

**JUAN DE FUCA BOARD OF VARIANCE**

Notice of Meeting on Monday, **June 25, 2018 at 6:00 p.m.**

Juan de Fuca Local Area Services Building, #3 – 7450 Butler Road, Otter Point, BC

---

**AGENDA**

1. Elections
2. Approval of Agenda
3. Approval of the Supplementary Agenda
4. Adoption of Minutes of December 11, 2017
5. Planner's Report
6. Application
  - a) BV000454 – Strata Lot 27, Section 31, Otter District, Strata Plan 1239 (27-7871 West Coast Road)
7. Adjournment

**Minutes of a Meeting of the Juan de Fuca Board of Variance  
Held Monday, December 11, 2017, at the Juan de Fuca Local Area Services Building,  
#3 – 7450 Butler Road, Otter Point, BC**

---

**PRESENT:** Greg Whincup (Chair), Paul Clarkston  
**Staff:** Emma Taylor, Planner; Wendy Miller, Recorder  
**ABSENT:** Axel Joosting  
**PUBLIC:** 0

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

**1. Agenda**

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

**2. Approval of the Supplementary Agenda**

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

**3. Adoption of the Minutes of August 31, 2017**

**MOVED** by Paul Clarkston, **SECONDED** by Greg Whincup that the minutes of August 31, 2017 be adopted.

**4. Planner's Report**

No report.

**5. Application**

**a) BV000452 – Lot 5, Section 88, Sooke District, Plan VIP38149 (5731 Titan Place)**

Emma Taylor 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 (LGA) to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, by increasing the maximum total floor area requirement for accessory buildings from 250 m<sup>2</sup> to 346.6 m<sup>2</sup> for the purpose of constructing a 96.6 m<sup>2</sup> detached garage and a 250 m<sup>2</sup> storage building.

Emma Taylor showed photos of the site and confirmed access to the septic field at the rear of the dwelling was in between the dwelling and garage, where a breezeway attachment was originally proposed.

Emma Taylor confirmed that the applicant was not able to attend the meeting.

Greg Whincup inquired as to the nature of the hardship request and it was discussed that topographical constraints restricted access to the rear yard area as additional blasting and clearing of vegetation would be required to develop an alternative access around the house.

Paul Clarkston reviewed the original breezeway design and Emma Taylor read the definition of breezeway in Bylaw No. 2040 for clarification.

Emma Taylor directed attention to the supplementary agenda. Three items in support of the application were received.

BOV member comments included:

- access to the rear yard area is the hardship
- the degree of variance requested is minor as no change to actual building areas will result
- the DP requires monitoring of the site by a registered professional biologist

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 maximum total floor area for accessory buildings be 250 m<sup>2</sup>.

**MOVED** by Paul Clarkston, **SECONDED** by Greg Whincup that application BV000452 to request permission from the Board of Variance in accordance with Section 540 of the *Local Government Act* to increase the maximum total floor area requirement for accessory buildings specified by the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 1, Section 4.01(2)(c), from 250 m<sup>2</sup> to 346.6 m<sup>2</sup> for the purpose of constructing a 96.6 m<sup>2</sup> detached garage and a 250 m<sup>2</sup> storage building on Lot 5, Section 88, Sooke District, Plan VIP38149, as shown on the Site Plan and Accessory Building Plans, 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**

## **6. Adjournment**

The meeting was adjourned at 6:15 p.m.

---

G. Whincup, Chair



**REPORT TO THE JUAN DE FUCA BOARD OF VARIANCE  
MEETING OF JUNE 25, 2018**

---

**File No:** BV000454  
**Location:** 27-7871 West Coast Road  
**Legal:** Strata Lot 27, Section 31, Otter District, Strata Plan 1239  
**Zoning:** Mobile Home Park (RM) – Bylaw No. 2040 and Bylaw No. 377  
**Land Use Designation:** Settlement Area 1  
**Adjacent Uses:** N – RM zone S – Road and Strait of Juan de Fuca  
W – RM zone E – RM zone

**REQUESTED VARIANCE**

The applicant is requesting relief from the Board of Variance in accordance with Section 540(a) of the *Local Government Act (LGA)* to decrease the setback requirement that no mobile home shall be located within 20' (6.1 m) of another mobile home or ancillary building specified by the CRD Mobile Home Parks Bylaw No. 1, 1977, Bylaw No. 377, for the purpose of installing a new mobile home.

