



TOWN OF LADYSMITH

A REGULAR MEETING OF THE
COUNCIL OF THE TOWN OF LADYSMITH
WILL BE HELD IN COUNCIL CHAMBERS AT CITY HALL ON
MONDAY, JUNE 15, 2015
Municipal Services Committee Meeting 6:30 p.m.
Regular Open Meeting 7:00 p.m.
Closed Meeting following the Regular Meeting

AGENDA

1. AGENDA APPROVAL

2. MINUTES

2.1. Minutes of the Regular Meeting of Council held June 1, 2015.....1 - 4

3. REPORTS

3.1. Municipal Services Committee Recommendation
(Meeting of June 15, 2015 – recommendation to be circulated at the meeting)

The Municipal Services Committee has requested that Council consider a time-sensitive recommendation regarding proposed Fees and Charges that is on the Municipal Services Committee agenda earlier on June 15.

4. CORRESPONDENCE

4.1. Duck Paterson, Ladysmith Cops for Cancer Tour de Rock Committee
Request for Approval of Proposed Carving during 2015 Loggers Show.....5

Staff Recommendation

That Council consider granting permission for chainsaw artist Dan Richies to create a permanent carving for the Town at the Steam Donkey during Logger Sports 2015, as outlined in the correspondence from the Ladysmith Cops for Cancer Tour de Rock Committee, and that staff be directed to work with the artist on an appropriate design for the proposed carving.

5. NEW BUSINESS

5.1. Grant Application for 2015/2016 Community to Community Forum

The Town has the opportunity to work with the Stz'uminus First Nation on a Community to Community Forum with funding to be provided through a grant from the Community to Community Forum Program of the Union of British Columbia Municipalities. The details of the forum will be

determined by the Naut'sa Mawt Steering Committee and the two Councils, but the forum is intended to plan initiatives on issues of mutual concern to both communities.

Staff Recommendation

That Council direct Staff to apply to the Community to Community Forum Program of the Union of British Columbia Municipalities for \$3,500 to support a joint event between the Town of Ladysmith and Stz'uminus First Nation, with matching funds to be provided by both organizations in the form of cash and in-kind contributions.

6. UNFINISHED BUSINESS

- 6.1. Reconsideration of a Matter (S. 131 *Community Charter*)**
Development Variance Permit Application 3090-15-01– Marrington (325 Gatacre Street) Lot 7, Block 73, District Lot 56, Oyster District, Plan 703A 6 - 16

At the June 1, 2015 Regular Meeting, Council **defeated** the following resolution:

CS 2015-207

That Council:

1. *Grant a Development Variance Permit (3090-2015-01) to vary the height, size and siting for a coach house dwelling located within an existing accessory building on Lot 7, Block 73, District Lot 56, Oyster District, Plan 703A (325 Gatacre Street);*
2. *Authorize the Mayor and Corporate Officer to sign the Development Variance Permit.*

In accordance with Sec. 131 of the *Community Charter*, Mayor Stone has requested reconsideration of this matter.

7. DEVELOPMENT APPLICATIONS

- 7.1. Development Permit Application 3060-15-06, 325 Gatacre Street (Marrington)..... 17 - 21**
Lot 7, Block 73, District Lot 56, Oyster District, Plan 703A
Subject to Agenda Item 6.1

Staff Recommendation:

That prior to Council's consideration of Coach House Intensive Residential Development Permit 3060-15-06 (325 Gatacre Street) the applicant will be required, pursuant to the Development Permit Area 10 Design Guidelines, to amend the application and provide a site plan that includes:

- Building Character and Design
 - Frosting or otherwise obscuring the windows on the east side (second storey) to discourage overlook.
- Accessibility and Livability

- A continuous unobstructed pathway with a minimum width of 90cm from Gatacre Street to the coach house dwelling entrance.
- Landscaping in the space between the side of the coach house dwelling and the lane to enhance the lane.
- Motion detecting lighting on the building to increase the safety of the lane.
- Landscaping
 - A screened area or structure for on-site coach house dwelling garbage and recycling.
 - A cedar hedge to define the at-grade amenity area for the coach house dwelling resident (minimum 1.2 metres in height at installation).

8. QUESTION PERIOD

- A maximum of 15 minutes is allotted for questions.
- Persons wishing to address Council during “Question Period” must be Town of Ladysmith residents, non-resident property owners, or operators of a business.
- Individuals must state their name and address for identification purposes.
- Questions put forth must be on topics which are not normally dealt with by Town staff as a matter of routine.
- Questions must be brief and to the point.
- Questions shall be addressed through the Chair and answers given likewise. Debates with or by individual Council members or staff members are not allowed.
- No commitments shall be made by the Chair in replying to a question. Matters which may require action of the Council shall be referred to a future meeting of the Council.

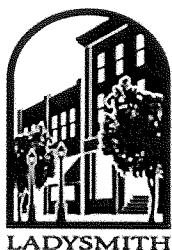
9. CLOSED SESSION

In accordance with section 90(1) of the *Community Charter*, this section of the meeting will be held *In Camera* to consider the following items:

- the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality.

10. RISE AND REPORT

11. ADJOURNMENT



TOWN OF LADYSMITH
MINUTES OF A REGULAR MEETING OF COUNCIL
MONDAY, JUNE 1, 2015
COUNCIL CHAMBERS, CITY HALL

CALL TO ORDER 6:30 P.M.
CLOSED MEETING 6:31 P.M.
REGULAR OPEN MEETING 7:00 P.M.

