

JUAN DE FUCA BOARD OF VARIANCE

Notice of Meeting on Wednesday, **January 15, 2025, at 6:00 pm**

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

AGENDA

1. Election of Chair
2. Approval of Agenda
3. Adoption of Minutes of October 8, 2024
4. Planner's Report
5. Application
 - a) BV000501 - Lot 8, Section 36, Township 13, Renfrew District, Plan EPS8132 (16925 Beachview Close)
6. Adjournment

PLEASE NOTE: The public may attend the meeting in-person or electronically through video or teleconference. To attend electronically, please contact us by email at jdfinfo@crd.bc.ca so that staff may forward meeting details.

**Minutes of a Meeting of the Juan de Fuca Board of Variance
Held Tuesday, October 8, 2024, at the Juan de Fuca Local Area Services Building,
#3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Paul Clarkston (Chair), Ali Alamolhoda
Staff: Regina Robinson, Planning Assistant/Acting Secretary to the Board of Variance; Wendy Miller, Recorder
REGRETS: Axel Joosting
PUBLIC: 2 in-person

The meeting was called to order at 6:07 pm.

At this time, the Chair introduced new appointee Ali Alamolhoda.

1. Approval of the Agenda

MOVED by Ali Alamolhoda, **SECONDED** by Paul Clarkston that the agenda be approved.

CARRIED

2. Adoption of the Minutes of June 11, 2024

MOVED by Ali Alamolhoda, **SECONDED** by Paul Clarkston that the minutes of June 11, 2024, be adopted.

CARRIED

3. Planner's Report

No report.

4. Application

a) BV000500 – Section 85, Renfrew District (2880 Kirby Creek Road)

Regina Robinson outlined the staff report and advised that the applicant has requested a variance to increase maximum combined total floor area allowance for accessory buildings and structures from 250 m² to 500 m² on a lot with an area of more than 5,000 m², for the purpose of constructing four bed and breakfast units.

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

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

It was confirmed that the Building Division considers the loft as a storage area given the height of the space and as there is no stair or permanent ladder access. Building permit occupancy would stipulate that the loft is not for human habitation and that a kitchen is not permitted in the units.

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.

The Chair confirmed that the applicants were present.

The applicants spoke to the hardship statement.

The BOV noted the existing family dwelling and 249 m² garage/workshop and the overall size of subject property (64.7 ha).

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

MOVED by Ali Alamolhoda, **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(c) of Bylaw No. 2040 were complied with, that application BV000500 requesting permission from the Board of Variance in accordance with Section 540 of the *Local Government Act* to grant a minor variance by increasing the maximum combined total floor area allowance for accessory buildings and structures on a lot with an area of more than 5,000 m² from 250 m² to 500 m² on Section 85, Renfrew District, to construct four bed and breakfast units, be approved and that if construction is not substantially started within 2 years after the date of this order, the order shall terminate.

CARRIED

5. Adjournment

The meeting was adjourned at 6:15 pm.

P. Clarkston, Chair



**REPORT TO THE JUAN DE FUCA BOARD OF VARIANCE
MEETING OF MONTH JANUARY 15, 2025**

File No: BV000501
Location: 16925 Beachview Close
Legal: Lot 8, Section 36, Township 13, Renfrew District, Plan EPS8132
Zoning: Community Residential – One (CR-1) – Bylaw No. 3109
Land Use Designation: Residential – Bylaw No. 3109
Adjacent Uses: E – CR-1 zone / Community Use Zone
S – CR-1 zone / Beachview Close
W – CR-1 zone / Beachview Drive
N – CR-1 zone

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 proximity of an accessory building to a principal building, as specified by the Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109, Part II, Section 10.1 from 3 m to 2.33 m.

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 0.2 ha property is located at 16925 Beachview Close and is zoned Community Residential – One (CR-1) in the Comprehensive Community Development Plan for Port Renfrew. Bylaw No. 3109 (Appendix A).

The Building Permit Department referred the principal use (BP008692) and accessory building (BP008932) permit applications to the JdF Planning Department for endorsement at time of application. JdF Planning approved the project with the requirement that the accessory buildings need to be located >3 m from the principal building (Appendix B). Through the Building Permit process, it was discovered that the accessory building was built within the 3 m minimum requirement.

