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**Minutes of a Meeting of the Juan de Fuca Board of Variance
Held Wednesday, March 16, 2022, at the Juan de Fuca Local Area Services Building,
#3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Paul Clarkston (Chair), Brad Fitchett
Staff: Iain Lawrence, Senior Manager, JdF Local Area Services (EP)
Regina Robinson, Planning Assistant; Wendy Miller, Recorder
ABSENT: Axel Joosting
PUBLIC: 1

EP – Electronic Participation

The meeting was called to order at 6:04 pm.

1. Election of Chair

Iain Lawrence called for nominations for the position of Chair of the Juan de Fuca Board of Variance (BOV) for 2022 and Paul Clarkston's name was put forward. Iain Lawrence called two additional times for further nominations and, as there was none, Paul Clarkston was acclaimed Chair.

In accordance with the BOV's bylaw, an Acting Chair will be determined at such time that the Chair is unable to attend a meeting.

2. Approval of the Agenda

MOVED by Brad Fitchett, **SECONDED** by Paul Clarkston that the agenda be approved.

CARRIED

3. Approval of the Supplementary Agenda

MOVED by Paul Clarkston, **SECONDED** by Brad Fitchett that the supplementary agenda be approved.

CARRIED

4. Adoption of the Minutes of November 3, 2021

MOVED by Brad Fitchett, **SECONDED** by Paul Clarkson that the minutes of November 3, 2021, be adopted.

CARRIED

5. Planner's Report

No report.

6. Application

a) BV000487 - Lot D, Sections 7, 8, and 18, Otter District, Plan 49471 (4684/4686 Otter Point Place)

Regina Robinson outlined the staff report and advised that the applicant is requesting a variance to increase the maximum floor area permitted for secondary suites from 90 m² to 130 m², on Lot D, Sections 7, 8, and 18, Otter District, Plan 49471, to permit the conversion of an existing two-family dwelling into a single family dwelling with secondary suite.

Regina Robinson highlighted the subject property and proposed site plan. Regina Robinson directed attention to the applicant's hardship statement as included in the staff report and confirmed the two-family dwelling use and siting was incorrectly approved under the Rural A zone instead of the Agricultural zone when the structure was granted occupancy in 2000.

The applicant stated that:

- the two-family dwelling was never intended to be registered as a duplex
- at the time of construction, there was no limit on the size of the secondary suite
- it would be a hardship to reduce the size of the duplex to meet the current size requirement for a secondary suite
- conversion to a single family dwelling with secondary suite would permit a separate dwelling for his son and daughter-in-law
- help is now required from family members to allow the farm to continue

Regina Robinson addressed the comments received in the supplementary submission advising that the *Agricultural Land Reserve Regulation* was updated at the beginning of 2022 to allow for a second residence in addition to a secondary suite in the principal residence. The second residence and secondary suite do not require approvals from the Agricultural Land Commission (ALC). The application was referred to the ALC and they had no objections to the density proposed on this parcel. The floor area of the suite should be confirmed prior to the issuance of the change in use permit by the Building Division for the secondary suite.

Iain Lawrence responded to a question from the BOV confirming that the BC Building Code was recently updated to eliminate the size requirements for a secondary suite; the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, continues to regulate the floor area of a secondary suite.

MOVED by Brad Fitchett, **SECONDED** by Paul Clarkson 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 4.19(1)(d) of Bylaw No. 2040 was complied with, application BV000487, requesting permission from the Board of Variance in accordance with Section 540 of the *Local Government Act* to vary Part 1, Section 4.19(1)(d) of Bylaw No. 2040, by increasing the maximum floor area permitted for secondary suites from 90 m² to 130 m², on Lot D, Sections 7, 8, and 18, Otter District, Plan 49471, to permit the conversion of an existing two-family dwelling into a single family dwelling with secondary suite is approved subject to the internal floor area of the suite being confirmed by survey prior to the issuance of a building permit for the additional dwelling.

CARRIED

7. Adjournment

The meeting was adjourned at 6:20 pm.

P. Clarkston, Chair