

MEMORANDUM

TO: Charles Hamilton
Corporate Officer

FROM: Scott Beck
Building Official

SUBJECT: Community Charter Section 57; Note Against Land Title that Building Regulations Contravened, 673 Swanbeach Road, Swansea Point, Electoral Area E

Lot 1 Section 11 Township 21 Range 8 West of the 6th Meridian
Kamloops Division Yale District Plan 11368

Darcy Michael Lux

File No: 4070 00 81
CE20160000127

Date: August 28, 2018

RECOMMENDATION: Whereas, during the carrying out of my duties, it was noted, in accordance with Section 57 subsections (1) (b) (i) and (1) (b) (ii) of the *Community Charter*, that the property owner had commenced construction of a building with BC Building Code contraventions. I am recommending, in accordance with Section 57 (2) of the *Community Charter*, that the Corporate Officer give notice to the registered owner of Lot 1 Section 11 Township 21 Range 8 West of the 6th Meridian Kamloops Division Yale District Plan 11368 and further that the matter be placed on the September 20, 2018 CSR D Board Agenda for consideration by the CSR D Board of Directors.

SHORT SUMMARY: This 2016 file has a long history of non-compliance with CSR D Bylaws; Lakes Zoning Bylaw No. 900, and Rural Sicamous Land Use Bylaw No. 2000, regarding the multiple additions lake side and interior side of the single family dwelling and parcel boundary setback requirements. In addition to these concerns, the CSR D has also registered many other development concerns to the property owner for extension of the retaining walls at the shoreline, flood construction level, flood plain setback to Mara Lake, Riparian Area Regulations and possibly dock placement adjacent to a CSR D park, all completed without the required approvals.

Staff sent letters dated July 4, 2016 and September 20, 2016 to the property owner identifying the bylaw infractions and requesting a survey to confirm the extent of new works and required applications. A 'Demand for Compliance' legal letters from Lidstone and Company was delivered to the property owner November 24, 2016 and June 15, 2018. The property owner submitted a rezoning application with an incomplete site plan for the dock in February 2017. The December 1, 2017 CSR D In-Camera Board Resolution authorized CSR D Bylaw Enforcement staff to pursue all options to bring this property into compliance, including a court injunction if necessary. A June 1, 2018 site report produced from the CSR D Building Official identified BC Building Code contraventions that could make the structure unsafe or unusable for its intended purpose over

its life expectancy. These letters have not resulted in the property owner submitting the required survey or complete applications for the dock or upland works or additions to the dwelling.

Placing a Section 57 Notice on Title will alert subsequent owners of the property of the outstanding building regulation non-compliance.

FINANCIAL:

At present, staff time and legal consultation for this file exceeds \$10,000. Placing the Section 57 Notice on Title would be less than \$1000. Further enforcement next steps with a court injunction can vary from an additional \$10,000-\$30,000 depending upon the complexity of the file and response received from the property owner.

KEY ISSUES/CONCEPTS:

Staff have requested the owner of the subject property, both in verbal and written communications, including two 'Demand for Compliance' legal letters to provide the required information that will allow issuance of the necessary approvals. The owner has failed to provide the information or to advise the CSRD when the information will be submitted to this office. In the absence of the required approvals, placing a Notice on Title Section 57 is a priority.

COMMUNICATIONS:

The Corporate Officer will give notice to the registered owner of Lot 1 Section 11 Township 21 Range 8 West of the 6th Meridian Kamloops Division Yale District Plan 11368 in accordance with Section 57 (2) (a) of the *Community Charter*, and once notice has been given to the owner the matter will be placed on the September 20, 2018 CSRD Board Agenda for consideration by the CSRD Board of Directors in accordance with Section 57 (2) (b) of the *Community Charter*.

