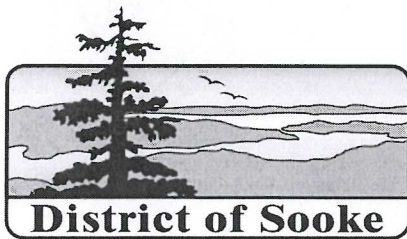


File No. 0540-20

Board of Variance
Thursday, March 22, 2012 at 5:00 p.m.
Municipal Meeting Room
2205 Otter Point Road, Sooke, B.C.

AGENDA

1. **Call to Order**
2. **Applications:**
 - PLN00941
6799 West Coast Road
 - PLN00943
6215 Marilyn Road
3. **Approval of Minutes: May 26, 2011**
4. **Adjournment**



STAFF REPORT – BOARD OF VARIANCE APPLICATION

DATE: March 22, 2012 **FILE:** PLN00941

TO: Chair and Members
Board of Variance

FROM: Tara Johnson
Planner II

RE: **Board of Variance Application for 6799 West Coast Road**

LEGAL DESCRIPTION: Lot A, Section 3, Sooke District, Plan VIP83624
(PID 027-197-212)

APPLICANT: Lee Reinhart

CIVIC ADDRESS: 6799 West Coast Road

OCP BYLAW: Bylaw No. 400, *Official Community Plan, 2010*

OCP DESIGNATION: Country Residential (CR)

ZONING BYLAW: Bylaw No. 500, *Sooke Zoning Bylaw, 2011*

ZONE: Large Lot Residential (R1)

PURPOSE

To consider a Board of Variance (BoV) application to permit a 2.3 m high fence within the eastern front yard and a 2.75 m high fence within the western side yard of the property 6799 West Coast Road as shown on attached site plan.

POLICY ANALYSIS

Division 6 of the Local Government Act (LGA) requires a local government to establish a board of variance. Under Section 901, the property owner may apply to the BoV for an order if the property owner claims that compliance with the siting, dimensions or size of a building or structure would cause hardship and the request is considered minor in nature.

Section 901(2) of the LGA states that a BoV may order that a minor variance be permitted from the requirements of the bylaw if the BoV finds that undue hardship would be caused to the applicant and the variance does not result in inappropriate development of the site, adversely affect the natural environment, substantially affect the use and enjoyment of adjacent land, vary permitted uses and densities under the applicable bylaw, or defeat the intent of the bylaw.

The proposed variance would not be in conflict or deal with any of the following that would affect the ability of the BoV to make an order as per section 901(3) of the LGA:

- a section 219 covenant registered to the subject property;
- a development permit;
- a phased development agreement;
- a floodplain specification; or
- Heritage conservation area/heritage building.

APPLICATION SUMMARY

The applicant/owner is requesting a variance from section 3.10(c)(iii) of Sooke Zoning Bylaw, 2011 which states that residential properties fronting Highway 14 front can have a maximum 2 m high fence in all yards (front, rear, side and flanking). The applicant wishes to vary this requirement in order to allow a 2.3 m high fence within the eastern front yard and a 2.75 m high fence within the western side yard as shown on the attached site plan.

The portions of the fence that need the variance were constructed in early 2011.

The applicant has submitted a letter with the application explaining why section 3.10(c)(iii) of the Sooke Zoning Bylaw, 2011 presents hardship. The letter is attached to this report for your review.

The adjacent properties to 6799 West Coast Road are both zoned Large Lot Residential (R1) and both have single family dwellings on the property.

INTERGOVERNMENTAL/REGIONAL IMPLICATIONS

There are no intergovernmental/regional implications associated with this Board of Variance application.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

Adjacent property owners were sent a letter of notification on March 9, 2012 regarding this variance. The neighbours were invited to attend the BoV meeting to express any objections they may have to the proposal or to give their support to the proposal. The neighbours were also invited to submit a written submission provided it is received prior to the BoV meeting.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

There are no interdepartmental implications associated with this Board of Variance application.

OPTIONS FOR BOARD OF VARIANCE'S CONSIDERATION

1. 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 3.10(c)(iii) of Bylaw No. 500, Sooke Zoning Bylaw, 2011 is complied with, the Board of Variance recommends approval to permit a 2.3 m high fence within the eastern front yard and a 2.75 m high fence within the western side yard as shown on the site plan for 6799 West Coast Road, legally described as Lot A, Section 3, Sooke District, Plan VIP83624;

2. That the Board of Variance not recommend approval of the variance;
3. That the Board of Variance recommends that the application be considered by Council as a Development Variance Permit.

Attached Documents:

1. Application Facts
2. Subject Property Map
3. Site Plan
4. Applicant's reasons for hardship
5. Signatures from Neighbours
6. R1 Zone



Tara Johnson, Planner II

Application Facts

Address	6799 West Coast Road
Legal	Lot A, Section 3, Sooke District, Plan VIP83624
Existing Zoning	R1 (Large Lot Residential)
Existing OCP	Community Residential
Parcel Size	1365.68 m ² (0.13 ha) or 0.33 acre
Env Sensitive	No
Services	Water: CRD Water Sewer: Municipal Sewer Drainage: On-site
Adjacent Land Uses	North: West Coast Road and Single Family Residential South: Sooke Harbour East: Single Family Residential West: Single Family Residential

Summary of Referral Comments

Building	No concerns.
Engineering	No concerns
Fire Department	No concerns



ISLAND
LAND SURVEYING LTD.

1-15 CADILLAC AVE
VICTORIA, B.C. V8Z 1T3
TEL 250.475.1515 fax 250.475.1516
info@islandsurveying.ca
OUR FILE: W170-WCD2-CO

**B.C. LAND SURVEYORS CERTIFICATE
OF LOCATION OF DWELLING ON**

LOT A, SECTION 3,
SOOKE DISTRICT, PLAN VIP83624.
PID: 027-197-212

I have examined the residential premises under construction shown and hereby certify that the said structure is situated with respect to nearby boundaries as shown. This document is prepared for building inspection or mortgage purposes only and is for the exclusive use of our client. This document is not valid unless originally signed and sealed. This document shall not be used to define property lines or property corners.

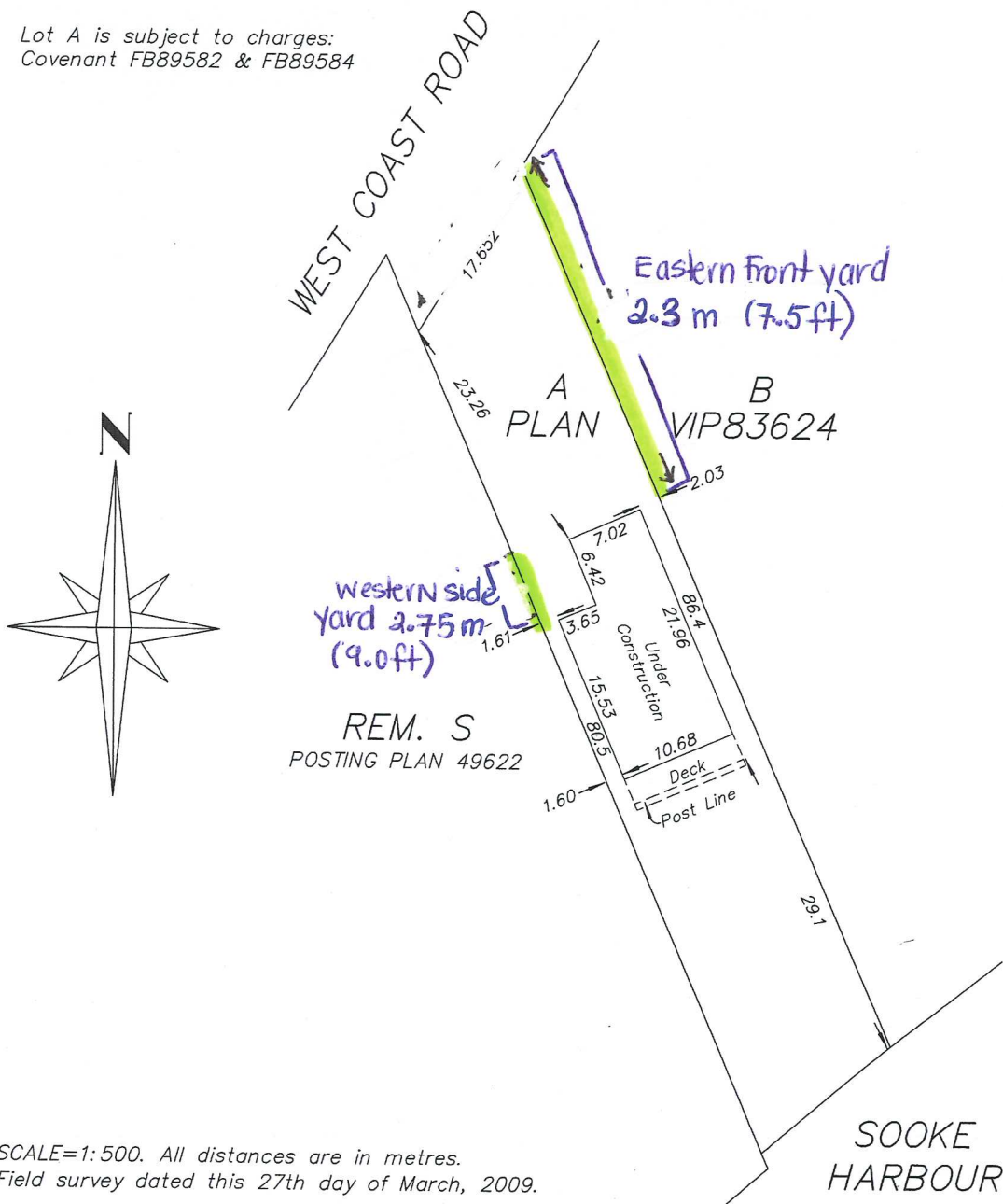
Jason Kozina

Jason C. Kozina, BCLS.

© 2009 Island Land Surveying Ltd.

Lot A is subject to charges:
Covenant FB89582 & FB89584

SITE PLAN



SCALE=1:500. All distances are in metres.
Field survey dated this 27th day of March, 2009.

SITE PLAN

DESCRIPTION of the proposed variance and why the current bylaw requirements are presenting hardship:

*the fence that has been constructed around the residence of 6799 West Coast Road has been determined to be non-conforming.

*it is our intention to respectfully request a variance for the entire fence height based upon several factors;

- 1) It was not our intention to flagrantly disregard the Sooke zoning bylaws. We hired a contractor to build the fence and were under the understanding from him that only a portion of the fence was non-conforming at the time. However, the portion that we understood to be high was only a small portion of the entire fence and the neighbours property that bordered this small section was agreeable to this. We had been told that the fence bylaw was complaint driven. Our interpretation of that was simply that if we had full agreement with our neighbour(as we do) with what was being constructed, we should not have an issue.
- 2) We have undertaken to construct the entire fence at our cost since our neighbours could not contribute financially, or as was the case on the north east side- it was a vacant lot at the time.
- 3) Our neighbours immediately next to the vacant lot had a dog that was presenting an **extreme** nuisance with barking that was not being addressed through attempts with the CRD bylaw mechanism- therefore a fence was deemed appropriate to help alleviate the sight and sound. Having said this, we have recently seen efforts from our neighbours to mitigate this problem- much appreciated☺
- 4) With regard to the residence immediately to the south west, although they (Roy and Cheryl) have been very pleasant neighbours and we do like them very much, they have not finished the exterior of their home. We did not wish to complain to them or the District as presenting an “eyesore”, thus initiating a complaint for them to fix. We understood that financially they were not necessarily able to do this. However, the state of dis-repair unfortunately reflects very negatively on the value of ours. Therefore a fence that would partially address this at the same time providing for privacy was seen as the best middle ground. Again we had the full consent and blessing of our neighbours and still do. They would also not wish to further erode the privacy that they enjoy now.
- 5) Although we understand that the fence does pose a technical problem with regard to height, we must stress that throughout our extensive build, we have had the best interests of Sooke and the community in mind with regard to investing in a property that we believe helps to elevate the standard in our community, in addition to now contributing an additional \$10,000 a year in property taxes to the district.

- 6) Although we have recently welcomed a wonderful new baby girl to our family, we have unfortunately fallen on hard times. With this joyous event has come great difficulty. I have lost my job and been on EI for most of 2011. Shelly has been forced to close her clinic here in Sooke and is struggling to maintain her last office downtown. Our taxes are much more than what we had planned on and puts an enormous stress on us each year. Although we have appealed to the Assessment Authority on this matter, our requests for a more reasonable valuation of our home have been largely denied. As a result we may be forced to try to sell our home in a very difficult market. Should we be unsuccessful applying for this variance, we feel it would seriously put in jeopardy the value of our home. This is largely due to the neighbours' houses and the privacy that the current fence allows for everyone. Not to mention the cost involved in cutting down and reconstructing the fence to the conforming height. We simply do not have any funds remaining to do this. We had to borrow funds to apply for this application itself.
- 7) Finally, we do not feel that the height obstructs in any negative way either the views nor the functionality of our neighbourhood and our neighbours agree. We have solicited all of our immediate neighbours who have all verbally and/or signed a letter of support in this matter. Please see the attached letters with signatures and addresses.

Thank you, committee, in advance for your kind consideration of this matter.

Sincerely,

Lee & Shelly

6799 West Coast Road

As neighbours and/or residents of Sooke, we lend our signature in support of the fence and gating surrounding the residence of Lee Reinhart & Shelly Wade of 6799 West Coast Road.

Thank you

NAME: SUSAN TEIL NIKES
ADDRESS: 1904 BILLINGS RD
DATE: 01/02/12

SIGNATURE: Susan Teil Nikes (owners
little Vienna Bakery)

NAME: Bill Pedneault & J. Pedneault (Bill & Sandy)
ADDRESS: 6771 W. Coast Rd
DATE: Jan 7/12

SIGNATURE: Bill Pedneault & J. Pedneault

NAME: J. Richard Bell
ADDRESS: 6774 West Coast
DATE: Jan 7 2012 (Richard)
SIGNATURE: Richard Bell

NAME: P. H. K. H. Paula Hamilton (Paula)
ADDRESS: 6784 West Coast
DATE: Jan 7/2012
SIGNATURE: P. H. K. Hamilton

NAME: Michel Weiss Rochers
ADDRESS: 6790 West Coast Road
DATE: Jan 7 2012
SIGNATURE: Michel Weiss Rochers
(Sooke Fine Art Gallery)

6799 West Coast Road

As neighbours and/or residents of Sooke, we lend our signature in support of the fence and gating surrounding the residence of Lee Reinhart & Shelly Wade of 6799 West Coast Road.

Thank you

NAME: Roy Dueck
ADDRESS: 6803 West Coast Road Sooke B.C.
DATE: Jan 9, 2012
SIGNATURE: R. Dueck

NAME: Cheryl Dueck
ADDRESS: 6803 West Coast Rd
DATE: Jan 9, 2012
SIGNATURE: C. Dueck

NAME: ANNE GIBSON
ADDRESS: 6810 WEST COAST RD.
DATE: JAN. 9, 2012
SIGNATURE: A Gibson

NAME: K. Elizabeth Robbins
ADDRESS: 6811 West Cst Rd.
DATE: Jan 30, 2012
SIGNATURE: K. Elizabeth Robbins

NAME: RON BENSON RR
ADDRESS: 6795 WEST COAST RD.
DATE: FEB 20/2012
SIGNATURE: RR

6799 West Coast Road

As neighbours and/or residents of Sooke, we lend our signature in support of the fence and gating surrounding the residence of Lee Reinhart & Shelly Wade of 6799 West Coast Road.

Thank you

NAME: Jim Brooks
ADDRESS: 6783 WEST COAST RD
DATE: 1/30/12
SIGNATURE: [Signature]

NAME: RT Brooks
ADDRESS: 6783 W COAST RD
DATE: 1/30/12
SIGNATURE: [Signature]

NAME: _____
ADDRESS: _____
DATE: _____
SIGNATURE: _____

NAME: _____
ADDRESS: _____
DATE: _____
SIGNATURE: _____

NAME: _____
ADDRESS: _____
DATE: _____
SIGNATURE: _____

Schedule 201 – Large Lot Residential (R1)

Large Lot Residential

R1

201.1 Purpose: This zone applies to those lots of land designated as Community Residential and intended for residential purposes, outside of the Town Centre, but within the Sewer Specified Area.

201.2 Permitted Uses:

Principal Uses:

- a. Horticulture
- b. Single family dwelling
- c. Duplex

Accessory Uses:

- c. Bed and breakfast
- d. Home-based business
- e. One secondary suite or one small suite on a lot with a single family dwelling
- f. Vacation accommodation unit

201.3 Minimum Lot Size for Subdivision Purposes: 1,000 m²

201.4 Minimum Frontage for Subdivision Purposes: 15 m

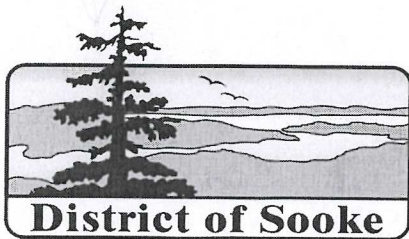
201.5 Maximum Height:

- Principal Buildings: 12 m (3 storeys)
- Accessory Buildings: 9 m

201.6 Maximum Lot Coverage: 30%

201.7 Minimum Setbacks:

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line	Lane Lot Line
Principal Building or Structure	4.5 m – house portion 6 m – garage/ carport portion	3 m	1.5 m	4 m	3 m
Accessory Building or Structure – 1 storey	7.5 m	3 m	1.2 m	1.2 m	0 m
Accessory Building or Structure – 2 storey	7.5 m	4.5 m	2 m	2 m	0 m



STAFF REPORT – BOARD OF VARIANCE APPLICATION

DATE: March 22, 2012 **FILE:** PLN00943

TO: Chair and Members
Board of Variance

FROM: Tara Johnson
Planner II

RE: **Board of Variance Application for 6215 Marilyn Road**

LEGAL DESCRIPTION: Lot 2, Section 45, Sooke District, Plan VIP65834
(PID 023-982-438)

APPLICANT: Ted and Carol Lewis

CIVIC ADDRESS: 6215 Marilyn Road

OCP BYLAW: Bylaw No. 400, *Official Community Plan, 2010*

OCP DESIGNATION: Gateway Residential (GR)

ZONING BYLAW: Bylaw No. 500, *Sooke Zoning Bylaw, 2011*

ZONE: Heavy Industrial (M3)

PURPOSE

To consider a Board of Variance (BoV) application to allow a large portable building with no foundation to be setback 0.9m (3 ft) from the rear lot line at 6215 Marilyn Road as shown on attached site plan.

POLICY ANALYSIS

Division 6 of the Local Government Act (LGA) requires a local government to establish a board of variance. Under Section 901, the property owner may apply to the BoV for an order if the property owner claims that compliance with the siting, dimensions or size of a building or structure would cause hardship and the request is considered minor in nature.

Section 901(2) of the LGA states that a BoV may order that a minor variance be permitted from the requirements of the bylaw if the BoV finds that undue hardship would be caused to the applicant and the variance does not result in inappropriate development of the site, adversely affect the natural environment, substantially affect the use and enjoyment of adjacent land, vary permitted uses and densities under the applicable bylaw, or defeat the intent of the bylaw.

The proposed variance would not be in conflict or deal with any of the following that would affect the ability of the BoV to make an order as per section 901(3) of the LGA:

- a section 219 covenant registered to the subject property;
- a development permit;
- a phased development agreement;
- a floodplain specification; or
- Heritage conservation area/heritage building.

APPLICATION SUMMARY

The applicant/owner is requesting a variance from section 503.7 of Sooke Zoning Bylaw, 2011 which states that a building or structure that is adjacent to residential zones is required to be setback 15m from the rear lot line. The applicant wishes to vary this requirement to allow an existing building to be setback 0.9m (3 ft) from the rear lot line.

The building needing the variance is a very large portable building that has no foundation and is being used as a recycling depot for Styrofoam, plastic and other commodities.

The applicant has submitted a letter with the application explaining their reasons of hardship if they had to comply with section 503.7 of the Sooke Zoning Bylaw, 2011. The letter is attached to this report for your review.

The adjacent properties to 6215 Marilyn Road are all zoned Heavy Industrial (M3) except for the property to the south which is zoned Rural Residential (RU4). It is the lot line adjacent to this residential property that requires any industrial structure or building within the M3 zone to be 15 m from the lot line.

There is a private Easement EL103661 registered to the subject property for the purposes of laying down, constructing, entrenching, operating, maintaining, removing and replacing storm pipelines and drains. Staff has no concerns with this easement for the following reasons:

- The District of Sooke is not a party to the easement;
- At time of the registration of the easement, the owners of the property were Richard and Marilyn Andrechuk who were both the Grantor and the Grantee of the easement. The owners of the property are now Carol Lewis and Mark Lewis. Section 3 of the easement states that "The Grantor and the Grantee hereby covenant and agree with each other that neither of them shall erect, place or maintain any building or structure on any portion of the Easement Area **without the express written consent of the other party**";
- The structure needing the variance is not permanent as it does not have a foundation.

INTERGOVERNMENTAL/REGIONAL IMPLICATIONS

There are no intergovernmental/regional implications associated with this Board of Variance application.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

Adjacent property owners were sent a letter of notification on March 9, 2012 regarding this variance. The neighbours were invited to attend the BoV meeting to express any objections they

may have to the proposal or to give their support to the proposal. The neighbours were also invited to submit a written submission provided it is received prior to the BoV meeting.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

The application was forwarded to the building department, the fire department and the engineering department for review and comment. The applicant has submitted a building permit and any issues that the building department may have will be addressed at time of building permit.

The fire department has concerns with regard to the variance as a result of the building's proposed use as storage and recycling depot and the greater risk of fire spreading to neighbouring properties if a fire should start. The fire department would like to review a comprehensive Fire Safety Plan for the subject property and the building needing the variance.

OPTIONS FOR BOARD OF VARIANCE'S CONSIDERATION

1. 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 503.7 of Bylaw No. 500, Sooke Zoning Bylaw, 2011 is complied with, the Board of Variance recommends approval to an existing large portable building with no foundation to be setback 0.9m (3 ft) from the rear lot line as shown on site plan for 6215 Marilyn Road, legally described as Lot 2, Section 45, Sooke District, Plan VIP65834;
2. 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 503.7 of Bylaw No. 500, Sooke Zoning Bylaw, 2011 is complied with, the Board of Variance recommends approval to an existing large portable building with no foundation to be setback 0.9m (3 ft) from the rear lot line as shown on site plan for 6215 Marilyn Road, legally described as Lot 2, Section 45, Sooke District, Plan VIP65834 with the condition that a Fire Safety Plan for the subject property and the building is submitted to the fire department's satisfaction prior to building permit issuance for the building;
3. That the Board of Variance not recommend approval of the variance;
4. That the Board of Variance recommends that the application be considered by Council as a Development Variance Permit.

Attached Documents:

1. Application Facts
2. Subject Property Map
3. Site Plan
4. Applicant's reasons for hardship
5. M3 Zone
6. Comments from Fire Department
7. Site Photos
8. Easement EL103661

Application Facts

Address	6215 Marilyn Road
Legal	Lot 2, Section 45, Sooke District, Plan VIP65834
Existing Zoning	M3 (Heavy Industrial)
Existing OCP	Gateway Residential
Parcel Size	4086.4 m ² (0.40 ha) or 1.0 acre
Env Sensitive	No
Services	Water: CRD Water Sewer: on site Drainage: On-site
Adjacent Land Uses	North: Heavy Industrial South: Rural Residential East: Heavy Industrial West: Heavy Industrial

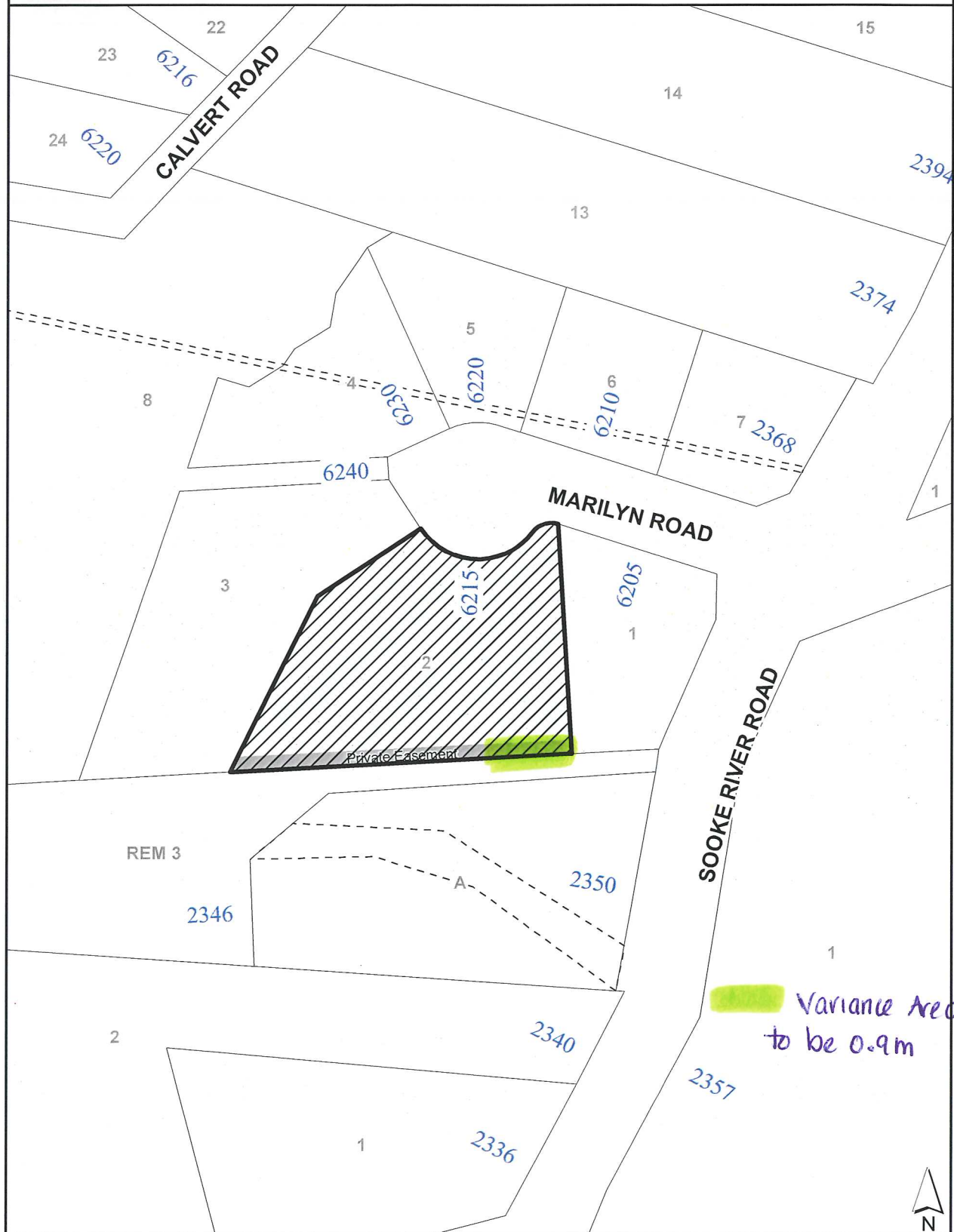
Summary of Referral Comments

Building	No concerns.
Engineering	No concerns
Fire Department	See attached comments



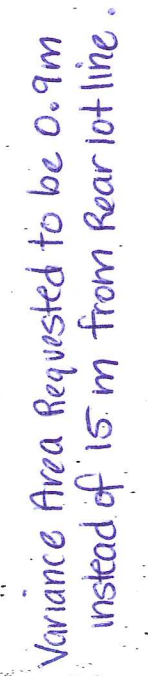
SUBJECT PROPERTY MAP

File: PLN00943



Subject Property

0 15 30 45 60 75 Metres



Variance Area Requested to be 0.9m instead of 15 m from Rear lot line.

Feb. 24th, 2012

Tara Johnson, Planner,
DISTRICT OF SOOKE,
2205 Otter Point Rd.,
Sooke, B.C. V9Z 1J2

Dear Tara: Re: 6215 Marilyn Rd., Sooke, B.C.

Thank you for seeing Ted & I on Thursday re Board of
Variance permit application form.

I have attached a separate page listing hardships
of why the current bylaw affects our property at 6215 Marilyn Rd.

Would you please attach this to our form and appreciate
your effort to be included at the March 22nd meeting.

Yours truly,



C. Lewis

LEWIS
#201 1540 DALLAS RD
VICTORIA, BC V8S 1A2

RE: 6215 Marilyn Rd.,
Sooke, B.C.

Feb. 24th, 2012

1. We assumed land use would be the same as previous use, of auto recycling, allowing storage up to fence and 12ft. high.
2. Hardship of financial costs to have to move buildings.
3. Tenant on property would suffer major financial and practical use loss if buildings were required to be moved.
4. Damage to structures if moved after having met structural engineering requirements.
5. Possible loss of tenant.
6. We have met and talked to neighbour on south fence and have constructed wooden fence to his satisfaction.

We thank the Board for taking a positive view of this application.



C. Lewis

LEWIS
#201 1540 DALLAS RD
VICTORIA, BC V8S 1A3

Attachment to Board of Variance Permit Application Form
under description of the proposed variance and why the current
bylaw requirements are presenting hardship.

Schedule 503 – Heavy Industrial (M3)

Heavy Industrial

M3

503.1 Purpose: This zone provides for heavy industrial use within the District of Sooke.

503.2 Permitted Uses:

Principal Uses:

- a) All uses permitted in M2
- b) Asphalt plant
- c) Bulk fuel sales and storage
- d) Commercial composting
- e) Sawmills, pulpmills, and planing mills
- f) Slaughterhouse
- g) Unenclosed storage
- h) Waste management & recycling
- i) Wrecking yard

Accessory Uses:

- j) Employee housing
- k) Office
- l) Retail

503.3 Minimum Lot Size for Subdivision Purposes:

- a) Within Sewer Specified Area: 1500 m²
- b) Outside of Sewer Specified Area: 1 ha

503.4 Minimum Frontage for Subdivision Purposes: 30 m

503.5 Maximum Height:

- a) Principal Buildings: 17 m
- b) Accessory Buildings: 9 m

503.6 Maximum Lot Coverage:

- a) Within Sewer Specified Area: 70%
- b) Outside of Sewer Specified Area: 60%

503.7 Minimum Setbacks:

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line
Building or Structure outside Sewer Specified Area	7.5 m	6 m	6 m	10 m
Building or Structure inside Sewer Specified Area	0 m	0 m	0 m	0 m
Adjacent to residential zones, including CD zones	7.5 m	6 m	15 m	15 m
Lot lines adjacent to industrial zones	0 m	0 m	0 m	0 m

Schedule 503 – Heavy Industrial (M3)

503.8 Conditions of Use:

- a) Panhandle lots are not permitted.
- b) Storage shall not be permitted in required yards adjacent to any residential zone.
- c) Retail is limited to 10% of the floor area of the principal use.
- d) Storage associated with a solid waste management/recycling depot use need not be within an enclosed building or structure.
- e) If an accessory dwelling unit is a detached single family residential dwelling, it must be located above or to the rear of the principal use.



SOOKE FIRE RESCUE SERVICE
2225 OTTER POINT ROAD
SOOKE, BC V9Z 1J2
Ph. 250 642-5422 Fax 250 642-3840
Email: ssorensen@sooke.ca



Board of Variance Application

To: Tara Johnson - Planner

Date: October 17, 2007

Legal Description: Lot 2, Section 45, Sooke District, Plan VIP65834 (PID 023-982-438).

Civic Address: 6215 Marilyn Road

File #: PLN 00943

I have reviewed the proposal for the board of variance and find the following:

While there are no real issues with the building itself, the need for a relaxation of the set back from properties causes me concern due to the use of this site. Currently the property is used as a storage and recycling centre for Styrofoam and other commodities. At any one time, there can be considerable quantities on site. If this material is stored within these buildings, there is a greater risk of a fire spreading to neighboring properties if a fire should start. The BC Fire Code requires minimum specified distances from property lines, as well as the size of piles and spacing of storage piles for all materials. In the case of plastics, these distances are as follows:

BCFC 3.3.2.3.2 – An outdoor storage area shall be arranged such that there is a clear space of not less than 30m between stored products and brush or forested areas and 6m between stored products and uncontrolled grass or weeds.

BCFC 3.2.3.2 – For indoor storage of Group A plastics (Styrofoam) the maximum storage area cannot exceed 250m² and 1.5m in height or the buildings must be equipped with a NFPA 13 compliant sprinkler system. *(it would appear that the storage height, not the building size may be the issue here)*

If the occupant is using the building to store equipment (such as a forklift) the following applies:

BCFC 3.1.3.2: If the industrial truck (forklift) is fuel-fired, it must be stored in a detached building and separated from any storage area by a fire separation having a minimum rating of not less than 1 hour.

If the industrial truck is battery operated, the battery charging installation must be a minimum of 1.5 m from combustible storage.

Each industrial truck shall be equipped with a fire extinguisher with a minimum rating of 2A:30BC

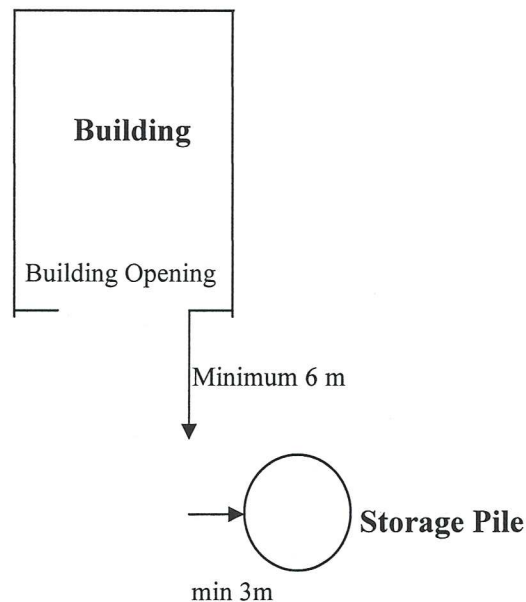
The site will require a comprehensive Fire Safety Plan as per BC Fire Code Section 3.3.2.9. It shall identify the following:

- a) The location and classification of the products currently stored
- b) The method of storage, including the clear spaces required and maximum permitted size of individual storage areas
- c) The location of any firefighting equipment
- d) The control of fire hazards in and around the storage area(s)

Portable Extinguishers BCFC 3.3.2.10:

- 1) Any building located in an outdoor storage area shall be provided with a portable fire extinguisher.
- 2) Each motorized vehicle operating in an outdoor storage area shall be equipped with at least one extinguisher having a minimum rating of 2A:30BC

BCFC 3.3.3: A clear space of not less than 15m shall be maintained between the stored products and building on the same property. This clearance can be reduced if the exposed walls of the buildings have a minimum fire resistance rating of 2 hours. If this is the case, the clearance distance can be reduced to 3m or either side of any opening in the building and 6m perpendicularly in front of the opening.



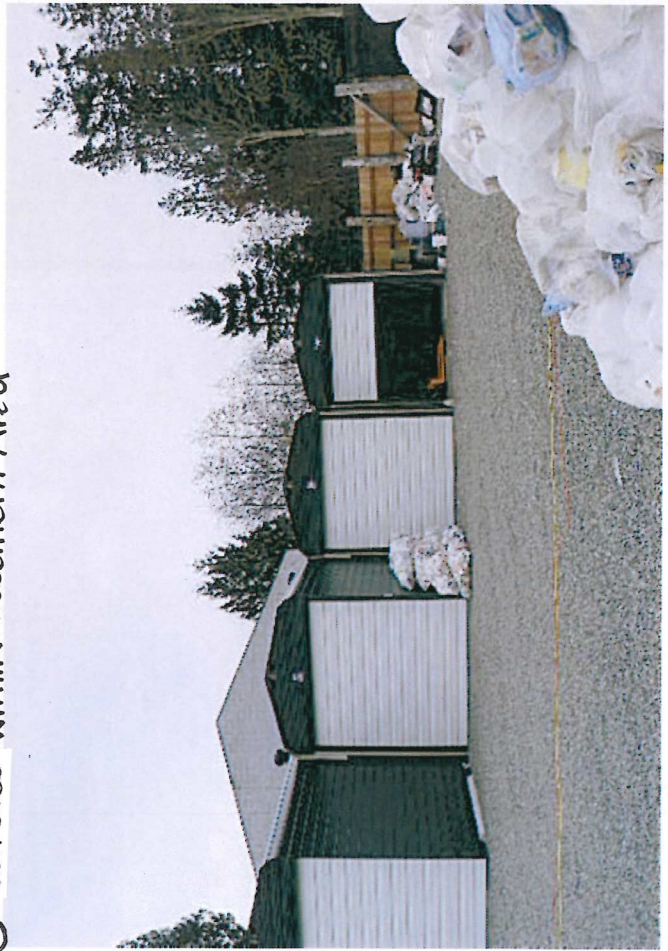
Steve Sorensen
Fire Chief



① Vehicles within Easement Area



② Portable Recycle Buildings Needing Variance



③ Portable buildings that need variance



④ Vehicles and Storage containers within Easement Area.
View of the storm water manhole.



Legend

Address Point	
Parcels	
Property Boundary	
Foreshore	
Rights of Way	
Municipal Boundary	
Park Land	
Road Names	
Roads	
Highway	
Collector	
Local	
Private / Driveway	
Not Built / Closed	
Watercourses	
Intermittent	
River/Stream	
Natural Boundary	
Water	
Lakes, Ponds	
Marsh	
Shore	

002 139529



Scale 1:600

27 February 2012, 11:29

Disclaimer: This unofficial document of the District of Sooke contains information that is consolidated for convenience purposes only and is not to be relied upon in making financial or other commitments. The District of Sooke does not warrant the accuracy of information on this map nor will it accept responsibility for errors or omissions. Not intended for navigation.

BC OnLine



BC OnLine Land Title Internet Service
Provided in co-operation with
Land Title and Survey Authority

LTSA - DOCUMENT RETRIEVAL			REF # V53836	REQUESTED: 2012-02-27 09:26
CLIENT NAME:		DISTRICT OF SOOKE		
ADDRESS:		2205 OTTER POINT ROAD SOOKE BC V9Z 1J2		
PICK-UP INSTRUCTIONS:				
USER ID: PA82663	APPL-DOC # EL103661	VI Registered	RCVD:1997-09-08	
ACCOUNT: 785258				
FOLIO				
REMARKS:				

Help Desk Victoria (250) 953-8200
In B.C. 1-800-663-6102
Administration Office ... (250) 953-8250
Fax Number (250) 953-8222

Persons who need to rely on a plan for legal purposes must examine the official version at the Land Title Office in which the plan is deposited. However, plans with plan numbers beginning with the letters EPP or EPS are electronic plans which constitute the official version.

09 '13

EL103662

97 SEP -8 09 13

EL103661

FACE

NO. NOT USED
WITHDRAWN

LAND TITLE OFFICE
VICTORIA

(7)

Land Title Act
Form C
(Section 219.81)
Province of British Columbia

GENERAL INSTRUMENT - Part 1

Page 1 of 8 pages

1. APPLICATION: TURNHAM WOODLAND, Barristers & Solicitors
1002 Wharf Street, Victoria, B.C., V8W 1T4
Ph: 385-1122

Signature of Applicant, Solicitor or Agent

KLA

2. (a) PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

Lot 2, Section 45 and 46, Sooke District, Plan VIP 65834

3. NATURE OF INTEREST:

DESCRIPTION	DOCUMENT REFERENCE	PERSON ENTITLED TO INTEREST
EASEMENT	Page 1, xx 7	TRANSFeree
PRIORITY AGREEMENT	Page 8 8	TRANSFeree

02 97/09/08 09:10:46 01 VI
CHARGE

4. TERMS: Part 2 of this instrument consists of (select one only)

- (a) Filed Standard Charge Terms D.F. No.
(b) Express Charge Terms x Annexed as Part 2
(c) Release There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):

SEE SCHEDULE

~~RICHARD ANDREYCHUK AND MARILYN ANDREYCHUK~~

6. TRANSFeree(S):

SEE SCHEDULE

~~RICHARD ANDREYCHUK AND MARILYN ANDREYCHUK~~
~~SOKE DISTRICT, SECTION 45 AND 46, PLAN VIP 65834~~

Part
not used


dm

7. ADDITIONAL OR MODIFIED TERMS:

N/A

8. EXECUTION(S): The transferor(s) accept(s) the above consideration and understand(s) that this instrument operates to transfer the freehold estate in the land described above to the transferee(s).

Officer(s) Signature(s)

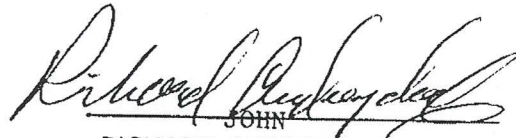
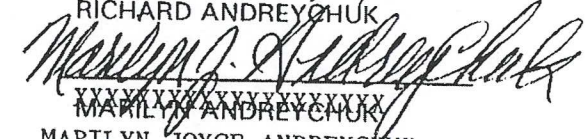

J. RICHARD PIPES
 Barrister & Solicitor
 1002 Wharf St., Victoria, B.C.
 V8W 1T4 385-1122

(As to the signatures of
 Richard and Marilyn Joyce
 Andreychuk)

Execution Date

Y	M	D
97	6	18

Transferor(s) Signature(s)


 JOHN
 RICHARD ANDREYCHUK

 XXXXXXXXXXXXXXXXXXXX
 MARILYN ANDREYCHUK
 MARILYN JOYCE ANDREYCHUK

OFFICER CERTIFICATION: Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1979, c. 116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

* If space is insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.
 ** If space insufficient, continue executions on additional page(s) in Form D.

Land Title Act

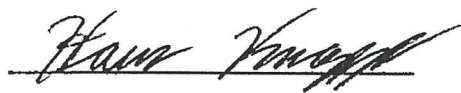
**FORM D
EXECUTIONS CONTINUED**

Page 3 of 8 pages

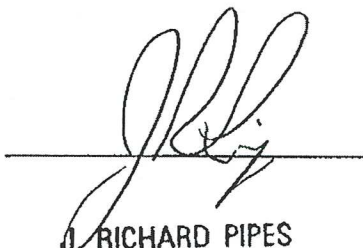
Officer(s) Signature(s)

Execution Date

Mortgagee(s) Signature(s)



HANS KNAPP
BARRISTER & SOLICITOR
1200 Waterfront Centre, 200 Burrard Street
P.O. Box 48600, Vancouver, Canada V7X 1T2
(604) 640-4113


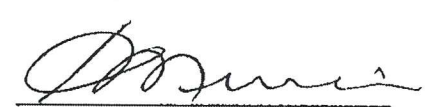


RICHARD PIPES
Barrister & Solicitor
1002 Wharf St., Victoria, B.C.
V8W 1T4 385-1122

Y	M	D
97	11	7
97	4	3

CIBC MORTGAGE
CORPORATION, by its
authorized signatory(ies):Name:  **PARI KHORASANI**

Name:

CANADIAN IMPERIAL
BANK OF COMMERCE, by
its authorized signatory(ies):Name:  **ELEANOR BROOKS**Name:  **Denise Mills**

OFFICER CERTIFICATION: Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1979, c. 116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

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** If space insufficient, continue executions on additional page(s) in Form D.

Land Title Act

Page 4 of 8 pages

**FORM E
SCHEDULE**

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM OR GENERAL DOCUMENT FORM.

5. TRANSFEROR(S):

RICHARD JOHN ANDREYCHUK and MARILYN JOYCE ANDREYCHUK

CIBC MORTGAGE CORPORATION; and

CANADIAN IMPERIAL BANK OF COMMERCE

6. TRANSFEREE(S):

RICHARD JOHN ANDREYCHUK and MARILYN JOYCE ANDREYCHUK, both of 2368 Sooke River Road, Sooke, B.C., V0S 1N0, as Joint Tenants

TERMS OF INSTRUMENT - PART 2
EASEMENT

WHEREAS:

- A. Richard and Marilyn Andreychuk (hereinafter called the "Grantor") is the registered owner of:
Lot 2, Section 45 and 46, Sooke District, Plan VIP 65834
(hereinafter called the "Grantor's Lands");
- B. Richard and Marilyn Andreychuk (hereinafter called the "Grantee") is the registered owner of:
Lot 1, Section 45 and 46, Sooke District, Plan VIP 65834
(hereinafter called the "Grantee's Lands");
- C. The Grantor has agreed to grant to the Grantee an Easement over the areas described herein on the terms and conditions herein.

E-L103649

NOW THEREFORE, in consideration of the premises and covenants herein contained and for other valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, the parties hereto covenant and agree with each other as follows:

1. The Grantor hereby grants to the Grantee and its successors an Easement, and the full, free and unrestricted right and liberty to pass and repass, at any time over and upon both by vehicle and by foot over all that part of the Grantor's Lands as shown as Area 7 in a Reference Plan of Covenant through Lots 2,3,4,5 and 8, Plan VIP 65834, Section 45/46, Sooke District, a copy of which is attached hereto as Schedule "A", (hereinafter called the "Explanatory Plan") for the purpose of laying down, constructing, entrenching, operating, maintaining, removing and replacing storm pipelines and drains.")
2. The Grantee hereby covenants and agrees that all construction work done on the Easement Area will be done in a good and workmanlike manner and that the Grantee, his assigns, employees, contractors, workman and agents, on entering into and upon the Easement for any of the aforesaid purposes do as little damage as possible to the surface of the Easement Area and will restore the surface of the Easement Area as soon as may be convenient after entering thereon.
3. The Grantor and the Grantee hereby covenant and agree with each other that neither of them shall erect, place or maintain any building or structure on any portion of the Easement Area without the express written consent of the other party.
4. It is expressly understood and agreed that this agreement shall be construed as a covenant running with the land and shall be appurtenant to and for the benefit of the dominant tenement, and that no part of the fee of the soil of the servient tenement shall be vested in the dominant tenement by these presents for any of the Easement Areas.

5. The Grantor will not knowingly do or permit to be done any act or thing which will interfere with or injure any of the pipes or works laid down, construction, or maintained in the Easement Area as permitted herein.
6. The Grantee will indemnify and save harmless the Grantor, together with employees, agents, contractors and assigns from any and all losses, actions, claims, causes of actions, suits or damages arising from the use of the Easement Area.
7. This Agreement shall enure to the benefit of and be binding upon the parties hereto, their heirs, executors, administrators and assigns.
8. The parties by executing the General Instrument Part 1 attached to this Agreement consent to the registration of this Covenant.

Expenditures for Low Level Radio Ovens at Virginia B.C., and
_____ day of _____, 1961

Legend: _____

Standard from Page 144

Transcript from Page 144

No. 14, complete response answers

All answers subject to review

Answers are confidential and subject to review Page 144

1. R.R. Carter, a British Columbia Land Surveyor,
at Victoria, in British Columbia, advised that I was present
at and personally supervised the survey as represented by
the plan and that the survey and plan are correct.
The survey was completed on the

1000

8498



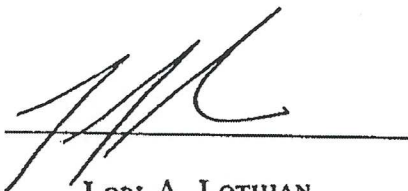
AREA (sq. in.)	LOT No.	DATE (5-4-14)
1	0	0-1 hp
2	0	700
3	0	212
4	0	475
5	0	200
6	3	76
7	2	200

五

CONSENT AND PRIORITY AGREEMENT OF CHARGE HOLDERS

We, CIBC MORTGAGE CORPORATION, and CANADIAN IMPERIAL BANK OF COMMERCE, the holders of the following registered charges, consent to the registration of the above Easement and agree that it shall have priority over its respective charges.

Officer(s) Signature(s)



LORI A. LOTHIAN
BARRISTER & SOLICITOR
900 Waterfront Centre, 200 Burrard Street
P.O. Box 48600, Vancouver, Canada V7X 1T2
(604) 640-4233



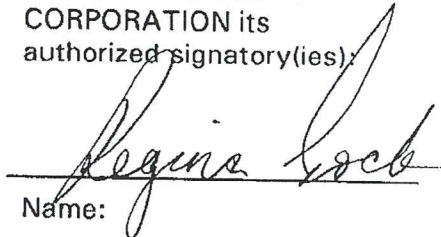
J. RICHARD PIPES
Barrister & Solicitor
1002 Wharf St., Victoria, B.C.
V8W 1T4 385-1122

Execution Date

Y	M	D
97	6	27
97	6	30

Charge Holder(s) Signature(s)

CIBC MORTGAGE
CORPORATION its
authorized signatory(ies):

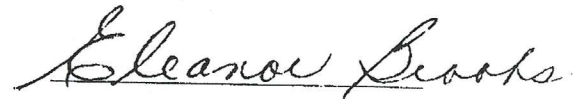


Name:

REGINA ETHEL GOCK

Name:

CANADIAN IMPERIAL
BANK OF COMMERCE, by
its authorized signatory(ies):



Name:

ELEANOR BROOKS

Name:

Mortgage No.EJ81367

Mortgage No.EL43042

OFFICER CERTIFICATION: Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1979, c. 116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.
*If space is insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.
*If space insufficient, continue executions on additional page(s) in Form D.

END OF DOCUMENT

DISTRICT OF SOOKE
BOARD OF VARIANCE
Meeting held May 26, 2011 at 5:00 pm
2205 Otter Point Road

BOARD MEMBERS PRESENT:

Ellen Lewers, Chair
Marilyn Andreychuk
Travis Butler

PUBLIC IN ATTENDANCE:

none

Staff Present: Tara Johnson, Planner
Susan Dyble, Development Services Clerk (recorder)

1. The meeting began at 5:01 pm.
2. Applications:

PLN00875 – 2197 Henlyn Drive

Tara Johnson provided an overview of the application, explaining that the variance is required in order to accommodate an existing greenhouse.

The Board members all indicated that upon viewing the structure, it appears to be well built and non-intrusive. Ellen Lewers questioned how the issue arose given that the structure was already in place. Ms. Johnson advised that there had been a by-law enforcement complaint which resulted in a stop-work order.

MOVED and seconded that Board of Variance (PLN00875) be approved to relax the front lot line setback requirement to 7.9m (26ft) to allow a greenhouse to be located at 2197 Henlyn Drive, legally described as Lot 2, Section 20, Sooke District, Plan 40334.

CARRIED

3. Minutes – June 24, 2010 and March 24, 2011

MOVED and seconded that the minutes of June 24, 2010 be approved.

CARRIED

MOVED and seconded that the minutes of March 24, 2011 be approved.

CARRIED

4. Old Business – none
5. New Business – none
6. The meeting adjourned at 5:17 pm.

Certified Correct:

Ellen Lewers, Chair

Bonnie Sprinkling, Corporate Officer



File No. 0540-20

Board of Variance
Thursday, September 20, 2012 at 5:00 p.m.
Municipal Meeting Room
2205 Otter Point Road, Sooke, B.C.

AGENDA

1. **Call to Order**
2. **Applications:**
 - PLN00974
2217 Ayum Road
3. **Approval of Minutes: March 22, 2012**
4. **Adjournment**

DISTRICT OF SOOKE
BOARD OF VARIANCE
Meeting held March 22, 2012 at 5:00 pm
2205 Otter Point Road

BOARD MEMBERS PRESENT:

Ellen Lewers, Chair
Marilyn Andreychuk
Travis Butler

PUBLIC IN ATTENDANCE:

Mark Lewis
Carol Lewis
Ted Lewis
Mike Gibson
Stuart Cummings
Keith Brooks
Cathy Brooks
Lee Reinhart
Shelly Wade

Staff Present: Tara Johnson, Planner
Susan Dyble, Development Services Clerk (recorder)

1. The meeting began at 5:01 pm.
2. Applications:

PLN00941 – 6799 West Coast Road

Tara Johnson provided an overview of the application, explaining that a variance is required for an existing fence and further noted that the applicants were in attendance.

Mike Gibson, a neighbour across the street, spoke in favour of the variance, indicating that the fence looks good.

MOVED and seconded that the Board of Variance application (PLN00941) be approved to permit a 2.3 m high fence within the eastern front yard and a 2.75 m high fence within the western side yard as shown on the site plan for 6799 West Coast Road, legally described as Lot A, Section 3, Sooke District, Plan VIP83624.

CARRIED

PLN00943 – 6215 Marilyn Road

Marilyn Andreychuk excused herself from the meeting.

Tara Johnson provided an overview of the application, explaining that a variance is required for an existing building that is setback 0.9 m (3ft) from the rear lot line. Ms. Johnson noted that the applicants were in attendance and provided the Board members and applicants with correspondence that had been received, noting that one letter is opposing the variance.

Ms. Johnson provided an explanation to the Board regarding the private easement and that the District of Sooke is not a party to this easement and staff has no concerns.

A lengthy discussion occurred between the applicant, the neighbour, and a member of the public. Keith and Cathy Brooks expressed concerns about ongoing infractions (including other buildings and fencing) spanning numerous years and stated their objections to the variance. Their primary concern is that the variance would become permanent regardless of tenancy or type of business. Mr. Brooks explained that if granted, the variance would significantly impact any of his future plans for development, particularly if tenancy changed to something other than the existing recycling business.

Stuart Cummings provided the board with photographs as taken from the Brooks' property, displaying the amount of material that is currently being stored up to the fence. Mr. Cummings further expressed that the applicant should have provided a BC Land Survey which identified the fence line and building in question in order to ensure the accuracy of the current situation.

Mark Lewis provided an explanation regarding the nature of his business and the need for the structure in question. He described the small slab that is housed inside of the temporary structure and detailed his hardship. Mr. Lewis further stated his desire to work with the neighbours by confirming the location of the property line by having it surveyed and erecting a solid fence. Mr. Lewis agreed with Mr. Brooks' concern over the implications of the variance if tenancy should change and suggested a civil agreement between the two parties be drafted. Mr. Lewis asked the Board to consider that the variance be restricted to only one specific building and to further ensure that the variance would only apply to the existing tenant and business.

Ellen Lewers reiterated the mandate of the board and provided the definition of "structure". Mrs. Lewers also provided a summary of the zone and described the permitted uses. Mrs. Lewers proposed that a solid fence be erected and that the variance be worded in order to allow only for the existing use of the building.

Mark Lewis asked for clarification about the previous land use and the storage of vehicles and material up to the fence. Tara Johnson explained that previous bylaws may have allowed for the storage of vehicles and material within the setback; however, the definition of structure in the 2011 zoning bylaw would mean that the vehicles and material with the 15 m setback would be non-conforming.

Tara Johnson explained that there are four options before the Board and that granting a variance with a condition that the variance is only applicable to a specific tenant is not within the Board's authority.

Travis Butler questioned if the Fire Department had attended or had any issues and cited a letter of concern from the Fire Department. Tara Johnson explained that Fire Department issues will be addressed at the time of Business Licence and Building Permit application.

Travis Butler explained that given the complexity of the situation and the limitations of the Board, he did not feel comfortable in making a decision on this application.

MOVED and seconded that the Board of Variance recommend that the application be considered by Council as a Development Variance Permit.

CARRIED

Marilyn Andreychuk returned to the meeting.

3. Minutes – May 26, 2011

MOVED and seconded that the minutes of May 26, 2011 be approved.

CARRIED

4. The meeting adjourned at 6:50 pm.

Certified Correct:

Ellen Lewers, Chair

Bonnie Sprinkling, Corporate Officer



STAFF REPORT – BOARD OF VARIANCE APPLICATION

MEETING**DATE:** September 20, 2012**FILE:** PLN00974**TO:** Chair and Members
Board of Variance**FROM:** Tara Johnson
Planner II**RE:** Board of Variance Application for 2217 Ayum Road

LEGAL DESCRIPTION: Lot 8, Section 52, 53 and 64, Sooke District, Plan 50550
(PID 016-082-524)**APPLICANT:** Keith Van Eyk**CIVIC ADDRESS:** 2217 Ayum Road**OCP BYLAW:** Bylaw No. 400, *Official Community Plan, 2010***OCP DESIGNATION:** Gateway Residential (GR)**ZONING BYLAW:** Bylaw No. 500, *Sooke Zoning Bylaw, 2011***ZONE:** Rural Residential (RU4)

PURPOSE

To consider a Board of Variance (BoV) application to vary the front lot line setback for a proposed accessory building (garage) from 7.5 m to 2 m under Section 104.7 within Bylaw No. 500, *Sooke Zoning Bylaw, 2011* (Zoning Bylaw).

POLICY ANALYSIS

Under Section 901, the property owner may apply to the BoV for an order if the property owner claims that compliance with the siting, dimensions or size of a building or structure would cause hardship and the request is considered minor in nature.

Section 901(2) of the LGA states that a BoV may order that a minor variance be permitted from the requirements of the bylaw if the BoV finds that undue hardship would be caused to the applicant and the variance does not result in inappropriate development of the site, adversely affect the natural environment, substantially affect the use and enjoyment of adjacent land, vary permitted uses and densities under the applicable bylaw, or defeat the intent of the bylaw.

The proposed variance would not be in conflict or deal with any of the following that would affect the ability of the BoV to make an order as per section 901(3) of the LGA:

- a section 219 covenant registered to the subject property;
- a development permit;
- a phased development agreement;
- a floodplain specification; or
- Heritage conservation area/heritage building.

APPLICATION SUMMARY

The applicant/owner is requesting a variance from section 104.7 of the Zoning Bylaw which states that an accessory building or structure is required to be setback 7.5 m from the Front Lot Line. Due to the topography, existing structures and a drain field on the site, the applicant has expressed hardship to finding a suitable location for a garage. The most suitable location for the garage is 2 m from the Front Lot Line.

The northern portion of the lot is subject to covenant EM35359 (registered 1998) that restricts building construction on portions of the property. Any buildings proposed to be within the restricted area require a geotechnical report. The proposed accessory building is located outside of this restricted area. At time of building permit for the accessory building, confirmation of the setbacks will be required by BCLS.

The adjacent properties to 2217 Ayum Road are all zoned Rural Residential (RU4) except for Ludlow Park located to the north west of the subject property which is zoned Public Recreation (P1).

INTERGOVERNMENTAL/REGIONAL IMPLICATIONS

There are no intergovernmental/regional implications associated with this Board of Variance application.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

Adjacent property owners were sent a letter of notification on September 10, 2012 regarding this variance. The neighbours have been invited to attend the BoV meeting to express any objections they may have to this variance request or to give their support to the proposal. The neighbours have also been invited to submit a written submission provided it is received prior to the BoV meeting.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

The application was forwarded to the building department, the fire department and the engineering department for review and comment. The fire department, engineering department and the building department have no concerns with regard to the variance.

OPTIONS FOR BOARD OF VARIANCE'S CONSIDERATION

OPTION 1.

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 104.7 of Bylaw No. 500, Sooke Zoning Bylaw, 2011 is complied with, the Board of Variance recommends approval to relax the front lot line setback from 7.5 m to 2 m for an accessory building at 2217 Ayum Road, legally described as Lot 8, Sections 52, 53 and 64, Sooke District, Plan 50550 provided that the accessory building does not locate within the restricted area of Covenant EM35359.

OPTION 2

That the Board of Variance not recommend approval of the variance.

Attached Documents:

1. Application Facts
2. Subject Property Map
3. Site Plans
4. RU4 Zone
5. Site Photos
6. Covenant EM35359

Tara Johnson, Planner II

Application Facts

Address	2217 Ayum Road
Legal	Lot 8, Section 52, 53 and 64, Sooke District, Plan 50550
Existing Zoning	RU4 (Rural Residential)
Existing OCP	Gateway Residential
Parcel Size	4711.7 m ² (0.47 ha) or 1.1 acre
Services	Water: CRD Water (Ayum Pumped) Sewer: on site Drainage: On-site
Adjacent Land Uses	North: Rural Residential and Ludlow Park South: Rural Residential East: Rural Residential West: Rural Residential and Ludlow Park

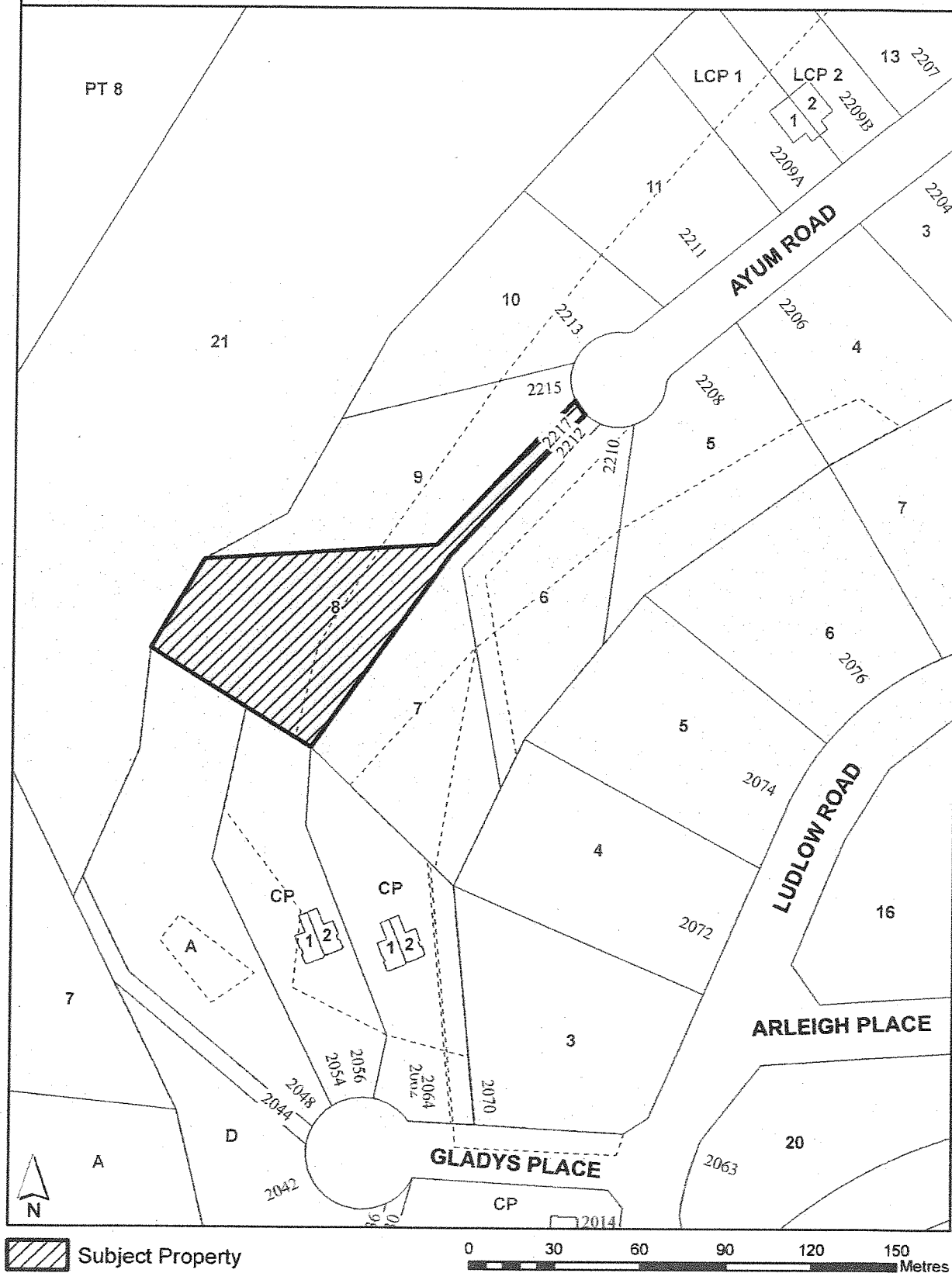
Summary of Referral Comments

Building	No concerns.
Engineering	No concerns
Fire Department	No concerns



SUBJECT PROPERTY MAP

File: PLN00974



SL98-090

50'50" Approx. Dist. Plc

**ORRICO & ASSOCIATES
LAND SURVEYING LTD.**

**AYUM
ROAD**

4089 QUADRA STREET
VICTORIA, B.C. V8X 1K7
TEL 479-1012 FAX 479-4479
our file: 924-CLAB.CO

RECEIVED
APR -1 1998
CAPITAL REGIONAL DIST.
Building Inspection Dept.
Sooke

→ ← this covenant
Boundary no longer exists. was
replaced by covenant EM35359.

SURVEYORS LOCATION CERTIFICATE OF:

LOT 8, SECTIONS 52, 53 AND 64,

SOOKE DISTRICT, PLAN 50550.

Owner: ROBERTSON

Contractor: CLARKSTON CONSTRUCTION LTD.

I have examined the new foundation shown
and hereby certify that the said structure is situate with respect
to nearby boundaries as shown. This document is prepared for building
inspection or mortgage purpose, only and is not valid unless
originally signed and sealed.

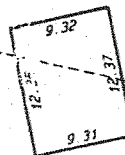
[Signature]

© 1998 Leonard Orrico, BCLS.

Field survey dated this 19th day of March, 1998.

81.863

87.36



Existing
Residence
(Built 1998)

line of
pillars

6.222

86.180

Covenant EM35359
to be registered in
place of E06418

Covenant E06418
to be released

Schedule 104 – Rural Residential (RU4)

Rural Residential

RU4

104.1 Purpose: This zone applies to those lots that are rural in nature, intended for residential purposes, and are not within the Sewer Specified Area of the District of Sooke.

104.2 Permitted Uses:

Principal Uses:

- a) Agriculture
- b) Single family dwelling
- c) Duplex

Accessory Uses:

- d) Bed and breakfast
- e) Home-based business
- f) One secondary suite or one small suite on a lot with a single family dwelling
- g) Vacation accommodation unit

104.3 Minimum Lot Size for Subdivision Purposes: 1 ha

104.4 Minimum Frontage for Subdivision Purposes: 30 m

104.5 Maximum Height:

- a) Principal Buildings: 12 m
- b) Accessory Buildings: 9 m

104.6 Maximum Lot Coverage:

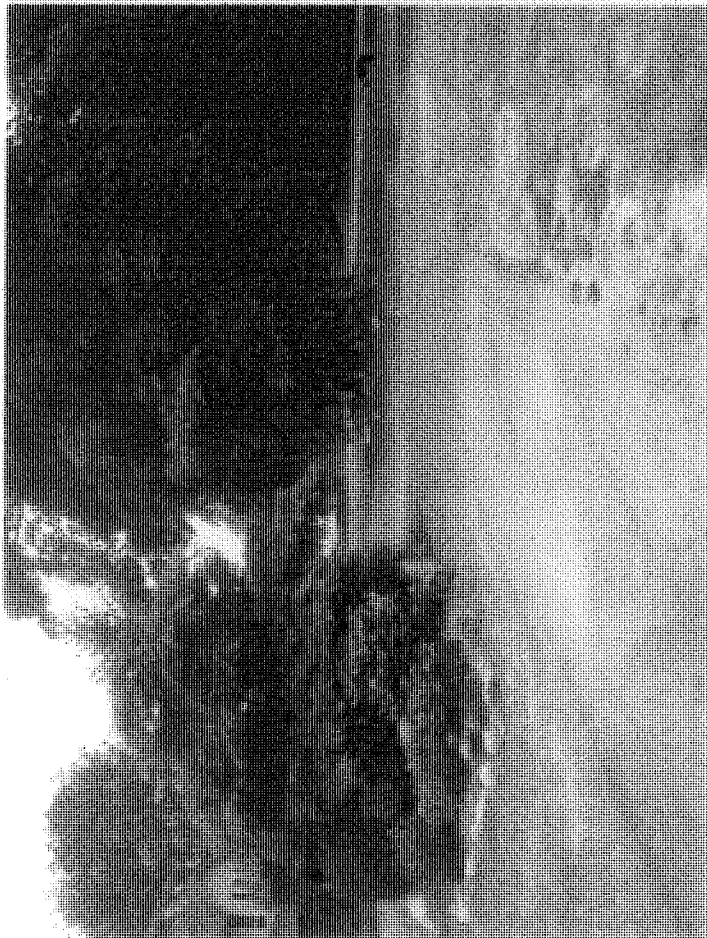
- a) 30%
- b) Where Agricultural production is carried out in greenhouses, the maximum lot coverage is 75%.

