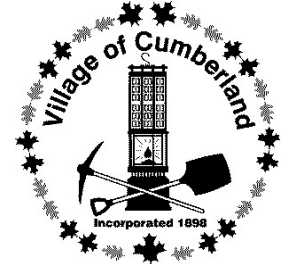


**The Corporation of the Village of Cumberland  
Board of Variance Agenda**

**August 16, 2023, at 11:30 a.m.  
Council Chamber, 2675 Dunsmuir Avenue**



We are honoured to gather on the unceded traditional territory of the K'ómoks First Nation.

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**1. Approval of the Agenda**

**Recommendation:** THAT the Board of Variance approve the agenda for the August 16, 2023 meeting.

**2. Minutes**

**Recommendation:** THAT the Board of Variance adopt the minutes from the January 25, 2023 meeting.

**3. Unfinished Business**

None

**4. Applications**

4.1 Board of Variance Appeal - 2560 Dunsmuir Avenue

4.2 Board of Variance Appeal - 3419 Bevan Road

**5. Adjournment**

The Corporation of the Village of Cumberland  
Board of Variance Minutes



January 25, 2023 at 12 p.m.  
Council Chamber, 2675 Dunsmuir Avenue

**Members Present:** Ann Wood  
Brian Beaudry  
Deb Gurrad

**Staff Present:** Melissa Roeske, Legislative Services Coordinator  
Courtney Simpson, Manager of Development Services

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Ms. Roeske called the meeting to order at 12:00 p.m. and offered a land acknowledgment.

**1. Agenda**

**Moved by:** Gurrad

**Seconded by:** Beaudry

THAT the Board of Variance approve the Agenda for January 25, 2023.

**Carried Unanimously**

**2. Minutes**

None

**3. Unfinished Business**

None

**4. New Business**

4.1 Selection of Chair for the Committee

**Moved by:** Beaudry

**Seconded by:** Gurrad

That the Board of Variance elect Ann Wood as the chair and appoint Brian Beaudry as acting chair to preside in the absence of the chair.

**Carried Unanimously**

4.2 Board of Variance Appeal – 3025 Royston Road

Staff provided a presentation that described the appeal and confirmed that notification of the appeal was mailed to all owners and occupiers within 75 metres of the property. No correspondence from the public has been received.

**Moved by:** Gurrad

**Seconded by:** Beaudry

THAT the Board of Variance approve the request to increase the maximum height for principal buildings for the 24 modular homes in Phase 1 from 4.5metres to 5.5metres, on the property described as Lot 1, District Lot 24, Nelson District, Plan 38778 Except Part In Plan 49490 (3025 Royston Rd).

The Board deliberated and confirmed that undue hardship was found, the appeal constitutes a minor variance, and there were no consequences of the variance.

**Motion Carried Unanimously**

**5. Adjournment**

The meeting was adjourned at 12:47 p.m.

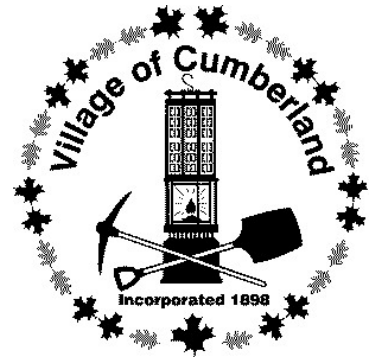
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Chair

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Certified Correct by the Recording Secretary

# BOARD OF VARIANCE REPORT



Appeal No. 2023-01-BOV

REPORT DATE: 8/4/2023  
MEETING DATE: 8/16/2023

TO: Board of Variance  
FROM: Brigid Reynolds, Planner  
SUBJECT: Board of Variance Appeal – 2560 Dunsmuir Ave

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## APPEAL

The Village has received an appeal for a variance at 2560 Dunsmuir Avenue. The applicant is requesting to reduce the front yard setback from 3.0 m to 0.41 m and the side yard setback from 1.50 m to 1.44 m to permit construction of a deck to an existing single-family dwelling.



