

**CAPITAL REGIONAL DISTRICT**

**JUAN DE FUCA LAND USE COMMITTEE**

**Notice of Meeting on Tuesday, February 21, 2012**

**@ 7:00 p.m.**

**Juan de Fuca Electoral Area Office, #2 – 6868 West Coast Road, Sooke, BC**

---

**SUPPLEMENTARY AGENDA ITEMS**

1. Correspondence received to be dealt with under the following agenda items:
  - a) Agenda Item 8a) DP-31-11 - Lot A, Section 98, Sooke District, Plan 23047 Except Part in Plan 23938 (Waller/Letain – 6084 Timberdoodle Road)
    - Joel and Stephanie Koett, East Sooke
    - East Sooke Fire Department
    - Darell Julien, East Sooke
    - Amorim, Karin and Kim, East Sooke
    - Harlow, Dan and Merell, East Sooke (received at meeting)
  - b) Agenda Item 8a) DP-32-11 – Lot 6, Section 44, Sooke District, Plan 1958 (Pollock – 7726 David Road)
    - Cox, Taylor acting for John and Debbie Halusiak, Otter Point
    - John and Debbie Halusiak, Otter Point
  - c) Agenda Item 10a) ALR-01-11 – Lots 1 and 2, Section 30, Otter District, Plan 13987 (Shaw – 2322 Kemp Lake Road)
    - Bev and Milt Randall, Otter Point
    - Jack and Lynne Wormald, Otter Point

## Wendy Miller

---

**From:** Joel Koett  
**Sent:** Friday, January 06, 2012 11:37 PM  
**To:** jdf info  
**Subject:** Lot A, Section 98, Sooke District, Plan 23047 Except Part in Plan 23938

To whom it may concern,

I, Joel Koett, and my wife, Stephanie Koett (residents and owners of [redacted] East Sooke), are against any relaxing of the requirement that 10% of a lot fronts onto a road for the purpose of permitting a three-lot subdivision. We both love it here in East Sooke, and one of the biggest reasons we love it here is that there are not a lot of little properties with neighbors who are way too close to you. Our first house was a town-house where this negative environment was VERY apparent.

Here in East Sooke, part of the charm is the privacy that each property provides. If we start down this path of relaxing the rules which make East Sooke what it is, where does this train stop? We love East Sooke the way it is, and we don't wish to see any relaxing of rules which will allow for more crowding in this beautiful home of ours.

Thank-you for your time.

Sincerely,  
Joel and Stephanie Koett.

## Wendy Miller

---

**From:** June Klassen  
**Sent:** Thursday, January 12, 2012 3:06 PM  
**To:** Wendy Miller  
**Subject:** FW: 6084 Timberdoodle Emergency vehicle access

For supplementary

---

**From:** Vicky, Roger, and Kail  
**Sent:** Thursday, January 12, 2012 2:33 PM  
**To:** Emma Taylor  
**Cc:** June Klassen; East Sooke VFD;  
**Subject:** 6084 Timberdoodle Emergency vehicle access

Hello Emma.

In regard to the property on 6084 Timberdoodle.

I had a discussion with the property owner while inspecting the means of access and egress for emergency vehicles at the property site. The properties subdivision as I understand it will be accessed from Timberdoodle for two of the lots and off of East Sooke rd for the other. Timberdoodle rd will provide adequate means of access and egress for two of the lots even though they don't meet with the 10% frontage requirement.

East Sooke rd meets the requirement for 10% frontage but the lot is on a blind corner. If the driveway is placed as far East on the road frontage as possible it would afford the safest point of entry and exit onto East Sooke rd. If the driveway were put where suggested I would find that the lot has adequate means of access and egress.

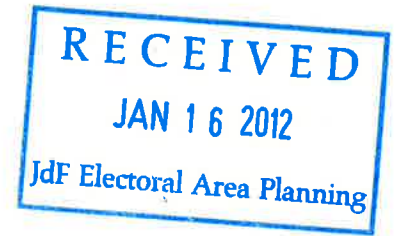
I plan to attend the meeting on Tuesday, I'll see you there.

If you have any questions or comments please feel free to contact me.

Roger Beck  
Fire chief  
East Sooke Volunteer Fire Department  
1397 Coppermine Rd  
East Sooke B.C.  
V9Z-1B2  
[east\\_sooke\\_fire@amail.com](mailto:east_sooke_fire@amail.com) hall

250-642-4411 hall  
250-642-6964 fax

January 14,2012



To whom it may concern

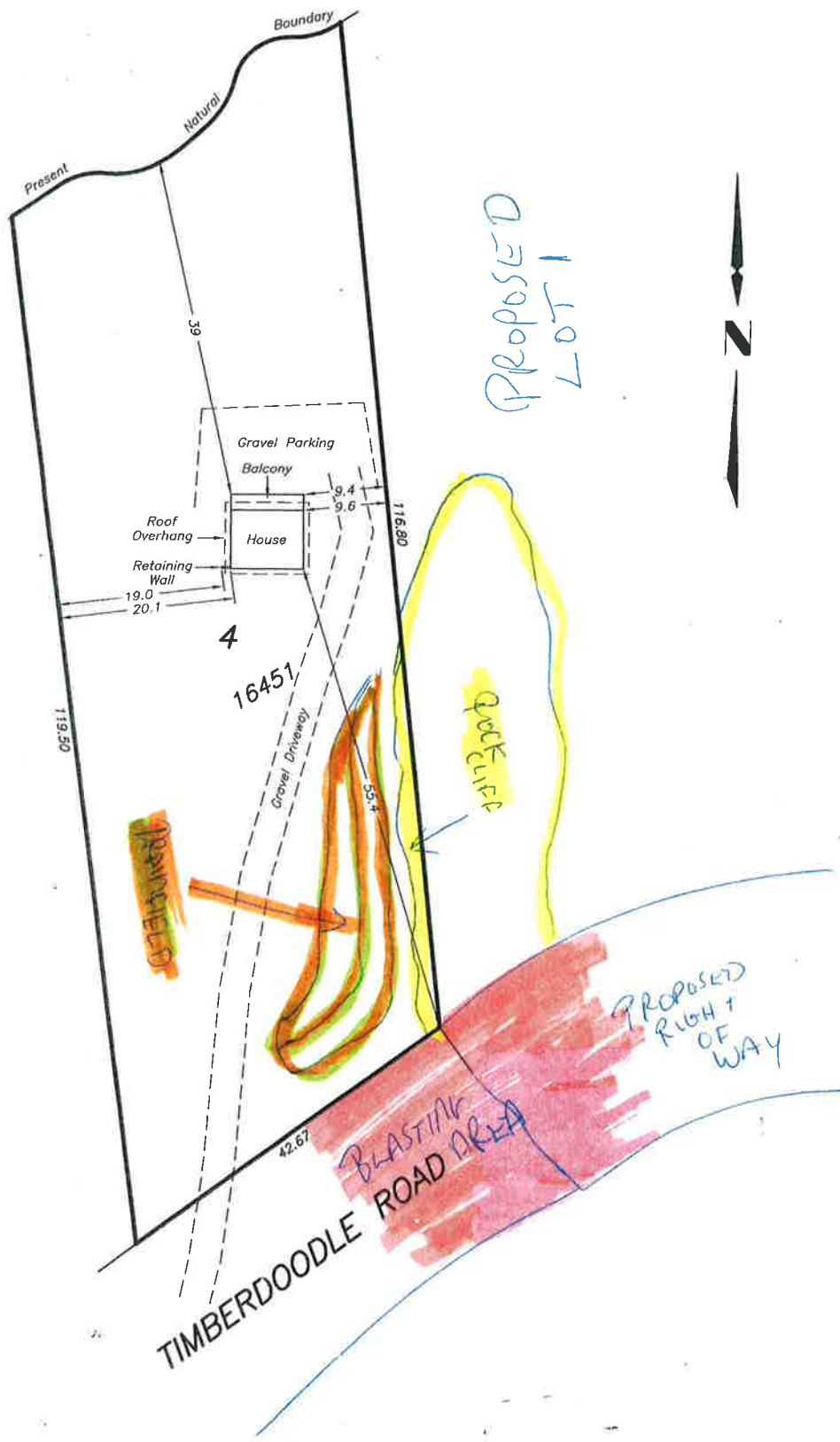
My name is Darell Julien I live at \_\_\_\_\_ which is \_\_\_\_\_ to the proposed subdivision of lot A, section 98, Sooke District, and Plan 23047, Part plan in 2338.

