



**BOARD OF VARIANCE**  
**Monday April 22, 2024**  
**Sunshine Coast Regional District**  
**1975 Field Road, Sechelt, B.C.**

**AGENDA**

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**CALL TO ORDER 10:00 a.m.**

**AGENDA**

1. Adoption of the Agenda Page 1

**MINUTES**

2. Board of Variance Meeting Minutes of March 28, 2023 Annex A  
*(Receipt and Adoption)* pp 2 – 7

**REPORTS**

3. Board of Variance Application BOV00024 Annex B  
(9171 Truman Road, Electoral Area B – Halfmoon Bay) pp 8 - 19

**NEW BUSINESS**

**ADJOURNMENT**

## SUNSHINE COAST REGIONAL DISTRICT

## BOARD OF VARIANCE

March 28, 2023

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Minutes of the Board of Variance Hearing held at the Sunshine Coast Regional District Office located at 1975 Field Road, Sechelt, B.C.

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**PRESENT:** Member, Board of Variance K. Engelland (Chair)  
Member, Board of Variance K. Child

**ALSO PRESENT:** Manager, Planning and Development J. Jackson  
Planner II C. Humphries  
Planner II N. Copes  
Corporate Officer/Secretary S. Reid  
Applicant/Owner BOV00022 Edmond Lepage  
Applicant/Owner BOV00023 Mark Carota  
Director, Electoral Area E D. McMahon  
Director, Electoral Area D K. Backs  
Recording Secretary A. O'Brien  
Public 2

**REGRETS:** Member, Board of Variance T. Davies

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**CALL TO ORDER** 10:10 a.m.

**AGENDA** The agenda was adopted as presented.

**MINUTES** The minutes of July 13, 2022 were received and adopted as presented.

**REPORTS**

Board of Variance Application: BOV00022

Subject Property: 4559 Gonzales Road (Electoral Area A – Egmont/Pender Harbour)

Legal Description: LOT 2 BLOCK A DISTRICT LOT 1023 PLAN 7966

Staff provided a presentation of the Board of Variance application BOV00022 and the rationale for the variance. The application is to vary the total permitted floor area of a nonconforming use to facilitate the construction of an addition to an existing residential structure; to add a total of 32.33 m<sup>2</sup> (348 ft<sup>2</sup>) in floor area to a residential structure that currently is 39.48 m<sup>2</sup> (425 ft<sup>2</sup>) in floor area. Any addition to a dwelling on the parcel requires a Board of Variance application per the *Local Government Act*, Sections 531(2) and 542(1).

Staff noted that the Board of Variance granted approval for this development in 2016, however the permit expired after two years.

The applicant/owner provided a verbal statement regarding the rationale for the application. Due to various circumstances the development that was approved in 2016 did not move forward. This application is to make the property viable for full time living. There will be no additional bedrooms and no neighbour concerns have been received.

The Board of Variance considered the application and made the following decision:

**DECISION #01/23 It was moved and seconded**

**The Board of Variance recommended that the report titled Board of Variance Application BOV00022 (4559 Gonzales Road) – Electoral Area A be received for information;**

**AND THAT the Board of Variance considered the application in accordance with Section 542 of the *Local Government Act*;**

**AND FURTHER THAT Board of Variance Application BOV00022, to vary the total permitted floor area of a nonconforming use to facilitate the construction of an addition to an existing residential structure; to add a total of 32.33 m<sup>2</sup> (348 ft<sup>2</sup>) in floor area to a residential structure that currently is 39.48 m<sup>2</sup> (425 ft<sup>2</sup>) in floor area, be approved.**

**CARRIED**

Board of Variance Application: BOV00023

Subject Property: 1019 Stephens Road (Electoral Area D – Roberts Creek)

Legal Description: LOT B DISTRICT LOT 809 GROUP 1 NEW WESTMINSTER DISTRICT PLAN EPP69717

Staff provided a presentation of the Board of Variance application BOV00023 and the rationale for the variance. Referral comments from agencies and members of the public were summarized. The application is to vary Zoning Bylaw No. 722, Section 5.14.1 (a) to reduce the setback for a building from a parcel line adjacent to a highway from 5 m to 0.64 m to permit the construction of a shed to replace the existing carport on the subject parcel, located at 1019 Stephens Road.

The agent provided a verbal statement regarding the rationale for the application. The agent stated that the shed will be used for storage by the resident and will not create further traffic or density.

**DISCUSSION**

The Board of Variance discussed the following topics:

- The subdivision finalized on July 28, 2017.
- The current carport is not wired with electricity or plumbed with water.
- The intention is to put a foundation down and enclose the carport.
- The cinder blocks have been put under the carport as a temporary measure.

The Chair invited questions and comments from the public. The following feedback was provided by members of the public:

**Thomas and Kelly Groom, 1031 Stephens Road**

Mr. Groom read from a prepared statement regarding concerns with the application and relocation of the existing carport from the original location to a new location.

The Board of Variance received the prepared statement and survey dated May 15, 2015 provided by Mr. Groom. The full statement and survey is attached to the minutes as Appendix 1.

The Board of Variance discussed the following topics:

- Movement of the carport from the original conforming location to the existing non-conforming location in 2019.

- Subdivision process and realignment of the front property lot line, along Stephens Road, due to required road dedication.
- May 15, 2015 survey showing historic location of the carport.
- VCH covenant amendment and septic system/field installation letter.

The Manager of Planning summarized the carport locations in the two different surveys that were presented with the BOV application and the neighbors for the subdivision plan. It was noted that a bylaw enforcement matter on this property precipitated the Board of Variance Hearing. The Manager discussed the Board of Variance and Development Variance Permit process options.

