

**REGIONAL DISTRICT OF NANAIMO**

**REGULAR BOARD MEETING**

**TUESDAY, APRIL 23, 2013**

**7:00 PM**

***(RDN Board Chambers)***

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

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- 2. LATE DELEGATIONS** (requires motion)
- 3                    **Nelson Eddy**, re OCP Application No. 2011-060 – Baynes Sound Investments – Electoral Area ‘H’.
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- 5. COMMUNICATIONS/CORRESPONDENCE**
- 5-12                **Dianne Eddy, Mapleguard Ratepayers Association**, re OCP Application No. 2011-060 – Baynes Sound Investments – Electoral Area ‘H’.
- 13                    **George and Marlene Dussault**, re OCP Application No. 2011-060 – Baynes Sound Investments – Electoral Area ‘H’.
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- 24-26                **Steve and Eula Dale**, re Development Variance Permit Application No. PL2013-015 – Allin – 1401 Marina Way, Electoral Area ‘E’.

- 27-28            **Carol Bell**, re Development Variance Permit Application No. PL2013-015 – Allin – 1401 Marina Way, Electoral Area 'E'.
- 29                **Howard and Judith Goebel**, re Development Variance Permit Application No. PL2013-015 – Allin – 1401 Marina Way, Electoral Area 'E'.
- 30-32           **Melanie and Craig McConnell**, re Development Variance Permit Application No. PL2012-157 – Fern Road Consulting Ltd. – 3511 Shetland Place, Electoral Area 'E'.
- 33                **Anne and Ian Ward**, re Development Variance Permit Application No. PL2012-157 – Fern Road Consulting Ltd. – 3511 Shetland Place, Electoral Area 'E'.

## O'Halloran, Matt

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**From:** N.W. Eddy <n.eddy@shaw.ca>  
**Sent:** Thursday, April 18, 2013 9:33 AM  
**To:** O'Halloran, Matt  
**Subject:** Regular CoW Meeting - presentation

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Mr. O'Halloran:

I would like to make a brief presentation to the Board at the regular meeting of the Committee of the Whole. I have an important (I think) suggestion concerning procedures and chronology associated with development applications. I will email you an electronic copy of my presentation as soon as I have finished it - hopefully before the Friday evening prior to the meeting.

I will be away from the computer for some hours, but will check for a response later today. I would like to know how much time I will be allotted.

Thanks,

Nelson Eddy, PhD <n.eddy@shaw.ca>  
5058 Longview Drive  
Bowser, BC V0R 1G0  
(250) 757-2036

## O'Halloran, Matt

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**From:** Jim Crawford <jcrawford@kwik.net>  
**Sent:** Monday, April 22, 2013 6:19 PM  
**To:** O'Halloran, Matt  
**Subject:** Late Registration

Matt, please register me as a late delegation to speak at the Regular Board Meeting, Tuesday April 23<sup>rd</sup>, 2013. I will be speaking to the Reconsideration of RGS and OCP Amendment Application No.PL2011-060-Baynes Sound Investments-Electoral Area H.  
Thanks. JWC.

## O'Halloran, Matt

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**From:** Dianne Eddy <d-eddy@shaw.ca>  
**Sent:** Monday, April 22, 2013 8:11 PM  
**To:** O'Halloran, Matt  
**Subject:** Mapleguard Survey  
**Attachments:** April 23 Mapleguard Consolidated Report w Survey.pdf; April 2013 Survey about BSI limited info.pdf

Attached is a brief description of the survey, survey results and sample survey. There is a statement at the bottom of page 2 explaining why information was left out of the second pdf file because of RDN policy. The second pdf file is a list of the surveys received without names and street numbers. It is important to demonstrate that the survey covered many streets as well as different neighbourhoods in the area. This is a comprehensive survey of the area providing public opinions. The last survey to be accepted for this report is #187. I believe I have sent them all in. Let me know if I missed any. Some came from a pancake breakfast and needless to say were a bit sticky. I think I caught the ones that stuck together in the fax machine.

Please provide copies of these two pdf files to all directors and staff that will be attending the meeting.

Thank you for helping me present this information under the guidelines of the RDN policy. I will bring these surveys to the RDN Board meeting on the 23<sup>rd</sup>.

Dianne Eddy  
Mapleguard Ratepayers' Association  
250-757-2036

# Consolidated Report of the Survey of Residents in Deep Bay, Bowser and Area H

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*By volunteers of the Mapleguard Ratepayers' Association*

*The purpose of this report is to provide residents with a voice on the following issues:*

- 1. The reconsideration of RGS and OCP Amendment Application No. PL2011-060 – Baynes Sound Investments (BSI) Lot A, District Lots 1 and 86, Newcastle District, Plan 48840; Lots B, District Lots 1 and 86, Plan 38643; Lot C, District Lot 86, Plan 38643 Electoral Area H*
- 2. Calling a strata development the Deep Bay Rural Village Centre*
- 3. Allowing intensive residential development on currently designated Rural Lands as defined by the OCP. The minimum parcel size of 4.0ha (10 acres) is allowed.*
- 4. Restricting Deep Bay to rural residential development as it conforms to the form and character of this area.*
- 5. Support of Bowser as the only Rural Village Centre serving the residential Deep Bay area.*

*This survey was developed to provide Director Veenhof with tangible information on how residents feel about the BSI proposal that would require fundamental changes to the OCP and RGS to accommodate this type of development. We felt this survey would reflect in a democratic way the opinions of the community.*

*The changes required to support the BSI application would profoundly alter the rural values of ALL residents in Area H. This pattern of development could spread to all areas in Area H.*

*There were **137** residents in the Deep Bay Improvement District responding, **22** residents from Bowser (including business owners), **13** from Qualicum Bay and **2** from the Horne Lake area for a total of **174 responses from Area H.***

***There were 168 (97%) opposed to the BSI application and 6 (3%) in favour of the application.***

*These surveys have been faxed and originals will be available for confirmation at the April 23, 2013 Regular Board meeting of the Regional District of Nanaimo. Staff will retain copies of these surveys.*

*In addition there were 14 residents outside Area H that had concerns that this type of development would spread to their rural areas because of RGS changes. These petitions were not included in the previous percentages. All 14 were opposed to the BSI application.*

*The following is the survey used:*

I, \_\_\_\_\_, live at \_\_\_\_\_  
(Print name) (Print address)

I am **opposed** to the intensive urban development of rural residential lands as proposed by the RDN RGS and OCP Amendment Application PL2011-060 for Baynes Sound Investments (BSI).

I am **opposed** to Deep Bay being a Rural Village Centre or within a Growth Containment Boundary that would allow intensive residential development.

I **would not support** the costly development of a community wastewater treatment system.

I am **in favour of** restricting Deep Bay to rural residential development as it conforms to the form and character of this area.

I **support Bowser** as our only Rural Village Centre serving the residential Deep Bay area

\_\_\_\_\_

The following statement would support the Baynes Sound Investments 678 unit development in Deep Bay.

