

JUAN DE FUCA BOARD OF VARIANCE

Notice of Meeting on Monday, **March 8, 2021 at 6:00 pm**

Juan de Fuca Local Area Services Building, #3 – 7450 Butler Road, Otter Point, BC

AGENDA

1. Approval of Agenda
2. Approval of the Supplementary Agenda
3. Adoption of Minutes of January 20, 2021
4. Planner's Report
5. Applications
 - a) BV000473 - Lot 121, Section 95, Renfrew District, Plan 26054 (2825 Denewood Place)
 - b) BV000474 - Parcel "D" (DD 757281), Sections 9, 12, and 133, Sooke District (6728 East Sooke Road)
6. Adjournment

Please note that during the COVID-19 situation, the public may attend the meeting electronically through video or teleconference. Should you wish to attend, please contact us by email at jdfinfo@crd.bc.ca so that staff may forward meeting details. Written submissions continue to be accepted.



Making a difference...together

**Minutes of a Meeting of the Juan de Fuca Board of Variance
Held Wednesday, January 20, 2021, at the Juan de Fuca Local Area Services Building,
#3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Paul Clarkston (Chair), Axel Joosting (EP)
Staff: Iain Lawrence, Manager, Juan de Fuca Community Planning/Secretary to the Board of Variance (EP);
Regina Robinson, Planning Assistant; Wendy Miller, Recorder (EP)
ABSENT: Brad Fitchett
PUBLIC: 1 EP

The meeting was called to order at 6:05 pm.

1. Elections

Iain Lawrence called for nominations for the position of Chair of the Juan de Fuca Board of Variance (BOV) for 2021 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 Axel Joosting, **SECONDED** by Paul Clarkston that the agenda be approved.

CARRIED

3. Approval of the Supplementary Agenda

No supplementary items.

4. Adoption of the Minutes of July 27, 2020

MOVED by Axel Joosting, **SECONDED** by Paul Clarkson that the minutes of July 27, 2020, be adopted.

CARRIED

5. Planner's Report

No report.

6. Application

a) BV000472 - Lot 5, Section 6, Otter District, Plan VIP79288 (2929 Sarah Drive)

Regina Robinson outlined the staff report and advised that the applicant is requesting relief from the Board of Variance (BOV) by increasing the maximum permitted height for accessory buildings from 6 m to 6.58 m, for the purpose of constructing a second storey addition to a detached garage.

Regina Robinson confirmed that:

- the applicant has reported that the additional space will be used for a recreation/media room

- the development is not expected to adversely affect the natural environment since the footprint of the structure remains the same and is located outside any development permit areas
- the second storey will be accessed from a deck
- a letter of support was submitted by the property owner adjacent to the development site and is included in the staff report
- the applicant was in attendance

The applicant suggested that a height variance might not be required if the second storey was for the purpose of constructing a detached suite.

The applicant responded to a question from the BOV confirming that property to the south is not public park land, but vacant private property.

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 BV000472 requesting permission from the Board of Variance in accordance with Section 540 of the *Local Government Act* to vary Bylaw No. 2040, Part 1, Section 4.01(2)(a) by increasing the maximum permitted height for accessory buildings from 6 m to 6.58 m on Lot 5, Section 6, Otter District, Plan VIP79288, for a proposed addition to a 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

7. Adjournment

The meeting was adjourned at 6:12 pm.

P. Clarkston, Chair



**REPORT TO THE JUAN DE FUCA BOARD OF VARIANCE
MEETING OF MARCH 8, 2021**

File No: BV000473
Location: 2825 Denewood Place
Legal: Lot 121, Section 95, Renfrew District, Plan 26054
Zoning: Rural Residential 2 (RR-2) – JdF Land Use Bylaw No. 2040
Land Use Designation: Settlement (S) – Shirley – Jordan River OCP Bylaw No. 4001
Adjacent Uses: N – Rural Residential (RR-2) parcel
E – Forestry (AF) parcel
S – Rural Residential (RR-2) parcel
W – Denewood Place

REQUESTED VARIANCE

The applicant has requested that the Board of Variance approve a minor variance to relieve hardship, in accordance with Section 540(a) of the *Local Government Act (LGA)*, by increasing the maximum combined total floor area allowance for accessory buildings and structures from 100 m² to 186 m² on a lot with an area of more than 2,000 m² and less than 5,000 m², for the purpose of constructing a detached accessory suite and garage.

LEGISLATIVE IMPLICATIONS

Section 542(1) of the *LGA* outlines that the Board of Variance may order that a minor variance be permitted from the requirements of the applicable bylaw, if the Board of Variance:

- (a) has heard from the applicant and any person notified under Section 541;
- (b) finds that undue hardship would be caused to the applicant if the bylaw or Section 531(1) is complied with; and
- (c) is of the opinion that the variance or exemption does not do any of the following:
 - (i) result in inappropriate development of the site;
 - (ii) adversely affect the natural environment;
 - (iii) substantially affect the use and enjoyment of adjacent land;
 - (iv) vary permitted uses and densities under the applicable bylaw;
 - (v) defeat the intent of the bylaw;
 - (vi) vary the application of an applicable bylaw in relation to residential rental tenure.

Section 542(3) of the *LGA* outlines that in relation to an order under Section 542(1),

- (a) if the order sets a time within which the construction of the building, structure or manufactured home park must be completed and the construction is not completed within that time, or
 - (b) if that construction is not substantially started within 2 years after the order was made, or within a longer or shorter time period established by the order,
- the permission or exemption terminates and the bylaw or section 531(1), as the case may be, applies.

STAFF COMMENTS

The 0.49 ha property is located on 2825 Denewood Place and is zoned Rural Residential (RR-2) in the Juan de Fuca Land Use Bylaw No. 2040 (Appendix A). The Sheringham Estates neighbourhood, in which the subject property is located, consists of 128 parcels ranging in size from 0.3 ha to 1.8 ha, with the majority of parcels being approximately 0.4 ha. Those parcels less than 0.5 ha are permitted a maximum combined floor area of all accessory buildings of 100 m², while those greater than 0.5 ha are permitted a floor area of 250 m².

