

JUAN DE FUCA BOARD OF VARIANCE

Notice of Meeting on Wednesday, **June 28 , 2023, 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 May 2, 2023
4. Planner's Report
5. Applications
 - a) BV000494 - Lot 11, Section 2, Renfrew District, Plan VIP83339 (3505 Water's Edge Drive)
 - b) BV000495 - Strata Lot A, District Lot 720, Renfrew District, Plan VIS6409 (9997 West Coast Road)
 - c) BV000496 - Lot 19, Section 78, Renfrew District, Plan VIP58128 (10300 Block of West Coast Road)
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.



Making a difference...together

**Minutes of a Meeting of the Juan de Fuca Board of Variance
Held Tuesday, May 2, 2023, 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, Senior Manager, JdF Local Area Services (EP);
Darren Lucas, Planner; Wendy Miller, Recorder
ABSENT: Brad Fitchett
PUBLIC: 3

EP – Electronic Participation

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

1. Approval of the Agenda

MOVED by Axel Joosting, **SECONDED** by Paul Clarkston that the agenda be approved.

CARRIED

2. Approval of the Supplementary Agenda

MOVED by Axel Joosting, **SECONDED** by Paul Clarkston that the supplementary agenda be approved.

CARRIED

3. Adoption of the Minutes of March 1, 2023

MOVED by Axel Joosting, **SECONDED** by Paul Clarkson that the minutes of March 1, 2023, be adopted.

CARRIED

4. Planner's Report

No report.

5. Application

a) BV000493 - Lot 23, Section 42, Highland District, Plan VIP8166 Except Plan VIP78117 (7272 Mark Lane)

Darren Lucas outlined the staff report and advised that the applicant has requested a variance to reduce the required front yard setback for an accessory building from 6 m to 1.52 m for the purpose of constructing a 7 m² utility shed.

Darren Lucas highlighted the site plan and directed attention to the applicant's hardship statement as included in the staff report and to the supplementary information received from the applicant in response to an inquiry received by staff from an adjacent property owner regarding the wellhead location/housing.

The Chair confirmed that the applicants were present.

Darren Lucas responded to questions from the BOV advising that, although a building permit may not be required due to the size of the utility shed, the Willis Point Comprehensive Community Plan, Bylaw No. 3027, does not provide a setback exemption for utility sheds.

The applicant stated that the:

- property recently experienced vandalism
- utility shed will provide a secure location for well components
- wellhead will not be housed in the utility shed, but will be covered by a protective sleeve

A neighbouring property owner reviewed the site photos and stated no objection to the request.

The Board of Variance considered the requested variance and passed the following resolution:

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 Schedule 'B', Section 22.2(d) of Bylaw No. 3027 were complied with, that application BV000493 requesting permission from the Board of Variance in accordance with Section 540 of the *Local Government Act* to grant a minor variance to reduce the required front yard setback from 6 m to 1.52 m on Lot 23, Section 42, Highland District, Plan VIP8166 Except Plan VIP78117, for a proposed utility shed, 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 6:17 pm.

P. Clarkston, Chair



**REPORT TO THE JUAN DE FUCA BOARD OF VARIANCE
MEETING OF JUNE 28, 2023**

File No: BV000494
Location: 3505 Waters Edge Drive
Legal: Lot 11, Section 2, Renfrew District, Plan VIP83339
Zoning: Rural Residential 2A (RR-2A) – JdF Land Use Bylaw No. 2040
Land Use Designation: Pacific Acreage (PA) – Bylaw No. 4001
Adjacent Uses: N – Waters Edge Drive/CRD “Shores” Park
E – Rural Residential 2A parcel
S – Strait of Juan de Fuca
W – CRD “Shores” Park

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 floor area allowed for a detached accessory suite from 90 m² to 91 m² and increasing the maximum allowable height for an accessory building used for a detached accessory suite from 7 m to 7.9 m to the peak of the roof for the purpose of constructing a two-story accessory building to accommodate 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 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 1.1 ha property is located at 3505 Waters Edge Drive and is zoned Rural Residential 2A (RR-2A) in the Juan de Fuca Land Use Bylaw No. 2040 (Appendix A). First Creek/The Shores Park runs roughly from the northeast to the southwest within a ravine located along the western side of the parcel. A driveway enters along the northern boundary of the lot and accesses a single-family dwelling completed in 2022 (Building Permit #BP005029) and 9.2 m² shed.

Portions of the subject property are designated as Steep Slope and Riparian Development Permit Areas (DPAs) by the Shirley-Jordan River Official Community Plan, Bylaw No. 4001. Areas designated as a Riparian DPA are also subject to the *Riparian Areas Protection Regulations (RAPR)*. The owners are proposing to construct an accessory building that will include a garage on the lower floor and an accessory suite on the second floor. The building would be located towards the northwestern side lot line (Appendix B). The owners applied for a development permit since the proposed structure is located within 30 m of First Creek. The Province has approved the QEP's report submitted to the Riparian Areas Protection Notification System (RAPRNS). Issuance of DP000383 is pending Building Inspection's acceptance of the Geotechnical report submitted as part of the required building permit documentation. The proposed structure would be exempt from a Steep Slopes development permit under a valid Building Permit.

Section 4.20 of Bylaw No. 2040 permits a maximum floor area of 90 m² and a maximum height of 7 m to the peak of the roof for detached accessory suites. The plans submitted as part of the building permit application show that the floor area of the detached suite exceeds 90 m² and the proposed height of the structure is greater than 7 m to the peak (Appendix C). A variance is required to authorize a maximum height of 7.9 m from average natural grade and a floor area of 91 m². The owners have provided a statement of hardship advising that a height variance is requested as the property's topography limits the suitable building areas for the construction of separate detached accessory suite and garage buildings, and that the requirements for the garage result in a taller ground floor (Appendix D).

The combined footprint of all buildings located on the property is less than the 25% lot coverage allowance specified by the RR-2A zone. The proposal also complies with the maximum 250 m² total combined floor area allowance for accessory buildings and structures, and conforms with setback requirements.

Staff are of the opinion that the proposed development would not adversely affect the natural environment and that the proposal is in keeping with the surrounding neighbourhood. A letter of support from the owners of a neighbouring property was provided as part of the application (Appendix E).

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 June 28, 2023, 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 a minor and finds that it meets the considerations of section 542(1)(c), an order granting a minor variance may be permitted.

OUTLINE MOTION

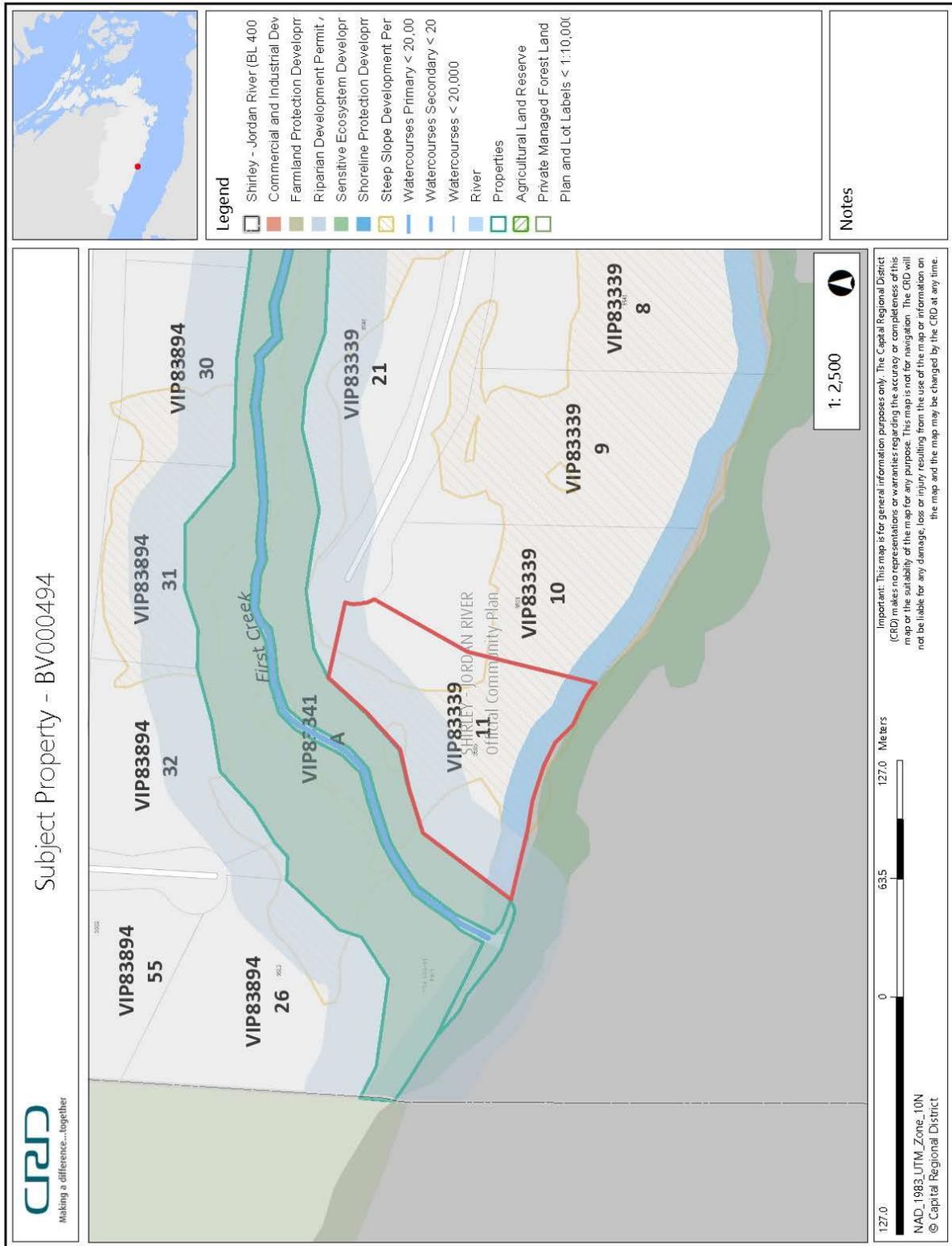
Having considered the matters set out in Section 542(1)(c) of the *Local Government Act*, and having found that undue hardship <**would/would not**> be caused to the applicant if Part 1, Section 4.20 of Bylaw No. 2040 were complied with, that application BV000494 requesting permission from the Board of Variance in accordance with Section 540 of the *Local Government Act* to grant a minor variance to Bylaw No. 2040, Part 1, Section 4.20(f) by increasing the maximum floor area allowed for a detached accessory suite from 90 m² to 91 m² and Section 4.20(g) by increasing the maximum allowable height for an accessory building used for a detached accessory suite from 7 m to 7.9 m to the peak of the roof on Lot 11, Section 2, Renfrew District, Plan VIP83339 to permit construction of a two-storey 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