**Subject Property**

## BACKGROUND

The subject property at 2560 Dunsmuir Ave is a 600 m<sup>2</sup> parcel zoned R-1A – Infill Residential.

The existing single-family dwelling was originally built in approximately 1889 with the most recent renovations in approximately 1982. At its closest point, the dwelling is located 0.77 m from the front lot line. The owners would like to construct a 1.52 m wide deck on the 2<sup>nd</sup> floor on the front and west elevations.

## RELEVANT BYLAWS

### ***Zoning Bylaw No. 1027, 2016***

The subject property is zoned R-1A – Infill Residential zone and Zoning Bylaw, Section 7.2 (6) establishes the minimum setbacks from the front lot line of 3.0 m and the side yard of 1.5 m. The proposed deck is elevated 2.5 m and is intended to create some outdoor space and to break up the massing of the building.

Once constructed the deck would be a minimum of 0.41 m from the front lot line and 1.44 m from the side lot line.

While the dwelling is located close to the front lot line it will not reduce parking in the front yard as it's an elevated deck where parking can continue in the same location currently used, under the deck.

**PUBLIC NOTIFICATION AND REFERRALS**

Pursuant to Section 541 of the *Local Government Act*:

1. Village staff prepared notification that a Notice of Appeal will be considered by the Board of variance by mailing to the owners and occupiers of all properties within a 75.0metre radius of the lot lines of the land involved under application at least 10 days before consideration by the Board.

At the time of this report, staff have not received feedback from the public.

**BOARD OF VARIANCE OPTIONS**

1. THAT the Board of Variance approve the request to reduce the front setback from 3.0m to 0.41 m and the side yard setback from 1.5 m to 1.4 m to permit the construction of a new 1.5 m wide warp-around deck on an existing principal building, as shown on the attached plan on the property described as Lot 1, District Lot 24, Nelson District, Plan VIP56201 (2560 Dunsmuir Ave).
2. THAT the Board of Variance deny the request to reduce the front setback from 3.0m to 0.41 m and the side yard setback from 1.5 m to 1.4 m to permit the construction of a new 1.5 m wide warp-around deck on an existing principal building, as shown on the attached plan on the property described as Lot 1, District Lot 24, Nelson District, Plan VIP56201 (2560 Dunsmuir Ave).

**ATTACHMENTS**

1. Public Notification
2. Applicant Rationale Letter

**CONCURRENCE**

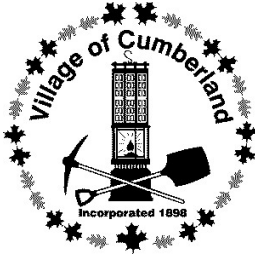
Courtney Simpson, Manager of Development Services **CS**

Respectfully submitted,

***B. Reynolds***

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Brigid Reynolds  
Planner



# Corporation of the Village of Cumberland

2673 Dunsmuir Avenue  
PO Box 340  
Cumberland, BC V0R 1S0  
Telephone: 250-336-2291  
Fax: 250-336-2321  
cumberland.ca

File: 2023-01-BOV

August 2, 2023

**Re: Board of Variance Appeal – 2560 Dunsmuir Avenue**

Pursuant to Section 541 of the Local Government Act, we advise you that a meeting of the Board of Variance has been scheduled for **Wednesday, August 16, 2023, at 11:30 am** in the Village of Cumberland Council Chambers, 2675 Dunsmuir Avenue, Cumberland BC, to hear the following appeal:

**APPEAL NO:** 2023-01-BOV

**LOCATION:** 2560 Dunsmuir Avenue (Lot 1, District Lot 24, Nelson District, Plan VIP56201)

**PURPOSE:** The applicant is appealing to the Board of Variance to vary *Section 7.2 (6)* of the “*Village of Cumberland Zoning Bylaw No. 1027, 2016*” as follows:

- To reduce the front setback from 3.0 m to 0.41 m and the side yard setback from 1.50 m to 1.44 m to permit construction of a deck to an existing single-family dwelling, as shown on the attached plan.

