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**Minutes of a Meeting of the Juan de Fuca Board of Variance  
Held Thursday, September 12, 2019, at the Juan de Fuca Local Area Services Building,  
#3 – 7450 Butler Road, Otter Point, BC**

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**PRESENT:** Greg Whincup (Chair), Axel Joosting  
**Staff:** Iain Lawrence, Manager, Juan de Fuca Community Planning;  
Regina Robinson, Planning Assistant; Wendy Miller, Recorder  
**ABSENT:** Paul Clarkston  
**PUBLIC:** 4

The meeting was called to order at 6:00 pm.

**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**

No supplementary items.

**3. Adoption of the Minutes of June 17, 2019**

**MOVED** by Axel Joosting, **SECONDED** by Greg Whincup that the minutes of June 17, 2019, be adopted.

**CARRIED**

**4. Planner's Report**

Iain Lawrence introduced Regina Robinson, Planning Assistant.

**5. Applications**

**a) BV000462 – Lot A, Section 1, Township 11, Renfrew District, Plan VIP85252  
(6657 Klannanith Street)**

Iain Lawrence outlined the staff report and advised that the applicant is requesting relief from the Board of Variance (BOV) by reducing the exterior side yard setback of an accessory building specified by the Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109, Section Part IV, Section 22.1(g)(iii) from 4.6 m to 1.36 m.

Iain Lawrence identified the subject property on the web map and advised that the accessory building is a sea-can container that was used for temporary storage of construction materials and as a site office during construction of a single family dwelling. It was advised that, as a condition of final occupancy for the single family dwelling, the accessory building must be removed or approved under a building permit. It was further advised that the applicant has made an application to the Ministry of Transportation and Infrastructure for a setback permit as the sea-can is within 4.5 m of Harris Cove Road.

Iain Lawrence confirmed that the applicant was present.

The applicant responded to a question from the BOV confirming that improvements, including a shed and roof, have been made to the sea-can.

The BOV noted that Harris Cove Road has a wide ditch and is not likely to become a main road.

Iain Lawrence confirmed that:

- Harris Cove Road provides a secondary access to Pacheedaht First Nation and to Beach Camp
- Beach Camp is fully built out
- large ditches are required in Port Renfrew because of rainfall levels
- a development variance permit (VAR-05-13) was approved for an adjacent property, 16957 Tsonoqua Drive, to reduce the front yard setback, the rear yard setback and the exterior yard setback

The BOV acknowledged that no comments were received in response to the notice of intent mailed to adjacent property owners within 50 m of the subject property.

The BOV considered the matters set out in Section 542(1)(c) of the *Local Government Act*, and found that undue hardship would be caused to the applicant.

**MOVED** by Axel Joosting, **SECONDED** by Greg Whincup that application BV000462 to request permission from the Board of Variance in accordance with Section 540 of the *Local Government Act* to vary Bylaw No. 3109, Part IV, Section 22 1g) iii) by reducing the required exterior side yard setback from 4.6 m to 1.36 m on Lot A, Section 1, Township 11, Renfrew District, Plan VIP85252, as shown on the Survey Plan prepared by J.E. Anderson & Associates, dated July 11, 2019, be approved.

**CARRIED**

**b) BV000463 – Lot 6, Section 27, Otter District, Plan 20955 (7750 West Coast Road)**

Regina Robinson outlined the staff report and advised that the applicant is requesting relief from the BOV to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Schedule A, Part I, Section 4.20(k), by increasing the maximum length of a manufactured or modular home used for a detached accessory suite from 13 m to 18.24 m.

Regina Robson stated that:

- the mobile home that is the subject of the variance request was approved as a single family dwelling in 1994
- at that time, a variance was granted to reduce the side yard setback from the western property line to 4.1 m
- the owners are in the process of building a new single family dwelling on the parcel and have applied to designate the mobile home as a detached accessory suite

Regina Robinson confirmed that the applicant and the owners were present.

BOV discussion ensued regarding the width of the existing mobile home as, should the request be approved, the width of the structure would be 2.9 m which may defeat the intent of the regulations for detached accessory suites.

At the request of the BOV, Iain Lawrence read aloud the purpose statement from Bylaw No. 2040.

Staff identified the subject property on the web map and confirmed that:

- the regulations for detached accessory suites (amendment Bylaw No. 3605) would not have applied to the single family dwelling
- the floor area of the structure falls within the range required for detached accessory suites
- no comments were received in response to the notice of intent mailed to adjacent property owners within 50 m of the subject property
- the property closely borders the District of Sooke
- detached accessory suites are not restricted from being rented
- Bylaw No. 2040 does not regulate rental length of stay
- the owner of the property must occupy either the detached accessory suite or the principal dwelling

The BOV considered the matters set out in Section 542(1)(c) of the *Local Government Act*, and found that undue hardship would be caused to the applicant.

**MOVED** Axel Joosting, **SECONDED** by Greg Whincup that in accordance with Section 540 of the *Local Government Act*, that the Juan de Fuca Board of Variance application BV000463 to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Schedule A, Part 1, Section 4.20(k), by increasing the maximum length of a manufactured or modular home used for a detached accessory suite from 13 m to 18.24 m on Lot 6, Section 27, Otter District, Plan 20955, as shown on the Survey Plan prepared by Island Land Surveying, dated May 1, 2019, be approved.

**CARRIED**

## **6. Adjournment**

The meeting was adjourned at 6:27 pm.

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G. Whincup, Chair