

A SPECIAL MEETING OF THE
COUNCIL OF THE TOWN OF LADYSMITH
AGENDA
4:30 P.M.

Monday, July 15, 2019
Council Chambers, City Hall

Pages

1. CALL TO ORDER (4:30 P.M.)

2. REGULAR MEETING

3. AGENDA APPROVAL

Recommendation

That Council approve the agenda for this Special Meeting of Council for July 15, 2019

4. MINUTES

4.1 Minutes of the Special Meeting of Council held July 8, 2019

5

Recommendation

That Council approve the minutes of the Special Meeting of Council held July 8, 2019.

5. DEVELOPMENT APPLICATIONS

5.1 Development Variance Permit – 120 Kinsmen Place (John Schlitz)

8

Recommendation

That Council not support Development Variance Permit 3090-19-06.

5.2 Development Variance Permit - 4142 Thicke Road (Town of Ladysmith)

18

Recommendation

That Council:

1. Issue Development Variance Permit 3090-19-05 for 4142 Thicke Road to:
 - a. Vary Zoning Bylaw No. 1860 by reducing the required front setback from 6m to 1.5m and the east side setback from 3.0m to 1.5m for buildings 12m or less in height.
 - b. Vary Subdivision and Development Servicing Bylaw No. 1834 by not requiring a connection to the Town sanitary sewer system at time of building permit, and that a connection is required within two years of it being available. In the interim and approved onsite septic system is required.
2. Authorize the Mayor and Corporate Officer to sign Development Variance Permit 3090-19-05

6. BYLAWS - OFFICIAL COMMUNITY PLANNING AND ZONING

6.1 Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 56) 2019, No.1989 and Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 23) 2019, No.1990

25

Subject property: 422 1st Avenue

(Lot A, District Lot 56, Oyster District Plan VIP67911)

Recommendation

That Council:

1. Adopt "Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 56) 2019, No. 1989."
2. Adopt "Town of Ladysmith Zoning Bylaw, 2014, No. 1860, Amendment Bylaw (No. 23) 2019, No.1990".

7. BYLAWS

7.1 Town of Ladysmith Building Fire Sprinkler System Repeal Bylaw 2015

28

The purpose of Bylaw 2015 is to repeal Town of Ladysmith Building Fire Sprinkler System Bylaw 2017, No. 1940, as previously directed by Council.

Recommendation

That Council adopt Bylaw 2015, cited as "Town of Ladysmith Building Fire Sprinkler System Repeal Bylaw 2019."

8. NEW BUSINESS

9. UNFINISHED BUSINESS

10. 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.

11. CLOSED SESSION

Members of the public are welcome to attend all Open Meetings of Council, but may not attend Closed Meetings.

In accordance with section 90(1)(g)(l) of the *Community Charter*, this section of the meeting will be held *In Camera* to consider items related to: discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [*annual municipal report*] - section 90(1)(l).

Recommendation

That, in accordance with section 90(1) of the *Community Charter*, Council retire into closed session in order to consider items related to: discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under

section 98 *[annual municipal report]* - section 90(1)(l).

12. ADJOURNMENT



MINUTES OF A SPECIAL MEETING OF COUNCIL

Monday, July 8, 2019

6:30 P.M.

Council Chambers, City Hall

Council Members Present:

Mayor Aaron Stone
Councillor Duck Paterson
Councillor Amanda Jacobson
Councillor Rob Johnson

Councillor Tricia McKay
Councillor Marsh Stevens
Councillor Jeff Virtanen

Staff Present:

Guillermo Ferrero
Erin Anderson
Geoff Goodall

Lisa Brinkman
Mike Gregory
Andrea Hainrich

1. CALL TO ORDER (6:00 P.M.)

Mayor Stone called this Special Meeting of Council to order at 6:00 p.m., recognizing the traditional territory of the Stz'uminus People.

2. AGENDA APPROVAL

CS 2019-244

That Council approve the agenda for this Special Meeting of Council for July 8, 2019.

Motion carried

3. MINUTES

3.1 Minutes of the Public Hearing and Special Meeting of Council held June 24, 2019

CS 2019-245

That Council approve the minutes of the Public Hearing and Special Meeting of Council held June 24, 2019.

Motion carried

4. BYLAWS- OFFICIAL COMMUNITY PLANNING AND ZONING

4.1 Zoning Bylaw Amendment: Bylaw 2012

CS 2019-246

That Council adopt “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 25) 2019, No. 2012.”