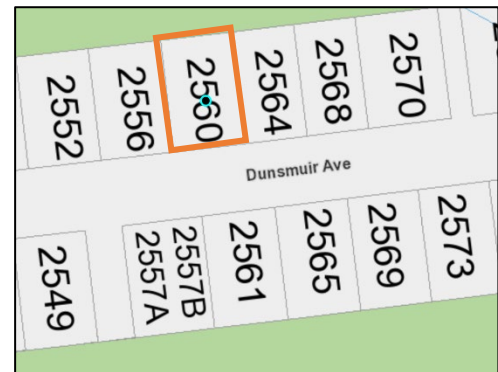
## COMMENTS

You are receiving this notice as a neighbour within 75 metres of the property. If you deem your property to be affected by this appeal, this meeting of the Board of Variance will be open to hear your representation either in person or by written submission. Written submissions can be emailed to [planning@cumberland.ca](mailto:planning@cumberland.ca) no later than 9:00am, Thursday, August 16<sup>th</sup>, 2023.

This appeal may be inspected at the office of the Village of Cumberland located at 2673 Dunsmuir Avenue, Cumberland BC. Office hours are Monday to Friday 9:00 am to 4:00 pm, except statutory holidays. If you require further details on this matter, please contact the Development Services Department at 250-336-2291 or by emailing [planning@cumberland.ca](mailto:planning@cumberland.ca).

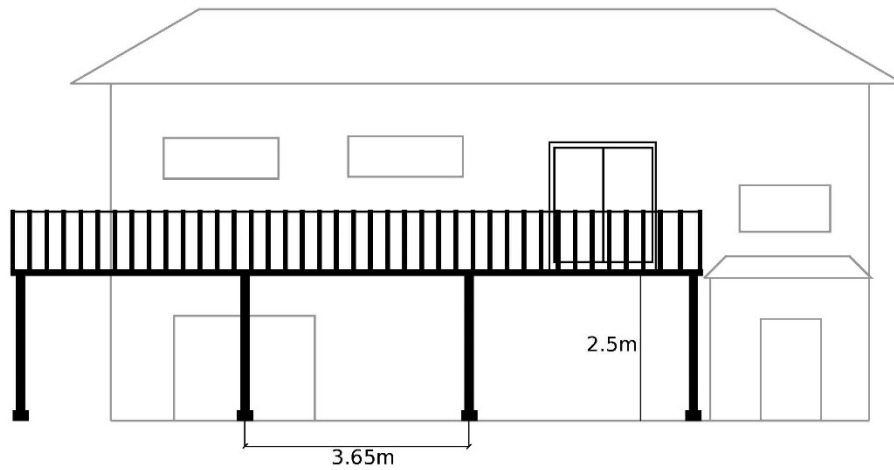
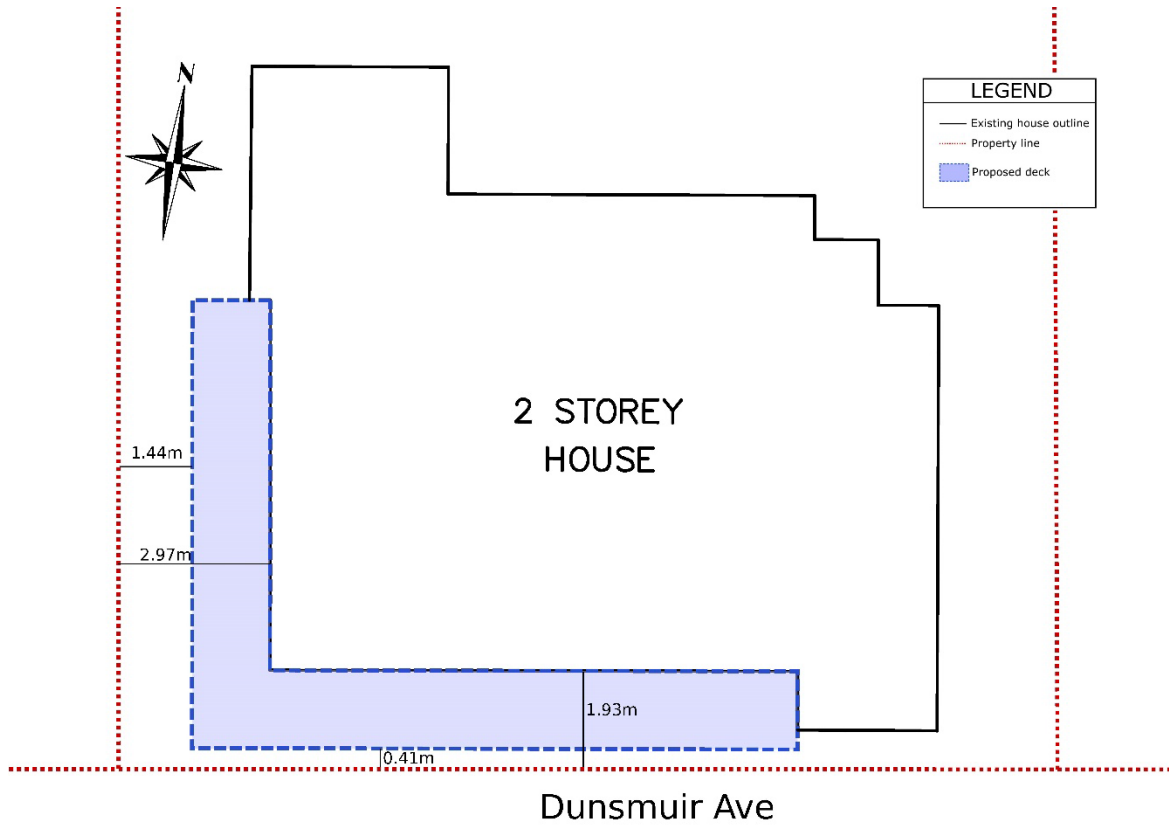
Sincerely,

