



Galiano Island Board of Variance Meeting Agenda

Date: August 19, 2021

Time: 11:30 a.m.

Location: Electronic Meeting

-
- 1. CALL TO ORDER**
 - 2. APPROVAL OF AGENDA**
 - 3. SELECTION OF BOARD OF VARIANCE CHAIR**
 - 4. MINUTES**
 - 4.1 February 15, 2016 (attached)**
 - 5. APPLICATIONS**
 - 5.1 GL-BOV-2021.1 (Gathercole) - Staff Report (attached)**
 - 6. ADJOURNMENT**

**GALIANO ISLAND BOARD OF VARIANCE
RECORD OF HEARING
REGARDING GL-BOV-2015.1 (ROBSON) & GL-BOV-2015.2 (NEW)**

Date: February 15, 2016, 10:00 am
South Community Hall
141 Sturdies Bay Road, Galiano Island

Members Present: Sarah Steil, Chair
Jim Petrie, BOV Member
Priscilla Ewbank, BOV Member

Staff Present: Kim Stockdill, BOV Secretary
Sharon Lloyd-deRosario, Recorder

Members of the Public and Media Present: There were four (4) members of the public, and three (3) applicants in attendance at the start of the meeting; there was no media.

1. CALL TO ORDER

BOV Secretary, Kim Stockdill called the meeting to order at 10:00 am and introduced the panel.

2. APPROVAL OF AGENDA

The agenda as presented was amended by adding (prior to item 3) – a new Item 3 – **Selection of Board of Variance Chair**; thereby numerically reordering the rest of the agenda as appropriate.

By general consent the agenda as amended was approved.

3. SELECTION OF BOARD OF VARIANCE CHAIR

Board of Variance member, Priscilla Ewbank nominated member Sara Steil for Chair; Board of Variance member, Jim Petrie seconded that nomination; hearing no other nominations Sara Steil agreed to stand as Chair and was so appointed Chair of the Galiano Island Board of Variance.

Chair Steil then welcomed the community members in attendance.

4. APPLICATIONS

4.1 GL-BOV-2015.1 (ROBSON)

Planner Stockdill presenting the staff report informed the board members that the application was to vary the Galiano Island LUB, specifically the setback to the rear lot line, and the setback for the exterior lot line, to allow for the siting of a septic disposal field within 5.40 metres of the rear lot line and 3.05 metres of an exterior lot line, she added that this is considered to be a minor variance.

Planner Stockdill explained the applicant's rationale, stating that the location of the neighbours' wells and the required minimum separation would result in hardship if required to site the absorption field in compliance with the exterior and rear lot line setbacks. She referred the members to Figures one and two of the report (being the site content & survey) explaining more detail.

She reviewed Sections 536, 540 & 542 of the *Local Government Act (LGA)* addressing the establishment of a Board of Variance and its functionalities and spoke to the notification of the application advising that there were no submissions received. Planner Stockdill stated that all requirements under Section 542, of the *LGA* have been met, adding that the applicant requests that the Board's decision includes a period of 5 years from the date of the order for construction to be substantially started or the permission terminates. Without this provision this would be a 2 year period.

Chair Steil asked the other board members if they would like to speak to the application.

BOV member Ewbanks stated that the report was very clear and that staff and the applicants had done a good job of expressing the request for variance.

BOV member Petrie agreed with member Ewbank's statement.

Chair Steil thanked the applicants for doing their due diligence and stated she votes in favour of the variance.

BOV member Petrie asked if anyone in the audience had any comments.

Neighbour Alison Pomtiex, 176 Arbutus Pt. Road - stated that she was in favour of the proposed variance adding that it was much better than having an outhouse to contend with. She then left the meeting.

BOV member Petrie in response to a public comment stated that the wells are regulated through Island Health for safe drinking water.

GL-BOV-01-16

It was MOVED and SECONDED,

THAT the Galiano Island Board of Variance application GL-BOV-2015.1 (Robson) be approved to allow the siting of a septic disposal field within 5.40 metres of the rear lot line and 3.05 metres of an exterior lot line as shown on Schedule A of GL-BOV-2015.1 Notice of Hearing with a 5 year timeframe for substantially starting the construction or permission terminates.

CARRIED

The applicants thanked the Board members for their decision and left the meeting.

4.2 GL-BOV-2015.2 (New)

Neighbour Debra Spees, 180 Morgan Road, asked if she could address the Board as she had to leave the meeting right away. She advised that she was in favour of the application.

Chair Steil thanked the applicant for the work done on the application and thanked staff for the staff report. She stated that she could see the variance was minor in nature and the site visit was very informative. She asked the applicant a few questions for clarity regarding the back stairs and access to the basement and safety concerns. The applicant addressed her concerns.

There was a discussion regarding the location of the pool table with the option being inside the original dwelling instead of the second dwelling unit. The applicant justified his need to place it in the second dwelling unit due to the size of the pool table. They discussed what the 2 dwelling units were going to be used for (now and in the future); it was determined that this was for family use only; two daughters and grandchildren in the future and themselves now.

Chair Steil stated that they must act on health and safety regarding the stairs at the back of the building; the applicant agreed.

GL-BOV-02-16

It was MOVED and SECONDED,

THAT the Galiano Island Board of Variance application GL-BOV-2015.2 (New) be approved as presented in accordance to Sections 911(5) and 901(2) of the *Local Government Act* as shown on Schedule A and B of the GL-BOV-2015.2 Notice of Hearing.

CARRIED

The applicant thanked the board for approving their application.

5. **ADJOURNMENT**

Chair Steil declared the Board of Variance meeting adjourned at 10:34 am.

RECORDER

DATE

STAFF REPORT

File No.: GL-BOV-2021.1 (Gathercole)

GL-BOV-2021.11

DATE OF MEETING: August 19, 2021
TO: Galiano Island Board of Variance
FROM: Phil Testemale, Planner 2
Southern Team
SUBJECT: Board of Variance Application
Applicant: Rob Gathercole
Location: 555 Ganner Drive

REPORT SUMMARY

The purpose of the report is for an appeal to the Board of Variance to vary the Galiano Island Land Use Bylaw No. 127, 1999 (LUB) for the **front lot line setback** of an existing dwelling and attached deck on the subject property.

The variances are to Subsection 5.3.8 'Minimum Setbacks' of the LUB as shown on the attached Schedule 'A', and specifically as follows:

1. Article 5.3.8.1 which states that buildings and structures must be sited at least 7.5 metres from front lot lines is varied to permit an existing building (dwelling) within 5.85 metres of the front lot line, and an existing attached structure (deck) within 4.13 metres of the front lot line.

This application is being made under Section 540 (a) (i) of the *Local Government Act* for a variance to a bylaw respecting the siting, size or dimensions of a building or other structure.

APPLICANT'S RATIONALE

- To legalize an existing dwelling and attached deck; and,
- To permit necessary structural alterations (foundation repairs and bracing) to seismically stabilize the dwelling.

BACKGROUND

The application is the result of a Building Permit Review application (GL-BP-2021.11).

If granted, the variances would legalize siting infractions of the dwelling, and permit structural alterations (upgrades) particularly the replacement of current foundation footings and posts, and the addition of diagonal bracing to seismically stabilize the dwelling (Figure 2 and Attachment 2.6). There are no additions to the dwelling or deck proposed.

The applicants purchased the property in October of 2020, and were provided with a survey and other documentation from the previous owners that is of a poor quality resolution (particularly the survey plan) and is somewhat confusing. As such they were unaware that the dwelling and deck were illegally sited until a BP review application was made for the proposed upgrades.

Based on the Building Permit (BP) record from the Capital Regional District (CRD) that was provided by the applicant (Attachment 3), the history of construction is approximated as follows:

- The dwelling was originally constructed by the owner in 1980 as a 43.5 m² (468 ft²) cabin with a loft bedroom. The site plan was hand-drawn by the owner, and there was no legal survey required. Later surveys (following) show that the dwelling was sited in error.
- Between 1980 and 2008 there is no BP record, however, there were additions made including the addition of an east 'wing' on the main floor, addition of the cantilevered front deck and other decks, and additions to the top floor area. All appear to have been made without a Building Permit.
- A Building Permit was issued in 2008 for an addition to the west, top floor bedroom. That record indicates that the approximate total floor area of the dwelling is 71.3 m² (768 ft² - approximate).
- As part of the latter BP, a 2006 survey (Attachment 4) indicates the front yard siting infraction, and it is uncertain why CRD Building Inspection did not address this at the time. Notwithstanding the building was sited in error and portions of the dwelling and deck are considered illegal non-conforming¹ (Figure 2).
- The non-conformity was only brought to the attention of the new owners with a new survey (Attachment 5). The 2006 and 2021 surveys are consistent with each other.
- There is no record of any 2008 Building Permit referral to the Islands Trust.

Other than a variance, the alternatives available to the owners have are to remedy the non-conformity by either altering the dwelling and deck to conform, or moving the dwelling and deck (further back on the property). Both of these would incur a large cost, require tree removal and entail further engineering due to slope conditions on the property. If the appeal for variance is not granted by the Board of Variance, the applicants could make a subsequent Development Variance Permit application for consideration by the Galiano Island Local Trust Committee (LTC).

The property is 0.65 ha (1.6 acres) in size with the front 1/3 (approx.) portion of the property adjacent to Ganner Drive containing the subject dwelling. That area is sloped, but relatively flatter than the rear of the property. The front has some mature trees and areas cleared of vegetation for driveway access and the subject dwelling (Attachments 2.2, 2.3 and 2.8). From the dwelling, the land rises steeply to the rear of the property to the northeast and is more densely treed.

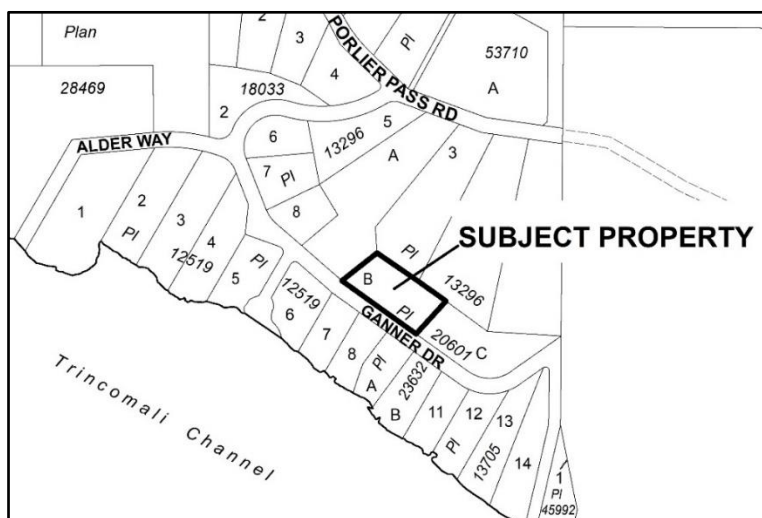
¹ Note: setbacks to property lines in the LUB are measured to the 'drip line', or outer extent, of the roof of a dwelling or building (ref. s.2.25 of LUB)

In addition to the subject dwelling and deck, there is a pumphouse and an abandoned outhouse that is to be demolished according to the owners.

The notice mailed to all adjacent neighbours and the applicant is Attachment 7.

Staff will visit the property on August 11th and provide additional photographs (to Attachment 2.8) to the Board of Variance via e-mail.

Figure 1 – Subject Property



ANALYSIS

Official Community Plan:

The subject property is designated as **SLR – Small Lot Residential** in the Galiano Island Official Community Plan 108, 1995.

