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**Minutes of a Meeting of the Juan de Fuca Board of Variance
Held Wednesday, March 15, 2017, at the Juan de Fuca Local Area Services Building,
#3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Greg Whincup (Chair), Paul Clarkston
Staff: Iain Lawrence, Secretary to the Board; Wendy Miller, Recorder
ABSENT: Axel Joosting
PUBLIC: 4

The meeting was called to order at 6:00 p.m.

1. Elections

Iain Lawrence called for nominations for the position of Chair of the Juan de Fuca Board of Variance for 2017 and Greg Whincup's name was put forward. Iain Lawrence called two additional times for further nominations and, as there were none, Greg Whincup was declared Chair.

Iain Lawrence advised that Axel Joosting has provided written confirmation that he will stand as Vice Chair should he be nominated.

The Chair called for nominations for the position of Vice Chair of the Juan de Fuca Board of Variance for 2017 and Axel Joosting's name was put forward. The Chair called two additional times for further nominations and, as there were none, Axel Joosting was declared Vice Chair.

2. Approval of the Agenda

MOVED by Paul Clarkston, **SECONDED** by Greg Whincup that the agenda be approved. **CARRIED**

3. Approval of the Supplementary Agenda

No supplementary items.

4. Planner's Report

No report.

5. Adoption of the Minutes of September 27, 2016

MOVED by Paul Clarkston, **SECONDED** by Greg Whincup that the minutes of September 27, 2016 be adopted. **CARRIED**

6. Applications

a) BV000444 – Lot 1, District Lots 17, 899 & 929, Renfrew District, Plan VIP79865 (17310 Parkinson Road)

Iain Lawrence outlined the staff report and advised that the applicant is requesting relief from the Board of Variance (BOV) in accordance with Section 540 of the *Local Government Act* to reduce the exterior side parcel setback for an existing deck and to reduce the exterior side yard setback for the purpose of enclosing an existing porch, located adjacent to a Ministry of Transportation and Infrastructure highway right-of-way.

Iain Lawrence advised that:

- the road that runs adjacent to the subject property was initially an easement
- the highway right-of-way (Parkinson Road) was subsequently dedicated by reference plan in 2005
- the dedication splits the subject property into separate parts
- the separate parts remain one title
- the creation of the right-of-way did not require the Ministry of Transportation and Infrastructure to confer with Local Area Planning
- since the right-of-way was dedicated after adoption of the land use bylaw, the building location is not considered legal non-conforming

Iain Lawrence reported that the property owner to the west has stated support for maintaining continued access to the right-of-way. The right-of-way is used for commercial truck access to the pier. It was advised that any further projection into the setback would require submission of a further variance application.

The Chair confirmed that the applicant was present.

The applicant spoke to the right-of-way dedication and property's history. It was advised that there is no intent to encroach further into the setback.

A member of the public noted that the stairway from the new wheel chair ramp projects further to the west than the existing covered porch and ramp. Support was stated for maintaining continued access to the right-of-way for commercial and tourist use.

Iain Lawrence stated that the stairway from the new wheel chair ramp is accommodated by the variance requested. It was confirmed that the applicant will require an encroachment permit from the Ministry of Transportation and Infrastructure.

The BOV considered the minor variance and found that undue hardship would result from compliance with the exterior side parcel setback and the exterior side yard setback of the Tourism Commercial 1 (TC-1) zone.

MOVED by Paul Clarkston, **SECONDED** by Greg Whincup that application BV000444 to request permission from the Board of Variance in accordance with Section 540 of the *Local Government Act* to reduce the exterior side parcel setback for an existing deck from 4.6 m to 0.2 m and to reduce the exterior side yard setback from 4.6 m to 0.75 m for the purpose of enclosing an existing porch in order to add to the current interior floor area on Lot 1, District Lots 17, 899 & 929, Renfrew District, Plan VIP79865, as shown on the West Coast Design and Development Services Plot Plan drawings A-1 and A-2 (the "Plot Plans"), dated December 27, 2016, be approved subject to the work being constructed in accordance with the *BC Building Code*, and that construction be substantially completed within two years of the approval of the variance or the variance will terminate.

CARRIED

- b) **BV000445 – Lot B, Section 151, Sooke District, Plan VIP46450 (5901 Leda Road)**
Iain Lawrence outlined the staff report and advised that the applicant is requesting relief from the Board of Variance (BOV) in accordance with Section 540 of the *Local Government Act* to reduce the side yard setback for the purpose of allowing the siting of a mud and storage room.

Iain Lawrence reported that the survey, requested as part of the building permit process, determined the siting error. A stop-work order remains on the property due to the non-conforming siting.

The Chair confirmed that the applicants were present.

The applicants stated that the siting error was made while hastily preparing for a family event.

The BOV considered the minor variance and found that undue hardship would result from compliance with the side yard setback of the Rural Residential 3 (RR-3) zone.

MOVED by Paul Clarkston, **SECONDED** by Greg Whincup that application BV000445 to request permission from the Board of Variance in accordance with Section 540 of the *Local Government Act* to reduce the side yard setback requirements from 6 m to 5.9 m for the purpose of constructing a mud and storage room on Lot B, Section 151, Sooke District, Plan VIP46450, as shown on the BC Land Surveyor's Building Location Certificate, sealed by D.R. Carrier, BCLS, dated November 21, 2016, (the "Building Location Certificate") be approved subject to the work being constructed in accordance with the *BC Building Code*, and that construction be substantially completed within two years of the approval of the variance or the variance will terminate.

CARRIED

7. Adjournment

The meeting was adjourned at 6:18 p.m.

G. Whincup, Chair