



TOWN OF LADYSMITH

A SPECIAL MEETING OF THE
COUNCIL OF THE TOWN OF LADYSMITH
WILL BE HELD ON MONDAY, MARCH 14, 2016
Part One 5:00 p.m.
Council Chambers, City Hall
Part Two 7:00 p.m.
Ladysmith Eagles Hall, 921 First Avenue

A G E N D A

PART ONE (5:00 p.m., Council Chambers, City Hall)

CALL TO ORDER

1. AGENDA APPROVAL

2. STAFF REPORTS

2.1. Grants-in-Aid1 - 7

Staff Recommendation:

That Council consider the 2016 grant-in-aid funding requests received from community groups and organizations and provide direction to staff in this regard.

PART TWO (7:00 p.m., Ladysmith Eagles Hall)

3. DEVELOPMENT APPLICATIONS

3.1. Development Variance Permit Application – 410 Third Avenue (Forrest) Lot 1, Block 73, District Lot 56, Oyster District, Plan 703A8 - 43

Staff Recommendation:

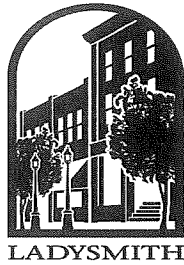
That Council consider issuing Development Variance Permit (3090-15-03) to vary the permitted floor area and height of a coach house dwelling in an existing accessory building on Lot 1, Block 73, District Lot 56, Oyster District, Plan 703A (410 Third Avenue).

3.2. Development Permit Application – 410 Third Avenue (Forrest) Lot 1, Block 73, District Lot 56, Oyster District, Plan 703A 44 - 48

Staff Recommendation:

That subject to Council issuing Development Variance Permit 3090-15-03, Council issue Development Permit 3060-14-06 to permit the issuance of a building permit for the conversion of the second storey of an existing accessory building to a coach house dwelling on Lot 1, Block 73, District Lot 56, Oyster District, Plan 703A (410 Third Avenue).

ADJOURNMENT



Town of Ladysmith

STAFF REPORT

To: Ruth Malli, City Manager
From: Erin Anderson, Director of Financial Services
Date: March 1, 2016
File No: 1850

Re: 2016 Grants in Aid Applications

RECOMMENDATION(S):

THAT Council consider the 2016 grant-in-aid funding requests received from community groups and organizations.

INTRODUCTION/BACKGROUND:

Each year, grants for social, cultural, recreational, special events services are provided by Town Council on behalf of residents of the Town of Ladysmith. The purpose of the grant-in-aid program is to assist citizens, financially, to organize themselves around community issues and projects.

Grant in Aids are administered based on the Grant in Aid policy which was approved by Council in 2013. The policy details the types of activities and organizations eligible for the Grant in Aid funding. Only non-profit organizations are eligible for grant funding.

The deadline to apply was the end of February.

With the introduction of the Policy came the requirement of a one page 'end of year' report on how the prior year monies were utilized. This reporting requirement ensures that the organizations are accountable to use the requested funds as indicated in their application. This accountability extends to the tax payer as taxation funds are used to fund the Grant in Aid program. The 2015 year was the second year a year-end report detailing how the monies were spent was required. Staff followed up with numerous organizations after the December 1 reporting deadline as a reminder.

The Grant in Aid policy states if the year-end reporting is received after the December 1st deadline, Council may exclude that organization from the Grant in Aid program for three years. The following organizations were late with their December 1st submission:

Organization	Funding received in 2015	Submitted
Ladysmith Historical Society Museum	\$ 10,000	2015-12-07
Arts Council of Ladysmith & District	1,000	2015-12-07
Arts on the Avenue	1,000	2015-12-07
Ladysmith Show and Shine	500	2015-12-07
Ladysmith Historical Society Archives	15,000	2015-12-07
Ladysmith Maritime Society	1,500	2015-12-15
St John the Evangelist Church	500	2015-12-17
Ladysmith Search & Rescue Society	5,000	2015-12-24
Ladysmith Celebrations Society	8,000	2016-02-22
Ladysmith Family and Friends (LAFF)	2,500	Not received. Project still in the works.
Gordon's Peacock Society	1,500	Not received. Society dissolved.

Festival of Lights (Light-up), Downtown Business Association (Old Tyme Christmas) and Ladysmith Fire/Rescue Society (Santa Parade) submitted their reports after the December 1st deadline, as their event occurred in the month of December.

Attached is a summary list of all applications received. Details of applications are available for review at City Hall. Some of the applicants requesting GIA also receive additional assistance from the Town in the form of property tax exemptions, use of Town-owned buildings at nominal rental costs or assistance in with the organization's operating costs. This additional assistance is noted on the attached list.

Again in 2016 there is an allotment of \$2,500 for organizations requesting a waiving of fees for use of Town property. As events do have a Town operating costs associated with them, it is prudent to budget the waiving of rental fees.

Ladysmith Resources Centre Association

Each year, Council has requested additional information from the LRCA to support their Grant in Aid Application. This year, LRCA has provided supporting details in their application to back-up their request.

The LRCA is requesting funding for:

Ladysmith Resources Centre Association	2016 REQUESTED	2015 PAID
Family Support	8,000	8,000
General Programs:		
• Seniors Advocacy		
• Dad's Group	8,000	8,000
• Adventures In Early Literacy		
• Mother Goose		
Victim Services	12,500	11,000
Volunteer Counselling (new)	2,000	-
Youth at Risk	8,000	8,000
Ladysmith Resources Centre Association Total	38,500	35,000

New for 2016 is a request to support Volunteer Counselling services. This service is intended to assist individuals who can't access other mental health services. In 2015, this program operated with a loss and the LRCA is requesting some assistance in the future.

The LRCA has also begun to look internally at the programs and services it offers. Representatives from LRCA met with staff to share the LRCA's direction for the coming years. Their new direction includes more scrutiny to the programs offered and which is supported by the establishment of a Performance Assurance Committee.

SCOPE OF WORK:

Once Council approves the organization's request, funding will be provided to the successful organizations at a later date.

ALTERNATIVES:

Council may choose to approve the amounts requested, modify the amount requested or deny the amount requested.

FINANCIAL IMPLICATIONS:

The 2016 Budget for Grants in Aid is \$112,000. The current requests total \$152,650. Any amounts above the budgeted amount will require an additional property tax increase above the amounts discussed at the Budget meeting on February 15th.

LEGAL IMPLICATIONS:

Authority to provide Grants-in-Aid is derived from the *Local Government Act* s.176 (c).

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Many community groups rely on this funding. Any changes to the funding could impact the services those organizations deliver.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

With direction from Council, the Finance Department leads the GIA process.

RESOURCE IMPLICATIONS:

Much of the staff time has been allocated to the preparation of GIA processes. Once a Council decision is made, minimal time is taken to complete the payment process in May.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

This Supporting a safe and healthy community

SUMMARY:

On tonight's agenda for Council consideration are the grant-in-aid requests received from community groups and organization. Details of each application are available for review at City Hall. The total of all grant-in-aid requests received was \$152,650.

I concur with the recommendation.


Ruth Malli, City Manager

ATTACHMENTS

List of request

Grants in Aid Policy

Organization	2016 REQUESTS	2015 PAID	2014 PAID	2013 PAID	Additional Assistance from Town	Notes
Arts Council of Ladysmith & District	1,500	3,500	3,500	3,500	Yes	Permissive Tax Exemption & Reduced Rent
Arts on the Avenue	-	1,000	1,000	1,000		
Cowichan Family Caregivers Support Society	750		750	750		
Cowichan Therapeutic Riding Association	1,000	1,000	1,000	1,000		
Festival of Lights Society	25,000	12,000	12,000	12,000	Yes	Use of Aggie & Transfer Beach
Gordon's Peacock Society		1,500				
Ladysmith & District Historical Society:						
Archives	18,000	15,000	20,000	20,000	Yes	Permissive Tax Exemption, Reduced Rent, Telephone & Hydro
Museum	10,000	10,000	10,000	10,000		
Preservation Committee	3,000					
Ladysmith Accountability Program				1,000		
Ladysmith Ambassador Program	3,500	1,000	1,000	1,000		
Ladysmith and District Marine Rescue Society	3,500	2,000	5,000	1,500		
Ladysmith Celebrations Society	10,000	8,000	8,000	8,000		
Ladysmith Citizens on Patrol	1,500	1,500	1,500	1,500		
Ladysmith Community Gardens Society	7,000	1,000		1,000		
Ladysmith Downtown Business Association:						
Old Tyme Christmas	2,000	1,000	1,000			
Shop Locally	2,500					
Ladysmith Family and Friends (LaFF)	6,000	2,500			Yes	Aggie Rental. LaFF Financials state \$73k of inkind rent
Ladysmith Fire Rescue	1,700	1,000	1,000	2,500	Yes	Fire Trucks
Ladysmith Intermediate School PAC				1,000		
Ladysmith Little Theatre	2,000					
Ladysmith Maritime Society:						
Festival	1,500	1,500	1,500	1,500		

Organization	2016 REQUESTS	2015 PAID	2014 PAID	2013 PAID	Additional Assistance from Town	Notes
Ladysmith Resources Centre Association:						
Family Support	8,000	8,000	8,000	8,000	Yes	Permissive Tax Exemption & Reduced Rent
General Programs	8,000	8,000	8,000	8,000		
Victim Services	12,500	11,000	11,000	11,000		
Volunteer Counselling	2,000					
Youth at Risk	8,000	8,000	8,000	8,000		
Ladysmith Search & Rescue Society	6,000	5,000				
Ladysmith Sec School - Frank Jameson Bursary	1,500	1,500	1,500	1,500		
Ladysmith Show & Shine	2,000	500	500	500		
Ladysmith Soup Kitchen			2,000			
Old English Car Club Central Island Branch	400					
St John the Evangelist Church	600	500	500	500		
Vancouver Island Crisis Society	700	500	500			
Waiving of fees	2,500	2,500	3,000			



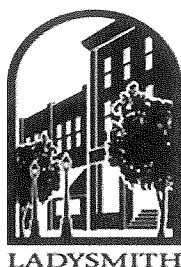
TOWN OF LADYSMITH

POLICIES AND PROCEDURE MANUAL

TOPIC: Grants-in-Aid	
APPROVED BY: Council	DATE: Aug 6, 2013
RESOLUTION #: 2013-266	
<i>(Amended)</i>	
<p>Purpose:</p> <p>To establish a policy for Council of the Town of Ladysmith that is designed to assists organizations with projects or special activities, or to allow them to take advantage of development opportunities and events.</p> <p>Policy:</p> <p>In granting financial assistance to an organization for a discretionary Grant-in-Aid, the Council of the Town of Ladysmith with take into account the following objectives:</p> <ol style="list-style-type: none"> 1. The primary purpose of a grant in aid is to provide financial assistance to an organization for a specific project or event that benefits the residents of the Town of Ladysmith. The organization should be registered as, or belong to a parent Society under the laws of British Columbia and/or Canada. 2. Preference will be given to organizations that are locally based and whose efforts are community based in nature. 3. The Council of the Town of Ladysmith will not grant monies for a 'for profit' organization. <p>Procedure:</p> <ol style="list-style-type: none"> 1. An organization applying for a grant in aid must provide the following information in order to have its application considered by Council: <ul style="list-style-type: none"> • Name of the organization • Name of the individual making the application • Description of the project or event for which funding is requested • Indicate whether or not the project or event or service is already provided in the community • Identify the beneficiaries of the project or event or service • Indicate the total cost of the project or event or service • Indicate other sources of funding for the project or event or service • Indicate whether the application to other local governments has been made • Indicate the volunteer labor and in-kind donations to be contributed towards the project or event or service by the members of the organization • Specify the amount of financial assistance required; and • Provide the organization's current annual budget and previous year's financial statements. 2. All Grant in Aid applications must be submitted, in writing, to the Finance Department by February 28th in order to be considered by the Council of the Town of Ladysmith for funding in the current year. 3. Grant in Aid applications received after February 28th may not be considered for funding in the current year. Further, the organization applying for the Grant in Aid must re-submit their 	

TOPIC: Grants-in-Aid	
APPROVED BY: Council	DATE: Aug 6, 2013
RESOLUTION #: 2013-266	
<i>(Amended)</i>	
<p>application should they still be requesting financial assistance for the following year.</p> <ol style="list-style-type: none"> 4. Organizations submitting an application for a Grant in Aid must complete the prescribed application. 5. Applications for funding will be considered at an open Council Meeting during the budget process. All decisions are final following ratification at the next Regular Meeting of Council. 6. An organization must, using the form provided, report back to Council by December 1st of the same year funding was received regarding how the monies were spent, including a budget sheet and pictures, if available. If a report is not received by the Town on or before December 1st, the organization shall be notified that they may be ineligible for further grant funding for a 3 year period from the year the grant was received. <p>Conditions of Funding:</p> <ol style="list-style-type: none"> 1. If applicable, the applicant must acknowledge the support of the Town of Ladysmith in all print and publicity material related to the project including banners and signs on site during the event. 2. Funds must be used for the purpose for which they were requested. 3. In the event that the project is not completed, the Town of Ladysmith reserves the right to request the return of the grant. 4. An organization must prepare, using the form provided, a report regarding how the monies were spent, including a budget sheet and pictures, if available. If a report is not received by the Town on or before December 1st, the organization shall be notified that they be ineligible for further grant funding for a period of 3 years from the year the grant was received. <p>Applications may be mailed to the following address:</p> <p style="text-align: center;">Town of Ladysmith PO Box 220 Ladysmith, BC V9G 1A2</p> <p>Or picked up at City Hall at:</p> <p style="text-align: center;">410 Esplanade Ladysmith, BC</p>	

05 – 1850 - A



Town of Ladysmith

STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: March 2, 2016
File No: 3090-15-03

Re: DEVELOPMENT VARIANCE PERMIT APPLICATION – 410 Third Avenue (Forrest)
Lot 1, Block 73, District Lot 56, Oyster District, Plan 703A

RECOMMENDATION(S):

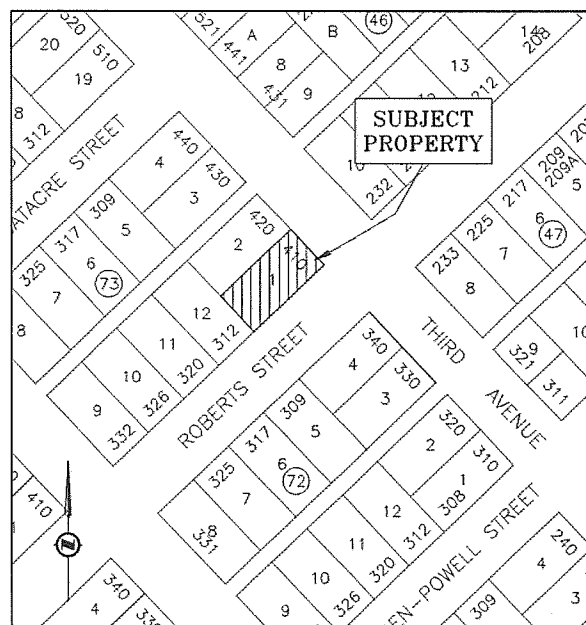
That Council consider issuing Development Variance Permit (3090-15-03) to vary the permitted floor area and height of a coach house dwelling in an existing accessory building on Lot 1, Block 73, District Lot 56, Oyster District, Plan 703A (410 Third Avenue).

PURPOSE:

The purpose of this staff report is to obtain Council direction regarding a development variance permit for the floor area and height of a coach house in an existing accessory building at 410 Third Avenue.

INTRODUCTION/BACKGROUND:

The applicant, Charles Forrest, is proposing variances for the height and floor area of a coach house at 410 Third Avenue. Currently a single unit dwelling and accessory building are located on the property. To permit a coach house in the second storey of the accessory building the applicant is requesting a variance for: 1) the permitted height of a coach house building and 2) the permitted floor area for a coach house dwelling.



At its meeting held February 1, 2016, Council directed staff to proceed with statutory notice for development variance permit application 3090-15-03.

SCOPE OF WORK:

The current stage of this application is to seek Council's decision on the proposed Development Variance Permit. The subject property is zoned 'Old Town Residential (R-2)', is 669m² in size, and is a corner lot.

The current size and height of the accessory building conformed to the zoning bylaw at the time it was built. The accessory building is 7.43 metres in height and the finished floor area is 84m² (904ft²).

The proposed coach house meets the requirements of Zoning Bylaw 2014, No.1860 except for two variance requests:

- 1) The accessory building has a floor area of 84m² and the permitted floor area for a coach house is 60m², thus a variance of 24m² is requested for the coach house floor area.
- 2) The building is 7.43 metres in height and the maximum permitted height for a coach house building is 6.6 metres, thus a variance of 0.8 metres is requested.

Table 1: Proposed Variances for Coach House – 410 Third Avenue

	Zoning Bylaw 2014, No.1860	Proposed	Proposed Variance
Height of coach house	6.6 metre maximum	7.43 metres	0.8 metres
Coach house floor area	60m ² maximum	84m ²	24m ²

If the development variance permit application is successful, a development permit will be required for the conversion. A building permit will also be required for the change of use.

ALTERNATIVES:

To not support Development Variance Permit application 3090-15-03.

FINANCIAL IMPLICATIONS:

n/a

LEGAL IMPLICATIONS:

The *Local Government Act* enables Council to vary zoning regulations, except use and density regulations, through the issuance of a development variance permit. This is a discretionary decision of Council. Public notification is required.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The Town of Ladysmith notice regarding Development Variance Permit application 3090-15-03 was sent to neighbouring properties (within 60 metres of the subject property) on February 16, 2016 and a revised letter with corrected height information was sent on February 22, 2016.

At the time of writing this report the Town had received the following written submissions regarding the proposed variance:

- One form letter with 12 signatures of support (4 signatories are within the 60 metre circulation area);
- One form letter with 24 signatures of support (no addresses provided);
- One letter of support for the proposed variances (from within the 60 metre circulation area);
- Two letters, one from within 60 metre circulation area, not supporting the proposed variance for the following reasons:

- The proposed habitable floor area of the coach house is too large;
- The height of the building blocks views for neighbouring property.

The submissions are included with tonight's meeting agenda.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Development Variance Permit application 3090-15-03 has been referred to the Building Inspector and Infrastructure Services Department. The Infrastructure Services Department has no servicing concerns regarding the property. The Building Inspector advises that a building permit will be required to legally convert the second floor of the accessory building to a residential use. The proposed change of occupancy would require building permit approvals to demonstrate compliance with the B.C. Building Code. Home warranty insurance may also be required from the Homeowner Protection Office.

RESOURCE IMPLICATIONS:

Processing Development Variance Permit applications is within available staff resources.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

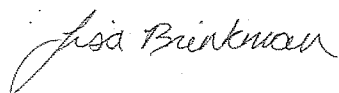
The Vision Report calls for increasing the diversity of housing across the community.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Effective land use planning and community design are strategic Council directions.

SUMMARY:

Council may consider approving a Development Variance Permit to vary the permitted floor area and height of a coach house dwelling in an existing accessory building at 410 Third Avenue.



Report Author: Lisa Brinkman, Senior Planner

I concur with the recommendation:



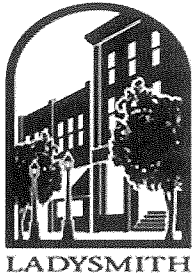
Felicity Adams, Director of Development Services



Ruth Malli, City Manager

ATTACHMENT:

DVP Form 3090-15-03



TOWN OF LADYSMITH DEVELOPMENT VARIANCE PERMIT

(Section 498 *Local Government Act*)

FILE NO: 3090-15-03

DATE: March 7, 2016

Name of Owner(s) of Land (Permittee): Charles James Forrest

Applicant: Charles James Forrest

Subject Property (Civic Address): 410 Third Avenue

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Town of Ladysmith described below and any and all buildings, structures and other development thereon:

Lot 1, Block 73, District Lot 56, Oyster District, Plan 703A – PID: 008-700-117
(410 Third Avenue)

3. Part 6.5 “Coach House Regulations” of “Town of Ladysmith Zoning Bylaw 2014, No.1860, Schedule A – Zoning Bylaw Text” is varied for the subject property as follows:

From:

“Part 6.5 (b) A Coach House Dwelling, where permitted in the Bylaw, shall satisfy all of the following conditions: (ii) Shall not exceed a Gross Floor Area of 60 square metres.”

To:

“Part 6.5 (b) A Coach House Dwelling, where permitted in the Bylaw, shall satisfy all of the following conditions: (ii) Shall not exceed a Gross Floor Area of 84 square metres.”

AND

From:

“Part 6.5 (b) A Coach House Dwelling, where permitted in this Bylaw, shall satisfy all of the following conditions: (iii) Shall not exceed a Height of: 1) 6.6 metres where a Coach House Dwelling is located in the second storey of an Accessory Building;

except where the roof pitch is less than 4:12, in which case the maximum Height shall be 5.7 metres.”

To:

“Part 6.5 (b) A Coach House Dwelling, where permitted in this Bylaw, shall satisfy all of the following conditions: (iii) Shall not exceed a Height of: 1) 7.43 metres where a Coach House Dwelling is located in the second storey of an Accessory Building; except where the roof pitch is less than 4:12, in which case the maximum Height shall be 5.7 metres.”

4. The land described herein shall be developed strictly in accordance with terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part thereof.
5. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.503 of the *Local Government Act*, and upon such filing, the terms of this Permit 3090-15-03 or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
6. THIS PERMIT IS NOT A BUILDING PERMIT. No occupancy permit shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Corporate Officer.

AUTHORIZING RESOLUTION PASSED BY MUNICIPAL COUNCIL ON THE DAY OF
20 .

Mayor (A. Stone)

Corporate Officer (S. Bowden)

I HEREBY CERTIFY that I have read the terms and conditions of the Development Variance Permit contained herein. I understand and agree that the Town of Ladysmith has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with **Charles Forrest** other than those contained in this permit.

Signed

Witness

Title

Occupation

Date

Date

October 26th, 2015

RECEIVED
Jan 29/16

To all concerned, Mayor, Council, and Development Department of Ladysmith.

Development Variance Permit Application for
Chuck Forrest @ 410 - 3rd Ave, Ladysmith.
Lot 1 Block 73, District Lot 56, Oyster District Plan 703A

We are in favor of granting Mr. Forrest the needed variances to allow the
legalization of his two-story garage to a garage with Coach house dwelling on the
second floor.

Outside Circulation Area
address _____ name Maria Jacoba Van Der Meij

Maria Jacoba Van Der Meij
signature

Outside Circulation Area
address _____ name GORD HURTH

GORD HURTH
signature

Outside Circulation Area
address _____ name April Fox

April Fox
signature

Outside Circulation Area
address _____ name Heather Sorechuk

Heather Sorechuk
signature

1.3

RECEIVED
Jan 29/16

October 26th, 2015

To all concerned, Mayor, Council, and Development Department of Ladysmith.

Development Variance Permit Application for
Chuck Forrest @ 410 - 3rd Ave, Ladysmith.
Lot 1 Block 73, District Lot 56, Oyster District Plan 703A

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legalization of his two-story garage to a garage with Coach house dwelling on the
second floor.

Outside Circulation Area

address

name

Roy Sarehuk

signature

Roy Sarehuk

Outside Circulation Area

address

name

Gwen Atkin

signature

Gwen Atkin

Within Circulation Area

address

name

Lisa Zandran

signature

Lisa Zandran

Within Circulation Area

address

name

Nathan Warwick

signature

Nathan Warwick

2-3

RECEIVED
Jan. 29/16

October 26th, 2015

To all concerned, Mayor, Council, and Development Department of Ladysmith.

Development Variance Permit Application for
Chuck Forrest @ 410 - 3rd Ave, Ladysmith.
Lot 1 Block 73, District Lot 56, Oyster District Plan 703A

We are in favor of granting Mr. Forrest the needed variances to allow the
legalization of his two-story garage to a garage with Coach house dwelling on the
second floor.

Within Circulation Area

address

April + Steve Marrington
name

signature

April Marrington



Within Circulation Area

address

VICTORIA MATTHEWS
name

signature

V. Matthews

Outside Circulation Area

address

Pat & Dave Smith
name

signature

Patricia G Smith

Outside Circulation Area

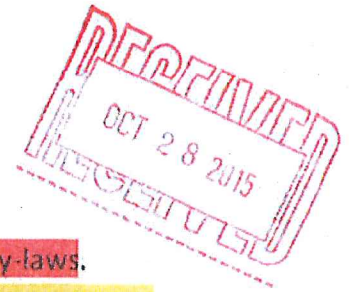
address

Pat & Dave Smith.
name

signature

Dave Smith

I support the following proposals for review:



- A. Review parameters designated in the new coach-house by-laws.
- B. Apply a legal-nonconforming status to existing above garage suites as coach-houses.
- C. Allow the ancillary building at 410 3rd ave, to be occupied and re-designated as a coach-house.

NAME	SIGNATURE	Contact (phone or email)	A	B	C
Ron Daskwood	R. Daskwood		✓	✓	✓
Toni Gouland	T. Gouland		✓	✓	✓
Cindy Dureaux	C. Dureaux		✓	✓	✓
Lori Dusseault	L. Dusseault		✓	✓	✓
Jill Daskwood	J. Daskwood		✓	✓	✓
Janet Moore	J. Moore		✓	✓	✓
Sharon Gratton	S. Gratton		✓	✓	✓

Note: only Column C relates to this DVP application

I support the following proposals for review:



- A. Review parameters designated in the new coach-house by-laws.
- B. Apply a legal-nonconforming status to existing above garage suites as coach-houses.
- C. Allow the ancillary building at 410 3rd ave, to be occupied and re-designated as a coach-house.

NAME	SIGNATURE	Contact (phone or email)	A	B	C
N. Epp Evans	[Signature]			✓	✓
Margit Lieder	[Signature]			✓	✓
Adri Alsop	[Signature]			✓	✓
Dan Smith	[Signature]			✓	✓
J. Smith	[Signature]			✓	✓
Stuart Barker	[Signature]		SB	SB	SB
Brian Desjardins	[Signature]		BD	BD	BD
Laurie Morgan	[Signature]		LM	LM	LM
STEVEN MOSENFELDER	[Signature]		SM	SM	SM
LOUISE EPP	[Signature]		LE	LE	LE
Giuseppe Antonicelli	[Signature]		GA	GA	GA
Mark Corrigan	[Signature]		MC	MC	MC
TANIA ROSS	[Signature]		TR	TR	TR

Note: only Column C relates to this DVP application

[illegible]

RECEIVED
Feb 16

Outside Circulation Area

Good morning Mayor Stone and Ladysmith Council.

Regarding the DVP Application 3090-15-03 410 3rd Avenue, I respectfully request that Council direct staff to not proceed with statutory notice.

I wholeheartedly agree with the Staff Report that a diversity of housing for the community is highly desirable, which is precisely why the Town of Ladysmith and the community engaged in a lengthy and comprehensive review of the Bylaws regulating Secondary Suites, Coach Houses and Home Based businesses. In that the applicant is now proposing a full 33% over his previous Variance proposal for habitable floor area (which was denied), the applicant makes a complete mockery of the hard work and tremendous resources which were required to develop and enact the new Bylaws, which, in my opinion, are fair, reasonable and practical. However, the Bylaws are only of value if they are applied equitably.

I do realize that the opportunity for public comment would typically be included in the Variance process once notification is served, so I appreciate you taking a moment to consider my thoughts on this matter, in advance of your decision.

Best Regards

Cathy Gilroy

Ladysmith BC

RECEIVED
Feb. 1/16

February 1st, 2016

In regards to Development Variance Permit Application- 410 3rd Avenue(Forrest)

Mayor and council,

I am hopeful that council will not allow the variance process to continue any further. In the opinion of my family this request does not make sense, the applicant is asking to use a larger space than the one that was turned down in January of 2015.

The owner, as you know, is applying to use the full 84 sq metres of the upper area and in January 2015 was denied in a request to use 60 sq metres. The maximum allowed use is 60 sq metres so to allow an extra 24 sq metres on top of the maximum seems excessive, furthermore, this request is being made in hopes of selling the property to a new owner who will only purchase if they can live in the suite and rent out the home which is not allowed in the R2 zone. The issue is not being rectified for anyone involved and to allow this will only pass the problem on to someone else. The overage in height of the accessory building directly took away my family's ocean view which affected the value of our home. We also feel it is important to note that this "accessory" building has always been fully furnished as a home and used by the owner as a home, again, refusing to follow the rules that the rest of the citizens of Ladysmith follow.

I have attempted to speak to Chuck on numerous occasions about coming to an agreement to live beside each other while respecting my family's privacy, as recent as last week and the response has been "foff". I have emailed the realtor who has not responded either. Chuck has made a great effort to go door to door in our neighbourhood and tell our neighbours that he is in a hard up situation that the town should be responsible for. Please remember that this man chose to build a \$250, 000 home even though he was told he could not live in it. This situation was wrong from the start and has been through a court process that deemed the accessory building a non-residential unit. I believe that it would be a great waste of time and a negative for the town to have council entertain this request after using so many of their resources to fight against this man who has never been willing to follow the bylaws of the day.

The argument that this accessory building was built lawfully 5-6 years ago is also false as the height issue was never in compliance, nor is the residential use that continued for years.

In the opinion of my family, who is most affected by the construction of this accessory building, we hope that council turns down this request.

Regards,

Aaron Lafontaine

Noelle Fetchko

RECEIVED
66.1/16

Outside Circulation Area

Dear Mayor & Council,

Tonight Council can direct staff to proceed with statutory notice for Development Variance Permit application 3090-15-03 for Lot 1, Block 73, District Lot 56, Oyster District, Plan 703A (410 Third Avenue). I believe most councillors always want to gauge what the local neighbourhood (those that are affected) have to say about what goes on their street. Giving notice, and providing a hearing will facilitate that happening.

Once you have heard from the neighbourhood, you will have a good perspective. I hope you will allow their voices to be heard.

Thank you.

Gord Horth

RE: Development Variance Permit Application
Chuck Forrest @ 410 3rd Ave, Ladysmith
Lot 1 Block 73, District Lot 56, Oyster District Plan 703A

RECEIVED

DEPT OF LAND & SURVEY

To all concerned, Mayor, Council, and Development Department.

I am writing in support of the variances needed for Mr. Forrest to have his 2 story garage be legalized to a garage with a coach dwelling on the second story.

First I would like to acknowledge that not all of council has locked their minds on this travesty, and I applaud those of you for your compassion. I'm not going to waste your time explaining why this building is legal, you all have that information. The building permit was issued with professional plans, including the attached drawing of the building. **The building does look just like the drawing.** No stop work orders were ever issued on this property. A Final possession was granted and the builder released the building to Mr. Forrest. This would not have occurred if the building were not legal. This building was and is legal and was built with the best intent, given the town's development plans for the future at that time.

Wrong information was given to Mr. Forrest when the Development Variance permit application was drawn up. The building in question is actually 21' from the main house, as measured from foundation to foundation. The porch on the main house is on stilts, not foundation. Therefore Mr. Forrest only requires 2 variances, the height and the size. Changing the inside to make the square footage smaller is non-sensible, as the outside will still remain the same.

I realize this all started with the loss of view from a second story bedroom window next door. We do not own our views. The neighbor behind us just built a 29' in height addition to his home. Yes, we lost our view. And yes, he had every right to build and develop his property to the full extent that he needs.

Mr. Forrest's plan was much like ours. Build a coach home to live in and rent out the main house to subsidize retirement income. Mr. Forrest has been unable to work because of the stress of this situation leading to his illness. He now relies on a disability pension instead of a proper retirement pension that he had planned to receive in a couple years. He is financially broke and the thought of a happy retirement gone. Yes, his neighbor lost the view from a **legally built building**, so does that give him the right to ruin Mr. Forrest's life?

There are many other secondary suites and yes a few coach suites that were and are still being occupied, either by the owner or rented out. Yet no one is throwing cease and desist orders on them. Unfortunately this became a witch hunt of sorts and Mr. Forrest has been singled out and raked over the coals again and again. Actually never ending as the harassment continues now, six years later.

At one point a person even posted on face book to drive by his building, honk your horn, wave and call out "Hi Chuck!" This they did so Chuck would know that people are still watching him. Childish and harassment. These same people also publically defame council and city employees on public media about dealings with this property.

A mayoralty candidate built himself a metal clad, over height building with a roof top deck, and raised garden beds on municipal property. Then had the nerve to berate Mr. Forrest about his building to the point of reporting on face book, that he was viewing Mr. Forrest right now watching is 42" flat screen TV.

When the court order was placed on Mr. Forrest, you could not, by law, live in a dwelling above a garage. Now our by laws state that there can only be a second story of an accessory building **if that second story is a dwelling.**

Again, at no time from application to final approval was a stop work order placed on this accessory building.

As we talk to more potential coach/garage conversion owners we are finding a general consensus on what they were told when they built their garage. Do what ever you want inside, just no stove. Owner occupy for family or guests to stay. They also feel that they are now grandfathered, therefore do not need to apply for Coach house status. Other potential coach homes that have followed the fiasco and are not going to apply, just to have all the fees and costs go down the toilet when denied. They are choosing to carry on using it as they have been, like most other secondary suites.

Mr. Forrest has the support from the majority of his neighbours now, because they have been given the correct information on his building instead of the hysterical rumors that were spread on social media.

Mr. Forrest is financially and physically broken. If nothing is rectified I'm sure he will have no option but to sue the Town for not allowing him to live in the second story of a 2 story building **as is now permitted.**

The towns' bylaws at the time permitted Mr. Forrest to construct this building as it sits now. This issue will never go away and needs to be resolved. I see 4 options:

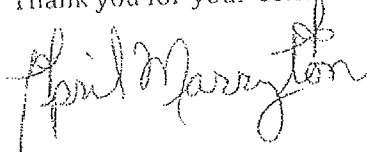
1. An addendum to the Coach House bylaw to reflect the same treatment as the in house suites. All existing ancillary buildings used or designed to be used as a Coach house be given the option to meet the building and safety codes in place at the time of construction. Those structures that were built before the Bylaw was accepted be authorized as legal non-conforming Coach house dwellings.

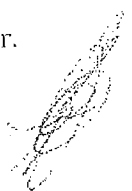
2. Grant Mr. Forrest his Coach house variances and development permit.

3. Grant a subdivision of the property into 2 lots.

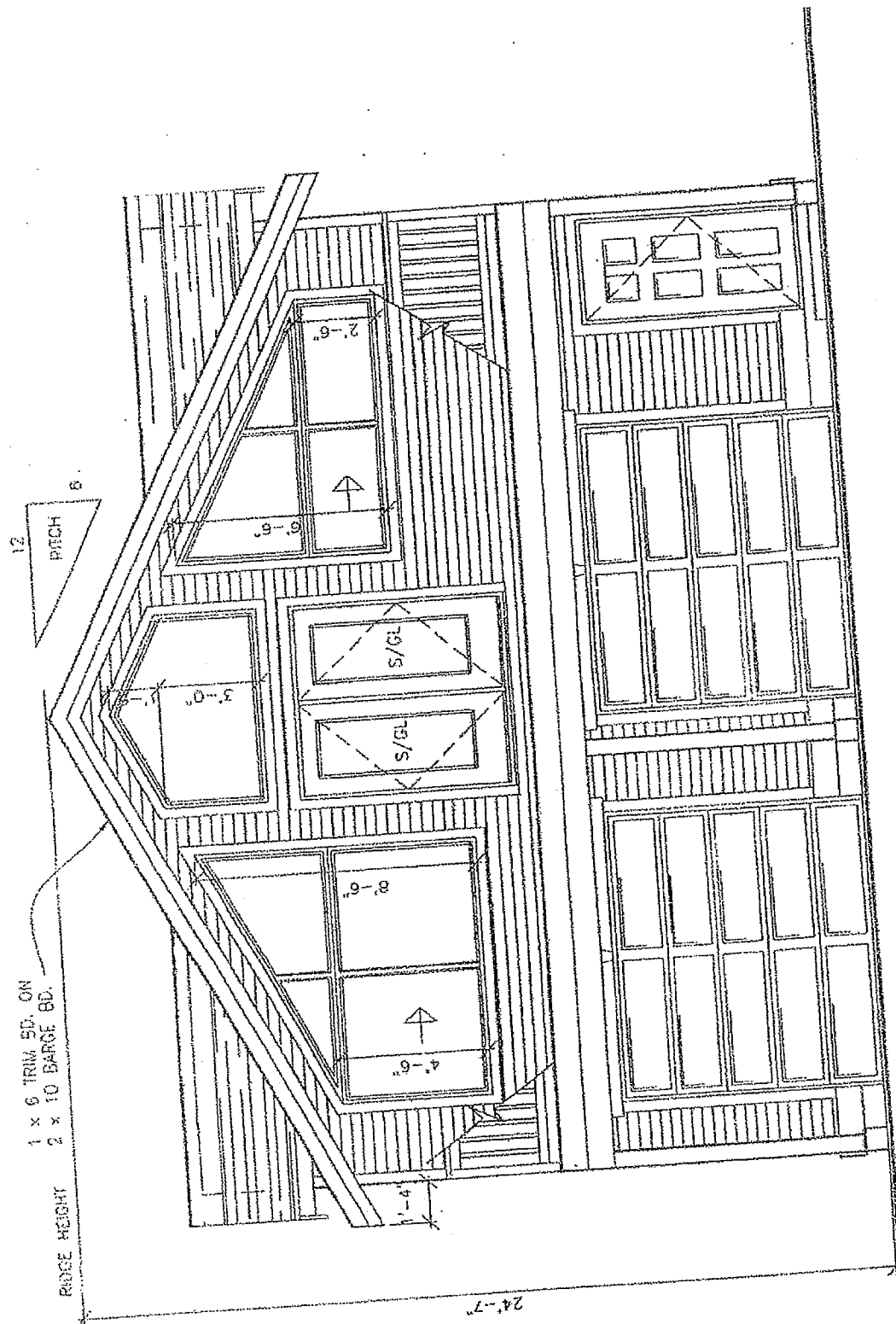
4. At the Towns' expense, remove the building and reimburse Mr. Forrest for the cost of building.

Thank you for your consideration on this matter.


April Marrington


Steve Marrington

Ladysmith



FRONT ELEVATION

(CONFIRM WINDOWS WITH MANUFACTURER)

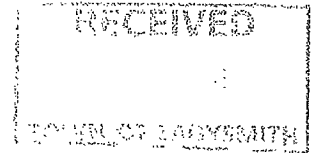
#1 AH

February 26th, 2016

Within Circulation Area

To: The Town of Ladysmith Council and Development Department.

RE: Amended Notice of Development Variance Permit:
DVP 15-03 (410 Third Avenue)
Lot 1, Block 73, District Lot 56, Oyster District, Plan 703A
PID: 008-700-117



I am in favor of granting Mr. Forrest the variances needed to permit the Coach house in the second storey of the existing accessory building.

Too much time, energy and cost has been put into stopping Mr. Forrest from legally being able to reside in his building.

Development with the least impact on the populace starts with legalizing suites. Not just the coach suites that are visible, but all secondary suites, and there are MANY.

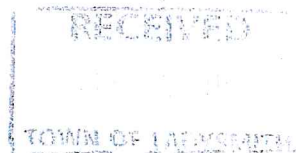
Taxes are being lost when these legal buildings are either sitting empty or being occupied under the radar. Property taxes increase and the utility rates to the town double once a suite is legalized!

Let's stop this bickering, Grandfather these legal buildings and suites and move on to the important issues facing this town right now.

A handwritten signature in dark ink, appearing to read "Vicki Matthews". The signature is fluid and cursive, with a large initial "V" and "M".

Vicki Matthews (Within the neighborhood)

Ladysmith



February 26, 2016

To all Concerned, Mayor, Council and Development Department of Ladysmith.

Development variance Permit Application for
Chuck Forrest @ 410 - 3rd Ave, Ladysmith
Lot 1 Block 73, District Lot 56, Oyster District Plan 703A

Please find attached, 3 pages of signatures from Mr. Forrest's neighbors.

We are in favor of granting Mr. Forrest the needed variances to allow the
legalization of his two-story garage to a garage with Coach house dwelling on
the second floor.

Maria Jacoba VanDerMeiy
Gord Horth
April Fox
Heather Sarchuk
Roy Sarchuk
Gwen Atkin
Lisa Zendran
Nathan Warwick
April Marrington
Steve Marrington
Victoria Matthews
Pat Smith
Dave Smith

Within Circulation Area

13 in favor!

Mayor and Council

RECEIVED
FEB 29 2016

February 29, 2016

I am writing this to show support for the passage of the variances on 410 Third Ave. Ladysmith. There are examples of variances of a far greater order of magnitude than this one presented to Council, a number of these in close proximity to 410 Third Ave.

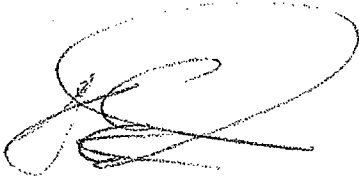
In so far as the aesthetics of the structure and the quality it is of the highest order. It is certainly not an embarrassment in comparison to other buildings within the OLD TOWN designation.

These points allude to the demonizing of both the structure and personally directed at Mr. Forrest. I am not certain why it has conjured up so much fear in some of the population. I feel strongly that there is a lot of misguided thoughts however words either spoken, written or through social media cannot be rescinded. It is because of this you need to know who he is and what values he represents:

- A) Veteran of our Armed services a trained fighter pilot who was charged with the responsibility to support Canada. If necessary to defend the rights of our Democracy one being freedom of speech.
- B) Flew a vast number of missions piloting a spotter plane in advance of water bombers. The purpose was to protect people's lives, jobs, watersheds, forests and animals.
- C) He was forced to leave that position because of a medical condition to go on long-term disability.
- D) He moved here and shortly there after started volunteering his time and money.
- E) Has always paid his taxes even though he is not allowed to live in the dwelling.

In respect to the building it is not going to be demolished and if Mr. Forrest is pressed into forfeiture someone else will purchase the property and seek a variance. I am not certain what possible gain there can be for the Town by rejecting the application. You have a desire for more affordable housing and to bring people into the core, carriage housing is most assuredly a way to achieve it.

The part of this process that is of great concern, that there is a strong likelihood of Mr. Forrest being thrust into personal bankruptcy. This is quite frankly appalling that this could be allowed to happen.

A handwritten signature in black ink, appearing to read 'Gregory R. Edwards'. The signature is stylized with a large, sweeping 'G' and 'E'.

Gregory R. Edwards

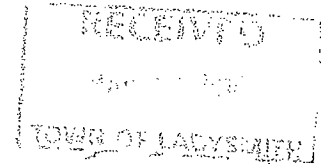
Outside Circulation Area

To Mayor and Council

Town of Ladysmith

Re: Development Variance Permit Application – 410 Third Avenue (Forrest)

Lot 1, Block 73, District Lot 56, Oyster District, Plan 703A



I am writing in support of the Town of Ladysmith granting a Coach House Variance for the property located at 410 3rd Ave., Ladysmith. The owner of the home has built a legal building as per the bylaw for Ancillary buildings at the time it was built. The owner complied with all aspects of the building permit and in the last six years has been compliant with regard to occupancy for all but two months due to health issues and lack of affordable housing. The owner has been in total compliance since the Town sought direction of the Courts.

When Mr. Forrest came to the town, he was told by the then Mayor, the City Manager and Public Works that the town had a vision to have Coach Houses legalized – hopefully in the next two years after he built the structure. Mr. Forrest then worked out of town and felt that by building the structure, all he had to do was wait for Coach Houses to be legalized and then he would simply be able to live in the building as a legal suit. Mr. Forrest sought lodging with family first, then he house sat, then rented an apartment in Nanaimo, then one in Ladysmith. He had lived as a boarder with me for a year and half and now rents in Nanaimo. Mr. Forrest only wanted to be able to legally live on his property once Coach Houses were made legal. Other communities have moved forward with Coach House by-laws, of which many of them are 90 sq. metres. Had Mr. Forrest had any inkling that the height and size would be smaller than what he was allowed to build at that time, he would have made other decisions. He had no way of knowing that something that he was legally allowed to build, would not be given authority to live in when the by-law for Coach Houses was made.

There are approximately 18 2 storey Ancillary buildings in Ladysmith. Many of them have been made into unauthorized suites. Only 410 3rd Ave has been complained about. The building is built out of exceptional materials; it has parking for 4 vehicles on site; it fits in with the form and character of our Town that we deem to be heritage; it fits in with the 2008 Visioning document that was worked on by the Townspeople of Ladysmith and staff and Council; it fits in with infill of infrastructure for less stress on our sewer and water; it is in the old town; it is within walking distance of shopping; it creates affordable housing for a community that has very little to offer ever in the form of rental accommodation; it allows a person to retire and stay in their community instead of having to move away; it fits with the Towns vision and is one of the pillars of sustainability.

By granting the Variance to the property at 410 3rd Ave, precedence has not been challenged. It has already been set with the Coach House property within one block of it and located on Gatacre Street. It has been said that there needs to be more letters written by neighbours to support this application. Neighbours do not want to be pitted against one another; they want quiet enjoyment of their

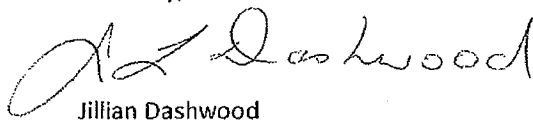
properties. By dragging this out for the last six years, it has created discord within the neighbourhood and throughout the Town of Ladysmith and gives the impression that Ladysmith is ceasing to be seen as an affordable and friendly community. We need to work on a by-law that will allow those properties that were legally built prior to the Coach House by-law as legal, non-conforming. They need to have a permit pulled and need to be made safe. This has successfully been done with in-house suites. We have been a town that has wanted its residents to be happy. We have given Variance to an over height building on the corner of 3rd and Baden Powell, which is quite easily in sight of Mr. Forrest's property. This is yet another precedent.

We need to be able to move on; work with Mr. Forrest with a Development Permit and enjoy his enthusiasm for this community. The property is for sale. By granting this Variance, the property may be sold which with the current circumstances of no Coach House, is very difficult. I implore the Mayor and Council to see fit to have this very proud man have the opportunity to sell his property. There are many potential buyers who have expressed serious interest should the Coach House be made legal.

We have been told that the uphill neighbour lost his view. When the neighbour sold the property (he was one of four owners) – through Real Estate – he was told what was anticipated to be built. If this was to be such an issue, why did the property get sold to Mr. Forrest? The cherry tree that was on the property would have blocked much of the neighbour's view which could not be an ocean view – and which one does not own. The subject property does not block the sunlight, as it is on the northeast side; the building is built with top of the line building materials; there is parking on this corner property for 8 vehicles – four for the Ancillary building alone. The property is well maintained and is pleasant to view.

Let's not destroy this community with neighbours pitted against neighbours. We need to get back to our vision of an affordable, sustainable, friendly community. Please pass this Variance and work with Mr. Forrest on a reasonable Development Permit.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jillian Dashwood', with a stylized, flowing script.

Jillian Dashwood

RECEIVED
Mar 2/16

Outside Circulation Area

Mayor and Council

Town of Ladysmith

2 Mar 2016

I am writing Mayor and Council in support of granting the Variance Request on the property located at 410 Third Ave.

Several years ago Mr Lafontaine and his wife decided to sell their property, 410 Third Ave, to Mr Forrest. It would appear they regret selling the view they formerly owned. That is unfortunate.

The Ladysmith Community Visioning Workshops identified coach houses as a viable and acceptable option to increase the density of our residential neighbourhoods. Mr Forrest, (and at least 18 other homeowners), saw an opportunity to realize a dream of providing affordable housing, while concurrently paying down a mortgage. He built a garage with provisions to upgrade it when Council, in concert with the community, defined the parameters. Prudent planning dictated that he review specifications used in other Vancouver Island Municipalities to ensure his dream would match the likely requirements. The fact Ladysmith Council chose much smaller sizes could not have been predicted.

Mr Forrest suffered a significant decline in health, precluding further gainful employment. Faced with an uncertain economic future, and unable to find suitable affordable housing in Ladysmith, he decided to move into his garage, hoping Council would soon define coach houses in our town. Such was not to be and a complaint was lodged that he was in breach of the Bylaw which prohibits two residences on one property. Council took the unpleasant, but necessary action to evict Mr Forrest until such time as the viability of coach houses would be determined.

Properties with minimal set-back are not without precedent. As noted in Council Sequence number CS-2013-15, Council granted a Variance Request to a developer to build three narrow homes on High St, (lots 7,8 &9). The set-back was reduced from 3.0 metres to 1.5 metres from the adjacent property. The neighbour at 509 High St lost her entire south west view and all of her winter sunshine. Note too, the total separation between each of the new homes was 3.0 metres. That was but one of many difficult decisions Council makes to remain true to the community vision of increased density, focused on providing affordable housing for young families.

Mr Forrest has a dream of living in his coach house; his declining health may very well preclude him from achieving that dream. Any and all subsequent owners of 410 Third Ave will likely have the same or similar dream. Do you think it prudent to condemn future Councils to revisit Variance Requests on this property, in perpetuity? Why would you miss an opportunity to have at least some of the 18 other

homeowners pay the extra water and sewer rates they should be paying? Do you think it appropriate that Real Estate Agents will have great difficulty getting their clients fair market value on any property with a coach house? (Never mind reducing Agent's potential take home pay) How long would your savings last if you were paying a mortgage... and rent?

It would appear that some in our community spend every waking moment trying to crush the dreams of others. The vitriol directed at Mr Forrest, (and Mayor and Council) reveals that we have some in our Town believing in "neighbour hating neighbour". The shocking fact is some people "demonizing" Mr Forrest are supposed "respected" volunteers and community leaders in Ladysmith! That they would openly defame the character of a disabled Canadian Forces Veteran is a disappointing indictment of their own integrity. We are way past "enforcing bylaws". Our beloved town is at risk of being overwhelmed by bitterness.

We help our neighbours make dreams come true in Ladysmith. We are building a town for young families, doing whatever we can to provide affordable housing. Our citizens gave Council direction that coach houses would be a desirable addition to the mix of available rental stock. Let's build on their dreams and grant this Variance Request.

Bill Drysdale

Ladysmith BC

March 6, 2016

To the Mayor and Council of Ladysmith:

I just heard of the unfortunate accident of Councilman Friesenhan. We are wishing him well and hoping for a speedy recovery.

Council is hearing and voting on the continuous issue of the variance permit for 410 3rd Ave. Monday night. I would ask if Council is not represented by a full compliment of council and mayor, that in all fairness to both sides the voting be postponed until all members can be in attendance so this matter can be completed without further misconceptions.

Thank you for your consideration.

April and Steve Marrington

----- Original message -----

From: Pam Fraser

Date: 2016-03-06 10:45 AM (GMT-08:00)

To: Aaron Stone

Subject: 410 Third Ave.

Re Request for Variance and Development Permit for 410 Third Ave.

Mr. Forrest, the owner of an accessory building at 410 Third Ave., is requesting two variances and a development permit so that the upper storey can become a legal coach house. The variances request an increase of 24 sq. m. from the 60 sq. m. in permitted size, and an increase of .8 m. in permitted height. For the development permit, which cannot be altered by a variance, the deck size needs to be addressed. The upper deck on the accessory building is 27.8 sq. m. while the development permit for coach houses only allows a maximum 7.5 sq. m. upper balcony. The staff report suggests that putting railings inside the deck to reduce the "useable area" to 7.5 sq. m, will "meet the intent" of the permit. However the development permit guide makes no mention of "useable area", only maximum size. With the staff suggestion there would still be a deck of 27.8 sq. m.

To grant these variances and a development permit would have negative consequences for Ladysmith. It would be unfair to the other citizens of our town. Going forward, if council does enforce our zoning by-laws and development permit criteria it will mean that other citizens who build coach houses will be limited to 60 sq. m. of living space, while Mr. Forrest is permitted 40% more, as well as a deck 270% larger. Where is the just and equitable treatment of citizens in this?

If, on the other hand, council continues to grant major variances from our by-laws and exemptions from development permits, this will undermine the intent and integrity of both. It will also discredit the hard work of many citizens who were active in the creation of the "rules" which were to govern coach houses.

I remember being told at one citizens' meeting that the proposed laws would protect adjacent neighbours from loss of privacy and other negative impacts of two storey coach houses. At a public hearing on July 14, 2014, on the new coach house by-laws, Councillor Arnett asked, "Could we specify a motion around infringement on the privacy of immediate neighbours?" Mayor Rob Hutchins had a similar concerns about loss of privacy. He said, "Coach houses are quaint to me....But I don't see how when you get to two storeys, you can keep from impacting people's privacy." The accessory building at 410 Third Ave. is a case of these fears being realized. The side windows on the proposed coach house look down and into the neighbouring house. There are other, more just, solutions to the on-going problem of the illegal suite in this accessory building. The upper floor could be structurally altered so it meets the legal requirements for a coach house, or all or part of the building could be moved.

quotes from Ladysmith Chemainus Chronicle, July 29, 2014, p. 5

Sincerely, Pam Fraser

March 4, 2016

Outside Circulation Area

Re: AMENDED NOTICE OF DEVELOPMENT VARIANCE PERMIT
DVP15-03 (410 Third Ave)
Lot 1, Block 73, District Lot 56, Oyster district Plan 703A
PID: 008-700-117

RECEIVED
MAR - 4 2016

Dear Mayor and Council,

This letter represents my formal opposition to this application.

I am dismayed by the necessity to write this letter, given that this matter was previously before council and decided upon. Council voted unanimously to turn down this variance request a year ago and then chose not to enforce the Supreme Court decision regarding the removal of amenities.

I am greatly concerned about some of the comments that have been made in some of the letters supporting the approval of this variance. One letter writer tells you with great certainty that Mr Forrest informed Mr Lafontaine of his intent to develop the property. The only two people who know whether or not this is true are Mr Forrest and Mr Lafontaine and if true, does still not give Mr. Forrest the right to flout Ladysmith by-laws. We trust the Mayor and Council will read these letters with a critical and dispassionate eye and consider only what's relevant to this issue.

Mr. Forrest is certainly not without blame in this issue, I cannot imagine spending hundreds of thousands of dollars based on a wink and a hand shake. He gambled and began construction on this structure knowing full well the bylaw had not yet been created for this type of project. And given that he's asking for a variance, this structure still doesn't conform to the new bylaw!

I have a problem with the concept of "It's easier to say I'm sorry than it is to ask permission." Bylaws are created partly to ensure harmony among neighbours. They help maintain a balance with respect to how we live with others. I expect the same of the people who lead and manage our town. It cost Ladysmith residents money to put bylaws in place, that money and time should not be wasted.

You have a choice before you. The right one is to deny the variance request, order the applicant to remove the amenities, and have Mr. Forrest move out of his garage. Please set a precedence that our bylaws count.

Sincerely,

Sandra Wilson



In 2014 the Town of Ladysmith introduced new Bylaws regulating secondary suites and coach houses. The community had expressed a keen desire to explore new ideas for rentals, mortgage helpers and densification.

Following a lengthy community consultation process, and spending hundreds of thousands of tax dollars, the Town enacted practical, fair, and enforceable bylaws governing a range of diverse housing options. Several coach houses had already been constructed, however, they could not be legally occupied.

One year ago a property owner who had constructed a Coach House prior to the new Bylaws submitted a Variance Permit Application which outlined plans to retroactively legalize his illegal coach house by remodelling the suite to reduce the habitable floor area, and to vary the height of the structure and the setback. The original building permit issued in 2009 was for “a 900 sq ft. Garage”, however, the “garage” also included a second storey 900 sq ft. unlawful Dwelling Unit, complete with living amenities.

In January 2015 at a public meeting Council unanimously denied the Application.

Fast forward to January of 2016 - the Mayor and Council are again being petitioned to consider a Variance Permit Application to waive the bylaws and legalize the same coach house, a second attempt. The applicant would require a Variance to apply for an Occupancy Permit. The big difference this time is that the applicant is asking for a whopping 900 sq ft of habitable floor area, a full 33% increase from his original Application of 2015, and well over the 646 sq ft allowable under the bylaws. The height is also an issue, with the applicant asking for a variance of almost 2.5 ft. Council had the option to not entertain this second Variance Application, but chose, instead, to move forward with the process.

So what happens next? In coming weeks Council will deny, or approve, this Variance Application.

Council made a pledge to this community (at an open public forum) that under no circumstances would “precedence” ever influence future decisions on any Variance Application. EVER! Therefore, there can be no rational explanation for Council to contradict its previous decision of 2015, except if a favourable decision was to stem from a personal interest, rather than the facts of the matter.

The previous Council showed little compassion for the immediate neighbours, a family who, despite their repeated request for a stop work order, were, and continue to be, devastated by this fiasco. They have suffered harassment, complete loss of privacy and enjoyment of their yard, endured illegal shadow and overlook, have lost their view and have suffered devaluation of their primary life asset (their home). This matter has pitted neighbour against neighbour, and has caused great harm to many. I hope that Council recognizes that they are accountable for upholding the Bylaws, Bylaws which they themselves championed, and understand that Bylaws are only of value if they are applied fairly and equitably.

Cathy Gilroy

Ladysmith B.C.

RECEIVED
March 4/16

March 4, 2016

Re: AMENDED NOTICE OF DEVELOPMENT VARIANCE PERMIT
DVP15-03 (410 Third Ave)
Lot 1, Block 73, District Lot 56, Oyster district Plan 703A
PID: 008-700-117

Dear Mayor and Council,

This letter represents our formal opposition to this application.

In short, this should not even be back before council. Council voted unanimously to turn down this variance request a year ago and then chose not to enforce the Supreme Court decision regarding the removal of amenities. It seems that the applicant has done a better job of getting his supporters out. We hear that he went door to door and told all the neighbours the "true" story. It's funny, because he never spoke to us, and we live just two doors up from him. So just to be clear, he does not have the support of everyone in his neighbourhood.

We are greatly concerned about some of the comments that have been made in some of the letters supporting the approval of this variance. The fact that some of them are from the very people who helped create this embarrassment should raise a red flag. One letter writer tells you with great certainty that Mr Forrest informed Mr Lafontaine of his intent to develop the property. We're sorry, but the only two people who know if this is true or not are Mr Forrest and Mr Lafontaine. We trust the Mayor and Council will read these letters with their eyes wide open and consider only what's relevant to this issue.

This unfortunate embarrassment to the Town began with bad information from members of council, and from Town staff. But the applicant is not without blame either. He began construction on this structure knowing full well the bylaw had not yet been created for this type of project. If one is making a decision involving hundreds of thousands of dollars, a little common sense might just be in order. Not just the word of a realtor/town councillor and town staff that things will be changing soon. And given that he's asking for a variance, this structure still doesn't conform to the new bylaw!

We have a problem with the concept of "do it and beg forgiveness later" rather than "first ask for permission." It matters not whether the structure conforms to the bylaws now, which it still doesn't, what matters is this potential for a very messy precedent going forward. We have a problem with living in a town where the rules are not respected. Bylaws are created partly to ensure harmony among neighbours. They help maintain a balance with respect to how we live with others. We teach our children these values. We would expect the same of the people who lead and manage our town. We don't want to live in a place that rewards rule breakers at the expense of the rest of us. If the bylaws aren't respected, then what's the point of having them?

You have a choice before you. The right one is to deny the variance request, order the applicant to remove the amenities, and have Mr. Forrest move out of his garage.

Sincerely,

Heather and Michael Trawick

Ladysmith, BC



March 04, 2016

**Development Variance Permit Application- 410 Third Avenue (Forrest) Lot 1, block 73,
District lot 56, Oyster District, Plan 703A**

Mayor, council and community members,

My name is Aaron Lafontaine, as you all know I am the neighbour who lives beside the accessory building in question and am one family of four in our area who owned a home when Mr. Forrest built his garage. I feel that it is important to note that my family who lives at 312 has been on the forefront of this issue since day one.

Over the past year the owner has gathered some support, I will add by his close friends and their families who obviously would sympathize with Chuck's plight. The signatures in support are from people who are not directly affected by the building of this garage or people who have been misled by the owner.

After reading the letters of support I find myself concerned.

In a letter from Jill Dashwood, she states "had Mr. Forrest had any inkling that the height and size would be smaller than what he was allowed to build at the time, he would of made other decisions." This is absolutely untrue. The members of council who were there at the time including Jill Dashwood knew that there was no plan to legalize suites of that size. In fact Jill Dashwood was the only council member who fought for suites that were the same size as his garage when the TOL decided the new bylaw for secondary suites.

In a letter from April and Steve Marrington they explain "I realize that this all started with the loss of a view from a second story bedroom window." These people did not live in the area when the issue began and have never spoke to me in regards to the garage or why I am opposed. This belief is false and not how it started, I complained to the town when the garage was being built for setback concerns, height issues, size etc... basically a home was built and was called a garage. That is the primary issue and continues to be the issue. In short I understand that I do not own my view. In the letter of support April and Steve state that Mr. Forrest has been unable to work because of the stress of this situation which has led to his illness and accuse me of ruining his life.

I would like to make it clear that I do not have the power to single handedly ruin a man's life, cause an illness or control someone's mood or behaviour.

Furthermore, Mr. Forrest has accused me of following him around our town, looking at his medical records and harassment, this man has made complaints to RCMP more than eight times stating that "Aaron is out to get me; Aaron is following me....etc." All complaints disregarded by RCMP as "your neighbour is acting paranoid." I have made multiple attempts to communicate with Chuck through his friends to alleviate his stress and tried to work towards an agreement. This offer has not been accepted. I have emailed both Bill Drysdale and Jill

Dashwood asking them to assure Chuck that he should not be concerned at all and that I do not wish him any ill will. See attached messages at the end of this letter.

I do not believe that the building of this garage pitted neighbour against neighbour, it has been the constant lies that have separated neighbours in my area. I am not willing to manipulate my neighbours, nor do I have time to go door to door and ask for signatures.

I have four children, work full time as a nurse and use every bit of my spare time to volunteer for Mid Isle soccer club as a coordinator for referees and as part of the executive. I take exception with people that have a hard time being accountable for their decisions and in this case Mr. Forrest is unwilling to accept responsibility for his mistake. The town clearly explained that he would NOT be given occupancy and when he continued to occupy the accessory building the TOL was forced to seek a court order to have the owner conform. The town stated "Mr. Forrest cannot live in the accessory building" Mr. Forrest lived in the building; it is untrue that this was only a two month period due to health concerns. Over a year Chuck lived in the garage full time, which I will add was reported to the town, directly to Rob Hutchins who did his best to catch the owner in the act. After it was clear that Chuck was not going to leave the garage at night, a court order was needed. When he was not "living" in the garage he spent full days 8am-10pm in the garage and would sleep elsewhere. Sometimes at Jill's, sometimes at Nick and Nadine's....ironically many of the people who signed the support petition were the same people who helped him live in this garage illegally.

If this was a popularity contest I may have submitted a petition with many signatures in support of a NO vote.....but this is not a contest...this is an unfortunate story of a man who made a mistake and now has projected the blame on anyone other than himself.

After reading the letters of support it is clear that Mr. Forrest feels that the town wronged him....fair enough, however, his realtor for this property sat on council at the time and was part of all the decisions. She was the only reason that Chuck was misled by anyone affiliated with TOL.

I also read many comments in regards to social media and for whatever reason people do not seem to like being accountable. People now, especially with the Internet, are connected. They have an expectation of behaviour, of accountability and fair and just decisions. When this is not achieved people use social media to express frustration. This is the time we live in.

As for Mr. Forrests character, this is NOT the issue, the issue is about an illegal suite. I can say that the majority of people involved in this whether they are in support of Mr. Forrest or opposed are all valuable members of our community that we all love. Again, this is a question of bylaws and following the rules...no-one's character is being questioned.

You may approve or deny this request today and going forward this decision will set a precedent, if denied it will show that Ladysmith has reasonable limits when building suites and that everyone is expected to follow these bylaws.

A variance request is also important and makes sense in certain circumstances but in this situation there is no sad story, there is no grandfather clause, this is simply a man who built a garage and did not care what the rules were, was willing to spend his money on building a garage that he was told he could not live in. This is not about my view, the cherry tree...those were just drops of vinegar in the wound, the real issue is the giant home built 1.5 metres off my property line that has ten windows facing my front yard, the large deck that hovers over my kids while they play, I paid for and planted trees to help give us privacy and they now grow towards the yellow wall, the neighbor takes the liberty to hang over the fence and cut the branches. This is not a human rights issue; this is not a request to feel sorry for a man who is allegedly having a tough time financially. If it were he may have considered different options when purchasing a \$309,000 home and building a \$250,000 suite. This is a variance request, the second annual and this time it is to ask for more use.

I can only hope that council and mayor make the decision that they know is the right one.

Kind Regards,

Aaron Lafontaine

Noelle Fetchko

****I have attached four messages that I sent to people in hopes of letting Chuck know that I was not out to get him, he continued to contact RCMP.**

Message to Bill Drysdale August 7 2012

Hi Bill, I was wondering if you could ask Chuck if I would be able to access his property to paint my fence that faces his garage, I notice that you visit him and as Chuck and I seem to be not on good terms I felt that it would be smart to ask his friend instead of directly approaching Chuck. I need to find a way to sand the paint off without getting it all over his strawberries and raspberry bushes and without coming on to his property I do not think I can achieve this. I hope your summer is going good and I look forward to a response. Thanks, Aaron Lafontaine

Message to Rob Hutchins Feb 27, 2014

I was shocked yesterday to receive a call from local RCMP asking me to stop taking photos of my neighbour "chuck" He has not been there very often and in my opinion I thought everything was going well, apparently he believes that I am photographing him regularly, if you speak to him ever maybe let him know that I do not photograph him and have no reason to do so. If I am concerned that he is using the garage I email you and go from there. I am a little worried that he is becoming paranoid; he pops in to the garage about once or twice a week but does not stay there. I hope the place sells so all of this nonsense can stop. Anyways enjoy the snow. Aaron

Message to Bill Drysdale Jan 28 2015

Not trying to put you in the middle of this but Chuck called the RCMP on me again saying I was stalking him. I coach soccer practice at the Primary school from 630-730, immediately after I drove home two players, one who lives on Hambrook St off of 4th, I passed the police station, turned left on Metheun and when I got to the stop sign on 4th Chuck was standing at the intersection, we made eye contact, I turned left and carried on my way. He called the RCMP again, he is very paranoid and I am concerned about his mental health, the police are also questioning his motives. If he is actually concerned, being his friend I was hoping that you could either let him know that I have no time in my day to stalk him, I could care less what he does other than living in the garage next to me.

Thx Aaron

Message to Jill Dashwood July 17th, 2015

Sorry to bother you, over the last few days my boys ages 8&12 have said "dad whenever you drive away Chuck waves and says "I love you neighbour" he says bye bye, see you soon" anyway it does not bother me as I understand he doesn't like me, however, my kids like Chuck and my family does not have a problem with him just the situation that we disagree on, if you could just mention to him that the kids do not need to hear hi comments. I just thought that being his friend you wouldn't mind passing that on for me.

Aaron

--

Aaron

Nick & Nadine Epp-Evans

Within Circulation Area

1 March 2016.

RECEIVED
Mar 3/16

Ref; Your file 3090-15-03
P.I.D: 008-700-117.

NOTICE OF DEVELOPMENT VARIANCE PERMIT:
DVP 15-03 (410 THIRD AVENUE).

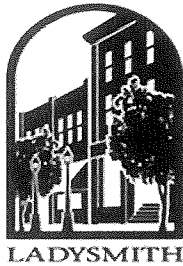
ATTN: FELICITY ADAMS / TOWN COUNCIL.

Please accept this correspondence as full support for the granting of a Variance permit for the above mentioned property.

From my house, I see two recently (well six years!) built carriage houses. Both look similar.... One, residency is granted, the other not! I fully support both as they show modern investment in my direct area, and coincide with my views of densification of the downtown area.

Contrary to the words of a councillor at a recent town meeting, the property was built in compliance with the bylaws at the time. Mr Forrest has rented, or housesat elsewhere, and has been in full compliance. Not as the councillor stated (on record) as 'snubbing his nose to the town'. My conclusion being that she referred to social media and gossip, and not the towns own records of events. This has been very poorly managed over such a long period of time. If it is personal, then please note that Mr Forrest intends to sell, so at least permit the variance so that he can at least achieve this, and the town can finally move on.


Nick Epp-Evans



Town of Ladysmith

STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: March 1, 2016
File No: 3060-14-06

Re: Development Permit Application 3060-14-06, 410 Third Avenue (Charles Forrest)
Lot 1, Block 73, District Lot 56, Oyster District, Plan 703A

RECOMMENDATION(S):

That subject to Council issuing Development Variance Permit 3090-15-03, Council issue Development Permit 3060-14-06 to permit the issuance of a building permit for the conversion of the second storey of an existing accessory building to a coach house dwelling on Lot 1, Block 73, District Lot 56, Oyster District, Plan 703A (410 Third Avenue);

AND THAT the Mayor and Corporate Officer be authorized to sign the Development Permit.

PURPOSE:

The purpose of this staff report is to present for Council's consideration a Coach House Intensive Residential Development Permit application.

INTRODUCTION/BACKGROUND:

Currently a single unit dwelling and accessory building are located on the property. The applicant has submitted a development permit application to permit the issuance of a building permit for a coach house dwelling unit in the second storey of the accessory building. A development variance permit application is also being considered for the size and height of a coach house building at 410 Third Avenue.

SCOPE OF WORK:

The subject property falls within the 'Coach House Intensive Residential Development Permit Area' (DPA 10). The objective of DPA 10 is to establish good neighbour design standards, as well as encourage building character and sustainable design for coach homes. The proposed coach house design has been reviewed in relation to the DPA 10 guidelines:

Building Character & Design Guidelines

The design guidelines recommend that the massing and scale of the accessory building not overpower the buildings on neighbouring properties. The massing of the accessory building was legal at the time it was constructed. The building has a pitched roof and is 7.43 metres in height. The maximum permitted height for coach house buildings is 6.6 metres, thus the proposal is first subject to the approval of a height variance which is also before Council.

The guidelines address 'overlook' when a coach house dwelling unit is located on the second storey of an accessory building. The dormers and windows facing the side and rear

yard do not exceed 50% of the building length. An upper level deck faces Roberts Street. The existing upper level deck area is 27.8m² (300ft²), thus is not modest in size. It is recommended that the deck area be modified such that the useable area is reduced to 7.5m² by installing matching railings on the existing deck. Making structural changes to the deck was also reviewed and it is recommended that redesign will meet the intent of the guidelines while maintaining the overall design of the existing building.

The exterior colours and materials of the accessory building are not consistent with the primary dwelling. However the quality of the construction, exterior materials, windows, doors and trim is good.

Accessibility and Liveability Guidelines

The proposed coach house is oriented to Roberts Street and there is accessibility to the primary coach house entrance from the street. The address number for the coach house dwelling would need to be in a location so that it is clearly visible from the street.

Landscaping Guidelines

Since the coach house would be located in an existing accessory building no tree removal is required. Drought resistant landscaping exists near the entry of the coach house. The parking area for the accessory building has previously been paved. Recycling, garbage and compost bins are stored in a small building at the rear of the proposed coach house. An at-grade outdoor area of approximately 7.5 m² in size (with paved and permeable surface), exists at the entry to the proposed coach house, and is used as a sitting area. The applicant has planted two tall cedar shrubs to create more privacy for this outdoor area.

Energy and Water Conservation Guidelines

The accessory building already contains a heat pump for heating and cooling the building. The building is solar hot water ready. Low flush toilets and a hot water on-demand system is installed in the building.

ALTERNATIVES:

While the issuance of a Development Permit is not a completely discretionary decision of Council, Council may decide to not issue Development Permit 14-06 where the refusal is based upon a determination that the development permit application does not meet the Development Permit Area guidelines. If the Development Permit is refused then reasons must be given. The determination by Council must be in good faith and it must be reasonable, not arbitrary.

FINANCIAL IMPLICATIONS:

None.

LEGAL IMPLICATIONS:

A development variance permit and development permit is required prior to issuance of a building permit for the change of use.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Development Permit applications do not require statutory notice.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The development permit application was referred to the Infrastructure Services Department for review and they have no servicing issues with the proposal. The Building Inspector advises that a building permit will be required to legally convert the building to a residential use. The proposed change of occupancy would require building permit approvals to demonstrate compliance with the B.C. Building Code. Home warranty insurance may also be required from the Homeowner Protection Office.

RESOURCE IMPLICATIONS:

Processing development permit applications is within available staff resources.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

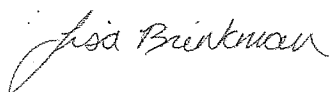
The Sustainable Development Checklist completed by the applicant indicates that the existing accessory building has been constructed with a heat pump, solar hot water potential, low flush toilets, and a hot-water on demand system.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Effective land use planning and community design are strategic Council directions.

SUMMARY:

The owner of 410 Third Avenue has applied for a Coach House development permit. The proposal has been reviewed utilizing the DPA 10 guidelines. The DP 14-02 approval is subject to Council first approving the associated DVP 15-03 application.



Report Author: Lisa Brinkman, Senior Planner

I concur with the recommendation:



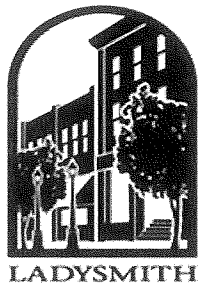
Felicity Adams, Director of Development Services



Ruth Malli, City Manager

ATTACHMENTS:

Development Permit 3060-14-06



TOWN OF LADYSMITH DEVELOPMENT PERMIT

(Section 489 *Local Government Act*)

FILE NO: 3060-14-06

DATE: March 7, 2016

Name of Owner(s) of Land (Permittee): Charles James Forrest

Applicant: Charles James Forrest

Subject Property (Civic Address): 410 Third Avenue

1. This Development Permit is subject to compliance with all of the bylaws of the Town of Ladysmith applicable thereto, except as specifically varied by this Permit.
2. This Permit applies to and only to those lands within the Town of Ladysmith described below, and any and all buildings structures and other development thereon:

Lot 1
Block 73
District Lot 56
Oyster District
Plan 703A
PID# 008-700-117
(referred to as the "Land")
3. This Permit has the effect of authorizing:
 - (a) the issuance of a building permit to install a coach house dwelling unit in an existing accessory building on the Land in accordance with the plans and specifications attached to this Permit, and subject to all applicable laws except as varied by this Permit; subject to the conditions, requirements and standards imposed and agreed to in section 5 of this Permit.
4. This Permit does not have the effect of varying the use or density of the Land specified in Zoning Bylaw 2014, No. 1860.

5. The Permittee, as a condition of the issuance of this Permit, agrees to:
- a) *Modify the second storey deck of the accessory building, using panels that match the existing deck railing, such that the useable and accessible deck area is a maximum of 7.5m².*
 - b) *Place address numbers for the coach house building such that the address numbers are clearly visible from the street.*
6. Notice of this Permit shall be filed in the Land Title Office at Victoria under s.503 of the *Local Government Act*, and upon such filing, the terms of this Permit (3060-14-06) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
7. If the Permittee does not substantially start any construction permitted by this Permit within **one year** of the date of this Permit as established by the authorizing resolution date, this Permit shall lapse.
8. The plans and specifications attached to this Permit are an integral part of this Permit.
9. This Permit prevails over the provisions of the Bylaw in the event of conflict.
10. Despite issuance of this permit, construction may not start without a Building Permit or other necessary permits.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL OF THE TOWN OF LADYSMITH
ON THE ____ DAY OF _____ 201__.

MAYOR

CORPORATE OFFICER

OWNER

PLEASE PRINT NAME

OWNER

PLEASE PRINT NAME