

DISTRICT OF SOOKE
BOARD OF VARIANCE
Meeting held February 25, 2010 at 5:00 pm
2205 Otter Point Road

BOARD MEMBERS PRESENT:

Ellen Lewers, Chair
Marilyn Andreychuk
Travis Butler

PUBLIC IN ATTENDANCE:

Phil Davies - Applicant
Richard Phillips - Public
Ron McNeil - Applicant
Chris Packard - Applicant

Staff Present: Tara Johnson, Planning Department

1. The meeting began at 5:15 p.m.
2. Applications:

PLN00757 – Phil Davies (applicant in attendance), 6767 Eustace Road

Tara Johnson gave an overview of the application.

The applicant explained that the existing buildings on his property are in good condition and it would be hardship to remove the buildings to subdivide. He discussed financial hardship reasons for needing a subdivision.

The Board considered the application to vary section 8.3.3 in the Sooke Zoning Bylaw, 2006 to allow the Owner apply for a panhandle lot at 6767 Eustace Road, legally described as Lot 1, Section 3, Sooke District, Plan 16437.

The Board confirmed that the proposed zoning of RS-2 would not allow a panhandle lot in order to accommodate the existing buildings on-site.

MOVED and seconded that PLN00757 be approved to vary section 8.3.3 in the Sooke Zoning Bylaw, 2006 to allow the Owner apply for a panhandle lot at 6767 Eustace Road, legally described as Lot 1, Section 3, Sooke District, Plan 16437 and further that the approval be subject to the Owner applying for a rezoning application to RS-2 before April 25th, 2010.

CARRIED

2. Applications:

PLN00755 – Quintessence Construction Corp. (Applicant and Owner in attendance), 6790 Grant Road

Tara Johnson gave an overview of the application.

The applicant further explained their claim for hardship, provided maps showing how much of their property is proposed to be dedicated for parkland and road.

Public in attendance brought up the following concerns:

- Right of Ways that were taken along Grant Road in the past should be returned to the property owners.
- The adjacent property to the west of Gatewood Road should get money back for the bridge construction.
- The District of Sooke should have spent money on purchasing 6790 Grant Road in the past instead of spending money on the boardwalk.
- Concerns that the District of Sooke has prevented 6790 Grant Road from developing to its full potential.

The Board asked the following questions of the Applicant and Planning:

- Confirm location of future road at corner of property.
- Who would own the SPEA and how many units are proposed in the development.
- What is the width of Grant Road and will there be a connection to Amethyst Way.

Applicant responds to public concern by explaining that there has been no problem with building on 6790 Grant Road. The creek and the RAR are naturally set at 100 feet unless a Qualified Environmental Professional says otherwise so there has always been a hardship on the property due to the creek. The connection to Amethyst Way and Opal Place will be through pedestrian linkages. The applicant indicated that he will be required to pay the adjacent developer to the west of Gatewood Road half of what the bridge cost to build.

Planning explained that the proposed development is for 18 dwelling units and that the District of Sooke will eventually own the SPEA.

The Board and Public discussed the previous referendum for Grant Road connector and how the requirement for a 90 foot wide connector road was dropped when the referendum was lost.

The Board considered the application to reduce the required amenity area from 8% of the lot area to 5.19% of the lot area at 6790 Grant Road West, legally described as Lot A, Section 24, Sooke District, Plan VIP61058 with the condition that the approval be subject to approval of the Gatewood Road Closure and Exchange Bylaw, as the amenity area shown on the attached drawing is dependent on final approval by Council.

MOVED and seconded that PLN00755 be approved to reduce the required amenity area from 8% of the lot area to 5.19% of the lot area at 6790 Grant Road West, legally described as Lot A, Section 24, Sooke District, Plan VIP61058 and further that the approval be subject to approval of the Gatewood Road Closure and Exchange Bylaw, as the amenity area shown on the attached drawing is dependent on final approval by Council.

