

**CAPITAL REGIONAL DISTRICT**

**JUAN DE FUCA LAND USE COMMITTEE**

**Notice of Meeting on Tuesday, March 20, 2012**

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

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

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**SUPPLEMENTARY AGENDA ITEMS**

1. Correspondence received to be dealt with under the following agenda items:
  - a) Agenda Item 6a) DP-31-10 – Lot B, Section 42, Highland District, Plan 13453 (Orr - 7436 Mark Lane)
    - Joe Landon, Willis Point
    - Jeannie Thompson, Willis Point
    - Robert and Susan Ryan, Willis Point
  - b) Agenda Item 6b ) DP-32-11 – Lot 6, Section 44, Sooke District, Plan 1958 (Pollock – 7726 Davidson Road)
    - Ethel Preece, Otter Point
    - Dianna Heal, Otter Point
    - Lynn and John Pollock, Otter Point

## Wendy Miller

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**From:** Joe Landon  
**Sent:** Saturday, March 10, 2012 11:53 AM  
**To:** jdf info  
**Subject:** Development Permit

Dear Members;

My name is Joe Landon and I am the next door neighbour to Graham and Pat Orr.

This letter is in support of their wish to construct a new deck and retaining wall at their home.

I have seen the plans for this renovation and have no concerns surrounding it.

Sincerely,

Joe Landon

## Wendy Miller

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**From:** Iain Lawrence  
**Sent:** Tuesday, March 13, 2012 11:03 AM  
**To:** June Klassen; Wendy Miller  
**Subject:** DP-31-10 with Variance - Notification Response

Jeannie Thompson of [redacted] called to inform us that she has no objection to approval of the variances requested by Graham Orr.

### Iain Lawrence

Planner | JDF Electoral Area Planning | 250.642.1500, local 202  
Capital Regional District | 2-6868 West Coast Road, PO Box 283, Sooke BC V9Z 0S9

Web: [www.crd.bc.ca/idf](http://www.crd.bc.ca/idf)

## Wendy Miller

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**From:** bob and sue ryan  
**Sent:** Sunday, March 18, 2012 6:23 PM  
**To:** jdf info  
**Subject:** Lot B Section 42 Highland District Plan 13453 variance application

Ms. Klassen;

We are owners of [redacted] which is within 500 metres of the above applicant. We approve of the variance.

Robert and Susan Ryan

March 14, 2012.

Jaun de Fuca Electoral Area Planning Office  
(email:[jdfinfo@crd.bc.ca](mailto:jdfinfo@crd.bc.ca))  
Box 283, Sooke, BC V9Z 0S9

Attention: Land Use Committee

To whom it may concern:

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

Thank you for advising of the development permit with variance application of a neighboring property.

The Cottage on this property (lot 6) was established in excess of 40 years ago, probably about 1969 or 1970. The structure, although close to the property line, is well built and has been nicely maintained over the years. The recent renovation (with a minimal increase of approximately 3 ft.) to the existing porch and a large deck to the west side is an attractive addition. This should cause no increase or undue concern to the natural environment or to adjacent properties.

I voice no objection to the approval of this Permit and Variance Application.

Yours sincerely,

Ethel Preece

## Wendy Miller

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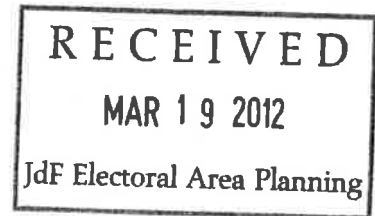
**From:** Dianna Heal  
**Sent:** Wednesday, March 14, 2012 10:06 PM  
**To:** jdf info  
**Subject:** development permit with variance application Lot 6 section44 Sooke Plan1958

Att:Land Use Committee  
Dear Sir/Madam

I have no objection to the approval of this permit and variance application.  
The addition to the dwelling as well as the attached deck is a very attractive improvement to this well maintained cottage.

Sincerely  
Dianna Heal

Juan de Fuca Land Use Committee  
CRD  
PO Box 283 – 2 – 6868 West Coast Road  
Sooke BC V9Z 0S9



Dear Sir/Mesdames:

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

After I (Lynn Pollock) attended the meeting held February 21, 2012 regarding our above Development Permit with Variance, I thought it prudent that I write this letter in support of our application.

My husband and I felt fortunate to be able to purchase this property in April 2010. We recognized that this property was unique with no legal road access (a written agreement is in place for each owner to pass through the other owners property to get to their own – this agreement is not on title), with old nonconforming cabins, and no electricity or running water. We originally had no plans to do much in the way of repairs or upgrades, however one of our good friends was out of work. We engaged our friends' services, as and when we could afford it, starting in June 2010.

