

## JUAN DE FUCA BOARD OF VARIANCE

Notice of Meeting on Wednesday, **April 15, 2026, at 6:00 pm**

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

---

### AGENDA

1. Election of Chair
2. Approval of Agenda
3. Adoption of Minutes of November 4, 2025
4. Planner's Report
5. Application
  - a) BV000509 - Lot 7, Section 42, Otter District, Plan EPP122049 (2590 Aythree Way)
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](mailto: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, 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



**REPORT TO THE JUAN DE FUCA BOARD OF VARIANCE  
MEETING OF APRIL 15, 2026**

---

**File No:** BV000509  
**Location:** 2590 Aythree Way  
**Legal:** Lot 7, Section 42, Otter District, Plan EPP122049  
**Zoning:** Forestry (AF) – JdF Land Use Bylaw No. 2040  
**Land Use Designation:** Rural (RUR) – Bylaw No. 3819  
**Adjacent Uses:** N – Forestry (AF) parcels                      S – Aythree Way  
W – Forestry (AF) parcel                                      E – Forestry (AF) parcel

**REQUESTED VARIANCE**

The applicant has requested that the Board of Variance approve a minor variance to relieve hardship by reducing the side yard setback for a single-family dwelling from 15 m to 12.4 m for the purpose of constructing a deck.

**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 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 4.0 ha property is located at 2590 Aythree Way and is zoned Forestry (AF) in the Juan de Fuca Land Use Bylaw No. 2040 (Appendix A). Portions of the property are designated as Steep Slope, Sensitive Ecosystem, and Watercourses and Wetlands Development Permit Areas (DPAs) by the Otter Point Official Community Plan (OCP), Bylaw No. 3819; however, the proposed construction is located outside of the DPAs.

The owner is proposing to extend the deck that was originally permitted as part of the construction of the single-family dwelling (SFD). Building Permit No. BP010653 was issued on September 22, 2025, and remains active, with initial stages of construction completed. The parcel is otherwise undeveloped. The owner has submitted a revised site plan (Appendix B) and drawings for the proposed deck extension (Appendix C). The extension would increase the deck's projection toward the side lot line, resulting in an encroachment into the required 15 m side yard setback specified by the AF zone; therefore, a variance is required (Appendix D).

The stated hardship provided by the applicant is that due to the irregular lot shape and existing dwelling placement, strict compliance will cause undue hardship (Appendix E).

Staff are of the opinion that the proposal is considered appropriate for the site and complies with the use of the AF zone. The development is not expected to adversely affect the natural environment and is outside designated 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 April 15, 2026, 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 conditions of section 542(1)(c), an order granting a minor variance may be permitted.

