

# Agenda

## Town of Gibsons

### Regular Meeting of Council

**March 5, 2019 at 7:00pm**

Council Chambers  
Town Hall, 474 South Fletcher Road, Gibsons  
604-886-2274 - [www.gibsons.ca](http://www.gibsons.ca)

***Council***



Mayor Bill Beamish  
Councillor David Croal  
Councillor Annemarie De Andrade  
Councillor Aleria Ladwig  
Councillor Stafford Lumley



**Regular Meeting of  
Council  
AGENDA OF  
March 5, 2019  
Council Chambers, 7:00pm  
474 South Fletcher Road, Gibsons, BC**

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**1. CALL TO ORDER**

**2. APPROVAL OF THE AGENDA**

**2.1 Regular Council Agenda - March 5, 2019**

RECOMMENDATION(S)

THAT the Regular Business Agenda of March 5, 2019 be adopted.

**3. ADOPTION OF MINUTES**

**3.1 Minutes of the Regular Council Meeting - February 19, 2019 7 - 15**

RECOMMENDATION(S)

THAT the minutes of the Regular Council meeting held February 19, 2019 be adopted.

**4. BUSINESS ARISING FROM THE MINUTES**

**5. DELEGATIONS AND PETITIONS**

**5.1 Ed Hill, Gibsons Paddle Club**

Regarding the familiarization and present status of the Gibsons Paddle Club.

**5.2 Dale Peterson, Gibsons Historical Walks**

Regarding the historical walking tours of lower Gibsons.

**6. INQUIRIES**

**7. COMMITTEE REPORTS**

**7.1 Committee-of-the-Whole Meeting - February 19, 2019**  
***Recommendations regarding the Planning and Development***  
***Committee Terms of Reference and Police Services Select Committee***  
***Terms of Reference were forwarded directly to the February 19, 2019***  
***Council meeting.***

**7.1.1 Committee-of-the-Whole Meeting Minutes** 17 - 20

RECOMMENDATION(S)

THAT the minutes of the Committee-of-the-Whole meeting held February 19, 2019 be received.

**7.1.2 Planning Departmental 2018 Quarterly (Q4) Operational Report**

RECOMMENDATION(S)

THAT Council directs staff to include a budget for adequate consulting fees to support Planning and Development Services for the 2019 budget discussions.

**7.2**

**Committee-of-the-Whole Meeting - March 5, 2019**  
***A recommendation from the March 5, 2019 Committee-of-the-Whole***  
***meeting minutes forwarded directly to the March 5, 2019 Regular***  
***Council meeting.***

**7.2.1 Temporary Use Permit (TUP-2019-01) and Form and Character Development Permit Area 6 (DP-2019-05) Applications for Construction and Use of a Tent at Gibsons Recycling Depot** 21



RECOMMENDATION(S)

THAT it be recommended to Council that staff process the Temporary Use Permit application by:

- a) Notifying owners and occupants of properties neighbouring 1018 Venture Way of the Temporary Use Permit application (TUP-2019-01); and
- b) Publishing a notice of TUP-2019-01 in the newspaper;

AND THAT it be recommended to Council that staff report back on comments received from the referrals and public notice process;

AND FURTHER THAT it be recommended to Council to authorize the issuance of DP-2019-05 for Form and Character subject to issuance of the Temporary Use Permit (TUP-2019-01).

**8. ADMINISTRATION REPORTS**

- 8.1      **Director of Planning - Development Variance Permit Application (DVP-2019-04) at 716 Hillcrest Rd**      23 - 28

RECOMMENDATION(S)

THAT the Director of Planning's report titled Development Variance Permit Application (DVP-2019-04) at 716 Hillcrest Rd be received;

AND THAT Council directs staff to begin notifications for the Development Variance Permit application at 716 Hillcrest Road (DVP-2019-04).

- 8.2      **Director of Planning - Development Variance Permit Application (DVP-2019-03) and Zoning Amendment (ZA-2018-03) at 702 Gibsons Way**      29 - 49

RECOMMENDATION(S)

THAT the Director of Planning's report titled Development Variance Permit Application (DVP-2019-03) and Zoning Amendment (ZA-2018-03) at 702 Gibsons Way be received;

THAT Zoning Amendment Bylaw No. 1065-44, 2018 is amended to reduce the following setbacks in the RM-5 zone as follows:  
Interior side lot line: 4.5 m to 2.5m; and Rear lot line: 7.5 m to 2.5 m;

AND THAT Zoning Amendment Bylaw No. 1065-44, 2018 is given Third Reading, as amended;

AND FURTHER THAT DVP-2019-03 is deferred, pending a final decision on Zoning Amendment Bylaw No. 1065-44, 2018.

**9. COUNCIL REPORTS**

**10. CORRESPONDENCE**

- 10.1      **Council Correspondence**      51  
            Council reading file for the week ending February 19, 2019.

**11. NEW BUSINESS**

**12. NOTICE OF MOTION**

**13. INQUIRIES**

**14. MOTION TO CLOSE**



#### RECOMMENDATION(S)

THAT the meeting be closed in accordance with section(s) 90(1)(k) of the Community Charter:

(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.

#### **15. REOPEN TO THE PUBLIC**

#### **16. NEXT MEETING**

16.1 The next Regular meeting of Council to be held on Tuesday, March 19, 2019 in the Town Hall Council Chambers at 7:00pm.

#### **17. ADJOURNMENT**





# Regular Council

## MEETING MINUTES

Tuesday, February 19, 2019

Council Chambers, 7:00pm

Municipal Hall, 474 South Fletcher Road, Gibsons, BC

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### PRESENT:

Mayor Bill Beamish  
Councillor David Croal  
Councillor Annemarie De Andrade  
Councillor Aleria Ladwig  
Councillor Stafford Lumley

### STAFF:

Emanuel Machado, Chief Administrative Officer  
Lindsey Grist, Director of Corporate Services  
David Douglas, Director of Finance  
Lesley-Ann Staats, Director of Planning  
Tracy Forster, Recording Secretary

### ADMINISTRATION OF OATHS

Council welcomed and swore in Sacha Stipek and Jason Lewis as Youth Representatives on Council.

### CALL TO ORDER

*The Mayor called the meeting to order at 7:06pm.*

### APPROVAL OF THE AGENDA

#### R2019-058 Regular Council Agenda - February 19, 2019

MOVED by Councillor Croal  
SECONDED by Councillor Ladwig

THAT the Regular Business Agenda of February 19, 2019 be adopted.

**CARRIED**

### ADOPTION OF MINUTES

*Regular Council Meeting Minutes - Tuesday, February 19, 2019*

**R2019-059 Minutes of the Regular Council Meeting - February 5, 2019**

MOVED by Councillor Croal  
SECONDED by Councillor Ladwig

THAT the minutes of the Regular Council meeting held February 5, 2019 be adopted.

**CARRIED**

**BUSINESS ARISING FROM THE MINUTES**

*Councillor Ladwig declared a conflict of interest and left the meeting at 7:07pm as she owns property next to 706 Gibsons Way.*

**R2019-060** MOVED by Mayor Beamish  
SECONDED by Councillor Croal

THAT TUP-2018-03 S&M Medicinal Sweet Shoppe be amended to include the provision that the store operate in compliance with all Federal and Provincial laws.

**CARRIED**

*Councillor Ladwig returned to the meeting at 7:16pm.*

**PROCLAMATIONS**

**World Lymphedema Day**

Christine Chandler, President of the BC Lymphedema Association was in attendance to receive the proclamation declaring that March 6, 2019 be known as World Lymphedema Day in the Town of Gibsons.

**Chamber of Commerce Week**

Ted McNicol, President of the Gibsons & District Chamber of Commerce was in attendance to receive the proclamation declaring that February 18-22, 2019 be known as Chamber of Commerce Week in the Town of Gibsons.

**INQUIRIES**

*The Mayor provided members of the public an opportunity to ask questions about items on the February 19, 2019 Council Agenda.*

**COMMITTEE REPORTS**



Regular Council Meeting Minutes - Tuesday, February 19, 2019

**Committee-of-the-Whole Meeting - February 5, 2019**

**R2019-061 Committee-of-the-Whole Meeting Minutes**

***The recommendation from the February 5th, 2019 Committee-of-the-Whole meeting forwarded directly to the February 5th, 2019 Council meeting.***

MOVED by Councillor Croal

SECONDED by Councillor Lumley

THAT the minutes of the Committee-of-the-Whole meeting held February 5, 2019 be received.

**CARRIED**

**Two recommendations from the February 19th, 2019 Committee-of-the-Whole meeting forwarded directly to the February 19th, 2019 Council meeting for adoption.**

**R2019-062 Planning and Development Committee Terms of Reference**

MOVED by Councillor Croal

SECONDED by Councillor Ladwig

THAT the Director of Corporate Services' report titled Planning and Development Terms of Reference be received;

AND THAT the attached Terms of Reference be adopted for the Planning and Development Committee as amended to include:

- Under section 7. Appointment and Membership, that the term for community members appointed to the Committee be limited to a two (2) year term with the possibility of reappointment.
- Under section 9. Meetings, that presentations be limited to a maximum of fifteen (15) minutes, with the possibility that a motion can be made to extend the presentation as required.

AND THAT the Mayor and all members of Council be appointed to the Planning and Development Committee;

AND FURTHER THAT staff advertise for an expression of interest from members of the community interested in joining the Planning and Development Committee.

**CARRIED**

*Regular Council Meeting Minutes - Tuesday, February 19, 2019*

*The Mayor appointed Councillor Ladwig Chair of the Planning and Development Committee.*

**R2019-063    Police Services Select Committee Terms of Reference**

MOVED by Councillor Ladwig  
SECONDED by Councillor De Andrade

THAT the Director of Corporate Services' report titled Police Services Select Committee Terms of Reference be received;

AND THAT the attached Terms of Reference be adopted for the Police Services Select Committee;

AND THAT one member of Council be appointed to the Committee;

AND FURTHER THAT Ed Hill, Brad Zalas and Derek Standfield be appointed to the Committee.

**CARRIED**

*The Mayor appointed Councillor Lumley Chair of the Police Services Select Committee.*

**R2019-064    Planning and Development Committee Terms of Reference**

MOVED by Councillor Ladwig  
SECONDED by Councillor Lumley

THAT Bylaw No. 1158, 2012 (A Bylaw to establish an Advisory Planning Commission in the Town of Gibsons) be repealed.

**CARRIED**

**ADMINISTRATION REPORTS**

**R2019-065    Revised Resolution Regarding Grant Application for a Proposed Child Care Plan for the Sunshine Coast**

MOVED by Councillor Croal  
SECONDED by Councillor Ladwig

THAT the Chief Administrative Officer's report regarding a revised resolution for a grant application for a proposed Child Care Plan for the Sunshine Coast be received;

*Regular Council Meeting Minutes - Tuesday, February 19, 2019*

AND THAT the 2019 Child Care Planning grant application submitted by the District of Sechelt is a collaborative application for the Sunshine Coast, and the Town of Gibsons is a co-applicant, an active partner in the project, and fully supports and gives permission to the District of Sechelt to apply for, receive and manage the child care planning grant funding on behalf of the Town of Gibsons.

**CARRIED**

**R2019-066     DVP-2019-01 622 North Fletcher Road**

MOVED by Councillor Croal  
SECONDED by Councillor De Andrade

THAT the Director of Planning's report titled Development Variance Permit Application (DVP-2019-01) at 622 North Fletcher Road be received.