104.7 Minimum Setbacks:

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line	Lane Lot Line
Principal Building or Structure	7.5 m	4.5 m	3 m	4.5 m	4.5 m
Accessory Building or Structure	7.5 m	4.5 m	3 m	4.5 m	0 m
Farm Building or Structure	10 m	10 m	10 m	10 m	0 m

104.8 Conditions of Use:

Agriculture only permitted beyond 30 m from a watercourse.



Looking past site towards west



Looking west



looking North back of Neighbours house
towards cul-de-sac



Looking North East



Standing on proposed site looking towards the
house

98 APR 16 13 15

EM035359

2/3
LAND TITLE ACT
FORM C
(Section 133(1))
Province of British Columbia
GENERAL DOCUMENT

RECEIVED VICTORIA
LAND TITLE OFFICE

Page 1 of 5 Pages

APPLICATION:

HALLGREN & FAULKNER, Barristers and Solicitors
6595 Sooke Road, P.O. Box 939
Sooke, B.C. V0S 1N0 (604) 642-5271
File #8217/robertson/buffer zone

S. Adams

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:

016-082-524 Lot 8, Sections 52, 53 and 54, Sooke District, Plan 50550

3. NATURE OF INTEREST:
DESCRIPTIONDOCUMENT REFERENCE
(page & paragraph)PERSON ENTITLED TO
INTEREST

*SEE SCHEDULE

4. TERMS: Part 2 of this instrument consists of (select one only)

- (a) Filed Standard Charge Terms D.F. NO.
(b) Express Charge Terms X Annexed as Part 2
(c) Release There is no Part 2 of this instrument
A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge describe in Item 3 is released or discharged as a charge on the land described in Item 2.

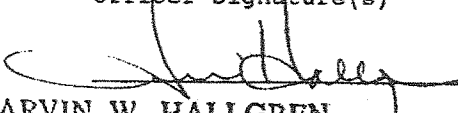
5. TRANSFEROR(S):
*SEE SCHEDULE02 98/04/16 12:00:00 PM
CHARGE6. TRANSFEREE(S):
*SEE SCHEDULE7. ADDITIONAL OR MODIFIED TERMS: *
NIL

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

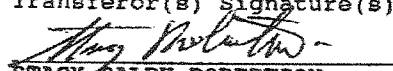
Execution Date

Officer Signature(s)

Transferor(s) Signature(s)


MARVIN W. HALLGREN
Barrister & Solicitor
6595 Sooke Road, P.O. Box 939
Sooke, B.C. V0S 1N0

Y	M	D
98	04	08


STACY RALPH ROBERTSON

~~STACY RALPH ROBERTSON~~
**SEE SCHEDULE

OFFICER CERTIFICATION: Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1979, c.116 to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

*If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.
**If space insufficient, continue executions on additional page(s) in Form D

LAND TITLE ACT
FORM E
SCHEDULE

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE GENERAL DOCUMENT FORM.

3. NATURE OF INTEREST:

DESCRIPTION	DOCUMENT REFERENCE (page & paragraph)	PERSON ENTITLED TO INTEREST
COVENANT over that part of LOT 8, SECTIONS 52, 53 & 64, SOOKE DISTRICT, PLAN 50550 lying to the North West of a line, or line extended, which is parallel to that North Western boundary of the said Lot 8 which bears 30 degrees, 05 minutes, 49 seconds and perpendicularly distant 17.000 metres South Easterly therefrom	Entire Instrument	TRANSFeree/COVENANTEE

5. TRANSFEROR(S):

COVENANTORS: STACY RALPH ROBERTSON, English Teacher and
MINA ROBERTSON, Clerk
Taiko A, Apt. 102, 2-5-6, SHIMOMACHIYA, CHIGASAKI-SHI
KANAGAWA-KEN, T253 JAPAN
as Joint Tenants

6. TRANSFEREE:

COVENANTEE: HER MAJESTY THE QUEEN IN THE RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA - MINISTRY OF TRANSPORTATION AND HIGHWAYS
having an office at Saanich District Office, 103 - 4475
Viewmont Avenue, Victoria, B.C. V8Z 5K8

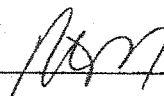
LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

Officer Signature(s)

Execution Date

Party(ies) Signature(s)


PETER G.V. FAULKNER
BARRISTER & SOLICITOR
6595 SPOKE ROAD, P.O. BOX 939
SPOKE, B.C. V0S 1N0

Y	M	D
98	04	16

TRANSFEROR(S) SIGNATURE (continued):


MINA ROBERTSON

OFFICER CERTIFICATION: Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1979, c.116 to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

PART II - TERMS OF INSTRUMENT

Page 4 of 5 Pages

WHEREAS The Covenantors (as set out in Item 5 of Form C General Instrument - Part 1) are the registered owners of those certain parcels or tracts of land and premises as set out in Item 2 of the Form C General Instrument - Part 1 (herein called the "Lands").

AND WHEREAS Section 219 of the Land Title Act provides, inter alia, that there may be registered as a charge against the title to land a covenant, whether of a negative or positive nature, in respect of the use of the lands or the use of a building on or to be erected on lands, in favour of a Municipality or the Crown.

AND WHEREAS The Covenantors agree to enter into a covenant with the Covenantee (as set out in Item 6 of General Instrument - Part 1) pursuant to Section 219 of the Land Title Act in the terms hereinafter set forth, over an area of the said Lands described in column 1 of Item 3 of Form C to which this Terms of Instrument is attached (the "Restricted Area").

~~AND WHEREAS as a condition of the said approval the Covenantee requires the Mortgagee (as set out in Item 5 of General Instrument - Part 1) to consent and give priority to the said covenant over its Mortgage registered under Number EF145851.~~

NOW THEREFORE IN CONSIDERATION OF THE PREMISES AND COVENANTS hereinafter contained and the payment by the Covenantee of ONE DOLLAR (\$1.00) to the Covenantors, the receipt of which is acknowledged, the Covenantor covenants and agrees to a Covenant on the following terms:

1. Hereafter, no disturbance to natural site vegetation within the Restricted Area on slopes in excess of 20% (except that tilted trees may be felled, and overhanging branches on trees that may provide a danger to houses may be removed from steeper slopes, but such removal should be limited and carefully controlled, with stumps left intact on the slopes; and no freshly graded or bare slopes are to be left in that state but are to be seeded or planted without prior consent in writing of the Covenantee.

2. Hereafter, no building shall be constructed, nor mobile home located within the said Restricted Area nor any significant filling or excavation to be carried out in the Restricted Area without prior consent in writing of the Covenantee.

~~3. The Mortgagee hereby approves of, joins in and consents to the foregoing grant of Covenant and to its registration in the Victoria Land Titles office aforesaid with priority over the registration of said Mortgage Number EF145851.~~

4. The Covenantors will indemnify and save harmless the Covenantee and its servants and agents against all losses, damages, costs and expenses, including fees of solicitors and other professional advisors, arising out of any breach, violation or non-performance of any term, condition, covenant, or other provision of this Agreement.

5. (a) No term, condition, covenant or other provision of the Agreement will be considered to have been waived by the Covenantee unless the waiver is expressed in writing by the Covenantee.

(b) Any waiver by the Covenantee of any term, condition, covenant, or other provision of this Agreement or any waiver by the Covenantee of any breach, violation or non-performance of any term, condition, covenant or other provision of this Agreement does not constitute and will not be construed as a waiver of any further or other term, condition, covenant or other provision of the Agreement or any further or other breach, violation or non-performance of any term, condition, covenant or other provision of this Agreement.

6. The terms, conditions, covenants and other provisions of this Agreement will extend to, be binding upon and enure to the benefit of the parties to this Agreement and their respective successors and assigns.

7. In this Agreement unless the context otherwise requires, the singular includes the plural and vice versa.

8. This Agreement will be interpreted according to the laws of the Province of British Columbia.

9. Where there is a reference to an enactment in this Agreement, the reference will include any subsequent enactment of the Province of British Columbia of the effect and all enactments referred to are enactments of the Province of British Columbia.

10. If any part of this Agreement is found to be illegal or unenforceable, that part will be considered separate and severable and the remaining parts will not be affected thereby and will be enforceable to the fullest extent permitted by law.

11. Nothing contained or implied in this Agreement will prejudice or affect the rights, powers and remedies of the Covenantee in the exercise of the Covenantee's functions under any public or private statutes, regulations, bylaws or orders or in equity, all of which may be fully and effectively exercised by the Covenantee in relation to the Covenantors or the lands as if this Agreement had not been made.

12. The Covenantors will do or cause to be done all things and execute or cause to be executed all documents and give such further and other assurances which may be reasonably necessary to give proper effect to the intent of this Agreement.

13. This Agreement will not be modified or discharged except in accordance with the provisions of Section 219 of the Land Title Act.

"This is the instrument creating the condition of covenant entered into under Section 219, of the Land Title Act by the registered owner referred to herein and shown on the print of the place annexed hereto and initialled by me."

Approving Officer

END OF DOCUMENT