

**Late Agenda Items****Public Hearing and Regular Council Agenda  
August 1, 2023**

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**Recommendation:**

That Council amend the agenda to add the following item(s), received after publication of the agenda:

	<b>Page(s)</b>
<b>5.3 SUBMISSIONS – PUBLIC HEARING</b> Add public submissions.	2-4
<b>6.1. BYLAWS - OFFICIAL COMMUNITY PLANNING AND ZONING (SUBJECT OF THE PUBLIC HEARING)</b> Add copy of “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2146”.	5
<b>10.1. Development Variance Permit 3090-23-01– Block C, District Lot 2054 and District Lot 2061</b> Add public submissions.	6-7
<b>10.2. Development Variance Permit 3090-23-04 – 1221 Rocky Creek Road, 101 Gladden Road</b> Add public submissions.	8-9
<b>10.3. Development Variance Permit 3090-22-17 &amp; Development Permit Application 3060-22-20 – 416 South Colonia Drive</b> Add public submissions	10-14

**Received July 24, 2023**

**Within Circulation Area**

**From:** Gloria Gustafson  
**Sent:** Sunday, July 23, 2023 6:12 PM  
**To:** Town of Ladysmith <[info@ladysmith.ca](mailto:info@ladysmith.ca)>  
**Subject:** Zoning Bylaw Amendment No. 2146

To Whom it May Concern,

We are voicing our concern regarding the permit to have a secondary suite as an accessory on 624 John Wilson Place. My husband and I live on RayKnight Drive. Our back yard faces this property. There is not enough parking for the number of occupants in this dwelling already. Extra cars are spilling over onto the road. We are opposed to this proposal and do not want this amendment to be passed. It is setting precedent for more crowding in an already overtly crowded area.

Thank you for your attention to the above matter.

Gloria and Jim Gustafson

Received July 27, 2023

Thank you for forwarding this submission to me.

As they have indicated, the respondents live on a different street (Ray Knight Dr), with only their backyard looking uphill towards John Wilson Pl. ***They must, however, have a neighboring property confused with mine, as they have indicated that there is already not enough parking for the number of occupants living in my dwelling. I am a bachelor and I am the only person living at 624 John Wilson, and I always park my car in my garage, so it is never parked on the street.***

Should the secondary suite be approved for my home, and if I do actually decide to rent out the additional suite some day in the future, off-street parking on my driveway or side-yard will be utilized and required.

Yes, there are times when it appears that extra vehicles are parked on our street, however, it should be noted that most of the extra vehicles are owned by a number of building contractors and subtrades commuting to work each day. As we still have 4 new homes under construction on our short street, the excess parking by work-trucks, etc, during the workday will be alleviated as each of the homes reaches completion over the next few weeks.

Thanks again for your attention and consideration, Cassandra.

*Paul*

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Paul Elder  
624 John Wilson Place

Received July 27, 2023

Zoning Bylaw Amendment Bylaw No. 2146  
624 John Wilson Place

We are the owners of 128 Ray Knight Dr. and have been given notice of the above variance request.

This is my rationale for not allowing a suite in 624 John Wilson Place.

This is a new subdivision with specific planning/zoning for the area. As new owners we already see that there is no extra parking on Ray Knight to park all who live here now. There is still 2 more homes with legally planned suites to be built plus one almost finished. We don't know where they will park.

If 624 John Wilson is allowed a legal suite this will be a precedence of the others on John Wilson to ask for their legal suites also. There is not enough parking!!!

Zoning for this subdivision was planned. It's not something to be changed by variances before the subdivision is finished. Parking was not reasonably planned to begin with. The requirement of 1 car per home and one for the suite is outdated. Most homes on Ray Knight have at least 2 vehicles for the home and another 2 for the suite at *minimum*. *Most do not park in their garage*. Garages are full with the fun stuff families need, motor cycles, e-bikes, kayaks .....and trucks do not fit in most of the garages that are only 18' deep or 22' but have stairwells up to the house.

We asked if we could have a 33' driveway instead of the 23' allowed, so we could offer our renter a spot off street to park without having to move one vehicle to get the other out of the garage. We were told NO. Zoning is for 23' only. Park in Tandem.

Yup, in a perfect world. Do you want to move one car every time you have to use another? *Out dated planning* has not allowed for at least 2 cars per suite. Homes now have 2 working parents, both with cars and the teenagers that also have a car.

