

JUAN DE FUCA BOARD OF VARIANCE

Notice of Meeting on Tuesday, **November 4, 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 July 23, 2025
3. Planner's Report
4. Application
 - a) BV000508 - Lot 14, Section 130, Sooke District, Plan VIP36250 (612 Sea Scape Place)
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.



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Minutes of a Meeting of the Juan de Fuca Board of Variance
Held Wednesday, July 23, 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;
Regina Robinson, Planning Assistant; Wendy Miller, Recorder
PUBLIC: 10 in-person; 1 EP

EP – Electronic Participation

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

1. Approval of the Agenda

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

CARRIED

2. Adoption of the Minutes of April 2, 2025

MOVED by Ali Alamolhoda, **SECONDED** by Axel Joosting that the minutes of April 2, 2025, be adopted.

CARRIED

3. Planner's Report

No report.

At this time, Ali Alamolhoda recused himself from the meeting prior to BOV consideration of Agenda Item 4. a), stating direct interest in the application.

4. Applications

a) BV000504 - Lot 1, Section 44, Sooke District, Plan 14181 (7837 Manatu Road)

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 2.92 m for the purpose of replacing and covering a deck and adding an entrance foyer to an existing single-family dwelling.

The subject property, site plan, concept plans, 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.

Staff confirmed that the applicant was present.

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 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 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.

CARRIED

Ali Alamolhoda returned to the meeting.

b) BV000505 - Lot 7, Section 97, Sooke District, Plan VIP14282 (51 Seagirt Road)

Iain Lawrence outlined the staff report and advised that the applicant has requested a variance to reduce 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.

The subject property, building plans for the addition, and requested variance were highlighted.

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

Iain Lawrence responded to questions from the BOV advising that:

- egress to the proposed deck and stairs is preexisting, providing a second exit to the non-conforming detached accessory suite
- the stairs project into the rear yard setback
- the rear yard borders Sooke Basin

It was confirmed that one piece of correspondence was received in response to the notice of intent mailed to adjacent property owners/occupiers within 50 m of the subject property, and that the correspondence had been forwarded to the Board of Variance for their consideration.

Staff confirmed that the applicant was present.

The applicant responded to questions from the BOV advising that:

- the stairs cannot be reoriented due to the drop in slope
- a 1 m setback is not expected to be necessary, but has been requested to provide flexibility to accommodate the terrain and allow the project to proceed

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 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 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.

CARRIED

c) BV000506 - Lot A, Section 17, Otter District, Plan VIP77374 (3500 Block Otter Point Road)

Regina Robinson outlined the staff report and advised that the applicant has requested a variance to reduce 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.

The subject property, site plan, photo of the accessory building, 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.

Staff confirmed that the applicant was present.

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

MOVED by Axel Joosting, **SECONDED** by Ali Alamolhoda 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)(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 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.

CARRIED

d) BV000507- Lot A, District Lot 39, Malahat District, Plan EPP103577 (2727 Anderson Road)

Regina Robinson 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 140 m² for the purpose of constructing a detached accessory suite.

The subject property, site plan, concept building plans, 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.

Staff confirmed that the applicant was present.

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 4.20(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 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.

CARRIED

The Chair acknowledged recent applications requesting an increase to the maximum allowable floor area for a detached accessory suite. While the removal of a total floor area limit is not supported, the BOV discussed whether the existing 90 m² maximum is insufficient.

5. Adjournment

The meeting was adjourned at 6:31 pm.

P. Clarkston, Chair

**REPORT TO THE JUAN DE FUCA BOARD OF VARIANCE
MEETING OF NOVEMBER 4, 2025**

File No: BV000508
Location: 612 Sea Scape Place
Legal: Lot 14, Section 130, Sooke District, Plan VIP36250
Zoning: Rural Residential 3 – Bylaw No. 2040
Land Use Designation: Settlement (S) – East Sooke OCP Bylaw No. 4000
Adjacent Uses: N – Sea Scape Place S – Residential – RR-3 Zone
W – Residential – RR-3 Zone E – Undeveloped – RR-3 Zone

REQUESTED VARIANCE

The applicant has requested that the Board of Variance approve a minor variance to relieve hardship by reducing the side yard setback of a single-family dwelling from 15 m to 0 m, for the purpose of permitting construction of an uncovered deck.