**OUTLINE MOTION**

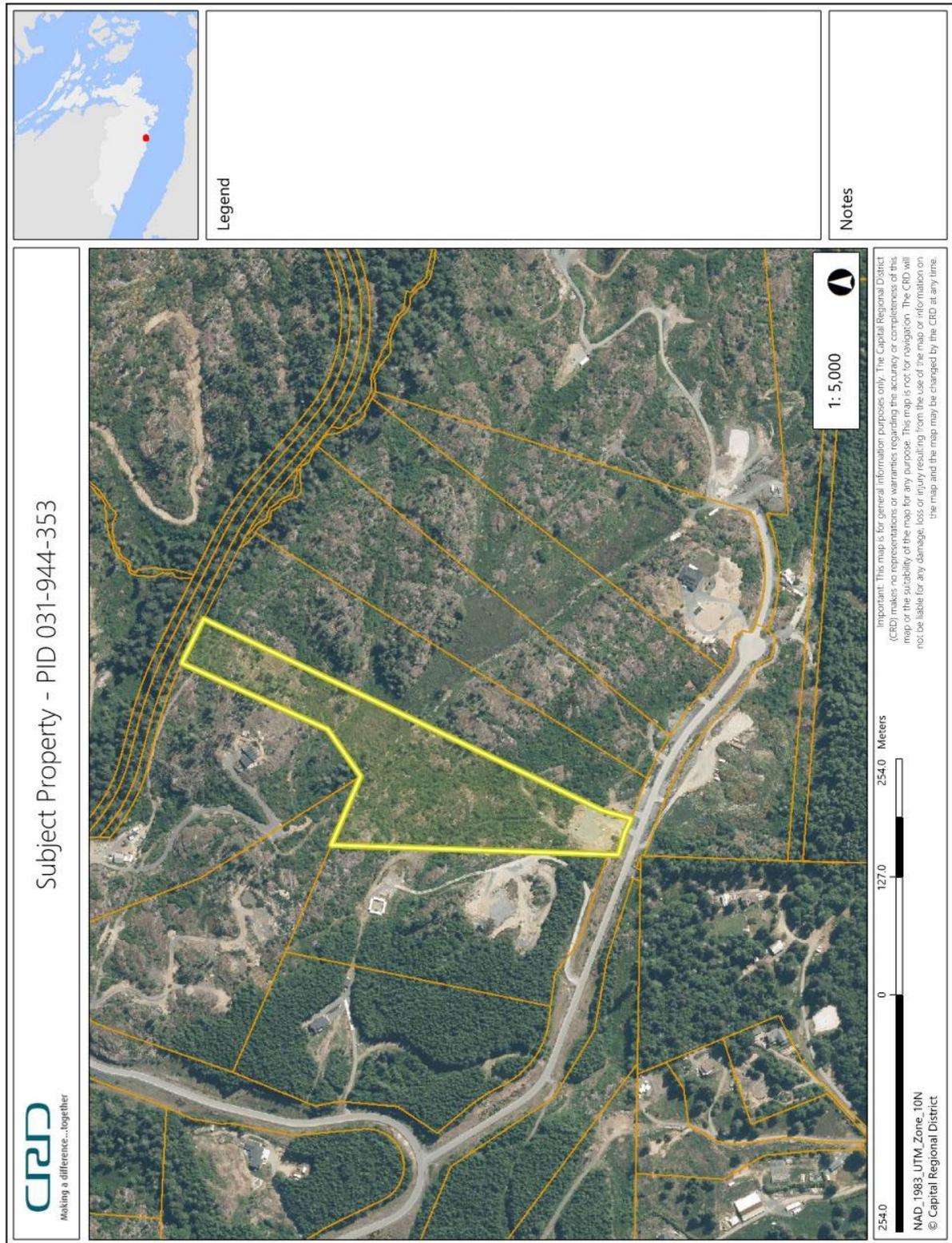
Having considered the matters set out in Section 542(1)(c) of the *Local Government Act*, and having found that undue hardship **<would/would not>** be caused to the applicant if Part 2, Section 3.07(b) of Bylaw No. 2040 were complied with, a minor variance to reduce the minimum side yard setback on Lot 7, Section 42, Otter District, Plan EPP122049, from 15 m to 12.4 m to authorize construction of a deck, is **<approved/denied>** in accordance with Section 540 of the *Local Government Act*.

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: Building Plans
- Appendix D: Variance Request
- Appendix E: Hardship Letter

