

# Committee Report

**Date of Report:** October 5, 2021  
**Date & Type of Meeting:** October 19, 2021, Rural Affairs Committee  
**Author:** Stephanie Johnson, Planner  
**Subject:** DEVELOPMENT VARIANCE PERMIT  
**File:** V2108F-03553.900-ELLIS-DVP00214  
**Electoral Area/Municipality:** Area F

## SECTION 1: EXECUTIVE SUMMARY

This report seeks the Board's consideration of an application for a Development Variance Permit (DVP) at 2771 Greenwood Road in Upper Six Mile, Electoral Area 'F'.

An unauthorized structure, 178.4 m<sup>2</sup> in size built without planning and building approval currently occupies the site. To remedy this situation the applicants have applied for a new DVP to vary the rear setback from 2.5 metres to 1.3 metres. The intent is to convert the existing unauthorized building into a proposed single family residential dwelling with an attached garage.

A previous DVP application (V2021F) for variances (size, setback, height and shipping container placement) related to an accessory building was not approved by the Regional Board in June, 2021.

Staff recommend that the Board approve issuance of the DVP.

## SECTION 2: BACKGROUND/ANALYSIS

At the June 17, 2021 Regular Board meeting the following resolution was passed:

*That the Board direct staff to provide notification of the Board's intention to consider Temporary Use Permit (TUP) T2003F-03553.900 application by Shannon and Raymond Ellis for the property located at 2771 Greenwood Road, and legally described as LOT C DISTRICT LOT 787 KOOTENAY LAND DISTRICT PLAN 2367 (PID: 015-328-520) at the next available opportunity;*

*And that the Board NOT APPROVE issuance of Development Variance Permit V2021F- 07285.280 to Shannon and Raymond Ellis for the property located at 2771 Greenwood Road, and legally described as LOT C DISTRICT LOT 787 KOOTENAY LAND DISTRICT PLAN 2367 (PID: 015-328-520) to vary Sections 605 (5), 610A (1 a.), 610A (4) and 901 (8) under Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004, as follows:*

- 1. The interior side (northern) setback from 2.5 metres to 2.4 metres.*
- 2. The maximum number of shipping containers for storage or other accessory use permitted on a lot at any one time shall be limited to for lots in any R1 zone from none to one;*
- 3. The requirement to screen from view any shipping container used as an accessory building be waived.*
- 4. The maximum height of an accessory building from 6.0 metres to 6.3 metres.*
- 5. The maximum gross floor area of an accessory building from 100 m<sup>2</sup> to 179 m<sup>2</sup>*

During this time and in acknowledgement of the Board’s non approval of the original DVP, the applicants were working with their builder on revising plans to convert the existing unauthorized accessory structure into a single family dwelling with an attached garage. At the August 19, 2021 Open Board meeting the Regional Board issued the TUP to allow the applicants one year to complete this current DVP (V2108F) application.

GENERAL INFORMATION	
<b>Property Owners:</b>	Shannon and Raymond Ellis
<b>Property Location:</b>	2771 Greenwood Road, Upper Six Mile, Electoral Area ‘F’
<b>Legal Description:</b>	LOT C DISTRICT LOT 787 KOOTENAY LAND DISTRICT PLAN 2367 (PID: 015-328-520)
<b>Property Size:</b>	1, 618 m <sup>2</sup> (0.16 ha)
<b>OCP Designation:</b>	Suburban Residential (SR)
<b>Zoning:</b>	Suburban Residential F (R1F)

ORIENTATION	ZONING	LAND USE
North	Suburban Residential (R1F)	Residential and Greenwood Road
East	Manufactured Home Park (R5)	Greenwood Mobile Home Park and Greenwood Road
South	Manufactured Home Park (R5) and Country Residential (R2)	Greenwood Mobile Home Park, Residential and Greenwood Road
West	Suburban Residential (R1F)	Residential

Site Context

The subject property is designated Suburban Residential (SR) under *Electoral Area ‘F’ Official Community Plan Bylaw no. 2214, 2012* and zoned Suburban Residential F (R1F) under the *Zoning Bylaw No. 1675, 2004*. The subject property (1, 618 m<sup>2</sup> in area) is bounded by suburban residential uses to the north and east, country residential land uses to the west, and Greenwood Road and Greenwood Mobile Home Park to the south. A framed and enclosed unauthorized structure with a shipping container incorporated into the body of the building constructed without a building permit and under a stop work order currently occupies the site.



Figure 1: Site Visit Photo of Existing Unauthorized Structure

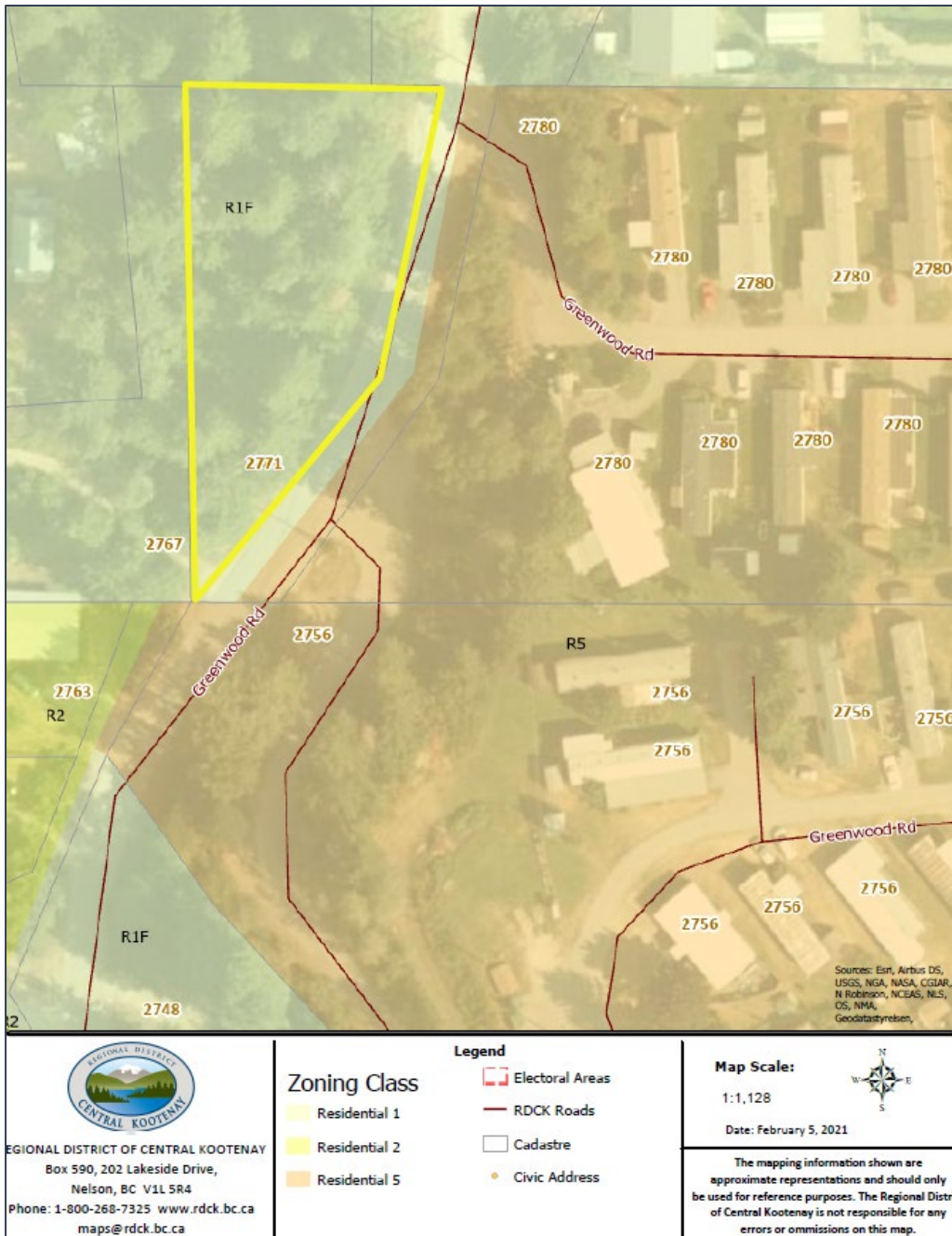


Figure 2: Zoning Overview Map

Development Proposal

This DVP application seeks to remedy the construction of an authorized structure 178.4 m<sup>2</sup> in size to vary the rear interior (northern) setback from 2.5 metres to 1.2 metres (taken to the projecting roof overhang). The setback to the building's foundation is 1.5 metres. The intent is to convert the existing building into a proposed single family residential dwelling with an attached garage. The existing building would meet all of the other siting regulations for a 'One-Family Dwelling', under the Suburban Residential One F (R1F) Zone.

