

**REGIONAL DISTRICT OF NANAIMO**

**BOARD MEETING  
TUESDAY, MARCH 28, 2006**

**A D D E N D U M**

**PAGES**

**DELEGATIONS**

2                    **John New**, re Manufactured Home Policy. (copy of written request)

**Delegations and Correspondence received as a result of the Development Permit and Development Variance Permit Notification Process.**

**Development Variance Permit Application No. 90602 – Rondeau/Jorgenson – 3437 Redden Road – Area E.**

3-6                - Correspondence and Delegation -- Peter Jorgenson, Jorgensen/Osmond Ltd.

7                    - Correspondence – Larry Waterman.

8                    - Correspondence – A.W. and Linda Hopkins.

9                    - Correspondence -- J. Dexter and Virginia Jolley.

10                  - Correspondence -- Mike and Ronnie Haner.

11                  - Correspondence – Harold E. Hill.

12                  - Correspondence – Al and Sally Langard

**Development Variance Permit Application No. 90605 – Oceanside Storage Ltd. - 1270 Alberni Highway – Area F.**

13-14             - Correspondence -- H.E. and D.G. Bibb.

15                  - Correspondence – Dale O. Curtis.

16                  - Correspondence – Melvin Mitchell.

**Development Variance Permit Application No. 90606 – Allen and Parker – 2933 Dolphin Drive – Area E.**

17                  - Correspondence - Bruce and Louise McLennan.

**Burgoyne, Linda**

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**From:** John and Joan New [jtnew@shaw.ca]  
**Sent:** Thursday, March 23, 2006 10:28 AM  
**To:** Burgoyne, Linda  
**Subject:** Presentation at March 28 meeting.....

Linda,

I hope I've got it right this time!!

On behalf of the tenants' association at the Costa Lotta Mobile Home Park I wish to make a 5 minute presentation at the March 28 meeting. It will consist of:

- a) an update on tenants' concerns over redevelopment plans for our park, as initially presented at the January 24th meeting, and
- b) an expression of support for the MANUFACTURED HOME PARK REDEVELOPMENT POLICY proposed and adopted by the RDN Planning Committee at its meeting on March 14.

Please confirm.

With thanks,

John New

"G" 5251 Island Highway West

Qualicum Beach, BC V9K 2C1

TEL: 250-757-2339

Dave Bartram can attest to my bona fides.

March 20, 2006

Regional District Of Nanaimo  
Development Services, Planning Department  
6300 Hammond Bay Road  
P.O. Box 40, Lantzville, BC, V0R 2H0

Attention: George Holme and Board Members

Re: Development Variance Permit Application 90602

Mr. & Mrs. Rondeau have developed residential building plans for Lot 13, Redden Road. The outcome of the project has resulted in a building footprint that sits on three benches of land with a grade change of 18'. This location is preferred as to maximize the viewing corridors for the up lying neighbors. This foot print location requires additional excavation into the existing grade in order to accommodate the garage. The severe grade further creates a lower level, which the owners have decided to develop rather than leave as a basement. This results in a three level elevation to the northern exposure. Of these three levels, the lower one is backfilled on three sides and fully screened in the summer and partially screened in the winter to Schooner Road by a mixed screen of deciduous and coniferous trees. Our up lying neighbors appreciate this effort.

In 1993 a building was constructed on this lot. Its over all height was 4 feet below the height we are requesting a variance for at this time. The former home consisted of two levels of living area, a third raised level to accommodate the garage and the exposed foundations extended 12 feet below the lower level. This was the outcome of the severe grades.

Former owners of this lot removed the existing building. They purchased the neighboring lot 14, in order to develop an access that would provide a safe approach to the home site as the original access was in excess of 33% gradient. Their building design sat in a very similar location as our proposal. Their height exceeded the bylaw regulations by 4.5 meters. Our proposal exceeds the bylaw by 4.8m. They presented their argument based on hardship due to the severe grades of the lot. Neighbors view corridors would not be impacted as their project roof line was approximately 27' below the main floor level of the up lying existing residence. Our proposed roofline lies 26' below the neighbor's main floor level.

