

JUAN DE FUCA BOARD OF VARIANCE

Notice of Meeting on Wednesday, **July 23, 2025, at 6:00 pm**

Juan de Fuca Local Area Services Building, #3 – 7450 Butler Road, Otter Point, BC

AGENDA

1. Approval of Agenda
2. Adoption of Minutes of April 2, 2025
3. Planner's Report
4. Applications
 - a) BV000504 - Lot 1, Section 44, Sooke District, Plan 14181 (7837 Manatu Road)
 - b) BV000505 - Lot 7, Section 97, Sooke District, Plan VIP14282 (51 Seagirt Road)
 - c) BV000506 - Lot A, Section 17, Otter District, Plan VIP77374 (3500 Block Otter Point Road)
 - d) BV000507 - Lot A, District Lot 39, Malahat District, Plan EPP103577 (2727 Anderson Road)
5. 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 Wednesday, April 2, 2025, at the Juan de Fuca Local Area Services Building,
#3 – 7450 Butler Road, Otter Point, BC

PRESENT: Paul Clarkston (Chair), Ali Alamolhoda, Axel Joosting (EP)
Staff: Iain Lawrence, Secretary to the Board of Variance; Wendy Miller, Recorder
PUBLIC: 1 in-person; 2 EP

EP – Electronic Participation

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

1. Approval of the Agenda

MOVED by Ali Alamolhoda, **SECONDED** by Paul Clarkston that the agenda be approved.

CARRIED

2. Adoption of the Minutes of January 15, 2025

MOVED by Ali Alamolhoda, **SECONDED** by Paul Clarkston that the minutes of January 15, 2025, be adopted.

CARRIED

3. Planner's Report
No report.

4. Applications

a) BV000502 - Lot 51, Section 81, Renfrew District, Plan 26044 (2526 Seaside Drive)

Iain Lawrence outlined the staff report and advised that the applicant has requested a variance to reduce the required side yard setback from 6 m to 3.65 m for the purpose of constructing a single-family dwelling.

The subject property, site plan, building elevations, 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. It was further confirmed that property located closest to the requested variance is undeveloped.

The Chair confirmed that the applicant was present.

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

MOVED by Ali Alamolhoda, **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 Part 2, Section 6.07 (b) of Bylaw No. 2040 were complied with, that application BV000502 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 6.07 (b) by reducing the required side yard setback from 6 m to 3.65 m on Lot 51, Section 81, Renfrew District, Plan 26044, for a single-family dwelling, be approved and that if construction is not substantially started within 2 years after the date of this order, the order shall terminate.

CARRIED

b) BV000503 - Lot 2, Section 51, Otter District, Plan VIP81170 (8175 Tregear Road)

Iain Lawrence outlined the staff report and advised that the applicant has requested a variance to reduce the required rear yard setback from 1 m to 0.5 m clear to sky (CTS) for the purpose of authorizing an accessory building.

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

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

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

MOVED by Ali Alamolhoda, **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 4.01 (1)(h)(i) of Bylaw No. 2040 were complied with, that application BV000503 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 (1)(h)(i) by reducing the required rear yard setback requirement for accessory buildings and structures from 1 m to 0.5 m on Lot 2, Section 51, Otter District, Plan VIP81170, to authorize an accessory building, be approved and that if construction is not substantially started within 2 years after the date of this order, the order shall terminate.

CARRIED

5. Adjournment

The meeting was adjourned at 6:10 pm.

P. Clarkston, Chair

**REPORT TO THE JUAN DE FUCA BOARD OF VARIANCE
MEETING OF JULY 23, 2025**

File No: BV000504
Location: 7837 Manatu Road – Otter Point (Appendix A)
Legal: Lot 1, Section 44, Sooke District, Plan 14181
Zoning: Rural Residential 2 (RR-2) – Bylaw No. 2040
Land Use Designation: Settlement Area 1 (SA-1) – Bylaw No. 3819
Adjacent Uses: N – Manatu Road S – Kemp Lake
W – Agricultural/ALR E – Rural Residential 2 Parcel

REQUESTED VARIANCE

The applicant has requested that the Board of Variance approve a minor variance to relieve hardship by reducing the required side yard setback from 6 m to 2.92 m for the purpose of replacing and covering a deck and adding an entrance foyer to an existing single-family dwelling (Appendices B and C) that does not conform with the siting requirements of the Rural Residential 2 (RR-2) zone.

LEGISLATIVE IMPLICATIONS

Section 540 of the *Local Government Act (LGA)* allows that a person may apply to the Board of Variance for an order to permit a minor variance if the person alleges that compliance with a bylaw respecting the siting, size or dimensions of a building or other structure would cause the person hardship.

Section 542(1) of the *LGA* outlines that the Board of Variance may order that a minor variance from the requirements of the applicable bylaw be permitted 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 0.09 ha waterfront property is located at 7837 Manatu Road and is zoned RR-2 in the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040. The property was created by subdivision in 1960 and a single-family dwelling was constructed in 1983. At that time, the property was zoned Rural Residential (AR) under the Sooke Electoral Area Zoning Bylaw No. 282 and the building siting was approved based on the AR zone requirement that: *“the sum of the widths of the two side yards for a one-family or a two-family dwelling shall be not less than 15 feet, and no side yard shall be less than 5 feet...”*.

When the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040 was adopted in 1993, the property was zoned RR-2. The RR-2 zone establishes a 6 m side yard setback, resulting in the existing building being non-conforming as to siting. In 2014, the Board of Variance considered application BOV-03-14 to allow the single-family dwelling to be expanded. While the building footprint did not change, the addition of a second floor increased the non-conformity within the 6 m side yard setback. The front deck was not included in the previous variance request since it was considered existing non-conforming and no changes to the deck were proposed at that time. A 2014 survey submitted in support of the variance approval established the dimensions of the front deck area (Appendix D). The age of the two accessory structures shown on the site plan are unknown since no CRD approvals were granted for them. Land records indicate that the structures were located on the parcel at the time of the previous variance application.

The owners now wish to replace and shelter the front deck and convert some of the space into an entrance foyer for the dwelling. The front deck area will be slightly reduced from 40 m² to 38.9 m² with the proposed changes. The planned improvements are located within the existing deck footprint; however, enclosing a 10 m² area for the foyer and covering the deck will increase the extent of the non-conformity within the 6 m setback. A variance application to request a reduction from 6 m to 2.92 m for the side yard setback has been submitted to address the increase to the non-conforming siting (Appendix E). Bylaw No. 2040, Part, 1, Section 4.10(1)(a) specifies that eaves may project up to 1 m into the required yard. If the variance to reduce the setback is granted, the 0.61 m roofline projection will comply with the regulation.

Section 542(2) of the LGA states that the Board of Variance must not make an order that would be in conflict with a covenant, a permit or a floodplain specification. There are no covenants registered on title of the property. The existing structure meets the floodplain specifications established in Part 5 of Bylaw No. 2040 and, although the existing structure is within the 30 m Development Permit Area No. 3: Watercourses and Wetlands Areas designation in the Otter Point Official Community Plan, Bylaw No. 3819, a development permit is not required since the proposed addition is located outside of the designated DP area. As the building proposal is exempt from a development permit and complies with the floodplain regulations established in Part 5 of Bylaw No. 2040, the application is not in conflict with Section 542(2) of the LGA.

The development is not expected to adversely affect the natural environment and is outside designated development permit areas. Staff are of the opinion that the proposal is considered appropriate for the site, complies with the permitted uses of the zone, and is not anticipated to substantially alter the use and enjoyment of adjacent land since the subject property and adjacent parcels are already developed. The side yard requirement of the RR-2 zone encompasses a substantial area of the narrow 0.09 ha parcel resulting in a limited building area outside of the 6 m setback. The stated hardship provided by the applicants is attached in support of the variance request (Appendix F).

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 July 23, 2025, 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

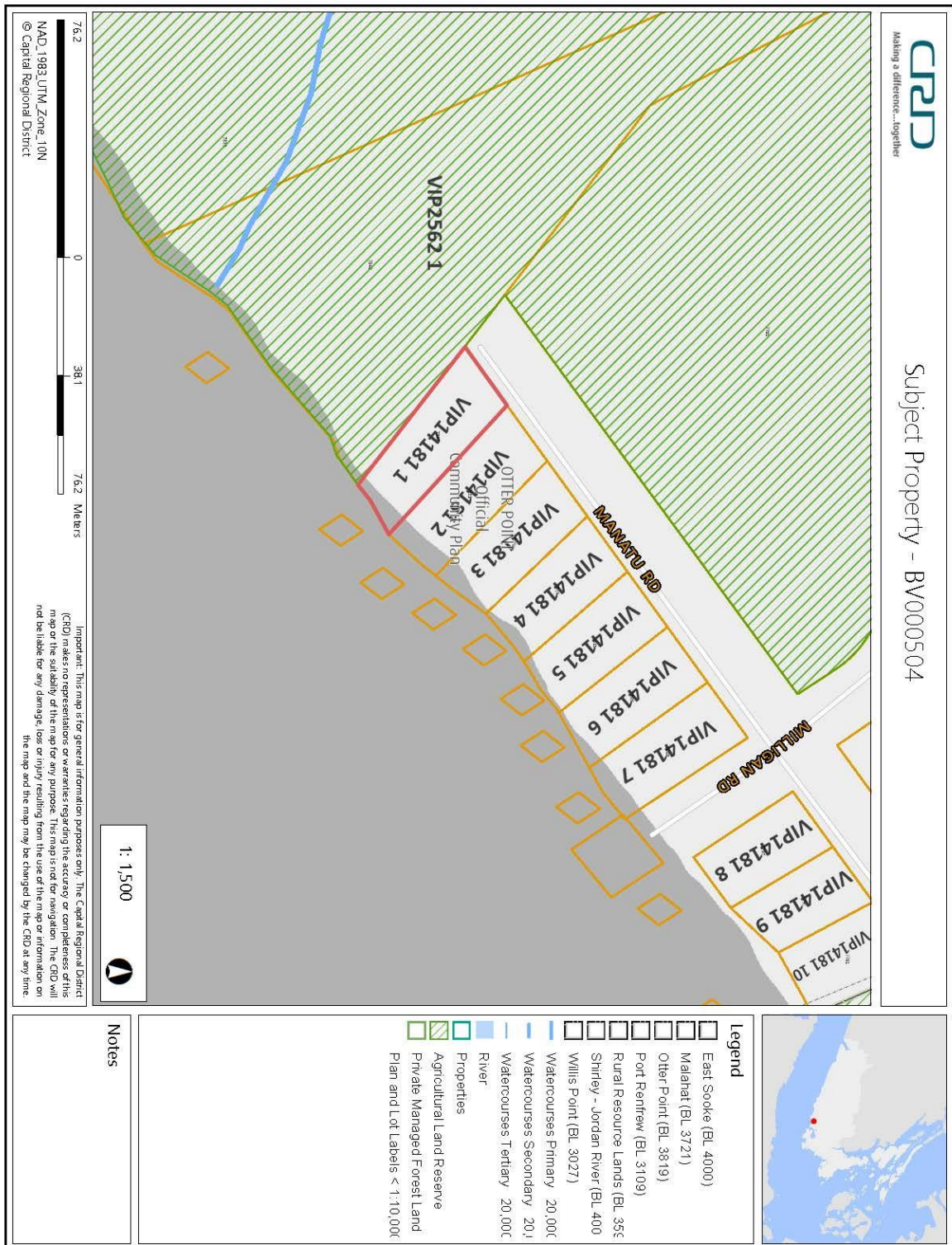
That having considered the matters set out in Section 542(1)(c) of the *Local Government Act*, and having found that undue hardship **<would/would not>** be caused to the applicant if Part 2, Section 6.07(b) of Bylaw No. 2040 were complied with, a minor variance to reduce the required side yard setback on Lot 1, Section 44, Sooke District, Plan 14181, from 6 m to 2.92 m for the purpose of replacing and covering a deck and adding an entrance foyer to a single-family dwelling, is **<approved/denied>** in accordance with Section 540 of the *Local Government Act*, and 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