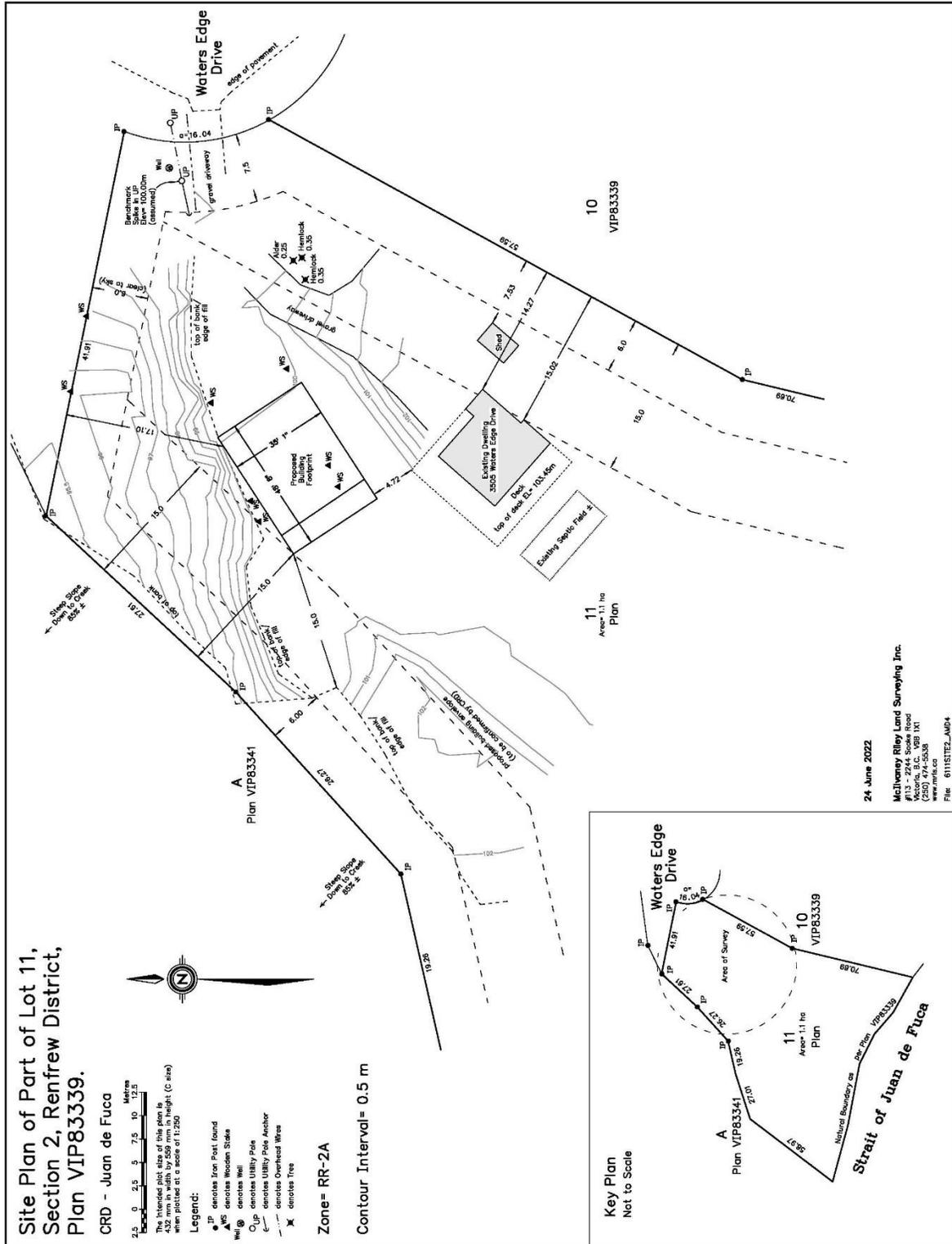
ATTACHMENTS

- Appendix A: Subject Property Map
- Appendix B: Site Plan
- Appendix C: Proposed Building Plans
- Appendix D: Hardship Letter from Owners
- Appendix E: Letter of Support

Appendix A: Subject Property Map



Appendix B: Site Plan



Appendix C: Proposed Building Plans



200 - 145 Schoolhouse St.
 Coquitlam, BC, Canada V3K 4J8
 1.604.553.7578

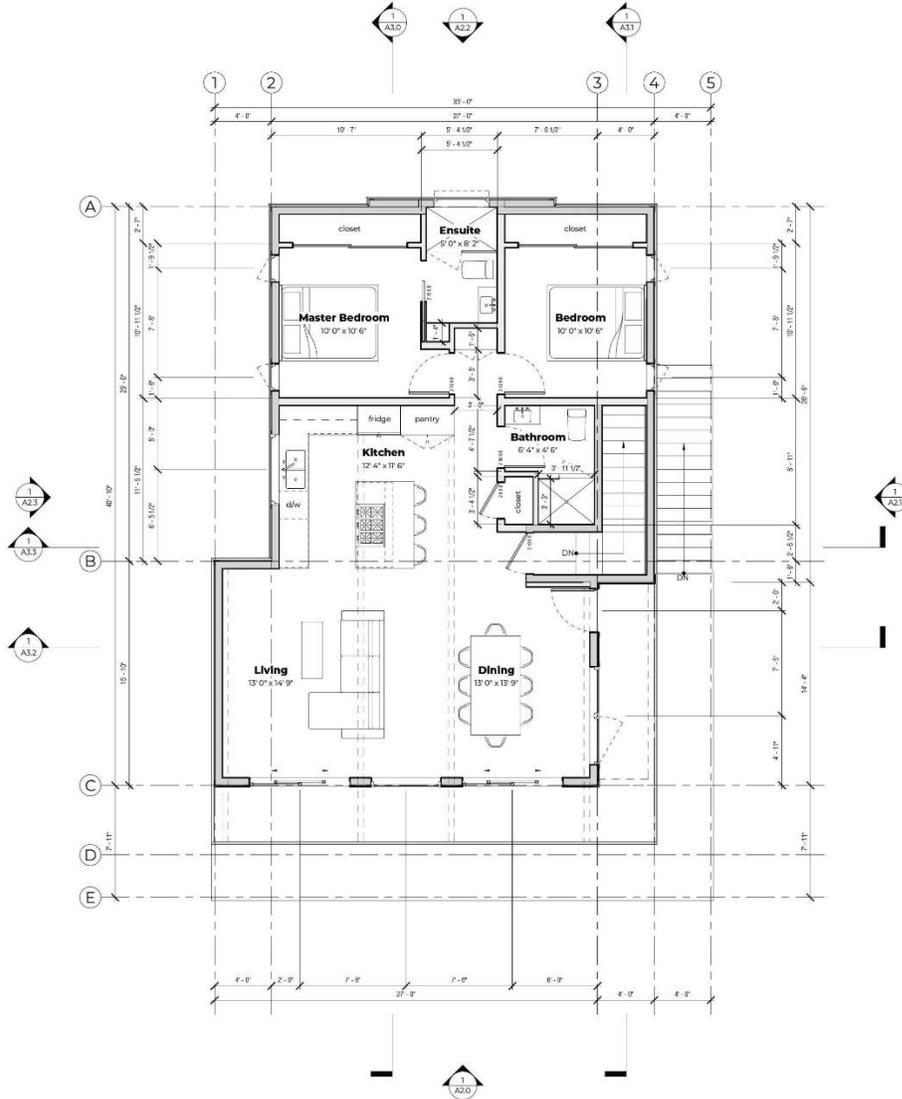
Notes

Building Areas:

Main Floor Area: 1056.80 sqft.
 Garage Area: 1397.42 sqft.
 Deck Area: 393.75 sqft.

Floor Areas:

Main Floor Area: 969.12 sqft.
 Garage Area: 1311.11 sqft.



1 Issued for Client Review 230420

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Project Information

3505 Waters Edge Drive,
 Jordan River, BC
 V8C 1J1

Drawing Title

Main Floor Plan

Drawn / Checked Project Number

JA / CL -

Scale Plot Date

1/4" = 1'-0" 230420

Sheet Number

A1.0



300 - 142 Schoolhouse St.
 Coquitlam, BC, Canada V3K 4X8
 T. 604. 553. 7578

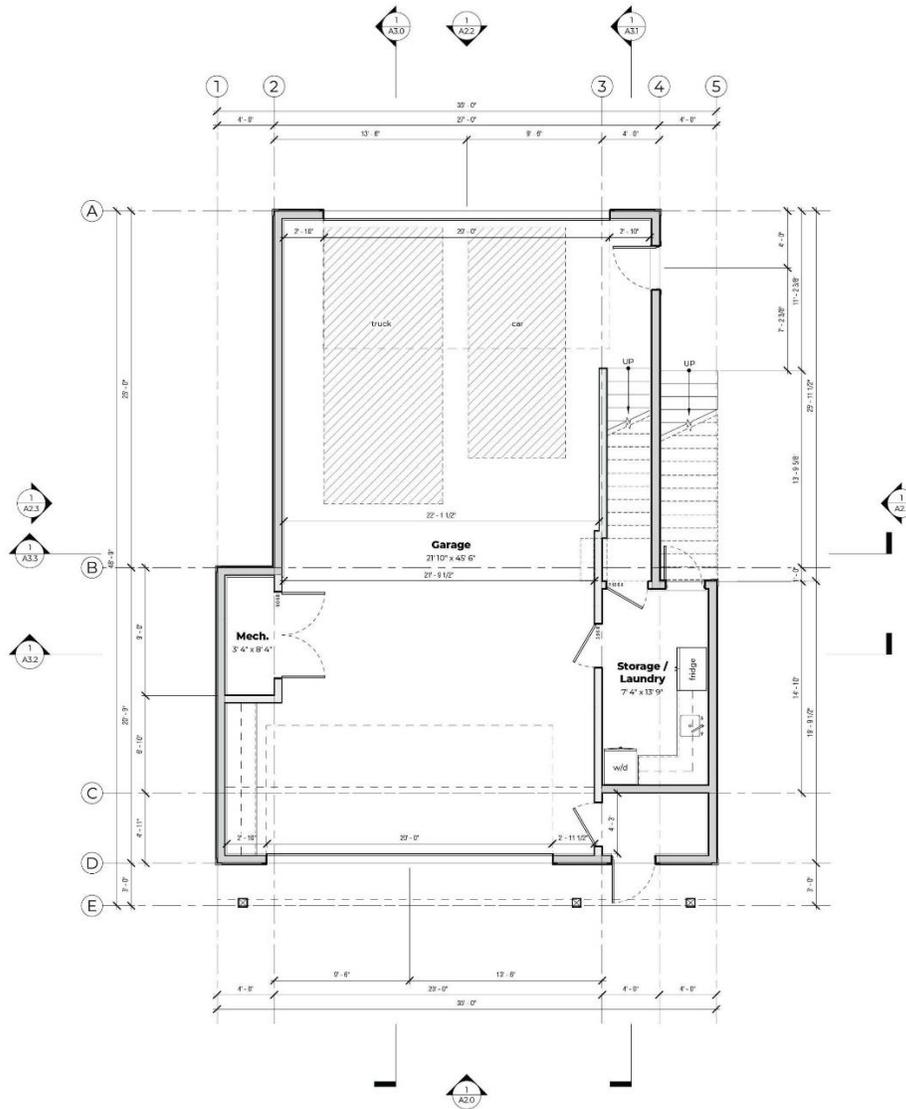
Notes

Building Areas:

Main Floor Area: 1068.80 sqft
 Garage Area: 1397.42 sqft
 Deck Area: 393.75 sqft

Floor Areas:

Main Floor Area: 969.12 sqft
 Garage Area: 1311.11 sqft



1 Issued for Client Review 20240

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Project Information

3505 Waters Edge Drive,
 Jordan River, BC
 V9Z 1J1

Drawing Title

Garage Plan

Drawn / Checked Project Number

JA / CL

Scale Plot Date

1/4" = 1'-0" 230/420

Sheet Number

A1.1

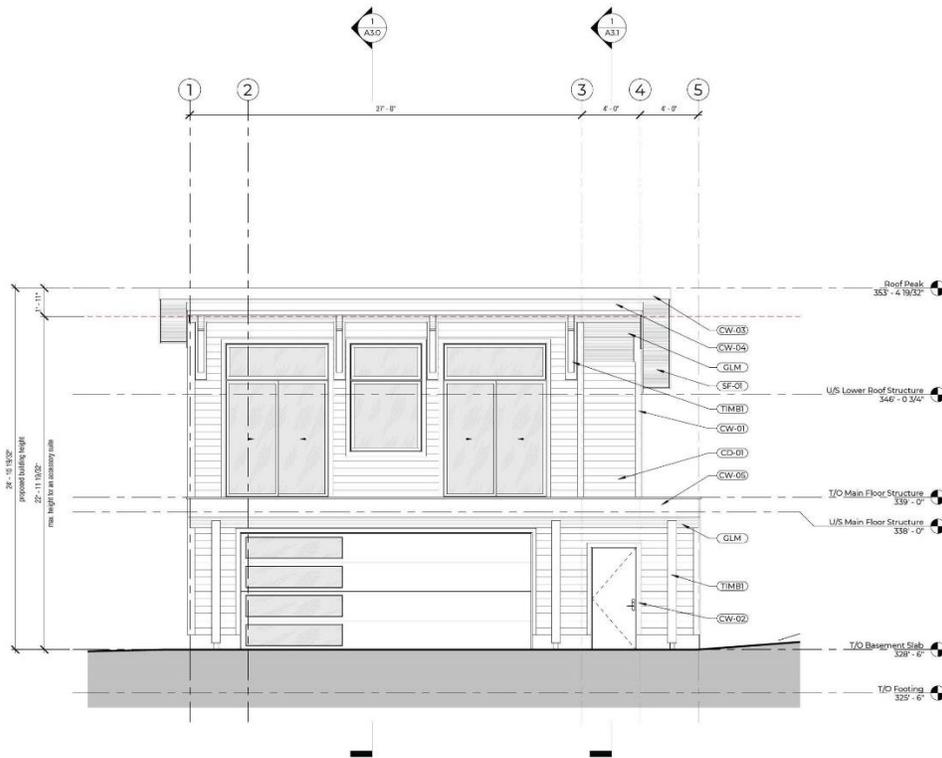


200 - 145 Schoonhouse St
 Coquitlam, BC, Canada V3K 4X8
 1.604.553.7578

Notes

Finish Schedule

- (GLM) 5 1/8" x 12" Douglas Fir Glulam
- (TIMB1) Timber Bracket
- (TIMB2) 8 x 8 Timber Posts
- (CD-01) 1x6 Shadowline Western Red Cedar
- (CW-01) 2 x 6 Cedar Corner Trim
- (CW-02) 2 x 4 Cedar Window Trim
- (CW-03) 2 x 10 Cedar Fascia
- (CW-04) (2) 2 x 8 Cedar Shadow Board
- (CW-05) 2 x 12 Cedar Mid-Board
- (SF-01) 1 x 4 Douglas Fir T&G Soffit w/ Aluminum Eave Vent



