From: Torrance Gilmour
To: Planning Shared
Subject: 422 Burlo Island Setback Variance
Date: July 21, 2025 9:50:25 AM
Attachments: image.png

[CAUTION] This email originated from outside of the ACRD

To whom it may concern,

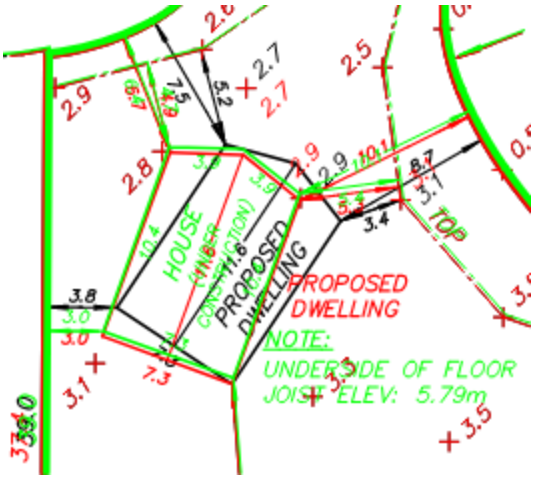
IF you read no further, the intention of this letter will clarify the following:
- What happened to get to this point today.
- That this situation arose out of hardship rather than some malicious act.
- That not approving this variance will only result in an unnecessary cost to the owners and further disruption to the environment in the immediate area.

I would like to take the opportunity to recount what happened from my perspective that resulted in the structure on 422 Burlo being constructed in the wrong location.
I was engaged by the owners to construct a foundation of the lot and erect the house package supplied by Lynnwood Homes on the foundation.
At the time of my engagement, the survey for the property and siting of the pins for corners of the structure were already completed.
I was given the existing variance permit which laid out the necessary setback for the building.
The owners also reminded me of these set backs several times.
The hardship was that the pin closest to the location of the house was not visible, the lot shape irregular, and the house location not square to anything in particular.
This made manual reference impossible.
The corners of the house however had been pinned by the surveyor.

As such I offset these pins, dug the excavation, transferred the pins back and down into the excavation and constructed the foundation.
Having performed this method previously, I had confidence that the final location would be within tolerance.
Anyone who has been to the site would see that excavation was not an easy process.
The platteau where the house was to be sited is small and confined by a steep embankment to south, the neighboring property (420) to the west and steep embankment to the ocean at both the north and the east.
As per the geotech report and the owners experience digging on the property, we expected to find bedrock within the first couple feet.
However, the topsoil within the footprint was over 5 feet deep.
Displacing this much material on site was extremely difficult as there was simply nowhere to put it.
In order to receive the material package, the foundation was backfilled immediately after the pour, so the site could be leveled.

It is at this point that the foundation should have been surveyed to confirm the location.
However, the original surveyor who had worked on the property was no longer in business.
Most surveyors wanted more money to reconfirm the whole property prior to siting of the foundation.
Thus framing began.

The first story was erected, a floor system installed, and the second story was erected.
It was at this point that inquiries that the inspector came to site with concerns that the set-backs were not respected (largely to the neighboring property).
However with no real point of reference, the inspector simply insisted that a surveyor be brought in to verify.
At this point, the company who took over the files of the original surveyor had been engaged.
Framing continued until the surveyor arrived.
The surveyor submitted a report showing a substantial discrepancy between the measurements provided on the variance permit.
This seemed impossible, I could understand a few inches, given the pins were transferred twice to get the final location.
After investigation with the surveyors and looking back through the previous surveyors files, it turned out that originally the house had been laid out with a 3 meter setback to the neighbors and a 6.7 to north ocean boundary.
These are the pins that were put in the field for the corners of the structure.
At some point between the field survey and applying for the variance permit, the survey was changed on paper but those changes were never reflected in the field.
Below is an overlay of the three scenarios.
Red is the original survey and location of the pins in the field.
Green is the actual location of the structure.
And black shows the modified survey which was used to acquire the variance permit.



At this point all that remained in the framing was to install the roof.
Knowing that this would likely result in a lengthy delay in the construction, the decision was made to finish the roof construction and install a weather proof membrane so the structure would not rot in the harsh climate.

Ultimately the siting of the building was the result of some inexperience and a few compounding mistakes.

Now going forward what is to become of this building?
Far too much work has gone into the building for it to be torn down.
The building itself is fully on the subject property.
Locating it any better will be difficult due to the site constraints previously mentioned.
The process of relocating the structure will cost approximately $150,000 to $200,000.
This will involve completely demolishing the existing foundation, re-digging the entire area to

construct a new one.
While impact on the environment will be minimized through best practices, it will surely have a negative impact in the area.
And ultimately what will this achieve?
The structure will still be in the same relative area, it will still be the same size and occupy the same amount of space.
The shadow created by it will be almost identical.
It will be 0.8m further from the neighbors property line, and 1.1 m further from the ocean.
This seems like a high price to pay for both the owners and the environment to achieve such a negligible change.

I hope this letter helps to clarify what happened to get to this point today.
I hope that you understand that this situation arose out of hardship rather than some malicious act.
I also hope that there is an understanding that not approving this variance will only result in an unnecessary cost to the owners and further disruption to the environment in the immediate area.

Regards,

Torrance Gilmour
Licenced Home Builder
Concerned Bamfield Resident