



STAFF REPORT

TO: Board of Variance **MEETING DATE:** April 8, 2021
FROM: Kirsten Rawkins **FILE NO:** 3220-Shaw-594
Planner I
SUBJECT: Relaxation of minimum setback between garden suite and principal dwelling at 594 Shaw Road (BOV-2021-01)

RECOMMENDATIONS

THAT the report titled Relaxation of minimum setback between garden suite and principal dwelling at 594 Shaw Road (BOV-2021-01) be received;

AND THAT the Board of Variance authorize an Order to relax the minimum 5.0 m building separation between a Garden Suite and Principal Dwelling to allow conversion of an existing accessory building to a Garden Suite.

PURPOSE

A Board of Variance Order is requested to relax the 5.0 m minimum building separation between a Garden Suite and a Principal Dwelling to allow conversion of an existing accessory building for use as a garden suite. The proposed suite and principal building are located approximately 4.2 m apart.

Recently the husband of the applicant was diagnosed and became severely affected with ALS, leading to rapid loss of his mobility. To provide a space where he could be safely supported, the community and the Town worked with the owners to convert the garage into an accessible studio space, which was well used through the past winter. Sadly, at the beginning of February, before the final details of the studio were completed, her husband passed away. In his absence, the applicant wishes to make minor changes to convert the renovated living space as a garden suite to provide supplemental income for the family.

Plans are attached to this report as Attachment A, and include a site plan, floor plan, and images of the building.

SITE AND SURROUNDING AREA

The subject property, 594 Shaw Road, is located at the southeast corner of the intersection of Poplar Lane and Shaw Road, as shown on the map in in Figure 1. The lot is located within the Town's Garden Suites Areas, permitting an application to develop a garden suite through a building permit and form and character development permit application.

The lot fronts Poplar Lane to the north and Shaw Road to the west, and neighbours residential lots to the south and east.

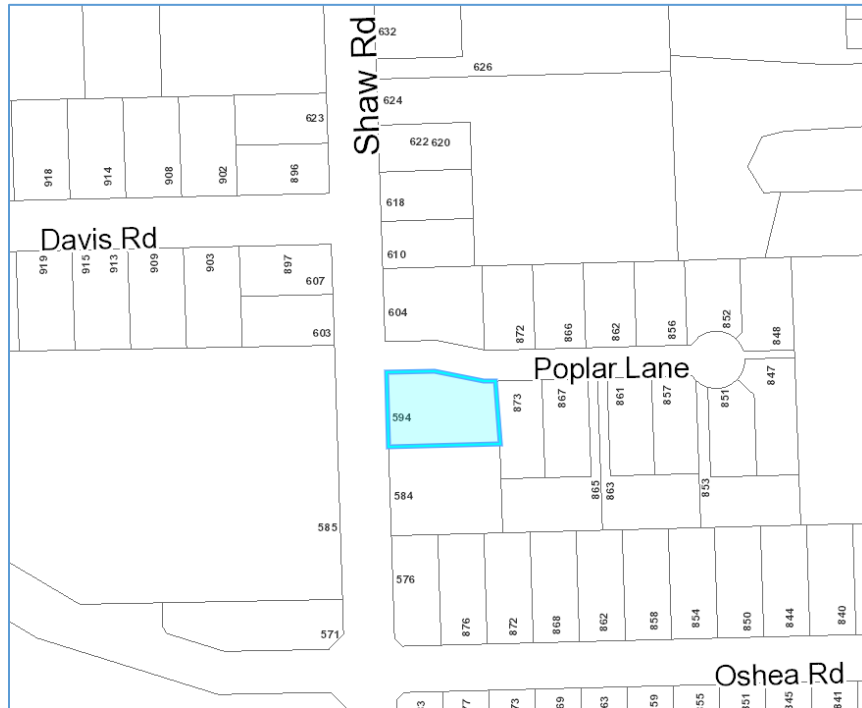


Figure 1 - Property Location

The small (55 m²/ 587 ft²), single storey building is sited ‘kitty-corner’ to the principal dwelling at the southeast corner of the large lot at 594 Shaw Road, and was originally developed and used as a garage.

The building conforms with regulations of the Zoning Bylaw apart from the separation distance from the principal dwelling. Per the Bylaw, the distance between the buildings is required to be a minimum of 5.0 m, while the footprint of the existing garage/studio is located a minimum of 4.2 metres from the footprint of the home, with roof overhangs somewhat closer.

The arial photo in figure 2 shows the existing accessory building located in the southeast corner of the lot, adjacent the rear porch and carport of the principal dwelling.



