



**REPORT TO 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, SHIRLEY AND JORDAN RIVER AREA**

MEETING OF THURSDAY, MARCH 13, 2014

File No: BOV-01-14

Applicant: Moira Mulligan and Kathleen Inouye c/o Moira Mulligan

Location: 7335 Pacheena Road

Legal: Parcel No. 1 (DD 92462I) of Parcel B (DD 56610I) of Section 12, Township 11, Renfrew District

Zoning: Resource Land (RL)

Land Use Designation: Resource Land

Adjacent Uses: N – Pacheena Road S – RL zone / vacant
W – RL zone / residential E – National Park

REQUESTED VARIANCE

The applicant is requesting relief from the Board of Variance in accordance with Section 911(5) of the *Local Government Act (LGA)* to add a covered porch, exterior deck, loft, expanded kitchen and additional bathroom on Parcel No. 1 (DD 92462I) of Parcel B (DD 56610I) of Section 12, Township 11, Renfrew District.

STAFF COMMENTS

This 0.309 ha property is located at 7335 Pacheena Road in the Rural Resource Lands (Appendices 1 & 2). The parcel is zoned Resource Land (RL) which permits one dwelling, resource extraction, agriculture and outdoor recreation. There is an existing house and accessory buildings on the property that encroach into the 15m side yard setback of the RL zone. Therefore, the property is legal non-conforming with respect to siting (Appendix 3).

In accordance with the *LGA* any new construction, a structural alteration or addition to a non-conforming use cannot be made unless permitted by a Board of Variance.

Section 911 (5) of the *LGA* states:

“A structural alteration or addition, except one that is required by an enactment or permitted by a board of variance under section 901(2), must not be made in or to a building or other structure while the non-conforming use is continued in all or part of it.”

There are no records of the original building permit being issued for the house or accessory buildings which were built about 70 years ago. The applicant wishes to construct an addition to the dwelling and was advised to apply to the Board of Variance in accordance with 911 (5) of the *LGA* to permit a structural alteration or addition.

The applicants are proposing to add 21m² of floor area to the main floor kitchen area, 24.5m² of loft area as well as an 11m² covered porch and 26m² exterior deck (Appendix 4). The proposed construction will extend the footprint of the building mostly towards the rear of the property.

Building permit requirements need to be satisfied for the construction. It would appear that the proposal will not have any adverse effects on the use and enjoyment of adjacent lands nor the natural environment. The proposed building would be in character with the neighbouring residential uses.

Based on the above, staff conclude the granting of the requested variance can be considered for approval by the Board of Variance.

OUTLINE MOTION

THAT application BOV-01-14 to request permission from the Board of Variance in accordance with Section 911(5) of the *Local Government Act* in order to construct an addition to a dwelling on Parcel No. 1 (DD 92462I) of Parcel B (DD 56610I) of Section 12, Township 11, Renfrew District be (approved/not approved) subject to the work being constructed in accordance with the BC Building Code, and confirmed by legal survey that the building be located a minimum of 12 m from Pacheena Road as shown on Appendix 3, and that construction be substantially completed within two years of the approval of the variance or the variance will terminate.

****ORIGINAL SIGNED****

Emma Taylor
Planner

June Klassen
Manager, Local Area Planning

Appendices:

