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**Minutes of a Meeting of the Juan de Fuca Board of Variance
Held Monday, October 22, 2018, at the Juan de Fuca Local Area Services Building,
#3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Greg Whincup (Chair), Paul Clarkston, Axel Joosting
Staff: Iain Lawrence, Manager, Local Area Planning; Wendy Miller, Recorder
PUBLIC: 4

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

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

MOVED by Axel Joosting, **SECONDED** by Paul Clarkston that the supplementary agenda be approved. **CARRIED**

3. Adoption of the Minutes of July 23, 2018

MOVED by Paul Clarkston, **SECONDED** by Axel Joosting that the minutes of July 23, 2018, be adopted. **CARRIED**

4. Planner's Report

Iain Lawrence extended a thank you to the membership for their work and directed attention to the certificates of appreciation issued to the membership by the CRD Board Chair.

5. Application

a) BV000456 - Lot A, Section 86, Sooke District, Plan VIP64561 (240 Becher Bay Road)

Iain Lawrence outlined the staff report and advised that the applicant is requesting relief from the from the Board of Variance (BOV) in accordance with Section 540 of the *Local Government Act (LGA)* to vary the maximum height regulation for accessory buildings specified by the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Section 4.01(2)(a), from 6 m to 6.55 m, for the purpose of finalizing the construction of an accessory building.

Iain Lawrence confirmed that:

- the owners previously requested relief from the Board of Variance to increase the height to 7.88 m, but the application BV000451 was denied due to the apparent impact to the use and enjoyment of adjacent property
- the structure is at the framing stage
- a survey certificate has confirmed that the building height is 6.55 m
- since the time the application to the Board of Variance was submitted, a row of solar panels has been installed along a portion of the ridgeline of the roof
- the solar panels extend 0.69 m above the peak of the roof to an overall height of 7.7 m above natural grade

Iain Lawrence directed attention to the supplementary submission received by the adjacent neighbours. It was confirmed that the neighbours were present.

Photos of the subject structure as viewed from the adjacent property were presented.

Iain Lawrence responded to questions from the BOV confirming that:

- the height was measured from natural grade to the mid point (mean level) of the highest roof plane between the eaves and the ridge of a sloping roof
- the accessory building is located 1.7 m from the property line
- the building will be used as a workshop on the main floor and a studio with an exterior deck on the second floor

The agent stated that:

- initially the building was designed to have a two tier roof
- rather than having a 2 ft difference in the roof line, a single-plane roof was selected
- the ceiling height for the second floor was decreased from 12 ft to 10 ft and the height for the main floor was decreased from 8 ft to 7 ft
- the siting of the building was moved 4 ft forward, resulting in the requirement for a longer supporting post
- the same surveyed benchmark was used throughout the construction process for height calculation
- although the siting of the building was moved 4 ft forward and the building was decreased by 3 ft, the calculation for height incorporated the longer supporting post and resulted in a greater overall height

The agent responded to questions from the BOV confirming that anchors for the solar panels were built into the roof system and that building plans do not include a chimney.

Catherine Panter, East Sooke, stated that:

- she was surprised to see that solar panels were being installed as the panels were installed after the applicants knew that the structure was over height
- the solar panels are not an attractive addition to an already large building
- the building impacts her viewscape
- she would not take as much issue with the variance request if the solar panels were removed

Iain Lawrence responded to questions from the BOV and confirmed that solar panels are not included in the calculation for height and that the height of the building with solar panels is not as high as the original proposal. It was further confirmed that that the height of the building from natural grade (elevation: 36.68 m) to the peak (elevation: 43.69 m) is 7.01 m.

The BOV noted that there may be opportunity to affix the solar panels to the side of the building or for panels to lie flat on the roof.

BOV discussion ensued regarding removal of the solar panels as a solution to allowing the building to remain over-height and to address the neighbours' concerns regarding impacts on the use and enjoyment of their own property.

The BOV found that undue hardship would result from compliance with the requirement in the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, that the maximum height of an

accessory building be 6 m, and considered that the variance to allow the as-built height of 6.55 m to be minor provided that the solar panels were removed and a covenant prohibiting the addition of structures or structural parts to the roof was required.

MOVED by Axel Joosting, **SECONDED** by Paul Clarkston that application BV000456 to request permission from the Board of Variance in accordance with Section 540 of the *Local Government Act* to increase the maximum height of an accessory building from 6 m to 6.55 m for the purpose of constructing a two-storey accessory building on Lot A, Section 86, Sooke District, Plan VIP64561, as shown on the Survey Certificate prepared by Island Land Surveying Ltd., dated September 27, 2018, be approved subject to a restrictive covenant being registered on title requiring that no structures or structural parts shall be added to the top of the roof of the two-storey accessory building, as shown on the Survey Certificate prepared by Island Land Surveying Ltd., dated September 27, 2018, and subject to the work being constructed in accordance with the *BC Building Code*, and to construction be substantially completed within two years of the approval of the variance or the variance will terminate.

CARRIED

6. Adjournment

The meeting was adjourned at 6:38 p.m.

G. Whincup, Chair