**STAFF COMMENTS**

The 325.8 m<sup>2</sup> property located at 27-7871 West Coast Road in Otter Point was created by bare land strata subdivision in 1982 (Attachment 1). The property is zoned Mobile Home Park (RM) in the Juan de Fuca Land Use Bylaw No. 2040 and Bylaw No. 377. The subject property is currently vacant and the owner wishes to install a new 113.7 m<sup>2</sup> mobile home unit (Attachment 2). A variance is being requested to reduce the requirement of section 4.9(1) of Bylaw No. 377 which states that no mobile home shall be located within 6.1 m of another mobile home or ancillary building.

The variance being requested is to reduce the 6.1 m separation requirement to 1.5 m on the east side and 4 m on the west side. The applicant claims it is a hardship to achieve the 6.1 m separation between units as the adjacent lots are already developed. There is an existing mobile home on the property to the west that is sited on the property boundary. There is also an existing mobile home on the property to the east and a shed is located on the property boundary. There are no building permit records for placement of the adjacent structures and it is not clear whether these structures are lawful or pre-date CRD bylaws.

The proposed siting of the new mobile home meets the 6' (1.83 m) setback from the internal road right-of-way and the 1.5 m setback from the rear and side mobile home space lines as outlined in section 4.9 of Bylaw No. 377.

There is a 3 m wide easement L82515 registered on title for drainage works that affects the western portion of the subject property. The proposed siting of the mobile home avoids this easement area.

The proposed mobile has a floor area of 113.7 m<sup>2</sup> which achieves the 35% lot coverage requirement of the RM zone for the 325.8 m<sup>2</sup> property. No additions or accessory buildings will be permitted on the lot under the current bylaw requirements.

A portion of the property is designated within a Marine Shoreline development permit area in the Otter Point Official Community Plan Bylaw No. 3819. The proposed development will occur

outside of the 15 m setback from the natural boundary of the sea and is therefore exempt from the development permit requirements.

Bylaw No. 377 includes floodplain specifications that require a 25' (7.62 m) setback from the natural boundary of the sea and a 5' (1.524 m) flood construction level above the natural boundary of the sea. The proposed mobile meets the floodplain setback requirement and the underside of the floor system will need to be elevated to achieve the flood construction level as part of the building permit process. The property is also affected by a covenant (J114406) in favour of the Ministry of Transportation & Infrastructure that requires a 13 m flood setback and a flood construction level above 3.41 m datum.

Section 542 of the *LGA* outlines that the Board of Variance may order that a minor variance be permitted from the requirements of the applicable bylaw, if the Board of Variance:

- (a) has heard from the applicant and any person notified under section 541;
- (b) finds that undue hardship would be caused to the applicant if the bylaw or section 531(1) is complied with; and
- (c) is of the opinion that the variance or exemption does not do any of the following:
  - (i) result in inappropriate development of the site;
  - (ii) adversely affect the natural environment;
  - (iii) substantially affect the use and enjoyment of adjacent land;
  - (iv) vary permitted uses and densities under the applicable bylaw;
  - (v) defeat the intent of the bylaw.

Pursuant to the Juan de Fuca Board of Variance Bylaw, Bylaw No. 3839, notification letters have been sent to the applicant, as well as to owners and occupants within 50 m of the subject property. Any responses received will be presented at the June 25, 2018 Board of Variance hearing.

The stated hardship for the owner is that compliance with the bylaw requirement that structures be separated by 6.1 m results in the subject property being largely undevelopable and accommodating a substantially smaller mobile home. The effect of the bylaw requirement is that the property owners are impacted by the existing development on adjacent land.

Subject to any comments received by the public, the proposed mobile home is not expected to substantially affect the use and enjoyment of adjacent land. The proposed siting of the mobile achieves maximum setback distances from property lines, adjacent structures and avoids the foreshore setback and easement areas. The request does not vary use or density of the RM zone and is not considered to defeat the intent of the bylaw.

If the Board of Variance finds undue hardship, considers the request to be a minor variance and meets the considerations of section 542(c), a variance order may be permitted.