The Development Services Department



**Subject Property**

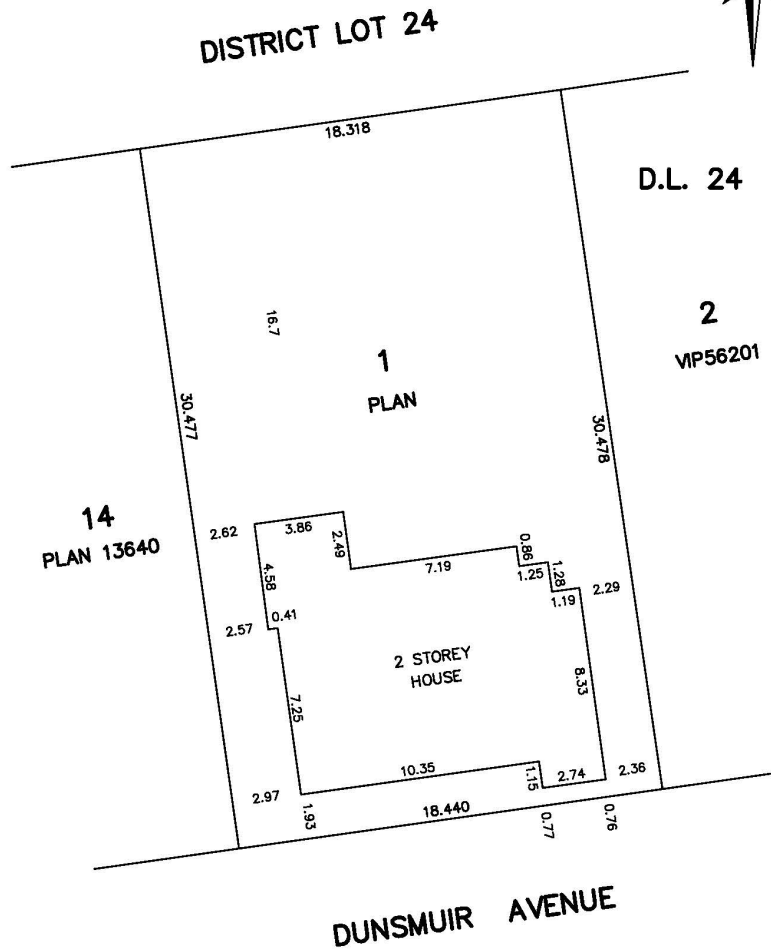
# Proposed Deck Plan



Site Survey (deck not shown)

BRITISH COLUMBIA LAND SURVEYOR'S CERTIFICATE OF LOCATION  
FOR LOT 1, D.L. 24, NELSON DISTRICT, PLAN VIP56201.

2560 DUNSMUIR AVENUE, CUMBERLAND  
SCALE 1 : 200 (METRIC)



NOTES:

OFFSETS SHOWN ARE NOT TO BE USED FOR DEFINING LOT BOUNDARIES.  
LOT DIMENSIONS AND OFFSET DISTANCES SHOWN COULD VARY  
UPON A COMPLETE RESURVEY OF THE SUBJECT PROPERTY.  
FOR RESTRICTIVE COVENANTS SEE DOCUMENTS 334864G AND 347575G.

Eric Hoerburger  
8YPFDR

Digitally signed by Eric  
Hoerburger 8YPFDR  
Date: 2023.07.01 13:12:27  
-07'00'

HOERBURGER LAND SURVEYORS  
280-A ANDERTON ROAD, COMOX, B.C.  
PH. (250) 890 - 0100 © 2023  
FILE: 2492CRT1/186.1 FB. 91/118

Board of Variance Introduction Letter  
2560 Dunsmuir Ave

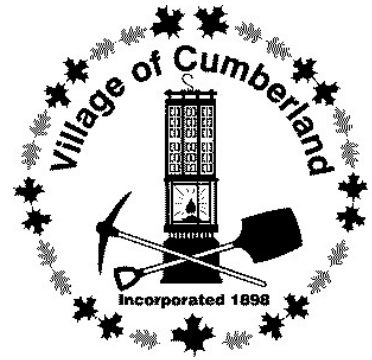
My husband and I are applying for a minor variance to the front setback as outlined in the Zoning Bylaw to permit us to build a simple wrap around deck at the front (south) and side (west) of our home. The front of our home does not have any usable secured outdoor area at this time; it is gravel parking. We would like to build a safe and secured area for our children and dog to play, or enjoy the outdoors, on the sunny side of our home. This deck will be constructed in character with the others on our street. We are using a carpenter that has