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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 Monday, January 5, 2015, at the Juan de Fuca Local Area Services Building,
#3 – 7450 Butler Road, Sooke, BC**

PRESENT: Greg Whincup (Chair), Axel Joosting
Staff: June Klassen, Secretary to the Board; Emma Taylor, Planner (Recorder)
ABSENT: Paul Clarkston (Vice Chair)
PUBLIC: 1

The meeting was called to order at 6:25 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 Paul Clarkston was nominated. As no other nominations were made, Paul Clarkston was declared Vice Chair.

2. Approval of the Agendas

MOVED by Greg Whincup, **SECONDED** by Axel Joosting that the agenda be approved. **CARRIED**

No supplementary agenda items were received.

3. Adoption of the Minutes of March 13, 2014

MOVED by Axel Joosting, **SECONDED** by Greg Whincup that the minutes of March 13, 2014 be adopted. **CARRIED**

4. Application

a) BOV-03-14 – Lot 1, Section 44, Sooke District, Plan 14181 (Walters – 7837 Manatu Road)

Emma Taylor outlined the staff report and indicated that the applicant is requesting relief from the Board of Variance (BOV) in accordance with Section 901(1)(a) of the *Local Government Act (LGA)* in order to renovate the existing dwelling and construct an addition to the second-storey building area of the single family dwelling at 7837 Manatu Road. Emma Taylor confirmed that no alterations to the accessory buildings are being proposed at this time.

Emma Taylor noted that the parcel is zoned Rural Residential Two (RR-2) which establishes a 6 m side yard setback. Although the dwelling was permitted in 1983 under the previous zoning setbacks, with the adoption of the Juan de Fuca Land Use Bylaw No. 2040 in 1992 it is now non-conforming with respect to siting.

Staff confirmed that the development complied with the floodplain regulations and was exempt from a riparian development permit and could therefore be considered

by the BOV. Staff also indicated that a biologist's report had been submitted with recommendations for protecting the riparian area from construction activity. A member requested clarification that the biologist's recommendations could form conditions of an approval. Staff indicated that the BOV could not attach conditions but it could be incorporated into the building permit requirements.

June Klassen indicated that notification letters had been sent to all owners and occupants within 50 m of the subject property and she had received one phone inquiry from a neighbour but no submissions had been received on the application.

A member indicated the extent of the variance was minor due to there being no increase to the building footprint and only a small increase to the height and building floor area.

The agent for the applicant, Randy Clarkston, clarified the proposed changes to the structure.

MOVED by Axel Joosting, **SECONDED** by Greg Whincup, that having considered the matters set out in Section 901 (2)(c) of the *Local Government Act*, and having found that undue hardship would be caused to the applicant if Part 2, Section 6.07(b) of Bylaw No. 2040 is complied with, the Board of Variance **approves** the application BOV-03-14 to vary the side yard setback from 6 m to 3.19 m on Lot 1, Section 44, Sooke District, Plan 14181 as shown in the site survey from Island Land Surveying Ltd. dated October 3, 2014 for the purpose of renovating and expanding the second-storey building area as shown in the building plans from West Coast Design & Development Services dated May 26, 2014 subject to construction being substantially completed within two years of the approval of the variance or the variance will terminate.

CARRIED

5. Adjournment

The meeting was adjourned at 6:35 pm.

G. Whincup, Chair

Emma Taylor