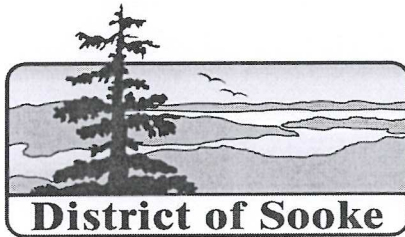


File No. 0540-20

Board of Variance
Wednesday, May 7, 2014 at 6:30 p.m.
District of Sooke Council Chambers
2225 Otter Point Road, Sooke, B.C

AGENDA

1. **Call to Order**
2. **Applications:**
 - PLN01095
2064 Gladys Place
3. **Approval of Minutes: July 20, 2013**
4. **Adjournment**



STAFF REPORT – BOARD OF VARIANCE APPLICATION

MEETING

DATE: May 7, 2014

FILE NO: PLN01095

TO: Chair and Members
Board of Variance

FROM: Tara Johnson
Planner II

RE: Board of Variance Application for 2064 Gladys Place

LEGAL DESCRIPTION: Strata Lot 2, Sooke District, Plan VIS2540
PID 018-012-485

APPLICANT: Kim Constable

CIVIC ADDRESS: 2064 Gladys Place

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

OCP DESIGNATION: Gateway Residential (GR)

ZONING BYLAW: Bylaw No. 600, *Sooke Zoning Bylaw, 2013*

ZONE: Rural Residential (RU4)

PURPOSE

To consider a Board of Variance (BoV) application to vary Section 3.31 (b) of Bylaw No. 600, *Sooke Zoning Bylaw, 2013* (Zoning Bylaw) to permit the siting of an above ground swimming pool in a front yard and to relax Section 3.31 (a) of the Zoning Bylaw to dismiss the need for non-climbable fencing or equivalent barrier of not less than 1.5 m in height around the east and south sides on the pool.

Section 3.31(a) in the Zoning Bylaw states that *swimming pools must be provided with non-climbable fencing or equivalent barrier of not less than 1.5 metres in height, and a gate closure and latch shall be provided at the highest practical point. The gate must be self-closing and self-latching.*

Section 3.31(b) of the Zoning Bylaw states that *swimming pools shall be located a minimum of 3 metres from any side or rear lot line and are prohibited in a front or flanking yard. This regulation shall not apply to ornamental ponds, water fountains or other decorative water features having a water depth of less than 0.6 metres.*

As a result of the topography, the location of the driveway and buildings on the property, the applicant has stated that a swimming pool cannot be located in the side or rear yard. The applicant has not provided a non-climbable fence around the east and south sides of the pool at this time because the pool is above ground and would be as high as the 1.5 m barrier. In addition, the applicant regards the hill as an equivalent barrier. The access to the yard where the pool is located has been fenced and gated by the applicant.

The pool is located within strata common property shared by a duplex. All strata owners have given permission for the Board of Variance application to proceed.

The applicant has stated that the pool has been in this location for 13 years and the Applicant is in the process of replacing the entire pool which is why the site pictures show a pool pad and no pool.

For these reasons, the applicant is stating that they cannot comply with section 3.31(a) and (b) and is posing hardship to the Board of Variance.

POLICY ANALYSIS

The purpose of the Zoning Bylaw regulation to not allow swimming pools in a front yard and for the pool to have barrier is generally for reasons of safety by reducing opportunities for access and mischief from the public. Pools can also be an eyesore in a front yard.

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

Section 901(2) of the *Local Government Act* (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 property is zoned Rural Residential (RU4). The applicant/owner is requesting a variance from Section 3.31(a) and (b) of Bylaw No. 600, *Sooke Zoning Bylaw, 2013* (Zoning Bylaw) to permit an above ground swimming pool in a front yard without fencing the east and south facing sides of the pool.

Adjacent Land Uses	North: Residential South: Gladys Place East: Residential West: Residential
---------------------------	---

The applicant has stated that the backyard is limited due to the presence of a steep driveway and a parking lot.

INTERGOVERNMENTAL/REGIONAL IMPLICATIONS

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

CITIZEN/PUBLIC RELATION IMPLICATIONS

Adjacent property owners were sent a letter of notification on April 25, 2014 regarding this variance request. The neighbours have been invited to attend the Board of Variance meeting to express any objections they may have to this variance request or to give support to the application. The neighbours have also been invited to submit a written submission provided it is received prior to the meeting.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

No concerns from the Engineering, Fire or Building Departments.

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 3.31(a) and (b) of Bylaw No. 600, *Sooke Zoning Bylaw, 2013* is complied with, **the Board of Variance recommends approval to permit the siting of an above ground swimming pool in the front yard of Plan VIS2540 and to relax Section 3.31 (a) of the Zoning Bylaw to dismiss the need for non-climbable fencing or equivalent barrier of not less than 1.5 m in height around the east and south sides on the pool.**

OPTION 2.

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

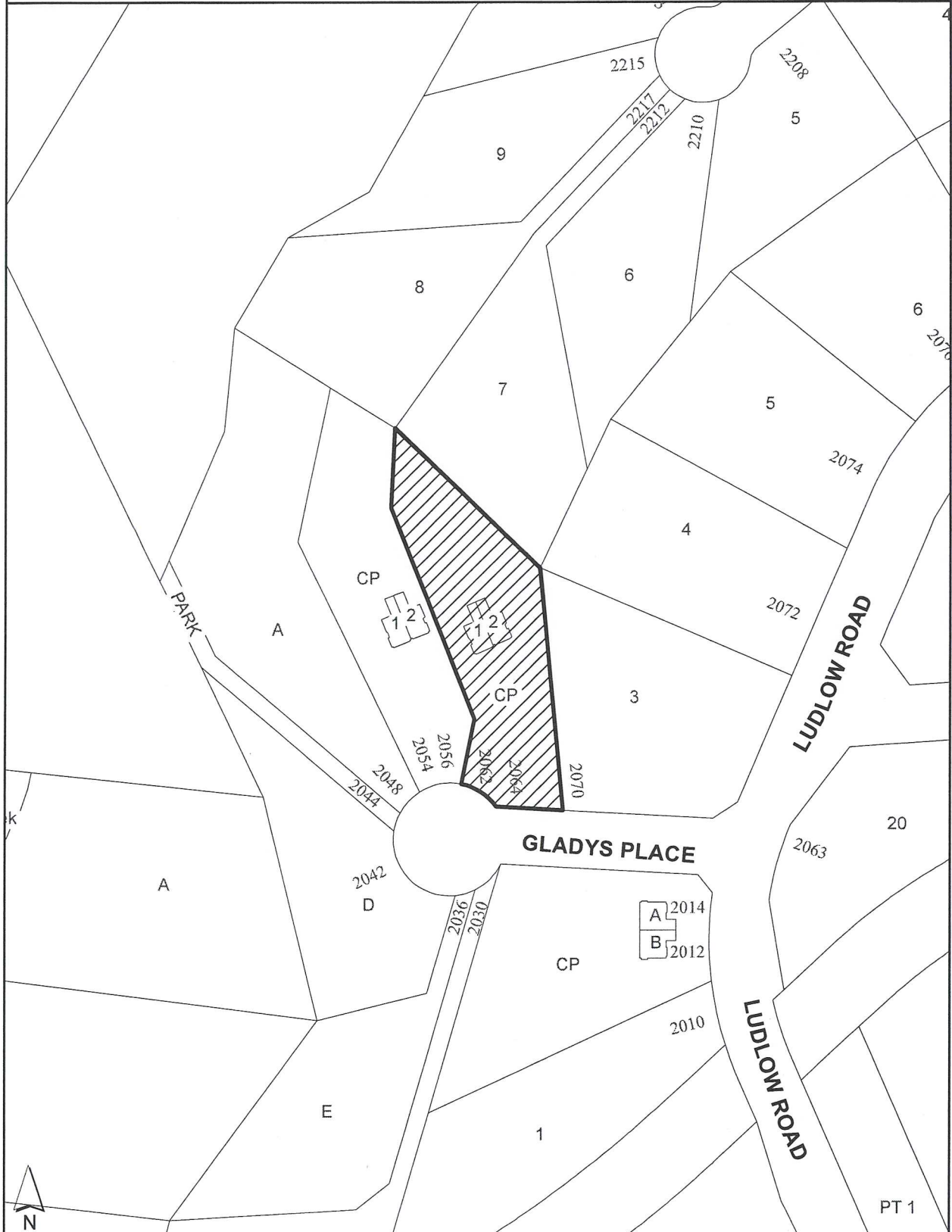
Attached Documents:

1. Subject Property Map
2. Ortho Photo and Site Photo's
3. Strata Plan VIS2540
4. Section 3.31 of Zoning Bylaw
5. Board of Variance Application



SUBJECT PROPERTY MAP

File: PLN01095

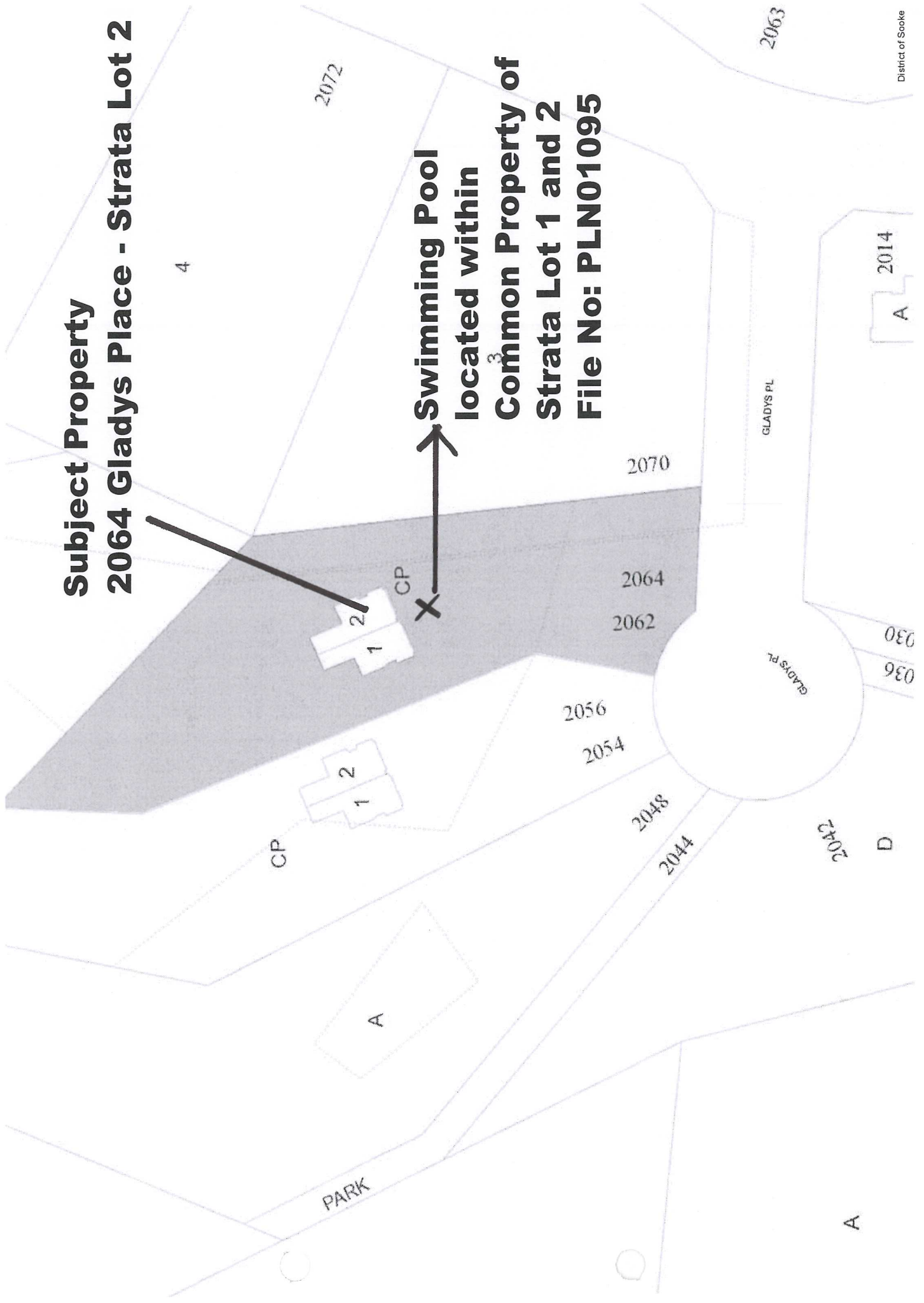


 Subject Property

0 20 40 60 Metres

**Subject Property
2064 Gladys Place - Strata Lot 2**

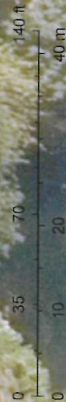
**Swimming Pool
located within
Common Property of
Strata Lot 1 and 2
File No: PLN01095**





District of Sooke

April 25, 2014
9:48:09 AM



Disclaimer: This map is an unofficial document of the District of Sooke and 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. The District of Sooke reserves the right to alter or update this information without notice. This map is not intended for navigational purposes.



pool location



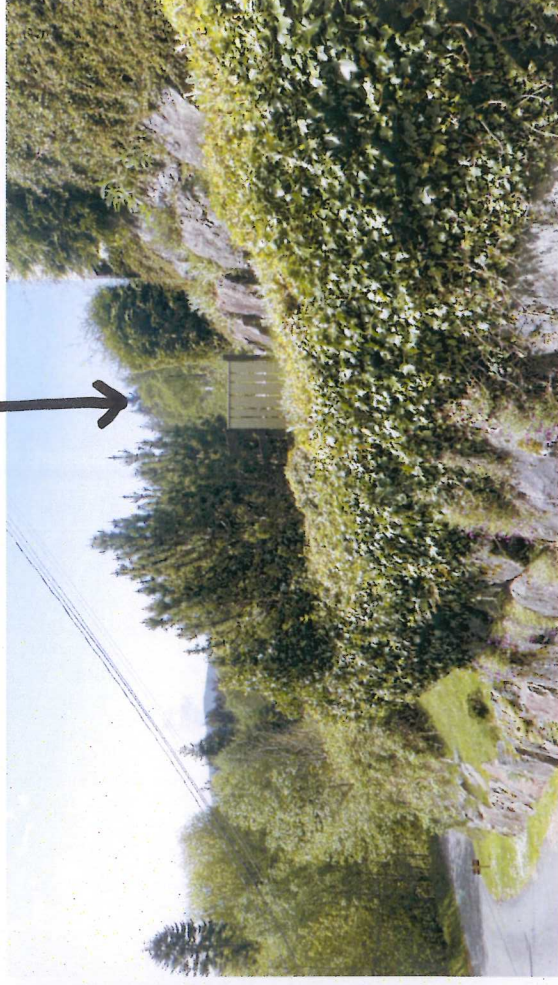
Looking Northwest from driveway at Front yard