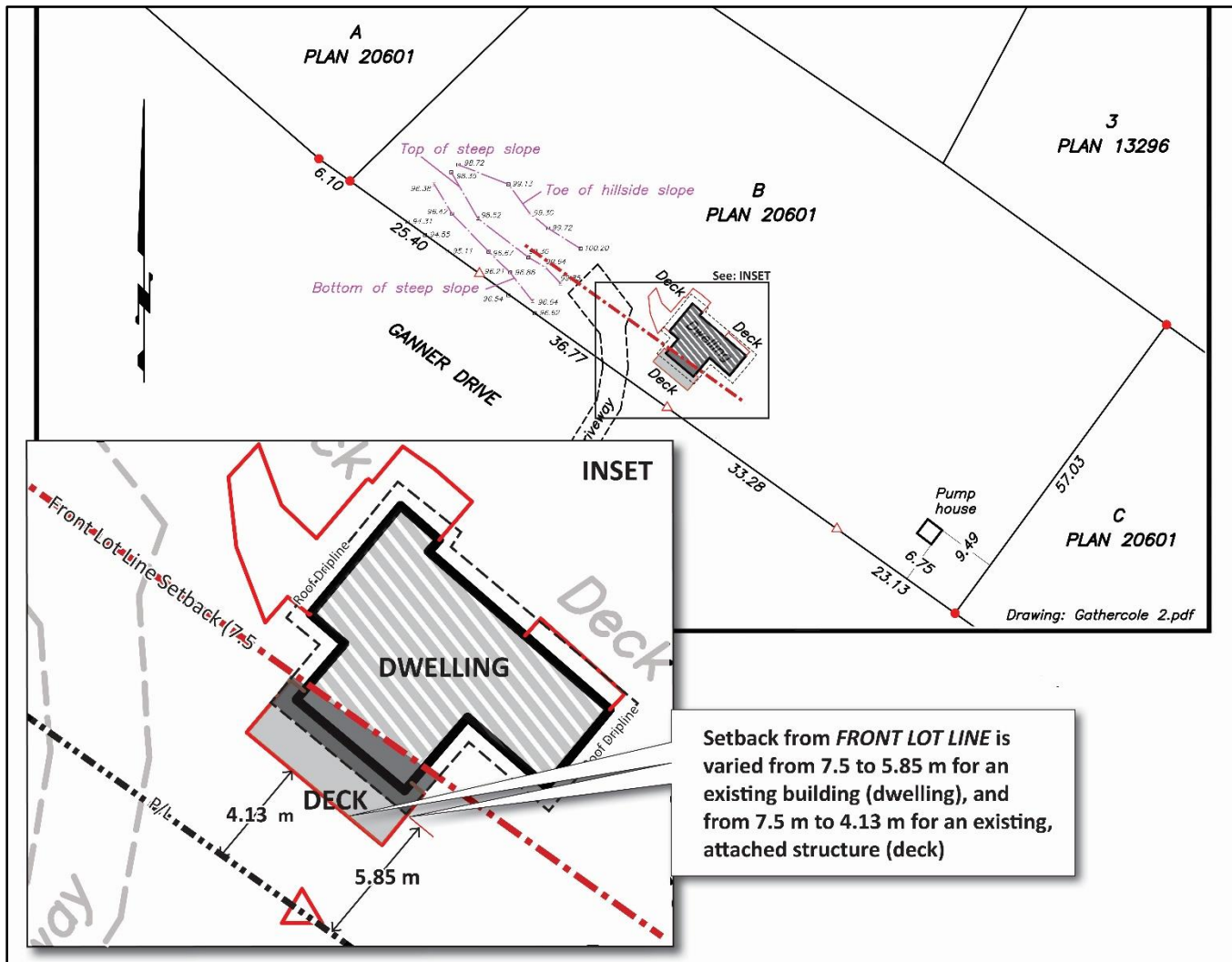
Development Permit Area 7 – Steep Slope Hazard (Moderate) is designated on the rear portion of the property (see Attachment 2.4). The proposed development is exempt from the requirements to obtain a Development Permit.

Land Use Bylaw

The subject property is zoned as **Small Lot Residential (SLR)** in the LUB. The residential use of the property conforms to the zone.

The property is not in a Water Management Zone.

Figure 2 – Site Plan with Detail



Issues and Opportunities

Minor Variance & Undue Hardship

The *Local Government Act* (LGA) establishes that a Board of Variance may order that a *minor* variance be permitted provided that the Board finds that *undue hardship* would be caused to the applicant if the variance is not granted (see 'Legislative Context' – below).

The applicants have provided the following summary responses to the question of the application being a **minor variance** and what they deem to be **undue hardship** (reference also: Attachment 6):

*"we consider the variance to be **minor** because*

- a) the building has existed for at least 13-years in its current form,*
- b) any violations in constructing the existing building occurred under previous owners, and*

- c) *we are simply requesting to address current structural concerns (as opposed to seeking additional changes associated with further violations).*

*Similarly, we consider not granting the variance to be associated with **undue hardship** because*

- a) *the physical circumstances of the property make it very difficult to build in any location apart from the narrow flatter sections towards the front lot line,*
b) *that it is unclear if we could inhabit the existing building long-term should these structural repairs not be possible, and*
c) *that if this were the case then significant financial hardship would be associated with needing to construct a new dwelling that doesn't violate siting regulations (given the physical challenges of the property)."*

The Intent of the Regulation being Varied

Section 542 (c) (v) of the LGA states that the Board may grant a minor variance if the Board is of the opinion that the variance does not defeat the intent of the bylaw. Although the Board must form its own opinion, the following assessment of the intent of the front yard setback regulation may assist:

- Limiting the visual impact of development on adjacent properties.
- Establishing a consistent development pattern within a local area.
- Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
- Maintaining a rural character.
- Establishing certainty with respect to residential development by maintaining consistent siting regulations.

Potential Impacts of Granting the Variance

Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation each application should be evaluated on its own merits. In this case, the variance being sought is relatively non-impactful, the structures are already well established, and there have been no concerns raised by neighbours.

Consultation

Notices were circulated to all adjacent properties (Attachment 7). In addition, copies have been posted on island bulletin boards and the Islands Trust website under Galiano Island.

At the time of writing no submission(s) have been received.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas staff will forward the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on *Heritage Act* compliance to the applicant.

Statutory Requirements

Legislative Context

Section 536 of the LGA stipulates that any local government that has adopted a zoning bylaw must establish a Board of Variance. Each LTC has a Board of Variance.

A person may apply to the Board of Variance for an order to vary certain zoning bylaw provisions where an applicant can adequately demonstrate, to the satisfaction of the Board, that compliance with the bylaw provisions would cause the applicant undue hardship.

It is up to the Board of Variance to determine what constitutes a minor variance and whether or not undue hardship has been proven.

This application is being made under Section 540 (a) (i) of the LGA where:

A person may apply to a board of variance for an order under Section 542 if the person alleges that compliance with any of the following would cause the person hardship:

- (a) a bylaw respecting*
 - (i) the siting, dimensions or size of a building or structure*

Section 542 establishes that the board of variance may only order that a minor variance be permitted from the requirements of the bylaw, if the board of variance:

- (a) has heard from the applicant and any person notified any person notified under section 541,*
- (b) finds that undue hardship would be caused to the applicant if the bylaw or 531 (1) is complied with, and*
- (c) is of the opinion that the variance or exemption does not do any of the following:*
 - i. result in inappropriate development of the site;*
 - ii. adversely affect the natural environment;*
 - iii. substantially affect the use and enjoyment of adjacent land;*
 - iv. vary permitted uses and densities under the applicable bylaw;*
 - v. defeat the intent of the bylaw;*
 - vi. vary the application of an applicable bylaw in relation to residential rental tenure.*

Further, Section 542 (2) establishes that the board of variance must not make an order that would:

- (a) be in conflict with a covenant registered under section 219 of the Land Title Act or section 24A of the Land Registry Act, R.S.B.C., c. 208;*
- (b) deal with a matter that is covered in a land use permit or covered in a land use contract*
- (c) to (e) deal with matters covered by a phased development agreement; a floodplain specification; or apply to a property with heritage protection applies.*

Staff is satisfied that all other requirements set out in LGA section 542 (1) and (2) have been met. Specifically:

- The statutory notification has been undertaken.
- The proposed development is of a minor nature.

- The natural environment will not be adversely impacted as there are no sensitive ecosystems on the property, and no additions are being made to the existing dwelling or structure.
- The variance will not impact the use and enjoyment of neighbouring properties as the dwelling was constructed over forty (40) years ago and the deck, a minimum of twelve (12) years ago. Additionally, the dwelling and deck conform to the side and rear yard setback requirements.
- The variance does not vary permitted uses or densities.
- The variance does not defeat the intent of the bylaw.
- The variance would not be in conflict with any covenants or permits.

Lastly, in considering the appeal, the Board should be satisfied that the requirements under LGA Section 542 (1) and (2) are met:

1. That the owner would experience a hardship if the appeal is not granted; and,
2. That the proposed variance is of a minor nature.

Submitted By:	Phil Testemale, Planner 2	August 5, 2021
Concurrence:	Brad Smith, Island Planner	August 6, 2021

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. CRD BP record
4. 2008 survey
5. 2021 survey
6. Statement from Applicant
7. Notice

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot B, District Lot 56, Galiano Island, Cowichan District, Plan 20601
PID	003-594-017
Civic Address	555 Ganner Road

LAND USE

Current Land Use	Residential (Small Lot Residential)
Surrounding Land Use	Residential (Small Lot Residential)

HISTORICAL ACTIVITY

File No.	Purpose
GL-BP-2021.11	Building permit for subject structural upgrades

POLICY/REGULATORY

Official Community Plan Designations	The subject property is designated as SLR – Small Lot Residential in the Galiano Islands Official Community Plan 108, 1995. Development Permit Area 7 – Steep Slope Hazard (Moderate) is designated on the rear portion of the property (see Attachment 2.4). The proposed development is exempt from the requirements to obtain a Development Permit.
Land Use Bylaw	The subject property is zoned as Small Lot Residential (SLR) in the Galiano Island Land Use Bylaw 127, 1999. The residential use of the property conforms to the zone.
Other Regulations	N/A
Covenants	None
Bylaw Enforcement	None

SITE INFLUENCES

Islands Trust Fund	The proposal has no implications for the Island Trust Conservancy
Regional Conservation Strategy	The proposal has no implications for the Regional Conservation Strategy
Species at Risk	TAPIS indicates SAR (Ecological Community - Douglas-fir/Dull Oregon-grape) – Attachment 2.6
Sensitive Ecosystems	Mature Forest (Attachment 2.5)
Hazard Areas	Moderate and Low Steep Slope Hazard (Attachment 2.3)
Archaeological Sites	Remote Access to Archaeological Data (RAAD) information indicates there are no archaeological sites noted within the property or within 100 metres. There is occurrences of High Archaeological in the area. As such, by copy of this report, the owners and applicant should be aware that there is still a

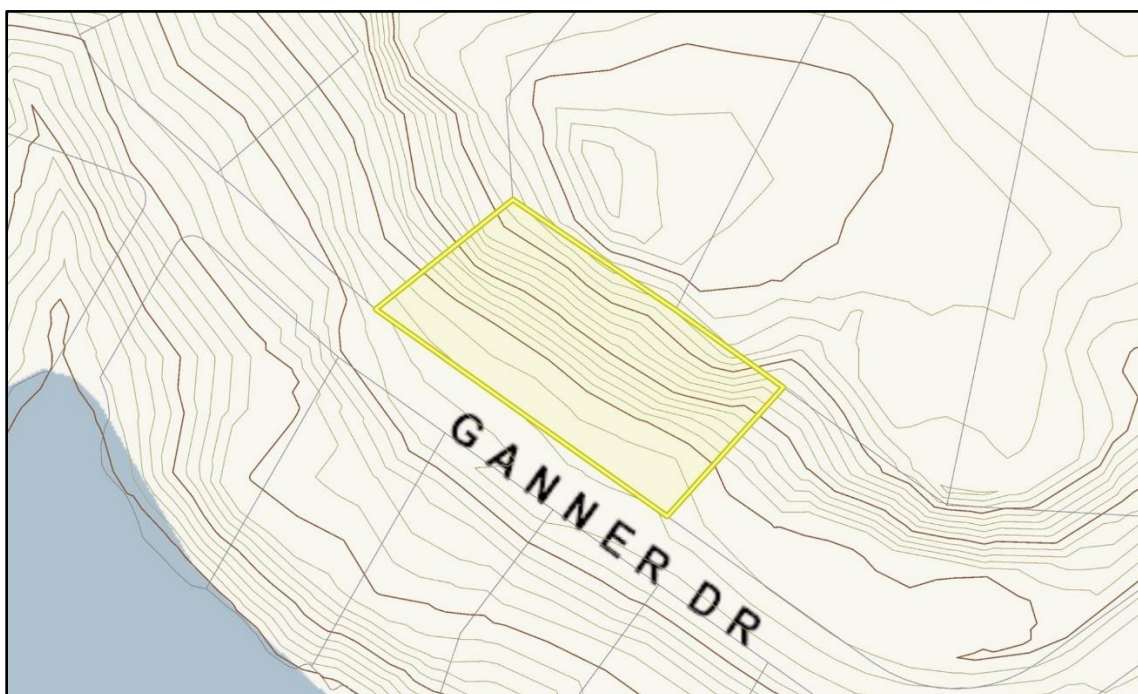
	chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work. The applicant has also been sent the Islands Trust Chance Find Protocol and provincial guidance on archaeological sites.
Climate Change Adaptation and Mitigation	The proposed structural repairs will have little impact on GHG emission changes resulting from approval. Given the dwellings elevation, potential impacts on proposed development from anticipated or possible climate change induced hazards (eg sea level rise) are also assessed as small.