1 Issue for Client Review 230420

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Project Information



3505 Waters Edge Drive,
 Jordan River, BC
 V9Z 1L1

Drawing Title

Front Elevation

Drawn / Checked Project Number

JA / CL -

Scale Plot Date

1/4" = 1'-0" 230420

Sheet Number

A2.0



200 - 145 Schoolhouse St.
 Conquest, BC, Canada V2K 4J8
 1. 604. 553. 7576

Notes

Finish Schedule

- (CEM) 5/8" x 12" Douglas Fir Glulam
- (TIMB) Timber Bracket
- (TIMB2) 8 x 8 Timber Posts
- (CE-01) 1x6 Shadowline Western Red Cedar
- (CW-01) 2 x 6 Cedar Corner Trim
- (CW-02) 2 x 4 Cedar Window Trim
- (CW-03) 2 x 10 Cedar Fascia
- (CW-04) (V) 2 x 8 Cedar Shadow Board
- (CW-05) 2 x 12 Cedar Mid-Board
- (CE-01) 1 x 4 Douglas Fir T&G Soffit w/Aluminum Gable Vent

1 Issue to Client/owner 220420

Issues:

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Project Information



3005 Waters Edge Drive,
 Jordan River, BC,
 V9Z 1L1

Drawing Title

Right Elevation

Drawn / Checked Project Number

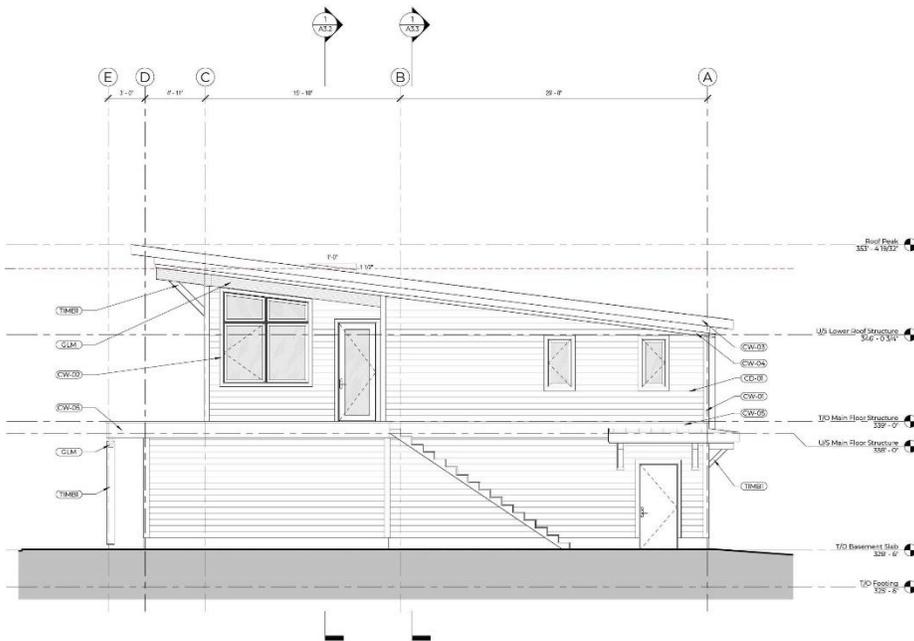
JA / CL -

Scale Plot Date

1/4" = 1'-0" 230420

Sheet Number

A2.1





Notes

Finish Schedule

- (SEM) 5/18" x 12" Douglas Fir Glulam
- (TIMB) Timber Bracket
- (TIMB2) 8 x 8 Timber Posts
- (CSC2) 1x6 Shadowline Western Red Cedar
- (CW-3) 2 x 6 Cedar Corner Trim
- (CW-2) 2 x 4 Cedar Window Trim
- (CW-3) 2 x 10 Cedar Fasia
- (CW-4) (2) 2 x 8 Cedar Shadow Board
- (CW-5) 2 x 12 Cedar Mid Board
- (SF-1) 1 x 4 Douglas Fir T&G Soffit w/ Aluminum Fave Vent

1 Issued to Client Review 20240

Issues

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Project Information

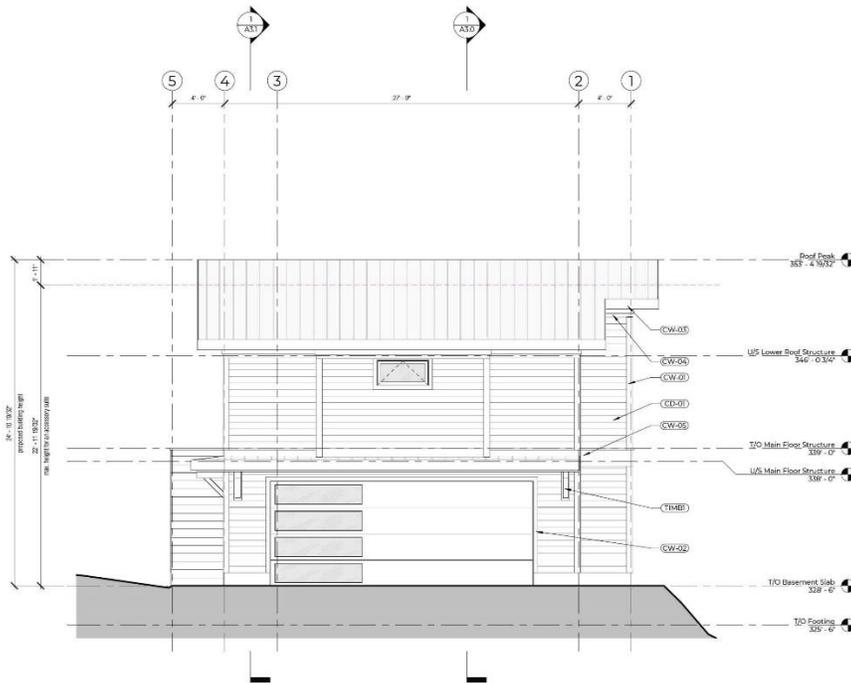
3505 Waters Edge Drive,
 Jordan River, BC
 V0C 1L1

Drawing Title

Rear Elevation

Drawn / Checked Project Number
 JA / CL -
 Scale Plot Date
 1/4" = 1'-0" 230420
 Sheet Number

A2.2



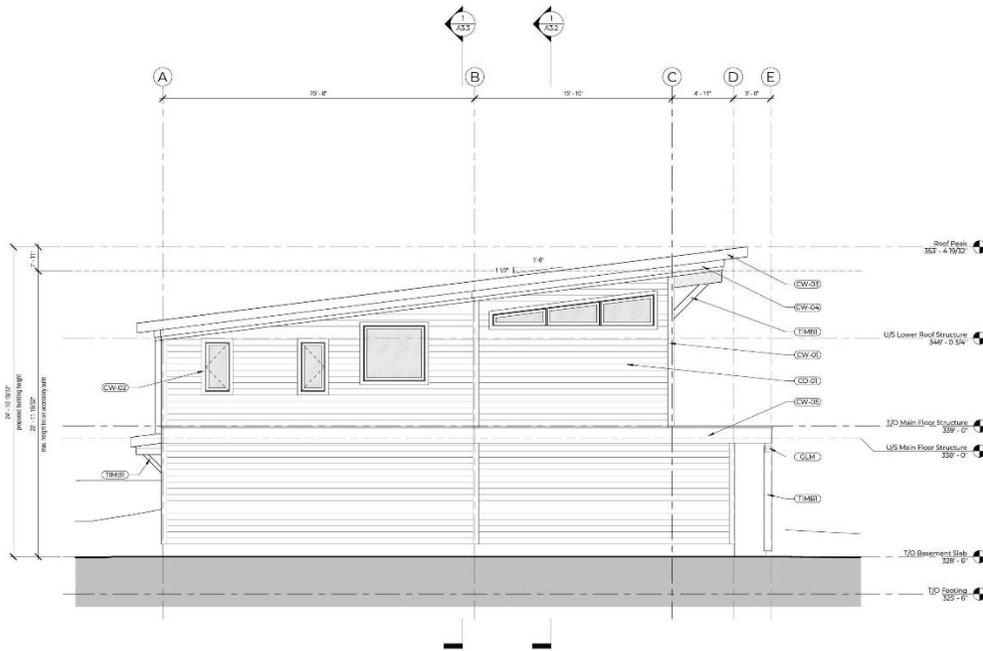


200 - 145 Schoolhouse St.
 Coquitlam, BC, Canada V3K 4J8
 1-804-353-7578

Notes

Finish Schedule

- (CELM) 5/8" x 12" Douglas Fir Cleam
- (TMBR) Timber Bracket
- (TMBZ) 8 x 8 Timber Posts
- (CSD1) 1x6 Shadowline Western Red Cedar
- (CW-C1) 2 x 6 Cedar Corner Trim
- (CW-C2) 2 x 4 Cedar Window Trim
- (CW-C3) 2 x 10 Cedar Fascia
- (CW-D4) (2) 2 x 8 Cedar Shadow Board
- (CW-C5) 2 x 12 Cedar Mid Board
- (SFD1) 1 x 4 Douglas Fir T&G Soffit w/ Aluminum Inset Vent