pool



Looking west from driveway at Front yard

Locked Gate

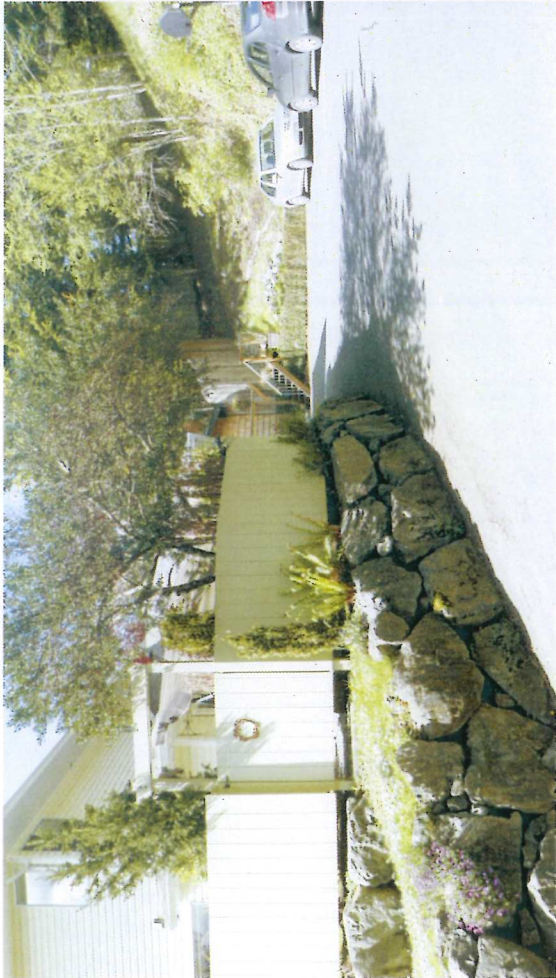


Looking South at locked gate which is access into front yard



Looking north From driveway towards back yard

Pool location



Backyard

Duplex



01

STRATA PLAN OF LOT C, PLAN VIP53261, SECTION 64,
SOOKE DISTRICT

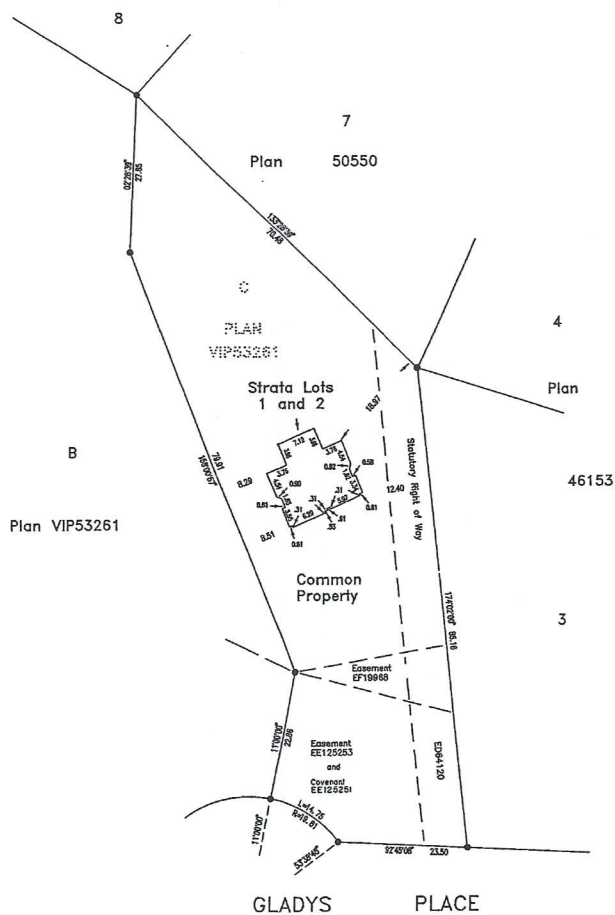
B.C.G.S. 928.032



Civic Address : Strata Lots 1 and 2 are Units 1 and 2,
4008 Gladys Place, Sooke, B.C., V0S 1N0

The address for the service of
documents on the Strata Corporation is :
Unit 1, 4006 Gladys Place, Sooke, B.C., V0S 1N0

This plan lies within the Soanich/Capital Assessment Area.



FIRST SHEET
Sheet 1 of 6 Sheets

STRATA PLAN **V152540**

Deposited and registered in the Victoria Land Title Office, this
16th day of October, 1992.

Registrar
EF151323 B

- Legend
- Standard Iron Post found
 - R denotes radius
 - L denotes arc length
 - Sq. M. denotes square metres
 - All distances shown are in metres

Bearings are astronomic and derived
from Plan VP53261

Offsets shown are to the concrete foundation.

I, Michael S. Manson, of the City of Victoria,
British Columbia Land Surveyor, hereby certify that
the building erected on the parcel described above is
wholly within the external boundaries of the parcel.

Michael S. Manson
B.C.L.S.

Dated at Victoria, B.C., this
29th day of October, 1992.

3.28 Suites - General

- a) Only one secondary suite or small suite shall be permitted on a lot with a single family dwelling.
- b) An owner of the lot must occupy either the secondary or small suite or the single family dwelling.
- c) A bed and breakfast use shall not be permitted within a single family dwelling with a secondary suite or in a small suite.
- d) The suite shall not significantly change the external residential appearance and primary character of the single-family dwelling or lot.
- e) See sections 3.29 and 3.30 for further information on each type of suite.

3.29 Suites - Secondary Suites

- a) A secondary suite shall not occupy more than 40% of the habitable floor area of the single family dwelling unit.
- b) The floor area of a secondary suite shall not exceed 90 m² or be less than 40 m².

3.30 Suites - Small Suites

- a) The floor area of a small suite shall not exceed 90 m².
- b) A small suite shall be freestanding or combined with an accessory building.
- c) A small suite may be in the form of manufactured or modular home but shall not exceed a length of 13 m.
- d) A small suite may be used as a vacation accommodation unit.

3.31 Swimming Pools

- a) Swimming pools must be provided with non-climbable fencing or equivalent barrier of not less than 1.5 m in height, and a gate closure and latch shall be provided at the highest practical point. The gate must be self-closing and self-latching.
- b) Swimming pools shall be located a minimum of 3 m from any side or rear lot line and are prohibited in a front or flanking yard. This regulation shall not apply to ornamental ponds, water fountains or other decorative water features having a water depth of less than 0.6 m.

3.32 Temporary Buildings

A temporary building or structure may be placed for construction or marketing or office purposes on a lot being developed, for a period not to exceed the duration of such construction or one year.

3.33 Temporary Use Permits

All Commercial and Industrial Zones, Area D of Sun River Estates CD Zone, Area A of Tomlinny Road Mixed Use CD Zone, Areas 1 and 3 of Mariner's Village CD Zone, Prestige Hotel and Resort CD Zone, Area D: Neighbourhood Commercial of Spiritwood Estates CD Zone and Knox Centre CD Zone established by this bylaw are designated under s. 920.2 of the *Local Government Act* as areas where temporary commercial use or industrial use permits may be issued to authorize commercial or industrial uses, subject to the general conditions set out in the zone.