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

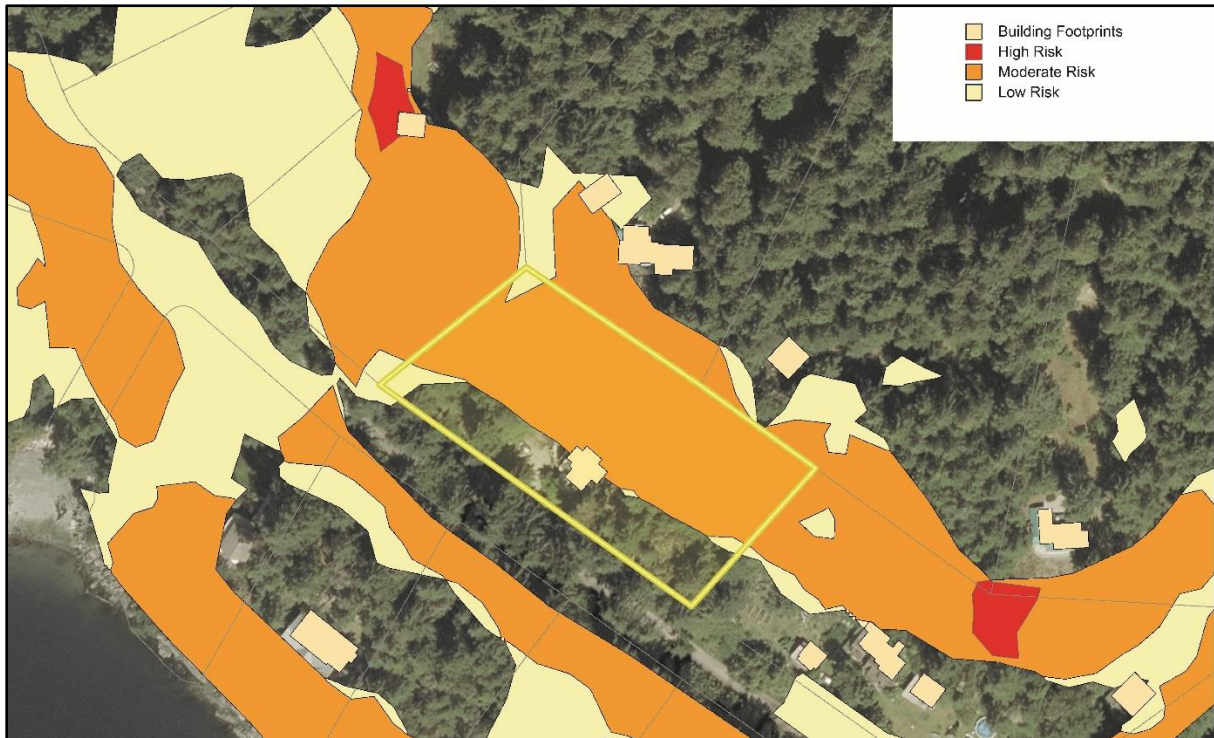
2.1 ORTHOPHOTO



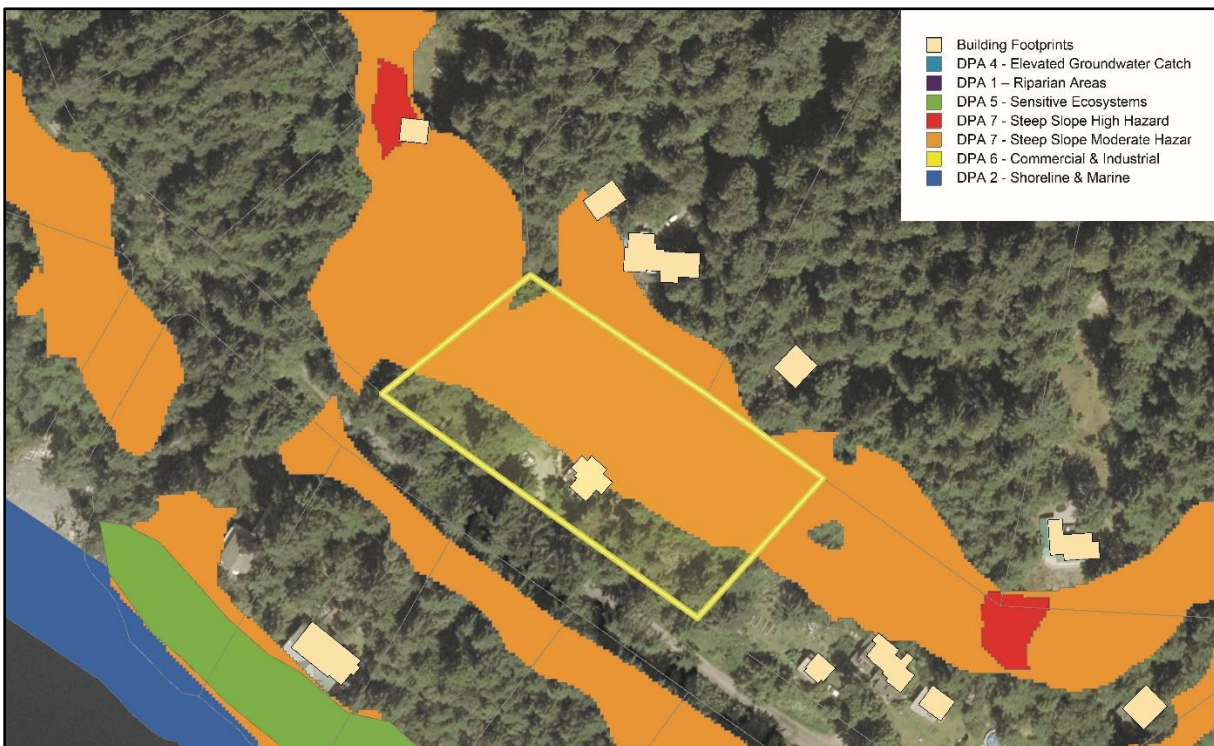
2.2 CONTOURS



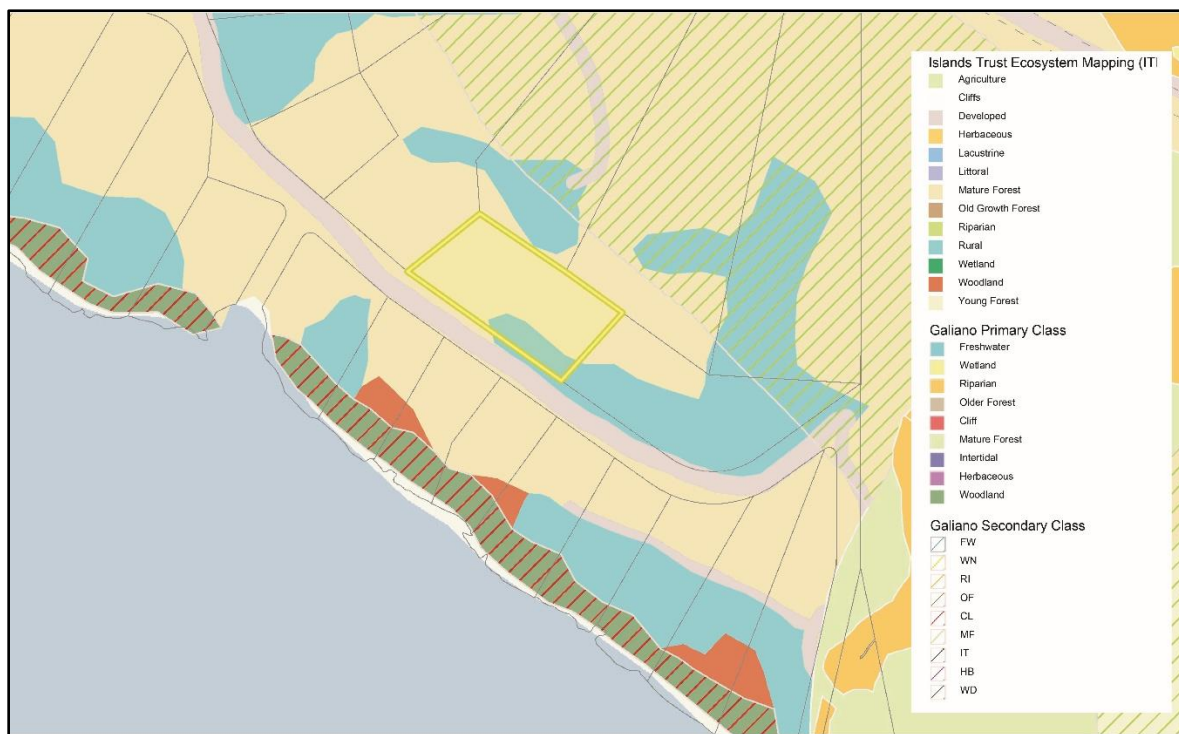
2.3 STEEP SLOPE HAZARD MAPPING



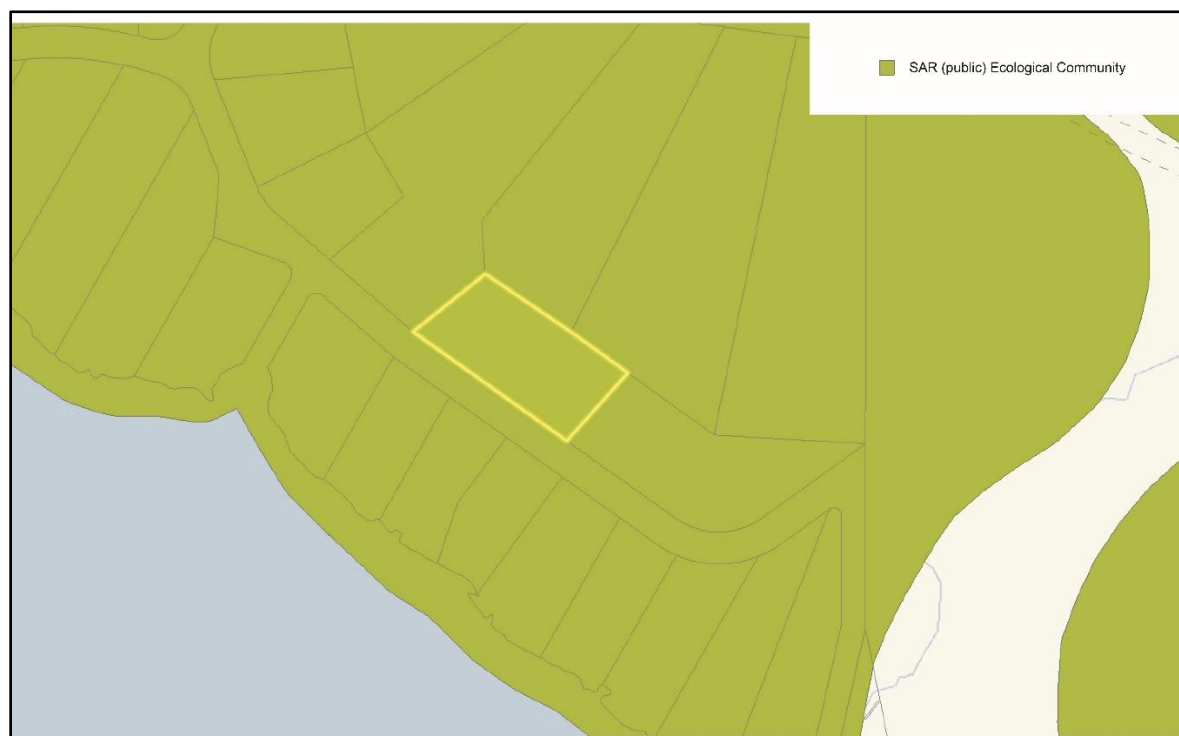
2.4 DEVELOPMENT PERMIT AREAS



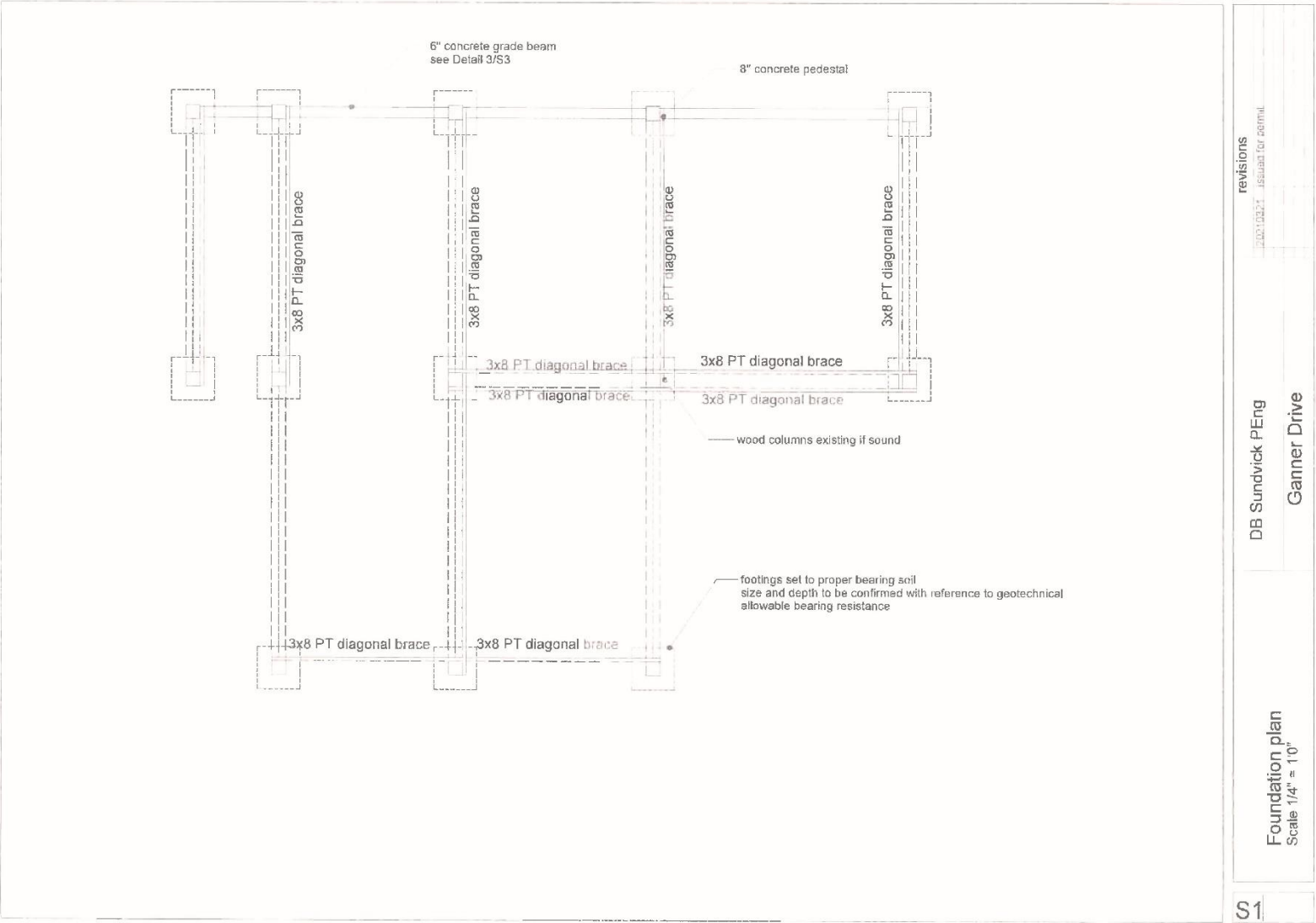
2.5 SENSITIVE ECOSYSTEM MAPPING



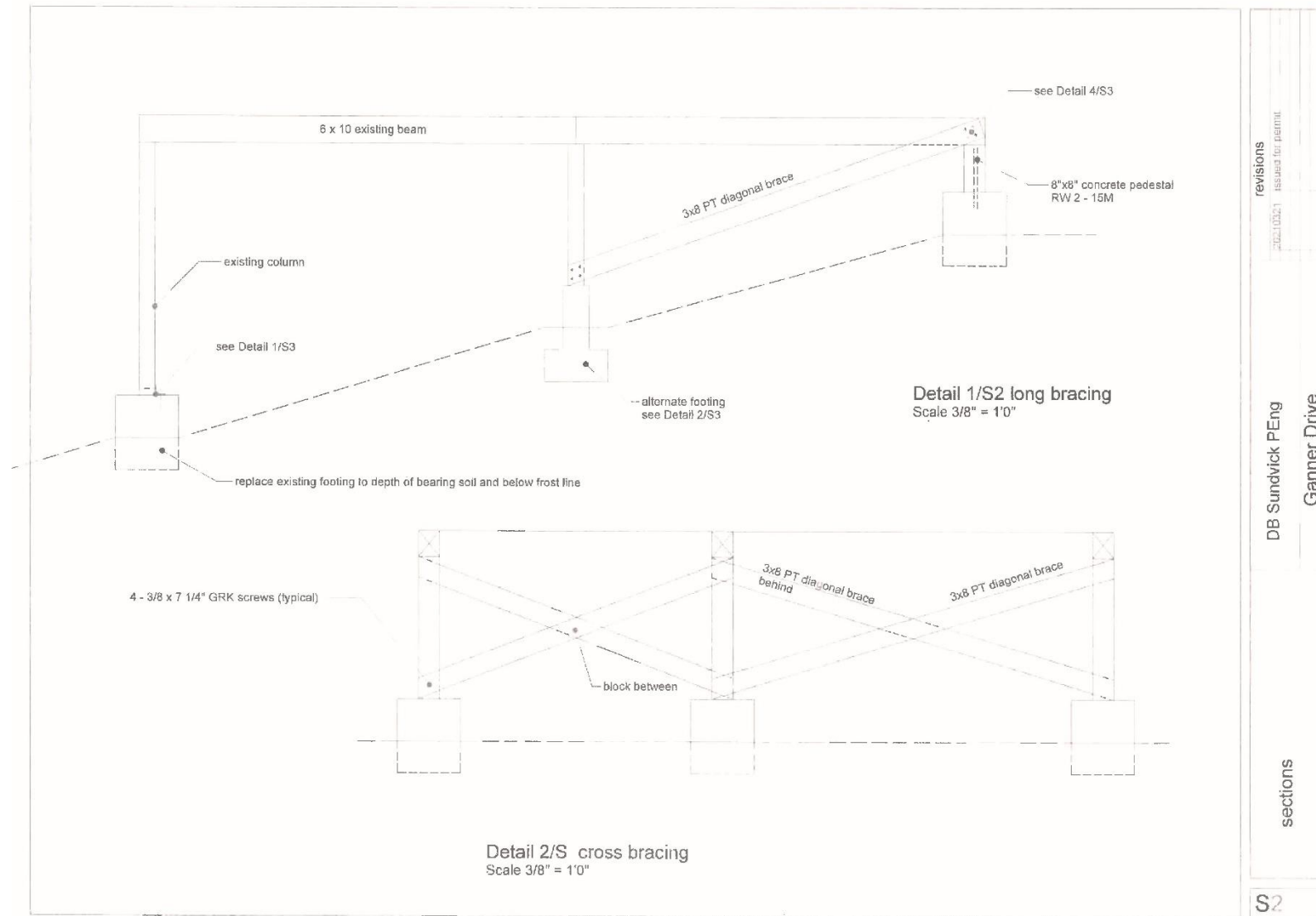
2.6 SAR ECOLOGICAL COMMUNITY (DOUGLAS-FIR/DULL OREGON-GRAPE)



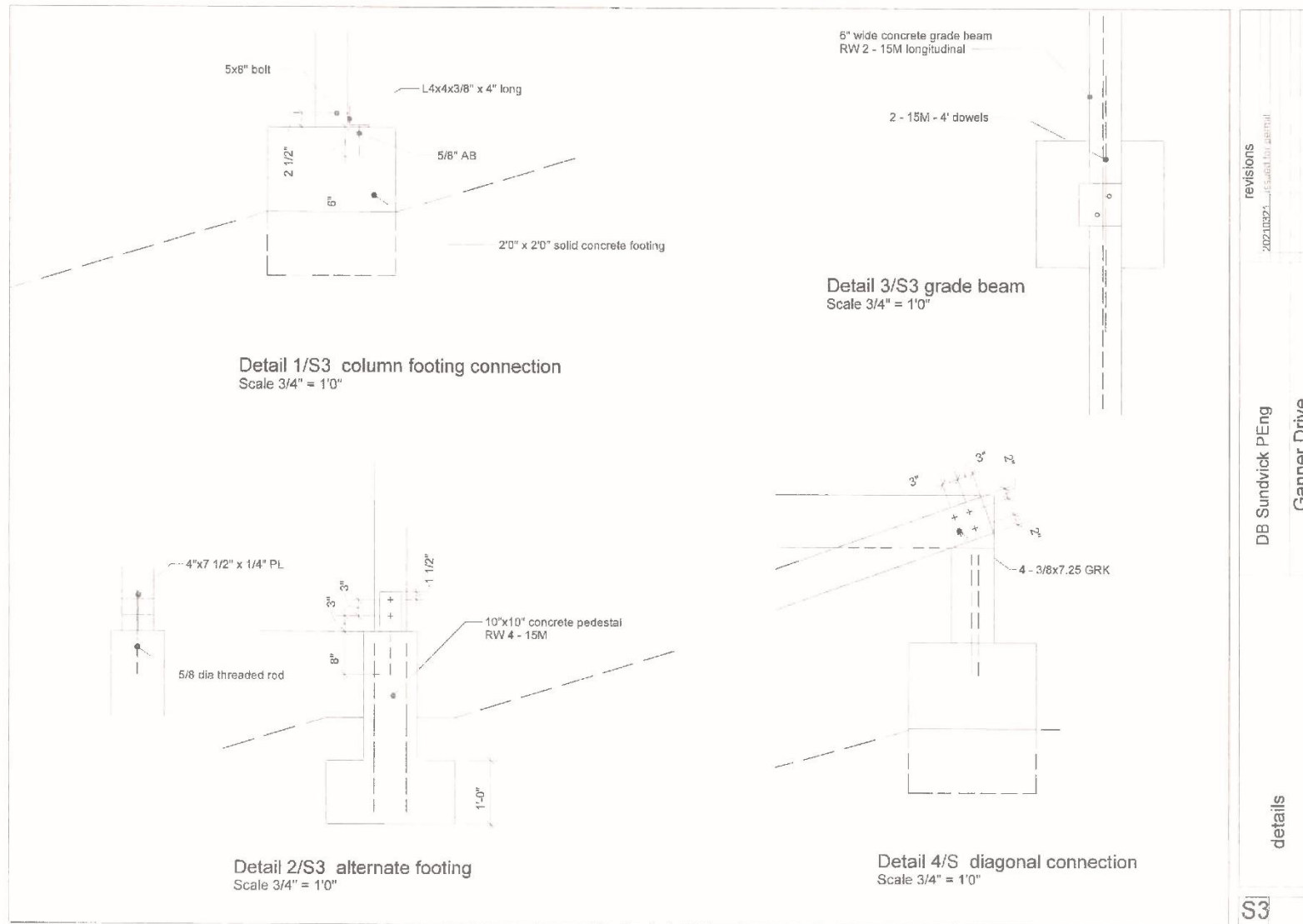
2.7 ENGINEER'S PLANS



2.7 ENGINEER'S PLANS (CONT'D)



2.7 ENGINEER'S PLANS (CONT'D)



2.8 PHOTOGRAPHS



2.8 PHOTOGRAPHS (CONT'D)



Re: CRD FOI File: 0580.20/21-029

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BUILDING PLANS SUBMITTED BY OWNER:



STRUCTURE ON GANNER DR
GALIANO IS.

LOT: B

SECTION: 20601