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 1.3 ha property is located at 612 Sea Scape Place and is zoned Rural Residential 3 (RR-3) under the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040 (Appendix A). The uncovered deck was previously constructed in 2018, and partially encroaches onto the adjacent undeveloped property to the east (Lot 13, Section 130, Sooke District, Plan 36250). An easement over the 2 m²

encroachment area was registered effective March 1, 2022, authorizing continued maintenance work and major repairs related to the encroaching structure.

During review of the building permit application (BP010669) for the deck, it was determined that the structure had been built without the necessary approval and was located within the minimum required side yard setback (Appendix B). The RR-3 zone specifies that properties over 1 ha with residential uses exceeding 418 m² in total floor area require a side yard setback of 15 m. Since the dwelling exceeds 418 m² and the structure is located within the 15 m setback, a variance is being requested.

The dwelling and uncovered deck are located within an area of the property that is designated as a Steep Slope development permit area under the East Sooke Official Community Plan (OCP), Bylaw No. 4000. As a part of the building permit application for the deck, the applicant submitted a geotechnical report confirming that the land is safe for the use intended. Therefore, a development permit is not required in accordance with section 514(C) of the OCP.

The applicant, on behalf, of the owner provided a statement of hardship in support of the application (Appendix C).

Staff are of the opinion that the proposal is otherwise appropriate for the site and complies with the use of the RR-3 zone. The development is not expected to adversely affect the natural environment. 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 November 4, 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

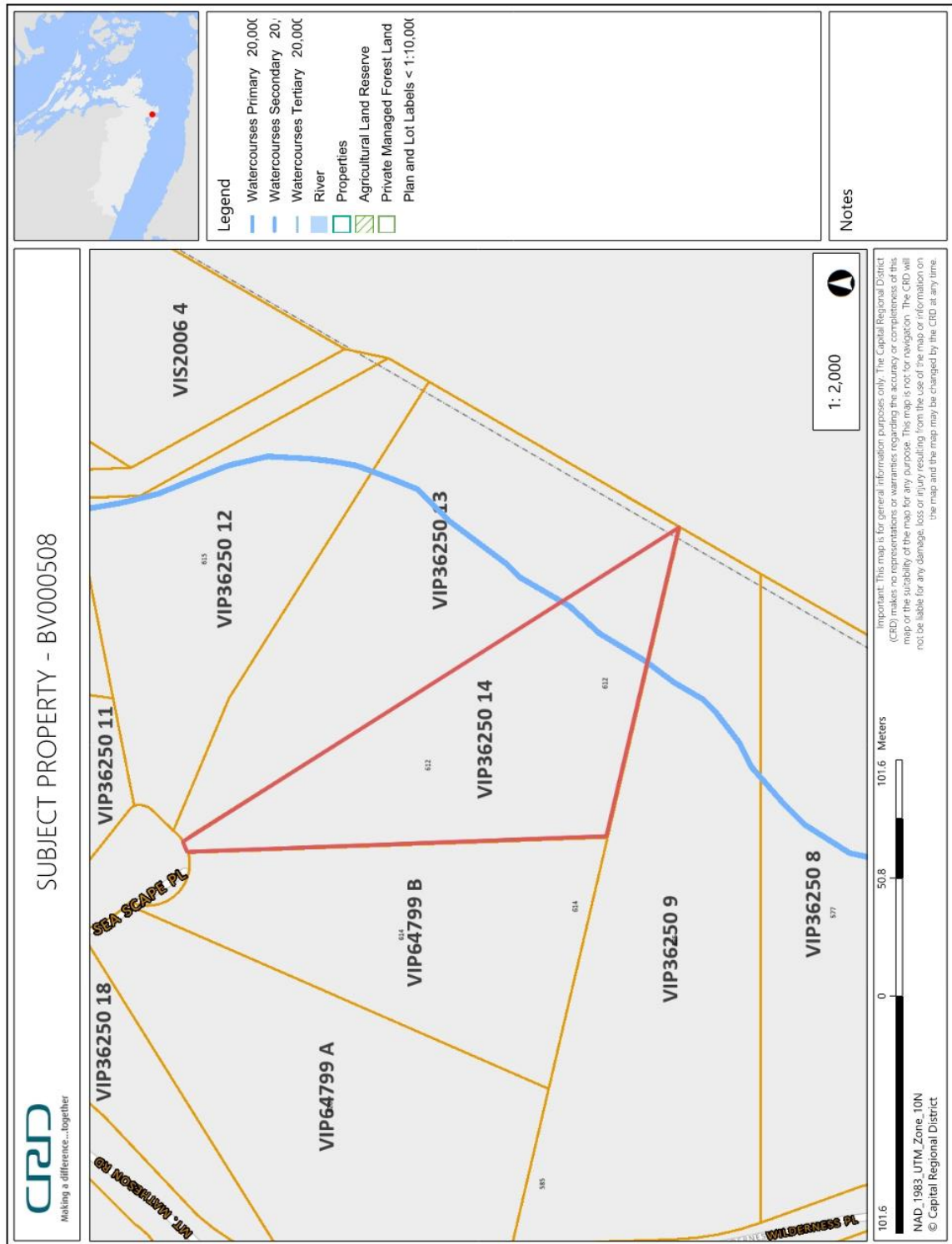
Having considered the matters set out in Section 542(1)(c) of the *Local Government Act*, and having found that undue hardship **<would/would not>** be caused to the applicant if Part 2, Section 7.07(b) of Bylaw No. 2040 were complied with, that application BV000508 requesting permission from the Board of Variance in accordance with Section 540 of the *Local Government Act* to grant a minor variance to Bylaw No. 2040, Part 2, Section 7.07(b) by reducing the required side yard setback from 15 m to 0 m on Lot 14, Section 130, Sooke District, Plan VIP36250, for an uncovered deck, 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:	Angela Petrie, Planning Assistant, JdF Community Planning
Concurrence:	Iain Lawrence, MCIP, RPP, Secretary to the Board of Variance

