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**Minutes of a Meeting of the Juan de Fuca Board of Variance
Held Monday, June 25, 2018, at the Juan de Fuca Local Area Services Building,
#3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Paul Clarkston, Axel Joosting
Staff: Emma Taylor, Planner; Wendy Miller, Recorder
ABSENT: Greg Whincup (Chair)
PUBLIC: 13

The meeting was called to order at 6:03 p.m.

1. Elections

Staff stated that elections are required for the Board of Variance (BOV) as this is the first meeting of the year. Staff reported that written confirmation has been received from Greg Whincup confirming that he will stand for either the position of Chair or Vice Chair.

Emma Taylor called for nominations for the position of Chair of the BOV for 2018 and Greg Whincup's name was put forward. Emma Taylor called two additional times for further nominations and, as there were none, Greg Whincup was acclaimed Chair.

Emma Taylor called for nominations for the position of Vice Chair of the BOV for 2018 and Axel Joosting's name was put forward. Emma Taylor called two additional times for further nominations and, as there were none, Axel Joosting was acclaimed Vice Chair.

2. Approval of the Agenda

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

CARRIED

3. Approval of the Supplementary Agenda

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

CARRIED

4. Adoption of the Minutes of December 11, 2017

MOVED by Paul Clarkston, **SECONDED** by Axel Joosting that the minutes of December 11, 2017 be adopted.

CARRIED

5. Planner's Report

Emma Taylor reported that there has recently been staff changes at the Juan de Fuca Local Services office and that the addition of new staff is appreciated.

6. Application

a) BV000454 – Strata Lot 27, Section 31, Otter District, Strata Plan 1239 (27-7871 West Coast Road)

Emma Taylor outlined the staff report and advised that the applicant is requesting relief from the BOV 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. It was confirmed that 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.

Emma Taylor showed photos of the subject property, confirming that:

- the subject property is vacant
- there is an existing mobile home on the property to the west that is sited on the property boundary
- there is an existing mobile home on the property to the east
- the property to the east has a shed that is located on the property boundary

Emma Taylor reported that the applicant claims it is a hardship to achieve the 6.1 m separation between units as the adjacent properties are already developed.

Emma Taylor confirmed that in accordance with Bylaw No. 3839, "Juan de Fuca Board of Variance Bylaw No. 1, 2012" property owners within 50 m of the subject property were provided notice of the appeal to the BOV. Emma Taylor reported that three supplementary submissions were received stating concern with the proposal. It was advised that the owner and the agent were in attendance.

The owner stated that:

- the property was purchased approximately a year ago
- the proposal no longer includes a deck addition
- she sold her previous property to purchase the subject property
- she wants to purchase a mobile that will accommodate her family of four
- she has communicated her proposal to neighbours
- she feels she is being penalized for structures sited on the properties to the west and the east that are not in compliance with bylaw requirements
- due to the non-compliant structures located on the adjacent properties, a variance is required or the property will not be able to be developed

Emma Taylor responded to questions from the BOV confirming that

- sheds are required to meet the setback requirements of Bylaw No. 377 even if the shed size does not require a building permit
- there is no demolition permit record for removal of the single wide mobile home that was previously sited on the subject property
- there are no building permit records for placement of the structures on the adjacent properties

Emma Taylor confirmed that the fire separation calculation is determined through the Building division. The calculation will be determined once a mobile unit is purchased and is based on openings in the unit.

Richard Ashton, Olympic View Park, questioned when the subject property was purchased and requested clarification regarding the floodplain regulations affecting the subject property. Richard Ashton stated concern that the proposed double wide mobile unit will impact view corridors to the ocean. Richard Ashton stated that it was his understanding that the subject property could only support a single wide mobile when he purchased his property in 2017. Richard Ashton stated no support for the application as he considers it precedent setting for Olympic View Park.

The owner stated that the property was purchased in August 2017. The owner further stated that, as the property will not be fenced, views of the ocean will not be impacted.

Emma Taylor clarified that the property is subject to floodplain requirements set out in the CRD Mobile Home Parks Bylaw No. 1, 1977, Bylaw No. 377 and 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.

James White, Olympic View Park, stated support for maintaining the requirement that mobiles be located within 20' of another mobile home or ancillary building for safety reasons. James White stated that it was his understanding that the subject property could only support a single wide mobile and that it is easy to claim hardship for placement of a double wide mobile unit after a property has been purchased. James White stated no support for the application and that approval of the application would be precedent setting.

The owner stated that the requirement for a single wide mobile was not disclosed at the time of purchase. It was noted that the property to the east has a double wide mobile and that the property to the west has a single wide mobile with large extensions.

Neil Clark, president of Olympic View Park – Strata 1239, spoke to his supplementary submission stating that there is a discrepancy between the setbacks being considered by the BOV this evening and the setbacks presented by the owner in January 2018 to the strata council and approved by the strata council in February 2018. Neil Clark stated that the strata council will not approve the revised application. Neil Clark stated that the strata council does not have issue with siting of the existing shed.

Emma Taylor read aloud the letter from the owner to the strata council in January 2018 as submitted as part of the building permit process. It was confirmed that the strata council approved the proposal in February 2018. It was stated that owner's letter honours the intent of the variance.

The owner stated that she was not aware the shed was not in compliance.

Betty Poznansky, Olympic View Park, stated that she purchased the property to the east of the subject property in 2015 and that the mobile unit and addition have been in place since approximately 1980. Betty Poznansky stated that her addition provides a back door which acts as a second emergency exit from the unit.

Noting the supplementary submission received from Olympic View Park – Strata 1239, Emma Taylor stated that a building permit for the proposed mobile will not be issued without further approval by the strata council.

BOV comments included:

- application is a major variance and falls outside the scope of the BOV
- the BOV is not in the position to make recommendations on fire suppression
- property was laid out to support installation of a single wide mobile unit

Emma Taylor confirmed that the applicant can pursue approval of the proposal through a development variance permit. The development variance permit would be considered by the Juan de Fuca Land Use Committee (LUC).

MOVED by Paul Clarkston, **SECONDED** by Axel Joosting 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 1.5 m on the east and from 6.1 m to 4 m on the west for the purpose of installing a 113.7 m² mobile home on Strata Lot 27, Section 31, Otter District, Strata Plan 1239, as shown on the Site Plan, be denied. **CARRIED**

The BOV responded to the owner stating that the owner can pursue siting of a single wide mobile unit in accordance with the survey plan. Should a siting of a single wide mobile unit require a variance, an appeal to the BOV can be submitted as the variance would be considered minor. If the owner wishes to pursue siting of a double wide mobile unit, a development variance permit can be submitted for consideration by the LUC as the variance would be considered major.

7. Adjournment

The meeting was adjourned at 6:51 p.m.

A. Joosting, Vice Chair