The board recognized that these people faced a hardship, and rightly so, granted them their variance as requested. Over time it is my understanding that a policy has been developed to restrict the construction of residences with 3 storey elevations. When a hardship is on the table, and consideration has been given to ensure that neighbors are not impacted by the development, then I am compelled to request the Board support this variance request.

Additional supporting documentation is provided as follows:

- a- Photos illustrating the site, existing tree and rock bluff screening to Dolphin Drive, ( when all the trees have their full plumage, the building will be totally screened from Dolphin Drive).
- b- Detailed drawings providing facts that this building roofline is 26' below the level of Redden Road.
- c- Illustrations confirming that the up lying neighbors will not have their current water view corridors impeded by this development, in fact, they may very well appreciate it as it will provide a sound damper to the traffic noise from Dolphin Drive.
- d- Photos illustrating the tree canopy as viewed from Dolphin Drive and Schooner Cove marina.
- e- Photos picturing the former residence and a prior approved development superimposed onto the photo.
- f- Examples of 3 and 3 ½ storey buildings that have been constructed or added to with in the last 2 years.

Having worked in the Nanoose community for 25 years, I have encountered building sites that require extra special consideration. All developments are not equal as every building site has its own unique characteristics. This site has been proven to be one of them. The value of the site demands a quality design. The neighborhood expects a quality product. We have achieved these goals with out compromising the surrounding neighbors. In fact, I would suggest this development would only add to our neighbors invested interests.

The neighbor and owner of lot 10 recently informed me that an RDN representative informed him that this variance would not receive board approval. I find this comment to be remarkable as the democratic process has not been completed.

I sincerely trust the board will consider the effort that Mr. & Mrs. Rondeau have taken to respect the interests of all their immediate neighbors.

Respectfully,

Jorgensen/Osmond Ltd.

Peter A. Jorgensen

c.c. Mr. & Mrs. B. Rondeau

Variance Permit Application No. 90602 – Rondeau/Jorgenson

Attention: Peter Jorgenson

March 20, 2006

Peter,

Could you please pass along our comments to those that are responsible for the processing of our application for variance.

Dear Sirs/Madams,

My wife and I have purchased a property that has a beautiful view of Schooner Cove and the outlying islands. Unfortunately this property has a problem. It has a severe slope to the rear yard which makes the building of a typical home very difficult at best and more than likely would deter many who view this particular lot from building there in the first place.

We have had a home designed for that lot that we feel would take advantage of the views as well as not compromise any of the neighbor's views. Our home was specifically designed to deal with the severity of the slope and was placed well down on the lot. We have had discussions with our immediate neighbors and specifically showed to them how our design was such that their views would not be affected adversely. Our neighbors seemed to be appreciative of this gesture. Moving the house to a higher location on the lot would not have afforded them the same unobstructed views or privacy.

Peter Jorgenson has been involved with our house design from the initial stages and has been pivotal in its placement so as to take the sever nature of the lot into account as well as to keep the interests of our neighbors in mind. We feel that we have designed a home that will meld with the current architecture prevalent at Fairwinds and Schooner Cove.

There seems to be a feeling amongst some that our design is a three- story home. We do not share this feeling. Our home is to be built on a severe slope and only the first floor of the home will be totally exposed all the way around. The other parts of our home will be only exposed on the sides and even then only part way as the house will be built into the hill. Our basement level that would be underground on a normal lot has been designed to allow us to 'see' out of what normally would be a rear basement wall, as well as a means of egress. This is a design feature that is specific to that lot. It should also be noted that our home viewed from Dolphin Drive and from Schooner Drive will be mostly obscured by the dense undergrowth and trees that border the roadways on these streets. Anyone that is either walking or driving along those streets could not clearly see a house on the chosen building site. If we were to move our home further up on the hill closer to Redden



Road, we would afford ourselves a much more expansive view but at the same time obstruct the viewing corridors of others. It is not our intent to spoil any existing views as we will all be neighbors.

The RDN has previously allowed a similar variance for this exact lot that is within .5M (approx. 1 ft.) of the variance that we are requesting. Respectfully, we feel that our application is of a better design being that it fits in with what is currently being built at Fairwinds and that we are being more considerate of our future neighbors' views and privacy.

We would also be in agreement with the direction given by the Building Inspection Department to have a geotechnical report and an engineered foundation to ensure the site and building are safe. We also agree with the Fire Departments request to have a residential sprinkler system installed in our home if this variance is adopted.

We would very much like to be able to build our home as designed incorporating the aforementioned required restrictions. We feel that it would not be out of place but only enhance the area by meeting the challenge this property presents and bringing to fruition plans for a truly outstanding home.

Thank you for your consideration.

Yours respectfully,

Bruce and Nancy Rondeau

**Larry W. Waterman, Ph.D.  
Nanoose Bay, BC**

March 22, 2006

Via Fax: 250-390-7511

Regional District of Nanaimo Planning Department  
6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2

Dear Madam/Sir:

**Re: Application for a development Variance Permit for the lot located at 3437 Redden Road in Electoral Area "E" which is legally described as Lot 13, District Lot 78, Nanoose District, Plan VTT 53134.**

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Please be advised that I live directly across the road from this lot at 3440 Redden Road. As such, I am one of the main homeowners in the area who could potentially be impacted by this variance. I am writing to state that I have "no objection whatsoever to the variance being requested by the new owners of that lot." It will not impact on my view in any way. The top of the home will be somewhat visible from the second story of my house but I do not see that as being negative in terms of my enjoyment of the view in any way. Therefore, I want to be acknowledged on record that no objection to the proposed variance will be forthcoming from myself.

Yours sincerely,



Larry W. Waterman, Ph.D.

3450 Redden Road (Lot 55)  
Nanoose Bay, B.C. V9P 9H4  
March 21, 2006

The Board of the Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, B.C. V9T 6N2

REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAO		GM ES	
DA COB		MoF	
MAR 24 2006			

Dear Board Members: **Development Variance Permit No. 90602 – Lot 13 - 3437 Redden Road**

Thank you for inviting our comments on the above application. The most compelling argument for denying this application is in the staff analysis included as pages 47 – 56 of the Agenda materials of the March 14, 2006 meeting of the Electoral Area Planning Committee. The report concludes:

*The sloped lot does not adequately justify the need for a variance. A reasonable effort has not been made to reduce the height of the building to conform to the topography, and the variance is necessary to accommodate a third storey. The viewscape from Dolphin Drive and Schooner Road will be of a three storey, 12.9 metre (42 ft) high dwelling. This scale of the building is expected to appear out of character in the area.*

How will the Board be able to deny requests for sizable height variances on Lots 11 and 12 if it grants a 4.9 metre variance on Lot 13 to build a three storey home? We live on Lot 55 directly across Redden Road from Lots 11 and 12. When we purchased our home in 1997 we carefully considered future construction on Lots 11 and 12 and its effect on our view of the Georgia Strait and coastal mountains. Never in our wildest dreams did we imagine approval of a 4.9 metre height variance when the maximum height per bylaw is 8 metres, and a Statutory Building Scheme exists, restricting dwellings to a maximum of two storeys. If Lots 11 and 12 are granted large height variances, partially because of the decision in this case, our view of the Georgia Strait and coastal mountains may be impaired and the value of our property debased.