I am submitting this letter not because I am apposed to my neighbour sub dividing but because I have a few concerns with some of the construction to create a new road frontage. It is my understanding that to create this new road frontage there will be a certain amount of rock blasting to be done. As my property borders the proposed subdivision with a very sensitive rock cliff which directly connects to the area that needs to be blasted. Directly below this cliff is my drain field. My concern is when blasting is being done that portions of this bank is shaken loose and come to rest on my very expensive drain field. My concern is not only for the present but also for the future .If these rocks become loosened who will be responsible for the damage that could occur.

I guess my only other concern is that I do not see a proposed driveway to access lot 1, which is directly, be side my lot. I have also included a drawing to out line the areas of concern.

Thank,

Darell Julien



PROPOSED LOT 1



ROCK CLIFF

PROPOSED RIGHT OF WAY

BLASTING ROAD AREA

TIMBERDOODLE ROAD

4  
16451

DRIVEWAY

Boundary

Natural

Present

39

119.50

19.0

20.1

4

16451

Gravel Driveway

House

Roof Overhang

Retaining Wall

Gravel Parking

Balcony

9.4

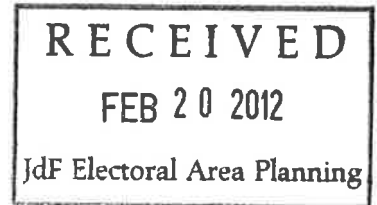
9.6

116.80

55.4

42.67

*East Sooke Board of Variance.*



*Ref. Subdivision application at **TIMBERDOODLE** rd, East Sooke, by Mrs Trinita Waller and Mr. Jeff Letain – Owners of the Land.*

*We undersigned, Karin and Kim Amorim, are permanent residents at \_\_\_\_\_ since 93 and owners, as joint tenants of the said property. We are not related to the applicants, however we are adjacent neighbors to the South, of the subject property under subdivision application.*

*Owing to the consultation letter received from THE CRD a few weeks ago, pertaining to this matter, we wish to express a short, however important comment, as follow:*

- 1- In the not so distant past, there wasn't any comprehensive physical planning of remote areas like what we call East Sooke, today.*
- 2- The Division of Lands, was given to the decisions of land owners and executed by land surveyors, without any scientific demographic analysis. Roads, rivers, shore lines and similars, were often taken as dominant physical references, leading to long and small land parcels (lots )*
- 3- With the demographic evolution in the past three decades, with substantial population increase, even in East Sooke, residential land scarcity and inflated market values, it appears only normal and rational that the contemporary land owner, revisits the borders of its land, with the intention of rationalizing its use, turning affordable again, this precious resource. And doing this, not by joining the Municipality of Sooke," by water adjacency ", benefiting of accommodating decisions, but instead, by submitting the application to the governing body, trying to satisfy stoically and honestly, the actual restrictions in place.*
- 4- As referred in the CRD's consulting letter, the applicants ask for variation on the 10% frontage bylaw, to make the subdivision possible. This restriction is a direct consequence of "Division of Lands ( point 2 ), for which the applicants carry no responsibility.*
- 5- With this background, the substantial size of the subdivided parcels in question, in the absence of environmental impact, we wish to declare our unconditional support and appreciation for the subdivision application with full merits to be granted.*

..... **NOTHING MORE** .....

*Karin Amorim*

*Kim Amorim*

East Sooke Board of Variance

ref. Subdivision Timberdoodle Rd.

DP-31-11  
Rec'd at Feb 01  
2010 LUC Meet

Trinita Waller  
Jeff Letain

We the undersigned fully support the application  
for the above subdivision (Timberdoodle Rd.)

We live directly across from the proposed  
site and will welcome all newcomers to  
our wonderful community.