I **support** the BSI development with Deep Bay defined as a Rural Village Centre and support changes to the OCP and RGS to support intensive urban development in Deep Bay.

Signature: \_\_\_\_\_

Additional comments are welcome.

Mapleguard Ratepayers' Association

**Surveys are attached in the format required by RDN policy. Names and street numbers are excluded for security reasons, but street names are provided to demonstrate a comprehensive survey. Survey identification numbers are provided for verification purposes.**

Area H Questionnaire to Determine Support or Opposition to the  
BSI Application requiring OCP and RGS Amendments

**RECEIVED**

APR 22 2013

ID	Last Name	First Name	Street No.	Street Name	City	Opposed to BSI Application	In favour of BSI
55	Osborne	Dawn	1075	Spider Lake Rd	Area H	X	
66	Wilson	F.	4715	Anderson Ave.	Bowser	X	
180	George	Catherine	60	Bald Eagle Cres.	Bowser	X	
162	Hooper	M.J.	72	Bald Eagle Cres.	Bowser	X	
139	Smith	Michael	79	Bald Eagle Cres.	Bowser	X	
36	Caradonna	Vikki	4620	Berbers Dr.	Bowser	X	
28	Chayer	Roger	4647	Berbers Dr.	Bowser	X	
82	Weatherby	Donna	90	Blackbeard Dr.	Bowser	X	
147	Winter	Manfred	4768	Blue Heron Dr.	Bowser	X	
148	Winter	Isolde	4768	Blue Heron Dr.	Bowser	X	
100	McFadzen	Leigh (Mr)	4840	Blue Heron Dr.	Bowser	X	
101	McFadzen	Leigh (Ms)	4840	Blue Heron Dr.	Bowser	X	
138	Francour	Jennifer	4840	Blue Heron Dr.	Bowser	X	
86	Peterson	Patti	4577	Callow Rd.	Bowser	X	
171	Strain	Gord	4580	Callow Rd.	Bowser	X	
172	Strain	Lisa	4580	Callow Rd.	Bowser	X	
31	Courquin	V.H.	523	Corcan Rd	Bowser	X	
76	Lipke	Kosha	3820	Creekside Dr.	Bowser	X	
70	Henry	C.	3918	Creekside Dr.	Bowser	X	
163	Banks	James	4481	Crosley Rd.	Bowser	X	
164	Zawisuke	K.	4487	Crosley Rd.	Bowser	X	
79	Krutz	Helmut	4542	Crosley Rd.	Bowser	X	
165	Sabatino	Paula	185	Crosley Wood Pl.	Bowser	X	
142	Nordman	Janice	5335	Deep Bay Dr.	Bowser	X	
143	Nordman	Roy	5335	Deep Bay Dr.	Bowser	X	
144	Slarics	Gwen	5359	Deep Bay Dr.	Bowser	X	
117	Skiber	Edith	5373	Deep Bay Dr.	Bowser	X	
118	Skiber	Ron	5373	Deep Bay Dr.	Bowser	X	
108	Casseda	Parsons	5378	Deep Bay Dr.	Bowser	X	
167	Wesch	R.	5391	Deep Bay Dr.	Bowser	X	
13	Thomson	A.G.	5469	Deep Bay Dr.	Bowser	X	
14	Thomson	M.	5469	Deep Bay Dr.	Bowser	X	
15	Chungranes	Vi	5473	Deep Bay Dr.	Bowser	X	
129	Brillon	John	5476	Deep Bay Dr.	Bowser	X	
128	Mayzes	Lee	5480	Deep Bay Dr.	Bowser	X	
130	Ocsko	Jame	5480	Deep Bay Dr.	Bowser	X	
131	Gosbee	Chuck	5508	Deep Bay Dr.	Bowser	X	
149	Saunier	G.M.	5509	Deep Bay Dr.	Bowser	X	
132	Upper	Diane	5529	Deep Bay Dr.	Bowser	X	
133	Upper	Dave	5529	Deep Bay Dr.	Bowser	X	
109	Lemanski	Bryan	5533	Deep Bay Dr.	Bowser	X	
110	Lemanski	Enid	5533	Deep Bay Dr.	Bowser	X	



Area H Questionnaire to Determine Support or Opposition to the  
BSI Application requiring OCP and RGS Amendments

ID	Last Name	First Name	Street No.	Street Name	City	Opposed to BSI Application	In favour of BSI
10	Franklin	Geoffrey	5112	Gainsberg Rd.	Bowser	X	
94	Franklin	Debbie	5112	Gainsberg Rd.	Bowser	X	
3	Triesen	Bill	5160	Gainsberg Rd.	Bowser	X	
8	Walker	Len	5185	Gainsberg Rd.	Bowser	X	
17	Andersen	Valerie	5212	Gainsberg Rd.	Bowser	X	
19	Andersen	B	5218	Gainsberg Rd.	Bowser	X	
24	Georgeson	David	5315	Gainsberg Rd.	Bowser	X	
25	Georgeson	Pamela	5315	Gainsberg Rd.	Bowser	X	
26	McNaughton	Andrew	5319	Gainsberg Rd.	Bowser	X	
23	McNaughton	Gail	5319	Gainsberg Rd.	Bowser	X	
38	Dussault	Marlene	5327	Gainsberg Rd.	Bowser	X	
39	Dussault	George	5327	Gainsberg Rd.	Bowser	X	
65	Farah	Christine	5346	Gainsberg Rd.	Bowser	X	
88	McLean	Margie	5350	Gainsberg Rd.	Bowser	X	
89	Burt	Eileen	5356	Gainsberg Rd.	Bowser	X	
90	Burt	Peter	5356	Gainsberg Rd.	Bowser	X	
87	Erfler	Carol	5360	Gainsberg Rd.	Bowser	X	
153	Patchett	Brenda	#13 5300	Gainsberg Rd.	Bowser	X	
152	Williams	P.	#15 5300	Gainsberg Rd.	Bowser		X
158	Bradley	Terence	#16 5300	Gainsberg Rd.	Bowser	X	
154	Jackson	Hugh	#20 5300	Gainsberg Rd.	Bowser	X	
161	Ness	Ed	#24 5300	Gainsberg Rd.	Bowser		X
155	Elvevoll	Margaret	#26 5300	Gainsberg Rd.	Bowser		X
156	Johnston	Vance	#26 5300	Gainsberg Rd.	Bowser		X
159	Rothmund	Jane	#27 5300	Gainsberg Rd.	Bowser	X	
160	Mathieson	Robert	#27 5300	Gainsberg Rd.	Bowser	X	
157	Taccogna	G.	#28 5300	Gainsberg Rd.	Bowser	X	
72	Petrie	Shirley	#4 5300	Gainsberg Rd.	Bowser	X	
67	MacGregor	C.	4004	Gladys Rd.	Bowser	X	
18	Jaeckel	Ann	224	Hembrough Rd.	Bowser	X	
20	Jaeckel	Chris	224	Hembrough Rd.	Bowser	X	
59	Shave	Becky	230	Hembrough Rd.	Bowser	X	
71	Taylor	Greta	244	Hembrough Rd.	Bowser	X	
27	Taylor	Peter	244	Hembrough Rd.	Bowser	X	
22	Steck	R.	253	Hembrough Rd.	Bowser	X	
33	Williamson	George	261	Hembrough Rd.	Bowser	X	
35	Williamson	Josephine	261	Hembrough Rd.	Bowser	X	
170	Little	Maggie	209	Huson Road	Bowser	X	
44	Parkstron	Milton	#30-8060	Island Hwy	Bowser	X	
37	Kerr	Debbie	105	Islewood Dr.	Bowser	X	
176	Gietz	Holly-Ann	75	Jamieson	Bowser	X	
166	Carnahan	Kevin	81	Jamieson	Bowser	X	
173	Perry	Albert	90	Jamieson	Bowser	X	
168	Porter	Richard	86	Lighthouse Dr.	Bowser	X	

