

JUAN DE FUCA BOARD OF VARIANCE

Notice of Meeting on Wednesday, **January 20, 2021 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. Approval of the Supplementary Agenda
4. Adoption of Minutes of July 27, 2020
5. Planner's Report
6. Application
 - a) BV000472 - Lot 5, Section 6, Otter District, Plan VIP79288 (2929 Sarah Drive)
7. 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 electronically, 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 Monday, July 27, 2020, at the Juan de Fuca Local Area Services Building,
#3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Paul Clarkston (Chair) (EP), Brad Fitchett, Axel Joosting (EP)
Staff: Iain Lawrence, Manager, Juan de Fuca Community Planning;
Regina Robinson, Planning Assistant (EP); Wendy Miller, Recorder (EP)
PUBLIC: 1 EP

The meeting was called to order at 6:11 pm.

At this time, Iain Lawrence reported that the past Chair, Greg Whincup, has stepped down from his position. On behalf of staff and Regional Director Hicks, Iain Lawrence acknowledged Greg Whincup's fourteen years of service volunteering as a member of the BOV.

Iain Lawrence welcomed Brad Fitchett to the membership. Brad Fitchett was appointed to the BOV by the CRD Board on July 8, 2020.

1. Elections

Iain Lawrence called for nominations for the position of Chair of the Juan de Fuca Board of Variance (BOV) for 2020 and Brad Fitchett's name was put forward. Brad Fitchett declined the nomination.

Iain Lawrence called a second time for nominations for the position of Chair and Paul Clarkston's name was put forward. Paul Clarkston stated that he would stand for the position. Iain Lawrence called a third time for 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 Brad Fitchett, **SECONDED** by Axel Joosting that the agenda be approved.

CARRIED

3. Approval of the Supplementary Agenda

MOVED by Axel Joosting, **SECONDED** by Brad Fitchett that the supplementary agenda be approved.

CARRIED

4. Adoption of the Minutes of December 2, 2019

MOVED by Axel Joosting, **SECONDED** by Paul Clarkson that the minutes of December 2, 2019, be adopted.

CARRIED

5. Planner's Report

No report.

6. Application

a) BV000470 – Strata Lot 10, Section 130, Sooke District, Plan VIS2006 (695 Cains Way)

Regina Robinson outlined the staff report and advised that the applicant is requesting relief from the Board of Variance (BOV) by increasing the maximum floor area allowance from 418 m² to 653.9 m², and increasing the maximum permitted height from 9 m to 9.18 m for the purpose of constructing an addition to an existing dwelling in the Rural Residential 3 (RR-3) zone.

Regina Robinson highlighted the proposed addition on the building plans as included in the staff report.

Regina Robinson confirmed that:

- the height of the dwelling is not changing
- the height variance is requested to satisfy the outstanding RR-3 zone requirement, which was not addressed at the time that the dwelling was constructed in 2005
- a letter from the owners of Strata Plan VIS2006 states that the strata has no concerns with the proposal
- a letter of support was submitted by a neighbouring property owner in response to the notice of intent
- the application agent was present

The agent for the application stated that:

- the second storey of the dwelling is currently accessed from a spiral staircase in the master bedroom
- the staircase addition is proposed to provide a safer access to the bedrooms on the second storey
- the bedrooms on the second storey are for the family's younger children
- the addition is just large enough to accommodate the staircase

BOV comments included:

- the dwelling already exceeds the maximum floor area allowance and the requested variance seems minor in relation to the size of the dwelling
- the height will not be increased
- no objections have been received from the neighbours

MOVED by Axel Joosting , **SECONDED** by Brad Fitchett that having considered the matters set out in Section 542(1)(c) of the *Local Government Act*, and having found that undue hardship would not be caused to the applicant if Part 2, Section 7.04 and Section 7.06(a) of Bylaw No. 2040 were complied with, that application BV000470 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 7.04 by increasing the maximum height from 9 m to 9.18 m; and Section 7.06(a) by increasing the maximum total floor area on a lot less than 1 ha from 418 m² to 653.9 m² on Strata Lot 10, Section 130, Sooke District, Plan VIS2006, for a proposed addition, 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 6:26 pm.

P. Clarkston, Chair

**REPORT TO THE JUAN DE FUCA BOARD OF VARIANCE
MEETING OF WEDNESDAY, JANUARY 20, 2021**

File No: BV000472
Location: 2929 Sarah Drive
Legal: Lot 5, Section 6, Otter District, Plan VIP79288
Zoning: Rural Residential 2 (RR-2) – JdF Land Use Bylaw No. 2040
Land Use Designation: Settlement (SA1) – Otter Point OCP Bylaw No. 3819
Adjacent Uses: N – Sarah Drive S – Vacant – District of Sooke
W – Residential – RR-2 E – Residential – RR-2

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 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.