built other decks on the street. The size of the deck will continue to allow room for parking our vehicles; it will not add an additional burden to the street's current parking constraints. Further, the front of our home is not aesthetically pleasing, it has a commercial building or 'warehouse' like appearance. The building of the deck will bring the house in further harmony with the charming character of 'Camp Road'. It will also allow us to engage further with our neighbours and passers by, adding to the community atmosphere Cumberland is known for.

We are requesting a variance of the front set back from 3 metres (9.8 feet) to 1.3 metres (4.3 feet).

Thank your for your consideration.

Jordi, Kristina, Owen, Audrey, and Norah Bones.

# BOARD OF VARIANCE REPORT



Appeal No. 2023-02-BOV

REPORT DATE: 8/2/2023  
 MEETING DATE: 8/16/2023  
 TO: Board of Variance Members  
 FROM: Brigid Reynolds, Planner  
 SUBJECT: Board of Variance Appeal – 3419 Bevan Road

## APPEAL

The Village has received an appeal for three variances at 3419 Bevan Road. The applicant is requesting to reduce setbacks for three separate existing accessory buildings:

- To reduce the front setback (Maple St) for a garage from 3.0m to 1.29m
  - To reduce the side setback (west) for a RV storage (carport) from 1.5m to 0.37m; and
  - To reduce the rear setback (south) for an accessory building on concrete blocks from 1.5m to 0.42m.
- All shown on the attached plan.