Since the accessory structure is located within the required 3 m setback from the principal building specified by the Comprehensive Community Development Plan, a variance is being requested (Appendix C).

The applicants have acknowledged that the non-conforming siting was a result of an error during construction and have stated that the relocation of the existing principal structure and accessory building would result in significant and unnecessary disruption to the landscape and environment. The applicant has provided a statement of hardship indicating the rationale for the requested variance (Appendix D).

Staff are of the opinion that the development is appropriate for the site and complies with the permitted use of the CR-1 zone and the accessory building regulations. The variance request is not anticipated to adversely affect the natural environment and is outside of all development permit areas identified by Comprehensive Community Development Plan for Port Renfrew.

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 January 15, 2025, 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), an order granting a minor variance may be permitted.

OUTLINE MOTION

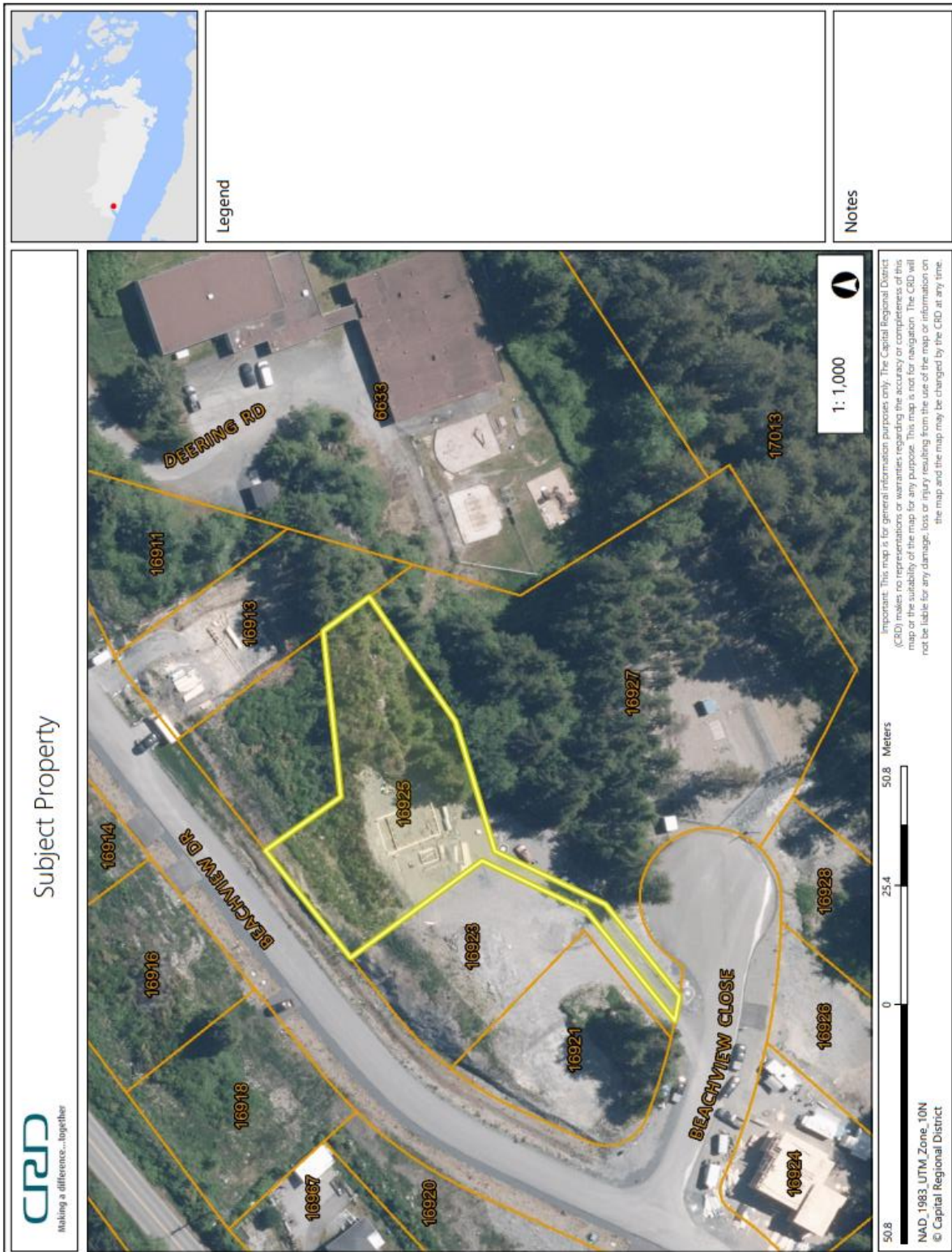
Having considered the matters set out in Section 542(1)(c) of the *Local Government Act*, and having found that undue hardship **<would/would not>** be caused to the applicant if Part II, Section 10.1 of Bylaw No. 3109 were complied with, that application BV000501 requesting permission from the Board of Variance in accordance with Section 540 of the *Local Government Act* to grant a minor variance to Bylaw No. 3109, Part II, Section 10.1, by reducing the proximity of an accessory building to a principal building from 3 m to 2.33 m on Lot 8, Section 36, Township 13, Renfrew District, Plan EPS8132, for an accessory building, be **<approved/denied>**.