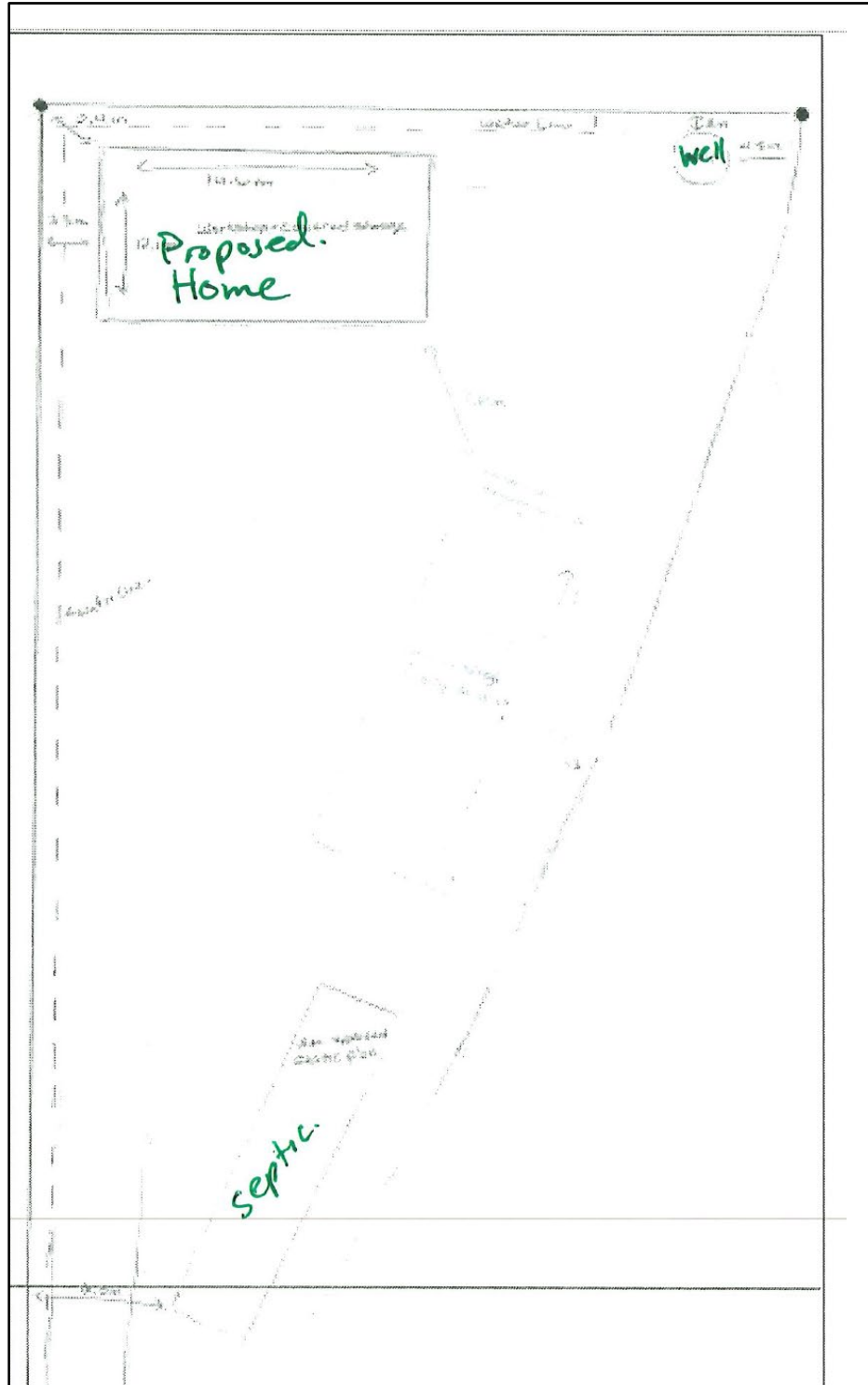


Figure 3: Site Plan

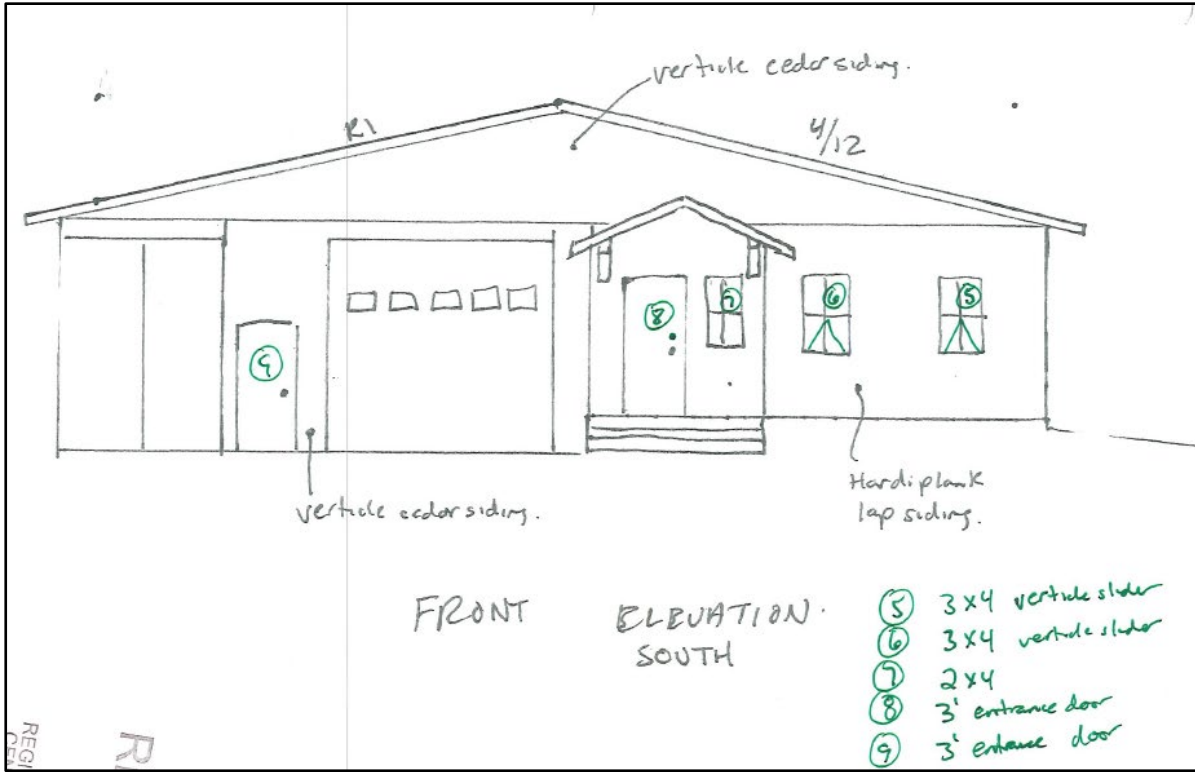


Figure 4: Building Elevation - Front

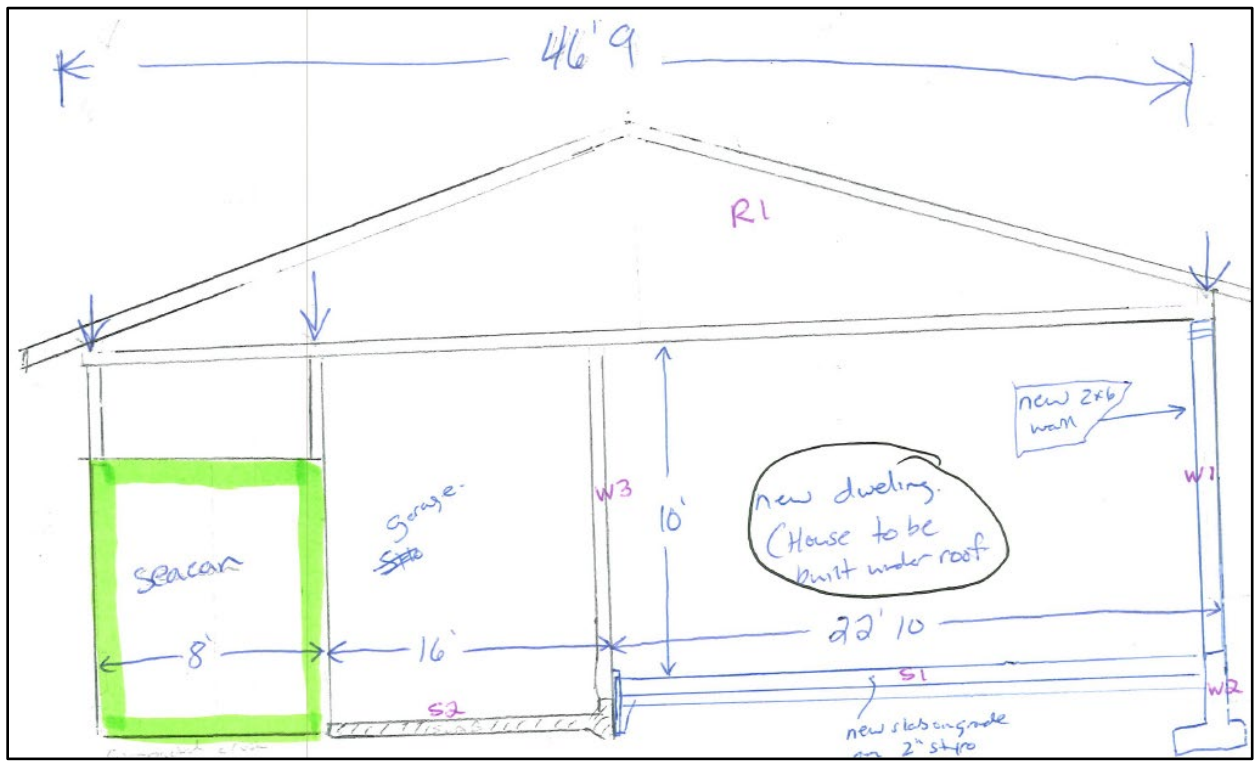


Figure 5: Building Elevation Sketch

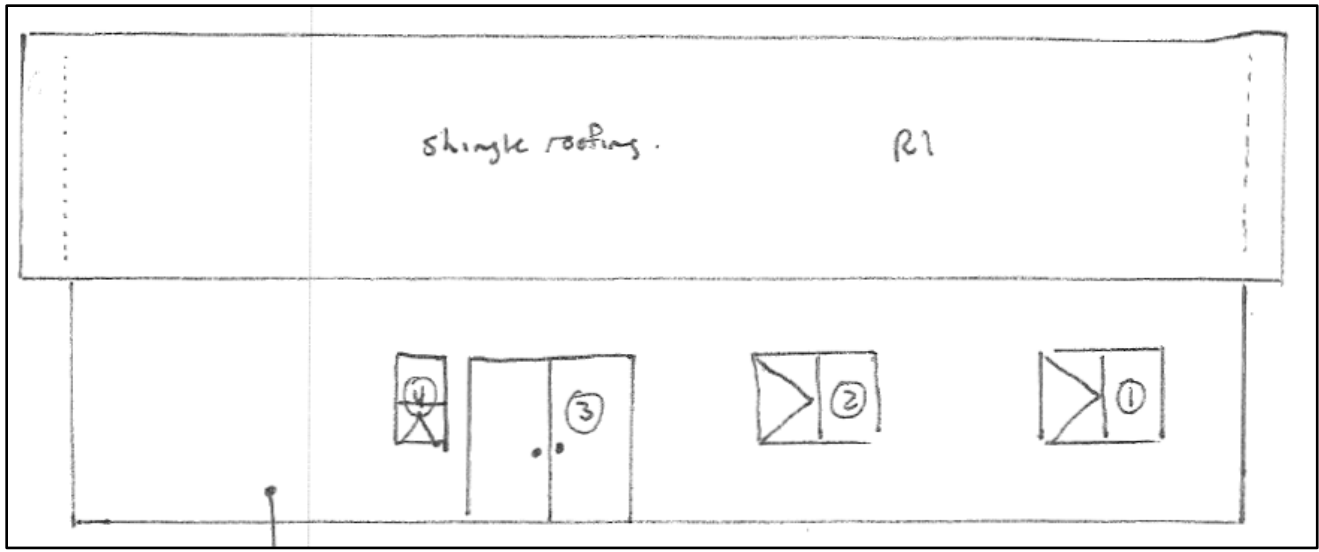


Figure 6: Building Elevation – East

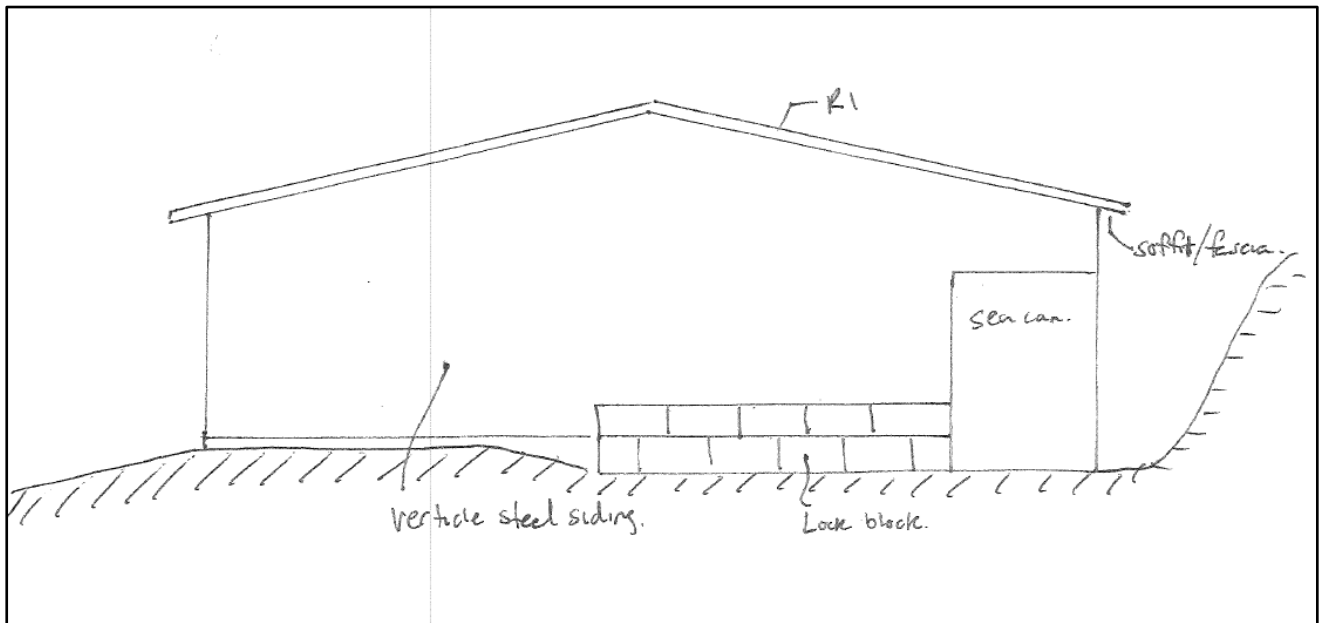


Figure 6: Building Elevation – North

**Electoral Area 'F' Official Community Plan Bylaw No. 2214, 2011**

*Relevant General Residential Policies:*

The Regional Board:

11.3.3 Will assess and evaluate proposed residential development based on the following criteria, in addition to the criteria found in the corresponding Residential policies where appropriate:

- a. capability of accommodating on-site domestic water and sewage disposal; or community water and sewer;

- e. compatibility with adjacent land uses and designations, and how its form and character enhances the character of the rural area.
- f. proximity and access to existing road network and other community and essential services;
- h. type timing and staging of development.

11.3.4 Encourages the infill of vacant residential parcels before developing new residential areas.

*Relevant Rural, Country, and Suburban Residential Policies:*

The Regional Board:

11.4.1 Considers that new Rural, Country, and Suburban Residential development may be created in the rural area, but that the development must respect the character of the rural area, and therefore, the Regional Board will use the following criteria, in addition to those listed under General Residential policies where appropriate, to assess future development:

- a. location near parks or community facilities, and connected by pedestrian circulation to these amenities;
- b. exhibits an attractive and safe streetscape by providing for adequate off-street parking requirements, on-site landscaping and screening, and appropriate signage;
- c. respects lake and mountain views, and access to sunlight of adjacent properties; and,
- d. provides access without constructing new roads or utility corridors through Environmental Reserves, hazard areas, and without creating permanent scarring on slopes visible from major roads or residential areas.