Rules are placed in bylaws to provide guidance, to act as constraints on the action of individuals, and to provide assurance to others that there is a general framework which will be enforced. The variance permit process provides flexibility to ensure fairness given the variability of the topography. Some individuals and their advisers test the system to its breaking point. It is at this point that the role of the Electoral Area Planning Committee and the RDN Board becomes so important, and where it should act on behalf of the community in general. While a public consultation process helps to provide additional information, it is not a perfect process. In this case, four of the adjacent properties are undeveloped lots. One of the lots is owned by the applicant and another lot is for sale. The lot for sale was purchased in the fall of 2005 and put up for resale within a couple of months of the purchase. We do not know if the owners of the vacant lots have the community interest in mind, or are mere land speculators who see a potential benefit from increasing property values associated with the construction of large expensive homes. Moreover, the extreme deviation from the rules in this case impacts more than adjacent property owners. Who speaks for the wider community?

The purpose of bylaw enforcement is compliance with regulations for the protection of neighbours and the community. We rely on our elected representatives to enforce bylaws in an objective, unbiased manner for the betterment of the community as a whole.

We urge the Board to comply with the DVP Evaluation Policy, and to show there is a limit to how much Bylaw No. 500, 1987, Section 3.4.61 can be bent.

Yours truly,

  
A W Hopkins

  
Linda Hopkins



3415 Redden Rd.  
Nanoose Bay B.C.  
V9P 9H4  
Mar. 21/06

The Board of the Regional District of Nanaimo,  
6300 Hammond Bay Rd.,  
Nanaimo, B.C.  
V9T 6N2

cc George Holme

Dear Board Members:

Ref. Development Variance Permit #90602  
Lot 13  
3437 Redden Rd.

The above request for variance has come to our attention, and while we are not directly affected by this particular variance in terms of our view, it has the potential to greatly impact our whole area.

This potential impact is the future development of lots #11 & #12 as well as other vacant lots in this area. The owners of these lots could also request similar variances which could create buildings completely out of character with the existing homes. Should a precedent be set by the passage of the subject variance request, it would be difficult to deny similar requests.

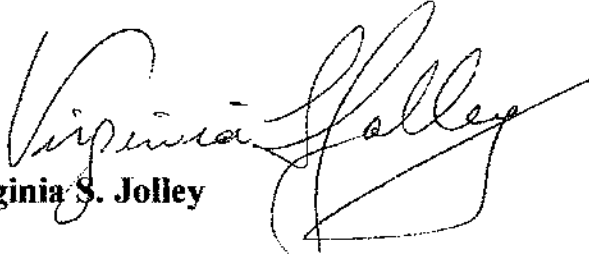
We, and our neighbors, take a great deal of pride in our homes and properties and do not wish to have a structure built that does not conform to the nature of this area. The existing by-law was established after thorough planning and input. Therefore, it should be upheld.

A variance of 4.9 metres, creating a three story structure, is clearly well beyond the spirit and intent of the existing by-law. We ask that you agree with the Electoral Area Planning Committee and deny this variance request.

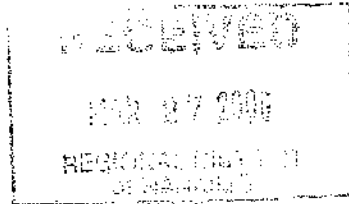
Respectively submitted,



J. Dexter Jolley



Virginia S. Jolley



March 22, 2006

Dear sir/madam;

Re: Notice of Development Variance Permit Application  
No. 90602

We would like to register our opposition to this variance request. Our reason is as follows:

We live above said property on Lot 56 in the same plan. There is an empty lot between us and said property that would benefit from an over-height variance and will likely apply for it. If successful we will be negatively affected by having our view restricted. We purchased our Lot then designed and built our home to maximize this view.

We are concerned that granting approval to the current application will give weight to the argument of precedence in subsequent application of this type.

We strongly oppose the approval of this application.