SCANNED

Planning Department
2205 Otter Point Rd., Sooke B.C., V9Z 1J2
Tel: 250.642-1634 Fax: 250.642-0541
www.sooke.ca

BOARD OF VARIANCE PERMIT APPLICATION FORM

**** Applicants are advised to consult with Planning Staff before submitting an application.**
This application is submitted for the following:

Board of Variance

DESCRIPTION OF PROPERTY

Street Address:	<u>2064 Blodys Pl</u>
Legal Description: Lot <u>2</u> Block <u> </u> Section <u>64</u> Plan <u>V152540</u> Except <u> </u>	
Property Size:	<u>width 100 ft 21,780 width across 0.50</u>

APPLICANT'S CONTACT INFORMATION - Please print clearly

<input type="checkbox"/> Check if APPLICANT is the sole OWNER, if not complete <i>Owner's Authorization Form</i> - attached
Name <u>Kum Conatable</u>
Address <u>2064 Blodys Pl</u> City <u>Sooke</u> Province <u>BC</u> Postal Code <u>V9Z0E6</u>
Email <u> </u>

DE: as the current bylaw requirements are presenting
harusnip: (Attach a separate page if necessary)

variance to allow pool in front yard

PROPERTY DETAILS

Current Zoning: <u>RU4</u>	Current OCP Designation: <u>Gateway Residential</u>
Adjacent Land Uses: N <u>Res</u> S <u>Res</u> E <u>Res</u> W <u>Res</u>	
Within 30m of watercourse (stream, lake, wetland, etc?) or top of ravine bank? <u> </u>	
Within 15m of the high water mark of Sooke Harbour or Basin? <u> </u>	
1 st Proposed Variance: <u> </u>	
2 nd Proposed Variance: <u> </u>	
3 rd Proposed Variance: <u> </u>	
4 th Proposed Variance: <u> </u>	

Other enactments of the District of Sooke, the Province of British Columbia and the Government of Canada may apply to development affected by this bylaw. Applicants should satisfy themselves that all regulatory requirements affecting their proposal are met.

FREEDOM OF INFORMATION NOTICE: Personal information contained on this form is collected under the *Freedom of Information and Protection of Privacy Act* and will be used for the purpose of processing this application and for municipal statistics. Enquiries about the collection or use of information on this form may be directed to the Deputy Clerk.

①

The front of
the house is
the only flat
level ground
with access from
the deck, so
is good.

②

The back yard
is my driveway.
I have had the
pool for 13 years
so my four
children & I to
enjoy.

③

While replacing
the liner in the
pool, discovered
the walls were
rusting and need
to replace entire
pool.

④

Unable to afford
family holiday.

My four children

I made one

summer vacation

the swimming pool

I still do.

⑤

I have dipped
into my property

to save money + I

am willing to

work some extra

days to continue

enjoy the pool with

⑥

children + family.



2062

2064

DECK

DECK

POOL

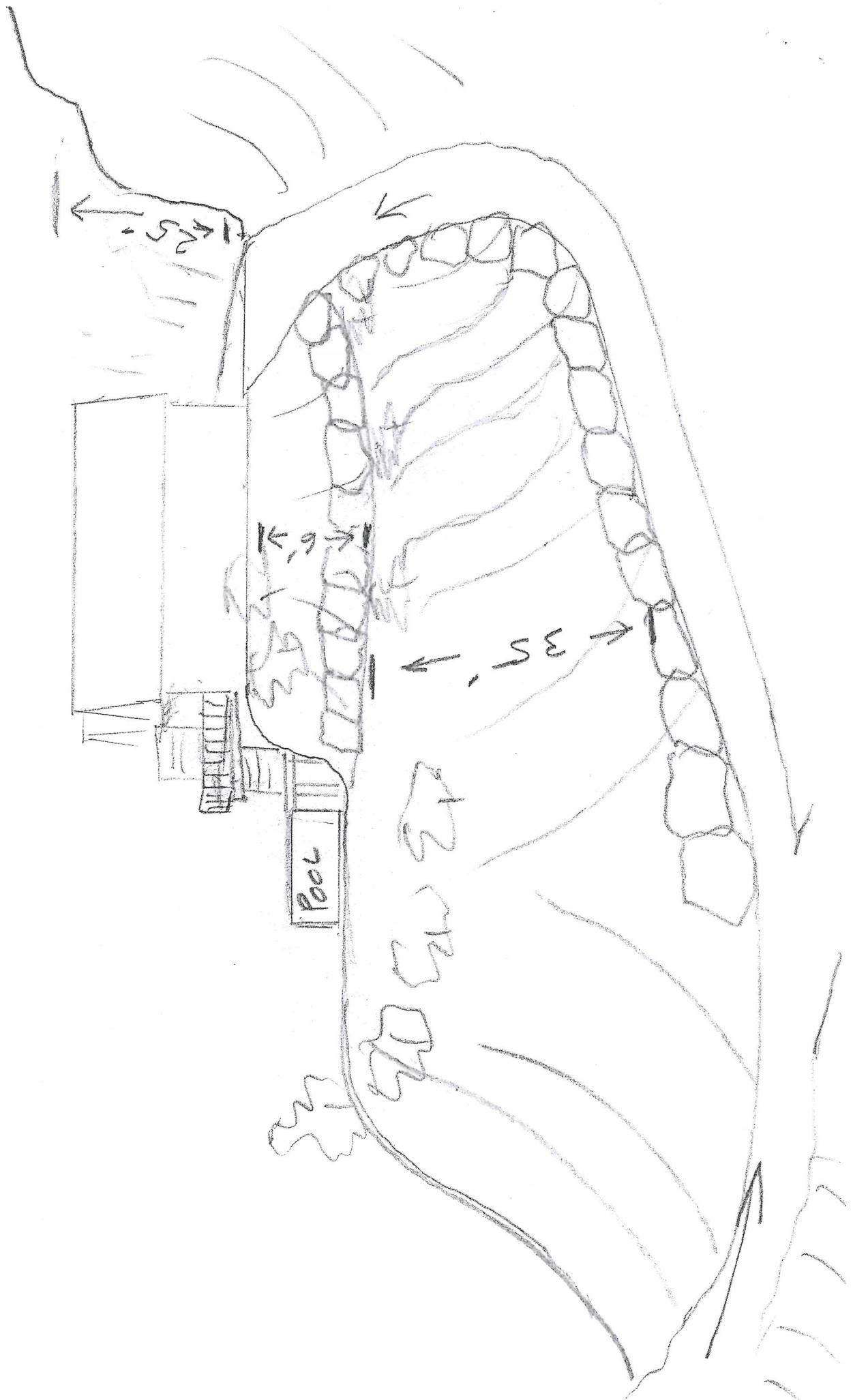
DRIVE

WAY

PROPERTY LINE

PROPERTY

GLADYS PLACE



DISTRICT OF SOOKE
BOARD OF VARIANCE
Meeting held July 10, 2013 at 7:00 pm
2225 Otter Point Road

BOARD MEMBERS PRESENT:

Ellen Lewers, Chair
Brenda Hays
Travis Butler

PUBLIC IN ATTENDANCE:

Michelle Grenier (Applicant)

Staff Present: Tara Johnson, Planner II

1. The meeting began at 7:05 pm.
2. Application:

Tara Johnson added a late item to the agenda. Minutes from March 22, 2012 need to be considered for approval by the Board of Variance.

Ellen Lewers, Chair added a late item to the agenda to consider nomination of a new chair for the Board of Variance.

PLN01040 – 2363 Phillips Road

Tara Johnson provided an introduction of the application, explaining that a variance is required to allow a proposed 6 x 10 foot shed to be located 1.5 feet from the side property line and further noted that the applicant was in attendance.