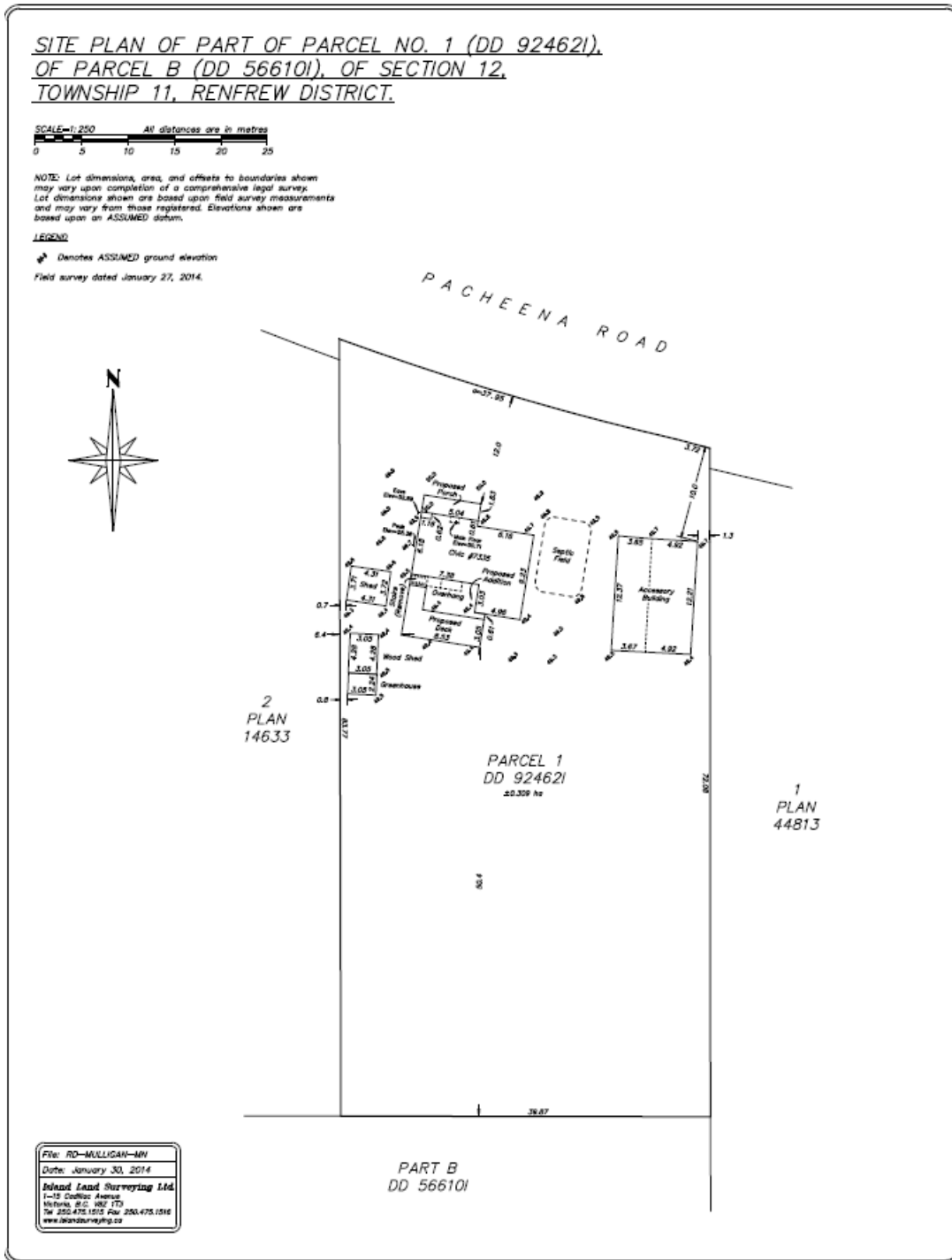
1. Location Map
2. Ortho Map
3. Site Plan, Island Land Surveying Ltd., January 30, 2014
4. Building Plans, Nerak Designs, February 2, 2014

