



BOARD OF VARIANCE

Tuesday July 30, 2024
Sunshine Coast Regional District
1975 Field Road, Sechelt, B.C.

AGENDA

CALL TO ORDER 9:30 a.m.

AGENDA

1. Adoption of the Agenda Page 1

MINUTES

2. Board of Variance Meeting Minutes of April 22, 2024 Annex A
(Receipt and Adoption) pp 2 – 3

REPORTS

3. Board of Variance Application BOV00025 Annex B
(5349 Backhouse Road, Electoral Area B – Halfmoon Bay) pp 4 - 9

NEW BUSINESS

ADJOURNMENT

SUNSHINE COAST REGIONAL DISTRICT

BOARD OF VARIANCE

April 22, 2024

Minutes of the Board of Variance Hearing held at the Sunshine Coast Regional District Office located at 1975 Field Road, Sechelt, B.C. The meeting was held in-person and online via Teams.

PRESENT:	Member, Board of Variance	K. Engelland (Chair)
	Member, Board of Variance	K. Child
	Member, Board of Variance	T. Davies
ALSO PRESENT:	Manager, Planning and Development	J. Jackson
	Senior Planner	S. Koberwitz
	Corporate Officer/Secretary	S. Reid
	Deputy Corporate Officer	K. Wiebe
	Applicant BOV00024	S. Friesen
	Owner BOV00024	G. de Rocher
	Recording Secretary	A. O'Brien
	Public	0

CALL TO ORDER 10:00 a.m.

Introductions were made of those present at the meeting.

AGENDA The agenda was adopted as presented.

MINUTES The minutes of March 28, 2023 were received and adopted as presented.

REPORTS

Board of Variance Application: BOV00024

Subject Property: 9171 Truman Road, Halfmoon Bay

Legal Description: LOT 65 DISTRICT LOT 2394 PLAN 19176

Staff provided a summary of the Board of Variance application BOV00024 and the rationale for the variance. The variance application is to authorize the repair and alteration of an existing partially enclosed deck located within the 5.0m setback adjacent to a highway. A building permit was issued for the addition of a solarium in 1985, however the final construction resulted in the solarium being 1.85m from the property line.

DISCUSSION

The Board of Variance asked the following questions regarding the application:

Was the original building permit compliant at the time of final inspection?

The Senior Planner noted that in the 1980's it was not uncommon to not have a survey, and therefore it would not have been known that the final construction of the solarium and deck were

within the setback.

Is there any change in the size of the building footprint?

The Senior Planner noted that there is no change in footprint.

Was the owner aware of the setback encroachment prior to purchasing the property?

The property owner, Gregory de Rocher stated that he acquired the property two years ago and was not aware of the encroachment and only became aware with the most recent survey submitted with this application.

The Chair invited questions and comments from the applicant and property owner.

Applicant, Scott Friesen, Square One Construction, provided a summary of the solarium renovation project and the rationale for the application. The solarium requires replacement due to rotting structural supports. The applicant and owner would like to ensure that the necessary permits are acquired and proper process is followed for the reconstruction of the solarium. The solarium provides the main access to the front door of the home and due to safety concerns, it needs to be fixed.

The Chair of the Board of Variance inquired if any neighborhood feedback had been obtained?

The property owner, Gregory de Rocher stated that he has discussed the deck reconstruction plans with the neighbors and there have been no issues raised.

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

DECISION #01/24 It was moved and seconded

The Board of Variance recommended that the report titled Board of Variance Application BOV00024 (9171 Truman Road) – Electoral Area B be received for information;

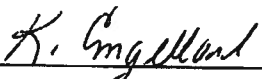
AND THAT the Board of Variance considered the application in accordance with Section 542 of the *Local Government Act*;

AND FURTHER THAT Board of Variance Application BOV00024, to authorize the repair and alteration of an existing partially enclosed deck located within the 5.0m setback adjacent to a highway, be approved.

CARRIED

ADJOURNMENT 10:08 a.m.

Certified fair and correct:



Krista Engelland, Chair, Board of Variance


S. Reid, Corporate Officer/Secretary

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Board of Variance – July 30, 2024

AUTHOR: Nick Copes, Planner II

SUBJECT: Board of Variance Application BOV00025 – 5349 Backhouse Road – Electoral Area B (Halfmoon Bay)

RECOMMENDATIONS

- (1) **THAT the report titled Board of Variance Application BOV00025 – 5349 Backhouse 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

The applicant is proposing to reconstruct a home on an existing foundation and reconstruct a deck, which will be supported by existing posts. Both structures were destroyed by fire in 2024. To accommodate the proposal the applicant is requesting a variance to reduce the setback from the natural boundary of the ocean from 15.0 m to 10.5 m for a single-unit dwelling and 6.5 m for a deck structure.

