAT the meeting be adjourned.

The meeting was adjourned at 7:02 p.m., July 9th, 2019



Ian Mackie – Board Chair



Susan Loutet – Board Secretary

March 4, 2021
Date Adopted: