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**Minutes of a Meeting of the Juan de Fuca Board of Variance  
Held Wednesday, July 21, 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), Axel Joosting (EP)  
**Staff:** Iain Lawrence, Manager, Juan de Fuca Community Planning (EP);  
Regina Robinson, Planning Assistant (EP); Wendy Miller, Recorder (EP)  
**ABSENT:** Brad Fitchett  
**PUBLIC:** 1 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 Paul Clarkston that the agenda be approved.

**CARRIED**

**2. Approval of the Supplementary Agenda**

No supplementary items.

**3. Adoption of the Minutes of June 1, 2021**

**MOVED** by Axel Joosting, **SECONDED** by Paul Clarkston that the minutes of June 1, 2021, be adopted.

**CARRIED**

**4. Planner's Report**

At its June 1, 2021 meeting the Board of Variance (BOV) considered an application for a property on West Coast Road (BV000480). During the staff presentation of the application it was implied that the site plan for the dwelling incorrectly reflected a front yard setback of 19.5 m; however, the site plan was correct and the location of the building had changed during construction.

**5. Applications**

**a) BV000481 - Common Property, Section 89, Sooke District, Strata Plan VIS5949 (7020/7022 East Sooke Road)**

Regina Robinson outlined the staff report and advised that the applicant is requesting relief from the BOV by reducing the required side yard setback from 1 m to 0.69 m and the rear yard setback from 1 m to 0 m on the Common Property of Section 89, Sooke District, Strata Plan VIS5949, for a deck.

Regina Robinson highlighted the subject property and photos of the accessory building with attached deck. It was advised that Development Permit DP000334 was issued to authorize the accessory building with deck within the Shoreline DP area after construction was completed.

Regina Robinson directed attention to the applicant's hardship statement as included in the staff report. The owners propose making minor alternations to the deck to eliminate the requirement for a Crown Lease. The owners want to avoid making alterations to the deck that require the foundation of the structure to be changed, leading to further disturbance in the development permit area.

Regina Robinson 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.

The Chair confirmed that the applicant was present.

The applicant stated that the main dwelling on the property is a duplex and that the accessory building is used as a kayak shelter by the six strata owners. Prior to construction of the accessory building, kayaks were stored under tarps. The accessory building is considered neater and more secure.

The BOV noted that an unattached patio would not be considered part of an accessory building.

**MOVED** by Paul Clarkston, **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 4.01 (h) of Bylaw No. 2040 were complied with, that application BV000481 requesting permission from the Board of Variance in accordance with Section 540 of the *Local Government Act* to grant a minor variance to Bylaw No. 2040, Part 2, Section 4.01 (h)(i) by reducing the required side yard setback from 1 m to 0.69 m and the rear yard setback from 1 m to 0 m on the Common Property of Section 89, Sooke District, Strata Plan VIS5949, for a proposed deck, be approved and that if construction is not substantially started within 2 years after the date of this order, the order shall terminate.

**CARRIED**

Iain Lawrence responded to a question from the BOV advising that the current encroachment over the rear property boundary adjacent to the sea will be addressed through the building permit process.

- b) BV000482 - 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 by increasing the maximum height of an accessory building used for a detached accessory suite from 7 m to 8 m, on Lot 121, Section 95, Renfrew District, Plan 26054, for a proposed detached accessory suite and garage.

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 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.

The Chair confirmed that the applicant was not present.

Regina Robinson responded to questions from the BOV advising that:

- the BOV considered an application for the subject property at its meeting of March 8, 2021
- at that meeting, an adjacent property owner expressed concern regarding an unmapped watercourse on the subject property
- since that meeting, the applicant has applied for a development permit for works within a Riparian Area (DP000337)
- the Province has approved the Riparian Areas Protection Regulation Assessment submitted for the subject property
- no concerns were raised by adjacent property owners in response to public notification for the present variance request

**MOVED** by Axel Joosting, **SECONDED** by Paul Clarkston 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 4.20 of Bylaw No. 2040 were complied with, that application BV000482 requesting permission from the Board of Variance in accordance with Section 540 of the *Local Government Act* to grant a minor variance to Bylaw No. 2040, Part 1, Section 4.20(g) by increasing the maximum height of an accessory building used for a detached accessory suite from 7 m to 8 m, 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**

## **6. Adjournment**

The meeting was adjourned at 6:13 pm.

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P. Clarkston, Chair