LIST NAME OF REPORT(S) / DOCUMENT(S):

Location Map	Attached to Memorandum: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>
Section 57 of the <i>Community Charter</i>	Attached to Memorandum: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>
June 18, 2018, CSRD Site Report, BC Building Code Contraventions	Attached to Memorandum: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>
June 15, 2018, Demand for Compliance letter, Lidstone & Company; <i>Breach of CSRD Bylaws</i>	Attached to Memorandum: <input type="checkbox"/>	Available from Staff: <input checked="" type="checkbox"/>

December 1, 2017, CSRD In-Camera Certified Board Resolution; <i>To Pursue all Options for Compliance</i>	Attached to Memorandum: <input type="checkbox"/>	Available from Staff: <input checked="" type="checkbox"/>
November 15, 2017, CSRD In-Camera Board Report; <i>Board Direction Required</i>	Attached to Memorandum: <input type="checkbox"/>	Available from Staff: <input checked="" type="checkbox"/>
November 24, 2016, Demand for Compliance letter, Lidstone & Company; <i>Breach of CSRD Bylaws</i>	Attached to Memorandum: <input type="checkbox"/>	Available from Staff: <input checked="" type="checkbox"/>
September 20, 2016 CSRD letter; <i>Expansion of the Single Family Dwelling</i>	Attached to Memorandum: <input type="checkbox"/>	Available from Staff: <input checked="" type="checkbox"/>
July 4, 2016, CSRD letter; <i>Dock Expansion</i>	Attached to Memorandum: <input type="checkbox"/>	Available from Staff: <input checked="" type="checkbox"/>

REVIEWED BY:	Date Signed Off (MO/DD/YR)	Approval Signature of Reviewing Manager or Team Leader
Corporate Administration Services, Chief Administrative Officer	August 28, 2018	Lynda A. Shykora for C. Hamilton
Deputy Manager of, Corporate Administration	August 28, 2018	Lynda A. Shykora
Team Leader, Building & Bylaw Services	August 28, 2018	M. + P.

Location Map



Nov 15, 2017

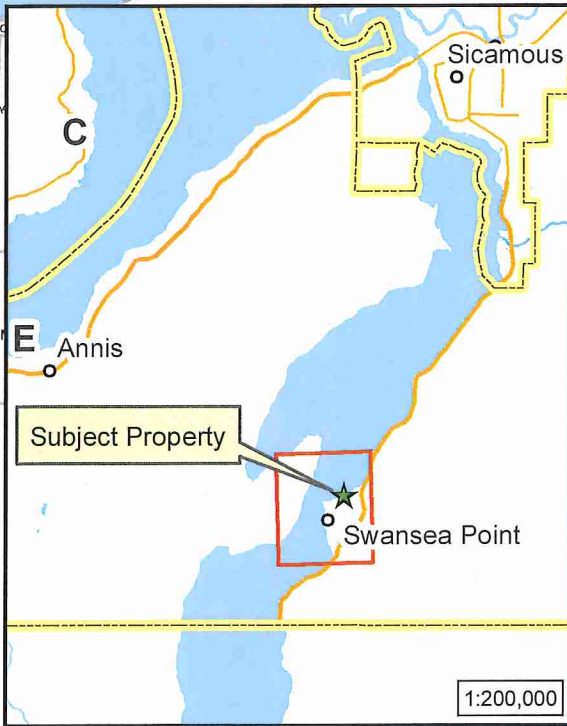
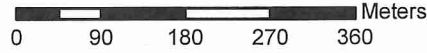
This map is for reference only. Not to be used for navigation. The data in this map is compiled from numerous sources and may not be complete or accurate. No warranty, expressed or implied, is made as to the accuracy of this information.