Appendix A: Subject Property Map

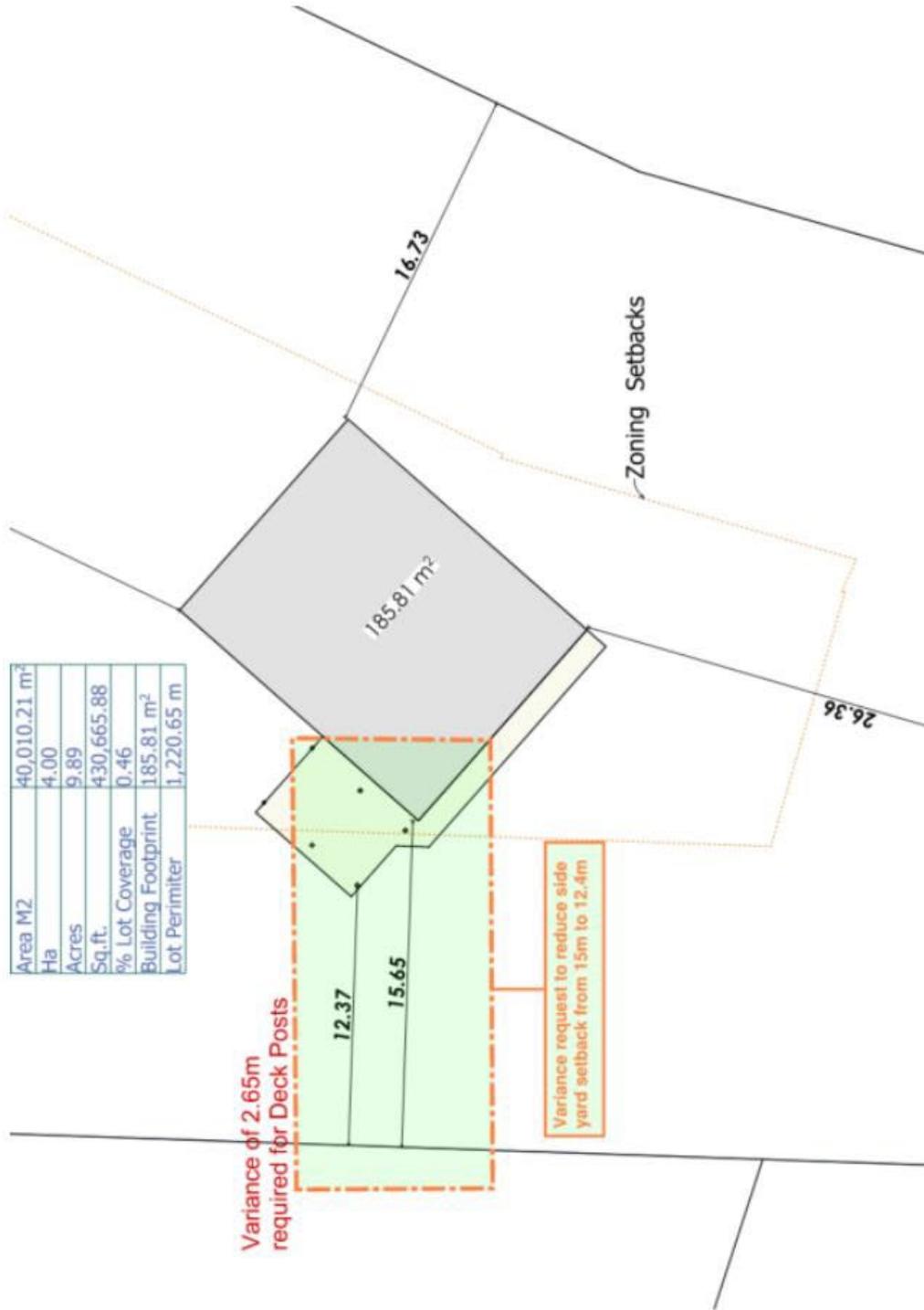








Appendix D: Variance Request



Appendix E: Hardship Letter

[REDACTED]

Owner / Applicant  
2590 Aythree Way  
Sooke, BC

Date: February 27th, 2026.

Board of Variance  
Capital Regional District

Re: Board of Variance Application Deck Setback Variance  
Property Address: 2590 Aythree Way, Sooke, BC  
Builder Number: BP010653  
PID: 031-944-353

Dear Board of Variance,

Please accept this application for a minor variance to permit a modest deck extension at the above noted property. The proposed variance supports safe and functional use of outdoor space while maintaining minimal impact on adjacent properties and neighbourhood character.

Adjacent property owners were consulted regarding the proposal, and no concerns were raised. Professional drawings and supporting documentation are enclosed for review.

Thank you for your consideration.

Sincerely,

[REDACTED]

Owner / Applicant

(Purpose of Application)

Subject: Proposed variance for 2590 Aythree Way. BP010653

Date: Feb 27, 2026 at 12:53:20 PM

Proposed variance to reduce the required 15.0 m setback to approximately 12.35 m to allow the new deck and supporting posts. Due to the irregular lot shape and existing dwelling placement, strict compliance would cause undue hardship. The variance is minor and will not negatively impact neighbouring properties.

Sent from my iPhone