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**Minutes of a Meeting of the Juan de Fuca Board of Variance  
Held Tuesday, October 29, 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:** 1

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, as amended to consider application BV000465 first followed by application BV000464.

**CARRIED**

**2. Approval of the Supplementary Agenda**

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

**CARRIED**

**3. Adoption of the Minutes of September 12, 2019**

**MOVED** by Axel Joosting, **SECONDED** by Greg Whincup that the minutes of September 12, 2019, be adopted.

**CARRIED**

**4. Planner's Report**

No report.

**5. Applications**

**a) BV000465 – Lot B, Section 95, Sooke District, Plan EPP90670 (1041 Parkheights Drive)**

Iain Lawrence outlined the staff report and advised that the applicant is requesting relief from the Board of Variance (BOV) by reducing the front yard setback of an accessory building specified by the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 1, Section 4.01(d) from 15 m to 10 m for the purpose of constructing a 60 m<sup>2</sup> garage/storage building. Iain Lawrence confirmed that the proposed structure is sited outside of the riparian development permit area.

Iain Lawrence directed attention to proposed site plan as included in the supplementary agenda and advised that no comments were received in response to the notice of intent mailed to adjacent property owners within 50 m of the subject property.

Iain Lawrence confirmed that the applicant was present.

The applicant stated that:

- he is the owner of proposed Lot A and Lot B
- Lot B is accessed by an existing driveway by way of an easement
- siting of the proposed structure avoids further tree cutting and avoids encroaching into a grass clearing used by deer
- covenants were registered as part of the property's rezoning and subdivision to establish a buffer to provide separation from East Sooke Regional Park and to restrict further subdivision

**MOVED** by Axel Joosting, **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 1, Section 4.01(d) of Bylaw No. 2040 were complied with, that application BV000465 requesting permission from the Board of Variance in accordance with Section 540 of the *Local Government Act* to vary Bylaw No. 2040, Part 1, Section 4.01(d) by reducing the required front yard setback from 15 m to 10 m on Lot B, Section 95, Sooke District, Plan EPP90670, for a proposed garage, be approved, and that if construction is not substantially started within 2 years after the date of this order, the order shall terminate.

**CARRIED**

**b) BV000464 – Lot 10, Section 97, Sooke District, Plan 14282 (45 Seagirt Road)**

Regina Robinson outlined the staff report and advised that the applicant is requesting relief from the BOV by reducing the front yard setback of an accessory building specified by the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 1, Section 4.01(d) from 15 m to 2 m for the purpose of constructing a detached garage.

Regina Robinson stated that the BOV granted approval to reduce the front yard setback from 45 feet to 7 feet for a detached garage in 1982 (BV-09-82) but that the approval for BV-09-82 has lapsed.

Regina Robinson directed attention to the site plan as included in the staff report and confirmed that no comments were received in response to the notice of intent mailed to adjacent property owners within 50 m of the subject property.

Staff responded to questions from the BOV confirming that:

- garage wall lengths measure approximately 8.4 m, 6.1 m, 7.17 m, and 3.98 m
- the East Sooke Official Community Plan supports consideration of variances to allow the siting of buildings and structures outside of designated development permit areas
- siting is restricted by an existing rock wall and septic field
- a setback permit (2019-04542) for construction of a garage within the highway right-of-way was approved by the Ministry of Transportation and Infrastructure

**MOVED** Axel Joosting, **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 1, Section 4.01(d) of Bylaw No. 2040 were complied with, that application BV000464 requesting permission from the Board of Variance in accordance with Section 540 of the *Local Government Act* to vary Bylaw No. 2040, Part 1, Section 4.01(d) by reducing the required front yard setback from 15 m to 2 m on Lot 10, Section 97, Sooke District, Plan 14282, for a proposed garage, as shown on the Site Plan prepared by Vivi Curutchet, be approved, and that if construction is not substantially started within 2 years after the date of this order, the order shall terminate.

**CARRIED**

## **6. Adjournment**

The meeting was adjourned at 6:20 pm.

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G. Whincup, Chair