The Board of Variance considered the application and made the following decision:

**DECISION #02/23** It was moved and seconded

**The Board of Variance recommended that the report titled Board of Variance Application BOV00023 (1019 Stephens Road) – Electoral Area D be received for information;**

**AND THAT the Board of Variance considered the application in accordance with Section 542 of the *Local Government Act*;**

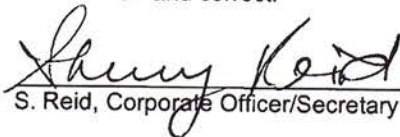
**AND FURTHER THAT Board of Variance Application BOV00023 be denied, due to the absence of undue hardship.**

**CARRIED**

*The Board of Variance suggested that the agent for Board of Variance Application BOV00023 explore the Development Variance Permit application process as a next step.*

**ADJOURNMENT** 11:02 a.m.

Certified fair and correct:

  
S. Reid, Corporate Officer/Secretary

  
Krista Engelland, Chair, Board of Variance

Received by SCRD Planning on March 28, 2023

March 28 2023

Board of Variance Application File # BOV 00023

Page 1

The existing former carport was moved to the current location causing the encroachment of the 5 meter road setback required by zoning Bylaw 277 from the Stephens Road property line for 1019 Stephens Road. The carport ceased to be a carport on Dec. 19 2019 when it was relocated by the applicant to the now current subject location and has never been used as a carport since. The filed subdivision registered survey shows the carport on the original location in the southeast portion of the property not the northeast portion at the time of the subdivision was registered at BC Land Titles on July 28 2017. The current owners took possession of the subject property on Dec. 01 2019. Therefore the 3.85 road dedication was taken 27 months prior to the transfer of title in 2019 leaving no further claim to it as the former property line was dissolved to produce the 20 meter road allowance required for all new subdivisions in BC. As this land dedication was completed in 2017 cannot be used to create harm because the property was purchased as is where is in 2019. The current Bylaw 277 still requires a 5m setback the same as it was in Bylaw 310. A 3m overhang exemption is something I have not encountered in any jurisdiction in BC to my experience as a project superintendent and a general contractor for many years. Stating that the "previous setback of the carport was 4.5m" from anywhere is a mystery because the only setback on the reg. survey is 5.22m from the dedicated new p/line.

4.85  
AS PER SURVEY

VCH protective covenant plan EPP69781

I met with Darren Mulder the EHO at VCH on the 20 Mar. 2023 and showed him the BOV application letter we received on Fri. Mar. 17 and asked him what he knew of the proposed alteration of the existing covenant and he told me he hadn't seen any application cross his desk at that time and advised me to inform the SCRD at the upcoming meeting and he also said not to issue a building permit until the amended covenant was registered with BC Land Titles. To this date there is still no building permit for the now totally new building other than a portion the existing roof structure encroaching the 5m road setback.

Any discussion of or comparison of Bylaw 310 to 277 seems pointless as the setback requirement has not changed. The location of the "existing former carport" that was never used as a carport in northeast corner of the property, the setback can only be legally measured from the only existing p/line which is .64m to the dissolved p/line of 2017. If a setback permit has been issued by the MOTI using the former p/line this raises concern. Again the MOTI did not "take" the 3.5m property it was dedicated in 2017 far before the present owners purchased the property in 2019. Any construction projects commencing post Dec. 01 2019 must conform to current building and zoning Bylaws and regulations by all relevant institutions.

Regards,

Tom and Kelly Groom  
1031 Stephens Road

Page 2

Board of Variance File # BOV 00023

## Applicant's Rationale and Statement of Hardship

1. The MOIT did not take the 3.85m road allowance, it was dedicated by us to meet the Provincial requirement to meet the 20m road allowance 27 months prior to the purchase of the subject property.

2. The existing carport at the time of subdivision was located in the position as per the registered survey. The existing carport was relocated by the applicant Mark Carota on Dec. 19 2019 as per submitted photos to its former position in the northeast corner of the property. At the present time the carport has been physically removed from within the newly constructed building preventing any form of renovation.

3. The existing walkways and garden beds were installed long after the carport was relocated preventing it to be moved back to comply to the required setback and on top of the presently existing VCH covenant.

4. " This is only a small service building" raises the question to what is the intended purpose of the new building regarding possible noise issues so close to our front yard property line for recreation and family gatherings that could affect the enjoyment of our front property.

## The natural environment

1. The previously existing carport was sitting on 2x10 skids that were used to relocate it not affecting the subsoil under the 3 very large second growth cedar tree very close to the now existing building's footprint. The tree on the road side has had a significant amount of it's root structure cut back to make room for the existing footing as per photos. The 2 trees on the south side of the building may have similar damage done as well. The present footprint of the new building is located directly on top of the root mass under the drip line of all 3 trees. We to date, have not seen any indication or a report from a Qualified Environmental Professional (QEP) regarding the siting in and around these trees so close to the building and so close to the property line. The tree that has been damaged is also clearly on the road allowance. As the common prevailing winds from the southeast present a direct threat to our home and property, if any of the trees or very large limbs were to fall in our direction would cause extensive damage. On construction jobs I have done in the past the local governments require these QEP reports for cases similar to this.

## Permitted uses or densities on a parcel

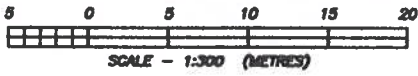
The intended use of the new building has yet to be established, and being in non-compliance of the 5m setback required as per SCRD Bylaw 277 and the Building Bylaw by still not having a permit while the new building is presently nearing completion, showing disregard to the VCH Provincial restrictive covenant and having ample unencumbered property on the southeast portion to build any structure allowed by the current regulations, we feel that this will encourage others to allow themselves the same opportunity to do the same. As for the proposed addition of the new building, we believe that it may become a bathroom due to the fact that a sewer line and waterline has been run to the location, and opens up the possibility of increasing the density not allowed for properties under 2000 square meters as per Bylaw 277.

