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Minutes of a Meeting of the Juan de Fuca Board of Variance
Held Tuesday, June 11, 2024, at the Juan de Fuca Local Area Services Building,
#3 – 7450 Butler Road, Otter Point, BC

PRESENT: Paul Clarkston (Chair), Axel Joosting (EP), Owen Poppy
Staff: Iain Lawrence, Senior Manager, JdF Local Area Services;
Wendy Miller, Recorder
PUBLIC: 5 in person; 4 EP

EP – Electronic Participation

The meeting was called to order at 6:01 pm.

1. Election of Chair

Iain Lawrence called for nominations for the position of Chair of the Juan de Fuca Board of Variance (BOV) for 2024 and Paul Clarkston's name was put forward. Iain Lawrence called two additional times for further nominations and, as there was none, Paul Clarkston was acclaimed Chair.

At this time, the Chair introduced new appointee Owen Poppy.

2. Approval of the Agenda

MOVED by Axel Joosting, **SECONDED** by Owen Poppy that the agenda be approved.

CARRIED

3. Adoption of the Minutes of August 22, 2023

MOVED by Axel Joosting, **SECONDED** by Paul Clarkston that the minutes of August 22, 2023, be adopted.

CARRIED

4. Planner's Report

No report.

5. Applications

a) BV000498 - Lot 1, District Lots 51 and 187, Malahat District, Plan 12268 (4215 Okotoks Drive)

Iain Lawrence outlined the staff report and advised that the applicant has requested a variance to increase the length of a manufactured or modular home used for a detached accessory suite from 13 m to 20.1 m.

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

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

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 applicant was present.

The applicant spoke to the hardship statement.

The BOV noted that the location of the new manufactured home is narrow due to driveway easements and that the new single-wide manufactured home best configures to the siting location, as opposed to a shorter double-wide.

The BOV 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 Section 2.1.17(11) of Bylaw No. 980 were complied with, that application BV000498 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. 980, Section 2.1.17(11) by increasing the length of a manufactured or modular home used for a detached accessory suite from 13 m to 20.1 m on Lot 1, District Lots 51 and 187, Malahat District, Plan 12268, as shown on the Plans prepared by Modern Home Design, dated April 15, 2024, be approved.

CARRIED

At this time, the BOV forwarded support for continuing to retain a length of 13 m for a detached accessory suite to allow for variance proposals to be considered on a case-by-case basis.

b) BV000499 - Lot 8, Sections 42 and 38, Otter District, Plan EPP63580 (Clark Road)

Iain Lawrence outlined the staff report and advised that the applicant has requested a variance to increase the maximum floor area allowed for a detached accessory suite from 90 m² to 149 m² to permit construction of a detached accessory suite.

The subject property, site plan, and concept plan were highlighted.

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

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 applicant was present.

The applicant spoke to the hardship statement.

Public comment was received regarding potable water supply for the detached accessory suite.

Iain Lawrence responded to questions from the BOV advising that:

- the floor area of the detached accessory suite would be applied to the maximum combined total floor area of all accessory buildings and structures
- source of potable water for the detached accessory suite may be provided by well or engineered system
- potable water supply for the detached accessory suite would be addressed at part of the building permit process

The BOV noted that the subject property is large and that the proposal is in keeping with the character of zone.

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

MOVED by Paul Clarkston, **SECONDED** by Axel Joosting 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 4.20 of Bylaw No. 2040 were complied with, that application BV000499 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 149 m² on Lot 8, Sections 42 and 38, Otter District, Plan EPP63580 to permit construction of a 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 6:32 pm.

P. Clarkston, Chair