Dana Monell Harlow

Sooke B.C.

PL  
Fax  
cell

D. Harlow  
[Signature]

By Fax to

# COX, TAYLOR

*barristers & solicitors*

THIRD FLOOR, BURNES HOUSE, 26 BASTION SQUARE  
VICTORIA, BRITISH COLUMBIA V8W 1H9

TELEPHONE - 250.388.4457 (VICTORIA) 604.678.1207 (VANCOUVER)  
FACSIMILE - 250.382.4236 (VICTORIA) 604.678.1208 (VANCOUVER)

OUR REFERENCE: H-1208-1\*LJA

January 13, 2012

Juan de Fuca Land Use Committee  
CRD  
Juan de Fuca Electoral Area Planning  
PO Box 283 – 2-6868 West Coast Road  
Sooke, B.C. V9Z 0S9

By email  
[jdfinfo@crd.bc.ca](mailto:jdfinfo@crd.bc.ca)

Dear Sirs/Mesdames:

**Re: Development Permit with Variance Application – Lot 6, Section 44,  
Sooke District, Plan 1958**

I act for John and Debbie Halusiak, the registered owners of \_\_\_\_\_, \_\_\_\_\_, which is the property \_\_\_\_\_ of the property which is the subject of the development permit application with variance requested.

My clients oppose the granting of a variance that will permit the very substantial departure from a six metre setback, to virtually permitting a zero lot line setback. These are rural properties and such development is completely inappropriate.

Although not directly germane to the jurisdiction of the Capital Regional District Board, I do note that the building in respect of which the variance is sought (which has already been constructed) actually encroaches on my clients' land by several inches, as confirmed by the applicant's surveyor. This encroachment will necessitate modifications to the building in any event.

The lots in question are on the south shore of Kemp Lake, and not serviced by the regional road network. The subdivision creating the lots dates from 1914. The lots are each about 330 metres deep and 28.75 metres wide. The setbacks for a side yard is six metres leaving 16.75 metres or approximately 55 feet for the width of an average home on the lots. These dimensions are in keeping with the rural nature of the properties and the area.

MURRAY J. HOLMES  
C. EDWARD HANMAN\*  
S. FRANK B. CARSON, Q.C.  
L. JOHN ALEXANDER\*  
WILLIAM MURPHY-DYSON  
KATHLEEN M. BIRNEY\*  
RAJIV K. GANDHI\*  
LINDSAY R. LEBLANC\*  
MAUREEN E. MCDOWELL\*\*  
STEPHEN C. CHAPMAN  
AURORA L. FAULKNER-KILLAM

\*LAW CORPORATION  
\*\*ALSO OF THE MANITOBA BAR



My clients feel that it is completely unreasonable to continue a pattern of development that predates all zoning where relatively primitive rural cabins have existed as non-conforming structures for a number of years.

The whole objective of the legislation which protects older buildings that are non-conforming as to siting is based on the theory that these buildings reach the end of their economic life, after which replacements or repairs and upgrades are undertaken in such a way so as to bring the buildings into conformity with zoning.

This area of Kemp Lake now appears to be in the process of undergoing some redevelopment. An owner of one of the adjacent lots recently obtained building permits and constructed a building in accordance with all local government bylaws.

It is respectfully submitted that no reason exists for the CRD to miss the opportunity on new construction to see Lot 6 come into conformity. On the contrary, if the CRD permits the substantial variance requested here, it will be hard pressed to deny similar variances on the other lots in the subdivision plan which have similar older non-conforming buildings.

The second basis upon which this application for a variance should be rejected is the way in which the owners of the property have pursued their development. There can be little doubt that the owners of the parcels in this area fully understand that they are within the Capital Regional District and subject to all local government, zoning and building bylaws. In the summer of 2010 work commenced on the lot in question without permits or approvals of any kind. In the spring of 2011 my client observed construction work substantially encroaching on their lot. They were put in a position of necessarily contacting building officials in order to remedy the situation.

There is no indication that the applicants did not fully understand their obligation to obtain a permit. The material also makes it clear that RAR requirements have been contravened. It is unlikely that land owners on waterfront are unaware of their obligations.

