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**Minutes of a Meeting of the Juan de Fuca Board of Variance  
Held Tuesday, June 1, 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);  
Regina Robinson, Planning Assistant; Wendy Miller, Recorder (EP)  
**PUBLIC:** Approximately 7 EP

EP – Electronic Participation

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

**1. Approval of the Agenda**

**MOVED** by Axel Joosting, **SECONDED** by Brad Fitchett that the agenda be approved.

**CARRIED**

**2. Approval of the Supplementary Agenda**

**MOVED** by Brad Fitchett, **SECONDED** by Axel Joosting that the supplementary agenda be approved.

**CARRIED**

**3. Adoption of the Minutes of April 2, 2021**

**MOVED** by Brad Fitchett, **SECONDED** by Axel Joosting that the minutes of April 2, 2021, be adopted.

**CARRIED**

**4. Planner's Report**

No report.

**5. Applications**

**a) BV000476 - Lot A, District Lot 243, Section 97, Sooke District, Plan EPP75600 (71 Seagirt Road)**

Regina Robinson 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 an accessory building from 15 m to 5 m, by reducing the flanking yard requirement from 6 m 'clear to sky' (CTS) to 3 m, and by increasing the total combined accessory building floor area on a parcel less than 2,000 m<sup>2</sup> for the purpose of constructing a two-storey detached garage and workshop from 60 m<sup>2</sup> to 88 m<sup>2</sup>.

Regina Robinson highlighted the subject property, concept plans and variance request. It was advised that the owners have 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.

Regina Robinson directed attention to the applicant's hardship statement as included in the staff report and to the three submissions of non-support included in the supplementary agenda.

The Chair confirmed that the applicants were in attendance.

The applicants stated that they concur with staff's overview and that they are available to answer any questions that BOV may have.

Eric Mattson, East Sooke, stated that the proposed structure is large and imposing.

The applicants responded to questions from the BOV advising that:

- they were aware that there was no detached garage when they purchased the property in 2018
- the proposed structure will not exceed height regulations
- the proposed building location is the only feasible location due to site limitations and existing accessory structures
- the second storey is proposed to accommodate tool space and minor storage
- the main living space is small and cannot accommodate accessory use
- two of the smaller sheds are proposed to be removed

BOV comments included:

- the proposed structure is tall and will be very visible from the road
- the site is small and already busy
- variances were requested and approved in past
- an additional variance is a big ask
- adjacent residents have expressed concerns including concern for the Seagirt Water District line

**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 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 denied.

**CARRIED**

**b) BV000477 - Lot 12, Section 78, Renfrew District, Plan VIP58128 (Cedar Coast Road/West Coast Road)**

Regina Robinson outlined the staff report and advised that the applicant is requesting relief from the Board of Variance by reducing the front yard setback requirement from 15 m to 3 m for the purpose of constructing a dwelling.

Regina Robinson highlighted the subject property and site plan with variance request. It was advised that the dwelling will be located in a previously cleared area and is located as to avoid any development permit areas.

Regina Robinson directed attention to the applicant's hardship statement as included in the staff report and to the letter of support included in the supplementary agenda.

The Chair confirmed that the applicant was present and noted that the highway right-of-way for Cedar Coast Road appears to be very large.

Iain Lawrence responded to a question from the BOV advising that the opening of Cedar Coast Road falls to MOTI and that MOTI continues to discuss opening of the road with upland property owners and with the Juan de Fuca Community Parks and Recreation Program.

**MOVED** by Axel Joosting, **SECONDED** by Brad Fitchett 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 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 and that if construction is not substantially started within 2 years after the date of this order, the order shall terminate.

**CARRIED**

**c) BV000479 - Lot 1, Section 8, Otter District, Plan 22722 (11-8895 West Coast Road)**

Iain Lawrence outlined the staff report and advised that the applicant is requesting that the BOV approve a minor variance to relieve hardship by permitting alterations to an existing non-confirming structure for the purpose of completing structural repairs.

Iain Lawrence directed attention to the applicant's hardship statement as included in the staff report and advised that:

- the *Local Government Act* stipulates that alterations to an existing non-confirming structure can only be approved by the BOV
- the property is considered legal non-confirming as it has fourteen one-family dwellings and the zone currently only allows up to three one-family dwellings
- if the BOV approves the request, a development permit with floodplain exemption application will be required in addition to a building permit
- no comments were received in response to the notice of intent mailed to adjacent property owners within 50 m of the subject property

The Chair confirmed that the applicants were present.

The applicants stated that they are pursuing all required permits to allow for continued use of the dwelling.

**MOVED** by Brad Fitchett, **SECONDED** by Axel Joosting that having considered the matters set out in Section 531(2)(c) of the *Local Government Act*, and having found that undue hardship would 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 and that if construction is not substantially started within 2 years after the date of this order, the order shall terminate.

**CARRIED**

**d) BV000480 - Lot A, Section 53, Renfrew District, Plan EPP20739 (9908 West Coast Road)**

Iain Lawrence outlined the staff report and advised that the applicant is requesting relief from the BOV by reducing the front yard setback requirement from 15 m to 6 m for the purpose of constructing a dwelling.

Iain Lawrence directed attention to the applicant's hardship statement as included in the staff report and advised that:

- a development permit with variance (DV000069) was approved to reduce the side yard setback from 15 m to 3 m to construct a home and related services
- the site plan drawings submitted for DV000069 indicated a proposed front yard setback of 19.5 m
- foundation location certificate for the proposed dwelling confirmed a front yard setback of 9.9 m
- the AF zone requires a 15 m front yard setback
- the owner has requested a variance to reduce the front yard setback to 6 m
- 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 responded to a question from the BOV advising that lands required by MOTI for the highway improvement project were expropriated from the larger properties along West Coast Road.

The BOV noted the subject property's rocky terrain and steep slopes and acknowledged that the property would be unusable without the variance.

**MOVED** by Axel Joosting, **SECONDED** by Brad Fitchett 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 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 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 6:32 pm.

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P. Clarkston, Chair