The applicant made a presentation to the Board, explaining through the use of site photos, the situation of their rear yard due to steep slopes which greatly limits buildable sites on their property. The Applicant explained that there is really no other place to build a shed.

The applicant was asked by the Board the height of the rear fence is and the Applicant confirmed that it was 5 feet. The Applicant clarifies that the roof of the proposed shed will slope towards the river and it will not hang over the fence. There will be clearance between the shed's eave and the rear and side yard fence.

The Board asked if the shed could be constructed on the opposite side of the house in the rear yard and the Applicant explained that the area would be too narrow to accommodate the small shed.

The Applicant clarified the location of the rear yard fence in relation to the covenant area and it was confirmed that the fence is not in the covenant area. Tara Johnson noted that the covenant area is for purposes of SPEA protection and slope hazard.

The Board asked the Applicant if they would object to their future neighbour (lot is currently vacant) applying for a variance to place a shed closer to their side lot line and the Applicant stated that they would not be concerned.

The Board informed the Applicant that the purpose of setbacks is to protect structures from fire so by reducing the setback; the buffer for fire is also reduced. The Applicant confirmed that they are aware of this and are not concerned.

The Board asked if the exterior of the shed will be finished and the Applicant confirmed that yes, the shed will match the house and will not be unsightly.

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 802.8 of Bylaw No. 600, *Sooke Zoning Bylaw, 2013* is complied with it is **MOVED** and seconded that the Board of Variance application (PLN01040 be approved to relax the side lot line setback from 1.5 meters to 0.45 meters for an accessory building (storage shed) at 2363 Phillips Road.

CARRIED

3. Minutes – March 22, 2012 and September 20, 2012

MOVED and seconded that the minutes of March 22, 2012 and September 20, 2012 be approved.

CARRIED

4. Nomination of a new Chair for the Board of Variance

MOVED and seconded that Travis Butler be the Chair for the Board of Variance for one year.

CARRIED

4. The meeting adjourned at 7:35 pm.

Certified Correct:

Ellen Lewers, Chair

Bonnie Sprinkling, Corporate Officer



File No. 0540-20

Board of Variance

Wednesday, November 5, 2014 at 5:00 p.m.
District of Soke Council Chambers
2225 Otter Point Road, Sooke, B.C

AGENDA

1. **Call to Order**
2. **Applications:**
 - PLN01114
2287 Phillips Road
3. **Approval of Minutes: May 7, 2014**
4. **Adjournment**



STAFF REPORT – BOARD OF VARIANCE APPLICATION

MEETING

DATE: November 5, 2014

FILE NO: PLN01114

TO: Chair and Members
Board of Variance

FROM: Planning

RE: **Board of Variance Application for 2287 Phillips Road**

LEGAL DESCRIPTION: Lot A, Section 27, Sooke District, Plan VIP76927
PID 025-929-950

APPLICANT: Rasmus and Joy Rabien
CIVIC ADDRESS: 2287 Phillips Road

OCP BYLAW: Bylaw No. 400, *Official Community Plan, 2010*
OCP DESIGNATION: Community Residential (CR)

ZONING BYLAW: Bylaw No. 600, *Sooke Zoning Bylaw, 2013*
ZONE: Rural (RU2)

PURPOSE

The applicant has applied to the Board of Variance to vary Section 102.8 of Bylaw No. 600, *Sooke Zoning Bylaw, 2013* (Zoning Bylaw) to allow a replacement and enlargement of an existing old barn (farm building) to be located 1.6 meters from the front lot line. Section 102.8 requires a minimum setback of 10 meters from the front lot line for a farm building. The applicant needs the barn to store hay and to house sheep at night.

Since the location of the farm building is within the 30 m floodplain setback from Demamiel Creek and is not exempt from floodplain setbacks in Sooke's Flood Regulation Bylaw, the owner asked Council on October 27, 2014 to consider a site specific floodplain exemption to 15 meters. Council approved the site specific floodplain exemption based on the recommendation by the applicants Geotechnical Engineer that the barn site will be elevated well above the floodplain and is safe for the intended use with respect to potential geotechnical hazards.

Due to the location of the existing building, the applicant cannot comply with Section 102.8 and is posing hardship to the Board of Variance.

POLICY ANALYSIS

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

Section 901(2) of the *Local Government Act* (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.

Adjacent Land Uses	North: Rural South: Demamiel Creek East: Sooke River West: Phillips Road
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INTERGOVERNMENTAL/REGIONAL IMPLICATIONS

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

CITIZEN/PUBLIC RELATION IMPLICATIONS

Adjacent property owners were sent a letter of notification on October 27, 2014 regarding this variance request. The neighbours have been invited to attend the Board of Variance meeting to express any objections they may have to this variance request or to give support to the application. The neighbours have also been invited to submit a written submission provided it is received prior to the meeting.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

No concerns from the Engineering, Fire or Building Departments.

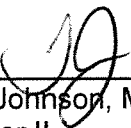
OPTIONS FOR BOARD OF VARIANCE'S CONSIDERATION

- 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, the Board of Variance recommends approval to relax Section 102.8 of the Zoning Bylaw to allow the farm building to be located 1.6m from the front property line.
- OPTION 2.** That the Board of Variance not recommend approval of the variance.

Attached Documents:

5. Board of Variance Application
6. Subject Property Map
7. Report to Council Oct 27 2014
8. RU2 zone

Respectfully,



Tara Johnson, MCIP, RPP
Planner II



BOARD OF VARIANCE PERMIT APPLICATION FORM

**** Applicants are advised to consult with Planning Staff before submitting an application.**

This application is submitted for the following:

Board of Variance



DESCRIPTION OF PROPERTY

Street Address: <u>2287 PHILLIPS ROAD</u>
Legal Description: Lot <u>A</u> Block <u> </u> Section <u>27</u> Plan <u>VIP76927</u> Except <u> </u>
Property Size: <u>12,411.79M²</u>

APPLICANT'S CONTACT INFORMATION - Please print clearly

<input type="checkbox"/> Check if APPLICANT is the sole OWNER, if not complete <i>Owner's Authorization Form</i> - attached			
Name <u>RASMUS AND JOY RABIEN</u>			
Address <u>2287 PHILLIPS ROAD</u>	City <u>SOOKE</u>	Province <u>BC</u>	Postal Code <u>V9Z0Y3</u>
Email <u> </u>	Fax <u> </u>		

DESCRIPTION of the proposed variance and why the current bylaw requirements are presenting hardship: (Attach a separate page if necessary)
 AS MOST OF THE PROPERTY IS SITUATED IN THE FLOOD PLAIN THE EXISTING BUILDING AREA IS AT HIGH GROUND AND THE ONLY BUILDING SITE AVAILABLE. THE DISTRICT OF SOOKE UNDER THE PART 4 HIGHWAYS ACT REMOVED A PORTION OF THE PROPERTY FOR ROAD DEDICATION AT THE TIME OF THE BRIDGE REPLACEMENT ON PHILLIPS ROAD. THE VARIANCE REQUEST IS FOR THE FRONT SETBACK FROM 7.5M TO 1.6 M FOR THE REPLACEMENT/ ADDITION TO AN EXISTING FARM BUILDING THAT WILL HOUSE SHEEP AND HAY.