**CARRIED**

*The Mayor provided members of the public an opportunity to comment on DVP-2019-01.*

**R2019-067     MOVED by Councillor Croal  
SECONDED by Councillor De Andrade**

THAT DVP-2019-01 be authorized.

**CARRIED**

**R2019-068     Residential Garbage and Organic Curbside Collection Contract**

MOVED by Councillor Ladwig  
SECONDED by Councillor De Andrade

THAT the Director of Finance's report regarding a residential curbside collection program be received.

**CARRIED**

**R2019-069     Residential Garbage and Organic Curbside Collection Contract**

MOVED by Councillor Lumley  
SECONDED by Councillor Ladwig

THAT a five-year agreement for garbage and organics curbside collection and disposal, be awarded as proposed by Salish Soils in partnership with AjM Disposal Services, beginning April 1, 2019.

**CARRIED**

*Regular Council Meeting Minutes - Tuesday, February 19, 2019*

**R2019-070    2019 January - June Seminars & Conferences**

MOVED by Councillor Ladwig  
SECONDED by Councillor Lumley

THAT the Administrative Assistant II's report regarding 2019 January - June Seminars & Conferences be received.

**CARRIED**

**R2019-071    2019 January - June Seminars & Conferences**

MOVED by Councillor Croal  
SECONDED by Councillor De Andrade

THAT costs of registration and travel for members of Council wishing to register for the below seminars & conferences be approved:

- Local Government Leadership Academy - Elected Officials Seminar
- 2019 High Ground – Centre for Civic Governance Forum
- Union of BC Municipalities Mayors' Caucus
- Parksville 2019: Symposium on Water Stewardship in a Changing Climate
- BC Council of Forest Industries Annual Convention
- Association of Vancouver Island and Coastal Communities AGM & Convention
- Howe Sound Community Forum
- Federation of Canadian Municipalities Annual Conference
- Squamish Territory Leadership Forum

**CARRIED**

**COUNCIL REPORTS**

- Councillor Ladwig Met with Pamela Goldsmith-Jones, MP & Nicholas Simons, MLA
- Councillor Croal & Councillor De Andrade attended the AVICC Elected Officials Seminar
- Councillor De Andrade met with the Minister of Seniors, Filomena Tassi, MP
- Mayor Beamish worked on organizing an Emergency Cold Shelter during the extreme cold weather conditions

**CORRESPONDENCE**

*Regular Council Meeting Minutes - Tuesday, February 19, 2019*

**R2019-072    Order of British Columbia**

MOVED by Councillor Lumley  
SECONDED by Councillor Ladwig

THAT the correspondence from the Order of British Columbia regarding nominations for the BC Medal of Good Citizenship be received.

**CARRIED**

**R2019-073    Matt McLean, Councillor - District of Sechelt**

MOVED by Councillor Ladwig  
SECONDED by Councillor De Andrade

THAT the correspondence dated January 31, 2019 from Matt McLean, Councillor, District of Sechelt regarding a response to the Select Standing Committee on Crown Corporations call for written submissions regarding transportation network services (ride hailing services) be received.

**CARRIED**

**Council Correspondence**

The weekly Council reading file for the week ending February 5, 2019 was received.

**BYLAWS**

**R2019-074    Loan Authorization/Capital Improvement Financing Bylaw 1264 - Prowse Road Lift Station**

MOVED by Councillor De Andrade  
SECONDED by Councillor Croal

THAT the Corporate Officer's report titled an Alternative Approval Process for "Loan Authorization Bylaw No. 1264, 2019 Capital Improvement Financing Bylaw" be received.

**CARRIED**

*Regular Council Meeting Minutes - Tuesday, February 19, 2019*

**R2019-075    Loan Authorization/Capital Improvement Financing Bylaw 1264 - Prowse Road Lift Station**

MOVED by Councillor Lumley  
SECONDED by Councillor De Andrade

THAT "Loan Authorization Bylaw No. 1264, 2019 Capital Improvement Financing Bylaw" be given first, second and third reading.

**CARRIED**

**INQUIRIES**

Sean Eckford - Temporary Use Permit  
Chair Lori Pratt - Waste Management  
Blake McLeod - Waste Management  
Percy Stipec - Potholes

**MOTION TO CLOSE**

**R2019-076** MOVED by Councillor Croal  
SECONDED by Councillor De Andrade

THAT the meeting be closed at 8:19pm in accordance with section(s) 90(1)(c) and 90(2)(a) of the *Community Charter*:

*90(1)(c) labour relations or other employee relations;*

*90(2)(a) a request under the Freedom of Information and Protection of Privacy Act, if the council is designated as head of the local public body for the purposes of that Act in relation to the matter.*

**CARRIED**

**REOPEN TO THE PUBLIC**

*The meeting reopened to the public at 8:55pm.*

**NEXT MEETING**

The next Regular meeting of Council to be held on Tuesday, March 5, 2019 in the Town Hall Council Chambers at 7:00pm.

**ADJOURNMENT**

**R2019-077** MOVED by Councillor Ladwig  
SECONDED by Councillor Croal

*Regular Council Meeting Minutes - Tuesday, February 19, 2019*

THAT the meeting be adjourned at 8:56pm.

**CARRIED**

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Lindsey Grist, Corporate Officer

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William Beamish, Mayor







## Committee-of-the-Whole MEETING MINUTES

Tuesday, February 19, 2019

Council Chambers, 3:00pm

Municipal Hall, 474 South Fletcher Road, Gibsons, BC

A Committee-of-the-Whole meeting was held in Council Chambers, 474 South Fletcher Road, Gibsons, on Tuesday, February 19, 2019 at 3:00pm

### **PRESENT:**

Mayor Bill Beamish  
Councillor David Croal  
Councillor Annemarie De Andrade  
Councillor Aleria Ladwig  
Councillor Stafford Lumley

### **STAFF:**

Emanuel Machado, Chief Administrative Officer  
Lesley-Ann Staats, Director of Planning  
David Douglas, Director of Finance  
Dave Newman, Director of Infrastructure Services  
Daniel Tardiff, Manager of Maintenance & Operations  
Marci Beacham Fuller, Recording Secretary

### **CALL TO ORDER**

*The Mayor called the meeting to order at 3:00pm.*

### **APPROVAL OF THE AGENDA**

*The February 19, 2019 Committee-of-the-Whole agenda was approved as presented.*

### **DELEGATIONS**

#### **Paul Kamon - Executive Director - Sunshine Coast Tourism**

*Paul Kamon was in attendance to give an orientation to Sunshine Coast Tourism. He provided two documents to Council, "An Introduction to Sunshine Coast Tourism" and "Gibsons Visitor Information Centre, 2018 Report," which were received. Mr. Kamon requested a \$7200 contribution to Sunshine Coast Tourism.*

*The Mayor thanked Mr. Kamon for his presentation.*

## **REPORTS**

### **Tina Perreault, Chief Financial Officer, Sunshine Coast Regional District (SCRD) - SCRD Round 2 Budget Presentation**

*Tina Perreault was in attendance to provide an overview of the SCRD budget to date.*

*Mayor Beamish requested that a copy of her presentation be made available to Council.*

*The Mayor thanked Ms. Perreault for her presentation.*

### **Planning and Development Committee Terms of Reference**

*Director of Corporate Services' report titled Planning and Development Terms of Reference was received.*

*Emanuel Machado, Chief Administrative Officer, presented the report in Ms. Grist's absence.*

#### **RECOMMENDATION(S)**

**THAT the attached Terms of Reference be adopted for the Planning and Development Committee as amended to include:**

- **Under section 7. Appointment and Membership, that the term for community members appointed to the Committee be limited to a two (2) year term with the possibility of reappointment.**
- **Under section 9. Meetings, that presentations be limited to a maximum of fifteen (15) minutes, with the possibility that a motion can be made to extend the presentation as required.**

**AND THAT the Mayor and all members of Council be appointed to the Planning and Development Committee;**

**AND THAT staff be directed to advertise for an expression of interest from members of the community interested in joining the Planning and Development Committee;**

**AND FURTHER THAT Bylaw No. 1158, 2012 (A Bylaw to establish an Advisory Planning Commission in the Town of Gibsons) be repealed.**

### **Police Services Select Committee Terms of Reference**

*The Director of Corporate Services' report titled Police Services Select Committee Terms of Reference was received.*

*Mayor Beamish presented the report in Ms. Grist's absence.*

**RECOMMENDATION(S)**

**THAT the attached Terms of Reference be adopted for the Police Services Select Committee;**

**AND THAT one member of Council be appointed to the Committee;**

**AND FURTHER THAT three members of the community be appointed to the Committee.**

**Planning Departmental 2018 Quarterly (Q4) Operational Report**

*The Director of Planning's staff report titled Planning Department – 2018 Q4 Report was received.*

**RECOMMENDATION(S)**

**THAT Council directs staff to include a budget for adequate consulting fees to support Planning and Development Services for the 2019 budget discussions.**

**Finance Departmental 2018 Quarterly (Q4) Operational Report**

*The Director of Finance's report regarding the Finance Department Report — 3rd Quarter, 2018 was received.*

**Infrastructure Services Departmental 2018 Quarterly (Q4) Operational Report**

*The Director of Infrastructure Services' report titled Infrastructure Services Department 2018 Quarter 4 Progress Report was received.*

**MOTION TO EXTEND THE MEETING**

*The meeting was extended until 5:05pm by unanimous consent of the Committee.*

**INQUIRIES**

*The Mayor provided an opportunity for public input. There were no inquiries.*

**NEXT MEETING**

*The next Regular Committee-of-the-Whole meeting to be held on Tuesday, March 5, 2019 in the Town Hall Council Chambers at 3:00pm.*

**ADJOURNMENT**

*The meeting adjourned at 5:01pm.*

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Lindsey Grist, Corporate Officer

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William Beamish, Mayor



## Committee-of-the-Whole

### MEETING MINUTES Excerpt

Tuesday, March 5, 2019

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**Recommendations from the March 5, 2019 Committee of the Whole Minutes forwarded directly to the March 5, 2019 Regular Council meeting**

**Temporary Use Permit (TUP-2019-01) and Form and Character Development Permit Area 6 (DP-2019-05) Applications for Construction and Use of a Tent at Gibsons Recycling Depot**

**RECOMMENDATION(S)**

THAT it be recommended to Council that staff process the Temporary Use Permit application by:

- a) Notifying owners and occupants of properties neighbouring 1018 Venture Way of the Temporary Use Permit application (TUP-2019-01); and
- b) Publishing a notice of TUP-2019-01 in the newspaper;

AND THAT it be recommended to Council that staff report back on comments received from the referrals and public notice process;

AND FURTHER THAT it be recommended to Council to authorize the issuance of DP-2019-05 for Form and Character subject to issuance of the Temporary Use Permit (TUP-2019-01).





# STAFF REPORT

**TO:** Council

**MEETING DATE:** March 5, 2019

**FROM:** Lesley-Ann Staats, MCIP, RPP  
Director of Planning

**FILE NO:** 3220-Hillcrest-716

**SUBJECT:** Development Variance Permit Application (DVP-2019-04) at 716 Hillcrest Rd

## RECOMMENDATIONS

**THAT** the report titled Development Variance Permit Application (DVP-2019-04) at 716 Hillcrest Rd be received;

**AND THAT** Council directs staff to begin notifications for the Development Variance Permit application at 716 Hillcrest Road (DVP-2019-04).

