



REGULAR MEETING OF COUNCIL

George Fraser Community Room, Ucluelet Community Centre,
500 Matterson Drive, Ucluelet, and
Electronically via Zoom ([Ucluelet.ca/CouncilMeetings](https://ucluelet.ca/CouncilMeetings))
2025-May-27 @ 4:00 PM

LATE ITEM(S)

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1. LATE ITEMS

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1.1. K. Pierce re. APP DVP25-02

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1.2. D. and B. Fraser re. DVP 25-02

[2025-05-27 Daniel and Brandi Fraser re. DVP 25-02 Redacted](#)

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1.3. A. Lankester re. DVP 25-02

[2025-05-27 A. Lankester re. DVP 25-02](#)

1.4. Closed Session

-----Original Message-----

From: Kristin Pierce [REDACTED]
Sent: May 25, 2025 12:09 PM
To: Community Input Mailbox <communityinput@ucluelet.ca>
Subject: Public notice: APP # DVP25-02

[External]

Dear City Council

I am writing with regards to public notice DVP25-02.

I disagree with the permit change for the easement of the property line set forth in the public notice.

[REDACTED] and everyone should live within the boundaries of their property line.

By allowing this change will set precedent that the guidelines don't need to be followed and will have an impact on the area.

Appreciate your attention to this.

Kristin Pierce

Daniel and Brandi Fraser

[REDACTED]
Ucluelet, BC V0R 3A0
May 27, 2025

District of Ucluelet
Planning Department
200 Main Street
Ucluelet, BC V0R 3A0

**RE: Opposition to Development Variance Permit Application DVP25-02
(1869 Cedar Grove Place)**

Dear Mayor and Council,

We are writing in strong opposition to Development Variance Permit DVP25-02, submitted by Andrew Lankester and Ashley Henry for 1869 Cedar Grove Place. Let us be clear: **we are in this situation because of a mistake that we did not make**. It is not our structure that violates the bylaw, but we are the ones living with the negative impacts — not the applicants, not any of our other neighbours, and not the community at large. **We are the only property affected by this variance**, because every other property on Cedar Grove Place has received the protections intended by the zoning bylaws — except ours.

This structure was built in 2018 under the supervision of Andrew Lankester, who held the homeowner-builder license and acted as the general contractor. Despite this responsibility, the house was constructed just **0.45 metres** from our shared property line, in violation of the **required 1.5 metre interior side yard setback**. No follow-up survey was conducted after the foundation was poured, and as a result, the structure encroaches in a way that has affected our privacy, safety, and the peaceful enjoyment of our home.

Impact on Our Lives and Property

We moved to Ucluelet in 2004 because of our deep love for this place and its natural beauty. We purchased our lot in 2007 and spent over a decade working toward the dream of building our home here. In 2020, we were finally able to begin construction as homeowner-builders ourselves — following every rule and doing everything by the book.

We even selected **obscured windows** specifically because of how close the neighbouring structure was built, trying to mitigate the impact of their error. But despite our efforts, we now live with **reduced light, compromised privacy**, and the knowledge that this entire situation could have been avoided if proper due diligence had been done on the neighbouring build.

This has caused us **emotional distress, anxiety, and sleepless nights**. The

structure looms close to our living space — too close — and no amount of cosmetic alteration changes the fact that it simply should not be there.

Financially, the damage is just as real. When we consulted Judy Gray, our realtor, in 2022, she informed us that this proximity had already **devalued our home by \$35,000 to \$40,000**. In a rising market, that number has only gone up.

[REDACTED]

[REDACTED]

[REDACTED]

A Pattern of Evasion, Not Accountability

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Only recently — [REDACTED]

[REDACTED] — did he remove the portion of the building that trespassed over the property line. But the core problem remains: the house is **still far too close**, and **no foundational changes have been made**.

Andy has since attempted to shift blame onto **Norse Log Homes**, who built the home off-site and, according to him, suggested a reorientation of the structure. However, **Andy was the homeowner-builder and general contractor of record**. Hiring subcontractors does not absolve you of responsibility — **it remains your duty to ensure that the structure complies with the zoning bylaw**. Blaming those you hired does not fix the problem, nor does it transfer accountability. What he now calls "modifications" are little more than **lipstick and mascara**. They don't resolve the real issue: the house violates the bylaw and continues to diminish our property value and well-being.

A Question of Principle

Mistakes happen in construction. We understand that. But when they do, they must be **corrected**, not ignored or excused. If this variance is approved, it tells everyone that you can build first, break the rules, and then ask for forgiveness later — especially if you're planning to sell and leave the community behind, as Andy is.

We are asking for nothing more than what every other resident on our street has been granted: **the protection of the zoning bylaw**. We followed the rules and built responsibly. Now, we're being asked to live with someone else's mistake so they can walk away from it. That isn't fair.

Our Request

We respectfully ask that Council **deny DVP25-02**. We ask that the District stand by its own bylaws and show long-standing residents that their concerns, investments, and trust in the system still matter. If this structure is to remain, it should only do so through proper correction — not an after-the-fact variance that benefits an absentee owner at our expense.

Thank you for your time and serious consideration.

Sincerely,

Daniel and Brandi Fraser



Ucluelet, BC V0R 3A0



Dan & Brandi Fraser
Via e-mail
October 4, 2022

RE: Encroachment 1961 Cedar Grove, Ucluelet, BC.

