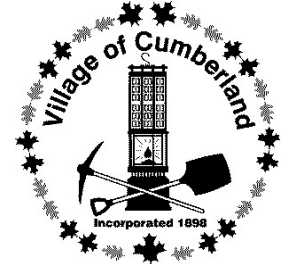


The Corporation of the Village of Cumberland
Board of Variance Agenda

October 11, 2023, at 12:00 p.m.
Council Chamber, 2675 Dunsmuir Avenue



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

1. Approval of the Agenda

Recommendation: THAT the Board of Variance approve the agenda for the October 11, 2023 meeting.

2. Minutes

Recommendation: THAT the Board of Variance adopt the minutes from the August 16, 2023 meeting.

3. Unfinished Business

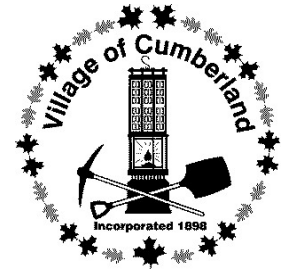
None

4. Applications

4.1 Board of Variance Appeal – 2100 Horbury Road

5. Adjournment

**The Corporation of the Village of Cumberland
Board of Variance Meeting Minutes**



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

Members Present: Ann Wood, Chair
Brian Beaudry
Deb Gurrad

Staff Present: Brigid Reynolds, Contract Planner
Karin Albert, Senior Planner
Seamus McConville, Planner
Melissa Roeske, Legislative Services Coordinator

Ms. Wood called the meeting to order at 11:30 a.m. and offered a territorial land acknowledgement.

1. Approval of the Agenda

Moved by: Gurrad

Seconded by: Beaudry

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

Carried Unanimously

2. Minutes

Moved by: Beaudry

Seconded by: Gurrad

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

Carried Unanimously

3. Unfinished Business

None

4. Applications

4.1 Board of Variance Appeal - 2560 Dunsmuir Avenue

Moved by: Gurrad

Seconded by: Beaudry

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 wrap-around second story deck on the existing principal building, as presented to the Board in the staff report on the property described as Lot 1, District Lot 24, Nelson District, Plan VIP56201 (2560 Dunsmuir Ave).

Carried

4.2 Board of Variance Appeal - 3419 Bevan Road

Moved by: Beaudry

Seconded by: Gurrad

THAT the Board of Variance deny the request to reduce the front setback (Maple Street) for the existing accessory building (workshop/garage) from 3.0m to 1.29m for the property legally described as Lot 1, Section 26, Township 10, Comox District, Plan 22451 (3419 Bevan Rd).

Carried

Moved by: Gurrad

Seconded by: Beaudry

THAT the Board of Variance approve the request to reduce the side setback (west) for the existing accessory building (RV storage/carport) from 1.5m to 0.37m as presented to the Board in the staff report for the property legally described as Lot 1, Section 26, Township 10, Comox District, Plan 22451 (3419 Bevan Rd).

Carried

Moved by: Wood

Seconded by: Gurrad

THAT the Board of Variance deny the request to request to reduce the 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).

Carried

5. **Adjournment**

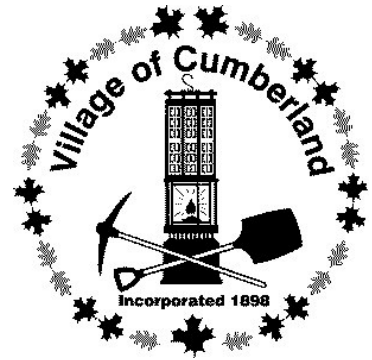
Moved by: Beaudry

Seconded by: Gurrad

The meeting was adjourned at 1:08 pm

Carried

BOARD OF VARIANCE REPORT



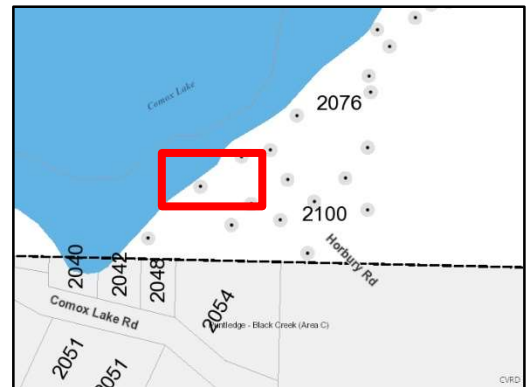
REPORT DATE: 9/22/2023
MEETING DATE: 10/10/2023

Appeal No. 2023-03-BOV

TO: Board of Variance Members
FROM: Seamus McConville, Planner I
SUBJECT: Board of Variance Appeal – Cabin 6 - 2100 Horbury Road

APPEAL

The Village has received an appeal regarding Cabin 6, at 2100 Horbury Road. The applicant is requesting the Board of Variance grant permission to renovate the existing 118m² non-conforming cabin and construct a 14m² first storey addition and 38m² loft addition, for a total gross floor area of 170m².



Red box denotes approximate location of cabin on subject property.

BACKGROUND

The subject property at 2100 Horbury Road is a 13.13ha parcel zoned RE-1 – Recreation and Tourism Zone, with 25 cabins present on the property constructed throughout the past 90 years.

The subject cabin, known as “Cabin 6,” was constructed in 1936, and requires significant repairs to meet the requirements of the applicant’s family. Should the order be granted, the applicant will repair the dwelling and construct both an addition on the rear of the dwelling and a new second-storey loft.

RELEVANT BYLAWS

Zoning Bylaw No. 1027, 2016

The subject property is zoned RE-1 – Recreation and Tourism Zone and Zoning Bylaw, Section 7.1.7 which permits one single-family dwelling per lot.

As the 25 cabins were constructed on the lot before Zoning Bylaw regulations limited the number of single-family dwellings per lot to one, their use as dwellings is considered non-conforming. *Local Government Act* section 531 states:

(1) Subject to this section, a structural alteration or addition must not be made in or to a building or other structure while a non-conforming use is continued in all or any part of it.

(2) Subsection (1) does not prohibit a structural alteration or addition that is required by an enactment or is permitted by a board of variance under section 542 (1) [*authority for variance or exemption to relieve hardship*].

(3) Subsection (1) does not apply to alterations or additions in or to a protected heritage property if the alteration or addition is authorized by a heritage alteration permit under section 617.

As a result, the Village cannot issue building permits to renovate or expand cabins, unless there is a Board of Variance order to permit the work. Village Council cannot issue a development variance permit for this work as it is outside the scope of their authority to issue orders to rebuild or expand upon non-conforming structures. The property owner (Comox Lake Land Corporation) has an active rezoning application, which if approved, is anticipated to resolve this issue, therefore avoiding the need for future Board of Variance orders to undertake alterations or repairs.

The proposal complies with all other zone requirements, including setbacks, building height and lot coverage. The additions are not anticipated to have a detrimental impact on the surrounding area, as the design integrates well into the existing structure, fitting the context of the surrounding recreational uses.

Floodplain Management Bylaw No. 962, 2012

The Village's Floodplain Management Bylaw requires development to be sited 15m away from the natural boundary of a lake; the location of the cabin is 4.35m from this boundary as per an engineer's report submitted as part of the Comox Lake Land Corporation's rezoning of the property. As the proposed addition at ground level is an increase of less than 25% of the previously non-conforming ground floor area, the addition is exempt from meeting flood construction levels outlined in the Floodplain Bylaw.

Should the Board of Variance grant this order, a site-specific floodplain exemption is required to authorize construction, and must be approved by Village Council. This process will capture the requirement of a new retaining wall to facilitate the repairs at Cabin 6, as requested by the Engineer's report submitted as part of the property's rezoning application.