Area H Questionnaire to Determine Support or Opposition to the  
BSI Application requiring OCP and RGS Amendments

ID	Last Name	First Name	Street No.	Street Name	City	Opposed to BSI Application	In favour of BSI
169	Porter	Barbara	86	Lighthouse Dr.	Bowser	X	
56	Kjosness	M.	5040	Longview Dr	Bowser	X	
150	Bringsli	Harold	5048	Longview Dr	Bowser	X	
151	Bringsli	Helene	5048	Longview Dr	Bowser	X	
111	Boulton	Greg	5057	Longview Dr	Bowser	X	
112	Boulton	Norma	5057	Longview Dr	Bowser	X	
96	Eddy	Dianne	5058	Longview Dr	Bowser	X	
97	Eddy	Nelson	5058	Longview Dr	Bowser	X	
124	Zacharuk	Michelle	5065	Longview Dr	Bowser	X	
125	Zacharuk	Darryl	5065	Longview Dr	Bowser	X	
119	McDonald	Jim	5086	Longview Dr	Bowser	X	
140	Wiwchar	David	5090	Longview Dr	Bowser	X	
141	Wiwchar	Louise	5090	Longview Dr	Bowser	X	
74	Cuthbert	Maureen	5091	Longview Dr	Bowser	X	
21	Menzel	Joan	4477	Mapleguard Dr.	Bowser	X	
51	Bowker	Ruth	4544	Mapleguard Dr.	Bowser		X
126	Slater	N.R.	4572	Mapleguard Dr.	Bowser	X	
127	Slater	Yvonne	4572	Mapleguard Dr.	Bowser	X	
40	McLary	Bermell	4615	Mapleguard Dr.	Bowser		X
136	Sinclair	Tara	4695	Mapleguard Dr.	Bowser	X	
177	Wells	Leon	4715	Mapleguard Dr.	Bowser	X	
60	Barker	Corinne	4675	Moors Dr.	Bowser	X	
61	Greenham	Patti	4675	Moors Dr.	Bowser	X	
174	Barrie	Les	4750	Moors Dr.	Bowser	X	
175	Barrie	Janet	4750	Moors Dr.	Bowser	X	
178	Kornsee	Ron	4755	Moors Dr.	Bowser	X	
179	Juke	Beverly	4755	Moors Dr.	Bowser	X	
54	Arnold	Heather	137	Noonday Rd.	Bowser	X	
47	Phillips	Amanda	150	Noonday Rd.	Bowser	X	
98	Hutchison	Sheila	4850	Ocean Trail	Bowser	X	
99	Hutchison	Darrell	4850	Ocean Trail	Bowser	X	
57	Hoefle	Robyn	4868	Ocean Trail	Bowser	X	
58	Hoefle	Tom	4868	Ocean Trail	Bowser	X	
115	Lombardo	Stephen	5121	Pearl Rd.	Bowser	X	
116	Cardy	Ray	5151	Pearl Rd.	Bowser	X	
102	Blair	Elvia	5156	Pearl Rd.	Bowser	X	
103	Blair	Scott	5156	Pearl Rd.	Bowser	X	
146	Mitschke	Gloria	225	Sabina Rd.	Bowser	X	
4	Katz	Marci	226	Sabina Rd.	Bowser	X	
7	Brown	Carole	234	Sabina Rd.	Bowser	X	
6	Breitkreutz	Wenda	243	Sabina Rd.	Bowser	X	
145	Brilling	Normon	246	Sabina Rd.	Bowser	X	
104	Hartug	Helmut E.	247	Sabina Rd.	Bowser	X	
105	Brown	Catherine	247	Sabina Rd.	Bowser	X	

Area H Questionnaire to Determine Support or Opposition to the  
BSI Application requiring OCP and RGS Amendments

ID	Last Name	First Name	Street No.	Street Name	City	Opposed to BSI Application	In favour of BSI
93	Aubi	Nicole	1041	Sabina Rd.	Bowser	X	
9	MacDonell	Ian	5021	Seaview Dr.	Bowser	X	
137	Cashman	M.J.	5041	Seaview Dr.	Bowser	X	
113	Wells	Marjorie	5067	Seaview Dr.	Bowser	X	
114	Wells	Linda	5067	Seaview Dr.	Bowser	X	
120	Kornman	A.O.	5076	Seaview Dr.	Bowser	X	
121	Aalhus	Kjell	5081	Seaview Dr.	Bowser	X	
122	Aalhus	Olive	5081	Seaview Dr.	Bowser	X	
123	Copas	Anne	5087	Seaview Dr.	Bowser	X	
16	Turney	Lucille	4588	Thompson Clark Dr. E.	Bowser	X	
41	Lloyd	Trish	4961	Thompson Clark Dr. W.	Bowser	X	
29	Pullen	Margaret	4985	Thompson Clark Dr. W.	Bowser	X	
5	Lawrence	Michael	4985	Thompson Clark Dr. W.	Bowser	X	
11	Braatz	Detlev	4990	Thompson Clark Dr. W.	Bowser	X	
12	Bodnar	Barbara	4993	Thompson Clark Dr. W.	Bowser	X	
84	Heslop	Reg	4536	Thompson Clark E.	Bowser	X	
85	Fagan	Penny	4536	Thompson Clark E.	Bowser	X	
106	McMahon	Angeline	5018	Thompson Clark W.	Bowser	X	
107	Clarke	Laurie	5049	Thompson Clark W.	Bowser	X	
32	Parkin	Suzanne	5407	W. Island Hwy	Bowser	X	
30	Routly	Nancy	5479	W. Island Hwy	Bowser	X	
45	Owen	Malory	65	Wildwood Pl.	Bowser	X	
83	Dendoff	Robert	176	Bay Rd	Horne Lake	X	
48	Allen	R.	3881	Charlton Rd.	Q.Bay	X	
68	Welburn	Alycia	345	Dunsmuir Rd.	Q.Bay	X	
73	Reid	Carrie	190	Fisheries Rd.	Q.Bay	X	
95	Maybee	Ann	460	Grovehill Rd.	Q.Bay	X	
49	Luck	Rodney	191	Huson Road	Q.Bay	X	
42	Brownstone	Ruth	208-280	Lions Way	Q.Bay	X	
91	Malloff	Georganna	4831	N. Island Hwy	Q.Bay	X	
134	Darlock	Tryrone	3043	Raymur Place	Q.Bay	X	
34	Steele	Sheila	3310	Welch Rd.	Q.Bay	X	
92	Hunt	Robert	3310	Welch Rd.	Q.Bay	X	
1	Rautiainen	Sak	2450	Whistler Rd. W	Q.Bay	X	
2	Vallance	Heather	2450	Whistler Rd. W	Q.Bay	X	
50	Bradley	Shirley	does not giveout address		Q.Bay	X	
<b>Total:</b>						<b>161</b>	<b>6</b>
						<b>96%</b>	<b>4%</b>