A single family dwelling was constructed on the subject property in 1991 (Building Permit # 37830) in compliance with the RR-2 zone regulations. In 2008, a development variance permit (VA000061) was granted for a proposed 53.6 m² accessory building with an increased height allowance; however, the approved variance and associated building permit (Building Permit # JD09-050) were not completed and subsequently lapsed. An unauthorized outbuilding, approximately 18 m² in size, will be removed to allow the new building to be constructed in the same location. The property is not subject to any Development Permit Area specifications.

Plans for the proposed structure, prepared by West Coast Design and Development Services, show a two-storey accessory building with a total floor area of 177.24 m² and a 12.64 m² uncovered deck (Appendix B). There are also two smaller sheds (6.3 m² and 8.4 m²), not included on the site plan, that are located to the south of the dwelling approximately 10 m from the rear lot line; the smallest shed is in poor condition and will be removed. The proposed building conforms to the height and yard requirements of the general regulations for accessory buildings, and the combined footprint of all buildings located on the property is less than the 25% lot coverage allowance specified by the RR-2 zone.

Since the subject property is 0.49 ha, a variance is required to authorize the proposed structure since its construction would increase the total accessory building floor area to approximately 194 m². The owners have provided a statement of hardship indicating that their rationale for the requested variance is that if the parcel was fractionally larger, a building this size would be permitted. The owner intends on constructing a shop and a suite to provide extra space for family (Appendix C).

Due to existing site conditions, including existing cleared areas and slope, the impact of the proposal on the rural residential character of the neighbourhood is expected to be minimal. Based on the floor area and overall proposed height of the building, it is anticipated that the character and massing of the building will be in keeping with other buildings and structures in the neighbourhood.

Pursuant to the Juan de Fuca Board of Variance Bylaw, Bylaw No. 4288, notification letters have been sent to the applicant, as well as to owners and occupants within 50 m of the subject property. Any responses received will be presented at the March 8, 2021 Board of Variance hearing.

If the Board of Variance finds that not granting the variance would result in undue hardship, considers the requested variances to be minor and finds that it meets the considerations of section 542(1)(c), an order granting a minor variance may be permitted.

OUTLINE MOTION

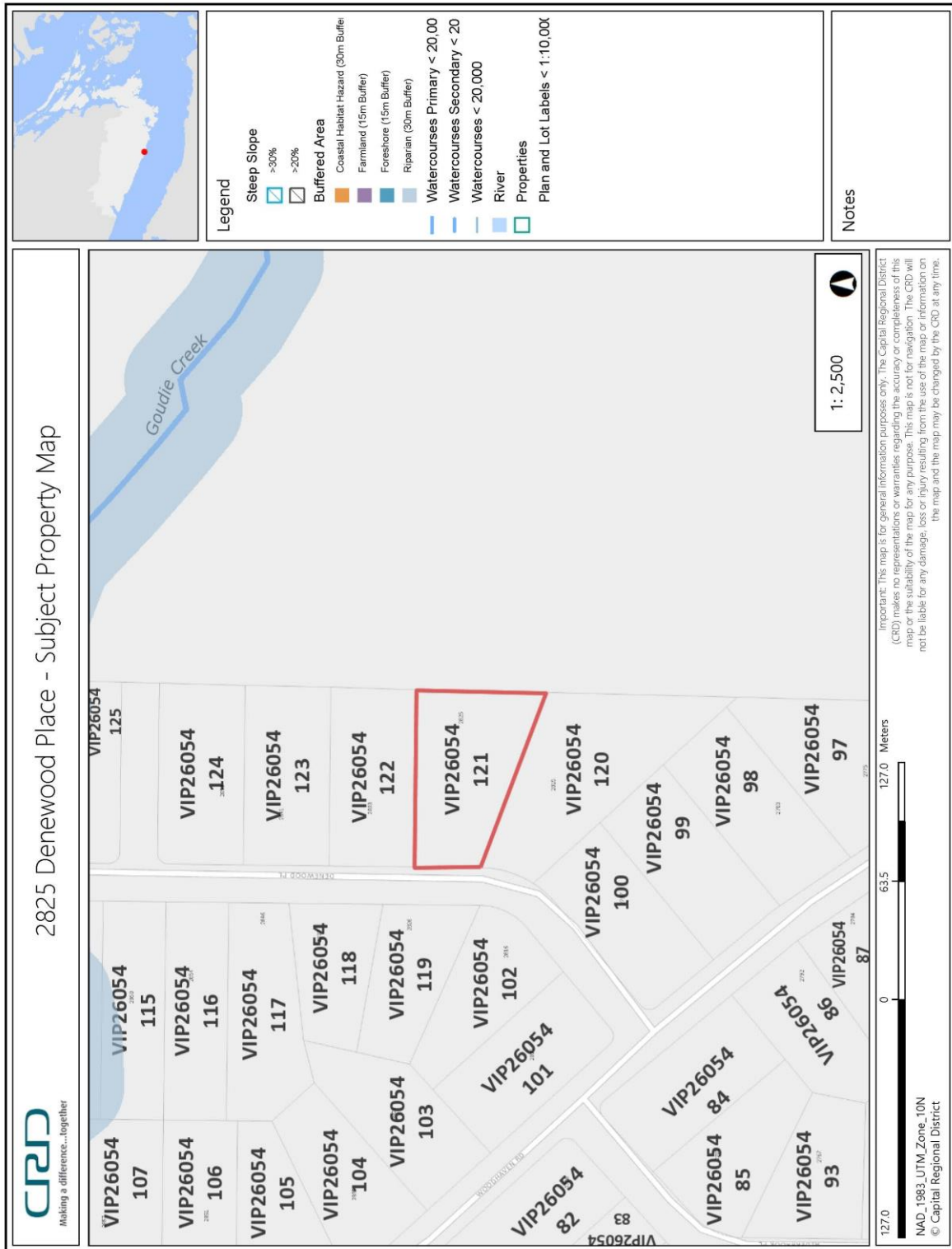
Having considered the matters set out in Section 542(1)(c) of the *Local Government Act*, and having found that undue hardship <**would/would not**> be caused to the applicant if Part 1, Section 4.01 of Bylaw No. 2040 were complied with, that application BV000473 requesting permission from the Board of Variance in accordance with Section 540 of the *Local Government Act* to vary Bylaw No. 2040, Part 1, Section 4.01 by increasing the maximum combined total floor area allowance for accessory buildings and structures from 100 m² to 186 m² on a lot with an area of more than 2,000 m² and less than 5,000 m², on Lot 121, Section 95, Renfrew District, Plan 26054, for a proposed detached accessory suite and garage, be <**approved/denied**> and that if construction is not substantially started within 2 years after the date of this order, the order shall terminate.