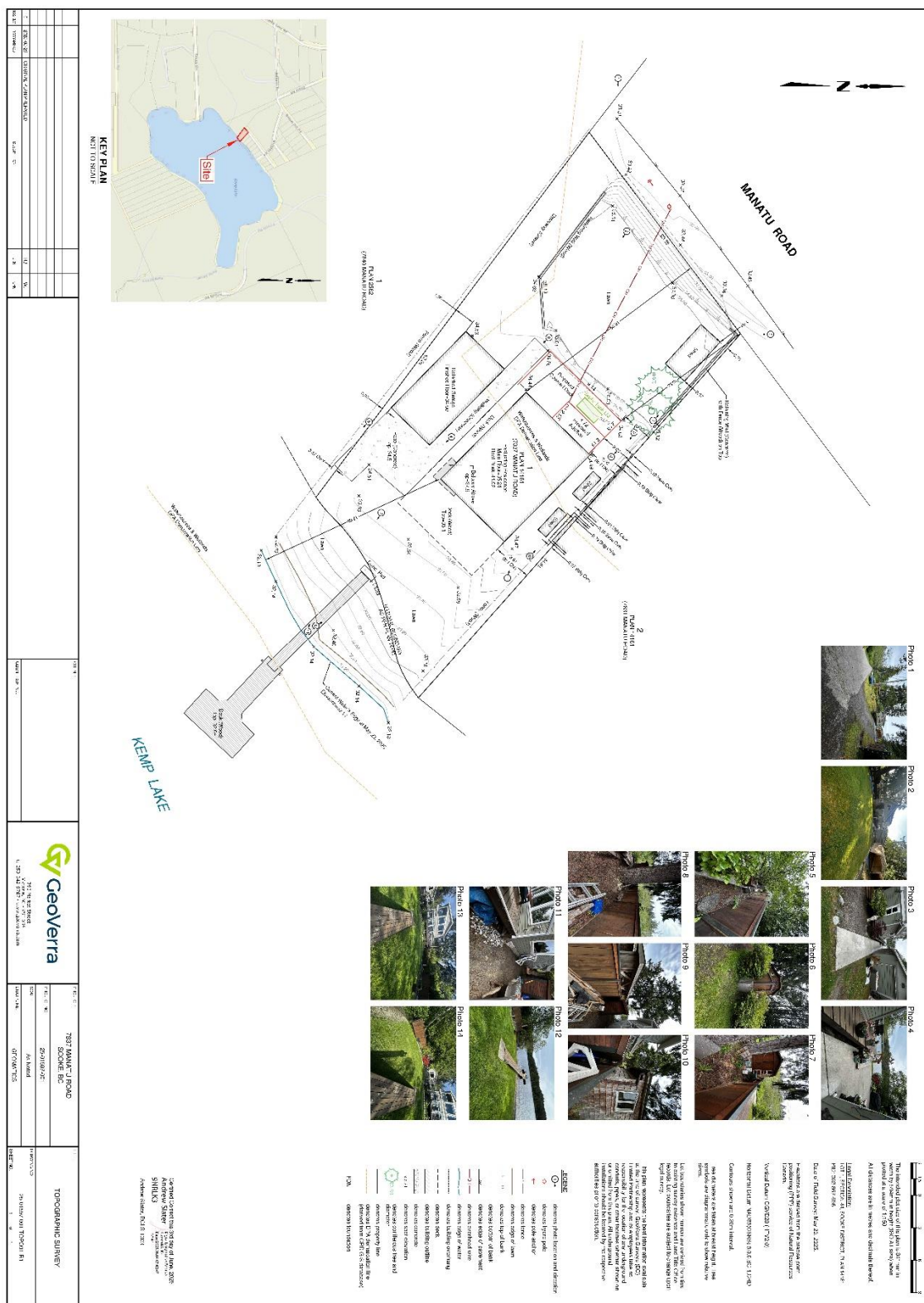
ATTACHMENTS

Appendix A: Subject Property Map
Appendix B: Site Plan Survey
Appendix C: Building Plans and Elevations
Appendix D: 2014 Survey – Front Deck Size
Appendix E: Requested Variance
Appendix F: Statement of Hardship

Appendix A: Subject Property Map



Appendix B: Site Plan Survey



THE CITY OF MANASSAS, VIRGINIA
CONSTRUCTION & PERMITS DIVISION - COMMERCIAL SERVICES

7837 MANATU ROAD
CAPITAL DISTRICT
LOT 1 - SECTION 44 - 800KE DISTRICT - PLAN VP14181 - PID 002-887-556

ADDITION TO EXISTING SINGLE-FAMILY DWELLING

SCOPE OF WORK

- NEW 15.5x7 ADDITION AT FRONT OF HOUSE (WITHIN EXISTING APPROVED FOOTPRINT)
- NEW LOWER POSTS ARE STEEL SCREW PILES TO LOWER BEAMS
- NEW COVERED PORCH AT FRONT OF HOUSE (WITHIN EXISTING APPROVED FOOTPRINT)
- EXISTING WINDOW ON UPPER FLOOR REMOVED
- TWO NEW WINDOWS ON UPPER FLOOR
- REPLACE EXISTING GUARDS & RAILING AROUND DECK (EXISTING AND PROPOSED DECK)

3D VIEW - FRONT
SCALE: NOT TO SCALE
NOT FOR CONSTRUCTION, REFER TO
DRAWINGS FOR ACCURATE DETAILS

AREA OF FRONT ADDITION

1
A1

OSHA CONSTRUCTION

ADDITION TO EXISTING SINGLE-FAMILY DWELLING

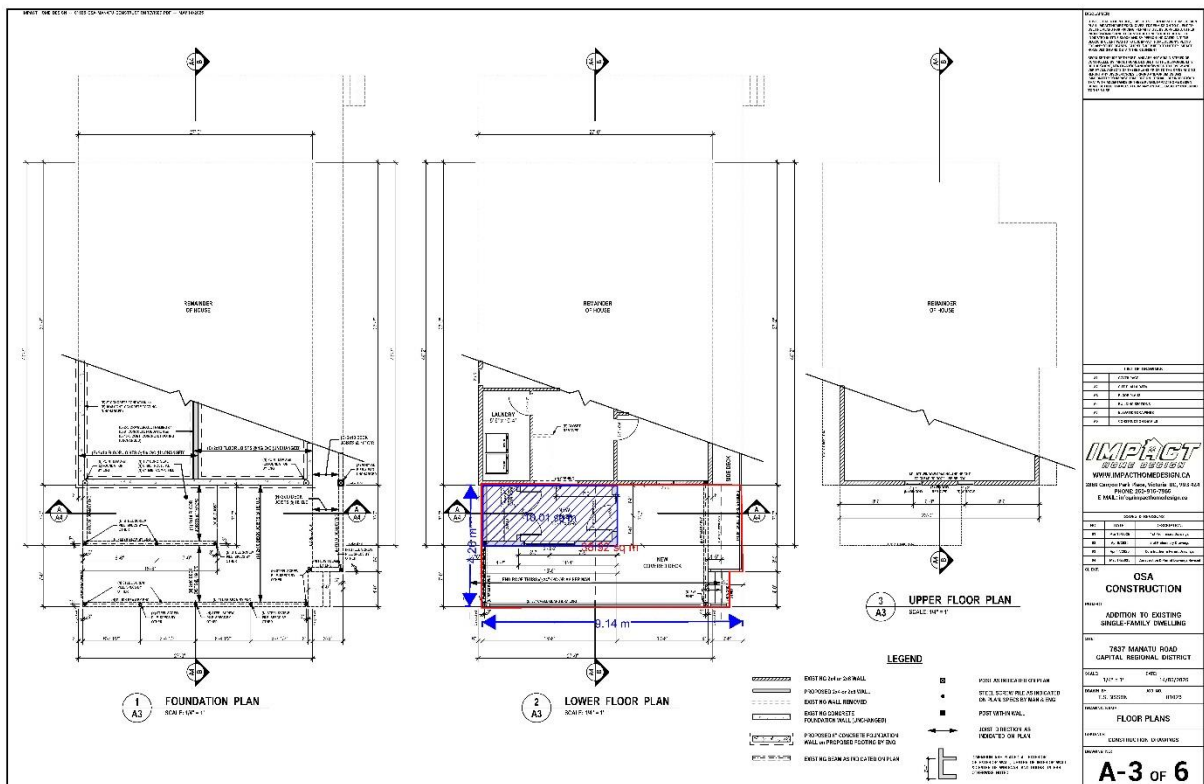
7837 MANATU ROAD
CAPITAL DISTRICT

SHEET NO.
DATE: 8/15/2024
BY: [Signature]
CHECKED: [Signature]
DESIGNED: [Signature]
SCALE: 1/8" = 1'-0"