PLAN: 56

DISTRICT: COWAICHAN

BUILDING SPECS

ONE BEDROOM GUEST CABIN 18'x26'

POST AND BEAM CONST. STANDARD BUILDING PRODUCTS

SHAKE ROOF

1x10 CEDAR SIDING

APPROVED FOR CONSTRUCTION

Subject to compliance with the corrections indicated in red, and all applicable bylaws and regulations, these plans are approved for the construction of:

ADDITION TO SFD.

At: LOT B GANNER DR.

Date: May 20/80

Plans checked by: Ru

Approved by:

CAPITAL REGIONAL DISTRICT

Building Inspection Division

THESE APPROVED PLANS MUST BE AVAILABLE FOR INSPECTION AT THE ABOVE LOCATION AT ALL TIMES DURING CONSTRUCTION.

RECEIVED
MAY 16 1980

CAPITAL REGIONAL DISTRICT
Building Inspection Department

KITCHEN
9'x10'

DINING
ROOM

24'x36'

BROOM
CLOSET
HOT
WATER

10'1"

S1

MAIN
ENTRANCE

MAIN FLOOR PLAN
18'x26'

SERVICE
PANEL

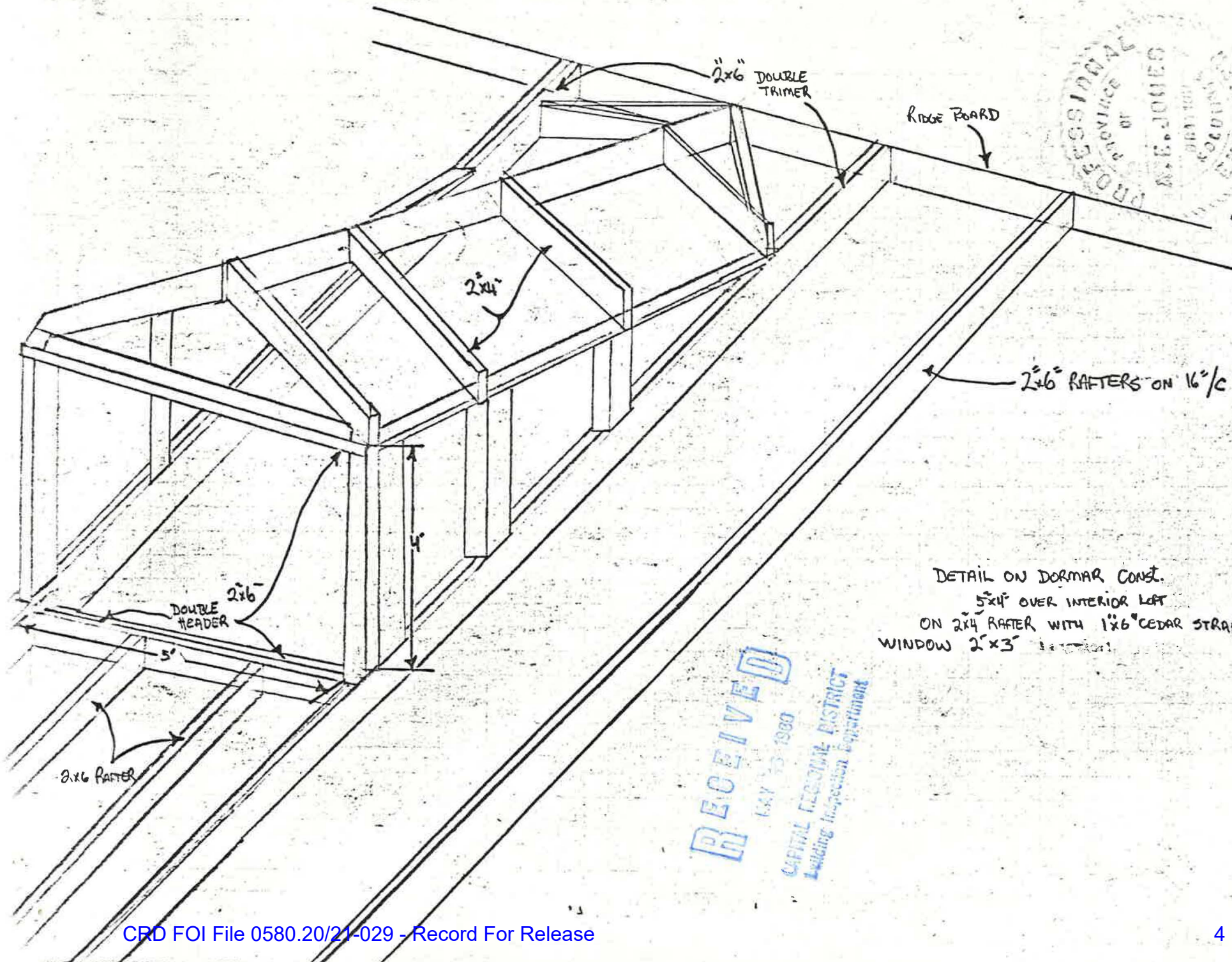
LIVING ROOM

3'x5'