Motion carried

5. REPORTS

5.1 Revitalization Tax Exemption – Economic Options

CS 2019-247

That Council Direct staff to amend the Revitalization Tax Exemption – Economic Revitalization Bylaw 2012, No. 1807 to include a 10 year exemption for the following conditions:

1. Property owners must invest a minimum of \$2.5 million dollar in new construction improvements;
2. The municipal property tax exemption in years 1 through 5 will be 100% on the increased assessed value;
3. The municipal property tax exemptions in years 6 through 10 will decrease by 10% each year as outline in the staff report (Declining Exemption after 5 years – option B); and
4. The construction project must commence after July 1, 2019.

Motion carried

6. BYLAWS

6.1 Town of Ladysmith Building Fire Sprinkler System Repeal Bylaw 2015

CS 2019-248

That Council give first, second, and third reading of Bylaw 2015, cited as “Town of Ladysmith Building Fire Sprinkler System Repeal Bylaw 2019, No. 2015”

Motion carried

OPPOSED: Councillor Jacobson

7. CLOSED SESSION

CS 2019-249

That this Special meeting of Council recess at 7:02 p.m., and that Council retire into closed session.

Motion carried

That, in accordance with section 90(1) of the Community Charter, Council retire into closed session in order to consider items related to the following:

- 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 - section 90(1)(e)
- the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose - section 90(1)(i)
- information that is prohibited, or information that if it were presented in a document would be prohibited - section 90(1)(j)

10. ADJOURNMENT

CS 2019-250

That this Special meeting of Council adjourn at 7:23 p.m.

Motion carried.

Mayor (A. Stone)

Deputy Corporate Officer (E. Anderson)

STAFF REPORT TO COUNCIL

Report Prepared By: Julie Thompson
 Date: July 8, 2019
 Report Reviewed By: Lisa Brinkman, Senior Planner
 Meeting Date: July 15, 2019
 File No: DVP 3090-19-06
 RE: DEVELOPMENT VARIANCE PERMIT – 120 KINSMEN PL.

RECOMMENDATION:

That Council not support Development Variance Permit 3090-19-06.

PURPOSE:

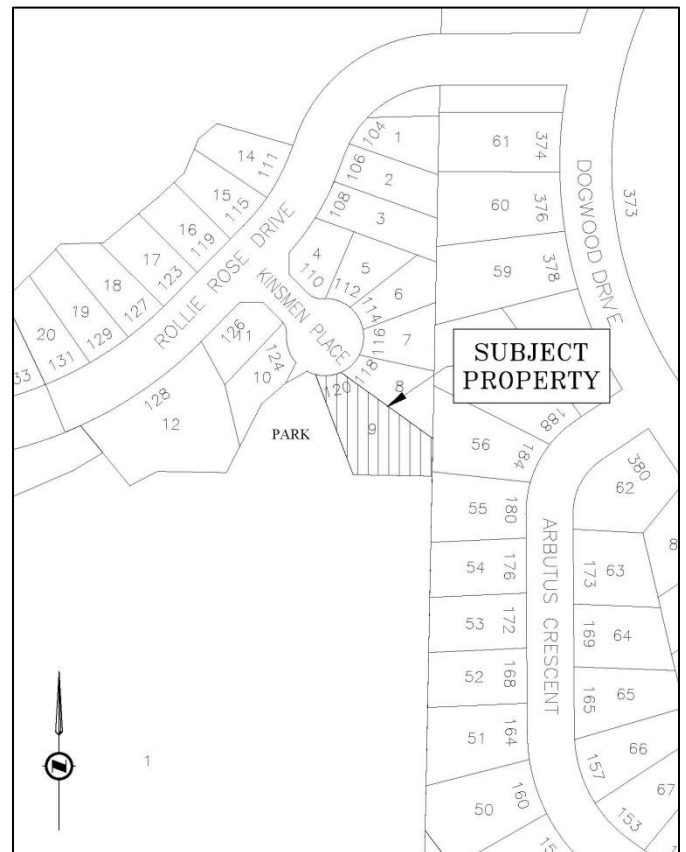
The purpose of this report is to present for Council’s consideration a development variance permit (DVP) application for a proposed variance to reduce the minimum parcel frontage width required for a secondary suite use at 120 Kinsmen Place.

PREVIOUS COUNCIL DIRECTION:

None.