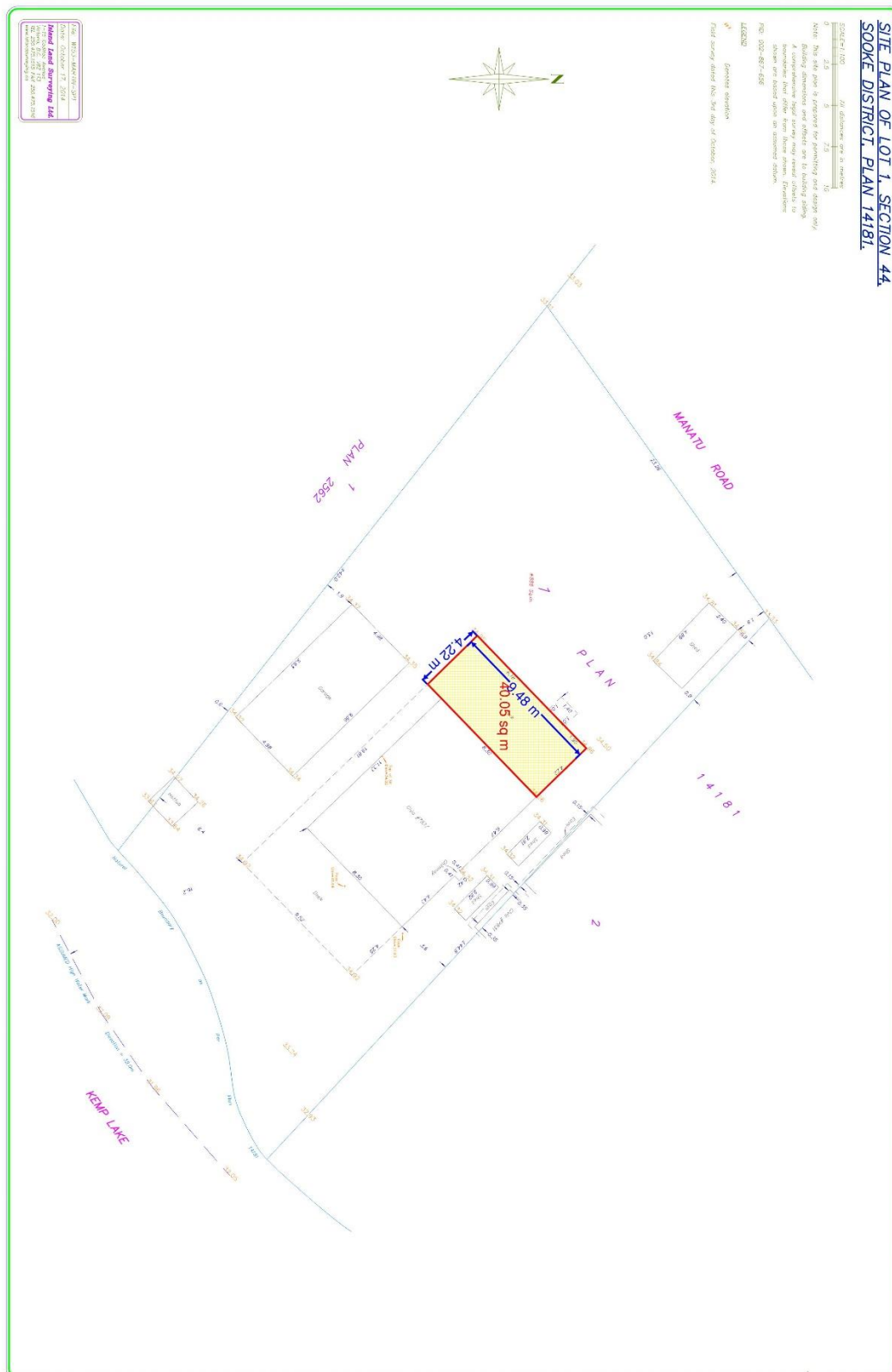
COVER PAGE

CONSTRUCTION DIVISION

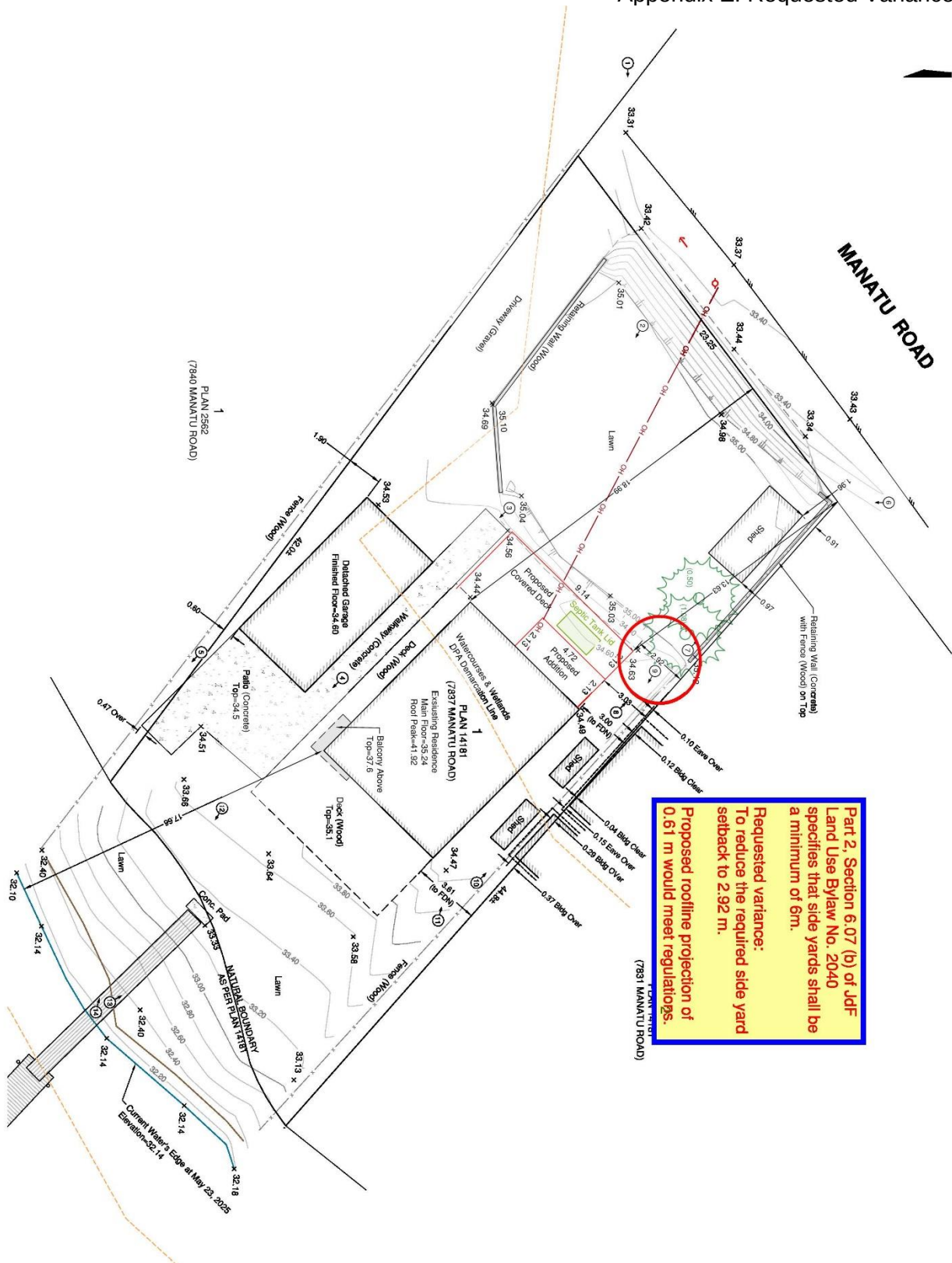
A-1 OF 6



Appendix D: 2014 Survey – Front Deck Size



Appendix E: Requested Variance



Appendix F: Statement of Hardship

Letter to CRD Variance board

Hello, we are writing to you today to request relief from the variance board in regards to a side setback in accordance with section 901(1)(a) for our upcoming construction project. The property has a very small allowable building area with the current setbacks. The original home was built well within these setbacks, if it was not the home would be very narrow and unlivable. We plan to build an entrance foyer onto our home as we have a large growing family with a huge amount of seasonal visitors to our lake home. The current deck on the front of the home is rotten and needs reconstruction. We plan to build a small entryway and rebuild the front deck so we can safely and comfortably access our home. We are not encroaching any further into the setbacks, we are only rebuilding what is currently there with a change of use for a small section.

The setbacks on this property create hardship for us as we need a dry space for our family to store shoes and jackets as they come in from the elements. Even further the hardship of the setback prevent us from reconstruction of our deck to make access safe into our home

Thank you for your consideration

**REPORT TO THE JUAN DE FUCA BOARD OF VARIANCE
MEETING OF JULY 23, 2025**

File No: BV000505
Location: 51 Seagirt Road
Legal: Lot 7, Section 97, Sooke District, Plan VIP14282
Zoning: Rural Residential 6 (RR-6) – Bylaw No. 2040
Land Use Designation: Settlement (S) – Bylaw No. 4000
Adjacent Uses: N – Residential – RR-6 Zone S – Residential – RR-6 Zone
W – Seagirt Road E – Sooke Basin

REQUESTED VARIANCE

The applicant has requested that the Board of Variance approve a minor variance to relieve hardship by reducing the required rear yard setback for a detached accessory suite in the RR-6 zone from 10 m to 1 m inclusive of projections, for the purpose of constructing an uncovered deck and stairs.

LEGISLATIVE IMPLICATIONS

Section 540 of the *Local Government Act (LGA)* allows that a person may apply to the Board of Variance for an order to permit a minor variance if the person alleges that compliance with a bylaw respecting the siting, size or dimensions of a building or other structure would cause the person hardship.

Section 542(1) of the *LGA* outlines that the Board of Variance may order that a minor variance from the requirements of the applicable bylaw be permitted 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 by complying with the bylaw or Section 531(1); 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),

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 - (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 0.17 ha property is located at 51 Seagirt Road (Appendix A) and is zoned Rural Residential 6 (RR-6) under the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040. Portions of the property are designated as Steep Slope and Shoreline Protection Development Permit Areas (DPA) by the East Sooke Official Community Plan (OCP), Bylaw No. 4000; however, the stairways are exempt from the requirement for a DP.

An addition to an existing single-family dwelling (SFD) was authorized in 1975 (building permit 7352); however, the permit was not completed. This structure now serves as the non-conforming detached accessory suite. In 1983, a new SFD was constructed (BP 22999), which is now the principal residence on the property. The site plan submitted as part of pending Building Permit BP010405 outlines the proposed construction of a new 3.3 m² uncovered deck and stairway, located 1 m from the rear yard lot line. This new structure is intended to replace the existing uncovered deck currently attached to the non-conforming detached accessory suite (Appendices B & C).

Bylaw No. 2040, Part 1, Section 4.20(h) specifies that detached accessory suites must be located within the same side and rear yard setback as the principal dwelling. Part 2, Section of Bylaw No. 2040 specifies that the required rear yard setback in the RR-6 zone is 10 m. Section 4.10(1)(a) allows steps to project up to 1 m into the required yard, reducing the minimum rear yard setback from 10 m to 9 m. Since the proposed structure is to be located within the required rear yard setback and exceeds the allowable projection a variance is required (Appendix C).

The applicants have identified the primary hardship as the location of the existing non-conforming detached accessory suite, which was originally constructed in the 1960s—prior to the implementation of current setback requirements. They are concerned about safety and accessibility, particularly if the proposal is not approved. Staff note that the deck and stairs provide a means of egress and options for relocation or redesign are limited as much of the structure lies within the 10-metre rear yard setback.

The applicants further state that they have been working with the Capital Regional District (CRD) Building Permit Department to resolve a Stop Work Order (SWO). They note that any additional changes required to the building would further delay this process (Appendix D).

Staff are of the opinion that the proposal is considered appropriate for the site and complies with the use of the RR-6 zone and the detached accessory suite regulations. The development is not expected to adversely affect the natural environment and a development permit is not required. 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 July 23, 2025, 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

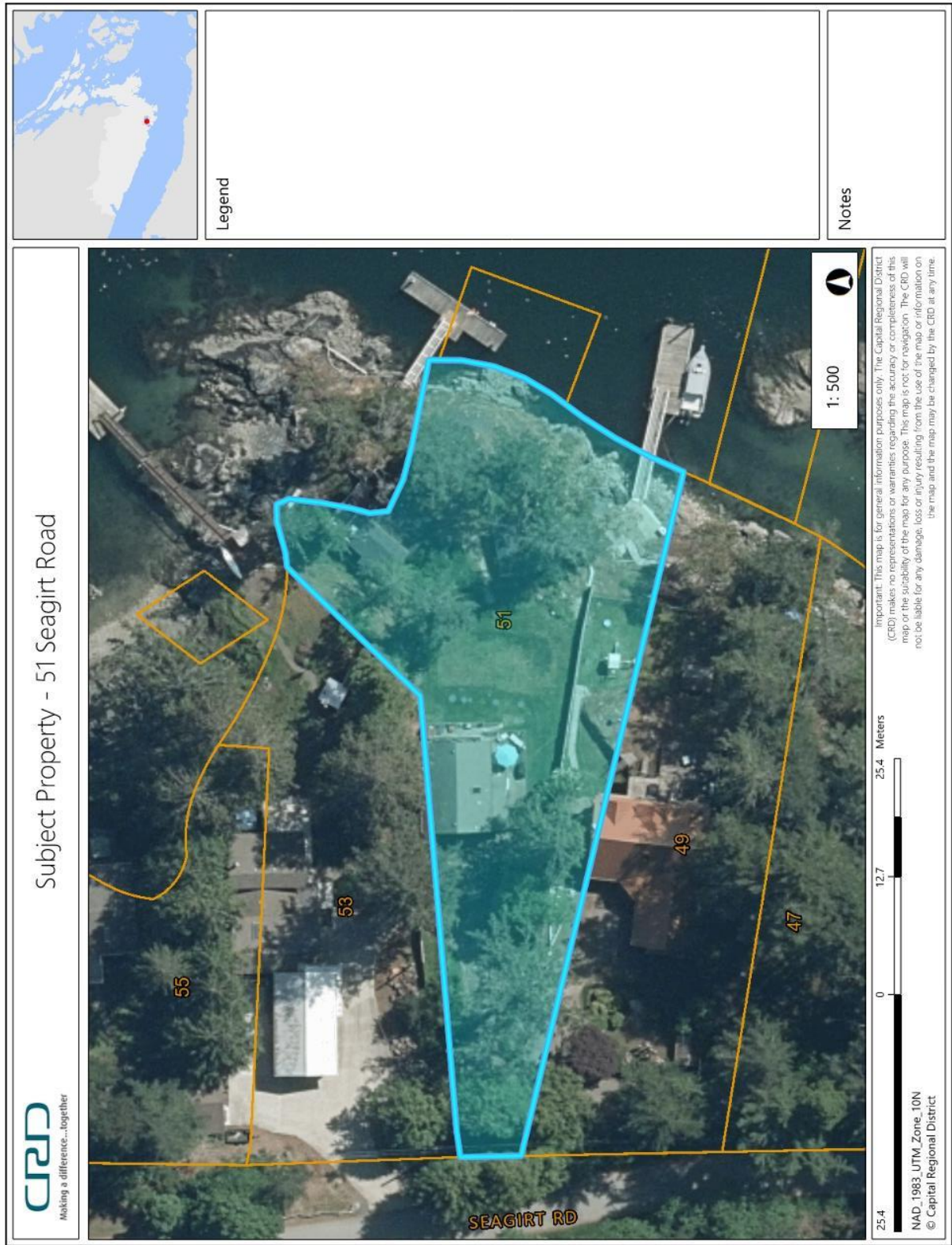
That having considered the matters set out in Section 542(1)(c) of the *Local Government Act* and having found that undue hardship **<would/would not>** be caused to the applicant if Part 2, Section 10.09(d) of Bylaw No. 2040 were complied with, a minor variance to reduce the required rear yard setback on Lot 7, Section 97, Sooke District, Plan VIP14282 from 10 m to 1 m inclusive of projections, to authorize the construction of a 3.3 m² uncovered deck and stairs is **<approved/denied>** in accordance with Section 540 of the *Local Government Act*, and that if construction is not substantially started within 2 years after the date of this order, the order shall terminate.