RECEIVED
MAY 13 1980

SANITARY DISTRICT
Health Department

5'x8'



UPPER FLOOR,
LOFT BEDROOM
ON 2x6 JOISTS 16' 9"

CLOSET

LOFT-BEDROOM
12'x18'

4 1/2' ROOF PITCH WITH DORMAR

DORMAR

DORMAR
WINDOW
SEAT

CLOSET
STORAGE

6'
6'
OAK STAIRS

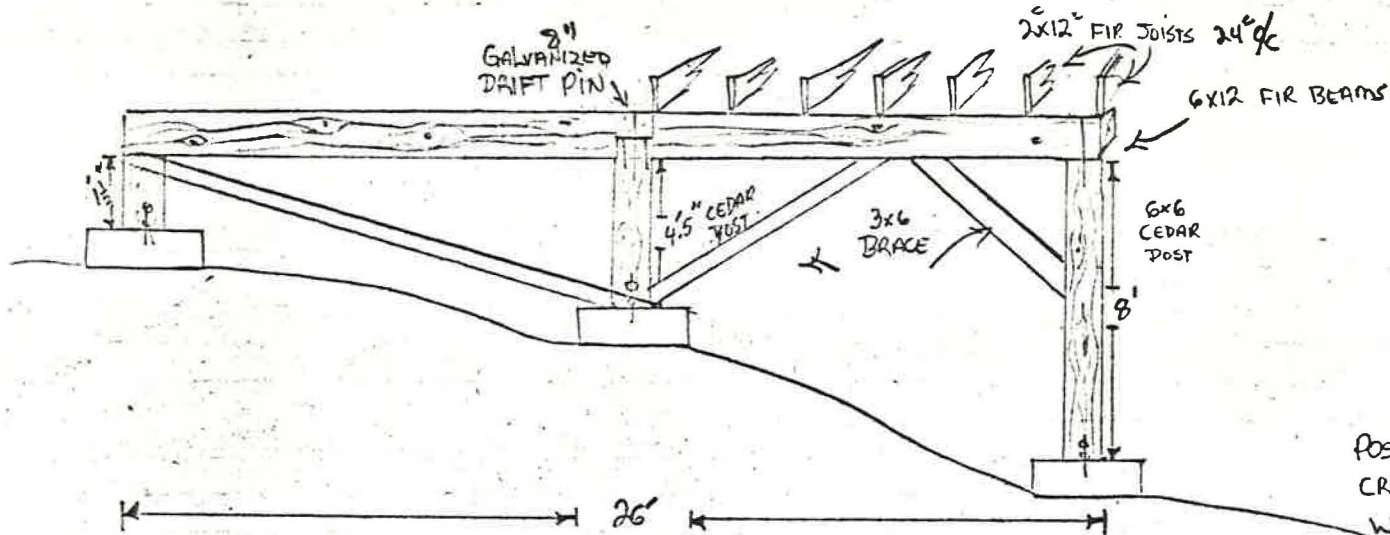
12'

SERVICE
PANEL

LOWER LIVING ROOM

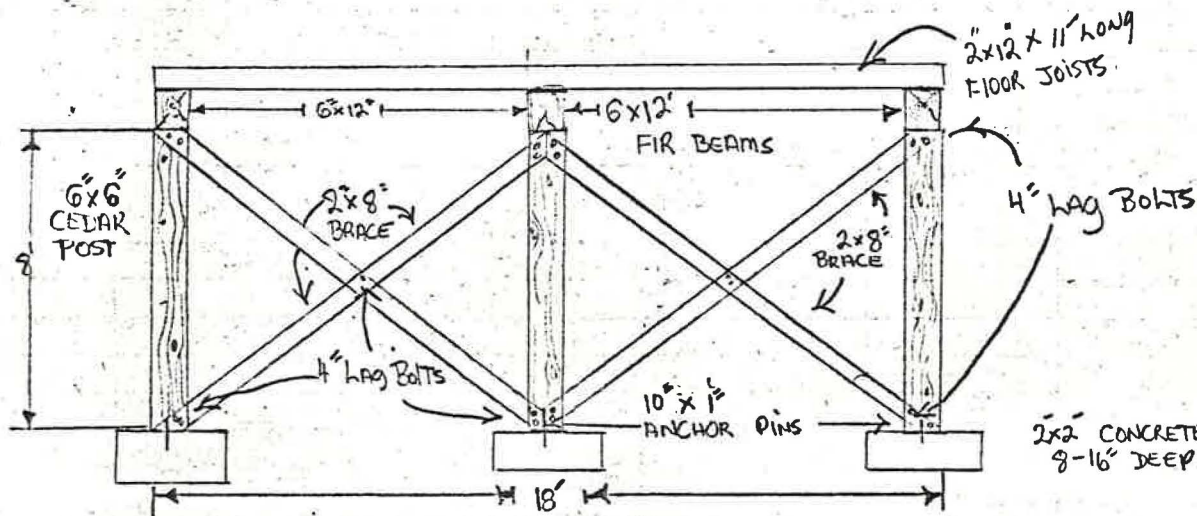
2x10x1" CEDAR COLLAR TIES
34" FROM VAULTED CEILING

Approved for
structural details
A.E. Jones
May 4, 1980



SIDE PLAN

POST + BEAM FOUNDATIONS ON 25x16" PADS
CROSS BRACING WITH 2x8" FIR, HELD IN
WITH 4" LAG BOLTS
TO BE ENCLOSED AT A FUTURE DATE

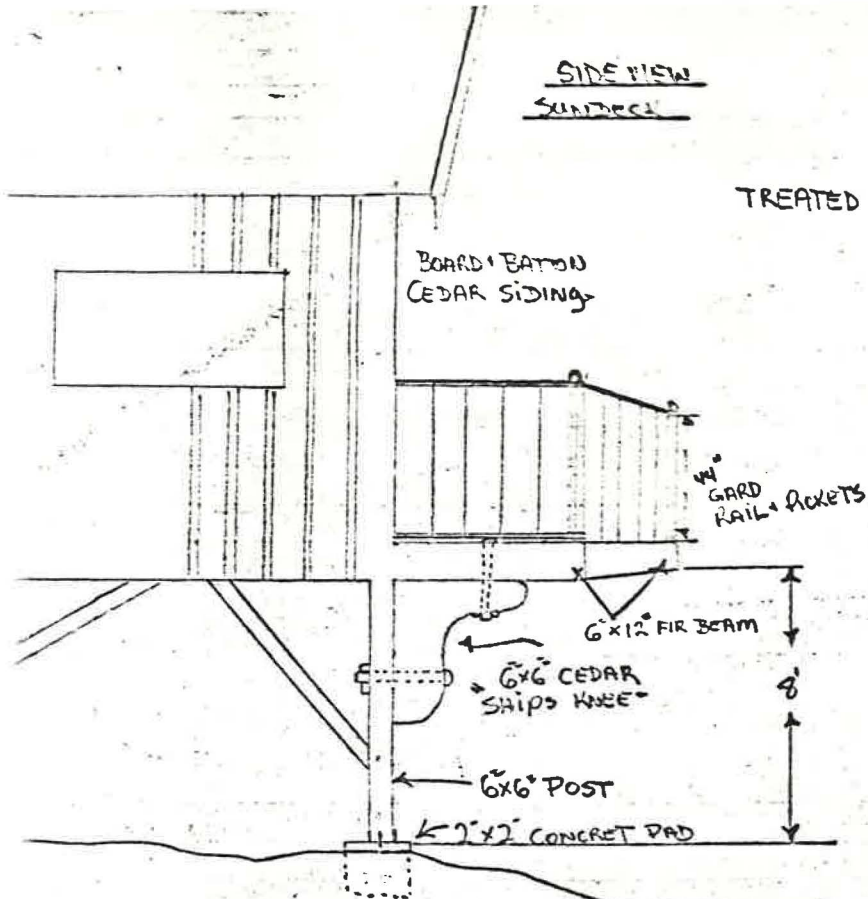


FRONT PLAN (FOUNDATION FOR POST + BEAM)

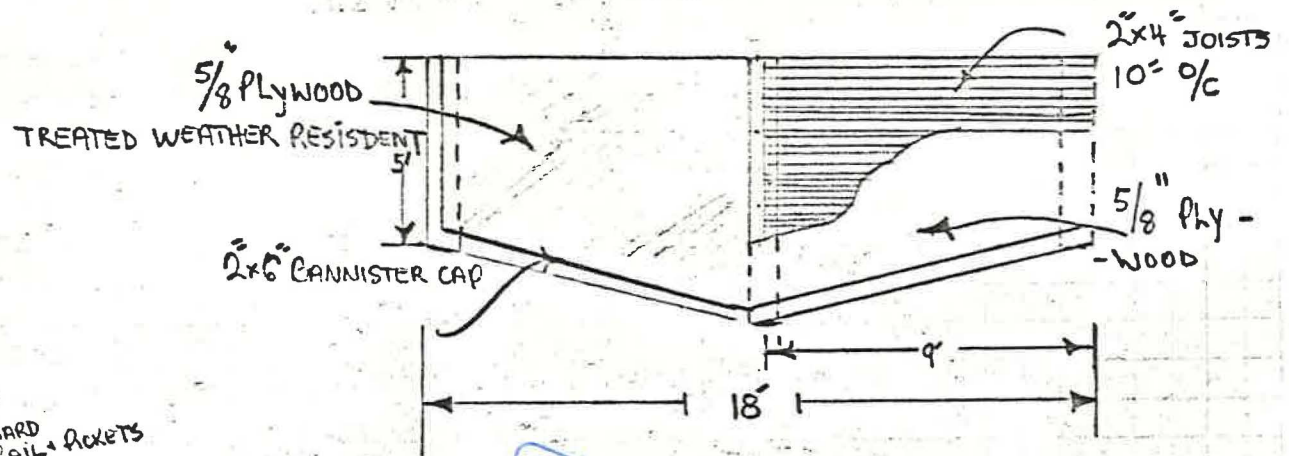
RECEIVED
MAY 16 1980
CAPITAL REGIONAL DISTRICT
Building Inspection Department