Opposed    In Favour

Area H Questionnaire to Determine Support or Opposition to the  
BSI Application requiring OCP and RGS Amendments

ID	Last Name	First Name	Street No.	Street Name	City	Opposed to BSI Application	In favour of BSI	
<b>Outside Area H</b>								
43	Bentley	L.			Parksville	X		
46	Abela	Melanie	545	St. Andrews Rd	Qualicum Be	X		
78	Glennys				Unknown	X		
81	Hammermeister	Jolene			Cumberland	X		
52	Mercer	Lorna	276-2465	Apollo Dr	Nanoose Bay	X		
53	Mercer	George	276-2465	Apollo Dr	Nanoose Bay	X		
77	Henderson	Robert	380	Cottonwood Dr	Qualicum Be	X		
63	Bradshaw	Sharon	2459	Grafton	Coombs	X		
80	Williams	Wendy	2870		Qualicum Be	X		
75	Rabey	Wally	Was considering living here but may not now.				X	
62	Murray	Shoma			Campbell Riv	X		
64	Sunshine	N.			Coombs	X		
69	Miller	E.	817	Lakes Blvd	Unknown	X		
134	Gray	W.D.	3117	McNaughton	Unknown	X		

14

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181  
182  
183  
184

## O'Halloran, Matt

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**From:** Marlene Dussault <nummers@shaw.ca>  
**Sent:** Sunday, April 21, 2013 12:28 PM  
**To:** O'Halloran, Matt  
**Subject:** RGS & OCP - Deep Bay Village Centre

Mr. O'Halloran;

Correspondence for the April 23 meeting. Please acknowledge receipt.

Attention: Mr. Stanhope & all Area Directors

We attended a meeting on April 16th at the Bowser Legion concerning the proposed Baynes Sound Investments development. Our Area H Director, Mr. Veenhof, repeatedly advised us that he has chosen to remain neutral yet it continues to be a mystery how he can remain neutral & still vote to proceed rather than follow RDN staff recommendation **NOT** to. What does he know that the RDN staff & Deep Bay residents don't know. According to him, "the RGS & OCP are good documents but they start to lose their relevance from the very moment that they are voted in". If that's the case, area H should be looking to the future & putting together another OCP just as quickly as possible.

It would appear we live by the "golden rule" in this community. Those who have the "gold" make the "rules".

BSI purchased this property a few years ago. This property has been bought & sold 3-4 times over the last 20 years with two of the developers logging the property to the fullest; amending the zoning on the property; & then immediately putting it up for sale. BSI has the "gold" - high density strata development to come?

VIU wants a road into their new marine complex. The president of the university is front & centre at many meetings giving his favourable response to this high density development. Let's get Mr. Nilson the road; & then develop the property with single family homes on 1/2 acre lots & leave Deep Bay the rural living community that is already established & is the wishes of the majority of residents in this area. That is why we chose to live here; and, supposedly, that is why our Area Director has also chosen to live in Deep Bay.

Would it not be more appropriate for the VIU president to appeal or apply to the federal & provincial governments to have a new road built to the marine complex?

Who will be most affected by this high density development? Residents along Gainsberg Road & Crome Point Road by increased traffic & noise; &, all other residents in the Deep Bay Improvement District will be affected financially by cost increases to water service & fire protection.,

Yours truly,  
George & Marlene Dussault  
5327 Gainsberg Road, Deep Bay

## O'Halloran, Matt

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**Subject:** FW: re-application of Re-consideration of Application for a new RVC in Deep Bay.

**From:** [Greta Taylor](#)

**Sent:** Thursday, April 18, 2013 8:05 PM

**Subject:** re-application of Re-consideration of Application for a new RVC in Deep Bay.

Matt O'Halloran  
Legislative Coordinator  
Regional District of Nanaimo

Hello Mr. O'Halloran,

Would you please be kind enough to enter the following letter into correspondence to the Board at the April 23rd meeting, It would be much appreciated, thank you.

Greta Taylor,  
244, Hembrough Road,  
Bowser, B.C. V0R 1G0  
Tel: 1-250 757 8909

Sent by email April 18th 2013.

To all Board Members,

Ladies and Gentlemen.

My husband and I were, and still are, more than very disappointed with Area H Director, Mr. Bill Veenhofs decision to allow the above Application to go forward. There have been NO meetings, surveys, polls, or consultation with the residents in Deep Bay on this subject, so how could he make an informed decision on the matter.

The Staff report clearly stated that there were more negative aspects than positive aspects regarding the Application and rightly so recommended the Application be refused. The Staff work very carefully to come to the right decision regarding plans of this nature. Mr. Veenhof should have been guided by their report and should have voted against the Application going forward. He appeared to be quite confused as to what to do, intimating if he voted one way he would hurt folks who were in favour of the application going forward or if he voted the other way he would hurt folks to were against the application going forward. If he was this confused, he should have abstained from voting or tabled a motion for this matter to be put back to a later date, AFTER he had had time to hold consultation meetings etc with the residents of Deep Bay. He would then have been able to make a rational decision on this matter.

Thank you for considering our comments.

Respectfully,

Peter and Greta Taylor,  
244, Hembrough Road,  
Bowser, B.C. V0R 1G0  
Tel: 1-250 757 8909

## O'Halloran, Matt

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**Subject:** Debate and democracy about development in Area H...

**From:** Bowser Bonkers [mailto:bowserbonkers@gmail.com]  
**Sent:** Sunday, April 21, 2013 12:56 PM  
**To:** O'Halloran, Matt  
**Subject:** Fwd: Debate and democracy about development in Area H...

Please enter this email into the bureaucracy where it needs to go and will be actually read in reference to BSI development proposal at Deep Bay.