The intent is to allow the reconstruction of a home and deck that was destroyed by fire as shown in the attached site plan.

Owner/Applicant:	Rosalie Potter
Legal Description:	LOT 2 BLOCK A DISTRICT LOT 4537 PLAN 13497
PID:	008-582-475
Electoral Area:	B – Halfmoon Bay
Civic Address:	5349 Backhouse Road
Land Use Zone:	RU1 (Rural Residential One)
OCP Land Use:	Residential C
Parcel Area:	1435.77 square metres
Proposed Variances:	To reduce the setback from the natural boundary of the ocean from 15.0 m to 10.5 m for a single-unit dwelling and 6.5 m for a deck structure

Table 1 - Application Summary

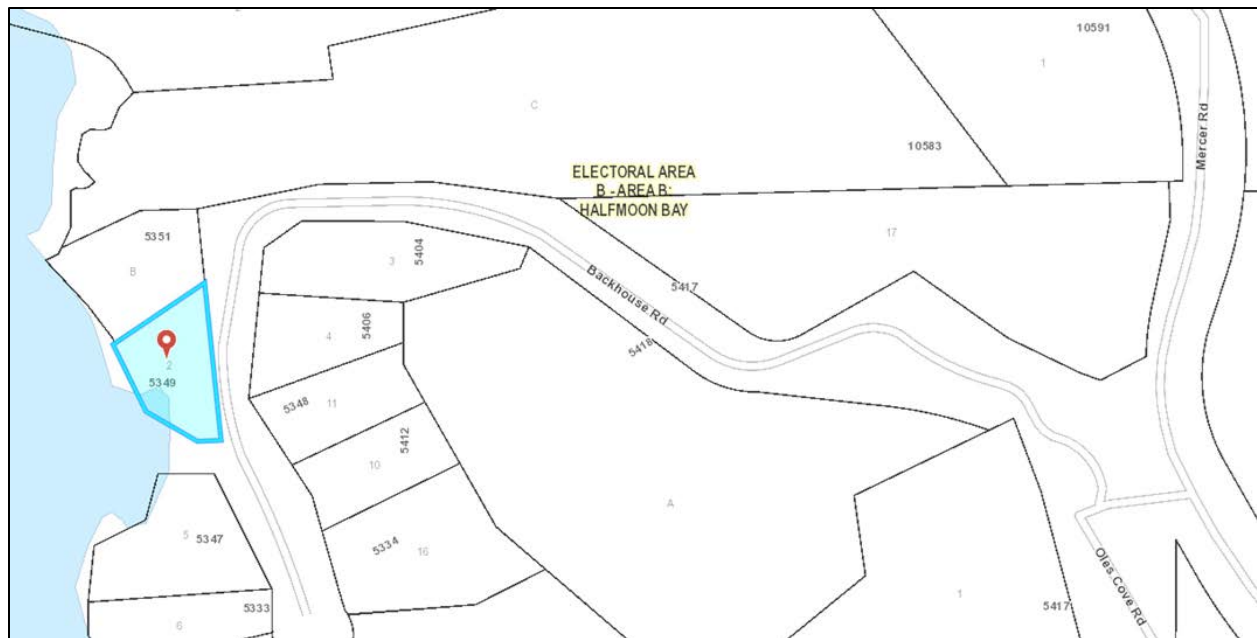


Figure 1 - Location Map

DISCUSSION

A fire destroyed a manufactured home and deck on the property in January 2024. The previous home was permitted by Development Permit and Building Permit in 2018. A deck was later constructed. At the time, the setback to the natural boundary of the ocean was 7.5 m, prior to the adoption of Zoning Bylaw 722.



Figure 2 - Aerial View

The applicant wishes to place a new manufactured home on the existing foundation, located 10.9 m from the natural boundary. An engineer determined that the existing foundation is safe for the new home.

The applicant also wishes to construct a deck in approximately the same location as before. Existing deck posts are located at a setback of about 7 m (where top of bank is shown on the survey plan).

A geotechnical assessment has been submitted in support of the required development permit process and indicated the property is safe for the use intended.

The home previously conformed to setbacks, prior to the adoption of Zoning Bylaw 722 in October 2022. However, the deck was not authorized under the original development permit despite building inspections having been completed.