Approved for
structural details
A.E. Jones
May 6, 1980

SIDE VIEW
SUNDECK



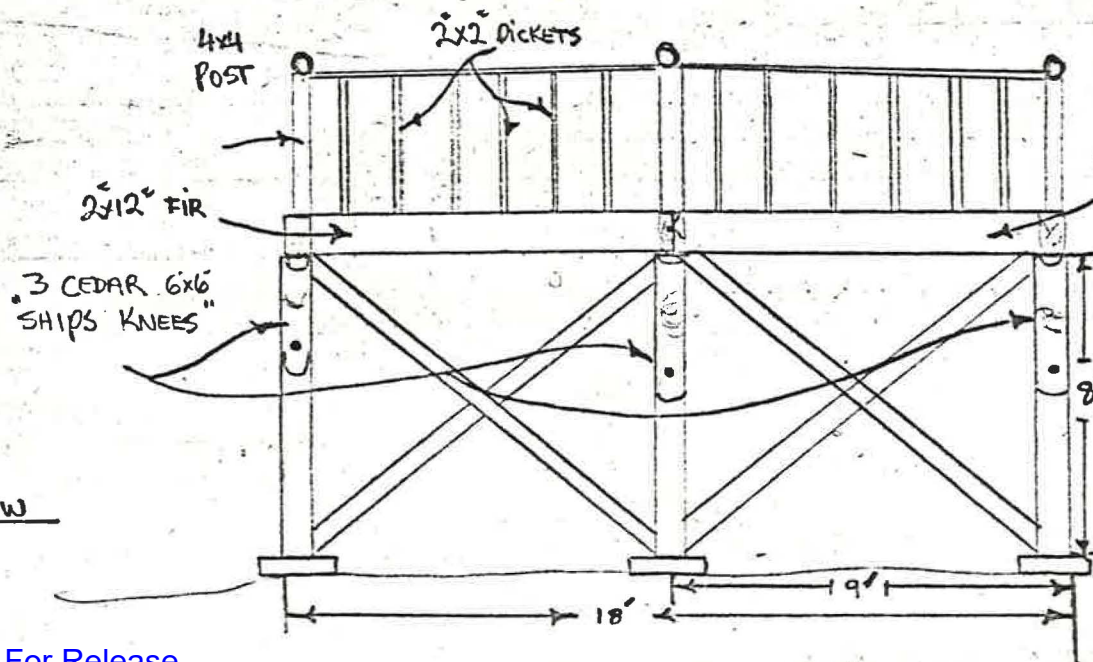
OVERVIEW PLAN



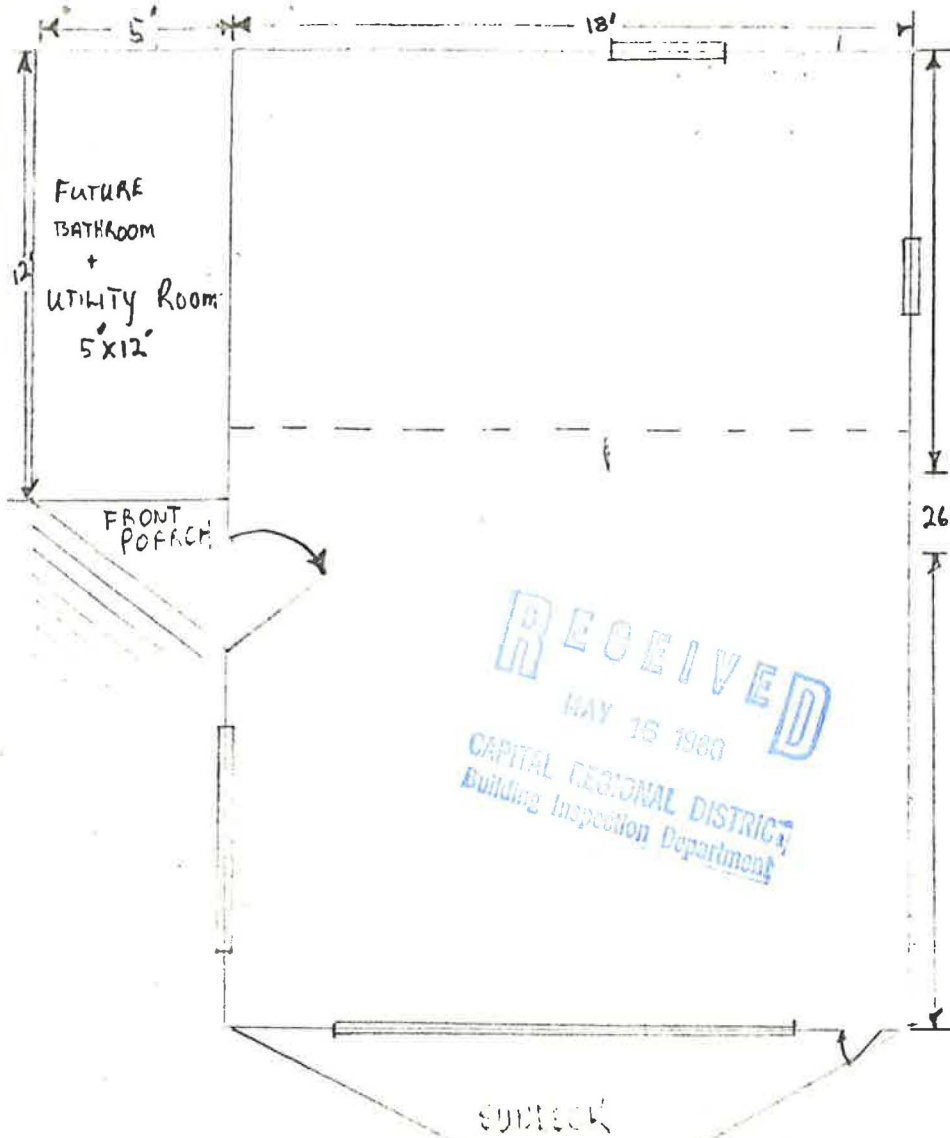
RECEIVED
MAY 16 1980
CAPITAL REGIONAL DISTRICT
Building Inspection Department



UNDECK PLAN



Approved for
Standard Details
P. E. Jones
May 6, 1980

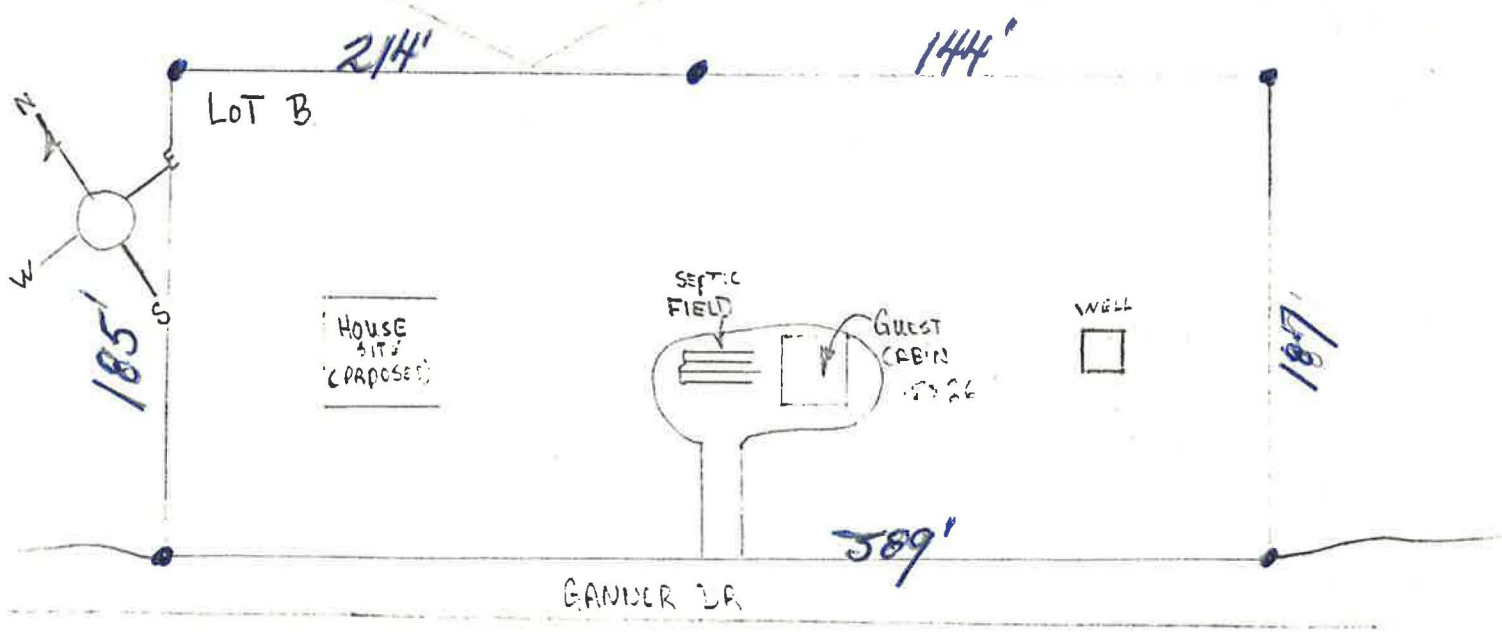


20601

PLAN #20601

LOT B

RECEIVED
MAY 15 1980
CAPITAL REGIONAL DISTRICT
Building Inspection Department



Civic address: 555 Ganner Drive
Galiano Island, B.C.
Parcel identifier number OC3-194-017

0 10 30 50 metres
Scale 1: 500 (metric) All distances are in metres

Indicates iron survey
post found (typical)

Ganner Drive

Lot 8
Plan 20601

Indicates spike set on property line
marked with pins (flashing and
orange painted like typical)

Property dimensions are
derived from Land Title Plans
and field survey.
Lot dimensions and clearances may change
slightly upon complete legal survey.

Don Mitchell
Land Surveying Inc.
1030 North Point Street
Victoria B.C.
V8T 1C6
tel 385-1712
tel 385-1713
email don @ mitchellsurvey.ca

to 227 for 06-GI-7798 (a)

N
APPROVED
FOR LAND USE/SITING
Zoning SLR
B.L. No. 127

SETBACK DIMENSIONS

Rear: 7.5m
Side: 6m Side: 6m
Front: 7.5m
Height (maximum) 9m
Special
Requirements: ADDITION
TO S.F.R. (DORMANT
FILE)

This document shows the relative location of the survey
and features with respect to the boundaries of the parcel
above. This document shall not be used to determine precise
property corners.

Date Dec 1 2008

Signed [Signature]

This Building Location Certificate has been prepared in
accordance with the Manual of Standard Practice and is certified
correct as of July 1, 2006.

Inspector

RECEIVED
NOV 27 2008
CAPITAL REGIONAL DISTRICT
Building Inspection Department

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for any damages that may be
suffered by a third party as a result of the
decisions made, or actions taken based
on this document.

This document is not valid unless properly signed
and dated.

B.C.L.S.

6108-396

Civic address: 555 Ganner Drive
Galiano Island, B.C.
Parcel identifier number OC3-594-017

0 10 30 50 metres
Scale 1: 500 (metric) All distances are in metres

Indicates iron survey
post found (typical)

Lot B
Plan 20601

Ganner Drive

Indicates spike set on property line
marked with pink flag and
orange painted to the (typical)

Property dimensions are
derived from Land Title Plans
and field survey.
Lot dimensions and clearances may change
slightly upon complete legal survey.

Don Mitchell
Land Surveying Inc.
1030 North Pictou Street
Victoria, B.C.
V8T 1C8
tel 385-1712
fax 385-1713
email don @ mitchellsurvey.co

to 222 fax 06-GI-7796 (a)



B.C. Land Surveyor's

APPROVED
FOR LAND USE/SITING

Building Location Certificate of:
Lot B, District Lot 56, Galiano Island,
Cowichan District, Plan 20601

Zoning S.L.R.
B.L. No. 127

SETBACK DIMENSIONS

Rear: 7.5m
Side: 6m Side: 6m
Front: 7.5m

Height (maximum): 9m

Special
Requirements: ADDITIONAL

22 S.F.D. (DORMANT
FILE)

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damages that may be
suffered by a third party as a result of any
decisions made, or actions taken based
on this document.

shed not indicated

Date Dec 1/08

Signed [Signature]
Inspector

This Building Location Certificate has been prepared in
accordance with the Building Act and is certified to
this 20th day of July, 2008.