Submitted by:	Regina Robinson, Planning Assistant, JdF Community Planning
Concurrence:	Iain Lawrence, MCIP, RPP, Secretary to the Board of Variance

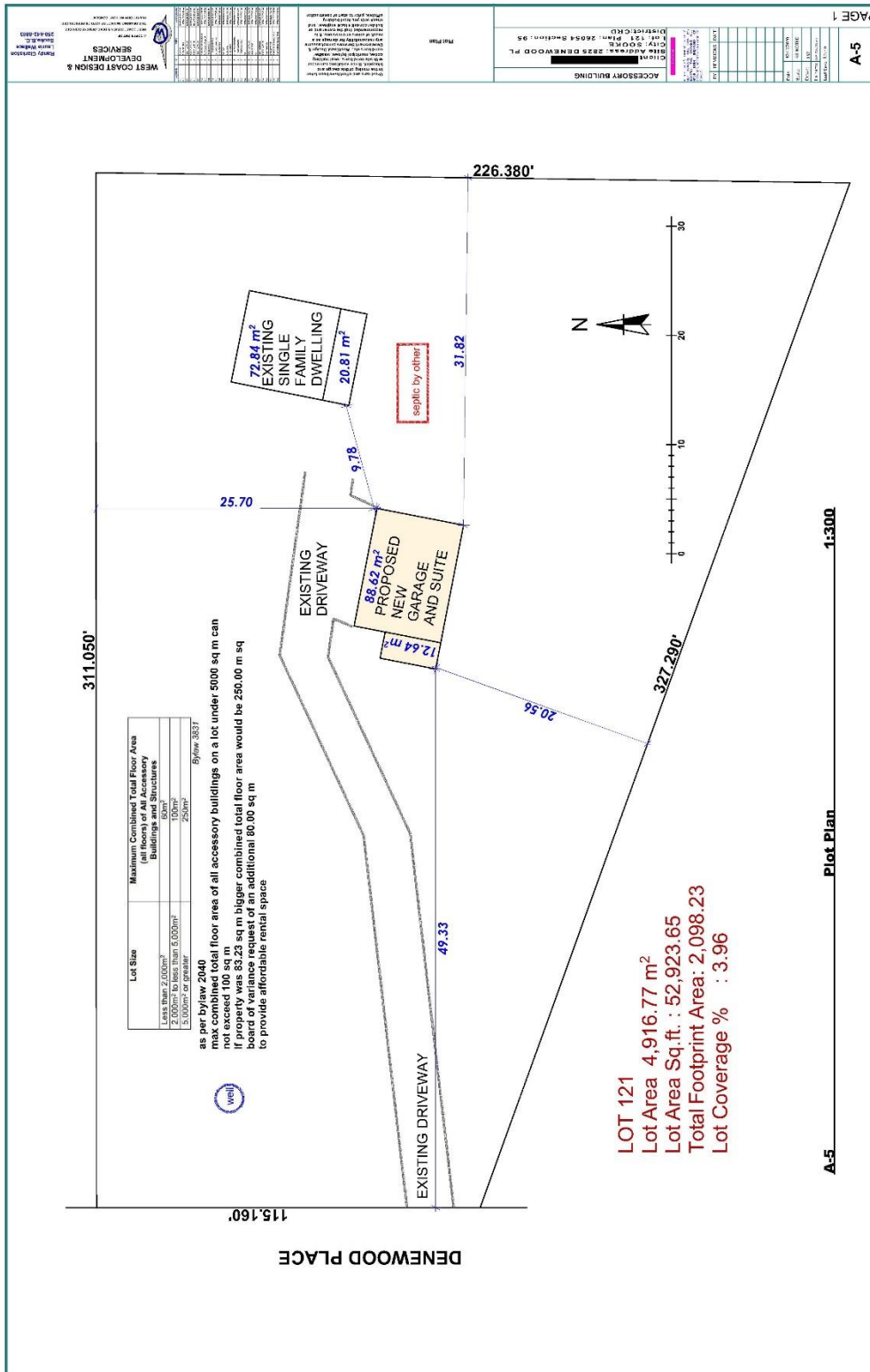
ATTACHMENTS

- Appendix A: Subject Property Map
- Appendix B: Proposed Plans
- Appendix C: Hardship Letter from Applicant

