

**SUNSHINE COAST REGIONAL DISTRICT
BOARD OF VARIANCE
January 24, 2025**

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 in the Cedar Room and online via Zoom.

PRESENT:	Member, Board of Variance Member, Board of Variance	K. Engelland (Chair) K. Child
ALSO PRESENT:	Assistant Manager, Planning Senior Planner Planning Technician III Planning Technician II Corporate Officer / BOV Secretary BOV00026 (Agent/Applicant) BOV00026 (Agent/Applicant) BOV00026 (Property Owners) BOV00027 (Applicant) Recorder Public	K. Jones S. Koberwitz D. Rajala K. Lamb S. Reid Arno Franzke Micah Harding John & Irene Rogers Randy Zimmerman A. O'Brien 1
REGRETS:	Member, Board of Variance	T. Davies

CALL TO ORDER 9:35 a.m.

AGENDA The agenda was adopted as presented.

MINUTES The minutes of July 30, 2024 were received and adopted as presented.

Introductions were made of those present at the meeting.

REPORTS

Board of Variance Application: BOV00026

Subject Property: 13123 Narrows Road, Pender Harbour

Legal Description: LOT F BLOCK 5 DISTRICT LOT 1024 PLAN 19228

Devin Rajala, Planning Technician provided a presentation regarding the Board of Variance application BOV00026 and the rationale for the variance. The variance application is to reconstruct a home and garage/workshop on an existing foundation, and construct new decks, one associated with the home with a reduced footprint further away from the

shoreline and one associated with the garage with a slightly larger footprint extending towards the eastern property line. The former structures were destroyed by a fire on the property in June 2023.

To accommodate the proposal the applicant is requesting a variance to reduce the required setback of 15m from the natural boundary of the ocean to 5.6 m for the construction of a new single unit dwelling and 4.2 m for a new deck structure.

Staff noted that one letter of support from a neighbouring property owner was received during the notification process.

DISCUSSION

The Chair invited comments from the property owner regarding the application.

Irene Rogers, Property Owner addressed the issue of financial hardship due to the insurance coverage and requirements for code upgrades on the reconstruction. Reusing the foundation will help expedite the building process and save on costs. Changes to the deck design were made to reduce the encroachment in the setback from the ocean. There will be less environmental disturbances due to the changes in design and old posts will be moved out of the setback.

John Rogers, Property Owner noted that all of the neighbouring houses are in the same line/setback. Mr. Rogers stated that one neighbour expressed verbal support for their application but did not receive a notification letter.

The Chair asked staff for clarification about the public notification process.

Staff clarified that the legislative requirement for Board of Variance applications is for adjacent property owners to be notified. The letter is sent to the address of the registered owner listed with BC Assessment and it is not always the person occupying the home who receives the letter.

Arno Franzke, Dakota Ridge Builders, Agent/Applicant commented that from a builder's perspective there are cost and environmental benefits of utilizing the existing foundation for the reconstruction.

The Chair asked staff to clarify how the newly adopted riparian bylaw and setback requirements are going to impact this application and future variance applications.

Kevin Jones, Assistant Manager, Planning & Development clarified that applications are reviewed on a case by case basis. The 15 metre setback is provincial best practice and legislatively, the bylaw is the mechanism to protect the foreshore and address environmental concerns. The Planning division is aware that there may be an increase in the number of variance applications. Board of Variance applications will be for cases with hardship, as is with this application due to a fire.

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

DECISION #01/25 It was moved and seconded

The Board of Variance recommended that the report titled Board of Variance Application BOV00026 – 13123 Narrows Road – Electoral Area A (Egmont/Pender Harbour) be received for information;

AND THAT the Board of Variance considered Board of Variance Application BOV00026 in conjunction with Section 542 of the *Local Government Act*;

AND FURTHER THAT the variance to reduce the required setback of 15 metres from the natural boundary of the ocean to 5.6 metres for the construction of a new single unit dwelling and 4.2 metres for a new deck structure be approved.