Thank you Matt  
~Len

----- Forwarded message -----

**From:** **Bowser Bonkers** <bowserbonkers@gmail.com>  
**Date:** Sun, Apr 21, 2013 at 10:05 AM  
**Subject:** Debate and democracy about development in Area H...  
**To:** Bill Veenhof <Bill.Veenhof@shaw.ca>, fj fell <fjfell.at.rdn@gmail.com>, Scott Tanner <setanner@shaw.ca>, Dave Willie <dwillie@qualicumbeach.com>, leannesalter <leannesalter@shaw.ca>, Alec McPherson <alecmpherson@shaw.ca>, Dianne Eddy <d-eddy@shaw.ca>, "O'Halloran, Matt" <MOhalloran@rdn.bc.ca>

I would like to express myself to you about THE PROCESS which has been taking place regarding the proposal at Deep Bay.

Personally I am not blaming a person as I believe that all the Directors really do have their community welfare at heart. What I am concerned about and "blaming" is the process that you as Directors have decided to follow regarding this situation.

I dislike the RDN dictatorial authority as much as the next guy. But, they came to the people of Bowser area H years ago and requested that we define what we are, and what we want. We did that in our OCP. They forced the process upon us. But they did not dictate the content. We did. We are the vocal ones. We wrote the OCP. It took us two years to do so. That perhaps will give you a bit of an understanding why some are making so much noise about it now. There is no General's dream of development in our OCP. That is one man, a past director who had a dream. Its his dream. Not ours. What we want is written in our OCP.

When the General was director he guided BSI to the local first nations and got their blessing upon the land. Gifts were given. Even our current director Bill was in attendance at that time but was so as a citizen only. He has stated its not his dream. He is on the middle of the fence and going to get every ones opinion then make up his mind. The process of how he is going to do that has not been explained. Maybe RoBo Calls as that is the precedent that has been set, will be utilized.

When the staff report was IGNORED about BSI regarding how it would fit into our OCP....then I got angry because the process was

not followed. We as the people who wrote the OCP had to follow the rules....now the RDN staff report was saying that BSI does not fit in our OCP so you directors ignored the process and want to instead CHANGE our OCP so the project fits.

This is not democracy. Why should the director of Coombs have anything to do with what we the residents of Deep Bay want?

One of our concerns is to protect Mr. Warren Cook's **FORESHORE** LEASE directly , in front of the Shell fish University building and along the entire projects waterfront beach. The shell fishermen who are not opposed to this development do not have financial interest in growing shellfish *upon the beaches* as does Mr. Cook. Their leases are way out upon the water. It is the immediate run off of surface water potential pollution from sewage ponds overflow and ground water intrusion of e-coli and persons invading his leased area which is under cultivation that make a difference. The people cannot walk on Keith Reeds oyster floats. They can walk all over

Mr. Cooks clam beds, etc. Any pollutant that enters the water will first of all cover Mr. Cooks harvest area and will be very diluted by the time it gets out to Planskeys floats. That is why Reed and Planskey are not concerned with pollution. Mr. Cook is very concerned and rightly so. You would be too if it was your livelihood....as it has been in that area for many years for the Cooks. Unfortunately Mr. Cook has already had to bring a lawsuit (pending before the Supreme Court) against the University due to their salt water intake pipe which he granted permission for them to cross over his leased area, became unburied in winter storm activity and whipped-snaked across his cultivated shellfish and destroyed a 200k crop.

The proposal does not call for a sewage plant of tertiary treatment. It calls for sewage ponds and radiation of fluid upon the land. The Internet research I did reflects small towns and village documents that discovered that in grey sky winter rain environments this kind of ponding is not efficient and runs the risk of pollution from failure of the algae to grow; it requires direct sunlight in order to transform the fluid into a safe state.

If a sewage treatment plant of tertiary design were constructed in Qualicum Bay near the Community building owned by the RDN it would require running the collection pipe from Deep Bay along the beach to the plant. This kind of digging and trenching would undercut the cliffs and cause further erosion. As well, as evidenced by the yellow flags along the recently eroded sections of beach in Qualicum which have exposed AGAIN the sewage collection pipes...placing the pipes under the beach in any area really is not a very good plan.

Our OCP states that we welcome a development at Deep Bay. Build it on 1/2 acre lots with septic tanks and they will come. We don't need another village center....everyone already shops in Bowser or Courtenay.

They should build their road off the highway direct to the acreage first. Then develop it for large lots like our OCP indicates and leave our peaceful uncrowded community they way it is. NO HIGH DENSITY DEVELOPMENT IN OUR RURAL AREA.

Len Walker  
5185 Gainsberg Road  
Deep Bay, BC

no phone; don't use them, don't own one.  
email only:  
[bowserbonkers@gmail.com](mailto:bowserbonkers@gmail.com)



1387 Marina Way  
Nanoose Bay, BC  
V9P9B8  
April 15, 2013

Re: Development Variance Permit Application No. PL2013-015  
at 1401 Marina Way, Electoral Area 'E'

I am against the approval of the reduction of the minimum setback from the waterfront from 15 metres to 12.8 metres.

My concerns are:

1. It makes a precedent in our area. The 15 metre setback is a rule to be followed and not to be treated lightly.
2. Mr. Allin knew where he was building his house from the beginning and could have easily started 2.2 metres further back and there would be no problem. Alternatively, he should have asked for this variance exclusion when he requested the first one, changing the height restriction. To me, his proceeding in this way is just a way to pull the wool over our eyes to get around the rules. To have a deck that's not quite Olympic sized is not the end of the world. He can live with it.
3. I live three lots over from him, bordering a right of way (road allowance). My neighbour on the other side of it is planning to build a new house on his site. The old house has no setback from the right of way; his garage is even partly on it. Last year he decided to cut six trees on the right of way for his *convenience*, making an absurd claim that said trees were dangerous. He pushes the rules at every step. I am sure that he will also push to get to the front as much as he can when the time comes to build. If a precedent is set granting this variance, it will be easy for him to ask for similar allowances and it will make those who live by the regulations look like fools. I would strongly hope the Board rules for keeping our shorelines natural and not allowing more and more abuse of our beautiful waterfront.
4. We still have a nice community thanks to some of us who are fighting to keep it that way. I remember a few years back a similar case on Block C lot 17 (1264 Marina Way). The owner asked for a variance to build and set his house forward and it was denied. The neighbourhood fought against it, as we did once again just two years ago against the dock applications near Beachcomber Park in this community.

To be clear, I am very much opposed to the granting of this variance. It may seem like a small concession, however it opens up the possibility of further encroachments, making it difficult for the Board to deny future requests, and making the fifteen metre setback rule useless.

Some other neighbours and myself circulated a petition on Marina Way roughly two hundred metres in each direction. We approached fifty-two neighbours. Forty-seven of them were against permitting the variance. That is ninety percent. This should be a clear indication that the neighbourhood is interested in preserving the shoreline with the standard setback as provided for in the bylaw.

Sincerely,



Hans Hofmaier


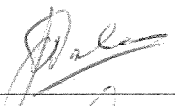


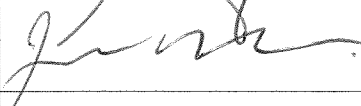


123

### Petition

Re: Development Variance Permit Application No. PL2013-015

“Setbacks—Sea to reduce the horizontal distance from the natural boundary from 15.0 metres to 12.8 metres for a proposed deck...”