There was general maintenance that was required as the cabin is 40 years old and the previous owner was elderly and not able to keep up with everything (although the cabin is in very reasonable condition). After general maintenance, and clean up, we recognized that we needed to beef up security as the cabin is remote and since we only use it as recreational property we are not there to monitor.

The original back porch had stairs that needed to be replaced and we did not feel safe to use these stairs after another winter. The original back porch was the entrance to our back door (which is very old, single glass 15 pane with a skeleton key lock). The original porch also contained a propane stove elements on top of a cabinet approximately 6 ft long, a change room, and another built in cabinet. The original porch had a roof and just about 3 walls (one these walls of the original porch ran along the property line between our lot and the Halusiaks').

We stayed out at the cabin almost every weekend from the time we purchased it and worked on repairs continually.

Since we needed to replace the back steps to the porch, the roof needed repair, the back door wasn't secure, and the porch is where we cooked, and thought since we use it all year, it would be nice to be enclosed, so we took our next steps. We removed the rotting stairs, started looking more closely at the roof and thought we might also replace a few rafters...the next thing we knew our plans started to grow to solve all the back porch problems we could put up walls and add a new door where the stairs used to be. We left the original porch floor and put up 3 walls (one wall is the outside wall of our cabin). We effectively secured our back door, got rid of the rotting stairs, and enclosed a propane cook area.

When we removed the porch stairs we thought the cabin lent itself to a deck off then enclosed porch area around the front of the cabin (our cabin is between the Halusiak's and our deck ), and that way (due to the lot topography) we no longer needed stairs and our elderly parents could also enjoy our new property.

I (Lynn Pollock) did not meet Mr. Halusiak until the Land Use Committee Meeting of February 21<sup>st</sup>, although I had met Mrs. Halusiak before we purchased and have met their children. Our conversations have always been pleasant and I thought neighbourly.

My husband (John Pollock) met Mrs. Halusiak and children during the same times that I had and had nothing but friendly conversations.

We did however receive an email from Mr. Halusiak in April 2011, he explained that he would like to get a survey done as he was not confident that our cabin was within our property lines, and given we have done this construction he wanted to clear up this matter. We had a "Building Location Certificate" done prior to our property purchase, so we shared this document with him, my husband called Mr. Halusiak and left him a message to give us a call to discuss it, or to drop by the cabin on the weekend. No face to face discussion took place, no phone call took place, there were further emails and basically Mr. Halusiak thought we had encroached on his property regardless of what our Building Location Certificate stated and the next Monday a CRD building inspector showed up at the cabin while our friend was working.

We did not take out a building permit before we started renovating the porch, or adding a deck, however since the CRD was at our cabin, we have complied with all of the applications, fees, surveys, biologist reports, building plans etc. There has never been a "stop work order" on our renovation and the CRD has helped us navigate through this process to this point. All of the work that we did on the cabin was all done by hand leaving the natural plantings in tact.

It is not our intention to reside at the cabin full time. We have a home in Langford, and use this Kemp Lake property for recreational use only.

I assure you that should we decide in the future to make this Kemp Lake property our home, then we would have to build according to the current laws, and that we understand this.

Mr. Halusiak refers to a door that faces his property. Our intention with having a door on the covered back porch facing his property was to allow them easy access to our cabin. It was never our intention to trespass on their property using this door. However since the Halusiak's have put up a fence between our properties, our door is facing a fence, so their concerns regarding us using this door to trespass on his property should no longer be an issue.

We have recently (March 2012) trimmed the roof of the covered porch which was shown as "metal roofing over property line by .11" on the survey that was submitted with the Biologist report, so that the roof is now all within our property. This survey also shows that the building corner (which is the renovated porch) is .42 meters (16.53 inches) to the property line (not encroaching). The original Building Location Certificate that was done by us prior to this property purchase, shows the original cabin (not including the covered porch) as .5 meters (19.6 inches) to the property line. As the back of the cabin is not exactly in line with the property line (per the original surveyor the back end is .68 meters to the property line and the front/lake end .5 meters) is why there is a 3 inch variance. Unfortunately our original surveyor did not include a set back from the porch to the property line but since we retained the floor of the original porch we submit that there has been no further construction closer to the Halusiaks than was originally there 40 years ago. These surveys are submitted under separate cover to support these numbers.



We respectfully request that we are not required to have a bond for 150% of the restoration work, as it is our intention to do this work ourselves therefore our costs will be our own labour. Since we have put in a building permit we have paid over \$6,000 for fees and reports to get to this point and to burden us with a bond in addition to this seems excessive, especially since another recommendation is to have a Qualified Environmental Professional monitor and submit a final report which of course will we be required to pay for. The restoration work will be challenging since we do not live at this property to monitor the planting nor do we have running water. Although challenging we will comply with this requirement if this variance is approved with this condition, even though we note surrounding properties have cleared all plantings within the SPEA.

