

PUBLIC HEARING INFORMATION PACKAGE

Zoning Amendment Bylaw (3181, 3183 Gibbins Road; R3 to R3-MF), 2018 Bylaw No. 3685

Public Hearing Notice & Draft Bylaw No. 3685

1. Notice of Public Hearing for **September 21, 2022 at 6:00 p.m.**
2. Public Hearing Ad – 1st Notification – September 8, 2022
3. Public Hearing Ad – 2nd Notification – September 15, 2022
4. Bylaw No. 3685
5. Subject Property

Staff Reports

1. Planning Staff Report to April 16, 2018 Community Advisory Planning Committee and May 2, 2018 Regular Council – Application Proposal and 1st Reading
2. Planning Staff Report to August 17, 2022 Regular Council and Public Hearing – 2nd Reading

Minutes

1. Excerpt from April 16, 2018 Community Planning Advisory Committee – Recommendation to Council
2. Excerpt from May 2, 2018 Regular Council Minutes – 1st Reading and Requirements
3. Excerpt from August 17, 2022 Regular Council and Public Hearing Minutes – 2nd Reading and Schedule Public Hearing

Correspondence

1. Letter dated November 20, 2017 from R.E.B. Development Services Re: Development Rationale
2. Letter dated November 27, 2017 to R.E.B. Development Services Re: Application Acknowledgement
3. Letter dated May 9, 2018 to R.E.B. Development Services Re: Council Motion

Public Comments

No Written Submissions Received To-Date



NOTICE OF PUBLIC HEARING

The Director of Planning and Building gives notice that a Public Hearing will be held at **6:00 p.m. on Wednesday, September 21, 2022** to allow Council to receive public input on Bylaw No. 3685 which proposes to amend "Zoning Bylaw 1997," No. 2950. As authorized by the *Local Government Act*, this hearing will be conducted by electronic means and members of the public will be provided an opportunity to be heard verbally or by submitting their comments in writing in advance of the hearing. This hearing will be conducted by video conference using the Cisco Webex platform, and though electronic, is open to the public and anyone wishing to participate may do so in person by attending Council Chambers, or by joining the meeting using a computer, smartphone or tablet. If you wish to participate electronically, please visit www.northcowichan.ca/virtualmeeting for instructions on how you can join this hearing and find the link to join. You may also view the hearing as it is streamed live by going to www.northcowichan.ca/Agendas, and click on the 'View Live Stream' link. A copy of the recording will be made available after the hearing on North Cowichan's website for on-demand viewing.

Zoning Amendment Bylaw (3181, 3183 Gibbins Rd; R3 to R3-MF), 2018 No. 3685 proposes to amend Zoning Bylaw 1997, No 2950 by:

1. Amending section 58.3 (5) [R3-MF, Density] by inserting the following: "(c) Despite section 5(a), the minimum site area per dwelling unit of 215m2 (2,314 ft2) is permitted at 3181/3183 Gibbins Road (PID: 000-120-308)".
2. Reclassifying 3181/3183 Gibbins Road (PID: 000-120-308) from Residential One and Two-Family Zone (R3) to Residential Medium Density Multi-Family Zone (R3-MF).

The purpose of the proposed bylaw is to authorize an existing four-plex on the subject property (PID: 000-120-308) outlined in bold on the map.

Public Input

If you believe your interests in land will be affected by the proposed bylaw, you are encouraged to submit your comments in writing to Mayor and Council by **1:00 p.m. on Monday, September 19, 2022**, using any of the writing methods identified below. Comments may also be shared verbally during the Public Hearing, by following the instructions provided below.

1. In Writing in Advance of the Public Hearing:

Written submissions will be accepted by:

- Email to publicmeetings@northcowichan.ca
- Mail to Mayor and Council, Municipality of North Cowichan, 7030 Trans-Canada Highway, Duncan BC, V9L 6A1
- Fax to 250-746-3133
- In-Person deposited through the mail slot at the Municipal Hall, Main Entrance

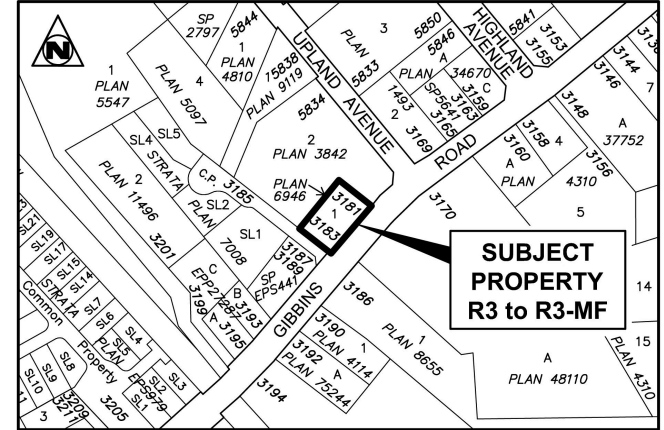
2. Verbally or in Writing at the Public Hearing:

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- Virtually by logging in electronically, details and instructions will be available at least one week prior to the Hearing at www.northcowichan.ca/PublicHearings and at our automated Public Hearing Info Line: 250-746-3264
- Written submissions may be submitted during the Public Hearing by presentation to the Corporate Officer or her designate

PLEASE NOTE: Submissions should reference the bylaw number and include your name and the civic address or legal description of the land affected by the proposal. Please be advised that all submissions, including the individual's name and address will form part of the public record and will be published on North Cowichan's website. Do not include any personal information in your submission that you do not wish to be disclosed, as submissions received are public documents and will not be redacted (with the exception of email addresses on electronic submissions, phone numbers and signatures). Written submissions will not be accepted after the conclusion of the Public Hearing.