Figure 2 - Aerial image of the lot at 594 Shaw Road (2018)

Plans are enclosed as Attachment A.

DISCUSSION

Per the Local Government Act, the Board of Variance must consider that conforming with the regulation in question would result in an undue 'hardship' and that the request be 'minor' in nature.

The variance is requested with the reasoning that the location of the subject building is existing and well suited to use as a Garden Suite and that a requirement to move the building would cause undue hardship for the applicant. Further, the request would have minimal impact upon the neighbourhood or the use of the site.

In consideration of a variance request, Board of Variance Bylaw No. 1051, 2006 outlines that consideration should be given to the following topics. Staff comments with regards to these considerations are included below:

That the proposed variance:

- *Does not result in inappropriate development of the site;*

The proposal does not include any change to the extent or location of buildings on the site. Further, the requested relaxation to the building separation would not alter minimum setbacks required for fire safety under the BC Building Code. For these reasons, staff finds that the requested variance would not lead to inappropriate development of the site.

- *Does not adversely affect the natural environment;*

On the contrary, the variance would allow use of an existing building and infrastructure and avoids impacting undeveloped areas of the lot.

- *Does not substantially affect the use and enjoyment of adjacent land;*

While the addition of a new dwelling on the site will expectedly have some impact to neighbours, the building separation within the site is not expected to impact the use or enjoyment of adjacent lots. The building location meets the side yard setbacks required for a garden suite.

- *Does not vary permitted uses or densities;*

The relaxation to the building separation distance will not change the uses or densities permitted for the property.

- *Does not establish a precedent for other properties, but responds to a site-specific situation or difficulty;*

The proposed variance is a response to a site-specific circumstance – the existing location of the accessory building, which was constructed prior to the implementation of the garden suites program.

- *Does not defeat the intent of the bylaw.*

The intent of the regulation requiring a 5m separation between principal dwelling and Garden Suite is understood by staff have the purpose of ensuring retention of suitable outdoor space for the suite and principal dwelling and to encourage a comfortable massing of the development on the lot. As these aims are already accounted for in the existing building massing on the large lot, and as the use of the building will not alter the existing massing, staff finds that the intent of the bylaw is respected.

In conclusion, staff finds that the request would have little impact on the use of the lot or on the use and enjoyment of neighbouring lots, and that no undue hardship would be caused by the granting of this variance.

COMMUNICATION

Referrals

The application was referred to the Infrastructure Services and Building Departments, as well as the Gibsons and District Volunteer Fire Department. All reported no concerns with the request.

Notification

Per the Town's newly revised Development Procedures for Board of Variance appeals, a notice of the application was posted in the property, and a notice of the appeal was sent to owners and tenants of properties within 50m of the site to notify them of the requested variance. A copy of the letter notice is enclosed as Attachment B.

At the time of writing, one letter had been provided by a neighbour located immediately east of the site at 873 Poplar Lane to voice support for the application. The letter is attached to this report as Attachment C.

NEXT STEPS

A Development Permit application for the form and character of the Garden Suite is under review subject to the requested order of the Board of Variance. If the Board of Variance chooses to grant the requested variance, and if the Development Permit for the form and character of the suite is approved, the applicant may then proceed with a Building Permit application for the Garden Suite conversion.

RECOMMENDATIONS

Staff recommends issuance of the requested variance. Recommendations are listed on page one of this report.

Attachments

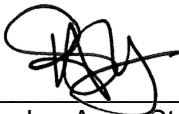
- Attachment A – Development Plans
- Attachment B – Notice of Appeal
- Attachment C – Neighbour Letter