Given the small size and shape of the lot, it would be difficult to construct a new home and deck while meeting the current 15.0 m natural boundary setback and 5 m front (road) setback. The property is further encumbered by an existing easement along the east side of the property for driveway access to the neighbouring property.

Analysis

Applicant's Rationale and Statement of Hardship

Staff have worked with the applicant to provide the following information in relation to the requested variance:

- The previous home, in a conforming location, was destroyed by fire and the applicant is seeking to reconstruct the home.
- The existing foundation will be used for the placement of a manufactured home to save time and money.
- A deck was previously on the property. A new one is desired for recreation and gardening.
- The new zoning bylaw changed the ocean setbacks shortly after the previous home was placed.
- The site is bedrock and low risk from a hazard perspective. A geotechnical report notes the proposed home is safe for intended use.
- No impact on neighbouring properties. Conforms to side setbacks and located next to road on two sides.
- Same location as before. Will look nicer than what is currently on the lot.
- Moving the home to a conforming location would be difficult given the new setback requirement and the size and shape of the lot.

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?
2. Does the variance result in inappropriate development of the site?
3. Does the variance adversely affect the natural environment?
4. Does the variance affect the use and enjoyment of adjacent land?
5. Does the variance alter the permitted uses or densities on a parcel?

The Board of Variance has the authority to approve or deny the application.

Organization and Intergovernmental Implications

The SCR D Building Department noted that the survey would be sufficient for the building permit process.

The Halfmoon Bay Volunteer Fire Department does not have comment on the referral.

A referral was sent to the shíshálh Nation on July 16, 2024. No response has been received.

Any requirements with respect to the *Heritage Conservation Act* will need to be addressed by the applicant.

Notification

Notification was provided in accordance with Section 541 of the *Local Government Act* and Sunshine Coast Regional District Board of Variance Bylaw No. 380, 1993.

Members of the public will have the opportunity to provide comments at the Board of Variance meeting.

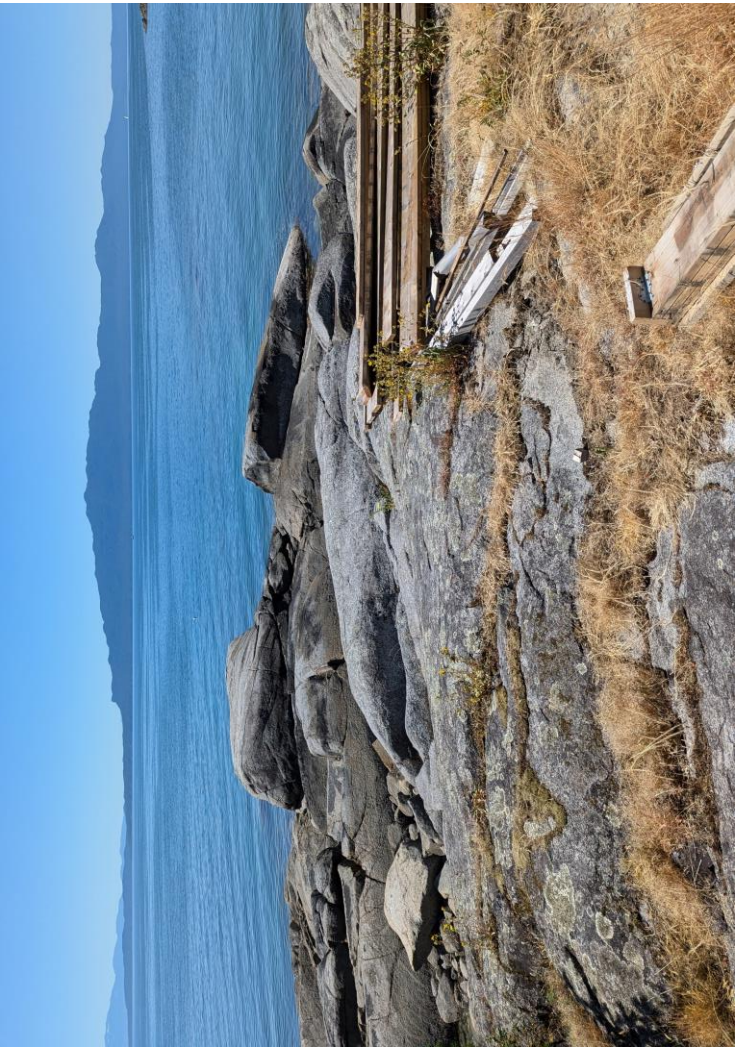
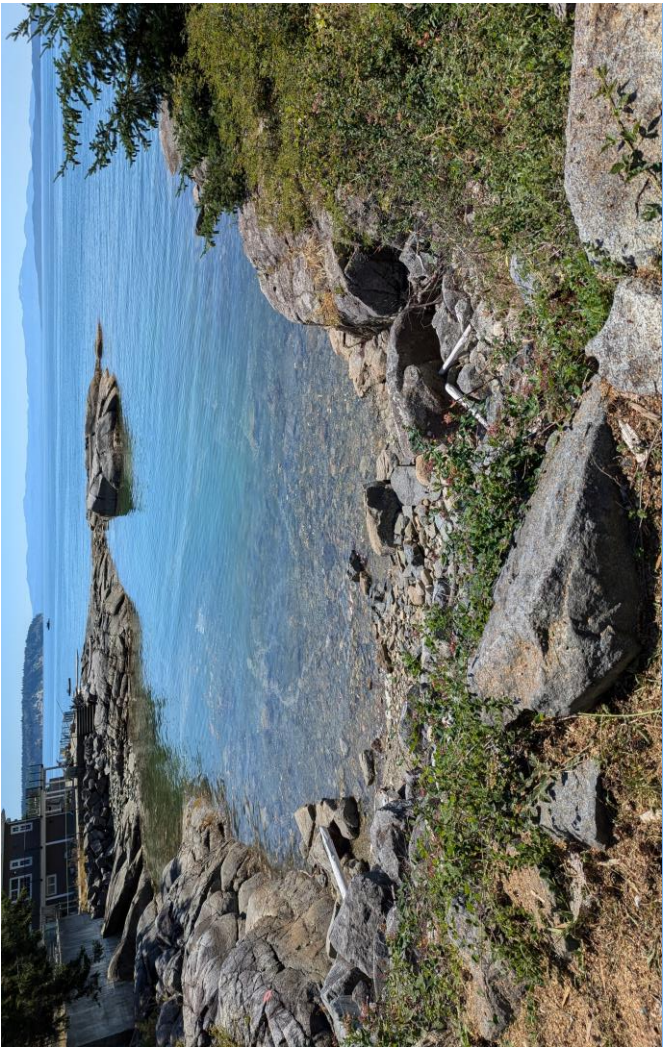
CONCLUSION