A copy of the bylaw and related documents, including public comments received in writing, will be available to inspect online at www.northcowichan.ca/PublicHearings until the close of the Public Hearing. The documents may also be inspected in the Planning Department at the Municipal Hall, Monday to Friday (excluding statutory holidays) between 8:00 a.m. and 4:00 p.m. until September 2, 2022, and from 8:30 a.m. and 4:30 p.m. beginning September 6, 2022 until close of business on September 21, 2022.

Rob Conway, Director of Planning and Building



Personal information is collected by North Cowichan under the authority of s. 26 (c)

of the *Freedom of Information and Protection of Privacy Act* for the purpose of administering the Public Hearing.

Please direct any questions about personal information to North Cowichan's Privacy Officer by

Phone: 250-746-3116, Email: privacy@northcowichan.ca or Regular Mail: 7030 Trans-Canada Highway, Duncan, BC, V9L 6A1

7030 Trans-Canada Highway, Duncan BC V9L 6A1
T: 250-746-3100 F: 250-746-3133 www.northcowichan.ca

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The purpose of the proposed bylaw is to authorize an existing four-plex on the subject property (PID: 000-120-308) outlined in bold on the map.



Zoning Amendment Bylaw (3005, 3011 Drinkwater Road & 6455 Ford Road from R1 to CD23), No. 3868 proposes to amend the following sections of Zoning Bylaw 1997, No. 2950 by inserting under: Section 12, the definition "**residential rental tenure**"; Section 43 "**Ford Road South Comprehensive Development Zone (CD23)**" to the end of the list of zones; and Section 80.21 the new zone "**Ford Road South Comprehensive Development Zone (CD23)**"; and further to reclassify 3005 Drinkwater Road (PID: 003-108-163), 3011 Drinkwater Road (PID: 000-209-457), and 6455 Ford Road (PID: 005-926-866) from Residential Rural Zone (R1) to Ford Road South Comprehensive Development Zone (CD23).

The purpose of the Zoning Bylaw Amendment is to allow for the construction of three apartment buildings (262 apartment units) on the subject properties (PID's 003-108-163, 000-209-457 and 005-926-866) as outlined in bold on the map.



Zoning Amendment Bylaw (Cannabis Sales – 3288 Cowichan Lake Road), No. 3878, 2022 proposes to amend Zoning Bylaw 1997, No. 2950 by adding the following new subsection after 40.9: "40.10 Despite section 40.5, one cannabis retail store is permitted at 3288 Cowichan Lake Road (PID: 030-911-842)."

The purpose of the Zoning Bylaw Amendment is allow for retail cannabis sales on the subject property (PID: 030-911-842) as outlined in bold on the map.



PUBLIC INPUT

If you believe your interests in land will be affected by the proposed bylaws, you are encouraged to submit your comments in writing to Mayor and Council by **1:00 p.m.** on **Monday, September 19, 2022**, using any of the writing methods identified below. Comments may also be shared verbally during the Public Hearing, by following the instructions provided below.

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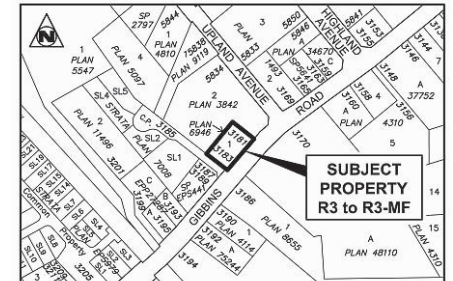
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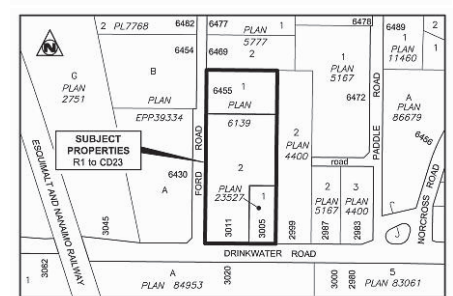
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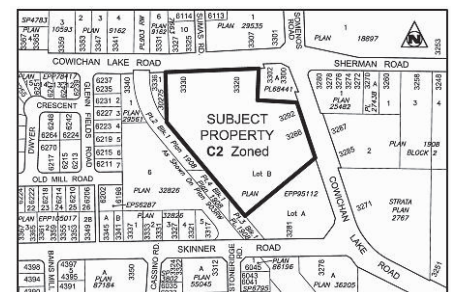
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MUNICIPALITY OF
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The Corporation of the District of North Cowichan

Zoning Amendment Bylaw (3181, 3183 Gibbins Road; R3 to R3-MF), 2018

Bylaw 3685

The Council of The Corporation of The District of North Cowichan enacts in open meeting assembled as follows:

Title

- 1 This Bylaw may be cited as "Zoning Amendment Bylaw No. 3685, 2018".

Amendment

- 2 Bylaw 1997, No. 2950, section 58.3 (5) [R3-MF, Density] is amended by inserting the following:
 "(c) Despite section (5)(a), the minimum site area per dwelling unit of 215 m² (2,314 ft²) is permitted at 3181/3183 Gibbins Road (PID: 000-120-308)".
- 3 Zoning Bylaw 1997, No. 2950, Schedule "C" is amended by reclassifying 3181/3183 Gibbins Road (PID: 000-120-308) from Residential One and Two-Family Zone (R3) to Residential Medium Density Multi-Family Zone (R3-MF), as shown outlined in black in Schedule A attached to and forming part of this Bylaw.