Appendix A: Subject Property Map



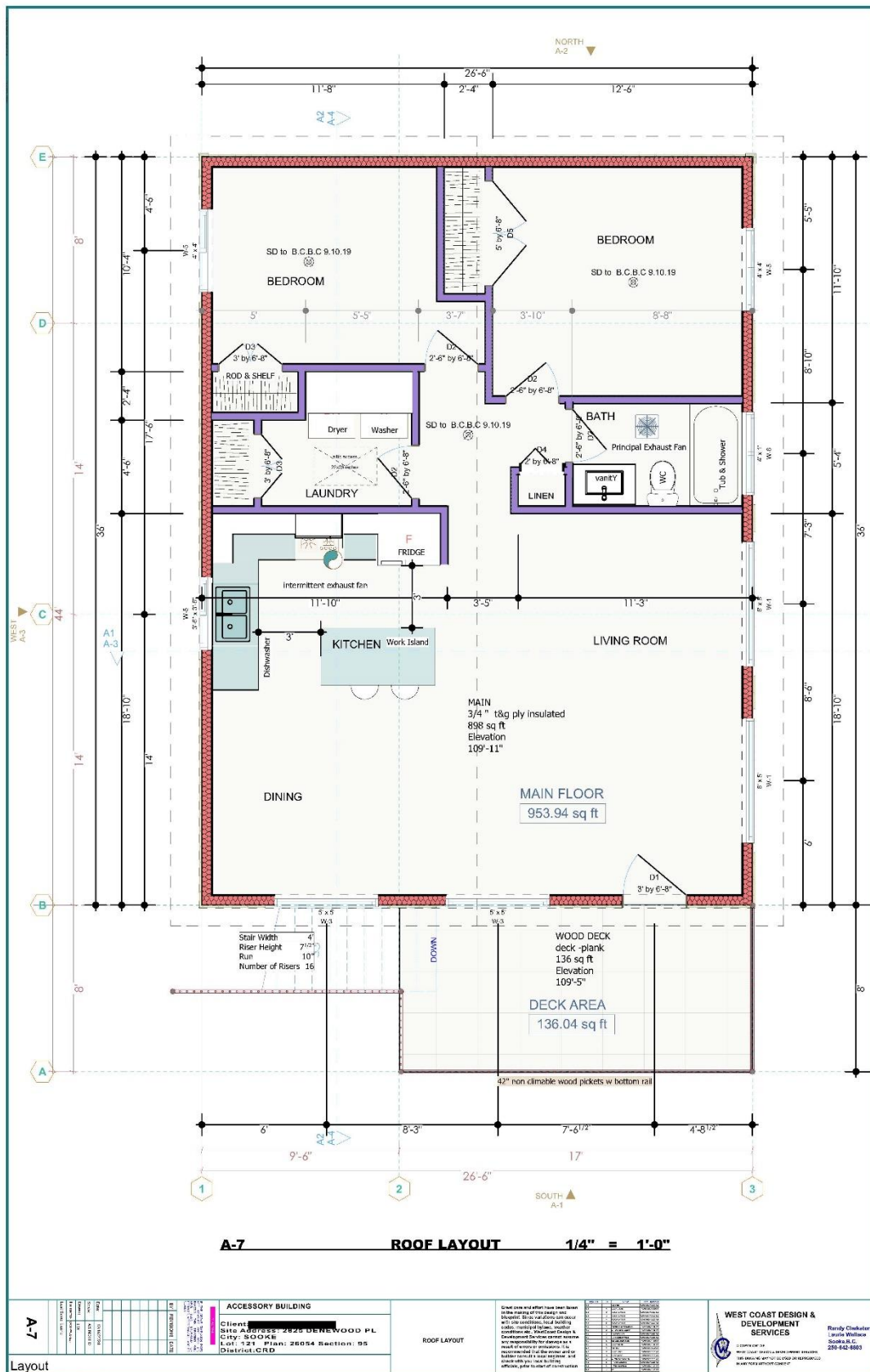
Appendix B: Proposed Plans





A-6 **1st Floor** **1/4" = 1'-0"**

<p>9-A</p> <p>DATE: 03/08/21</p> <p>PROJECT: ACCESSORY BUILDING</p> <p>CLIENT: [REDACTED]</p> <p>ADDRESS: 2625 DENWOOD PL</p> <p>CITY: SOOKS</p> <p>LOT: 121 PLAN: 26054 SECTION: 95</p> <p>DISTRICT: CRD</p>	<p>ACCESSORY BUILDING</p> <p>Client: [REDACTED]</p> <p>2625 DENWOOD PL</p> <p>CITY: SOOKS</p> <p>LOT: 121 PLAN: 26054 SECTION: 95</p> <p>DISTRICT: CRD</p>	<p>1st Floor</p>	<p>West Coast Design & Development Services</p> <p>2850 S. 10th St. Suite 100</p> <p>Spokane, WA 99205</p> <p>509.325.8888</p> <p>www.westcoastdesign.com</p>
	<p>DATE: 03/08/21</p> <p>PROJECT: ACCESSORY BUILDING</p> <p>CLIENT: [REDACTED]</p> <p>ADDRESS: 2625 DENWOOD PL</p> <p>CITY: SOOKS</p> <p>LOT: 121 PLAN: 26054 SECTION: 95</p> <p>DISTRICT: CRD</p>	<p>1st Floor</p>	<p>West Coast Design & Development Services</p> <p>2850 S. 10th St. Suite 100</p> <p>Spokane, WA 99205</p> <p>509.325.8888</p> <p>www.westcoastdesign.com</p>



NO.	REVISION	DATE	BY	CHKD.
1	ISSUED FOR PERMITS	03/08/21	WCD	WCD

ACCESSORY BUILDING
 Client: [REDACTED]
 SITE ADDRESS: 2625 DENWOOD PL
 City: SOCKE
 Lot: 121 Plan: 26054 Section: 95
 District: CRD

ROOF LAYOUT

NO.	DESCRIPTION	AREA (SQ FT)	ELEVATION
1	MAIN FLOOR	953.94	109'-11"
2	DECK AREA	136.04	109'-5"

Grid lines and other lines shall remain as shown on the drawing unless otherwise indicated. The contractor shall verify all dimensions and conditions on the ground and shall be responsible for obtaining a permit for construction. The contractor shall be responsible for obtaining a permit for construction. The contractor shall be responsible for obtaining a permit for construction.