## BACKGROUND / PURPOSE

The Town of Gibsons received a Development Variance Permit (DVP) application at 716 Hillcrest Road requesting a relaxation to two bylaws for the purpose of facilitating a two-lot subdivision. Figure 1 shows the proposed subdivision plan for a lot split, enclosed as Attachment A.

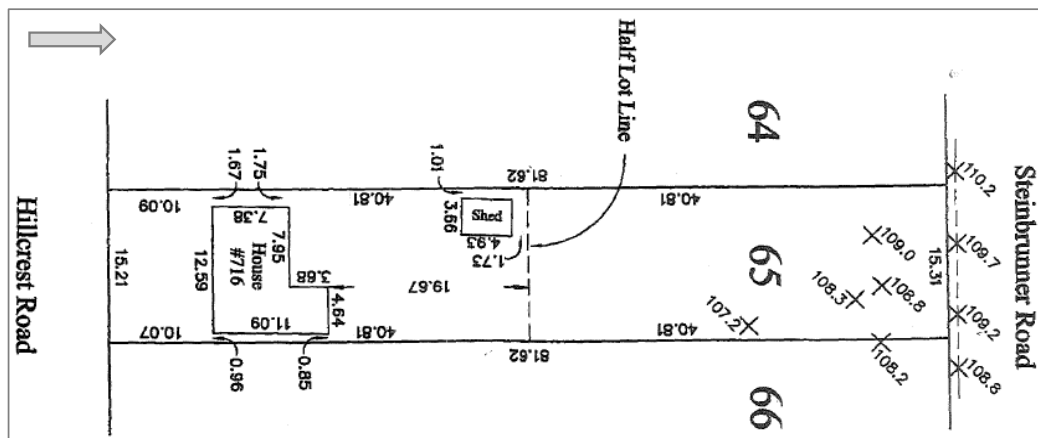


Figure 1: Proposed subdivision plan for 716 Hillcrest Rd – note the shed in this plan has been moved to the east side of the property as shown in Attachment A.

## DISCUSSION

### Zoning Bylaw No. 1065, 2007

The subject property is zoned Single-Family and Two-Family Residential Zone 3 (R-3), and the zone requires a minimum lot size of 555 m<sup>2</sup> for a single-family dwelling and 666 m<sup>2</sup> for a duplex. The parent lot is large enough to be divided into two separate lots.

The existing house is a duplex. The proposal is to split the lot in half, convert the existing duplex into a single family dwelling, and build a new duplex on the new northern lot.

All new lots must conform to the Town's bylaws. The R-3 zone requires a building setback of 1.5 m, whereas the existing house is located 0.5 m from the side property line; thus a variance is requested to legitimize the location of the existing house, and to ensure the new lot conforms to the Town's bylaws.

Staff considers the request to legalize the house reasonable, given that housing availability is limited and creating a new buildable lot could provide more housing. Staff considers it would be unreasonable to request the owner to tear down the house and re-build prior to subdivision. Thus, staff supports the variance request.

### Subdivision & Development Servicing & Stormwater Management Bylaw No. 1175, 2012

Steinbrenner Road is identified as a "Type 1 Local" road in Bylaw No. 1175, which requires a 20 meter road dedication. Currently, the road has a mixed dedication of 10 m and 15 m, based on whether the lots have been subdivided or not, as shown in Figure 2. Thus, the variance request is to relax the 20 m road dedication requirement to 15 m in line with the precedent set along Steinbrenner Road.

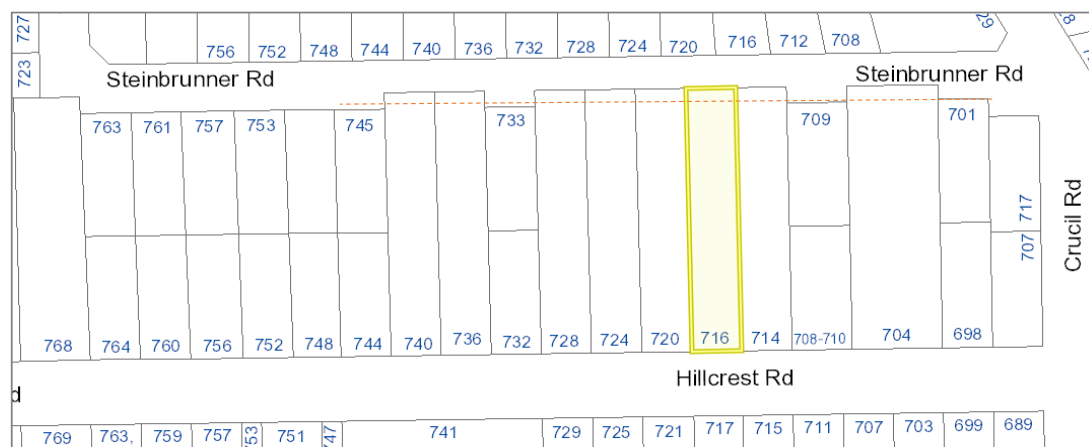


Figure 2: Subject property (outlined in yellow) showing Steinbrenner Road dedication with 10-15m wide areas. Orange dotted line shows where 5 m deductions would be taken for each subdivision for a 15m wide road.

Further to this, for the purpose of calculating lot area to build a duplex on the northern lot, the applicant is requesting to offer a Right-of-Way instead of a road dedication. A Right-of-Way



would address the Town's needs and makes no difference to the Town from the perspective of the Infrastructure Services requirements and in the subdivision Approving Officer's perspective. Thus, staff would support this request.

## **POLICY / PLAN IMPLICATIONS**

### **Council Policy 3.9**

Council Policy 3.9 provides a framework for Council to assess variance requests. Staff have reviewed the proposal with the Policy's criteria as outlined below:

- (1) The request is not within the jurisdiction of the Board of Variance;*

Under Section 901 (1) of the *Local Government Act*, an application to the Board of Variance is to vary or exempt an individual to relieve hardship. Staff considers that this application does not show hardship as the request is a subdivision.

- (2) The same request has not been previously denied by the Board of Variance;*

The application has not been presented to the Board of Variance.

- (3) The variance will not result in significant negative impacts on neighbouring properties;*

The building is existing; therefore, staff considers significant negative impacts to neighbours will not occur. Regarding the road dedication, a 5 m dedication/right-of-way will widen the road in this area and staff considers this would be an improvement. Notifications to neighbours will provide further feedback.

- (4) There is a demonstrated need for the variance in order to permit reasonable use of the property;*

The variance request to legitimize the siting of the existing house and shed is required as a condition of subdivision.

The variance request to relax the road dedication requirements is required to ensure the lot can be subdivided with a reasonable building envelope on the new lots.

Therefore, staff considers the requests are reasonable.

- (5) The overall intent of the original bylaw requirement or standard is not compromised;*

The intent of the side setback is to likely to maintain a fire separation and possibly privacy. Staff considers that providing a wider entrance would enhance the intent of the bylaw, rather than compromise it.

- (6) The variance does not appear to establish a precedent for other properties, but responds to a site-specific situation or difficulty;*

Staff considers that the siting of the existing non-conforming house is a site-specific consideration and the 15-meter wide road is already an established precedent.

- (7) *As per the Local Government Act provisions, does not result in a change in land use or an increase in permitted density;*

The requested variance will not change the land use or increase the permitted density of the property.

- (8) *The variance results in suitable development that is an asset and compatible in the context of surrounding uses;*

Staff considers that the result of the variance would be two lots, which is suitable and compatible in the context of the surrounding residential neighbourhood.

- (9) *In the case of variance of specific development standards for off-site servicing, that any additional costs that may be incurred by the municipality or future land owners are considered;*

N/A

#### COMMUNICATION

The *Local Government Act* requires neighbours to be notified of the application and the date Council will decide on it. The Town's *Development Application Procedures Bylaw No. 1166, 2014* requires letters to be delivered to neighbours within 50m of the property.

Staff recommends that Council directs staff to begin notifications for the Development Variance Permit application at 716 Hillcrest Road (DVP-2019-04). The draft DVP is enclosed as Attachment B.

#### NEXT STEPS

With Council's authorization, staff will notify neighbours of the variance request and date of Council decision on the application. Staff will then report back with neighbor submissions and referral comments received for Council's consideration prior to deciding on the DVP request.

Upon the issuance of a Development Variance Permit, the Approving Officer may approve the subdivision.

#### RECOMMENDATIONS / ALTERNATIVES

Staff's recommendations are on page 1 of this report.

#### Attachments

Attachment A – Survey

Attachment B – Draft DVP (DVP-2019-04)

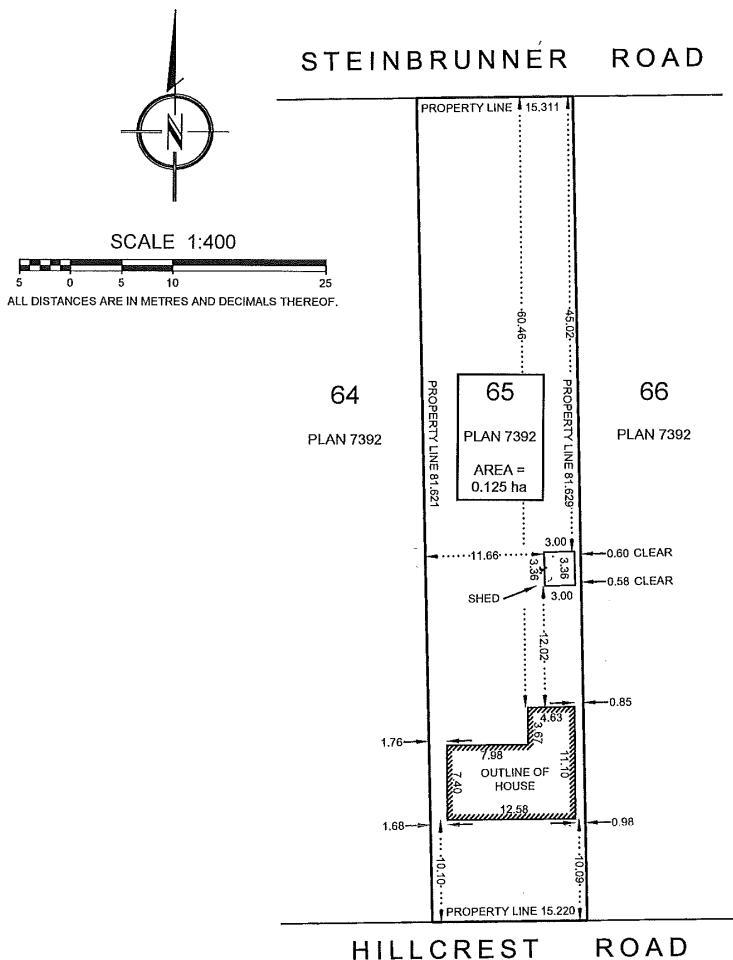
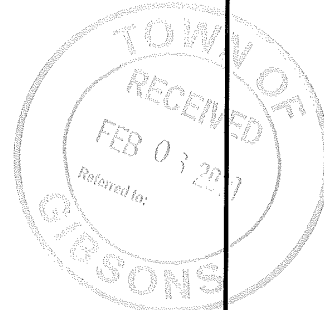
Reviewed by:			
CAO	E. Machado	Infrastructure	
Manager		Planning	
Administration		Finance	

# Attachment A

## B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION OF BUILDINGS ON LOT 65 OF LOT 1 Bk 7 DL 688 PLAN 7392

TOWN OF GIBSONS

CIVIC ADDRESS: 716 HILLCREST ROAD  
PID: 008-210-438



PROPERTY DIMENSIONS SHOWN ARE DERIVED FROM FIELD SURVEY.  
OFFSETS TO PROPERTY LINES ARE NOT TO BE USED TO DEFINE BOUNDARIES.  
REFER TO CURRENT CERTIFICATE(S) OF TITLE FOR ADDITIONAL, EXISTING OR PENDING CHARGES.  
THIS PLAN SHOWS THE LOCATION OF VISIBLE FEATURES ONLY, AND DOES NOT INDICATE BURIED SERVICES THAT MAY EXIST ON OR AROUND THE SUBJECT SITE.  
FEATURES SHOWN WITHOUT DIMENSIONS SHOULD BE CONFIRMED WITH BENNETT LAND SURVEYING LTD.  
BUILDING LOCATION BASED ON SURVEY TIES TO VISIBLE EXTERIOR SURFACES UNLESS OTHERWISE NOTED.