3. Minutes – November 26, 2009

MOTION: MOVED that the minutes of November 26, 2009 be approved as circulated.

CARRIED

4. New Business – None

5. The meeting adjourned at 6:00 pm.

Certified Correct:

Ellen Lewers, Chair

Evan Parliament, CAO

DISTRICT OF SOOKE
BOARD OF VARIANCE
Meeting held March 25, 2010 at 5:00 pm
2205 Otter Point Road

BOARD MEMBERS PRESENT:

Ellen Lewers, Chair
Marilyn Andreychuk
Travis Butler

PUBLIC IN ATTENDANCE:

George Butcher, Applicant
John Payne, Applicant
Tammy Dimock
Andy Lemanis
Donna Lemanis
Barbara Saur
Lynn Saur

Staff Present: Katherine Lesyshen, Planning Department

1. The meeting began at 5:00 p.m.
2. Application:

PLN00766 – George Butcher (applicant in attendance), 2105 Otter Point Road

Ms. Lesyshen gave an overview of the application.

Mr. Payne, gave an overview of the project and the reasons for hardship including that there are two residentially zoned properties adjacent to the lot. He explained that a fence would be a requirement of the development permit process, and that the impact on surrounding properties would not be negative. The applicant explained that developing this site as a mixed use commercial property meets the objectives of the District.

Ms. Lesyshen provided a correspondence submitted by Lynn Saur, dated March 21, 2010 to the Board for their consideration. The letter expressed concerns over the buffer area between commercial and residential zoned properties, elevation change, and potential problems related to drainage.

Mr. Butcher responded to the correspondence in stating that the drainage would be dealt with and proper infrastructure put in place during construction. He also explained that a permeable surface paving would be used to allow for greater infiltration.

Members of the public questioned the applicant about the proposed retaining wall and materials used for the fences. It was noted that a solid fence would be preferable in order to buffer residential neighbours from vehicles on the site.

The Board considered the application to vary the lot line setbacks designated for parking spaces where the lot is adjacent to residential zoned properties from 4.5m to 0m under Section 11.4.6 within the Sooke Zoning Bylaw, 2006 at 2105 Otter Point Road.

MOVED and seconded that PLN00766 be approved to vary the lot line setbacks designated for parking spaces where the lot is adjacent to residential zoned properties from 4.5m to 0m under Section 11.4.6 within the Sooke Zoning Bylaw, 2006 located at 2105 Otter Point Road, legally described as Lot 7, Section 10, Sooke District, Plan 7477 on the condition that through the Development Permit, drainage is adequately addressed.

CARRIED

3. Minutes – February 25, 2010

MOVED and seconded that the minutes of February 25, 2010 be approved as circulated.

CARRIED

4. New Business

Mrs Lewers asked staff whether there is a way to update the Board of Variance regarding variances that have been granted. Staff will investigate whether Tempest can provide a report that meets this request.

5. The meeting adjourned at 6:00 pm.

Certified Correct:

Ellen Lewers, Chair

Evan Parliament, CAO

DISTRICT OF SOOKE
BOARD OF VARIANCE
Meeting held April 15, 2009 at 5:00 pm
2205 Otter Point Road

BOARD MEMBERS PRESENT:

Ellen Lewers, Chair
Marilyn Andreychuk
Travis Butler

PUBLIC IN ATTENDANCE: 5

Dan McMath
Sharlene Amerl
Susan Thompson
Suzanne Degross
Shawna Davis

Staff Present: Katherine Lesyshen, Planner

1. The meeting began at 5:00 p.m.
2. Applications:

PLN00684 BOV – Dan McMath, 7186 Cedar Park Place

Katherine Lesyshen gave an overview of the application. The Board had the applicant clarify the hardship in the application.

The Board considered the application to vary the allowable 15 meter setback into the front yard to 10.30 meters, for the purpose of constructing an accessory building at 7186 Cedar Park Place.

