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**Minutes of a Meeting of the Juan de Fuca Board of Variance
Held Monday, March 8, 2021, at the Juan de Fuca Local Area Services Building,
#3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Paul Clarkston (Chair), Brad Fitchett, Axel Joosting (EP)
Staff: Regina Robinson, Planning Assistant/Acting Secretary to the Board of Variance (EP); Wendy Miller, Recorder (EP)
PUBLIC: Approximately 4 EP

EP – Electronic Participation

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

No supplementary items.

3. Adoption of the Minutes of January 20, 2021

MOVED by Axel Joosting, **SECONDED** by Paul Clarkson that the minutes of January 20, 2021, be adopted.

CARRIED

4. Planner's Report

No report.

5. Applications

a) BV000473 - Lot 121, Section 95, Renfrew District, Plan 26054 (2825 Denewood Place)

Regina Robinson outlined the staff report and advised that the applicant is requesting relief from the Board of Variance (BOV) by increasing the maximum combined total floor area allowance for accessory buildings and structures from 100 m² to 186 m² on a lot with an area of more than 2,000 m² and less than 5,000 m², for the purpose of constructing a detached accessory suite and garage.

Regina Robinson highlighted photos showing the location of existing outbuildings on the subject property, as well as the site plan for the proposed detached accessory suite and garage. It was reported that an unauthorized outbuilding, approximately 18 m² in size, will be removed to allow the new building to be constructed in the same location.

Karen and Noel Wickham, Shirley, stated:

- they own a property directly adjacent to the subject property
- the trees on their property are mature, providing a thick vegetative canopy
- the mature trees do not provide ground level screening from the subject property
- the proposed new building will have a direct view of the house on their property
- there is a stream between their property and the subject property
- not fully opposed to the application

- concerned for the stream
- support for the applicant mitigating privacy concerns

The Chair confirmed that the applicant was not present.

A BOV member stated that he viewed the subject property from the road. The concerns expressed by the adjacent property owners are not visible from the road.

BOV comments included:

- the subject property is 0.49 ha
- parcels less than 0.5 ha are permitted a maximum combined floor area of all accessory buildings of 100 m²
- parcels greater than 0.5 ha are permitted a floor area of 250 m²
- a variance would not be required if the property was 0.5 ha

Regina Robinson highlighted an aerial image of the subject property and adjacent properties.

Regina Robinson reported that:

- a stream was not indicated on the site plan submitted with the application nor identified when staff visited the subject property
- the mapping/aerial images did not indicate the presence of a stream or designated Development Permit Areas

MOVED by Axel Joosting , **SECONDED** by Brad Fitchett that having considered the 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 of Bylaw No. 2040 were complied with, that application BV000473 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 by increasing the maximum combined total floor area allowance for accessory buildings and structures from 100 m² to 186 m² on a lot with an area of more than 2,000 m² and less than 5,000 m², on Lot 121, Section 95, Renfrew District, Plan 26054, for a proposed detached accessory suite and 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) BV000474 - Parcel "D" (DD 75728I), Sections 9, 12, and 133, Sooke District (6728 East Sooke Road)

Regina Robinson outlined the staff report and advised that the applicant is requesting relief from the BOV by reducing the side yard setback requirement for farm buildings from 15 m to 3 m for the purpose of constructing a barn.

Regina Robinson highlighted the subject property map and concept plan and reported that:

- the applicants propose to build a 87.8 m² barn in a previously cleared area, outside, but adjacent to a Steep Slope Development Permit Area
- the total maximum floor area for accessory buildings and structures is not considered for this request since the barn will be a principal building used for farm purposes within in the Agricultural (AG) zone

- letters of support from adjacent property owners were submitted at the time of application intake

The Chair confirmed that the applicant was present.

The applicant responded to questions from the BOV, reporting that:

- the barn will be used for storage of farm implements
- livestock is run on the adjacent AG zoned properties

BOV comments included:

- the subject property is narrow
- building sites are limited
- building will be sited in a previously cleared area

MOVED by Brad Fitchett, **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 2, Section 4.08 (b) of Bylaw No. 2040 were complied with, that application BV000474 requesting permission from the Board of Variance in accordance with Section 540 of the *Local Government Act* to vary Bylaw No. 2040, Part 2, Section 4.08 (b) by reducing the required side yard setback for farm buildings from 15 m to 3 m on Parcel "D" (DD 75728I), Sections 9, 12, and 133, Sooke District, for a proposed barn, 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 6:23 pm.

P. Clarkston, Chair