Map Notes

Darcy Lux
673 Swanbeach Rd
Swansea Point

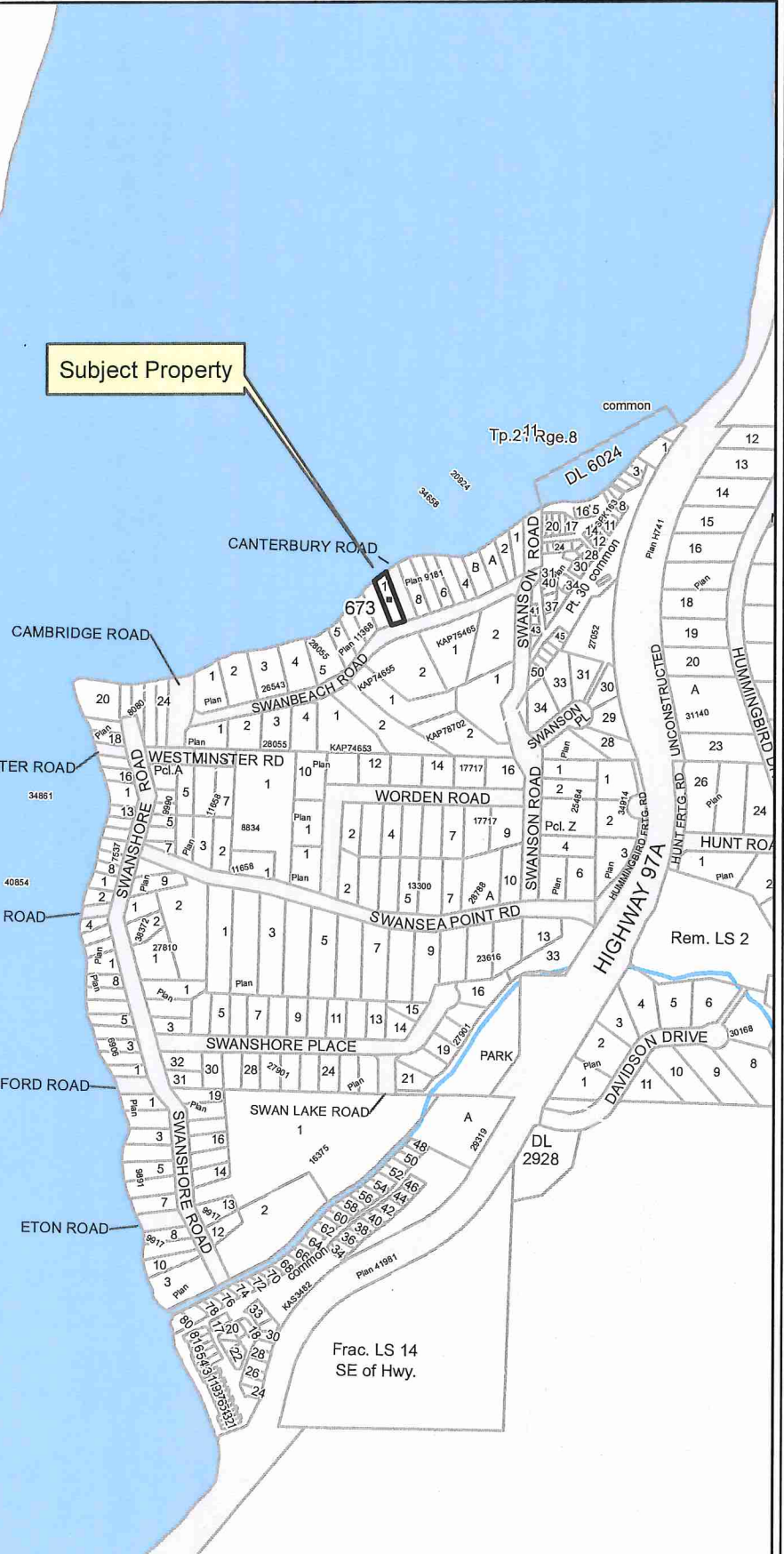


Scale: 1:8,000



Subject Property

Subject Property





COLUMBIA SHUSWAP REGIONAL DISTRICT

555 Harbourfront Drive NE, PO Box 978, Salmon Arm, BC V1E 4P1
T: 250.832.8194 | F: 250.832.3375 | TF: 1.888.248.2773 | www.csr.bc.ca

June 18 2018

File No: 673 Swanbeach Road

Scott Beck, Building Official
Columbia Shuswap Regional District
55 Harbourfront Drive
Salmon Arm, BC V1E 4P1

Dear Mr. Lux:

Re: 673 Swanbeach Road Site Visit

On Friday June 15th, myself and Bylaw Enforcement Officer, Darren Wilson, visited property 673 Swanbeach Road, Mara Lake, BC. While onsite I noticed several BC Building Code (BCBC) contraventions I feel should be brought to your attention as they could make the structure(s) unsafe or unlikely usable for its intended purpose over its life expectancy.

Heavy Timber Frame:

Heavy Timber frame wood elements noted for the construction of Lakeside Deck Roof and Pergola, Front Entrance Roof Awning and Gable Side Exterior Finished Truss. Heavy timber construction wood elements are permitted to be used in combustible construction, however, limitations under Part 9 of the BCBC does not allow the use of heavy timber wood elements in single family dwelling without the involvement of a registered professional engineer, including but not inclusive to design and field review for: code compliance, allowable spans for joists, rafters and beams, lumber grading and connections. Therefore, a Building Official cannot conform the safe intended use and construction of these elements under the BC Building Code.