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 renovate the existing 118m² non-conforming single-family dwelling and construct a 14m² first storey addition and 38m² loft addition, for a total gross floor area of 170m², for the property legally described as

Fractional Section 28, Township 10, Comox District, Plan 552H together with that portion of the bed of Comox Lake included within the area shown outlined in red on plan deposited under DD 1983 Except Parts In Plans 21 RW, 788 RW, 26178, VIP57417 AND EPP82213 (2100 Horbury Road.)

2. THAT the Board of Variance deny the request to renovate the existing 118m² non-conforming single-family dwelling and construct a 14m² first storey addition and 38m² loft addition, for a total gross floor area of 170m², for the property legally described as Fractional Section 28, Township 10, Comox District, Plan 552H together with that portion of the bed of Comox Lake included within the area shown outlined in red on plan deposited under DD 1983 Except Parts In Plans 21 RW, 788 RW, 26178, VIP57417 AND EPP82213 (2100 Horbury Road.)

ATTACHMENTS

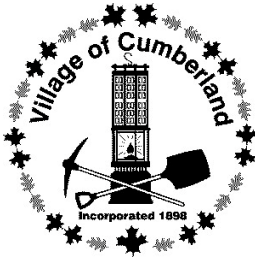
1. Public Notification
2. Applicant Rationale Letter
3. Plans For Proposed Cabin
4. Photographs of Existing Cabin

CONCURRENCE

Respectfully submitted,

S. McConville

Seamus McConville
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: 2023-03-BOV

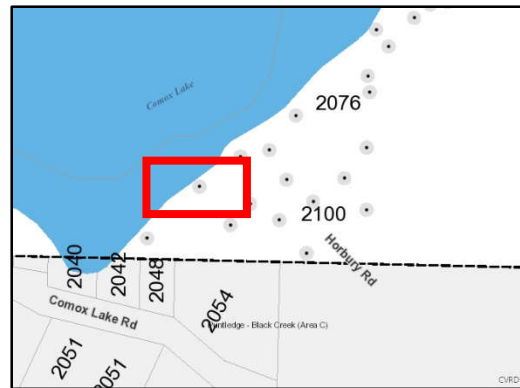
September 29, 2023

Re: Board of Variance Appeal – Cabin 6- 2100 Horbury Road

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, October 11, 2023 at **12:00 p.m.** in the Village of Cumberland Council Chambers, 2675 Dunsmuir Avenue, Cumberland BC, to hear the following appeal:

APPEAL NO: 2023-03-BOV

LOCATION: 2100 Horbury Road, Cabin 6 (Fractional Section 28, Township 10, Comox District, Plan 552H together with that portion of the bed of Comox Lake included within the area shown outlined in red on plan deposited under DD 1983 Except Parts In Plans 21 RW, 788 RW, 26178, VIP57417 AND EPP82213.)



Subject Property, With Location of Cabin Highlighted.

PURPOSE: The applicant is requesting the Board of Variance grant permission to renovate the existing 118m² non-conforming cabin and construct a 14m² first storey addition and 38m² loft addition, for a total gross floor area of 170m².

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 no later than 8:30am, Wednesday, October 11, 2023.

This appeal may be inspected at the office of the Village of Cumberland located at 2676 Dunsmuir Avenue, Cumberland BC. Office hours are Monday to Friday 9:00 am to 4:00 pm. If you require further details on this matter, please contact the Development Services Department at 250-336-2291 or by emailing planning@cumberland.ca.

Sincerely,
The Development Services Department

To the Cumberland Board of Variance,

Our family owns cabin 6 on Comox Lake at the bottom of Horbury Road. We are writing to you today as cabin owners to provide some background, explain our current situation and to apply to the Board of Variance as a legally nonconforming structure.

Background-Family

Tom, our grandpa, was one of 9 children of Bill and Lois Mossey. Jean, our grandma, was one of 10 children of James and Gertrude Somerville. Our dad's, Bill and Bob, were sometimes called the Mossey twins growing up in Cumberland as they were only a year apart. Our grandma was very active in the community as the boys were growing up in their sporting events and the regulation/administration of the sports at a provincial level in both soccer and basketball; both boys were athletic and represented Cumberland provincially in sports.



Sometime in the 1930's, we estimate around 1936, our grandpa Tom purchased our cabin on Horbury Road. Our grandma told the neighbors that she dug the "honey-house" (outhouse) on her honeymoon; they were married October 1937. Our dads Bill and Bob were born in 1939 and 1940. This photo below shows Grandpa with Uncle Bill and dad on the beach in front of our cabin around 1942/43 as well as one of the earliest pictures we have of it.



I, my older sister and our three cousins spent much of our childhoods and now adulthood with our own children at our family cabin. Many Mossey and Somerville descendants remain in Cumberland; we have strong ties to the lake and consider Cumberland a second home.

Our cabin has remained mainly the same over the years except for maintenance, the addition of a holding tank & toilet in 2007 and the front porch switching back & forth between being enclosed for additional interior space. In the fall of 2019 we had a VIHA approved septic system installed to service a 2 bedroom cabin. Ours is the green roofed cabin below.



To the left is a picture of my mom & dad when they first met in the late 1960s and is an example where the front of the cabin was enclosed.

Both pictures on this page clearly show the distance between the two cabins, which is an important point to note.

The cabin next to ours changed owners in 2003 and then again in 2013. The current owner completed a building project in 2018 that greatly reduced the distance between the two cabins. This is demonstrated in upcoming pictures.

Background - CLLC

The cabin owners held leases of varying lengths to occupy the land when Weldwood put the land up for sale and we were all at risk of losing our cabins. At the time it was thought best to form a company as no single cabin owner had the resources to purchase all the land and Weldwood could not deal with each cabin owner separately. In 2001 the Comox Lake Land Corporation (CLLC) was formed to purchase the property. Not many cabin owners were (or are today) familiar with Company Ownership, Directors versus Shareholders, dividends, Annual Company Registration requirements in the Province of BC, etc.

In 2002 Cumberland expanded their jurisdiction to include our land and zoned it as Update Rural One (UR-1) and later as Recreation and Tourism Zone (RE-1). This zoning permits one dwelling, as did the previous zoning applied to the property by the CVRD. There are 25 existing cabins on the parcel; all were in place well before any zoning was applied to the land.

It should be noted that the property boundaries of the land owned by the CLLC expand out into what is now the lake as these boundaries were established long before the dam was upgraded in 1955. Some structures were relocated or removed from the land when the dam upgrade took place. The existing cabins are now being evaluated for setbacks from a lake high level that was created by that upgrade to the dam.

There was always a fear by cabin owners that the zoning prescribed first by the CVRD and later by Cumberland that only permitted one dwelling was with a goal to phase out our cabins.

As time went on, the group developed points of contact within the Village of Cumberland and discussions were started regarding rezoning. I was much younger at the time and my uncle was our family representative at meetings; my recollection of what was said regarding the rezoning process was that it would basically be a paper exercise once the money was paid to Cumberland. Cumberland Mayor and Council had the same goals as the CLLC – ideally for all to be legally conforming but at a minimum to allow for the 25 existing cabins in case one was destroyed or otherwise became uninhabitable. As time went on Cumberland administration had turnover and different messages were relayed to cabin owners. Processes started forming and overwhelmed the Directors of the CLLC. Another issue was that there were coal mine tailings on some of the CLLC property that would require addressing as part of the rezoning process. As I understand, the cost associated with the environmental issues was a major hurdle. Between staff turnover and CLLC unfamiliarity with process nothing ever came to fruition.

After the CLLC sold approximately 45.9 hectares of land to the CVRD, including the area with environmental concerns, representatives of the CLLC met again with Village of Cumberland to discuss the possibility of rezoning. Cumberland presented the CLLC with a formal process to comply with in order to meet the intent of the goals and risk reduction required by today's Government Standards.