For us, what started out to be a quiet retreat from our hectic lives, has turned into a stressful, financial nightmare for what we considered to be a repair of our quiet cabin in the woods.

In conclusion we do not feel that we have compromised our neighbour's privacy, in fact if anything by us having a solid wall between our cabins we have increased it. Also in support of privacy, since our neighbour has now put up a fence along our property line, they have completely removed our cabin from their view. We have not obstructed our neighbour's, view of the lake by our renovation (their cabin is closer to the lake than ours and does not face our cabin, it faces the lake). We have trimmed down the roof which was shown as over by 4 inches so there is no encroachment to their property.

We sincerely hope that you will support our application for development and variance to legalize the original nonconforming cabin and our renovations.

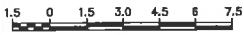
Should you require any further details or clarification please do not hesitate to contact us.

Sincerely,

Lynn & John Pollock

# Site Plan of Part of Lot 6, Section 44, Sooke District, Plan 1958.

Scale 1:150



The intended plot size of this plan is 432 mm in width by 559 mm in height (B size) when plotted at a scale of 1:150

## Legend:

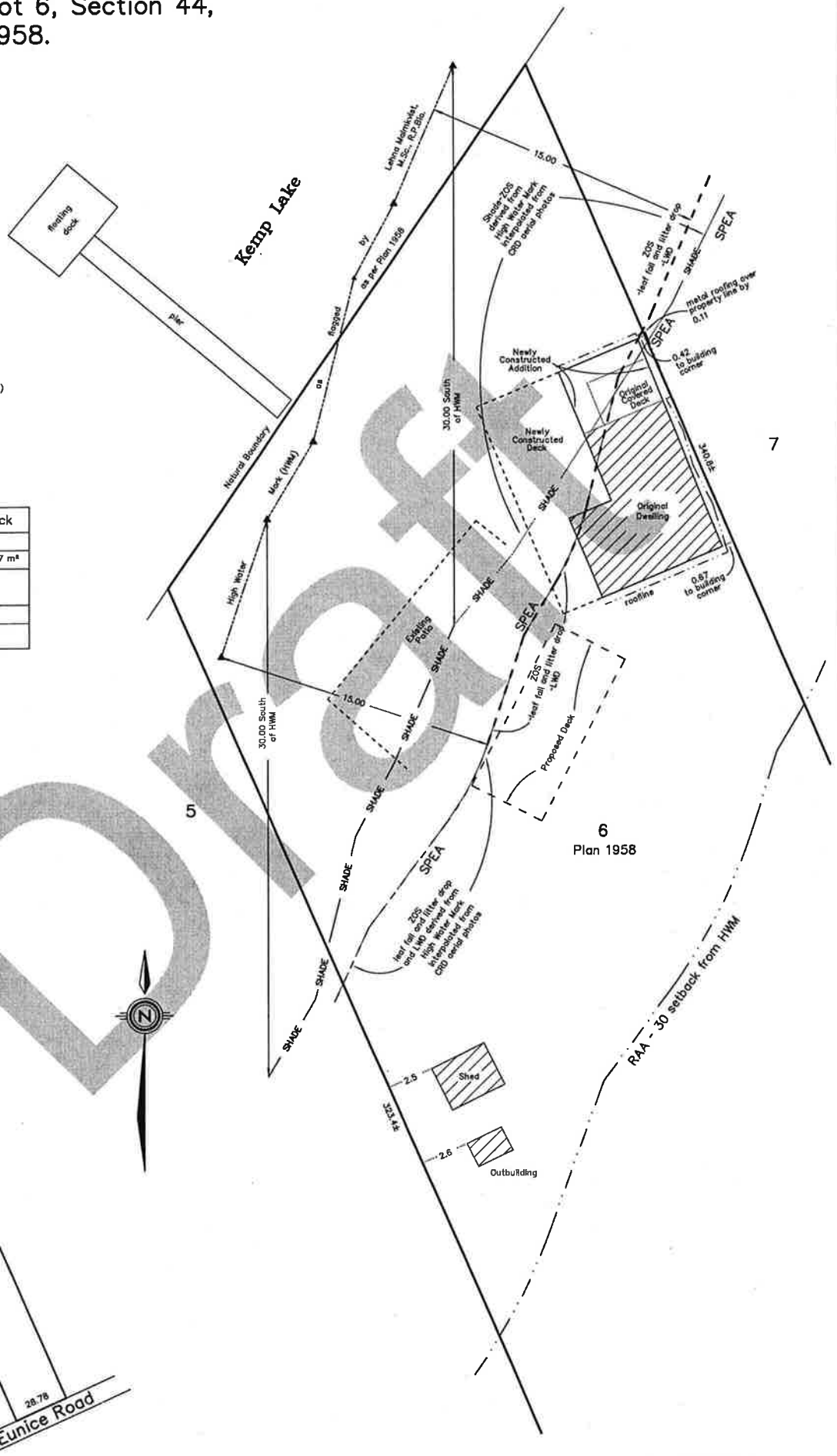
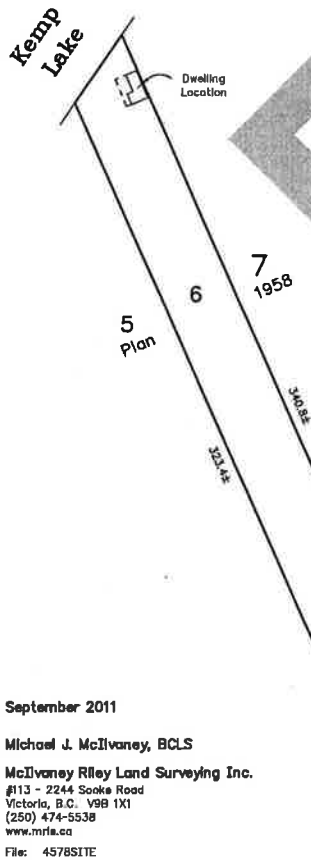
All distances are in metres and decimals thereof unless otherwise indicated. Dimensions are derived from Land Title Office records.