WEST COAST DESIGN & DEVELOPMENT SERVICES

12000 14th St. Suite 100
 Irvine, CA 92618
 949.451.1234
 www.westcoastdesign.com

Randy Chudwin
 License #100000000
 Scott & C.
 281-822-8888

Layout

Appendix C: Hardship Letter from Applicant

██████████
2825 Denewood Pl
Shirley, BC
V9Z 1G6

Jan 11, 2021
CRD Variance Request.
3 - 7450 Butler Road, Sooke, BC V9Z 1N1

To whom it may concern,
I am writing as letter to ask for assistance. I would like to build a shop with suite above it. I am just shy of the required square footage for a building this size. This building is important to my family because my parents are getting to the age were they will need help soon. My mom has some major health issues. This suite would be a place that they could live close to family. I hope that this can get passed. Thanks.

██████████



**REPORT TO THE JUAN DE FUCA BOARD OF VARIANCE
MEETING OF MARCH 8, 2021**

File No: BV000474
Location: 6728 East Sooke Road
Legal: Parcel "D" (DD 75728I), Sections 9, 12, and 133, Sooke District
Zoning: Agricultural (AG) and Rural Residential 3 (RR-3) – JdF Land Use Bylaw No. 2040
Land Use Designation: Agricultural (AL) – East Sooke OCP Bylaw No. 4000
Adjacent Uses: N – AG parcel S – AG parcel
W – Sooke Harbour E – East Sooke Road

REQUESTED VARIANCE

The applicant has requested that the Board of Variance approve a minor variance to relieve hardship, in accordance with Section 540(a) of the *Local Government Act (LGA)*, by reducing the side yard setback requirement for farm buildings from 15 m to 3 m for the purpose of constructing a barn.

LEGISLATIVE IMPLICATIONS

Section 542(1) of the *LGA* outlines that the Board of Variance may order that a minor variance be permitted from the requirements of the applicable bylaw, if the Board of Variance:

- (a) has heard from the applicant and any person notified under Section 541;
- (b) finds that undue hardship would be caused to the applicant if the bylaw or Section 531(1) is complied with; and
- (c) is of the opinion that the variance or exemption does not do any of the following:
 - (i) result in inappropriate development of the site;
 - (ii) adversely affect the natural environment;
 - (iii) substantially affect the use and enjoyment of adjacent land;
 - (iv) vary permitted uses and densities under the applicable bylaw;
 - (v) defeat the intent of the bylaw;
 - (vi) vary the application of an applicable bylaw in relation to residential rental tenure.

Section 542(3) of the *LGA* outlines that in relation to an order under Section 542(1),

- (a) if the order sets a time within which the construction of the building, structure or manufactured home park must be completed and the construction is not completed within that time, or
 - (b) if that construction is not substantially started within 2 years after the order was made, or within a longer or shorter time period established by the order,
- the permission or exemption terminates and the bylaw or section 531(1), as the case may be, applies.

STAFF COMMENTS

Background:

The 1.87 ha property is located at 6728 East Sooke Road, is in the Agricultural Land Reserve (ALR), and is zoned Agricultural (AG) in the Juan de Fuca Land Use Bylaw No. 2040 (Appendix A). A 200 m² triangular section of the parcel is severed by East Sooke Road to the east and is zoned Rural Residential 3 (RR-3). Portions of the property are designated as Steep Slopes, Shoreline Protection, and Farmland Protection Development Permit Areas in the East Sooke Official Community Plan, Bylaw No. 4000.

There is an existing single family dwelling and an ~82 m² detached garage constructed under building permits JD06-106 and JD06-107 on the property. Variance DVP-11-07 was approved to increase the combined total floor area for accessory buildings to construct an additional ~108 m² workshop under building permit JD07-129. However, since the approval of the earlier variance, the total floor area allowance for accessory buildings under the Bylaw has increased from 100 m² to 250 m². The site plan also shows a smaller accessory structure on the property (Appendix B).

Variance Request:

The owners propose to build an 87.8 m² barn in a previously cleared area adjacent to the existing driveway and property to the north (Appendices B and C). A variance is requested to reduce the side yard setback for a farm building from 15 m to 3 m. The total maximum floor area for accessory buildings and structures is not considered for this request since the barn will be a principal building used for farm purposes within in the AG zone.

The owners have provided a statement of hardship indicating that their rationale for the requested variance is the limited choices for siting of the structure due to the narrow width of the parcel and desire to retain mature trees for screening (Appendix D). Statements of support from adjacent property owners were submitted at the time of application intake (Appendix E).

Staff are of the opinion that the proposal is considered appropriate for the site and complies with the requirements of the AG zone, including allowable lot coverage. The development is not expected to adversely affect the natural environment since it will be located in a previously cleared area and is located to avoid any development permit areas. Based on the letters of support from immediately adjacent neighbours, the variance is not anticipated to substantially alter the use and enjoyment of adjacent land.

Pursuant to the Juan de Fuca Board of Variance Bylaw, Bylaw No. 4288, notification letters have been sent to the applicant, as well as to owners and occupants within 50 m of the subject property. Any responses received will be presented at the March 8, 2021 Board of Variance hearing.

If the Board of Variance finds that not granting the variance would result in undue hardship, considers the requested variance to be minor and finds that it meets the considerations of Section 542(1)(c) of the *LGA*, an order granting a minor variance may be permitted.

