

## **JUAN DE FUCA BOARD OF VARIANCE**

Notice of Meeting on Tuesday, **June 1, 2021 at 6:00 pm**

Juan de Fuca Local Area Services Building, #3 – 7450 Butler Road, Otter Point, BC

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### **AGENDA**

1. Approval of Agenda
2. Approval of the Supplementary Agenda
3. Adoption of Minutes of April 12, 2021
4. Planner's Report
5. Applications
  - a) BV000476 - Lot A, District Lot 243, Section 97, Sooke District, Plan EPP75600 (71 Seagirt Road)
  - b) BV000477 - Lot 12, Section 78, Renfrew District, Plan VIP58128 (Cedar Coast Road/West Coast Road)
  - c) BV000479 - Lot 1, Section 8, Otter District, Plan 22722 (11-8895 West Coast Road)
  - d) BV000480 - Lot A, Section 53, Renfrew District, Plan EPP20739 (9908 West Coast Road)
6. Adjournment

*Please note that during the COVID-19 situation, the public may attend the meeting electronically through video or teleconference. Should you wish to attend, please contact us by email at [jdfinfo@crd.bc.ca](mailto:jdfinfo@crd.bc.ca) so that staff may forward meeting details. Written submissions continue to be accepted until 4:00 pm the day before the meeting.*



Making a difference...together

**Minutes of a Meeting of the Juan de Fuca Board of Variance  
Held Monday, April 12, 2021, at the Juan de Fuca Local Area Services Building,  
#3 – 7450 Butler Road, Otter Point, BC**

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**PRESENT:** Paul Clarkston (Chair), Brad Fitchett, Axel Joosting (EP)  
**Staff:** Iain Lawrence, Manager, Juan de Fuca Community Planning (EP);  
Wendy Miller, Recorder (EP)  
**PUBLIC:** Approximately 1 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 March 8, 2021**

**MOVED** by Axel Joosting, **SECONDED** by Brad Fitchett that the minutes of March 8, 2021, be adopted.

**CARRIED**

**4. Planner's Report**

No report.

**5. Application**

**a) BV000475 - Lot B, Sections 7 and 118, Otter District, Plan VIP51493 (4527 Otter Point Road)**

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 requirement for accessory buildings from 15 m to 8.43 m for the purpose of constructing a studio.

Iain Lawrence highlighted the subject property and site plan. Attention was directed to the letter of hardship received from the applicant as included in the staff report. The hardship letter states that the proposed site will have the least impact on the farm operation.

Iain Lawrence 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. It was further confirmed that the applicant was present.

The applicant stated that:

- he has owned the property for thirty years and hopes to remain on the property for as long as possible
- the accessory structure will be an arts and crafts studio
- the farm operation has been expanded to include pigs, sheep, horses and chickens

- the animals required pasture
- the proposed structure location is rocky
- the septic field required substantially more room than anticipated due to the rocky terrain

A BOV member stated he viewed the property from the road. The proposed structure will be sited adjacent to the road and will be shielded by a hedge.

The applicant responded to a question from the BOV advising that an additional septic field for the studio is required as the septic field for the house is at capacity.

**MOVED** by Brad Fitchett, **SECONDED** by Axel Joosting 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 BV000475 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 4.01(d) by reducing the required front yard setback for accessory buildings from 15 m to 8.43 m on Lot B, Sections 7 and 118, Otter District, Plan VIP51493, for a proposed studio, 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 6:09 pm.

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P. Clarkston, Chair



## **STAFF COMMENTS**

### *Background:*

The 0.1 ha property is located at 71 Seagirt Road and is zoned Rural Residential 6 (RR-6) in the Juan de Fuca Land Use Bylaw No. 2040 (Appendix A). There is an existing house on the property that received a building permit in 1974. The Board of Variance granted approval to reduce the front and side yard setbacks for an addition to the dwelling in 2000 (BVJ-17-00); however, the addition was not constructed. A development permit with variance and floodplain exemption was approved in 2010 for construction of a deck and accessory building (DP-08-10). In 2019, the Board considered application BV000461 to reduce the 6 m CTS setback for the flanking yard to 2.9 m for a 30 m<sup>2</sup> addition to the dwelling.

There are currently four accessory structures located on the parcel with a combined total floor area of 42.6 m<sup>2</sup>. Two of the smaller sheds are proposed to be removed, while a 23.9 m<sup>2</sup> studio and 7.4 m<sup>2</sup> gazebo will remain.

Portions of the property are designated as Steep Slope and Marine Shoreline development permit areas in the East Sooke Official Community Plan, Bylaw No. 4000. The Floodplain Specifications in Part 5 of Bylaw No. 2040 also apply to land within 15 m of the natural boundary of the sea. Covenant FB394201 is registered on title securing a geotechnical engineer's report.

### *Variance Request:*

The owners wish to construct a 56 m<sup>2</sup> two-storey accessory building. Final building plans are still in progress; however, the initial concept plans show a garage on the ground floor and a workshop on the second floor (Appendix B). The proposed location is within the 15 m front yard requirement, within the 6 m CTS flanking yard requirement, and will increase the total accessory building floor area beyond the 60 m<sup>2</sup> maximum for a parcel less than 2,000 m<sup>2</sup> as outlined in Part 2, Section 4.01 in Juan de Land Use Bylaw No. 2040.

The owners have requested three variances to the accessory building regulations: 1) to reduce the front yard setback from 15 m to 5 m, 2) to reduce the flanking yard setback from 6 m 'clear to sky' to 3 m, and 3) to increase the maximum combined total floor area on a parcel less than 2,000 m<sup>2</sup> from 60 m<sup>2</sup> to 88 m<sup>2</sup> (Appendix C). The owners have provided a statement of hardship indicating the rationale for the requested variance is that the small parcel size and existing structures limit siting options (Appendix D).

The owners applied to the Ministry of Transportation and Infrastructure (MOTI) for a setback permit since the accessory building will be within 4.5 m of Seagirt Road. MOTI reviews the permit application for safety concerns, planned road improvements and transportation objectives.

The proposal is considered appropriate for the site, is not anticipated to adversely affect the natural environment, is outside of the Steep Slope and Marine Shoreline development permit areas, and is also outside of the floodplain setback from the natural boundary of the sea. The variance is not anticipated to substantially alter the use and enjoyment of adjacent land subject to these considerations.

Pursuant to the Juan de Fuca Board of Variance Bylaw, Bylaw No. 4288, notification letters have been sent to the applicant, as well as to owners and occupants within 50 m of the subject property. Any responses received will be presented at the June 1, 2021 Board of Variance hearing. If the Board of Variance finds undue hardship, considers the request to be a minor variance and meets the considerations of section 542(1)(c), a variance order may be permitted.

