

REGIONAL DISTRICT OF NANAIMO

COMMITTEE OF THE WHOLE

TUESDAY, MAY 14, 2013

7:10 PM

(immediately following the Nanaimo Regional Hospital District Board meeting)

(RDN Board Chambers)

A D D E N D U M

PAGES

COMMUNICATIONS/CORRESPONDENCE

2-4 **David G. Wallace, J.E. Anderson & Associates**, re 1155 Leffler Road, Electoral Area 'F' – Building Bylaw Contravention.

NEW BUSINESS

Notice of Motion – Community Library Branch within Electoral Area 'A'.

The following motion will be brought forward by Director McPherson to the May 28, 2013 Board Agenda:

That staff be directed to contact Vancouver Island Regional Library and to enter into discussions on requirements to establish a new community library branch within Electoral Area 'A', and more specifically, within the Cedar Rural Village Centre.

O'Halloran, Matt

Subject: FW: 1155 Leffler Road - Martini Bylaw Contravention
Attachments: 86287 RDN May 13 letter.pdf

From: Dave [<mailto:dgw@jeanderson.com>]
Sent: Monday, May 13, 2013 4:19 PM
To: Armet, Tom
Cc: Gloria Martini; Kate Whitfield
Subject: 1155 Leffler Road - Martini Bylaw Contravention

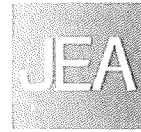
Tom:

Attached is a letter on behalf of the Martini's outlining the steps to be taken to address the outstanding bylaw issues. We respectfully request to appear as a delegation before the Committee of the Whole Meeting on Tuesday, May 14, 2013. We will submit this letter to the RDN at that time. We expect to take no more than ten minutes in this regard. Please confirm that our request to be added to the agenda as a delegation is confirmed. Thanks Tom.

Dave
David G. Wallace, BCLS
JE Anderson & Associates
Suite 1A - 3411 Shenton Road
Nanaimo, BC V9T 2H1
Phone: (250) 758-4631
Fax: (250) 758-4660
Email: dgw@jeanderson.com



DISCLAIMER: This e-mail message is intended only for the named recipient(s) above and may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you have received this message in error, or are not the named recipient(s), please immediately notify the sender and delete this e-mail message.



May 13, 2013

File No.: 86287

Regional District of Nanaimo
Building, Bylaw & Emergency Planning Services
6300 Hammond Bay Road
Nanaimo, BC
V9T 6N2

Attention: Tom Armet

**Re: Building Bylaw Contravention - Lot 1, District Lot 139,
Nanoose District, Plan 18583
AT: 1155 Leffler Road**

We represent the owners of the above noted property Gene & Gloria Martini and have been asked to speak on their behalf regarding the building bylaw contravention. As you are aware the Martinis have also received correspondence from the Agricultural Land Commission for an order to provide information regarding additional dwellings on the property.

Please find outlined below a brief chronological order of events regarding these orders.

The Martini's received a letter from the RDN dated January 15, 2013 along with a stop work order posted on the property regarding structures being constructed on the property contrary to Zoning & Subdivision Bylaw 1285, 2002. These buildings were commenced prior to the building bylaw 1250 coming into effect on April 1, 2011. Between January 23 and mid - February we contacted the RDN regarding arranging a meeting with the Martini's to discuss these issues. The last conversation we had indicated that a meeting would not be of any assistance to resolve the issues.

On April 23, 2013 at 5:20 pm the Martini's received a phone call from Ron MacLeod Agricultural Compliance and Enforcement Officer of the ALC requesting a meeting on April 24, 2013 at 11:30 am on the property to discuss construction of unauthorized dwellings.

1A - 3411 Shenton Road
Nanaimo, BC V9T 2H1
Phone 250-758-4631
Fax 250-758-4660

4212 Glanford Avenue
Victoria, BC V8Z 4B7
Phone 250-727-2214
Fax 250-727-3395

170 Morison Ave, PO Box 247
Parksville, BC V9P 2G4
Phone 250-248-5755
Fax 250-248-6199

Re: Building Bylaw Contravention Lot 1, District Lot 139,
Nanoose District, Plan 18583
AT: 1155 Leffler Road

Page 2

On April 24, 2013 Mr. MacLeod arrived at the site at 12:10 pm along with two building inspectors from the RDN and two compliance and enforcement specialists with the Ministry of Forests, Lands, & Natural Resources. Prior to that at 11:00 am a biologist under contract to that ministry (FLNR) attended the site and was shown the property by the owners. The Martinis were unaware that anyone else except Mr. MacLeod was to be attending the meeting. At the conclusion of the meeting the Martinis were given two citations by the RDN building inspectors and they were also given an Order to Provide Information by the ALC Bylaw Officer.

Please find outlined below how we plan on rectifying these non-compliance issues:

1. Submission of an application under Section 30 of the Agricultural Land Commission Act and Section 15 and 16 of the Agricultural Land Reserve Use, Subdivision and Procedure Regulations to remove the property from the Agricultural Land Reserve. In support of this application the owners are gathering consultant's reports regarding environmentally sensitive areas (wetlands) drainage, and possibly soils classifications along with topographic information showing elevations and building locations. The requirements of the application include public advertising, posting a notice on site, informing immediately adjacent property owners, and a resolution from the RDN under Section 30 (4) of the Agricultural Land Commission Act.
2. If the application to remove the property from the ALR is successful the ALC issues would be solved and the owners would then apply for an OCP amendment (if applicable) and re-zoning of the property to RU1D (rural) from its current A1 (Agricultural) zoning. They would then be in a position to apply for a subdivision for their son's house under Section 946 of the Local Government Act (creating a separate residence for a relative). The remainder of the property would be 2.01 hectares which under RU1D zoning supports two residences. It is the intention of the owners to either demolish the original residence on the property and leave the two newly constructed structures separate or to join the two new structures.. This process would address all outstanding issues with the RDN.

This process could take a considerable amount of time and we respectfully request that you allow them to proceed in this manner in order to solve the outstanding issues. Thank-you for your time and consideration in this matter.

Yours truly,

J.E. Anderson and Associates



David G. Wallace, BCLS

DGW/ac

cc: Gene & Gloria Martini
Ron MacLeod, ALC