The CLLC has committed through Directors Resolutions and Shareholder Annual General Meetings to complete the rezoning process.

Ownership

The Comox Lake Land Corporation (CLLC) owns the property that contains the 25 cabins. We each own our individual structures and hold a lease from the CLLC for the land. Each cabin has one class A voting share and a number of class B shares in the CLLC. The shares are owned by one or more individuals.

There are six owners for our cabin shares - my uncle, father, cousin Bruce, cousin Heather, my sister Ann-Marie and myself.

Status of Rezoning

A rezoning application for the CLLC property was submitted in January 2019. The main goal was to have the usage updated to permit 25 dwellings and to allow all cabins at their current setback from the lake. The application is still in progress.

The application first came before council on August 9, 2021 and they voted for it to go for early referral to outside agencies. The application came back to council at the August 8, 2022 meeting and was referred to the Advisory Planning Commission (APC) for feedback.

A variety of possible maximum principal building sizes have been mentioned throughout this process. The application was per current conditions of cabin 7 which the owner has said is now either 2647 sq ft or 3100 sq ft. A response from staff dated June 15, 2022 supported a maximum size of 775 sq ft.

At the APC meeting on September 8, 2022 the commission was supportive of rezoning to permit 25 dwellings. In terms of building size, the APC was in favor of allowing all dwellings at their current size and for existing single level cabins to add a full second story.

Upon learning about the Board of Variance we obtained a letter of agency from the CLLC in Sept 2022. We have since been waiting to see what maximum size will be in the proposed zone before applying to confirm whether our planned size would be minor in nature.

The rezoning application is now waiting for the new draft zoning before going back to council. Staff has recently communicated that the draft zoning will allow all principal dwellings at their current size with the smaller cabins allowed a modest increase in size up to a maximum of 90 sq m/ 968.8 sq ft.

There are a number of conditions for rezoning documented as possibly required such as geotechnical concerns on all lots being addressed and an alternative solution for the shared wells on our property.

Cabins owners have always been under the impression that there are no options for a cabin owner to obtain a building permit or apply for a variance. The previous CAO, Sundance Topham, made it very clear that under no conditions would his staff issue a building permit to a cabin owner under the current zoning. It is only within the last year that we have come to understand that, as legally nonconforming, we could apply for a permit to maintain our current structures as-is and that an application to the Board of Variance could be made for structural alterations and additions.

One of the reports for rezoning, based upon on-site visits the summer of 2020, identified our retaining wall as needing to be replaced within a year. We contracted with Onsite Engineering to design a replacement wall based on the recommendations in that report. They submitted an application for an approval to work near a watercourse and it was approved on September 26, 2022 with specific conditions and time windows for the work to take place.

Mossey Cabin – Cause for Concern

Over the years we have watched as a few of the cabins have been sold to new owners; and as some owners have renovated, added on, and transformed their cabins into modern family homes.



In the fall of 2017 we had a local builder inspect our cabin and the site. In the spring of 2018 we started to look at issues with the cabin's roof, suspecting that some trusses were rotten. The more that we uncovered, the more issues we found – water damage, fire damage, rodent damage, rot. Not to mention that a cabin from the 1930s is lacking in structural support. It became apparent that more than “a little fix” was needed.



Our younger generation of owners, the four remaining cousins, worked together to come up with plans for the cabin that would see it through future generations. **For all four cousins, one of the most important things was for our fathers to be able to see this accomplished in their lifetime.**

We hired a draftsman and the younger generation made arrangements. One negotiated 2 months off work to build to lock-up through November and December; one family milling the lumber (see below); everyone preparing for the project.



As our cabin neighbor's project was nearing completion, we started at the end of the summer 2018 with my then 78-year-old father manually stripping down the cabin from the inside out. We know that this was in conflict with zoning and we are not seeking to justify our actions or gain permission simply "because others have done it".

In October of 2018 the executive of the CLLC held a meeting to say that they had been in contact with the Village of Cumberland and would be submitting an application for rezoning. It was communicated to the cabin owners that past work in conflict with zoning would be disregarded, but that to show goodwill no new work should take place. The CLLC representatives for rezoning first communicated to the cabin owners that rezoning could be accomplished as quickly as 8 weeks. Our plans were put on hold.

In May of this year my uncle turned 84 and my father 83. We are in the middle of our fifth summer with limited use of our cabin and property. More importantly, with the passing of time the concern grows that one or both of our fathers will not get to see the situation resolved and our family back out at the lake.

Plans for Cabin

Before working with the draftsman, we researched Cumberland's zoning bylaws to try to be compliant with any building size and height requirements. The RE-1 zone has no GFA maximum for a primary dwelling however Cumberland's Floodplain Management Bylaw No. 962 includes the following general exemptions for legally non-conforming structures:

- i) A renovation of an existing building or structure that does not involve an addition thereto;

ii) An addition to a building or structure, at the original non-conforming floor elevation, that would increase the size of the building or structure by less than 25% of the ground floor area (excluding decks, carports or garages) existing at the date of adoption of this Bylaw, provided that the degree of non-conformity regarding the setback is not increased (i.e. no closer to the water than existing);

With that in mind, plans were drawn up for a 1.5 story cabin with a modest increase to the existing footprint. We are not seeking to convert our cabin into a full-time residence. It will remain our family's recreational cabin for future generations.

Surveys for rezoning have since documented our existing first floor level with an elevation of 137.93 m which is already above prescribed floodplain construction levels. The new plan has a first floor of habitable area higher than the original non-conforming floor elevation.