**OUTLINE MOTION**

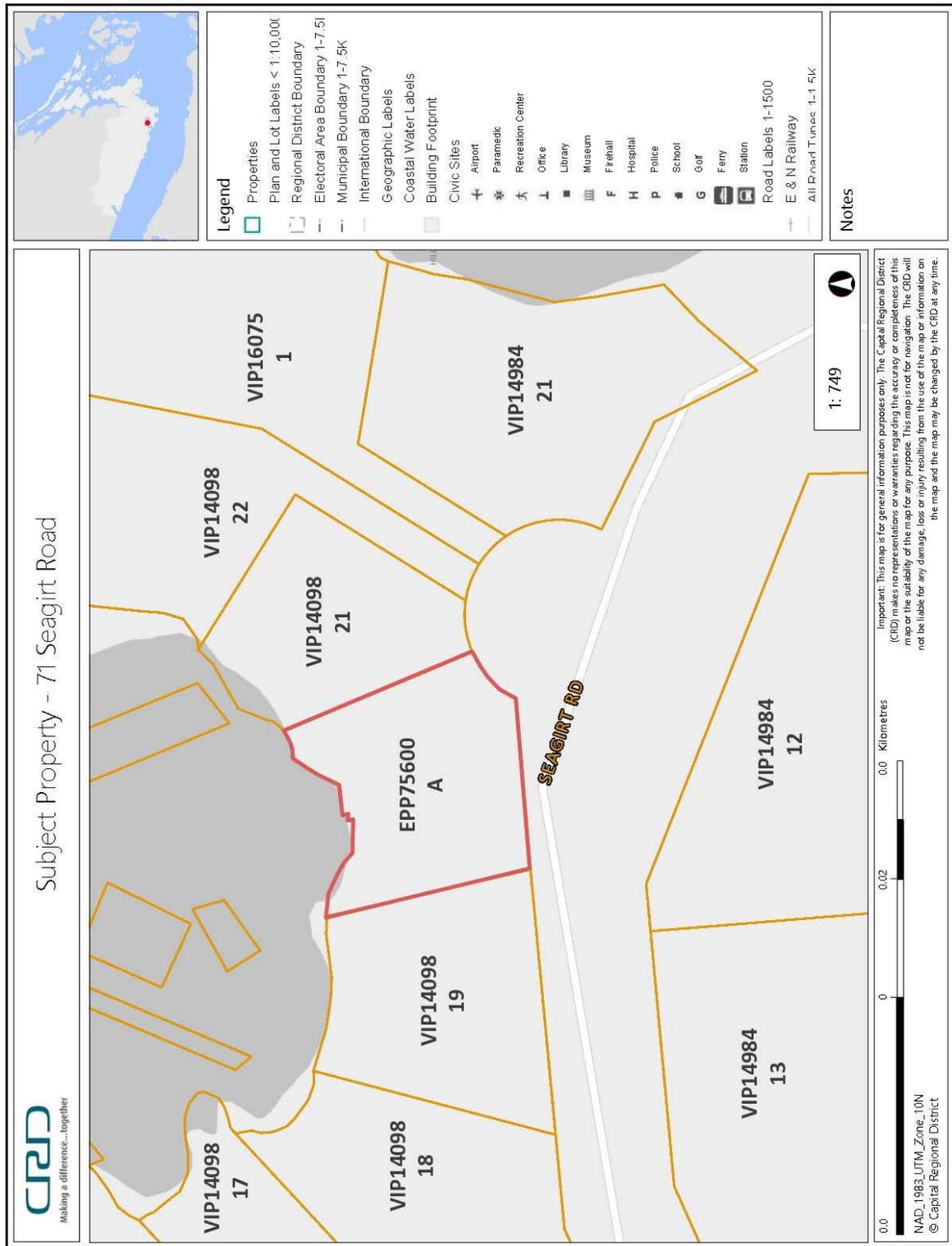
Having considered the matters set out in Section 542(1)(c) of the *Local Government Act*, and having found that undue hardship **<would/would not>** be caused to the applicant if Part 2, Sections 4.01 (1)(d), (1)(h)(ii), and (2)(c) of Bylaw No. 2040 were complied with, application BV000476, requesting permission from the Board of Variance in accordance with Section 540 of the *Local Government Act* to vary the front yard requirement specified by Part 2, Section 4.01 (1)(d) of Bylaw No. 2040 from 15 m to 5 m, to vary the flanking yard requirement specified by Part 2, Section 4.01 (1)(h)(ii) from 6 m ‘clear to sky’ to 3 m, and to increase the maximum combined total floor area on a parcel less than 2,000 m<sup>2</sup>, as specified by Part 2, Section 4.01 (2)(c), from 60 m<sup>2</sup> to 88 m<sup>2</sup>, for a proposed two storey garage and workshop on Lot A, District Lot 243, Section 97, Sooke District, Plan EPP75600, is **<approved/denied>**, and that if construction is not substantially started within 2 years after the date of this order, the order shall terminate.

Submitted by:	Regina Robinson, Planning Assistant, JdF Community Planning
Concurrence:	Iain Lawrence, MCIP, RPP, Secretary to the Board of Variance