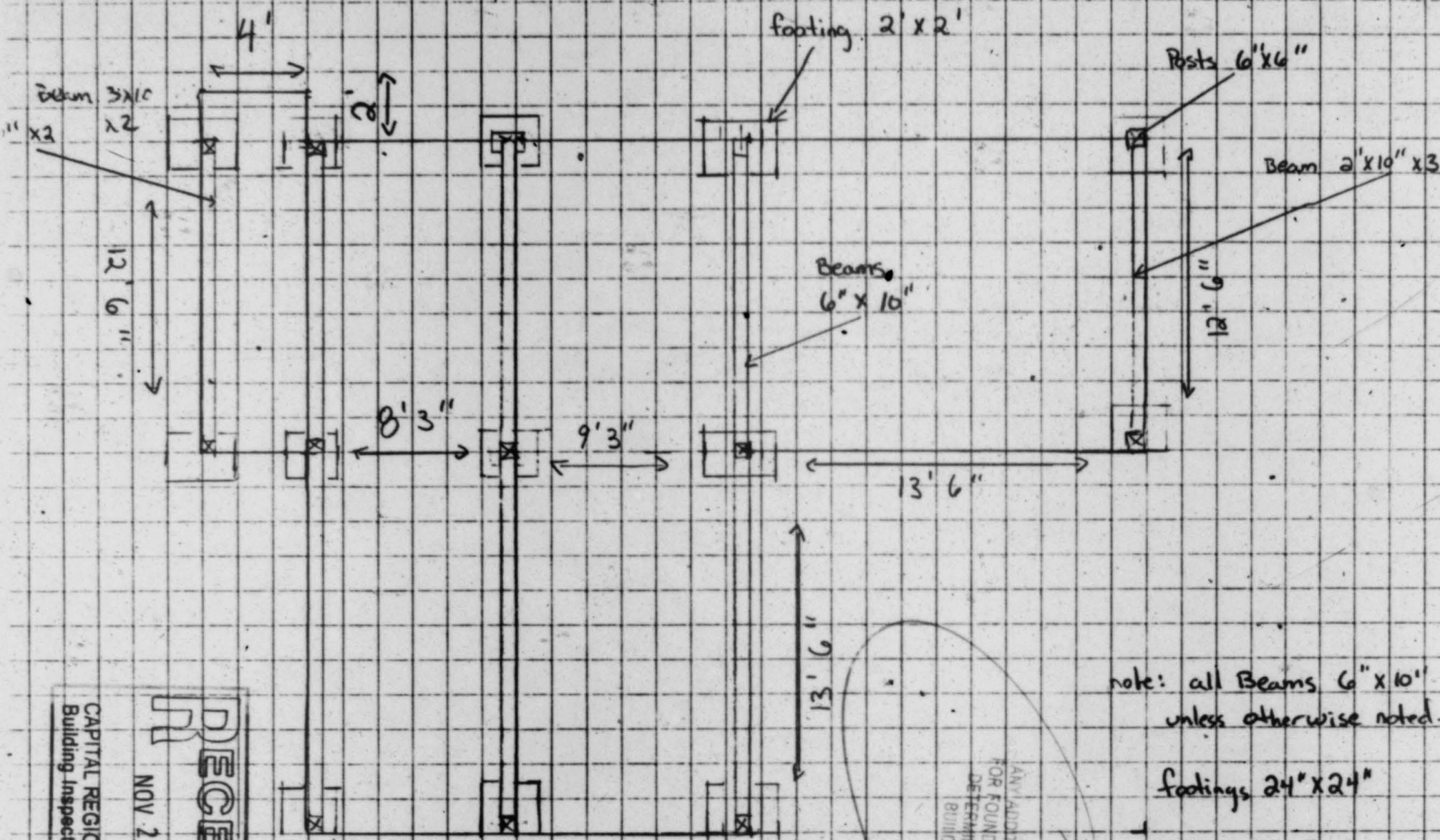
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NOV 27 2008

CAPITAL REGIONAL DISTRICT
Building Inspection Department

This document is not valid unless originally signed
and dated.

6108-396



Existing Foundation Plan

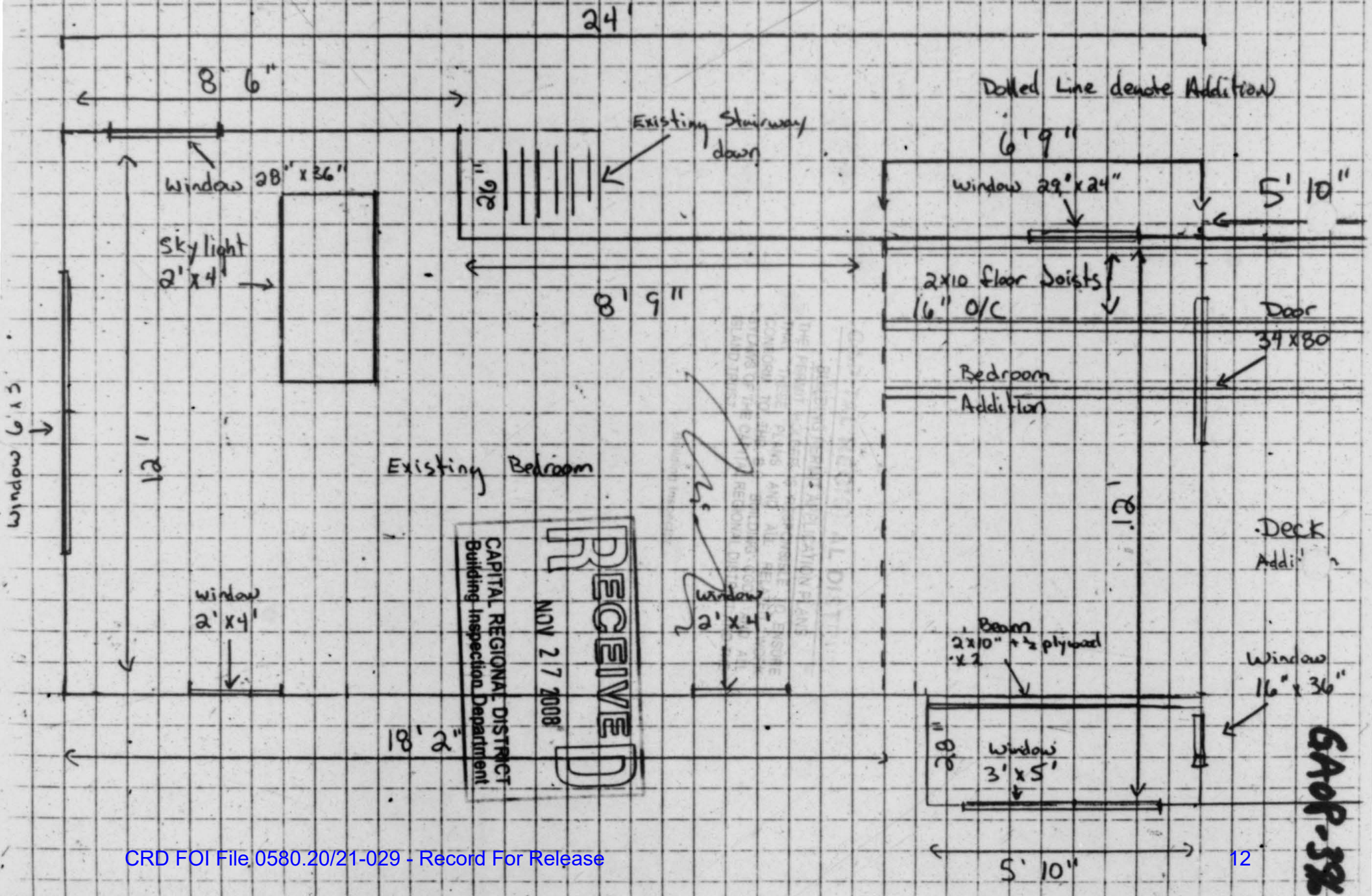
CAPITAL REGIONAL DISTRICT
Building Inspection Department

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Bedroom Plan View with Addition

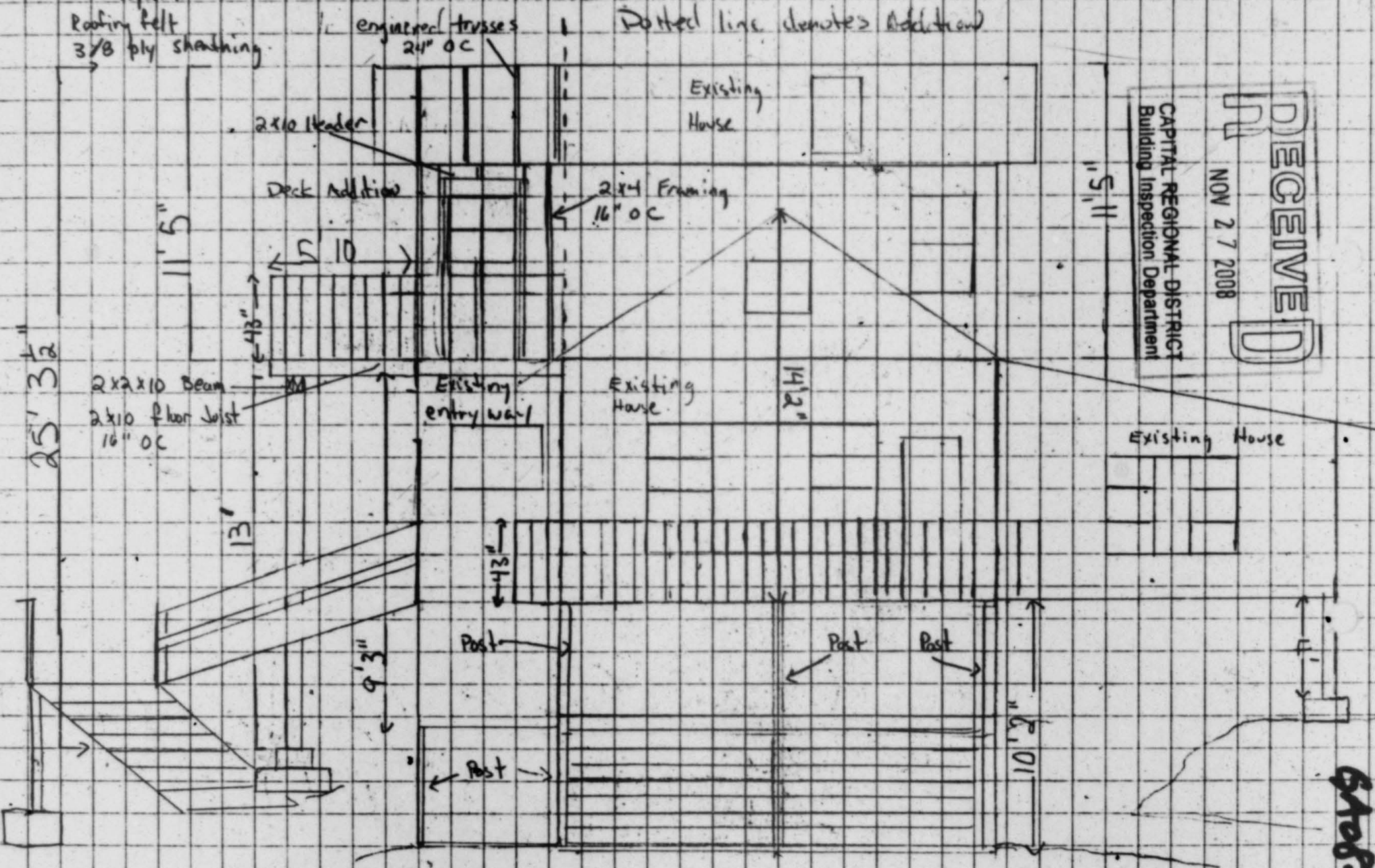
note: 1 square = 8'



1x4 Strapping
 Sheet metal Roof
 6 mil Vapor Barrier
 Roofing felt
 3/8 ply sheathing

Site Plan Elevations

Dotted line denotes Addition



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 NOV 27 2008
 CAPITAL REGIONAL DISTRICT
 Building Inspection Department

RECEIVED

6408-396

Rear View of House with Deck & Addition

Finishing Details
 3/8" Ply Sheathing
 6 mil Vapor Barrier
 30 Min Tar Paper
 Flashing above Windows
 & Door
 Board & Batten Siding

Sheet Metal Roof

1x4 strapping / roofing felt.
 attic insulation R20

engineered Trusses 24" OC

2x4 Framing
 16" OC

Existing House

Existing House

Existing Bedroom

Existing Bathroom

2x2x16 Beam

6x6 Post

2x10 Floor Joists

16x16 foot with 1/2" rebar

Dotted line denotes Addition

Scale 1 square = 16"

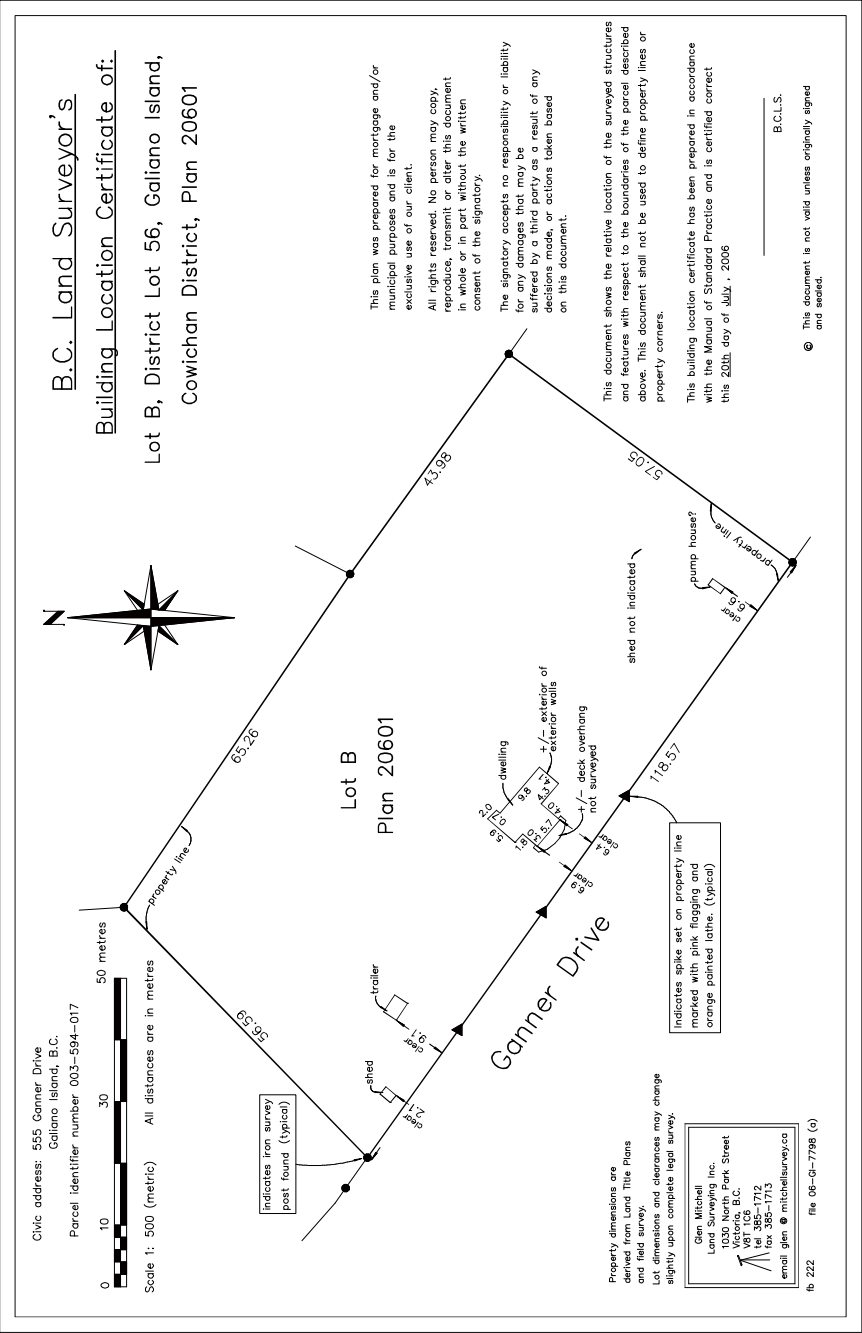
CAPITAL REGIONAL DISTRICT
 Building Inspection Department