In accordance with your request, I have prepared a Letter of Opinion on the above referenced situation at the property as at October 4, 2022, for the purposes of estimating a current market value of the encroachment.

It should be clearly understood that this is a preliminary study only and an appraisal has not been made of the above referenced property, and that this letter does not constitute an Appraisal Report, nor in any way should it be construed as an Appraisal Report. I have consulted an appraisal firm for their input. This is a difficult and a subjective valuation estimate.

This preliminary study consisted of:

- A) Completing an inspection of the subject property.
- B) Reviewing available sales information of properties similar to the subject property.
(Copies attached)
- C) Reviewing listing information on properties currently listed for sale similar to the subject property. (Copies attached)

Based on this preliminary study only, it is the belief of the undersigned that if an appraisal were made, the final estimate of the negative value of the encroachment would probably be in the range of approximately:

\$35,000.00 to \$40,000.00

It should be clearly understood that the range of value approximated herein is subject to adjustment upon completion of an appraisal.

Regards,

Judy Gray
Sales Representative



109 – 1917 Peninsula Road
PO Box 195, Ucluelet, BC
Canada V0R 3A0
www.judygray.com
T: 250.726.2228
C: 250.720.7028



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Honorable Mayor,

I wanted to reach out to you in advance of the council meeting on May 27 that will hear our variance application.

I have written a letter to council and municipality staff shown below to describe my unfortunate circumstances in the report.

It is been suggested to me by both Nicholas and Nicole to now apply for a variance at 1869 Cedar Grove Pl. I have spent several years getting engineering reports and final design approvals from Nicholas and Nicole to final building permit approvals now be in a place that puts the property in compliance with the building code.

What a journey this has been! The staff has been empathetic but business like and we worked together to finally have both parties put this behind us.

There is more detail below, as I wanted to reach out by way of an introduction and hopes that you can help see us through to the finish line.

Best regards,

Andy Lankester

March 15, 2025

Attn: District of Ucluelet Town Planner/ Maddie Haynes

Subject: Variance Application for 1869 Cedar Grove Pl, Ucluelet BC V0R 3A0

Dear Honorable Council Members,

Please accept my application for a property variance at the above noted address.

The details are outlined as follows:

Ø On or about Dec 17th, 2017, I engaged a local home building company, Norse Log Homes to construct the home

Ø Footings for the project were installed and locally approved by the district on May 18, 2018

Ø They finished the home build on or about Sept 2019.

Ø The occupancy permit was issued on September 16, 2019 (see attached)

Ø On March 3, 2023, I received a letter from the district citing a contravention of the building by-law and Zoning By-law

Sometime after the completion of the home, it came to light that the home foundation was accidentally put .45m from the property line by a Norse Log Homes contractor under the supervision of Norse Log Homes. This is inside the setback and out of line with the current Zoning by-laws, but it also put the home offside with the BC Building Code being too close in proximity to the neighboring home. As a side note, It is unfortunate that a post footing survey was not required at the time by the District of Ucluelet to be completed as we would have caught this situation far sooner.

Since March 3, 2023, I have been in constant contact with both Nicholas Henderson and as of late Nicole Morin on how best to deal with this unfortunate situation. I researched the idea of lifting and moving the home, but it became clear, very quickly that this was not an affordable nor a practical option.

Nicholas was kind enough to suggest that I could engage an engineering firm that specializes in this type of situation to put the home in compliance with the district. Since March 2023, I have been diligent in my efforts, spending hours of time to bring it into compliance. Here is a list of efforts put into this plan of attack:

Ø Engaged an engineering firm, Celerity Engineering Limited, to come up with a plan that will satisfy the stake holders. (plan attached) This solution was accepted by Nicholas Henderson as a viable solution.

Ø Installed a fire suppression system inside the home by Caledonia Fire Protection under the supervision of Rocky Point engineering

Ø Removed the overhanging eave and corner purlins of the home by local contractors under the supervision of Brad May from McGill and Associates Engineering Ltd.

Ø Installed non-vented soffits as per the Engineered alternate solution by a local tradesman.

Ø A third survey was completed by AG surveys to ensure all the work was completed to the satisfaction of Nicholas and Nicole.

Ø I received the building permit final inspection from Nicole Morin on Jan 8, 2025 (see attached) to ensure that all work that was instructed in the Celerity report, was adhered to.

The out-of-pocket cost of this renovation was in excess of **\$65,000!**

The home is now fully compliant with BC Building codes. However, I am still inside the setback which is why I am respectfully applying for a building variance so that the home will exist in a legal space.

I am hoping that the representatives who are considering this application can see that this situation was created not by myself and that it was clearly an error by the builder. Stuff happens in construction, at least that is what I am told. This situation has caused years of frustration and consternation for my family. We have put everything we have into making this a beautifully constructed home. Hopefully it will be enjoyed by many happy owners and renters (it has a legal suite) for many decades to come and be able to be bought and sold without restrictions to future owners.

I want to thank both Nicholas Henderson and Nicole Morin. Both were extremely professional, but I also found them to be empathetic and helpful in my plight in gaining legal status. Without either of them I don't know where I would be on this today.

Sincerely,

Andy Lankester Ashley Henry