PROPERTY DETAILS

Current Zoning: <u>RU2</u>	Current OCP Designation: <u> </u>
Adjacent Land Uses: N <u>CD2</u> S <u>P1</u> E <u>SOOKE RIVER</u> W <u>RU2</u>	
Within 30m of watercourse (stream, lake, wetland, etc?) or top of ravine bank? <u>YES SEE</u>	
Within 15m of the high water mark of Sooke Harbour or Basin? <u> </u>	
1 st Proposed Variance: <u>FROM 7.5M TO 1.6M</u>	
2 nd Proposed Variance: <u> </u>	
3 rd Proposed Variance: <u> </u>	
4 th Proposed Variance: <u> </u>	

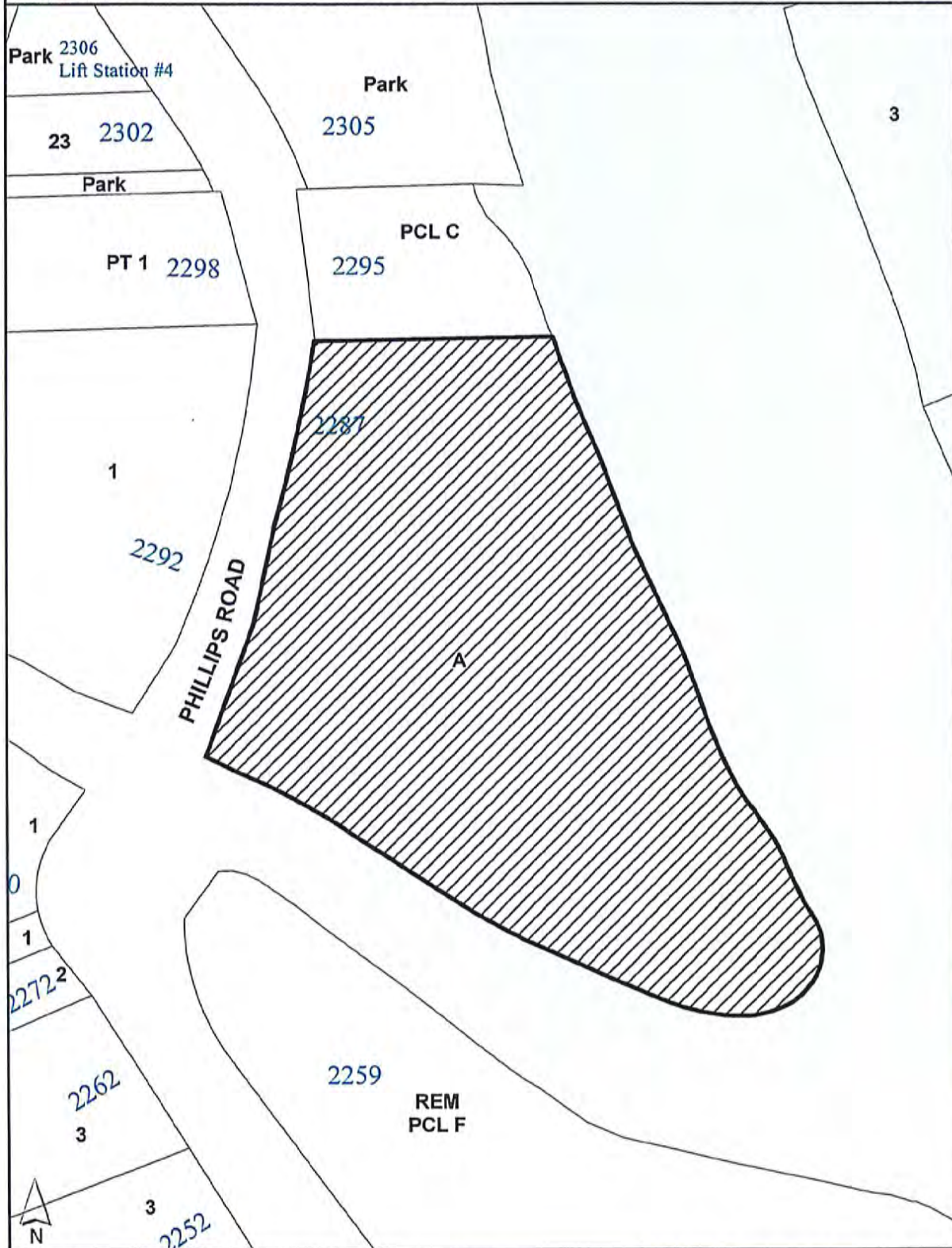
Other enactments of the District of Sooke, the Province of British Columbia and the Government of Canada may apply to development affected by this bylaw. Applicants should satisfy themselves that all regulatory requirements affecting their proposal are met.


FREEDOM OF INFORMATION NOTICE: Personal information contained on this form is collected under the *Freedom of Information and Protection of Privacy Act* and will be used for the purpose of processing this application and for municipal statistics. Enquiries about the collection or use of information on this form may be directed to the Deputy Clerk.

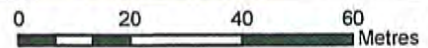


SUBJECT PROPERTY MAP

File: PLN01114



 Subject Property





File No. PLN01114

REQUEST FOR DECISION
Regular Council Meeting
Meeting Date: October 27, 2014

To: Gord Howie, Chief Administrative Officer
From: Planning
Re: **Site Specific Floodplain Exemption – 2287 Phillips Road**

THAT COUNCIL accept the report submitted by Brimmell Engineering Ltd and consider a Site Specific Floodplain Exemption from Bylaw No. 561, *Flood Regulation Bylaw, 2013* to reduce the floodplain setback from 30 meters from the natural boundary of Demamiel Creek for a farm building at 2287 Phillips Road to 15 meters with the condition that a Section 219 Covenant is registered on the property title as per Bylaw No. 561.

1. Executive Summary:

Based on the recommendations from the Field Review Report submitted by Brimmell Engineering Ltd on October 9, 2014, the owner of 2287 Phillips Road is requesting a site specific floodplain exemption to allow for the replacement/addition of a farm building that is located 15 meters from the natural boundary of the Demamiel Creek.

The owner has had a Registered Professional Biologist (R.P. Bio) on-site to review the Riparian Areas Regulations (RAR). The R.P. Bio submitted a letter on October 7, 2014 concluding that the RAR does not apply because the building is for a farming activity and further, the building will not encroach any closer to the creek than the original building footprint.

2. Background:

The property is zoned Rural (RU2). The subject property is 1.2 hectares (3.0 acres) and is designated *Community Residential* under Bylaw No. 400, *Sooke Official Community Plan 2010 (OCP)*.

The owner needs to replace and expand the existing farm building on the property in order to store hay for his livestock and to house the sheep in an enclosed area at night.

Since the location of the farm building is within the 30 m floodplain setback from Demamiel Creek and is not exempt from floodplain setbacks in Sooke's Flood Regulation Bylaw, a professional engineers report was required to determine if the site is safe for the intended use with respect to potential geotechnical hazards. The professional engineer's report concludes that the barn will be elevated well above the floodplain and the structure is not at risk of damage from flooding, landslides, rock fall or other geotechnical hazards.

If Council considers granting the site specific floodplain exemption, the owner is required to register on the property title a section 219 covenant with the report from Brimmell Engineering Ltd attached as a schedule prior to building permit. The covenant will acknowledge that no Disaster Financial Assistance Funding is available for buildings or their contents; and, will

release and indemnify the District from liability in the event of any damage caused by flooding or erosion.