Submitted by:	Angela Petrie, 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 from BP008932
- Appendix C: BCLS Foundation Location Certificate and Requested Variance
- Appendix D: Statement of Hardship

Appendix A: Subject Property Map



Legend

Notes

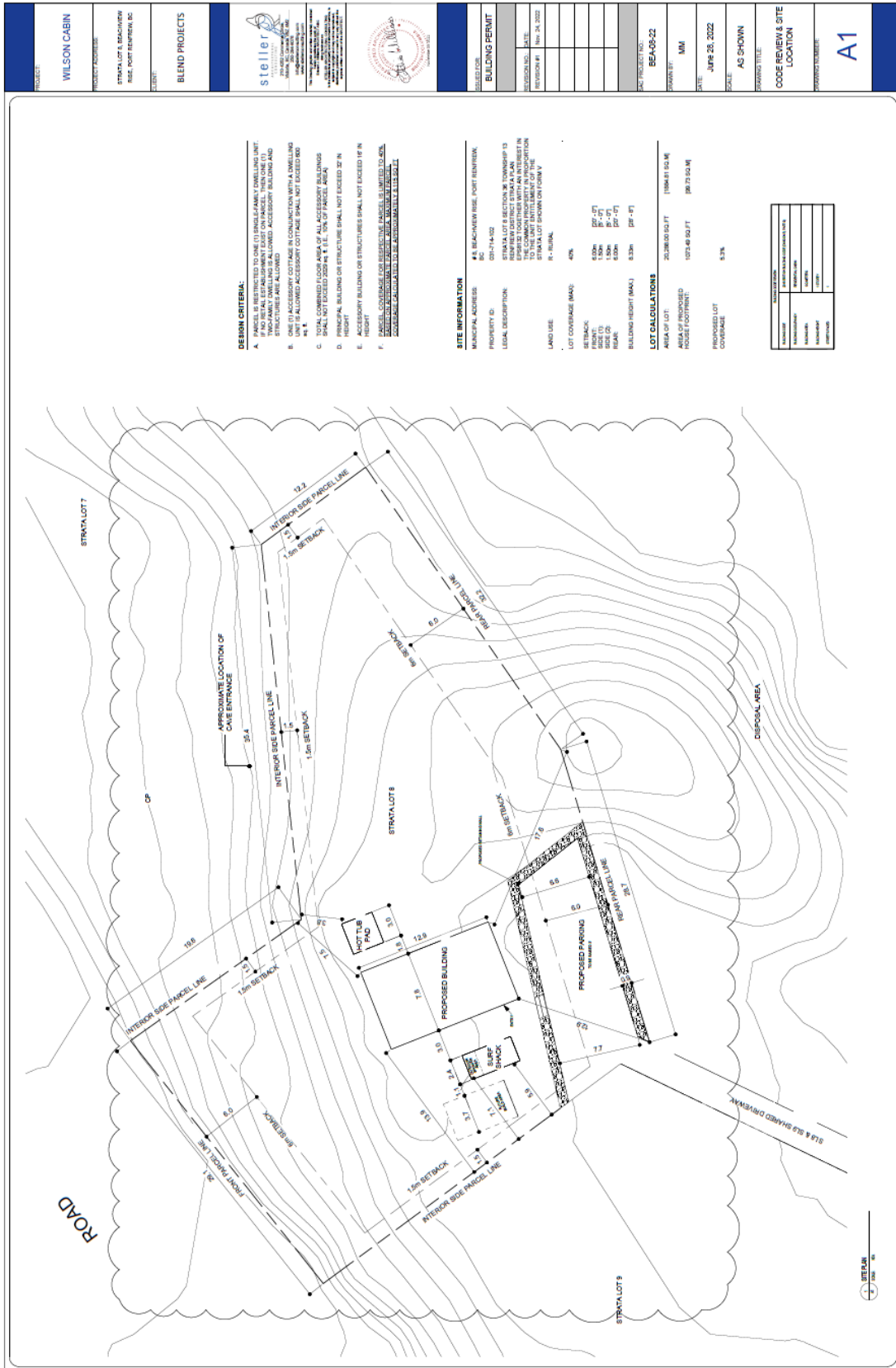
1: 1,000

Important: This map is for general information purposes only. The Capital Regional District (CRD) makes no representations or warranties regarding the accuracy or completeness of this map or the suitability of the map for any purpose. This map is not for navigation. The CRD will not be liable for any damage, loss or injury resulting from the use of the map or information on the map and the map may be changed by the CRD at any time.