COUNCIL MEMBERS PRESENT:

Mayor Aaron Stone
Councillor Joe Friesenhan
Councillor Duck Paterson

Councillor Steve Arnett
Councillor Carol Henderson

Councillor Cal Fradin
Councillor Rob Hutchins

STAFF PRESENT:

Ruth Malli
Felicity Adams
Sue Bouma

Sandy Bowden
Clayton Postings

Erin Anderson

CALL TO ORDER

Mayor Stone called this Regular Council Meeting to order at 6:30 p.m.

CLOSED SESSION

CS 2015-203

Moved and seconded:

That Council retire into Closed Session at 6:31 p.m. in order to consider the following items:

- personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality
- litigation or potential litigation affecting the municipality

Motion carried.

RISE AND REPORT

Council rose from Closed Session at 6:59 p.m. without report.

REGULAR MEETING

Mayor Stone reconvened the Regular Meeting of Council at 7:05 p.m. and acknowledged the traditional territory of the Stz'uminus First Nation.

AGENDA APPROVAL

CS 2015-204

Moved and seconded:

That the agenda for the Regular Council Meeting of June 1, 2015 be approved with the addition of the following items:

- 6.3 Staff Report re Rezoning of 606 Farrell Road (Town-initiated)
- 10.1 Town of Ladysmith Zoning Bylaw 2014, No. 1860 Amendment Bylaw (No. 2), 2015, No. 1881

Motion carried.

MINUTES

CS 2015-205

Moved and seconded:

That the minutes of the Regular Meeting of Council held May 4, 2015 be approved.

Motion carried.

CS 2015-206

Moved and seconded:

That the minutes of the Special Meeting of Council held May 11, 2015 be approved.

Motion carried.

PROCLAMATIONS

Mayor Stone proclaimed June 6, 2015 as **Access Awareness Day** in the Town of Ladysmith as a day of individual and group action to promote positive ways of building accessibility together to create accessible and inclusive communities for all citizens.

Mayor Stone proclaimed June 6, 2015 as **National Health and Fitness Day** in the town of Ladysmith to celebrate and promote the importance and use of local health, recreational, sports and fitness facilities.

Mayor Stone proclaimed June 20 and 21, 2015 as **Be a Home Town Tourist Weekend** in the Town of Ladysmith to encourage local residents to become acquainted with their community and to become supporters and ambassadors of local businesses and attractions.

DEVELOPMENT APPLICATIONS

Development Variance Permit Application 3090-15-01– Marrington (325 Gatacre Street) Lot 7, Block 73, District Lot 56, Oyster District, Plan 703A

Applicant April Marrington addressed Council regarding her application for Development Variance Permit 3090-15-01.

Gord Horth of 320 Gatacre expressed support for the application.

Pam Fraser of 750 Colonia Drive expressed her opposition to the application.

DEFEATED

CS 2015-207

Moved and seconded:

That Council

1. Grant a Development Variance Permit (3090-2015-01) to vary the height, size and siting for a coach house dwelling located within an existing accessory building on Lot 7, Block 73, District Lot 56, Oyster District, Plan 703A (325 Gatacre Street);
2. Authorize the Mayor and Corporate Officer to sign the Development Variance Permit.

Motion defeated.

Opposed: Councillor Henderson, Councillor Paterson, Councillor

Staff Report re Rezoning of 606 Farrell Road (Town-initiated)

Moved and seconded:

CS 2015-208

That Council receive the report from the Director of Development Services regarding the rezoning of the property at 606 Farrell Road, and consider giving first and second reading to Bylaw 1881 cited as "Town of Ladysmith Zoning Bylaw 2014, No. 1860 Amendment (No. 2), 2015, No. 1881" and direct staff to schedule a Public Hearing.

Motion carried.

REPORTS

Recommendation from the Parks, Recreation and Culture Commission (Code of Conduct)

Moved and seconded:

CS 2015-209

That Council adopt the "Appropriate Behaviour Policy/Code of Conduct" as recommended by the Parks, Recreation and Culture Commission

Motion carried.

Recommendation from the Parks, Recreation and Culture Commission (Use of Showers at Frank Jameson Community Centre).....

Moved and seconded:

CS 2015-210

That Council consider not supporting the shower-only fee at Frank Jameson Community Centre as recommended by the Parks, Recreation and Culture Commission.

Motion carried.

Opposed: Mayor Stone, Councillor Hutchins, and Councillor Arnett

CORRESPONDENCE

Peter Ronald, Local Government Program Services

2015 Asset Management Planning Program – Grant Approval and Terms and Conditions

Moved and seconded:

CS 2015-211

That Council accept with appreciation the grant from the 2015 Asset Management Planning Program for Phase I (Assessment) in the amount of \$10,000, and amend the Financial Plan accordingly.

Motion carried.

Peter Harrison, Destination British Columbia

Confirmation of Community Tourism Opportunities Funding

Moved and seconded:

CS 2015-212

That Council accept with appreciation the grant from the Destination BC Community Tourism Opportunities Program in the amount of \$8,400 and amend the Financial Plan accordingly.

Motion carried.