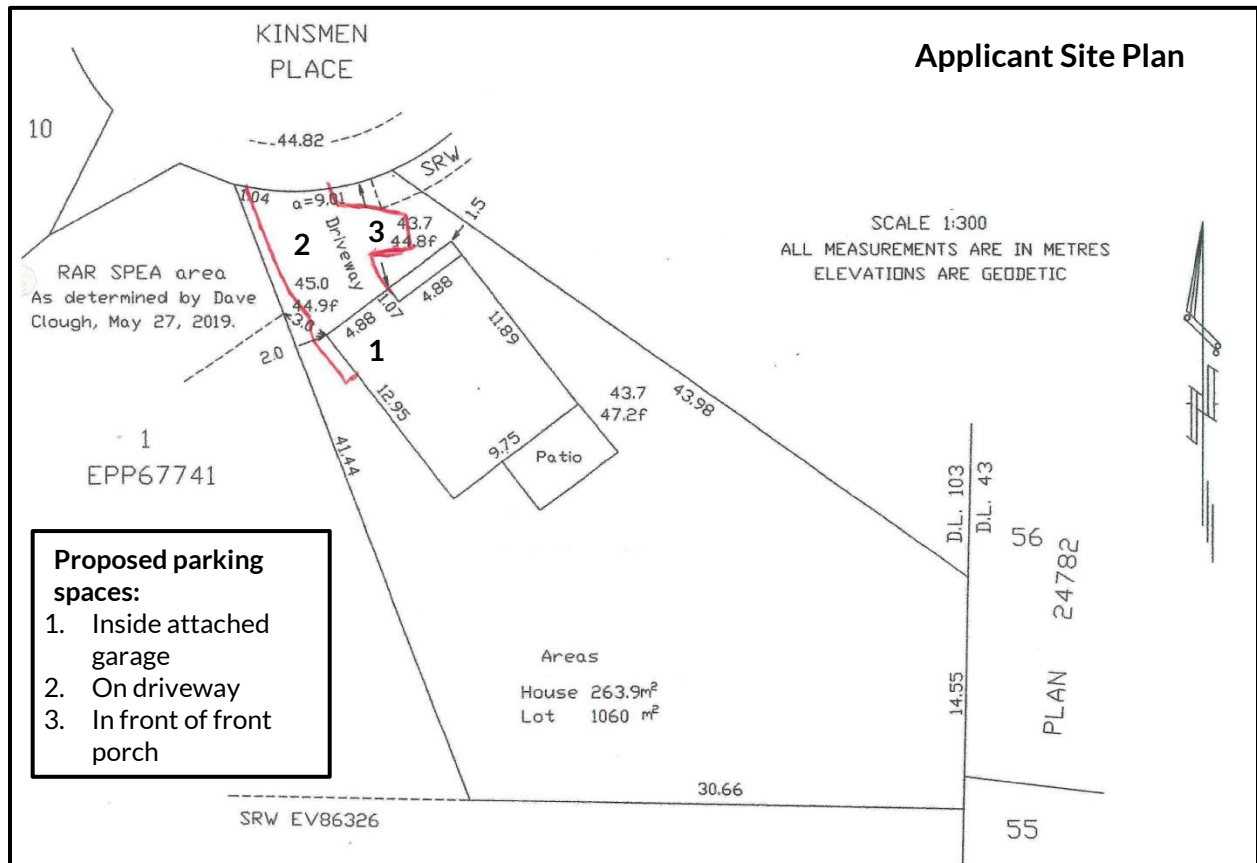
INTRODUCTION/BACKGROUND:

A single family dwelling is currently under construction at 120 Kinsmen Place. The siting of the dwelling is shown on the applicant’s site plan. The applicant is proposing to construct a secondary suite inside the rear portion of the dwelling within the basement and has applied for a DVP to seek approval to vary the minimum parcel frontage width to allow a secondary suite.



The property is within the Single Dwelling Residential – Holland Creek Area (R-1-HCA) zone which requires a minimum parcel frontage width of 18.28m and a minimum parcel area of 668m² to allow a secondary suite. The property at 120 Kinsmen Place exceeds the parcel area requirement but does not meet the frontage requirement. The subject

property's frontage width is 9m, thus the applicant has applied to vary the required frontage width from 18.28m to 9m to allow a secondary suite.



DISCUSSION:

Kinsmen Place is a cul-de-sac street containing eight single family residential parcels, all with frontages too narrow to allow a secondary suite. Parcel frontages on a cul-de-sac are often not wide enough to accommodate overflow parking on-street without blocking driveways. The minimum frontage and parcel size requirements for secondary suites in the R-1-HCA zone are meant to address this issue. Parking regulations under the Zoning Bylaw require one parking space for a single family dwelling and one additional parking space for a secondary suite, to be accommodated on the parcel (off-street). The Zoning Bylaw also allows residential parking to be accommodated in tandem.

The applicant is proposing three parking spaces; two spaces in tandem and a third parking space in the front yard, as shown on the site plan. However, the siting of the dwelling close to the front parcel line allows little room for parking in the front yard. Proposed parking space 3 would not be large enough to accommodate a standard parking space (2.6m x 5.8m) and parking space 2 would block entry to the garage. Despite tandem parking being permitted, a tandem parking scheme in the front yard on 120 Kinsmen Place would not be appropriate as the parcel is located on a cul-de-sac where parking congestion is a concern.