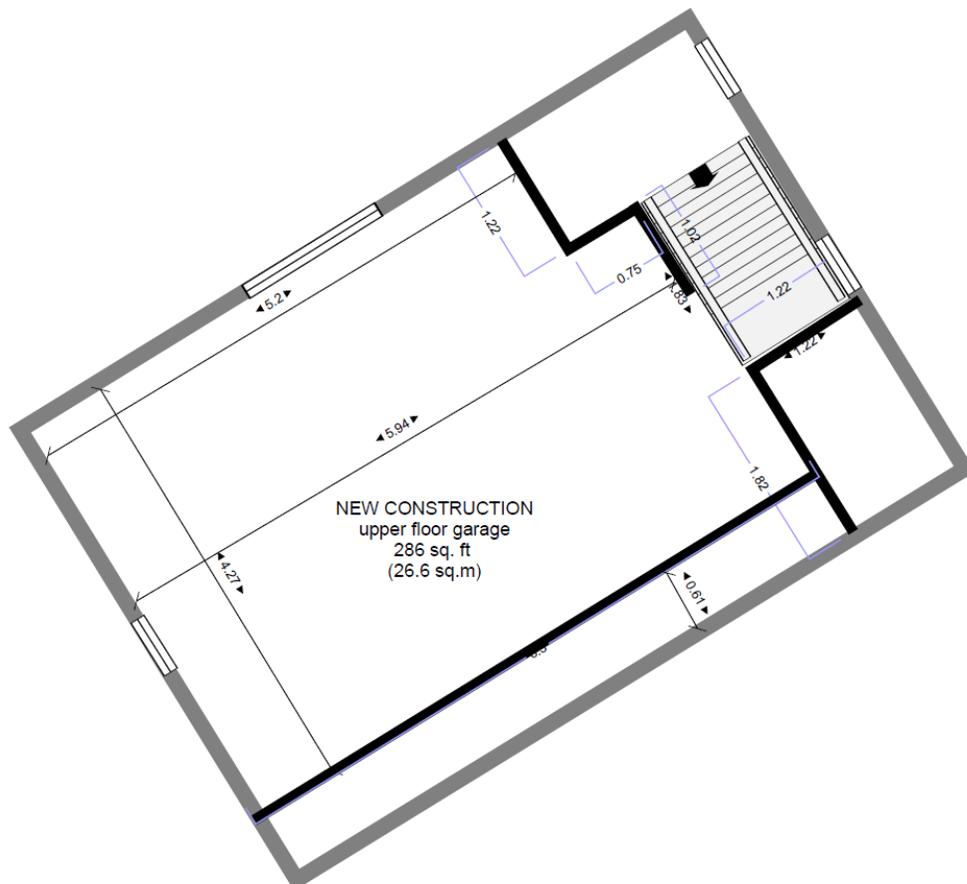
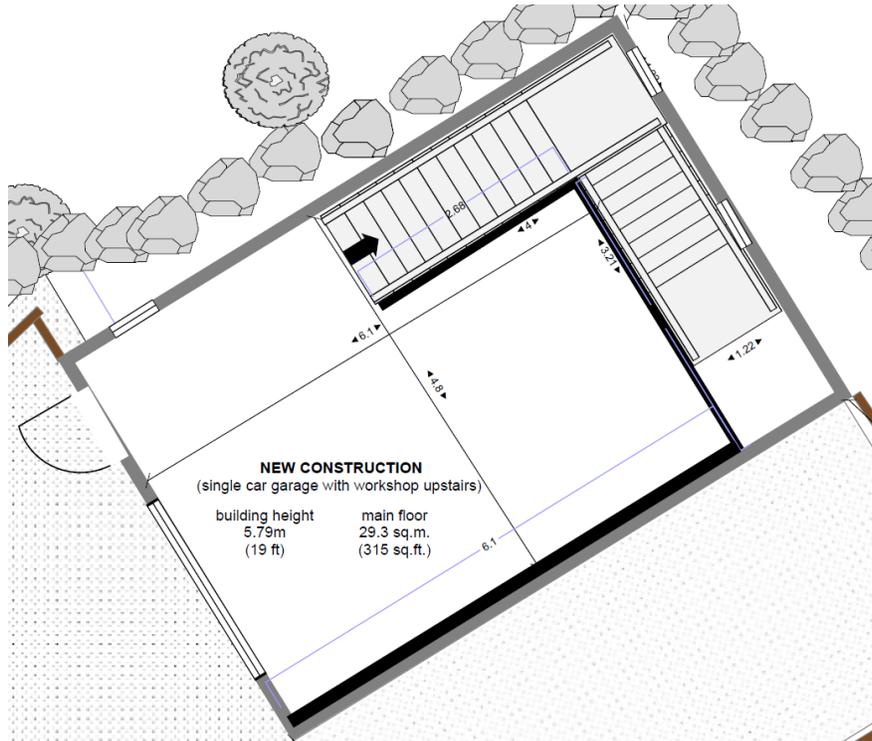
**ATTACHMENTS**

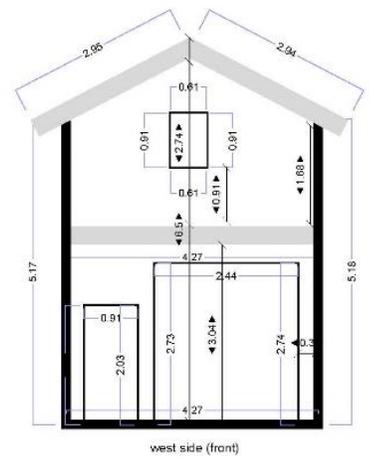
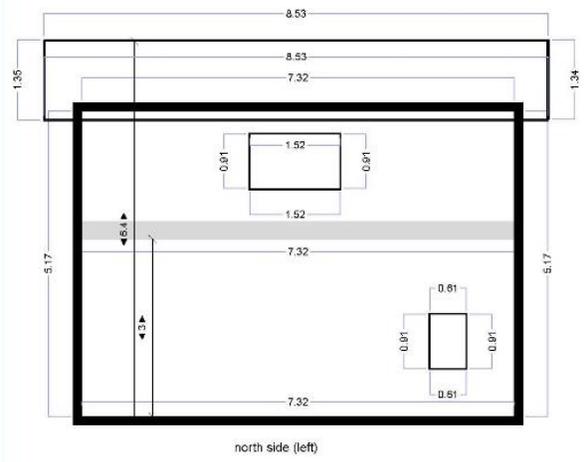
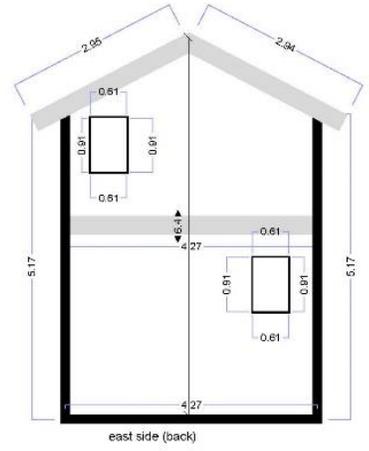
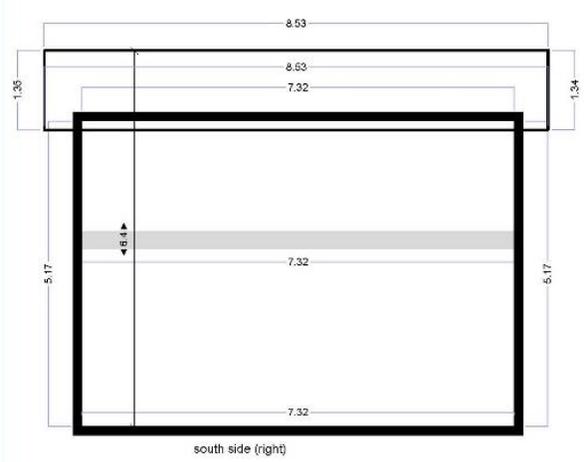
- Appendix A: Subject Property Map
- Appendix B: Concept Building Plans and Elevations
- Appendix C: Site Plan and Variance Requests
- Appendix D: Hardship Statement from Applicant

Appendix A: Subject Property Map



Appendix B: Concept Building Plans and Elevations





Height Based on Mean Elevation  
 5.79m



Appendix D: Statement of Hardship

April 29<sup>th</sup>, 2021

Board of Variance  
Capital Regional District – Juan de Fuca Local Area Services Building  
#3, 7450 Butler Road  
Sooke, BC V9Z 1N1

Attention: Members of the Board of Variance

RE: SETBACK VARIANCE FOR 71 SEAGIRT ROAD, EAST SOOKE

██████████ own the property on 71 Seagirt Rd and wish to build a new detached single car garage with extra storage and 2<sup>nd</sup> floor workshop to our existing property to keep our vehicle and property out of the elements. Beside the garage, we are planning to have a concrete parking pad to securely store our boat and/or other vehicles on our property.

Based on site conditions and the existing yard & building construction there is only one feasible placement of the new construction which requires variance request. The location of the building will not obstruct any neighbors' views as it is located on the south side of the property next to the Seagirt Rd and the neighbor to the south is located up a steep hill over 50m away.

The property is zoned RR-6, which stipulates the minimum flanking yard setback of 6.0m (CTS) which we request to **reduce the flanking yard setback to 3m (CTS)**. Additionally, the front yard setback requires 15m setback which we require to **reduce the front yard setback to 5m** to allow for our new construction.