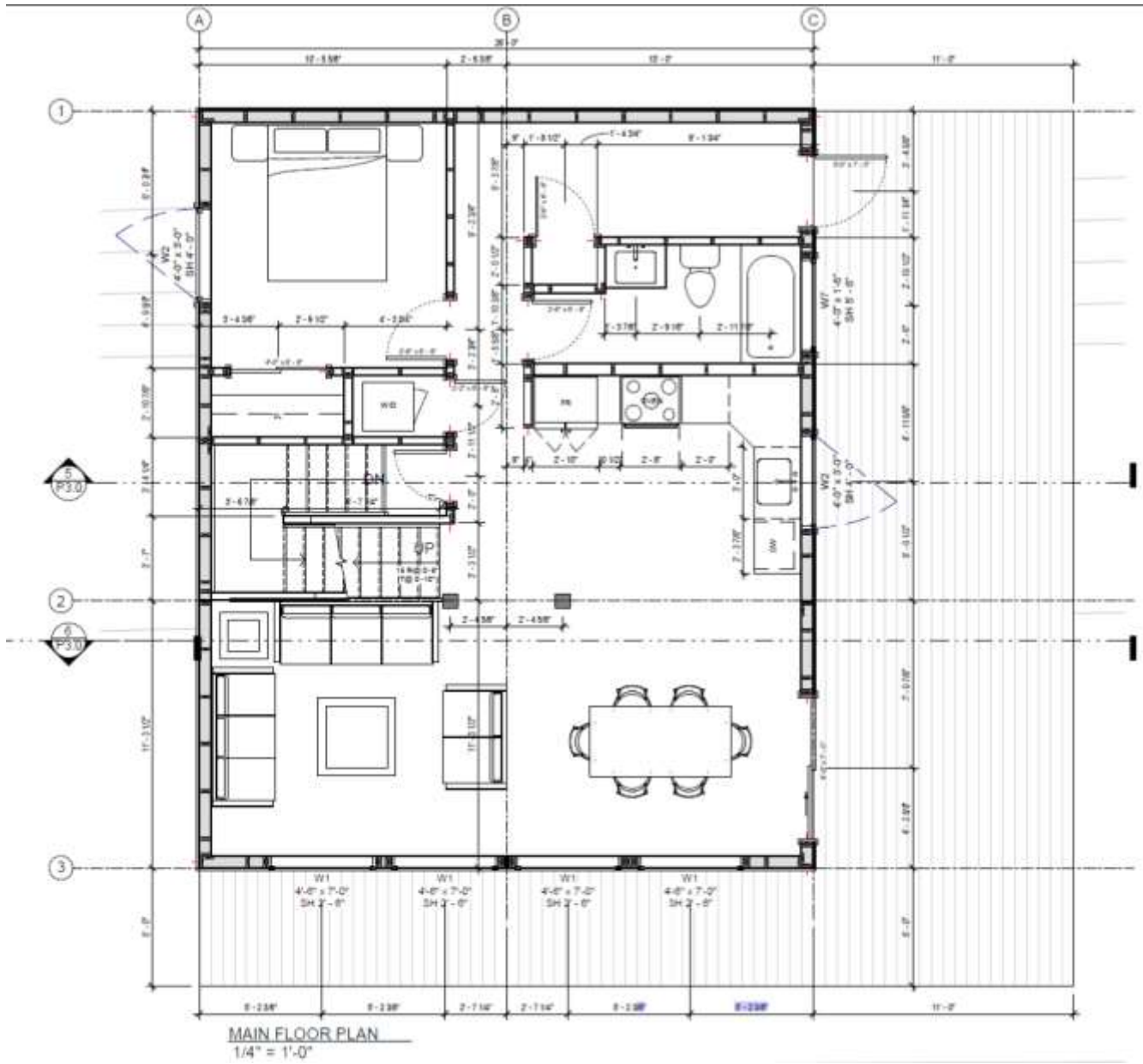
The existing cabin is approximately a 26' by 26' square for a total footprint of approx. 676 sq ft. The new plans are for 26' wide by 32' deep for a total footprint of 832 sq ft, which is less than a 25% increase to the footprint. The additional depth will be added to the back of the cabin, no closer to the lake. As the following plans show, most clearly labeled on the basement plan, the GFA of the full main level will be 751 sq ft max. The new back foundation wall will be used to retain the access road as our neighbor did, but not with the same degree of impact/ increase.



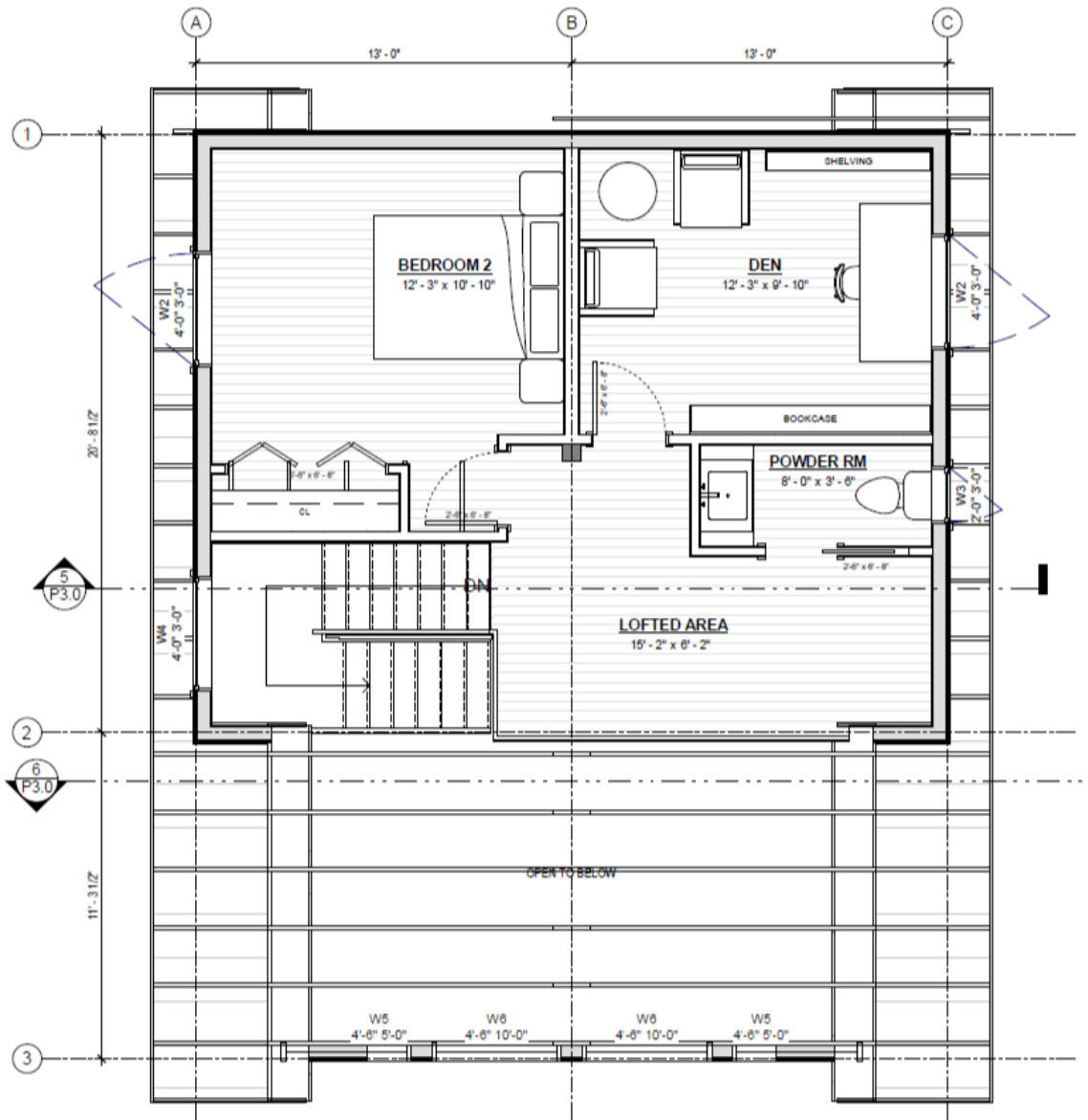
The plan is for two bedrooms – one on the main level to accommodate family members with mobility issues and a second on the upper level with a powder room. As the cabin is shared between families, there is an additional room upstairs that is designated for each family to have their own “storage locker” and that is labeled as a den on the following plans. The plan includes a bathroom on the main level that could accommodate a wheelchair or walker as our family members age, wider hallways, and an open main living area.



Main level:

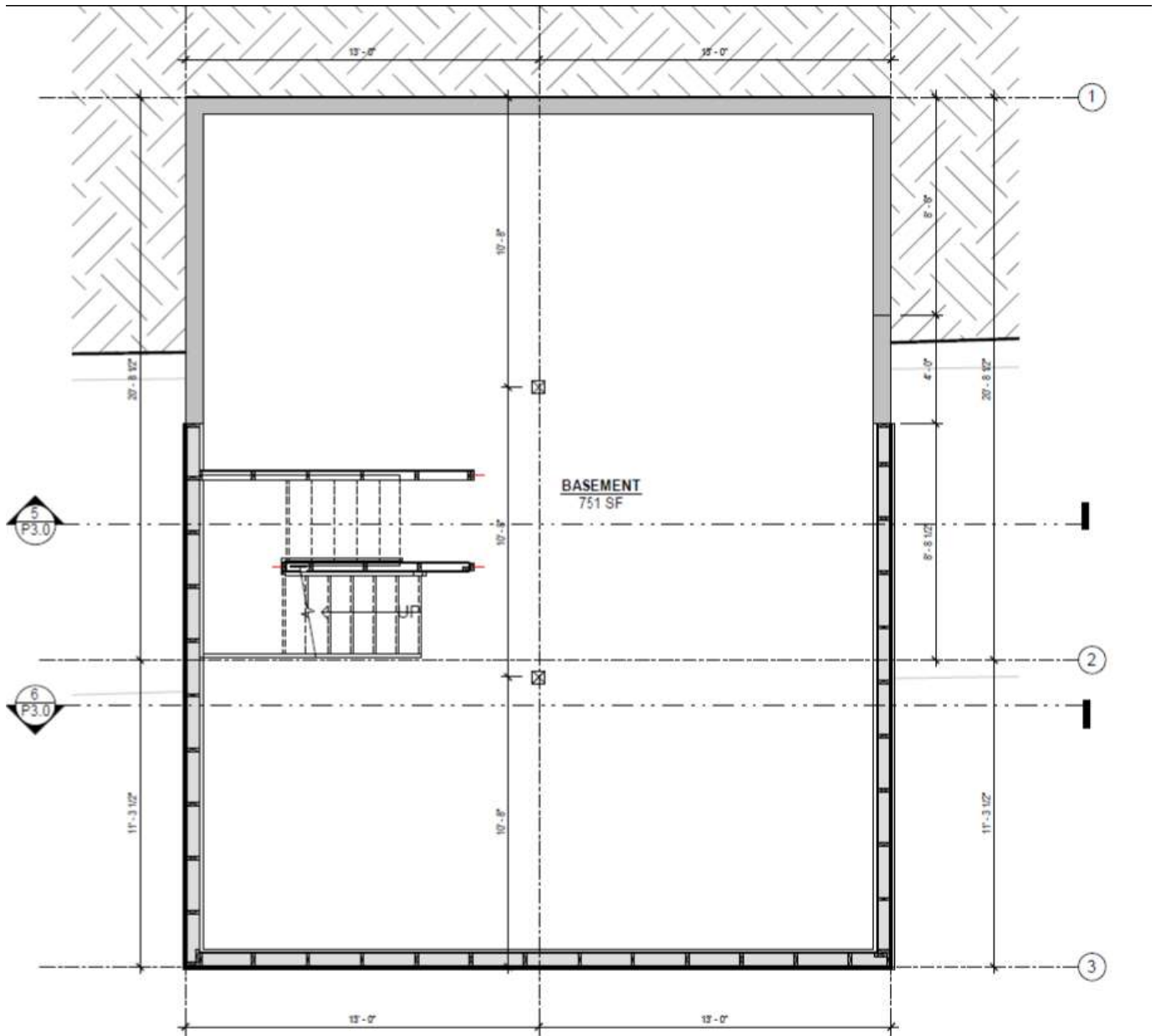


Second loft level:



UPPER FLOOR PLAN
1/4" = 1'-0"

Basement, non-inhabitable area:



As mentioned and shown in previous pictures, the owner of the cabin next to us has expanded and built a full-time residence. Originally, that cabin had a set of exterior stairs that was closest to our cabin. That area was absorbed into their new building resulting in the two structures now being much closer together.

In May 2018, as we were feeling that we were being “squeezed out”, we hired Skyline UAV Services to fly a drone and match the images to the CLLC’s original survey map. The following two images are from Skyline UAV Services.



These images should clearly demonstrate why we would like to build the foundation of our new cabin to allow for a larger fire separation between the two buildings. In addition, our well is between the two structures and we would also like to provide better access to the well.

Our family wants to complete our project in full compliance with bylaws, environmental policy and Worksafe BC.

If the Board of Variance grants us a variance so that we are able to apply for a building permit that would be one giant step forward. We would then work with Cumberland staff on whether we need to work with the existing pre-1930 structure or could start from scratch; and take their guidance regarding an application to council for a Floodplain Specification Exemption, etc. Major changes to BC Building Code took place December 2018 and more came into effect May 2023. If a variance is granted, we can re-engage with professionals to update our building blueprints; work that cannot take place until it is clear what we can build.

We now have approval to replace our failing retaining wall and we know it would be best to address the requirements of the future building when the retaining wall is addressed. We feel that time is running out.

Timeline Summary

Various dates have been mentioned throughout this letter. Below is a summary of dates related to both the Mossey cabin project and the CLLC's rezoning application.

Date	Event	Elapsed Time Mossey Project	Elapsed Time Rezoning Application
Sept 2017	Inspection by local builder of cabin, foundation and site.		
Feb 2018	Structural inspection of cabin trusses.		
April 1, 2018	Mossey family Easter gathering - decision to rebuild	Official Start - already 7 months of planning	
July 10, 2018	Finalized blueprints; negotiation for Nov & Dec off work; commence milling lumber	3 months	
August 2018	Start stripping cabin from inside	4 months	
October 2018	Finished milling lumber for project	5 months	
Oct 16, 2018	CLLC Directors meeting – first mention of applying for rezoning. Estimate of 8 weeks for rezoning; 6 months in total for bare land strata	6 months	
Nov 7, 2018	Demand letter from CLLC solicitor to halt construction activities	7 months	
Jan 2019	CLLC submits application for rezoning	10 months	Start - Application
Nov 14, 2019	Sewerage system installed to service future 2 bedroom cabin	1 year, 7 months	

Date	Event	Elapsed Time Mossey Project	Elapsed Time Rezoning Application
Oct 6, 2020	CLLC AGM update on rezoning with estimate of 9 months for completion	2 years, 6 months	1 year, 9 months
Aug 9, 2021	Rezoning application first goes before council, sent for early referrals	3 years, 4 months	2 years, 7 months
February 2022	Danger tree assessment on our lot	3 years, 10 months	
March 2022	Retained Onsite Engineering for application to replace retaining wall	3 years, 11 months	
Aug 8, 2022	Rezoning application returned to council, sent to APC for comments	4 years, 4 months	3 years, 7 months
Sept 8, 2022	Advisory Planning Commission (APC) reviews rezoning application	4 years, 5 months	3 years, 8 months
Sept 26, 2022	Ministry approval to replace retaining structure, 7 months after retaining Onsite Engineering	4 years, 5 months	
February 2023	Follow up inspection, 1 year after danger tree assessment	4 years, 10 months	
July 2023	Mossey application to Board of Variance	Over 5 years, 3 months	4 years, 6 months
Minimum Steps Remaining to Accomplish Rezoning			
September 2023	CLLC AGM for cabin owners to review and vote on accepting draft zoning.	5 years, 5 months	4 years, 8 months
Hopefully before end of 2023	Draft zoning presented to council	5 years, 8 months	Just short of 5 years
Unknown	Referrals to outside agencies on draft zoning <u>IF</u> council votes to proceed as drafted. Early referrals were returned to council after 1 year. It is unknown whether formal referrals will take less or more time. Also unknown is what impact formal referral comments could have on zoning details, conditions and timeline.		
Unknown	First, Second and Third Reading by council for rezoning to be approved		
Unknown	Conditions of rezoning accomplished by CLLC		
Unknown	Ability for a cabin owner to apply for a building permit		

Summary

Below is a summary of circumstances and hardships that have led to our application to the Board of Variance.

The rezoning process itself. The CLLC representatives first communicated to cabin owners that rezoning could be done as quickly as 8 weeks and requested we pause our project until then. A year later it was communicated that it could take another 6 months. Now over four years into the rezoning process - no one is willing to try to estimate a completion date; it always seems to be “just a couple more months”.