READ a first time on May 2, 2018

READ a second time, as amended, on August 17, 2022

CONSIDERED at a Public Hearing on

READ a third time on

ADOPTED on

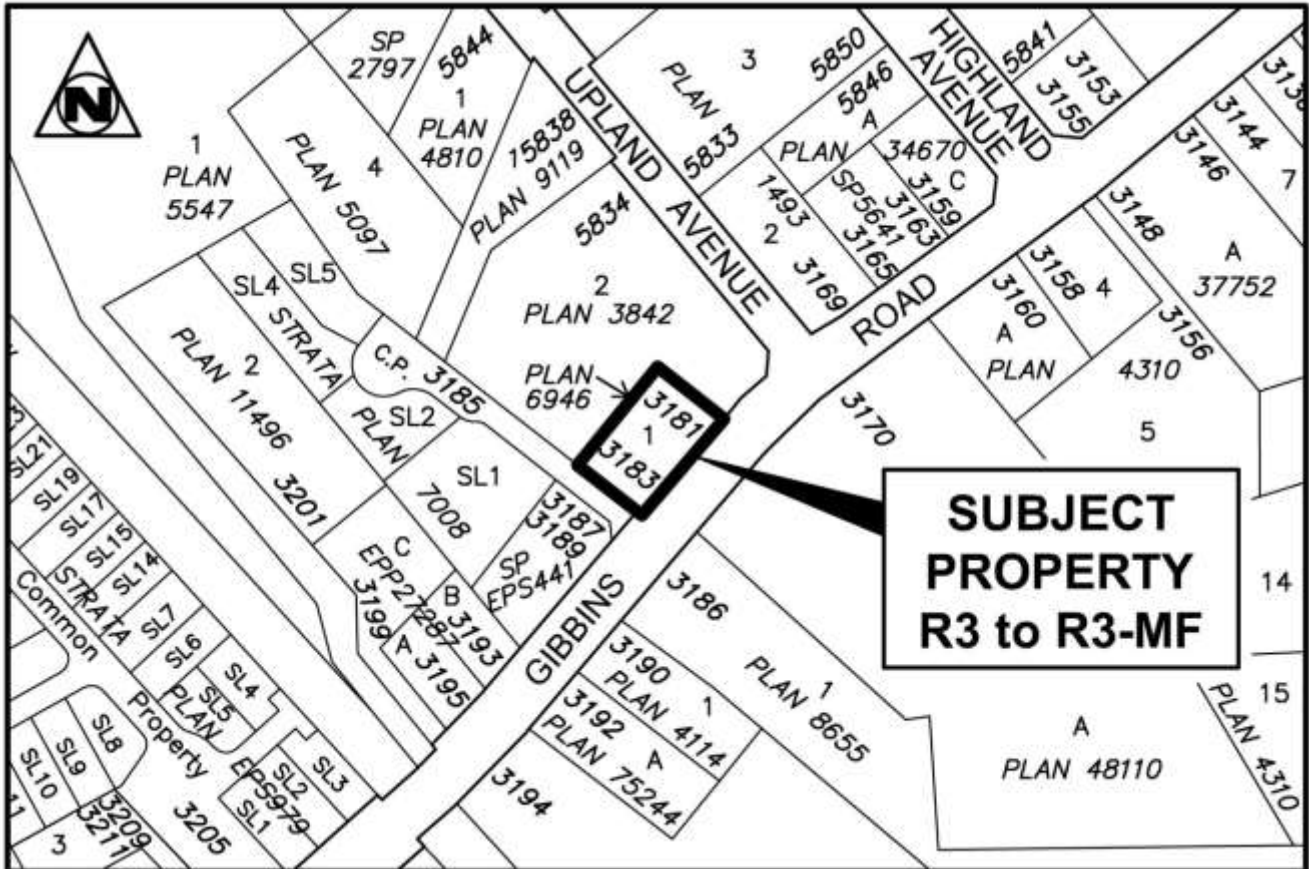
CORPORATE OFFICER

PRESIDING MEMBER

Schedule "A" to accompany
"Zoning Amendment Bylaw No.
3685, 2018".

Presiding Member

Corporate Officer



STAFF REPORTS

Report

Date	April 5, 2018	Prospero No. ZB000070
To	Council	Folio No. 01136-000
From	Morgan McLeod, Development Planner	File No. 3360-20 17.25
Subject	Zoning Bylaw Amendment Application No. ZB000070 for 3181 & 3183 Gibbins Road	

Purpose

The purpose of this report is to provide Council with information, analysis and recommendations regarding a zoning bylaw amendment application to rezone the subject property from the Residential One and Two Family Zone (R3) to Residential Medium Density Multi-Family Zone (R3-MF) to regularise a duplex that was converted to a fourplex.

Background

The subject property is located at 3181 & 3183 Gibbins Road and is approximately 875 m² (0.22 ac) in area (see ATTACHMENTS 1 & 2). The property currently contains an illegal multi-family building and a number of accessory buildings and structures. The building was originally constructed as a duplex in 1977. The subject property is in the Urban Containment Boundary and is zoned Residential One and Two-Family (R3) (ATTACHMENT 3).

The property currently contains a duplex with an accessory building (see site photos in ATTACHMENT 4) and is primarily surrounded by single family residences.

History

On April 7, 1981, a complaint was made that the subject property was being used as a fourplex. The building had two 3 bedroom units and two 2 bedroom units. The Building Inspector issued a letter to the owner informing him that the property's legal use of the structure was for a two family residence only. The owner was informed by the Municipality that failure to comply with the Zoning Bylaw may result in the District pursuing bylaw enforcement action.