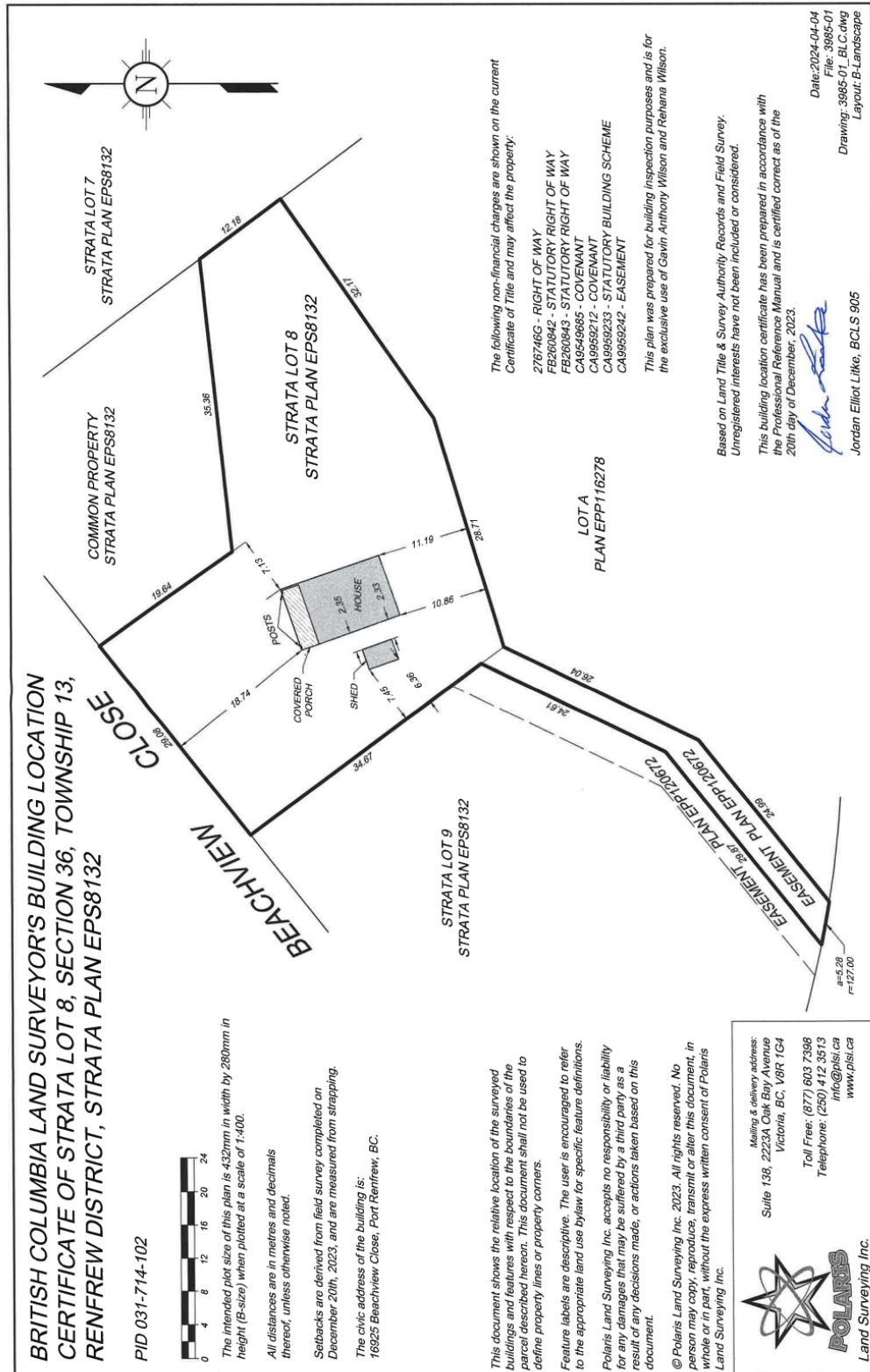
50.8 25.4 0 Meters

