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**Minutes of a Meeting of the Juan de Fuca Board of Variance
Held Monday, June 17, 2019, 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, Planner; Wendy Miller, Recorder
PUBLIC: 7

The meeting was called to order at 6:00 pm

1. Approval of the Agenda

MOVED by Paul Clarkston, **SECONDED** by Axel Joosting 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 January 21, 2019

MOVED by Axel Joosting, **SECONDED** by Paul Clarkston that the minutes of January 21, 2019, be adopted.

CARRIED

4. Planner's Report

Emma Taylor welcomed everyone to the meeting and reported that the CRD Board adopted Bylaw No. 4288 at its meeting of April 10, 2019. Bylaw No. 4288 establishes one Board of Variance (BOV) for entire Juan de Fuca Electoral Area. Membership terms under Bylaw No. 4288 expire April 10, 2022.

5. Applications

a) BV000459 – Parcel C (DD82004I) of District Lot 51, Malahat District, Except Part in Plan EPP70066 (4365 Trans Canada Highway)

Emma Taylor outlined the staff report and advised that the applicant is requesting relief from the BOV by varying the front yard setback requirement from 30 m to 15 m for the purpose of constructing a building for agriculture use. Emma Taylor confirmed that the property boundaries have recently been altered by the Ministry of Transportation and Infrastructure for the purpose of improvements to the Trans Canada Highway and extension of Okotoks Drive which has resulted in a change to the property's overall configuration and frontage.

Emma Taylor directed attention to the letter of hardship from the applicant and to letters of support as included in the staff report.

Emma Taylor presented a drawing of the proposed agricultural building, confirming that the setback for the proposed agricultural building is 30 m and that the building will be for keeping horses.

The Chair confirmed that the applicant was present.

The applicant stated that:

- he has approached adjacent neighbours and all have indicated support for the application
- building siting options are limited due to the improvements to the highway
- building location is flat
- building will not be seen from the highway as the property line and road dedication between the subject property and the highway are treed

MOVED by Axel Joosting, **SECONDED** by Paul Clarkston that, having considered the matters set out in Section 542(1)(c) of the *Local Government Act*, and having found that undue hardship would be caused to the applicant if Section 3.4.04(4) of Bylaw No. 980 was complied with, application BV000459, requesting permission from the Board of Variance in accordance with Section 540 of the *Local Government Act* to vary the yard requirements for an agricultural building specified by Section 3.4.04(4) of Bylaw No. 980, from 30 m to 15 m for the east side yard setback on Parcel C (DD82004I) of District Lot 51, Malahat District, Except Part in Plan EPP70066, as shown on the Site Plan, is approved subject to construction being substantially started within 2 years.

CARRIED

b) BV000460 – 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 BOV to relieve hardship resulting from the requirement that the maximum floor area for a detached accessory suite is not to exceed 90 m² for the purpose of converting the existing structure to a 99.751 m² detached accessory suite.

Emma Taylor directed attention to the letter of hardship from the applicant as included in the staff report and the letter from the applicant as included in the supplementary agenda.

Emma Taylor identified the area on the floor plan which would need to be removed to meet the maximum floor area for a detached suite. Photos of the area to be removed were presented.

The Chair confirmed that a representative for the application was present.

The representative stated that:

- the applicants have been working on converting the structure to a detached accessory suite since July 2018
- the applicants have experienced financial hardship related to meeting seismic upgrades required by the BC Building Code
- the structure has been perfectly usable since 2000
- finishes are in good condition
- deconstruction of the additional floor space would result in materials being routed to the landfill

The BOV stated that retaining the existing floor space does not substantially change the structure.

MOVED Paul Clarkston, **SECONDED** by Axel Joosting that, having considered the matters set out in Section 542(1)(c) of the *Local Government Act*, and having found that undue hardship would be caused to the applicant if Part 1, Section 4.20(g) of Bylaw No. 2040 was complied with, application BV000460, requesting permission from the Board of Variance in accordance with Section 540 of the *Local Government Act* to vary Part 1, Section 4.20(g) of Bylaw No. 2040, by increasing the maximum floor area permitted for detached accessory suites from 90 m² to 99.751 m², on Lot A, Section 133, Sooke District, Plan 19599, to permit the construction of a detached accessory suite with a maximum of 2 bedrooms, or 1 bedroom and den, as shown on the Building Plans prepared by Chris Supeene, dated April 9, 2018, is approved.

CARRIED

c) BV000461 – Lot A, District Lot 243, Section 97, Sooke District, Plan EPP75600 (71 Seagirt Road)

Emma Taylor outlined the staff report and advised that the applicant is requesting relief from the BOV by reducing the flanking yard requirement from 6 m 'clear to sky' (CTS) to 2.8 m and by reducing the side yard requirement from 6 m to 2.9 m for the purpose of constructing an addition to the existing dwelling.

Emma Taylor directed attention to the letter of hardship from the applicant and to letters of support as included in the staff report and in the supplementary agenda. It was noted that one of the letters of support requests that there be no wood burning appliances or openings installed in the addition.

Emma Taylor responded to questions from the BOV advising that the:

- floor plans are preliminary
- front yard setback for properties zoned Rural Residential 6 (RR-6) is 7.5 m
- flanking yard setback for properties zoned RR-6 is 6 m CTS
- Building Inspection division would uphold the recommendation from the BOV

An adjacent property owner stated that he:

- does not support a wood burning appliance being installed due to cedar hedging that is planted along the property line
- does not have issue with a gas burning appliance
- does not support a heat pump being installed

The applicant stated that the:

- current dwelling has one bedroom
- addition will provide a master bedroom with a closet and laundry space
- addition can only be located towards the road due to the location of the septic field
- addition space cannot accommodate a door or windows due to the proposed closet space
- addition is one storey
- there is a propane fireplace on the property line in question

The BOV discussed the submission from a property owner that requests that there be no wood burning appliances or openings installed in the addition.

Emma Taylor responded to questions from the BOV advising that:

- a restrictive covenant could be registered on the title of the property requiring that no wood burning appliances or openings be installed in the addition
- the BOV's motion is referred to the Building Inspection division
- the record of the BOV's motion remains on the file for the property
- future building permit applications for the property would be referred to the Community Planning division for review and comment
- the Building Inspection division inspects wood burning appliance installations, ensuring that proper materials have been used and that safety requirements have been met

MOVED by Paul Clarkston, **SECONDED** by Greg Whincup that, having considered the matters set out in Section 542(1)(c) of the *Local Government Act*, and having found that undue hardship would be caused to the applicant if Part 2, Sections 10.09(b) and (c) of Bylaw No. 2040 were complied with, application BV000461, requesting permission from the Board of Variance in accordance with Section 540 of the *Local Government Act* to vary the western side yard requirement specified by Part 2, Section 10.09(b) of Bylaw No. 2040 from 6 m to 2.9 m and to vary the flanking yard requirement specified by Part 2, Section 10.09(c) of Bylaw No. 2040 from 6 m 'clear to sky' to 2.8 m for a proposed addition to the single-family residence on Lot A, District Lot 243, Section 97, Sooke District, Plan EPP75600, as shown on the Site Plan, is approved provided that no openings be installed on the western wall of the addition and that there be no wood burning appliances installed within that part of the addition located within the setback specified by bylaw, and provided that construction be substantially started within 2 years.

Opposed: Axel Joosting
CARRIED

6. Adjournment

The meeting was adjourned at 6:47 pm

G. Whincup, Chair