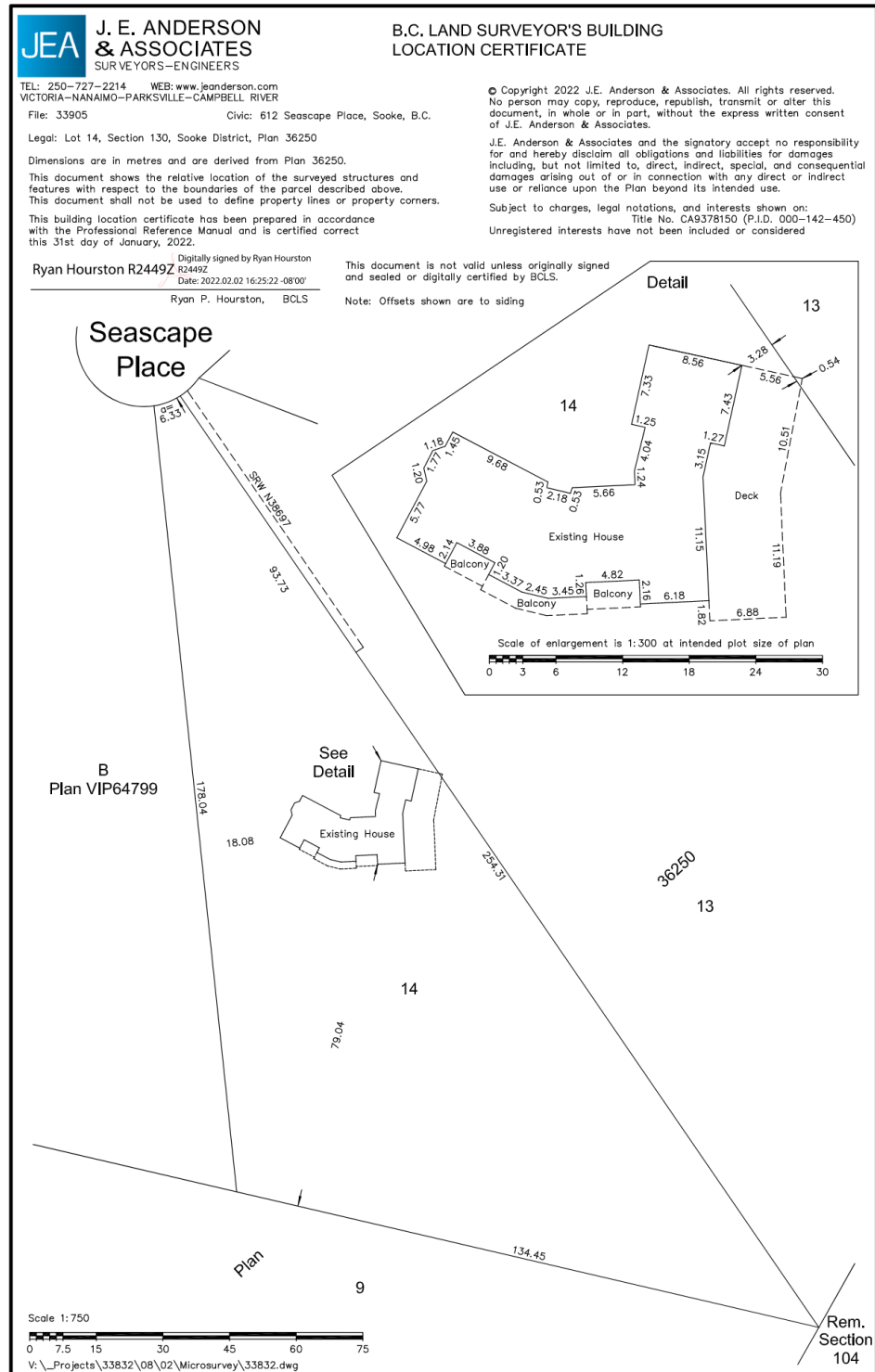
Attachments:

- Appendix A: Subject Property Map
- Appendix B: Site Plan
- Appendix C: Statement of Hardship

Appendix A: Subject Property Map



Appendix B: Site Plan



Appendix C: Statement of Hardship

July 10, 2025

Juan de Fuca Community Planning Office

3 – 7450 Butler Road, Sooke, BC V9Z 1N1

Re: Application for Variance – Section 7.07 2(c), Bylaw #2040

Property Address: 612 Sea Scape Place, Sooke, BC

Legal Description: Lot 14, Section 130, Sooke District, Plan 36250

PID: 000-142-450

To Whom It May Concern,

I am writing to respectfully request a variance to Section 7.07 2(c) of the Juan de Fuca Land Use Bylaw No. 2040 in relation to the minimum side yard setback requirement for my property located at 612 Sea Scape Place, Sooke, BC. Specifically, this request pertains to an existing deck that extends into the required side yard setback and encroaches slightly onto the adjacent lot.

The subject property, legally described as Lot 14, Section 130, Sooke District, Plan 36250 (PID: 000-142-450), is just under 3 acres in total area. However, due to topography and natural features, the useable portion of the lot is considerably smaller.

The total area of the dwelling is approximately 531 square metres, and the deck in question forms an integral part of the home's layout and functionality.

The adjacent lot affected by the encroachment is Lot 13, Section 130, Sooke District, Plan 36250 (PID: 000-381-411), which is currently vacant.

This variance is sought on the following grounds:

1. **Site Constraints Despite Lot Size:** Although the lot is large in the overall area, steep grades and natural features reduce the developable footprint. This has constrained the placement of the home and related structures, including the deck, which was constructed by a previous owner.
2. **Agreement Between Property Owners:** An easement has been formally established between myself and the owner of the adjacent Lot 13 to permit the encroachment. This legal agreement ensures cooperation and removes any potential for conflict.
3. **No Negative Impact:** The deck does not affect any occupied or developed space on the neighbouring lot, which remains vacant. There is no interference with privacy, access, or enjoyment of that parcel, nor does the encroachment pose any hazard or inconvenience.
4. **Undue Hardship Without Relief:** Enforcing the strict setback requirement would necessitate the removal or significant alteration of the deck—an impractical and costly undertaking that would offer no public benefit given the circumstances.
5. **Preservation of Community Character:** The structure is modest, visually appropriate, and consistent with the scale and style of the surrounding area. Its presence contributes to the livability of the home without compromising the intent of the bylaw or the integrity of the neighbourhood.

In view of the above, I respectfully ask the Board to approve this application for variance. I am committed to maintaining the property in a manner that is both responsible and respectful to adjacent landowners and community planning objectives.

Thank you for your time and consideration.

Sincerely,