Many local governments have a "clean hands policy" which effectively prevent property owners from proceeding without permits, and later seeking a pardon, instead of seeking permission first in accordance with legal requirements. Providing authorization after the fact, or accepting the "hardship argument" creates a bad precedent.

Most local governments also require complete remediation before considering any RAR relaxations.

Thirdly, the actual siting of the building in question does significantly interfere with the use, enjoyment and amenities of my clients' property. These are waterfront properties used primarily for recreational purposes. They have a rural feel and atmosphere. One of the chief amenities of a setting such as this is privacy and solitude. To permit a building to be located effectively on a property boundary in a setting such as this might be

appropriate in a more suburban or urban setting, but is completely inappropriate in the Kemp Lake waterfront setting.

A fourth and not insignificant reason for refusing this application relates to the future ability to properly maintain the building and the land surrounding it. The issue of rural/forest fire interface control, and the establishment of proper wildland fire safety zones around buildings in forest settings will not be unfamiliar to the Land Use Committee. Bylaws recently considered by the Capital Regional District for rural development in the Juan de Fuca region have included the requirement to establish and maintain fuel modified zones in the area between zero and ten metres around structures such as this. Secondary fuel reduced zones are established between 10 and 30 metres.

In this circumstance, there is no ability for the owner to address wildland fire interface issues, because to do so would require trespassing onto his neighbour's land and using his neighbour's land as that fuel reduced area. This would obviously also have impacts upon my clients in respect of the protection of properly sited buildings on their land.

Secondarily, given the siting of the building essentially on the lot line, even routine maintenance and repair of the building becomes an impossibility without trespassing.

For all the reasons stated above it is respectfully submitted that the Land Use Committee should reject the application for a variance and instead ensure that the owners of land within this subdivision plan understand that as and when the old summer cottages reach the end of their economic life, that there is an expectation that new building will be undertaken in compliance with zoning and building bylaws. To miss the opportunity to continue the upgrade that has been started by the one adjacent owner who has taken the time and effort to build in accordance with bylaws would be a mistake.

All of which is respectfully submitted.

Yours very truly,

**COX, TAYLOR**

Per:

**L. JOHN ALEXANDER**

(email: [alexander@coxtaylor.ca](mailto:alexander@coxtaylor.ca))

LJA/tal

c.c. client

January 17, 2012

By Email: jdfinfo@crd.bc.ca

Juan de Fuca Land Use Committee  
CRD  
Juan de Fuca Electoral Area Planning  
PO Box 283-2-6868 West Coast Road  
Sooke, B.C. V9Z 0S9

Dear Sirs/Mesdames:

Re: Development Permit with Variance Application – Lot 6, Section 44,  
Sooke District, Plan 1958

As a follow up to our lawyer's letter which you should have received already, please accept this as additional information pertaining to how our family feels regarding the requested development permit and variance application our neighbor immediately to the east of our property is seeking. Although we completely agree with the letter already submitted to you regarding this issue, we feel it necessary to speak out as well.

As background information I would like to say we purchased our Lot knowing that the cabin located on Lot 6 was very near or on the property line between the two parcels of land. However knowing this at the time of purchase we were also led to believe this cabin would remain a small summer cottage and any further upgrades would have to abide by the current CRD development bylaws. We believed that come time when everyone was building new and permanent residences this cabin would have to be relocated or rebuilt to abide by the current side yard setback. Unfortunately this was not the case and to our surprise the owners of Lot 6, (as their own first survey completed on March 30, 2010 clearly shows), took it upon themselves to build a large addition on to the front of their cabin which now clearly trespasses onto our property.

Although the first construction during the summer months in 2010 was limited to what we believed was just a large patio deck out of our view on the west side, this new non conforming construction along our shared property line was started during the winter months when the properties are virtually void of activity. We first learned of this large extension to the existing building (which appears to be a large completely enclosed and fully windowed viewing room) on our first visit to the lake last year on April 3, 2011. I immediately returned home and emailed the owners expressing my concerns.