Prior to commencement of the dwelling construction, staff advised the applicant to adjust the siting of the dwelling to accommodate a driveway and parking for the secondary suite along the side of the house adjacent to the suite entrance, in order to mitigate potential parking issues. The applicant chose to maintain the original siting for the house and has provided a rationale letter for Council's consideration (see attachment).



Dwelling under construction at 120 Kinsmen Place

ALTERNATIVE:

That Council:

1. Issue Development Variance Permit 3090-19-06 to vary the minimum frontage required for a Secondary Suite use in the R-1-HCA zone from 18.28 metres to 9.0 metres.
2. Authorize Mayor and Corporate Officer to sign Development Variance Permit 3090-19-06.

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 DVP. This is a discretionary decision of Council. Public notification is required.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Development Procedures Bylaw No. 1667 provides that DVP applications may proceed directly to neighbourhood notice. The notice regarding DVP 3090-19-06 was delivered and sent to neighbouring properties within 60m of the subject property on June 26th, 2019.

At the time of writing this report, the Town has received two written submissions regarding the proposed variance, one in support and one not in support. The letter not in support of the proposed variance is from a resident within the notice's 60m circulation area with concerns regarding an increase in density and parking congestion on Kinsmen Place.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The application has been referred to the Infrastructure Services Department, Building Inspector and Bylaw Compliance Officer for review. The Bylaw Compliance Officer acknowledges that parking congestion on cul-de-sacs is an ongoing issue. The Building Inspector has noted that in accordance with Section 32(2) of the Streets and Traffic Bylaw 1998, No. 1309, parking is prohibited in front of, or within 2m on either side of a public or private driveway, walkway or cycle path. As such, it may not be possible for any parking to be legally accommodated on-street within the cul-de-sac, as there is a park adjacent to 120 Kinsmen Place containing an entry to a public walkway.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings | <input type="checkbox"/> Multi-Use Landscapes |
| <input type="checkbox"/> Innovative Infrastructure | <input type="checkbox"/> Local Food Systems |
| <input type="checkbox"/> Healthy Community | <input type="checkbox"/> Local, Diverse Economy |
| <input type="checkbox"/> Not Applicable | |

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|--|---|
| <input type="checkbox"/> Employment & Tax Diversity | <input type="checkbox"/> Natural & Built Infrastructure |
| <input type="checkbox"/> Watershed Protection & Water Management | <input type="checkbox"/> Partnerships |
| <input type="checkbox"/> Communications & Engagement | <input checked="" type="checkbox"/> Not Applicable |

SUMMARY:

It is not recommended to support DVP 3090-19-06.

I approve the report and recommendation(s).

Guillermo Ferrero, Chief Administrative Officer

ATTACHMENT(S):

DVP 3090-19-06
Applicant Letter



TOWN OF LADYSMITH DEVELOPMENT VARIANCE PERMIT

(Section 498 *Local Government Act*)

FILE NO: 3090-19-06

DATE: July 15, 2019

Name of Owner(s) of Land (Permittee): John Schlitz Construction Ltd., Inc. No. BC0689505

Applicant: John Schlitz (John Schlitz Construction Ltd.)

Subject Property (Civic Address): 120 Kinsmen Place

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 9
District Lot 103
Oyster District
Plan EPP75579
PID: 030-477-590
(120 Kinsmen Place)

3. Section 10.13(3)(d) in the Single Dwelling Residential – Holland Creek Area (R-1-HCA) zone of the “Town of Ladysmith Zoning Bylaw 2014, No. 1860” is varied as follows:

From:

(d) Despite Section 10.13(3)(a), no *Parcel* created or used for *Secondary Suite Use* shall have a *Parcel Area* less than 668 square metres and a *Frontage* less than 18.28 metres.

To:

(d) Despite Section 10.13(3)(a), no *Parcel* created or used for *Secondary Suite Use* shall have a *Parcel Area* less than 668 square metres and a *Frontage* less than 9.0 metres.

4. 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 **3090-19-06** or

any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by 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 ,
2019.**

Mayor (A. Stone)

Corporate Officer (J. Winter)

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 **John Schlitz** other than those contained in this Permit.

Signed

Witness

Title

Occupation

Date

Date

Hello Town officials,

Thank you for taking a moment to address a building/planning issue I've encountered while applying for a new home building permit (120 Kinsmen pl , lot 9 Holland creek estates)

My company, John Schlitz Const Ltd has constructed 4 single family homes in Holland Creek estates. 2 Rancher style homes and 2 two story homes. All these homes are single family use.