WE ARE AGAINST THIS APPLICATION AND DO NOT WANT THIS TYPE OF PRECEDENT FOR BEACHCOMBER.

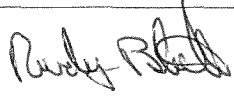





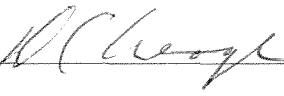





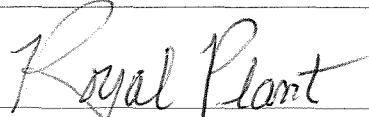
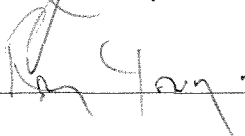
Name (printed)	Signature	Address	Phone number
Hans Hofmaier		1387 Marina way	250 468 9778
V. Lynne Stafford	V. Lynne Stafford	1387 Marina Way	250-468-9778
Steve Dale		1403 Marina Way	250-468-1617
Evan Dale		1403 Marina Way	250-468-1617
Rob Quigley	Rob Quigley	1368 Marina Way	250-468-7554
Danielle Therrien	DTherrien	1350 Marina Way	250-468-1605
Guy Therrien		1350 Marina Way	250-468-1605
JAVICE McPHAIL		1342 MARINA WAY	250 9370258
BARB HAMILTON	BHamilton	1338 MARINA WAY	250-468-1985
H. Loukoski	H Loukoski	1330 MARINA WAY	250-468-7259
Paul Bader	Paul Bader	1322 Marina Way	250-740-5077
S. Lavigne	S. LAUVIGNE	1223 Marina	250-668-7370
MIKE LAVIGNE		1223 MARINA WAY	668-9044
R. WILSON		1349 main way	468-7208

## Petition

Re: Development Variance Permit Application No. PL2013-015

“Setbacks—Sea to reduce the horizontal distance from the natural boundary from 15.0 metres to 12.8 metres for a proposed deck...”

WE ARE AGAINST THIS APPLICATION AND DO NOT WANT THIS TYPE OF PRECEDENT FOR BEACHCOMBER.

Name (printed)	Signature	Address	Phone number
Rudy Brulotte		1219 Marina Way Nanoose Bay	250-468-7091
GLADYS ANDERSON		1227 MARINA WAY NANOOSE BAY	250-468-7750
LAWRENCE ANDERSON		1227 MARINA WAY NANOOSE BAY	250 468-7750
Paul Hansen		1352 Marina Way	250 740 7741
Sydney Lee		1268 Seadog Rd	250 468-7576
SHARON LEE		1268 Seadog Rd	250. 468-7576
D. Creagh		1371 Marina Way	250-821-8222
MARSHA HANSEN		1356 Marina way	250-468-9251
G. BEAVERIDGE		1367 MARINA WAY	250-821-2082
R. G. UZZONARS		1274 Seadog	250 468 7861
ROD CHURCH		1411 MARINA WAY	250 468-2092
FRANCIE CHURCH		1411 MARINA WAY	250-468-2092
royal plant		1421 marina way	250-468-0153
KAN YOUNG		1451 marina way	250 468-9393

## Petition

Re: Development Variance Permit Application No. PL2013-015

“Setbacks—Sea to reduce the horizontal distance from the natural boundary from 15.0 metres to 12.8 metres for a proposed deck...”

WE ARE AGAINST THIS APPLICATION AND DO NOT WANT THIS TYPE OF PRECEDENT FOR BEACHCOMBER.

Name (printed)	Signature	Address	Phone number
VICKI KNIGHT	V.L. Knight	1349 Marina Way	468-7208
DIANA YOUNG	DIANA YOUNG	1451 MARINA WAY	250 468 9393
PETRA TSCHAUNER	Petra Tschauner	1415 MARINA WAY	250 468 7276
Lynna Beckett	Lynna Beckett	1588 Marina Way	250 468 1728
JOEL RICHSON	Joel Richson	"	"
HANS LAUE	H. Laue	1372 PILOT WAY	250.468.1786
Carol Bell	Carol Bell	1409 Marina Way	250-468-7204
David Bird	D. Bird	1585 Brynmor Rd	250 468 5218
Pete Donkersley	P. Donkersley	1397 Pilot Way	468-9855
Diane Donkersley	Diane Donkersley	1397 Pilot Way	468-9855
Doug Mitchell	Doug Mitchell	1407 Marine Way	468-0280
Lynn Mitchell	LYNN MITCHELL	1407 - -	468-0280
JACQUELINE MOORE	Jacqueline Moore	1432 MARINA WAY	468-7574
DOE MOORE	DOE MOORE	" " "	" "
April Obersteiner	April Obersteiner	1459 Marina Way	468-9797
David Welsh	David Welsh	" " "	" "
Pat Smekal	Pat Smekal	1391 Marina Way	468-7281
Geo. Smead	Geo. Smead	" " "	" " "
M. Creagh	M. Creagh	1371 Marina Way	821-8222

## O'Halloran, Matt

---

**Subject:** FW: Re Appl. No.PL2013-015: 1401 Marina Way

From: Jill [mailto:daviesjill@btinternet.com]  
Sent: Monday, April 22, 2013 6:57 AM  
To: [planning@rdn.bc](mailto:planning@rdn.bc)  
Cc: George Holme; Marks, Kristy  
Subject: Re Appl. No.PL2013-015: 1401 Marina Way

To:  
Regional District of Nanaimo Strategic & Community Development  
From:  
Jill Davies  
9-1600, Brynmarl Rd, Nanoose Bay BC. V9P 9E1

To Director George Holme  
And To the Directors of Nanaimo Regional District

I am writing with regard to Application No.PL2013-015 Notice of Development Variance 1401, Marina Way, Nanoose Bay (electoral area G)

I am writing to express my concerns about the above application for the variance of Bylaw No.500,1987. Setbacks - Sea: 'To reduce the horizontal Distance of the natural boundary from 15 metres to 12.8 metres for a proposed deck.'

My concerns are as follow:

1. This application surely should properly have been made when planning consent was being sought. To slip it in at a later stage appears manipulative and an attempt to evade opposition
2. The extension of the deck, if granted will intrude upon the privacy of neighbours on both sides
3. The bylaw was established to protect the shore line of this area of outstanding natural beauty and the ecology of the same.
4. If this variance is agreed it will establish a precedent for both Northwest Bay and for land bounding Nuttall Bay on the other side of the point.
5. Currently the neighbourhood is a charming mix of old and new however a variance of this nature will encourage tear-downs and the inevitable building of bigger homes together with a precedent for larger decks closer to the water. This will not only affect the shoreline but also the privacy, serenity, peace and quiet of neighbours and also of all those using the bay; beach users, kayakers and users of small boats.
6. The owners of the property were aware of the natural contours of their property at the design stage. I believe it was their responsibility to incorporate the wanted deck size into their initial design thus allowing for the required conformation to the bylaw that clearly specifies a 15 metre setback.