### NOTE:

THIS PLAN HAS BEEN PREPARED FOR MORTGAGE AND OR MUNICIPAL PURPOSES ONLY AND IS FOR THE EXCLUSIVE USE OF OUR CLIENT.  
ALL RIGHTS RESERVED. NO PERSON MAY COPY, REPRODUCE, TRANSMIT OR ALTER THIS DOCUMENT IN WHOLE OR IN PART WITHOUT THE CONSENT OF BENNETT LAND SURVEYING LTD..

BENNETT LAND SURVEYING LTD. ACCEPTS NO RESPONSIBILITY OR LIABILITY FOR ANY DAMAGES THAT MAY BE SUFFERED BY A THIRD PARTY AS A RESULT OF ANY DECISIONS MADE, OR ACTIONS TAKEN BASED ON THIS DOCUMENT.

CERTIFIED CORRECT

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

JAVIER SIU, B.C.L.S.

FIELD SURVEY COMPLETED ON THE 30TH OF OCTOBER, 2018.

THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED.

**bennett**  
LAND SURVEYING  
(SUNSHINE COAST) LTD.  
BC LAND SURVEYORS  
634 FARNHAM ROAD  
GIBSONS, BC  
V0N 1V8  
TEL 604-886-2531  
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## DEVELOPMENT VARIANCE PERMIT

NO. **DVP- 2019-04**

TO: **Krista Dempster**

ADDRESS: **PO Box 1572, Gibsons, BC V0N 1V0** (Permittee)

- 1) This Development Variance Permit is issued subject to compliance with all of the Bylaws of the Town of Gibsons applicable thereto, except those specifically varied or supplemented by this Permit.
- 2) The Development Variance Permit applies to those "lands" within the Town of Gibsons described below:

**Parcel Identifier: 008-210-438**

**Legal Description: LOT 65 OF LOT 1 BLOCK 7 DISTRICT LOT 688 PLAN 7392**

**Civic Address: 716 Hillcrest Road, Gibsons, BC V0N 1V9**

- 3) *Zoning Bylaw 1065, 2007* enacted under Section 489 of the *Local Government Act* is varied or supplemented as follows:

Relax Section 9.29 (3) to reduce the interior side lot line from 1.5 m to 0.85 m for an existing residential dwelling and 0.58 m for an existing shed.

- 4) *Subdivision and Development Servicing and Stormwater Management Bylaw No. 1175, 2012* is varied as follows:

Relax the Type 1 Local road dedication standard from a 20 m to 15 m and allow a right-of-way instead of a road dedication.

- 5) The "lands" described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit, and any plans and specifications attached to this Permit which shall form a part thereof; specifically:

(a) *Survey titled:*

- 6) If the Permittee does not commence the development permitted by this Permit within twelve months of the date of this Permit, this Permit shall lapse.
- 7) This Permit is NOT a Building Permit.

AUTHORIZING RESOLUTION **R2019-XXX** PASSED BY COUNCIL THE **XX** DAY OF **XXXX** 20XX. ISSUED THIS **XX** DAY OF **XXXX** , 2019.

\_\_\_\_\_  
Bill Beamish, Mayor

\_\_\_\_\_  
Lindsey Grist, Corporate Officer



# STAFF REPORT

**TO:** Council **MEETING DATE:** March 5, 2019  
**FROM:** Lesley-Ann Staats, MCIP, RPP **FILE NO:** 3220-Gibsons Way-702  
Director of Planning  
**SUBJECT:** Development Variance Permit Application (DVP-2019-03) and Zoning  
Amendment (ZA-2018-03) at 702 Gibsons Way

---

## RECOMMENDATIONS

1. **THAT the report titled Development Variance Permit Application (DVP-2019-03) and Zoning Amendment (ZA-2018-03) at 702 Gibsons Way be received;**
  2. **THAT *Zoning Amendment Bylaw No. 1065-44, 2018* is amended to reduce the following setbacks in the RM-5 zone as follows: Interior side lot line: 4.5 m to 2.5 m; and Rear lot line: 7.5 m to 2.5 m;**
  3. **AND THAT *Zoning Amendment Bylaw No. 1065-44, 2018* is given Third Reading, as amended;**
  4. **AND FURTHER THAT DVP-2019-03 is deferred, pending a final decision on *Zoning Amendment Bylaw No. 1065-44, 2018*.**
- 

## PURPOSE

The purpose of this report is to obtain direction from Council on how it would prefer to see this site develop, by choosing an option below, or identifying a different option.

- Option 1: Amend the *Zoning Amendment Bylaw No. 1065-44, 2018* prior to adopting it, in accordance with the direction of the OCP; or
- Option 2: Proceed to notifications on DVP to facilitate a 2-lot subdivision, in accordance with current zoning.

## BACKGROUND

*Zoning Amendment Bylaw No. 1065-44, 2018* was received in 2018 requesting permission to rezone the site to allow the development of an 8-unit residential apartment building in accordance with the direction of the "Medium Density Residential" land use designation in the Official Community Plan (OCP).

On January 8, 2019 Council considered the results of a Public Hearing and Third Reading and passed following Resolution:

**R2019-016 Public Hearing Report for Zoning Amendment Bylaw No. 1065-44, 2018 and Third Reading at 702 Gibsons Way**

MOVED by Councillor Croal

SECONDED by Councillor De Andrade

THAT the report titled Public Hearing Report for Zoning Amendment Bylaw No. 1065-44, 2018 and Third Reading at 702 Gibsons Way be received;

AND THAT Bylaw 1065-44, 2018 be altered prior to third reading by deleting provision 2(c) to maintain current Multi-Family Residential Zone 5 (RM-5) setbacks;

AND THAT Council gives "Zoning Amendment Bylaw No. 1065-44, 2018" third reading;

AND FURTHER THAT approval pursuant to Section 52 of the Transportation Act be met prior to consideration of Adoption of Zoning Amendment Bylaw No. 1065-44, 2018.

Since the decision was made to remove the proposed (relaxed) setback provisions in the RM-5 zone, it has deemed the property challenging to develop without obtaining a variance. Now the owners are considering other options to develop the site.

The Town received a Development Variance Permit (DVP) application at 702 Gibsons Way requesting to relax the lot width for the purpose of facilitating a two-lot subdivision with a panhandle access. Figure 1 shows the proposed panhandle access off Gibsons Way.

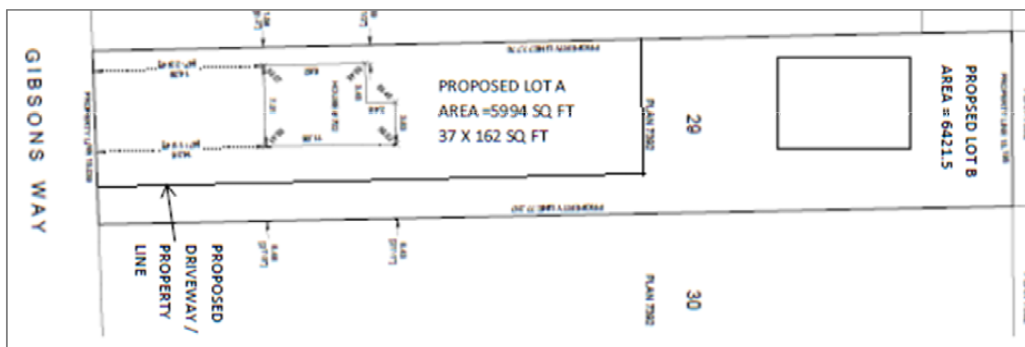


Figure 1: proposed 2-lot subdivision with panhandle access off Gibsons Way (702 Gibsons Way)

## DISCUSSION

### Official Community Plan

The OCP designates the property as Medium Density Residential (Figure 2), intended to “permit townhouses, stacked townhouses and two to four storey apartments with a floor space ratio of 0.7 to a maximum of 1.2 (generally between 40-75 units per hectare)”.

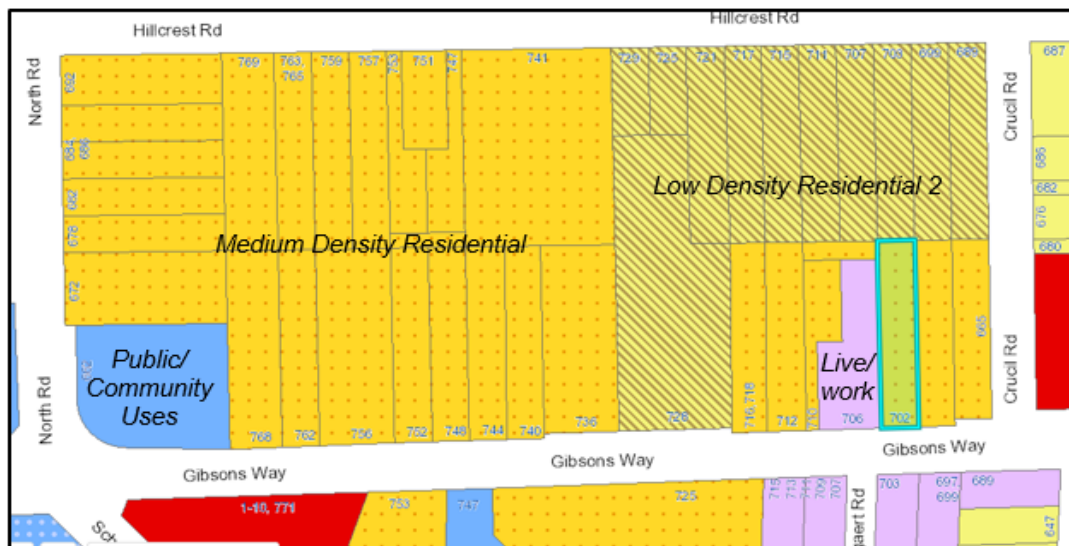


Figure 2: OCP land use designations. Subject property outlined in blue and designated medium density residential

This means the subject property could be developed and rezoned in accordance with the OCP to permit four to eight units, or a building with between 814 m<sup>2</sup> (8761 ft<sup>2</sup>) - 1396 m<sup>2</sup> (15,026 ft<sup>2</sup>) of gross floor area.

Subdividing the lot for two-single family residences would not align with the direction of the OCP. A letter from the developer is enclosed as Attachment A.

