



DATE OF MEETING: February 13, 2024  
TO: Galiano Island Local Trust Committee  
FROM: Bruce Belcher, Planner 1  
Southern Team  
COPY: Robert Kojima, Regional Planning Manager  
SUBJECT: GL-DVP-2023.5  
Applicant: Kate Scoones  
Location: 3307 Montague Road, Galiano Island

## RECOMMENDATION

- 1. That the Galiano Island Local Trust Committee approve issuance of Development Variance Permit application GL-DVP-2023.5 (Scoones).**

## REPORT SUMMARY

The purpose of this report is to consider a Development Variance Permit (DVP) to legalize the siting of existing structures and buildings.

## BACKGROUND

The owner is seeking a DVP to bring the existing buildings and structures into compliance with the current zoning regulations. The DVP seeks to legalize the siting of the following by varying the setback to the natural boundary of the sea from 7.5 metres for structures and 30 metres for a septic field, the interior side lot setback from 6.0 metres, and the front lot setback from 7.5 metres:

- 1.5 metres from the interior side lot line for the existing accessory building.
- 0.4 metres from the interior side lot line for the western rock retaining wall.
- 4.6 metres from the interior side lot line and 0.0 metres from the front lot line for the woodshed/pump-house.
- 4.0 metres from the interior side lot line for the northern rock retaining wall.
- 3.3 metres from the interior side lot line and 2.5 metres from the natural boundary of the sea for the southern rock retaining wall.
- 6.7 metres from the front lot line for the dwelling.
- 2.0 metres from the natural boundary of the sea for the western fence.
- 7.3 metres from the natural boundary of the sea for the sewage absorption field.

These structures and features within the setbacks are summarized below, and shown in Figure 1:

1. House (orange) - Originally constructed in the 1950s, previous owner applied for a permit for an addition to the dwelling in 1973 but was never issued. The encroachment has legal non-conforming status due to the original date of construction, the owner has opted to include the house as a part of the variance to certify compliance. A sundeck was added to the dwelling in 2006 with a permit from the CRD.
2. Accessory building (blue) - Constructed in 2006 as a replacement for an existing studio cabin built by the previous owner in the 1970s. CRD issued the building permit in 2006 with the condition that it was not to be used for human habitation. The building had a stove which has now been removed to meet the definition of an accessory building. The property has a maximum density of one single family dwelling and no cottages, any habitation use of the accessory building is non-compliant. The building requires a variance to become compliant with the Galiano LUB setbacks as the legal-non-conforming status could not be confirmed.
3. Woodshed/pump-house (green) - Pump and well house with an enclosed drilled water well, pump system, and holding tank. The well head is in the southwest corner of the building about a foot inside each wall. The building includes an unenclosed covered storage area previously used for wood. The building received a permit for construction from the CRD in 1982. The previous owner received a permit from the Ministry of Transportation and Infrastructure to authorize the building's location within the provincial public highway right-of-way in September of 2018. The building has legal non-conforming status, but requires a variance to further certify compliance with the LUB.
4. Rock retaining wall (yellow) - Two retaining walls create two separate levels to the yard, the southern of which contains the sewage absorption field. Both walls encroach in the east interior side setback line, while only the south wall encroaches in the natural boundary and the west interior side setback line. Date of construction is unknown, judging on appearance the retaining walls are long-standing.
5. Sewage absorption field (pink) - The sewage absorption field is sited in the lower filled area above the shoreline rock wall. The sewage absorption field is 32 metres from the well head located inside the pump-house which meets the setback requirement in section 2.15 of the Galiano LUB. The sewage absorption field received repairs in accordance with the BC Sewage Disposal regulations and approval from Vancouver Island Health Authority in 2005.
6. Fence (purple) - The fence partially encroaches onto the western neighbours' property to which the property owner has a received written permission for the fence to remain in its current location provided that it is not altered or replaced.

There has been ongoing bylaw enforcement action on the property related to siting and lot coverage. The following has not been included in the proposed permit:

1. Lot coverage – Calculated as 36%, the permitted coverage of the lot is 25%. The owner has opted to leave the non-compliant lot coverage out of this variance permit as they intend to sell the property upon attaining compliance for the existing structures. The future owner would then be responsible for reaching compliance with the lot coverage on the property. The future owner could reach compliance through reducing the paved areas on the property.
2. Wharf, Ramp, Float – Constructed to the specifications of the 2005 issued development permit (GL-DP-2005.1). The construction met the existing OCP requirements, no variance is required.

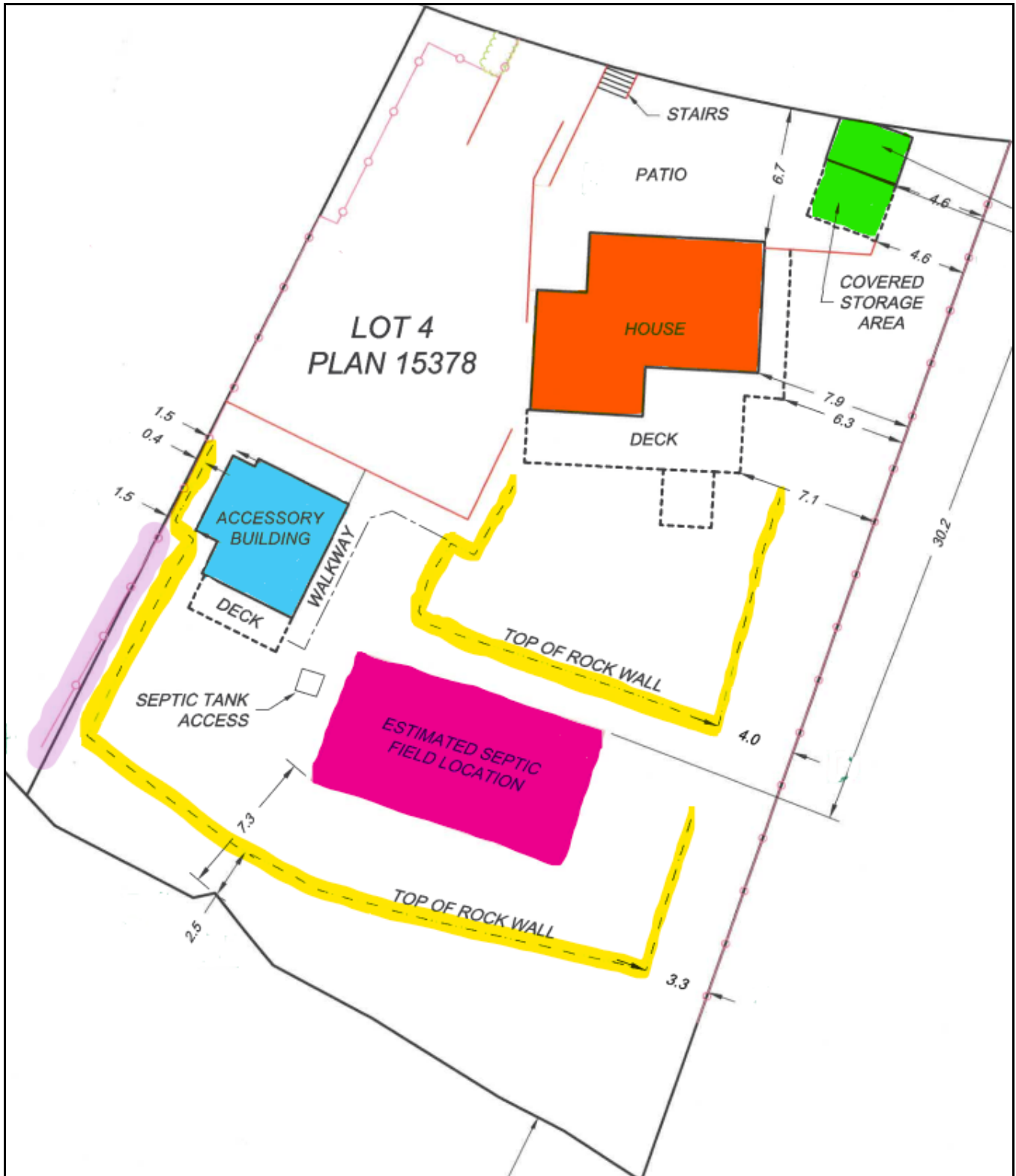


Figure 1 – Site Plan

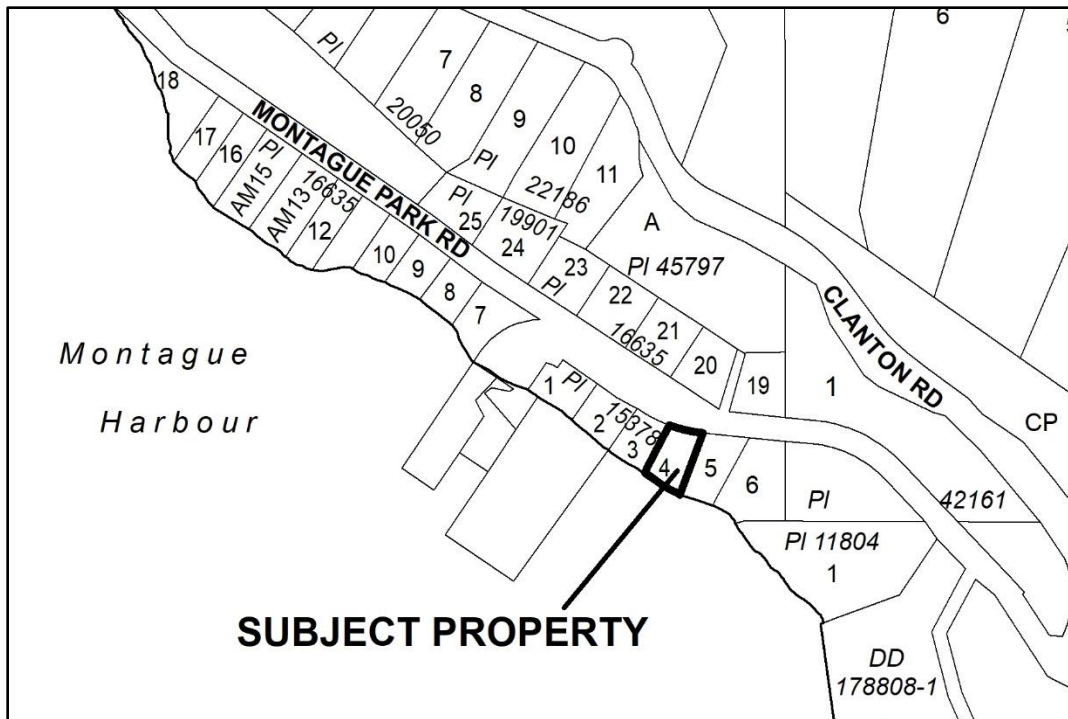


Figure 1: Subject Property Location

## ANALYSIS

### Policy/Regulatory

Section 498 of the *Local Government Act* enables the Local Trust Committee to issue (approve) a DVP in order to vary a siting regulation in the LUB. A DVP may not be used to vary density or land use. In this case, a variance to siting regulations is being sought.