NEW BUSINESS

Ladysmith Downtown Business Association Liability Insurance Coverage – Old Tyme Christmas Event

Moved and seconded:

CS 2015-213

That Council authorize the execution of a Service Provider Agreement

between the Town of Ladysmith and the Ladysmith Downtown Business Association for the provision of promotional services and assisting local businesses in establishing themselves within Ladysmith, and that the Ladysmith Downtown Business Association be required to pay the \$250 annual fee for the additional liability coverage provided by the Municipal Insurance Association of BC.
Motion carried.

Grant Application – Canada 150 Community Infrastructure Program
Moved and seconded:

CS 2015-214

That Council direct staff to apply for the Canada 150 Infrastructure Program for grant funding of a maximum of \$500,000, to cover up to 50 per cent of the costs to repair the Machine Shop, with the remaining funding sources to come from taxation or other grant programs.
Motion carried.

**UNFINISHED
BUSINESS**

Town of Ladysmith Zoning Bylaw 2014, No. 1860 Amendment Bylaw (No.2), 2015, No. 1881

Moved and seconded:

That Town of Ladysmith Zoning Bylaw 2014, No. 1860 Amendment Bylaw (No.2), 2015, No. 1881 be read a first and second time.
Motion carried.

Mayor Stone noted that a Public Hearing will be held on June 22, 2015 at 7:00 p.m. in City Hall Council Chambers regarding Bylaw No. 1881.

QUESTION PERIOD

Members of the audience asked questions of Council regarding a date for the staff report on the tree bylaw, the definition of social enterprise, the opportunity for shower-only fees at facilities other than FJCC, Town insurance coverage in the event of legal action, and the reasoning behind the second public hearing for the rezoning pertaining to 606 Farrell Road.

ADJOURNMENT

CS 2015-215

Moved and seconded:

That this meeting of Council adjourn at 8:40 p.m.
Motion carried.

CERTIFIED CORRECT:

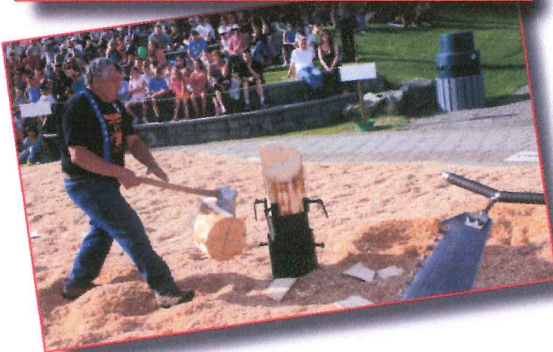
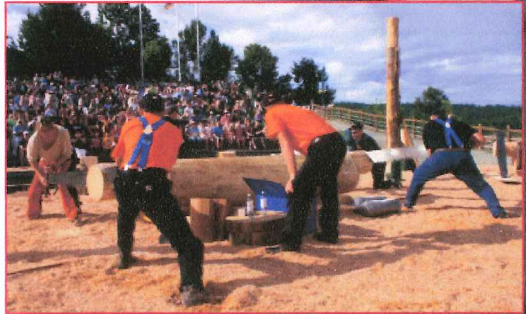
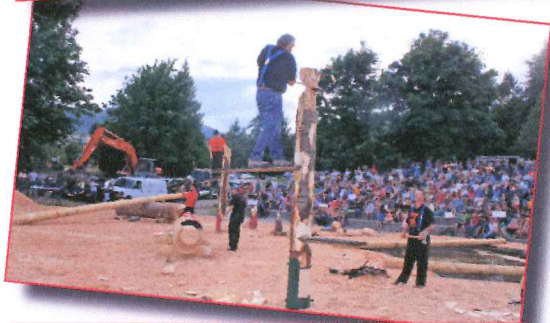
Mayor (A. Stone)

Corporate Officer (S. Bowden)

They're Back!

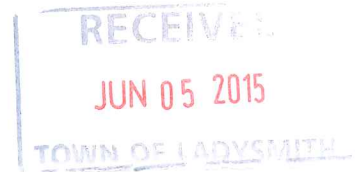
... in support of the Cops for Cancer Tour de Rock

The Loggers are back!



June 4, 2015

Mayor Stone and Council
Town of Ladysmith,
P.O. Box 220,
Ladysmith, B.C.



Dear Mayor Stone and Council:

As you can see... Loggers Sports is going to comeback to Ladysmith. We have been fortunate enough to find a sponsor for a show this year Sunday, Sept. 6th at 4pm ... at the Amphitheatre.

We have also been approached by the folks at Walker's Saws about doing something during the show as well as making a lasting mark for Ladysmith. They have approached well known chainsaw artist, Dan Richie, and he has agreed to do a carving during the Loggers show. Their proposal is that a carving be done on the skid logs that the steam donkey is on, on Transfer Beach Blvd. What is being proposed is either the words "Transfer Beach" or "Ladysmith" be carved on the side of the log along with a couple of loggers or characters depicting logging.

Parks & Rec & Culture Director, Mr. Postings, has been contacted and does not have an issue with the proposal but suggested we write to council for official approval.

If approval is given then Mr. Richie will be asked to do a final suggestion of what he could do and that will be given to Mr. Postings.

The carving will take an entire day so it will be an attraction for all the local folks as well as visitors going down to the beach. It will also be there as long as the logs are there and be a piece of "log art" for many, many years.