## Conclusion

We are opposed to this variant application because it has already violated the above requirements and construction has been allowed to proceed to the point that it is without objection by any one other than from us. Also the intentional damage caused by the applicant to the surrounding trees present a clear and present danger to our property and possibly our lives. We also feel this is a clear effort to legitimize a non-compliance situation.

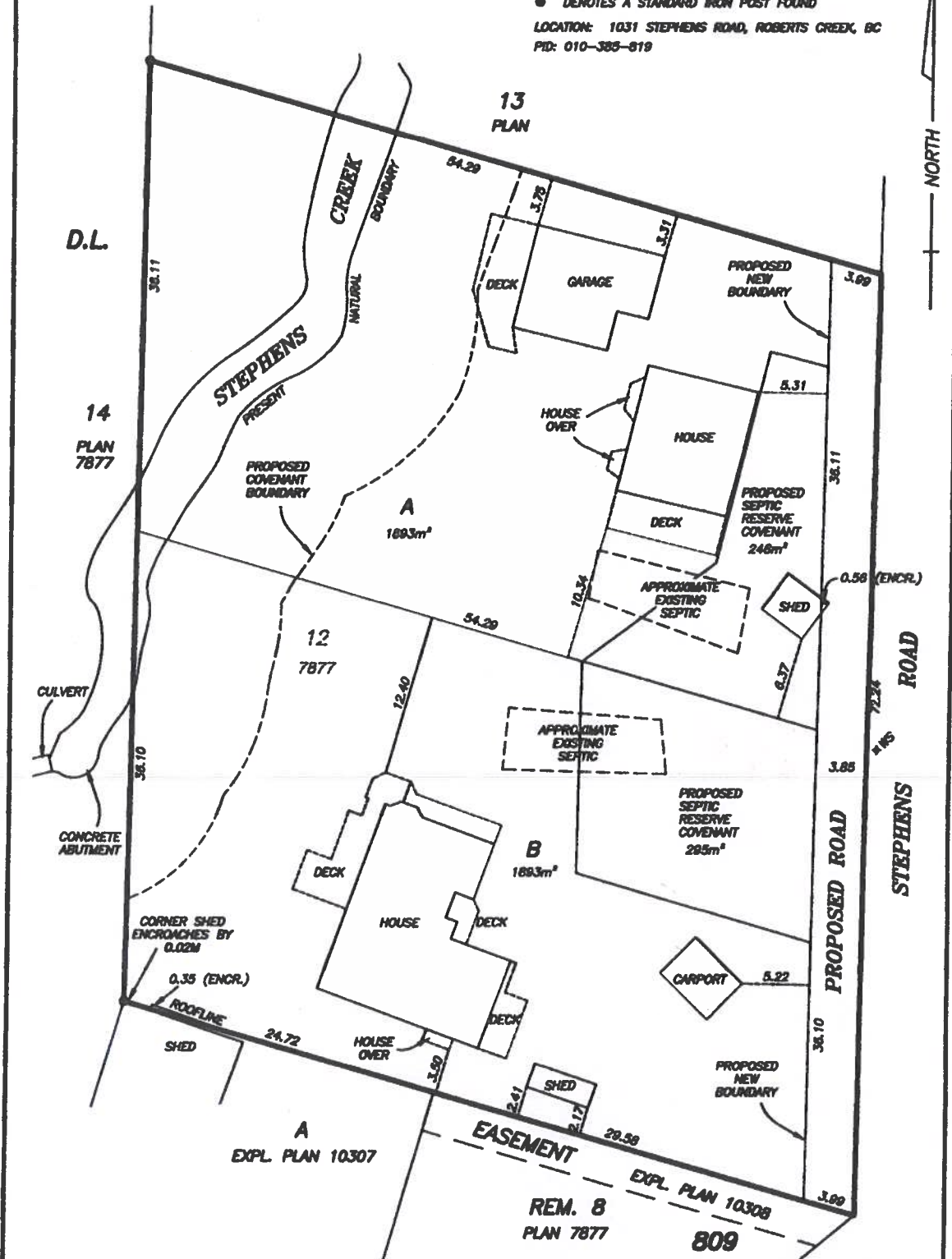
Regards, Tom and Kelly Groom  
1031 Stephens Road

**PROPOSED SUBDIVISION PLAN OF LOT 12, BLOCK G, DL 809, PLAN 7877.**



**NOTE:**

- DENOTES A STANDARD IRON POST FOUND
- LOCATION: 1031 STEPHENS ROAD, ROBERTS CREEK, BC
- PID: 010-385-819



ALL DISTANCES ARE IN METRES.

DIMENSIONS OF THE LOT ARE FROM FIELD TIES TO SURVEY MONUMENTS AND FROM REGISTERED PLAN 7877.

THIS PLAN WAS PREPARED FOR THOMAS GROOM.

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REVISED: JULY 27, 2015  
 REVISED: JUNE 26, 2015  
 DATE: MAY 15, 2015

STRAIT LAND SURVEYING INC.  
 SEMMUS POPE, BCLS  
 BOX 61 (5889 DOLPHIN ST)  
 SECHLET, BC V0N 3A0  
 T. 604.885.3237

15047-1304

## SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

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**TO:** Board of Variance – April 22, 2024

**AUTHOR:** Sven Koberwitz, Senior Planner

**SUBJECT:** BOARD OF VARIANCE APPLICATION BOV00024 FOR 9171 TRUMAN ROAD – ELECTORAL AREA B (HALFMOON BAY)

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### RECOMMENDATIONS

- (1) THAT the report titled Board of Variance Application BOV00024 for 9171 Truman Road – Electoral Area B (Halfmoon Bay) be received for information;
  - (2) AND THAT the Board of Variance consider this application in conjunction with Section 542 of the *Local Government Act*.
- 

### BACKGROUND

A Board of Variance application has been submitted by Scott Friesen of SquareOne Construction on behalf of the owners of 9171 Truman Road.