### Zoning Bylaw No. 1065, 2007

#### Zoning Amendment Bylaw No. 1065-44, 2018

Amendment Bylaw 1065-44 proposes to rezone the site from R-3 to RM-5, proposes to reduce the lot width from 30 m to 15 m to accommodate the narrow lot, and initially proposed to relax the following setbacks from:

- Front: 7.5 m to 3 m
- Interior side: 4.5 m to 2 m
- Rear: 7.5 m to 2.5 m

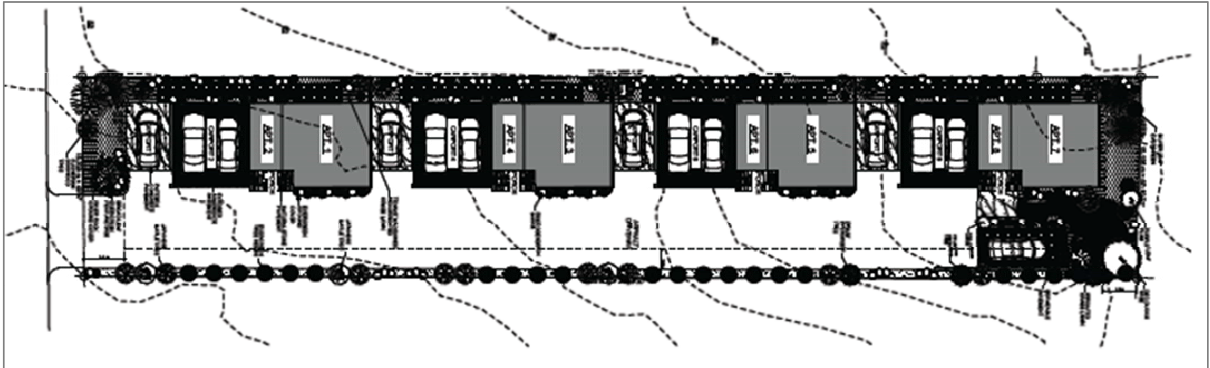


Figure 3: site plan showing layout of proposed 8-unit residential development at 702 Gibsons Way

Prior to passing a Third Reading on the Bylaw, Council removed the relaxed setback provisions thus defaulting to the original setbacks. Council raised concerns with the reduced front setbacks being too close to Gibsons Way and impacting the character of the neighbourhood with the building massing along Gibsons Way. Additional concerns were raised with reduced side and rear setbacks pertaining to fire separations, setting a precedent for long and narrow buildings along Gibsons Way, and creating a potential “domino” affect along Gibsons Way. The Bylaw is enclosed as Attachment B.

Staff note that concerns pertaining to fire separations would be addressed at the time of building, as BC Building and Fire Code requirements must be met. For example, non-combustible siding and sprinklers could be used and professionally designed to address any fire separation issues, as well as placing the Fire Department Connection in an appropriate location.

#### *Comparisons of similar rezoning's approved*

For comparison, staff have provided the results of a similar multi-family residential development projects previously approved.

665 Crucil Road (Figure 4) is a similar-sized lot, and was rezoned in 2010 in accordance with the OCP. At the same time, a variance was granted to remove visitor parking requirements and relax the following setbacks:

- Rear (north to neighbor): 7.5 m to 2.4 m
- Interior side (west to neighbor): 4.5 m to 1.8 m
- Exterior side (Crucil Road): 4.5 m to 0 m

Staff note that the front (Gibsons Way) setback remained 7.5 m.



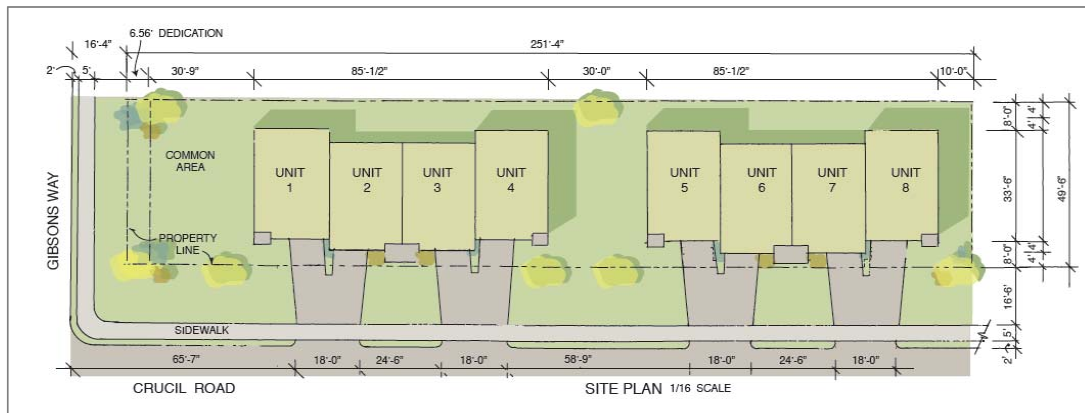


Figure 4: Site plan for previously approved townhouse development at 665 Crucil Road

Another development located at 728 Gibsons Way (Figure 5) was rezoned to RM-4 in 2006 to permit a multi-family development. The front setback is 2.8 m and the side setbacks are 2.0 m.

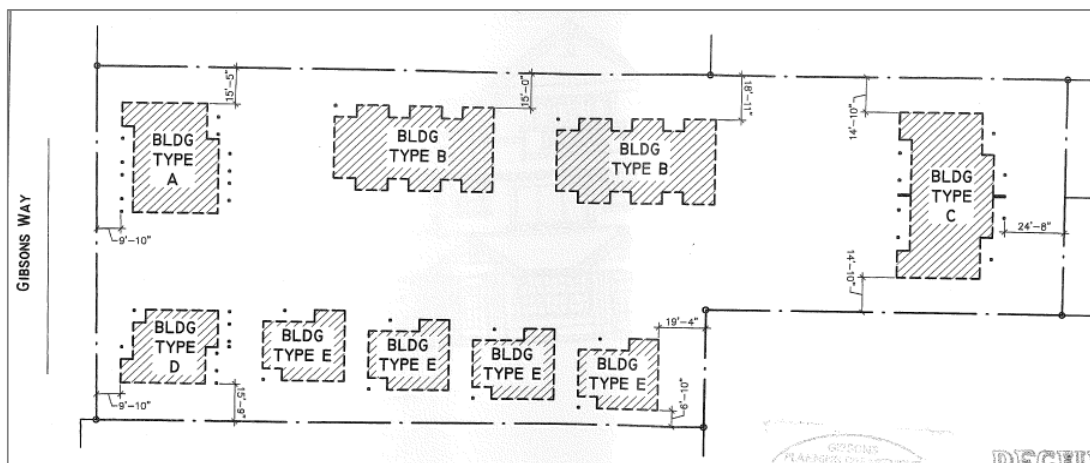


Figure 5: Site plan for previously approved multi-family development at 728 Gibsons Way

Staff have proposed an option to pass the amendment bylaw with a 7.5 m front setback, and 2.5 m side and rear setbacks. The setbacks are larger than both multi-family development projects that have been built out on Gibsons Way, referred to above for comparison. Enclosed as Attachment C is a proposed amendment bylaw.

#### New DVP request

The subject property is zoned Single-Family and Two-Family Residential Zone 3 (R-3), and zoning allows a minimum lot area of 555 m<sup>2</sup>, a minimum lot width of 15 m, and a minimum lot depth of 30 m for new lots.

Subdividing the lot with a panhandle access requires a variance to the 15 m minimum lot width requirement, thus, the DVP application has been submitted, requesting the following variances:

- 1) Relax Section 9.27 to reduce the 15 m lot width to allow a two-lot subdivision with a panhandle access; and
- 2) Relax Section 3.8 (Lot Width) to allow a front lot line to be less than 2/3 of the minimum required width set out in the regulations of the applicable zone.

Figure 6 shows that three other properties in this block have been subdivided in the past with panhandle accesses. The subject lot is outlined in yellow with the proposed new lot lines in blue. Attachment D shows the subdivision plan.

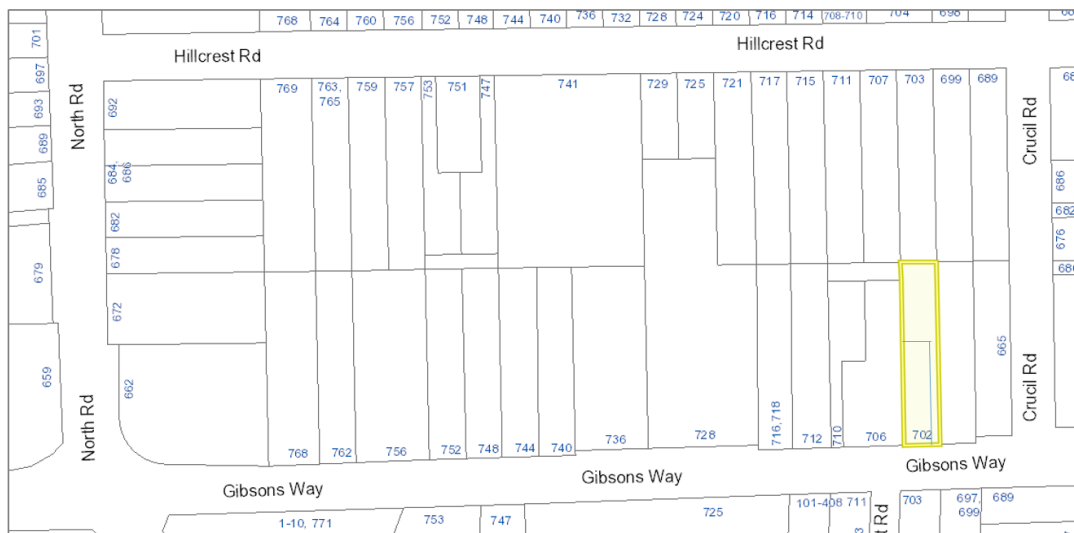


Figure 6: Block showing 3 parcels subdivided with panhandle access.

### Council Policy 3.9 – Evaluating Variances

Council Policy 3.9 provides a framework for Council to assess variance requests. Staff have reviewed the proposal with the Policy's criteria as outlined below:

- (1) *The request is not within the jurisdiction of the Board of Variance;*

Under Section 540 of the *Local Government Act*, an application to the Board of Variance is to vary or exempt an individual to relieve hardship. Staff considers that an application for a subdivision is not a hardship.

- (2) *The same request has not been previously denied by the Board of Variance;*

The application has not been presented to the Board of Variance.

- (3) The variance will not result in significant negative impacts on neighbouring properties;*

The lot has an existing house on it. Staff considers significant negative impacts to neighbours will not occur if a new lot is created. Notifications to neighbours will provide further feedback.

- (4) There is a demonstrated need for the variance in order to permit reasonable use of the property;*

The owners are requesting a variance for the purpose of allowing a lot-split subdivision to take place. An alternative option for the Approving Officer is to approve the subdivision with an easement access; however, in the 1970's three lots were created with panhandle access in this Block, and a consistent approach would be to use a panhandle access.

- (5) The overall intent of the original bylaw requirement or standard is not compromised;*

The intent of the lot width is to maintain a building area. A building area is still provided further north into the lot behind the proposed panhandle access.

- (6) The variance does not appear to establish a precedent for other properties, but responds to a site-specific situation or difficulty;*

The long narrow lots make it difficult to subdivide in accordance with zoning. Therefore, a panhandle access is needed to provide direct access to a street. Three lots were subdivided with a panhandle access, and therefore staff considers that the variance does not appear to establish a precedent.

