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**Minutes of a Meeting of the Juan de Fuca Board of Variance
Held Monday, November 14, 2022, at the Juan de Fuca Local Area Services Building,
#3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Paul Clarkston (Chair), Brad Fitchett, Axel Joosting (EP)
Staff: Iain Lawrence, Senior Manager, JdF Local Area Services;
Darren Lucas, Planner; Wendy Miller, Recorder
PUBLIC: 2 in-person; 5 EP

EP – Electronic Participation

The meeting was called to order at 6:00 pm.

1. Approval of the Agenda

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

CARRIED

2. Approval of the Supplementary Agenda

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

CARRIED

3. Adoption of the Minutes of May 16, 2022

MOVED by Brad Fitchett, **SECONDED** by Axel Joosting that the minutes of May 16, 2022, be adopted.

CARRIED

4. Planner's Report

Iain Lawrence extended a thank you to the BOV for its work over the last year. Certificates of appreciation as issued by the CRD Board Chair were presented to the BOV.

Iain Lawrence introduced Darren Lucas, Planner.

5. Applications

a) BV000489 - Lot A, Section 7, Otter District, Plan VIP75055 (8709 West Coast Road)

Darren Lucas outlined the staff report and advised that the applicant has requested a variance to reduce the required front yard setback for a one-family dwelling from 4.5 m to 2.1 m.

Darren Lucas highlighted the subject property, subject dwelling and site survey. It was advised that a development permit with variance (DV000080) was issued on September 13, 2021, to reduce the front yard setback from 4.5 m to 2.3 m and that a subsequent survey showed that the substantially constructed building is located 2.12 m from the front property line.

Darren Lucas directed attention to the applicant's hardship statement as included in the staff report and confirmed that no comments were received in response to the notice of intent mailed to adjacent property owners within 50 m of the subject property.

Staff confirmed that the applicants were present.

MOVED by Axel Joosting, **SECONDED** by Brad Fitchett that having considered the matters set out in Section 542(1) of the *Local Government Act*, and having found that undue hardship would be caused to the applicant if Bylaw No. 2040 were complied with, the Board of Variance hereby orders that a minor variance to Bylaw No. 2040, Part 2, Section 13A.13(a), by reducing the required front yard setback for a one-family dwelling from 4.5 m to 2.1 m on Lot A Section 7 Otter Point District Plan VIP75055, be permitted.

CARRIED

At this time, the Chair turned the meeting over Brad Fitchett, as Acting Chair, declaring conflict of interest with application BV000490.

b) BV000490 - Lot 6, Section 77, Renfrew District, Plan VIP58128 (Juan de Fuca Road/West Coast Road)

Iain Lawrence outlined the staff report and advised that the applicant has requested a variance to reduce the rear and side yard setback requirements from 15 m to 7.5 m for the purpose of constructing a dwelling and detached accessory suite.

Iain Lawrence highlighted the subject property, noting that the proposed dwelling and detached accessory suite are to be located adjacent to the rear yard private driveway located off of Juan de Fuca Drive.

Iain Lawrence directed attention to the applicant's hardship statement as included in the staff report and confirmed that two comments, as circulated in the supplementary agenda, were received in response to the notice of intent mailed to adjacent property owners within 50 m of the subject property.

Staff confirmed that the applicant's agent was present.

Celeste Gallen, Shirley, stated:

- is an adjacent property owner
- the property to the west of her property was permitted a variance to reduce the side yard setback
- the subject application, if supported, would reduce the side yard setback on the property located to the east of her property
- does not support both flanking properties being permitted reduced side yard setbacks

The application agent stated:

- there is a significant tree buffer between the subject property and the property located to the west
- the property located to the west of the subject property is vacant
- siting on the subject property is limited by steep slope and the large setbacks prescribed by the Forest (AF) zone

Members of the BOV commented that:

- a 7.5 m side yard setback would be consistent with rural residential lots in areas covered by the Juan de Fuca Land Use Bylaw
- that a 7.5 m setback is substantial for a parcel of this size and provides opportunity to retain vegetation and maintain privacy between dwelling units

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 be caused to the applicant if Part 2, Section 3.07 of Bylaw No. 2040 were complied with, that application BV000490 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 3.07 by reducing the required rear and side yard setbacks from 15 m to 7.5 m on Lot 6, Section 77, Renfrew District, Plan VIP58128, for a proposed dwelling and detached accessory suite, be approved and that if construction is not substantially started within 2 years after the date of this order, the order shall terminate.

CARRIED

6. Adjournment

The meeting was adjourned at 6:23 pm.

P. Clarkston, Chair