- - - denotes High Water Mark (HWM) as determined by Lehna Malmkvist, M.Sc., R.P.Bio.
- ▲ denotes flagging set on HWM by Lehna Malmkvist, M.Sc., R.P.Bio.
- - - denotes ZOS for Leaf Fall and Litter Drop and Large Woody Debris (LWD) 15m setback from HWM
- - - denotes ZOS for Shade - 30 m South of HWM
- - - denotes Zone of Sensitivity
- - - denotes Streamside Protection and Enhancement Area (outermost extents of all Zones of Sensitivity combined)
- - - denotes Riparian Assessment Area
- - - denotes High Water Mark
- - - denotes Large Woody Debris

Field work completed August 10, 2011

Areas of Encroachment into SPEA setback	
Original covered deck	3.0 m <sup>2</sup>
Original building (2 areas)	(1.2 m <sup>2</sup> + 0.5 m <sup>2</sup> ) = 1.7 m <sup>2</sup>
Newly constructed addition (not including original covered deck)	8.0 m <sup>2</sup>
Newly constructed deck = 38.5m <sup>2</sup>	38.5 m <sup>2</sup>
<b>Total Encroachment Area</b>	<b>51.2 m<sup>2</sup></b>

## Key Plan Scale 1:1500



September 2011

Michael J. McIlvane, BCLS

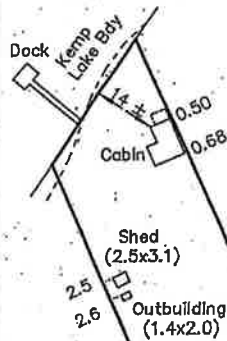
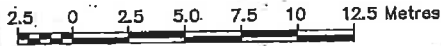
McIlvane Riley Land Surveying Inc.

#113 - 2244 Sooke Road  
Victoria, B.C. V9B 1X1  
(250) 474-5538  
www.mrls.ca

File: 4578SITE

**B.C. Land Surveyor's Building Location Certificate**  
**Showing Location of Improvements Situated**  
**Lot 6, (PID 006-740-286), Section 44,**  
**Sooke District, Plan 1958.**

Scale 1:1250



**Legend:**

All distances are in metres and decimals thereof unless otherwise indicated.  
 Dimensions are derived from Land Title Office records.

**Note:**

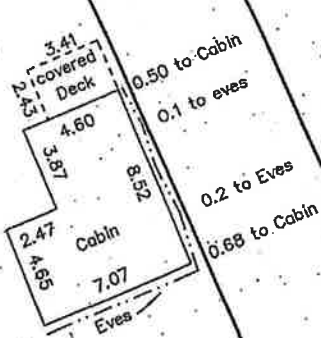
Driveway access to Lot 6 is by way of an unregistered easement agreement over lots 1 thru 5, Plan 1958. Lots 7 thru 9, Plan 1958 have an unregistered driveway easement over lot 6.

This plan was prepared for mortgage purposes and is for the exclusive use of our client. This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners. This building location certificate has been prepared in accordance with the Manual of Standard Practice and is certified correct this 30th day of March 2010.

B.C.L.S.

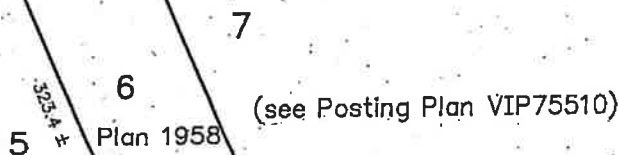
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**Detail**  
 Scale 1:250



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 Client: Pollock