The intent of the application is to authorize the repair and alteration of an existing partially enclosed deck located within the 5.0m setback adjacent to a highway.

The proposed repairs and alterations to the existing structure include replacement of the roof assembly and enclosing with wood-trimmed screens.

The subject property was created by subdivision in 1982. There were no records found for the original construction of the home. A building permit was issued for addition of a solarium and sundeck in 1985. The submitted site plan at the time called for a 5m setback, as required by Zoning Bylaw 264 (Repealed). However, as the current survey shows (Attachment D), final construction resulted in the solarium and deck being 1.85m from the property line.

<b>Applicant:</b>	Scott Friesen, SquareOne Construction
<b>Civic Address:</b>	9171 Truman Road
<b>Legal Description:</b>	LOT 65 DISTRICT LOT 2394 PLAN 19176
<b>Electoral Area:</b>	Area B: Halfmoon Bay
<b>Parcel Area:</b>	~647 m <sup>2</sup>
<b>OCP Land Use:</b>	Residential A
<b>Land Use Zone:</b>	Residential 1 (R1)
<b>Application Intent:</b>	To allow for the repair and alteration of an existing partially enclosed deck located within the 5.0m setback adjacent to a highway.

Table 1 - Application Summary



No further permits were found, and it is assumed that the additional decks and stairs that are noted to remain in Figure 3 were constructed without permits. The deck and stairs encroach beyond the property line by up to 2.27m.

Further variances may be required to legalize the deck and stair structures should those structures be the subject of future permit applications.



Figure 1 – Location Map

The proposed alteration and repairs are limited to the portion of the home indicated below:

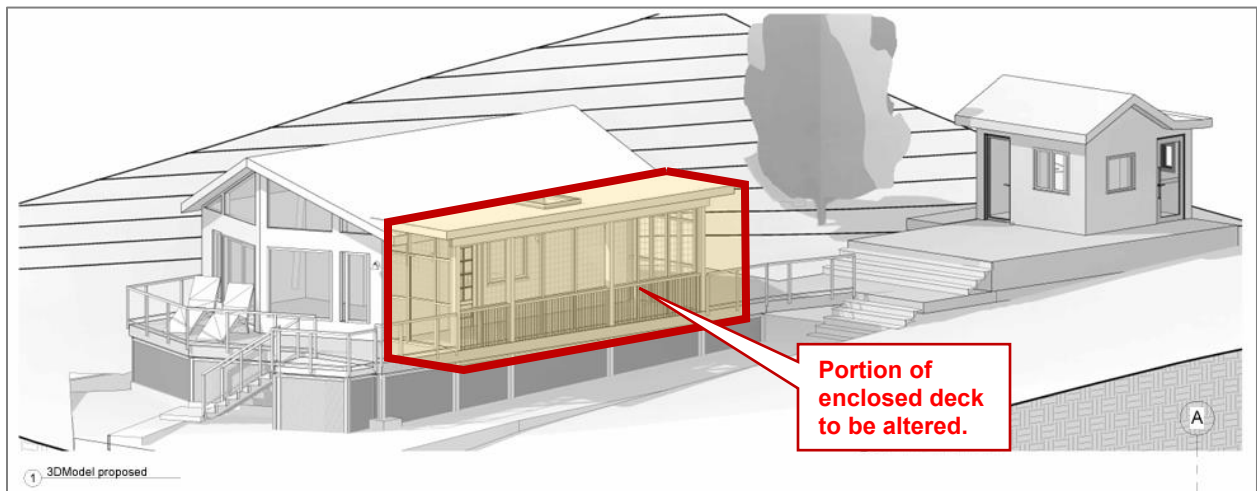


Figure 2 – Isometric View of Proposed Deck

### Role of the Board of Variance

Section 540 of the Local Government Act allows the Board of Variance to consider variance to a bylaw respecting the siting, size, or dimensions of a structure. Therefore, it is considered that this application is within the purview of the Board of Variance. Pursuant to Section 542 of the

Local Government Act the Board of Variance must consider the following questions in its consideration of this application:

**1. Is there a hardship?**

- *The applicant has indicated that without significant repair and alteration the existing covered deck would become unsafe to occupy. Whether the loss of this space is a hardship is at the discretion of the Board of Variance.*

**2. Does the variance result in inappropriate development of the site?**

- *The variance will not result in a significant change to the current development.*

**3. Does the variance adversely affect the natural environment?**

- *The variance would not result in adverse effects on the environment.*

**4. Does the variance affect the use and enjoyment of adjacent land?**

- *The variance is not anticipated to affect the use and enjoyment of adjacent land.*

**5. Does the variance alter the permitted uses or densities on a parcel?**

- *The variance does not alter the permitted uses or density.*

Staff have reviewed the above criteria and consider that this application has merit to be considered by the Board of Variance on the grounds of hardship.

*Ministry of Transportation and Infrastructure*

An application for a setback permit from the Ministry of Transportation and Infrastructure has been submitted. Preliminary comments were received from the ministry indicating support for the variance subject to the outcome of the Board of Variance process. Before a building permit can be issued for repair and alteration of the existing structure the setback permit will have to be issued.

*Notification*

Notification was provided to adjacent neighbours in accordance with Section 541 of the Local Government Act and Sunshine Coast Regional District Board of Variance Bylaw No. 380, 1993. No comments have been received at the time of this report. Members of the public will have the opportunity to provide comments at the Board of Variance meeting.

**CONCLUSION**

The requested variance is required to facilitate repair and alteration of the covered deck. The proposed work will not result in additional encroachment and is reasonable considering a permit was originally issued for construction in 1985.