I therefore want to express my strong opposition to the afore-mentioned application.

In recent years there have been other applications that requested amendments to bylaws designed to protect our very special shoreline and unique neighbourhood. These were refused. I respectfully request that our directors continue to be vigilant.

I would like my opposition to this amendment to be on record at the forthcoming planning meeting

Jill Davies

1387 Marina Way  
Nanoose Bay, BC  
V9P9B8  
April 15, 2014

To:  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, BC

Re: Development Variance Permit Application No. PL2013-015  
at 1401 Marina Way

I object to the Variance Application. Mr. Allin built this house with full support from architects, and engineers. His setback on the bordering properties are 2 metres on one side and 2 metres 3 centimetres on the other, which is within 3 centimetres of his maximum. This is a very precise measurement, but he miscalculated the waterfront setback by, Oops!, only 220 centimetres. He would now like to correct this mistake by asking for this variance. For “his convenience” was, I believe, one of the reasons given.

The matter of fact is that if the Board Members approve the application (a new house construction includes the deck), they would be, in effect, approving Mr. Allin's house to be exempt from the 15 metre setback. Thus, Mr. Allin would achieve what, it appears, was his plan from the beginning: a house with a setback limit of only 12.8 metres. What a nice way to get around a bylaw!

Bylaws are put in place so that property owners can plan for the future with security. Setting a precedent like this opens up a free for all. Why should anyone be obliged to follow the rules if Mr. Allin does not? Beachcomber has a special character not often found in subdivisions. It does not feel suburban: we have abundant wildlife, for instance. Just today I was enjoying the late afternoon sun from my waterfront. Three otters swam by, and I watched one of them as it clambered out of the water on Mr. Allin's property and spent some time exploring. My stepson, who is now thirty-three years old, tells me that he observed the same behaviour when he swam here as a child. There were also sealions and a couple of seals swimming by. Every encroachment on nature takes away a little bit of this special character, and makes Beachcomber just like any other development, decreasing both our property values and our ability to enjoy our properties.

I found the following information regarding variances on the RDN website:

“The Board of Variance reviews applications and makes decisions on minor variances to zoning and rural land use bylaws when it is illustrated by the applicant that compliance would cause undue hardship. In order to grant a variance, the Board of Variance must be of the opinion that the variance or exemption does not:

result in inappropriate development of the site;  
adversely affect the natural environment;  
substantially affect the use and enjoyment of adjacent land;  
vary permitted uses and densities under the applicable bylaw, or;  
defeat the intent of the bylaw.” [Emphasis added.]

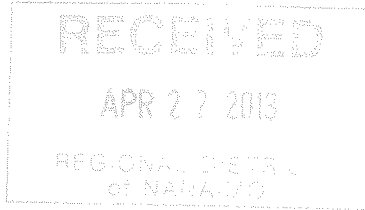
Please note that you say “or” before the last alternative which means that any one contravention would lead to a denial of an application. I believe that the change to waterfront setback would:

1. “adversely affect the natural environment” as it would disrupt the otters' activities,
2. it “substantially affect[s] the use and enjoyment of adjacent land”,
3. and it very obviously “defeat[s] the intent of the bylaw”.

Sincerely,

A handwritten signature in cursive script that reads "V. Lynne Stafford". The signature is written in black ink and is positioned above the typed name.

V. Lynne Stafford



Mr. & Mrs. S. Dale  
1403 Marina Way  
NanOOSE Bay , BC V9P 9B6

REGIONAL DISTRICT OF NANAIMO  
Current Planning  
6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2

RE. NOTICE OF DEVELOPMENT VARIANCE PERMIT  
APPLICATION NO. PL 2013-015, 1401 MARINA WAY, NANOOSE BAY, BC

Dear Sirs,

We are the owners of the property that is next door to the above-noted site (i.e. 1403 Marina Way), and we are against the granting of the above-noted development permit for the following reasons:

1. The house is situated right on the property line and already blocks our view from the eight (8) windows on the west side of our house. Reduction of the distance from the natural boundary by 2.2 metres, or 17 percent less than the existing bylaw stipulates, will further obstruct our view.
2. Severely limits our privacy.
3. Will further reduce our house value.
4. A larger deck will inevitably encourage larger parties and higher noise levels.
5. The total property length is approximately 300 feet – more than sufficient without requiring this variance.
6. According to the original variance (attachment 2), a wavy line crosses the deck with the notation: "15m setback from present natural boundary." That line appears to be the end of the deck, which is very misleading.
7. The house is built, and he apparently has just now decided to "add" to his deck.
8. This area has a number of older homes, many of which will inevitably be replaced by newer buildings; and they should not be permitted to utilize this reduction as a precedent. Some 25 years ago, the 15m limit was established for good reason.

We sincerely trust that the board will vote against this variance request.

Sincerely,

Steve Dale

A handwritten signature in cursive script that reads "Steve Dale".

Eula Dale

A handwritten signature in cursive script that reads "Eula Dale".



An aerial photograph of a construction site. A large, white, wireframe structure is visible in the center-right. The ground is dark and appears to be a mix of dirt and gravel. In the top-left corner, there are some trees with bare branches. A white rectangular label with handwritten text is positioned in the lower-left quadrant. Another white rectangular label with handwritten text is in the lower-right quadrant. A small circle is drawn on the ground in the lower-left area.

JANUARY 28, 2013

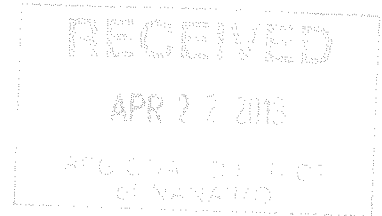
PLANS DO NOT SHOW  
THE DECK EXTENDING  
THIS FAR BUT THE  
PYLON IS ALREADY  
IN PLACE.



THE ALLIANCE  
"FUNCTIONAL"  
OUTDOOR LIVING  
SPACE "WILL  
IMPACT ON OUR  
"FUNCTIONAL"  
INDOOR LIVING ROOM

Carol Bell  
1409 Marina Way  
Nanoose Bay, B.C.  
V9P 9B8  
April 20, 2013

Regional District of Nanaimo  
Strategic & Community Development  
6300 Hammond Bay Road  
Nanaimo, B.C.  
V9T 6N2



Re: Notice of Development Variance Permit  
Application No. PL2013-015  
1401 Marina Way  
Electoral Area 'E'

Dear Sirs,

I am writing this letter with respect to Development Variance Permit Application No. PL2013-015 for the property located at 1401 Marina Way in Electoral Area 'E'. This application requests to vary the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987, Section 3.3.9(b)(ii) as follows:

Section 3.3.9(b)(ii) Setbacks – Sea to reduce the horizontal distance from the natural boundary from 15.0 metres to 12.8 metres for a proposed deck.