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 0.8 ha property is located on 2929 Sarah Drive and is zoned Rural Residential 2 (RR-2) in the Juan de Fuca Land Use Bylaw No. 2040 (Appendix A). A single family dwelling and a 69.23 m² detached garage were constructed under building permit JD05-17, and several smaller

accessory structures are located on the property (Appendix B). Variance VAR-12-10 was approved to reduce the side and rear yard setbacks for the woodshed and recycling shed and increase the combined total floor area for accessory buildings from 100 m² to 148 m²; the total floor area allowance for accessory buildings on parcels greater than 5,000 m² has since changed to 250 m².

The owners now wish to add a second storey to the detached garage within the existing footprint; the proposal includes the addition of an exterior deck and access stairs to the proposed upper floor (Appendix C). The maximum permitted height for accessory buildings is 6 m, as specified by the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Section 4.01(2)(a). A variance is requested as the accessory building height is proposed to be increased to 6.58 m. The owners have provided a statement of hardship indicating that their rationale for the requested variance is the need for additional living space due to an increase of at-home activities (Appendix D). A statement of support from an adjacent property owners was 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 permitted uses of the RR-2 zone. 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 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 January 20, 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

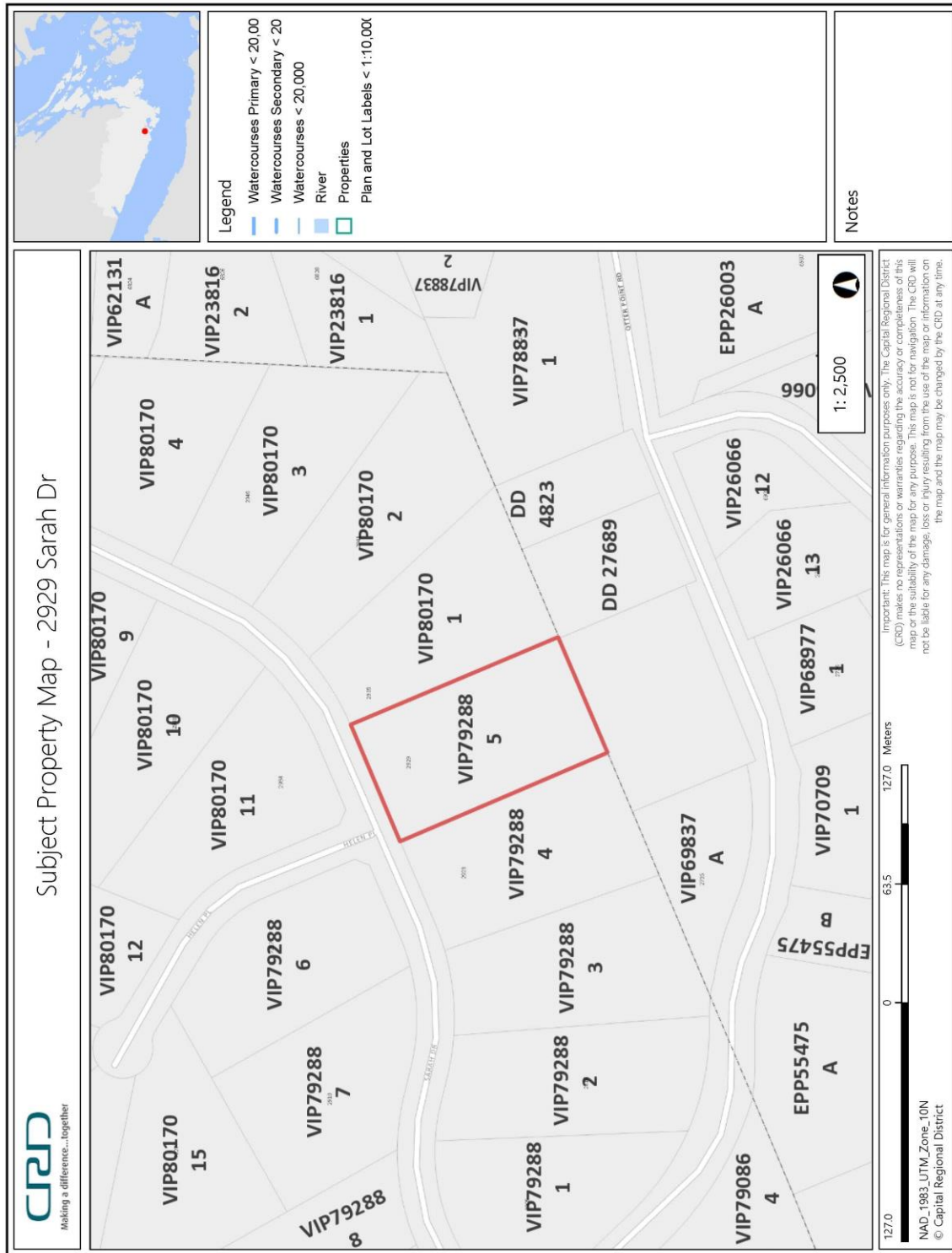
Having considered the matters set out in Section 542(1)(c) of the *Local Government Act*, and having found that undue hardship **<would/would not>** be caused to the applicant if Part 1, Section 4.01(2)(a) of Bylaw No. 2040 were complied with, that application BV000472 requesting permission from the 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/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
Appendix C: Proposed Building Elevations
Appendix D: Hardship Letter from Applicant
Appendix E: Letter of Support