**ATTACHMENTS**

- Attachment A - Hardship Letter
- Attachment B - Photos
- Attachment C - Plans
- Attachment D - Survey

Reviewed by:			
Manager	K. Jones/ J. Jackson	Finance	
GM		Legislative	S. Reid
CAO		Other	



# **GREGORY DE ROCHER & KELIN EMMET RESIDENCE**

9171 TRUMAN RD

2023.07.27

Gregory & Kelin purchased this home in late 2022 with the intention of living on the sunshine coast full time. They then hired us, Square One Construction, to do some modest renovations. The scope of the work was to renovate the existing bunk house as well as the covered deck. Upon further examination it was determined that the existing covered deck was in bad shape and was falling apart and rotten in some sections, making it unsafe for them to occupy. We recommended that they rebuild that structure and part of that would be to pursue structural engineering and proper building permits with the SCRD.

Plans were prepared. During this process it was realized that much of the existing structure is encroaching on the city setbacks. We discussed the options with Greg & Kelin and again decided to pursue proper building permits and the board of variance. Many clients, when faced with lengthy delays and thousands of dollars in design and management fees would likely opt to simply renovate the project without permits as it is in a remote location, and we would simply be rebuilding what was there but instead they again opted to do things above board. As a reputable licensed builder on the Sunshine Coast, we agree.

They have no intention of building a massive new home or developing the property next to them (which they also own) but rather improve the unsafe conditions they have, improve the functionality of it and do so in a way that blends in with their neighborhood.

The variance they are asking for is to allow the setback encroachments as they are now so that they can properly rebuild those structures to make them usable and attractive.

A handwritten signature in black ink, appearing to be "JH", followed by a horizontal line extending to the right.

Joseph Hymers – Project Manager  
Square One Construction

# Attachment B

## Photos of Existing Structures



Photo 1



Photo 2

PO BOX 1571 Sechelt BC V0N 3A0  
 tel 604 747 2037 cell 604 763 2993  
 www.sandrinleung.com

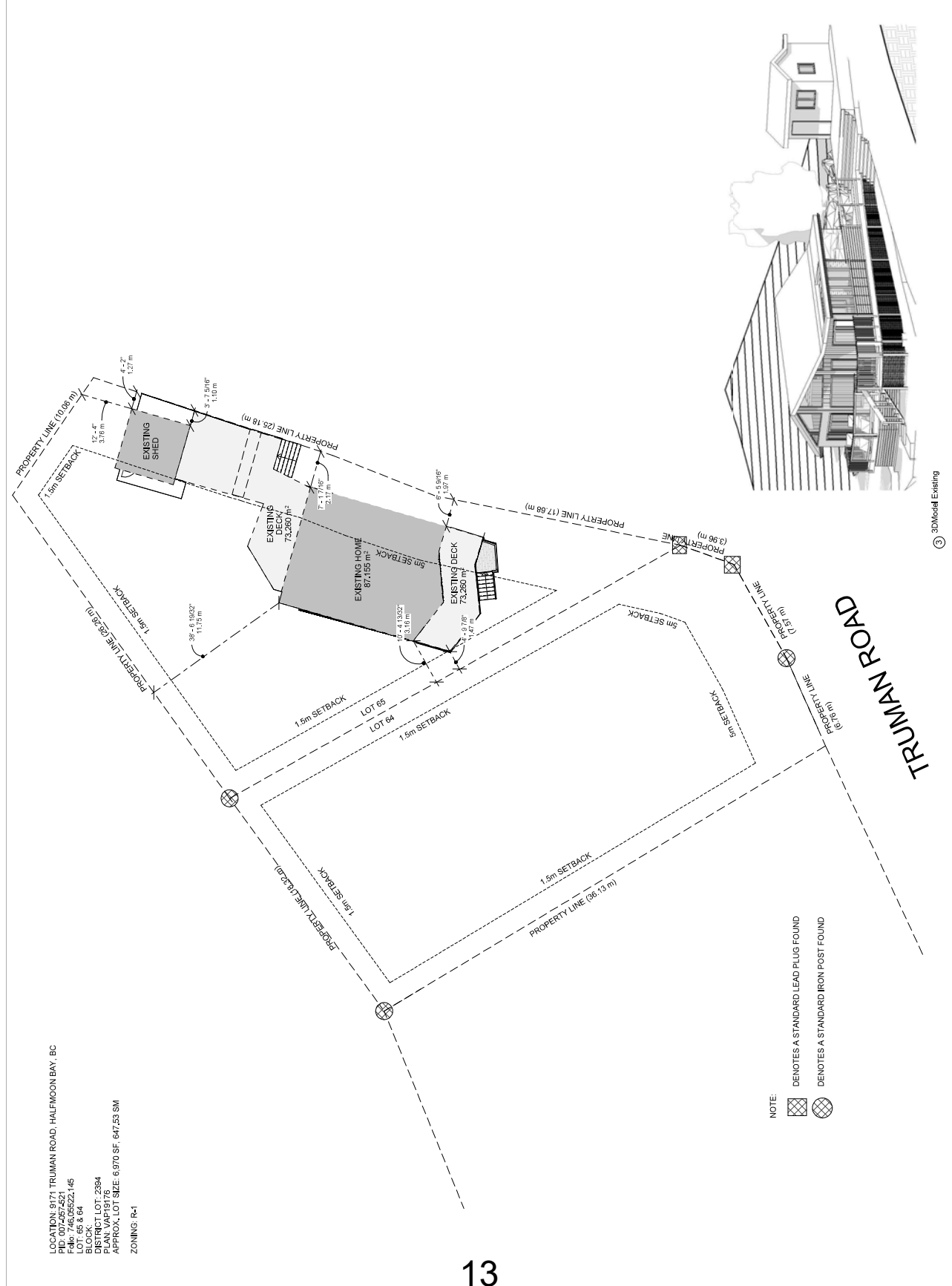
Revisions	No	Date	Details
	1	22/10/19	Revision
	2	23/02/21	BP Revision
	3	23/02/21	BP Revision
	4	23/08/24	BP Revision