I have lived at 1409 Marina Way in Beachcomber for the past 24 years and am three lots from the subject property. I would like to express my complete opposition to the said Variance Application which would reduce the natural boundary setback from 15 metres to 12.8 metres in order to allow for the extension of the deck for the following reasons:

1. This by-law setting the 15 metre setback was established in 1987 for a reason. It protects the shoreline and its sea life and prevents people from obstructing the views of their neighbours. Everybody is treated equally. It must be upheld.
2. Beachcomber is one of the older developments in Nanoose. It is a very special place to live. The community thrives on respect and concern for each other. Many of the waterfront homes in Beachcomber are older homes. There are few undeveloped waterfront lots remaining. The logical turn of events in the future will be to demolish the older homes and build bigger new homes. If the existing setback is reduced to 12.8 metres, it will set a precedence for others to also request a similar variance. This would definitely affect me as the homes on either side of me are older and could potentially be replaced with newer and bigger homes. It will create dissension between the neighbours.

3. In October, 2012, Richard and Lori Allin, the owners of the subject property, applied for and received approval from the Board of Variance to increase the maximum permitted height of their house from 8 metres to 9.3 metres. The construction of their home commenced in December, 2012, after they received the height variance. Why did they not apply for the setback variance before they started construction of their home as they did for the height restriction? I believe they had preplanned to ask for another variance when the main construction of the house was completed. In that way, they would appeal to the sympathies of the RDN and the neighbours. This is what I call manipulation. This creates bad feelings amongst the neighbours.
4. Mr. and Mrs. Allin were aware of the existing contour of the natural boundary when they originally presented their building plans to the RDN, which plans included a deck. The onus was on them to design a house that would accommodate a larger deck within the required 15 metre natural boundary.

I hereby oppose the approval of Development Variance Permit No. PL2013-015 to reduce the minimum setback from the natural boundary of the sea from 15 metres to 12.8 metres. I respectfully request the Board of the Regional District of Nanaimo to deny Development Variance Permit Application No. PL2013-015.

Respectfully submitted

  
Carol Bell

c.c. George Holme  
Kristy Marks

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

Attention: Director Holme

**Re: Lot 17, Block A, District Lot 38, Nanoose District, Plan 10777**

Dear Sir:

Please be aware that I have reviewed this application and I fully understand the variances being applied for.

I have no objection to the proposed construction of the deck or its location. Subsequently I am in support of the required variances and the Development Variance Permit being issued.

Yours truly,



Name: Harold Goebel or JUDITH GOEBEL

Date: April 16, 2013

Address: 1397 Marina Way  
NANOOSE BAY, B.C.  
V9P 9B8

## O'Halloran, Matt

---

**From:** Hewitt, Nicole on behalf of email, planning  
**Sent:** Tuesday, April 23, 2013 9:59 AM  
**To:** O'Halloran, Matt; Marks, Kristy  
**Subject:** FW: Application No. PL2012-157  
**Attachments:** DSC02288.JPG

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**From:** Melanie McConnell [<mailto:cmmccconnellin04@yahoo.com>]  
**Sent:** Monday, April 22, 2013 10:35 PM  
**To:** email, planning  
**Subject:** Application No. PL2012-157

To Whom It May Concern,

We had previously communicated on application no. PL2012-157 submitted by the Keens for the approval of a non-compliant retaining wall which has been built up to and on top of the property line of our mutual lots (we are owners of Lot 41). We understand that the prior Board Meeting was rescheduled to April 23rd. We currently live in the States and therefore are unfortunately not available to appear in person at the Board meeting but did want to take an opportunity to express some concerns that we had on the variance in question.

Since the last meeting, we were able to visit the property to get a "lay of the land" so to speak. Our initial concerns were related to the drainage of the wall. When we inspected the wall, there were several areas of pooling at the base of the wall. Note also that the Keens have landscaped directly on top of the wall and installed additional sprinkler heads for the new plantings. Since the wall is built up to the property line, these pooling areas are now on our property. When we attempted to address this with the Keens, we were advised that it would be our issue to deal with when we decided to build on the lot. In the meantime, we understand that the Keens secured a geotech inspection by their own expert who opined that there were not drainage issue. Nonetheless, we remain concerned about this issue (an issue that Mr. Keen acknowledges exists by his suggestion that it will be our issue to address when we build). We are also concerned that this geotech expert may be biased as a "hired expert" for their benefit.

In addition, we are very concerned about the encroachment of this wall. These properties are not very large. This large retaining wall creates not only a visual issue but also makes our property appear smaller than it is. We have discussed the possibility of placing our lot on the market in the future and am very concerned that this wall will create a concern for a potential buyer. Should we decide to build on the lot, this encroachment has now potentially limited where and how we can build. Obviously there are reasons that the setbacks exist and we are frustrated that we are now somewhat pigeonholed into the acceptance of this wall since this permit was not requested until AFTER the wall was already constructed.

I understand that the Keens have indicated that this wall is structural. I am not clear how it could be structural since it was clearly built in order to backfill and create a grassy lawn (see attached). There is also quite a distance between the wall and the main home.

Needless to say, we continue to have concerns over this wall and frustrations with Mr. Keen and how the

process has been handled. We suspect that had the permit been requested at the start, it may not have been approved; yet since it has already been constructed, we feel powerless to do anything about it.

We thank you for your consideration and for the opportunity to express our concerns. I am sorry that we are not able to be there in person and only hope for a fair and equitable resolution. Feel free to contact me with any questions or concerns.

Sincerely,

Melanie and Craig McConnell

(925) 673-0251 home

(925) 628-7543 cell





2140 Sherbrooke Road  
Nanoose Bay BC  
V9P 9J8

April 20, 2013

Regional District of Nanaimo Development Services  
Board of Variance  
6300 Hammond Bay Road  
Nanaimo BC  
V9T 6N2

Re: Variance Permit Application Number PL2012-157

We live at 2140 Sherbrooke Road (Shelby Lot 40) and have been impacted by this variance. Our position has not changed since the initial application in January.

While it is probably too late to move the retaining wall to meet existing setback requirements, we still have several concerns about this variance application.

1. The retaining wall has been built very close to the lot lines. Please ensure that there is no lot line encroachment for adjacent lots.
2. We are not aware that the wall was anchored in any way. Please ensure that it has been built to an appropriate structural standard for Regional District and geographic region requirements with respect to hydraulic and earthquake risks.
3. Our lot will be directly impacted if lot drainage has not been well designed. Please ensure that drainage for the retaining wall meets requirements.
4. The house and the retaining wall are already in place. This indicates inadequate oversight on the part of the RDN at the time of the build. We feel that both building inspection and the review of the previous application (PL2010-192) could have identified and resolved this non-conformance. Additionally, the builder is very experienced in working within RDN requirements and should have recognized and dealt with setback requirements.

Unfortunately, we will be unable to attend the board meeting on April 23. Please accept this letter as an indication of our views. We are opposed to the variance.

Sincerely



Anne and Ian Ward