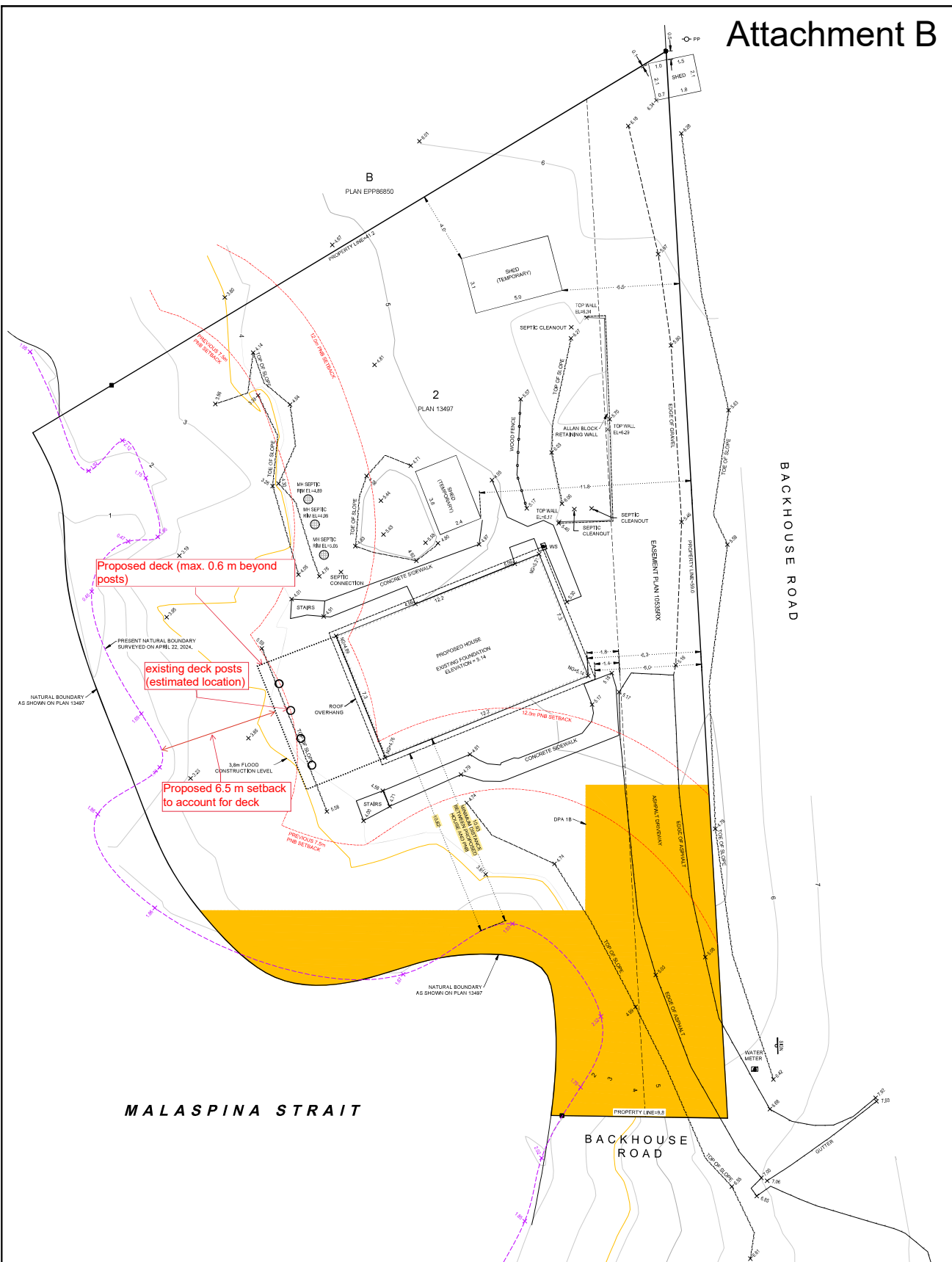
The requested variance is required to facilitate the placement of a manufactured home on an existing foundation and the construction a deck. The proposed location does not conform to setback regulations and therefore a variance is required for the proposal to proceed.