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**DeRocher**  
 9171 TRUMAN ROAD, HALFMOON BAY, BC P1D  
 CLIENT: Owner  
 PROJECT NO. 0

### Existing SITE PLAN

DATE	2025-05-24 2:10:36 PM
REV.	
DRAWING NO.	A100



LOCATION: 9171 TRUMAN ROAD, HALFMOON BAY, BC  
 PID: 0072574521  
 F-Id: 74605522, 145  
 LOT: 65 & 64  
 DISTRICT: LOT: 2384  
 PLAN: VAP19176  
 APPROX. LOT SIZE: 6,970 SF, 647.53 SM  
 ZONING: R4



PO BOX 1571 Sechelt BC V0N 3A0  
 tel 604 747 2037 cell 604 763 2993  
 www.sandrinleung.com

Revisions	No	Date	Details
	1	22/10/19	Revision
	2	22/07/21	BP Revision
	3	22/02/21	BP Revision 2
	4	22/06/24	BP Revision

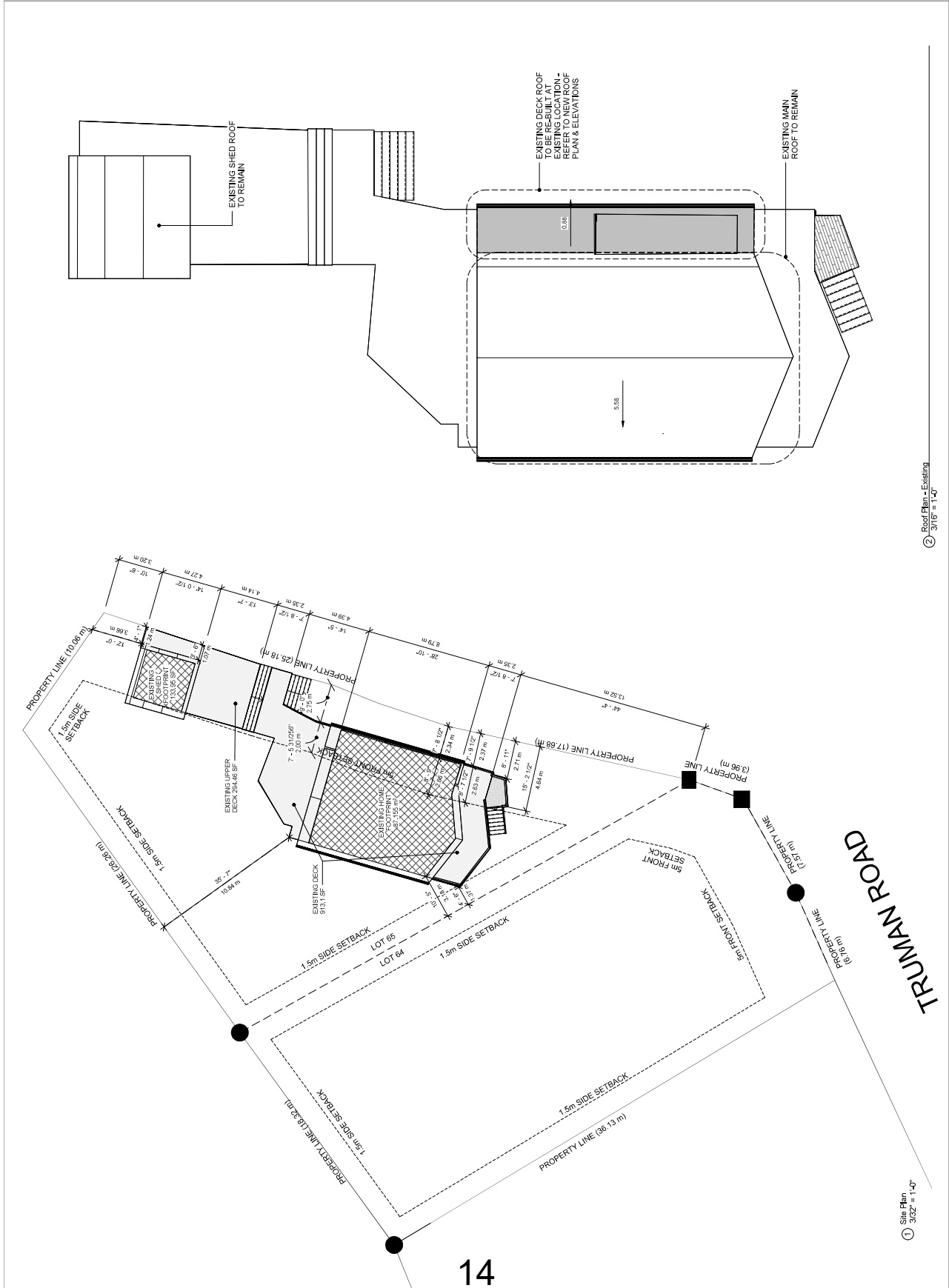
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DeRocher  
 9171 TRUMAN ROAD, HALFMOON BAY,  
 BC P1D

CLIENT: Owner  
 PROJECT NO. 0

Existing - Site location & Roof

DATE 2025-05-24 2:10:38 PM  
 REV.  
 DRAWING NO. A101



② Roof Plan - Existing  
 3/16" = 1'-0"

① Site Plan  
 3/32" = 1'-0"

Revisions	No	Date	Details
	1	22/10/19	Revision
	2	23/01/27	BP Revision
	3	23/02/01	BP Revision
	4	23/02/24	BP Revision