Additionally, we have 1 smaller wooden shed and 1 smaller plastic garden on the property that we want to remove and move the existing property into the garage to improve the yard appearance and consolidate our storage. According to the current zoning bylaw 2040, paragraph 4.01 (2) there is a current limit to the total floor area of 60m<sup>2</sup>. With the remaining existing accessory buildings to be kept on the property combined with this new construction we do require a variance adjustment to **increase the total floor area to 88m<sup>2</sup>**. I do understand this is a large variance request, but we want to keep the existing accessory structures that are in good shape and feel it would be wasteful to remove them. The existing structures are very well placed in the yard and the new construction will not interfere with their current site conditions. Additionally, our proposed lot coverage is 18.5% which is still well below the 25% limit.

We would sincerely appreciate your support of this application and thank you in advance for your consideration.

Sincerely,

██████████  
71 Seagirt Road



The property is considered a *double-fronting lot* since it is bounded on opposite sides by public highways: Cedar Coast Drive and West Coast Road. There is an existing gravel driveway off Cedar Coast Drive that leads to a previously cleared area in the north-eastern portion of the parcel; the remainder of the parcel is undisturbed. A creek enters the north end of the property from the adjacent property to the west and exits the property on the southern property boundary where it flows through a culvert under West Coast Road. The ravine and steep slopes associated with the creek dominate the western portion of the lot.

*Variance Request:*

The owners propose to build an 83 m<sup>2</sup> dwelling in a previously cleared area adjacent to the existing driveway and Cedar Coast Drive (Appendix B). A variance is requested to reduce the yard setback from 15 m to 3 m. The agent has provided a statement of hardship indicating that the rationale for the requested variance are the limited options for siting of the structure due to the creek and ravine, and the desire to use the previously cleared, level area (Appendix C).

Staff are of the opinion that the proposal is considered appropriate for the site and complies with the requirements of the AF zone. The development is not expected to adversely affect the natural environment since it will be located in a previously cleared area and is located as to avoid any development permit areas. The variance is not anticipated to substantially alter the use and enjoyment of adjacent land.

The Ministry of Transportation and Infrastructure (MOTI) establishes permit requirements for structures within 4.5 m of a highway right-of-way to ensure safe and efficient operation of traffic. The application was referred to the MOTI since the dwelling would be located within 4.5 m of Cedar Coast Drive; the Ministry confirmed setback permit application #2021-02205 was approved.

Pursuant to the Juan de Fuca Board of Variance Bylaw, Bylaw No. 4288, notification letters have been sent to the applicant, as well as to owners and occupants within 50 m of the subject property. Any responses received will be presented at the June 1, 2021, Board of Variance hearing. If the Board of Variance finds that not granting the variance would result in undue hardship, considers the requested variance to be minor and finds that it meets the considerations of Section 542(1)(c) of the *LGA*, an order granting a minor variance may be permitted.

**OUTLINE MOTION**

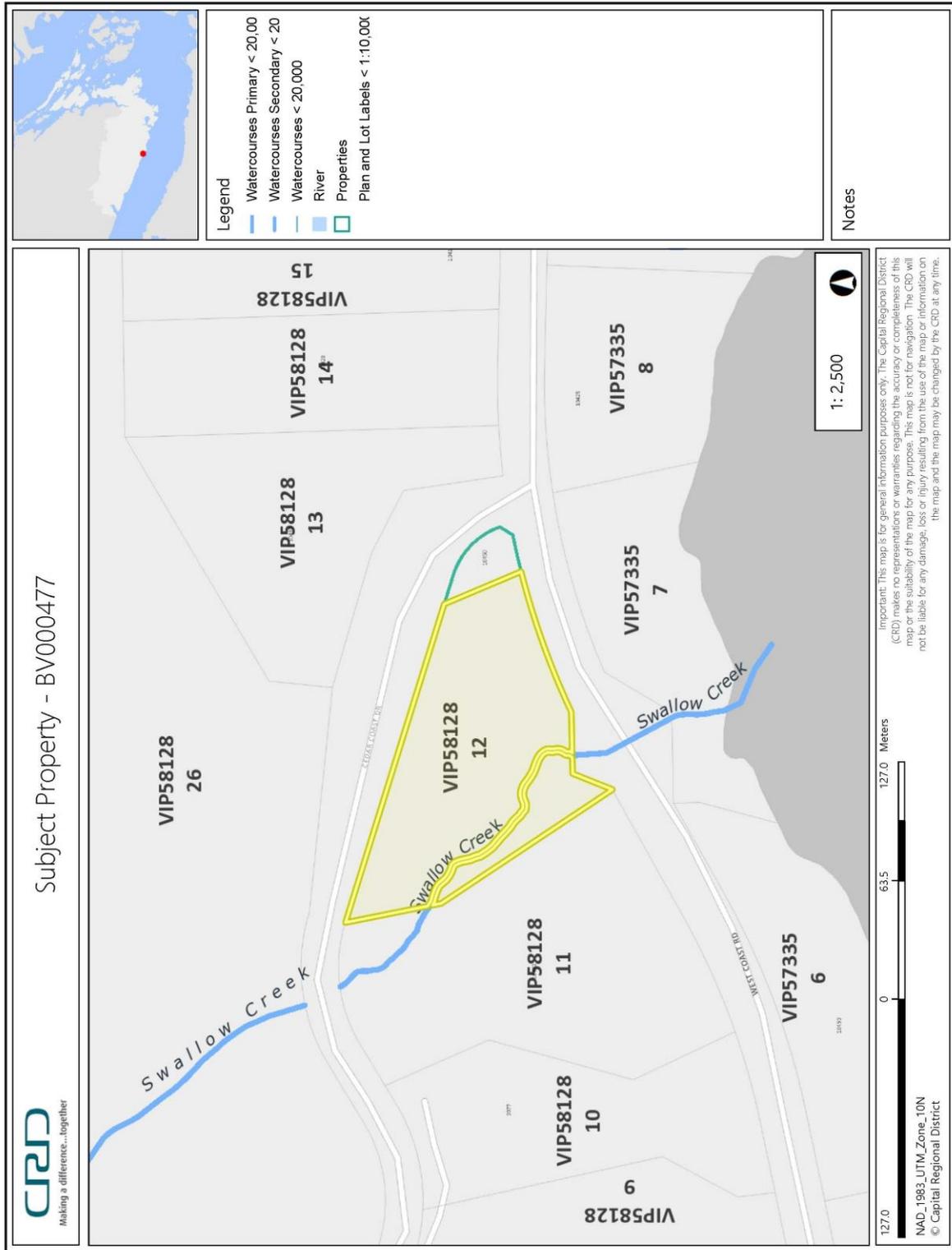
Having considered the matters set out in Section 542(1)(c) of the *Local Government Act*, and having found that undue hardship **<would/would not>** be caused to the applicant if Part 2, Section 3.07 of Bylaw No. 2040 were complied with, that application BV000477 requesting permission from the Board of Variance in accordance with Section 540 of the *Local Government Act* to vary Bylaw No. 2040, Part 2, Section 3.07 by reducing the required yard setback from 15 m to 3 m on Lot 12, Section 78, Renfrew District, Plan VIP58128, for a proposed dwelling, be **<approved/denied>** and that if construction is not substantially started within 2 years after the date of this order, the order shall terminate.

