

DISCUSSION

Proposal

The applicant is proposing to tear down the existing single-family dwelling and build a new duplex with a secondary suite in each unit. Figure 2 below shows a cross section of the proposed duplex. The secondary suites are proposed to be accessed from Marine Drive (shown in purple), with the duplex units accessed from McCall Lane (shown in yellow). The applicant's proposal summary is enclosed as Attachment A.

The total floor area for the entire proposed duplex building is 4360 ft². Each duplex unit is proposed to be 2180 ft² – 1580 ft² for the main unit and approximately 600 ft² for the secondary suite. The plans are enclosed as Attachment B.

The required four parking spaces for the building are proposed to be located on McCall Lane. The applicant has proposed one driveway on McCall Lane.

Figure 3 shows the proposal in relation to the uphill properties, the applicant proposes to conform to the 10 m height limitations set out under View Protection Subarea E.

Figure 5 and 6 show visuals of the proposal from Marine Drive and McCall Lane. Full visuals are enclosed as Attachment C.

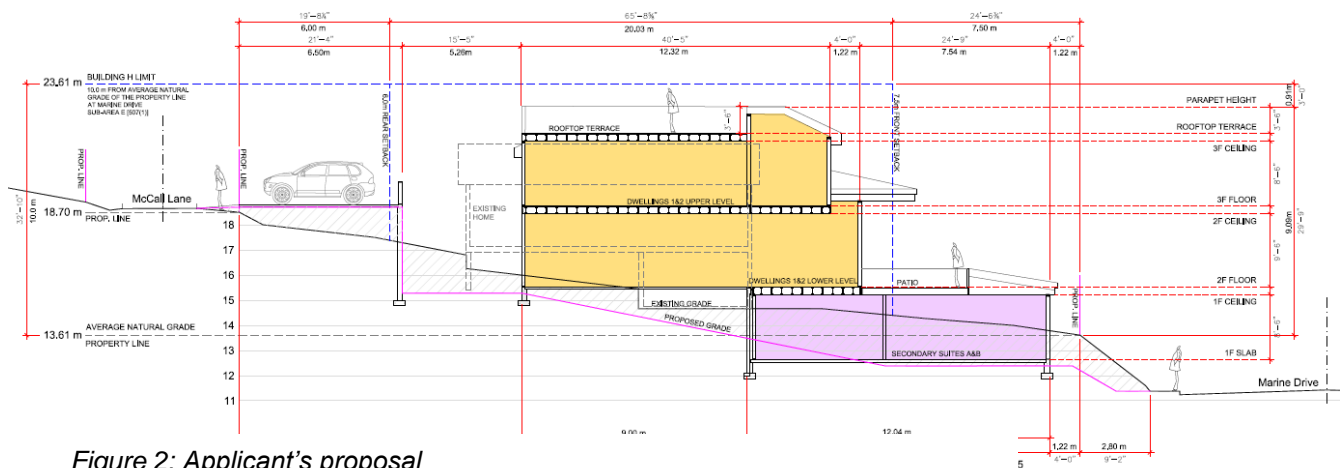


Figure 2: Applicant's proposal

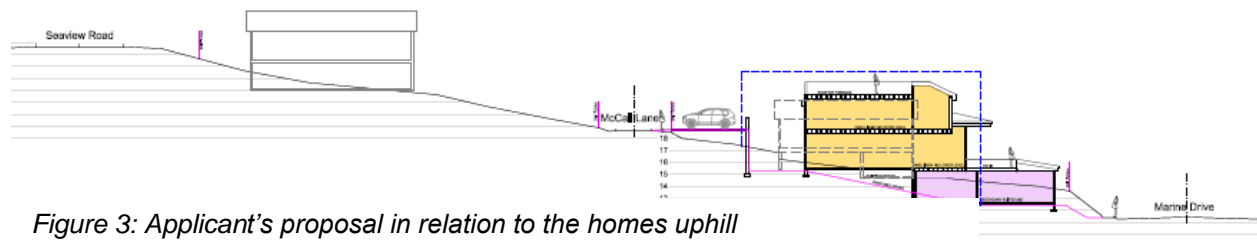


Figure 3: Applicant's proposal in relation to the homes uphill

Zoning

The subject property is zoned Single-Family and Two-Family Residential 3 (R-3) and is located within View Protection Sub-area E – attached to the Zoning Bylaw as Schedule B, as seen in Figures 2 and 3.

When the regulations of the View Protection Sub-areas differ from the setback and building height regulations of the designation zone, the provisions of the View Protection area takes precedence.

Unfortunately, in the case of Sub-area E, shown in Figure 4, the Sub-area only defines the rear setback and height, and therefore the rest of the setbacks are regulated by the R-3 zone or the general view protection regulations, which are in place for the majority of Lower Gibsons.

The setbacks are defined below:

	Governed By	Regulation
Front setback	R3 zone	7.5m
Side setbacks	general view protection regulations Section 5.1(1)(b)	Sum of side setbacks 4.5m and 1.5m for the least side
Rear setback	Sub-area E section 5.8(2)	6m
Height	Sub-area E Section 5.8(1)	10 m from Marine Drive
Gross floor area	general view protection regulations Section 5.1(a),	limits floor area based on lot area: Maximum 232m ² or 2500 ft ²
Lot coverage	R3 zone	50%

As the property itself is reasonably small at 511 m², the buildable area on the lot is significantly impeded by the demands of the setbacks and gross floor area limitations under the view protection area.

Variance Request

The applicant has requested the following variances to build a duplex with a secondary suite in each unit:

1. Reduce the front setback from 7.5m to 1m (variance to Zoning Bylaw)
2. Reduce the side setbacks to 1.5m on each side (variance to Zoning Bylaw)
3. Increase the gross floor area from 232m² to 450m² (variance to Zoning Bylaw)
4. Increase the 4.5m driveway width on McCall Lane (variance to Subdivision and Development Bylaw)

5.8 Regulations for Sub-area E

- (1) The building height must not exceed 10.0 m (32.8 ft) from the average natural grade of the property line at Marine Drive, provided that for a distance of not less than 60% of the lot width measured along the property line at Marine Drive, the building shall be limited to a height of 7.5 m (24.6 ft) from average natural grade of the property line at Marine Drive, for a horizontal distance of 9.0 m (29.8 ft) from a vertical plane at the property line at Marine Drive.
- (2) Buildings and structures must be sited no closer to a rear lot line than 6.0 m (19.7 ft).

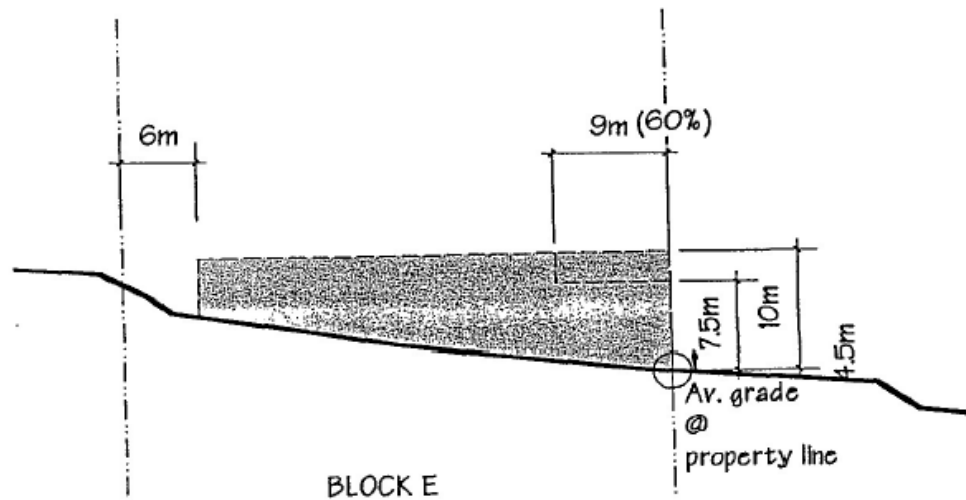


Figure 4: View Protection Sub-area E



Figure 5: Rendering showing proposed duplex from Marine Drive



Figure 6: Rendering showing proposed duplex from McCall Lane

Council Policy 3.9

Council Policy 3.9 provides a framework for Council to assess variance requests. Staff have reviewed the proposal at 517 Marine Drive 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. This application does not show hardship, as the proposal is for a new build.

- (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;*

Figure 3 shows the proposal in relation to the uphill properties. The applicants are conforming to the maximum 10 m height from Marine Drive and therefore the homes across McCall Lane will maintain views over the proposed duplex. Neighbour notifications will solicit comments from neighbours.

The building massing steps back, as per the zoning enabling adjacent neighbours to continue to have a wide angle view of the ocean. Figures 5 and 6 show the rendering of the proposed duplex.

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

The Zoning Bylaw permits the use, however the View Protection Area regulations in combination with the setbacks from the R-3 zone creates a unique situation that limits the buildable area significantly. The proposal to build a duplex with a secondary suite in each unit is permitted, and the units (duplex plus secondary suite) are 2180 ft² in size. Council may consider if this variance request is needed for the proposed use. The alternative is to reduce the size or remove the secondary suites.

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

In 1996, the View Protection Sub-areas were introduced to Zoning Bylaw No. 555, 1986 with amending Bylaw 555-79. In 2007, the zoning bylaw was re-written and incorporated the 1996 View Protection Sub-Areas into Zoning Bylaw 1065 without any changes. Then, in 2008, the General View Protection Regulations were added to the Zoning Bylaw under Amending Bylaw 1065-06 without any amendments to the existing Sub-area regulations.

Staff determine that it is rare for both the general view protection regulations and the Sub-area regulations to apply to a single lot, and the cumulative impacts of the regulations may not have been the intent when the regulations were introduced. Further to this, allowing duplexes with secondary suites is a relatively new use and concept.

Given that the duplex is located downslope of the properties behind it, and that the properties behind will maintain ocean views, staff considers that the front and side setback relaxations would not compromise the views of neighbouring properties, nor the intent of the bylaw.

The variance request to almost double the gross floor area, however, is an impact of increasing housing units in Gibsons, and staff considers that this does compromise the intent of the bylaw – which appears to be to maintain smaller units on smaller lots. Council may consider whether this impact is appropriate for Gibsons.

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

The variance request would set a precedent. This is the first time that a home on this particular block has been redeveloped under the View Protection Regulations. The 2020 Housing Needs Assessment showed that the Town of Gibsons had the highest proportion of renters on the Coast – with the 2016 census stating that 28% of Town resident's rent. This development looks to provide two one-bedroom rental units, which has been identified as a Core Housing Need.

The variance request also shows that Part 5 View Protection of the Zoning Bylaw should be reviewed in relation to the Housing Needs Implementation Framework, recent changes to allow secondary suites in more housing types, as well as the general regulations and the specific Sub-areas to ensure that each Sub-area defines appropriate setbacks for the permitted uses.

- (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. The R-3 zoning permits a duplex with a secondary suite.

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

The current development on the property conforms with the density and use according to the zoning regulations. The development looks to provide two rental units, which is considered an asset under the Housing Needs Assessment.

- (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 landowners are considered.*

Maximum driveway widths are incorporated within the Subdivision and Development Bylaw and therefore is deemed an off-site servicing item. The Town would not incur additional costs if the request were approved on this lot, as no culvert is required, and the owner is responsible for the driveway surface.

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 50 m of the property. A notification sign has also been posted on the property.

Staff recommends that Council directs staff to begin notifications for the Development Variance Permit application at 517 Marine Drive (DVP-2021-06).

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.

Should the variance be approved, the property owner would then apply for their Building Permit.

RECOMMENDATIONS / ALTERNATIVES

Recommendations are listed on page 1 of this report. Alternatively, Council may ask for changes to the proposal, or deny the DVP request.

Attachments

- Attachment A – Proposal Summary
- Attachment B – 517 Marine Drive Preliminary drawings
- Attachment C – Renderings of the proposed duplex

Respectfully Submitted,



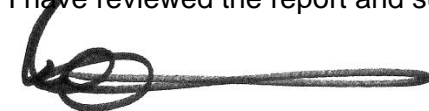
Katie Thomas
Planner I



Lesley-Anne Staats, MCIP, RPP
Director of Planning

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:

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



Mark Brown
Chief Administrative Officer

PROPOSAL SUMMARY

Development Variance Permit Application
517 Marine Drive
March 15th, 2021

The object of this application is to request the relaxation of maximum gross floor area and setbacks set forth in Bylaw 1065 for a property in the R3 zone that is also governed by:

*Sub-Area E View Protection and Massing <Bylaw 1065 - Section 507>
Multi-Family Residential Special Character <OCP Part E - Figure 5-2>*

The proposed development consists of a two-family residential dwelling (duplex) with two secondary suites. The initial inspiration for this configuration was based on initial queries made to the planning department that confirmed this would be feasible because zoning amendments were likely to be made in the near future to allow secondary suites in more housing types. The figure below confirms the desirability of this configuration of multi-family dwelling within a unified principal building.



Given that the property at 517 Marine Drive is of a compact size (511 m²) and in order to yield four dwelling units of adequate areas and with a satisfactory degree of privacy among them, the architectural design has evolved after an exhaustive assessment of alternatives. We believe the proposed design is balanced in that it strictly adheres to the most important restrictions (building height, lot coverage, vehicle parking) and confers a visually attractive solution that offers an improved streetscape to this special area of Gibsons.

In addition to the aesthetic appeal, the proposed layout adapts well to the natural grade that slopes up sharply from Marine Drive up to McCall Lane. By pulling the lower volume of the building forward and downward, less excavation will be required in this sensitive area of the municipality (aquifer); the upper volume gently terraces back to

accommodate generous cross views from neighboring properties. In other words, the farther forward and lower the building is on the lot, the less obstructive it is to neighboring views. The other advantage of this is to delegate all of the parking stalls to the rear of the lot and avoiding another unseemly driveway along Marine Drive, as well as less danger for pedestrians/cyclists and no loss of valuable public parking stalls on the street in front of the property.

We acknowledge that the reduced front setback we are requesting is substantial, although we firmly believe it could be deemed as responding to the urban fabric in the immediate environs. This is a highly specific place in the town given that it is a main artery that acts as the gateway to the urban center of Gibsons Landing. Just north of Beach Avenue along Marine Drive, all of the homes down to the municipal boundary have very small front setbacks despite being in the same R3 designation. To the south, there is an abrupt transition to a commercial zone with zero front setbacks. And across the street CDA-1 is a high density cluster development with little or no setback requirements from the front of property line. In this sense, the reduced front setback we pursue is not out of context. In fact, it could be considered a positive precedent for a friendlier and more urbane streetfront to be enjoyed by the many pedestrians and cyclists who follow this route every day.

Specifically, the relaxation that is being requested is as follows:

- 1) 500(1)(a) For lots <559 m², maximum gross floor area=232 m².
Proposed: 450 m²
- 2) 500(1)(b) Min. side yard: 1.5 m. Sum of side yards: 4.5 m.
Proposed Side Setbacks: 1.5 m.
- 3) 927(1) Front Setback: 7.5 m.
Proposed Front Setback: 1.0 m.

Please refer to the graphic plans for details. It is important to note that all other restrictions are met:

507(1) Maximum Height of 10.0 m measured from average natural grade of property line at Marine Drive.

507(2) Rear Setback > 6.0 m

612 Two parking spaces per dwelling unit

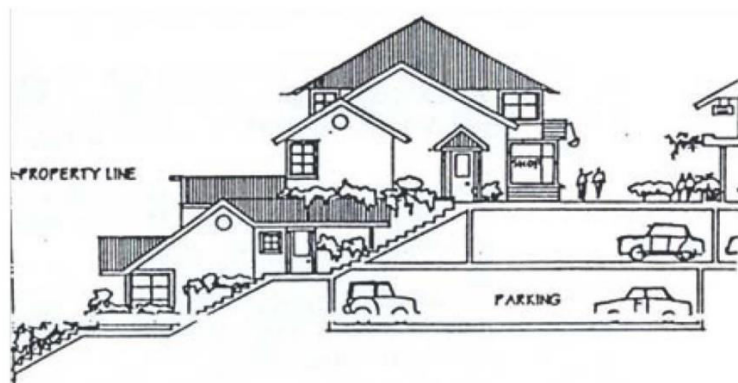
938 Maximum Lot Coverage <50%

Perhaps more importantly, we consider the characteristics of our design proposal to be coherent with the goals set forth in the Smart Plan, in particular regarding infill, sustainable growth and the pressing need for affordable rental units. The property under study is in the Multi-Family Residential Special Character zone, which is intended to maintain the single detached residential character in the Landing while at the same time providing the *added density desired near the adjacent commercial area.*

Specifically for Heritage Hill, section 9.1.2 in the Smart Plan indicates: “Due to the views and proximity to Gibsons Landing, the Plan anticipates some demand for redevelopment and low density multi-unit housing... New single-detached houses and multiple family units are encouraged to fit with the character of the surrounding neighborhood. Small pocket park(s) may be provided on unused road allowances to provide neighborhood open space.”

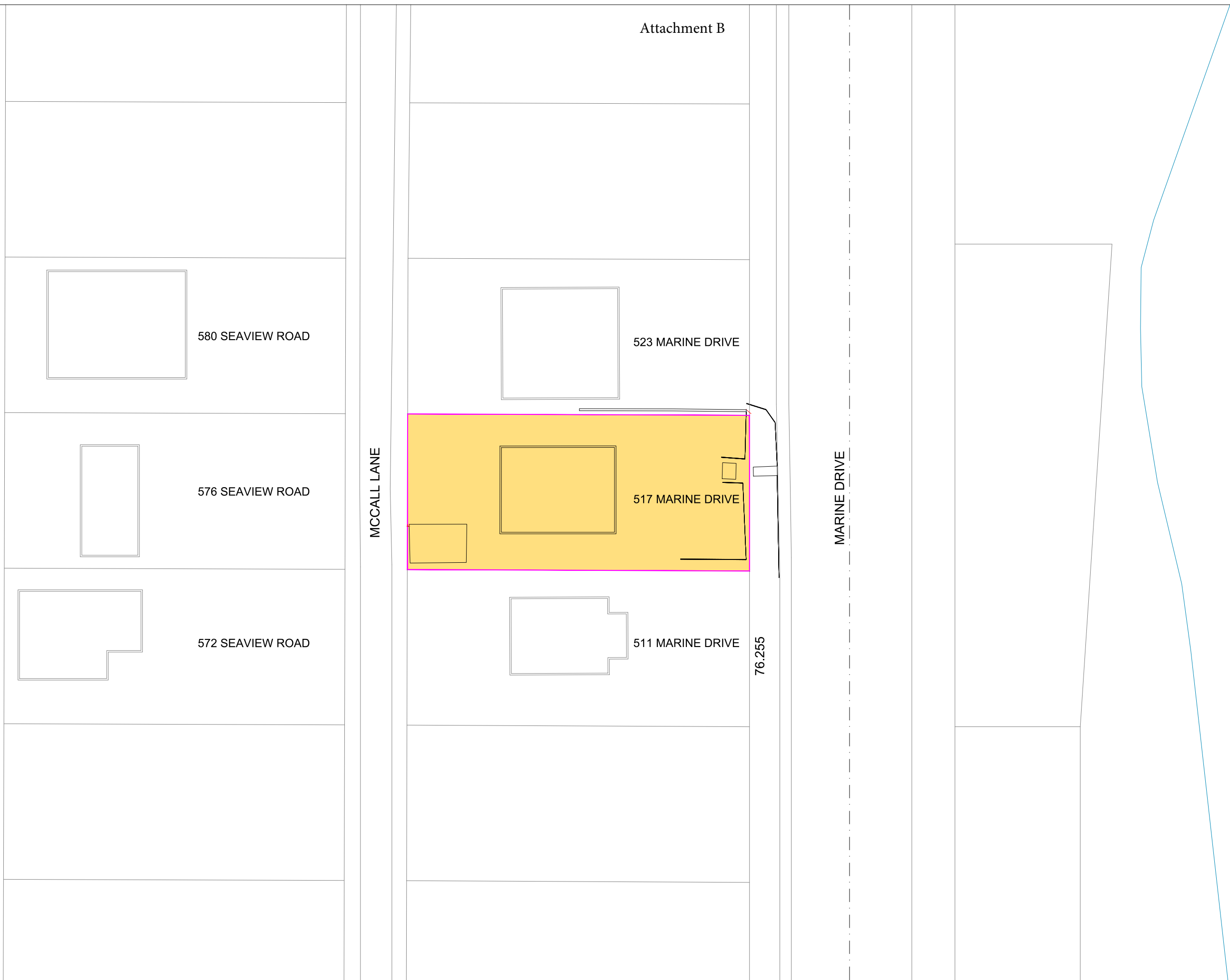
In Section 16.6 of the Smart Plan, form and character is addressed as follows: “All built form in the Harbor Area, particularly where it fronts on the “Village Walk” or “Harbor Walk” as delineated in the “Harbor Area - Pedestrian Network Map” shall be human in scale, and pedestrian-oriented... Building massing should be low near the waterfront, ‘stepping back’ from the water... Varied roof heights, and roofs at various heights, are encouraged to provide variety in roofscape and skyline.”

The image below on p. 119 of the Smart Plan illustrates best the spirit of the Smart Plan and is almost a perfect template for our proposal with a human-scaled building front (not a fence, steep incline or gravel parking stall), terracing back from the waterfront and parking resolved in the back of the property.



Thank you for your kind consideration in this matter. We trust that you will judge our ‘smart’ proposal favorably and help make our dreams come true!

Attachment B



This SITE PLAN is based on a CAD drawing file issued by Bennett Land Surveying Ltd. with topographic data compiled in a land survey made on April 1st, 2021.



517 Marine Drive
PID: 010-080-686
Lot 15
Block 5
Plan VAP4028
District Lot 686
Area 5,500 sf / 511 m2

1 / 350 11x17 

CASA MAJA 2.0

517 Marine Drive
Gibsons, BC

Design:
Ricardo Mondragon - Joe Oteruelo

SITE PLAN **01**

2021.4.14
Revised on:

TOWN OF GIBSONS BYLAW 1065
R3 Zone (Schedule B Sub-Area E)
 922 Permitted Principal Uses
 (2) Two Family Residential Dwelling per lot
 (3) One Secondary Suite in conjunction with the principal building
Maximum Area of Suite <40% of gross floor area of the building
 927 Setbacks
 Front and Rear = 7.5 m
 Side = 1.5 m
 928 Lot Coverage
 Maximum Lot Coverage = 50%
 403 Siting Exceptions
 (3) Porches, porticos, steps and deck projections can encroach the front/rear setback by 1.0 m; side setback by 0.6 m.
 406 Height Exceptions
 Stair towers may exceed maximum building H if <20% lot area and <10% of roof area.
 500 View Protection
 (1) For lots < 558 m2, maximum gross floor area of principal building 232 m2
 507 Regulations for Sub-Area E
 (1) Maximum Building H = 10.0 m from average natural grade at Marine Drive
 (2) Rear Setback = 6.0 m
 612 Required Off Street Parking
 Single Family/Two Family: 2 required spaces per dwelling unit
 Secondary Suite: 0



517 Marine Drive
 PID: 010-080-686
 Lot 15
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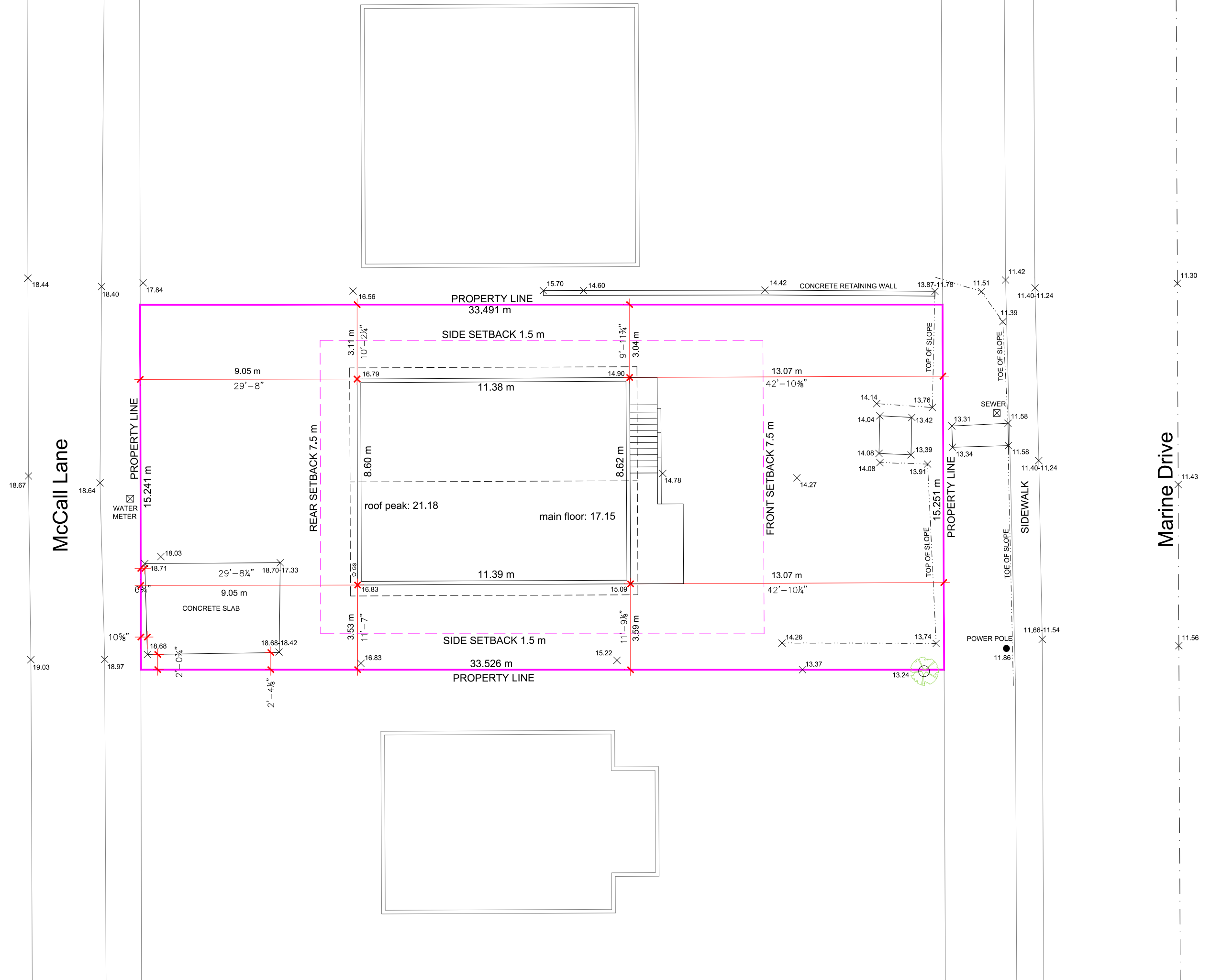
CASA MAJA 2.0

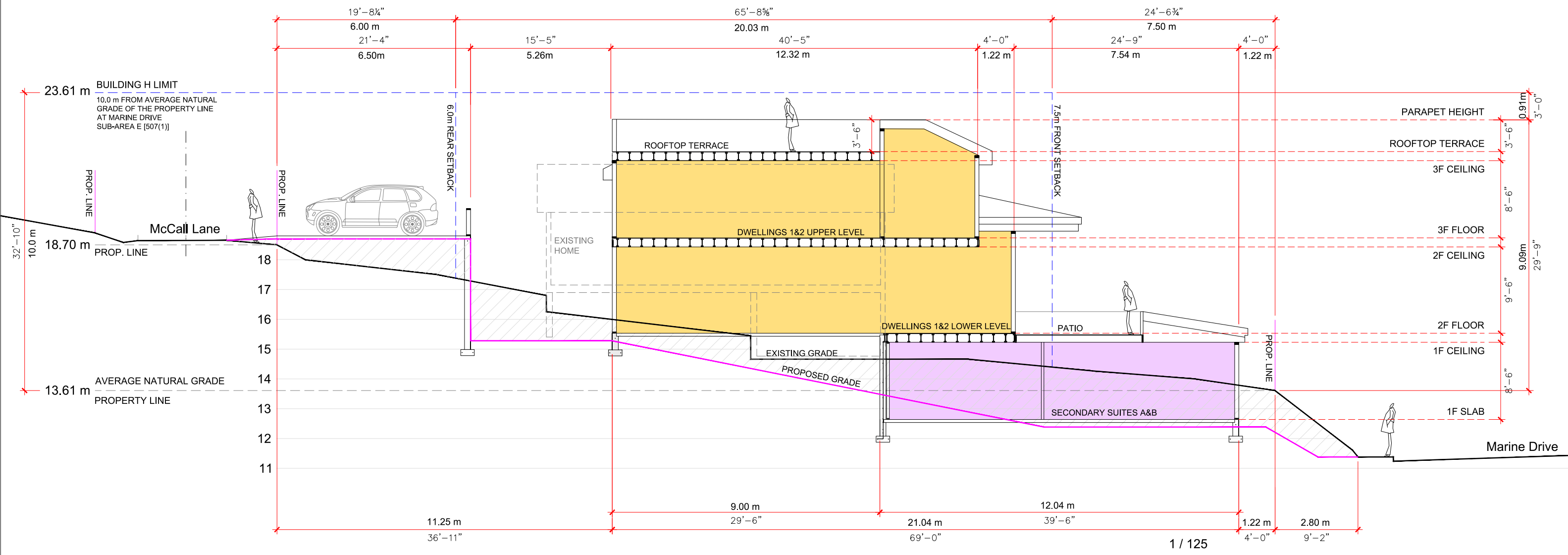
517 Marine Drive
 Gibsons, BC

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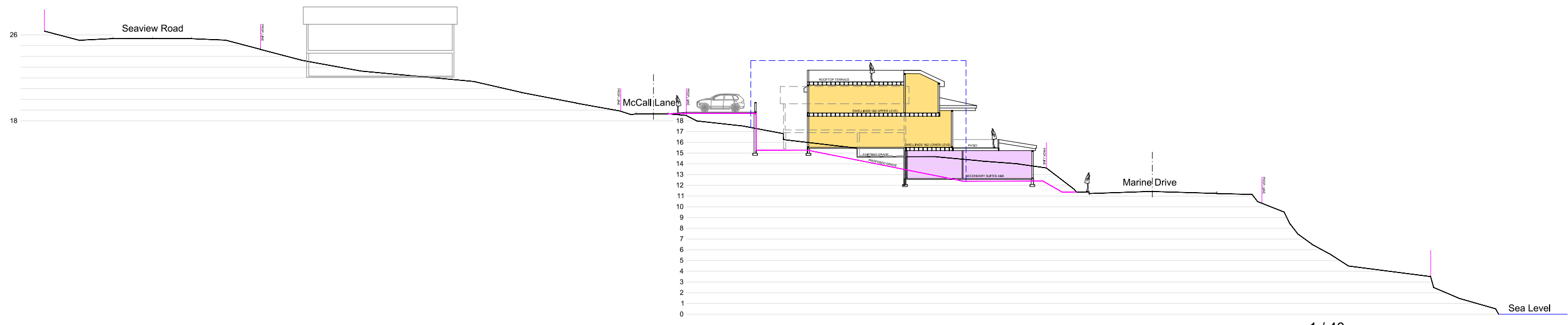
EXISTING HOME **02**

2021.4.14
 Revised on:





1 / 125



1 / 40

517 Marine Drive
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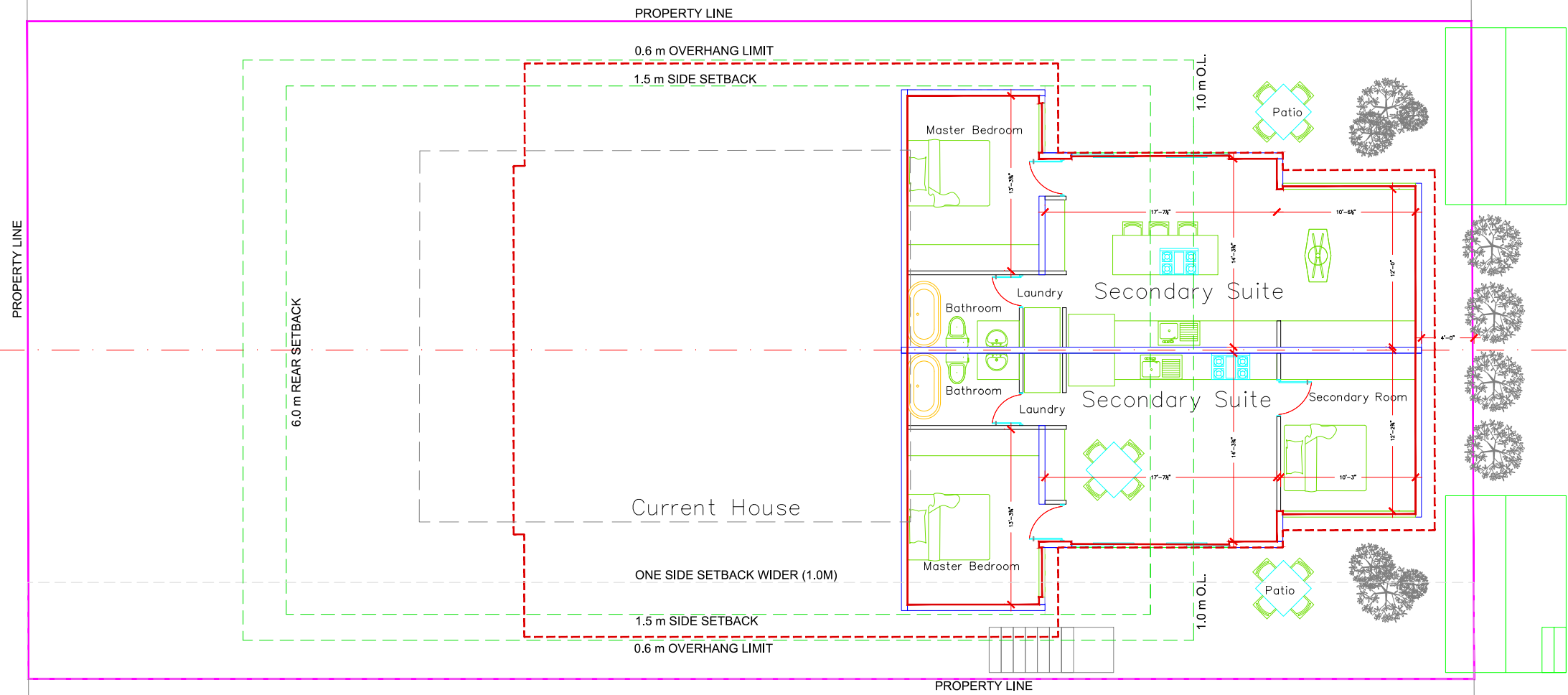
CASA MAJA 2.0

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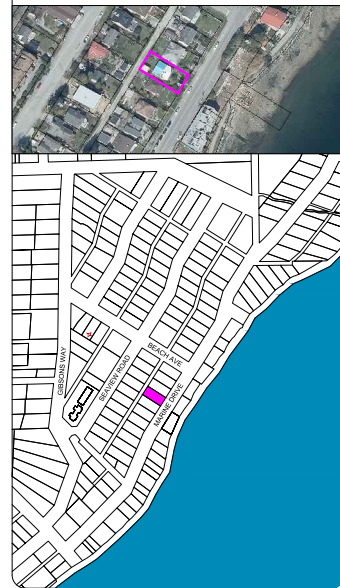
CROSS SECTION 03

2021.4.14
 Revised on:



LEVEL 1 . MARINE DRIVE STREET . Secondary Suite A & B

Gross Floor Area		
Level 1.	1,182 ft2	109.81 m2
Level 2.	1,638 ft2	152.18 m2
Level 3.	1,520 ft2	141.21 m2
TOTAL.	4,340 ft2	403.20 m2



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CASA MAJA 2.0

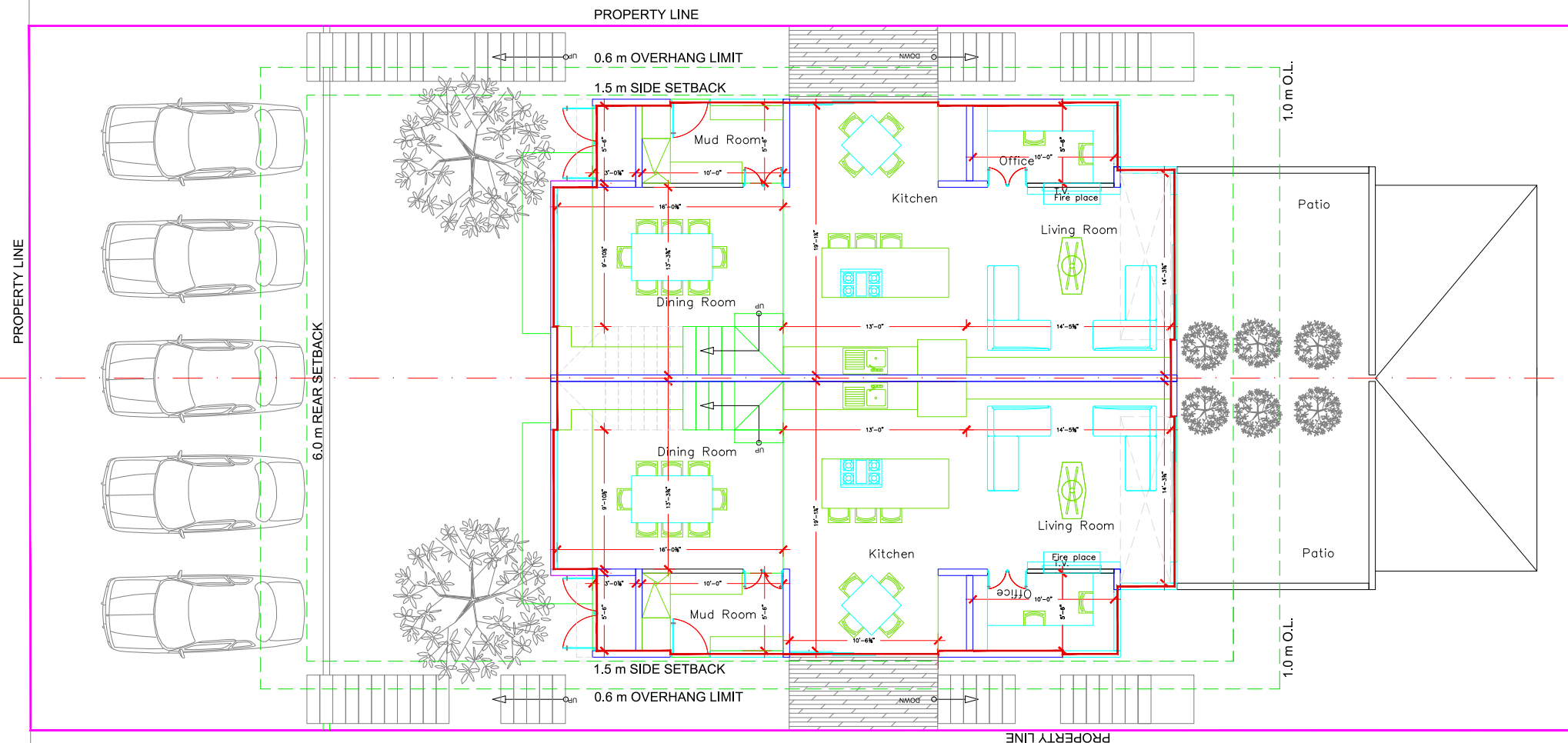
517 Marine Drive
 Gibsons, BC

Design:
 Ricardo Mondragon - Joe Oteruelo

1F FLOOR PLAN

04

2021.4.14
 Revised on:



LEVEL 2 . Main House . Living-Dining-Kitchen

Gross Floor Area		
Level 1.	1,182 ft2	109.81 m2
Level 2.	1,638 ft2	152.18 m2
Level 3.	1,520 ft2	141.21 m2
TOTAL.	4,340 ft2	403.20 m2



517 Marine Drive
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CASA MAJA 2.0

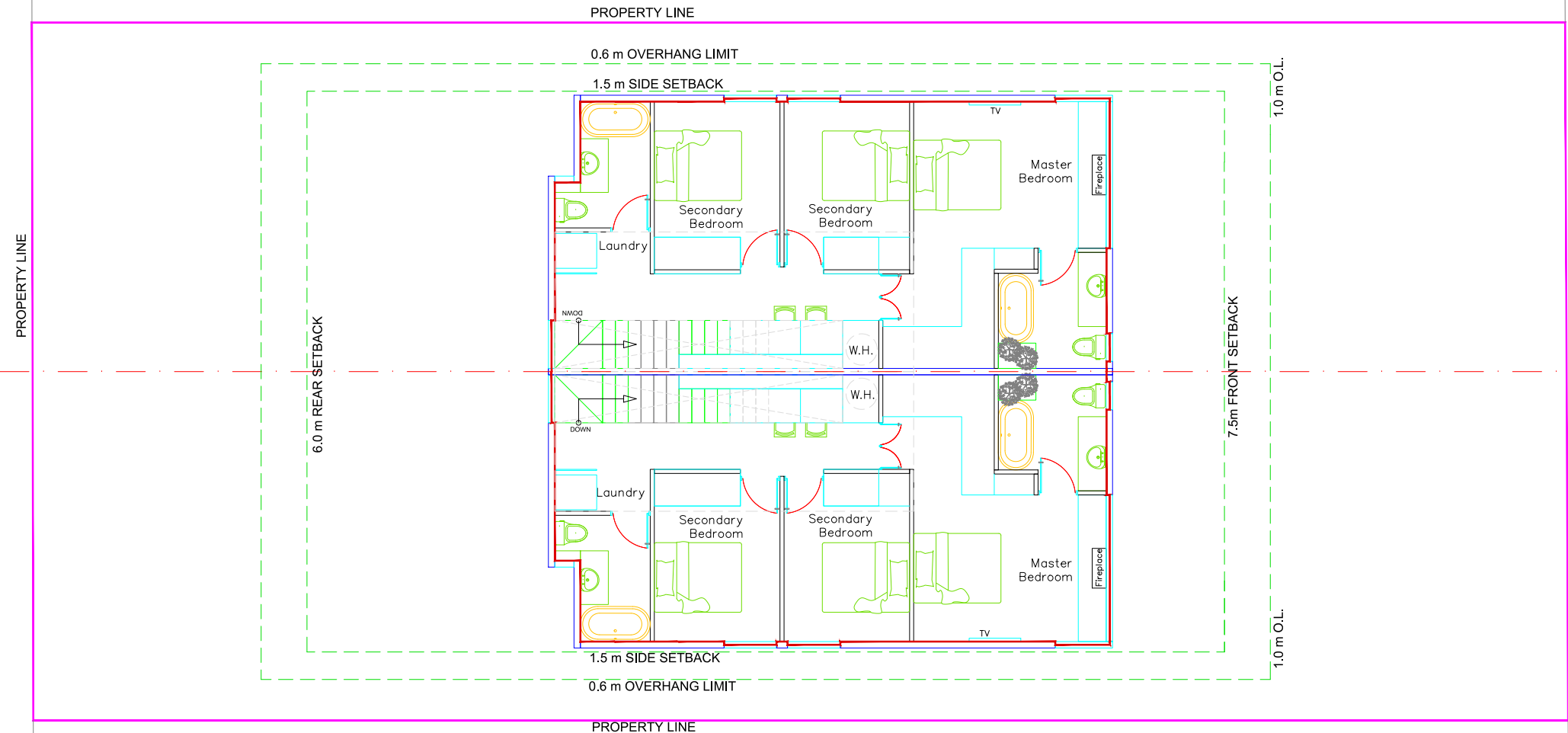
517 Marine Drive
 Gibsons, BC

Design:
 Ricardo Mondragon - Joe Oteruelo

2F FLOOR PLAN

2021.4.14
 Revised on:

05



LEVEL 3 . Main House. Bedrooms

Gross Floor Area		
Level 1.	1,182 ft2	109.81 m2
Level 2.	1,638 ft2	152.18 m2
Level 3.	1,520 ft2	141.21 m2
TOTAL.	4,340 ft2	403.20 m2



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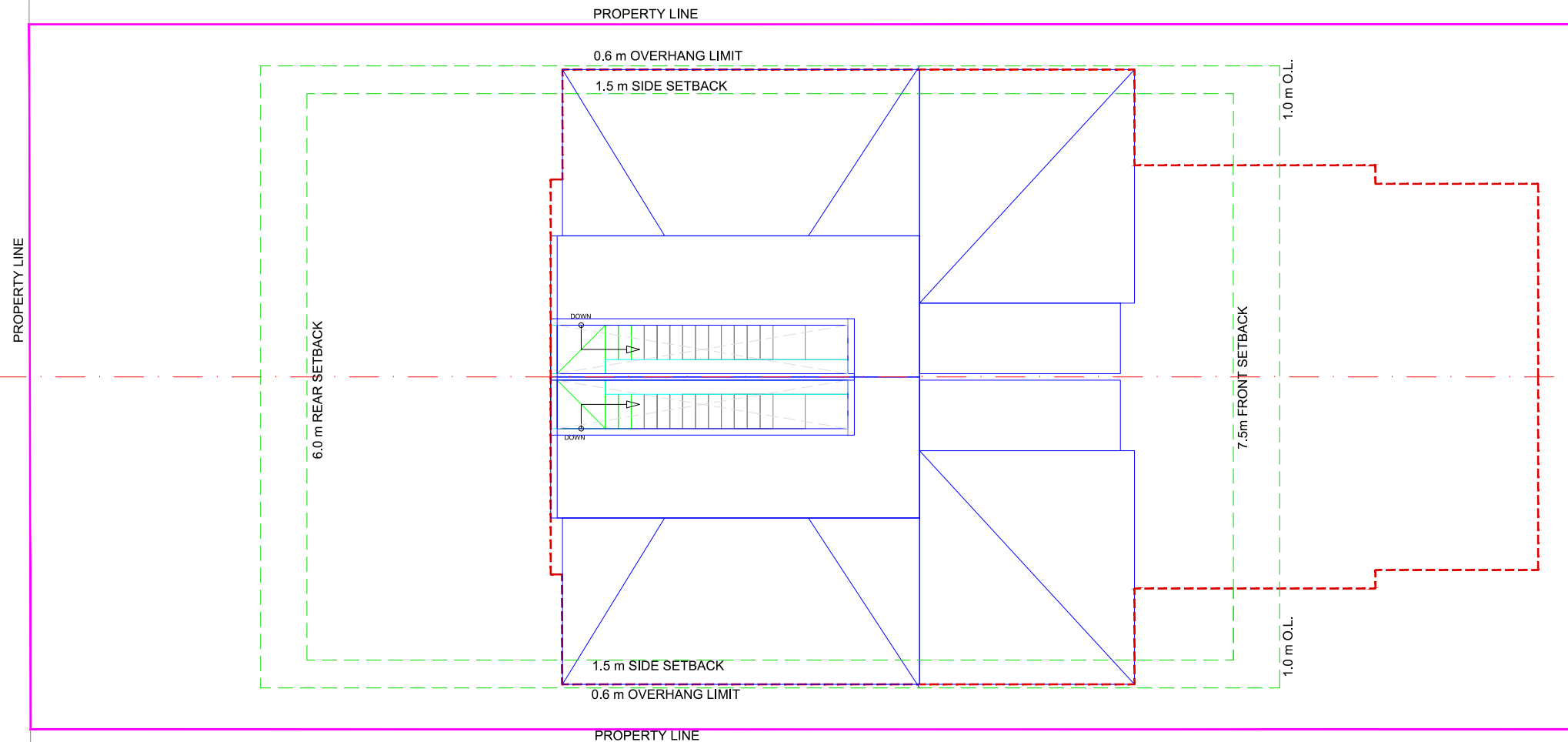
517 Marine Drive
 Gibsons, BC

Design:
 Ricardo Mondragon - Joe Oteruelo

3F FLOOR PLAN

06

2021.4.14
 Revised on:



ROOF PLAN

Gross Floor Area		
Level 1.	1,182 ft ²	109.81 m ²
Level 2.	1,638 ft ²	152.18 m ²
Level 3.	1,520 ft ²	141.21 m ²
TOTAL.	4,340 ft²	403.20 m²



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CASA MAJA 2.0

517 Marine Drive
 Gibsons, BC

Design:
 Ricardo Mondragon - Joe Oteruelo

ROOF PLAN **07**

2021.4.14
 Revised on:



Attachment C

11



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