### Official Community Plan (OCP)

The property is designated Small Lot Residential (SLR) in the Galiano OCP. **DPA 2 – Shoreline and Marine**, is designated on the property and adjacent water area. **DPA 7 – Steep Slope Hazard Areas** is designated along the along the shoreline and central part of the property.

### Land Use Bylaw (LUB)

The property is zoned as **Small Lot Residential (SLR)** and the adjacent water area **Marine (M)** in the Galiano LUB. The residential dwelling on the subject property conforms to zoning and density requirements. The Galiano Island LUB prohibits the use of an accessory building or structure to be used for human habitation.

### Development Variance Permit

The applicant is seeking variances for the following Galiano LUB provisions:

- 2.14 Buildings and structures must be sited at least 7.5 metres from the natural boundary of the sea, and at least 15 metres from any lake, a swamp and any other natural watercourse. This setback from the sea does not apply to structures located on a highway and for stairway structures located in the Park Zone.

2.15 Sewage absorption fields must be sited at least 30 metres from the natural boundary of the sea, any lake, swamp, or other natural watercourse and any well.

Buildings and structures must be sited;

5.3.8.1 at least 7.5 metres from front and rear lot lines;

5.3.8.2 at least 6 metres from each interior side lot line.

The proposed DVP permit (Attachment 5) states:

a) Section 2.14 which states that buildings and structures must be sited at least 7.5 metres from the natural boundary of the sea is varied to permit the siting of:

- i. The existing southern rock retaining wall within 2.5 metres of the natural boundary of the sea;
- ii. The existing western fence within 2.0 metres of the natural boundary of the sea;

b) Section 2.15 which states that sewage absorption fields must be sited at least 30 metres from the natural boundary of the sea is varied to permit the siting of:

- i. The existing sewage absorption field within 7.3 metres of the natural boundary of the sea;

c) Subsection 5.3.8.1 which states that buildings and structures must be sited at least 7.5 metres from front and rear lot lines is varied to permit the siting of:

- i. The existing woodshed/pump-house building within 0.0 metres of the front lot line;
- ii. The existing dwelling within 6.7 metres of the front lot line;

d) Subsection 5.3.8.2 which states that buildings and structures must be sited at least 6 metres from each interior side lot line is varied to permit the siting of:

- i. The existing accessory building within 1.5 metres of the interior side lot line;
- ii. The existing western rock retaining wall within 0.4 metres of the interior side lot line;
- iii. The existing northern rock retaining wall within 4.0 metres of the interior side lot line;
- iv. The existing southern rock retaining wall within 3.3 metres of the interior side lot line;

### ***Rationale for the Variance***

The property has changed owners through the means of inheritance twice since 2016. The new owner is seeking a variance to bring the property into compliance with the Galiano LUB prior to selling.

### ***Intent of the Regulations being Varied***

The overall purpose of the setback to the natural boundary of the sea regulation, interior side lot setback, and front lot setback regulations is to minimize impacts on adjacent properties and the public realm related to:

- Protecting marine and foreshore and nearshore habitats;
- Protection of development from natural hazards, particularly with sea level rise and increased storm surges;
- Limiting the visual impact of development on adjacent properties;
- Protection of views, scenic areas, and distinctive features contributing to the overall visual quality and scenic value of the Trust Area;
- Maintaining privacy;
- Establishing a consistent development pattern within a local area;

- Public access;
- Maintaining rural character;
- Establishing certainty with respect to residential development by maintaining consistent siting regulations.

### ***Potential Impacts of Granting the Variances***

Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation, each application should be evaluated on its own merits.

### **Circulation**

DVP notices were circulated to surrounding property owners and residents on January 22, 2024 (Attachment 3). The notification period ended on February 2, 2024.

At the time of writing, staff have received five written submissions in response to the notification (Attachment 3). Two submissions supported the variance, and three including the immediate neighbours were opposed to certain aspects the variance. Any submissions received after the agenda deadline but prior to the LTC meeting will be forwarded to Trustees and the applicant and will be reported at the meeting.

### ***First Nations***

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act directly to the applicants with the initial application.

### **Rationale for Recommendation**

Staff is recommending that the proposed variance permit be approved in order to bring the existing structures into compliance. The rationale for approval is as follows:

- The rationale for the variance is reasonable.
- Owner is bringing the unoccupied property into compliance with the current land use bylaw.
- The existing buildings and structures have been in place for many years, adjacent neighbours have noted concerns with the siting of buildings and structures in relation to their properties.
- Excluding lot coverage from the permit ensures that the future owner must reach compliance.
- Any future development will require Islands Trust review to confirm compliance with the LUB or requirement for further variance.

**ALTERNATIVES**

The LTC may consider the following alternatives to the staff recommendation:

**1. Further amend the permit and approve the permit as amended**

The LTC may opt to make amendments to the permit as circulated provided the amendments do not allow further encroachments. Recommended wording for the resolution is as follows:

*That the Galiano Island Local Trust Committee amend GL-DVP-2023.5 by\_\_\_; and,*

*That the Galiano Island Local Trust Committee approve issuance of GL-DVP-2023.5 (Scoones) as amended.*

**2. Request further information**

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

*That the Galiano Island Local Trust Committee request that the applicant submit to the Islands Trust ....*

**3. Deny the application**

The LTC may deny the application. Recommended wording for the resolution is as follows:

*That the Galiano Island Local Trust Committee refuse application GL-DVP-2023.5 (Scoones).*

Submitted By:	Bruce Belcher, Planner 1	February 1, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	February 1, 2024

**ATTACHMENTS**

- 1. Site Context
- 2. Maps, Plans, Photographs
- 3. Correspondence
- 4. Notice
- 5. Draft Development Variance Permit

## ATTACHMENT 1 – SITE CONTEXT

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### LOCATION

Legal Description	LOT 4, DISTRICT LOT 33, GALIANO ISLAND, COWICHAN DISTRICT, PLAN 15378
PID	004-253-540
Civic Address	3307 Montague Road, Galiano Island BC
Lot Size	0.16 ha (0.39 ac)

### LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential and Marine

### HISTORICAL ACTIVITY

File No.	Purpose
GL-DP-2003.2	Private boat moorage
GL-DP-2005.1	DP amendment to construct wharf, ramp, and float
GL-DVP-2010.2	Incomplete DVP for retaining wall within setback

### POLICY/REGULATORY

Official Community Plan Designations	Galiano Island OCP No. 108, 1995 – Small Lot Residential (SLR)  Development Permit Area 2 – Shoreline and Marine Development Permit Area 7 – Steep Slope Moderate
Land Use Bylaw	Galiano Island LUB No. 127, 1999: The subject property is zoned Small Lot Residential
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	GL-BE-2005.6: Dock construction began prior to DP issued GL-BE-2010.1: Retaining wall encroaches onto neighbour's property.

### SITE INFLUENCES

Islands Trust Conservancy	There are no Conservancy covenants or properties in the direct area; therefore no referral has been made to the Board.
Regional Conservation Strategy	The subject property appears to be within the MEDIUM relative value area for important natural areas in the Galiano Local Trust Area.
Species at Risk	N/A
Sensitive Ecosystems	N/A
Hazard Areas	Low, Moderate, High risk steep slope
Archaeological Sites	Mapping indicates archaeological potential on the property.



	Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the Heritage Conservation Act. If such material is encountered during development, all work should cease and the Archaeology Branch should be contacted immediately as a Heritage Conservation Act permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	No additional impacts to GHG emissions anticipated as a result of this application.
Shoreline Classification	Boulder/Cobble Beach – Low Rock/Boulder
Shoreline Data in TAPIS	N/A

# ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

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## 2.1 ORTHOZONING



## 2.2 DPAs

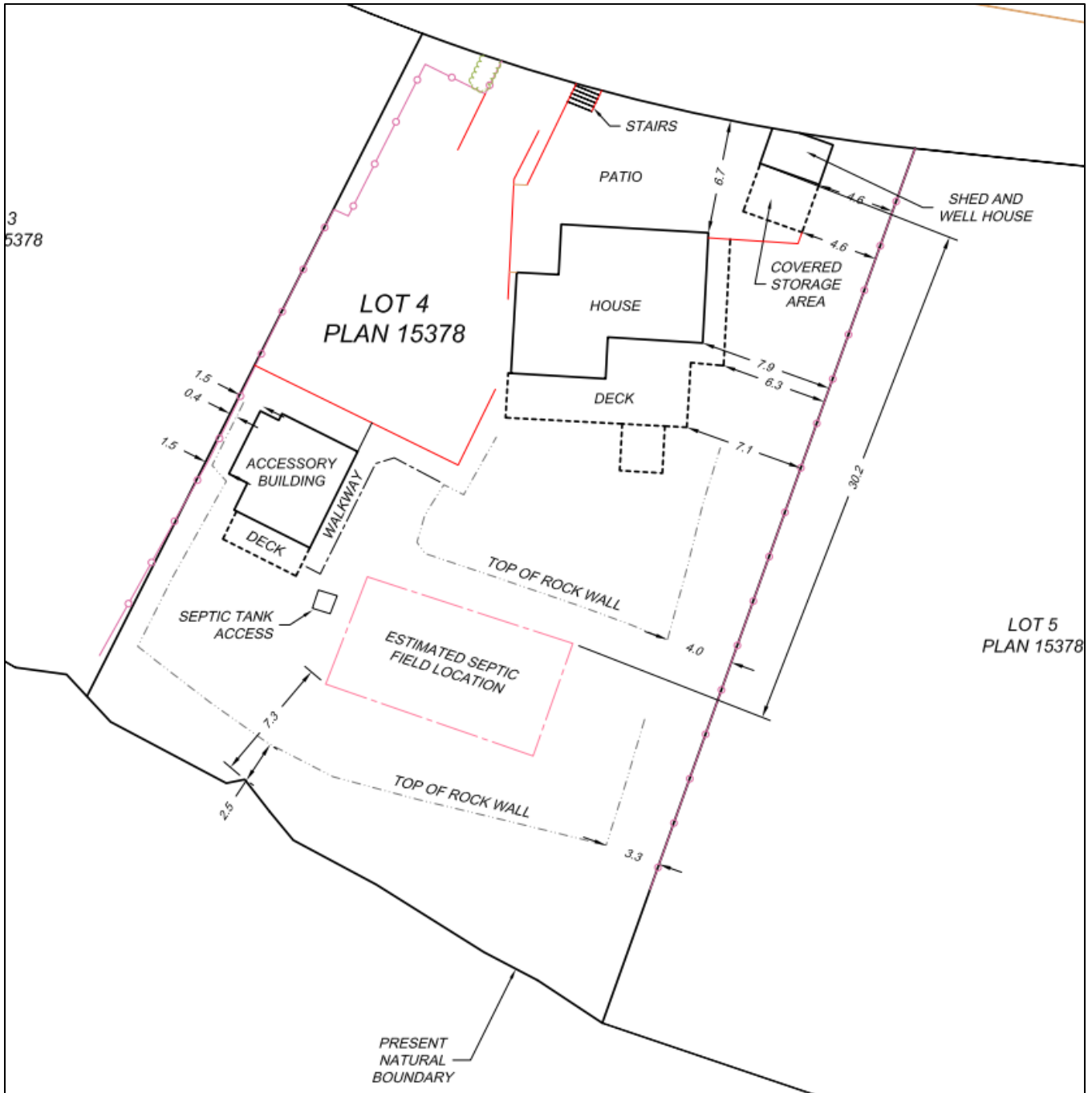




### 2.3 TWO METRE CONTOURS



2.4 SURVEY PLAN

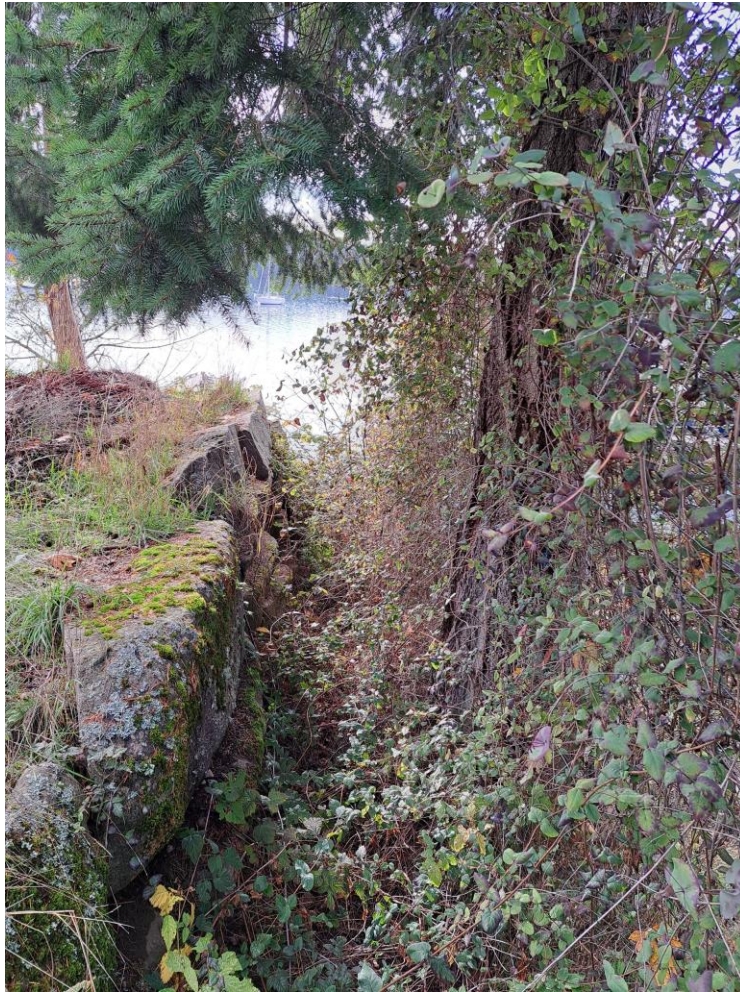


**2.5 PHOTOGRAPHS**



*Accessory building 1.5 m from interior side lot line*





*Western rock retaining wall 0.4 m from interior side lot line*



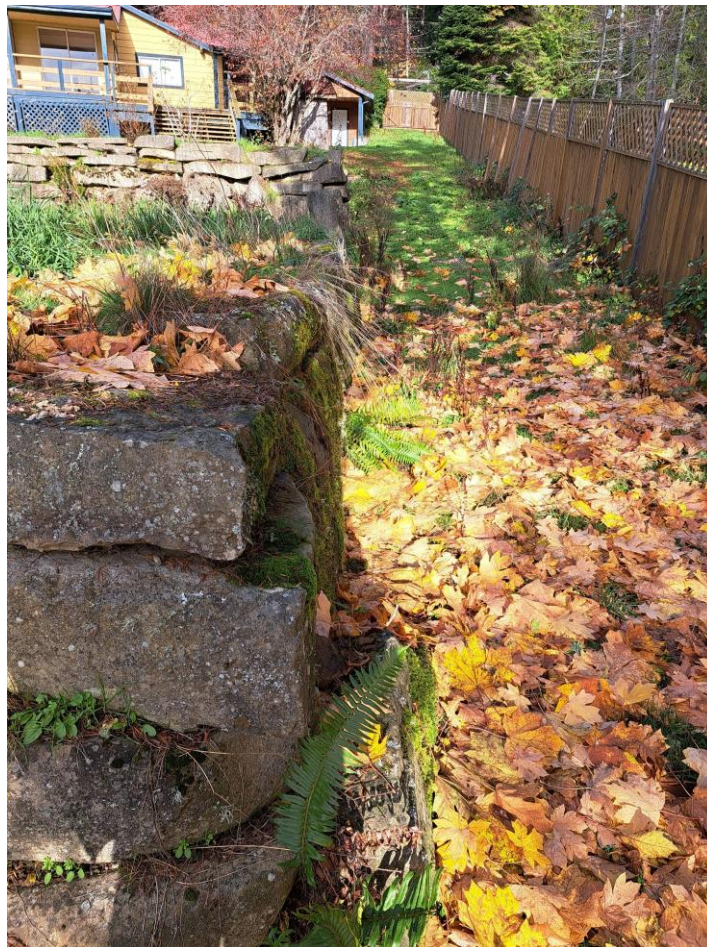


*Woodshed/pump-house within 4.6 m of interior side lot line and 0.0 m of front lot line*





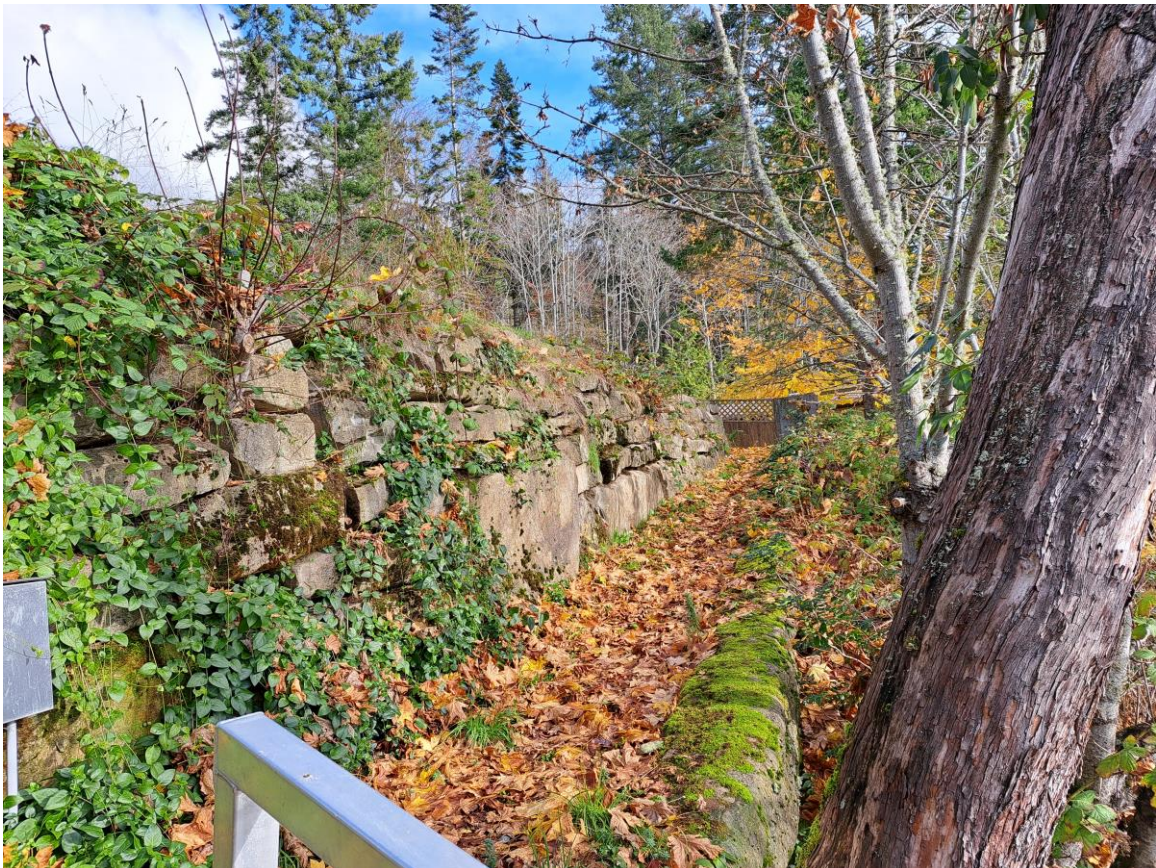
*Northern and southern rock retaining wall within 4.0 m and 3.3 m of interior side lot line*







*Southern rock retaining wall within 2.5 m of the natural boundary of the sea*





*Dwelling within 6.7 m of front lot line*



*Western fence within 2.0 m from the natural boundary of the sea*



*Sewage absorption field within 7.3 m from the natural boundary of the sea*



TO: ISLANDS TRUST LOCAL TRUST COMMITTEE GL-DVP-2023.5.

Jan. 22, 2014

RE: Variance Development Permit for:

LOT 4, DISTRICT LOT 33, GALIANO ISLAND, COWICHAN DISTRICT, PLAN 15378

My Concerns:

1. Proximity of septic field to ocean – fear of polluting Montague Harbour
  - a. Drainage field is 7.5 metres from ocean and requirement is 30 metres.
2. Proximity of accessory building adjacent to west lot line – noise issue and potential for Airbnb or other short-term rental usage
  - a. Accessory building is located 1.5 metres from lot line and requirement is 6 metres.
3. Solid patio and parking area- water drainage concerns for further contamination of septic field and bank erosion into Montague harbour.
4. Pump house/shed abutting lot line – impaired parking area for marine and summer visitors.
  - a. Building must be at least 7.5 metres from front lot lines and this structure is actually over the lot line on road allowance.

I adamantly oppose the granting of a development variance permit for the above reasons.

SIGNED:

Dorothy A. Beauchamp

Resident Owner

[Redacted Signature]

From: Sydne Gomez <[REDACTED]>  
Sent: Wednesday, January 24, 2024 10:00 PM  
To: SouthInfo <[SouthInfo@islandstrust.bc.ca](mailto:SouthInfo@islandstrust.bc.ca)>  
Subject: Scoones variance permit

January 24, 2024

Bruce Belcher  
Galiano Islands Trust Committee

I am writing in support of approval of the Development Variance Permit application submitted by Catherine Scoones, regarding Lot 4, District Lot 33, Galiano Island.