On June 17, 1982, the owner applied to rezone the property from the R3 Zone to Residential Multi-Family Three Storey (R7) Zone, which was not approved on the basis that the duplex was converted into a four plex without a building permit and contrary to the requirements of the Zoning Bylaw.

The issue of the building being used as a fourplex has continued since it was originally converted; the property file indicates the property has had enforcement notices in 1985, 1988, 1993 and 2000. It is the current owner's intention to regularize the building.

Proposal

The owner has applied to rezone the property to the R3-MF zone in order to bring the existing fourplex into compliance with the Zoning Bylaw (ATTACHMENT 5). The applicant has provided a site plan

(ATTACHMENT 6). The four-plex contains 4 dwelling units with a landscaped yard and parking provided at the front of the property. The units would be accessed via a driveway off Gibbins Road.

A form and character Development Permit under Development Permit Area-1 (General) would be the required next step if the rezoning application is approved. At the Development Permit stage, the proposed development would need to meet requirements of the proposed R3-MF zone, relevant Development Permit Guidelines and Municipal policies. The Development Permit would address potential upgrades and improvements to the building and landscaping.

Discussion

Official Community Plan

The OCP contains a number of policies which support multi-family residential development within the Urban Containment Boundary (UCB).

2.5.2.8 – The Municipality encourages sensitive integration of increased density in growth centres through the use of multi-unit housing.

Increasing densities in residential areas helps provide a variety of housing options.

2.5.2.1 – the Municipality recognizes the need for a variety of housing types (by size, type, tenure, density and cost) integrated into a range of neighbourhoods in all growth centres, and especially for housing types suitable for the aging population and young families.

The proposed multi-family units are relatively small (~1,020 ft² for 3 or 2 bedroom), which would provide a greater variety of housing in the area and infill in the subject area, compared with the larger surrounding single family dwellings. The multi-family housing type would assist in accommodating the diverse needs of the population in terms of size, effort to maintain and affordability. Redevelopment of the subject property would also result in a more efficient use of resources and infrastructure by accommodating an increase in density in the growth centre. The proposal is consistent with the OCP.

Zoning Bylaw

The existing permitted use of the subject property is two-family dwelling (duplex). The zoning bylaw defines a two-family dwelling as, “means a building, containing two dwelling units which, if joined by a party wall, is primarily adjoined by habitable space rather than a carport, located on a single lot or on two strata lots and which is used or intended to be used as the residence of two (2) families. Despite the foregoing, suites, granny flats, or in-law suites, and the like are permitted, provided that the unit number of 2 is not exceeded.” therefore the conversion of both sides of duplex into a four plex is not permitted in the R3 zoning.

Building Division

It will likely be difficult to bring the building up to the current BC Building Code requirements for a fourplex. Staff recommend that, should Council wish to support the proposal, the zoning amendment bylaw be given first reading only, and that second reading be withheld pending submission of a code analysis by an architect to identify the upgrades necessary to bring the fourplex into substantial compliance with the BC Building Code and a letter of commitment from the owners to undertake the work identified in the analysis (a Building Permit would be required for this work). Depending on the results of the analysis, staff may recommend that Council authorise registration of a Notice of Title.

Communications and Engagement

Should Council choose to provide 1st and 2nd readings to this bylaw, the application will proceed to the Public Hearing stage, at which time the general public will be provided with an opportunity to have input on the proposed Zoning Bylaw amendment. Neighbouring properties within a 60 m radius of the subject property will be notified of this application and advertisements will be placed in the local newspaper, as per the requirements of the *Local Government Act*.

Options

The following options are presented for Council's consideration:

Recommended Option:

Option 1: Council could choose to give 1st reading to the zoning amendment bylaw and require, prior to bringing the bylaw back to Council for consideration of 2nd reading, submission of a code analysis by an architect to identify the upgrades necessary to bring the fourplex into substantial compliance with the BC Building Code and a letter of commitment from the owners to undertake the work identified in the analysis.

Other Options:

Option 2: Council could choose to give 1st and 2nd readings to the zoning amendment bylaw without the requirement for a code analysis or letter of commitment. A Building Permit would be required to address a number of basic life-safety provisions of the BC Building Code related to the two additional dwelling units. Staff would bring forward a report recommending that Council authorise registration of a Notice of Title.

Option 3: Council could choose not to support the zoning amendment bylaw. In this instance, staff would be seeking Council direction on whether to pursue decommissioning of the two illegal dwelling units and/or registration of a Notice on Title.

Implications

There are no social, financial, environmental, cultural, personnel, communications or Official Community Plan implications of the recommended option.

