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**Minutes of a Meeting of the Juan de Fuca Board of Variance for that Part of the Juan de Fuca Electoral Area known as East Sooke, Otter Point , Port Renfrew, Rural Resource Lands, and Shirley and Jordan River Area
Held Wednesday, December 19, 2012, at the Juan de Fuca Electoral Area Office, #2 – 6868 West Coast Road, Sooke, BC**

PRESENT: Greg Whincup (Chair), Axel Joosting (Vice Chair), Paul Clarkston
Staff: June Klassen, Secretary to the Board

PUBLIC: 4

The meeting was called to order at 6:10 p.m.

1. Elections

June Klassen called for nominations for the position of Chair and Greg Whincup was nominated. As no other nominations were made, Greg Whincup was declared Chair.

June Klassen called for nominations for the position of Vice Chair and Axel Joosting was nominated. As no other nominations were made, Axel Joosting was declared Vice Chair.

2. Approval of the Agenda

MOVED by Paul Clarkston, **SECONDED** by Axel Joosting that agenda be approved.

CARRIED

3. Adoption of the Minutes of May 2, 2012

The Chair noted an error in the second paragraph of item 1 as Axel's name was incorrect.

MOVED by Axel Joosting, **SECONDED** by Paul Clarkston that the minutes of May 2, 2012 be adopted as amended.

CARRIED

4. Application

**a) BOV-02-12 - Lot 1, Section 8, Otter District, Plan 22722
(Scott – 8675 West Coast Road)**

June Klassen noted that the applicant had provided five letters of support from neighbours, however only two were found in the file. She noted the other letters would be forwarded to the members tomorrow.

June Klassen outlined the staff report and indicated that the applicant is requesting relief from the Board of Variance in accordance with Section 911(5) of the *Local Government Act* in order to rebuild a legal non-conforming cabin with a second storey.

June Klassen noted that the parcel is zoned Rural A which permits three one-family dwellings. However, there are 14 cabins located on the property and some encroach into yard requirements and do not comply with current floodplain regulations. Therefore, the property is legal non-conforming with respect to use and siting.

The Chair asked if the rebuild was an “alteration” under the *LGA*. June Klassen noted that the report was prepared with the assistance of the General Manager, Planning & Protective Services to outline the discretionary options to the Board. She also noted that similar recent approvals of rebuilds had been approved by the Board in the Gordon’s Beach area.

June Klassen reported that the applicant and the other owners of the property have registered a 219 covenant which requires that any new buildings require a geotechnical report and saves the CRD harmless in case of flooding, mud flows, debris torrents, and or tsunami. In addition, the applicant has provided geotechnical reports from C.N. Ryzuk and Associates Ltd. stating that the site is safe for construction of a single family dwelling.

June Klassen noted that there was an error in the last sentence in the first full paragraph on page 2 which should read “The proposed building is a change in character with other rebuilds on this parcel.” However, June noted that there was one older two-storey building on the parcel.

Mr. Scott spoke and outlined the long and complex process taken to bring the application to the Board. He noted that this application provides a process for other owners on the parcel to proceed with alterations.

Mr. Thelin and Sheila Wallace, also registered owners of the parcel noted support for this application.

A Board member asked if the building height was a concern and the applicant noted the building design had been presented to all of the owners. Mr. Thelin noted the building would not overshadow any other building. June Klassen noted that all of the registered owners of the parcel and landowners on parcels within 50 m of the site were notified of the proposal and staff had not received any submissions.

MOVED by Axel Joosting, **SECONDED** by Paul Clarkston, that application BOV-02-12 to request permission from the Board of Variance in accordance with Section 911(5) of the *Local Government Act* in order to rebuild a cabin on Lease Area ‘T17’ on Lot 1, Section 8, Otter District, Plan 22722 be approved subject to the cabin being constructed in accordance with the geotechnical reports submitted, and confirmed by legal survey at the footing stage that the underside of the first floor shall be 3.5 m above the natural boundary of the sea, and the building located a minimum of 8.4 m from West Coast Road as shown on the attached plan, and that construction be substantially completed within two years of the approval of the variance or the variance will terminate.

CARRIED

5. Adjournment

The meeting was adjourned at 6:34 pm.

G. Whincup, Chair

J. Klassen, Secretary