

Subject: FW: Notice of Motion

Date: Mon, 12 May 2003 07:46:10 -0700

From: "Ernie Crist" <ernie_crist@dnv.org>

To: "Nathalie Valdes" <Nathalie_Valdes@dnv.org>

CC: "FONVCA (E-mail)" <fonvca@fonvca.org>, <bplatts@shaw.ca>

R E V I S E D - Please ignore the previous e-mail re this matter.

> Notice of Motion Councillor Crist

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> That Council request a legal opinion as to the accuracy or otherwise of the allegations made by Mr. Brian Platts a highly respected community activist that District Council based its decision regarding a Variance Application for 4563 Stonehaven on erroneous information.

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> Rationale:


> In as recent e-mail to Council Mr. Brian Platts has suggested that a District Staff Report dated March 17, 2003 concerning a Development Variance Permit Application for 4563 Stonehaven and approved by Council on April 14 contained erroneous information.

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> Mr. Platts in his submission to Council (enclosed) makes reference to various documents and Residential Zoning Regulations to back his claim. By way of example Mr. Platts points to Zoning regulations adopted by Council on July 13, 1965. That Bylaw requires the minimum set back to be 6 feet, while parking structures located in the front yard require a 30 foot setback. Clearly states Mr. Platts a sideyard setback of 0.3 feet as stated in the staff report was never legal under the Zoning Bylaw then or now.

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> Mr. Platts concludes by saying that "Staff should never identify structures as legally non-conforming when there is no documentation or evidence to prove it. In this instance, not only was an illegal structure wrongly identified as legally non-conforming, the report then made a recommendation that the variances be " regularized". Council followed this advice and approved all the variances". The vote was 6 to 1 with Councillor Crist voting against.

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> The concerns raised by Mr. Platts known for his diligence and detailed research on community and zoning issues must be taken extremely seriously. This is especially so in light of the sensitivity of the area which has been surrounded by controversy ever since the 1999 election when a civic party the " Concerned Citizens Association " (CCA) representing the special interests of waterfront property owners in Deep Cove endorsed and elected all members of the then Council but one namely Councillor Crist.

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