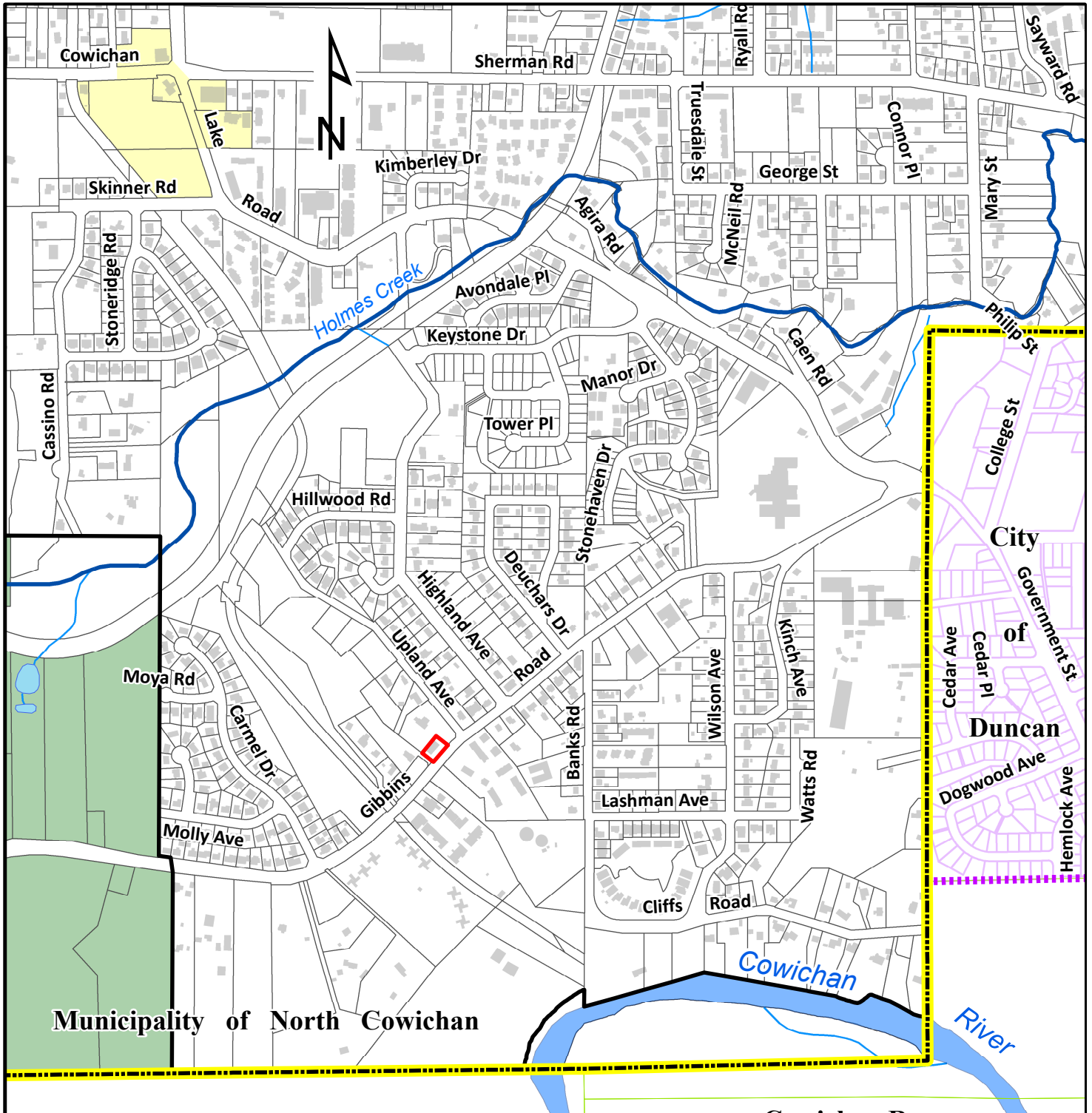
Recommendation

That Council

1. read a first time Zoning Amendment Bylaw (Gibbins Road), 2018, No. 3685, and
2. require the owner to provide a code analysis prepared by an architect to identify the upgrades necessary to bring the fourplex into substantial compliance with the BC Building Code and a letter of commitment from to undertake the work identified in the analysis.

Attachments

1. Location Plan
2. Air Photo
3. Zoning Map
4. Site Photos
5. Letter from Applicant
6. Site Plan
7. Residential Medium Multi-Family (R3-MF) Zone
8. Bylaw No. 3685



LEGEND

- | | |
|--------------------|--------------------------------------|
| Subject Property | Urban Containment Boundary |
| Existing Buildings | Agricultural Land Reserve |
| Waterbodies | Neighbourhood Commercial Designation |
| Watercourses | North Cowichan Municipal Boundary |

