



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, JUNE 19, 2012**

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**SUBJECT      DEVELOPMENT VARIANCE PERMIT FOR LOT 2, SECTION 101, SOOKE DISTRICT, PLAN VIP72070**

**ISSUE**

A request has been made for a development variance permit to increase the maximum total floor area of accessory buildings and structures from 152.73 m<sup>2</sup> to 275.65 m<sup>2</sup> for the purpose of allowing the construction of a detached accessory suite with attached garage.

**BACKGROUND**

The 2.0 ha property is located at 1278 Gillespie Road in East Sooke and is zoned Rural Residential 3 (RR-3) in the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040 (Appendix 1). The property fronts onto Gillespie Road to the east, residential properties to the north and south, and Sooke Basin to the west. The adjacent parcels are also zoned RR-3.

The owner has submitted a building permit application to construct a 6.12 m high, 89.67 m<sup>2</sup> detached accessory suite and 3.35 m high, 31.73 m<sup>2</sup> attached garage on the subject property. The site plan and building elevation drawings submitted with the building permit application indicate that the proposed building will conform with the required setbacks and maximum height for both accessory buildings and detached accessory suites. The site plan also indicates, however, that the proposed building will exceed the maximum total floor area of accessory buildings and structures of 152.73 m<sup>2</sup>, currently specified by Development Variance Permit DVP-08-08.

DVP-08-08 was issued in order to allow the construction of a detached garage (58.29 m<sup>2</sup>) and a boat storage shed (95.96 m<sup>2</sup>). Those buildings were completed in December 2009.

**ALTERNATIVES**

1. Approve the development variance permit to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 1, Section 4.01(2)(c), by increasing the total floor area of accessory buildings and structures from 100 m<sup>2</sup> to 275.65 m<sup>2</sup> for the purpose of constructing a detached accessory suite and garage;
2. Deny the development variance permit to increase the total floor area of accessory buildings and structures, and require the structure to comply with zoning requirements.
3. Refer the application back to staff for more information.

**LAND USE IMPLICATIONS**

The applicant has commented that the suite will be used by a relative of the owner, and that the garage is required for storage of the relative's vehicle. The proposed variance represents an approximate increase to the current maximum total floor area of accessory buildings and structures of 180%. The maximum lot coverage in the RR-3 Zone is 15%. The total lot coverage proposed by the applicant, upon construction of the detached accessory suite and garage, will be 2.9%.

At the present time, Bylaw No. 2040 is being amended to provide increased total floor area for accessory buildings for lots meeting certain size criteria. The East Sooke APC is supportive of the proposed increase. For parcels 5,000 m<sup>2</sup> or greater, the proposed total floor area is 250 m<sup>2</sup>. This

would result in the proposed 275.65 m<sup>2</sup> being 25.65 m<sup>2</sup> greater than the allowed maximum. Given the above, staffs recommend approval of the requested variance, subject to public notification.

### **LEGISLATIVE IMPLICATIONS**

Juan de Fuca Land Use Bylaw, Bylaw No. 2040, specifies a maximum total floor area of accessory buildings and structures of 100 m<sup>2</sup> on parcels between 5,000 m<sup>2</sup> and 2 ha in East Sooke. Development Variance Permit DVP-08-08 increased the total floor area to 152.73 m<sup>2</sup>; however, a new development variance permit is required in order to allow the proposed increase to 275.65 m<sup>2</sup>.

### **PUBLIC CONSULTATION IMPLICATIONS**

Pursuant to the *Local Government Act*, Section 922(4), if a local government is proposing to pass a resolution to issue a development variance permit it must give notice to each resident/tenant within a given distance as specified by bylaw. Capital Regional District Bylaw No. 3110, Fees and Procedures Bylaw, states that the Board at any time may refer an application to an agency or organization for their comment. In addition, it states that a notice of intent must be mailed to adjacent property owners within a distance of not more than 500 metres. Any responses received from the public will be presented at the June 19, 2012 Land Use Committee meeting.

### **CONCLUSION**

A previously approved Development Variance permit approved an increase in the total floor area of accessory buildings from 100m<sup>2</sup> to 152.73m<sup>2</sup>. The applicant is now requesting a variance to effectively increase the total floor area of accessory buildings and structures from 152.73 m<sup>2</sup> to 275.65 m<sup>2</sup>, in order to permit the construction of a detached accessory suite and garage. Staff recommends approval of the variance request subject to public notification.

### **RECOMMENDATION**

That the Land Use Committee recommends to the Capital Regional District Board:

1. That Development Variance Permit VAR-01-12 for Lot 2, Section 101, Sooke District, Plan VIP72070 to vary Juan de Fuca Land Use Bylaw 1992, Bylaw No. 2040, Part 1, Section 4.01(2)(c), by increasing the maximum total floor area of accessory buildings and structures from 100 m<sup>2</sup> to 275.65 m<sup>2</sup>, be approved.

Original Signed

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Iain Lawrence  
Planner

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\_\_\_\_\_  
Robert Lapham, MCIP  
General Manager Planning & Protective Services  
Concurrence

Original Signed

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June Klassen, MCIP  
Manager, Local Area Planning  
Concurrence

Original Signed

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Kelly Daniels  
Chief Administrative Officer  
Concurrence

Appendices:

1. Subject Property Map
2. Site Plan
3. Building Elevation Drawings

Appendix 1: Subject Property Map