I've recently applied to build a 5th home, which would be a 2 story home with a 1-bedroom legal suite.

I was informed that my Lot meets size requirements but because I am in a cul-de-sac and have less than 18 mt frontage a suite doesn't meet town bylaw. I plan to construct 3 on property parking stalls to keep vehicles off the street. I believe Town requires one parking stall per house only.

Please note Lot 9 Kinsmen place is to the left of town parkland/ riparian area. There will be adequate overflow parking in front of this area if there is a urgent need.

Lot 9 is a steep lot. Therefore, building the home closer to the front property line is most cost efficient and no tree removal is required. (Please see diagram attached to this letter).

I've spoken to the Developer Jim Dickinson and have his full support to construct this home / suited residence. I feel this home with suite would help add value to this project and open an affordable residence to a tenant in the future.

Any questions please call me please.

Sincerely,

John Schlitz.

Received July 4, 2019

Within Circulation Area

Attn: Planning/ Development Department

Please consider this notice as my non- support for the variance request from John Schlitz for his property at 120 Kinsmen Place.

This Holland Creek area subdivision was designed with specific larger frontage lots along Rollie Rose Drive that were designated to allow suites in the homes. Mr. Schlitz had every opportunity to purchase one or more of those specific lots if he had intentions to include a suite in his buildings.

The Kinsmen Place cul de sac has enough density as it is, with virtually no allowance for added congestion or parking on the street at all. Present owners on the street will have purchased with the understanding that the houses on the cul de sac would not have suites.

I feel that the request is inappropriate for this property.

Regards.
Jan Christenson
378 Dogwood Drive

Received May 31, 2019

Ladysmith Council and Staff :

Re: Lot 9 (120 Kinsmen Place)

After reviewing the house location and design; specifically the parking layout, I support Mr. Schlitz's request to construct the home with a suite. I understand the frontage does not meet the town minimum frontage for a suite however, there will be three onsite parking areas which I feel addresses the bylaw's intent to reduce on-street parking issues and I feel that the addition of a suite in this location would have no negative impact on the neighbourhood.

Please consider allowing this variance as I feel it will be a positive addition to our community allowing a person to live in Ladysmith that may not otherwise have the opportunity to enjoy all the community has to offer.

Please feel free to contact me if council or staff have any questions.

Sincerely
Jim Dickinson

RECEIVED
July 9/19

376 Dogwood Drive
Ladysmith, B.C.
July 7, 2019

Town of Ladysmith
PO Box 220
Ladysmith, B.C. V9G 1A2

RE: NOTICE OF DEVELOPMENT VARIANCE PERMIT:

DVP 19-06 (120 Kinsmen Place)

Lot 9 District Lot 103 Oyster District Plan EPP75579

PID: 030-477-590

Dear Ladysmith Mayor and Council,

We are totally opposed to the Town of Ladysmith approving the development permit that would allow for a secondary suite in the dwelling at 120 Kinsmen Place as requested by John Schlitz.

John Schlitz had ample opportunity to purchase a lot previously zoned for a Secondary Suite in the Holland Creek Development. The R-1-HCA zone requires a minimum parcel frontage width of 18.28 metres to allow for a secondary suite. The property at 120 Kinsmen Place has a parcel frontage width of 9.0 metres so why would the Ladysmith Mayor and Council consider this variance?

You have already thrown the building scheme out the door and have allowed modular/looking homes that have degraded our property values and ruined the privacy of the existing neighbourhood without landscaping or fencing as was stated in the original building scheme. Homes on Rollie Rose Drive have visitors parking vehicles on the roadside and on the Boulevard that are empty spaces that were never landscaped by the developer or the Town of Ladysmith. Since residents and visitors are parking vehicles on the boulevards, where do you think occupants of a suite will park? Good luck to Ladysmith Fire Rescue if they need to navigate a ladder truck around a tight Cul-de-sac with vehicles parked on the street.

We truly hope you take a good look at the proposal by John Schlitz and deny his request for a variance to "Town of Ladysmith Zoning Bylaw 2014, No.1860" for the property at 120 Kinsmen Place. If you allow him to build a secondary suite then you will be setting a precedent for all other builders within the Single Dwelling Residential – Holland Creek Area (R-1-HCA) zone.