Cowichan Reserve
I.R. No.1

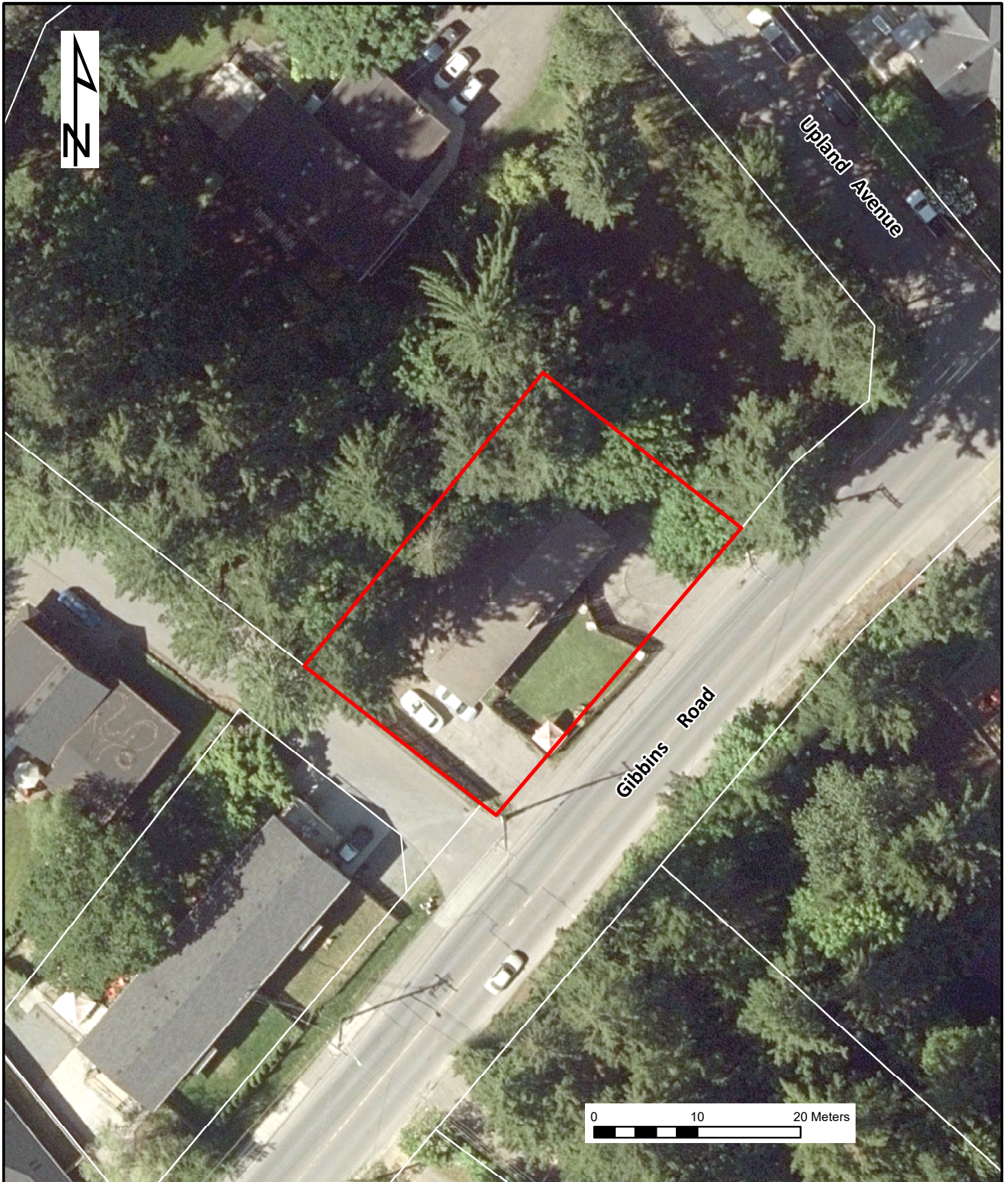
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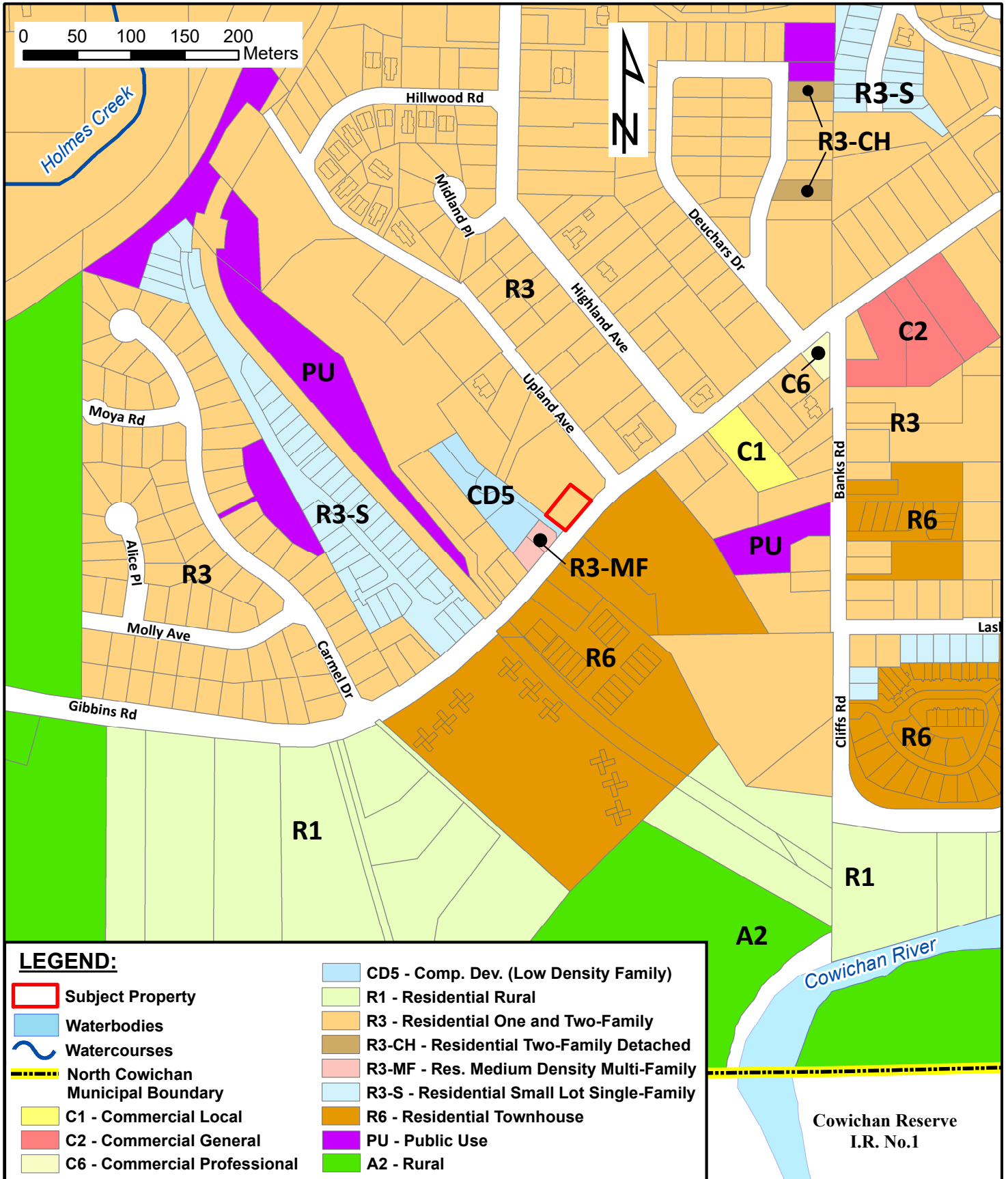
LOCATION MAP