As you may or may not know, the addition had a door (which the CRD told me is against fire code) on the east side leading to a porch walkway, complete with a very large overhang to protect everything from the weather. All this construction over the winter was clearly on our property and since you step onto our property as soon as you exit this newly constructed door it was evident to us that the owners of Lot 6 intended to use this entrance to knowingly trespass through our lot as another entrance into their cottage.

After a week of email correspondence between our family and the Pollock's, they clearly stated their refusal to remove the structure they built on our land so I was left with no alternative but to

approach the CRD (I have all the backup email correspondence between us if you need to have it for reference and filing). I contacted the CRD and after speaking to the CRD inspector, he agreed to go out and have a look since other than the permits submitted by Lot 5 to legally construct their new house, there was nothing on file pertaining to all the construction at Lot 6.

When I returned the following day I was surprised to see the small porch on our side was already removed and the large overhang was cut back but still protruding over the property line. However the remaining non conforming construction and also the door on our side still remains today. Again, I have all the pictures clearly showing how the structure looked pre scaled back if you would like me to supply you with copies.

After receiving a copy of the Staff Report that was posted January 12, 2011, I noticed that the plans submitted by the owners of Lot 6 fail to even show the door they still have facing towards our cabin. Of note also is the change room the plans show located on the corner of the building that actually crosses over our property line. There is no change room there. This room is nothing more than a fully windowed viewing sunroom that now looks out over our front yard and beach. With the construction of the new sunroom, our family has completely lost any bit of privacy we once had.

I ask you...has any one of you ever had a house constructed with zero side yard setback next to your home. If so then you would know how my family feels. We bought a lot that is supposed to be approximately 28 metres in width. Because of the location of the Lot 6 cabin we feel like a good quarter or more of our lot is missing. We do not feel comfortable using or even talking between our cabins because we feel like we might as well be speaking into their window. I bought the land...I pay yearly taxes on that land...so why do I have to feel uncomfortable on my own property? To make matters worse, my property with its small cabin which was forced to be constructed towards the property line between our lot and Lot 8 was actually accessed at a higher value than Lot 6. The current placement of our cabins has led to another dispute with our neighbours on the other side because they claim our vehicle parked immediately beside our cabin is parked on their property. Where is the justice and fairness in all of this?

I strongly believe the uncontrollable situation on our side of the lake must be stopped. Mr. Pollock himself told me they intend to eventually live on the lake so this dilemma I'm in will certainly only get worse when the Pollock's want to continue expanding both outward and upward. Why should my family have to suffer emotionally and financially when someone knowingly ignored the CRD bylaws that are already in place to prevent this?

These are only summer cottages. If people want to turn these cottages into large fulltime residences, it should be done following all local government bylaws. I can not and do not support any decision to grant a variance that will continue to erode my property and my family's enjoyment at the lake.

Sincerely,

John & Debbie Halusiak,

January-17-2012

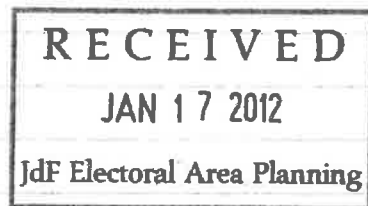
TO THE JUAN DE FUCA LAND USE  
COMMITTEE AND PLANNER;

WE ARE OPPOSED TO HAVING ANYTHING  
DONE THAT WILL EFFECT OUR PROPERTIES  
(BUFFER ZONES OF ANY SIZE, COVENANTS  
ETC), AT

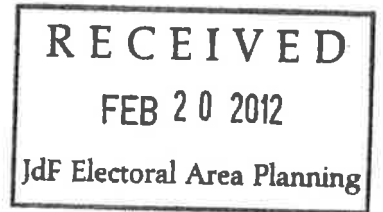
MILT RANDALL  
Milt Randall

BEU. RANDALL

Beu. Randall



Feb. 20. 2012



- JACK & LYNNE WORMALD

SOOKE. BC

- owners of property
- we support alone Clara Clouston
- we do not want to impact other properties in the neighbourhood by adding the 15m. buffer.
- How will the Regional Growth ~~strat~~ Strategy affect my land, when this acreage is put into ALR Under OCP.

Signed,

Lynne Wormald  
J.C. Wormald