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**Minutes of a Meeting of the Juan de Fuca Board of Variance
Held Monday, July 23, 2018, at the Juan de Fuca Local Area Services Building,
#3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Greg Whincup (Chair), Axel Joosting
Staff: Emma Taylor, Planner; Wendy Miller, Recorder
ABSENT: Paul Clarkston
PUBLIC: 3

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

1. Approval of the Agenda

MOVED by Axel Joosting, **SECONDED** by Greg Whincup that the agenda be approved.

CARRIED

2. Approval of the Supplementary Agenda

None.

3. Adoption of the Minutes of June 25, 2018

MOVED by Axel Joosting, **SECONDED** by Greg Whincup that the minutes of June 25, 2018, be adopted.

CARRIED

4. Planner's Report

Emma Taylor reported that the CRD Board adopted Bylaw No. 4000, "East Sooke Official Community Plan Bylaw No. 5, 2018" and Bylaw No. 4001, "Shirley – Jordan River Official Community Plan Bylaw No. 5, 2018" at its July 11, 2018 meeting.

5. Application

a) BV000455 – Lot A, Section 133, Sooke District, Plan 19599 (6638 East Sooke Road)

Emma Taylor outlined the staff report and advised that the applicant is requesting relief from the from the Board of Variance (BOV) in accordance with Section 540(a) of the *Local Government Act (LGA)* to relieve hardship resulting from the side yard setback requirement from 6 m to 3.4 m for the purpose of converting the existing single-family dwelling to a detached accessory suite.

Emma Taylor confirmed that:

- construction of a new house on the property requires converting the existing dwelling to an accessory structure
- the existing dwelling is not located in the designated steep slopes and the shoreline protection development permit areas on the property
- the structure was permitted as an accessory building in 1992 and then converted to a dwelling in 2000
- siting of the dwelling was not confirmed at that time but information indicated that the structure was sited 8 m from the west
- the structure will be modified to combine the detached accessory suite with an accessory building, meeting the maximum floor area for accessory buildings, the maximum floor area of detached accessory suites and the height requirement for detached accessory suites

Emma Taylor showed photos of the subject property, confirming the location of proposed building modifications and showing the distance between the proposed detached accessory suite and the dwellings on the adjacent properties. It was advised that the setback distances for detached accessory suites compared to the setback distances for accessory buildings is greater to support privacy.

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 no submissions have been received regarding the proposal. It was advised that the owner and the agent were in attendance.

The agent stated that:

- the existing structure is 59 ft long by 23 ft wide
- 10 m² indoor space will be converted to inhabitable outdoor space to meet the maximum floor area of detached accessory suites
- the existing deck and staircase will be removed and replaced with a new deck and staircase to increase the setback from the west property line from 3.2 m to 3.4 m
- it would be a financial hardship to demolish the building prior to being granted occupancy to the new house
- the proposed detached accessory suite is in a state of good habitable living space
- there would be less environmental impact to alter than to demolish the structure
- the detached accessory suite will be used either as a caretaker residence or as a rental to provide additional income

The owner stated she hopes that the BOV makes the decision to support her application and the building design proposed by her agent as she needs the building to remain.

The BOV stated that it would be a hardship to replace the building and noted that the building is in a good state.

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 detached accessory suites must be located within the same side and rear yard setbacks as the principal dwelling.

MOVED by Axel Joosting, **SECONDED** by Greg Whincup that application BV000455 to request permission from the Board of Variance in accordance with Section 540 of the *Local Government Act* to vary the requirement that detached accessory suites must be located within the same side yard setback as the principal dwelling, as stated in Part 1, Section 4.20 (h) of Bylaw No. 2040, from 6 m to 3.4 m on Lot A, Section 133, Sooke District, Plan 19599, as shown on the Building Plans prepared by Chris Supeene, dated July 3, 2018, be approved.

CARRIED

6. Adjournment

The meeting was adjourned at 6:14 p.m.

G. Whincup, Chair