**Subject Property**

## BACKGROUND

The subject property at 3419 Bevan Road is 761 m<sup>2</sup> parcel zoned Standard Residential (R-1). The 102 m<sup>2</sup> two-storey dwelling unit was originally built in 1936. Over the years six accessory buildings have been constructed. These accessory buildings include RV storage (carport), garage, garden shed, woodshed, and an accessory building. In addition to the accessory buildings, the yard contains mature landscaping, vegetable gardens, and trees.

## RELEVANT BYLAWS

### *Zoning Bylaw No. 1027, 2016*

The subject property is zoned R-1 – Standard Residential Zone and Zoning Bylaw, Section 7.1.7 establishes the minimum setbacks from all lot lines for accessory buildings as follows:

Lot Lines	Accessory building setbacks	Existing building siting
Front (Maple St, north)	3.0 m	1.29 m – garage
Rear (south)	4.5 m	0.42 m - accessory building
Side (west)	1.5 m	0.37 m – RV/carport
Side exterior (east)	3.0 m	

The subject property conforms to Zoning Bylaw Section 7.1.(4) with regards to density, maximum gross floor area for accessory buildings as the RV storage/carport, woodshed and rear storage structure are exempt from the density calculation.

The subject property conforms to Zoning Bylaw Section 7.1.(5) for lot coverage of less than 35% for a total of 26%.

The various accessory buildings have been constructed because the dwelling unit is small and has almost no storage space inside. The yard is well landscaped with flower and food gardens that would have to be removed to move the accessory buildings. There are also several mature trees that would have to be removed to move the accessory buildings to meet setbacks.

## **PUBLIC NOTIFICATION AND REFERRALS**

Pursuant to Section 541 of the *Local Government Act*:

1. Village staff prepared notification that a Notice of Appeal will be considered by the Board of variance by mailing to the owners and occupiers of all properties within a 75.0metre radius of the lot lines of the land involved under application at least 10 days before consideration by the Board.

At the time of this report, staff have not received feedback from the public.

## **BOARD OF VARIANCE OPTIONS**

1. THAT the Board of Variance approve the request to reduce the setbacks for three separate existing accessory buildings:
  - a. Front setback (Maple St) for a garage from 3.0m to 1.29m;
  - b. Side setback (west) for a RV storage (carport) from 1.5m to 0.37m; and
  - c. Rear setback (south) for an accessory building on concrete blocks from 1.5m to 0.42m

For the property legally described as Lot 1, Section 26, Township 10, Comox District, Plan 22451 (3419 Bevan Rd).

2. THAT the Board of Variance deny the request to request to reduce the setbacks for three separate existing accessory buildings:
  - a. Front setback (Maple St) for a garage from 3.0m to 1.29m;
  - b. Side setback (west) for a RV storage (carport) from 1.5m to 0.37m; and
  - c. Rear setback (south) for an accessory building on concrete blocks from 1.5m to 0.42m

For the property legally described as Lot 1, Section 26, Township 10, Comox District, Plan 22451 (3419 Bevan Rd).

