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REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, JUNE 16, 2020

SUBJECT **Development Variance Permit for Lot 12, Section 130, Sooke District, Plan 36250 – 615 Seascapes Place**

ISSUE SUMMARY

An application has been made for a development variance permit to reduce the side yard setback requirement from 6 m to 1.5 m for the purpose of adding a deck to an existing dwelling.

BACKGROUND

The 1.32 ha property is located at 615 Seascapes and is zoned Rural Residential 3 (RR-3) in the Juan de Fuca Land Use Bylaw No. 2040 (Appendix A). A portion of the property is designated as a Steep Slopes, Sensitive Ecosystem and as a Riparian development permit area in the East Sooke Official Community Plan, Bylaw No. 4000 (Appendix B). The proposed location of the deck falls outside those designated development permit areas.

The owners are proposing a 56 m² deck addition on the northwest side of the existing single family dwelling (Appendix C). A variance is requested as the proposed deck would be located 1.5 m from the side property line to the north, which is within the 6 m side yard setback requirement specified by the zone (Appendix D).

The applicant submitted the application to be considered by the Board of Variance including an outline of their rationale for the request (Appendix E). Quorum for a Board of Variance meeting could not be met due to the dynamic situation resulting from COVID-19. The applicant agreed to have the application heard as a development variance permit request through the Land Use Committee for consideration by the CRD Board. Staff have prepared Development Variance Permit VA000152 for consideration (Appendix F).

ALTERNATIVES

Alternative 1

That the Land Use Committee recommends to the Capital Regional District Board:

That Development Variance Permit VA000152, for Lot 12, Section 130, Sooke District, Plan 36250 to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 7.07, by reducing the setback requirement from 6 m to 1.5 m for the addition of a deck to an existing dwelling, be approved.

Alternative 2

That Development Variance Permit VA000152 be denied.

Alternative 3

That the application be referred back to staff for additional information.

IMPLICATIONS

Legislative Implications

The Juan de Fuca Land Use Bylaw, Bylaw No. 2040, Part 2, Section 7.07 (b) specifies that the side yard setback requirement is 6 m. A variance is required in order to permit the deck to be located within this setback.

Public Consultation Implications

Pursuant to Section 499 of the *Local Government Act*, if a local government is proposing to pass a resolution to issue a development variance permit it must give notice to each resident/tenant within a given distance as specified by bylaw. Juan de Fuca Development Fees and Procedures Bylaw No. 3885, states that the Board may, at any time, 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 500 m of the subject property. Any responses received from the public will be presented at the June 16, 2020, Land Use Committee meeting.

Land Use Implications

The 158 m² single family dwelling was constructed in 1984, and a 130 m² accessory building was completed in 2014. Both structures comply with the RR-3 zone regulations. The applicant seeks to construct a 56 m² deck addition on the northwest side of the existing dwelling. The proposal complies with the permitted uses, and the front, rear and south side yard requirements for the RR-3 zone; however, the applicants have requested a development variance permit for the structure to encroach into the northern side yard setback.

Buildable areas on the 1.32 ha property are located near the top of a rocky outcrop in the northwest portion of the lot. Beyond the outcrop towards the east side of the parcel, steep slopes descend into a ravine and Riparian Development Permit area. Steep Slope Development Permit Guidelines (A) and (L) from East Sooke Official Community Plan Bylaw No. 4000, Section 515, indicate that development should be planned to avoid intrusion into the Steep Slope DPA and that variances to allow siting of structures outside the Steep Slope DPA will be considered. The areas adjacent to the north, east and southwest sides of the dwelling are within the Steep Slope DPA, and the accessory building is located to the southeast of the dwelling. In order to address the site constraints, a variance reduction of 4.5 m for the northwest side yard setback is requested.

The development is not expected to adversely affect the natural environment and, as proposed, is located on a flat area outside the steep slope development permit areas. The variance is not anticipated to substantially alter the use and enjoyment of adjacent land. Staff recommend approval of VA000152 subject to public notification.

CONCLUSION

The applicant has requested a development variance permit for the purpose of adding a deck to an existing dwelling. As proposed, the deck will encroach the 6 m side yard setback requirement of the Rural Residential 3 (RR-3) zone. Since no significant impacts are anticipated to result from reducing the setback, staff recommend approval of the development variance permit subject to public notification. If the Permit is approved by the Board, the Corporate Officer will proceed to issue the Permit and register a Notice of Permit on Title.

RECOMMENDATION

That the Land Use Committee recommends to the Capital Regional District Board:

That Development Variance Permit VA000152, for Lot 12, Section 130, Sooke District, Plan 36250 to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 7.07, by reducing the setback requirement from 6 m to 1.5 m for the addition of a deck to an existing dwelling, be approved.

Submitted by:	Iain Lawrence, MCIP, RPP, Manager, Community Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENTS

Appendix A: Subject Property Map
Appendix B: Development Permit Areas Map
Appendix C: Building Plans
Appendix D: Survey Plan with Variance Request
Appendix E: Letter from Applicant
Appendix F: Permit VA000152