Submitted by:	Angela Petrie, Planning Assistant, JdF Community Planning
Concurrence:	Iain Lawrence, MCIP, RPP, Secretary to the Board of Variance

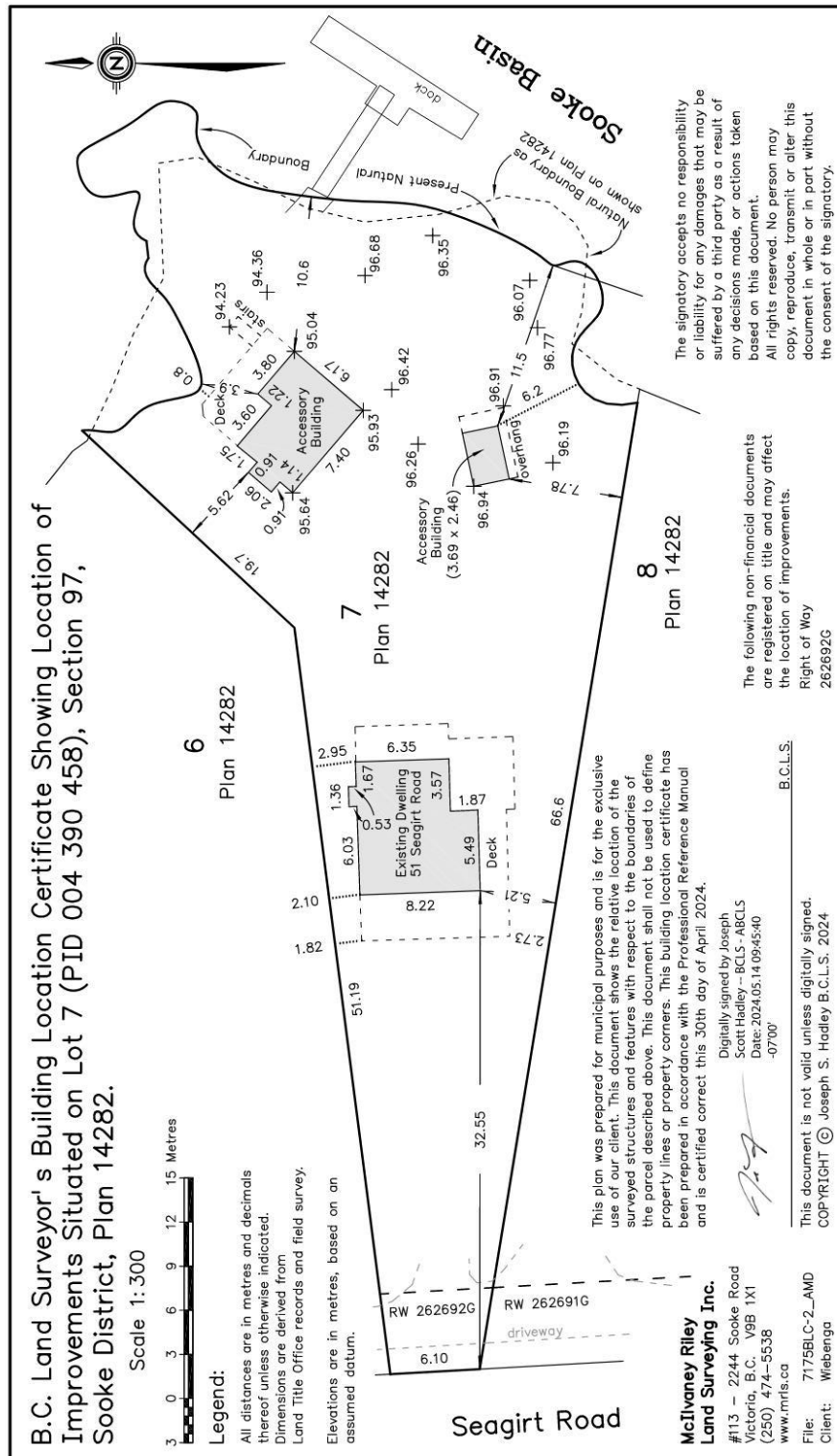
ATTACHMENTS

Appendix A: Subject Property Map
Appendix B: Site Survey
Appendix C: Proposed Site Plan
Appendix D: Hardship Letter

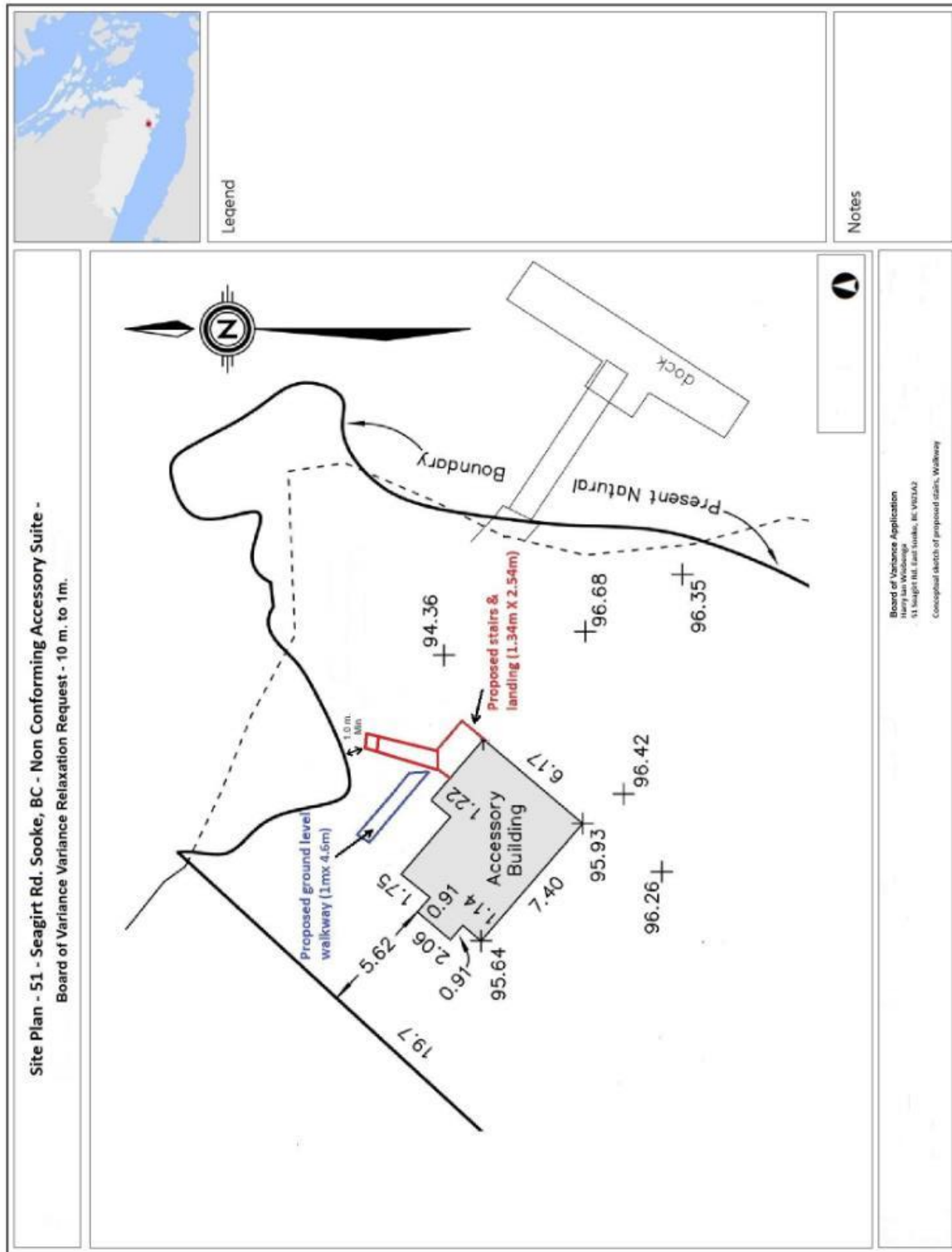
Appendix A: Subject Property Map



Appendix B: Site Survey



Appendix C: Proposed Site Plan



Appendix D: Hardship Letter

May 28, 2025

JDF Planning and Development Department
#3 - 7450 Butler Road
Sooke, BC V9Z 1N1

RE : Variance Application - Hardship Letter - 51 Seagirt, East Sooke

Dear Member of the Board of Variance,

We are writing to formally request a minor variance to reduce the required rear-yard setback from 10m to 1m for a planned access staircase and landing for our existing non-conforming detached secondary accessory suite, which was the original 1960's homestead on the property, before the main house was constructed in the 1980's.

The original homestead was constructed with one front-entrance. Due to the sloping nature of the terrain, a second access door is needed to improve occupant comfort, accessibility and safety (a secondary escape egress in case of an evacuation or primary doorway blockage).

The original homestead predates current-day setback requirements which make changes to the structure a challenge. Most of the building sits within the 10-meter rear-yard setback. The rear of the structure is 3.9m. from the rear lot-line, backing onto Sooke Basin. Alternate solutions initially contemplated on other sides of the building introduce bigger challenges, including a steep slope area on the North side, insufficient side-lot setbacks, blockage of existing access pathways and impacts to neighboring property privacy. The proposed rear stairway and landing is located to minimize the structure size and environmental impact while preserving the privacy of neighboring properties. However, a minor variance to the rear lot setback of 10meters is required to allow this option.

Adherence to the 10-meter rear setback requirement would introduce significant hardship on us as follows:

1. We will experience significant stress and financial cost to develop alternate, less-optimal solutions that very likely will result in a similar variance request, development permit or higher cost solution, given the location of the original homestead on the property. Alternate solutions will require changes to the internal floorplan and expensive structural and interior renovations to the existing interior layout and building envelope. This presents a significant financial hardship compared to the proposed solution requiring a minor variance.
2. The CRD has maintained a stop work order (SWO) on the building since March 2024. This order prevents its occupancy and use until resolved. We have been working diligently and cooperatively with the CRD to bring this lengthy process to resolution.

Strict adherence to the setback requirement will prolong the SWO as next steps and alternate solutions are investigated. This presents a significant economic and stress hardship on us.

3. Strict adherence to the rear setback requirement may mean that an alternate safe secondary access solution may never be found. Therefore, the safety and accessibility of the building may not be able to be enhanced to modern day expectations. This presents an ongoing accessibility & safety hardship for all future occupants.
4. Finally, our family is dealing with a health issue of a family member that may require the sale of this property. Strict adherence to the setback requirement will prolong resolution of the SWO process and will block the ability of this property from being listed for sale. This imposes additional stress and financial burden during this already difficult time.

Granting this variance would not result in inappropriate development or use of the site, nor would it negatively affect neighboring properties or the natural environment. It improves safety, accessibility and occupant enjoyment of the property while maintaining the privacy of all properties.

We sincerely appreciate your consideration of our request. Please contact us if you have any questions or require additional information.

Sincerely

**REPORT TO THE JUAN DE FUCA BOARD OF VARIANCE
MEETING OF JULY 23, 2025**

File No: BV000506
Location: Otter Point Road – 3500 Block
Legal: Lot A, Section 17, Otter District, Plan VIP77374
Zoning: Rural Residential 2 (RR-2) Zone – Bylaw No. 2040
Land Use Designation: Settlement Area 1 (SA-1) – Bylaw No. 3819
Adjacent Uses: N – Residential - RR-2 Zone S – Residential - RR-2
Zone/Otter Point Road
W – Undeveloped - Rural A Zone E – Residential - RR-2 Zone

REQUESTED VARIANCE

The applicant has requested that the Board of Variance approve a minor variance to relieve hardship by reducing the required front yard setback for accessory buildings and structures from 15 m to 1.53 m for the purpose of authorizing a utility shed.

LEGISLATIVE IMPLICATIONS

Section 540 of the *Local Government Act (LGA)* allows that a person may apply to the Board of Variance for an order to permit a minor variance if the person alleges that compliance with a bylaw respecting the siting, size or dimensions of a building or other structure would cause the person hardship.

Section 542(1) of the *LGA* outlines that the Board of Variance may order that a minor variance from the requirements of the applicable bylaw be permitted 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 by complying with the bylaw or Section 531(1); and
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 - (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;
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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 ha property is located in the 3500 block of Otter Point Road (Appendix A) and is zoned Rural Residential 2 (RR-2) under the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040. The property has no development permit area designations.