- (7) As per the Local Government Act provisions, does not result in a change in land use or an increase in permitted density;*

The requested variance will not change the land use or increase the permitted density of the property.

- (8) The variance results in suitable development that is an asset and compatible in the context of surrounding uses;*

Staff considers that the variance results in suitable development under current zoning, however, may cause a challenge to develop in accordance with the Medium Density Residential land use designation as per the Official Community Plan build out vision.

- (9) In the case of variance of specific development standards for off-site servicing, that any additional costs that may be incurred by the municipality or future land owners are considered;*

N/A

## OPTIONS

Staff are proposing the following options for Council's consideration:

### **Option 1: Amend Zoning Amendment Bylaw No. 1065-44, 2018 prior to Adoption**

This is staff's recommended Option.

Amending the Bylaw to include relaxed setbacks will create a zone that is consistent with the direction of the OCP that could be used for similarly dimensioned lots to facilitate a build out as per the direction of the OCP.

Including reduced setbacks in the existing RM-5 zone provides a reasonable building envelope for the narrow lots along Gibsons Way and some on North Road. Further, it is not uncommon for buildings to be located 2 m or less to a neighbouring property line.

Staff are proposing a 7.5 m front setback, and 2.5 m side and rear setbacks. These setbacks are larger than both multi-family development projects that have been built out on Gibsons Way, referred to above for comparison. An amending bylaw is enclosed as Attachment C.

*THAT Zoning Amendment Bylaw No. 1065-44, 2018 is altered to reduce the following setbacks in the RM-5 zone as follows:*

- *Interior side lot line: 4.5 m to 2.5 m (initially proposed 2 m)*
- *Rear lot line: 7.5 m to 2.5 m*

*AND THAT Zoning Amendment Bylaw No. 1065-44, 2018 is amended as above and given Third Reading, as amended.*

*AND FURTHER THAT DVP-2019-03 is deferred, pending a final decision on Zoning Amendment Bylaw No. 1065-44, 2018.*

### **Option 2: Consider the DVP application to facilitate a two-lot subdivision**

This option would process the DVP application to allow a two-lot subdivision with a panhandle access.

*AND THAT Council directs staff to begin notifications for the Development Variance Permit application at 702 Gibsons Way (DVP-2019-03).*

Following the close of the notification period, staff would then report back with neighbor submissions and referral comments received for Council's consideration prior to deciding on the DVP request. Attachment E includes a draft DVP.

Staff note that this option does not align with the direction of the OCP, however, is consistent with the current R-3 zoning and lot area requirements for the purpose of subdivision.

#### **FINANCIAL PLAN IMPLICATIONS**

A multi-family development would provide more taxes than two single-family residences.

#### **COMMUNICATION**

For the rezoning application: The rezoning application has passed First, Second, and Third Readings. A Public Hearing was held on December 18, 2018, and the Bylaw received approval from the Ministry of Transportation and Infrastructure on January 14, 2019.

For the DVP application: The *Local Government Act* requires neighbours to be notified of the DVP application and the date Council will decide on it. The Town's *Development Application Procedures Bylaw No. 1166, 2014* requires notifying neighbours within 50 m of the subject property. Should Council decide to process the DVP application, staff would prepare notifications for delivery.

#### **NEXT STEPS**

For Option 1 (rezoning): With Council's authorization, *Zoning Amendment Bylaw No. 1065-44, 2018* would be altered and read a Third time as amended. It would then be sent back to MOTI for approval as amended, and brought forward for Adoption following MOTI's approval. Upon Adoption, a Building Permit may be obtained.

For Option 2 (DVP): With Council's authorization, staff will notify neighbours of the variance request and date of Council decision on the application. Staff will then report back with neighbor submissions and referral comments received for Council's consideration prior to a decision. Upon the issuance of a DVP, the Approving Officer would review a subdivision application.

#### **RECOMMENDATIONS / ALTERNATIVES**

Staff's recommendations are on page 1 of this report. Alternatively, Council may suggest another option or alter a proposed option.

#### **Attachments**

Attachment A – Letter from owner  
Attachment B – Bylaw as passed given 3<sup>rd</sup> Reading  
Attachment C – Bylaw proposed, for Third Reading as amended.  
Attachment D – Subdivision Plan  
Attachment E – Draft DVP (DVP-2019-03)

Reviewed by:			
CAO	E. Machado	Infrastructure	
		Finance	
		Administration	

## Attachment A

Aleria Ladwig  
605 Gibsons Way  
Gibsons, BC  
V0N 1V9

February 1<sup>st</sup>, 2019

Lesley-Ann Staats  
Director of Planning  
Town of Gibsons

### **Re: 702 Gibsons Way Variance Application for Lot Width from 15m to 11.38m under R-3 Zoning**

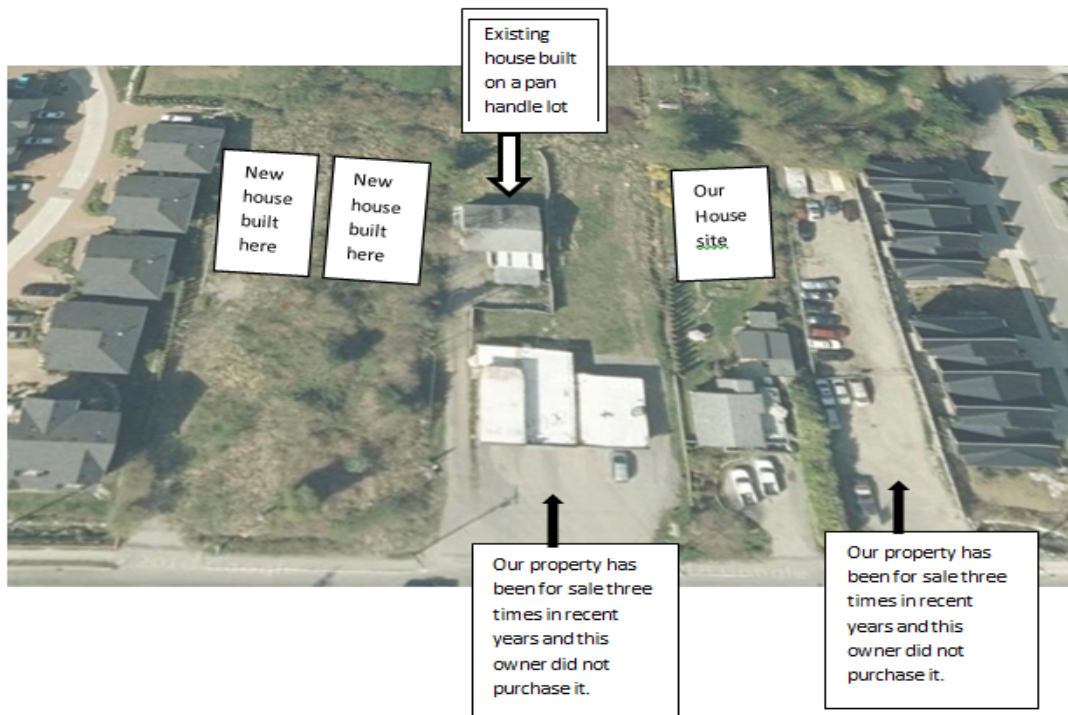
In follow up to my letter to Mayor and Council on January 15<sup>th</sup>, 2019 (Attachment 1), my husband and I have decided to put our rezoning application on hold at 702 Gibsons Way. Instead, we seek council's support for a variance on the required lot-width of our property in order to pursue a panhandle driveway up the north east side of our lot. A variance on the width of the lot (from the R-3 zoning requirement of 15m to 11.38m) would enable us to subdivide the property and build a rental house in the back (Option 2 outlined in the letter to Mayor and Council).

Our rationale for doing so stems from our concern that if we rezoned our lot to RM-05 and did not get a variance on the setbacks required to build townhouses, our lot would not be developable. We feel this puts us at risk. For example, if anything drastic were to happen to our existing house before a developer purchased our property, the new zoning would not allow us to replace it. Plus, we'd be paying more in property taxes than is necessary for what we could currently do with the property.

We feel our lot is a good candidate for subdividing for the following reasons:

1. The lot is large enough - the minimum square footage a lot needs to be to subdivide it is 11, 948 sq ft. Our lot is 12,397 sq ft (49x253).
2. If council wants to adhere to the setback requirements of RM-05 zoning in order to approve townhouses, it will require a serious developer to purchase two or more adjoining lots along that stretch of Gibsons Way – which will take time. Subdividing our lot doesn't change the long-term goal of the OCP; it would just increase density and provide much needed rental accommodations until such a time as a developer comes along. Subdividing our lot would only mean a developer would need to purchase one more lot as part of his or her development plan.
3. The minimum width for a driveway (including a pan handle lot) is 11.5 feet. If you subtract 12 feet from our 49' wide lot, the width of the front lot would be 37 feet wide (Attachment 2 – Site Plan). Typical small urban lots in Vancouver are 33 feet wide by 122 feet long. If Gibsons wants to increase density without changing its overall "small town character" – perhaps looking at reducing required lot widths in select locations would be another option / tool for doing so.
4. Affordable housing and rental shortages on the Sunshine Coast is a huge issue. By allowing us to subdivide, we could provide four rental suites – two new three-bedroom units as well as the two-bedroom unit and one one-bedroom unit in the current house. Our original rationale for buying this lot was to build rental units as part of our retirement plan – we live around the corner and could therefore responsibly maintain and manage our rentals.

5. Although the OCP calls for RM-05 zoning along that stretch of Gibsons Way, the area has not developed as the OCP committee had hoped. New R-3 houses have been built where lots have sold in recent years and the remaining property owners have not taken the opportunity to purchase lots for sale for the purposes of amalgamation and development. See photo below:



- Our lot is 49x253 feet with ample room for a house in the back. It is already cleared (long before we purchased it) and is providing little environmental benefit. The back is largely comprised of overgrown grass and invasive species such as blackberries, knotweed and ivy. The only trees on the property are two large fir trees on the edge of the property line that would be saved as part of the landscape plan. In other words, the lot is currently underutilized and is providing little or no benefit to the community – or to wildlife. If not subdivided (or turned into townhouses), it will just stay that way for years to come.
- From a form and character perspective, our vision is to build a craftsman style house in the back that would be in keeping with the Stonehurst or other similar buildings, so it would look like it had always been there. The plan for the house in the front would be to remove the deck on the side of the house (to make room for the panhandle driveway) and dress-up the exterior of the house with new siding, a front porch / deck and new landscaping.

If you have any further questions please don't hesitate to ask and thank you once again for your time.

Sincerely,

Aleria Ladwig

## **Attachment 1**

Aleria Ladwig  
605 Gibsons Way  
Gibsons, B.C.  
V0N 1V9

January 15, 2019

Dear Mayor and Council,

I am writing to seek further clarity and direction on your decision regarding my development application at 702 Gibsons Way. At this time, my husband and I are reluctant to proceed with the rezoning application because the setback requirements of the RM-5 zone essentially make our property undevelopable without a variance. And although I know council recommended that I apply for a variance, if the rationale for rejecting the current development plan was due to setbacks, I'm concerned that a variance application would not get approved. The result of which would put us into a situation where we're paying more in property taxes for a zone that we can't develop.

To meet the setback requirements in the RM-5 zone requires a building that is narrower than the house that currently sits on the lot and is only a couple feet wider than a single-wide trailer. I don't believe a developer would invest in a lot that can only accommodate a building slightly wider than a single-wide trailer because I don't believe this project would be very attractive to the community, or to buyers.