My family are longtime property owners on Montague Park Road. I have also known the Scoones family for many years. Approval of the Variance application would benefit our Montague neighborhood on Galiano because this would allow the property to be sold and then upgraded to meet Islands Trust bylaw regulations. This property is part of an estate settlement, since the death of John Scoones, which should be allowed to move forward for the next generation.

Thank you,  
Sydne (Kissinger) Gomez  
[REDACTED], Galiano Island

January 30th, 2024

Islands Trust

Galiano Island Local Trust Committee

Re: GL-DVP-2023.5

To whom it may concern;

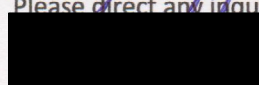

My name is Lorne Drozdowski current Chair of the Montague Improvement District (MID). The MID is responsible for operating and maintaining a water delivery system which provides a safe potable supply to over 30 households in the Montague Harbour area. The MID utilizes a network of underground pipes to facilitate potable water delivery to households on our distribution network. Wherever possible MID main distribution lines reside within highway roadway allowances to facilitate easy access, maintenance and improvements when necessary.

The property as identified as Lot 4 Plan 15378 has erected a fence parallel Montague Road on land that is designated as highway road allowance. When the MID originally laid the water distribution pipework (CIRCA 1980) the main service line to the southern properties on Montague Road was routed through a culvert underneath the roadway directly in front of the property in question (Lot 4 Plan 15378). This distribution pipe was accessible on the roadway allowance prior to the property owner erecting a fence and planting hedges resulting in access to the MID main infrastructure line only being accessible from the property side of the fence and hedge impediment.

The MID requires that either the fence and hedge impediment be moved back to the actual property line or a restrictive covenant be placed on the property for a minimum of 2.5 meters from the property side of the current fence location. This restriction must specify that no building or structures be erected or large trees or concrete slab, paving stones, etc. or any other impediment be placed on the area specified which would prevent or hinder the MID from servicing the water lines if and when servicing is required. The MID may also request a ground level service box and cover (not less than 1 meter in diameter) be installed over the existing infrastructure as a temporary access measure. In addition, the area in question must be restricted to soft terrain landscaping (grass, vegetable garden, flower garden, etc.). MID board members and any authorized representatives must be granted unfettered access when required (problem diagnosis, repairs, improvements, etc.).

Please be advised that rerouting current piping infrastructure would be expensive and may not even be possible from the MID's perspective as we believe the cement culvert running under Montague Road extends to the hedge and fence impediment erected on road allowance at the rear of the property.

Please direct any inquiries to the undersigned.

  
Lorne Drozdowski  
MID Chair 

cc.

Yolande Slater - MID Trustee

Leif Palmberg – MID Trustee

Meg Schofield – MID Secretary Treasurer

Bob Boyechko – MID System Operations

From: Dana Lynch <[REDACTED]>  
Sent: Wednesday, January 31, 2024 5:10 PM  
To: SouthInfo <[SouthInfo@islandstrust.bc.ca](mailto:SouthInfo@islandstrust.bc.ca)>  
Subject: Scoones variance permit

To Bruce Belcher,

I am sending this email in support of approval of the Development Variance Permit application submitted by Catherine Scoones , regarding Lot 4 ,District lot 33 , Galiano Island.

Approval of the Variance application would be beneficial to the Montague community, as it would allow it to be sold and upgraded to meet Islands Trust bylaws & regulations. John Scoones property is part of an estate settlement, this would also allow his family to settle his estate and move forward.

Our family have owned property on Montague Park Road for over 50 years and a lot on the North end prior to that.

Thanks you,

Dana ( Kissinger) Lynch

[REDACTED]  
Galiano Island

February 1, 2024

Ms. J. Tepoorten-Swan &  
Mr. M. Swan

[REDACTED]  
Galiano, B.C.  
[REDACTED]

Ms. M. Boyce-Sargent &  
Mr. R Boyce-Sargent

[REDACTED]  
Galiano, B.C.  
[REDACTED]

Mr. Bruce Belcher  
Islands Trust  
Planner 1  
(250) 405-5179

**Subject: Comments Concerning Proposed Development Variance Permit GL-DVP-2023.5**

Dear Mr. Belcher:

Thank you for providing us with a copy of Galiano Island Local Trust Committee Proposed Development Variance Permit GL-DVP-2023.5 and an opportunity to provide you with our comments.

We, the adjacent property owners, are surprised and annoyed that the authorities have chosen an administrative approach to dealing with the multiple bylaw violations carried out on Lot 4, District Lot 33, Galiano Island, Cowichan District, Plan 15378 (PID: 004-253-540) – referred to as the Scoones property in this letter. We expected that the many violations involving the construction of buildings, structures and other alterations on the property and road allowance would be corrected by physical removal, by the current owners. We believe that land use bylaws are put in place to protect the rights of property owners against rogue developers. Mr. John Scoones, the deceased property owner, engaged in construction and usage activities that blatantly disregarded numerous applicable bylaw provisions, resulting in offenses that should be met with strict enforcement of the rules, not an administrative patch job. The outrageous actions carried out by Mr. Scoones should serve as a poster child of why land use bylaws are both necessary and should be enforced.

Our comments relating to proposed Development Variance Permit GL-DVP-2023.5 are provided in the table below, presented in the order in which they appear in the proposed DVP. We have also provided a list of 18 additional violations.



Proposed Development Variance Permit GL-DVP-2023.5				
Item	Description		Comments	
1.	The Development Variance Permit applies to the land described below: Lot 4, District Lot 33, Galiano Island, Cowichan District, Plan 15378 (PID: 004-253-540)		Noted	
	<b>Bylaw 127 (1999)</b>	<b>Proposed Variance</b>		
2. a)	2.14	<i>Buildings and structures must be sited at least 7.5 metres from the natural boundary of the sea.</i>	i. Varied to permit the siting of the existing southern rock retaining wall within 2.5 metres of the natural boundary of the sea.	<b>Not supported.</b> Altering the natural grade of the property, utilizing retaining walls within the prohibited setback areas, is impactful to adjacent property owners and should not be permitted. See <b>Additional Violations, Item 16</b> , below.
			ii. Varied to permit the siting of the existing western fence within 2.0 metres of the natural boundary of the sea.	<b>Agreed.</b> The fence consisting of steel tee bar posts and deer wire mesh has an insignificant adverse effect on the western property owner.
2. b)	2.15	<i>Sewage absorption fields must be sited at least 30 metres from the natural boundary of the sea.</i>	i. Varied to permit the siting of the existing sewage absorption system field within 7.3 metres of the natural boundary of the sea. <b>Not supported.</b> The surface of the sewage absorption field has been raised above the natural level and the soil is supported by the eastern, southern and western rock retaining walls, which were unlawfully sited within the setback areas.	
2. c)	5.3.8.1	<i>Buildings and structures must be sited at least 7.5 metres from front and rear lot lines.</i>	i. Varied to permit the siting of the existing woodshed/ pump-house building within 0.0 metres of the front lot line. <b>Not supported.</b> Existing pumphouse is larger than 10 square metres due to the roof over the covered storage area. See <b>Section 2.18</b> (below table).	
			ii. Varied to permit the siting of the existing dwelling within 6.7 metres of the front lot line. <b>May not be necessary.</b> It seems possible that a dwelling constructed in the early 1950's would be grandfathered from this requirement.	

Item		Bylaw 127 (1999)	Proposed Variance	Comments
2. d)	5.3.8.2	<i>Buildings and structures must be sited at least 6 metres from each interior side lot line</i>	i. Varied to permit the siting of the accessory building within 1.5 metres of the interior side lot line.	<b>Not supported.</b> This building was pushed over to the lot line, illegally expanded, altered for human habitation and was rented. This also contravenes Subsection 2.3.1 – Prohibited Uses and Subsection 5.3.5 – Permitted Density <b>See Additional Violations, Items 6, 8, 13, 14 and 15, below.</b>
			ii. Varied to permit the siting of the existing western rock retaining wall within 0.4 metres of the interior side lot line.	<b>Not supported.</b> Raising the natural grade of the property, utilizing retaining walls within the prohibited setback areas, is impactful to adjacent property owners and should not be permitted. <b>See Additional Violations, Items 6 and 16, below.</b>
			iii. Varied to permit the siting of the existing northern rock retaining wall within 4.0 metres of the interior side lot line.	<b>Not supported.</b> Raising the natural grade of the property, utilizing retaining walls within the prohibited setback areas, is impactful to adjacent property owners and should not be permitted. This can be easily corrected.
			iv. Varied to permit the siting of the existing southern rock retaining wall within 3.3 metres of the interior side lot line.	<b>Not supported.</b> Raising the natural grade of the property, utilizing retaining walls within the prohibited setback areas, is impactful to adjacent property owners and should not be permitted. This can be easily corrected.

**Section 2.18 – Siting Exceptions**

*The siting regulations set out in this bylaw do not apply to any sign or pumphouse so long as the pumphouse has a floor area of 10 square metres or less.*

## **Additional Violations**

We wish to bring to your attention, additional violations associated with the Scoones property, which are not addressed in proposed Development Variance Permit GL-DVP-2023.5.

### **1. Development Violation**

Mr. John Scoones is responsible for the turmoil inflicted on his neighbours while he carried out development on land (accessory building, structures and excavating land in the setback areas) and the surface of the water (oversized float) in a manner prohibited by or contrary to provisions of Galiano Land Use Bylaw 127 (1999). Section 1.2 states:

#### ***Section 1.2 – Violation***

*Every person commits an offence who, being owner or occupier of land or the surface of water in the Galiano Island Local Trust Area:*

#### ***Subsection 1.2.4***

*carries out, causes or permits to be carried out and development of land or the surface of water in a manner prohibited by or contrary to any of the provisions in this bylaw*

Mr. Scoones' self-interest and intimidating conduct, while carrying out the many physical changes in violation of Subsection 1.2.4, has not only tested the patience of the adjacent property owners, but has also caused them significant emotional distress.