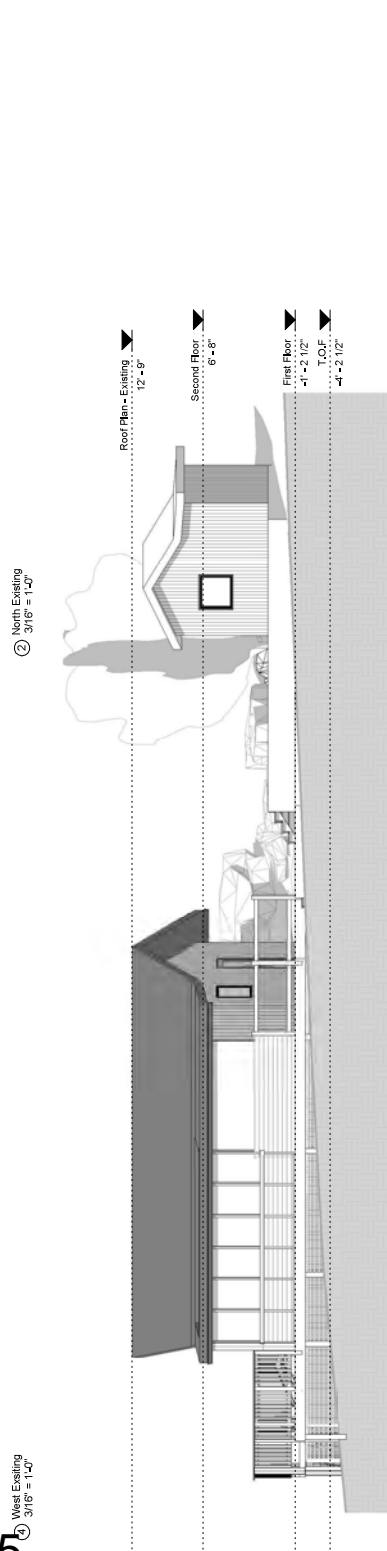
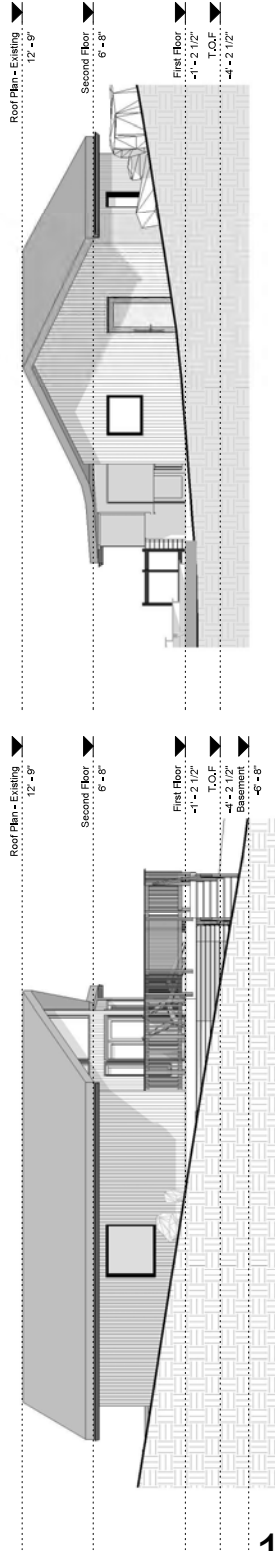
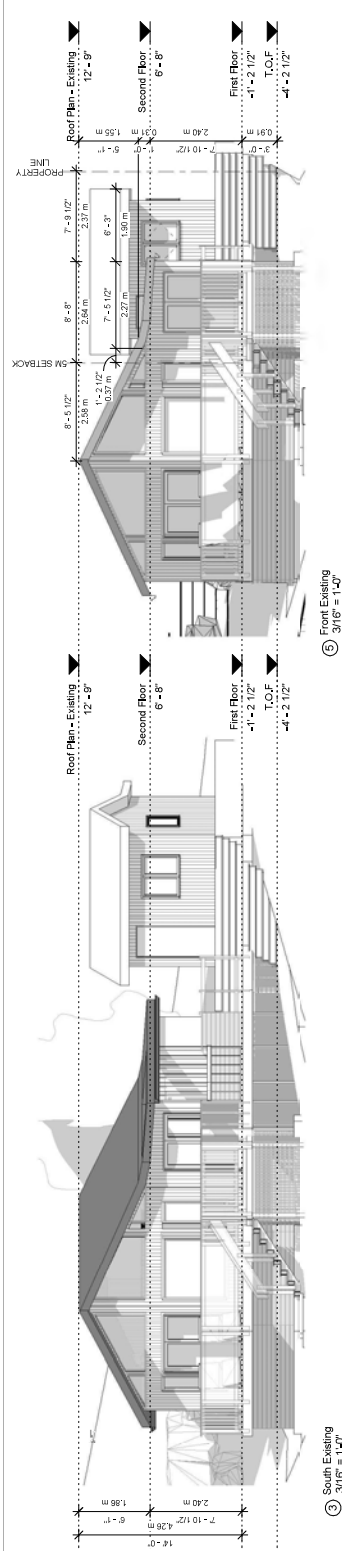
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DeRocher  
 9171 TRUMAN ROAD, HALFMOON BAY,  
 BC P1D

CLIENT: Owner  
 PROJECT NO. 0

Existing Elevations

DATE 2023-05-24 2:10:42 PM  
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 DRAWING NO. A103





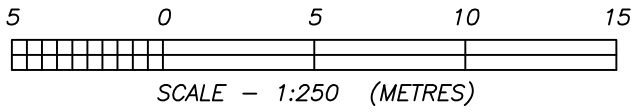






**BC LAND SURVEYOR'S CERTIFICATE OF LOCATION FOR LOT 65 DISTRICT LOT 2394 PLAN 19176**

Attachment D



**NOTE:**

- DENOTES A STANDARD IRON POST FOUND.
- DENOTES A LEAD PLUG FOUND.

ALL DISTANCES ARE IN METRES.

DIMENSIONS OF THE LOT ARE FROM FIELD TIES TO SURVEY MONUMENTS AND FROM PLAN 19176.

