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**Minutes of a Meeting of the Juan de Fuca Board of Variance
Held Monday, June 26, 2017, at the Juan de Fuca Local Area Services Building,
#3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Greg Whincup (Chair), Paul Clarkston, Axel Joosting
Staff: Emma Taylor, Secretary to the Board; Wendy Miller, Recorder
PUBLIC: 3

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

1. Approval of the Agenda

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

2. Approval of the Supplementary Agenda

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

3. Adoption of the Minutes of June 6, 2017

MOVED by Axel Joosting, **SECONDED** by Paul Clarkston that the minutes of June 6, 2017 be adopted. **CARRIED**

4. Planner's Report

No report.

5. Application

a) BV000449 – Lot A, Section 17, Otter District, Plan VIP66835 (3527 Otter Point Road)

Emma Taylor outlined the staff report and advised that the applicants are requesting relief from the Board of Variance (BOV) in accordance with Section 540 of the *Local Government Act (LGA)* to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, by increasing the length of a manufactured or modular home used for a detached accessory suite from 13 m to 19.5 m.

Emma Taylor showed an overhead photo of the property as well as a photo of the road frontage, advising that the unit was purchased and placed on site prior to review of the building permit application. It was confirmed that the structure complies with the 90 m² maximum floor area, setbacks from property lines and all other land use requirements.

Emma Taylor responded to a question from the BOV advising that the bylaw requirement that a manufactured home or modular home used for a detached accessory suite be 13 m was set in response to comments received through consultation with the communities of Otter Point and East Sooke during review of the bylaw that amended Bylaw No. 2040 to establish the provision for detached accessory suites.

Emma Taylor directed attention to the letter from the applicant included in the staff report and the supplementary submission from Jessica Sinclair, Otter Point, stating no objection to the application.

BOV member comments included:

- unit was purchased and sited in good faith
- a structure of the same dimensions could be constructed and meet the requirements for a detached accessory suite
- Otter Point had the vision to restrict the length of a manufactured or modular home used for a detached accessory suite to avoid older, unsightly units being moved into the community
- no submissions were received stating objection to the application

The BOV considered the minor variance and found that undue hardship would result from compliance with the requirement in the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040 that the length of a manufactured or modular home used for a detached accessory suite not exceed from 13 m.

MOVED by Paul Clarkston, **SECONDED** by Axel Joosting that application BV000449 to request permission from the Board of Variance in accordance with Section 540 of the *Local Government Act* to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Schedule A, Part 1, Section 4.20(k), by increasing the length of a manufactured home used for a detached accessory suite from 13 m to 19.5 m on Lot A, Section 17, Otter District, Plan VIP66835, be approved and that the building permit be substantially completed within two years of the approval of the variance or the variance will terminate.

The Chair confirmed that the applicants were present.

The applicants stated:

- appreciation for the fair consideration of the application
- that they were not aware of the contravention
- that the unit was brought onto the property to provide a residence for parents
- that the spirit of the bylaw is now understood
- that the structure has been recently renovated and will enhance the community

MOVED by Greg Whincup, **SECONDED** by Paul Clarkston that the main motion be amended to add, "This approval is specific to this application and should not be considered to set a precedent for any future applications." after the sentence ending with "terminate".

CARRIED

The question was called on the main motion, as amended.

CARRIED

6. Adjournment

The meeting was adjourned at 6:16 p.m.

G. Whincup, Chair