

DISTRICT OF SOOKE
BOARD OF VARIANCE
Meeting held May 7, 2014 at 6:30 pm
2225 Otter Point Road

BOARD MEMBERS PRESENT:

Travis Butler, Chair
Ellen Lewers
Brenda Hays

PUBLIC IN ATTENDANCE:

Kim Constable (Applicant)
Riley Constable

Staff Present: Tara Johnson, Planner II

1. The meeting began at 6:35 pm.
2. Application:

PLN01095 – 2064 Gladys Place

Ms. Johnson handed out copies of a letter that was received by the Planning Department on May 7 from an adjacent neighbour at 2070 Gladys Place to the Board members and to the Applicant. Ms. Johnson stated that the letter provided support for a pool in the front yard but objected to the variance request to not provide fencing around a pool. The letter expressed that the purpose of enclosing a pool with fencing is to protect the health and safety of others, especially children.

Ms. Johnson, on behalf of the Applicant explained to the Board that the Applicant is withdrawing the request to vary section 3.31(a). The Applicant will be enclosing the pool with non-climbable fencing or equivalent barrier of not less than 1.5 metres in height, and installing a self-closing and self-latching gate at the highest practical point.

Ms. Johnson explained that the Applicant is still requesting a variance to section 3.31(b) to allow the siting of pool in a front yard. The applicant is claiming hardship because the side and rear yards of the property will not accommodate an above ground pool due to steep topography, the siting of the duplex and the location of the driveway and parking on the property. Ms. Johnson noted that the Applicant was in attendance.

The Board asked if the Applicant had anything further to add and the Applicant asked for clarification on why the variance was required. It was explained that the Zoning Bylaw prohibits pools in front yards and that this is a common regulation within municipal Zoning Bylaws.

The Applicant asked where on the property a fence can be located. Staff explained that a fence must be constructed on private property and cannot be placed within road right of ways. Staff explained that the owner is permitted 2.5 metres high fence as the property is in a rural zone. The Applicant was reminded that the fence must be in place before the pool is placed in the front yard.

The Applicant asked what constitutes non-climbable fencing. It was explained that there could be no rails or other horizontal or diagonal bracing or attachments on the outside of the fence that may facilitate climbing.

The Board considered the application to vary section 3.31(b) of Bylaw No. 600, Sooke Zoning Bylaw, 2013 to allow a pool to be located within a front yard of Strata Lot 1 and Strata Lot 2, Plan VIS2540 and having considered the matters set out in section 901(2)(c) of the Local Government Act, and having found that undue hardship would be caused to the applicant if section 3.31(b) of Bylaw No. 600, *Sooke Zoning Bylaw, 2013* is complied with, it is:

MOVED and seconded that the Board of Variance application PLN01095 be approved to allow the siting of an above ground pool to be located in the front yard of Strata Lot 1 and Strata Lot 2, Plan VIS2540 with the understanding that the pool will be provided with non-climbable fencing of not less than 1.5 metres in height, and a self-closing and self-latching gate will be provided at the highest practical point as per the requirement of section 3.31(a) in Bylaw No. 600, *Sooke Zoning Bylaw, 2013*.

CARRIED

3. Minutes – July 20, 2013

MOVED and seconded that the minutes of July 20, 2013 be approved.

CARRIED

4. The meeting adjourned at 7:10 pm.

Certified Correct:

Travis Butler, Chair

Bonnie Sprinkling, Corporate Officer