**OUTLINE MOTION**

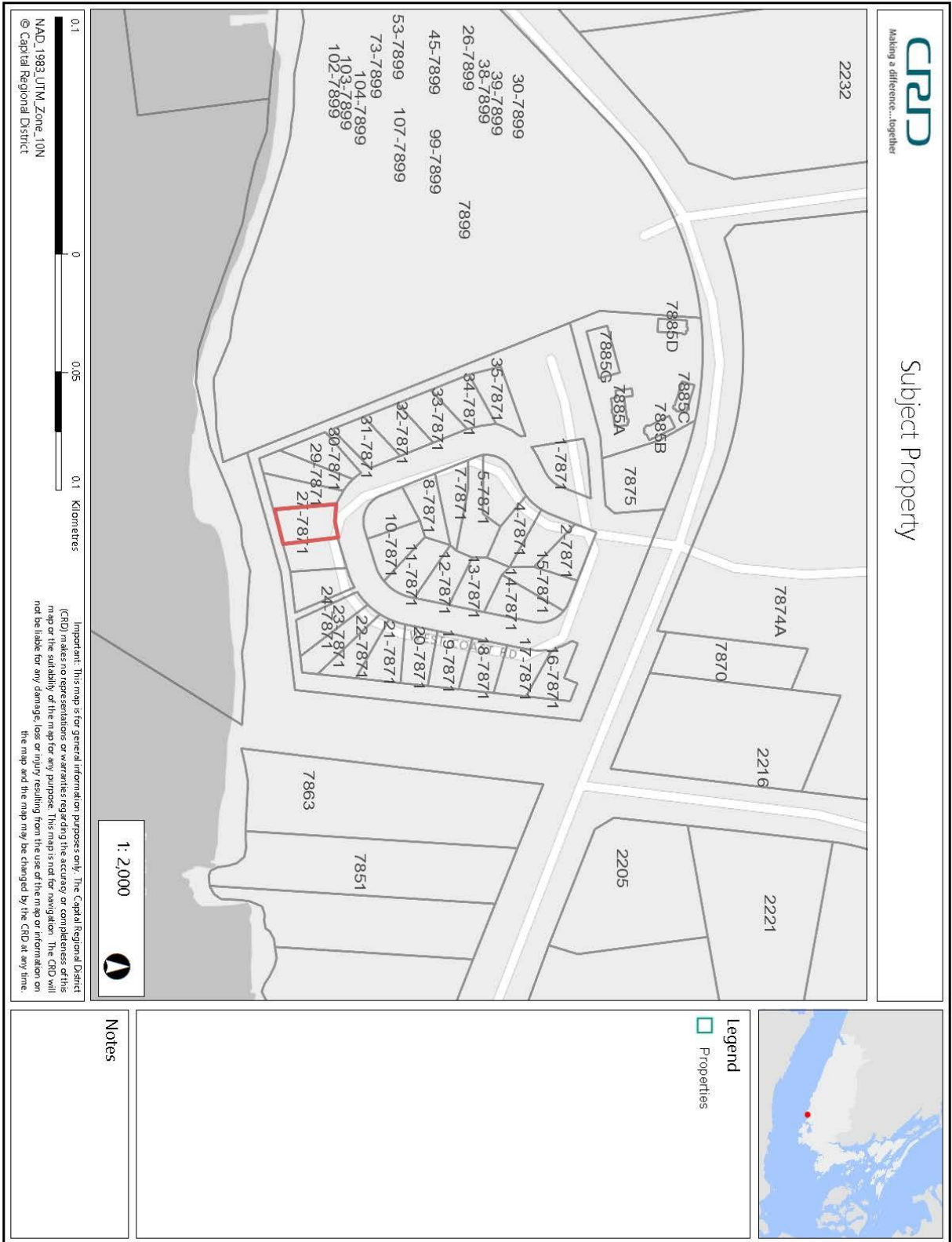
That application BV000454 to request permission from the Board of Variance in accordance with Section 540 of the *Local Government Act* to decrease the requirement that no mobile home shall be located within 20' (6.1 m) of another mobile home specified by the CRD Mobile Home Parks Bylaw No. 1, 1977, Bylaw No. 377, Section 4.9(1), from 6.1 m to 1.5m on the east and from 6.1 m to 4 m on the west for the purpose of installing a 113.7 m<sup>2</sup> mobile home on Strata Lot 27, Section 31, Otter District, Strata Plan 1239, as shown on the Site Plan, be **<approved/denied>** 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.