## **ATTACHMENTS**

1. Public Notification
2. Applicant Rationale Letter

**CONCURRENCE**

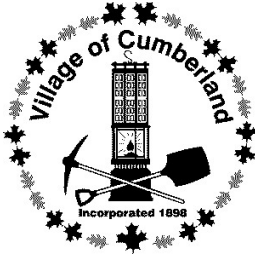
Courtney Simpson, Manager of Development Services **CS**

Respectfully submitted,

***B. Reynolds***

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Brigid Reynolds  
Planner



# Corporation of the Village of Cumberland

2673 Dunsmuir Avenue  
PO Box 340  
Cumberland, BC V0R 1S0  
Telephone: 250-336-2291  
Fax: 250-336-2321  
cumberland.ca

File: 2023-02-BOV

August 3, 2023

**Re: Board of Variance Appeal – 3419 Bevan Road**

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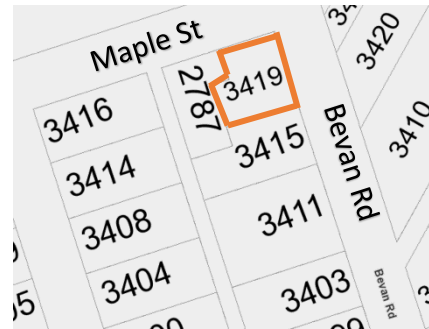
Pursuant to Section 541 of the Local Government Act, we advise you that a meeting of the Board of Variance has been scheduled for **Wednesday, August 16, 2023 at 11:30 am** in the Village of Cumberland Council Chambers, 2675 Dunsmuir Avenue, Cumberland BC, to hear the following appeal:

**APPEAL NO:** 2023-02-BOV

**LOCATION:** 3419 Bevan Road (Lot 1, Section 26, Township 10, Comox District, Plan 22451)

**PURPOSE:** The applicant is appealing to the Board of Variance to vary *Section 7.1 (7)* of the “*Village of Cumberland Zoning Bylaw No. 1027, 2016*” for the location of three separate existing accessory buildings:

- To reduce the front setback (Maple St) for a garage from 3.0m to 1.29m
- To reduce the side setback (west) for a carport from 1.5m to 0.37m; and
- To reduce the rear setback (south) for an accessory building on concrete blocks from 1.5m to 0.42m. All shown on the attached plan.



**Subject Property**

## COMMENTS

You are receiving this notice as a neighbour within 75 metres of the property. If you deem your property to be affected by this appeal, this meeting of the Board of Variance will be open to hear your representation either in person or by written submission. Written submissions can be emailed to [planning@cumberland.ca](mailto:planning@cumberland.ca) no later than 9:00am, Wednesday, August 16<sup>th</sup>, 2023.

This appeal may be inspected at the office of the Village of Cumberland located at 2673 Dunsmuir Avenue, Cumberland BC. Office hours are Monday to Friday 9:00 am to 4:00 pm, except statutory holidays. If you require further details on this matter, please contact the Development Services Department at 250-336-2291 or by emailing [planning@cumberland.ca](mailto:planning@cumberland.ca).