Respectfully Submitted,



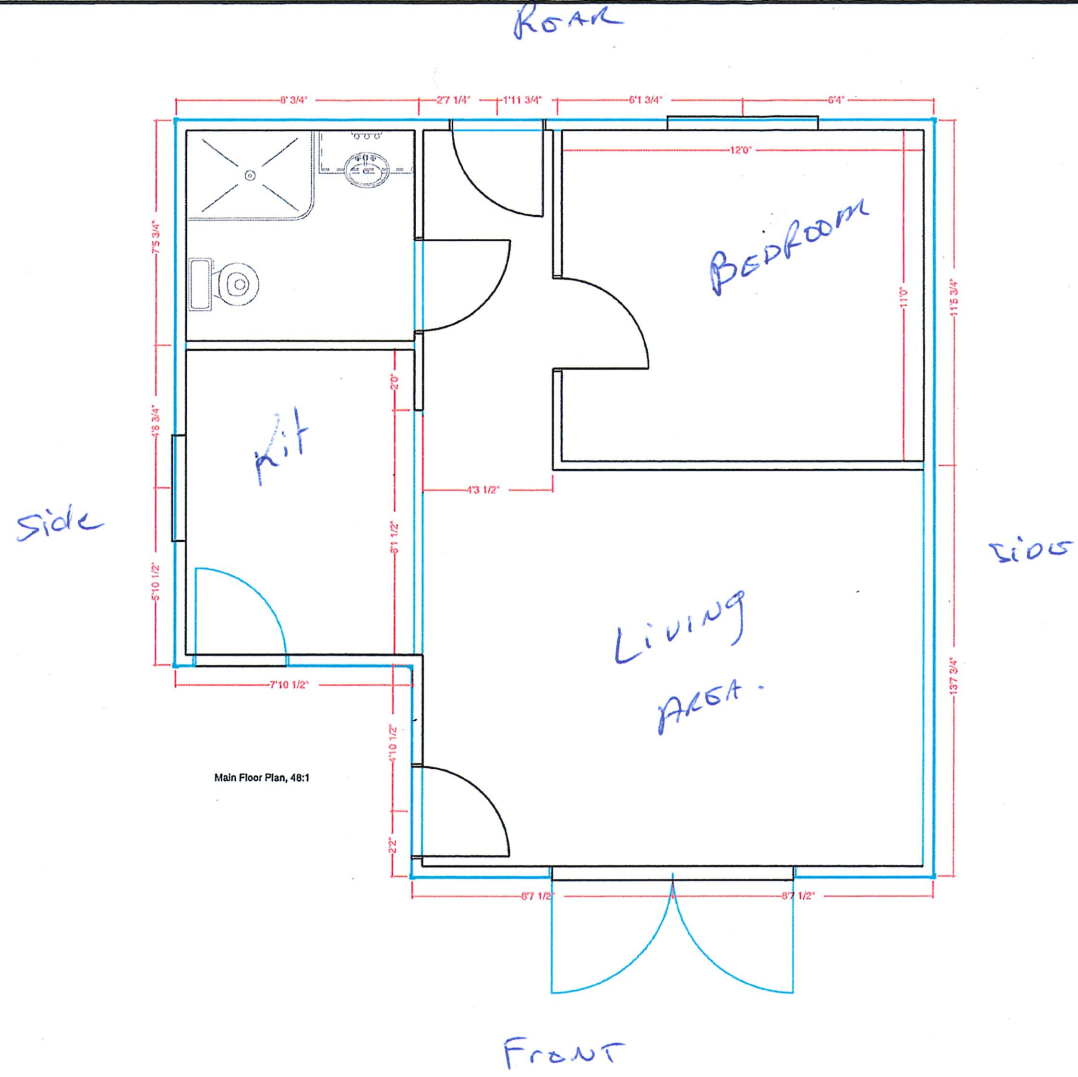
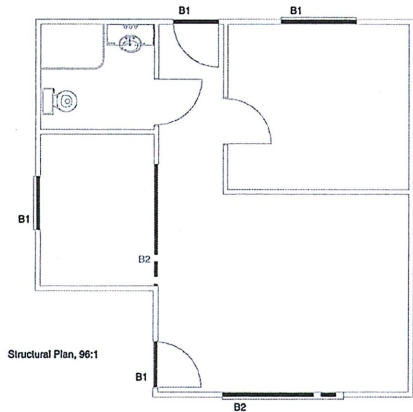
Kirsten Rawkins, BSc-GRS (Hons.), MLA
Planner I

I have reviewed the report and support the recommendation(s).



Lesley-Anne Staats, RPP, MCIP
Director of Planning

BEAM SCHEDULE	
MARK	SIZE
B1	2 - 2 x 10
B2	2 - 1.75 x 9.75 LVL



LONGMAN DEVELOPMENTS LTD.

511 PRATT RD.
P.O. BOX 1708
GIBSONS, BC
V0N 1V0

PHONE: (604) 886-2272
FAX: (604) 886-2295

longmandevelopments.com

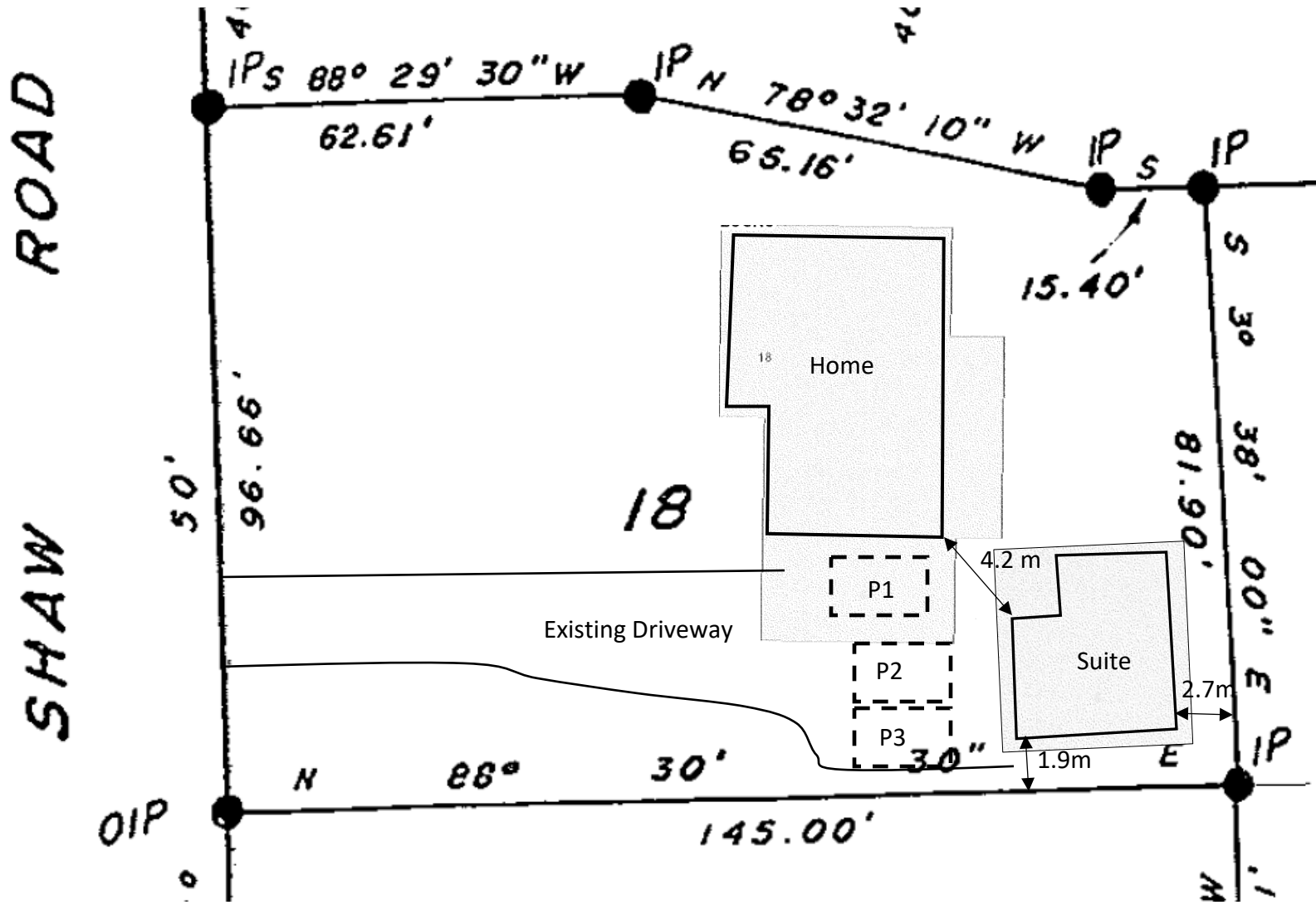
THIS DRAWING MUST NOT BE SCALED.
THE GENERAL CONTRACTOR SHALL VERIFY ALL DIMENSIONS, DATUMS, AND ELEVATIONS PRIOR TO COMMENCEMENT OF WORK.
ANY ERRORS OR OMISSIONS SHALL BE REPORTED AT ONCE TO THE DESIGNER

SITE LEGAL DESCRIPTION
PID: 007-501-480
Lot: 18, Block: 4
District Lot: 1328
Plan: VAP16406

PROJECT
JP Poirier
Studio Renovation
594 Shaw Road,
Gibsons, BC

TITLE
MAIN FLOOR PLAN
Existing Structure
New Construction

DATE	October 24, 2020
SCALE	48:1
DRAWN	G. MULCASTER
CHECKED	...
SHEET NO.	1 of 1



Site Plan 594 Shaw Road

Existing Home and Garage to Suite Conversion

March 3, 2021

594 Shaw Road Landscape and Garden Suite Images:
Garden Suite Form and Character Development Permit Application



Property in summer – Shows garage building, screened with existing mature trees and landscaping from road. The image shows the garage prior to replacement of garage door with front window, and replacement of the ivy-covered chain link fence with a white wood railed fence.



Existing house as seen from Shaw Road in winter, with suite visible at right. New front wall and window has replaced the garage door and front siding will be finished in white with grey trim as shown in following images



West-facing view Facing into front yard and Shaw Road.



Main entry alcove with new front door and new siding in progress (northwest corner of suite). Photo taken from temporary accessibility ramp to main dwelling, to be removed.



East side view with secondary exit door and new siding in progress. Fences on east and south property lines screen view of suite from neighbours. Clutter is related to building in progress under existing building permit.



TOWN OF GIBSONS

PO Box 340
474 South Fletcher Road
Gibsons BC | V0N 1V0

info@gibsons.ca
www.gibsons.ca
604-886-2274

March 23, 2021

File No.: 3220-Shaw-594

Dear Property Owner\Tenant;

Re: Notice of Appeal to the Board of Variance – BOV-2021-01 for 594 Shaw Road

This letter is to advise you that the Town of Gibsons' Board of Variance (BOV) will consider an application for a relaxation of the Zoning Bylaw (BOV-2021-01) for the property located 594 Shaw Road (Legal Description: Lot 18, Block 4, Plan 10885, District Lot 1328 PLAN 16406)

The applicant is requesting to reduce the required distance between a Garden Suite and the main home from five (5) metres to four (4) metres to allow for the conversion of an existing studio to a Garden Suite. The relaxation would not result in any additional construction on the property.

The Town's procedures require that you, as a neighbouring property owner or tenant, be notified of the variance request by mail. You are invited to provide your comments in writing prior to the meeting, or verbally at the online meeting of the Board of Variance:

1. **Before the meeting:** Written comments must be received by the Secretary to the Board of Variance before 8:00 am on April 8, 2021, and may be submitted in one of the following ways:

Email:	planning@gibsons.ca
Regular Mail:	PO Box 340, Gibsons, BC, V0N 1V0
In Person:	Gibsons' Town Hall, 474 South Fletcher Road, Gibsons, BC

2. **At the online meeting:** Individuals may attend the online meeting and will be provided an opportunity to present verbal submissions. The Board of Variance is scheduled to meet at **11 am on Thursday, April 8, 2021** and the meeting will be held electronically. The link to the meeting can be found at: www.gibsons.ca/online-meetings, instructions can be found on the reverse of this letter.

A copy of the application is available for review on the Town of Gibsons website at: www.gibsons.ca/current-development-applications.

Regards,
TOWN OF GIBSONS

Kirsten Rawkins
Planner I

TOWN OF GIBSONS

"Nature is our most valuable asset"

Online Meetings

To ensure that our citizens may continue to actively participate in Council and committee meetings during the COVID-19 pandemic, the Town of Gibsons began conducting public online meetings on Tuesday, April 7th, 2020.

These meetings are to be convened by electronic means as authorized by Ministerial Order No. M192, *“Local Government Meetings and Bylaw Process (COVID-19) Order No. 3”* .

As of November 16, 2020, and due to new COVID-19 restrictions on gatherings, we are currently unable to offer seating at Town Hall for residents to view online meetings. We will update this policy as required, based on guidance from BC’s Public Health Officer.

To participate online, in real time

- Go to www.gibsons.ca/online-meetings
- To join a live meeting, please click on the link provided. <Under Board of Variance>
- You will then be asked to register to join the meeting as an “attendee”. Once you have provided your name and email address, a link to join the meeting will be provided on the registration confirmation screen and to the email address you provided.
- Registering for the meeting enables you to participate in the meeting during the designated “Inquiry” times.
- To ask a question during the Inquiry segment, please use the ‘raise hand’ feature by clicking on the red hand icon found at the bottom of your screen. The meeting administrator will then “unmute” you and you will be able to ask your question. You may also email questions in advance to: clerk@gibsons.ca.

To view the meeting on YouTube

If the meeting has ended, or if you’d like to watch a meeting in process, but do not want to participate, you may view it on our YouTube channel.

Kirsten Rawkins

From: Jenn Hollett [REDACTED]
Sent: Monday, March 15, 2021 12:26 PM
To: Kirsten Rawkins; planning@givsons.ca
Subject: Re: Nicole Poirier, 594 Shaw Road

KIRSTEN RAWKINS, Planner
Planning and Development Services
Town of Gibsons
[604-886-2274](tel:604-886-2274)

RE: Board of Variance Application re [594 Shaw Road](#)

I reside at [REDACTED] and am one of the nearest neighbours to the property at [594 Shaw Road](#). I am writing this letter to voice my support for the proposed renovations which my neighbour, Nicole Poirier, is planning for her property at [594 Shaw Road](#). I have seen the proposed plans for the conversion of the garage to a “mortgage helper” suite on the property. I see no reason why this proposed project should not proceed.

Yours truly,
Jennifer D Hollett
[REDACTED]

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