

Development Details Purpose of Application - Please provide a brief description of the proposed development:

We are requesting a Variance to reduce the exterior side yard setback from 3m to 0m to permit the replacement of a derelict shed with a slightly larger building. We don't have a survey, but our nephew worked for a surveying company on behalf of the water utility and we believe the property line runs directly through the centre of the structure. We believe that this structure has existed in place since prior to the Allison Way, Elliot Way and Fearn Way subdivision(s). When we bought the property, the shed was already there as well as the fence and landscaping. It wasn't until our nephew came along with the Surveyors that we discovered that a large part of what we thought was our property was actually "Shell Beach Rd". We contacted the Nanaimo MOTI office to come and see our property. The Development Officer noted on the strange "jog" or "dog-leg" in the Road Right of Way that occurs adjacent to the Allison rd properties, we have included a snip from ParcelMapBC that shows this strange line. Had the ROW gone straight through originally, there would be no violation.

MOTI delivered us Permit **2021-05274** shortly after their visit, they were happy to let us rebuild the shed under an encroachment agreement. MOTI agreed that as long as we didn't project **any further** into the ROW, albeit adding extra square feet into the ROW to create a larger building, that this would be acceptable. However; we still need to satisfy the CVRD Zoning regulations for the portion of the shed that is on our property. We hope that MOTI's comments and our declaration that we know the building straddles the property line will allow us to move forward without a Survey.

The existing shed is very old and is starting to decay around its base. Our yard is also well established and the idea of moving the shed elsewhere is not something we want to do or discuss. The purpose of the shed will be to store our outdoor patio furniture, garden tools, our small john deer ride-on lawnmower as well as things like Christmas decorations. Its too difficult for us to continue to use our crawlspace as storage any longer. Our other garage on the property functions as a home Gym and houses our freezers. The shed is located in a covenant area that does not allow for livestock, toxic chemicals or the dumping of oil due to the proximity of community wells located on our property. Although this shed may store a lawnmower, the actual construction will see a concrete slab floor with a 6mil poly barrier between it and the ground. Our mower doesn't leak, but in the off chance it did, there would be no impact on the earth. At the end of the day, this is our drinking water too. In discussions with a Building Inspector, we learned that our structure is small enough to be built to BC Code on a 4" concrete slab as opposed to a typical foundation that includes buried concrete footings with stem walls on top. We feel that this is a less intrusive foundation choice subject to the unlikely event that the Ministry decides to revoke our permit and develop the ROW. We would likely have Belton Brothers take the shed away and have an excavator break up the slab if it ever came to that - which we are prepared for.

This is something that is very important to us and we are very aware of our legal obligations respecting declarations of such items during a real estate transaction, in addition; our property will likely stay in the family when we eventually have to move on due to age.

Respectfully,
Ken & Karen Davidson
11916 Allison Way, Ladysmith, BC.