Appendix A: Subject Property Map



Brad Cunin Land Surveying

B. C. Land Surveyor's Certificate of Location for:
LOT 5, SECTION 6, OTTER DISTRICT, PLAN VIP79288

Parcel Identifier: 026-363-275
In the District of Sooke.

Prepared For: **Dickie, Glenn and Debra**

SCALE = 1 : 600
All distances are in METRES and decimals thereof.

NORTH

Digitally signed by
Bradley Cunin AMP7L6
DN: c=CA, ou=Bradley
Cunin AMP7L6, o=B.C.
Land Surveyors Society,
ID at www.justrite.com/
LKUP.chr.mds-AMP7L6
Date: 2010.09.01
10:12:54 -07'00'

Bradley W Cunin, BCLS
Field Survey ~ 24 August, 2010.
Dated this 31st day of August, 2010.
This document is not valid unless originally signed and sealed.
This document is copyrighted, and may not be used
unless originally signed and sealed.

SARAH DRIVE
64.418

on 2.287
n= 129.961

Gravel Driveway

Utility Pole (w/g To house)

LOT 1
PLAN
VIP80170
DISTRICT) 6

Approx location w/g Electricity

On wheels, movable

Recycling shed

4'4" x 12'4"

GRAVEL PARKING

Proposed deck + stairs 8'x15'

D-box

Septic Field

Septic Tanks

Pump House 8'x12'

Road

SEC 6

(OTTER DISTRICT)

I have inspected the residential premises shown under construction and hereby certify that the said structure is situate with respect to nearby boundaries as shown on this sketch. This document is prepared for the use of the stated party and their interests and is for inspection purposes only. This document does not represent any form of boundary or lot redefinition.
There are no encroachments by the said improvements shown.