The parcel was created as a panhandle lot and an easement (EW143638) in favour of the neighbouring property owner grants access rights over the panhandle access strip for pedestrians and vehicles.

During review of the building permit application for a single-family dwelling (BP010705) it was discovered that three accessory structures had been previously constructed without permits or consultation with JdF Planning staff. The structures include a 5.6 m² well shed, a 5.6 m² electrical utility shed and a 3.3 m² electrical utility shed (Appendix C).

Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 1, Section 4.01(1)(d) specifies that “no accessory building shall be located closer to the front lot line than the principal building, except that where the distance between the principal building and the front lot line is greater than 15 m, the accessory building shall be not less than 15 m from the front lot line”. Bylaw No. 2040 defines the front lot line of a panhandle lot as any lot line adjoining and approximately perpendicular to the access strip, but excluding any extension of the lot line in the access strip. The 5.6 m² electrical utility shed located at the top of the panhandle does not meet this requirement; therefore, a variance to reduce the front yard requirement from 15 m to 1.53 m is required (Appendix D).

The setbacks for the remaining two structures were assessed by JdF Planning staff and found to meet the allowance for setback projections specified by Part 1, Section 4.07 of Bylaw No. 2040.

The owners have provided a statement of hardship in support of the application (Appendix E).

Since the front yard designation is not adjacent to the road right-of-way, approval from the Ministry of Transportation and Transit is not required for the proposal. The application was referred to CRD Protective Services (Fire Administration) and Building Inspection, and neither department had concerns with the siting of any of the utility sheds.

Staff are of the opinion that the proposal is considered appropriate for the site and complies with the use of the RR-2 zone. The development is not expected to adversely affect the natural environment and a development permit is not required. 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 July 23, 2025, 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

That 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(1)(d) of Bylaw No. 2040 were complied with, a minor variance to reduce the required front yard setback on Lot A, Section 17, Otter District, Plan VIP77374 from 15 m to 1.53 m to authorize a 5.6 m² electrical utility shed is <**approved/denied**> in accordance with Section 540 of the *Local Government Act*, and 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 Plans
Appendix C: Building Plans and Photos
Appendix D: Requested Variances
Appendix E: Statement of Hardship

Subject Property Map - BV000506

Legend

- Commercial and Industrial Dev
- Marine Shoreline Areas
- Sensitive Ecosystems Areas
- Steep Slopes
- Watercourses and Wetlands A
- Properties
- Agricultural Land Reserve
- Private Managed Forest Land
- Plan and Lot Labels < 1:10,000

Scale: 1:4,000

North Arrow: (Symbol pointing up)

Scale Bar: 0, 101.6, 203.2 Meters

Parcel Labels: VIP31125 6, VIP31125 7, VIP21528 4, VIP21528 5, VIP21528 6, VIP21528 7, VIP21528 8, VIP21528 9, VIP21528 10, VIP21528 11, VIP21528 12, VIP21528 13, VIP21528 14, VIP21528 15, VIP21528 16, VIP21528 17, VIP21528 18, VIP21528 19, VIP21528 20, VIP21528 21, VIP21528 22, VIP21528 23, VIP21528 24, VIP21528 25, VIP21528 26, VIP21528 27, VIP21528 28, VIP21528 29, VIP21528 30, VIP21528 31, VIP21528 32, VIP21528 33, VIP21528 34, VIP21528 35, VIP21528 36, VIP21528 37, VIP21528 38, VIP21528 39, VIP21528 40, VIP21528 41, VIP21528 42, VIP21528 43, VIP21528 44, VIP21528 45, VIP21528 46, VIP21528 47, VIP21528 48, VIP21528 49, VIP21528 50, VIP21528 51, VIP21528 52, VIP21528 53, VIP21528 54, VIP21528 55, VIP21528 56, VIP21528 57, VIP21528 58, VIP21528 59, VIP21528 60, VIP21528 61, VIP21528 62, VIP21528 63, VIP21528 64, VIP21528 65, VIP21528 66, VIP21528 67, VIP21528 68, VIP21528 69, VIP21528 70, VIP21528 71, VIP21528 72, VIP21528 73, VIP21528 74, VIP21528 75, VIP21528 76, VIP21528 77, VIP21528 78, VIP21528 79, VIP21528 80, VIP21528 81, VIP21528 82, VIP21528 83, VIP21528 84, VIP21528 85, VIP21528 86, VIP21528 87, VIP21528 88, VIP21528 89, VIP21528 90, VIP21528 91, VIP21528 92, VIP21528 93, VIP21528 94, VIP21528 95, VIP21528 96, VIP21528 97, VIP21528 98, VIP21528 99, VIP21528 100.

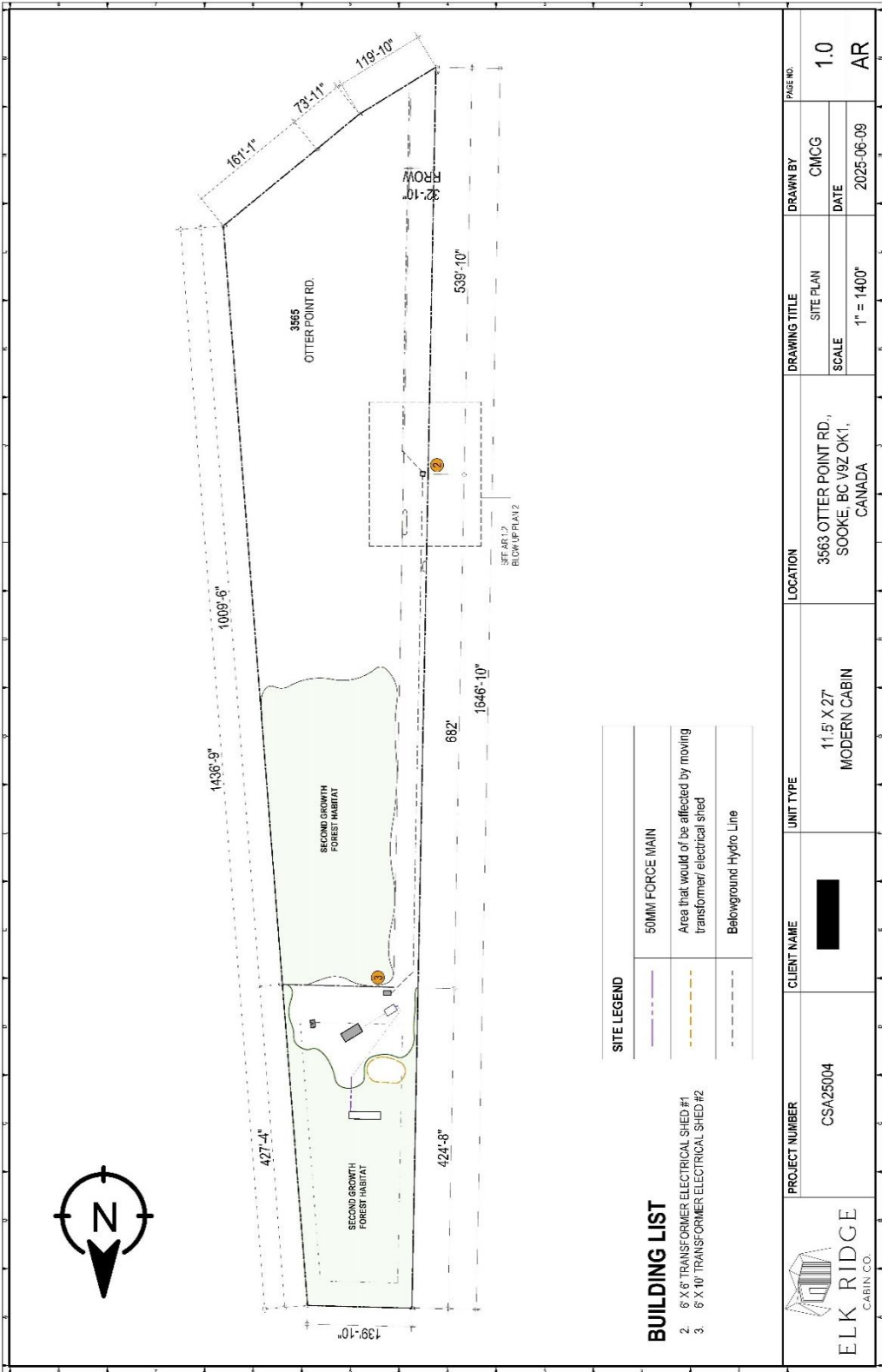
Other Labels: PRIVATE DRIVEWAY, OTTER POINT RD, STATE DRIVEWAY, FARMERS DRIVEWAY, VIP77374 A, VIP77374 B, VIP66835 A, VIP87777 1, VIP87777 2, VIP21528 2, VIP21528 4, VIP21528 5, VIP21528 6, VIP21528 7, VIP21528 8, VIP21528 9, VIP21528 10, VIP21528 11, VIP21528 12, VIP21528 13, VIP21528 14, VIP21528 15, VIP21528 16, VIP21528 17, VIP21528 18, VIP21528 19, VIP21528 20, VIP21528 21, VIP21528 22, VIP21528 23, VIP21528 24, VIP21528 25, VIP21528 26, VIP21528 27, VIP21528 28, VIP21528 29, VIP21528 30, VIP21528 31, VIP21528 32, VIP21528 33, VIP21528 34, VIP21528 35, VIP21528 36, VIP21528 37, VIP21528 38, VIP21528 39, VIP21528 40, VIP21528 41, VIP21528 42, VIP21528 43, VIP21528 44, VIP21528 45, VIP21528 46, VIP21528 47, VIP21528 48, VIP21528 49, VIP21528 50, VIP21528 51, VIP21528 52, VIP21528 53, VIP21528 54, VIP21528 55, VIP21528 56, VIP21528 57, VIP21528 58, VIP21528 59, VIP21528 60, VIP21528 61, VIP21528 62, VIP21528 63, VIP21528 64, VIP21528 65, VIP21528 66, VIP21528 67, VIP21528 68, VIP21528 69, VIP21528 70, VIP21528 71, VIP21528 72, VIP21528 73, VIP21528 74, VIP21528 75, VIP21528 76, VIP21528 77, VIP21528 78, VIP21528 79, VIP21528 80, VIP21528 81, VIP21528 82, VIP21528 83, VIP21528 84, VIP21528 85, VIP21528 86, VIP21528 87, VIP21528 88, VIP21528 89, VIP21528 90, VIP21528 91, VIP21528 92, VIP21528 93, VIP21528 94, VIP21528 95, VIP21528 96, VIP21528 97, VIP21528 98, VIP21528 99, VIP21528 100.