Regards,



John and Lynn Halkett

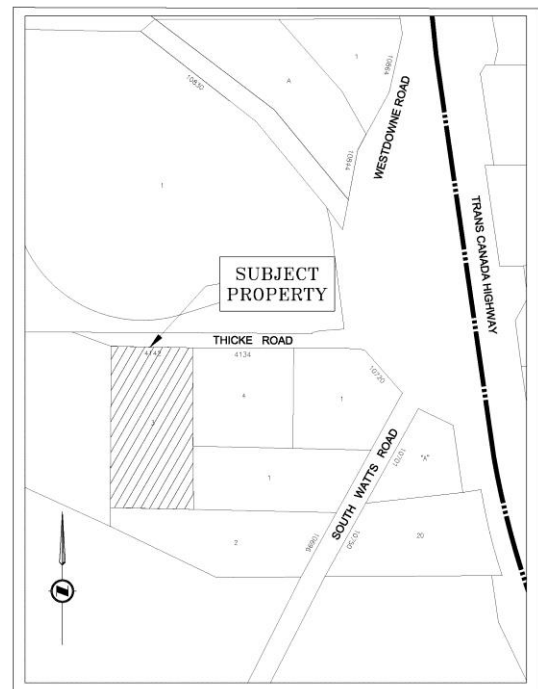
STAFF REPORT TO COUNCIL

Report Prepared By: Julie Thompson, Planner
 Date: July 8, 2019
 Report Reviewed By: Lisa Brinkman, Senior Planner
 Meeting Date: July 15, 2019
 File No: DVP 3090-19-05
 RE: DEVELOPMENT VARIANCE PERMIT – 4142 THICKE ROAD

RECOMMENDATION:

That Council:

1. Issue Development Variance Permit 3090-19-05 for 4142 Thicke Road to:
 - a) Vary Zoning Bylaw No. 1860 by reducing the required front setback from 6m to 1.5m and the east side setback from 3.0m to 1.5m for buildings 12m or less in height.
 - b) Vary Subdivision and Development Servicing Bylaw No. 1834 by not requiring a connection to the Town sanitary sewer system at time of building permit, and that a connection is required within two years of it being available. In the interim an approved onsite septic system is required.
2. Authorize the Mayor and Corporate Officer to sign Development Variance Permit 3090-19-05.

**PURPOSE:**

The purpose of this report is to present for Council's consideration a Town initiated development variance permit (DVP) application for variances to the Zoning Bylaw and the Subdivision and Development Servicing Bylaw to accommodate proposed construction at 4142 Thicke Road (Town Bio-solids Facility).

PREVIOUS COUNCIL DIRECTION:

None.

INTRODUCTION/BACKGROUND:

The subject property is owned by the Town and contains the Town's Bio-solids Facility. It currently contains an existing shop, a bio-filter structure and a compost facility structure.

The proposed new construction includes a soil storage structure, a caretaker dwelling unit/staff lunch room building, and an on-site sewerage system with a holding tank. A connection to the Town sanitary sewer system is not available at this time, thus the Town has requested to vary the Town sanitary sewer system

connection requirement. Setback variances to the Zoning Bylaw for the existing shop, a proposed caretaker dwelling unit/staff lunch room building, soil storage structure, and sewerage holding tank have also been requested.



4142 Thicke Road

DISCUSSION:

Zoning Bylaw No. 1860:

The subject property is zoned Industrial (I-2). The existing shop, located on the northeast corner of the subject property, is situated 1.6m from the east interior side parcel line. The proposed soil storage structure is situated 1.5m from the east interior side parcel line. In the I-2 zone, the minimum building setback for structures 12m in height or less is 3.0m from an exterior or interior side parcel line. As such, a 1.5m variance has been requested to reduce the east interior side parcel line setback from 3.0m to 1.5m.

The proposed care taker dwelling unit/staff lunch room building and holding tank are proposed to be situated 1.5m from the front parcel line. In the I-2 zone, the minimum building setback for structures 12m in height or less is 6.0m from the front parcel line. As such, a 4.5m variance has been requested to reduce the front parcel line setback from 6.0m to 1.5m. No buildings or structures are proposed to be over 12m in height.

The 0.9 ha (2.2 acres) subject property is situated at the end of Thicke Road and is adjacent to other industrial uses, such as a recycling centre and a log yard. The area is rural in nature and adjacent land uses are generously spaced apart, thus the proposed reduced setbacks are not expected to have a negative impact on neighbouring properties.

Subdivision and Development Servicing Bylaw No. 1834:

The Subdivision and Development Servicing Bylaw requires an owner to provide works and services in accordance with the Bylaw where the value of construction is greater than \$50,000. Of these works and services is the requirement for connection of the property to the Town sanitary sewer system. However, a Town sanitary sewer system connection to

the property is not available at this time. As such, the Town has requested a variance to instead allow an interim on-site sewerage system with the stipulation that connection to the Town sanitary sewer system is required within two years of its availability to the property. An on-site sewerage system permit from Island Health is required.