9.23.1.1. Limitations (See [Appendix A.](#))

1) This Section applies to constructions where wall, floor and roof planes are generally comprised of lumber frames of small repetitive structural members, or engineered components, and where

- a) roof and wall planes are clad, sheathed or braced on at least one side,
 - b) the small repetitive structural members are spaced not more than 600 mm o.c.,
 - c) the constructions do not serve as [foundations](#),
 - d) the specified [live load](#) on supported subfloors and floor framing does not exceed 2.4 kPa, and
 - e) the span of any structural member does not exceed 12.20 m.
- (See [Appendix A.](#))

2) Where the conditions in [Sentence \(1\)](#) are exceeded for wood constructions, the design of the framing and fastening shall conform to [Subsection 4.3.1.](#)

4.3.1.1. Design Basis for Wood

1) [Buildings](#) and their structural members made of wood shall conform to [CSA O86, "Engineering Design in Wood."](#)

ELECTORAL AREAS

A GOLDEN-COLUMBIA
B REVELSTOKE-COLUMBIA

C SOUTH SHUSWAP
D FALKLAND-SALMON VALLEY

E SICAMOUS-MALAKWA
F NORTH SHUSWAP-SEYMOUR ARM

MUNICIPALITIES

GOLDEN
REVELSTOKE

SALMON ARM
SICAMOUS

9.23.4.2. Spans for Joists, Rafters and Beams

1) Except as required in [Sentence \(2\)](#) and [Article 9.23.14.10.](#), spans for wood joists and rafters shall conform to the spans shown in [Tables A-1 to A-7](#) for the uniform [live loads](#) shown in the Tables. (See [Article 9.4.2.2.](#))

2) Spans for floor joists that are not selected from [Tables A-1 and A-2](#) and that are required to be designed for the same loading conditions, shall not exceed the design requirements for uniform loading and vibration criteria. (See [Appendix A.](#))

3) Spans for built-up wood and glued-laminated timber floor beams shall conform to the spans in [Tables A-8 to A-11](#) (See [Article 9.4.2.2.](#))

4) Spans for roof ridge beams shall conform to the spans in [Table A-12](#) for the uniform snow load shown. (See [Articles 9.4.2.2. and 9.23.14.8.](#))

9.3.2.1. Grade Marking

1) Lumber for joists, rafters, trusses and beams and for the uses listed in [Table 9.3.2.1.](#) shall be identified by a grade stamp to indicate its grade as determined by [NLGA 2010, "Standard Grading Rules for Canadian Lumber."](#) (See [Appendix A.](#))



Timber fasteners – 2 regular wood screws



Timber Beams and Rafters supported on Timber Cantilevered Beams through wall



Timber Beams and Rafters supported on Timber Cantilevered Beams through wall



Timber Roof Rafters

Decks, Guards and Handrails

Upon observation, the existing deck construction is made of graded dimensional lumber that is permitted to be constructed in accordance to Part 9 BCBC. The existing deck elevation above the finished ground is entirely 24 inches above the ground and as high as 42 inches with guards constructed of cross framed lumber and laminated safety glass. The guards do meet the minimum height requirements, safety glass requirements but do not conform to Openings in Guards and facilitate climbing which is not permitted in the BCBC.

9.8.8.1. Required Guards (See [Appendix A.](#))

1) Except as provided in [Sentences \(2\) and \(3\)](#), every surface to which access is provided for other than maintenance purposes, including but not limited to flights of steps and ramps, exterior landings, porches, balconies, [mezzanines](#), galleries and raised [walkways](#), shall be protected by a [guard](#) on each side that is not protected by a wall for the length where a) there is a difference in elevation of more than 600 mm between the walking surface and the adjacent surface, or

9.8.8.5. Openings in Guards

1) Except as provided in [Sentence \(2\)](#), openings through any [guard](#) that is required by [Article 9.8.8.1.](#) shall be of a size that will prevent the passage of a spherical object having a diameter of 100 mm unless it can be shown that the location and size of openings that exceed this limit do not represent a hazard. (See [A-9.8.8.5.\(1\) and \(2\)](#) in Appendix A.)

9.8.8.6. Design of Guards to Not Facilitate Climbing

1) [Guards](#) required by [Article 9.8.8.1.](#), except those in [industrial occupancies](#) and where it can be shown that the location and size of openings do not present a hazard, shall be designed so that no member, attachment or opening facilitates climbing.

2) [Guards](#) shall be deemed to comply with [Sentence \(1\)](#) where all elements protruding from the vertical and located within the area between 140 mm and 900 mm above the floor or walking surface protected by the [guard](#) conform to at least one of the following Clauses:

- a) they are located more than 450 mm horizontally and vertically from each other,
- b) they provide not more than 15 mm horizontal offset,
- c) they do not provide a toe-space more than 45 mm horizontally and 20 mm vertically, or



The supporting Floor Beams were observed as 2 ply 2 x 8 built-up beams and 2 x 10 built-up beams and does not conform to the span tables for built-up beams in the BCBC for the minimum requirements. A built-up floor beam must be a minimum 3 pieces of dimensional lumber nailed together.

9.23.4.2. Spans for Joists, Rafters and Beams (See [Appendix A.](#))

3) Spans for built-up wood and glued-laminated timber floor beams shall conform to the spans in [Tables A-8 to A-11](#) (See [Article 9.4.2.2.](#))

9.23.8.3. Built-up Wood Beams (See [Appendix A.](#))

1) Where a beam is made up of individual pieces of lumber that are nailed together, the individual members shall be 38 mm or greater in thickness and installed on edge.



2 ply – 2 x 8 Beams supporting 2x 8 Joists



2 ply – 2 x 8 Beams supporting 2x 8 Joists with Scabbed on 2 x 8 to create a ledger board

The supporting beam columns were observed as 4 x 4 lumber supported by 8 inch concrete columns spaced approximately 94 inches apart and does not conform to the BCBC minimum requirements for supporting member sizes. Depth of frost protection for the concrete columns cannot be determined without destructive inspection.

9.17.4.1. Column Sizes

- 1) The width or diameter of a wood column shall be not less than the width of the supported member.
- 2) Except as provided in [Article 9.35.4.2.](#), columns shall be not less than 184 mm for round columns and 140 mm by 140 mm for rectangular columns, unless calculations are provided to show that lesser sizes are adequate.



1-2x10 Post supporting ledger board & 2x10 joists, fastened to 4x4 post on 8" conc. columns



4 x 4 Post Supporting 2 ply 2 x 8 Beam

Stair Guards and Handrails

It was observed that the exterior stairs of the lakeside deck had 6 risers with a total height of approximately 42 inches, was wider than 900mm (36"), has no guards or handrails and does not meet the minimum rise and run tolerances as outlined in Section 9.8 BCBC. However, to comply with Section 9.8 the stairs will require the installation of guards on both sides and one handrail for stairs less than or greater than 43 inches in width.

9.8.7.1. Required Handrails

- 1) Except as provided in [Sentences \(2\) to \(4\)](#), handrails shall be installed on stairs and ramps in accordance with [Table 9.8.7.1](#).
- 4) Only one handrail is required on exterior stairs having more than 3 risers provided such stairs serve not more than one *dwelling unit*.

9.8.8.1. Required Guards

- 1) Except as provided in [Sentences \(2\) and \(3\)](#), every surface to which access is provided for other than maintenance purposes, including but not limited to flights of steps and ramps, exterior landings, porches, balconies, *mezzanines*, galleries and raised *walkways*, shall be protected by a *guard* on each side that is not protected by a wall for the length where

- a) there is a difference in elevation of more than 600 mm between the walking surface and the adjacent surface, or

9.8.8.3. Height of Guards(See [Appendix A](#).)

- 3) Exterior *guards* serving not more than one *dwelling unit* shall be not less than 900 mm high where the walking surface served by the *guard* is not more than 1 800 mm above the finished ground level.
- 4) *Guards* for flights of steps, except in required *exit* stairs, shall be not less than 900 mm high.
- 5) The height of *guards* for flights of steps shall be measured vertically from the top of the *guard* to a line drawn through the leading edge of the treads served by the *guard*.



Background Photos



Street View - Panoramic



Street View - Main Entrance



Fixed Dock - Lakeside



Lakeside View – Rear Roof Deck

If you If you have questions about the Building Permit process please contact Michelle Boag at mboag@csrd.bc.ca or 250-833-5962. If you need to discuss specific building questions (construction or code related), you can contact myself, at 250.833.5961 or sbeck@csrd.bc.ca.

Yours Truly,

COLUMBIA SHUSWAP REGIONAL DISTRICT

Per:



Scott Beck

First name Last name

Building Official

Enclosure (if applicable)

cc: (M. Herbert, Team Leader, Building and Bylaw Services)