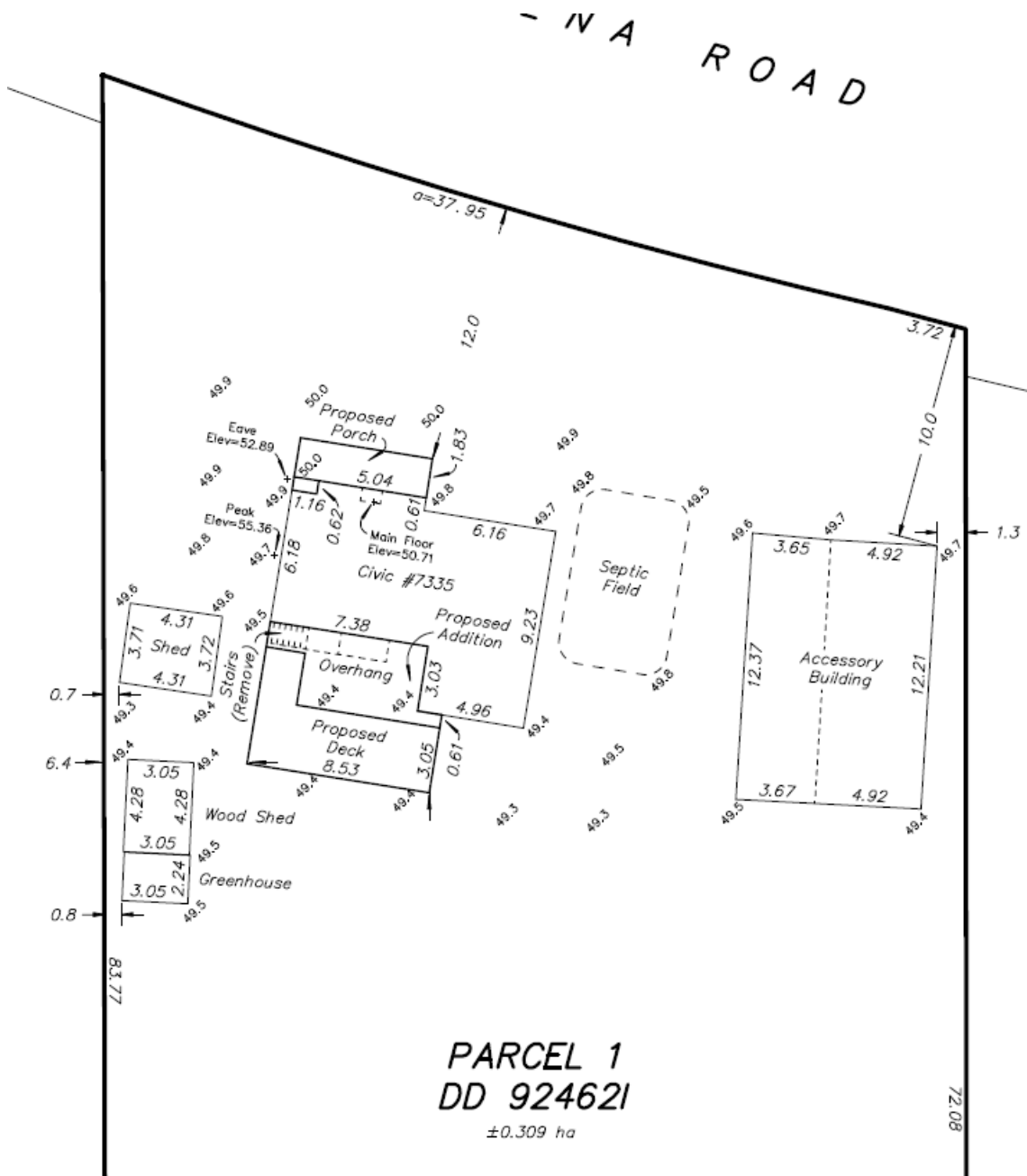
Appendix 1: Location Map



Appendix 2: Ortho Map



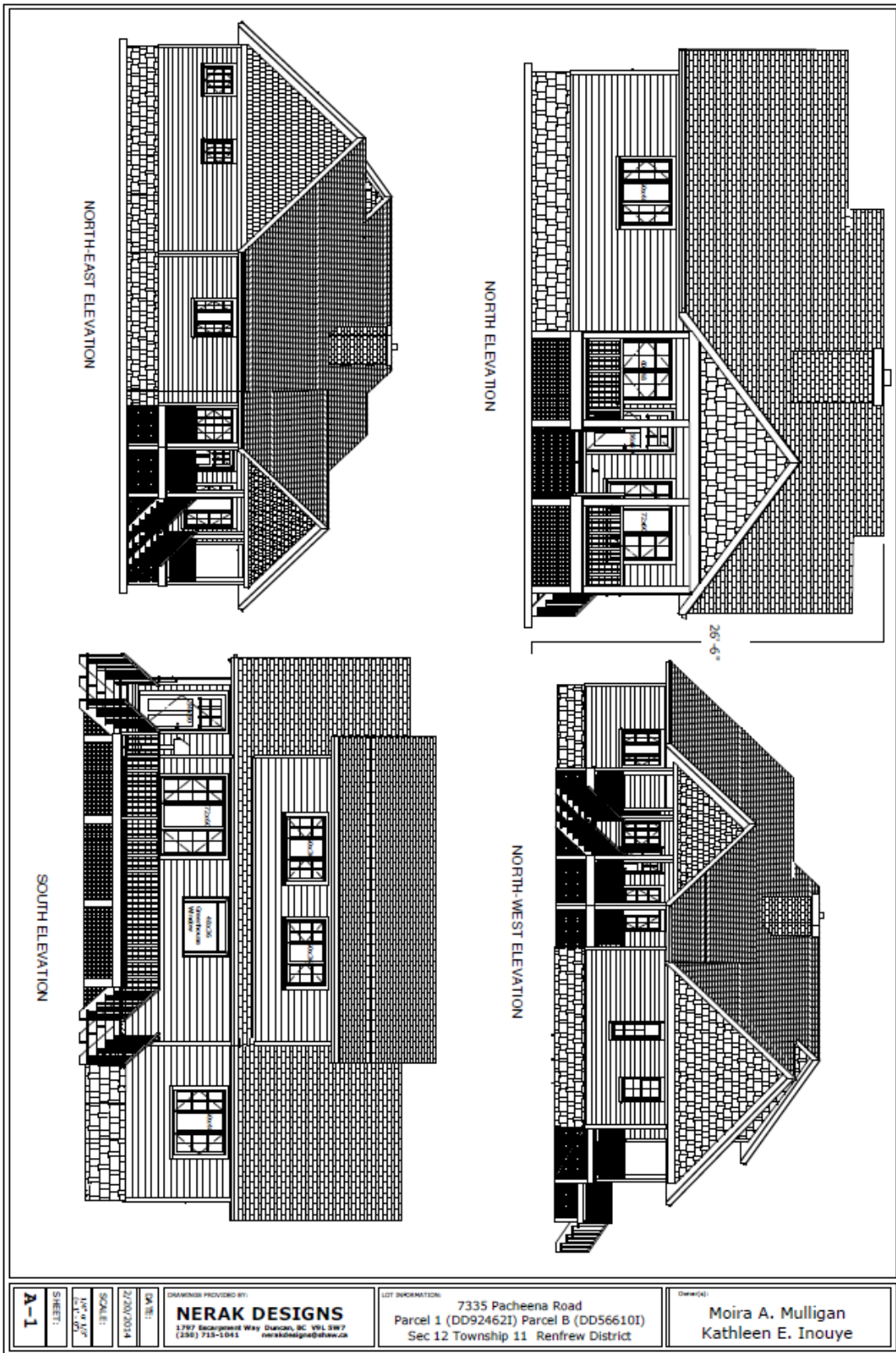


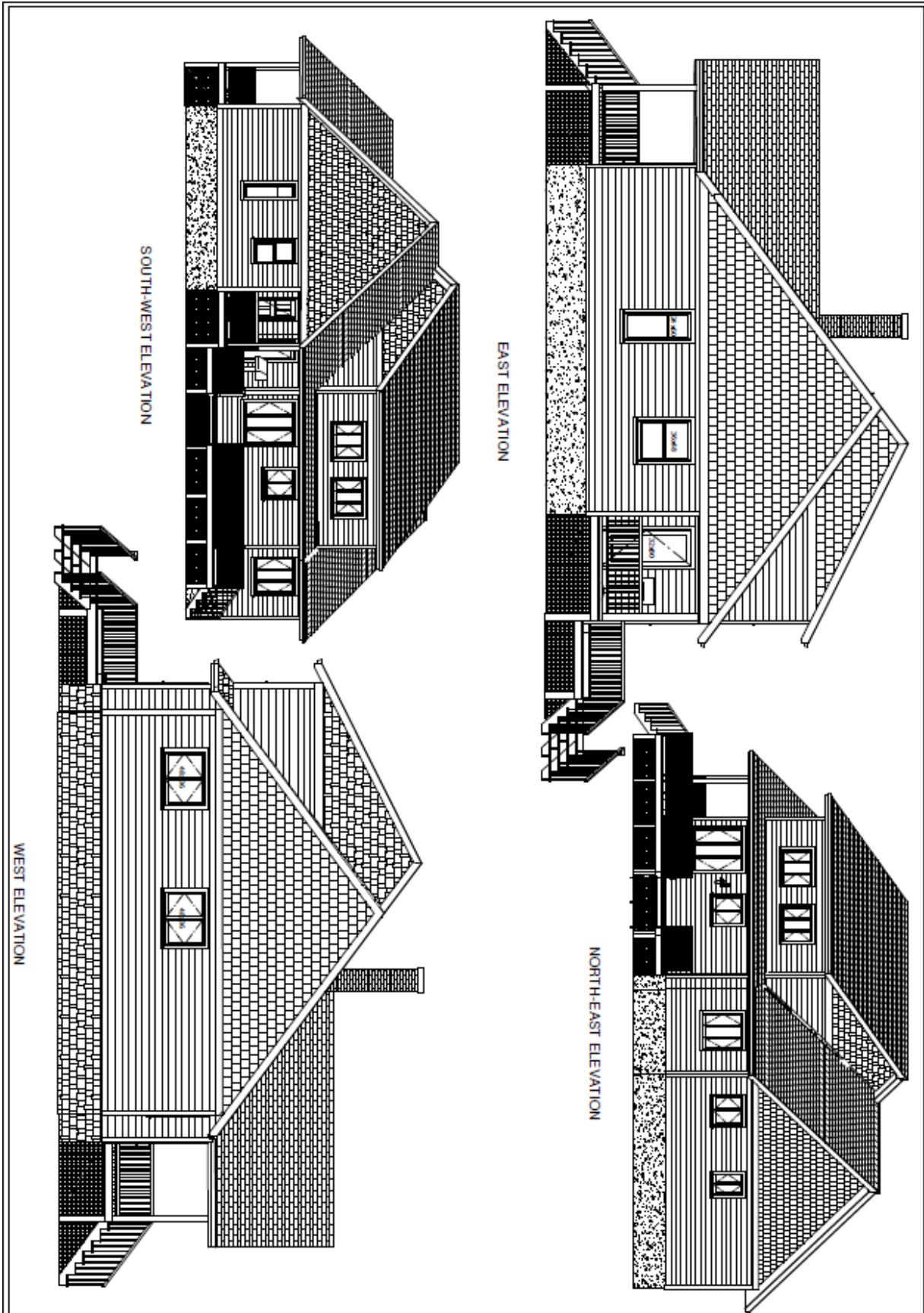


