

**DISTRICT OF SOOKE**  
**BOARD OF VARIANCE**  
Meeting held May 20, 2010 at 5:00 pm  
2205 Otter Point Road

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**BOARD MEMBERS PRESENT:**

Ellen Lewers, Chair  
Marilyn Andreychuk  
Travis Butler

**PUBLIC IN ATTENDANCE:**

Laurie Wallace  
Larry Champagne  
Richard Covacic  
Maria Lecinana  
Paul Davis

Staff Present: Katherine Lesyshen, Planning Department

1. The meeting began at 5:10 p.m.
2. Applications:

**PLN00771 – Maria Lecinana and Paul Davis, 2408 Mountain View Heights**

Katherine Lesyshen gave an overview of the application and explained that the applicant was claiming hardship as any fence that is less than 1.8m in height will not allow the applicant to have a dog within the yard. Ms. Lecinana also explained the request for variance to the Board.

The Board considered the application to vary the height of the fence from 1.2m to 1.8m under Section 5.10(b)(i) of the General Regulations within the Sooke Zoning Bylaw, 2006 and allow a chain link fence within the site triangle of the under Section 5.22 of the Sooke Zoning Bylaw, 2006, located at 2408 Mountain View Heights, legally described as Lot 10, Section 36, Sooke District, Plan VIP54651.

At the request of the applicant, it was suggested that an all-wood fence be used, rather than using a portion of chain link fence. This requires that the applicant complies with Section 5.22 of the Sooke Zoning Bylaw for *Site Triangle*. The applicant agreed to comply the Site Triangle regulations with this modification in design, and the BOV committee agreed that this alternative approach would be fine. Therefore, the committee's recommendation is as follows:

**MOVED** and seconded that PLN00771 be approved to increase the maximum fence height for a front and flanking yard from 1.2m to 1.8m under Section 5.10(b)(i) within the Sooke Zoning Bylaw, 2006 located at 2408 Mountain Heights Drive, legally described as Lot 10, Section 36, Sooke District, Plan VIP54651 on the condition that the fence be constructed to comply with the Sight Triangle under Section 5.22 within the Sooke Zoning Bylaw, 2006, and that the fence be completed within 6 months.

**CARRIED**

**PLN00784 – Larry Champagne, 6962 West Coast Road**

Katherine Lesyshen gave an overview of the application and explained that the applicant was claiming hardship as the designer and surveyor involved in the project made an error during construction.

The Chair read a letter of correspondence from an adjacent property owners, Ed Shaw, dated May 18, 2010.

The applicant and consultant provided an overview as to his claim for hardship related to the rear yard setback

A discussion ensued related to:

- ALR buffer as per the ALC's Best Practices Guidelines.
- Staffing issues; the ability for the District to issue building permits in a timely manner
- Using 'stop work orders' in situations such as these

The Board considered the application to vary the rear lot line setback from 4.5m to 4.165m under Section 8.2.7 within the Sooke Zoning Bylaw, 2006 located at 6962 West Coast Road, legally described as lot A, Section 4, Sooke District, Plan 37604.

**MOVED** and seconded that PLN00784 be approved to vary the rear lot line setback from 4.5m to 4.165m under Section 8.2.7 within the Sooke Zoning Bylaw, 2006 located at 6962 West Coast Road, legally described as Lot A, Section 4, Sooke District, Plan 37604, with the condition that a vegetative buffer along the rear boundary be planted within 6 months.

**CARRIED**

3. Minutes – April 29, 2010

MOTION: **MOVED** and seconded that the minutes of April 29, 2010 be approved as circulated.

**CARRIED**

4. New Business –

a. Status of PLN00766 in regards to the drainage on-site. Staff stated that drainage infrastructure will be dealt with at time of development permit.

b. MOTION: **MOVED** and seconded that the District should ensure that there is adequate staffing levels to maintain levels of service to the public, and to consider issuing Stop Work Orders in situations where applicants are building without Permits, and particularly where there is a bylaw non-compliance that will require a variance.

**CARRIED**

5. The meeting adjourned at 5:55 pm.

Certified Correct:

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Ellen Lewers, Chair

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Evan Parliament, CAO