

- c) Public hearings are scheduled for rezoning applications RZ000255 (Strata Lots 13, 26 & 27 – Butler Road) and RZ000257 (Strata Lot 10 – Butler Road) and Bylaw No. 4278 (Cannabis Bylaw):

Date: April 30, 2019

Time: 7:00 pm

Place: Juan de Fuca Local Area Services Building, 3 – 7450 Butler Road, Otter Point, BC

- d) Staff has started review and update of the Juan de Fuca Land Use Bylaw, Bylaw No. 2040. Bylaws for consideration by the Land Use Committee (LUC) will include a bylaw to address subdivision servicing requirements, a bylaw to address floodplain management and one bylaw to incorporate all zoning areas in the Juan de Fuca Electoral Area, excluding the Rural Resource Lands.

At this time, the Chair requested that the LUC consider the application VA000150.

6. Development Permit with Variance Application

a) VA000150 - Lot 105, Section 95, Renfrew District, Plan 26054 (2845 Woodhaven Road)

Iain Lawrence spoke to the staff report and the request for a development variance permit to increase the total floor area of accessory buildings and structures from 100 m² to 160.53 m², on a lot with an area of more than 2,000 m² and less than 5,000 m², for the purpose of constructing a garage with finished attic space.

Iain Lawrence directed attention to the revised site plan submitted by the applicant as included in the supplementary agenda. It was confirmed that the proposed building conforms to the height and yard requirements of the general regulations for accessory buildings and lot coverage specified by the property's zone. It was further confirmed that no comments have been received in response to the notice of intent mailed to adjacent property owners within 500 m of the subject property.

Iain Lawrence responded to a question from the LUC confirming that the vaulted area above the double garage on the main floor is 53.41 m².

James Powell, Shirley, stated concern regarding the finished vaulted area being converted into living space and impact to Sheringham Water Works.

Iain Lawrence advised that the property is zoned Rural Residential 2 (RR-2) and that the RR-2 zone permits one detached accessory suite.

The Chair confirmed that the applicant was present.

The applicant stated that the accessory building will not have plumbing fixtures and that his family may use the structure for woodworking or for a home based business in future.

Malcolm Taylor, Shirley, stated support for the application, noting that, due to the structure's siting and the property's landscaping, the structure is not visible from the road.

A property owner adjacent to the subject property stated support for the application.

LUC comments included:

- the subject property is 0.4 ha
- if the property was 0.5 ha, the permitted total floor area would be 250 m²
- concern that approval of the variance is precedent setting

Iain Lawrence advised that variance applications are reviewed on an individual basis and that the subject property is located in the Sheringham Estates subdivision, which includes lots of various sizes which are permitted a total floor area of either 100 m² or 250 m².

MOVED by Dale Risvold, **SECONDED** by Sandy Sinclair that the Land Use Committee recommends to the CRD Board that Development Variance Permit VA000150 for Lot 105, Section 95, Renfrew District, Plan 26054, to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 1, Section 4.01 (2)(c), by increasing the maximum combined total floor area of all accessory buildings and structures on a lot 2,000 m² or greater and less than 5,000 m² from 100 m² to 160.53 m², for the purpose of constructing a garage with vaulted finished space on a second floor, be approved.

CARRIED

7. Development Permit with Variance Applications

a) DV000065 - Lot 1, Section 128, Sooke District, Plan VIP58851 (5480, 5488, 5494 Mt. Matheson Road)

Iain Lawrence spoke to the staff report and the requested development permit with variance to address the Steep Slopes, Riparian and Sensitive Ecosystem Development Permit (DP) guidelines, and to decrease the front yard setback requirement for an accessory building for a proposed three-lot subdivision in the Rural Residential 6A (RR-6A) zone. It was confirmed that the applicant has submitted a geotechnical report and an environmental report to support the proposed development permit for subdivision.

Iain Lawrence directed attention to the letter of support received from Martin Humphries, East Sooke, as included in the supplementary agenda.

The Chair confirmed that the applicant was present.

The applicant responded to questions from the LUC advising that:

- the accessory building subject to the variance was built approximately two years ago
- the remaining buildings and driveway were built approximately 20 years ago
- when he built the accessory building two years ago he was not aware that a variance would be required to permit subdivision
- the accessory building subject to the variance request was sited to fit the natural layout of the property

MOVED by Stan Jensen, **SECONDED** by Dale Risvold that the Land Use Committee recommends to the CRD Board that Development Permit with Variance DV000065, for Lot 1, Section 128, Sooke District, Plan VIP58851, to authorize a three-lot subdivision and to vary the Juan de Fuca Land Use Bylaw No. 2040, Part 1, Section 4.01(d) by reducing the front yard setback for an existing accessory building on proposed Strata Lot 3 from 15 m to 2.76 m, be approved.

CARRIED