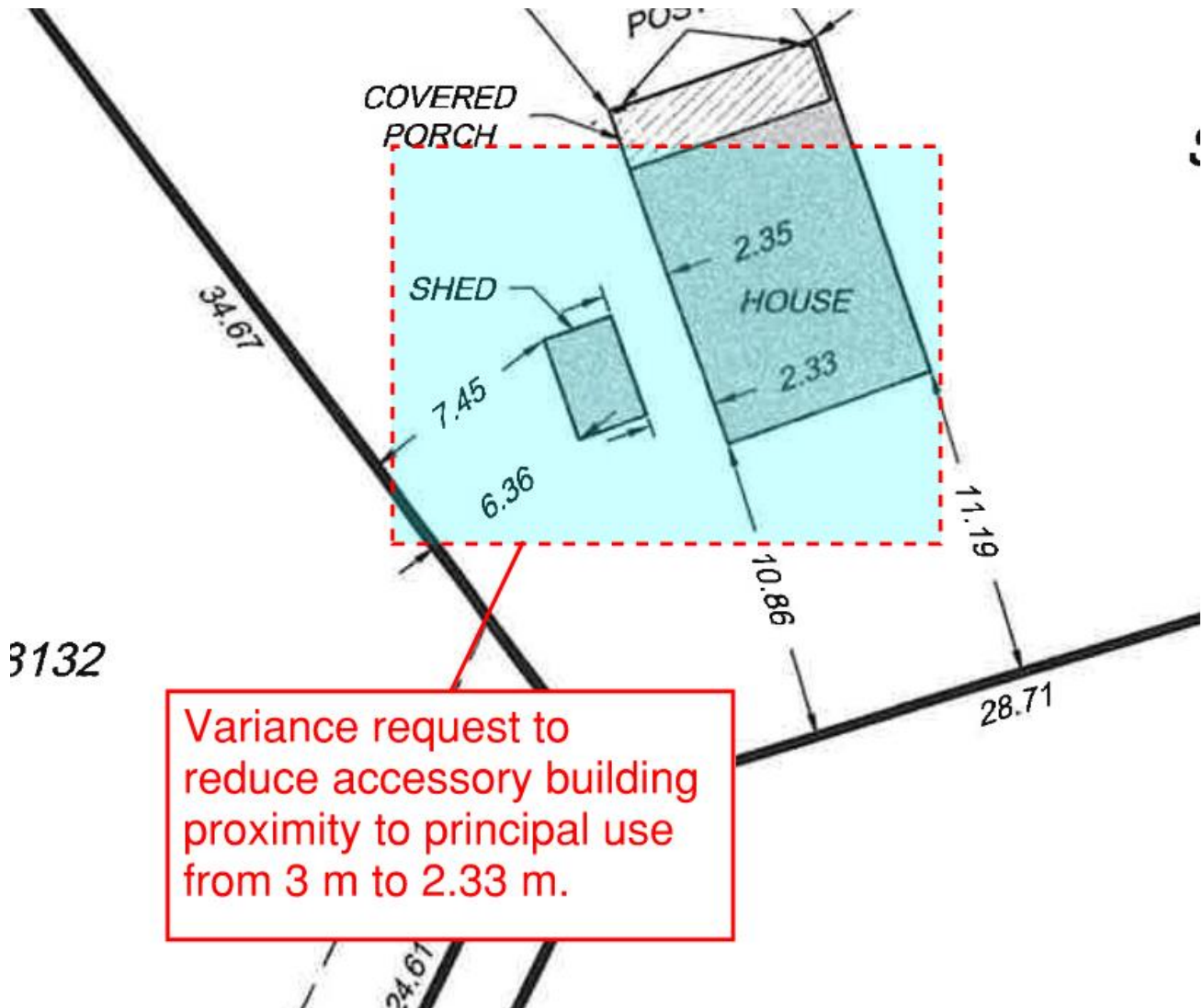
NAD_1983_UTM_Zone_10N
© Capital Regional District