3181 & 3183 Gibbins Road

DATE:	November 29, 2017
TYPE:	Rezoning
FILE#:	ZB000070



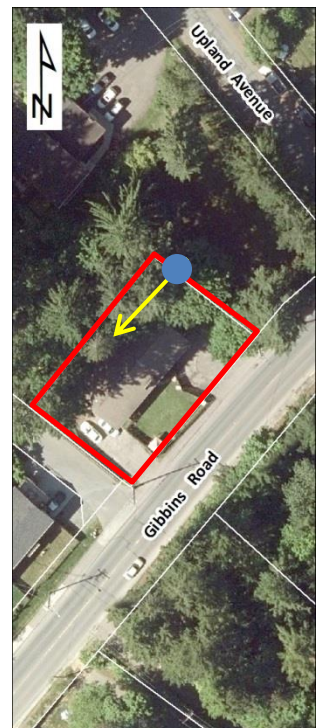
	ORTHOPHOTO MAP (Orthophoto is from 2017 aerial photography)	DATE: November 29, 2017
	3183 & 3181 Gibbins Road	TYPE: Rezoning
		FILE#: ZB000070



ATTACHMENT 4



ATTACHMENT 4



R.E.B. Development Services

1342 Oakwood Place, Duncan B.C. V9L 5R3 Phone 250-246-7640

Date: November 20, 2017

File: 2017/Gibbins Rd

Municipality Of North Cowichan

P.O. Box 278, Duncan B.C.

V9L 3X4

Attn: Mr. Kyle Young

Re: Proposed Rezoning Of Lot 1,
Sections 18, Range 44, Quamichan District, Plan 6946
3181 Gibbins Road, Duncan B.C.

Dear Sir;

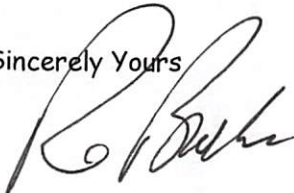
Please find attached for consideration of rezoning as demanded by the Municipality of North Cowichan Bylaw Enforcement Officer the following:

- 1) A completed Application Form.
- 2) Our Client's cheque in the amount of \$2,500.00 to cover the application fee.
- 3) A current copy of the Certificate of Title.
- 4) Two sets of the newly generated Site Plan, Floor Plans & Elevations.

This application is required to bring the existing building into compliance with the current bylaws. The property is zoned to permit two family dwellings but has for years contained four separate dwelling units. Additional investigations are underway as suggested by the Municipal Building Inspector and this information will be provided when it becomes available.

Should you require additional information please do not hesitate to contact me either by e-mail or call/text 250-246-7640.

Sincerely Yours



Richard E. Buckles
R.E.B. Development Services

Residential Medium Density Multi-Family Zone (R3-MF) [BL3495]**Permitted Uses**

- 58.3** (1) The permitted uses for the R3-MF zone are:
- Multi-Family Residence
- (2) The permitted accessory uses for the R3-MF zone are:
- Limited Home-Based Business
Accessory Building

Minimum Frontage and Lot Depth

- (3) The minimum permitted frontage is 18.0 m (59.05')
- (4) The minimum permitted lot depth is 30.0 m (98.43')

Density

- (5) The permitted density for the R3-MF zone is as follows:
- (a) Minimum site area per dwelling unit 230 m² (2,476 sq. ft.)
- (b) Maximum permitted floor space ratio is 0.5:1.

Maximum Lot Coverage

- (6) The maximum permitted lot coverage for the R3-MF zone is 45%; of this, accessory buildings and structures cannot exceed 10% of the lot.

Minimum Setbacks

- (7) The minimum permitted setbacks for the R3-MF zone are as follows:
- (a) Principal Buildings
- Yard, Front, 5.0 m (16.40')
- Yard, Side, 1.5m (4.92')
- Yard Side when adjacent to a lane or street, 3.0 m (9.84')
- Yard, Rear, 7.5m (24.61')
- Garage doors from any side or front property line, 5.8m (19.03')
- (b) Accessory Buildings and Structures
- Yard, Front, 10.0 m (32.81')
- Yard, Side, 1.5m (4.92')
- Yard Side when adjacent to a lane or street, 3.0 m (9.84')
- Yard, Rear, 1.5m (4.92')

Maximum Building Height

(8) The maximum permitted building heights for the R3-MF zone are as follows:

- (a) Principal Building, 10.0 m (32.81')
- (b) Accessory Building, 5.0 m (16.40')

Landscaped Open Space

(9) Landscaping of the open space must meet the following requirements in the R3-MF zone:

- (a) 30% of the lot area must be provided and maintained as landscaped area not including parking.

Exterior Amenity Space

(10) In the R3-MF zone, each dwelling unit

- (a) located at or below grade must have, at minimum, private outdoor amenity space of 7.4 m² (79.66 sq. ft.) in area with, at minimum, one horizontal dimension of 3.0 m (9.84 feet), and
- (b) located above grade (second storey or higher), must have a minimum private outdoor amenity space of 4.75 m² (48.44 sq. ft.) in area with, at minimum, one horizontal dimension of 2.0 m (6.56').

Conditions of Use

(11) The conditions of use for the R3-MF zone are as follows:

- (a) no fences over 1.2 m (3.94') in height are permitted in the required yards, front;
- (b) no fences over 1.8 m (5.91') in height are permitted in the required yards, side or rear;
- (c) in no situation shall a fence be greater than 2 m (6.56') in height;
- (d) common garbage and recycle receptacles/bins must be enclosed by walls or decorative fencing for the purposes of screening;
- (e) the lot must have one driveway and must be a maximum of 3.0 m (9.84') wide where it crosses pedestrian sidewalks or trails;
- (f) parking spaces must be located along the side or rear of the principal building.