11.4.3 Supports small-scale, home-based service, commercial, and industrial uses in Suburban Residential areas, providing such uses shall not conflict with the residential character of the area.

### SECTION 3: DETAILED ANALYSIS

#### 3.1 Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan:  Yes  No Financial Plan Amendment:  Yes  No  
 Debt Bylaw Required:  Yes  No Public/Gov't Approvals Required:  Yes  No

The \$500.00 fee for a DVP application was paid pursuant to *RDCK Planning Procedures and Fees Bylaw No. 2457, 2015*.

#### 3.2 Legislative Considerations (Applicable Policies and/or Bylaws):

The \$500.00 fee for a DVP application was paid pursuant to *RDCK Planning Procedures and Fees Bylaw No. 2457, 2015*.

#### 3.3 Environmental Considerations

Since construction of the accessory structure occurred prior to obtaining the necessary Planning and Building Permits, the site has already been disturbed and any opportunity for staff to observe pre-construction conditions were not available.

#### 3.4 Social Considerations:

The issuance of this DVP should not have any negative social impacts as the conversion to a single family residence is consistent with the form and character.

#### 3.5 Economic Considerations:

No economic considerations are anticipated from this DVP application.

### 3.6 Communication Considerations:

In accordance with the LGA and the RDCK's *Planning Procedures and Fees Bylaw No. 2457, 2015* a sign describing the proposal was posted on the subject property shortly after the DVP application were submitted, and notices were mailed to surrounding neighbours within a 100 metre radius of the subject site on August 9, 2021.

To date, the Planning Department has received five written submission opposed to this DVP application. Staff outline that the vast majority of concerns generally relate to: the unauthorized construction and enforcement process; civil matters related to moving water services lines; and that the setback reduction requested would be too close to the property line.