Summary of Proposed Variances:

Zoning Bylaw	Requirement	Proposed	Variance Request
Front Parcel Line Setback for buildings 12m in height or less	6.0m	1.5m	4.5m
Interior Side Parcel Line Setback for buildings 12m in height or less	3.0m	1.5m	1.5m

Subdivision and Development Servicing Bylaw Requirement	Proposed Variance
Connection to the Town sanitary sewer system	Connection to the Town sanitary sewer system within 2 years of the system being available to the land. In the interim an on-site sewerage system permit issued by Island Health is required.

ALTERNATIVES:

Council can choose to not support DVP 3090-19-05.

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 DVP. This is a discretionary decision of Council. Public notification is required.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Development Procedures Bylaw No. 1667 provides that DVP applications may proceed directly to neighbourhood notice. The notice regarding DVP 3090-19-06 was delivered and sent to neighbouring properties within 60m of the subject property on June 26th, 2019.

At the time of writing this report, the Town has not received any submissions from the public.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The application has been referred to the Infrastructure Services Department and Building Inspector for review. Engineering and building requirements will be addressed at the time of building permit.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings | <input type="checkbox"/> Multi-Use Landscapes |
| <input type="checkbox"/> Innovative Infrastructure | <input type="checkbox"/> Local Food Systems |
| <input type="checkbox"/> Healthy Community | <input type="checkbox"/> Local, Diverse Economy |
| <input type="checkbox"/> Not Applicable | |

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|--|---|
| <input type="checkbox"/> Employment & Tax Diversity | <input type="checkbox"/> Natural & Built Infrastructure |
| <input type="checkbox"/> Watershed Protection & Water Management | <input type="checkbox"/> Partnerships |
| <input type="checkbox"/> Communications & Engagement | <input checked="" type="checkbox"/> Not Applicable |

SUMMARY:

Council may consider approving DVP 3060-19-05.

I approve the report and recommendation(s).

Guillermo Ferrero, Chief Administrative Officer

ATTACHMENT(S):

DVP 3090-19-05



**TOWN OF LADYSMITH
DEVELOPMENT VARIANCE PERMIT**
(Section 498 *Local Government Act*)

FILE NO: 3090-19-05

DATE: July 15, 2019

Name of Owner(s) of Land (Permittee): Town of Ladysmith

Applicant: Town of Ladysmith

Subject Property: 4142 Thicke Road

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 3
District Lot 72
Oyster District
Plan 50979
PID: 016-369-661
(4142 Thicke Road)**

3. Section 12.3(5)(d) "Siting, Sizing and Dimension of Uses, Buildings and Structures" in the Industrial (I-2) Zone of the "Town of Ladysmith Zoning Bylaw 2014, No. 1860", as amended, is varied for the subject property as follows:

From:

(d) No *Building or Structure with a Height of 12.0 metres or less*, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	6.0 metres
<i>Interior or Exterior Side Parcel Line</i>	3.0 metres
<i>Rear Parcel Line</i>	3.0 metres

To:

(d) No *Building or Structure with a Height* of 12.0 metres or less, shall be located closer to the *Parcel Line* than the minimum *Setback* shown in the Table below:

PARCEL LINE	MINIMUM SETBACK
<i>Front Parcel Line</i>	1.5 metres
<i>Interior or Exterior Side Parcel Line</i>	3.0 metres, except 1.5 metres for the east interior side parcel line
<i>Rear Parcel Line</i>	3.0 metres

4. Section 2.04(b) “Works and Service Requirements” of the “Town of Ladysmith Subdivision and Development Servicing Bylaw 2013, No. 1834”, as amended, is varied for the subject property as follows:

From:

As a condition of (b) The issuance of a Building Permit, where the value of construction, as determined by the Building Bylaw, is greater than \$50,000; The owner of the land is required to provide works and services in accordance with the standards established in this Bylaw, on that portion of a highway immediately adjacent to the site being subdivided or developed, up to the center line of the highway.

To:

As a condition of (b) The issuance of a Building Permit, where the value of construction, as determined by the Building Bylaw, is greater than \$50,000; The owner of Lot 3, District Lot 72, Oyster District, Plan 50979 is required to provide works and services in accordance with the standards established in this Bylaw, on that portion of a highway immediately adjacent to the site being subdivided or developed, up to the center line of the highway; except that a connection to the sanitary sewer system is not required at this time. The owner of Lot 3, District Lot 72, Oyster District, Plan 50979 must connect to the sanitary sewer system within two years of the system being available to the land. In the interim an on-site sewerage system permit, issued by Island Health, is required.

5. 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.
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 (3090-19-05) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
7. 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.