### **2. No Development and Building Permits**

The entire process went wrong from the very beginning. Prior to commencing any alterations to his property, Mr. Scoones should have made application for a development permit. After being assigned a planner, he would have been required to describe the scope of his development. Knowing the scope, the planner would have made him aware of the many applicable provisions in Galiano Bylaws 108 (Official Community Plan - 1995) & 127 (Land Use Bylaw - 1999). Had Mr. Scoones familiarized himself with the applicable provisions and prepared a site plan (required by Section 2.24), he would have realized that his lot was far too small (0.39 acres or 0.158 hectares) to accommodate the driveway, parking lot, patio, gates, fence, hedge, garden block walls, land terracing using concrete and rock retaining walls and accessory building (see **Schedule E1** – green development area). In addition, would have discovered that he was limited to a 35 square meter float and prohibited from renting the accessory building for human habitation and providing moorage to boaters, for a fee. Had he submitted a site plan defining the location of the building and structures (similar to **Schedule A**), disclosed that he intended to build an addition to an existing shed, after pushing it close to the west interior lot line and incorporate features to support human habitation, the planner would have flatly rejected it. His building permit application would also have been denied, if he had followed the rules and applied for one. Then, if Mr. Scoones had stubbornly charged ahead with construction of the

building, structures and other development, per the rejected plan and with no building permit, a stop work order would have been issued. All the problems of today would have been avoided had Mr. Scoones not violated Section 2.23 and 2.24 – Enforcement of Siting Regulations (see below). Mr. Scoones’ transgressions of the past do not justify not taking physical corrective action today.

### ***Enforcement of Siting Regulations***

#### ***Section 2.23***

*Every applicant for a building permit must provide to the building inspector a plan signed by a B.C. Land Surveyor showing the location on the lot of all existing and proposed buildings, structures and sewage absorption fields in relation to lot and zone boundaries, water courses, wells and the sea, and in relation to other buildings on the lot, unless the building inspector determines that the provision of such a plan is not reasonably necessary to establish that proposed buildings, structures and sewage absorption fields comply with the siting requirements of this bylaw.*

#### ***Section 2.24***

*Every applicant for a development permit or a development variance permit must provide a plan as described in section 2.23 unless the Galiano Island Local Trust Committee makes the determination referred to in that section.*

### **3. Lot Coverage Exceedance**

As a result of Mr. Scoones locating buildings, structures (retaining walls) and then leveling the lot by cutting and filling within setback areas before installing concrete pavers and tile, he has covered 36% of the lot (see **Schedule E3** – purple area). This is in violation of Subsection 5.3.6 – Permitted Density, which prescribes that lot coverage, must not exceed 25%.

#### ***Subsection 17.1.29 – Lot Coverage***

*Lot coverage means the total area of those portions of a lot that are covered by buildings or structures divided by the area of the lot, and for this purpose the area of the lot is covered by a roofed building or structure is measured to the drip line of the roof and “structures” includes asphalt and concrete paving.*

#### ***Subsection 5.3.6 – Permitted Density***

*Lot coverage must not exceed 25%.*

The installation of semi-permeable pavers and tile in the driveway, parking area and patio also raises concern about water runoff during periods of high precipitation (e.g. atmospheric river); see video with high water runoff - **Schedule D**.

#### 4. Oversized float

Mr. Scoones installed a float 60 feet long by 12 feet wide; excluding the two (2) six foot cantilevered protrusions located at the seaward end (see photo in **Schedule B**). This calculates to an area of 720 square feet or 66.9 square metres. The maximum permitted is 35 square metres.

**Official Community Plan (OCP) Bylaw No. 108 (1995) - Section V, 2 Development Permit Area 2 Shoreline and Marine DPA, 2.7 Guideline 52)**

*which states in part, residential docks should not be designed to have floats with more than 35 square metres total surface area.*

#### 5. Float Made Available To Boaters For A Fee

As a result of Mr. Scoones installing a float 1.9 times larger than permitted, the float has excess capacity to the upland owner's needs. This has created a situation where the owner has provided moorage to others for a fee. Article 12.2.1.2 prohibits the use of the float to anyone other than the upland owner. Subsection 12.3.4 and Specific Permission for Private Moorage Article 5.1 prohibits the owner of the Private Moorage Facility from making the float available to others for a fee.

**Subsection 12.2.1 Marine Zone – M**

*In the Marine zone the following uses are permitted, subject to the regulations set out in this section and general regulations in Part 2 and 3, and all other uses are prohibited.*

**Article 12.2.1.2**

*Moorage of boats accessory to the residential use of an upland owner.*

**Subsection 12.2.3 Marine Zone – M**

*Without limiting the generality of the foregoing, no commercial or industrial activity is permitted in this zone in connection with the use of docks, floats, or wharves and the residential use of a watercraft of any kind, whether temporary or permanent is prohibited.*

**Specific Permission For Private Moorage – Article 5.1 - Use**

*The Private Moorage Facility shall be used for private, non-commercial moorage purposes only and the Owner of the Private Moorage Facility must not make the Private Moorage Facility available to others for a fee.*

Selling moorage at the float caused a disturbance to the adjacent property owners by people transiting to and from their boats. When returning to their vehicles parked on Montague Road, people could look into the windows and onto the deck of the residence located adjacent to the

eastern interior lot line, destroying their privacy. During periods of the summer of 2018, a boat owner paying moorage lived aboard their boat, which is also not permitted. A boat owner visiting the live aboard intimated to an adjacent float owner that they also should break the law by offering moorage to them, for a fee.

At times there were as many as four boats paying for moorage at the Scoones float, which generated an annoying amount of pedestrian traffic along the interior lot line.

Although the selling of moorage to boaters has stopped for now, it is primed and ready for future abuse. The solution is to bring the size of the float into compliance with the rules. We are aware of similar circumstances, where recently, enforcement action has been taken; even where the exceedance in float area was much less than 90%.

#### 6. Accessory Building Alterations Without A Building Permit

Once the noncompliant rock retaining wall was completed, located 0.4 metres from the western interior lot line, an existing shed was dragged across the lot to within 1.5 meters of the same lot line and expanded to 390 square feet, requiring a building permit. As no building permit was applied for, no building siting inspection was carried out, nor was the addition to the shed, wiring and plumbing inspected.

The building is clearly intended for human habitation (see photos in **Schedule C**). There is a kitchen sink, counters and cabinets bar fridge, 240V receptacle and space to install a stove/oven – including a range hood, bathroom (toilet, sink & shower), living area and closet space. The photos clearly show that calling this an accessory building is a sham and disingenuous to the adjacent property owners. In the current real estate listing for the Scoones property (see link, below), this building is marketed as an artist studio or office (human habitation).

<https://www.realtor.ca/real-estate/25986850/3307-montague-road-galiano-island>

#### Listing Description

*ATTENTION BOATERS! Sunny, SW-facing waterfront property in protected Galiano's Montague Harbour with deep water moorage. Take the lovely seaside path – bordered by a solid rock wall - down to the well-constructed dock. The 1 BR, 830 sqft cottage is situated on a 0.39 gently sloping acre overlooking the terraced land and enjoying panoramic views of Montague Harbour and Parker Isld beyond. **Separate studio (300 sqft) with bathroom for the artist, for storage or office.** Property has its own drilled well and is also connected to a community water system. Good swimming, beach combing, walking trails & sunset watching at nearby Montague Provincial Park. Treat yourself to a gourmet meal at the nearby Pilgrimme Restaurant. If you look for safe moorage year round, don't miss this rare opportunity! (28796697)*

Being equipped with a full kitchen and sink, fridge, provisions for an electric stove/oven (range hood), bathroom with toilet, shower and sink and living area, it is obvious that this is a fully livable cottage.

This building, with its illegal close proximity to the western interior lot line and wiring installed without a permit or inspection is a potential fire hazard to the adjacent property owner - requiring its removal from the property.

#### **7. Accessory Building Rental**

The accessory building has been rented as a cottage by the sea. Human occupancy of this building (voices, music, cigarette and other smoking), right on the western interior lot line, destroys the privacy of the adjacent lot owner. The previous owner of the property adjacent to the western interior lot line indicated that the disturbance created by the tenant in the accessory building contributed greatly to their decision to sell the property in 2014. Similar to the oversized float, the building invites future abuse as a rental for human habitation. This temptation for abuse needs to be eliminated, by removing the building.

#### **8. Lot Density With Cottage**

The Scoones property is zoned Small Lot Residential (SLR). Indeed, the lot is small, measuring 0.39 acres or 0.158 hectares in size. Subsection 2.3.1 states that it is unlawful to rent an accessory building for human habitation.

##### ***Section 2.3 – Prohibited Uses***

*The following uses of land, buildings and structures are prohibited in all zones:*

##### ***Subsection 2.3.1***

*The use of an accessory building or structure, other than a cottage, for human habitation.*

This means the accessory building is really a cottage, as it is set up and has been used for human habitation – just like the way it is presented in the real estate advertisement. Subsection 5.3.5 does not permit a cottage on a lot having an area less than 0.4 hectares.

##### ***Subsection 5.3.5 – Permitted Density***

*One cottage is permitted on each lot having an area of 0.4 hectares or more, in respect of each permitted dwelling.*

Had Mr. Scoones applied for a Development Permit and presented a site plan showing the size, location and intended use of this building (human habitation), it would have been flatly rejected. It is a disgrace that this building has not been removed.

#### **9. Encroachment On Road Allowance**

Mr. Scoones constructed a driveway, gates, fence and hedge 4.0 metres onto road allowance, as well as garden block walls. We, the adjacent property owners, find it peculiar that this large encroachment over the front lot line was not included in the proposed Development Variance Permit. The Islands Trust is clearly culpable for not putting a halt to construction and ordering removal of these features. We, the adjacent property owners, feel the Islands Trust should take the lead in correcting this mess, not the Highways Department.

#### **10. Montague Road Shoulder Unstable**

In constructing a level patio area in the front lot line setback area, Mr. Scoones removed material, changing the gradual natural slope supporting the shoulder of Montague Road to a steep unstable slope. He then constructed a garden bed and a vertical retaining wall to support the road using small, hand placed decorative concrete blocks. It's possible that Mr. Scoones erected "no parking" signs along his hedge in recognition that the parked vehicle surcharge load would contribute to road shoulder settlement. The retaining wall is bulging and settling, which means it is slowly failing.

#### **11. Damage to MID Water System**

In the early 1980's, the Montague Improvement District (MID) legally installed their community water system (2 inch pipe) on road allowance along Montague Road and a water service connection to the Scoones property (consisting of a meter box, shut-off valve and water meter). Mr. Scoones damaged the MID system multiple times while steepening the slope (see Item 10, above), and while installing his decorative block garden bed and retaining wall. Consequently, Mr. Scoones has incorporated the MID system in the garden bed. The MID continue to have failures (resulting in the loss of water) in this area, as the hand placed block retaining wall is bulging and settling on the MID pipes. The MID may need to consider relocating their water works further onto road allowance to remove the threat caused by Mr. Scoones landscaping alterations.

When installing his new driveway, Mr. Scoones removed material from road allowance to reduce the grade. This excavation reduced the depth of soil protecting a 2 inch pipe in the MID Water System. The pipe eventually failed due to driveway traffic. Again, this caused the unnecessary release of water and required repairs by the MID, at their expense.

Mr. Scoones' complete disregard for rules, this time MID Bylaws, has jeopardized the reliable delivery of safe drinking water to 35 households, on numerous occasions.