Submitted by:	Regina Robinson, Planning Assistant, JdF Community Planning
Concurrence:	Iain Lawrence, MCIP, RPP, Secretary to the Board of Variance

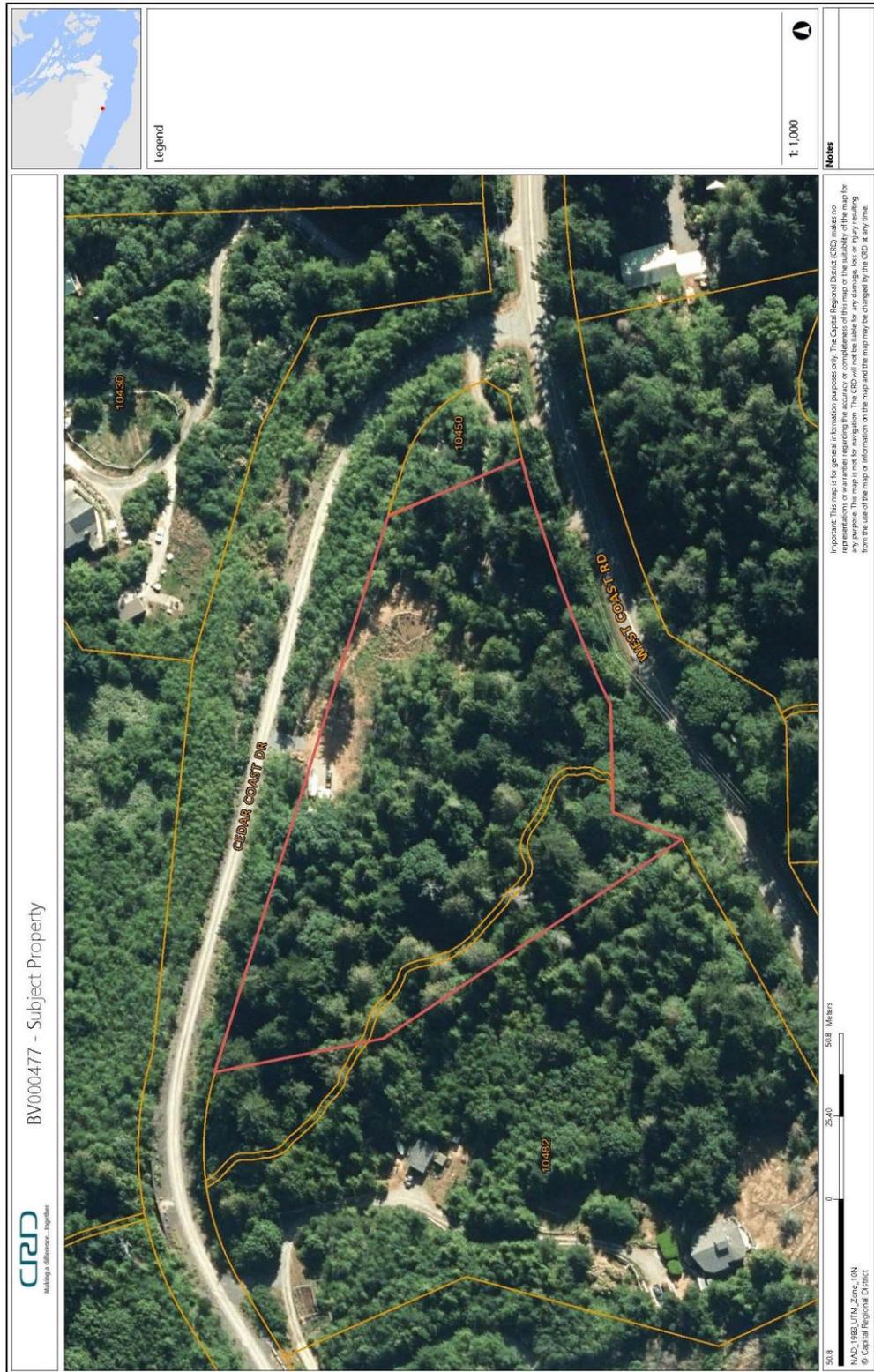
**ATTACHMENTS**

- Appendix A: Subject Property Map
- Appendix B: Air Photo Map
- Appendix C: Site Plan and Variance Request
- Appendix D: Hardship Statement from Applicant

Appendix A: Subject Property Map



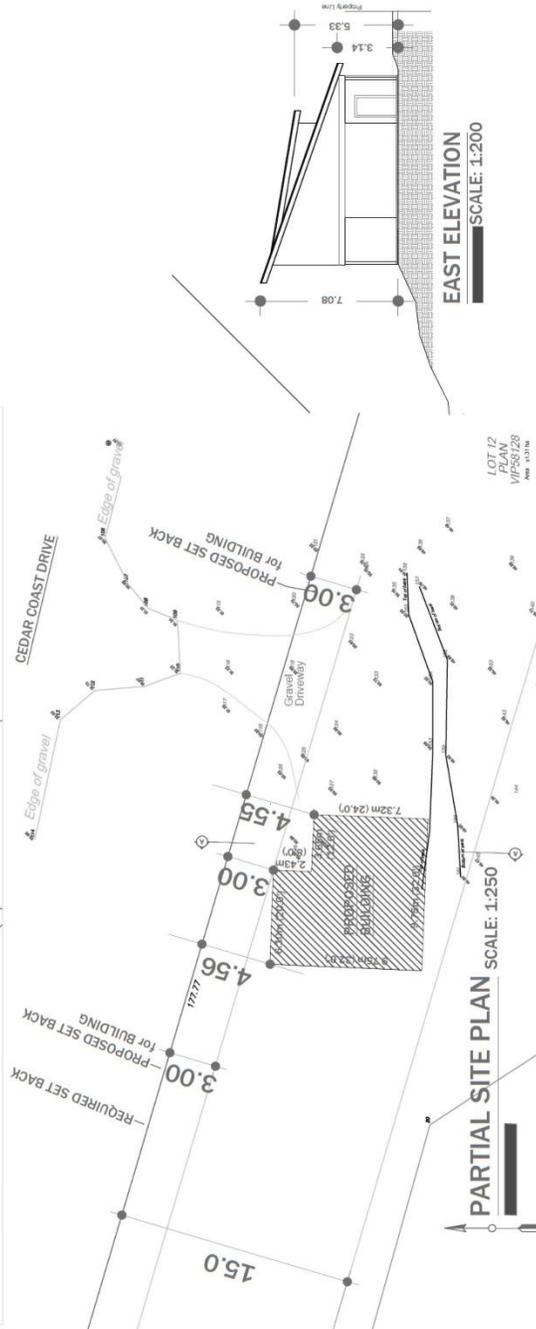
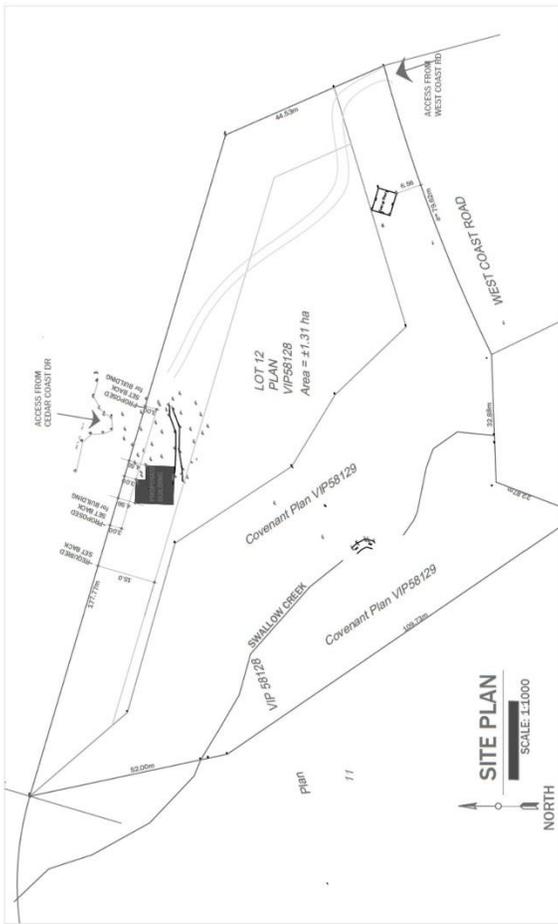
Appendix B: Air Photo Map



