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**Minutes of a Meeting of the Juan de Fuca Board of Variance
Held Tuesday, November 4, 2025, at the Juan de Fuca Local Area Services Building,
#3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Paul Clarkston (Chair), Ali Alamolhoda
Staff: Regina Robinson, Acting Secretary to the Board of Variance;
Angela Petrie, Planning Assistant; Wendy Miller, Recorder
ABSENT: Axel Joosting
PUBLIC: 2 EP

EP – Electronic Participation

The meeting was called to order at 6:06 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 July 23, 2025

MOVED by Ali Alamolhoda, **SECONDED** by Paul Clarkston that the minutes of July 23, 2025, be adopted.

CARRIED

3. Planner's Report

No report.

4. Application

a) BV000508 - Lot 14, Section 130, Sooke District, Plan VIP36250 (612 Sea Scape Place)

Angela Petrie outlined the staff report and advised that the applicant has requested a variance to reduce the required side yard setback from 15 m to 0 m for an uncovered deck.

The subject property and site 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.

Staff confirmed that the applicant was present.

Regina Robinson responded to questions from the BOV advising that:

- there are no rural residential zones in Bylaw No. 2040 that support a 0 m side yard setback
- an easement is registered on the title of adjacent Lot 13, permitting continued maintenance work and major repairs related to the encroaching deck structure on Lot 14
- the easement is a private agreement as the CRD is not named

Applicant comments included:

- only became aware of the encroachment after the building was surveyed
- adjacent Lot 13 is vacant
- the deck has undergone geotechnical review
- the deck is located on steep slope, making repairs/alterations challenging
- a full rebuild would result in further hardship

BOV comments included:

- the deck will impact Lot 13 in future, if the requested variance is supported
- the deck is large and could be reduced
- reducing the yard setback from 15 to 0 m is a big ask

MOVED by Ali Alamolhoda, **SECONDED** by Paul Clarkston that the outline motion be amended to consider varying the yard setback from 15 m to 0.5 m.

CARRIED

MOVED by Ali Alamolhoda, **SECONDED** by Paul Clarkston that having considered the matters set out 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 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 0.5 m on Lot 14, Section 130, Sooke District, Plan VIP36250, for an uncovered deck, 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 6:43 pm.

P. Clarkston, Chair