OUTLINE MOTION

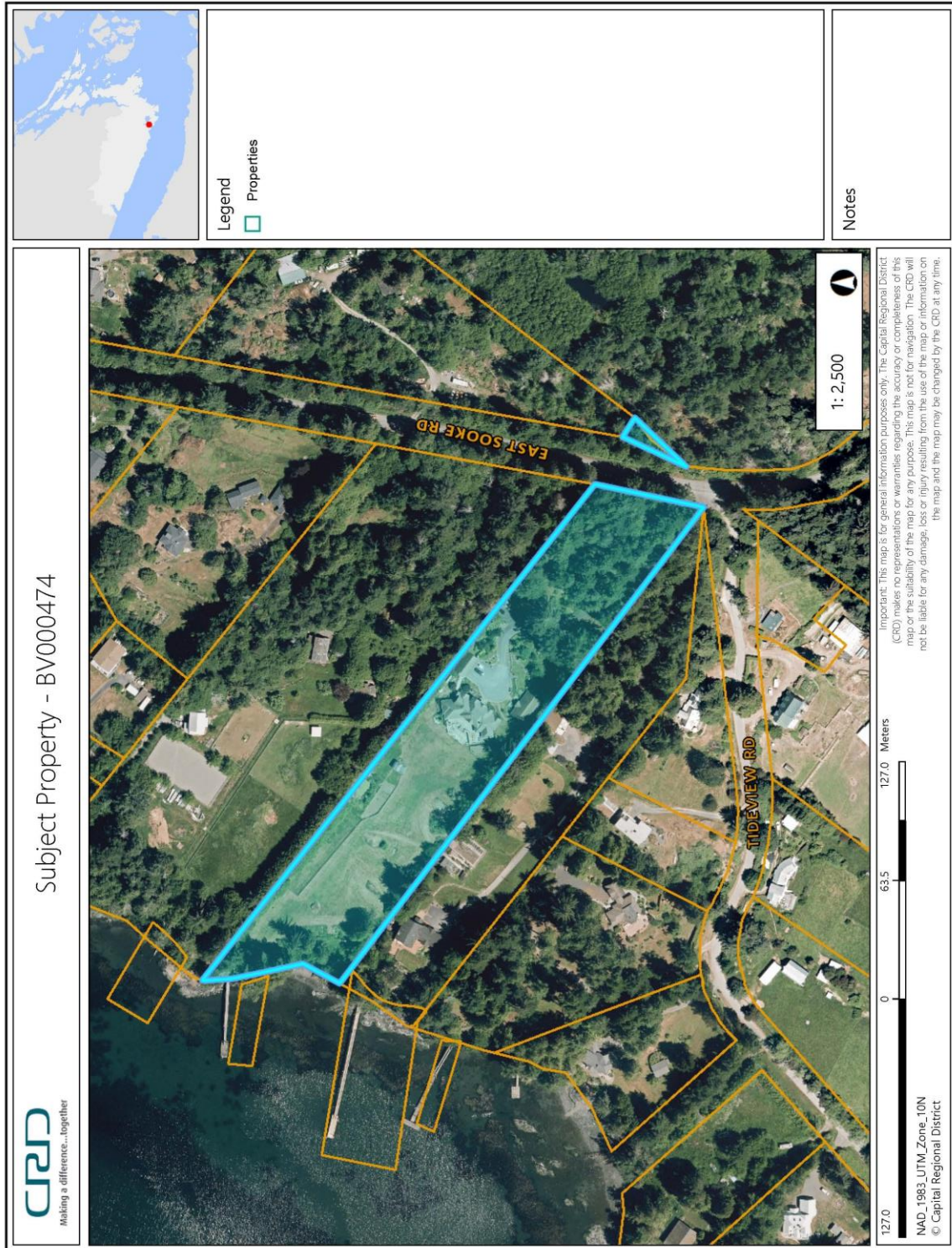
Having considered the matters set out in Section 542(1)(c) of the *Local Government Act*, and having found that undue hardship **<would/would not>** be caused to the applicant if Part 2, Section 4.08 (b) of Bylaw No. 2040 were complied with, that application BV000474 requesting permission from the Board of Variance in accordance with Section 540 of the *Local Government Act* to vary Bylaw No. 2040, Part 2, Section 4.08 (b) by reducing the required side yard setback for farm buildings from 15 m to 3 m on Parcel "D" (DD 75728I), Sections 9, 12, and 133, Sooke District, for a proposed barn, be **<approved/denied>** and that if construction is not substantially started within 2 years after the date of this order, the order shall terminate.

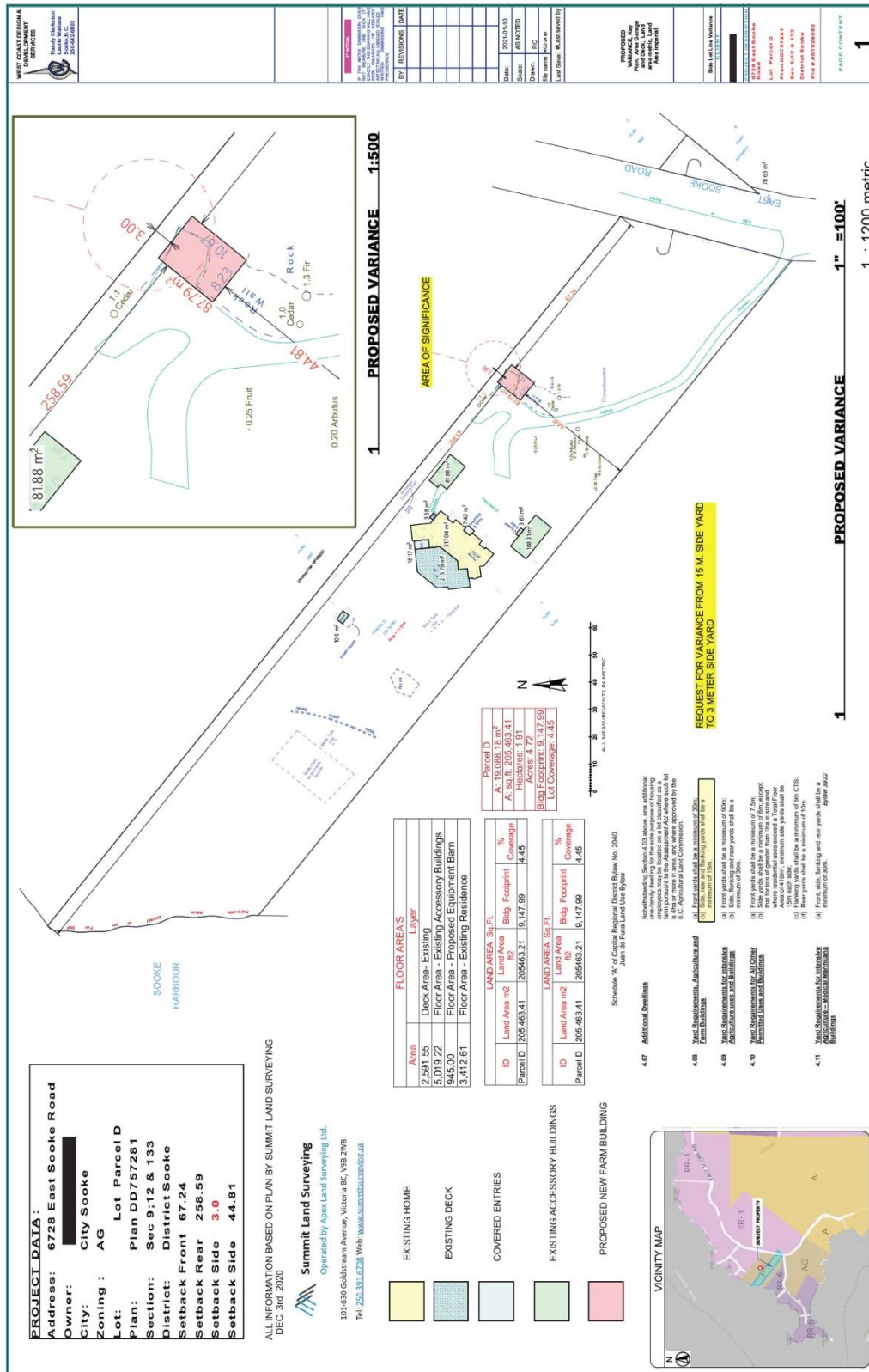
Submitted by:	Regina Robinson, Planning Assistant, JdF Community Planning
Concurrence:	Iain Lawrence, MCIP, RPP, Secretary to the Board of Variance