Appendix C: Site Plan and Variance Request

<b>Vivi Curutchet</b> Design Consultant 7/8 528 2046 vivi@viviarchitectural.com viviarchitectural.com	Owner: 	West Coast Rd & Cedar Coast Dr Shirley BC, V9Z 1G8	DATE: 22/04/2021	SITE PLAN SCHEDULED PLAN SCHEMATIC ELEVATION	<b>1</b> of 1
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<b>PROPERTY ADDRESS:</b>	West Coast Rd & Cedar Coast Dr
<b>PROPERTY OWNER:</b>	
<b>PROPERTY ID:</b>	038 628 117
<b>LOT:</b>	12
<b>Section:</b>	78, Renfrew District
<b>PLAN:</b>	VIP 58128
<b>FOLIO:</b>	762-16571.320
<b>LOT AREA:</b>	+/- 1.31ha
<b>Proposed Building</b>	Residential - AREA: 83 m2



Appendix D: Hardship Letter from Applicant

West Coast Rd & Cedar Coast Dr

Statement of Hardship supporting purpose of application.

22/04/2021

To the Board of Variance,

Thanks for considering this application.

Due to natural restrictions on this lot, a decrease on the setback yard on the Property line facing NE is required from 15.00m to 3.00m

This is a 3.33 acres land with an irregular shape and Swallow Creek crossing through, almost parallel to the SW border. Between the 15.00m creek covenant from natural boundaries, the steep slope area and the 15.00m setback from property lines, the actual space left is mostly still part of the creek ravine with a considerable slope and a vegetation that is worth to respect.

The proposed site for the house is in an opening of the forest, and it is a level area.

Thanks,

Vivi Curutchet

Applicant



**REPORT TO THE JUAN DE FUCA BOARD OF VARIANCE  
MEETING OF JUNE 1, 2021**

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**File No:** BV000479  
**Location:** 11-8895 West Coast Road  
**Legal:** Lot 1, Section 8, Otter District, Plan 22722  
**Zoning:** Rural (A) – Juan de Fuca Land Use Bylaw No. 2040  
**Land Use Designation:** Settlement Area 1  
**Adjacent Uses:** N – A Zone/Tugwell Creek S – Strait of Juan de Fuca  
W – Strait of Juan de Fuca E – West Coast Road/Right of Way

**REQUESTED VARIANCE**

The applicant has requested that the Board of Variance approve a minor variance to relieve hardship, in accordance with Section 531(2) of the *Local Government Act (LGA)*, by permitting alterations to an existing non-confirming structure for the purpose of completing structural repairs.

**LEGISLATIVE IMPLICATIONS**

Section 531(1) and (2) of the *LGA* outline that a structural alteration or addition must not be made in or to a building or other structure while a non-conforming use is continued in all or any part of it, except where a structural alteration or addition is required by an enactment or is permitted by a board of variance under Section 542 (1).

Section 542(1) of the *LGA* outlines that the Board of Variance may order that a minor variance be permitted from the requirements of Section 531(1), if the Board of Variance:

- (a) has heard from the applicant and any person notified under Section 541;
- (b) finds that undue hardship would be caused to the applicant if the bylaw or Section 531(1) is complied with; and
- (c) is of the opinion that the variance or exemption does not do any of the following:
  - (i) result in inappropriate development of the site;
  - (ii) adversely affect the natural environment;
  - (iii) substantially affect the use and enjoyment of adjacent land;
  - (iv) vary permitted uses and densities under the applicable bylaw;
  - (v) defeat the intent of the bylaw;
  - (vi) vary the application of an applicable bylaw in relation to residential rental tenure.

Section 542(3) of the *LGA* outlines that in relation to an order under Section 542(1),

- (a) if the order sets a time within which the construction of the building, structure or manufactured home park must be completed and the construction is not completed within that time, or
  - (b) if that construction is not substantially started within 2 years after the order was made, or within a longer or shorter time period established by the order,
- the permission or exemption terminates and the bylaw or section 531(1), as the case may be, applies.

## **STAFF COMMENTS**

### *Background:*

The structure is located on a 0.97 ha property on West Coast Road in Otter Point (Appendix A). The property is zoned Rural (A) in the Juan de Fuca Land Use Bylaw No. 2040. The subject property has 14 existing, legal non-confirming dwellings; however, the zone currently only allows up to three one-family dwellings on lots of more than 0.8 ha and less than 4 ha.

Four of the cottages on the parcel have individual driveway accesses from West Coast Road; the remaining ten structures share one driveway access south of the Tugwell Creek bridge on West Coast Road. There are limited building permit records for any of the structures on the parcel since construction pre-dates CRD bylaws. No additions or accessory buildings are permitted on the lot under the current bylaw requirements.

### *Variance Request:*

The owners wish to make repairs to a 64.3 m<sup>2</sup> cottage at 11-8895 West Coast Road (Appendices B and C). A variance is being requested under Section 531(2) of the LGA to allow alterations to the legally non-confirming structure. Repairs to existing buildings do not require building permits; however, any structural alterations themselves are subject to the current building code requirements and any other health and safety related regulations.

A portion of the property is designated within a Marine Shoreline development permit area in the Otter Point Official Community Plan Bylaw No. 3819. The proposed development will occur inside of the 15 m setback from the natural boundary of the sea and is subject to a flood plain exemption application if the variance request to complete alterations is granted.

The stated hardship for the owner is that structural alterations are required to preserve and maintain the cottage for continued family use (Appendix D). All joint owners of the parcel signed an authorization letter agreeing to the application to make repairs and several owners provided letters in support. The development is not expected to adversely affect the natural environment or alter the use and enjoyment of adjacent land since the building footprint will remain unchanged.