1 Inset for Glass Panel 239/0

Insulation

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Project Information



3525 Wilmore 8-Edge Drive,
 Jordan River, BC
 V8E 1J3

Drawing Title

Left Elevation

Drawn / Checked Project Number

JA / CL

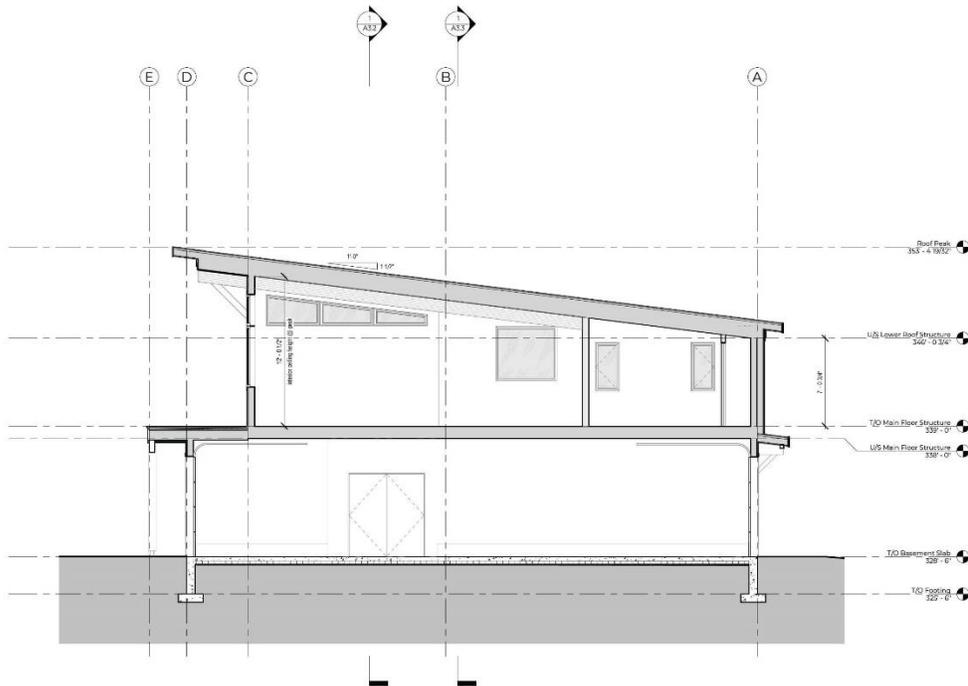
Scale Plot Date

1/4" = 1'-0" 23/04/20

Sheet Number

A2.3

Notes



1 Issued for Client Review 28400

Issues

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Project Information

2525 Wilsons Edge Drive,
 Jordan's River, DC
 V5Z 1J3

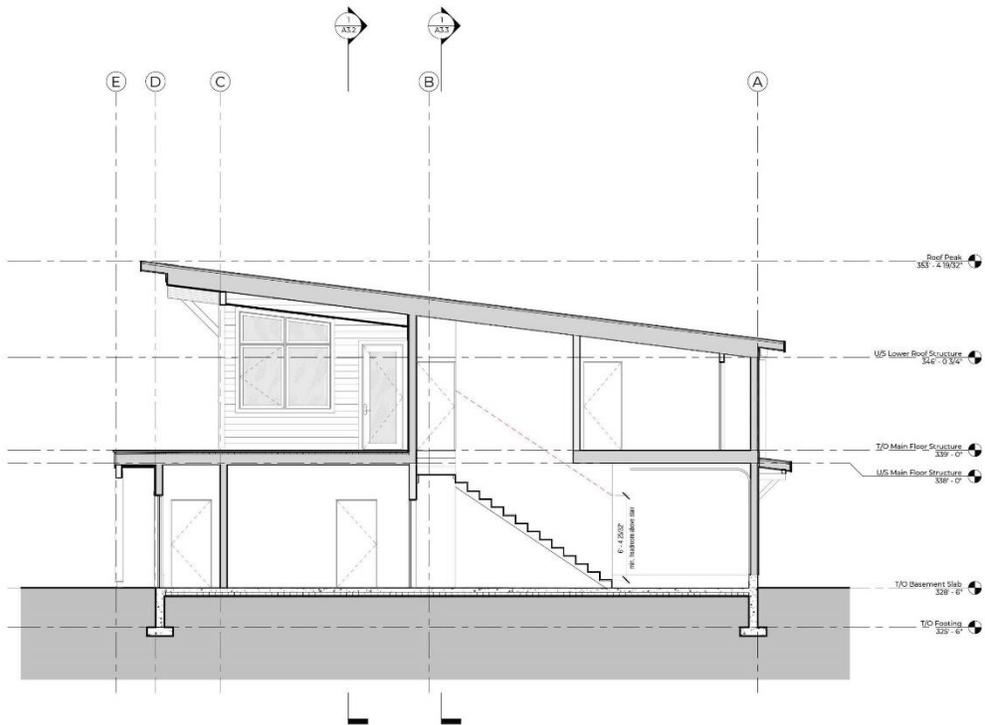
Drawing Title

Section 1

Drawn / Checked Project Number
 3A7 CL -
 Scale Plot Date
 1/4" = 1'-0" 230420
 Sheet Number

A3.0

Notes



1 Issued for Client Review 230420

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Project Information

3505 Waters Edge Drive,
 Jordan River, BC
 V5K 1J1

Drawing Title

Section 2

Drawn / Checked Project Number

JA / CL -

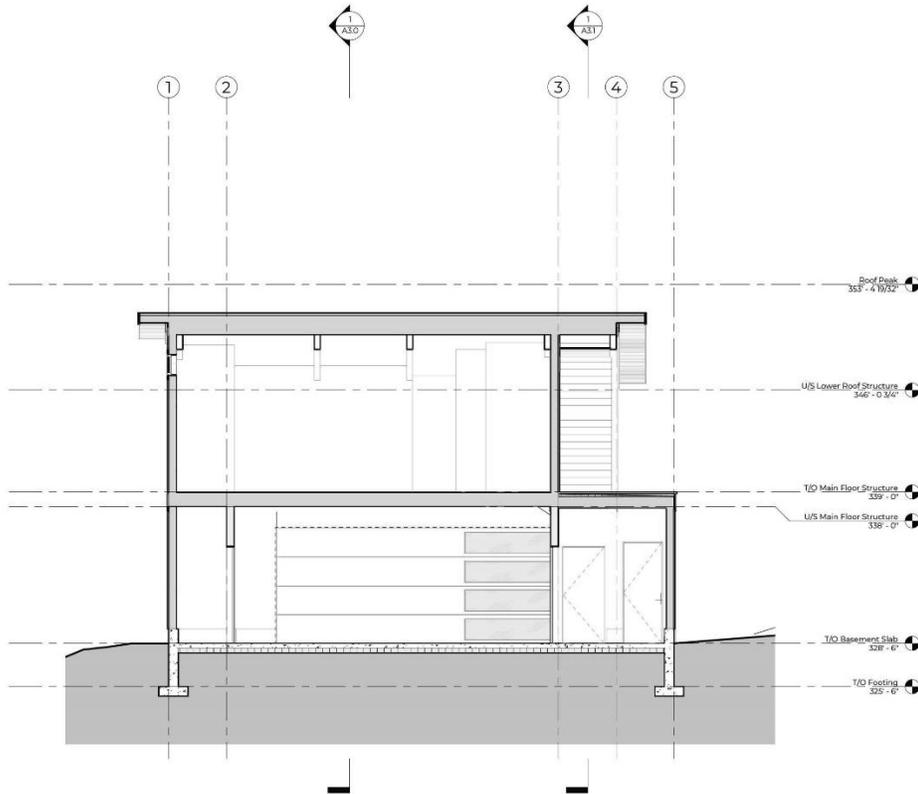
Scale Plot Date

1/4" = 1'-0" 230420

Sheet Number

A3.1

Notes



1 Issued for Client Review 230420

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Project Information



3505 Waters Edge Drive,
 Jordan River, BC
 V5Z 1L1

Drawing Title

Section 3

Drawn / Checked Project Number

JA / CF -

Scale Plot Date

1/4" = 1'-0" 230420

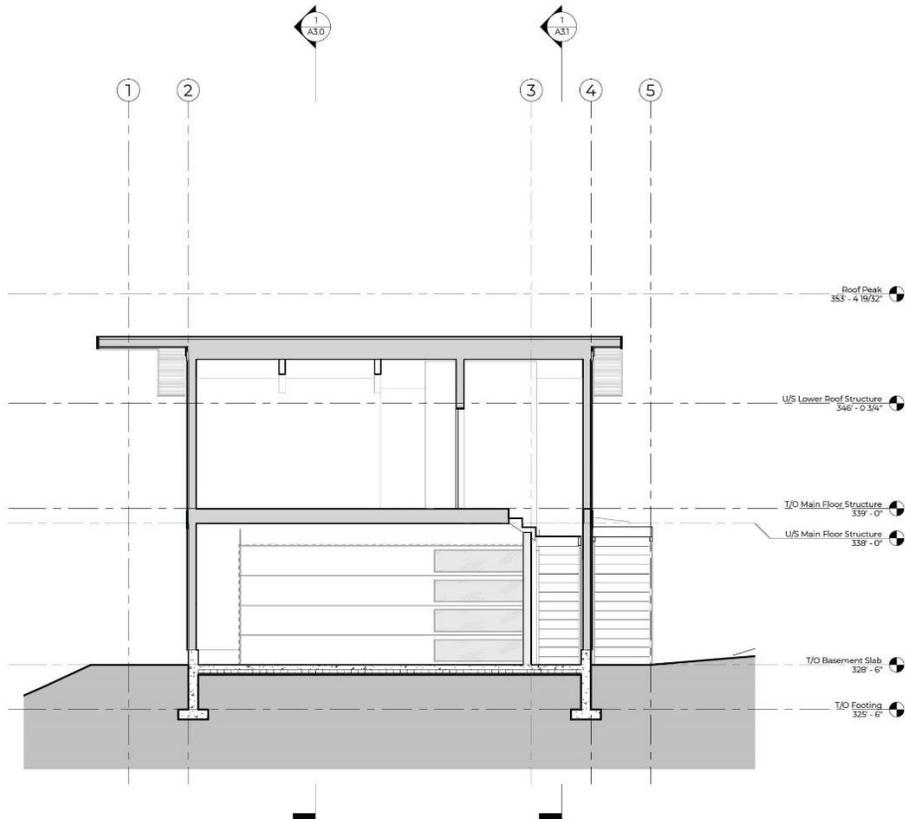
Sheet Number

A3.2



200 - 145 Schoolhouse St.
 Coquitlam, BC, Canada, V3K 4X8
 1. 604. 653. 7578

Notes



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Project Information



3505 Waters Edge Drive,
 Jordan River, BC
 V0Z 1J1

Drawing Title

Section 4

Drawn / Checked Project Number

JA / CF

Scale Plot Date

1/4" = 1'-0"

230420

Sheet Number

A3.3



Project Name: [REDACTED]

Project Information: [REDACTED]

Project Location: [REDACTED]

Project Date: [REDACTED]

Project Status: [REDACTED]

Renderings

Drawn / Checked: [REDACTED] Project Number: [REDACTED]

Date: [REDACTED] Plot Date: [REDACTED]

Sheet Name: [REDACTED]

A4.0

Appendix D: Hardship Letter from Owners

Board of Variance – BV000494 - Statement of Hardship

Re: Height variance = 7.9m

Even though our land is 1.1 hectare, the buildable space is very limited.

The building envelope - as indicated on the site plan - has forced the structure into only one possible area due to the setbacks required from the street (on the North) distance from the primary residence (on the West), the set back from the creek side (on the East) and the set back from the slope side (on the South).

The primary residence currently has no garage. The garage in the proposed new build, will be the only garage to service all the people on our title (5 family members) for both the primary residence and the suite.

The total structure height is the lowest possible based on the following parameters:

The height of a standard pickup truck requires an 8' (h) garage door and the clearance needed for the garage door mechanism (14") brings the garage height to 9'-6".

Even with starting the ceiling height of the upstairs suite at a low 7' on the North end - by the time we get to the South end of the 40' (L) structure - we end up a small amount over the height limit. In addition to this, given the potential of a slight variance to slab height as well as small differences that can occur during the construction process, a variance to a height of 7.9m would be prudent and would save a possible re-filing of a new Variance application post-construction.

In partnership with our design team (Tamlin Timber Frame Homes) we worked hard to explore every possible option over the course of several months.

It was ultimately determined that,

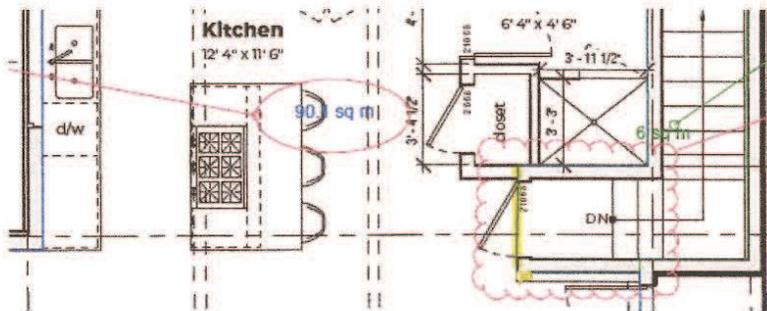
1. We can't make the structure wider (reasons stated above).
2. We have no room in the building envelope to build the garage and the suite as separate structures.
3. We can't place the combined structure (accessory building / suite) anywhere else on the property.

