



**BOARD OF VARIANCE MEETING
OF THE VILLAGE OF LIONS BAY
HELD ON WEDNESDAY, OCTOBER 12, 2022 at 6:00 PM
AT 400 CENTRE ROAD, LIONS BAY, BC
AND VIA ZOOM VIDEOCONFERENCE**

MINUTES

In Attendance:

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

Staff: Linda Brick, Municipal Coordinator (Recorder)

Public: 18

Applicants: Robert Smith, owner
Jing Chen, owner
Rodrigo Munguia, representative on behalf of owners

1. Call to Order

Morgan Gatto called the meeting to order at 6:00 p.m.

2. Approval of the Agenda

Moved/Seconded

THAT the October 12, 2022 Board of Variance agenda be approved, as presented.

CARRIED

3. Approval of the Minutes

Moved/Seconded

THAT the July 20, 2022 Board of Variance meeting minutes be approved as circulated.

CARRIED

4. Public Comments

A. Keegan Rittinger, 27 Brunswick Beach, Neighbour

- Advised that he represents the neighbours and is not in support of the proposal.
- Inquired if a shadow study has been conducted to identify the negative impact of the proposed project on neighbouring properties.

- Noted that the proposed building will have a negative impact on the enjoyment of his property as the additional height will cast a shadow on his yard.

B. A consortium of neighbours spoke:

- Expressed concern that the proposed house will impact their views and the views of the neighbourhood in general.
- Opined that the variance requested can be addressed by adjusting the 9 foot ceiling height within the proposed home on the second floor and in the various rooms such as the walk in closet and bedrooms which have 10 foot ceiling heights.
- Suggested that the homeowner could have conducted due diligence prior to purchase of home to understand the restrictions on the development of the property and requirements for flood control levels.
- Inquired if the roof top patio and staircase wall were structural features or could be eliminated.

C. Ron, a neighbour,

- Advised that this is the third house on this property and they all need variances;
- Noting that the past experiences have been very negative.

5. New Business – Applications to be Heard

- 1) **Civic Address:** 26 Brunswick Beach Road, Lions Bay, BC
 Legal Description: Lot H, Block 19, Plan 18523, DL 1815
 Owner: Robert Smith, Jing Chen, Simon Smith, Sarah Smith
 Rodrigo Munguia, representative, on behalf of the owners
 Request: A relaxation of the building height for the pitch roof and flat roof. The roof mean elevation is requested to go from 29'6 3/8" (9.0 m) and flat from 24.7' (7.5m) to a new variance of 31'7" (9.64m) mean elevation for sloping roof (a total of 2.1' over height), and 39.18' flat roof deck (a total of 4.14' over height)
 Per Zoning Bylaw 520, 2017 sec. 7.8 (1)

6. Public Questions and Comments

A. Robert Smith, Owner,

Presented his hardship advising

- that the land is a challenging site and an odd shape;
- that the first level is not legally habitable due to flood construction levels;
- It was not possible to obtain 3000 square feet of habitable space on two levels without a variance;
- inquired about the opposition to the height of the proposed building;

- Advised that the rooftop patio and wall can be removed in the design as it is aesthetic and not structural.

B. Rodrigo Munguia, designer on behalf of owner,

- Advised that the FSR cannot be met within the lot size;
- The flood hazard assessment report brought up the flood construction level which has caused a hardship;
- The proposed house is 3000 square feet on a 40,000 square foot lot;
- The first floor is not habitable space in compliance with FCL regulations.

Decision

After considering the facts before it, the Board of Variance determined that the requested variance was to be deferred as it was noted that not enough information has been provided and some of the provided information was inaccurate. The BOV requested a new site plan that would show the true intent of the project.

Moved/Seconded

THAT the Board of Variance defers the application for 26 Brunswick Beach Road to the next meeting wherein the applicant provides the additional information:

- Updated accurate site plan
- A street scape drawing which shows the outline of the existing homes and the outline of the proposed home superimposed
- A shadow study
- Obtain a level of support from the neighbours

CARRIED

Requested that the Village provide more information on the Flood Construction Level and a history of the application process and understand the delay in the application coming before the Board of Variance.

7. Adjournment

Moved/Seconded

THAT the meeting be adjourned.

CARRIED
(7:15 p.m.)

Chair

Corporate Officer

Date Approved:	August 30, 2023
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