Pursuant to the Juan de Fuca Board of Variance Bylaw, Bylaw No. 4288, notification letters have been sent to the applicant, as well as to owners and occupants within 50 m of the subject property. Any responses received will be presented at the June 1, 2021 Board of Variance hearing. If the Board of Variance finds that not granting the variance would result in undue hardship, considers the requested variance to be minor and finds that it meets the considerations of Section 542(1)(c) of the LGA, an order granting a minor variance may be permitted.

**OUTLINE MOTION**

Having considered the matters set out in Section 531(2)(c) of the *Local Government Act*, and having found that undue hardship <**would/would not**> be caused to the applicant if Section 531(1) of the *Local Government Act*, were complied with, that application BV000479 requesting permission from the Board of Variance in accordance with Section 540 of the *Local Government Act* to complete structural alterations to an existing non-conforming cottage on Lot 1, Section 8, Otter District, Plan 22722, be <**approved/denied**> and that if construction is not substantially started within 2 years after the date of this order, the order shall terminate.

Submitted by:	Regina Robinson, Planning Assistant, JdF Community Planning
Concurrence:	Iain Lawrence, MCIP, RPP, Secretary to the Board of Variance

**ATTACHMENTS**

- Appendix A: Subject Property Map
- Appendix B: Site Plan
- Appendix C: Building Floor Plans and Elevations
- Appendix D: Hardship Statement from Applicant

Appendix A: Subject Property Map







Appendix D: Hardship Statement

To the Board of Variance,

Re: 11 - 8895 West Coast Rd, Sooke, BC V9Z 1E7  
Legal Description: Lot 1, Section 8, Otter District, Plan 22722

This letter is being written to ask for a variance from current bylaws in the Otter Point District of Sooke, BC. We have been told by the planning department of the CRD that we need to apply to the Board of Variance before we can obtain a permit for repairs being made to our cottage.

The property involved is a little cottage on a small lot beside the ocean that has been in my family since being built by my grandfather in the late 1950's. My husband and I came into possession of the cottage in September 2019.

During the 1970's the zoning for the parcel of land that the cottage is located on was changed and the buildings that were located there were grandfathered in as legal non-conforming dwellings. It was our understanding that as such, we were able to do necessary repairs to maintain our cottage as long as we didn't increase the footprint, or significantly change the character of the building.

After spending the winter in the cottage it became clear to us that there were repairs that needed to be done. The roof leaks and the old wood framed windows need to be replaced. The back (oceanside) door wouldn't open and there were problems with the front door as well. In the spring we started fixing the doors. When we began the repair on the back door it evolved into a big project as the beam the house was sitting on had rotted. When concrete was being poured under the cottage, the building inspector came by and put a stop work order on the house. He told us that what we were doing should have a permit and we should get our drawings done and apply for one and we would probably get it. That was in April 2020. Since that time we have ceased any repairs to the cottage. We have tried to get the necessary documentation in so that we can get the permit to finish what we started. We need to close in the bottom of the cottage to protect it from winter storms and unwanted critters.

Finishing the skirting on the building would not cause any additional development of our site. The size and location of the cottage would not change and our neighbours would not be impacted. With the close proximity to the ocean it is not our intention to rebuild the cottage. We plan on doing the necessary repairs to preserve and maintain what we have so that we can continue to use and enjoy it with our children and grandchildren. To not be granted a permit to finish the skirting and other necessary repairs on the cottage would be a hardship for us.

Thank you for taking the time to consider our request.

Sincerely,





At the present time, there are no structures on the parcel. An existing graded driveway pull out skirts the southern edge of the property and continues through the adjacent property to the east as a separate access to West Coast Road. Portions of the property are designated as Steep Slopes and Sensitive Ecosystems Development Permit Areas in the Shirley-Jordan River Official Community Plan, Bylaw No. 4001.

Development permit with variance (DV000069) was approved by the CRD Board to construct a home and related services within designated DP areas. The variance request only included a reduction of the side yard setback from 15 m to 3 m based on the site plans provided at that time.

*Variance Request:*

The site plan drawings submitted for DV000069 indicated a proposed front yard setback of 19.5 m (Appendix B); however, a recent foundation location certificate for the proposed dwelling confirmed a front yard setback of 9.9 m (Appendix C). Since the AF zone requires a 15 m front yard setback, a variance is required. The owner has requested a variance to reduce the front yard setback to 6 m.

The owner has provided a statement of hardship indicating that the rationale for the requested variance are the limited options for siting of the structure due to the small parcel size, location of the steep slopes areas, and an acknowledgement that a variance request for the front yard could have been included with the earlier application if an accurate measurement had been indicated on the site plan (Appendix D).

Staff are of the opinion that the proposal is considered appropriate for the site and will not adversely affect the natural environment; the variance request is not anticipated to substantially alter the use and enjoyment of adjacent land.

Pursuant to the Juan de Fuca Board of Variance Bylaw, Bylaw No. 4288, notification letters have been sent to the applicant, as well as to owners and occupants within 50 m of the subject property. Any responses received will be presented at the June 1, 2021, Board of Variance hearing. If the Board of Variance finds that not granting the variance would result in undue hardship, considers the requested variance to be minor and finds that it meets the considerations of Section 542(1)(c) of the *LGA*, an order granting a minor variance may be permitted.

**OUTLINE MOTION**

Having considered the matters set out in Section 542(1)(c) of the *Local Government Act*, and having found that undue hardship **<would/would not>** be caused to the applicant if Part 2, Section 3.07 of Bylaw No. 2040 were complied with, that application BV000480 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 3.07 by reducing the required front yard setback from 15 m to 6 m on Lot A, Section 53, Renfrew District, Plan EPP20739, for a proposed dwelling, be **<approved/denied>** and that if construction is not substantially started within 2 years after the date of this order, the order shall terminate.

Submitted by:	Regina Robinson, Planning Assistant, JdF Community Planning
Concurrence:	Iain Lawrence, MCIP, RPP, Secretary to the Board of Variance