Uncertainly related to conditions of rezoning recommended by staff and supported by the APC. As a condition of rezoning, various items on the property and individual lots have been recommended to be resolved. This is a big unknown and could leave us at the mercy of each of those individual cabin owners to address the items. It was also recommended by early referrals that the shared wells on the property are dealt with as a condition of rezoning. With the required setbacks between wells and from septic system, along with site conditions, it is not possible to resolve this by drilling additional wells. If a community water system was the solution it would take years to investigate the feasibility, fund and build.

Site considerations. Our lot includes road access for one other cabin owner. Our cabin is located between the lake and this road access; it is the only buildable area on our lease lot and our current building plans were created to work with the site.

Financial considerations. We have invested a considerable amount of both time and money in the project already – most notably blueprints and milling the lumber for the project.

Modernization. A modest increase to the footprint is requested to accommodate, for example, an indoor bathroom that has both a sink & toilet and a hot water tank. For the new design a lot of consideration was made to accommodate our aging family members – a bedroom on the main level, wide hallway, accessible bathroom, etc.

Timeline. As the timeline summary shows, we have continued to work on aspects of the project that we are able to. We have Ministry approval to replace our retaining structure which was documented by Wedler Engineering as needing to be replaced by the summer of 2021. After a follow-up inspection of the Danger Tree Assessment, a Registered Forest Professional (RFP) has recommended they be removed as soon as possible. With approval from the Board of Variance, we are hopeful that we would be able to proceed with all aspects of this project in the upcoming work window that the Ministry has prescribed allowing for a reasonable approach considering environmental and safety concerns.

Owner usage. Of the six family members that own the cabin, only myself and my dad live locally in the Comox Valley. We have been able to continue with day-usage of our property over the last 5 years. With the current state of the cabin and no functioning bathroom the ability to use and enjoy the property are greatly restricted, specifically for the four owners that live outside of the Comox Valley.

Fairness. Particularly when compared to what others have done, the increase in size that we are requesting is very modest. The owners that completed building new family homes that are

double or triple (or more) the size of their original recreational cabins are set to be 'rewarded' with their current size allowed as part of the zoning. They may also be able to apply for a retroactive building permit after rezoning is complete which would legitimize their main dwelling at the current greatly increased footprint and GFA.

We believe that this application meets the criteria and authority of the Board of Variance. The request does not result in:

- **Inappropriate development of the site.** There is an existing cabin; this is not new development of the site. Brining our cabin up to today's building standards reduces risk to Cumberland, the CLLC and our family for liability.
- **Adversely affect the natural environment.** Approval allows any reclamation of the site to be accomplished as a whole instead of compartmentally and for work to be done without lakebed incursion.
- **Substantially affect the use and enjoyment of adjacent land.** No change in usage; fire separation from adjacent structure would be increased.
- **Vary permitted uses and densities.** Cabin already exists as lawfully non-conforming.
- **Defeat the intent of the bylaw.** Zoning permitting one dwelling for the entire property where 25 exist would not have been applied with the intent to have lawfully nonconforming cabins removed from our property on the lake. That intent would have been illegal. The replacement of the building, retaining wall and removal of danger trees will be beneficial to environmental values and safety.

We thank you very much for taking the time to read through and consider our application as we feel it is important to understand the history of the property and our project. The hardship of the changing goal posts of legalization of the existing cabins and the work that has been committed these past five years has led to our application. Although the history and complexities involved with the current situation for the CLLC are prevalent, the variance request for our specific cabin is minor in nature. We are requesting that you grant an Order of Variance so that we may construct a 1.5 story cabin as per our existing plans.

Again, our primary concern is that we are able to complete this project in our dads' lifetimes while their health allows them to watch their grandchildren and great grandchildren enjoy the fruits of their mom and dad's foresight in purchasing the cabin; and labours to keep it in the family.

We welcome the opportunity to meet with the Board of Variance to answer any questions you might have.

Sincerely,

Sylvia Mossey

Submitted on behalf of the entire Mossey family - Bill, Bob, Bruce Mossey, Heather Prosser, Ann-Marie Baron, Sylvia Mossey and the next generation.



GENERAL NOTES

- BEFORE STARTING CONSTRUCTION, THE CONTRACTOR IS TO CHECK AND VERIFY ALL DIMENSIONS ON THESE DRAWINGS. AT NO TIME SHALL THE CONTRACTOR OR TRADES SOLE ON THESE DRAWINGS BUT SHALL HOLD TO DIMENSIONS SHOWN ONLY AFTER VERIFICATION.
- ALL WORK SHALL CONFORM TO THE CURRENT BUILDING CODES ADOPTED BY JURISDICTIONS HAVING JURISDICTION OR LOCAL BUILDING CODES AND BYLAW WHICH MAY TAKE PRECEDENCE.
- ALL WORK SHALL BE EQUAL IN ALL RESPECT TO GOOD BUILDING PRACTICE.
- WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCHEDULE DRAWINGS.
- USE 3000 PSI CONCRETE FOR FOUNDATIONS AND SLABS ON GRADE.
- FLOOR & ROOF JOISTS AND BEAMS TO BE DESIGNED BY OTHERS, CONFIRM ALL BEARING POINTS TO FOUNDATIONS WITH FLOOR DESIGNER PRIOR TO CONSTRUCTION.
- SEE STRUCTURAL FOR WALL, FRAMING AND ADDITIONAL REQUIREMENTS.
- PROVIDE SLOPE DRAINAGE & GUT DRAINAGE ON ALL FLOORS PER SDCS 2015.
- DOOR SIZES ARE INDICATED BY 604 FOR UNLASED AND 607 FOR LASED OTHERWIS.
- ALL WALLS ARE TO BE FINISHED WITH DOUBLE FINE SAND PAPER.
- PROVIDE 10" AIRSPACE FOR RANSICREEN BEHIND ALL EXTERIOR FINISHES.
- ALL DIMENSIONS FROM THESE DRAWINGS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
- THE OWNER OF THE BUILDING SHALL BE RESPONSIBLE FOR THE CORRECT SITING OF THE HOME ON THE PROPERTY.
- DIMENSIONS ARE FROM OUTSIDE FACE OF SHEATHING TO EDGE OF FRAMING ON PARTITION WALLS UNLESS OTHERWISE NOTED, OUTSIDE OF FOUNDATION WALL TO ALGUE WITH EXTERIOR SHEATHING.
- VENTILATION SYSTEM EVERY ROOM TO HAVE RETURN AIR CONTINUOUS SYSTEM DESIGNED BY MECHANICAL CONTRACTOR TO MEET BY BUILDING CODE REQUIREMENTS.
- FRAMING BEAMS, JOISTS AND OTHER STRUCTURAL ELEMENTS ARE ROUGH ESTIMATES AND MUST BE CONFIRMED BY STRUCTURAL ENGINEER OR QUALIFIED CONTRACTOR. ESTIMATED BEES ARE TO ALLOW FOR ADJUGATE RES VALUES.