With the generosity of the Walker's in covering these carving costs as well as sponsor to cover the cost of putting on the Loggers Sports all funds raised ... 50/50 draw, admission by donation, hot dog/smokies sales (haven't told you who's doing that yet), and any other fundraising during the show will go to the Tour de Rock Cops for Cancer for all the kids going to camp!

We want to thank you for your time and consideration of this request. Looking forward to your favourable reply.

Sincerely

Duck Paterson
Duck Paterson
Organizer



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: May 26, 2015
File No: 3090-15-01

Re: Development Variance Permit Application – Marrington (325 Gatacre Street)
Subject Property: Lot 7, Block 73, District Lot 56, Oyster District, Plan 703A

RECOMMENDATION(S):

That Council consider issuing a Development Variance Permit (3090-15-01) to vary the height, size, and siting for a coach house dwelling located within an existing accessory building on Lot 7, Block 73, District Lot 56, Oyster District, Plan 703A (325 Gatacre Street).

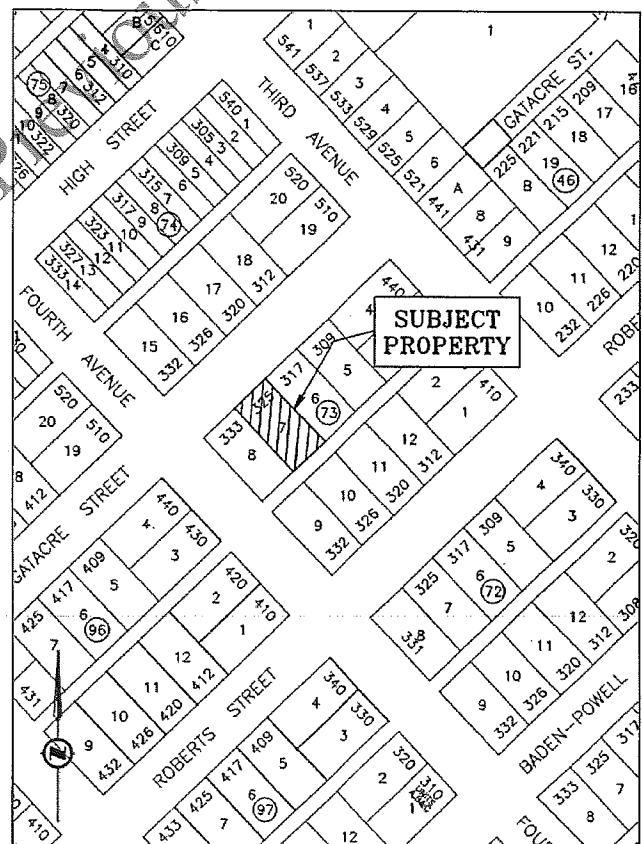
AND THAT the Mayor and Corporate Officer be authorized to sign the Development Variance Permit.

PURPOSE:

The purpose of this staff report is to obtain Council direction regarding a development variance permit application for the siting, height and floor area of a proposed coach house dwelling in an existing two-storey accessory building located at 325 Gatacre Street.

INTRODUCTION/BACKGROUND:

The applicants, April and Stephen Marrington, are requesting variances for the height, siting, and floor area of a proposed coach house in the second storey of an existing accessory building at 325 Gatacre Street. Currently a single unit dwelling, gazebo, and accessory building are located on the property. To permit a coach house dwelling in the second storey of the accessory building the applicants are requesting a variance for: 1) the maximum permitted floor area for a coach house building; 2) the maximum height for a coach house building; and 3) the required distance between the coach house and the principal dwelling.



At its meeting held April 20, 2015 Council directed staff to proceed with statutory notice for development variance permit application 3090-15-01.

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)' and is 669m² in size. The dwelling was renovated and the accessory building was constructed in 2007. The accessory building is 6.93 metres in height (as determined by a height survey) and has a floor area of 66.9m² (720ft²), which was a permitted height and size for accessory buildings in 2007. The accessory building meets the siting requirements of Zoning Bylaw 2014, No. 1860.

To construct a coach house dwelling in the second storey of the accessory building the applicant is requesting three variances:

- 1) To vary the maximum permitted floor area of a proposed coach house dwelling from 60m² (645.8 ft²) to 66.9m² (720ft²);
- 2) To vary the maximum permitted height of a proposed coach house dwelling from 6.6 metres to 6.93 metres; and
- 3) To vary the minimum distance between a proposed coach house dwelling and principal dwelling from 6 metres to 3.13 metres.

If the development variance permit application is successful, a coach house development permit and building permit will be required.