Planning staff referred the application to all relevant government agencies, First Nations, internal RDCK departments and the Director for Electoral Area 'F' for review. The following comments were received:

#### RDCK Fire Department

The RDCK's Fire Department has *"no concerns"* with this DVP.

#### Nelson Hydro

Nelson Hydro has *"no concerns"* with this proposal.

#### Ministry of Transportation and Infrastructure

*"The Ministry has no concerns with the development variance"*.

#### Interior Health Authority (IHA)

*"Although our interests would typically be unaffected in situations such as this...in reviewing the current plan provided and in consideration of the identified land constrains [smaller parcel size] it is [Interior Health's] opinion that it will be challenging to appropriate develop the existing property with onsite services (i.e. drinking water and sewage disposal) from a long term sustainability perspective. Therefore, the IHA recommend that a primary and back up area of land for sewerage systems be identified by an Authorized Person....The IHA is committed to working collaboratively with the [RDCK] to support healthy, sustainable land use planning and policy creation"*.

#### Building Department

*"The following items would be required for the change of use application for the Single Family Dwelling:*

- *BCESC compliance is required. Every new SFD in the RDCK is required to meet a minimum of Step 1 of the BCBC*
- *Approved septic system by IHA, RSS and Certification required*
- *Approved potable water by IHA*
- *Structural Engineering. A Schedule B and C-B, along with sealed Structural drawings for the building is required as it has been constructed with elements not covered under the scope of Part 9 of the BCBC (lock-block foundation, use of steel c-can to support the roof structure)*
- *Total compliance with Part 9 of the BCBC for a SFD. Including, but not limited to, soil gas mitigation measures (radon mitigation below the slab on grade), mechanical ventilation requirements in conformance with 9.32 and 9.33 of the BCBC, special separations complying with 9.10.15, and all other life safety items required for safe occupancy of the building being utilized as a SFD"*.



## Ministry of Forests, Lands, Natural Resources Operations and Rural Development (FLNRORD)

The FLNRORD Ministry "has determined that this project should not impact [their] legislated responsibilities".

### **3.7 Staffing/Departmental Workplace Considerations:**

Should the Board issued the DVP, staff would issue the Permit and register Notice of Permits on the property's Title.

### **3.8 Board Strategic Plan/Priorities Considerations:**

This application falls under the operational role of Planning Services.

## **SECTION 4: OPTIONS & PROS / CONS**

### Planning Discussion

The Planning Department supports the issuance of this DVP since:

- The proposal is consistent with the relevant suburban residential objectives and policies in the *Electoral Area 'F' Official Community Bylaw No. 2214, 2011* and all other zoning regulations within the *RDCK Zoning Bylaw No. 1675, 2004*, including the permitted primary residential use, height and site coverage.
- The applicant has revised their development plans to align with the above policies and land use regulations by converting an unauthorized accessory structure prior to a residence being established on site into a single family dwelling within and attached garage.
- This DVP is not anticipated to negatively impact the surrounding location, because the subject property is zoned for single family residential use, and the proposed conversion of the structure into a residence is consistent with the use and form and character of the neighbourhood.
- The interior rear setback reduction of 1.2 metres is to the closest point of the structure, which is the roof overhang recognizing that the building has already been constructed. The distance to the building's foundation is 1.5 metres.
- Should the Board approve issuance of this DVP, staff recommend that the Permit be subject to the following condition: registration of a restrictive covenant to ensure that a primary and reserve area for sewage disposal be identified by an Authorized Person. The Interior Health Authority has outlined in its referral comments that all onsite sewerage systems have a limited lifespan, and this step will better ensure the long term sustainability of the property for sewage disposal.
- Section 602 (5) under the Zoning Bylaw with respect to minimum site area states, that lots that "have less than the minimum site area required...may be used for any permitted use in the zone where the lot is located provided that the method by which sewage is to be disposed of complies with any restrictions set out under any regulation under the Public Health Act..".
- The scale and intensity of this proposal to convert the use of the building now takes into account the parcel's overall size, and is more consistent with the Suburban Residential One Zone (R1F);
- The proposal represents an opportunity to legitimize an existing unauthorized structure.

While staff acknowledge the concerns raised by community members in response to this DVP application, especially those related to unauthorized construction, which is always disappointing, it is for the above reasons that staff recommend that the Board proceed with the issuance of this DVP.

### **OPTIONS**

**Option 1:** That the Board APPROVE the issuance of Development Variance Permit V2108F-03553.900 to Shannon

and Ray Ellis for the property located at 2771 Greenwood Road and legally described LOT C DISTRICT LOT 787 KOOTENAY LAND DISTRICT PLAN 2367 (PID: 015-328-520) to vary Section 605.1 of *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* to reduce the interior (northern) side lot line as follows:

FROM 2.5 metres TO 1.2 metres to permit the siting and conversion of an authorized structure into a residence with an attached garage.

SUBJECT TO the registration of a Section 219 restrictive covenant, which identifies on the subject property a primary and back up area of land for sewerage systems by an Authorized Person.

**Option 2:** That the Board NOT APPROVE the issuance of Development Variance Permit V2108F-03553.900 to Shannon and Ray Ellis for the property located at 2771 Greenwood Road and legally described LOT C DISTRICT LOT 787 KOOTENAY LAND DISTRICT PLAN 2367 (PID: 015-328-520) to vary Section 605.1 of *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* to reduce the interior (northern) side lot line as follows:

FROM 2.5 metres TO 1.2 metres to permit the siting and conversion of an authorized structure into a residence with an attached garage.

SUBJECT TO the registration of a Section 219 restrictive covenant, which identifies on the subject property a primary and back up area of land for sewerage systems by an Authorized Person.

## SECTION 5: RECOMMENDATIONS

That the Board APPROVE the issuance of Development Variance Permit V2108F-03553.900 to Shannon and Ray Ellis for the property located at 2771 Greenwood Road and legally described LOT C DISTRICT LOT 787 KOOTENAY LAND DISTRICT PLAN 2367 (PID: 015-328-520) to vary Section 605.1 of *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* to reduce the interior (northern) side lot line as follows:

FROM 2.5 metres TO 1.2 metres to permit the siting and conversion of an authorized structure into a residence with an attached garage.

SUBJECT TO the registration of a Section 219 restrictive covenant, which identifies on the subject property a primary and back up area of land for sewerage systems by an Authorized Person.

Respectfully submitted,  
Stephanie Johnson

## CONCURRENCE

Planning Manager – Nelson Wight	Approved	
General Manager of Development and Community Sustainability – Sangita Sudan		Approved
Stuart Horn – Chief Administrative Officer	Approved	

### ATTACHMENTS:

**Attachment A – Draft Development Variance Permit**

**Attachment B – Community Correspondence**

**REGIONAL DISTRICT OF CENTRAL KOOTENAY****DEVELOPMENT VARIANCE PERMIT****Planning File No. V2108F**

Date:

Issued pursuant to Section 498 of the *Local Government Act*

TO: Shannon and Raymond Ellis

**ADMINISTRATION**

1. This Development Variance Permit (DVP) is issued subject to compliance with all of the bylaws of the Regional District of Central Kootenay (RDCK) applicable thereto, except as specifically varied or supplemented by this Permit.
2. The land described shall be developed strictly in accordance with the terms and conditions and provisions of this DVP, and any plans and specifications attached to this Permit that shall form a part thereof.
3. This DVP is not a Building Permit.

**APPLICABILITY**

4. This DVP applies to and only to those lands within the RDCK described below, and any and all buildings, structures and other development thereon, substantially in accordance with Schedules '1', '2' and '3':

Address: 2771 Greenwood Road

Legal: LOT C DISTRICT LOT 787 KOOTENAY LAND DISTRICT PLAN 2367

PID: (015-328-520)

**CONDITIONS**

5. Development Variance  
Electoral Areas F, I, J, and K Zoning Bylaw No. 1675, 2004, Section 605 (5), is varied as follows:
  1. The interior side (northern) setback from 2.5 metres to 1.2 metres to the roof overhang.
6. Registration of a Section 219 restrictive covenant, which identifies on the subject property a primary and back up area of land for sewerage systems by an Authorized Person.
7. Schedule

If the holder of the DVP does not substantially start any construction or does not register the subdivision with respect to which the permit was issued within two years after the date it is issued, the permit lapses.