MOVED by Travis Butler and seconded that PLN00684 BOV be approved for relaxation of the front lot line setback from 15 meters to 10.30 meters for the construction of an accessory building at 7186 Cedar Park Place, legally described as Lot 19, Section 20, Sooke District, Plan 40334, and further that the approval be subject to completion of all works prior to October 15, 2009.

CARRIED

PLN00675 BOV – Susan Thompson, 2306 Demamiel Place

Katherine Lesyshen gave an overview of the application. The Board requested clarification of the applicant's claim for hardship for the application.

The Board considered the application to vary the allowable 1.5 meter setback from the side lot lines to 0.10 meters, to accommodate two existing deck structures.

The applicant further explained her claim for hardship, provided construction photos showing the difficult topography of the site, and explained that the erosion control works that were completed in conjunction with the deck construction.

Support for the BOV application was given from the adjacent property owners present at the meeting. Katherine Lesyshen read a written submission from Kevin John, an adjacent property owner, in support of the application.

The Board would like it recorded that all property owners present at the meeting relayed significant concerns about erosion control mechanisms installed by the developer on the private properties in this neighbourhood, and that building codes regarding hand rail heights are inadequate.

MOVED by Marilyn Andreychuck and seconded that PLN00675 BOV be approved for relaxation of the side lot lines from 1.5 metres to 0.10 metres respectively, for the purpose of accommodating two existing decks at 2306 Demamiel Place, legally described as Lot 10, Section 27, Sooke District, Plan VIP82832.

CARRIED

3. New Business – Ellen Lewers circulated copies of the Bylaw to Establish a Board of Variance (to replace the existing bylaw), which went to Council for 1st, 2nd, and 3rd Reading on April 14, 2009.

4. Minutes – January 7, 2009

MOVED that the minutes of January 7 2009 meeting be approved as circulated.

CARRIED

5. The meeting adjourned at 6:00 pm.

Certified Correct:

Ellen Lewers, Chair

Evan Parliament, CAO

DISTRICT OF SOOKE
BOARD OF VARIANCE
Meeting held April 29, 2010 at 5:00 pm
2205 Otter Point Road

BOARD MEMBERS PRESENT:

Ellen Lewers, Chair
Marilyn Andreychuk
Travis Butler

PUBLIC IN ATTENDANCE: 0

Staff Present: Tara Johnson, Planning Department

1. The meeting began at 5:05 p.m.

2. Applications:

PLN00772 – Applicant not in attendance, 6862 Marsden Road

Tara Johnson gave an overview of the application and explained that the applicant was claiming hardship as the affected lot line (western lot line) is adjacent to land that is half dedicated as parkland and half dedicated as road. Therefore, half of the lot line must meet the side lot line setback and half of the lot line must meet the flanking lot line setback.

The Board asked about the drainage pond in the park behind the development and whether Caldwell Road beside the subject property will ever be built through the park.

The Board considered the application to vary the flanking lot line setback from 3.0m to 2.0m under Section 8.3.9 within the Sooke Zoning Bylaw, 2006 located at 6862 Marsden Road, legally described as Lot 13, Section 3, Sooke District, Plan VIP587650.

MOVED and seconded that PLN00772 be approved to vary the flanking lot line setback from 3.0m to 2.0m under Section 8.3.9 within the Sooke Zoning Bylaw, 2006 located at 6862 Marsden Road, legally described as Lot 13, Section 3, Sooke District, Plan VIP587650.

CARRIED

3. Minutes – March 25, 2010

MOTION: **MOVED** that the minutes of March 25, 2010 be approved as circulated.

CARRIED

4. New Business – Check status of PLN00766 in regards to the drainage on-site and what infrastructure has been put into place to prevent any drainage problems.