#### **12. Tampering With the MID Water System**

While the "accessory" building was rented, the tenant utilized the running water and septic field connection. When the well water supply became insufficient, a person on the Scoones



property contravened MID Bylaw #2, Section 8, by tampering with the dormant MID water service connection.

***MID Bylaw #2, Section 8***

*No person except the Trustees shall open, shut, adjust, draw water from or tamper with any of the District's works.*

This resulted in the MID losing an estimated 15,000 gallons of water.

**13. Unauthorized Water Hook Up to MID Water System**

We believe the MID is unaware that the accessory building is connected to the dwelling. This contravenes MID Bylaw #2, Section 11.

***MID Bylaw #2, Section 11***

*No person to whose premises water is supplied shall make; or permit to be made any additional connection to his service of either temporary or permanent nature for the purpose of supplying water to another building, boat ramp, or house trailer on his, or any other property without permission of the Trustees.*

**14. Unauthorized Sewage Hookup to Accessory Building**

Given that no permits were issued for the construction of the accessory building, it is unlikely the sewer hookup has received proper approval and oversight.

**15. Unauthorized Electrical Hookup to Accessory Building**

Given that no permits were issued for the construction of the accessory building, it is unlikely the electrical hookup has received proper approval and oversight.

**16. Retaining Walls Located in Setback Areas**

Mr. Scoones' reckless disregard of Section 5.3.8 – Minimum Setbacks has fundamentally altered the natural grade of the property in the setback areas. Machine placed rock walls and concrete blocks retain fill material, artificially raising the finished grade on the Scoones property to a level much higher than the natural grade existing on the adjacent property; which have been unaltered. The retaining walls being located virtually right on the lot line creates a creepy eavesdropping atmosphere and unsightly appearance, particularly along the western interior lot line.

***Subsection 5.3.8 Minimum Setbacks***

*Buildings and structures must be sited*

***Article 5.3.8.1***

*At least 7.5 metres from front and rear lot lines;*

**Article 5.3.8.2**

*At least 6 metres from each interior side lot line; and,*

**Article 5.3.8.3**

*At least 6 metres from an exterior side lot line.*

There are also poured concrete retaining walls on the upper portion of the western interior side lot line (Montague Road end), with a setback of approximately 1.5 metres. The wall is necessary to shore up the western adjacent land, as Mr. Scoones has cut the soil down on his property in the setback area, to create a level parking area. In addition, to support the fill used to expand the parking area near the accessory building, a machine placed concrete block wall was constructed (perpendicular to the western interior lot line), 6 metres of which is in the setback area.

Had these retaining walls (structures) been sited in compliance with Section 5.3.8 (respecting the setback distances), the impact to adjacent neighbours would have been minimal and acceptable. They all need to be removed, and where practicable, relocated in compliance with Section 5.3.8.

Setback is not the only issue associated with these walls. The general integrity, regarding strength, stability and drainage of the retaining walls is unknown.

**17. Buried Partial Wall Located on Neighbours Property – West Interior Lot Line**

We are unaware of any physical corrections that have been made to the buildings and structures illegally constructed on the Scoones property, except for the “partial removal” of a concrete wall that Mr. Scoones built on the neighbours property (located over the west interior lot line, near front lot line) and the removal of a stove in the accessory building. Regarding the concrete wall, Mr. Scoones made a commitment to the neighbor at the time that he would remove it. Actually, only the top of the wall was removed with the rest buried to conceal its existence. This was discovered when the MID maintenance provider happened to be doing some shovel digging near the neighbours MID water service box. He also discovered a runoff pipe starting from the Scoones driveway gate and ending in the vicinity of the neighbour’s MID water service box. It is extremely annoying that the entire wall was not removed, as previously committed, and that a driveway drain pipe was installed, causing the neighbour’s MID water service box to flood.

**18. Sewage Absorption Field – General**

The existing sewage absorption field was installed after the west, south and east rock retaining walls were installed, which raised the field above the natural grade. This creates a risk of sewage leaking through the retaining walls. In addition, it is possible the sewage drainage field was not sized to accommodate the extra effluent generated by the illegal accessory building.

During a recent atmospheric river, runoff from Montague Road was observed pouring down the stairs (See **Schedule D**), running past the west side of the house and then pouring onto the septic field.

The actual functional capability of the field is largely untested, as the house has essentially been occupied by only one elderly person, and virtually unused for the past eight years. Had the house been fully occupied, coupled with the added demand from the illegal tenant, the drainage field may have released sewage through any or all of the surrounding rock retaining walls.

### **Closing Remarks**

The fact that this extent of unauthorized development took place, with no oversight, is shameful. That the building, structures and alterations violating bylaws continue to exist for nearly 2 decades, is boarding on gross negligence. Putting forward an administrative solution, as presented in proposed omnibus Development Variance Permit GL-DVP-2023.5, is a cop out.

It is important to understand that the Scoones lot being so small (0.39 acres or 0.158 hectares), and the setback requirements being large relative to the size of the lot, leaves only 42% of the total lot area available to locate buildings and structures in the legal development area (See **Schedule E1** – green area). By unlawfully carrying out development in the setback areas and encroaching on road allowance, Mr. Scoones helped himself to extra land equivalent to 34% of the legal development area (See **Schedule E2** – red and blue areas). It would be grossly unfair to authorize the proposed setback variances, rewarding the Scoones estate for their fathers' transgressions and forever crowding and annoying the adjacent property owners.

In our opinion, the property owner should be required to apply for a development permit and present a plan defining a configuration in full compliance with all the applicable bylaw provisions. The plan would not only cover the land enclosed by the four (4) lot lines, but also include correcting the oversized float and Montague Road encroachment. The cost to correct the violations should not be used to justify doing nothing. The driveway, parking lot, patio, gates, fence, hedge, garden block walls, land terracing using concrete and rock walls, accessory building and the oversized float can be dealt with at a cost that is a fraction of the amount waterfront property in Montague Harbour has appreciated, even in the last few years. Professional house movers can easily remove the 390 square foot building and an excavating company could remove the structures encroaching on road allowance and those located in the prohibited setback areas. The existing float could be easily replaced with a smaller one (35 square meters or less).

Further to the above, with the high value of waterfront real estate in Montague Harbour, it is likely the future property owner will want to replace the 1950's built, single bedroom house with a modern home. Mr. Scoones' mistakes should not be papered over with the proposed Development Variance

Permit GL-DVP-2023.5 to advantage the future property owner and to the continued detriment to the adjacent property owners.

Clearly, there is an obligation for the Scoones estate to physically correct the many problems, created by their ancestor. This would greatly simplify matters moving forward – no variances, thereby standardizing the lot and making it easier when considering future development plans and permits.

Please remove this burden placed on us, an imposition we do not deserve.

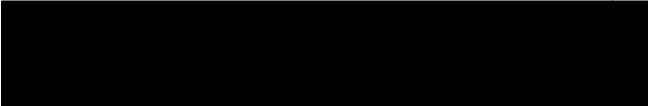
Respectfully submitted by,



Michelle Boyce-Sargent



Jan Tepoorten-Swan



Richard Boyce-Sargent



Martin Swan

Atts:

- 1) Schedule A – Site Map with dimensions
- 2) Schedule B – Photo of float
- 3) Schedule C – Photos of the accessory building
- 4) Schedule D – Video of rainfall runoff
- 5) Schedule E – Development areas  
(lawful area & prohibited setback areas)

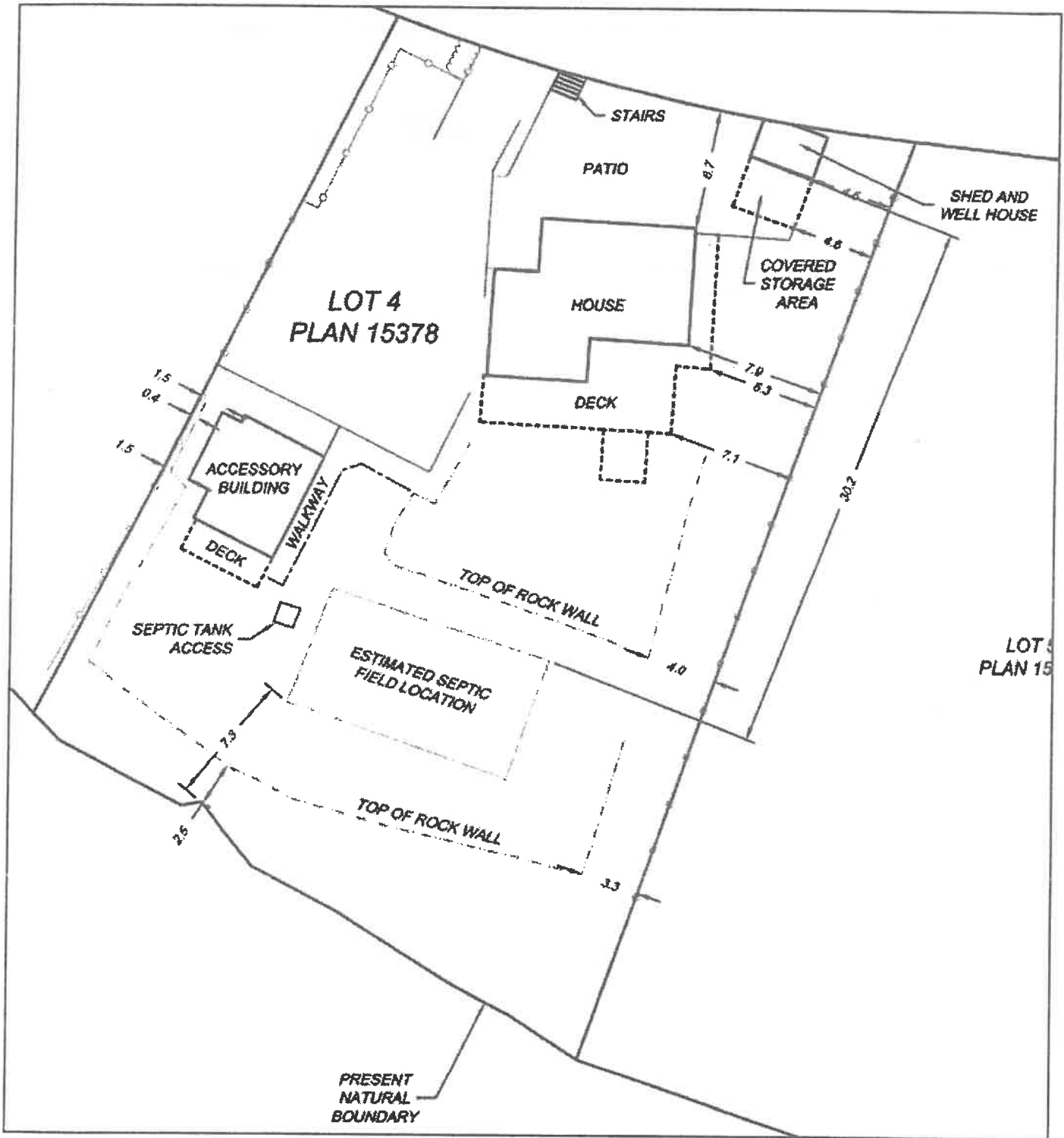
# **Schedule A**

Site Map With Dimensions

**GALIANO ISLAND LOCAL TRUST COMMITTEE**

**GL-DVP-2023.5**

**SCHEDULE 'A'**



## **Schedule B**

Photo of Float

## Schedule B



### **Oversized Float**

The 60 ft x 12 ft (66.9 square metres) float shown above exceeds the maximum size (35 square metres) prescribed in Official Community Plan Bylaw No. 108 (1995), Section V, 2 Development Permit Area 2 Shoreline and Marine DPA, 2.7 Guideline 52) which states in part, residential docks should not be designed to have floats with more than 35 square metres total surface area.