The only place we can park my husband's truck in the driveway, is on the right side. The left is not possible as you would not be able to access the front door. The driveway is not long enough for his truck (short box) that is already intruding on the side walk, and it's parked 1 inch from the garage!! This is the planning department that OK'd the layout of the house!!! Therefore I park on the left side *inside* the garage. So if our tenant parks in the driveway, am I suppose to get him to move his car every time I need to leave??

John Wilson was not designed with parking to be sufficient for 5 more houses to have suites and the excess parkers will be looking at Ray Knight to park. 604 John Wilson got the variance passed in the last couple months but does not have any parking in front of the house! This is just leading to Parking wars!!!!

April and Steve Marrington

**TOWN OF LADYSMITH**

**BYLAW NO. 2146**

**A Bylaw to amend “Town of Ladysmith Zoning Bylaw 2014, No. 1860”**

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The Council of the Town of Ladysmith in open meeting assembled enacts the following amendments to “Town of Ladysmith Zoning Bylaw 2014, No. 1860”:

1. Schedule A – Zoning Bylaw Text is amended by adding new site specific regulations to Section 10.13 Single Dwelling Residential – Holland Creek Area (R-1-HCA), as follows:
  - a. The following is added to the end of Section 10.13:

“7. Site Specific Regulations

(a) Despite Section 10.13.3.d), for the *Parcel*/legally described as Lot 11, District Lot 103, Oyster District, Plan EPP98461 (624 John Wilson Place), a *Secondary Suite* is a permitted *Accessory use*.

**Citation**

2. This Bylaw may be cited for all purposes as “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2023, No. 2146”.

**READ A FIRST TIME** on the 20<sup>th</sup> day of June, 2023

**READ A SECOND TIME** on the 20<sup>th</sup> day of June, 2023

**PUBLIC HEARING HELD** on the \_\_\_\_\_ day of \_\_\_\_\_, 2023

**READ A THIRD TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2023

**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2023

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Mayor (A. Stone)

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Corporate Officer (M. O’Halloran)

June 8, 2023

Mayor Stone and Council  
Town of Ladysmith  
410 Esplanade, PO Box 220  
V9G 1A2

Dear Mayor and Council:

**Re: Ladysmith Marina – Application for Development Variance Permit for Boathouse**

Rocky Creek Ventures owns the adjacent property to the west of Ladysmith Marina and have recently received approval from the Town for a mixed residential development.

We have worked closely with Ladysmith Marina as they plan the development of the marina's upland, and we plan our residential development. We have always found Oak Bay Marina Ltd. to be reliable and professional in their business, and an important catalyst in development of Ladysmith's waterfront.

We are pleased to support Ladysmith Marina's application for Development Variance within the W-2 Marina Zone to allow for construction of boathouses up to 12m in height.

We understand a Development Variance was granted by the Town a number of years ago to allow for up to 11 m high boathouses on "A" dock, so this amendment is not materially different. Limiting this variance to "A" and "B" Dock to permit a small number of boathouses to 12m in height will have no impact on our residential development.

We whole-heartedly support their application for variance.

Sincerely,



Mike Crucil  
Rocky Creek Ventures Ltd.

TRT Contracting Inc.  
(O/A Coastal Trucking)



Ladysmith, B.C.

June 21, 2023

Mayor Stone and Council  
Town of Ladysmith  
410 Esplanade, PO Box 220  
Ladysmith, BC V9G 1A2

Dear Mayor and Council:

**Re: Ladysmith Marina – Application for Development Variance Permit for Boathouse**

TRT Contracting Inc. oa Coastal Trucking owns property to the west of Ladysmith Marina on Rocky Creek Road where we operate our trucking business.

We have worked closely with Ladysmith Marina on their boathouse construction program for the past 15 years, and have always found Oak Bay Marina Ltd. to be professional in their business. The work they are doing to develop the marina is an important economic driver of industry in Ladysmith.

We are pleased to support Ladysmith Marina's application for Development Variance within the W-2 Marina Zone to allow for construction of boathouses up to 12m in height.

We understand a Development Variance was granted by the Town a number of years ago to allow for up to 11 m high boathouses on "A" dock, so this amendment is not materially different. Limiting this variance to "A" and "B" Dock to permit a small number of boathouses to 12m in height will have no impact on the commercial property and business owners located on Rocky Creek Road.

Coastal Trucking supports their application for variance.

Sincerely,

A handwritten signature in black ink, appearing to read "Jag Basi", written over a white background.

