



ADOPTED

North Pender Island Board of Variance Minutes of a Hearing

Date: July 26, 2023
Location: Electronic Meeting (Zoom Webinar)
Members Present: Andrew MacLean, BOV Member (Acting Chair)
Bert Hol, BOV Member
Staff Present: Brad Smith, Island Planner
Sarah Shugar, Recorder
Applicants: Heather Cameron
Kevin Zembik

These minutes follow the order of the agenda although the sequence may have varied. The electronic meeting was live streamed, recorded, and made available for public viewing.

1. CALL TO ORDER

Planner Smith called the meeting to order at 11:02 a.m.

By general consent, the Board of Variance delegated Member MacLean to be Acting Chair for the meeting.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. MINUTES

3.1 North Pender Board of Variance Minutes Dated June 13, 2023 (for Adoption)

By general consent, the Board of Variance meeting minutes of June 13, 2023 were adopted as presented.

4. UPDATE FROM SECRETARY

Planner Smith reported the Board of Variance members attended a site visit at 1604 Chart Drive, Pender Island on July 24, 2023.

5. APPLICATIONS

5.1 NP-BOV-2023.1 (Cameron) - Staff Report

Planner Smith presented a summary of the staff report dated July 26, 2023 regarding an appeal to the Board of Variance to vary the North Pender Island Land Use Bylaw No. 224, 2023 (LUB) to permit the construction of a new dwelling and decks along with associated retaining walls within the 15 metre setback from the natural boundary of the sea, and to legalize two existing concrete septic tanks currently sited within this same 15 metre setback. 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.

Applicants Cameron and Zembik spoke to the application.

In discussion, the following items were noted:

- Concern was expressed regarding the siting of the septic tanks and the potential for impacts to the ocean. Concern was expressed whether a septic pump out truck could reach the septic tanks at the current proposed location. The applicant advised the septic tanks could potentially be moved and plastic tanks could be installed. The applicant advised the neighbor has offered to use their driveway to access the septic tanks. It was also added that the preferred design for septic tanks is to be downgrade from the house due to power outages etc. Concern was expressed regarding the age of the septic tanks.
- It was noted that retaining walls are used to hold back soil although would not provide protection from runoff into the ocean. The existing retaining wall looks like it may need to be raised to contain the sand in the disposal field. Planner Smith advised the applicant could ask Ryzuk Engineering to design an engineered retaining wall in between the engineered portions of the retaining wall.
- Concern was expressed that there are too many unknown variables in the application at this point including the deck design and whether the current house design is possible on this building site. The applicants advised the cantilevered deck section would be approximately 0.6 m wide
- Concern was expressed that the 15 metre setback is not drawn consistently on the site plan in respect of the current natural boundary of the sea and there may be more buildable area than is shown on the site plan. There was a question how the setback line was generated. The applicants advised if the setback mirrored the shape of the boundary of the sea it would not have much of an impact on the building site setbacks.
- Support was expressed to move the building site further from the boundary of the sea and closer to the road. The applicants advised they removed that option from the variance but will reconsider.
- There was a question regarding the overall height of the proposed building and that the drawing appears to be approximately 10-11 m tall. Planner Smith advised the average height as measured by the bylaw provision appears under the permitted height of 9 meters. The applicants reaffirmed the designer confirmed the height is allowed when the bylaw formula is applied.
- Planner Smith recommended the applicants seek input from the Capital Regional

- District regarding the building plans and requirements for the retaining walls
- The applicants asked if they should look into the option to reduce the setback from the road. A BOV member expressed support for considering reducing the setback from the road to allow more space from the boundary of the sea
 - There was a question regarding the storage shed. Planner Smith advised all 'permanent' structures are subject to zoning and are considered as a building and calculated in the total lot coverage.
 - Support was expressed that the applicants have done a lot of work to address the concerns. The BOV would like to work with the applicants and expressed that the requested variances are relatively minor although more certainty is needed regarding whether the proposed building design is feasible on the site.

NP-BOV-2023-02

It was Moved and Seconded,

That the North Pender Board of Variance defer a decision on application NP-BOV-2023.1 (Cameron) and seek the following additional information from the applicant:

- a) Clarity from the Capital Regional District Building Inspection department and Ryzuk Engineering on what is the best approach to dealing with the existing non-engineered portion of the retaining wall; and
- b) Clarity from the Capital Regional District Building Inspection department on whether the proposed building design and siting is generally feasible from a building inspection perspective.

CARRIED

6. ADJOURNMENT

By general consent, the meeting was adjourned at 12:25 p.m.

Recorder

Date