PARCEL 1
DD 924621

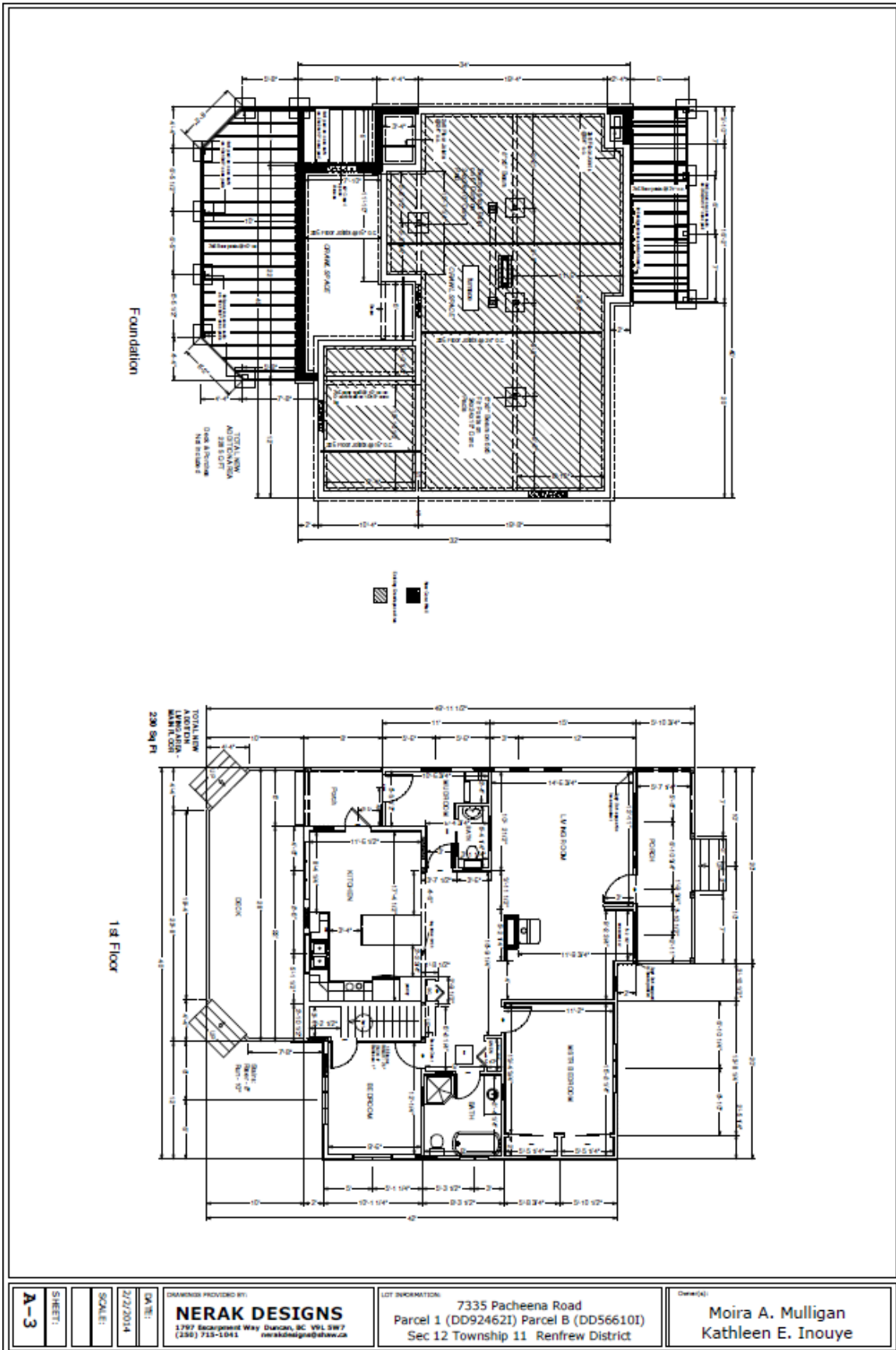
±0.309 ha

Appendix 4: Building Plans





<p>A-2 SHEET:</p>	<p>SCALE: DATE: 2/27/2014</p>	<p>DRAWINGS PROVIDED BY: NERAK DESIGNS 1797 Encagement Way Duncan, BC V9L 5W7 (250) 715-1041 nerekdesigns@shaw.ca</p>	<p>LOT INFORMATION: 7335 Pacheena Road Parcel 1 (DD92462I) Parcel B (DD56610I) Sec 12 Township 11 Renfrew District</p>	<p>Drawn by: Moira A. Mulligan Kathleen E. Inouye</p>
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A-3

SHEET

SCALE:

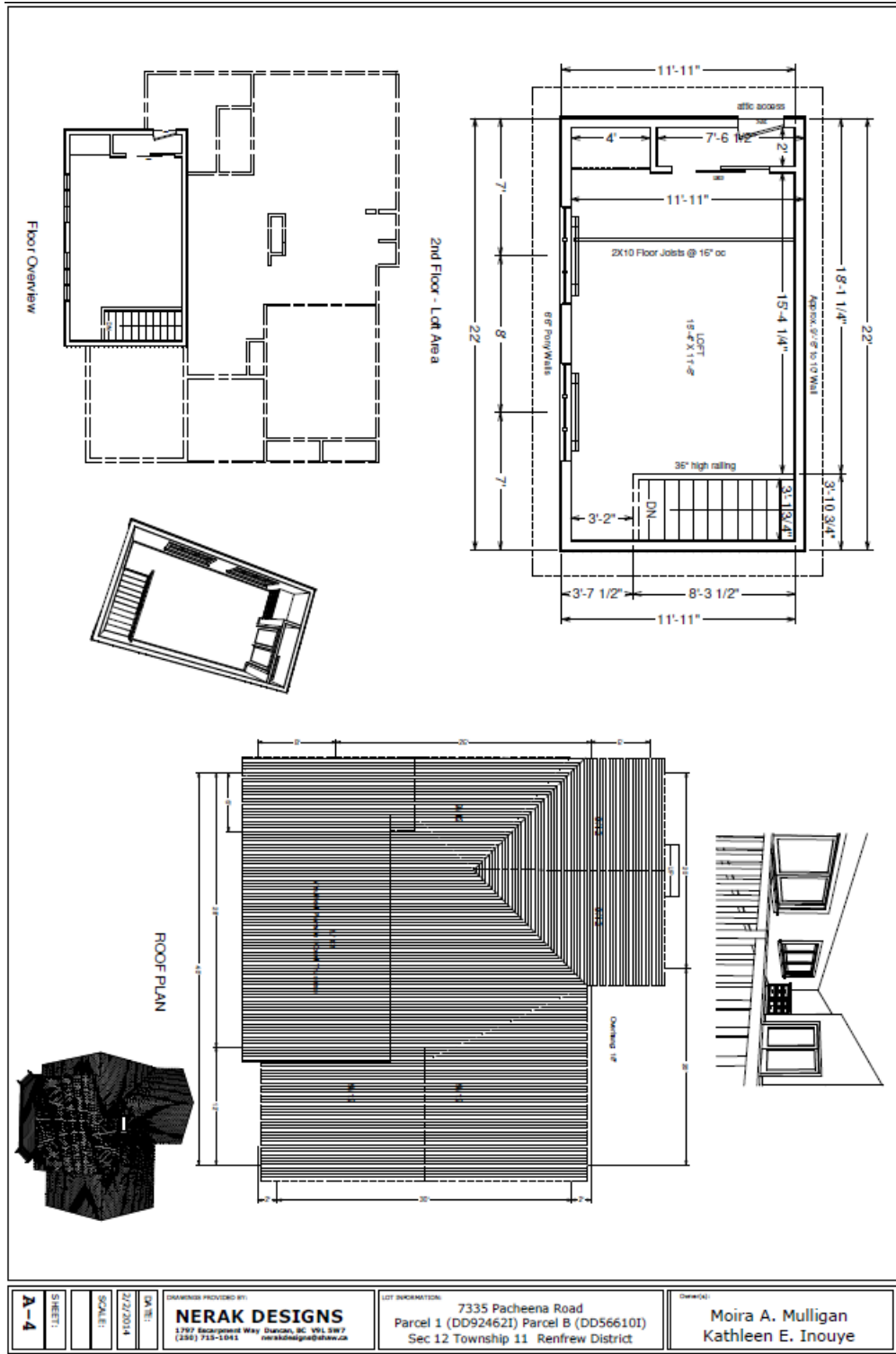
27/27/2014

DATE:

DESIGNED PROVIDED BY:
NERAK DESIGNS
 1797 Backport Way Duncan, BC V9L 5W7
 (250) 715-1041 nerakdesigns@shaw.ca

LOT INFORMATION:
 7335 Pacheena Road
 Parcel 1 (DD924621) Parcel B (DD566101)
 Sec 12 Township 11 Renfrew District

OWNER(S):
 Moira A. Mulligan
 Kathleen E. Inouye



A-4	SHEET	DATE: 2/22/2014	DRAWN BY: NERAK DESIGNS 1797 Seacrest Way Duran, BC V9L 5W7 (250) 733-5043 nerakdesign@shaw.ca	LOT INFORMATION: 7335 Pacheena Road Parcel 1 (DD924621) Parcel B (DD566101) Sec 12 Township 11 Renfrew District	OWNER(S): Moira A. Mulligan Kathleen E. Inouye