

**Town of Ladysmith  
COUNCIL AGENDA  
LATE ITEMS  
SEPTEMBER 7, 2021**

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**Recommendation:**

That Council amend the agenda to add the following items, received after publication of the agenda:

	Page
<b>8.3. Development Variance Permit Application – New Subdivision off Giovando Way</b> Public submissions	<b>1-13</b>
<b>12.1. Stz’uminus First Nation Traditional War Canoe Races, September 11-12, 2021</b> Add correspondence dated August 30, 2021 from Stz’uminus First Nation.	<b>14</b>

**Recommendation:**

That Council provide funding assistance in the amount of \$\_\_\_\_\_ to the Stz’uminus First Nation Traditional War Canoe Races to be held September 11 and 12, 2021, with funds to be taken from the \_\_\_\_\_ budget.

**From:** Laurie Izzy  
**Sent:** September 2, 2021 12:29 PM  
**To:** Town of Ladysmith <[info@ladysmith.ca](mailto:info@ladysmith.ca)>  
**Subject:** Notice of Development Variance Concerns DVP3090-21-03

To Whom It May Concern:

Re; Notice of Development Variance Permit

Your file: DVP 3090-21-03

This is a modified copy of a letter you have received from numerous owners of Executive at the Creek at 1244 4<sup>th</sup> Avenue, Ladysmith to which I am adding my name.

Upon examination of the variances according to the application on your file, I have some significant concerns with respect to the impact this will have upon my strata property which is just downhill from some of these lots, specifically lots 1,3,4,5, and 6. Further, upon investigation, I and a number of my 24 fellow strata owners discovered that the foundation for some of these homes has already been poured, presuming upon approval of the application?

Insofar as these houses would impact our homes, we would bring up the following concerns:

1. Living in the ravine, we already get very limited light in the winter in our homes. The amount of light coming into the east side of our homes, and the courtyard would be further limited, particularly in the winter by a building of substantial height. This has an impact on our mental health, as well as our ability to maintain a healthy greenspace within the courtyard. Increasing the height of these homes, even by as little as one metre can have a significant effect on our quality of life in Executive on the Creek.
2. These homes will be looking directly into the windows of our homes, compromising our privacy. We will be looking directly into their backyards as well. If fences are erected to gain privacy, the issues of light will be further compounded.

3. The resale value of our homes will fall, because of the items above.
4. We remain concerned about the subsidence of the banks, depending on how close to the property line the building occurs. Even with the considerable efforts that have gone into shoring up the banks with the installation of the sidewalk passing between the properties, we can see that some of the upper bank is sliding downwards already.

One of the things that makes Ladysmith attractive is the existence of some modest homes with good sized yards. What we are observing is that there is very little area for natural development of green areas around the existing footings, and indeed, the foundations on lots 7 and 8 are extremely close together. If this persists on all seventeen of these properties, there will be a successful plundering of the previous green space without the capacity to replace a healthy proportion of it. This will have an impact on the deer and bear populations who have traditionally used the area for grazing and moving from one area to another.

I would appeal to the city council to reject the variances in both size and height of this subdivision, in favour of preserving as much green space as possible, and to preserve the quality-of-life which members of Executive on the Creek paid for, and have a reasonable expectation of preserving.

Sincerely,

Laurie Izgerean

Owner, 1244 4th Avenue

Ladysmith, BC

V9G 0A6



#302, 1244 – 4<sup>th</sup> Avenue  
Ladysmith, BC V9G 0A6  
August 30, 2021

Town of Ladysmith  
P.O. Box 220  
Ladysmith, BC V9G 1A2

To Whom It May Concern:

Re; Notice of Development Variance Permit  
Your file: DVP 3090-21-03

Upon examination of the variances according to the application on your file, I have some significant concerns with respect to the impact this will have upon my strata property which is just downhill from some of these lots, specifically lots 1,3,4,5, and 6. Further, upon investigation, I and a number of my 24 fellow strata owners discovered that the foundation for some of these homes has already been poured, presuming upon approval of the application?

Insofar as these houses would impact our homes, we would bring up the following concerns:

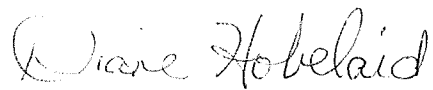
1. Living in the ravine, we already get very limited light in the winter on our homes. The amount of light coming into the east side of our homes, and the courtyard would be further limited, particularly in the winter by a building of substantial height. This has an impact on our mental health, as well as our ability to maintain a health greenspace within the courtyard. Increasing the height of these homes, even by as little as one metre can have a significant effect on our quality of life in Executive on the Creek.
2. These homes will be looking directly into the windows of our homes, compromising our privacy. We will be looking directly into their back yards as well. If fences are erected to gain privacy, the issues of light will be further compounded.
3. The resale value of our homes will fall, because of the items above.
4. We remain concerned about the subsidence of the banks, depending on how close to the property line the building occurs. Even with the considerable efforts that have gone into shoring up the banks with the installation of the sidewalk passing between the properties, we can see that some of the upper bank is sliding downwards already.

One of the things that makes Ladysmith attractive is the existence of some modest homes with good sized yards. What we are observing is that there is very little area for natural development of green areas around the existing footings, and indeed, the foundations on lots 7 and 8 are extremely close together. If this persists on all seventeen of these properties, there will be a successful plundering of the previous green space without the capacity to replace a healthy proportion of it. This will have an impact on the deer and bear populations who have traditionally used the area for grazing and moving from one area to another.

This development does not appear to address the housing issues we are already facing as a society and specifically in our town. The cost of these homes will be above \$750,000 – not affordable in any way to a modest income earner. Further, in order to make them affordable, what will stop people from building secondary suites to augment their mortgages, with the concomitant increase in traffic in the area, as well as noise that density brings.

I would appeal to city council to reject the variances in both size and height of this subdivision, in favour of preserving as much green space as possible, and to preserve the quality of life which members of Executive on the Creek paid for, and have a reasonable expectation of preserving.

Sincerely,

A handwritten signature in cursive script that reads "Diane Hobelaid". The ink is dark and the handwriting is fluid, with a large initial 'D'.

Town of Ladysmith  
P.O. Box 220  
Ladysmith B.C. V9G 0A6



Re DVP 3090-21-03

To Whom it may Concern:

When I first moved to 1244 First Avenue I was aware that eventually residences would be built on the adjacent rise to the south.

However my concern now is that the current application for a variance will, if approved, permanently diminish the sunlight that falls upon the homes and courtyards of our strata, particularly during the winter months.

Our residents did not object to the last revision which altered the number of lots in the proposed new development; that opinion has changed.

As we are already sited in a valley any increase in size of these homes whether vertical or lateral will especially leave us in a permanent winter shadow.

Don't allow our sunlight to be blocked!

  
Larry McCoy  
201-1244 Fourth Avenue,  
Ladysmith V9G 0A6

**From:** Janis Beecroft  
**Sent:** September 4, 2021 1:25 PM  
**To:** Town of Ladysmith <[info@ladysmith.ca](mailto:info@ladysmith.ca)>  
**Subject:** Variance for lots on Rozanno plc

In regards to the development variance permit file number 3090-21-03.

Myself and my husband are APPOSED to #2 for sec 512 of the zoning bylaw to permit height for a single family dwelling unit to measured from 58 meters above sea level instead of the existing grade of lots 3,4,5,6, and 7. If this variance is passed these homes will take all our sunlight from entering our property significantly.

Question

What is the existing grade on these lots now without the variance?

Best regards Janis Beecroft and Hugh Guthrie #305 1244 4th Ave

-----Original Message-----

From: ROSE ESTRADA

Sent: September 4, 2021 2:39 PM

To: Town of Ladysmith <[info@ladysmith.ca](mailto:info@ladysmith.ca)>

Subject: Variance permit

In regards to file 3090-21-03 my husband and myself are apposed number 2 section 512 of zoning BYLAW TO PERMIT HEIGHT for single dwelling unit to be measured from 58 Meters above sea level instead of existing grade on lots 3,4,5,6,7 Takes away our sunlight thank you Guillermo and Rose Estrada 204-1244-4th Ave Ladysmith

Thanks,

Rose and Guillermo

**From:** charleymarj  
**Sent:** September 4, 2021 6:26 PM  
**To:** Town of Ladysmith <[info@ladysmith.ca](mailto:info@ladysmith.ca)>  
**Subject:** From Marj Rees & Charley Major

@ # 206-1244-4Avenue  
Ladysmith, BC  
V9G 0A6

To Whom It May Concern:

Re: Notice of Development Variance Permit  
Your File:DVP 3090-21-03

Upon examination of the variances according to the application on your file, we have some significant concerns with respect to the impact this will have upon our strata property which is just downhill from lots 1,3,4,5 and 6. Further, upon investigation, we and a number of our fellow strata owners discovered that the foundation for some of these homes has already been poured, presuming upon approval if the application?