Jag Basi  
TRT Contracting Inc oa Coastal Trucking  
1280 Rocky Creek Road  
Ladysmith, BC

Received August 1, 2023

**From:** Rob Johnson

**Sent:** Tuesday, August 1, 2023 8:49 AM

**To:** Council <[towncouncil@ladysmith.ca](mailto:towncouncil@ladysmith.ca)>

**Subject:** Import idea for tonight's meeting Pleas read before meeting starts

On tonight's agenda, section 10.2, is a request for a Development Variance Permit #3090-23-04, so that Western Forest Products can construct 2 additional lumber kilns on their property.

I have no trouble with their request, but this request presents an opportunity for the Town to acquire additional parkland and open space. Western Forest Products lots 140 and 28 presently contain small parcels of land that are noted in the staff report as Parkland and Open Space. The Town could take this opportunity to see if Western Forest Products would be willing to donate additional lands adjacent to these parcels of Parkland for community use.

Sch a request, will fit very nicely with park acquisition discussion as highlighted in the Official Community Plan Section 4.1, of the OCP which suggest acquiring addition park land reads;

" In general prioritize the following areas for parkland for parkland; ecologically sensitive areas :waterfront areas .....areas of historical and cultural significance....."

In your report from staff, it states that "small southern portions of lots 104 and 128 are designated as Park and Open Space by the OCP , as they border Rocky Creek. This OCP designation is intended to provide public access to, or protection of parks, open spaces, and recreational uses and includes linear parks and environmentally sensitive areas",

The idea of having a "real" park has been around for a long time. It was mentioned In a 1960's edition of the Ladysmith Chronicle article the Vice President of the mill was willing to make a large portion of the upland, park land. In fact it said that trails were established and even bridges were constructed for use by the general public. There is, in my opinion, enough evidence to suggest that the mill may be willing to consider a request for more of the upland for use as park land. I believe that now is an ideal time to ask. I believe in the idea " ask to get".

So, I request that you consider holding off on the approval of this Development Permit until staff and Council have an opportunity to evaluate and consider what I have brought to your attention. Remember the Town is growing, especially in this area of town. Additional park land would be nice if not now but definitely in the future.



This may sound crass, but you are in a strong position if Western Forest Products are not willing to donate more land to the existing Parks and Open Space on Lots 104 and 128. I believe that you can use the development permit as leverage in negotiations.

Thank you for considering my comments

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[Rob Johnson](#)

**Received June 14, 2023**

**Within Circulation Area**

To Whom it May Concern,

We are writing to strongly object to the proposed Development Variance Permit (DVP) for the property located at 416 South Colonia Drive (DVP 3090-22-17). Our objection stems from the disregard of the view corridor goals established in the Official Community Plan (“OCP”) of the Town of Ladysmith, as well as the fact that we made the purchase of our existing property with the assumption the OCP would be respected.

Section 6.0 of the “Holland Creek Local Area Plan” places significant emphasis on preserving public views from higher elevations to Ladysmith Harbour, forested hillsides, and other natural features. These view corridors not only contribute to the beauty of our town but also shape the overall character and livability of our community. When we purchased our home and evaluated the property (and the public views from its sidewalk), we placed great value on the carefully developed community plan and assumed that it would be respected.

The proposed increase in the maximum building height from 10.0m to 11.8m is significant and material at a nearly 20% variance. This increase in building height directly contradicts the spirit and intent of the view corridor objectives established in the Official Community Plan. Such a variance would impact the view corridor from higher elevations towards Ladysmith Harbour and other landmarks that are essential to the scenic character of our town.

We have no objection to the zoning, and we understand that it is well suited for multi family. When we review the proposed drawings for the variance, we see no obvious reason why the roof needs to be so high – this seems like a design choice rather than a *structurally necessary* one. In other words – a duplex could easily be but on this lot WITHOUT violating the existing community plan and WITHOUT the need for a variance. This point in particular should carry significant weight.

Our house, and the public sidewalk in front of it at 103 Ray Knight Drive, and similar properties on Ray Knight Drive, and South Colonia Drive, currently enjoy views of the water directly in line of sight of the subject property. These views are certain to be negatively impacted by approval of this variance application.

In light of the above, we respectfully urge the Town of Ladysmith to DENY the issuance of the Development Variance Permit (DVP 3090-22-17) for the property at 416 South Colonia Drive.

Thank you for your attention to this matter.