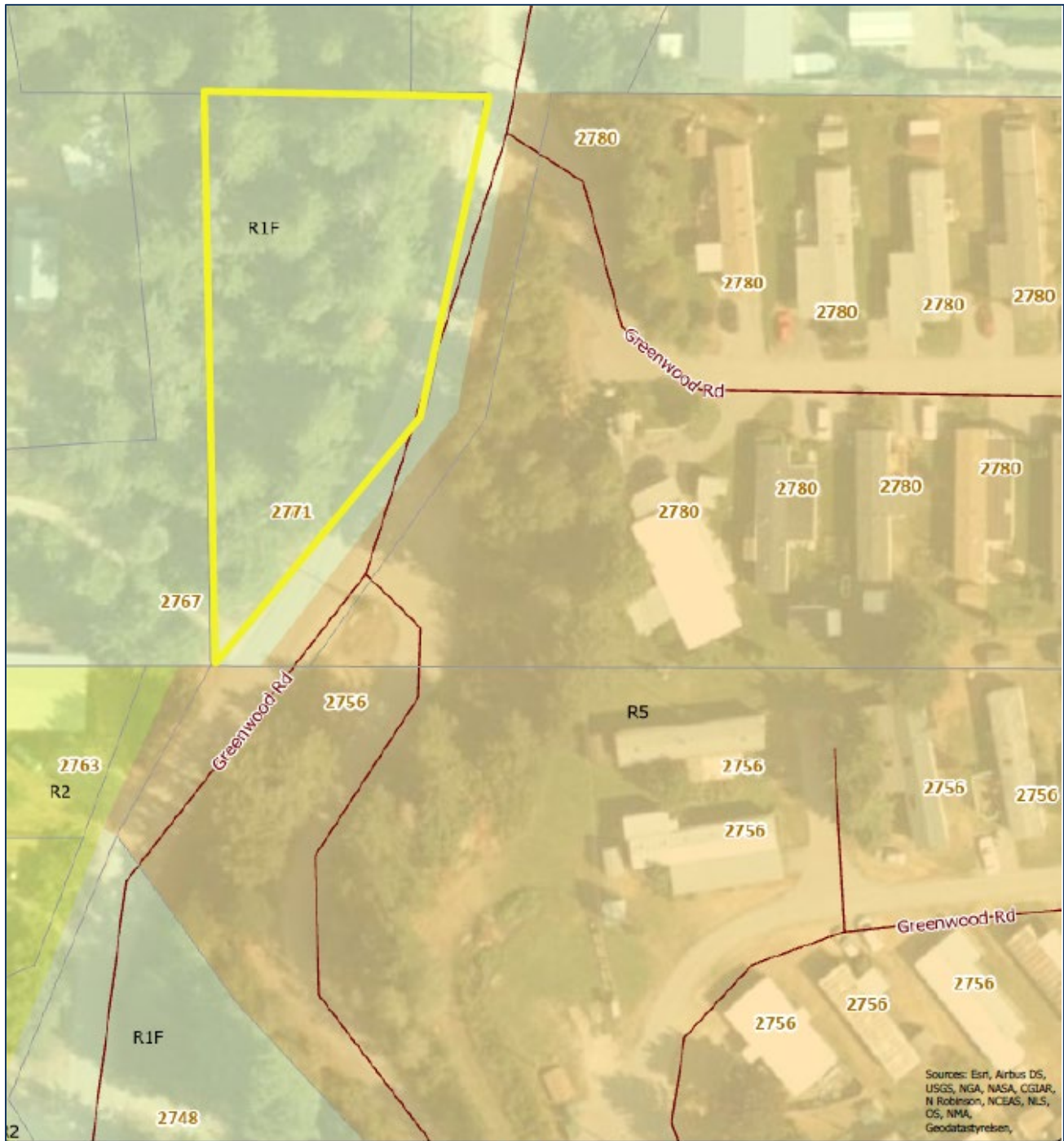
Authorized resolution \_\_\_\_\_ passed by the RDCK Board on the \_\_\_\_ day of \_\_\_\_\_ 2021.

The Corporate Seal of  
THE REGIONAL DISTRICT OF CENTRAL KOOTENAY  
was hereunto affixed in the presence of:


\_\_\_\_\_  
Aimee Watson, Board Chair

\_\_\_\_\_  
Mike Morrison, Corporate Officer

Schedule 1: Subject Property



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatasystemen



REGIONAL DISTRICT OF CENTRAL KOOTENAY  
 Box 590, 202 Lakeside Drive,  
 Nelson, BC V1L 5R4  
 Phone: 1-800-268-7325 www.rdck.bc.ca  
 maps@rdck.bc.ca