Submitted by:	Emma Taylor, MA, MCIP, RPP, Planner
Concurrence:	Iain Lawrence, MCIP, RPP, Secretary to the Board of Variance

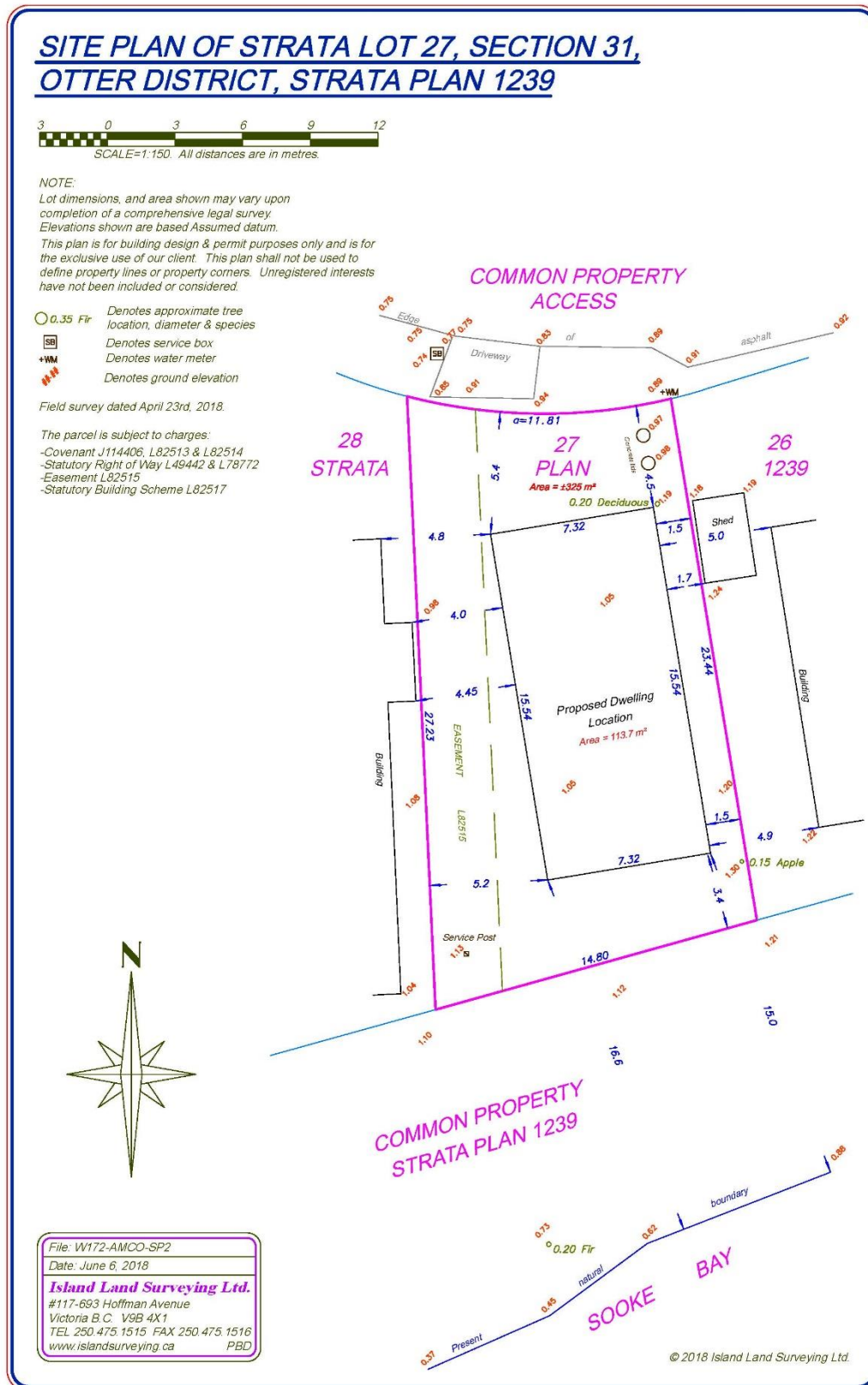
Attachments:

1. Subject Property Map
2. Site Plan
3. Photos

Attachment 1: Subject Property Map



Attachment 2: Site Plan





Attachment 3: Photos



Looking north



Looking south