MEMORANDUM

TO: REGIONAL DISTRICT OF KOOTENAY BOUNDARY
   BOARD OF DIRECTORS

FROM: NORM ALLEN, CHIEF BUILDING/PLUMBING OFFICIAL

DATE: FEBRUARY 17, 2003

RE: VILLAGE SERVICES (1968) LTD., c/o DIANNE SCHMUNK
    LOT 1, DISTRICT LOT 317, SIMILKAMEEN DIVISION YALE
    DISTRICT, PLAN KAP57274, ELECTORAL AREA ‘C’
    GRISWOLD ROAD, CHRISTINA LAKE, B.C.
    CONTRAVENTION OF ZONING BYLAW #900

On February 13, 2003, the building inspector did a site inspection at the above noted property. The sign remains on the property in contravention of Zoning Bylaw No. 900.

I am enclosing the original memo and a copy of the letter that was sent to Village Service (1968) Ltd.

Based on the information presented above and enclosed and to protect the Regional District of Kootenay Boundary from any liability, I submit for consideration the following recommendation to be adopted by the Board of Directors of the Regional District of Kootenay Boundary:

RECOMMENDATION:

"That the Regional District of Kootenay Boundary Board of Directors direct the Chief Administrative Officer to file a Notice in the Land Title Office under Section 700 of the Local Government Act against the property legally described as Lot 1, District Lot 317, Similkameen Division Yale District, Plan KAP57274, AND FURTHER registration of this notice will not be required if confirmation of compliance from the Building Inspection staff is provided on or before February 26, 2003."

Attachments
January 31, 2003

Village Service (1968) Ltd.
c/o Dianne Schmunk
2968 Mahon Avenue
North Vancouver, B.C. V7N 3T1

Village Service (1968)
135 Market Avenue
P.O. Box 1016
Grand Forks, B.C. V0H 1HO

Dear Sirs:

RE: VILLAGE SERVICES (1968) LTD. c/o DIANNE SCHMUNK
LOT 1, DISTRICT LOT 317, SIMILKAMEEN DIVISION YALE DISTRICT,
PLAN KAP57274, ELECTORAL AREA 'C'
GRISWOLD ROAD, CHRISTINA LAKE, B.C.
CONTRAVENTION OF ZONING BYLAW #900

On January 30, 2003 the Board of Directors reviewed the attached report regarding the above referenced property. As a consequence the Board will, at its next regular meeting, be considering a resolution to direct the Chief Administrative Officer to file a formal Notice in the Land Title office regarding this contravention. Pursuant to Section 700(2) of the Local Government Act, you are to be afforded an opportunity to be heard by the Board of Directors before such a Notice is filed. The Board has therefore, adopted the following resolution:

"That a representative from Village Service (1968) Ltd. be invited to appear before the Board to make a presentation relative to the filing of a Notice in the Land Title Office under Section 700 of the Local Government Act against their property legally described as Lot 1, District Lot 317, Similkameen Division Yale District, Plan KAP57274." 

This hearing before the Board of Directors is scheduled for Thursday, February 27, 2003 at approximately 7:00 p.m. The meeting will be held at the Regional District of Kootenay Boundary Board Room, 843 Rossland Avenue, Trail, B.C. Please advise Sheila Moro at the above address in advance, whether you or a representative will be present at this hearing. If you will be attending this hearing, we would request a written submission from you relating to this matter by February 18, 2003. This will provide sufficient time for your report to be distributed to the Board of Directors.

Please be advised that, in order to avoid registration of this Notice, the Board of Directors requires written confirmation from the Building Inspection Staff that the property is now in compliance. You are encouraged to acquire that confirmation on or before the hearing date.

Enclosed for your information is a copy of Section 700 of the Local Government Act. The effect of this Notice is to remove liability from the Regional District of Kootenay Boundary and warn future purchasers of the property that the building(s) or construction on the property may be in violation of the B.C. Building Code and/or Regulatory Bylaws of the Authority having Jurisdiction.

Yours truly,

Larry Robinson
Chief Administrative Officer
MEMORANDUM

TO: LARRY ROBINSON, CHIEF ADMINISTRATOR OFFICER
FROM: NORM ALLEN, CHIEF BUILDING/PLUMBING OFFICIAL
DATE: JANUARY 13, 2003
RE: VILLAGE SERVICE (1968) LTD., c/o DIANNE SCHMUNK
LOT 1, DISTRICT LOT 317, SIMILKAMEEN DIVISION YALE DISTRICT,
PLAN KAP57274, ELECTORAL AREA 'C'
GRISWOLD ROAD, CHRISTINA LAKE, B.C.

Please be advised that Village Service (1968) Ltd. has constructed a sign on the above noted property without a building permit. The subsequent application to install the sign on the property has been denied due to the fact that the size of the sign is regulated by the size of the building face on the same lot. There are no existing buildings on this lot, therefore a sign is not permitted as per article 411.8(a) of the Zoning Bylaw No. 900.

The following is a chronology of events:

November, 2002 Notified that a sign had been erected on the property and confirmed that a building permit had not been applied for or issued;
November, 2002 A Stop Work Order was posted on the sign and photographs taken;
November 14, 2002 Registered letter sent to the owners requesting that they remove the sign by December 15, 2002;
November 25, 2002 A letter was received by Dianne Schmunk, Director of Village Service (1968) Ltd. requesting bylaw information;
December 4, 2002 Dianne Schmunk purchased the Zoning Bylaw and maps for Christina Lake from the Grand Forks RDKB office;
December 5, 2002 Registered letter sent to Dianne Schmunk answering her questions including highlighted zoning bylaw sections and building bylaw information that applies to the bylaw infraction;
December 16, 2002 Site inspection, sign had not been removed, took photographs;
December 16, 2002 A completed application was received from Dianne Schmunk;
December 18, 2002 The completed application form was mailed back to Dianne Schmunk with a letter explaining the reasons why the application could not be processed (Zoning Bylaw No. 900, subsection 411.8(a) and 315.4).

Based on the information above, I submit for consideration the following recommendation to be adopted by the Board of Directors of the Regional District of Kootenay Boundary:

"That it be recommended to the Regional District of Kootenay Boundary that a representative from Village Service (1968) Ltd. be invited to appear before the Board to make a presentation relative to the filing of a Notice in the Land Title Office under Section 700 of the Local Government Act against their property legally described as Lot 1, District Lot 317, Similkameen Division Yale District, Plan KAP57274."

The above action does not preclude the Regional District of Kootenay Boundary from taking such steps as may be further authorized by Bylaw and under the Local Government Act to enforce compliance with regulations.