**Zoning Class**


- Residential 1
- Residential 2
- Residential 5

**Legend**

- Electoral Areas
- RDCK Roads
- Cadastre
- Civic Address

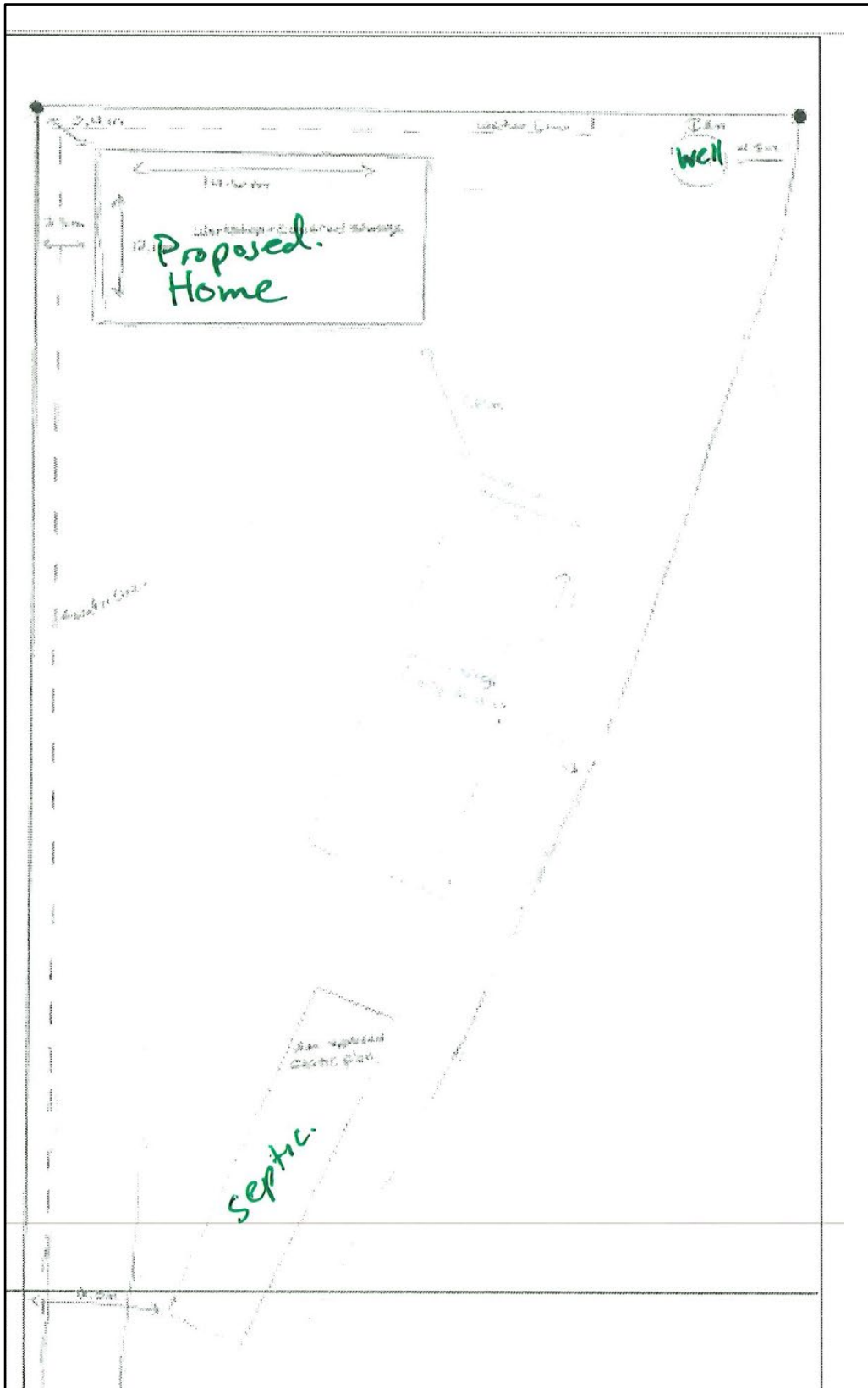
**Map Scale:**  
 1:1,128

Date: February 5, 2021

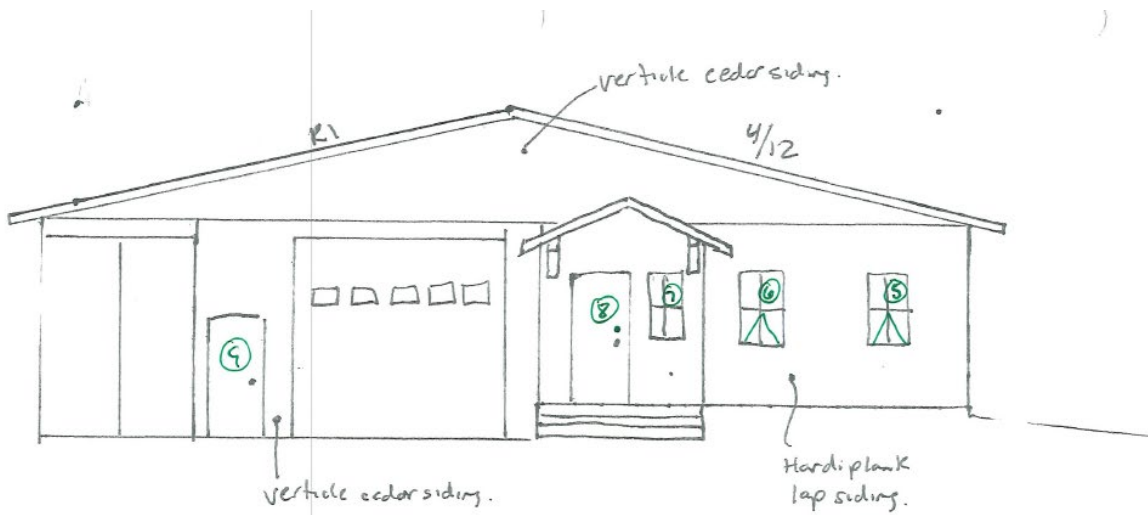
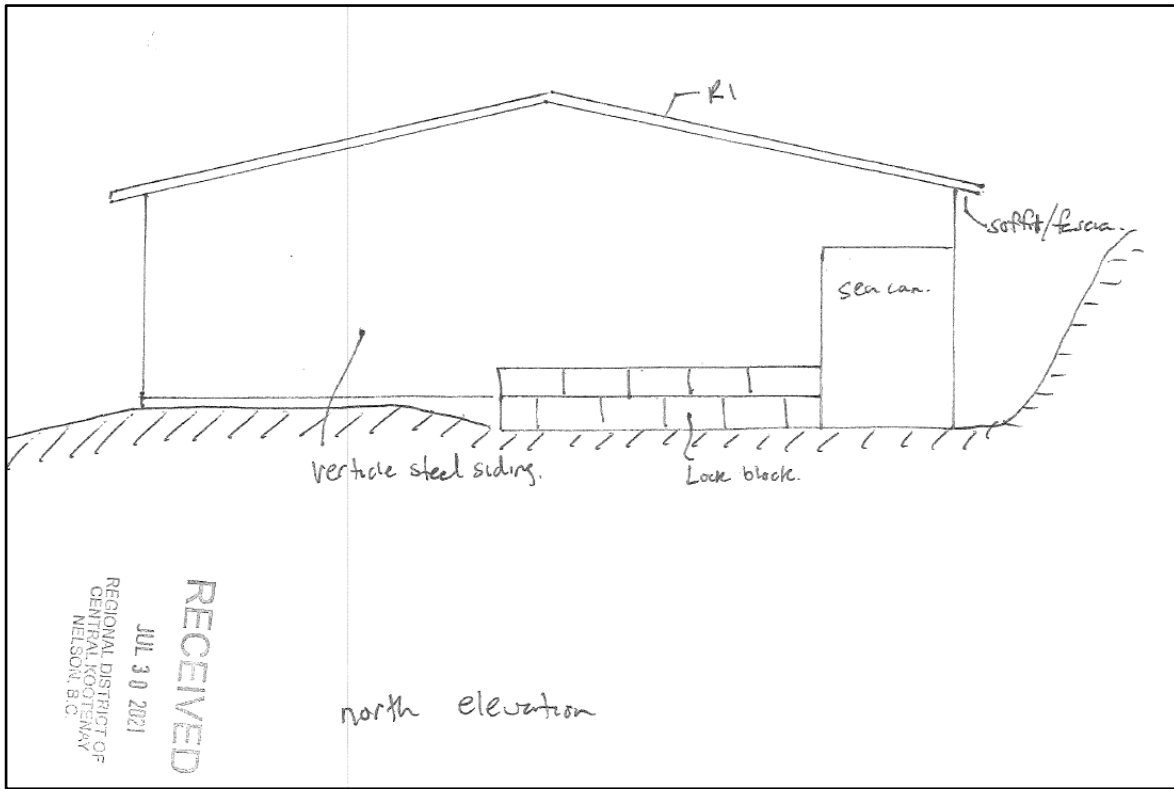


The mapping information shown are approximate representations and should only be used for reference purposes. The Regional District of Central Kootenay is not responsible for any errors or omissions on this map.

Schedule 2: Site Plan



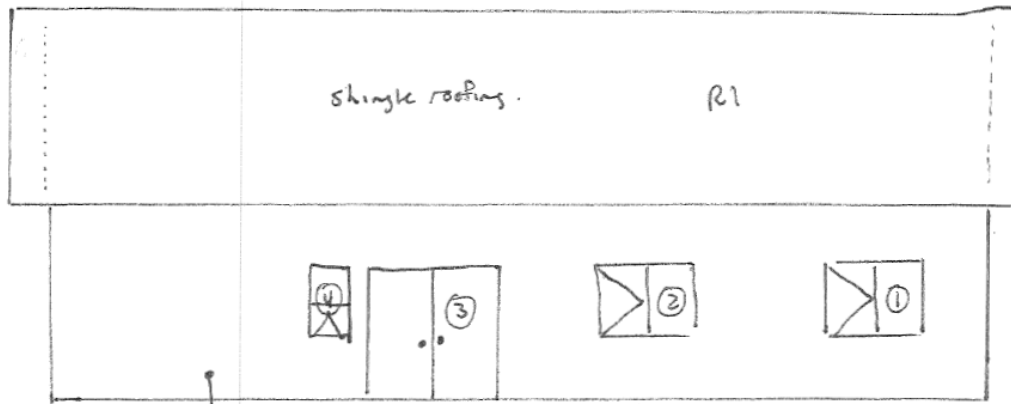
Schedule 3: Building Elevations



FRONT ELEVATION - SOUTH

- ⑤ 3x4 vertical slat
- ⑥ 3x4 vertical slat
- ⑦ 2x4
- ⑧ 3' entrance door
- ⑨ 3' entrance door

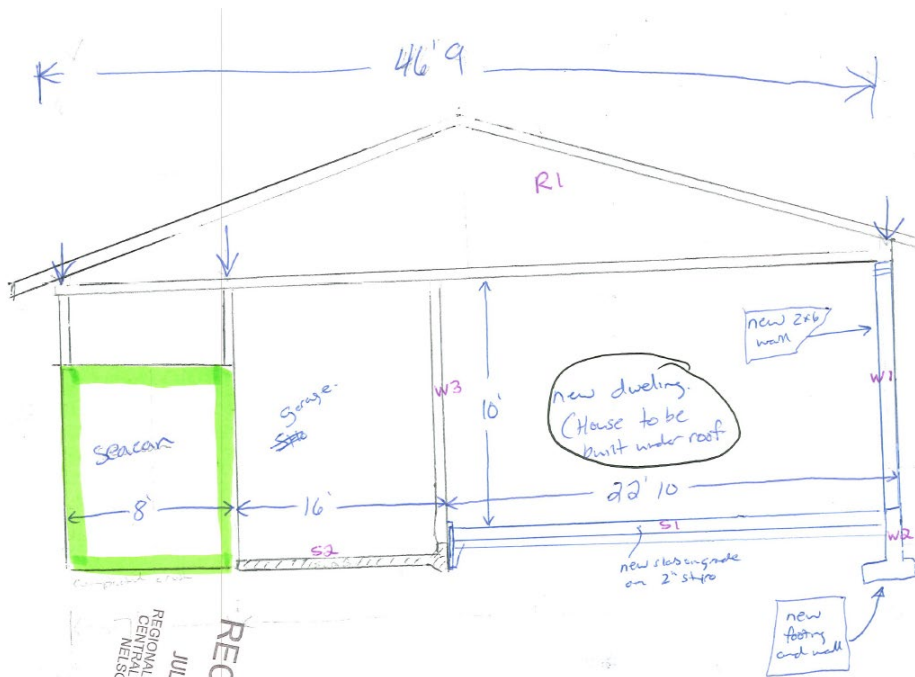
RE  
REGIONAL DISTRICT OF  
CENTRAL KOOTENAY  
NELSON, B.C.



- ① 5x4 horz slider egress
- ② 5x4 horz slider egress
- ③ 2x3' doors
- ④ 3'x4' verticle slider

East Elevation.

RECEIVED  
 JUL 30 2021  
 REGIONAL DISTRICT OF  
 CENTRAL KOOTENAI  
 NELSON, B.C.



New plan

RECEIVED  
 JUL 30 2021  
 REGIONAL DISTRICT OF  
 CENTRAL KOOTENAI  
 NELSON, B.C.



**From:** [Katrina Verschoor](#)  
**To:** [Stephanie Johnson](#)  
**Subject:** Fw: Re: Most recent Ellis Variance Letter Dated Sept 3, 2021  
**Date:** Tuesday, September 14, 2021 1:58:21 PM

---

**CAUTION** This email originated from outside the organization. Please proceed only if you trust the sender.

---

Hi again Stephanie

Andy and I have received the amended variance application for Ray and Shannon Ellis (**V2108F**), and wanted to reach out, once again, to inform you of our position on this matter - as stated in the previous email (below).