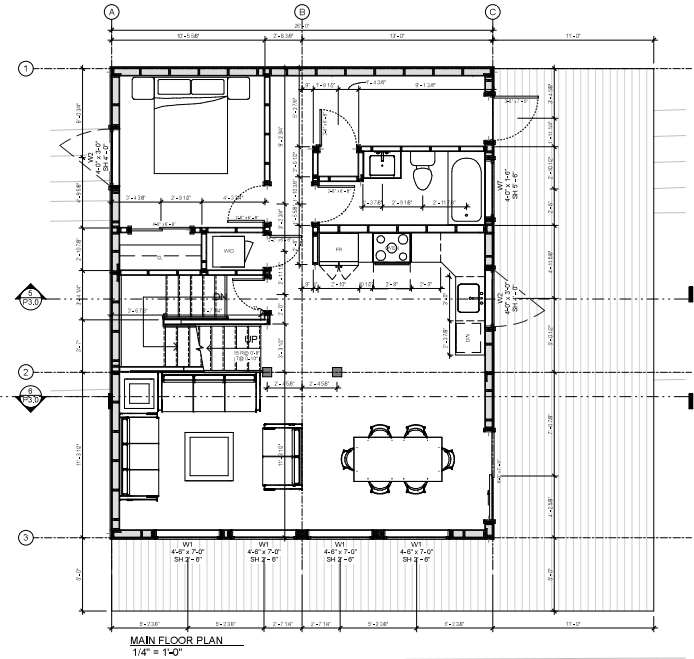
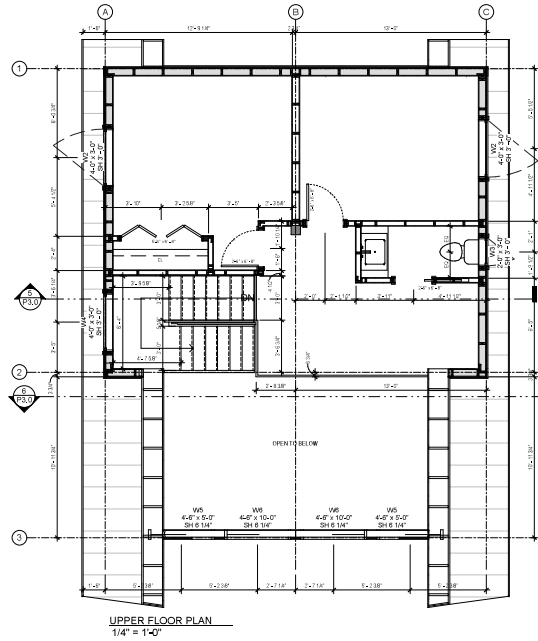
DOOR NOTES

- EXTERIOR DOORS SHALL MEET CSA A440 A3, B3 AND C3 RATINGS.
- EXTERIOR DOORS SHALL MEET CBC9 2012 REQUIREMENTS FOR WATER AND AIR TIGHTNESS.
- EXTERIOR DOORS SHALL HAVE NON REMOVABLE PIN HINGES.
- PROVIDE SHOP DRAWINGS FOR REVIEW PRIOR TO FABRICATION.
- CONFIRM ALL ROUGH OPENING DIMENSIONS ON SITE PRIOR TO FABRICATION.

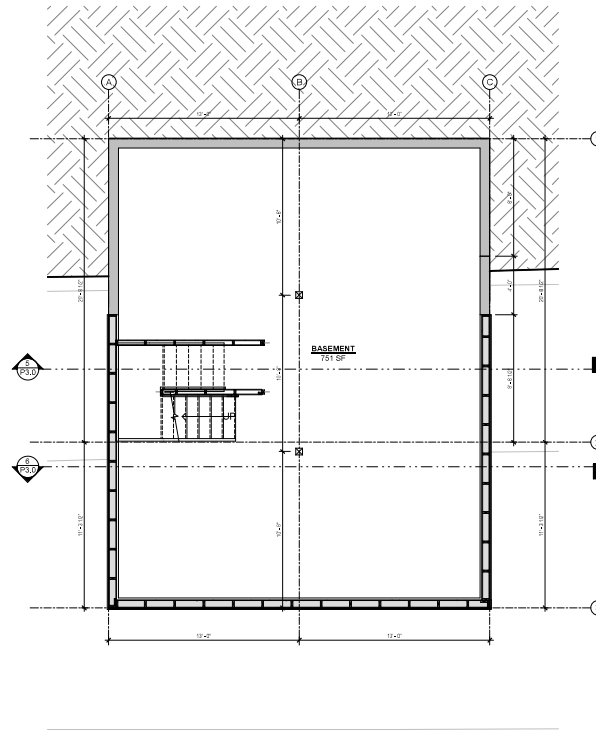
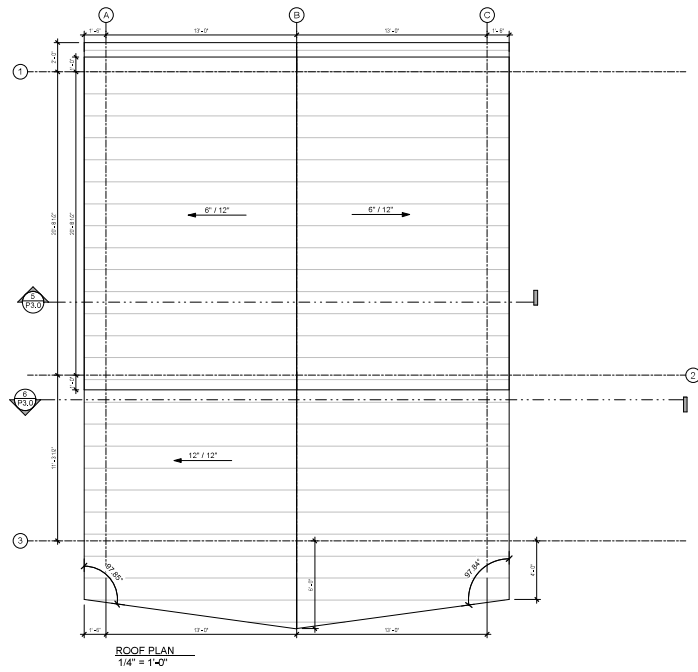
DOOR NOTES - JAMES
1/4" = 1'-0"

