

REGIONAL DISTRICT OF NANAIMO

**BOARD MEETING
TUESDAY, OCTOBER 25, 2011**

A D D E N D U M

PAGES

DELEGATIONS (Motion Required)

Bob Rogers, re Mail-In Ballots.

CORRESPONDENCE

2-3 **Diane Auld**, re Development Variance Permit Application No. PL2010-180 – JE Anderson & Associates – 1915 Cormorant Crescent – Area ‘E’.

UNFINISHED BUSINESS

BYLAWS

For Adoption.

Bylaw No. 1400.03 – Lakes District Neighbourhood Plan.

That “Regional District of Nanaimo Nanoose Bay Official Community Plan Amendment Bylaw No. 1400.03, 2011” be adopted.

This bylaw establishes The Lakes District Neighbourhood Plan as part of the Nanoose Bay Official Community Plan.

Bylaw No. 1400.04 – Schooner Cove Neighbourhood Plan.

That “Regional District of Nanaimo Nanoose Bay Official Community Plan Amendment Bylaw No. 1400.04, 2011” be adopted.

This bylaw establishes The Schooner Cove Neighbourhood Plan as part of the Nanoose Bay Official Community Plan.

October 24, 2011

Diane M. Auld
910 Varsity Estates Place NW
Calgary, AB T3B 3X4

RDN Planning Department
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

TRANSMITTED BY FACSIMILE

Attention: Board Members of the Regional District of Nanaimo

Dear Sirs or Madams:

RE: Response of Diane Auld, representing Lot 15, District Lot 78, Nanoose District in the matter of the request for a Development Variance Permit for Lot 14 – Permit Application No. PL2010-180

I am the owner of Lot 15, the eastern parcel of land immediately adjacent to the requested variance. Unfortunately the notice letter was the first I was aware of the proposed stair structure and having received that letter on October 19th it has left me with little time to properly respond and still meet the District's deadline of October 24th. Consequently I've had no time to try to mitigate my concerns or to seek professional advice as to the potential impact of this structure. This timing has also not allowed time for me to appear in person had that been recommended to me. Although I have spoken to Mr. Williams regarding the fence between our two properties, unfortunately he has not spoken to me at all regarding this structure. Dealing with concerns in front of the Board without first discussing these issues does not seem proper and in fact the failure of Mr. Williams to make me aware of this structure leads me to believe that he is aware of the significant impact that this structure would have to my property.

I certainly understand the desire to have stairs to access the shoreline when the lot has a significant bluff along the rear lot line. My lot, Lot 15, is faced with a similar challenge. However, this is a very large and imposing structure for which I have two major unaddressed concerns.

First, given the considerable length of shoreline that Lot 14 has I do not understand, appreciate or agree with the placement of the stairs so close to my lot line. (interior eastern side lot line – requested variance from 2m to 1m – Section 3.4.61) While that location might preserve more of Lot 14's rear yard and shoreline it does so at considerable disadvantage to my lot. Setbacks from neighbours are there for a reason and unless some technical, but undisclosed reason is given for this placement I am opposed to granting this variance. However, should the District determine that this variance from my lot line should be approved I would ask that such approval only be granted with an

accompanying permanent easement, registered against Lot 14's title, providing access and use to the staircase to Lot 15. Doing so would at least recognize the impact of this placement to my lot and would help reduce the need for additional structures such as this for my property to reach the shoreline.

Secondly, with water levels apparently rising, at high tide levels (or during winter storms) the lower concrete block structure and the concrete supports holding up the landing will act like a pier and will alter the waterflow. This is likely to increase the erosional or depositional effects along the waterline of my lot. This could have a significant impact on my lot and/or the enjoyment I would have from my shoreline. If there were significant erosional effects to my lot what recourse does that provide to me? Will the District or Mr. Williams compensate or indemnify me for any potential loss or loss of use my property might suffer from this structure if this were approved?

As presented, and given my concerns, I do not think that these variances can be granted. However, as access to the shoreline is necessary for all of us I do think serious consideration needs to be given, not only to my concerns but to what approving this structure means to the regional district overall.

Yours truly..



Diane M. Auld