ATTACHMENTS

- Appendix A: Subject Property Map
- Appendix B: Site Plan and Variance Request
- Appendix C: Site Concept Photos
- Appendix D: Hardship Statement from Applicant
- Appendix E: Letters of Support

Appendix A: Subject Property Map





PROJECT DATA :
 Address: 6728 East Sooke Road
 Owner: [Redacted]
 City: Sooke
 Zoning: AG
 Lot: Lot Parcel D
 Plan: Plan DD75281
 Section: Sec 9:12 & 133
 District: District Sooke
 Setback Front 67.24
 Setback Rear 258.59
 Setback Side 3.0
 Setback Side 44.81

ALL INFORMATION BASED ON PLAN BY SUMMIT LAND SURVEYING
 DEC. 31ST 2020

Summit Land Surveying
 Operated by Apex Land Surveying Ltd.
 101-630 Goldstream Avenue, Victoria BC, V9B 2W8
 Tel: 250.351.6733 Web: www.summitlandsurveying.ca

- EXISTING HOME
- EXISTING DECK
- COVERED ENTRIES
- EXISTING ACCESSORY BUILDINGS
- PROPOSED NEW FARM BUILDING

FLOOR AREAS		Layer	
Area	Deck Area - Existing	2,591.55	
	Floor Area - Existing Accessory Buildings	5,019.22	
	Floor Area - Proposed Equipment Barn	945.00	
	Floor Area - Existing Residence	3,412.61	

ID	Land Area m ²	Land Area Sq.Ft.	Lot Coverage	% Coverage
Parcel D	205,463.41	205,463.21	9,147.99	4.45

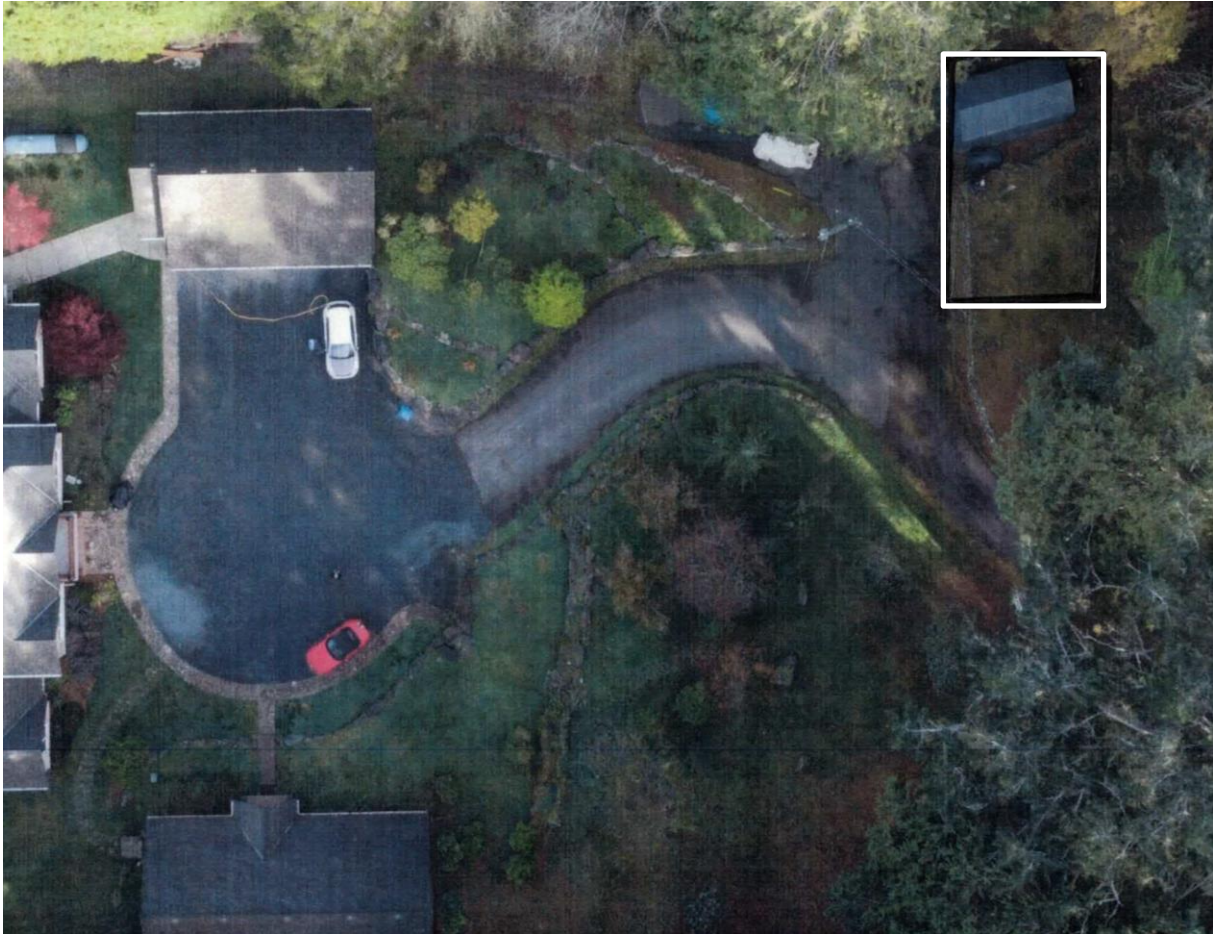
ID	Land Area m ²	Land Area Sq.Ft.	Lot Coverage	% Coverage
Parcel D	205,463.41	205,463.21	9,147.99	4.45