CARRIED

Board of Variance Application: BOV00027

Subject Property: 8552 West Sakinaw Lakeshore, Pender Harbour

Legal Description: LOT 15 DISTRICT LOT 3248 PLAN 11997

Sven Koberwitz, Senior Planner provided a summary of the Board of Variance application BOV00027 and the rationale for the variance. The variance application is to reduce the setback to Sakinaw Lake from 20 metres to 15 metres, in order to allow for the construction of a single-unit dwelling 15 metres from the natural boundary of the lake.

The property had a Board of Variance order approved in 2005, however it expired as construction did not substantially start by 2007. The current owner undertook land alterations and installed a septic field not knowing that the previous order had expired. The owner has revised the development plan with a single unit dwelling sited at 15 metres from the natural boundary. Most of the footprint of dwelling is located outside the 20m setback, with the 3.7m wide deck running along the lakefront elevation of the dwelling accounting for the majority of the proposed encroachment.

The property is subject to Development Permit Area 4: Stream Riparian Assessment Areas. Unauthorized land alteration occurred prior to the issuance of a development permit for Riparian Assessment Areas. This work consisted of land clearing, including blasting, and the installation of a septic system within the 20-metre zoning setback and 30 metre Provincial Riparian Areas Protection Regulation (RAPR) Assessment Area.

A Remediation Approval process was initiated with the Planning Division to address the unauthorized land alteration. The applicant has submitted and received approval from the RAPR team to proceed with the development as proposed, including the already installed septic system. The proposed development is considered acceptable under the hardship exceptions in the RAPR due to site constraints relating to steep slopes to the west of the development area.

A Qualified Environmental Professional has submitted an assessment that evaluates site conditions and factors affecting the development potential of areas beyond the 20-metre setback. These factors include:

- Unsuitable soil conditions for septic systems (supported by Septic Engineer).
- Requirements for continuous power if septic system requires pumping.
- Steep terrain and fractured rock unsuitable for foundation without excessive land alteration.
- Difficult construction access.

The province has accepted and approved the RAPR Assessment and permitted the septic system within the 15 metre SPEA subject to restoration of previously disturbed areas. Restoration of the SPEA will be a condition of the development permit.

DISCUSSION

The Chair asked for clarification around the location of the house/deck and what changes had been made since the original 13 metre requested variance.

Staff clarified the location of the house and deck on the Site Plan that was provided in the staff report. The site plan shows the 20m setback in red and the 15m SPEA in green. The change is the SPEA requirement from the province of 15m. The only land alteration within the SPEA that has occurred is the septic system.

The Chair invited questions and comments from the property owner.

Randy Zimmerman, Property Owner/Applicant noted that the building is almost all beyond the 20m setback. The only part that is within 15m is the deck. The design was modified as much as possible given the steep topography and constraints of the property.

Staff clarified the original 13m setback line on the site plan. The SCRD Development Permit will match the 15m SPEA required by the RAPR assessment approved by the province.

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

DECISION #02/25 It was moved and seconded

The Board of Variance recommended that the report titled Board of Variance Application BOV00027 (8552 West Sakinaw Lakeshore Way) – Electoral Area A

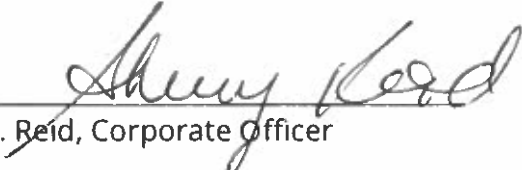
AND THAT the Board of Variance considered Board of Variance Application BOV00027 in conjunction with Section 542 of the *Local Government Act*;

AND FURTHER THAT the variance to reduce the setback to Sakinaw Lake from 20 metres to 15 metres, in order to allow for the construction of a single-unit dwelling 15 metres from the natural boundary of the lake be approved.

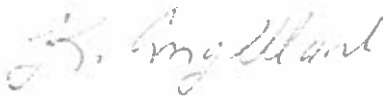
CARRIED

ADJOURNMENT 10:08 a.m.

Certified fair and correct:



S. Reid, Corporate Officer



K. Engelland, Chair, Board of Variance