## **Schedule C**

Photos of Accessory Building

## Schedule C



**Photo #1**

Accessory building setback 1.5 metres from the west interior side lot line. Article 5.3.8.2 requires a setback of at least 6 metres.

## Schedule C



**Photo #2**

Front view and east side of accessory building.

## Schedule C



**Photo #3**

Interior view of the accessory building showing fridge, kitchen sink, counters & cabinets.

## Schedule C



### Photo #4

Interior view of the accessory building showing the entrance to the bathroom and a closet. Also shown is the 240V receptacle and space to install an electric stove/oven, immediately below the vent hood.

## Schedule C



**Photo #5**

Interior view of the accessory building showing the bathroom with a toilet, shower and sink.

## Schedule C



**Photo #6**

Interior view of the accessory building showing living space, storage area and closet.

## **Schedule E**

E1 – Legal Development Area

E2 – Alterations in the Setback Areas & Road Allowance

E3 – Lot Coverage Area



SCHEDULE EI

FRONT LOT LINE

EDGE OF PAVEMENT

GATES

GATE

WEST INTERIOR LOT LINE

DRIVEWAY

GARDEN BED

STAIRS

PATIO

ALTERNATE ACCESS

7.5m

LOT 4  
PLAN 15378

HOUSE

COVERED STORAGE AREA

6m

DECK

SWAN PROPERTY

ACCESSORY BUILDING

DECK

WALKWAY

TOP OF ROCK WALL

SEPTIC TANK ACCESS

ESTIMATED SEPTIC FIELD LOCATION

BOYCE - SARGENT PROPERTY

7.5m

TOP OF ROCK WALL

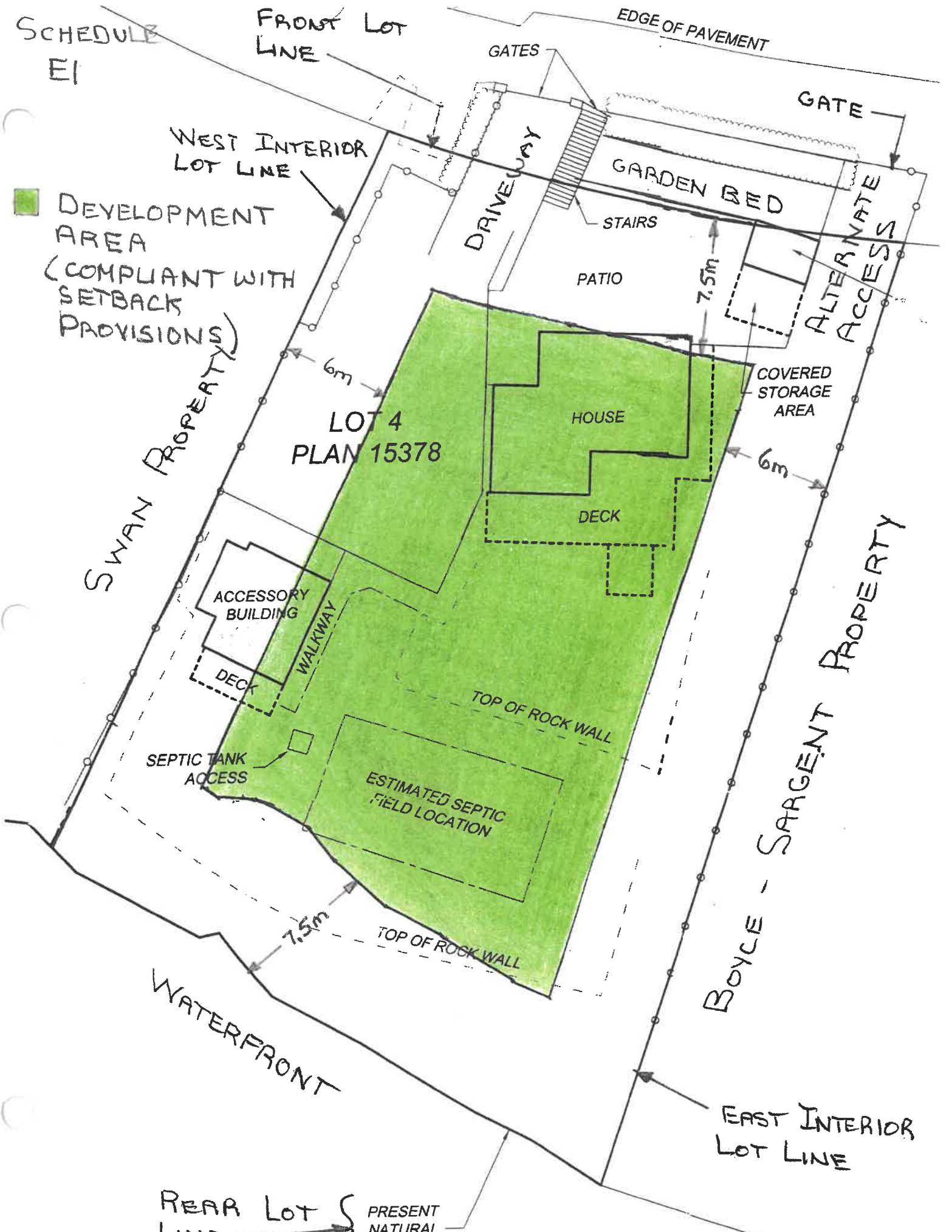
WATERFRONT

EAST INTERIOR LOT LINE

REAR LOT LINE

PRESENT NATURAL

DEVELOPMENT AREA  
(COMPLIANT WITH  
SETBACK  
PROVISIONS)