In addition to our property, the implications of requiring the existing RM-5 setbacks essentially makes all the lots running up Gibsons Way (and potentially other small scale in-fill developments in Gibsons) undevelopable without an investor buying and amalgamating multiple lots. This is a fine approach that is often done in other municipalities but it can take years to occur – sometimes decades – because multiple property owners need to be willing to sell their properties (I approached my neighbours and they are not interested in selling).

My husband and I invested in a project design that was based on staff's advice to align with the OCP, and were told it was fairly straight forward, so now we are a bit confused on how to proceed. As such, I have identified a few options that I am seeking your thoughts on. If you would be willing to provide your thoughts on these options it would help us greatly in deciding how to proceed.

**1. Proceed with the current plan and support a variance application**

Advantage: Consistent with the desired zoning in the OCP; provides in-fill housing at entry level prices in an area with little resistance to the project; provides more taxes for the town.

Disadvantage: Requires a variance on setbacks. If the variance is not approved, we will be stuck with a zone that will cost us more in property taxes and is not an attractive investment for developers.

**2. Subdivide the lot and build a house in the back**



Advantage: Does not require an OCP amendment (subdivisions can be done with town staff alone); will result in my husband and I “cleaning-up” and investing in the current house increasing curbside appeal on Gibsons Way; provides additional housing in the back which we would keep as a rental (we would keep the front house as a rental as well – both houses would have a secondary suite so four rental options would be provided); provides more taxes for the town. *(This was our original desire for this lot but we did not pursue this option because we were directed by town staff to design a project that aligned with the OCP.)*

Disadvantage: Requires a variance on lot width to allow a panhandle access; does not align with the OCP’s desired zoning for this area.

**3. Keep Current Zoning and Do Nothing**

Advantage: None. We have now overinvested in this lot through the design of our last plan and will not recover our expenses if the property is sold with its current zoning.

Disadvantage: Doesn’t align with the OCP; doesn’t provide additional housing; doesn’t provide a larger tax base for the town; leaves the existing house in its current state as it is not worth investing in.

Thank you very much for your time.

Sincerely,

Aleria Ladwig

Attachment B

**TOWN OF GIBSONS**

**BYLAW NO. 1065-44, 2018**

A Bylaw to amend *Town of Gibsons Zoning Bylaw No. 1065, 2007*

---

**WHEREAS** the Council for the Town of Gibsons has adopted *Town of Gibsons Zoning Bylaw No. 1065, 2007*;

**AND WHEREAS** the Council for the Town of Gibsons deems it desirable to amend the Zoning Bylaw;

**NOW THEREFORE** the Council for the Town of Gibsons, in open meeting assembled, enacts as follows:

- 1) **THAT** this Bylaw may be cited as the *Zoning Amendment Bylaw No. 1065-44, 2018*.
- 2) **THAT** the *Town of Gibsons Zoning Bylaw No. 1065, 2007* is hereby amended as follows:
  - a) Altering the zoning designation for Lot 29 of Lot 1 Block 7 District Lot 688 Plan 7392, from the existing *Single Family and Two Family Residential Zone 3 (R-3)* to *Multi-Family Residential Zone 5 (RM-5)* as shown on Schedule "A" attached to and forming part of this bylaw.
  - b) Altering the lot width under Multi-Family Residential Zone 5 (RM-5) Section 10.43 Minimum Lot Width, from 30.0m (98.4 ft) to 15.0 m (49.2 ft).
  - c) Making such consequential alterations and annotations as are required to give effect to this amending bylaw, including renumbering of subsequent provisions of the Bylaw.

**READ** a first time the 19<sup>TH</sup> day of JUNE, 2018

**READ** a second time the 4<sup>TH</sup> day of DECEMBER, 2018

**PUBLIC HEARING** held the 18<sup>TH</sup> day of DECEMBER, 2018

**READ** a third time the 8<sup>TH</sup> day of JANUARY, 2019

**APPROVED** pursuant to Section 52(3)(a) of the *Transportation Act* 14<sup>TH</sup> day of JANUARY, 2019

**ADOPTED** the #### day of MONTH, YEAR

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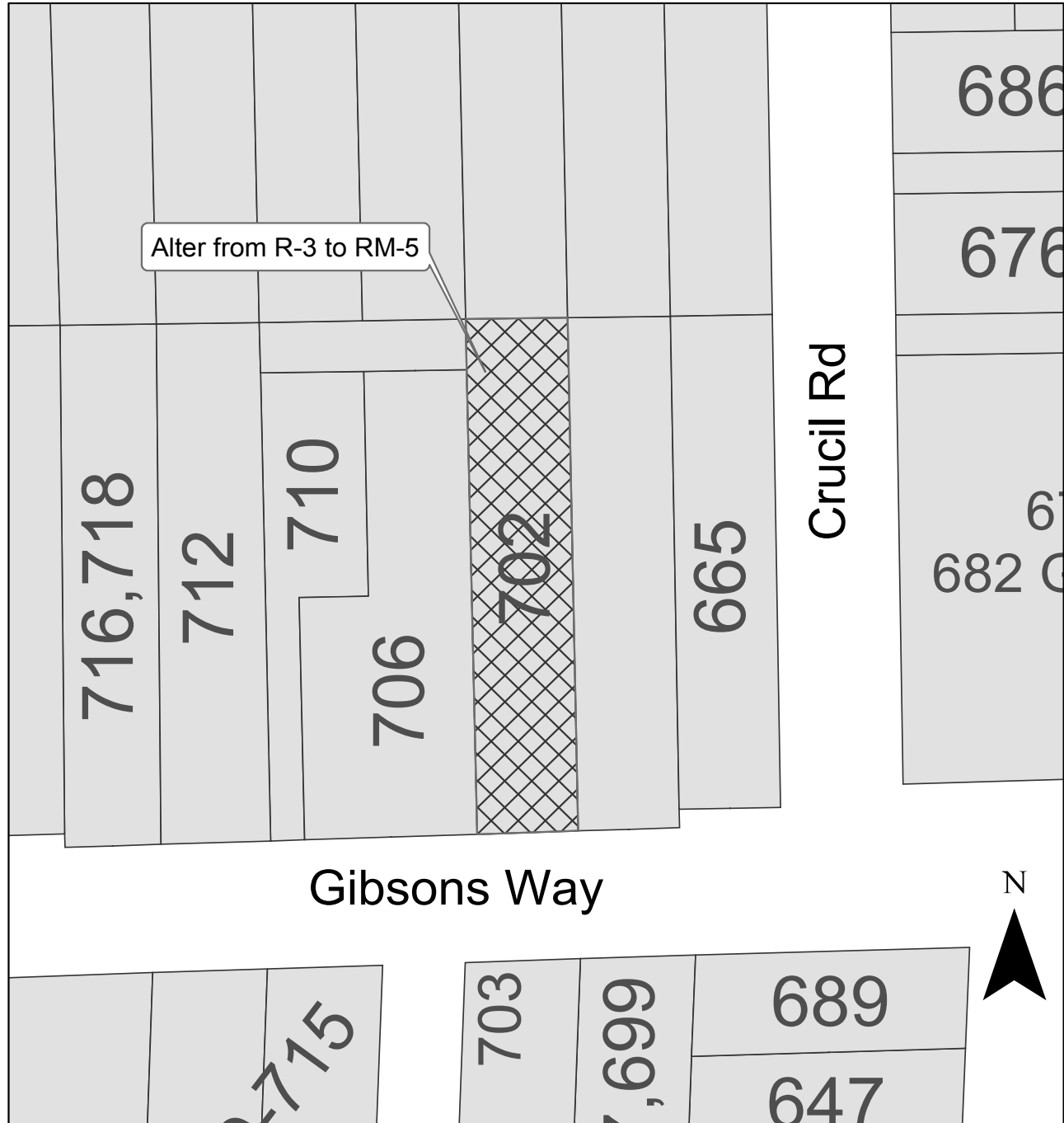
William Beamish, Mayor

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Lindsey Grist, Corporate Officer



**Schedule A**  
Zoning Amendment Bylaw No. 1065-44, 2018



Altering the zoning designation of Lot 29 of Lot 1 Block 7 District Lot 688 PLan 7391 from Single Family and Two Family Residential Zone 3 (R-3) to Multi-Family Residential Zone 5 (RM-5)

Attachment C

**TOWN OF GIBSONS**

**BYLAW NO. 1065-44, 2018**

*A Bylaw to amend Town of Gibsons Zoning Bylaw No. 1065, 2007*

**WHEREAS** the Council for the Town of Gibsons has adopted *Town of Gibsons Zoning Bylaw No. 1065, 2007*;

**AND WHEREAS** the Council for the Town of Gibsons deems it desirable to amend the Zoning Bylaw;

**NOW THEREFORE** the Council for the Town of Gibsons, in open meeting assembled, enacts as follows:

- 1) **THAT** this Bylaw may be cited as the *Zoning Amendment Bylaw No. 1065-44, 2018*.
- 2) **THAT** the *Town of Gibsons Zoning Bylaw No. 1065, 2007* is hereby amended as follows:
  - a) Altering the zoning designation for Lot 29 of Lot 1 Block 7 District Lot 688 Plan 7392, from the existing *Single Family and Two Family Residential Zone 3 (R-3)* to *Multi-Family Residential Zone 5 (RM-5)* as shown on Schedule "A" attached to and forming part of this bylaw.
  - b) Altering the lot width under Multi-Family Residential Zone 5 (RM-5) Section 10.43 Minimum Lot Width, from 30.0m (98.4 ft) to 15.0 m (49.2 ft).
  - c) Deleting Multi-Family Residential Zone 5 (RM-5) Section 10.46 Setbacks, and replacing with the following:

**10.46 Setbacks**

Except as required or permitted by Section 403, Section 413-420, and Part 5, *buildings and structures* must be sited no closer to a *lot* line than the following:

    - (1) *front lot line*: 7.5 m (24.6 ft);
    - (2) *rear lot line*: 2.5 m (8.2 ft);
    - (3) *interior side lot line*: 2.5 m (8.2 ft); and
    - (4) *exterior side lot line*: 4.5 m (15 ft).
  - a) Making such consequential alterations and annotations as are required to give effect to this amending bylaw, including renumbering of subsequent provisions of the Bylaw.

**READ** a first time the 19<sup>TH</sup> day of JUNE, 2018

**READ** a second time the 4<sup>TH</sup> day of DECEMBER, 2018

**PUBLIC HEARING** held the 18<sup>TH</sup> day of DECEMBER, 2018

**READ** a third time the 8<sup>TH</sup> day of JANUARY, 2019

**APPROVED** pursuant to Section 52(3)(a)  
of the *Transportation Act* 14<sup>TH</sup> day of JANUARY, 2019

**READ** a third time as amended the #### day of MONTH, YEAR

**ADOPTED** the #### day of MONTH, YEAR

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William Beamish, Mayor

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Lindsey Grist, Corporate Officer

DRAFT



**Schedule A**  
Zoning Amendment Bylaw No. 1065-44, 2018



Altering the zoning designation of Lot 29 of Lot 1 Block 7 District Lot 688 PLan 7391 from Single Family and Two Family Residential Zone 3 (R-3) to Multi-Family Residential Zone 5 (RM-5)

**702 Gibsons Way**  
**Lot Survey Site Plan for Pan Handle Subdivision**

**B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION OF HOUSE  
ON LOT 29 OF LOT 1 BLOCK 7 DL 688 GROUP 1 NWD PLAN 7392**

TOWN OF GIBBONS  
INTEGRATED SURVEY AREA 52  
CIVIC ADDRESS: 702 GIBBONS WAY  
RD: 000-025-538

SCALE 1:250

ALL DISTANCES ARE IN METRES AND DECIMAL THEREOF

THE INTENDED PLOT SIZE OF THIS PLAN IS 30m x 45m IN  
WIDTH BY 60m IN HEIGHT (30.00m X 60.00m) WHEN PLOTTED AT  
A SCALE OF 1:250

1:2500  
DIRECTED SPOT ELEVATION

ELEVATIONS ARE TO TOWN OF GIBBONS GEODETIC  
DATA, AND ARE DERIVED FROM CONTROL, MEASUREMENT  
SERVICE, PUBLISHED ELEVATION = 823.88 METRES,  
(BN NO. 32, NAD 83, (C.S.A.S.) 2005).