Table 1: Proposed Variances for Coach House – 325 Gatacre Street

	Zoning Bylaw 2014, No.1860	Proposed	Proposed Variance
Coach house floor area	60m ² maximum	66.9m ²	6.9m ² (74ft)
Coach house height	6.6m maximum	6.93m	0.33m (1ft)
Required distance between coach house and principal dwelling	6m	3.13m	2.87m (9.4ft)

ALTERNATIVES:

To not support DVP application 3090-15-01

FINANCIAL IMPLICATIONS:

None



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 3090-15-01 was sent to neighbouring properties (within 60 metres of the subject property) on April 22, 2015. At the time of

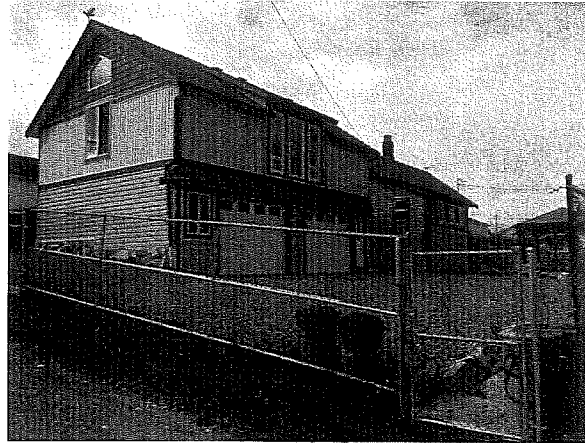


Figure 1: Accessory building at 325 Gatacre St., view from lane.

writing this report the Town had received four written submissions and one verbal submission by phone (all from residents and property owners within 60 metres). The four written submissions are included with tonight's meeting agenda. In summary, the comments are:

- One letter does not support the proposed variances in principle and mentions a loss of privacy with the second storey windows at the rear of the building overlooking a rear yard.
- Three letters and one verbal submission supports the proposed variances for the following reasons:
 - One letter supports the variances as it allows for densification and affordable housing in Ladysmith,
 - Two letters expressed support for the proposed variances and expressed appreciation for the renovations and improvements made to the land and buildings on the property,
 - One verbal submission has no objections to the proposed variances but feels the chainlink fence is not in character with the old town residential neighbourhood. Suggests that the chainlink fence should be softened or removed.

The Coach House Development Permit guidelines recommend a window at the rear of a coach house building on a lane to allow for eyes on the lane to improve lane safety. The chainlink fence at the rear is a full sliding gate to permit vehicle access to the garage. Council may consider imposing logically connected conditions in its consideration of the DVP application.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Development Variance Permit application 3090-15-01 has been referred to the Infrastructure Services Department. There are no servicing issues.

RESOURCE IMPLICATIONS:

Processing Development Variance Permit applications is within available staff resources.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

The applicant completed a 'Sustainable Development Checklist' and indicates that the proposed coach house dwelling adds to the diversity of housing in the area, increases density in the Town's existing neighbourhoods, creates affordable housing, and states the accessory building was built to an Energuide 80 standard.

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 height, siting, and floor area of a proposed coach house in the second storey of an existing accessory building at 325 Gatacre Street.

I concur with the recommendation.

R. Malli

Ruth Malli, City Manager

ATTACHMENTS:

Public Submissions (4)
DVP form 3090-15-01

Within Circulation Area

RECEIVED
APR 27 2015

April 27, 2015

Your file # DVP 3090-15-01

Council of the Town of Ladysmith

Re: NOTICE OF DEVELOPMENT VARIANCE PERMIT:
325 Gatacre Street.

Please be advised we have no objection
whatever to the variance application
requested.

Now this property is rather elegant, old
stylish and well maintained.

VM  Matthews

Within Circulation Area

Patricia & David Smith

RECEIVED
APR 28 2015

Ladysmith, BC

April 28, 2015

Attention: Council of the Town of Ladysmith

**Re: Notice of Development Variance Permit:
DVP 15-01 (325 Gatacre Street) Lot 7
Block 73, District Lot 56, Oyster District
Plan 703A, PID:008-700-168
Your file # DVP 3090-15-01**

We wish to inform you of our thoughts regarding the above mentioned permit.

April and Stephen Marrington are good neighbors. We appreciate living across the street from people who keep such a nice property, which in turn brings value to our street, and new life to Old Town Ladysmith.

We have no objection to them being granted a variance.

Sincerely

Patricia G. Smith
David L. Smith

**Patricia G, Smith
David L, Smith**

Diane Webber

From: Lisa Brinkman
Sent: April 29, 2015 11:31 AM
To: Diane Webber
Subject: FW: Variance of 325 Gatacre, Ladysmith

Within Circulation Area

Lisa Brinkman MCIP, RPP
Planner
Town of Ladysmith – Development Services
Box 220-132C Roberts Street
Ladysmith, BC V9G 1A2
250.245.6410

From: Chuck Forrest
Sent: April 29, 2015 10:33 AM
To: Lisa Brinkman
Subject: Variance of 325 Gatacre, Ladysmith

I, Charles Forrest of Ladysmith, do support the variance request of 325 Gatacre, Ladysmith.
I do not wish to see more families on the street due to previous illogical decisions on the coach house issue. For a family to immigrate into Ladysmith, invest a considerable amount of money, follow all of the bylaws and building codes available at the time and yet be penalized for not having the foresight to anticipate much harsher restrictions then in-house suites. The town has spent considerable funds to advertise their desire of densification and affordable housing and yet in practice are browbeaten by some of the NIMBYS in town.

Please review this application carefully. These structures need not sit empty while enterprising have followed your rules and yet are being punished for not being clairvoyant.

Chuck Forrest



This email has been checked for viruses by Avast antivirus software.
www.avast.com

Within Circulation Area

May 11, 2015 at 9:45 am

In response to the notice of development variance permit for

DVP 15-01 (325 Gatacre St.)