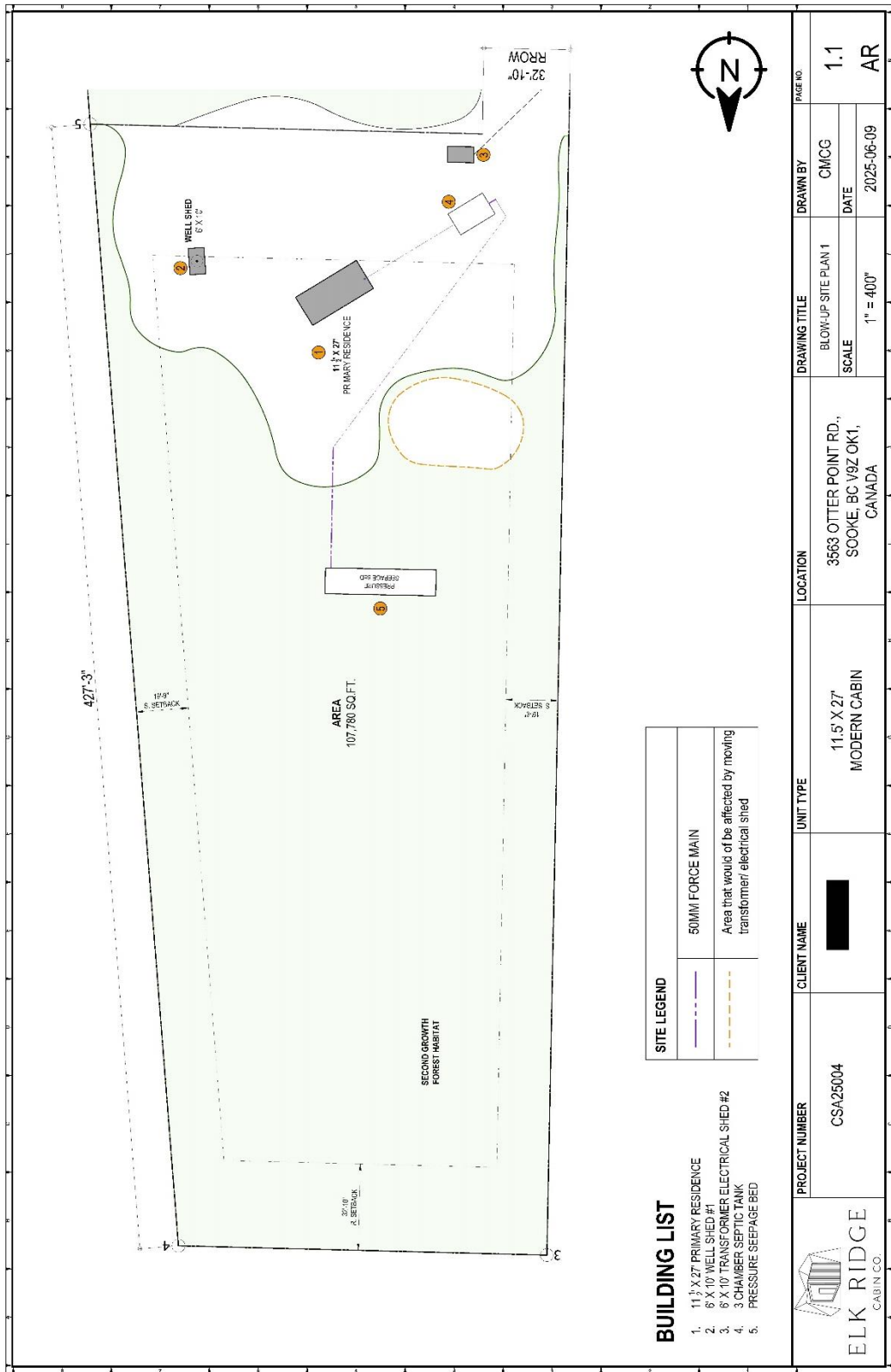
Important: This map is for general information purposes only. The Capital Regional District (CRD) makes no representations or warranties regarding the accuracy or completeness of this map or the suitability of the map for any purpose. This map is not for navigation. The CRD will not be liable for any damage, loss or injury resulting from the use of the map or information on the map and the map may be changed by the CRD at any time.

CRD
Making a difference...together

NAD 1983 UTM Zone 10N
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Appendix B: Site Plans

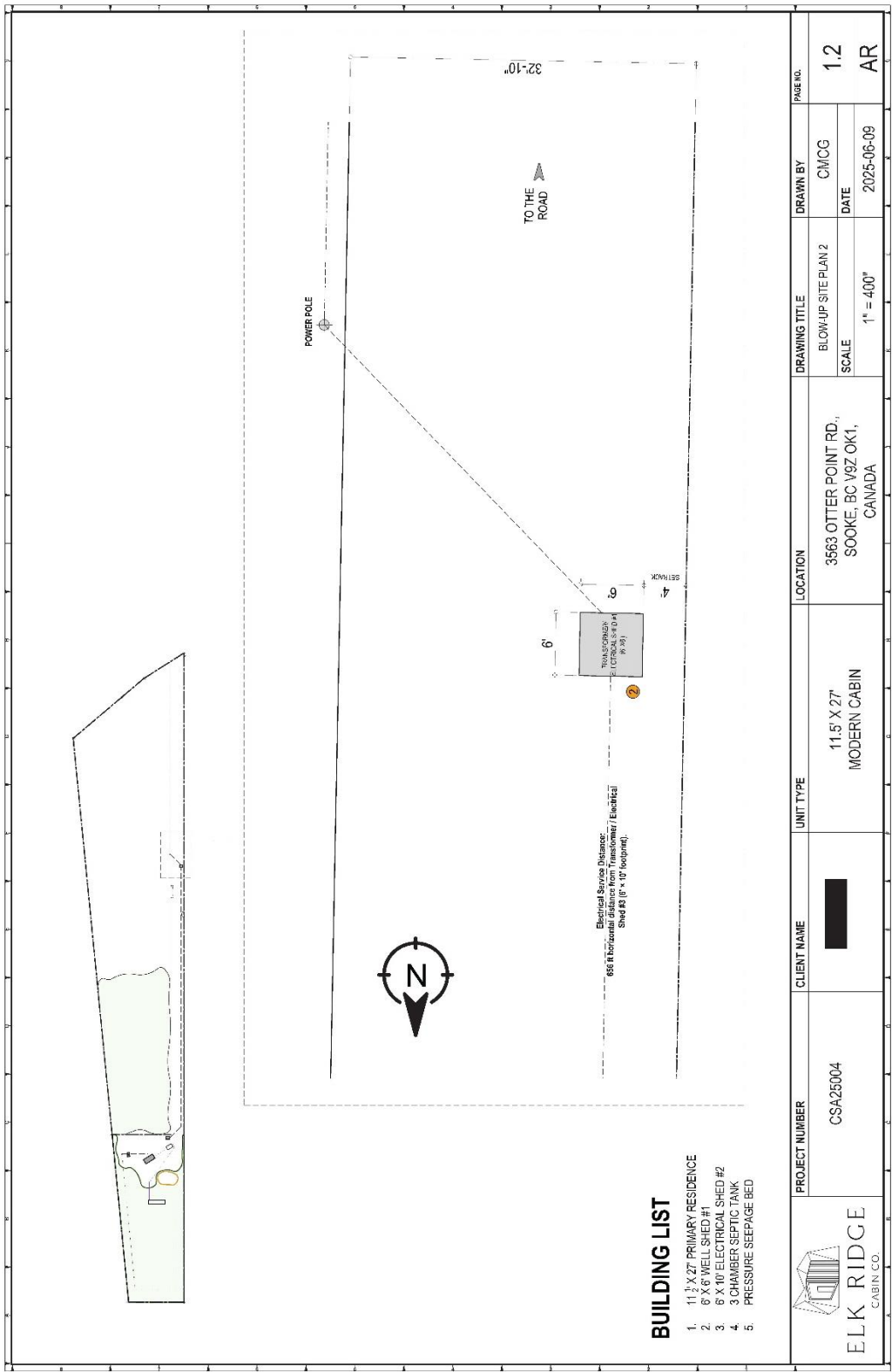




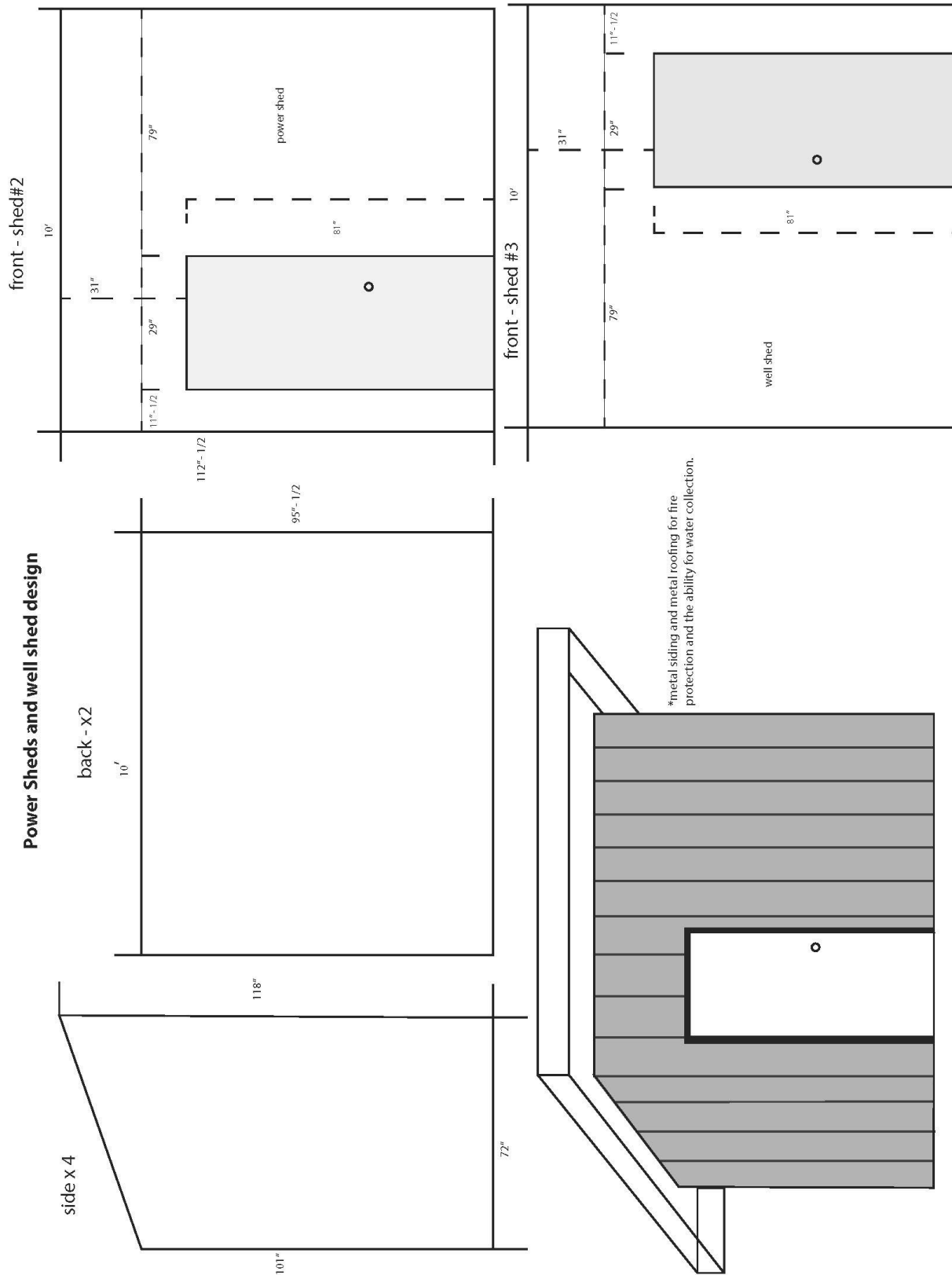
- BUILDING LIST**
- 1. 11.5' X 27' PRIMARY RESIDENCE
 - 2. 6' X 10' WELL SHED #1
 - 3. 6' X 10' TRANSFORMER ELECTRICAL SHED #2
 - 4. 3 CHAMBER SEPTIC TANK
 - 5. PRESSURE SEEPAGE BED

SITE LEGEND	
	50MM FORCE MAIN
	Area that would be affected by moving transformer/ electrical shed

 ELK RIDGE CABIN CO.	PROJECT NUMBER	CLIENT NAME	UNIT TYPE	LOCATION	DRAWING TITLE		DRAWN BY	PAGE NO.
					BLOW-UP SITE PLAN 1			
					SCALE			
					DATE			
					2025-06-09			
CSA25004			11'5" X 27' MODERN CABIN	3563 OTTER POINT RD., SOOKE, BC V9Z 0K1, CANADA	1" = 400"		CMCG	1.1
								AR