Mayor (A. Stone)

Corporate Officer (J. Winter)

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 **the Town of Ladysmith** other than those contained in this permit.

Signed

Witness

Title

Occupation

Date

Date

Signed

Witness

Title

Occupation

Date

Date

TOWN OF LADYSMITH

BYLAW NO. 1989

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the Official Community Plan;

AND WHEREAS after the close of the Public Hearing and with due regard to the reports received, the Municipal Council considers it advisable to amend “Official Community Plan Bylaw 2003, No. 1488”.

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. “Official Community Plan Bylaw 2003, No. 1488” is hereby amended as set out in Schedule A attached to this Bylaw.

Citation

2. This Bylaw may be cited for all purposes as “Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 56) 2019, No. 1989”.

READ A FIRST TIME on the 3rd day of June , 2019

READ A SECOND TIME on the 3rd day of June , 2109

PUBLIC HEARING held pursuant to the provisions of the *Local Government Act*

 on the 24th day of June , 2019

READ A THIRD TIME on the 24th day of June , 2019

ADOPTED on the day of ,

Mayor (A. Stone)

Corporate Officer (J. Winter)

Bylaw No. 1989 - Schedule A

1. Schedule “A” – “Town of Ladysmith Community Plan” is amended as follows:
 - (a) Section 3.8.1 “Land Use Designations” is amended by adding a new sentence to the end of the paragraph ‘Downtown Core’:

“A higher FSR may be supported for the restoration of buildings on the Community Heritage Register”.
 - (b) Table 8 “Density Summary” is amended by adding:
 - (i) A new Note 6:

“⁶ Higher FSR potential for restoration of buildings on the Community Heritage Register.”
 - (ii) Note 6 to Downtown Core - Commercial.

TOWN OF LADYSMITH

BYLAW NO. 1990

A bylaw to amend "Town of Ladysmith Zoning Bylaw 2014, No. 1860"

WHEREAS pursuant to the Local Government Act, the Municipal Council is empowered to amend the Zoning Bylaw;

AND WHEREAS the Municipal Council considers it advisable to amend "Town of Ladysmith Zoning Bylaw 2014, No. 1860";

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

- (1) Schedule A – Zoning Bylaw Text of “Town of Ladysmith Zoning Bylaw 2014, No. 1860” is hereby amended by:
(a) Amending Section 11.2 Downtown Commercial (C-2) Zone by adding a new subsection (g) to Section 10 Site Specific Regulations:
“(g) For the Parcel legally described as Lot A, District Lot 56, Oyster District, Plan VIP67911 (422 First Ave.) the following site specific regulations shall apply:
i) Despite Section 11.2(4)(c), the Floor Space Ratio shall not exceed 2.0.
ii) Despite Section 11.2(5)(a), no Principal Building shall exceed a Height of 14 metres, with the exception of an enclosed stair tower which may protrude 2.5 metres above the roof of the fourth storey.
iii) Despite Section 11.2(5)(c), the fourth storey of a Principal Building shall be setback 2.7 metres from the Front Parcel Line and 1.5 metres from the Exterior Side Parcel Line.
iv) Despite Section 11.2(7)(b), nine (9) off-street parking spaces are required to be provided on-site and shall comply with the design standards in Section 8.2(9).

CITATION

- (2) This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.23) 2019, No.1990”.

READ A FIRST TIME on the 3rd day of June, 2019

READ A SECOND TIME on the 3rd day of June, 2019

PUBLIC HEARING held pursuant to the provisions of the Local Government Act

on the 24th day of June, 2019

READ A THIRD TIME on the 24th day of June, 2019

APPROVED pursuant to s. 52(3)(a) of the Transportation Act.

Approved pursuant to section 52(3)(a) of the Transportation Act on the day of

this 10th day of July 2019 Ministry of Transportation and Infrastructure

[Handwritten signature]

Mayor (A. Stone)

JAMIE LEIGH HOPKINS A Commissioner for taking affidavits within the Province of British Columbia 2100 Labieux Road, Nanaimo BC V9T 6E9

Corporate Officer (J. Winter)

TOWN OF LADYSMITH

BYLAW NO. 2015

The Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. Town of Ladysmith Building Fire Sprinkler System Bylaw 2017, No. 1940 is hereby repealed.
2. This Bylaw may be cited for all purposes as “Town of Ladysmith Building Fire Sprinkler System Repeal Bylaw 2019, No. 2015.

READ A FIRST TIME on the 8th day of July , 2019

READ A SECOND TIME on the 8th day of July , 2019

READ A THIRD TIME on the 8th day of July , 2019

ADOPTED on the day of ,

Mayor (A. Stone)

Corporate Officer (J. Winter)