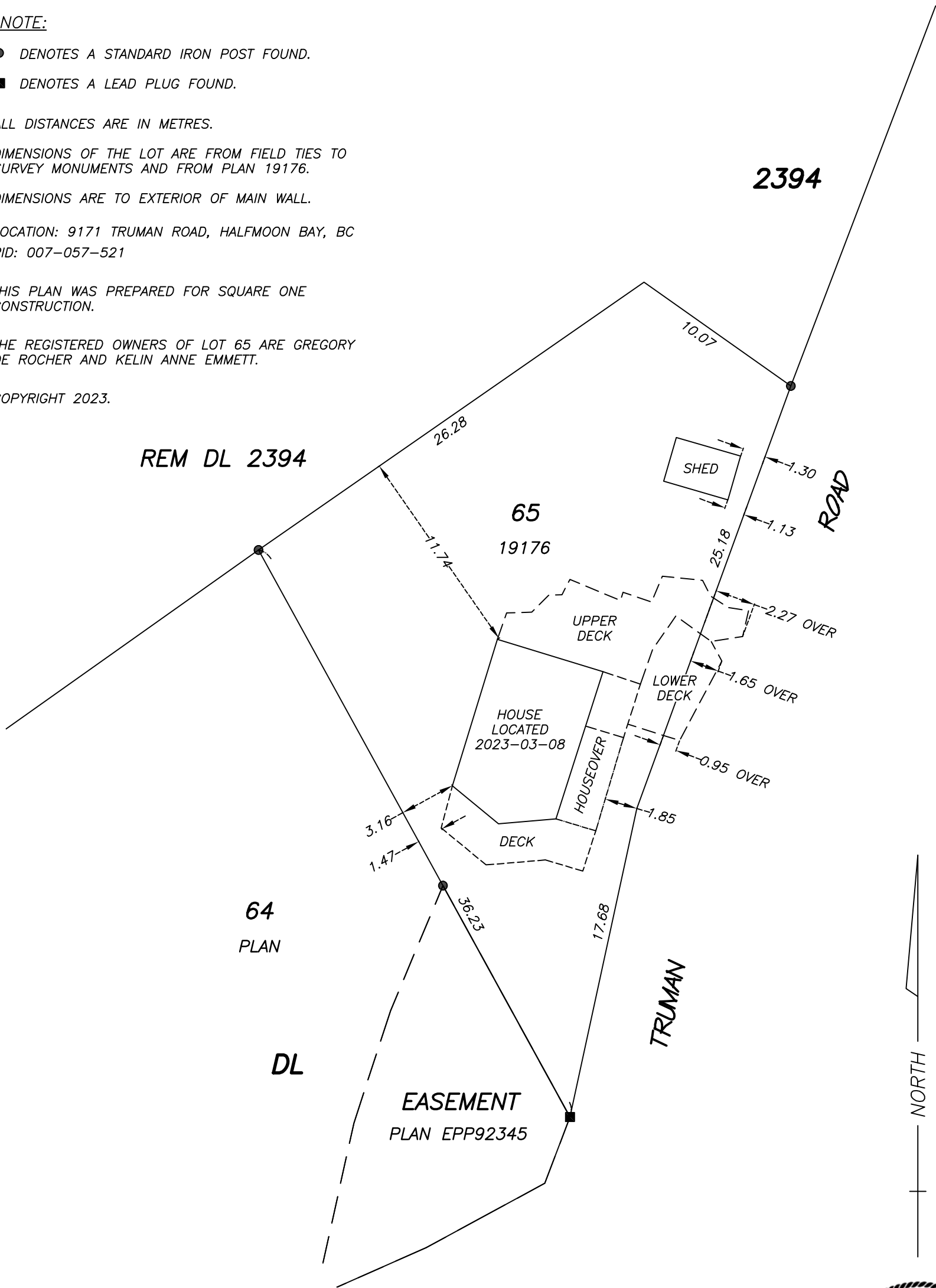
DIMENSIONS ARE TO EXTERIOR OF MAIN WALL.

LOCATION: 9171 TRUMAN ROAD, HALFMOON BAY, BC  
PID: 007-057-521

THIS PLAN WAS PREPARED FOR SQUARE ONE CONSTRUCTION.

THE REGISTERED OWNERS OF LOT 65 ARE GREGORY DE ROCHER AND KELIN ANNE EMMETT.

COPYRIGHT 2023.



THE INFORMATION SHOWN HEREON IS FOR BUILDING LOCATION PURPOSES ONLY AND IS FOR THE EXCLUSIVE USE OF THE CLIENT FOR WHOM IT WAS PREPARED. IT IS CERTIFIED CORRECT AND VALID ONLY IN RESPECT TO THE IMPROVEMENTS AS SHOWN AND LOCATED ON THE 8TH DAY OF MARCH, 2023. THE SURVEYOR ACCEPTS NO RESPONSIBILITY OR LIABILITY FOR ANY DAMAGES THAT MAY BE SUFFERED BY A THIRD PARTY AS A RESULT OF ANY DECISIONS MADE OR ACTIONS TAKEN BASED ON THIS DOCUMENT. THIS DOCUMENT SHOWS THE RELATIVE LOCATIONS OF THE SURVEYED STRUCTURES AND FEATURES WITH RESPECT TO THE REGISTERED BOUNDARIES OF THE LAND. THIS DOCUMENT IS NOT A BOUNDARY SURVEY AND MAY NOT BE USED TO DEFINE PROPERTY CORNERS OR PROPERTY LINES. ALL RIGHTS RESERVED. NO PERSON MAY COPY, REPRODUCE, TRANSMIT, ALTER, DISTRIBUTE, OR STORE COPIES OF THIS DOCUMENT IN WHOLE OR IN PART WITHOUT THE PRIOR WRITTEN CONSENT OF THE UNDERSIGNED.

*S. Pope*

PER: SEAMUS POPE

BCLS



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16099-708