Our position remains firm in that the Ellis' should be made to correct the issues on their property that have only arisen due to them choosing not to follow the required building regulations. As they plan to continue in their development of this property, now is the time to ensure all corrections be made to ensure the rights of all current and future owners of his property, and all surrounding properties, is protected.

Our interest in the matter is now two-fold as we are now the owners of 2763 Greenwood Rd (previously owned by Joe Tommillo). This property is adjacent to the Ellis' property (with a small driveway in between).

It is our understanding that the request for variances are to be submitted PRIOR to a build for issues that are unavoidable. **This is not the case in this situation**. It is our genuine concern that if the RDCK chooses to grant variances to individuals who are caught not following the building/development regulations AND such variances ONLY serve to benefit the individual who has knowingly chosen to bypass due process (for issues that were self-created AND avoidable), that this sets precedence that anyone can choose to "do their own thing" at the possible expense of neighbours and future owners of property within the region. The request for this variance ONLY serves the wellbeing of the Ellis' who have seemingly made the conscious decision to do as they please with disregard for others in the hopes of receiving a variance **IF CAUGHT**.

In our view, the RDCK must act fairly by avoiding rewarding individuals who make such decisions, AND, hence, only hold law abiding community members responsible for abiding by the rules. Processes that allow for inequity, in no way, meets the RDCK mandate of protecting individuals, properties, or the environment.

As you are likely keenly aware, it does not take long for some individuals to figure out how to "play the system", therefore, if there are loopholes within the current RDCK permitting system that require addressing to prevent this, then this is where efforts should be placed.

Additionally, if the RDCK has the power to act now to ensure the Ellis' infractions are corrected, then **the RDCK should take action by requiring all issues are corrected.**

Please accept this email as **TWO** oppositions to this variance (one for 2755 Greenwood Rd and one for 2763 Greenwood Rd.)

Kindly

Katrina Verschoor and Andy Chernoff  
2755 Greenwood Rd and 2763 Greenwood Rd.

---

**From:** Katrina Verschoor [REDACTED]  
**Sent:** August 12, 2021 12:27 PM  
**To:** Stephanie Johnson <SJohnson@rdck.bc.ca>  
**Subject:** Re:P Most recent Ellis Variance Letter

Hi Stephanie

I wanted to send in my thoughts on the most recent variance regarding Ray and Shannon Ellis's property on Greenwood rd.

It is my understanding that they are now planning on converting the current structure into a dwelling and want to keep it located in its current position on the property which is encroaches on the property line.

Although his encroachment is not impacting me personally, there are several moral, ethical, and legal issues this imposes on those in the community as well as future owners of the properties being impacted. The lot he is encroaching on is currently on the market and I would assume the current owners are less interested in this encroachment and more in the successful sale. As the next owners are currently not here to oppose, there is even a stronger ethical responsibility for everyone to ensure nothing that could potentially impact its development is allowed to proceed.

There are laws for a reason. The reasons laws exist for where dwellings can be placed within a property is for the protection of everyone's rights. If Ray is allowed to keep his dwelling in its current location, he is being favored for his personal gain with no consideration for the future owner of the adjacent property or to the thousands of others who abide by the laws and have had to forgo their desired development of their land to ensure they are in accordance with the law.

The current structure is not even currently contracted to code for a dwelling conversion as it is primary constructed of 2x4's and large concrete blocks. For a conversion into a dwelling to

occur, there will need to be deconstruction and pouring of appropriate foundations prior to reconstruction. Using the appropriate framing materials. Due to this, he should be required to move the dwelling to its proper location on the lot. Had he had followed the law in the construction of this dwelling to begin with, he would not have to be redoing it now. However, since he's gotten himself into this situation and will be required to convert this structure to a dwelling - he should be made to follow ALL aspects of the law in doing so.

This should not only be required because it is the law, but it should also be required to demonstrate equity to all RDCK residents who follow the required steps in property development. If he is not made to do so, it is of my opinion that the RDCK is opening the door to more people doing what they want at the expense of current and future owners of property within the region - which Ray has demonstrated in his actions already.

I am requesting that RDCK act within their full power to ensure the Ellis's are required to follow all aspects of regulation as stipulated within the current development policies.

Please accept this email as a formal response to the letter.  
I would be happy to talk more if required.

Kindly

Katrina Verschoor  
2755 Greenwood Rd  
Nelson BC  
V1L 6L2



**From:** [Army Zaitsoff](#)  
**To:** [Stephanie Johnson](#)  
**Subject:** Development Variance permit V2108F 2771 Greenwood Road  
**Date:** Tuesday, September 21, 2021 10:57:24 AM

---

**CAUTION** This email originated from outside the organization. Please proceed only if you trust the sender.

---

We are uncertain about how someone can get a variance on a variance on a structure that was not previously permitted, therefore making it illegal to start with. Also they have been working on the property all summer in defiance of a STOP WORK ORDER. In order to be compliant with building codes they will have to make significant changes to the structure . Therefore there is no reason that it can't be moved to where it should be.

We are not in favour of there variance application.

Thank you

Val Smith and Arnold Zaitsoff  
2821 Greenwood RD

**From:** [Katrina Verschoor](#)  
**To:** [Stephanie Johnson](#)  
**Subject:** Re:P Most recent Ellis Variance Letter  
**Date:** Thursday, August 12, 2021 12:27:51 PM

---

**CAUTION** This email originated from outside the organization. Please proceed only if you trust the sender.

---

Hi Stephanie

I wanted to send in my thoughts on the most recent variance regarding Ray and Shannon Ellis's property on Greenwood rd.

It is my understanding that they are now planning on converting the current structure into a dwelling and want to keep it located in its current position on the property which is encroaches on the property line.

Although his encroachment is not impacting me personally, there are several moral, ethical, and legal issues this imposes on those in the community as well as future owners of the properties being impacted. The lot he is encroaching on is currently on the market and I would assume the current owners are less interested in this encroachment and more in the successful sale. As the next owners are currently not here to oppose, there is even a stronger ethical responsibility for everyone to ensure nothing that could potentially impact its development is allowed to proceed.

There are laws for a reason. The reasons laws exist for where dwellings can be placed within a property is for the protection of everyone's rights. If Ray is allowed to keep his dwelling in its current location, he is being favored for his personal gain with no consideration for the future owner of the adjacent property or to the thousands of others who abide by the laws and have had to forgo their desired development of their land to ensure they are in accordance with the law.

The current structure is not even currently contracted to code for a dwelling conversion as it is primary constructed of 2x4's and large concrete blocks. For a conversion into a dwelling to occur, there will need to be deconstruction and pouring of appropriate foundations prior to reconstruction. Using the appropriate framing materials. Due to this, he should be required to move the dwelling to its proper location on the lot. Had he had followed the law in the construction of this dwelling to begin with, he would not have to be redoing it now. However, since he's gotten himself into this situation and will be required to convert this structure to a dwelling - he should be made to follow ALL aspects of the law in doing so.


This should not only be required because it is the law, but it should also be required to demonstrate equity to all RDCK residents who follow the required steps in property development. If he is not made to do so, it is of my opinion that the RDCK is opening the door

to more people doing what they want at the expense of current and future owners of property within the region - which Ray has demonstrated in his actions already.

I am requesting that RDCK act within their full power to ensure the Ellis's are required to follow all aspects of regulation as stipulated within the current development policies.

Please accept this email as a formal response to the letter.  
I would be happy to talk more if required.

Kindly

Katrina Verschoor  
2755 Greenwood Rd  
Nelson BC  
V1L 6L2  


**From:** [Karen Edgar](#)  
**To:** [Stephanie Johnson](#)  
**Subject:** New Application for Development Variance Permit V2108F - Ellis  
**Date:** Wednesday, September 22, 2021 7:51:19 AM

---

**CAUTION** This email originated from outside the organization. Please proceed only if you trust the sender.

---

Dear Stephanie:

Thank you for the invitation to comment on the new proposed variances related to 2771 Greenwood Road. Karen and I own the property at 2849 Harlow Road. We appreciate the thoroughness with which the RDCK is examining the development work on this property.

The owner of 2771 Greenwood has gone ahead with construction and development work with little or no apparent regard for the RDCK's regulatory process or the impacts to other properties.

We are opposed to the current application for three reasons:

1. The building is too close to the neighboring property. Mr. Ellis' original variance request indicated his structure was just a few centimeters closer to the property on the north side than the required 2.5 metres. Now that someone has actually measured, it turns out that he is *1.3 metres too close*. The survey pins were already in the ground on the north side of the property before Mr. Ellis began construction. There is therefore no excuse for having ignored the required setback.
2. The building is constructed primarily of wood – because the required setback has been ignored it represents a fire hazard to neighboring properties. I was involved in a project in another community where we requested setback variances on a development project. A condition of our approval was that we build with entirely non-combustable materials on the walls which encroached. The walls consisted of concrete block on the first story and then framing of DensGlass, steel stud, rockwool, sheet metal, and 5/8 drywall on the second story.
3. Although it may be beyond the scope of the planning part of the project, I think it is virtually impossible to build a residence to code given what is currently in place. Walls and trusses are currently sitting on a combination of large concrete blocks and a shipping container. We believe it will be a better result if the structure is disassembled and rebuilt with a proper foundation and the correct setbacks.

