

March 9, 2026

CVRD Board of Variance  
Cowichan Valley Regional District (CVRD)  
175 Ingram St, Duncan, BC V9L 1N8

Dear Chair and Members of the Board of Variance:

The intent of this letter is to request and receive the approval of a variance to the CVRD Zoning Regulation Bylaw #985 for the subject property located at 2055 Sweet Gale Place, Shawnigan Lake, BC. The property requires the approval of a single variance in order to construct a new single-family home.

**Background:**

2055 Sweet Gale Place is a vacant lot surrounded by a mix of recreational properties and existing homes. This lot has previously been used recreationally, and we purchased it in November 2025 with the intent of building a new home. In late 2025, the Zoning Bylaw was amended to change the watercourse setback from 15m to 30m so that it aligns with the Development Permit setback requirements. Although the proposed home is over 30m away from the watercourse on the North East side of the property, the Present Natural Boundary to the South has undergone some shoreline modulation and necessitates the need for a variance.

Prior to purchasing this lot we exercised a high level of due diligence as we knew this property had some complications. We hired a Qualified Environmental Professional and Surveyor who established the many environmentally sensitive zones including the Present Natural Boundary, Highwater Mark, Streamside Protection and Enhancement Area, Riparian Areas, and Zone of Shade Sensitivity and we designed a home that was clear of these areas. From there, we carried out a feasibility study which lasted several months and we had several meetings with CVRD staff who advised us that *'there are no apparent concerns with the siting of the house'*. Unfortunately, our Qualified Environmental Professional and Surveyor did not take into consideration the Present Natural Boundary to the South of our property and this was only flagged recently by the CVRD while our building plans were being circulated for building permit review.

Unfortunately, this means that a substantial portion our building lot now falls within the 30m setback and we will need a variance to relax the setback from the Present Natural Boundary. Without the approval of a variance, no home could be built on this lot which is zoned for residential use. Unfortunately, this has left my family and I in a very challenging position as we have invested our life savings into this property only to find out that we cannot build without the approval of a variance.

## Variance Requested:

1. Relaxation of the Watercourse Setback from 30m to 19.65m

## Hardship:

The primary hardship is that when we factor in the 30m watercourse setback, it covers an area that is 1,112 square meters and leaves only an area of 569 square meters meaning that only 33.8% of the lot can be developed. When we factor in the required front and side yard setbacks, the buildable area is further reduced to only 16% of the lot area (see Figure 1). This remaining portion is also the only suitable location for a septic field, parking and stormwater management system. We explored the idea of moving the home further to the road, however, this is not possible as we have designed the septic field at the minimum dimensions required for an appropriately designed system while preserving the trees at the South end of the property (see figure 2 email from Wastewater Practitioner).

Importantly, Section 11 of the BC Riparian Areas Protection Regulation recognizes that an undue hardship is established if the developable area of the site is less than the allowable footprint for the site which is the case with our property which is 84% undevelopable.

As the 30m watercourse setback covers almost the entirety of the site, no home could be built on this property without a variance and I suspect this will apply to a significant portion of properties along Shawnigan Lake. Using overhead mapping, we found that there are approximately 400 residential properties along Shawnigan Lake and only 3% of these properties are 30m or more away from the Present Natural Boundary.