Insofar as these houses would impact our homes, we would bring up the following concerns:

- 1: Living in the ravine, we already get very limited light in the winter on our homes. The amount of light coming into the east side of our homes, and the courtyard would be further limited, particularly in the winter, by a building of substantial height. This would have an impact on our mental health, as well as our ability to maintain a healthy green-space within the courtyard. Increasing the height of these homes, even by as little as one meter would have a significant effect on our quality of life in Executive on the Creek.
- 2: These homes will be looking directly into the windows of our homes, greatly comprising our privacy. We will be looking directly into their back yards as well. If fences are erected to gain privacy, the issues of light will be further compounded.
- 3: The resale values of our homes will fall, because of the items listed above.
- 4: We remain concerned about the subsidence of the banks, depending on how close to the property line the building occurs. Even with the considerable efforts that have gone into shoring up the banks with the installation of the sidewalk passing between the properties, we can see that some of the upper bank is sliding downwards already.

One of the things that makes Ladysmith attractive is the existence of some modest homes with good sized yards. What we are observing is that there is very little area for natural development of green areas around the existing footings, and indeed, the foundations on lots 7 and 8 are extremely close together. If this persists on all seventeen of these properties, there will be a successful plundering of the previous green space without the capacity to replace a healthy proportion of it. This will have an impact on the deer and bear populations who gave traditionally used the area for grazing and moving from one area to another.

This development does not appear to address the housing issues we are already facing as a society and specifically in our town. The cost of these homes will be above \$750,000.- not

affordable in anyway to a modest income earner. Further, in order to make them affordable, what will stop people from building secondary suites to argument their mortgages, with the increase in traffic in the area, as well as noise that density brings.

I would appeal to city council to reject the variances, in both size & height of this subdivision, in favor of preserving as much green space as possible, and to preserve the quality of life which members of Executive on the Creek paid for, and have a reasonable expectation of preserving.

Sincerely, Marj Rees & Charley Major

[Sent from the all new AOL app for iOS](#)

September 5, 2021

Town of Ladysmith  
P.O. Box 220  
Ladysmith, BC V9G 1A2

To: Jake Belobaba, Director of Development Services

Re: Notice of Development Variance Permit

Your file: DVP 3090-21-03

Regarding your letter of August 24, 2021. I have some concerns with respect to the impact this will have upon my strata property which is located adjacent to some of these lots (primarily lots 5, 6 and 7).

I submit the following concerns:

- These homes will be looking directly into the windows of our homes. For me, this would mean the homes would be looking directly into my living and dining areas. This is also a major safety concern as anyone within those properties could potentially be monitoring any of my indoor activities. I do not wish to keep my curtains permanently closed, which would result in reduced indoor lighting and certainly a huge lack of privacy.
- There is substantial concern regarding the subsidence of the banks, depending on how close to the property line these buildings are situated. Even with the considerable efforts that have gone into shoring up the banks with the installation of the sidewalk passing between the properties, some of the upper bank is already sliding downwards.
- Living in the ravine we already have very limited light in the winter on our homes. The amount of light coming into the east side of our homes and the courtyard would be further limited, particularly in the winter by a building of substantial height. This has an impact on our mental health as well as our ability to maintain a healthy greenspace within the courtyard. Increasing the height of these homes, even by as little as one metre, can have a significant effect on our quality of life here at the Executive on the Creek townhouses.
- This development does not appear to address the housing issues we are already facing as a society and specifically in our town. The cost of these homes will be above \$750,000 – not affordable in any way to a modest income earner. Further, in order to make them affordable, what will stop people from building secondary suites to augment their mortgages? This will result in increased traffic in the area, as well as increased noise and potentially (due to lack of parking space) will result in vehicles being parked on 4<sup>th</sup> Avenue outside of the Executive at the Creek complex.
- It has already been noted that vehicles have been parked on 4<sup>th</sup> Avenue just outside of the Executive on the Creek complex for a week or longer with no movement.

- In the past 4 years the traffic passing the Executive on the Creek complex on 4<sup>th</sup> Avenue has dramatically increased. Motorists have a habit of driving well over the speed limit down the hill and the majority of the time they are straddling the yellow centre line. Increased traffic from this new development is certainly not conducive to ensuring a healthy and safe environment.
- As a side note, the paved walking path that was installed by the development between 1244 4<sup>th</sup> Avenue and the development has become a short-cut for motorized dirt bikes. At least 2 dirt bikes have been seen on the path on an almost weekly basis. Is the path now a secondary road for vehicles?  
Also, there needs to be some barrier set up at the end of the paved path where it meets 4<sup>th</sup> Avenue. Kids ride their bicycles down the steep path and it's an accident waiting to happen should they end up on the road (especially in light of my comment above about increased traffic).

I would appeal to city council to reject the variances in both size and height of this subdivision, in favour of preserving as much green space as possible, and to preserve the quality of life which members of Executive on the Creek paid for, and have a reasonable expectation of preserving.

Thank you for your attention to this matter.