Sincerely,

Jeremy & Tiffany Clegg  
Owners  
103 Ray Knight Drive  
Ladysmith, BC

**Received June 14, 2023**

**Outside Circulation Area**

Hi,

Just writing to inform you that we strongly object of this 20% increase in height for this duplex. This does not seem to take into consideration of the surrounding home owners who have purchased with a view in mind which is part of why we all love the town of Ladysmith.

Being close to the ocean with a view is what makes Ladysmith different. A 20% height increase for what seems to be just structural design is not something that we as home owners who have invested in this town agree with.

Thank you

Andre Bassari

107 Ray Knight Drive.

**Received June 15, 2023**

**Outside Circulation Area**

To Whom It May Concern:

I am strongly objecting to the allowance of this variance on the lot below my house on Ray Knight Drive. This variance is allowing a double standard in your land use bylaws and my house was built last year and my builder was told to lower my house peak by your inspector as it was over the allowance marginally at 140 Ray Knight Drive. My builder had to reconfigure my house to conform to this request by your home inspector.

Move ahead almost a year and now your consideration for this owner to break the spirit and purpose of your rules and extend his roof height.

To me this is a double standard and discriminatory in practice and we suffered as result as our builder had to reconfigure our roof he did have time for a variance during a build and it was just slightly over height. This variance is much great I understand 20% and is substantial and will impact viewing of the water with home across the street.

I trust the Mayor and Council will do the right thing and not allow this variance to proceed.

Regards,

Don Drissell  
140 Ray Knight Dr  
Ladysmith, BC

Received June 19, 2023

Outside Circulation Area

To Town of Ladysmith Mayor and Council,

I am strongly objecting to the proposed Development Variance Permit (DVP) for the property located at 416 South Colonia Drive (DVP 3090-22-17). This variance request if approved sets the basis for additional future requests of this nature in our area. On page 86 of the "Engagement Summary" OCP states "Maintain view corridor to ocean. No tall buildings to block out views". This variance request if approved would definitely affect the view corridor for some of the residents in Holland Creek. Additionally this request if approved creates the situation of unfair governance of our town's electorate by the following. The home located at 140 Ray Knight Drive exceeded its "maximum permitted height" by approximately one foot and was required to remove a portion of its roof altering its aesthetic look from the street. This caused the home's roof to have a flat appearance rather than its originally built gable look. To allow this variance request of a home just down the street from 140 Ray Knight drive with a very substantial increase in the "maximum permitted height" requirement would seem unfair to say the least.

I urge you to decline this request.

Respectfully

Wayne Briggs

643 John Wilson Place

Ladysmith, BC

**Received June 20, 2023**

**Outside Circulation Area**

June 19, 2023

To Town of Ladysmith Mayor, Council and Development Services Department,

RE: NOTICE OF DEVELOPMENT VARIANCE PERMIT:

DVP 3090-22-17 (416 South Colonia Drive)

Lot 14 Block 192 District Lot 103 Oyster District Plan EPP117682

PID: 031-754-996

Regarding the application for a Development Variance Permit to “Town of Ladysmith Zoning Bylaw 2014, No.1860” to increase the maximum permitted height of a principal building from 10.0m to 11.8m to facilitate construction of a duplex residence at 416 South Colonia Drive.

As a homeowner and resident of the Holland Creek Area, whose forest and nature view will be negatively impacted by the duplex residence at 416 South Colonia Drive, I am writing to object to the Variance proposed above.

My home was built to comply with the elevation requirements of the “Holland Creek Local Area Plan” including Section 6.0. In order to achieve this, my home had to be built at an elevation that requires the driveway to have a downward slope. As a homeowner, I would have greatly preferred a level driveway for ease of parking and reduced water runoff issues but as a community member, it was my duty to consider the impact on my neighbour’s view. I was not able to build my home at an elevation higher than allowed and I request the same standard be applied to all members of the Holland Creek Area.

The "Engagement Summary" OCP states "Maintain view corridor to ocean. No tall buildings to block out views". If this Variance is granted, it will violate that as well as the Holland Creek Local Area Plan – Schedule C of Bylaw 1488. Builders, who purchase lots in the Holland Creek Area to profit from their sale, should not be exempt from the rules that community members must comply with. Granting this Variance will not only diminish or obliterate ocean and nature views from the homes negatively impacted by this massive duplex, it will also set a dangerous precedent for further degradation of the views of other Holland Creek Area community members.

I implore you to vote against this DVP that negatively impacts the community that is my home.

Respectfully,  
Janice Briggs