Therefore, we respectfully submit our design proposal which adheres as closely as possible to the Bylaws while simultaneously having the smallest environmental impact.

Re: Square footage / floor area = 91 m2

The square footage of the suite is slightly larger than the allowable Bylaw due to the depth needed for an appropriate shower space.

Note: It is confirmed that the door between the suite and the garage is a locking door and therefore the square footage of the stairwell space needs to be allocated as garage space and not suite space. This area is indicated in yellow below:



Appendix E: Letter of Support

To:

Juan de Fuca Community Planning
Capital Regional District
3-7450 Butler Road
Sooke, BC V9Z 1N1

29 April 2023

Dear Sir/Madam,

We live across the street from [REDACTED]

They have shown us the plans from their design company Tamlin Timber Frame homes, for their proposed new construction. We are aware that they will be building a garage/suite structure on their property.

We are aware that the design plans call for the total structure (suite on top of garage) to be 1' – 11" over the max height allowed by the JDF CRD. We are not concerned about this small difference in allowable height for the following reasons:

1. We prefer that the design has one unit (garage and suite combined) as opposed to multiple structures – making the property look overdeveloped.
2. We are happy that the design appears to include sufficient garage space to house multiple vehicles and other sports equipment for their large family, so they are not stored out in the open around their property.
3. The Timber Frame construction appears to be of high quality design and we feel this will enhance the value of our neighborhood overall, versus a separate mobile home, pop-up tents, open-sided car port, etc. which could – possibly – lower the value of our ocean front neighborhood.

For these reasons we have no issues with the slightly taller structure since this small amount would not be noticeable or bothersome in any way.

If you have any questions, please feel free to contact us at the following:

Thank you,

[REDACTED]

3540 Waters Edge Drive
Jordan River, BC V9Z 1K2

[REDACTED]

3540 Waters Edge Drive
Jordan River, BC V9Z 1K2



**REPORT TO THE JUAN DE FUCA BOARD OF VARIANCE
MEETING OF JUNE 28, 2023**

File No: BV000495
Location: 9997 West Coast Road
Legal: Strata Lot A, District Lot 720, Renfrew District, Plan VIS6409
Zoning: Rural (A) – JdF Land Use Bylaw No. 2040
Land Use Designation: Settlement (S) – Shirley - Jordan River OCP Bylaw No. 4001
Adjacent Uses: N – West Coast Road S – Forestry (AF) parcel
W – Rural (A) parcel E – Forestry (AF) parcel/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 increasing the maximum height of an accessory building from 6 m to 8.5 m for the purpose of constructing a 131.5 m² garage and storage building.

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 4.1 ha parcel is situated on West Coast Road and is zoned Rural (A) in the Juan de Fuca Land Use Bylaw No. 2040. The subject property is part of a 4-lot building strata and is located at 9997 West Coast Road (Appendix A). Portions of the strata parcel are designated as a Steep Slope and Riparian development permit areas in the Shirley-Jordan River Official Community Plan, Bylaw No. 4001. The proposed area of development related to this application is outside

the designated DPAs. An easement on the eastern side of the parcel provides access to the land locked parcel at 9951 West Coast Road to the south.

The owners of Strata Lot A propose to construct a two-storey garage with a storage area on the upper floor. The building would replace the existing garage, which is damaged, and provide additional working and storage space for a home-based business (Appendix B). The building plans submitted show a total floor area of 131.5 m² and the height to be approximately 8.4 m. The applicant has requested a variance to allow the height to be 8.5 m when to the mid-point of the highest roof plane with a minor buffer (Appendix C). The owners have provided a statement of hardship indicating their rationale for the requested variance (Appendix D).

Building permit records indicate that four dwellings (building permit #41615, #44405, JD02-014, and JD02-059), and one 22.7 m² accessory building (garage - building permit #42169) were registered as part of Strata Plan VIS6409 in 2007 (Appendix E). The original dwelling (move-in mobile) located on Strata Lot A was demolished and replaced by a single-family dwelling (building permit JD07-084).

Staff are of the opinion that the proposal is considered appropriate for the site and does not defeat the intent of the bylaw. The building will meet the required setbacks for accessory buildings and structures. The development is not expected to adversely affect the natural environment and is outside of the 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 June 28, 2023, 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 a minor and finds that it meets the considerations of section 542(1)(c), an order granting a minor variance may be permitted.

OUTLINE MOTION

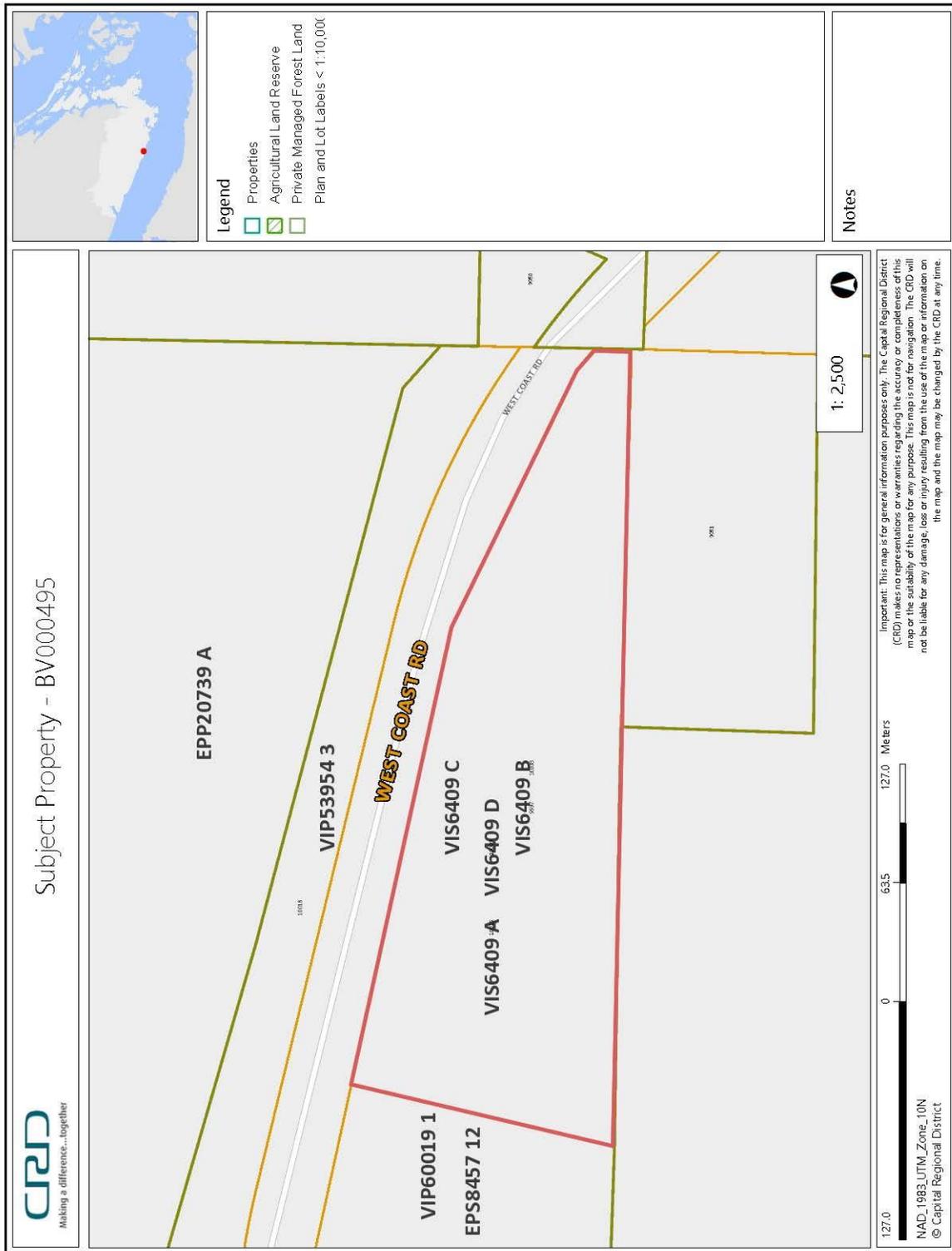
Having considered the matters set out in Section 542(1)(c) of the *Local Government Act*, and having found that undue hardship <would/would not> be caused to the applicant if Part 1, Section 4.01 2(a) of Bylaw No. 2040 were complied with, that application BV000495 requesting permission from the Board of Variance in accordance with Section 540 of the *Local Government Act* to grant a minor variance to Bylaw No. 2040, Part 1, Section 4.01 2(a) by increasing the maximum permitted height of an accessory building from 6 m to 8.5 m to the mean level of the highest roof plane between the eaves and the ridge on Strata Lot A, District Lot 720, Renfrew District, Plan VIS6409, for a proposed garage and storage building, 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

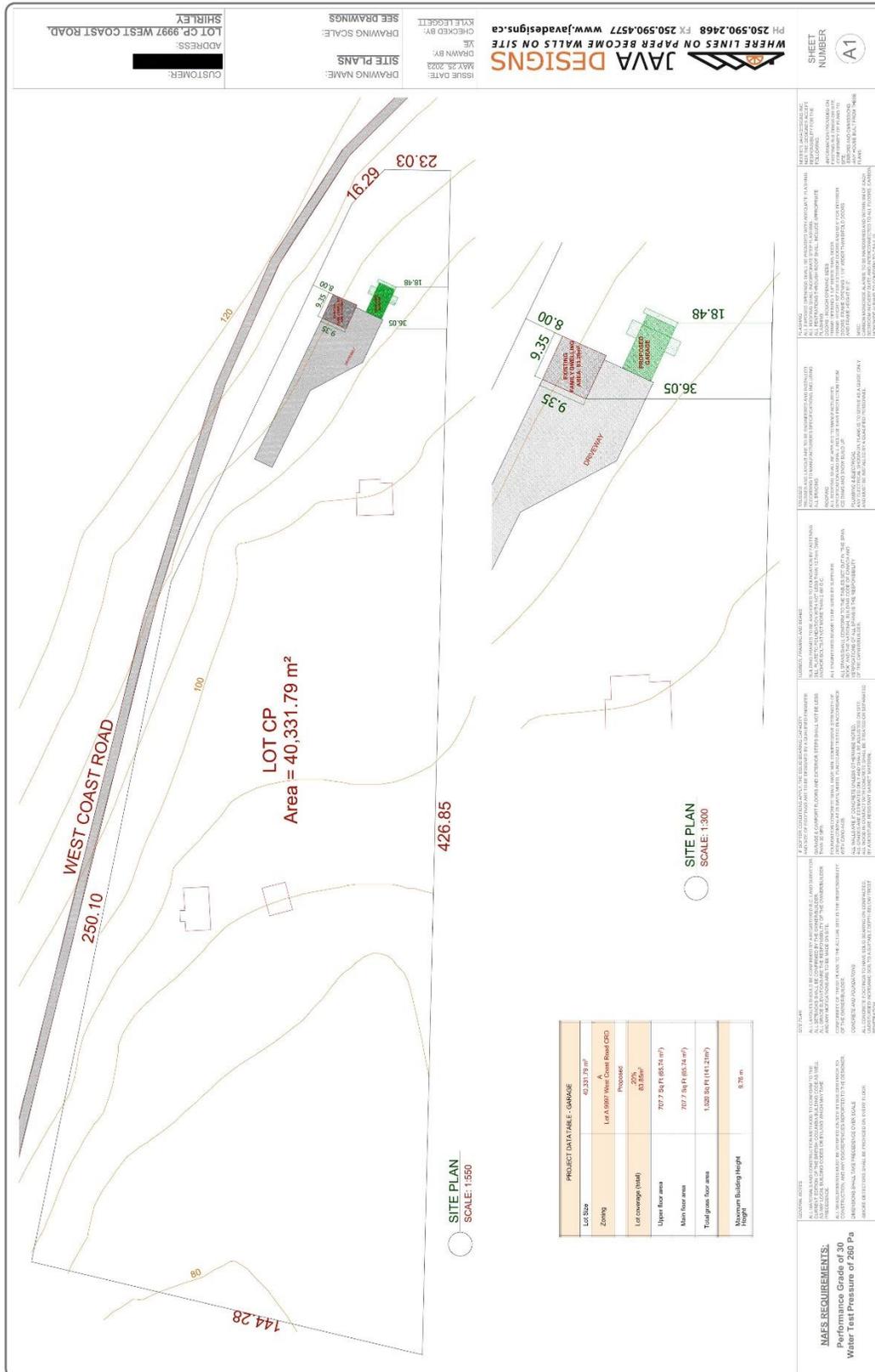
Attachments:

- Appendix A: Subject Property Map
- Appendix B: Building Plans and Elevations
- Appendix C: Requested Variance
- Appendix D: Statement of Hardship from Applicants
- Appendix E: Strata Plan VIS6409

Appendix A: Subject Property Map



Appendix B: Building Plans and Elevations



JAVA DESIGNS
 PH 250.590.2468 PK 250.590.4577 www.javadesigns.ca

WHERE LINES ON PAPER BECOME WALLS ON SITE

ISSUE DATE: 06/28/2023
 DRAWN BY: KYLE SCOTT
 CHECKED BY: KYLE SCOTT

DRAWING NAME: DRAWING NAME:
 CROSS SECTION A-1 & SOFFIT DETAIL
 SCALE: SEE DRAWINGS

CUSTOMER: [REDACTED]
 ADDRESS: [REDACTED]
 LOT CP 9997 WEST COAST ROAD,
 SHIRLEY

CROSS SECTION A-1
 SCALE: 1/4" = 1'-0"
 GARAGE HEAT SOURCE: TO BE DUCTLESS HEAT PUMP WITH AN HRV

CONSTRUCTION NOTES:

1. 4" concrete slab on 12" joists.
2. 4" concrete slab on 12" joists.
3. 4" concrete slab on 12" joists.
4. 4" concrete slab on 12" joists.
5. 4" concrete slab on 12" joists.
6. 4" concrete slab on 12" joists.
7. 4" concrete slab on 12" joists.
8. 4" concrete slab on 12" joists.
9. 4" concrete slab on 12" joists.
10. 4" concrete slab on 12" joists.
11. 4" concrete slab on 12" joists.
12. 4" concrete slab on 12" joists.
13. 4" concrete slab on 12" joists.
14. 4" concrete slab on 12" joists.

CONSTRUCTION ASSEMBLIES:

1. 4" concrete slab on 12" joists.

2. 4" concrete slab on 12" joists.

3. 4" concrete slab on 12" joists.

4. 4" concrete slab on 12" joists.

5. 4" concrete slab on 12" joists.

6. 4" concrete slab on 12" joists.

7. 4" concrete slab on 12" joists.

8. 4" concrete slab on 12" joists.

9. 4" concrete slab on 12" joists.

10. 4" concrete slab on 12" joists.

11. 4" concrete slab on 12" joists.

12. 4" concrete slab on 12" joists.

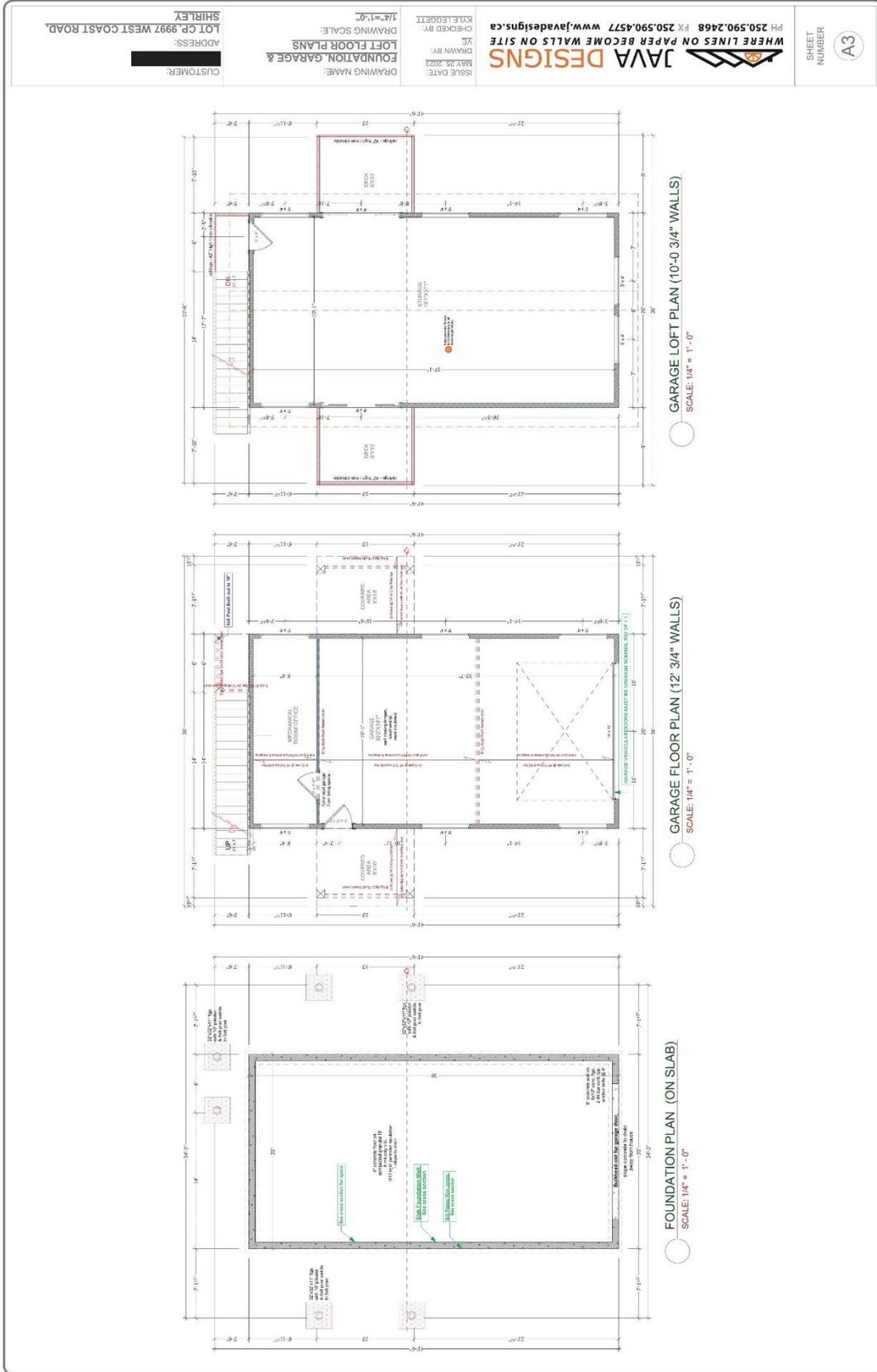
13. 4" concrete slab on 12" joists.

14. 4" concrete slab on 12" joists.

SOFFIT DETAIL
 SCALE: 1" = 1'-0"

REVISIONS:

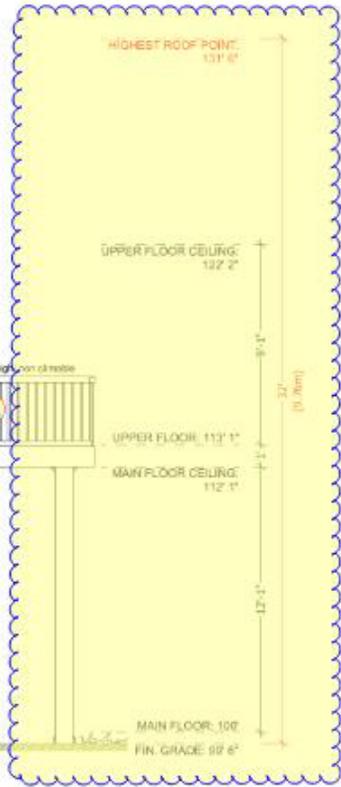
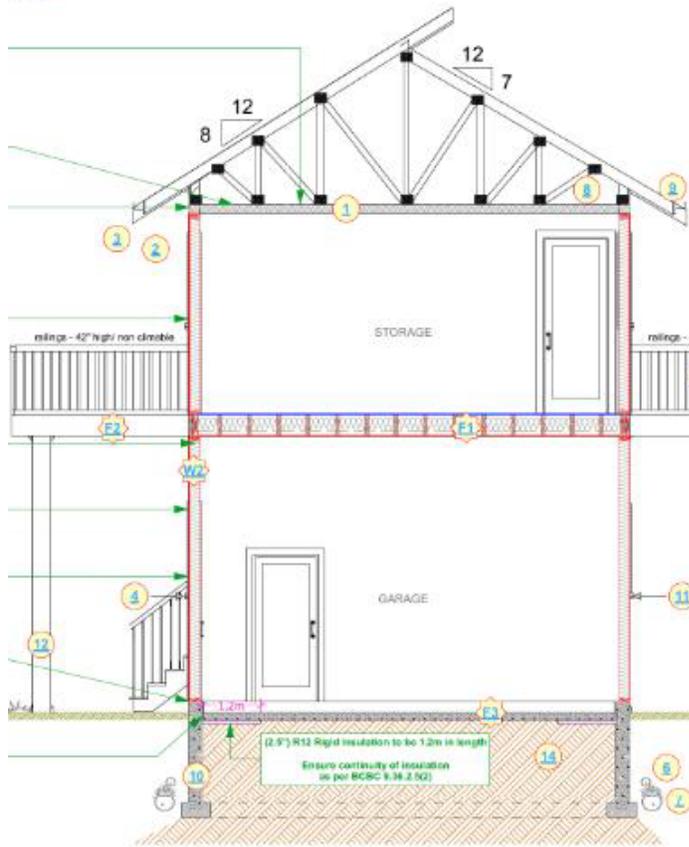
NO.	DATE	DESCRIPTION
1	06/28/2023	ISSUE FOR PERMIT
2	06/28/2023	ISSUE FOR PERMIT
3	06/28/2023	ISSUE FOR PERMIT
4	06/28/2023	ISSUE FOR PERMIT
5	06/28/2023	ISSUE FOR PERMIT
6	06/28/2023	ISSUE FOR PERMIT
7	06/28/2023	ISSUE FOR PERMIT
8	06/28/2023	ISSUE FOR PERMIT
9	06/28/2023	ISSUE FOR PERMIT
10	06/28/2023	ISSUE FOR PERMIT
11	06/28/2023	ISSUE FOR PERMIT
12	06/28/2023	ISSUE FOR PERMIT
13	06/28/2023	ISSUE FOR PERMIT
14	06/28/2023	ISSUE FOR PERMIT
15	06/28/2023	ISSUE FOR PERMIT
16	06/28/2023	ISSUE FOR PERMIT
17	06/28/2023	ISSUE FOR PERMIT
18	06/28/2023	ISSUE FOR PERMIT
19	06/28/2023	ISSUE FOR PERMIT
20	06/28/2023	ISSUE FOR PERMIT



Appendix C: Requested Variance

used fan.

if
 5 min. ventilation rate of 14 as per 9.32.3.5
 rated switch, sound rating not to exceed 1.8 acw
 12.3.3.A)



Requested height variance - 8.5 m mid-peak

CROSS SECTION A-1
 SCALE: 1/4" = 1' - 0"

GARAGE HEAT SOURCE: TO BE DUCTLESS HEAT PUMP WITH AN HRV

EFFECTIVE R-VALUE CEILING BELOW ATTIC:

Asphalt shingles
 Building Paper
 1/2" Sheathing
 Attic air film
 R40 blown fiberglass insulation above truss cord
 Wood trusses @ 24" O.C.
 $RSip=100[(1/10.76)+(0.67)] = 1.47$

6 MIL Poly V.B.
 1/2" Gypsum Board
 Interior Air Film

RSI=7.08

Values from Table A.9.36.2.4.(1)D

Appendix D: Statement of Hardship from Applicants

Regina Robinson

From: Regina Robinson
Sent: Tuesday, May 23, 2023 10:38 AM
To: Regina Robinson
Subject: Hardship Statement - Board of Variance Application BV000495

From: [REDACTED]
Sent: Friday, May 12, 2023 1:29 PM
To: jdf info <jdfinfo@crd.bc.ca>
Subject: Re: Board of Variance Application BV000495

CRD IT SECURITY WARNING: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear board of variance members,

Earlier on this year my wife and I had placed an application for a building permit to construct a garage with the CRD. As part of the process it was brought to our attention that we require a variance for the height of the proposed structure and an explanation. During the last years we have started a business in Shirley (Shirley Excavating and Septic services) and with a great deal of local support we have been slowly expanding our equipment fleet and operational area within the CRD while focusing on serving the development and maintenance needs of the local community primarily from Shirley to Port Renfrew. One of the biggest challenges for us has been the lack of facility to perform maintenance and service on our equipment that is vital to our livelihood (Excavator, Skid steer, truck and trailer etc) . This garage proposal would give us the edge we will need in order to maintain our equipment cost effectively. Additionally, it would meet the storage requirements for materials like pvc piping and fittings which has been difficult to procure on a consistent basis due to recent supply chain disruptions. .