Thank you again for the invitation to comment and we look forward to a resolution which allows Mr. Ellis to use the property without negatively impacting his neighbors.

Yours truly,

Jim Edgar  
Karen Edgar

---



Virus-free. [www.avast.com](http://www.avast.com)



**From:** [Maureen Nicholas](#)  
**To:** [Stephanie Johnson](#); [GRP\\_PlanDept](#)  
**Subject:** ELLIS - REFERRAL FORM Planning File: V2108F Sept 3, 2021  
**Date:** Wednesday, September 22, 2021 11:25:57 AM

---

**CAUTION** This email originated from outside the organization. Please proceed only if you trust the sender.

---

Stephanie Johnson  
Planner, RDCK

After reading this DVP I feel a responsibility to write a response to your September 3, 2021 letter regarding the Shannon and Ray Ellis Development Variance Application 2108F. Lots has happened since first variance.

In my March 3, 2021 letter to you regarding Planning Files V201F & T2003F, I expressed what concerned me the most was that he was not honest about just building a workshop and what Mr Ellis said and did, didn't match up. I was concerned about my water line, feeling vulnerable by his remarks, and I didn't trust him and thought he was a bit of a bully.

On March 26, 2021, a letter was emailed to the McInnis Water Users Group from Raymond and Shannon Ellis, **declining the offer to join the water group** and they have **decided to put in a well**. Letter goes on to say how moving forward they require both the McInnis Water Group water lines trespassing the property to be rerouted away from the **approved septic location** and single family dwelling. We feel that it is in the best interest of both parties to work together to find a solution for moving all water lines so that we can continue with the development of our property while allowing the McInnis Water Users Group convenient access to water with a legal easement. His solution '**Relocation of Water Lines**' he moved a water line to western edge of the property and a second line was found when he was excavating. This is when he broke our waterline, and where his septic field was planned for. He put in a temporary shut-off valve and temporary repairs were made to this waterline. '**Legal Easement**' proposal.... "In lieu of financial compensation for the granting of a legal easement to all properties south of 2771 Greenwood Road and currently licensed to access water under the Group, we propose that during the excavation process to remove the steel pipe and reroute the second water line to the new location, the excavation for our septic system also take place at the expense of the Group. Once a relocation and compensation plan has been agreed upon by both parties, we agree to provide all properties south of 2772 Greenwood Rd and currently licences to access water under the Group, with a legal easement for the two relocated water lines, provided all legal fees and other related costs are paid by the Group. The letter is about how we pay for everything. I have to say, the whole letter sounds like we are just paying him for water we already have legal rights to.

Our water group decided to proceed with upgrading our main water line down Greenwood road and access to properties below . Mr Ellis was invited to join, but declined.

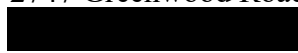
Now, reading in the DVP V2108F that he has an unauthorized structure, built without planning and building approvals, wanting to convert the existing building into a single family residential dwelling with an attached garage. The previous DVP application (V2021F) was not approved and when there was a stop work order, they apparently ignored the stop work order and continued doing a lot of work on the property. In their submission they state "The existing building would meet all of the other siting regulations for a "One-Family Dwelling". Can he

be trusted? I'm not convinced! They built a building without permits, ignored stop work orders, and seemed to have no respect for the process. Question.... is this building built to residential standards ? I've also learned that the 'septic field' he just put in, was not done to 'standards', and has to be fixed?

I think this DVA should be looked at with caution and carefully. I don't know them personally, but from what I've witnessed and experienced, it appears he does what he wants regardless of regulations and asks for forgiveness in the variances. It seems like they are 'playing the system and the water users group'. example: just build it and ask for forgiveness after the fact.

Thank you for the opportunity to respond and offer my opinion.

Maureen Nicholas  
2747 Greenwood Road



**From:** [Katrina Verschoor](#)  
**To:** [Stephanie Johnson](#)  
**Subject:** Notes to be added to our previous response to Variance Application V2108F (Ellis)  
**Date:** Wednesday, September 22, 2021 1:29:27 PM

---

**CAUTION** This email originated from outside the organization. Please proceed only if you trust the sender.

---

Dear Stephanie.

Although I have already sent you my official position in regard to the Ellis' Variance Application (V2108F) as it pertains to our two properties on Greenwood Road, I wish to add to my previous submission based on information that has come to light that was not explicitly made obvious in this 3rd letter we have received regarding this property.

I wish to relay my feelings regarding the **measurement discrepancies** between this application and the previous one. The measurement discrepancies in the encroachment are significant and raise the question as to the trustworthiness of any documentation provided by the Ellis' both to the RDCK and any other organization involved in this development. These discrepancies are not insignificant and cannot therefore, be dismissed as "honest errors". Based on the actions of the Ellis' since the time they purchased the property,. there is nothing indicating that they are to be trusted. I have made you aware of the issues as they have arisen in regard to all the applications the Ellis' have submitted, including that they:

1. broke a verbal agreement with our community water user group to move our lines in lieu of us waiving a \$3500 hook-up fee.
2. hooked up to our water system illegally-without following the appropriate process set out in a formal letter delivered to the Ellis' and refused to disconnect from the line when asked to do so.
3. proceeded to dig out a water line that serviced 4 residences (2 of whom are seniors)-cutting off water to these homes, stating that we were "trespassing on the property"
4. verbally threatened a member of the water user group when asked to restore the water.
5. charged the water user group \$500 for repairing the line he broke despite the agreement mentioned previously, and stating we had to be off the property within 2 weeks (with complete disregard for the *Water Sustainability Act* and the willingness the group extended to him to manage the lines amicably)
6. refused members of the water user community to access the system shut off valve located on his property despite the regulations set forth in the *Water Sustainability Act*.
7. built a shop without a permit
8. built the shop against code - **with multiple infractions (all of which could have been avoided if the build was permitted)**
9. continued work despite a stop work order and several violation tickets (including doing

electrical installations, building a fence, hauling in approximately 30 loads of fill and constructing a well). We have no way of trusting other works were not carried out during the stop work order period as the Ellis' are present on the property almost daily with multiple vehicles coming and going.

10. commenced installing a septic system that is not in accordance with legal requirements.

There is an abundance of both subjective and objective evidence and inaccuracies in the Ellis' statements, actions, and documentation that deem them untrustworthy, hence requiring **extreme due diligence and caution when considering this variance application.**

Additionally, **there is no evidence to suggest there is any actual "need" for this variance.**

A variance should only be granted out of a need - meaning there is little or no other reasonable option for an alternate solution. In this case, the Ellis' acted knowingly on all accounts and **are essentially using the variance application to get a stamp of approval from the RDCK that relinquishes them of all responsibility or accountability for their actions - for the sole purpose of saving money that they spent knowing it was a risk if they were to be caught.**

Although I am aware that the RDCK must work on objective evidence, I believe that our experiences with the Ellis' must be considered when it comes to the level of trustworthiness required in this process.

To summarize:

1. The discrepancies in the variance applications is a red flag for our community and provides further evidence to support our position that **the Ellis' should be made to follow due process in deconstructing the shop and commencing development in accordance with the building bylaws.**
2. There is **no evidence that the Ellis' have any "need" for a variance and the costs incurred by them in building without a permit and against a stop work order was done knowingly and intentionally.**
3. **Any potential negative outcomes of these actions should not be put back on the current members of the community to determine, therefore, no variance should be granted.**
4. **Adherence to current building bylaws** is the **only** way of protecting the rights of all current and future generations of owners.

Kindly,

Katrina Verschoor and Andy Chernoff

**From:** [bud edgar](#)  
**To:** [Stephanie Johnson](#)  
**Subject:** New Application for Development Variance Permit V2108F - Ellis  
**Date:** Thursday, September 23, 2021 3:36:51 PM

---

**CAUTION** This email originated from outside the organization. Please proceed only if you trust the sender.

---

Hello Stephanie

Thank you for the application letter and invitation to respond. We are opposed to the application for the following reasons:

1. The owner of 2771 Greenwood Road carried on with construction while disregarding RDCK regulations and procedures that would have ensured a proper building in the correct location. Likewise, we find it confusing that a variance is now being sought for this illegally constructed building to legitimise its location now. Although we are reasonable people, this setback reduction distance has also increased from the first letter, is not reasonable, and creates a fire hazard. This building would never have been allowed in the first place.
2. It sets a poor precedent which weakens the regulation. If this application is successful it will encourage repeated irresponsible development. Other developers will likely follow in a similar way by building first, without permits, because they noticed this owner was successful in gaining a setback reduction without cause.
3. By its location very close to the lot line the owner will gain personal space for non-related structures or personal possessions in the lot's interior. While that same space saving affords convenience for the owner it comes at our expense. The application provides no proof this will absolutely be necessary.

Kindest Regards

Sharon and Bud Edgar

[REDACTED]

[REDACTED]