Sincerely,

Mike and Ronnie Haner

3456 Redden Rd  
Nanoose, BC  
V9P 9H4

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**From:** HEGENEHILL@aol.com [mailto:HEGENEHILL@aol.com]

**Sent:** March 28, 2006 11:41 AM

**To:** Laustsen, Denise

**Subject:** Lot 13 District Lot 78, Nanose District Plan VIP53134

To RDN Board, We have just received the request for Variance Permit requesting the maximum building height be increased from 8.0 meters to 12.9 meters. We are out of the country and just received this today. As the owner of the adjacent property Lot 9 we feel the granting of the variance will adversely effect the value of our property. It certainly will restrict our view which is one the most important values of our particular property and one of the major reasons we purchased this property. We certainly want to be good neighbors but perhaps another plan which does not effect our property could be found. We appreciate any consideration which you might give to this letter.  
Thank you.

Harold E Hill

3460 Dolphin Dr Lot 9

3/28/2006

----- Original Message -----

**Subject:**Height restriction varaiance on Redden Road - Fairwinds

**Date:**Tue, 28 Mar 2006 15:12:22 -0700

**From:**Al Langard <allangard@shaw.ca>

**To:**frank.vaneynde@shaw.ca

As per our telephone discussion we are toatlly against the height restriction variance proposed for, I believe Lots 13 and 14 Redden Road. We own lot 12 Redden Road, just above the lots in question and just request that the rules that were in place when we purchased the lot are adhered to. If this height restriction variance is approved legal action will be commenced immediately.

Would you please advise your receipt of this message

Thanks

Al and Sally Langard

03/28/2006

Please Fax To KDN Planning Dept. 250 390 7511

EMail To planning @ rdn, bc.ca

RE VARIANCE PERMIT APPLICATION No. 90605

Our property borders the property being developed and we wish to make known our approval of the variance permit under application.

We have resided here for the past 25 years and have been subjected to constant high pitched whine and explosive bangs from the nearby cedar mill, along with the extreme noise from Hasebach Bros. gravel pit which starts as early as 2<sup>00</sup> AM.

We are therefore happy to have the storage business there. It is a quiet business and their buildings will provide a buffer to the noises coming forth from the aforementioned businesses.

Our approval is based on the storage unit usage of this piece of property

Yours Truly

K. B. Rebl  
D. L. Rebl

March 26, 2006

To Whom It May Concern:

**Re: 1270 Alberni Highway Mini Storage Project**

As per letter received regarding Development Variance Permit Application No. 90605, please be advised that being a direct neighbor of the above mentioned project, I am in full support of the project and of the variance being approved.

Yours truly,



Name



Address

March 26, 2006

To Whom It May Concern:

**Re: 1270 Alberni Highway Mini Storage Project**

As per letter received regarding Development Variance Permit Application No. 90605, please be advised that being a direct neighbor of the above mentioned project, I am in full support of the project and of the variance being approved.

Yours truly,

*Jale O. Curtis*

Name

*1276 Alberni Hwy Parksville*

Address

March 26, 2006

To Whom It May Concern:

**Re: 1270 Alberni Highway Mini Storage Project**

As per letter received regarding Development Variance Permit Application No. 90605, please be advised that being a direct neighbor of the above mentioned project, I am in full support of the project and of the variance being approved.

Yours truly,

Melvin Mitchell  
Name

1263 Fair Rd.  
Address



**Thompson, Paul**

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**From:** Laustsen, Denise  
**Sent:** March 23, 2006 11:31 AM  
**To:** Thompson, Paul  
**Subject:** FW: Variance Request for Development - Allen and Parker Application # 90606

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**From:** Bruce.McLennan [mailto:Bruce.McLennan@gov.yk.ca]  
**Sent:** March 23, 2006 11:29 AM  
**To:** Laustsen, Denise  
**Cc:** Bruce McLennan  
**Subject:** Variance Request for Development - Allen and Parker Application # 90606

**Re: Variance Request for Development - Allen and Parker Application # 90606**

This is to advise you that the undersigned, Louse and Bruce McLennan, who are joint owners of Lot 21 on Dolphin Drive, have received a copy of the aforementioned variance request.

We have no concerns or issues with the height variance being requested in this document.

Thanks

Bruce and Louise McLennan  
Hm – 867-668-6460  
WK- 867-667-3571  
Fax - 867-393-6217

23/03/2006