Appendix C: Building Plans and Photos

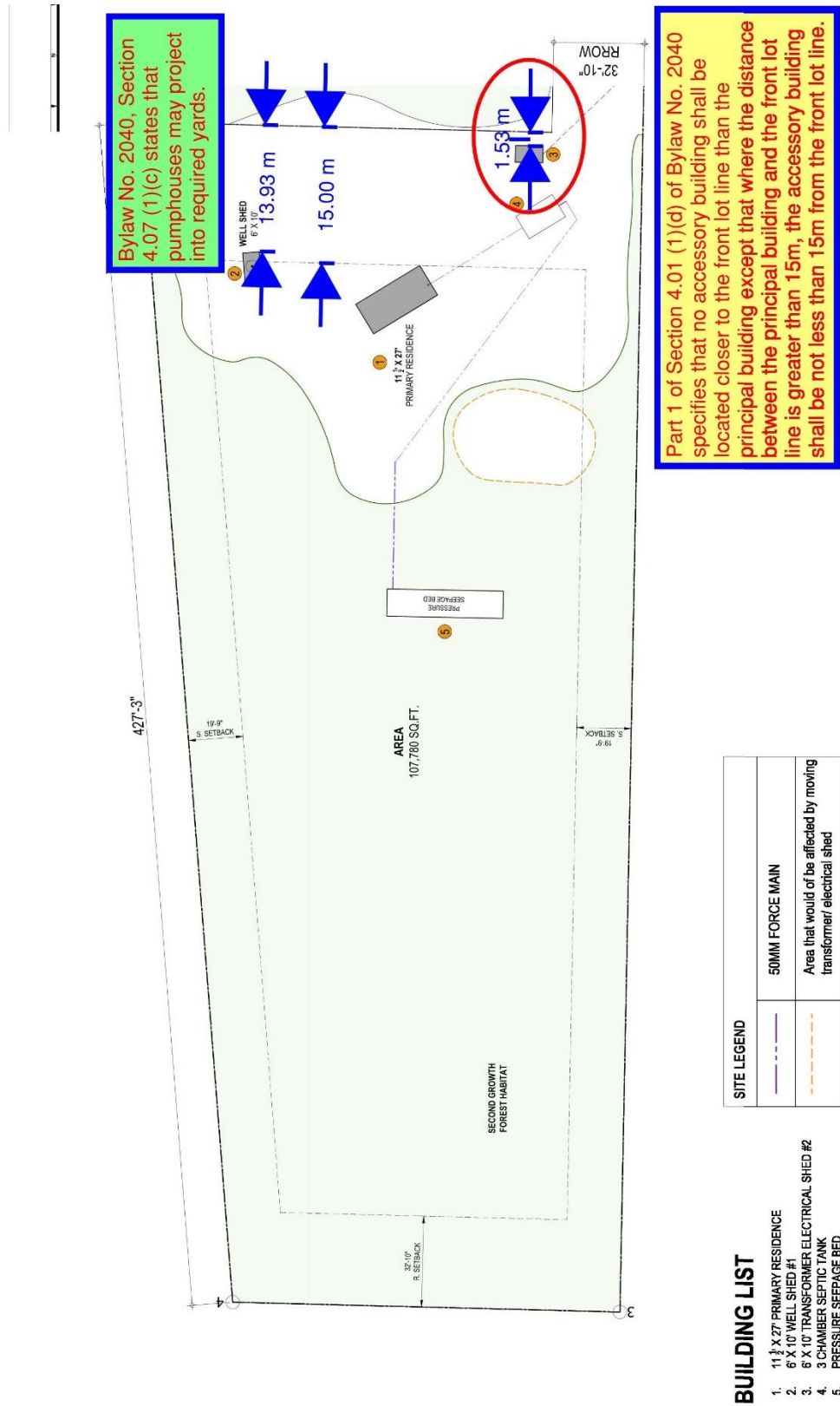




Shed #1 - power shed



Appendix D: Requested Variances



Appendix E: Statement of Hardship

Purpose of application

LOT A, PLAN VIP77374, SECTION 17, OTTER LAND DISTRICT PID: 026-008-939

We purchased the bare land property from [REDACTED] who is [REDACTED] mother, in January 2024. [REDACTED] had subdivided the property in 2003 but chose to hold onto it until our recent purchase. The property is primarily covered in second-growth forest, with the exception of a small area at the front that had been cleared at the time of subdivision.

After acquiring the property, we decided that we may not begin construction for some time. In the meantime, we aimed to bring services to the site to allow for seasonal access with a trailer. We contacted BC Hydro and our electrician to explore power options.

Installing aerial hydro lines via poles would have required removing numerous second-growth trees that we are committed to preserving. Therefore, we opted for underground power service. In consultation with our electrician, we trenched a hydro line from the middle of the panhandle to the corner at the front of the main property.

Our electrician confirmed that the size and setbacks would be appropriate for the required power infrastructure. BC Hydro installed a line from a pole-mounted transformer to a small 6' x 6' shed housing another transformer. From there, power is routed to the back of the property to a second shed, measuring 6' x 10', which contains an additional transformer.

Both sheds were built solely to accommodate electrical equipment, including transformers, electrical panels, and related accessories. They meet all required setbacks, and all electrical permits were obtained by our licensed contractor, Great Catch Electric. No building permits were required for these sheds, as they are both under the 10' x 10' threshold.

In addition, a third 6' x 10' shed was constructed to serve as a well house. The drilled well was already in place and we built the shed overtop of it. This building holds the water pump, tanks, and other necessary plumbing equipment. The size of the well house was determined by our plumber, Well Master Plumbing, who also installed the equipment and will be adding additional systems and storage as needed. This structure was built strictly for the property's water system and does not serve any other purpose.

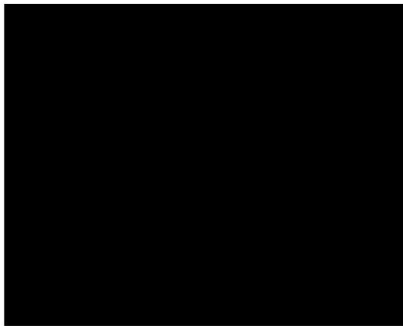
At the time of construction, we were unaware of the specific conditions and additional setback requirements along the front property line, where the panhandle meets the main parcel. No permits were pulled for a house because we had no immediate plans to build one.

The front of the property faces [REDACTED] land, which also features second-growth forest that she is actively working to protect. We intentionally placed all infrastructure within the already-cleared portion of our lot to avoid disturbing additional forested areas. Relocating any of the sheds would force us to cut into untouched forest, including large cedar and fir trees, which we are trying to preserve.

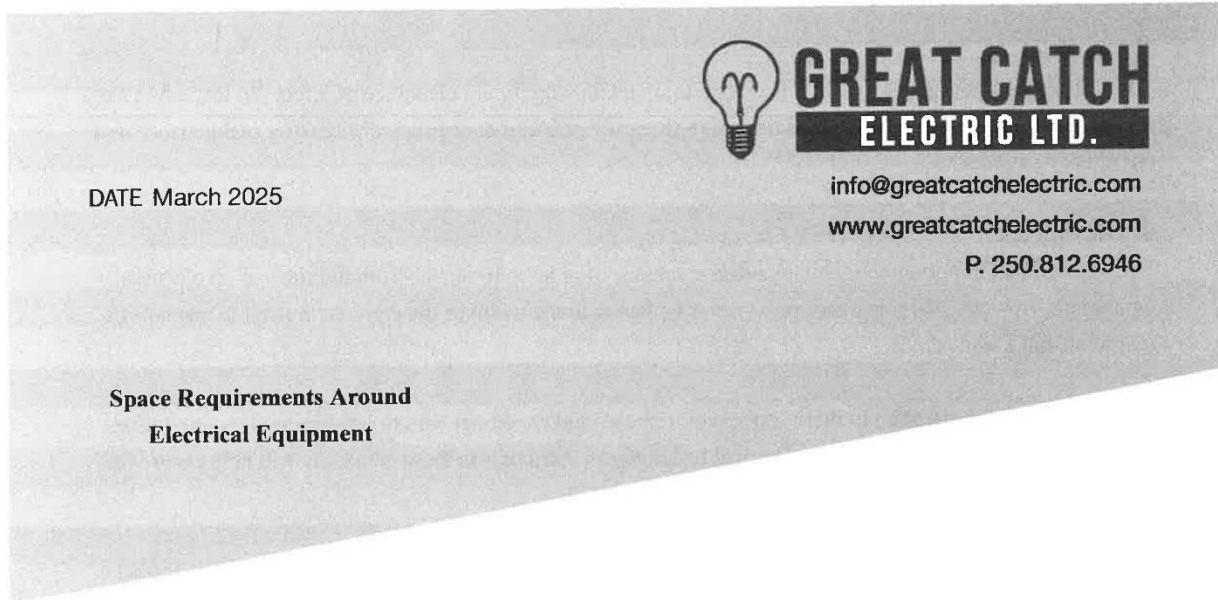
We had good intentions and intended to follow setback guidelines set out from the CRD, but we followed the guidance from trained professionals and did not do our own research. At this time it would be challenging to move the sheds that we built.

We appreciate your time and consideration of this explanation. We have included site drawings and supporting letters from both our electrician and plumber for reference.

Thank you.



Please see information provided by Great Catch Electric
+ Wellmaster pumps + water system



To Whom It May Concern,

I am writing to highlight the importance of maintaining adequate space around electrical equipment, particularly electric transformers and panel boards, as mandated by the Canadian Electrical Code (CEC).

General Working Space Requirements:

1. Adequate Space:

The CEC stipulates that sufficient space must be provided around electrical equipment, including transformers, to ensure proper operation and maintenance. This is essential for both safety and efficiency in the functioning of these systems.

2. Minimum Working Space:

A minimum working space of 1 meter (39 inches) with secure footing is required in front of all electrical equipment, including transformers. This space allows personnel to safely access and operate the equipment.

3. Clearance:

In addition to the working space, it is crucial to maintain a minimum clearance of 3 feet (36 inches) in front of each transformer. This clearance is necessary to ensure safe and unobstructed access for maintenance and emergency situations.

4. Side Clearance:

Moreover, it is important to maintain a side clearance of at least 30 inches from the sides of all electrical equipment. However, this clearance must never be less than the width of the equipment itself to ensure safe operation and maintenance.

We appreciate your attention to these space requirements and encourage you to implement these guidelines whenever designing or maintaining electrical installations. Adhering to these standards will help ensure the safety of personnel and the reliability of electrical systems.

Thank you for your cooperation in this important matter. Should you have any questions or require further clarification, please feel free to contact me.

Sincerely,

Cameron Graham | Owner/Operator

Great Catch Electric

Victoria Division: 250-812-6946 (Cameron Graham)

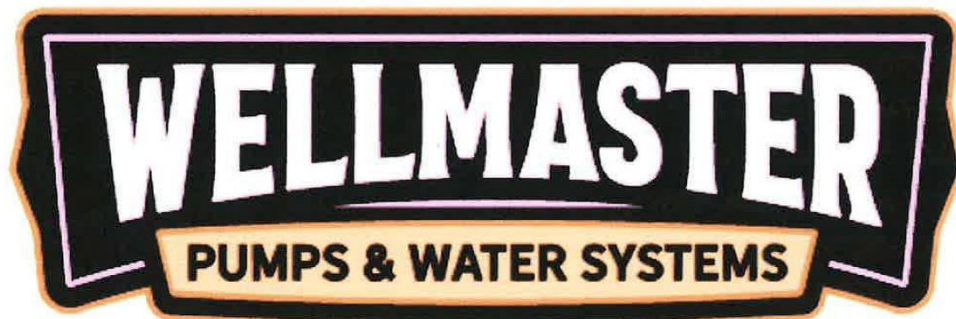
www.greatcatchelectric.com

Hi [REDACTED]

The constructed 6 ft x 10 ft shed is a great size for housing the well equipment. In the future, you may require a small cistern tank to buffer your water usage and additional treatment needs, which can take up significant space inside the shed. This also allows us adequate room to work on the equipment and the ease of removing it once it fails. A 6 ft x 10 ft shed is a very common size for well pump houses.

Kindest regards,
Cayden Wilton

--



Cayden Wilton
250-619-8865

WellmasterPumps.com

**REPORT TO THE JUAN DE FUCA BOARD OF VARIANCE
MEETING OF JULY 23, 2025**

File No: BV000507
Location: 2727 Anderson Road – Otter Point
Legal: Lot A, District Lot 39, Malahat District, Plan EPP103577
Zoning: Forestry (AF) – JdF Land Use Bylaw No. 2040
Land Use Designation: Rural (RUR) – Bylaw No. 3819
Adjacent Uses: N – Forestry (AF) parcels
E – Undeveloped Forestry (AF) parcel (PMFL)
S – Rural (A) parcel
W – Anderson Road

REQUESTED VARIANCE

The applicant has requested that the Board of Variance approve a minor variance to relieve hardship by increasing the maximum floor area allowed for a detached accessory suite from 90 m² to 140 m² for the purpose of constructing a detached accessory suite.

LEGISLATIVE IMPLICATIONS

Section 540 of the *Local Government Act (LGA)* allows that a person may apply to the Board of Variance for an order to permit a minor variance if the person alleges that compliance with a bylaw respecting the siting, size or dimensions of a building or other structure would cause the person hardship.

Section 542(1) of the *LGA* outlines that the Board of Variance may order that a minor variance from the requirements of the applicable bylaw be permitted 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 by complying with the bylaw or Section 531(1); 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 2.62 ha property is located at 2727 Anderson Road (Appendix A) and is zoned Forestry (AF) under the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040. A hooked portion of the parcel located to the west was recently subdivided from the lot under application SU000692 (split by a road). A 195 m² single-family dwelling (BP0004097) and 95.1 m² detached garage (BP004102) is accessed by a driveway that enters the property from the western boundary of the lot. The parcel is otherwise undeveloped. The subject property has no development permit area designations. A preliminary site plan shows the location of a proposed detached accessory suite and related services to the east of the existing structures (Appendix B).