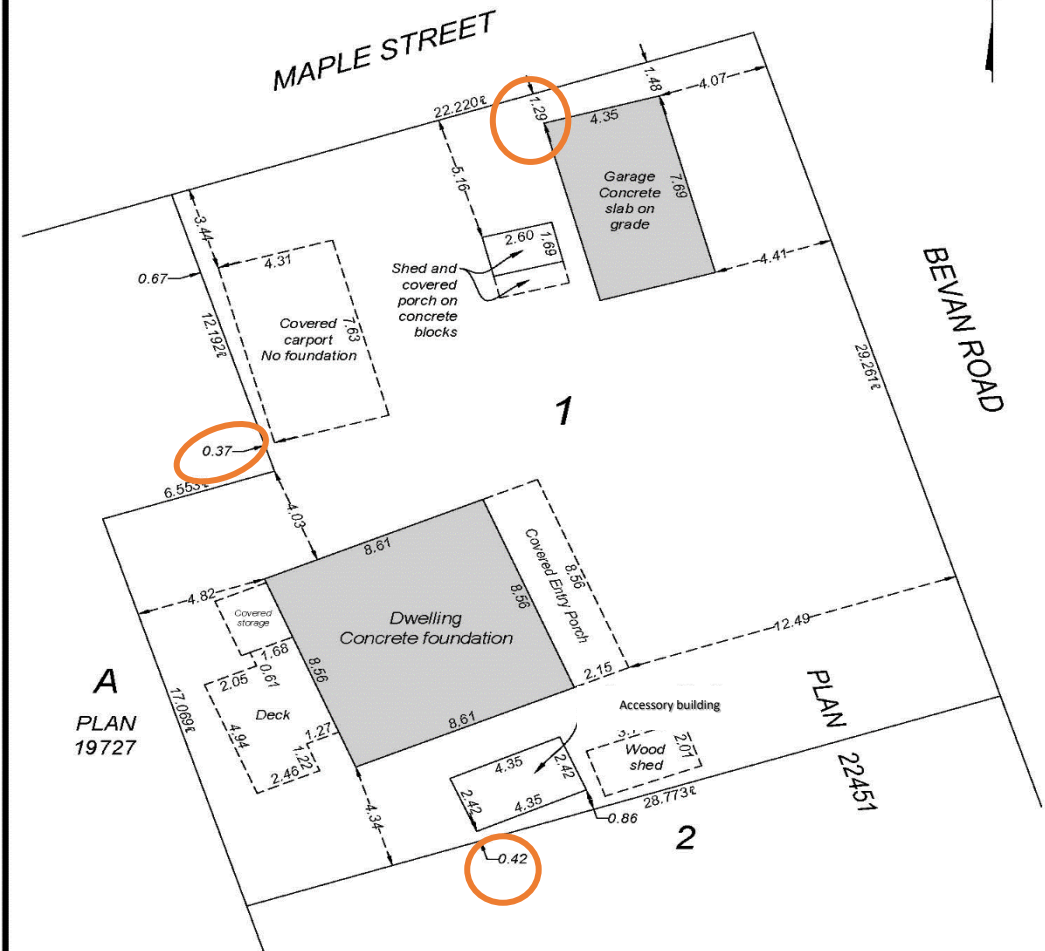
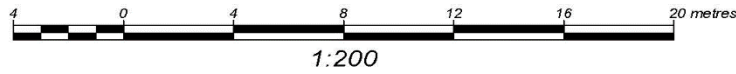
Sincerely,

The Development Services Department

Site Survey

**BC LAND SURVEYORS CERTIFICATE OF LOCATION ON  
LOT 1, SECTION 26, TOWNSHIP 10, COMOX DISTRICT,  
PLAN 22451.**

Parcel Identifier: 000-314-081



Date of Survey: May 11, 2023

Civic Address  
3419 Bevan Road  
Cumberland, BC

This document shows the registered dimensions of the above described property and the relative location of the surveyed structures and features with respect to the property boundaries. This document shall not be used to define property lines or property corners.

Offset dimensions are to the exterior of the siding wall and are perpendicular to the property lines.

Digitally signed by  
Donald Grant LD4NKS  
Date: 2023.05.13  
14:51:33 -07'00'  
BCLS

©Grant Land Surveying Inc, 2023. All rights reserved.

This document is not valid unless digitally signed.

643Cert.dwg  
20230513

GRANT LAND SURVEYING INC.  
1590 110th STREET  
COURTENAY, B.C. V9N 1P8  
250.571.6040

BOARD OF VARIANCE  
VILLAGE OF CUMBERLAND

I AM APPLYING FOR A SIDE AND  
FRONT VARIANCE FOR OUT BUILDINGS AT  
3419 BEVAN ROAD.

COVERD CARPORT IS 0.37 m. FROM  
SIDE LOT AND SETBACK MINIMUM IS  
1.5 m.

GARAGE IS 1.29 m ~~FE~~ FROM FRONT  
LOT AND SETBACK MINIMUM IS 3. m.

TO MOVE STRUCTURES WOULD BE  
A GREAT HARSHIP AS FEINCES, GARDENS  
AND SIDEWALKS WOULD HAVE TO BE  
MOVED

BOB SCHWEIZER  
250 702 7244