ATTACHMENTS

Attachment A – Site Photos

Attachment B – Survey Plan





**SITE PLAN OF LOT 2, BLOCK A,
DISTRICT LOT 4537, GROUP 1, NEW
WESTMINSTER, PLAN 13497.**

HALFMOON BAY
SUNSHINE COAST REGIONAL DISTRICT

CIVIC ADDRESS: 5349 BACKHOUSE ROAD
PID: 008-582-475



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DATE:	BY:
06/08/2009	JR/KJA

2024-07-10	TOM

	Δ

REVISION: 0

LEGEND

	- DENOTES SPOT ELEVATION OF 3.91m (TYPICAL)
	- DENOTES MANHOLE
	- DENOTES POWER POLE
	- DENOTES STREET SIGN
	- DENOTES WATER SERVICE
	- DENOTES STANDARD IRON POST FOUND
	- DENOTES LEAD PILE FOUND
	- DENOTES DEVELOPMENT PERMIT AREA 16 (BASED ON SUNSHINE COAST REGIONAL DISTRICT Area 8-Haltonton Bay Official Community Plan Map 5)

VERTICAL DATUM:
ELEVATIONS ARE GEODETIC (CGVD28) AND
DERIVED FROM GNSS OBSERVATIONS.

CONTOUR INTERVAL = 1m.

PROPERTY:

PROPERTY DIMENSIONS SHOWN ARE DERIVED FROM: PLAN EPP66850.

OFFSETS TO PROPERTY LINES ARE NOT TO BE USED TO DEFINE BOUNDARIES.

REFER TO CURRENT CERTIFICATE(S) OF TITLE FOR ADDITIONAL,
EXISTING OR PENDING CHARGES.

GENERAL:

THIS PLAN SHOWS THE LOCATION OF VISIBLE FEATURES ONLY, AND DOES NOT INDICATE BURIED SERVICES THAT MAY EXIST ON OR AROUND THE SUBJECT SITE.

FEATURES SHOWN WITHOUT DIMENSIONS SHOULD BE CONFIRMED WITH
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SURFACES UNLESS OTHERWISE NOTED

SENIOR PROFESSOR OF MEDICINE AND DIRECTOR, THE UNIVERSITY

NOTE:

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CERTIFIED CORRECT

Digitally signed by Todd
Jester-Mathews, DN: cn=

Jordan Mackenzie – BCLS
- ABCLS
Date: 2024.07.11 18:18:03
07:00

FIELD SURVEY COMPLETED ON THE 22nd DAY OF APRIL, 2024.

THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED