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**Minutes of a Meeting of the Juan de Fuca Board of Variance
Held Thursday, August 31, 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; Recorder
PUBLIC: 10

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

3. Adoption of the Minutes of June 26, 2017

MOVED by Paul Clarkston, **SECONDED** by Axel Joosting that the minutes of June 26, 2017 be adopted. **CARRIED**

4. Planner's Report

No report.

5. Application

a) BV000450 – Lot 7, Section 97, Sooke District, Plan VIP82765 (1523 Willow Grouse Terrace)

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 reducing the side yard setback of the Rural Residential 5 zone from 6 m to 5.88 m for the purpose of allowing the siting of an addition to the dwelling.

Emma Taylor showed a photo of the addition under construction and explained the siting error was determined by a recent survey of the foundation. It was confirmed that the structure is an addition to the dwelling and complies with all other land use requirements, including projections into the setback. Emma Taylor confirmed that no adverse effects to the environment were anticipated and there are no development permit or covenant areas designated on the property.

The Chair confirmed that the applicant was present.

The applicant spoke to their efforts to determine the 6 m setback prior to pouring the foundation and expressed disappointment in learning of the error. The applicant outlined that retaining a surveyor to pin the setback prior to pouring the foundation was challenging.

BOV member comments included:

- the existing dwelling is situated close to the side property boundary
- the addition was designed to comply with the 6 m requirement and align with the existing dwelling
- the applicant showed due diligence in measuring the setback accurately
- no submissions were received stating objection to the application

Emma Taylor directed attention to the statement of hardship received from the applicant and the letter of support included in the staff report, and to the supplementary submission from Karen Hesse, East Sooke, stating no 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 side yard setback be 6 m.

MOVED by Paul Clarkston, **SECONDED** by Axel Joosting that application BV000450 to request permission from the Board of Variance in accordance with Section 540 of the *Local Government Act* to reduce the side yard setback requirement from 6 m to 5.88 m for the purpose of constructing an addition on Lot 7, Section 97, Sooke District, Plan VIP82765, as shown on the BC Land Surveyor's Building Location Certificate, sealed by Peter I. M. Broeren, BCLS, dated July 27, 2017, 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) BV000451 – Lot A, Section 86, Sooke District, Plan VIP64561 (240 Becher Bay 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 height of a proposed accessory building from 6 m to 7.88 m.

Emma Taylor showed an aerial photo of the property and designated development permit areas. It was explained that the property is smaller than the 4 ha minimum lot size for the Rural A zone as it was created under the clause for subdivision for a relative. There are three dwellings on the adjacent property to the north which are accessed through the subject property by registered easement. Due to the environmental constraints and the access easement, there are limited options for a building site.

The Chair confirmed that the applicants were present.

The applicants stated:

- building is to be used as a workshop and studio
- compact two-storey building design
- architect initially referenced incorrect height regulations
- property is limited by physical constraints plus well and septic
- 6 m height design requires blasting and excavation
- blasting and retaining wall construction is cost prohibitive
- concern about impacts to adjacent dwelling
- appreciation for the fair consideration and neighbourly relations
- ocean view did not exist until the trees were recently removed

- intent to accommodate the neighbour's access to front yard

BOV comments included:

- design shows intent to sink building into sub-grade and minimizing height with 8' walls
- aware of other situations where increasing height of accessory buildings has been contentious
- blast rock may be useful in construction
- design and siting options to maintain ocean view
- apparent that use and enjoyment of adjacent land will be affected
- not comfortable granting variance due to impacts to neighbours
- modify plans while still in design stage

BOV members asked the applicants if there was an option to redesign or relocate the building out of the neighbours view-scape. The applicants responded that a one-storey design would not suit their needs but the location could be shifted slightly closer to the adjacent dwelling.

Emma Taylor clarified that the height is measured to the mid-point of the roof slope from average natural grade. Attention was directed to the supplementary submissions stating objection to the application.

Catherine Panter, East Sooke – stated that maintaining access to their front yard was not as important as preserving their view of the ocean. The applicant's intent to build an accessory building is understood, but two-storey construction is more than simple workshop. The proposed height is same as their house.

David Lessard, East Sooke – the original design still affects view.

Kyla Williams, East Sooke – proposed design would block view and change the character of the property.

Andrew Panter, East Sooke – maintaining the view is important. There is an alternate access to the front yard and other areas to store items on the property.

Having considered the variance request and having heard from the applicant and neighbours affected, the BOV stated it does not support the request.

MOVED by Axel Joosting, **SECONDED** by Paul Clarkston that application BV000451 to request permission from the Board of Variance in accordance with Section 540 of the *Local Government Act* to increase the accessory building height requirement from 6 m to 7.88 m for the purpose of constructing a two-storey accessory building on Lot A, Section 86, Sooke District, Plan VIP64561, as shown on the Building Plans prepared by T-Square Holdings Inc., January 27, 2017, be **denied**.

CARRIED

6. Adjournment

The meeting was adjourned at 6:52 p.m.

G. Whincup, Chair