NOV 27 2008

RECEIVED

6748-396

6.5

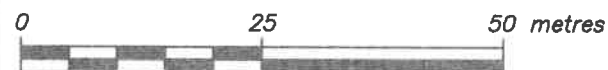


BRITISH COLUMBIA LAND SURVEYOR'S BUILDING LOCATION CERTIFICATE

PARCEL IDENTIFIER: 003-594-017 CIVIC ADDRESS: 555 GANNER DRIVE

LEGAL DESCRIPTION: LOT B, DISTRICT LOT 56, GALIANO ISLAND, COWICHAN DISTRICT, PLAN 20601

Scale 1:750

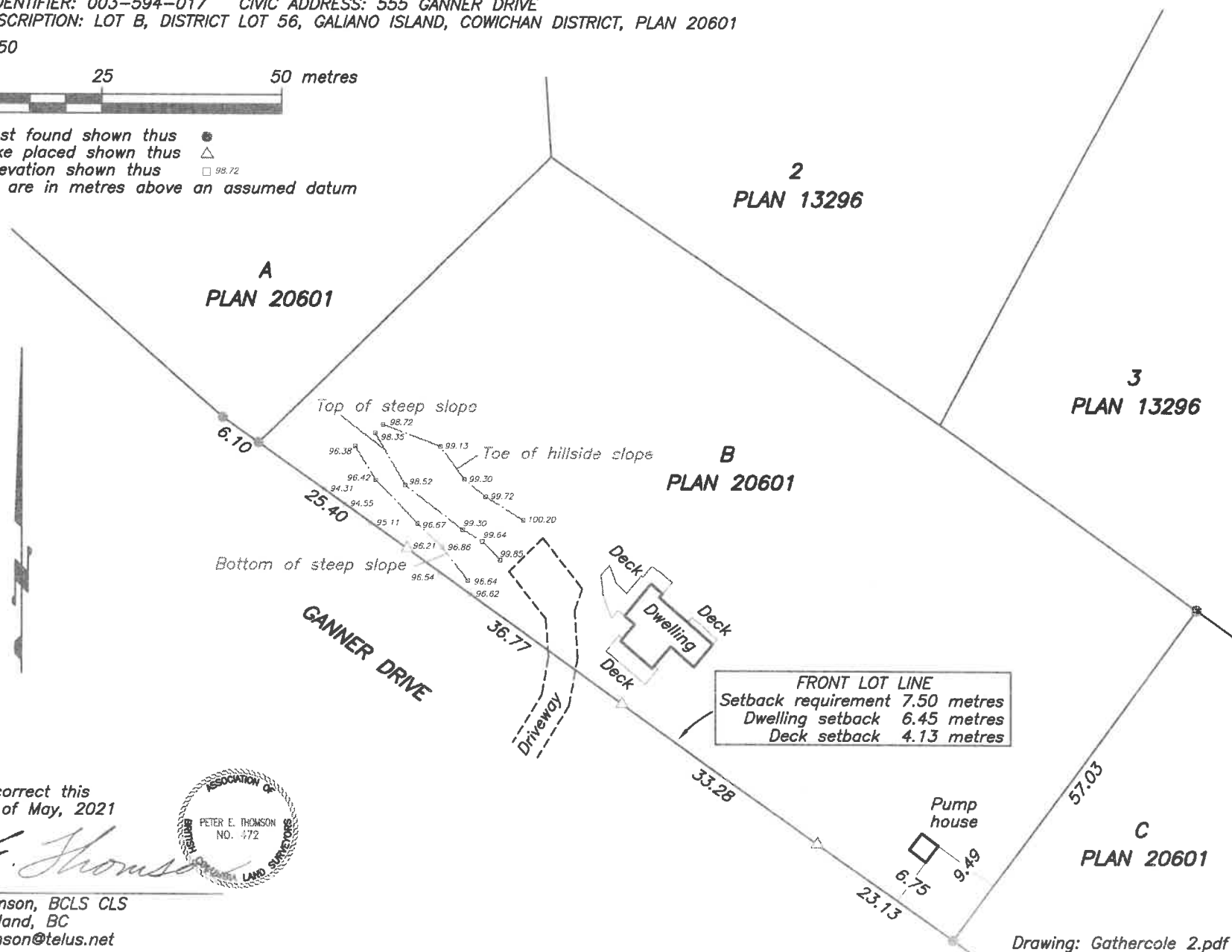


Survey post found shown thus ●

Wood stake placed shown thus △

Ground elevation shown thus □ 98.72

Elevations are in metres above an assumed datum



Certified correct this
11th day of May, 2021

P. E. Thomson



Peter Thomson, BCLS CLS
Galiano Island, BC
peter.thomson@telus.net

Drawing: Gathercole 2.pdf

ATTACHMENT 6 - STATEMENT FROM APPLICANT

The following has been extracted in full from an e-mail response to the following information points requested by staff:

- An overall **Rationale** for the application, explaining the purpose of the alterations being requested, their necessity and what alternatives have been explored;
 - Describe how, in your (or your applicant's), opinion how the requested variances are *minor*; and,
 - Describe how, in your (or your applicant's), opinion the *undue hardship(s)* if the variances are not granted.
-

The intention of the application is to apply for a variance to permit a structural alteration, specifically repairs to the foundation, of the existing building. The existing building exceeds the minimal viable setback of the front lot line and so violates siting regulations. From documents we have received since becoming owners, it appears the building was constructed in 1980, with alterations in 2008. As the building has existed for this period of time, we were regrettably unaware and did not expect the violation when we purchased the property.

As stated, the reason for the variance is to repair the foundations of the existing building to not only meet seismic code but to also ensure the current property is structurally sound and habitable. We have been informed by multiple parties that the existing foundations (concrete pier/footings) do not extend to permafrost level, and thus require reinforcement. The structural repairs are therefore being undertaken to ensure the safety of occupants. If these repairs were not possible, then it is unclear if the current property could be considered habitable long-term, and we would likely need to explore constructing a new building in another area of the property.

We consider the requested variance to be minor as the existing building was constructed by previous owners and has been in its current form for at least 13-years (per BC Land Survey completed in 2008). Also, owing to its distant position relative to the road, the building appears to be well within the siting envelope, which is why we did not suspect this could be an issue when we purchased the property. Finally, we are not requesting any change to the current siting of the building, we are simply requesting a permit to reinforce the foundation that is already there.

While our property is of a significant size (1.6 acres), most of our property is classified as a moderate hazard slope, with the existing building on a flatter section at the foot of this slope, in the very limited space between the less steep terrain and the front lot line. While previous owners of the property have completed significant excavating and remodelling of the flatter sections of the resulting strip of flat land remains narrow. Meanwhile, building on a moderate slope clearly brings many additional, expensive, and undesirable challenges. Much of the sloped section of the property remains largely untouched, and so developing further into the moderate slope would

necessitate impacting the mature trees and natural vegetation that is found there. The environmental importance and beauty of this forested area means that we are very reluctant to negatively impact these areas in any way.

To summarise, we consider the variance to be minor because a) the building has existed for at least 13-years in its current form, b) any violations in constructing the existing building occurred under previous owners, and c) we are simply requesting to address current structural concerns (as opposed to seeking additional changes associated with further violations).

Similarly, we consider not granting the variance to be associated with undue hardship because a) the physical circumstances of the property make it very difficult to build in any location apart from the narrow flatter sections towards the front lot line, b) that it is unclear if we could inhabit the existing building long-term should these structural repairs not be possible, and c) that if this were the case then significant financial hardship would be associated with needing to construct a new property that doesn't violate siting regulations (given the physical challenges of the property).

Attachment 7



GALIANO ISLAND BOARD OF VARIANCE

NOTICE OF HEARING

NOTICE is hereby given pursuant to Section 541 of the *Local Government Act* to the persons who deem that their interest in property is affected that there will be an electronic hearing of the Galiano Island Board of Variance held on **August 19, 2019, starting at 11:30 a.m.**

The Board will consider the following appeal: **GL-BOV-2021.1 (Gathercole)**

Re: **555 Ganner Drive**

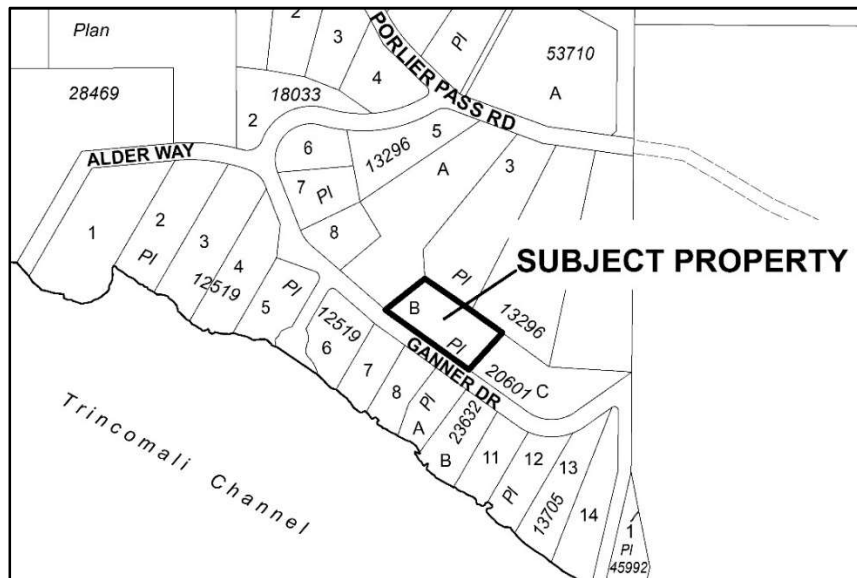
Legally described as: Lot B, District Lot 56, Galiano Island, Cowichan District, Plan 20601
PID: 003-594-017

The purpose of the appeal is to:

Allow for variances to Galiano Island Land Use Bylaw 127, 1999 (LUB) respecting the siting, size or dimensions of a building or other structure. The proposed variances are to Subsection 5.3.8 'Minimum Setbacks' of the LUB as shown on the attached Schedule 'A', and specifically as follows:

1. Article 5.3.8.1 which states that buildings and structures must be sited at least 7.5 metres from front lot lines is varied to permit an existing building (dwelling) within 5.85 metres of the front lot line, and an existing attached structure (deck) within 4.13 metres of the front lot line.

The general location of the subject property is shown on the sketch below:



Any person whose property may be affected by an appeal to a Board of Variance has the right to be heard and give evidence at the hearing, or to be represented by some other person authorized by them in writing to do so.

Written submissions may be delivered as follows:

1. To the Secretary to the Galiano Island Board of Variance, at the office of Islands Trust #200 - 1627 Fort Street, Victoria, BC, V8R 1H8, telephone (250) 405-5170, fax (250) 405-5155, or by email to southinfo@islandstrust.bc.ca, prior to **4:30 p.m., August 11, 2021**.
2. After **4:30 p.m., August 11, 2021**, to the Chair of the Galiano Island Board of Variance at the hearing by emailing to southinfo@islandstrust.bc.ca.

Enquiries or questions should be directed to: Planner 2, Phil Testemale at (250) 405-5170, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: ptestemale@islandstrust.bc.ca.

All applications are available for review by the public. Written comments made in response to this notice will also be available for public review. A copy of the notice and additional information including how to connect to the electronic hearing can also be viewed on the Islands Trust webpage <https://islandstrust.bc.ca/event/galiano-board-of-variance-meeting/>.

Phil Testemale
Secretary to the Galiano Island Board of Variance

GL-BOV-2021.1 (Gathercole)
Schedule A
Site Plan of Proposed Variances