5. The meeting adjourned at 5:45 pm.

Certified Correct:

Ellen Lewers, Chair

Evan Parliament, CAO

DISTRICT OF SOOKE
BOARD OF VARIANCE
Meeting held May 20, 2010 at 5:00 pm
2205 Otter Point Road

BOARD MEMBERS PRESENT:

Ellen Lewers, Chair
Marilyn Andreychuk
Travis Butler

PUBLIC IN ATTENDANCE:

Laurie Wallace
Larry Champagne
Richard Covacic
Maria Lecinana
Paul Davis

Staff Present: Katherine Lesyshen, Planning Department

1. The meeting began at 5:10 p.m.
2. Applications:

PLN00771 – Maria Lecinana and Paul Davis, 2408 Mountain View Heights

Katherine Lesyshen gave an overview of the application and explained that the applicant was claiming hardship as any fence that is less than 1.8m in height will not allow the applicant to have a dog within the yard. Ms. Lecinana also explained the request for variance to the Board.

The Board considered the application to vary the height of the fence from 1.2m to 1.8m under Section 5.10(b)(i) of the General Regulations within the Sooke Zoning Bylaw, 2006 and allow a chain link fence within the site triangle of the under Section 5.22 of the Sooke Zoning Bylaw, 2006, located at 2408 Mountain View Heights, legally described as Lot 10, Section 36, Sooke District, Plan VIP54651.

At the request of the applicant, it was suggested that an all-wood fence be used, rather than using a portion of chain link fence. This requires that the applicant complies with Section 5.22 of the Sooke Zoning Bylaw for *Site Triangle*. The applicant agreed to comply the Site Triangle regulations with this modification in design, and the BOV committee agreed that this alternative approach would be fine. Therefore, the committee's recommendation is as follows:

MOVED and seconded that PLN00771 be approved to increase the maximum fence height for a front and flanking yard from 1.2m to 1.8m under Section 5.10(b)(i) within the Sooke Zoning Bylaw, 2006 located at 2408 Mountain Heights Drive, legally described as Lot 10, Section 36, Sooke District, Plan VIP54651 on the condition that the fence be constructed to comply with the Sight Triangle under Section 5.22 within the Sooke Zoning Bylaw, 2006, and that the fence be completed within 6 months.

CARRIED

PLN00784 – Larry Champagne, 6962 West Coast Road

Katherine Lesyshen gave an overview of the application and explained that the applicant was claiming hardship as the designer and surveyor involved in the project made an error during construction.

The Chair read a letter of correspondence from an adjacent property owners, Ed Shaw, dated May 18, 2010.

The applicant and consultant provided an overview as to his claim for hardship related to the rear yard setback

A discussion ensued related to:

- ALR buffer as per the ALC's Best Practices Guidelines.
- Staffing issues; the ability for the District to issue building permits in a timely manner
- Using 'stop work orders' in situations such as these

The Board considered the application to vary the rear lot line setback from 4.5m to 4.165m under Section 8.2.7 within the Sooke Zoning Bylaw, 2006 located at 6962 West Coast Road, legally described as lot A, Section 4, Sooke District, Plan 37604.

MOVED and seconded that PLN00784 be approved to vary the rear lot line setback from 4.5m to 4.165m under Section 8.2.7 within the Sooke Zoning Bylaw, 2006 located at 6962 West Coast Road, legally described as Lot A, Section 4, Sooke District, Plan 37604, with the condition that a vegetative buffer along the rear boundary be planted within 6 months.

CARRIED

3. Minutes – April 29, 2010

MOTION: **MOVED** and seconded that the minutes of April 29, 2010 be approved as circulated.
CARRIED

4. New Business –

a. Status of PLN00766 in regards to the drainage on-site. Staff stated that drainage infrastructure will be dealt with at time of development permit.

b. MOTION: **MOVED** and seconded that the District should ensure that there is adequate staffing levels to maintain levels of service to the public, and to consider issuing Stop Work Orders in situations where applicants are building without Permits, and particularly where there is a bylaw non-compliance that will require a variance.

CARRIED

5. The meeting adjourned at 5:55 pm.

Certified Correct:

Ellen Lewers, Chair

Evan Parliament, CAO