- 4.07 Additional Dwellings
 Schedule 'K' of Capital Regional District Bylaw No. 2040
 Joint Use Local Use Option
- 4.08 Yearly Measurements, Accessory and Farm Buildings
 Non-residential Sections 4.03 above, one additional measurement shall be taken for the proposed farm buildings and the measurements shall be taken on a lot classified as an agricultural lot. The measurements shall be taken for the farm buildings and the measurements shall be taken for the farm buildings and the measurements shall be taken for the farm buildings.
- 4.09 Yearly Measurements for Offshore Recreational Use Buildings
 The measurements shall be taken for the offshore recreational use buildings and the measurements shall be taken for the offshore recreational use buildings.
- 4.10 Yearly Measurements for All Other Residential Use and Buildings
 The measurements shall be taken for the residential use and buildings and the measurements shall be taken for the residential use and buildings.
- 4.11 Yearly Measurements for All Other Residential Use and Buildings
 The measurements shall be taken for the residential use and buildings and the measurements shall be taken for the residential use and buildings.



Appendix C: Site Concept Photos





Appendix D: Hardship Letter from Applicant

January 10, 2021

Board of Variance
Capital Regional District - Juan de Fuca Local Area Services Building
#3, 7450 Butler Road
Sooke, BC. V9Z 1N1

Attention: Members of the Board of Variance

RE: Request for Side Yard Setback Variance for 6728 East Sooke Road, East Sooke

To Whom It May Concern,

We, [REDACTED] the owners of the property noted above, and are actively farming on our acreage. We have developed and now have in operation a large vegetable garden, a duck and goose egg and meat operation, and a 24 apple tree orchard. To facilitate these operations we are going to build a barn to provide storage of our farm implements, and to allow secure produce storage.

The property is zoned AG and is within the Agriculture Land Reserve. Under the AG zoning, the minimum side yard setback stipulated is 15.0m, however, the long narrow shape of the property does not allow many options to locate the barn on a 15.0m side yard setback. The proposed barn location would have a 3.0m side yard setback, and would be placed within an area that has been previously disturbed for uncovered farm implement parking. The proposed location is also directly accessible by our farm implements for maintenance access, storage of farming materials and produce storage. Any other location would require removal of old growth cedars and firs, would not have direct driveway access by farming implements, and would not be readily serviceable with electrical power.

In our face-to-face conversations with our immediate neighbours, no objections were noted. Both neighbours are in support of the proposed barn construction location and the side yard setback variance. The barn has no direct impact of encroachment or impact on views of either neighbour, as existing rock outcrops and old growth trees are providing a buffer.

We would sincerely appreciate your support of the variance application and thank you in advance of your consideration.

Sincerely yours,

[REDACTED]

Appendix E: Letters of Support

January 10, 2021

Board of Variance
Capital Regional District - Juan de Fuca Local Area Services Building
#3, 7450 Butler Road
Sooke, BC. V9Z 1N1

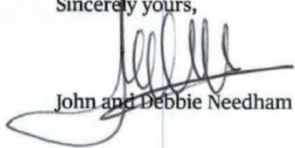
Attention: Members of the Board of Variance

RE: Barn Side Yard Setback Variance for 6728 East Sooke Road

To Whom It May Concern,

We are the owners of the home located at [REDACTED] which is directly south and adjacent to the property noted above. We have been shown the plans of the barn proposed by our neighbour, [REDACTED], and understand the need for a variance of the side yard setback from 15m to 3m in order to locate the barn for direct access and minimal impact on the surrounding trees. We have no objection to this setback variance, and support the construction of the barn.

Sincerely yours,


John and Debbie Needham

January 10, 2021

Board of Variance
Capital Regional District - Juan de Fuca Local Area Services Building
#3, 7450 Butler Road
Sooke, BC. V9Z 1N1

Attention: Members of the Board of Variance

RE: Barn Side Yard Setback Variance for 6728 East Sooke Road

To Whom It May Concern,

We are the owners of the home located at [REDACTED] which is directly north and adjacent to the property noted above. We have been shown the plans of the barn proposed by our neighbour, [REDACTED] and understand the need for a variance of the side yard setback from 15m to 3m in order to locate the barn for direct access and minimal impact on the surrounding trees. We have no objection to this setback variance, and support the construction of the barn.

Sincerely yours,



Jeff and Laura Corsiglia