Lot 7, block 73, district lot 56, Oyster District, plan 703A

PID: 008-700-168

I live at right next door to the LARGE garage at 410 3rd Avenue and know what it feels like to have my privacy taken without any regard to how I felt. The accessory building in question has already driven away a young family who lived directly across the alley. The loss of privacy due to a large window that faced their back yard made their dream home into a home that they sold for much less than the purchase price. I feel that allowing owners to vary the size of these dwellings that were built without regard to the bylaws at the time put residents like me in a terrible position as our property values decrease and our quality of lives are affected.

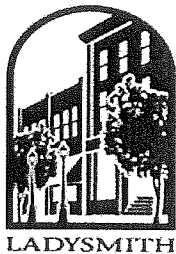
I also know that the accessory building next to me has had the owner living there for the last five years and has not been enforced due to many different reasons and has cost tax payers. The accessory building at 325 Gatacre does not affect my property value, however, I worry that allowing this variance request will only cause the neighbours and the Town of Ladysmith future issues as it is clear that the main goal is to live within the accessory building, similar to the situation in the accessory building at 410 3rd Avenue. In my opinion the town needs to take a stand. If anything this may decrease the tax dollars that are spent by TOL to monitor, enforce and respond to complaints in the future.

My issue is not with the owners but with the simple fact that bylaws are there for a reason and I feel that the TOL must respond to this particular situation in the same way that they did with 410 3rd Avenue, please do not set a precedent that can cause further concerns for the town staff.

My family and I are opposed to approving the variance request for 325 Gatacre.

Regards,

Aaron Lafontaine, Noelle Fetchko



**TOWN OF LADYSMITH
DEVELOPMENT VARIANCE PERMIT**
(Section 920 Local Government Act)

FILE NO: 3090-15-01

DATE:

Name of Owner(s) of Land (Permittee): April Marrington and Stephen Marrington

Applicant: April Marrington and Stephen Marrington

Subject Property (Civic Address): 325 Gatacre Street

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 7, Block 73, District Lot 56, Oyster District, Plan 703A – PID: 008-700-168
(325 Gatacre Street)**

3. Section 6.5 “Coach House Regulations” in the “Town of Ladysmith Zoning Bylaw 2014, No. 1860” as amended, is varied for the subject property as follows:

From:

Part 6.5 (b) A Coach House Dwelling, where permitted in this 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 this Bylaw, shall satisfy all of the following conditions: ii) “Shall not exceed a Gross Floor Area of 66.9 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) 6.93 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."

AND

From:

Part 6.5 (b) A Coach House Dwelling, where permitted in this Bylaw, shall satisfy all of the following conditions: (v) "Shall not be located closer than 6.0 metres to the *Principal Dwelling*, as measured between the foundations of each."

To:

Part 6.5 (b) A Coach House Dwelling, where permitted in this Bylaw, shall satisfy all of the following conditions: (v) "Shall not be located closer than 3.13 metres to the *Principal Dwelling*, as measured between the foundations of each."

4. The land described herein shall be developed strictly in accordance with terms and conditions and provisions of this Permit.
5. 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 **April Marrington and Stephen Marrington** other than those contained in this permit.

Signed

Title

Date

Signed

Title

Date

Witness

Occupation

Date

Witness

Occupation

Date

Reviewed at a Previous Meeting



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Felicity Adams, Director of Development Services
Date: May 26, 2015
File No: 3060-15-06

Re: Development Permit Application 3060-15-06, 325 Gatacre Street (Marrington)
Subject Property: Lot 7, Block 73, District Lot 56, Oyster District, Plan 703A

RECOMMENDATION(S):

Subject to Council's approval of DVP 3090-15-01 which is on the Council agenda earlier tonight:

That prior to Council's consideration of Coach House Intensive Residential Development Permit 3060-15-06 (325 Gatacre Street) the applicant will be required, pursuant to the DPA 10 Design Guidelines, to amend the application and provide a site plan that includes:

Building Character and Design

- Frosting or otherwise obscuring the windows on the east side (second storey) to discourage overlook.

Accessibility and Livability

- A continuous unobstructed pathway with a minimum width of 90cm from Gatacre Street to the coach house dwelling entrance.
- Landscaping in the space between the side of the coach house dwelling and the lane to enhance the lane.
- Motion detecting lighting on the building to increase the safety of the lane.

Landscaping

- A screened area or structure for on-site coach house dwelling garbage and recycling.
- A cedar hedge to define the at-grade amenity area for the coach house dwelling resident (minimum 1.2 metres in height at installation).

PURPOSE:

The purpose of this staff report is to present for Council's consideration a Coach House Intensive Residential Development Permit application for 325 Gatacre Street.

INTRODUCTION/BACKGROUND:

Currently a single unit dwelling, two-storey accessory building and gazebo 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 siting, floor area, and height of the proposed coach house.

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 and livability, as well as encourage building character and sustainable design for coach house dwellings. The coach house dwelling proposal has been reviewed in relation to the DPA 10 guidelines and Zoning Bylaw requirements.

Building Character and Design

- The building exists and external changes to it are not proposed. The massing of the accessory building was legal at the time it was constructed. A DVP is under consideration for size and height.
- While the existing accessory building is higher than the dwelling onsite, it is in scale with the other properties in the neighbourhood. It has a pitched roof.
- The building design and materials are harmonious with the design and materials of the principal residential building.
- There are no windows on the west side (second storey). The windows on the east side (second storey) could be frosted or otherwise obscured as they are full-length and cause overlook. (See Figure 1) The immediate neighbour to the east has indicated no objection to the proposal through the DVP notification process.
- The building has no upper level balcony.