Sincerely,

J. A. Thompson  
301-1244 4<sup>th</sup> Avenue  
Ladysmith, BC V9G 0A6

#304, 1244 4<sup>th</sup> Avenue  
Ladysmith, BC  
V9G 0A6  
September 7, 2021

Town of Ladysmith  
P.O. Box 220  
Ladysmith, BC  
V9G 1A2

To Whom It May Concern:

Re; Notice of Development Variance Permit  
Your file: DVP 3090-21-03

Upon examination of the variances according to the application on your file, I have some significant concerns with respect to the impact this will have upon my strata property which is just down hill from some of these lots, specifically lots 1,3,4,5, and 6. Further, upon investigation, I and a number of my fellow strata owners discovered that the foundation for some of these homes has already been poured, presuming upon approval of the application?

Insofar as these houses would impact our homes, we would bring up the following concerns:

1. The amount of light coming into the east side of our homes, and the courtyard would be further limited, particularly in the winter. This has an impact on our mental health, as well as our ability to maintain a health greenspace within the courtyard. Increasing the height of these homes, even by as little as one metre can have a significant effect on our quality of life in Executive on the Creek.
2. These homes will be looking directly into the windows of our homes, compromising our privacy. We will be looking directly into their back yards as well. If fences are erected to gain privacy, the issues of light will be further compounded.
3. The resale value of our homes will fall, because of the items above.
4. We remain concerned about the subsidence of the banks, depending on how close to the property line the building occurs. Even with the considerable efforts that have gone into shoring up the banks with the installation of the sidewalk passing between the properties, we can see that some of the upper bank is sliding downwards already.

One of the things that makes Ladysmith attractive is the existence of some modest homes with good sized yards. What we are observing is that there is very little area for natural development of green areas around the existing footings, and indeed, the foundations on lots 7 and 8 are extremely close together. If this persists on all seventeen of these properties, there will be a successful plundering of the previous green space without the capacity to replace a

healthy proportion of it. This will have an impact on the deer and bear population who have traditionally used the area for grazing and moving from one area to another.

This development does not appear to address the housing issues we are already facing as a society and specifically in our town. The cost of these homes will be above \$750,000 – not affordable in any way to a modest income earner. Further, in order to make them affordable, what will stop people from building secondary suites to augment their mortgages, with the concomitant increase in traffic in the area, as well as noise that density brings.

I would appeal to city council to reject the variances in both size and height of this subdivision, in favour of preserving as much green space as possible, and to preserve the quality of life which members of Executive on the Creek paid for, and have a reasonable expectation of preserving.

Sincerely,

Rob & Laurel Walker



## STZ'UMINUS FIRST NATION

August 30, 2021

Dear Community Partner:

We write to you from the Stz'uminus First Nation to let you know that we will be hosting our Stz'uminus Traditional War Canoe Races on Saturday, September 11 and Sunday, September 12, 2021, within our Stz'uminus traditional territory. Our Chief and Council will be the hosts for this year's event. We are determined to make sure that our races will be fun, safe, and successful for all.

The Canadian circuit for indigenous canoe races promotes a healthy way of living for our hwulmuxw (First Nations) people. The paddlers live a clean lifestyle free of drugs and alcohol and weekly strength and core training. The Canadian circuit entails weekend host Nations including Malahat, Songhees, Musqueam, Snuneymuxw, Penelakut, Saanich, Nanoose, Stz'uminus and the Fraser Valley.

To host a canoe race, we need to be able to provide the important things such as cash payouts for all races, first aid, water and boat committees, certified food vendors, camping locations, grounds maintenance, and circuit committees, etc. We are seeking your financial contribution to be able to provide all of these.

Stz'uminus will be providing cash prizes for placing 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> in the various race categories including buckskins 10 and under, 13 and under, 16 and under, women's and men's races. The various canoe clubs compete in single races, double races, six-man and eleven-man races over the two-day event.



Any assistance you are able to provide would be greatly appreciated and not forgotten by our Nation. In return for your financial contribution and as a thank you, we will be announcing sponsorship partners at our races on September 11 & 12, 2021. Thank you so much for your time and consideration in sponsoring our Nation for the Stz'uminus Traditional War Canoe Races. If you can please provide a response as soon as possible it would be much appreciated.

If you have any questions, please do not hesitate to call me at the Stz'uminus First Nation Administration Office 250-245-7155 ext. 225.

Respectfully,

Chief Roxanne Harris  
Stz'uminus First Nation

12611A Trans Canada Highway  
Ladysmith, BC V9G 1M5  
Ph. 250.245.7155  
Fax. 250.245.3012  
<http://www.stzuminus.com>

*Itst uw 'hw-nuts 'ul-wum 14 We are working as one*