

**MINUTES OF A MEETING OF THE BOARD OF VARIANCE
FOR THAT PORTION OF THE JUAN DE FUCA ELECTORAL AREA KNOWN AS MALAHAT
AND WILLIS POINT AREA**

Willis Point Community hall, 6933 Willis Point Road, Willis Point

August 5, 2011 at 6:30 p.m.

PRESENT: Board Members: Don Robin and Geoffrey Espin
Staff: June Klassen, MCIP, A/Secretary to the Board

PUBLIC: 8

1. **CALL TO ORDER** - The meeting was called to order at 6:35 p.m.

2. **ELECTIONS**

June Klassen asked for nominations for Chair and Geoffrey Espin was nominated and as there were no further nominations he was appointed by acclamation. June Klassen then asked for nominations for Vice Chair and Don Robin was nominated and as there were no further nominations he was appointed by acclamation.

3. **APPROVAL OF THE MINUTES OF FEBRUARY 5, 2008**

MOVED by Geoffrey Espin, **SECONDED** by Don Robin, that the minutes of February 5, 2008 be adopted.

CARRIED

3. **APPLICATION**

a) **BOV-01-02-11: Lot 11 Section 43, Highlands District, Plan 14620, 6800 Mark Lane - Gregory and Margi Menken**

June Klassen noted that the applicant is requesting relief from the Board of Variance in accordance with Section 911(5) of the *Local Government Act* to replace a stairway and deck. She also indicated that a geotechnical reports had been submitted confirming the site can be safely used for the intended purpose and outlining recommendations regarding the construction of the stairway and deck. She noted that staff recommend that if this variance is approved that it be subject to the following conditions:

1. That the proposed construction of the stairway and deck complies with the recommendations outlined in the geotechnical engineer's reports (Appendix 3-5);
2. That the geotechnical reports be secured by covenant through the building permit process;
3. That an engineered concrete seawall be constructed in accordance with the geotechnical report submitted in support of the application.

It was indicated that staff considers the proposed replacement of the stairway and deck to be a minor change to the existing building and there will be no change to the existing use and appears that there will not be an increase to any adverse effects on the use and enjoyment of adjacent lands.

Gregory Menken, the applicant, thanked the neighbours for attending and advised that they were requesting the variance due to the unsafe condition of the stairway and deck. He asked for the Board's support for the variance.

Mr. and Mrs. Blade, adjacent neighbours stated the variance should be approved due to the unsafe condition of the stairs and deck and noted a safety concern if emergency services responded to an emergency.

R. Ross, adjacent neighbour, stated he supported the variance.

J. Ross, adjacent neighbour, stated he had no objections to the variance requested.

Jean-Claude and Catherine Patchell, Willis Point residents submitted a letter in support of the application.

Don Robin asked if the retaining wall was to be repaired as a condition of the approval as noted in the staff report. June Klassen noted that the engineer's report stated:

"A cinder block seawall exists to the north of the main deck, which appears to be founded directly atop intact bedrock; it was discussed that an upgrade to this wall may be necessary as part of the site works, which involve removal of the existing wall and construction of a reinforced concrete wall at or near its current alignment."

The Board advised that as the replacement of the seawall wall will only be determined once the work was underway that rather than having the approval subject to the construction of the seawall, that the approval include the deck, stairway and seawall, if required.

MOVED by Geoffrey Espin, **SECONDED** Don Robin, that application BOV-02-11 to request permission from the Board of Variance in accordance with Section 911(5) of the *Local Government Act* in order to rebuild a stairway and deck attached to an existing building and to repair the seawall, if required on Lot 11, Section 43, Highlands District, Plan 14620 **be approved** subject to the geotechnical reports being secured by a restrictive covenant through the building permit process and that construction be substantially completed within **two years** of the approval of the variance or the variance will terminate.

CARRIED

4. NEW BUSINESS

There was no new business.

5. ADJOURNMENT - The meeting was adjourned at 6:56 p.m.

Geoffrey Espin, Chair

June Klassen, Secretary