



Salt Spring Island Board of Variance

Meeting Minutes

Date of Meeting: Thursday, October 3, 2019
Location: Baptist Church, Lower Level Meeting Room
520 Lower Ganges Road, Salt Spring Island

Members Present: Robert Rush, Member
Lisa Floritto, Chair

Regrets: Nina Adrianna, Member

Staff Present: Serena Klaver, Secretary to the Board
Geordie Gordon, Planner 1
Shayla Burnham, Recorder

Media and Others Present: Toby Seward, Applicant
Perry Booth and Kellie Booth, Owners of the Subject Property
6 Members of the Public

These minutes follow the order of the agenda although the sequence may have varied.

Planner Klaver called the meeting to order at 1:01 p.m.

1. APPROVAL OF AGENDA

By general consent the agenda was adopted.

2. PROCEDURAL BUSINESS

2.1 Election of the Chair

Secretary Klaver announced the election procedures.

Member Rush nominated Member Floritto for the position of Chair.

Member Floritto accepted the nomination.

Planner Klaver called three times for further nominations for the position of Chair. Hearing none, she declared the nominations closed. Member Floritto was elected Chair by acclamation.

3. HEARINGS

3.1 SS-BOV-2019.1 – T. Seward – 336 Cusheon Lake Road

Secretary Klaver, on behalf of Chair Floritto, noted that the procedure would comprise of hearing from three groups. These are the applicant and owners, the Islands Trust staff and Board members.

Member Rush asked Secretary Klaver if members of the public would be able to speak after presentations from both Toby Seward, the Applicant, and Geordie Gordon, Islands Trust staff. Secretary Klaver noted that members of the public may speak at the discretion of the Chair.

Applicant Toby Seward spoke to the application.

Planner Gordon presented a staff memorandum dated September 18, 2019 regarding a Board of Variance request to vary the front lot line setback, natural boundary of a water body setback, and septic field setback for the property at 336 Cusheon Lake Road.

It was noted that two Board members viewed the subject property at 11:00 a.m. on Thursday, October 3, 2019.

There was discussion and the following comments were noted:

- There was a question regarding the height of the proposed structure as it exceeded the height of the existing structure and could potentially block the view of neighbouring lots. The applicant stated that the height of the proposed structure was still lower than the surrounding trees and was also well within the Islands Trust Bylaw height restrictions, which in turn, would not contribute to the obstruction of neighbouring lots.
- There was a question regarding the applicant's decision to apply for a Board of Variance application rather than a Development Variance Permit application. The applicant responded that, when provided information from Planner Gordon, the Board of Variance application was the best process in order to justify hardship.
- There was a comment that if unable to build a new structure in the existing foot print, the property would be useless and in turn, become a hardship.
- There was a comment putting into question the hardship element of the application.
- There was discussion regarding the scope of the variance, and whether this was best viewed by the Local Trust Committee as a Development Variance Permit application.
- There was a question from Member Rush whether there was a Riparian Area Development Permit Area exemption on the property. Planner Gordon responded; yes, a prior exemption on the property is on file with Islands Trust which he believed may have been from the previous owner(s).
- Clarification was sought regarding Development Permit Area 4 (DPA 4) and if it would be of concern once construction begins. Planner Gordon responded that

DPA 4 would not be of concern with the siting of the septic, and that this application was to vary the requirements of the Land Use Bylaw only.

- The Chair welcomed the members of the public to speak.
- A member of the public asked Planner Gordon whether the plan was drawn to scale. Planner Gordon responded, yes. The member of the public also inquired on where the location of the supply line to the septic field would be located. Planner Gordon directed the question to the applicant to clarify the location of the septic. The applicant stated that the line to the septic field would go approximately the center of the easement across the road. The property owners confirmed this statement.
- A member of the public commented with regards to the surrounding trees in the proposed septic area due to the size of the trees and the roots. She also mentioned that in severe weather, if the septic construction were to damage these trees and/or roots, she was concerned one may come down on the neighbouring properties. The applicant responded that if there was development around the trees of concern, it would be very tactile.
- The BOV then moved into deliberation.
- There was a comment that the Board did not believe it should be responsible for the decision, as they felt unsure of the setback requests in the application. It was felt the setbacks were too close to both the road and the lake. The property owner stated they did not have the option to move or change the setbacks due to the position and size of the subject property.
- A member of the public commented that she and her husband had health concerns regarding the possibility of mold in the existing structure. She stated to the Board that she believed the construction of a new structure, health wise, was in the best interest of everyone.
- There was a comment stating that all of the environmental reports had been submitted and therefore the approval of the application proved not to be a hazard to the environment.

SS-BOV-2019.1

It was MOVED and SECONDED,

that the Salt Spring Island Board of Variance approve application SS-BOV-2019.1 (336 Cusheon Lake Road) in accordance with the information contained in the staff memorandum dated September 18, 2019.

CARRIED

5. ADJOURNMENT

By general consent the meeting adjourned at 2:00 p.m.

CERTIFIED CORRECT:



Shayla Burnham, Recorder