SCHEDULE E2 FRONT LOT LINE

EDGE OF PAVEMENT

STRUCTURES BUILT ON ROAD ALLOWANCE

WEST INTERIOR LOT LINE

ALTERATIONS TO THE SETBACK AREAS

GATES

GATE

DRIVEWAY

GARDEN BED

STAIRS

PATIO

ALTERNATE ACCESS

COVERED STORAGE AREA

HOUSE

DECK

SWAN PROPERTY

LOT 4 PLAN 15378

ACCESSORY BUILDING

DECK

WALKWAY

SEPTIC TANK ACCESS

ESTIMATED SEPTIC FIELD LOCATION

TOP OF ROCK WALL

TOP OF ROCK WALL

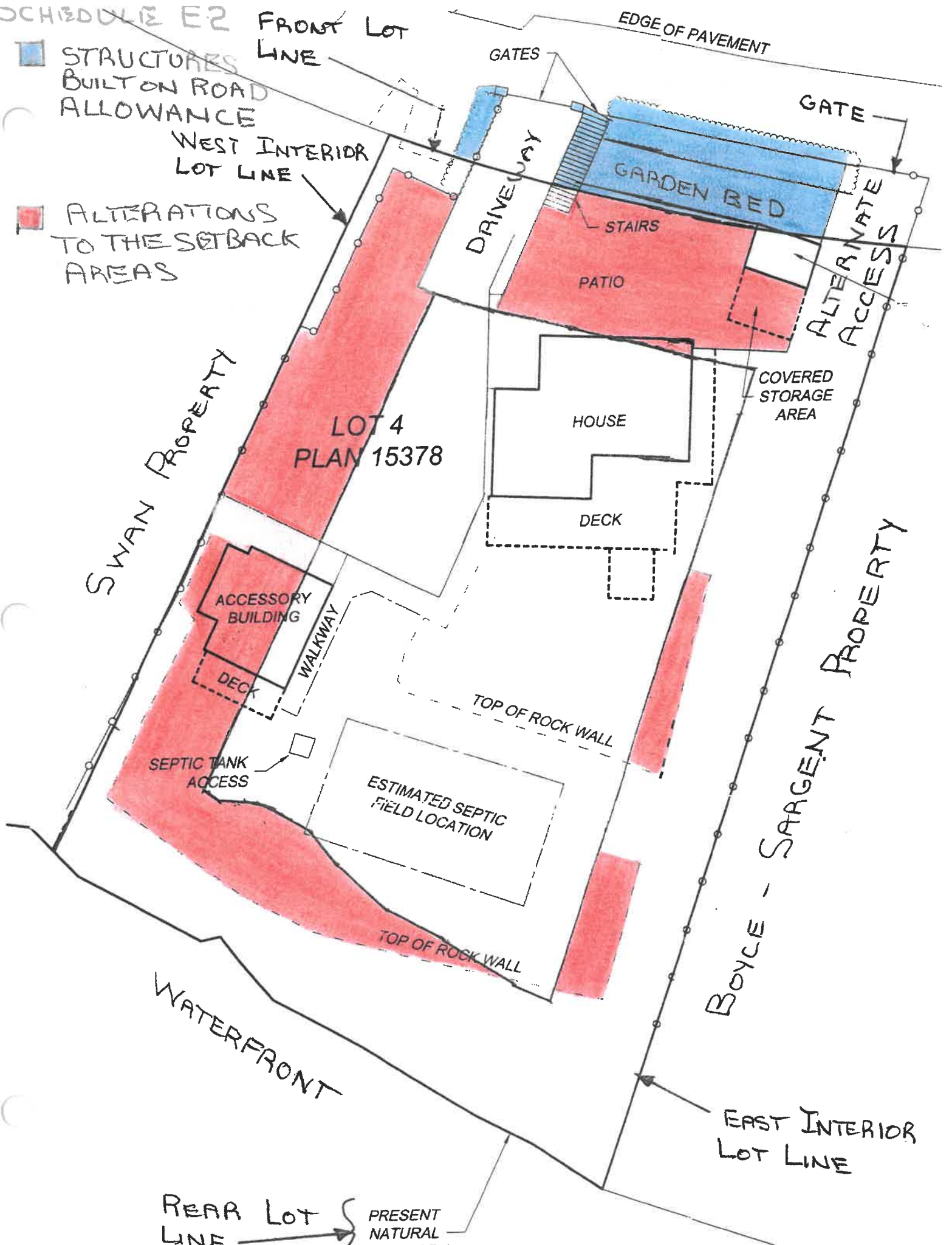
BOYCE - SARGENT PROPERTY

WATERFRONT

EAST INTERIOR LOT LINE

REAR LOT LINE

PRESENT NATURAL



SCHEDULE E3

FRONT LOT LINE

EDGE OF PAVEMENT

GATES

GATE

WEST INTERIOR LOT LINE

LOT COVERAGE AREA

DRIVEWAY

GARDEN BED

STAIRS

PATIO

ALTERNATE ACCESS

COVERED STORAGE AREA

SWAN PROPERTY

LOT 4  
PLAN 15378

HOUSE

DECK

ACCESSORY BUILDING

DECK

WALKWAY

SEPTIC TANK ACCESS

TOP OF ROCK WALL

ESTIMATED SEPTIC FIELD LOCATION

TOP OF ROCK WALL

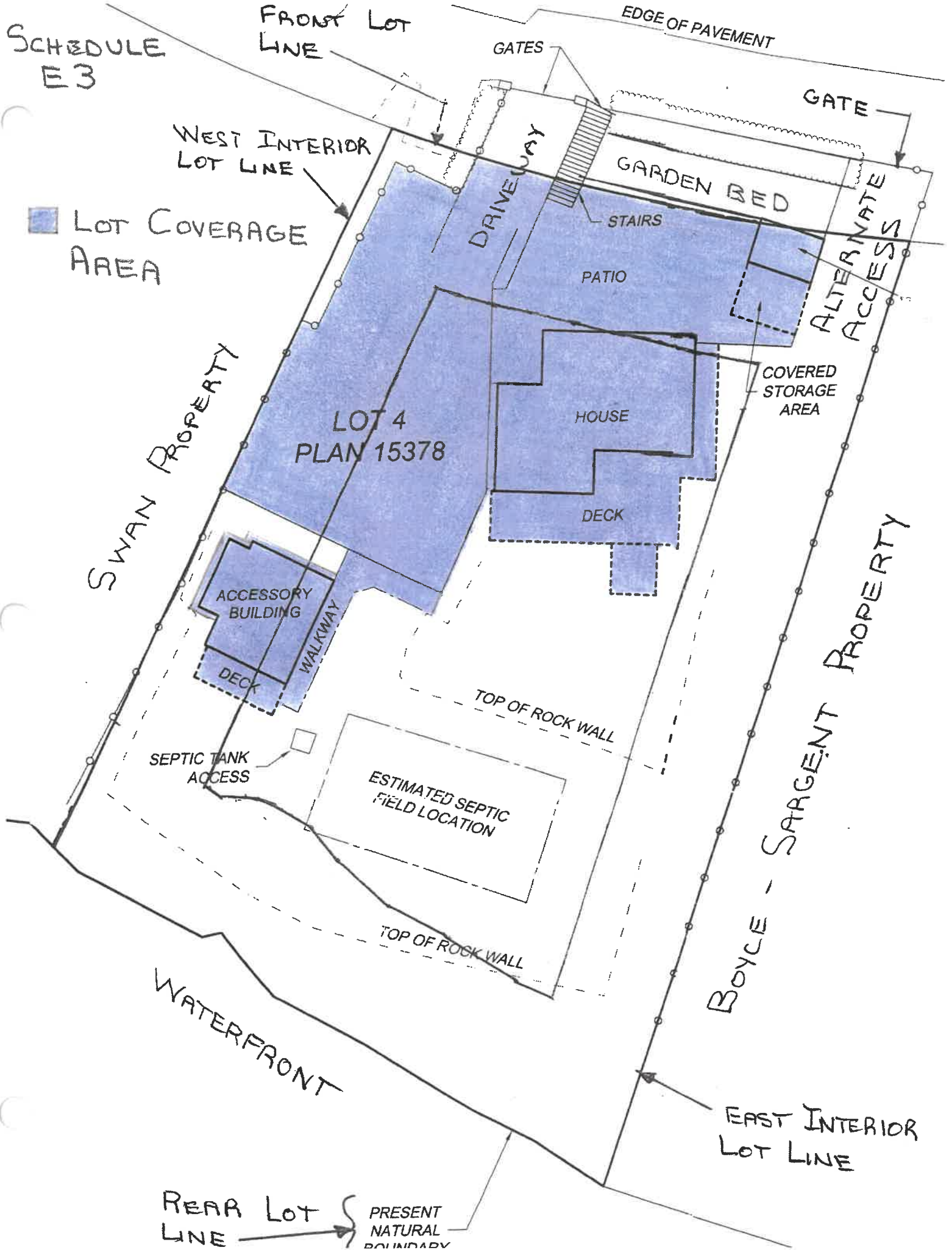
BOYCE - SARGENT PROPERTY

WATERFRONT

EAST INTERIOR LOT LINE

REAR LOT LINE

PRESENT NATURAL BOUNDARY





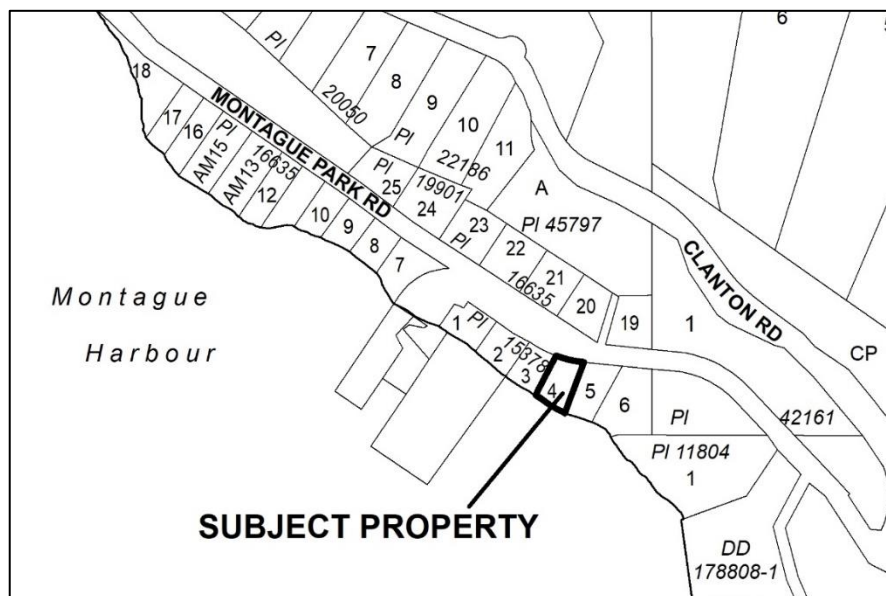
**NOTICE**  
**GL-DVP-2023.5**  
**GALIANO ISLAND LOCAL TRUST COMMITTEE**

**NOTICE** is hereby given pursuant to Section 499 of the *Local Government Act* that the Galiano Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, the proposed permit would vary the Galiano Island Land Use Bylaw No. 127, 1999 by:

- A variance to the setback from the natural boundary of the sea to legalize the siting of an existing retaining wall, existing fence, and existing sewage absorption field.
- A variance to the setback from the front lot line to legalize the siting of an existing woodshed/pump-house, and an existing single family dwelling.
- A variance to the setback from the interior side lot line to legalize the siting of an existing accessory building, and existing retaining walls.

The property is located at **3307 Montague Road** and is legally described as LOT 4, DISTRICT LOT 33, GALIANO ISLAND, COWICHAN DISTRICT, PLAN 15378 (PID: 004-253-540).

The general location of the subject property is shown on the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **January 22<sup>nd</sup>, 2024** and continuing up to and including **February 2<sup>nd</sup>, 2024**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Galiano Island, BC, commencing **January 22<sup>nd</sup>, 2024**.

Enquiries or comments should be directed to Bruce Belcher, Planner 1 at (250) 405-5179, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: [southinfo@islandstrust.bc.ca](mailto:southinfo@islandstrust.bc.ca) before 4:30 pm, **February 2<sup>nd</sup>, 2024**.

The Galiano Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **1:00 p.m., February 13<sup>th</sup>, 2024** at **Galiano South Community Hall, 141 Sturdies Bay Road, Galiano Island**.

All applications are available for review by the public with prior appointment. Written comments made in response to this notice will also be available for public review.

Jas Chonk, Deputy Secretary



Islands Trust

**GALIANO ISLAND LOCAL TRUST COMMITTEE  
DEVELOPMENT VARIANCE PERMIT  
GL-DVP-2023.5**

To: Catherine Scoones

1. This Development Variance Permit applies to the land described below:

LOT 4, DISTRICT LOT 33, GALIANO ISLAND, COWICHAN DISTRICT, PLAN 15378  
(PID: 004-253-540)

2. Galiano Island Land Use Bylaw 127, 1999 is varied as follows:

- a) Section 2.14 which states that *buildings and structures must be sited at least 7.5 metres from the natural boundary of the sea* is varied to permit the siting of:
  - i. The existing southern rock retaining wall within 2.5 metres of the natural boundary of the sea;
  - ii. The existing western fence within 2.0 metres of the natural boundary of the sea;
- b) Section 2.15 which states that *sewage absorption fields must be sited at least 30 metres from the natural boundary of the sea* is varied to permit the siting of:
  - i. The existing sewage absorption field within 7.3 metres of the natural boundary of the sea;
- c) Subsection 5.3.8.1 which states that *buildings and structures must be sited at least 7.5 metres from front and rear lot lines* is varied to permit the siting of:
  - i. The existing woodshed/pump-house building within 0.0 metres of the front lot line;
  - ii. The existing dwelling within 6.7 metres of the front lot line;
- d) Subsection 5.3.8.2 which states that *buildings and structures must be sited at least 6 metres from each interior side lot line* is varied to permit the siting of:
  - i. The existing accessory building within 1.5 metres of the interior side lot line;
  - ii. The existing western rock retaining wall within 0.4 metres of the interior side lot line;
  - iii. The existing northern rock retaining wall within 4.0 metres of the interior side lot line;
  - iv. The existing southern rock retaining wall within 3.3 metres of the interior side lot line;

The development shall be consistent with Schedule 'A' which is attached to and forms part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Galiano Island Land Use Bylaw No. 127, 1999" and to obtain other approvals necessary for completion of the proposed development, including approval of the Capital Regional District and Ministry of Transportation and Infrastructure.

**AUTHORIZING RESOLUTION PASSED BY THE GALIANO LOCAL TRUST COMMITTEE THIS ##th DAY OF [MONTH], [YEAR].**

\_\_\_\_\_  
Deputy Secretary, Islands Trust

\_\_\_\_\_  
Date of Issuance

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF [MONTH], [YEAR (2 YEARS FROM DATE OF ISSUANCE)] THIS PERMIT AUTOMATICALLY LAPSES.**

**GALIANO ISLAND LOCAL TRUST COMMITTEE**

**GL-DVP-2023.5**

**SCHEDULE 'A'**