To conclude, the ability to have a garage that meets our current and future height requirements will be paramount in operating and maintaining our equipment and our family business here in Shirley.

Thank you in advance for your consideration.

[REDACTED]
9997 West coast Rd
Shirley BC
V9Z 1G5

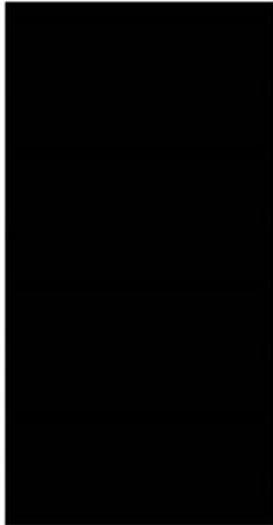
Sent from my iPhone

FILED VVYS6409 BCVO-2007-90-22 PRINT: 2087-11-22-16.03.12.228117

**STRATA PLAN OF LOT 2, DISTRICT LOT 720,
 RENFREW DISTRICT, PLAN VP60019.**



LEGEND
 All numerical readings were checked from Plan VP60019.
 • Denotes standard iron post found.
 ■ Denotes standard copper post found.



**SHEET 1 OF 4 SHEETS
 STRATA PLAN VIS 6409**

Deposited and Registered in the
 Land Registry Office of British Columbia,
 by **2007-90-22**, B.C.
 on **2007-11-22** at **Vancouver**, B.C.

C. Johnston
 Registrar

FB 111428

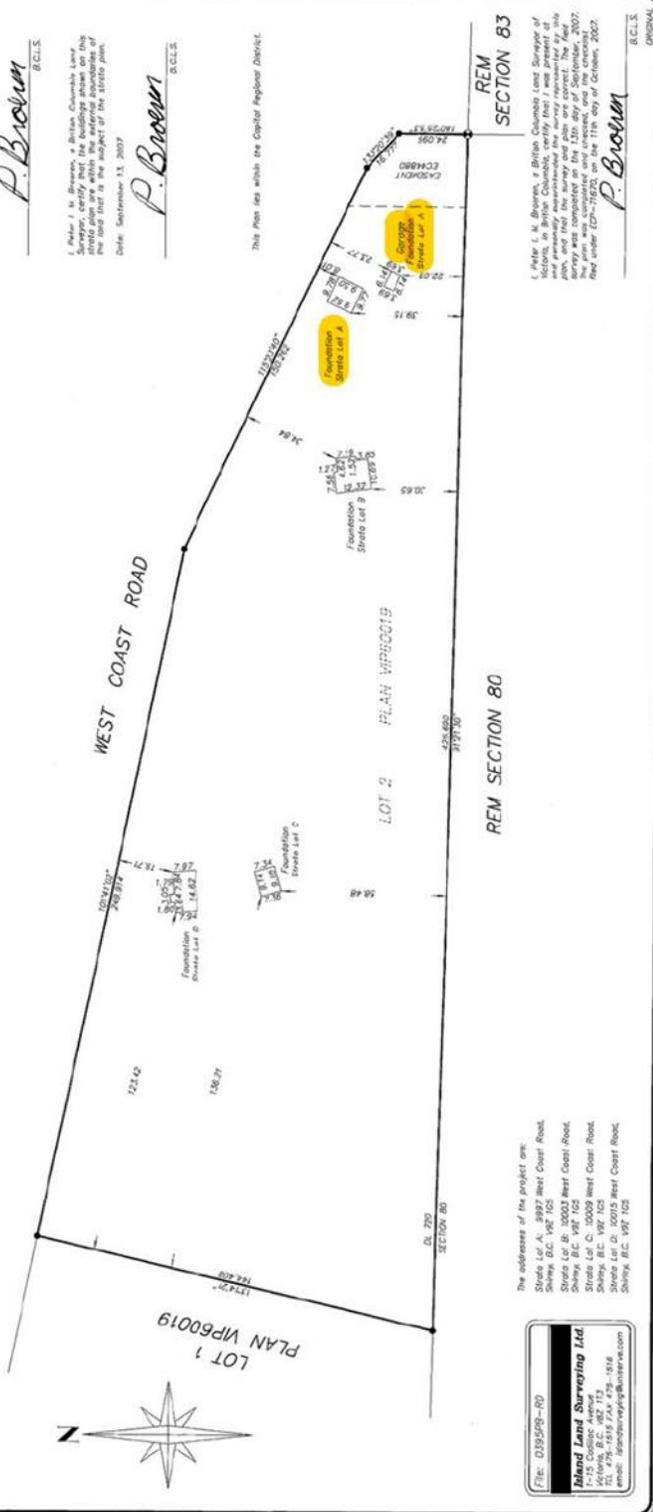
I, Peter I. M. Brown, a British Columbia Land
 Surveyor, certify that the buildings included in this
 strata plan are within the exterior boundaries of
 the land that is the subject of the strata plan.
 Date: September 11, 2007

P. Brown
 B.C.L.S.

I, Peter I. M. Brown, a British Columbia Land
 Surveyor, certify that the buildings shown on this
 strata plan are within the exterior boundaries of
 the land that is the subject of the strata plan.
 Date: September 11, 2007

P. Brown
 B.C.L.S.

This Plan lies within the Capital Regional District.



The addresses of the project are:
 Strata Lot A: 8997 West Coast Road,
 Shipy, B.C. V8E 1G5
 Strata Lot B: 8997 West Coast Road,
 Shipy, B.C. V8E 1G5
 Strata Lot C: 8997 West Coast Road,
 Shipy, B.C. V8E 1G5
 Strata Lot D: 8997 West Coast Road,
 Shipy, B.C. V8E 1G5

File: 019509-20
Planet Land Surveying Ltd.
 1-15 Cordova Avenue - 1918
 Victoria, B.C. V8T 1T3
 Strata Lot D: 30015 West Coast Road,
 Shipy, B.C. V8E 1G5
 email: planetland@planetland.com

I, Peter I. M. Brown, a British Columbia Land Surveyor of
 the Province of British Columbia, certify that the survey represented by this
 strata plan was made in accordance with the Survey Act, R.S.B.C. 1996, c. 243,
 and the regulations made thereunder, and that the survey was completed on the 11th day of September, 2007.
 The plan was submitted to the Registrar of Land Titles on the 11th day of October, 2007.
 My order (CP-111428) was issued on the 11th day of October, 2007.

P. Brown
 B.C.L.S.

ORIGINAL



**REPORT TO THE JUAN DE FUCA BOARD OF VARIANCE
MEETING OF JUNE 28, 2023**

File No: BV000496
Location: 10300 Block of West Coast Road – Shirley
Legal: Lot 19, Section 78, Renfrew District, Plan VIP58128
PID: 018-628-184
Zoning: Forestry (AF) – Bylaw No. 2040
Land Use Designation: Pacific Acreage (PA) – Bylaw No. 4001
Adjacent Uses: N – Residential - AF Zone S – Residential - AF Zone
W – Residential - AF Zone E – Residential - AF 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 required rear yard setback for a principle building from 15 m to 10 m for the purpose of constructing a one-family dwelling.

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 1.67 ha property is located west of Shirley on the northern side of West Coast Road and is zoned Forestry (AF) in the Juan de Fuca Land Use Bylaw No. 2040 with no development permit areas identified by the Shirley-Jordan River Official Community Plan (Appendix A). All required setbacks for one-family dwellings within the AF zone are a minimum of 15 m (Appendix B).

Since the structure is proposed to be located within the required rear yard setback specified by the zone, a variance is requested (Appendix C). The stated hardship provided by the applicants is that the identified location for the proposed dwelling is ideal because it uses the existing level cleared area established by the previous landowner. The proposed location would minimize the need to bring in fill from an offsite location and reduce the need for compacting soil (Appendix D). The statement describes the property elevation as naturally rising from the southern front property line on West Coast Road towards the northern rear property line. This is confirmed by the CRD's online contour information. The applicant has provided a geotechnical report as part of the building permit application certifying that the land is safe for the intended use provided that the Engineer's recommendations are followed.

Staff are of the opinion that the proposal is considered appropriate for the site and complies with the permitted uses of the Forestry zone. The development is not expected to adversely affect the natural environment and is outside of all development permit areas identified by the Official Community Plan. The variance request to reduce the required rear yard setback from 15 m to 10 m 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 June 28, 2023, 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

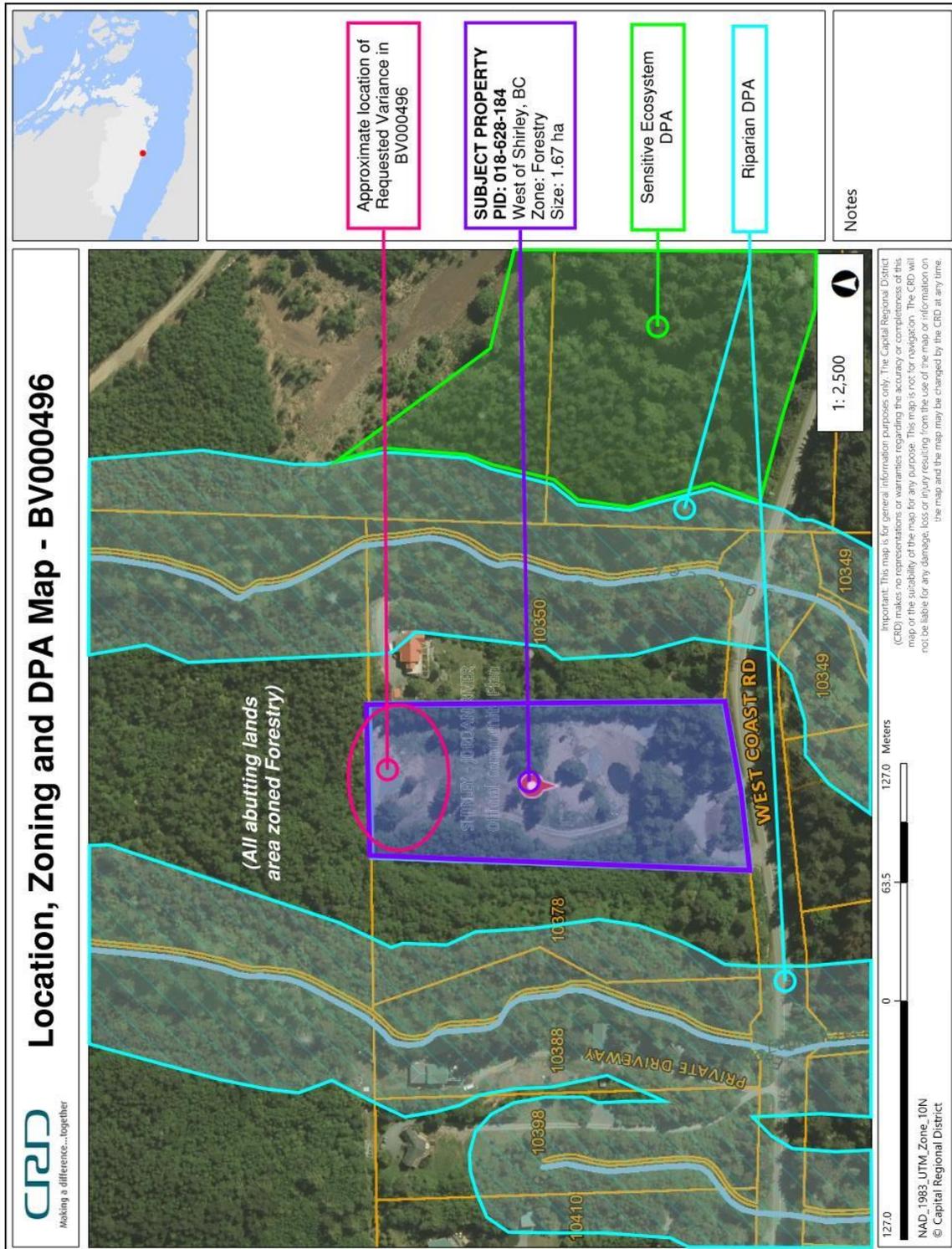
Having considered the matters set out in Section 542(1)(c) of the *Local Government Act*, and having found that undue hardship **<would/would not>** be caused to the applicant if Part 2, Section 3.07 (b) of Bylaw No. 2040 were complied with, that application BV000496 requesting permission from the Board of Variance in accordance with Section 540 of the *Local Government Act* to grant a minor variance to Bylaw No. 2040 Part 2, Section 3.07 (b) by reducing the required rear yard setback from 15 m to 10 m on Lot 19, Section 78, Renfrew District, Plan VIP58128, for a proposed one-family dwelling, 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:	Darren Lucas, MCP, Planner, JdF Community Planning
Concurrence:	Iain Lawrence, MCIP, RPP, Secretary to the Board of Variance