WALL ASSEMBLIES

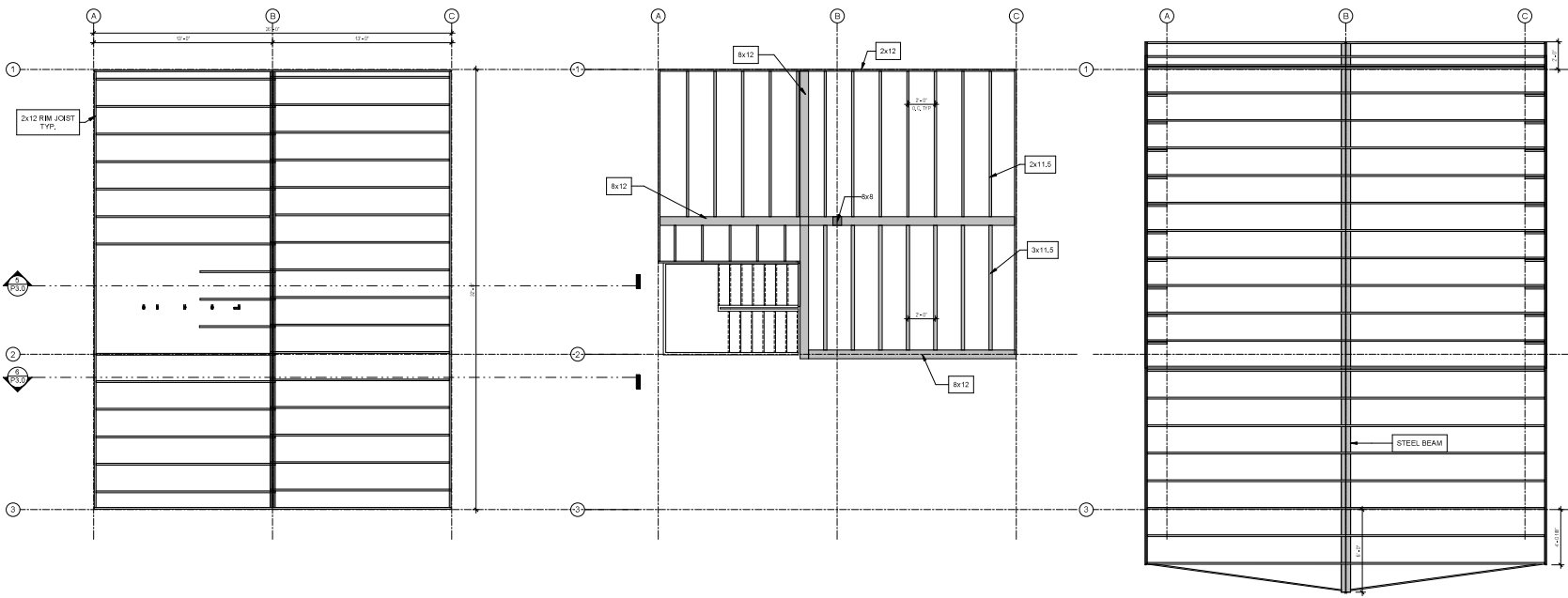
<p>W1 TYPICAL EXTERIOR WALL - PAINTED WOOD SIDING FINED RSE = 3.17 REQUIRED RSI = 2.78</p>	<ul style="list-style-type: none"> PAINTED HORIZONTAL WOOD SIDING 1/2" P.T. VERTICAL FURRING STRIPS (VENTED RANSICREN CAVEY) SHEATHING PAPER (TYVEK) + TAPED (MOISTURE AND AIR BARRIER) 1/2" PLYWOOD SHEATHING 2 X 8 STUDS @ 16" O.C. MAX. (FILL STUD CAVITIES WITH 1/2" BATT INSULATION (R20)) 4 MIL POLY VAPOR BARRIER 1/2" G.W.B.
<p>W2 CRAWL SPACE WALL RSE = 1.89 REQUIRED RSI = 1.89</p>	<ul style="list-style-type: none"> 8" CONCRETE FOUNDATION WALL 2" RIBBED INSULATOR ASPHALT EMULSION DAMPROOFING FRESH AIR BRICKS BACKFILL LANDSCAPE FABRIC
<p>#1 TYPICAL PARTITION WALL</p>	<ul style="list-style-type: none"> 1/2" G.W.B. 2 X 8 STUDS @ 16" O.C. MAX. (FILL STUD CAVITIES WITH 1/2" BATT INSULATION (FOR SOUND ATTENUATION)) 1/2" G.W.B. SQUARE CORNER BEADS TYP.
<p>#2 TYPICAL PLUMBING WALL</p>	<ul style="list-style-type: none"> 1/2" G.W.B. 2 X 8 STUDS @ 16" O.C. MAX. (FILL STUD CAVITIES WITH 1/2" BATT INSULATION (FOR SOUND ATTENUATION)) 1/2" G.W.B. SQUARE CORNER BEADS TYP.
<p>#3 TYPICAL CRAWLSPACE POIN-WALL</p>	<ul style="list-style-type: none"> 2 X 8 STUDS @ 16" O.C. MAX. REFER TO STRUCTURAL



client	project name	project address	sheet number	sheet name	scale	issued for	Client Review
	Mossey Cabin	Comox Lake	P2.0	floor plans	1/4" = 1'-0"		
					drawn by	date	2015-06-25



client	project name	Mossey Cabin	project address	Comox Lake	sheet number	P2.1	sheet name	roof and basement	scale	1/4" = 1'-0"	issued for	Client Review
									drawn by	Author	date	2015-09-25



Structural Framing Schedule

Framing	Member Type	Count	Lumber Length
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Floor	Joist	5	4'-0"
Floor	Joist	7	10'-0"
Floor	Joist	13	12'-0"
Floor	Joist	33	14'-0"
Floor	Joist	11	22'-0"
Floor	Joist	3	26'-0"
Floor	Joist	2	32'-0"
Floor	Wood Beam	1	16'-0"
Floor	Wood Beam	1	22'-0"
Floor	Wood Beam	1	26'-0"
Floor	Wood Beam	3	32'-0"
Floor			
Roof	Joist	20	4'-0"
Roof	Joist	26	18'-0"
Roof	Joist	24	22'-0"
Roof	Joist	4	24'-0"
Roof	Joist	4	38'-0"
Roof	Steel Beam	1	38'-0"
Roof	Wood Beam	4	20'-0"
Roof			
Wall	Plate	85	6"
Wall	Plate	22	1'-0"
Wall	Plate	111	2'-0"
Wall	Plate	36	4'-0"
Wall	Plate	63	6'-0"
Wall	Plate	26	8'-0"
Wall	Plate	14	10'-0"
Wall	Plate	17	12'-0"
Wall	Plate	3	14'-0"
Wall	Plate	9	16'-0"
Wall	Plate	4	18'-0"
Wall	Plate	4	20'-0"
Wall	Plate	8	22'-0"
Wall	Plate	4	24'-0"
Wall	Plate	8	26'-0"
Wall	Stud	17	6"
Wall	Stud	12	1'-0"
Wall	Stud	29	2'-0"
Wall	Stud	64	4'-0"
Wall	Stud	19	6'-0"
Wall	Stud	83	8'-0"
Wall	Stud	136	10'-0"
Wall	Stud	47	12'-0"
Wall	Stud	18	14'-0"
Wall	Stud	5	18'-0"
Wall	Stud	3	24'-0"
Wall			

MAIN FLOOR FRAMING PLAN
1/4" = 1'-0"

UPPER FLOOR FRAMING PLAN
1/4" = 1'-0"

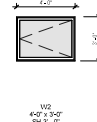
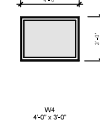
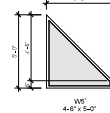
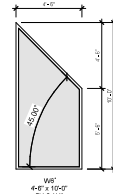
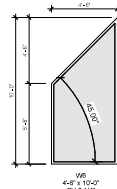
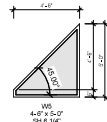
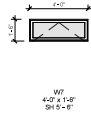
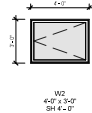
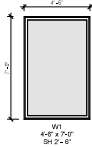
ROOF FRAMING PLAN
1/4" = 1'-0"

sheet number	project name	project address	sheet number	sheet name	scale	issued for	Client Review
P2.2	Mossey Cabin	Comox Lake	P2.2	framing plans	1/4" = 1'-0"	Author	2015-09-25
drawn by	Author	date	date	date	date	date	date



client	project name	project address	sheet number	sheet name	scale	issued for
	Mossey Cabin	Comox Lake	P3.0	building elevations	1/4" = 1'-0"	Client Review
					drawn by	date
					JS	2015-04-25

Window Schedule		
Window Label	Size	Quantity
W1	4'-0" x 7'-0"	4
W2	4'-0" x 3'-0"	4
W3	2'-0" x 3'-0"	1
W4	4'-0" x 3'-0"	1
W5	4'-0" x 8'-0"	2
W6	4'-0" x 10'-0"	2
W7	4'-0" x 1'-0"	1



WINDOW NOTES

1. WINDOWS SHALL HAVE VINYL FRAMES AND THERMALLY SEALED GLASS PANELS.
2. WINDOWS MUST MEET CSA A440 A3, B3 AND C3 RATINGS.
3. WINDOWS SHALL MEET BCBC 2012 REQUIREMENTS FOR WATER AND AIR TIGHTNESS.
4. PROVIDE AND INSTALL INSECT SCREENS TO ALL OPERABLE WINDOWS.
5. PROVIDE SHOP DRAWINGS FOR REVIEW PRIOR TO FABRICATION.
6. CONFIRM ALL ROUGH OPENING DIMENSIONS ON SITE PRIOR TO FABRICATION.
7. REFER TO FLOORPLANS FOR SILL HEIGHTS

client	project name	Mossey Cabin	project address	Comox Lake	sheet number	P4.0	sheet name	schedules	scale	1/4" = 1'-0"	issued for	Client Review
									drawn by	Author	date	2015-09-25