Attached Documents:

1. Subject Property map
2. Ortho photo
3. Site plan showing farm building
4. Field Review Report from Brimmell Engineering Ltd dated Oct 9, 2014
4. Letter from Brian Wilkes, R.P. Bio regarding RAR

Respectfully,

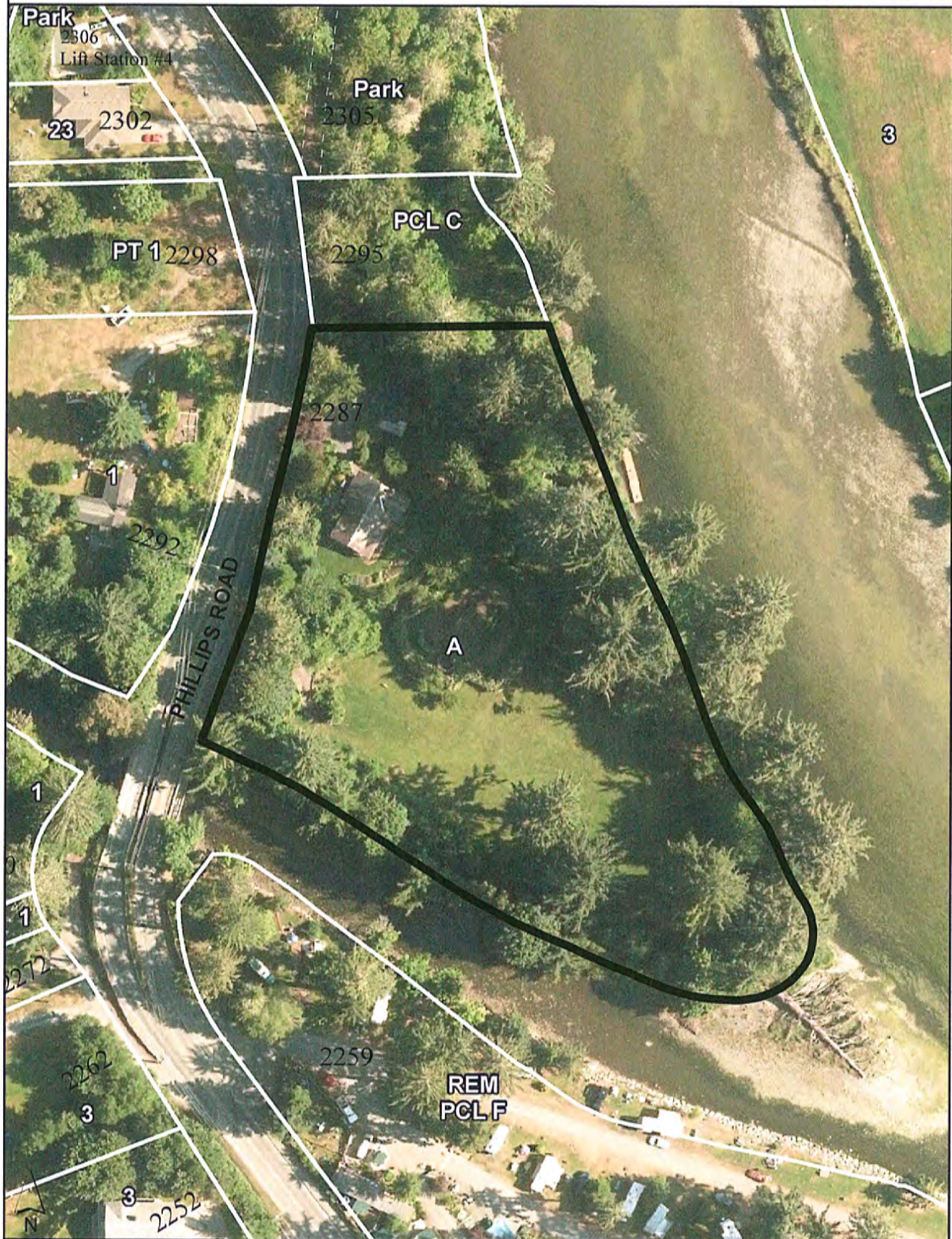
Tara Johnson, MCIP, RPP
Planner II


Approved for Council Agenda	
_____ Engineering	_____ Corp. Services
_____ Finance	_____ CAO