Accessibility and Livability

- A delineated pathway with a minimum width of 90cm should be provided from Gatacre Street to the coach house entrance to provide a clear entry to the coach house dwelling similar to the pathway to the primary residence.
- The address for the coach house will be placed so that it is visible from Gatacre St.
- The proposed coach house entry faces the side yard and is accessible from the lane. The second storey windows facing the lane provide for "eyes on the lane".
- The space between the lane and the building is permeable (gravel), but is not attractively landscaped to enhance the lane.
- Motion detecting light could be placed on the building to increase the safety of the lane.

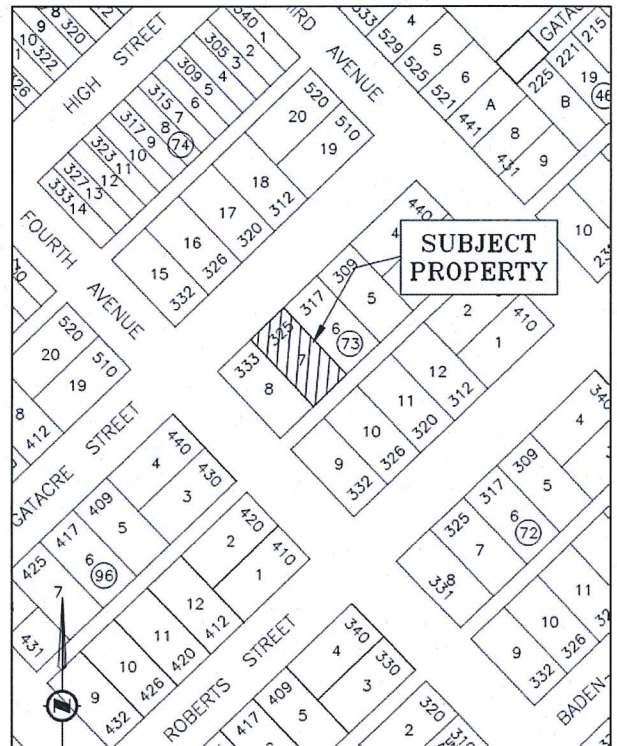


Figure 1: Proposed Coach House Dwelling (second storey) - 325 Gatacre Street (view from lane)

Landscaping

- The rear of the property and side yard has chain-link fencing. Wood fencing, landscaping or neither is more common along the lane in the immediate area. The types of permitted fence material are not specified in the DPA 10 guidelines.
- Additional landscaping has been proposed to define the at-grade outdoor amenity space (gazebo) for the coach house inhabitants as the amenity space is not immediately adjacent to the coach house. (see Figure 2 which was provided by the applicant in response to questions about on-site landscaping)
- A screened area or structure for garbage and recycling must be provided.
- The parking area for the coach house is gravel.

Energy and Water Conservation

- The applicant indicates that the accessory building meets the Energuide 80 energy efficiency standard.

Summary

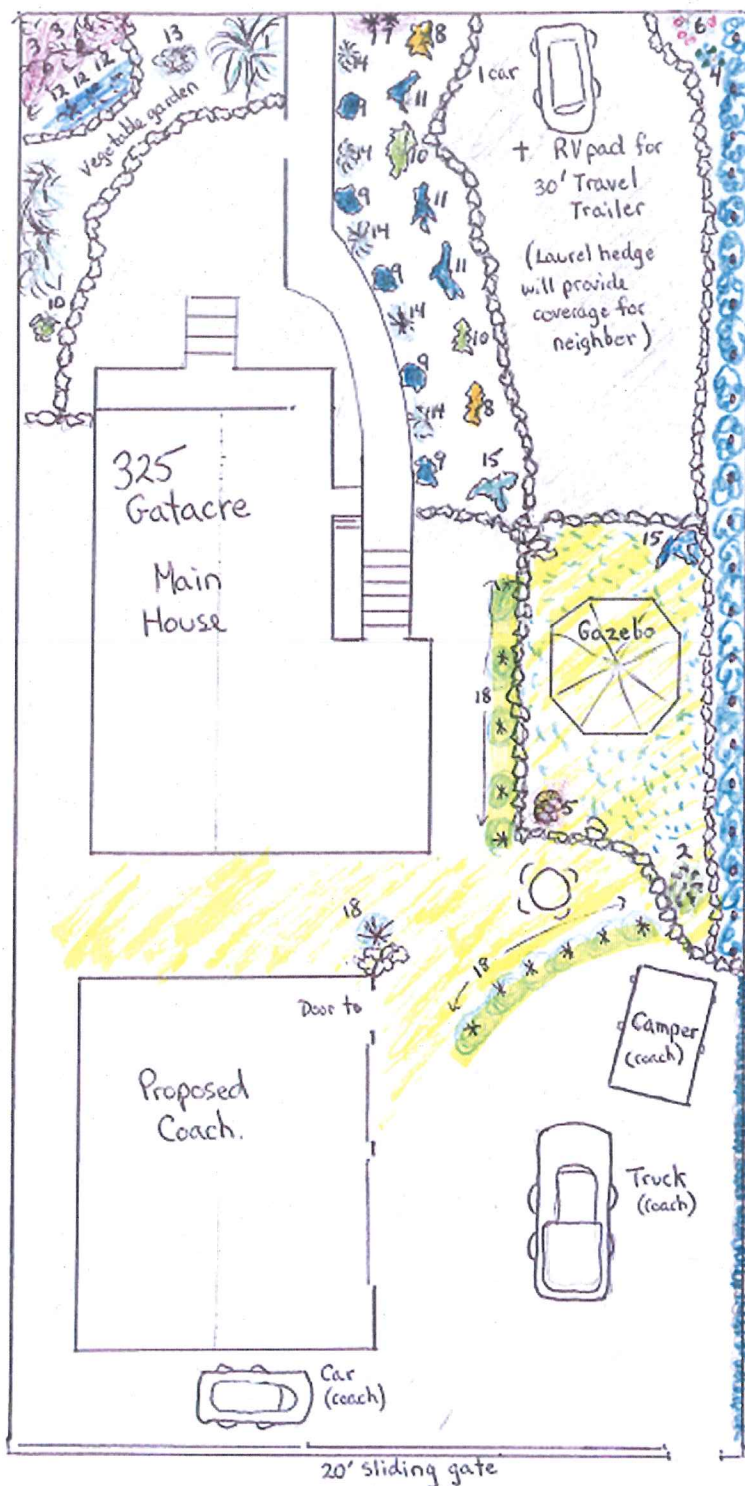
An objective of the DPA 10 guidelines is to create livability for all residents, including the new coach house inhabitants and neighbours. This livability should apply now and in the future. As the application is for an accessory building conversion to a coach house dwelling, obscuring the second floor windows and changes to the amenity space are items that can be modified to meet the guidelines for a coach house dwelling in an existing building.

The applicant has indicated that the materials used for the yard and fencing have been selected as durable and to minimize required maintenance. It is the recommendation of staff that, if Council approves the Development Variance Permit application, there should be some changes to the proposal in response to the guidelines before the Development Permit is considered by Council.

The recommended changes and development permit conditions include:

- Frosting or otherwise obscuring the windows on the east side (second storey) to discourage overlook. (Guideline 1f)
- A continuous unobstructed pathway with a minimum width of 90cm from Gatacre Street to the coach house dwelling entrance. (Guideline 2a)
- Place address numbers for the coach house dwelling such that the address is clearly visible from Gatacre Street. (Guideline 2c)
- Place motion detecting lighting on the building to increase the safety of the lane. (Guideline 2d(v))
- Landscaping in the space between the side of the coach house dwelling and the lane to enhance the lane. (Guideline 2d(iv))
- A screened area or structure for on-site coach house dwelling garbage and recycling. (Guideline 3e)
- A cedar hedge to define the at-grade amenity area for the coach house dwelling resident (minimum 1.2 metres in height at installation) so as to be distinct from the yard for the primary residence. (Guideline 3g)

Figure 2: Site Plan with landscaping – 325 Gatacre Street.



2 different aggregate used w/ Decorative Rocks

Trees (Planted)

- 1 Western Red Cedar
- 2 Split leaf Maple
- 3 Lilac
- 4 Huckleberry
- 5 Tree Rose
- 6 Quince Japonica

Shrubs (Planted)

- 7 Pink Blueberry **
- 8 Pieris Japonica
- 9 Box wood
- 10 Evonymus
- 11 Juniper
- 12 Rododendron
- 13 Nesting Spruce
- 14 Cypress
- 15 Varigated Juniper

Hedging (Planted)

- 16 Laurel
- 17 Ivy-varigated slow grow

Grass

Proposed for further privacy.

- 18 Emerald green Cedar
- Would add privacy from Main house and Parked Vehicles.

Private Area for Proposed Coach house

14 x 35 = 490 sq ft

(30' or 7.5m required)

ALTERNATIVES:

That Council does not consider the Development Permit application 3060-15-06 as the associated Development Variance Permit was not approved.

FINANCIAL IMPLICATIONS: None.

LEGAL IMPLICATIONS:

A development variance permit and development permit is required prior to issuance of a building permit to construct the coach house dwelling in the existing accessory building.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Development Permit applications do not require statutory notice. However, as a result of the statutory notice for the associated development variance permit application, input was received regarding the windows on the second storey of the rear wall causing overlook, and the character of the chain-link fencing at the rear.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The proposal for a coach house dwelling on the subject property was referred to the Infrastructure Services Department for review. They have no servicing issues with the proposal.

RESOURCE IMPLICATIONS:

Processing development permit applications is within available staff resources.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

The applicant completed a 'Sustainable Development Checklist' and indicates that the proposed coach house dwelling adds to the diversity of housing in the area, increases density in the Town's existing neighbourhoods, creates affordable housing, and states the accessory building was built to an Energuide 80 standard.

ALIGNMENT WITH STRATEGIC PRIORITIES:

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

SUMMARY:

The owners of 325 Gatacre Street have applied for a Coach House Intensive Residential Development Permit. The proposal has been reviewed utilizing the DPA 10 guidelines. Its consideration is subject to Council first approving the associated development variance permit application. If the development variance permit application is approved it is recommended that the applicant submit a revised site plan to address the staff recommendations in this report.

I concur with the recommendation.

R. Malli

Ruth Malli, City Manager