

ADOPTED

North Pender Island Board of Variance Minutes of a Hearing

Date: June 13, 2023
Location: Electronic Meeting (Zoom Webinar)

Members Present: Priscilla Zimmerman, Chair
Andrew MacLean, BOV Member
Bert Hol, BOV Member

Staff Present: Brad Smith, Island Planner
Fran Munro, Recorder
Emily Bryant, Administrator

Applicant Representative: Mike McDonald via phone call

1. CALL TO ORDER

Chair Zimmerman called the meeting to order at 2:00 p.m. Chair Zimmerman acknowledged that the meeting was held on the unceded territory of the Coast Salish First Nations, and is grateful to be on this land.

2. APPROVAL OF AGENDA

By general consensus the agenda was approved as presented.

3. MINUTES

3.1 North Pender Board of Variance Minutes Dated March 23, 2022

By general consent the Board of Variance meeting minutes of **March 23, 2022** were adopted as presented.

4. UPDATE FROM SECRETARY

Planner Smith advised he is presenting a staff report on the Variance Application before the board today.

Planner Smith advised BoV Member MacLean, BoV Member Hol and BoV Chair Zimmerman (on line) attended a site visit at the property with him to view the proposed projection of the deck extension. The proposed deck is located within 5.64 m of the front lot setback line. The Bylaw provision allows an overhang of the deck of at least 0.6 m, so this reduces the variance they are seeking. The BoV will need to consider whether hardship is being caused in this case and if the variance is minor or not.

5. APPLICATIONS

5.1 NP-BOV-2023.3 (McDonald) - Staff Report

BoV Member MacLean advised the footing extends another 0.29 m. It was discussed whether or not a hardship would be caused if the set back was reduced to 5.25 m or if this would be a minor variance. The elevation of the building design indicates the deck would be raised to the second level of the home and not be built on ground level. BoV Hol felt a 28% reduction would be a degree of minor variance.

Planner Smith advised the owner is wanting to be within 5.64 m but another 0.29 m has to be added due to the extension of the footing. The Applicant MacDonald advised there was a deck plan and the information they needed to look at was at the bottom of the plan he sent them. It was a PDF image of the outside deck. He advised it was originally a square deck and the drawing has a 45 degree angle noted on it. He did advise he could reduce the deck from 8 feet to 7 feet. He could move the posts back by 2 feet.

There was much discussion by everyone about the size difference.

BoV Member MacLean was of the view that the application was a minor variance. He drew a red line on the drawing showing where the set back would be. The house has already been constructed on the lot in a location away from the back of the lot where there would be an issue with the rock in that area. The deck cannot be placed at the back of the house and siting the deck in the front provides the neighbours more privacy. He does not want financial hardship to come into play here.

Chair Zimmerman's thoughts were that if the deck was reduced from 8 feet to 7 feet, this would be the way to go, so there would be no hardship.

After further discussion, the BoV passed the following resolution:

NP-BOV-2023-01

It was Moved and Seconded

that having considered the matters set out in s.542(1)(c) of the *Local Government Act*, and having found that undue hardship would be caused to the applicant if s. 8.1.5 (a) of the North Pender Land use Bylaw No. 103, 1996 is complied with, the North Pender Island Board of Variance approves application NP-BOV-2023.3 (McDonald) as presented in Schedule 'A', of the NP-BOV-2023.3 Notice of Hearing, with the exception that the concrete footings and deck supports must be sited at least 0.60 m further back to the north away from the encroachment of the front edge of the deck located within 5.64 m of the front lot line.

CARRIED

6. ADJOURNMENT

By general consent the meeting was adjourned at 3:00 p.m.

Recorder
Fran Munro

Date