Attachments:

- Appendix A: Subject Property Map
- Appendix B: Forestry Zone – AF
- Appendix C: Site Plan and Detail
- Appendix D: Statement of Hardship

Appendix A: Subject Property Map



Appendix B: Forestry Zone - AF

Schedule "A" of Capital Regional District Bylaw No. 2040
Juan de Fuca Land Use Bylaw

3.0 FORESTRY ZONE - AF

3.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Forestry AF Zone:

- (a) Silviculture except within 300m of a highway;
- (b) Offices, mechanical shops, fuel storage, and storage buildings accessory to mining or silviculture;
- (c) One-family dwelling;
- (d) Home Based Business Categories One, Two and Three; *Bylaw 3705*
- (e) Two Boarders or lodgers;
- (f) Secondary Suite pursuant to Part 1, Subsection 4.19; *Bylaw 3849*
- (g) Detached Accessory Suite pursuant to Part 1, Subsection 4.20: *Bylaw 3849*
- (h) Portable sawmill accessory to a principal residential use on That Part of Lot 87, Renfrew District, Lying to the East of a Boundary Parallel to the Easterly Boundary of Said Lot and Extending From a Point on the Northerly Boundary of Said Lot Distant 10 Chains from the North East Corner of Said Lot and to the South of the Northerly Boundary of Plan 109 RW, Except Part in Plan 16260, PID: 006-452-230. *Bylaw 4407*

3.02 Minimum Parcel Size for Subdivision Purposes

The minimum lot size is 4ha;

3.03 Density

- a) One one-family dwelling per lot;
- b) One secondary suite or one detached accessory suite per lot;
- c) The maximum area devoted to an accessory portable sawmill use shall be 0.5 ha. *Bylaw 3849, Bylaw 4407*

3.04 Height

Maximum height shall be 11 m.

3.05 Lot Coverage

Maximum lot coverage shall be 10 percent.

3.06 Maximum Size of for Residential Buildings

Provided applicants having either met the *Sewerage System Regulation* (e.g., a filing) or acceptance by VIHA via referral. *Bylaw 3705*

- (i) On lots of less than 1ha in area, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45 or a Total Floor Area of 418 m², whichever is less;
- (ii) On lots of 1ha or more in size, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45.

Schedule "A" of Capital Regional District Bylaw No. 2040
Juan de Fuca Land Use Bylaw

3.07 Yard Requirements

- a) The front, side, rear and flanking yards for an accessory portable sawmill use shall be a minimum of 30 m;
- b) For all other buildings and structures, the front, side, rear and flanking yards shall be a minimum of 15 m.

Bylaw 3849, Bylaw 4407

3.08 Screening

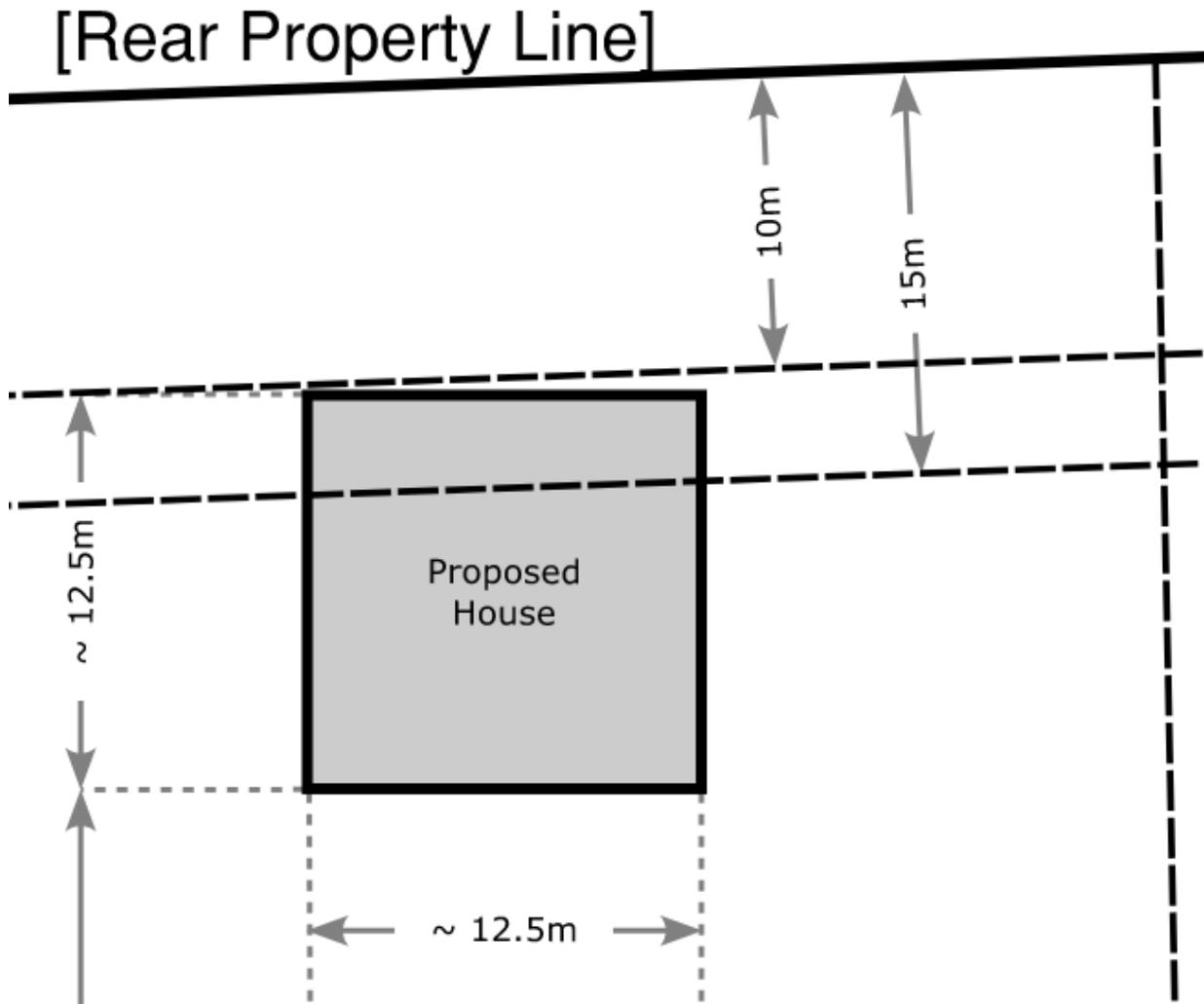
- a) A vegetative screen, consisting of coniferous vegetation native to the region that is not less than 2 m high and 5 m deep and spaced no less than 2 m apart, or a solid fence, at least 2.5 m in height, shall be located and maintained around the perimeter of the portable sawmill operation.

Bylaw 4407

3.09 Portable Sawmill

- a) Persons employed at a portable sawmill operation are limited to persons normally resident in the dwelling unit to which it is incidental plus up to three non-resident employees;
- b) A portable sawmill shall operate between the hours of 9 am and 3 pm, Monday to Friday, excluding statutory holidays;
- c) In addition to the hours specified in paragraph 3.09(b), sales from a portable sawmill shall be permitted on Saturdays between the hours of 9 am and 5 pm, excluding statutory holidays;
- d) Notwithstanding Part 1, Section 4.01(2)(c), the maximum total floor area of buildings and structures devoted to an accessory portable sawmill use shall be 60 m²;
- e) Portable sawmill and related operations shall not create noise that exceeds a level of 55 dB when measured at the property line.

Bylaw 4407



Appendix D: Statement of Hardship

We are requesting a variance (reduction) to the **rear** (northern) setback of the property. There are sufficient setbacks from the other (left/western, right/eastern and lower/southern) property boundaries.

Our property has a natural rising slope as one heads north along the parcel. At the northern tip, a partial pad had been developed by the previous owner, which provides an ideal setting for a house. However, at the current setback for this property (zoned AF – Forestry¹, with a setback of 15m from any property line), any house built at the back of the property can only start – have its furthest north-end footing – at the lower-end tip of the pad. Below is an image showing our property on the left (no civic address has been issued) and the only neighbouring developed property on its right (10350 West Coast Rd). The 15m setback is noted by the letter A, while the ideal location for the house is highlighted by the red rectangle.



¹ [Juan de Fuca Land Use Bylaw, 1992 – Bylaw 2040](#), Schedule A, Part 2.3.07 Forestry Zone – AF, Yard Requirements (Bylaw 3849)

Here are some different views of the naturally-raised pad at the back end of the property from locations marked by B, C and D (and arrows indicating the viewpoint). The following is a view from point B:



Here is a view from point C:



In both of the above views, point A is around a 7-10 ft rise from the levels at B and C.

Here is a view from point D:



Our current house design/mockup aims to incorporate the natural slope that is visible in the above pictures, with a 2-tier construction entering from the back of the house. This would be the main floor of the house, with a balcony/sundeck that faces south overlooking the property. A lower level would naturally allow for an exit onto a patio (underneath the sundeck). This design incorporates the landscape naturally. Here is a rendering of house, roughly from point D:



Again, entry would be from the back of the house, into the upper level, with a tiered construction down the natural slope into a lower level (highlighted by the concrete stepping of the house footings. Pushing back the required offset by 5 metres would allow for the main entrance to utilize the raised area. Additionally, excavation stemming from the construction can be used as fill elsewhere, rather than having to bring in additional fill from elsewhere to support the construction design. Additional (possibly

foreign) fill may also impact the current environment, require major additional cost and compacting, and also detract from what is supported by the landscape.

We had a Geotech company dig (two) test holes on the elevated area around point A to verify that the soil can be built on (is hardpan). This was confirmed at around 2ft deep, supporting the idea of a structure that can be built in that location. Report is also attached to this application.

In summary, the benefits of being able to push the construction setback for the **rear** property line from 15m down to 10m include:

- Using the natural slope of the land for the building construction.
- Minimize the need to bring in additional, foreign fill for construction purposes.
- Less need for compacting of the soil for construction.

We don't see any drawbacks from reducing the setback since the 230 acre property adjacent to/north of our location is under a covenant to not be further subdivided. See the attached title.

Thanks for your consideration with this request.