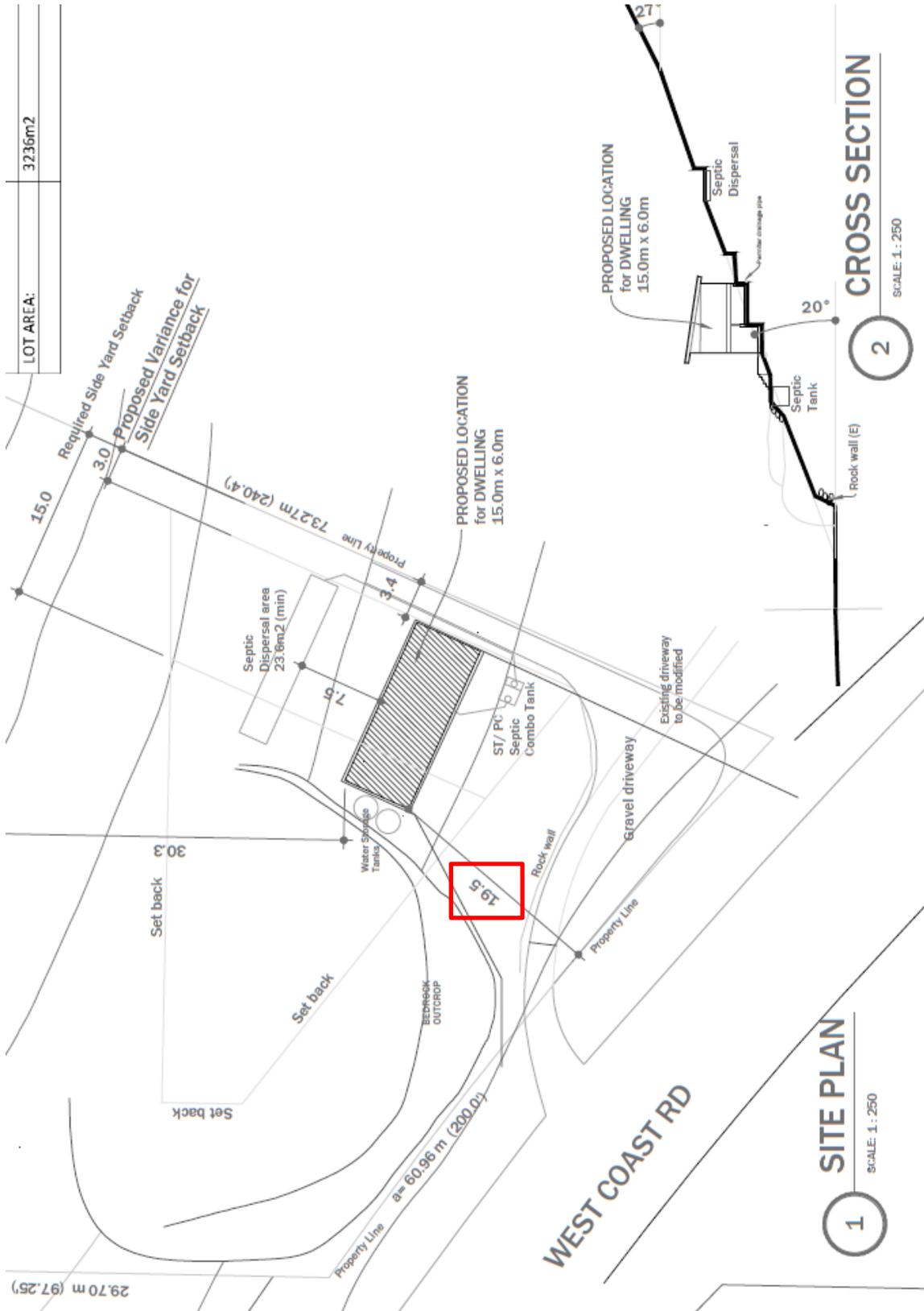
**ATTACHMENTS**

- Appendix A: Subject Property Map
- Appendix B: Site Plan for DV000069
- Appendix C: Foundation Location Certificate and Variance Request
- Appendix D: Hardship Statement from Applicant

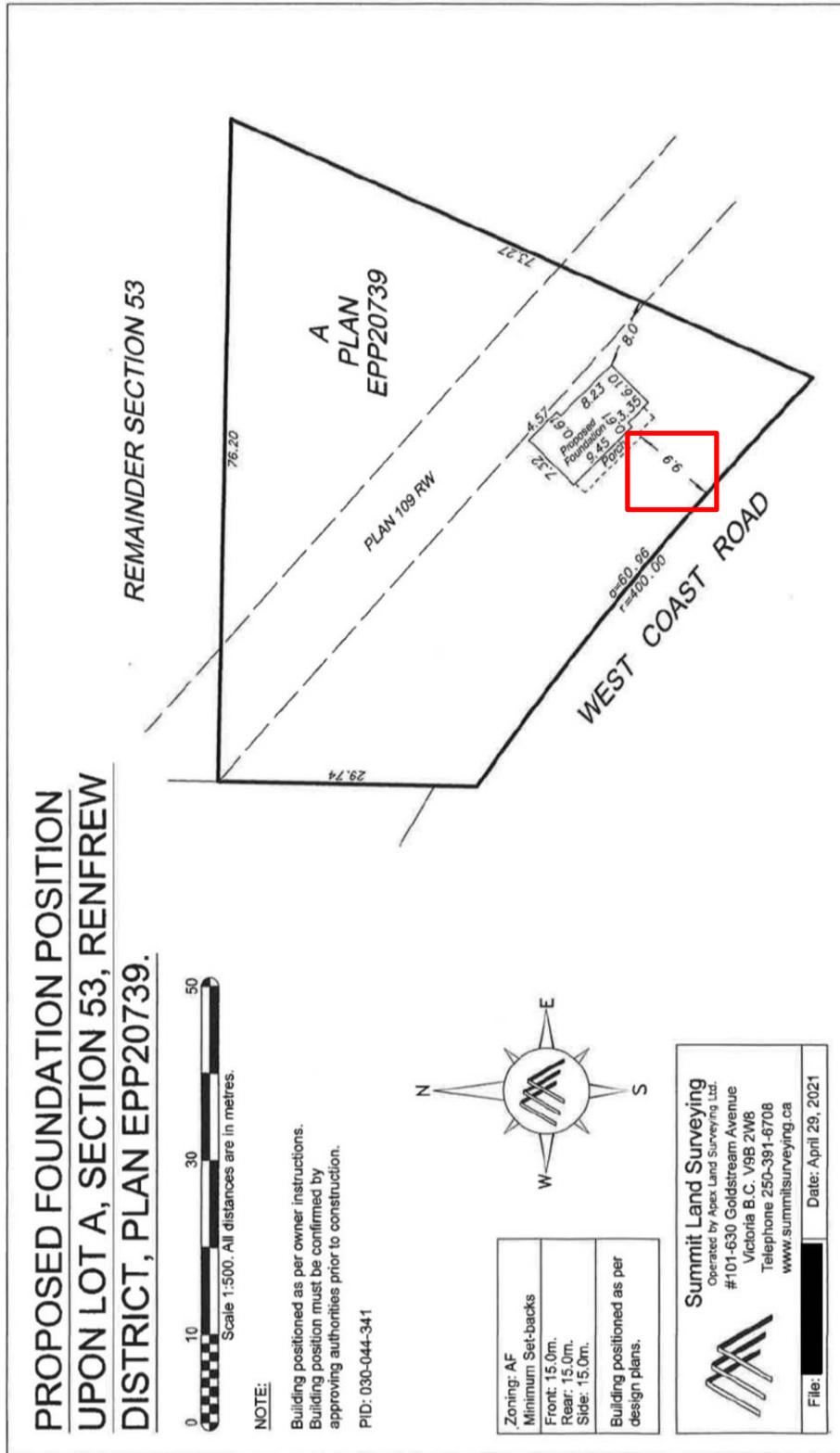
Appendix A: Subject Property Map



Appendix B: Site Plan for DV000069



Appendix C: Foundation Location Certificate and Variance Request



Appendix D: Hardship Letter from Applicant

Hello:

We are needing a variance to the front yard setback as there was a mistake made on the original plans we submitted with our Development Permit with Variance application. The original was 19.5M and it turns out it is only 9.9M.

It is difficult meeting the 15M setbacks on a smaller parcel of only 1 Acre with steep slope designations at the back.

We actually aren't moving the original location of the house at all but the measurements were not correct.

Thank you for your considerations.