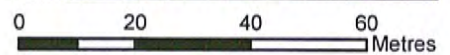


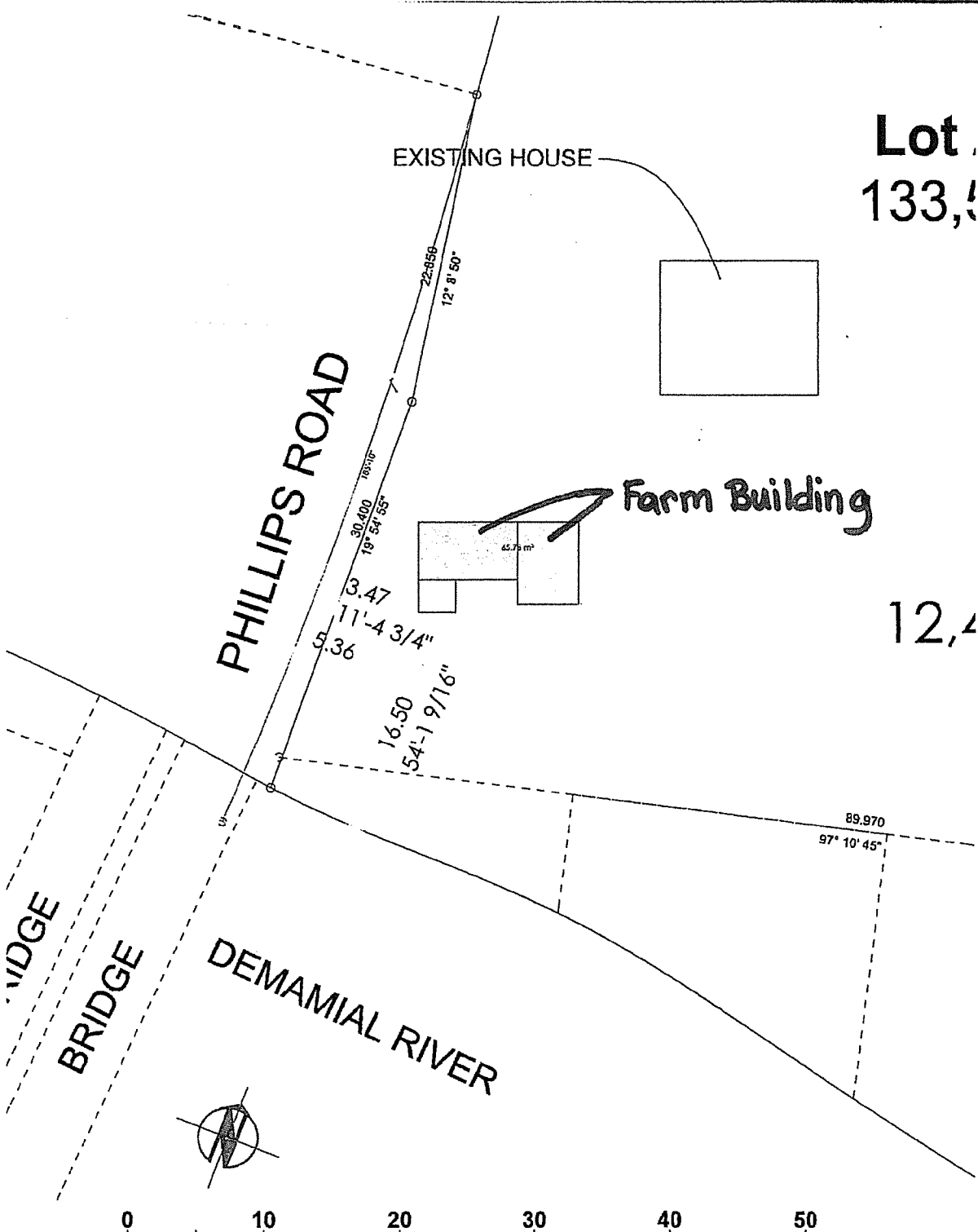
SUBJECT PROPERTY MAP

File: PLN01114



 Subject Property





Randy Clouston
Laura Wallace
Sooke, B.C.
250-642-8803

WEST COAST DESIGN &
DEVELOPMENT
SERVICES

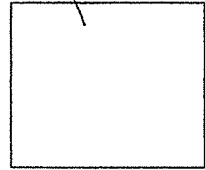


CALCULATED VALUES		
Item	Unit	Value
Area	m ²	12,400
Perimeter	m	1,230
Volume	m ³	120,000
Weight	kg	1,200,000
Mass	kg	1,200,000
Force	N	11,760,000
Pressure	Pa	1,000,000
Energy	J	1,176,000,000
Power	W	1,176,000,000
Flow	m ³ /s	1,200
Velocity	m/s	1.2
Acceleration	m/s ²	1.2
Frequency	Hz	1.2
Wavelength	m	0.83
Temperature	K	273.15
Time	s	1.2
Distance	m	1.2
Angle	rad	1.2

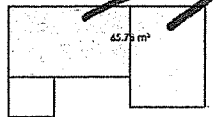
Lot 133,4

12,4

EXISTING HOUSE



Farm Building

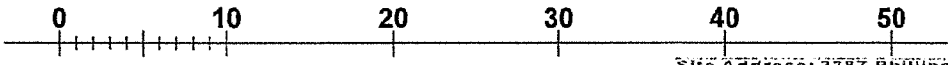
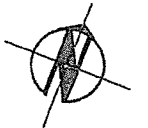


65.75 m²

PHILLIPS ROAD
BRIDGE
BRIDGE
DEMAMIAL RIVER

30,400 105°10'
19° 54' 55"
3.47
11'-4 3/4"
5.36
16.50
54'-1 9/16"

89.970
97° 10' 45"



- Area of sheep shelter - old pilings have been covered with newer retaining wall
- Area of "removed" lean to slab still existing
- Area of yet to be demolished building

Site Address: 2287 Phillips Road
Zoning : SOOKE RU-2
Lot: Parcel E
Plan: DD 38733-1
Section: 27
District: SOOKE
Building Height
-- Front ----- 3.75 m.
-- Rear -----
-- Side ----- 8/52 m.
-- Flanking - N/A

SITE DATA	
235.52	Lot Area sq.M.
20	Lot Coverage Allowed
17,7676	Area of Footprint
7.85246	% Lot coverage

Cred care and effort have been taken to ensure that all data is accurate. It is the client's responsibility to verify all data with the authorities. Local building codes, zoning regulations, and other conditions may apply. West Coast Design & Development Services cannot assume any responsibility for damage to a property or person caused by the use of the information provided. It is recommended that the owner and/or builder consult a local engineer, and obtain all necessary permits and approvals prior to start of construction.

KEY PLAN, Plot Plan, Area Calculations WCD

REPLACE EXISTING SHED
Client:
Site Address: 2287 Phillips Road
City: SOOKE
Plot: Parcel E
District: SOOKE
Plan: DD 38733-1

BY	REVISIONS	DATE

Date: 25/09/2014
Scale: AS NOTED
Drawn: RC
File name: 25021010.dwg
Last Save: VYC/Raney

A.01

LOT PLAN , FOUNDATION

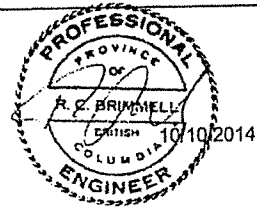
FIELD REVIEW REPORT

Brimmell Engineering Ltd.

971 Bank St., Victoria B.C. V8S 4B1

250-889-3080 rbrimmell@shaw.ca

PROJECT: Small Barn LOCATION: 2287 Phillips Road, Sooke CONTRACTOR: Owner OWNER: CONTRACT REF:	No. 1 Date: Oct 9/14 Project No: 14-107 Time: pm	In Attendance: Richard Brimmell Rasmus Rabien
ASPECT OF PROJECT REVIEWED: The barn site, south of the house, to confirm that there are no geotechnical hazards. Photos are attached.		
OBSERVATIONS: The site consists of an existing, old barn which will be replaced and enlarged. The site consists of eastward sloping ground near the west (Phillips Road) side of the property. The barn site is about 15 m north of Demamiel Creek. The low, easterly side of the site is, at least in theory, within the Demamiel Creek floodplain. It is noted that Ras has not, during his long residency, seen this part of his property flood. In any case the barn will be elevated well above the floodplain.		
REMARKS/RECOMMENDATIONS: The structure is not at risk of damage from flooding, landslides, rock fall or other geotechnical hazards. If floodwater should reach the bottom of the lock blocks, it will be slow-moving and not prone to causing erosion. The selected barn site is safe for the intended usage with respect to potential geotechnical hazards.		
DISTRIBUTION:		



Rural

RU2

102.1 Purpose: This zone is intended to provide for varied rural uses on large rural tracts of land within the District of Sooke.

102.2 Permitted Uses: (may be subject to approval by the Provincial ALC)

Principal Uses:

Accessory Uses:

- | | |
|---|---|
| <ul style="list-style-type: none"> a) Agriculture b) Agriculture – intensive * c) Aquaculture d) Single family dwelling or duplex | <ul style="list-style-type: none"> e) Bed and breakfast f) Boarding and lodging g) Home-based business h) One secondary suite or one small suite per single family dwelling i) Vacation accommodation unit |
|---|---|
- *See conditions of use.

102.3 Minimum Lot Size for Subdivision Purposes: *4 ha
 * See conditions of use.

102.4 Minimum Width for Subdivision Purposes: 85 m

102.5 Maximum Permitted Density:

Lot Size	Number of dwelling units
0.4 ha or less	1 single family dwelling or one duplex
0.41 ha – 0.799 ha	2 single family dwellings or 1 duplex
0.8 ha – 3.99 ha	3 single family dwellings or 1 duplex
4 ha – 15.99 ha	4 single family dwellings or 2 duplexes
16 ha – 31.99 ha	5 single family dwellings or 2 duplexes
32 ha or greater	8 single family dwellings or 4 duplexes

Schedule 102 – Rural (RU2)

102.6 Maximum Height:

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

102.7 Maximum Lot Coverage:

- a) 35%
- b) Where Agricultural production is carried out in greenhouses, the maximum lot coverage is 75%.

102.8 Minimum Setbacks:

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line
Principal Building or Structure	7.5 m	4.5 m	3 m	4.5 m
Accessory Building or Structure	7.5	4.5 m	3 m	4.5 m
Farm Building or Structure	10 m	10 m	10 m	10 m
Aquaculture or Intensive Farm Building or Structure	30 m	30 m	30 m	30 m

102.9 Conditions of Use:

- a) Agriculture-intensive only permitted on lots 2 ha or larger.
- b) Notwithstanding the provisions of Schedule 102.3, a 1.6 hectare minimum lot size for subdivision purposes may be considered for approval for PID 018-350-445 Lot A, Section 21, Sooke District, Plan VIP57007 on its RU2 zoned property providing all the subdivision requirements within the District of Sooke Subdivision and Development Standards Bylaw No. 65, 2003 are satisfied.

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.

The Applicant asked where on the property a fence can be located. Staff explained that a fence must be 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 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, the Board

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