PROPERTY DIMENSIONS SHOWN ARE DERIVED FROM  
FIELD SURVEY.

CONVEYANCE TO PROPERTY LINES ARE NOT TO BE USED TO  
DEFINE BOUNDARIES.

REFER TO CURRENT CERTIFICATION OF TITLE FOR  
ADDITIONAL, RELEVANT OR PENDING CHARGES.

THIS PLAN SHOWS THE LOCATION OF VISIBLE FEATURES  
ONLY, AND DOES NOT INDICATE BURIED SERVICES THAT  
MAY EXIST ON OR AROUND THE SUBJECT SITE.

FEATURES SHOWN WITHOUT DIMENSION SHOULD BE  
CONFIRMED WITH BENNETT LAND SURVEYING LTD.

BUILDING LOCATION BASED ON SURVEY TIES TO VISIBLE  
NEIGHBOUR SURFACES UNLESS OTHERWISE NOTED.

THIS PLAN HAS BEEN PREPARED FOR MORTGAGE AND/OR  
MUNICIPAL PURPOSES ONLY AND IS FOR THE EXCLUSIVE  
USE OF OUR CLIENT.

ALL RIGHTS RESERVED. NO PERSON MAY COPY,  
REPRODUCE, TRANSMIT OR ALTER THIS DOCUMENT IN  
WHOLE OR IN PART WITHOUT THE CONSENT OF BENNETT  
LAND SURVEYING LTD.

BENNETT LAND SURVEYING LTD. ACCEPTS NO  
RESPONSIBILITY OR LIABILITY FOR ANY DAMAGES THAT  
MAY BE SUFFERED BY A THIRD PARTY AS A RESULT OF  
ANY DECISION MADE, OR ACTION TAKEN BASED ON  
THIS DOCUMENT.

CERTIFIED CORRECT

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

L.W. PRONZKE, B.C.L.S.

FIELD SURVEY COMPLETED ON APRIL 20TH, 2017.

THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED.

The figure is a detailed survey plan for Lot 29. It shows the lot's dimensions as 30.00m wide and 45.00m deep. Within the lot, there is a rectangular area labeled 'CLUB #702' with dimensions of 7.21m by 1.98m. To the right of the club, there is a structure labeled 'HOUSE' with a width of 3.63m. A 'DECK' is shown extending from the house, with a width of 1.98m. The plan also shows the 'PROPERTY LINE 15.138' and 'PROPERTY LINE 15.038'. The plan is titled 'B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION OF HOUSE ON LOT 29 OF LOT 1 BLOCK 7 DL 688 GROUP 1 NWD PLAN 7392'.

Deck on s  
house to  
to make  
handle d

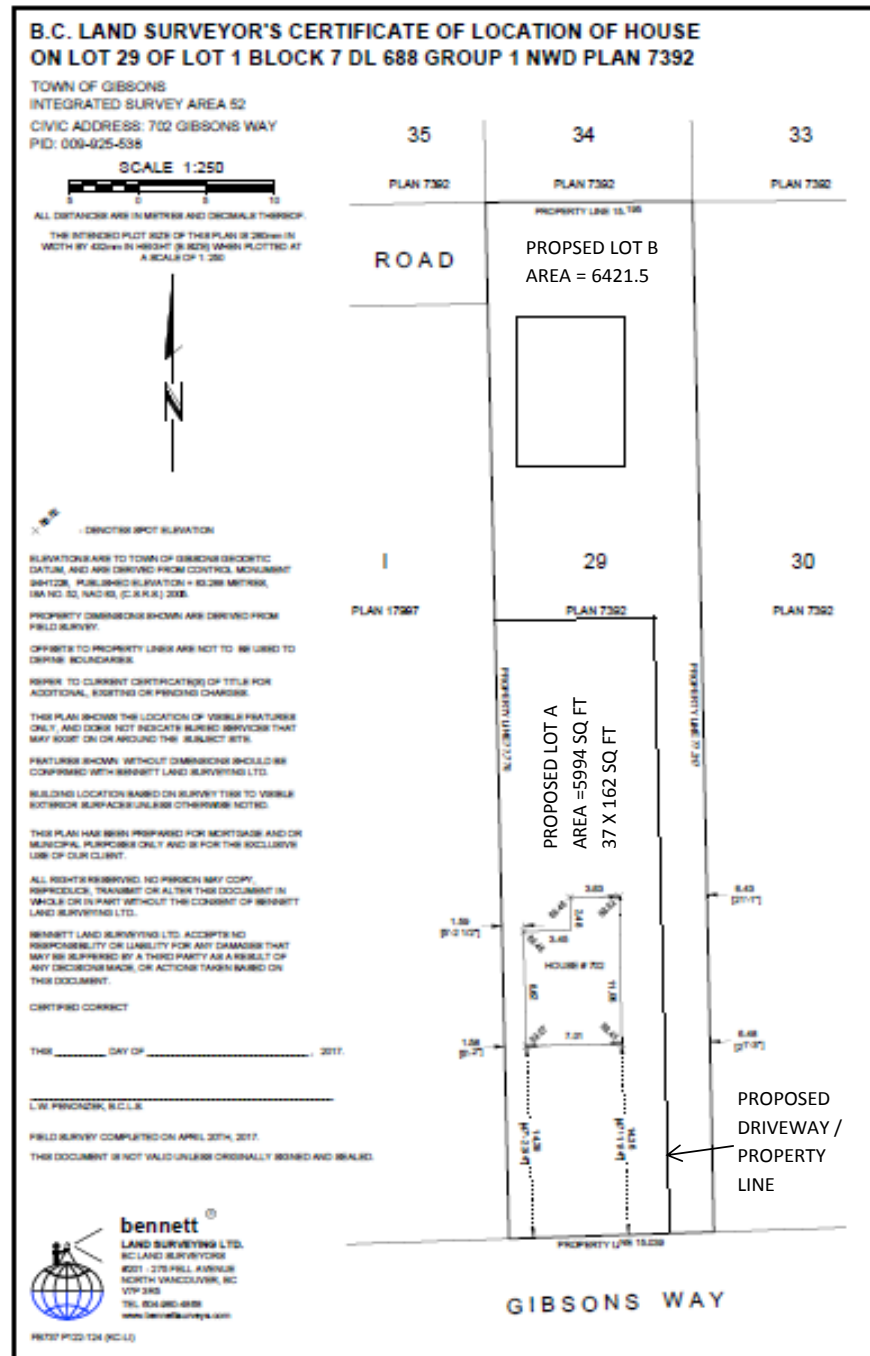
**bennett**<sup>®</sup>  
LAND SURVEYING LTD.  
BC LAND SURVEYORS  
SUITE 215 HILL AVENUE  
NORTH VANCOUVER, BC  
V7P 3B5  
TEL: 604-261-4488  
www.bennettsurveying.com

PR7392 PLAN 7392 (PCL)

GIBBONS WAY

Deck on side of existing house to be removed to make room for pan handle driveway

## 2.0 Proposed Site Lot Plan







## DEVELOPMENT VARIANCE PERMIT

NO. **DVP- 2019-03**

TO: **Aleria Ladwig**

ADDRESS: **605 Gibsons Way, Gibsons, BC V0N 1V9** (Permittee)

1) This Development Variance Permit is issued subject to compliance with all of the Bylaws of the Town of Gibsons applicable thereto, except those specifically varied or supplemented by this Permit.

2) The Development Variance Permit applies to those "lands" within the Town of Gibsons described below:

**Parcel Identifier: 012-984-655**

**Legal Description: LOT 29 OF LOT 1 BLOCK 7 DISTRICT LOT 688 PLAN 7392**

**Civic Address: 702 Gibsons Way, Gibsons BC V0N 1V9**

3) *Zoning Bylaw 1065, 2007* enacted under Section 489 of the *Local Government Act* is varied or supplemented as follows:

Relax Section 3.8 (1) to allow a panhandle access.

Relax Section 9.27 to reduce the 15m lot width to allow a two-lot subdivision with a panhandle access as shown on the Survey attached to and forming part of this permit.

4) The "lands" described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit, and any plans and specifications attached to this Permit which shall form a part thereof; specifically:

**(a) Survey titled:**

5) If the Permittee does not commence the development permitted by this Permit within twelve months of the date of this Permit, this Permit shall lapse.

7) This Permit is NOT a Building Permit.

AUTHORIZING RESOLUTION **R2019-XXX** PASSED BY COUNCIL THE **XX** DAY OF **XXXX** 20XX. ISSUED THIS **XX** DAY OF **XXXX** , 2019.

\_\_\_\_\_  
Bill Beamish, Mayor

\_\_\_\_\_  
Lindsey Grist, Corporate Officer





## Town of Gibsons

# MEMORANDUM

TO: Mayor and Council

FROM: Tracy Forster, Administrative Assistant II

DATE: February 19, 2019

SUBJECT: **Correspondence for the Week Ending February 19, 2019**

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- Please find attached the following items of correspondence for your consideration.
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### 1. Time Sensitive Material

- 2019-02-14 Mark Kamelli re ALC Regional Seminars - RSVP by March 15

### 2. Regular Correspondence (Including Emails)

- 2019-02-13 22(1) FOIPPA [REDACTED] re 22(1) Cooper Lane, Request for Curb Installation
- 2019-02-13 22(1) FOIPPA [REDACTED] re Parkland Geothermal System Faulty & Staff Response
- 2019-02-13 UBCM Auditor General for Local Government; Throne Speech Highlights
- 2019-02-15 BC Healthy Communities re Winter 2019 eNews Job opportunities, evaluation tips and more
- 2019-02-15 Municipal Natural Assets Initiative Updates
- 2019-02-15 Resource Centre News – February
- 2019-02-15 SD 46 Strategic Plan Consultation Online Survey
- 2019-02-17 22(1) FOIPPA [REDACTED] re Water Meter
- 2019-02-18 22(1) FOIPPA [REDACTED] re Inglis Trail Damage
- 2019-02-19 BC Guide to Creative Communities
- 2019-02-19 22(1) FOIPPA [REDACTED] re Charman Lands Forest
- 2019-02-19 Vancouver Sun re Fourteen 'Dream' Homes Ordered Evacuate, Seawatch

If there are items attached that you feel require action by staff or Council please notify the Corporate Officer .

Town of Gibsons  
PO Box 340, 474 South Fletcher Road  
Gibsons, BC V0N 1V0

*"The World's Most Liveable Town" 2009*