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**Minutes of a Meeting of the Juan de Fuca Board of Variance
Held Tuesday, June 6, 2017, at the Juan de Fuca Local Area Services Building,
#3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Greg Whincup (Chair), Axel Joosting
Staff: Emma Taylor, Secretary to the Board; Wendy Miller, Recorder
ABSENT: Paul Clarkston
PUBLIC: 1

The meeting was called to order at 6:00 p.m.

1. Approval of the Agenda

MOVED by Axel Joosting, **SECONDED** by Greg Whincup that the agenda be approved. **CARRIED**

2. Approval of the Supplementary Agenda

MOVED by Axel Joosting, **SECONDED** by Greg Whincup that the supplementary agenda be approved. **CARRIED**

3. Planner's Report

Application activity has increased. It is anticipated that the Board of Variance (BOV) will be asked to meet again in the next few weeks.

4. Adoption of the Minutes of March 15, 2017

MOVED by Axel Joosting, **SECONDED** by Greg Whincup that the minutes of March 15, 2017 be adopted as amended. **CARRIED**

5. Applications

a) BV000447 – Lot 110, Section 95, Renfrew District, Plan 26054 (2885 Woodhaven Road)

Emma Taylor outlined the staff report and advised that the applicant is requesting relief from the BOV in accordance with Section 540 of the *Local Government Act (LGA)* to vary the front yard setback for accessory buildings in the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, from 8.29 m to 4.5 m for the purpose of constructing a 10 m² storage shed.

Emma Taylor showed pictures of the road frontage, advising that the applicant wishes to construct the proposed accessory building in front of the dwelling unit in order to keep it away from Goudie Creek. It was confirmed that the proposed accessory building does not require:

- a building permit as it is not greater than 10 m²
- a development permit as it is not greater than 10 m²
- an encroachment permit from the Ministry of Transportation and Infrastructure

The Chair confirmed that the applicant was present.

The applicant reported that the proposed siting is the only practical location for the proposed accessory building as the majority of the property is not accessible due to the creek.

The BOV considered the minor variance and found that undue hardship would result from compliance with the front yard setback for accessory buildings in the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040.

MOVED by Axel Joosting, **SECONDED** by Greg Whincup that application BV000447 to request permission from the Board of Variance in accordance with Section 540 of the *Local Government Act* to reduce the front yard setback for accessory buildings from 8.29 m to 4.5 m for the purpose of constructing a 10 m² storage shed on Lot 110, Section 95, Renfrew District, Plan 26054, as shown on the Site Plan and Building Plans, be approved subject to the setback being confirmed by survey, and the work being constructed in accordance with the BC Building Code, and that construction be substantially completed within two years of the approval of the variance or the variance will terminate.

CARRIED

b) BV000448 – Strata Lot 18, District Lot 17, Renfrew District, Strata Plan VIS7065 (9-6574 Baird Road)

Emma Taylor outlined the staff report and advised that the applicant is requesting relief from the BOV in accordance with Section 540 of the *LGA* to vary the Port Renfrew Comprehensive Community Development Plan, 2003, Bylaw No. 3109, Schedule B, Part II, Section 10(1), by reducing the minimum distance that an accessory building or structure may be located from a principal building on the same parcel from 3 m to 0.13 m, and to vary Schedule B, Part IV, Section 23.2(h)(iii), by reducing the exterior side parcel line setback from 4.6 m to 1.02 m, for the purpose of allowing the siting of an accessory building.

Pictures of the accessory building were shown.

The Chair confirmed that the applicant was not present.

Emma Taylor advised that the applicant resides out of Province and that a letter from the applicant is included in the staff report.

Emma Taylor responded to questions from the BOV advising that:

- a stop work order was issued for the accessory building in 2015
- a development variance permit was denied by the CRD Board as recommended by the Land Use Committee
- the development variance permit application included notice of approval from the strata council for the accessory building

Emma Taylor directed attention to the supplementary submission received from Ron Cancilla and Al Catacutan, Port Renfrew, supporting the application.

The BOV reviewed the minutes from when the Land Use Committee considered the development variance permit application (April 19, 2016 and May 17, 2016).

Emma Taylor outlined the subject property's zoning and reported that the:

- Port Renfrew Comprehensive Community Development Plan does not designate development permit areas
- Building Inspector does not have concern regarding fire separation
- subject property is within the Port Renfrew Fire Protection Service Area
- Ministry of Transportation and Infrastructure has issued an encroachment permit
- accessory building will not be sited near a trail as the trail route proposed along the north side of Parkinson Road in 2016 is no longer being considered

Emma Taylor confirmed that development applications are considered on an individual basis.

The BOV considered the minor variance and found that undue hardship would result from compliance with the minimum distance that an accessory building or structure may be located from a principal building on the same parcel and the exterior side parcel line setback of the Tourist Commercial One (TC-1) zone in the Port Renfrew Comprehensive Community Development Plan, 2003, Bylaw No. 3109.

MOVED by Axel Joosting, **SECONDED** by Greg Whincup that application BV000448 to request permission from the Board of Variance in accordance with Section 540 of the *Local Government Act* to:

- a) vary the Port Renfrew Comprehensive Community Development Plan, 2003, Bylaw No. 3109, Schedule B, Part II, Section 10(1), by reducing the minimum distance that an accessory building or structure may be located from a principal building on the same parcel from 3 m to 0.13 m; and
- b) vary Schedule B, Part IV, Section 23.2(h)(iii), by reducing the exterior side parcel line setback from 4.6 m to 1.02 m;

for the purpose of allowing the siting of an accessory building on Strata Lot 18, District Lot 17, Renfrew District, Strata Plan VIS7065, as shown on the Site Plan prepared by Colin Grover B.C.L.S., J.E. Anderson & Associates, dated January 25, 2016, be approved subject to the work being constructed in accordance with the *BC Building Code*, and that construction be substantially completed within two years of the approval of the variance or the variance will terminate. This approval is specific to this application and should not be considered to set a precedent for any future applications.

CARRIED

6. Adjournment

The meeting was adjourned at 6:50 p.m.

G. Whincup, Chair