The applicants submitted a preliminary proposed floor plan and concept building designs for the detached accessory suite (Appendix C). The proposed floor plan indicates that the floor area for the detached accessory suite will be approximately 130 m²; however, since the applicants wish to have a variance request considered prior to finalizing plans for a Building Permit application they have requested that the maximum minimum floor area for a detached accessory suite be increased to 140 m² to provide leeway at the time of construction. Since Part 1, Section 4.20 of Bylaw No. 2040 permits a maximum floor area of 90 m² for detached accessory suites, a variance is required. The owners have provided a statement of hardship outlining the challenges of planning for accessible multi-generational living under the existing regulations (Appendix D).

Land use and building regulations the Board of Variance may wish to consider as a part of their deliberations include:

- The AF zone allows for a lot coverage 10%. This equates to 2,620 m² for a SFD and all accessory buildings and structures proposed on a parcel of this size.
- The accessory buildings and structures regulations in the bylaw allow for a total floor area of up to 250 m². The total accessory building floor area on the parcel including the proposed detached accessory suite will be 235.1 m².
- The Province amended the BC Building Code to remove the floor area limits on secondary suites as one of the early measures to address housing affordability.

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. Should the variance be approved, the extent of all proposed works will be reviewed during the building permit referral process by JdF Planning staff to confirm compliance with the requirements of the zone and other applicable land use regulations.

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 July 23, 2025, 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

That 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(f) of Bylaw No. 2040 were complied with, a minor variance to increase the maximum floor area of a detached accessory suite on Lot A, District Lot 39, Malahat District, Plan EPP103577 from 90 m² to 140 m² to authorize construction of a detached accessory suite, be **<approved/denied>** in accordance with Section 540 of the *Local Government Act*, and 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

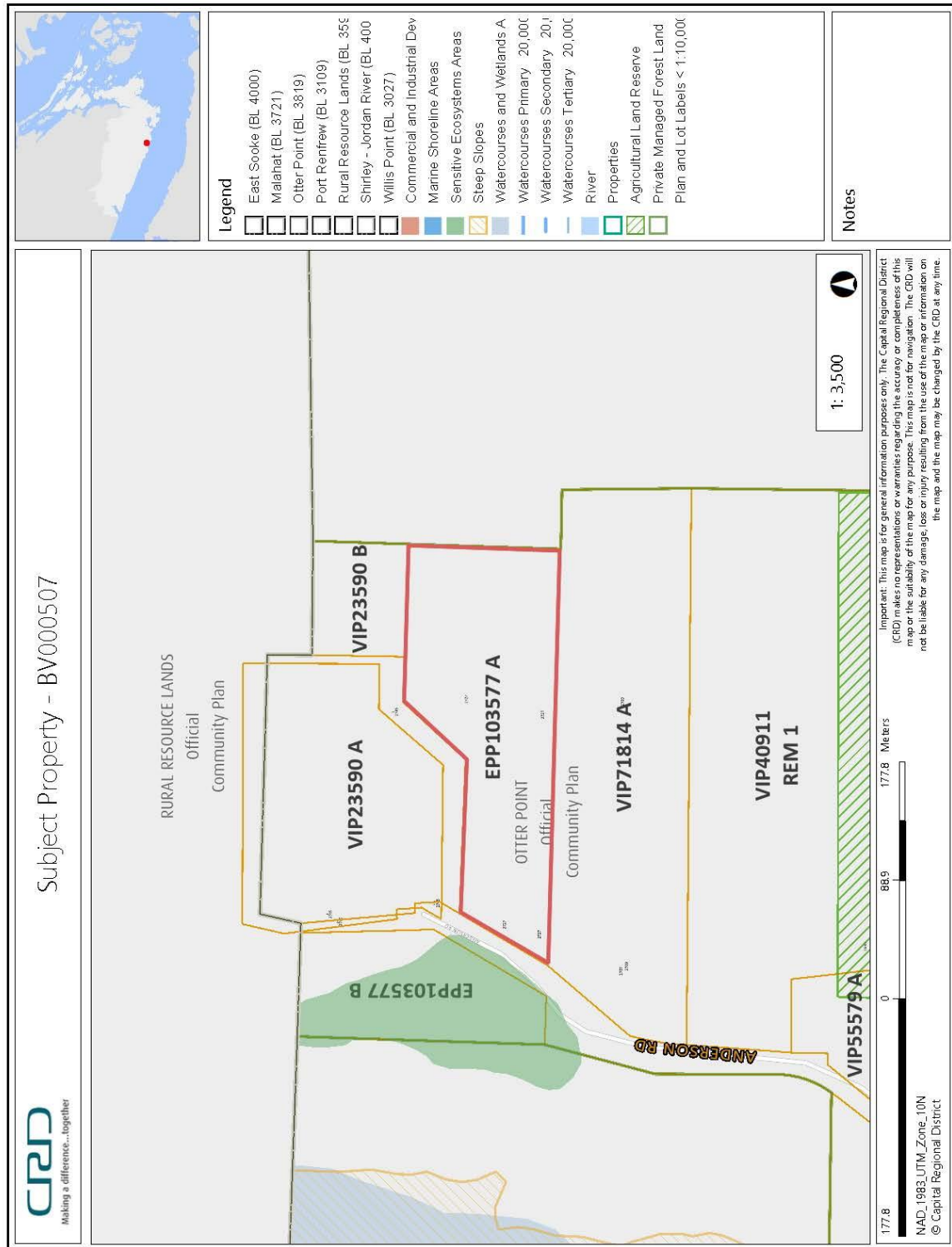
Appendix A: Subject Property Map

Appendix B: Site Plan

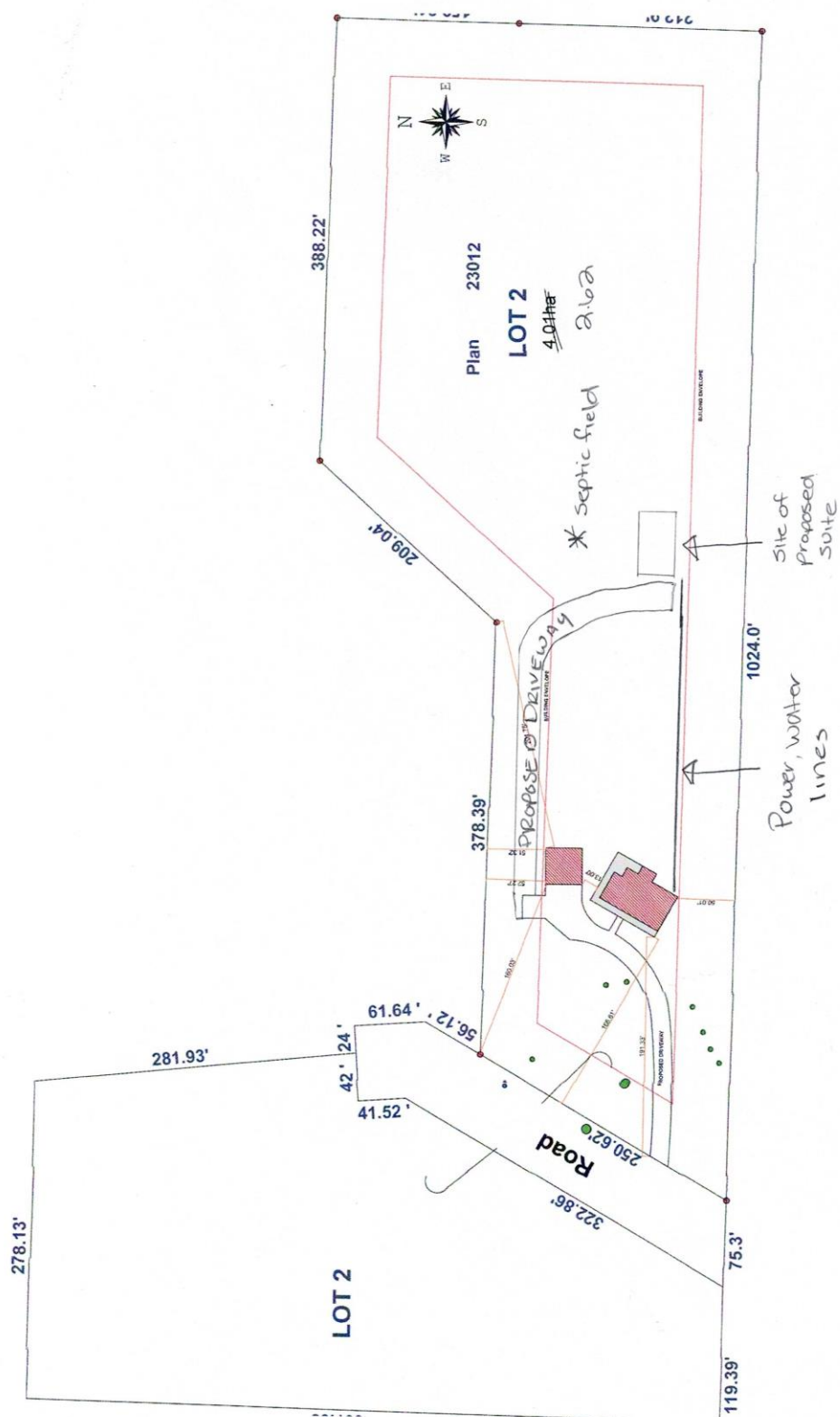
Appendix C: Concept Building Designs, Floor Plan, and Requested Variance

Appendix D: Hardship Letter

Appendix A: Subject Property Map



Appendix B: Site Plan



Appendix C: Concept Building Designs, Floor Plan, and Requested Variance

 The Modular Home Series
Rancher Homes
(Self Contained Crawlpace)



"The Kelowna" CDF-2752
27' x 52' 1,404 sq. ft.





Appendix D: Hardship Letter

Statement of Hardship to Increase Square Footage and Length of a Detached Accessory Suite on Property Located at 2727 Anderson Road, Sooke

To Whom It May Concern,

We are requesting approval for a variance to increase the maximum allowable size of a secondary accessory building (in the form of a modular home) on our property from a floor area of 90m² to 140m² and an increase in length from 13m to 17m. This request arises from a unique and compelling personal circumstance involving our immediate family's needs.

[REDACTED]

[REDACTED]

The proposed 1,404 square foot suite will allow for an accessible and functional living space that accommodates [REDACTED] physical limitations, provides safe space for [REDACTED] children, and includes proximity features that support our ability to assist [REDACTED] on a continuous basis. The increased area is essential to create a barrier-free design with wide hallways, accessible bathroom and kitchen layouts, and sufficient space for mobility devices, as well as living quarters appropriate for a small family.

This is not a request made lightly, but one borne of necessity due to medical and familial circumstances. We believe that this accommodation aligns with the intent of community support for persons with disabilities and their families, and that it will not negatively impact the surrounding neighborhood.

We respectfully ask for your consideration of this request and are happy to provide supporting documentation from medical professionals if required.

Sincerely,

[REDACTED]

2727 Anderson Road, Sooke

[REDACTED]

[REDACTED]

Other considerations:

This is a community of large properties. The neighbour to the south of our property is a family owned produce growing business (Silver Cloud Farm). There are two mobile homes located on the property as well as greenhouses located at the back of the property.

The property to the north of us is commonly known as “Elders Camp” and consists of several mobile homes and cottages that are rented out on a monthly basis.

We do not feel that any view of our secondary dwelling would be detrimental to either property and indeed there are tree buffers on either side to obscure the views.

Pursuant to Local Government Act, Sec. 542(1)(c) we believe that allowing the requesting relaxation of the floor area requirement WILL NOT:

- (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.

PUBLIC POLICY

As well we believe that the requested variance is in keeping with modern provincial government policy. The BC Building Code was amended on December 12, 2019, to remove the 968 sq ft floor area limit on secondary suites. There is now no limit on floor area. [B19-04 Secondary Suite Code Changes](#)

The Otter Point Official Community Plan (2014), section 3.2.3 under Obligations, supports rural forms of affordable housing, including secondary suites and detached accessory suites.

In conclusion, we feel this is a minor variation in which we are requesting an additional 436 sq feet on a 2.62 ha (6.5 acre) property.