



Making a difference...together

JUAN DE FUCA LAND USE COMMITTEE

Notice of Meeting on Tuesday, **October 16, 2012 at 7:00 p.m.**

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

SUPPLEMENTARY AGENDA

1. Correspondence received to be dealt with under the following agenda items:
 - a) Agenda Item 6 b) VAR-04-12 – Lot 10, Section 10, Otter District, Plan VIS5070 (Nickell – 8153 Taylor Place)
 - Rudy Dobovicnik, Otter Point
 - Joanne Hemphill, Otter Point
 - Lorna Hay, Otter Point

Wendy Miller

From: Rudy Dobovicnik
Sent: Sunday, October 14, 2012 7:15 AM
To: jdf info
Subject: Development Variance Permit Application 8153 Taylor Place Sooke B.C.

This is a comment on file:VAR-04-12. Our property borders the parcel at 8153 Taylor place. We share some 80' of fence line. I am strongly opposed to allowing this variance permit to be approved. Many improper actions have taken place on the property in question. The structure is not only located too close to the Hemphill property line, but is also in a watershed wetland that was completely destroyed. There was a year round pond with a very rare eco-system there. Retaining runoff during the winter and slowly releasing purified water to plants and trees in an already stressed environment. The area of the wetland would have been at least 200'x50', stretching from the W border to the E border of the parcel. The structure in question is within a few feet of where the wetland was and may even have been built on top of the fill used to wipe out the wetland. The fill, if I remember correctly, was a mix of gravel, soils and a lot of large tree stumps and wood debris. Now instead of a functional wetland that benefited the flora and fauna of the neighborhood we have polluted washout torrents going down our driveways and eventually into the ocean. The water coming out of an illegally placed drainpipe is at times foul smelling and discolored. The owners of the above property also compacted their septic field with a plate compactor, while the field had already been in use for years. Then they added the second dwelling to the septic system. Depending on weather conditions, we have since smelled sewage when we are in our yard. On one occasion the owners also trespassed and cut down trees on our property. While inspecting the damage, I saw black sludge over a 2'x3' area at the SW edge of the field, within a few feet of my property. At the time I advised the owner to cover it with sand, since I felt it was a health hazard. Other neighbors have also had concerns about the runoff coming from the property now. This has been made even worse by the fact they are using the same field for keeping livestock. This adds their feces to the already failing septic system. Ideally I would like to see the entire structure removed and the wetland restored. As far as the location of the structure too close to the property line goes, I feel this would only set a precedence for others to do the same. On acreage, most of us want privacy and that means adhering to all setback rules. That's why they exist. I will be attending the meeting. Thank you for considering this comment in your decision on the above variance matter. R.D.

Wendy Miller

From: Joanne Hemphill
Sent: Tuesday, October 16, 2012 1:55 PM
To: jdf info
Cc:
Subject: FW: Submission for Development Variance Permit Application VAR-04-12

DEVELOPMENT VARIANCE PERMIT FOR LOT 10, SECTION 10, OTTER DISTRICT, PLAN VIS5070

RE: Request for a development variance to reduce the side yard setback for a detached accessory suite from 6 m to 4.83 m for the purpose of siting a detached accessory suite inside an existing accessory building.

- As an adjacent neighbor, I was told that a shop was being built. The foundation was 30'x30'. I allowed power to be pulled from a nearby pole on my property for the shop. It was never clarified to me that the intended purpose was actually a suite. The use of the accessory building as a suite currently has no impact on me as a neighbor. The occupants originally were family members, there are now renters in the suite. There is always a possibility of problems with future tenants, but none at this time.
- Have staff considered environment impacts to this and adjacent property(s)? Much of this lower part of the property (where the accessory building in question is situated) has been backfilled as it was originally a wetland.
- "For the purpose of siting a detached accessory suite inside an existing accessory building". There has been a suite inside the accessory building since shortly after its initial construction as a "shop" (4 years ago?) Why has there been no enforcement of the bylaws as this suite was and still is in violation?
- Staff report states "the applicant has removed a secondary suite from the principal building and proposes to relocate the suite inside an existing accessory building". As per above, already happened - a long time ago.
- In September 2011 CRD planning requested of the applicant to provide a survey site plan which was submitted in July of 2012, 10 months later. Is that not an unusually long period of time?
- The CRD was aware well over a year ago that there were additional accessory buildings on the property, of which the total floor area for accessory buildings exceeded the allowable amount at the time. Why was there no enforcement of the bylaws as these structures were in violation? (The total floor area for accessory buildings was increased in January which now permits all structures).
- No application has been made to the Kemp Lake Water District under CEC Bylaw 165 for approval to add additional units to a parcel of land, and no fees paid (in this case \$4K). How can staff and the LUC recommend approval of this variance to the CRD Board without first consulting with other local authorities.
- This property is bare land strata. Does staff not check the disclosures to see if additional buildings are allowable, and their uses - in this case as a rental suite.
- Staff report states "the applicant has removed a secondary suite from the principal building and proposes to relocate the suite inside an existing accessory building". Was this original suite in the principal building approved and permitted by the CRD? If yes, why was the Kemp Lake Water District not included in the approval process?

Respectfully,

Joanne Hemphill

Wendy Miller

From: Hay, Lorna
Sent: Tuesday, October 16, 2012 2:15 PM
To: jdf info
Subject: DEVELOPMENT VARIANCE PERMIT FOR LOT 10, SECTION 10, OTTER DISTRICT, PLAN VIS5070

DEVELOPMENT VARIANCE PERMIT FOR LOT 10, SECTION 10, OTTER DISTRICT, PLAN VIS5070

RE: Request for a development variance to reduce the side yard setback for a detached accessory suite from 6 m to 4.83 m for the purpose of siting a detached accessory suite inside an existing accessory building.

As an owner just down the road, it doesn't really affect me on this variance request, however, I'm curious on how this detached building is already a rented suite, too close to the property line and it's just coming for review now. I'm sure it's been there for years.

A few years ago, I put in an application for my property. I had a shed (4 posts with a roof) only **inches** too close to the property line and the CRD made me tear it down and even show pictures that it was removed in order to proceed with my application.

this property owner's situation is similar, and I would like explanation on how only a few drive ways away, the CRD dealt with my situation completely different.

Lorna Hay