Appendix B: Site Plan from BP008932



Appendix C: BCLS Foundation Location Certificate and Requested Variance





Appendix D: Statement of Hardship



Blend Projects Inc.
2031 Store St.
Victoria, BC
V8T 5L9
Info@blendprojects.co

Simon Fyall
2031 Store St
Victoria, BC V8T 5L9
simon@blendprojects.co
250-885-5713

October 10, 2024

Capital Regional District
Planning and Development Department
3-7450 Butler Road
Sooke, BC V9Z 1N1

Subject: Request for Variance Approval – Separation Distance Between Main Home and Accessory Building

Dear Members of the Board of Variance,

I am writing to formally request approval for a variance regarding the separation distance between my main residence and the accessory building located at 16925 Beachview Close. Due to an unintentional error during construction, the current separation between the two structures is 2.33 meters, rather than the required 3 meters.

The hardship in meeting the regulation arises from the impracticality of making adjustments to the structures at this stage without causing significant disruption to the property and its surroundings. Both the main residence and the accessory building have been fully constructed, and relocating either would lead to unnecessary disturbance to the existing landscape and environment.

I would like to clarify for the Board that the oversight regarding the distance between the buildings was not intentional on the part of the owner or the builder. Early communication from the CRD regarding this matter was sent directly to the acting architect at the time, Eddie Williams, but unfortunately, this information was not relayed to either the owner or builder. Eddie Williams tragically and unexpectedly passed away during the construction process, and with his sudden death, critical information regarding the separation distance issue was not communicated.

Importantly, the reduced separation does not obstruct or diminish the views, use, or enjoyment of the neighbouring properties in any way. We have consulted with our neighbours, and they have expressed no concerns regarding the current layout.



Blend Projects Inc.
2031 Store St.
Victoria, BC
V8T 5L9
Info@blendprojects.co

The structures are designed to blend with the surrounding neighbourhood, and the current distance between them has no impact on privacy or property enjoyment.

Additionally, the current separation poses no safety risks. The buildings comply with all applicable fire and building codes, ensuring that the reduced distance does not create any safety hazards.

By granting this variance, you will allow the structures to remain in place without affecting the neighbourhood, while also avoiding a substantial amount of construction work and site disturbance. This solution preserves the integrity of the property and minimizes unnecessary environmental and logistical challenges.

Thank you for considering our request. We appreciate your time and understanding in this matter.

On behalf of the homeowners, Gavin and Rehana Wilson,

Yours sincerely,

Simon Fyall

Simon Fyall
CEO
Blend Projects Inc.