

**Minutes of a Meeting of the Juan de Fuca Board of Variance  
Held Wednesday, June 28, 2023, 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, Senior Manager, JdF Local Area Services (EP);  
Darren Lucas, Planner; Wendy Miller, Recorder  
**PUBLIC:** 1 in-person; 4 EP

EP – Electronic Participation

The meeting was called to order at 6:01 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 May 2, 2023**

**MOVED** by Axel Joosting, **SECONDED** by Paul Clarkston that the minutes of May 2, 2023, be adopted.

**CARRIED**

**4. Planner's Report**

No report.

**5. Applications**

**a) BV000494 - Lot 11, Section 2, Renfrew District, Plan VIP83339 (3505 Waters Edge Drive)**

Darren Lucas outlined the staff report and advised that the applicant has requested a variance to increase maximum floor area allowed for a detached accessory suite from 90 m<sup>2</sup> to 91 m<sup>2</sup> and increasing the maximum allowable height for an accessory building used for a detached accessory suite from 7 m to 7.9 m to the peak of the roof for the purpose of constructing a two-storey accessory building to accommodate a detached accessory suite and garage.

The subject property, site plan and building plans were highlighted.

Attention was directed to the applicant's hardship statement as included in the staff report and the letter of support provided by an adjacent property owner as submitted at application intake.

It was confirmed that no comments were received in response to the notice of intent mailed to adjacent property owners/occupiers within 50 m of the subject property.

Staff confirmed that the applicant was present.

The BOV considered the requested variance and passed the following resolution:

**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 BV000494 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(f) by increasing the maximum floor area allowed for a detached accessory suite from 90 m<sup>2</sup> to 91 m<sup>2</sup> and Section 4.20(g) by increasing the maximum allowable height for an accessory building used for a detached accessory suite from 7 m to 7.9 m to the peak of the roof on Lot 11, Section 2, Renfrew District, Plan VIP83339 to permit construction of a two-storey 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**

**b) BV000495 - Strata Lot A, District Lot 720, Renfrew District, Plan VIS6409 (9997 West Coast Road)**

Darren Lucas outlined the staff report and advised that the applicant has requested a variance to increase the maximum height of an accessory building from 6 m to 8.5 m for the purpose of constructing a 131.5 m<sup>2</sup> garage and storage building.

The subject property and requested variance were highlighted.

Attention was directed to the applicant's hardship statement as included in the staff report.

It was confirmed that no comments were received in response to the notice of intent mailed to adjacent property owners/occupiers within 50 m of the subject property.

Staff confirmed that the applicant was present.

The applicant responded to questions from the BOV advising that:

- the roof extension would allow the garage roof to match the roof line of the existing dwelling
- the commissioned building plans incorrectly used the maximum height for residential buildings, as permitted by the property's zone, as opposed to the maximum height for accessory buildings
- letters of support from strata owners were submitted with the building permit application

Iain Lawrence responded to a question from the BOV advising that a variance would not be required if the accessory building was attached to the existing dwelling by a breezeway; however, an alteration to the footprint of the existing dwelling would likely require an amendment to the registered strata plan.

The BOV considered the requested variance and passed the following resolution:

**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 4.01 2(a) of Bylaw No. 2040 were complied with, that application BV000495 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 4.01 2(a) by increasing the maximum permitted height of an accessory building from 6 m to 8.5 m to the mean level of the highest roof plane between the eaves and the ridge on Strata Lot A, District Lot 720, Renfrew District, Plan VIS6409, for a proposed garage and storage building, 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) BV000496 - Lot 19, Section 78, Renfrew District, Plan VIP58128 (10300 Block of West Coast Road)**

Darren Lucas outlined the staff report and advised that the applicant has requested a variance to reduce the required rear yard setback for a principle building from 15 m to 10 m for the purpose of constructing a one-family dwelling.

The subject property and requested variance were highlighted.

Attention was directed to the applicant's hardship statement as included in the staff report.

It was confirmed that no comments were received in response to the notice of intent mailed to adjacent property owners/occupiers within 50 m of the subject property.

Staff confirmed that a geotechnical report confirming that the land is safe for the use intended has been submitted as part of the building permit application.

The applicant stated that the rear yard of the subject property abuts a large, vacant lot and that the proposed building location would minimize the need to bring in fill from an offsite location, reducing the need for compacting soil and reducing the introduction of invasive plant species.

The BOV noted that similar setback variances have been approved for other Forestry zoned properties in the area.

The BOV considered the requested variance and passed the following resolution:

**MOVED** by Paul Clarkston, **SECONDED** by Axel Joosting that having considered he 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 (b) of Bylaw No. 2040 were complied with, that application BV000496 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 3.07 (b) by reducing the required rear yard setback from 15 m to 10 m on Lot 19, Section 78, Renfrew District, Plan VIP58128, for a proposed one-family 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 6:20 pm.

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P. Clarkston, Chair