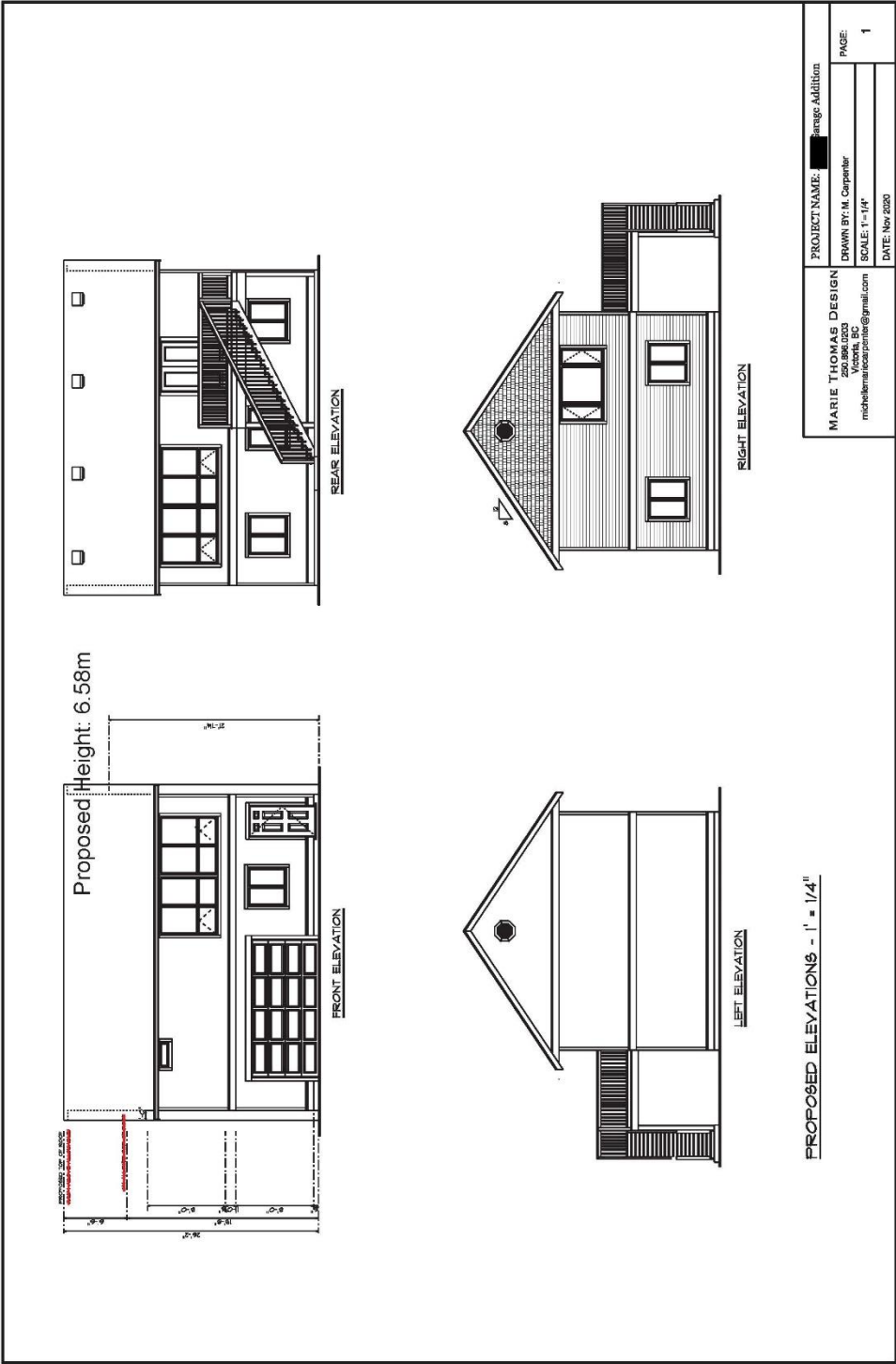
Lot 4
Plan
VIP79288

110.896

15' 7"
24'-5 1/2"
Ramp to garage
7'11" x 24'
5x12 Wood sled, no foundation

WALK SLED, NO FOUNDATION

Appendix C: Proposed Building Elevations



Appendix D: Hardship Letter from Applicant

November 23, 2020

2929 Sarah Drive
Sooke, BC V9Z 0J5

Re: Statement of Hardship for Variance Application

CRD Board of Variance,

We are applying for a minor variance in the height restriction for accessory buildings in the RR-2 zone so that we may add a second storey to our existing garage to add a recreation/media room. As a family with three young children, an additional recreation space is desirable for us to continue to live comfortably in our home, and will be even more so as our children grow. A "hangout space" will keep them safe at home while giving them the independence from Mom and Dad as they interact with their friends.

While we hope for an end to the COVID-19 pandemic in the not-too-distant future, additional work-from-home and fitness space is an additional need for us as a family and this flexible space could solve that as well.

We will not be increasing dwelling units or renting this space out - it will solely be for our family's use and enjoyment.

The current restriction of 6m for height is creating an undue hardship for us - we ask that the BOV relax this restriction to provide relief.

Many thanks,

[Redacted Signature]

November 16, 2020

██████████
2929 Sarah Drive
Sooke, BC V9Z 0J5

Re: Info about 2929 Sarah Drive

CRD Board of Variance,

I thought it might be helpful for the Board to have some additional information about the property close at hand.

- Garage Originally constructed 2006 under permit JD05-137
- Property is served by a private well and septic system
- Utilities come into the property via a private pole approximately 28 M from the northern property line along the west side of the property. From there they go underground to the house, where they are then distributed to the garage.

The project does not propose to alter any building footprints or change the distance from the property lines of any building on the property.

Appendix E: Letter of Support

Mike and Linda Thompson



CRD Board of Variance

To Whom it may concern:

This letter is to advise you that Michael and Linda Thompson have no objections to the garage project at the neighbour's house located at 2929 Sarah Drive Sooke BC.

Thanks

Michael and Linda Thompson

Two handwritten signatures in dark ink. The top signature appears to be 'L Thompson' and the bottom signature is 'Linda', followed by a long horizontal line.