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**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, JULY 18, 2023**

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**SUBJECT Development Variance Permit for Lot 1, Section 98, Sooke District,  
Plan VIP23938 – 6144 East Sooke Road**

**ISSUE SUMMARY**

A request has been made for a development variance permit to reduce the requirement that ten percent of the perimeter of the lot front onto a public highway in order to authorize a four-lot subdivision.

**BACKGROUND**

The 1.78 hectare (ha) property is zoned Rural Residential 5 (RR-5) under the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, and located at 6144 East Sooke Road in East Sooke (Appendix A). The subject property is adjacent to other RR-5 zoned parcels to the east and west, East Sooke Road to the south and Sooke Basin to the north. Timberdoodle Road currently terminates at the western boundary of the lot. Portions of the proposed parcels are designated as Steep Slope and Shoreline Protection development permit areas.

The owners have submitted subdivision and development permit applications (SU000757/DP000395) to create four lots greater than 0.4 ha each. The proposed plan indicates that Timberdoodle Road will be extended and constructed to provide access to three of the proposed parcels with the remaining parcel to use the existing East Sooke Road access (Appendix B). As a result of the location of Timberdoodle Road and in order to achieve the 0.4 ha minimum lot size required in the RR-5 zone, the proposed subdivision plan configuration includes a hooked formation for Lot 2 resulting in a substantial increase of the lot perimeter of Lot 3.

Ten percent of the perimeter of proposed Lot 3 is approximately 32 m; however, given the configuration of the parcel, the frontage is only 8.6% (27.5 m). Therefore, the applicants have requested a variance to reduce the requirement specified by Part 1, Section 3.10(4)(a) of Bylaw No. 2040 that one tenth of the perimeter of the lot front a public highway.

**ALTERNATIVES**

*Alternative 1:*

The Land Use Committee recommends to the CRD Board:

That Development Variance Permit VA000159 for Lot 1, Section 98, Sooke District, Plan VIP23938 to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Schedule A, Part 1, Section 3.10(4)(a) by reducing the minimum frontage requirement for proposed Lot 3 from 10% of the lot perimeter (32 m) to 8.6% of the lot perimeter (27.5 m) for the purpose of permitting a four-lot subdivision, be approved.

*Alternative 2:*

The Land Use Committee recommends to the CRD Board:

That the development variance permit be denied and require that the subdivision comply with zoning requirements.

## **IMPLICATIONS**

### *Legislative Implications*

The Juan de Fuca Land Use Bylaw, Bylaw No. 2040, Schedule “A”, Part 1, Section 3.10(4) specifies that where a lot being created by a subdivision fronts on a highway, the minimum frontage on the highway shall be the greater of: (a) one tenth of the perimeter of the lot that fronts on the highway; or (b) the minimum frontage specified in this Bylaw for the lot. As no other frontage requirement is specified for the zone, the frontage for each proposed lot is one-tenth of the perimeter of the lot. A development variance permit is required in order to allow proposed Lot 3 to have a frontage of 27.5 m or approximately 8.6% of the lot perimeter.

### *Public Consultation Implications*

Pursuant to Section 499 of the *Local Government Act*, if a local government proposes to pass a resolution to issue a development variance permit, it must give notice to each resident/tenant within a distance specified by bylaw. Capital Regional District Bylaw No. 3885, Juan de Fuca Application Fees and Procedures Bylaw, states that the Board at any time may refer an application to an agency or organization for their comment. In addition, it states that a notice of intent must be mailed to adjacent property owners within a distance of not more than 500 m. Any responses received from the public will be presented at the July 18, 2023, Land Use Committee meeting.

### *Land Use Implications*

The parent property is designated as Settlement Area in the East Sooke Official Community Plan (OCP), Bylaw No. 4000. For the purposes of considering future amendments to the zoning bylaw, the Settlement Area designation supports an average parcel size of one hectare with a minimum parcel size of 0.4 hectares for residential development. The OCP recognizes, however, that existing zones may permit a density that exceeds the desired 1 ha average. The subject property is zoned RR-5, which permits a minimum lot size of 0.4 ha. All parcels included in the proposed plan of subdivision meet the RR-5 minimum lot size requirement.

The land that is the subject of this application is designated as Steep Slope and Shoreline Protection Development Permit Areas by the East Sooke OCP and requires a Development Permit. Application DP000395 is in-progress to authorize the 4-lot subdivision layout.

Part 1, Section 3.10(7) of Bylaw No. 2040 requires that side lot lines to be substantially at right angles or radial to street lines unless the Approving Officer is satisfied that it is impractical to comply. The angle of the side lot lines between the southern hooked portion of proposed Lot 2 and proposed Lot 3 are conventionally configured and the creation of a hooked parcel to accommodate the minimum lot size required in the zone is not prohibited within bylaws or subdivision regulations. However, a restrictive covenant prohibiting further subdivision will be required for proposed Lot 2 since the parcel will be split by a road. Such a configuration would otherwise permit further subdivision.

The primary area of ecological significance identified on the subject property is related to the marine shoreline area, which is designated as a Shoreline Protection DP area and is located on proposed Lot 1. Proposed Lot 1 includes the existing home and no additional development is planned in proximity to that area at this time.

The subject property is located within the East Sooke Participating Area of the Juan de Fuca Water Distribution System and each of the proposed parcels will be served by water connections either on East Sooke Road or Timberdoodle Road.

Through the public notification process, any residences that may be affected by the proposed frontage reduction will have an opportunity to come forward with their concerns. The Ministry of Transportation and Infrastructure’s review of the subdivision will involve final consideration of road

network and access options. Staff recommends Alternative 1, subject to public notification and consideration of comments from neighbouring residents.

**CONCLUSION**

The applicant has submitted a four-lot subdivision application and is requesting a reduction of the minimum frontage requirement for proposed Lot 3 from 10% of the lot perimeter (32 m) to 8.6% of the lot perimeter (27.5 m). Staff recommend approval of development variance permit VA000159 (Appendix C), subject to public notification.

**RECOMMENDATION**

The Land Use Committee recommends to the Capital Regional District Board:  
That Development Variance Permit VA000159 for Lot 1, Section 98, Sooke District, Plan VIP23938 to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Schedule A, Part 1, Section 3.10(4)(a) by reducing the minimum frontage requirement for proposed Lot 3 from 10% of the lot perimeter (32 m) to 8.6% of the lot perimeter (27.5 m) for the purpose of permitting a four-lot subdivision, be approved.

Submitted by:	Iain Lawrence, MCIP, RPP, Senior Manager, JdF Local Area Services
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Ted Robbins, B.Sc., C. Tech., Chief Administrative Officer

**ATTACHMENTS**

- Appendix A: Subject Property Map
- Appendix B: Proposed Subdivision Plan - J. E. Anderson and Associates, June 14, 2023
- Appendix C: Permit VA000159