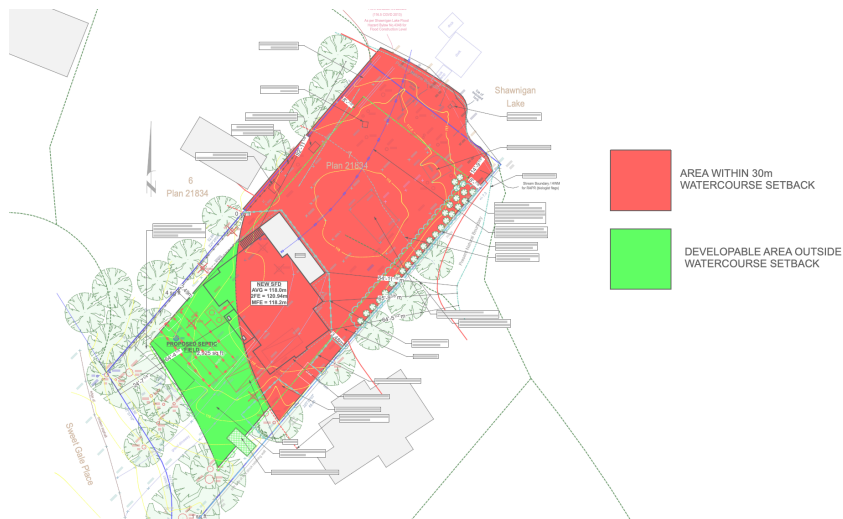


Figure 1: Developable Site Area

Hi Josh,

To address your question regarding moving the proposed house closer to the septic system drain field: the minimum setback required from a dispersal field to a downslope drain—in this case, the house perimeter drain—is 7.5 m.

The layout I filed with the Vancouver Island Health Authority plots the dispersal field approximately 8 m from the house perimeter drain. This configuration provides no allowance for moving the house closer to the dispersal bed. Furthermore, the dispersal bed is plotted as close as possible to the upslope forested area, leaving no room for further adjustment.

I hope this helps. Please let me know if you have any questions.

**John** Langard  
NEWater Septic & Drainage Ltd.  
Phone 250 213 3834

### *Figure 2: Wastewater Practitioner Info*

#### Summary:

We intend to build a modest single-family home that was designed to meet the minimum size needs of our family and is well below the maximum size, height, and density permitted in the zoning bylaw. As the lot is zoned for residential use, a single family home would fall under a permitted use and we feel would be an appropriate use of the site. The proposed home features an attractive West Coast Style home that is designed to blend seamlessly into the site and will be constructed with trees that were harvested on site and will include many green design features including a rain garden, energy efficient design, use of recycled materials, an electric vehicle charging station and low impact building materials. Privacy of neighboring homes was considered during design and minimal windows were placed along the side elevations while providing an additional buffer between our proposed house and the neighboring properties.

As our proposed development is within 30m of the highwater mark established by our Qualified Environmental Professional (QEP), we have submitted a separate application to the CVRD for a Development Permit to address environmental concerns. This includes removal of existing invasive species, replanting of native species, removal of existing structures by previous owners, tree protection/riparian area fencing and environmental monitoring during construction.

The area of disturbance proposed for the proposed home is predominantly soil with little to no vegetation and construction is designed with a shallow footing and slab on grade construction so any disturbance is expected to be minimal and will be offset by the measures defined in the Development Permit. Please note that our proposed home does not encroach into the SPEA and was designed to provide a buffer of over 2m.

The Watercourse setback was recently changed with the intent of harmonizing with the Development Permit requirements for Environmental reasons, however, between our property and the Bay to the South is an existing retaining wall that runs along the entirety of the property line so there is a lesser degree of environmental impact with respect to the watercourse setback because any human caused disturbances on our site would be shielded from the Bay by the retaining wall.

The proposed home is also setback further from the watercourse than the adjacent neighboring homes/structures. The property to the North has no home and is used recreationally and the property to the South includes a home and those neighbors have graciously provided us with a letter of support for our variance application as have several of the other neighbors.

The primary intent of a zoning bylaw is to regulate the use, density, size, and location of land, buildings, and structures to ensure orderly community development, protect property values, and promote public health, safety, and convenience. Our proposed single family home meets the use, density and size but requires the approval of a single variance from the newly amended watercourse setback. The proposed home will improve public health and safety and will not negatively affect property values and is therefore aligned with the intent of the bylaw.

As per the Local Government Act criteria pertaining to board of variance applications, the proposal will not:

- Result in inappropriate development of the site
- Adversely affect the natural environment
- Substantially affect the use and enjoyment of adjacent land
- Vary permitted uses and densities
- Defeat the intent of the bylaw

Your consideration and approval in this application would be appreciated. Thank you in advance.