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

PRESENT: Axel Joosting, Acting Chair (EP), Brad Fitchett
Staff: Regina Robinson, Planning Assistant/Acting Secretary to the Board of Variance (EP); Wendy Miller, Recorder (EP)
ABSENT: Paul Clarkston
PUBLIC: 3 EP

EP – Electronic Participation

The meeting was called to order at 6:01 pm.

1. Approval of the Agenda

MOVED by Brad Fitchett, **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 July 21, 2021

MOVED by Brad Fitchett, **SECONDED** by Axel Joosting that the minutes of July 21, 2021, be adopted.

CARRIED

4. Planner's Report

No report.

5. Applications

a) BV000483 - Strata Lot 24, Section 31, Otter District, Strata Plan 1239 (24-7871 West Coast 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 1.5 m to 1.22 m and the rear yard setback from 1.5 m to 0.61 m on Strata Lot 24, Section 31, Otter District, Strata Plan 1239, for the purpose of authorizing construction of a deck. It was advised that the staff report incorrectly notes that the 0.61 m setback reduction is on the west side not on the south side.

Regina Robinson highlighted the subject property and site photos and reported that the site plans submitted as part of the building permit application (BP007203) showed that the recently repaired and expanded deck does not meet side and rear yard setbacks.

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 the owners and occupiers of land within 50 m of the subject property. It was further confirmed that the Ministry of Transportation and Infrastructure has stated no concern with the deck being within 4.5 m of an undeveloped designated road right of way beyond the rear lot line to the south.

The Acting Chair confirmed that the applicant was present.

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 Section 4.9(3) of CRD Mobile Home Parks Bylaw No. 377, was complied with, that application BV000483 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. 377, 4.9(3) by reducing the required side yard setback from 1.5 m to 1.22 m and the rear yard setback from 1.5 m to 0.61 m on Strata Lot 24, Section 31, Otter District, Strata Plan 1239, for the purpose of authorizing construction of a 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

b) BV000485 - Lot B, Sections 7 and 118, Otter District, Plan VIP51493 (4527 Otter Point Road)

Regina Robinson outlined the staff report and advised that the applicant is requesting relief from the Board of Variance by reducing the required front yard setback for accessory buildings from 15 m to 6.6 m for the purpose of authorizing the completion of a studio that does not conform with the siting requirements for accessory buildings and structures.

Regina Robinson highlighted the subject property, site plan, foundation survey and site photos. It was advised that the BOV recently approved a variance request for the studio (BV000475); however, the foundation survey required as part of the building permit process confirmed that a further variance was required.

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 the owners and occupiers of land within 50 m of the subject property.

The Acting Chair confirmed that the applicant was present.

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

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 4.01(d) of Bylaw No. 2040 were complied with, that application BV000485 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(d) by reducing the required front yard setback for accessory buildings from 15 m to 6.6 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 6:12 pm.

A. Joosting, Acting Chair