The Corporation of the District of North Cowichan

Zoning Amendment Bylaw (Gibbins Road), 2018

Bylaw 3685

The Council of The Corporation of The District of North Cowichan enacts as follows:

- 1 Schedule "C" of Zoning Bylaw 1997, No. 2950, is amended by reclassifying from Residential One and Two Family Zone (R3) to Residential Medium Density Multi-Family Zone (R3-MF), 3181/3183 Gibbins Road (PID: 000-120-308), shown as "Subject Property" and outlined in bold on the Schedule attached to and forming part of this bylaw.**
-

READ a first time on

READ a second time on

CONSIDERED at a Public Hearing on

READ a third time on

ADOPTED on

CORPORATE OFFICER

PRESIDING MEMBER

2



Report

Date	August 17, 2022	File: 3360-20 17.25
Subject	Zoning Amendment Bylaw No. 3685 (3181, 3183 Gibbins Road; R3 to R3-MF), 2018 for second reading	

PURPOSE

To consider second reading of Zoning Amendment Bylaw No. 3685, 2018 *as amended* to permit a four-plex on the subject property.

BACKGROUND

Application

Following ongoing bylaw compliance issues since the 1980's regarding two illegal secondary suites within a permitted duplex on the subject property, i.e., one illegal suite within each half of this side-by-side duplex, the property owner is requesting that Council consider increasing the residential density by rezoning the subject property from the Residential One and Two Family Zone (R3) to Residential Medium Density Multi-Family Zone (R3-MF) in order to permit a four-plex.

The existing duplex was constructed under an approved building permit with occupancy granted in 1977. However, two suites that were subsequently added within the building were not constructed under a building permit. Further, the subject property is located within the R3 Zone, which limits the residential density of the property to a maximum of two residential units within one residential building.

First Reading

At first reading of Zoning Amendment Bylaw No. 3685, 2018 on May 2, 2018, Council requested the following items conditional to scheduling second reading:

1. A BC Building Code (BCBC) analysis of the existing residence by an architect to ascertain the extent of upgrades required for the intended use of four residential suites within an existing duplex;
2. A letter of commitment from the property owner to undertake the upgrades to the existing residential building as identified in the BCBC analysis; and
3. Registration of a notice on the title of the subject property under section 57 of the *Community Charter* that building regulations have been contravened.

These conditions are now completed.

The rezoning report, presented to the Community Planning Advisory Committee and Council, dated April 5, 2018, is provided in Attachment 1.

The May 2nd, 2018 Council minutes are provided in Attachment 2. The excerpt of the Minutes pertaining to Zoning Amendment Bylaw No. 3685 is provided in Figure 1.

Figure 1. Excerpt from Council Minutes from May 2, 2018 Regular Council Meeting

7.	BYLAWS
7.1	Bylaw 3685 - "Zoning Amendment Bylaw (Gibbins Road), 2018"
	It was moved and seconded:
	That Council:
	<ol style="list-style-type: none"> 1. read a first time "Zoning Amendment Bylaw (Gibbins Road), 2018", No. 3685, 2. require the owner to provide a code analysis prepared by an architect to identify necessary upgrades to bring the fourplex into substantial compliance with the BC Building Code and a letter of commitment to undertake the work identified in the analysis, and 3. give notice that it intends to register a notice on title under section 57 of the <i>Community Charter</i> that building regulations have been contravened.
	CARRIED

DISCUSSION

To fulfill Council's direction, the applicant has provided the following documentation:

1. BC Building Code Analysis (Attachment 3)
2. Notarized Letter of Commitment to Complete Works (Attachment 4)

Additionally, staff have:

3. Registered on the title of the subject property a notice on title under section 57 of the *Community Charter* that building regulations have been contravened. (Attachment 5)

Finally, the proposal to convert the existing duplex to a four-plex inadvertently does not meet the density provision of the requested R3-MF Zone.

For the existing duplex on the subject property to be converted to a four-plex *and* be compliant with the density requirements of the R3-MF Zone as requested, the amendment bylaw (No. 3685) presented initially at first reading will need to be revised.

Therefore, an amendment to Bylaw No. 3685 is proposed for Council's consideration that would allow a maximum of four dwelling units on the subject property.

1. BC Building Code Analysis

A Building Code review conducted by Stellar Architectural Consulting concluded that:

"Significant items and conditions noted in this review, along with any additions and partition alterations to the original building permit drawings, will need to be addressed in a future building permit to bring this property up to the standards of the BC Building Code 2018" (Author, Mr. Eddie Williams Architect AIBC, MRAIC).

Staff are satisfied that the BC Building Code analysis meets the requirements of Council's May 2, 2018 resolution, and that the review was conducted by a professional architect.

The BC Building Code analysis is provided in Attachment 3.

2. Letter of Commitment

A notarized letter of commitment from the property owner, dated April 26, 2022 states that:

- Building upgrades are for the purpose of a four-plex and not for strata conversion, and
- A building permit application for residential building upgrades consistent with the BC Building Code analysis will be submitted within 90 days of successful rezoning.

A letter from Eddie Williams, Architect AIBC, MRAIC from Stellar Architectural Consulting, dated August 13, 2019 indicates that the BC Building Code analysis (Attachment 3) is in support of the zoning amendment request to allow conversion of the existing side-by-side duplex to a four-plex "... suitable for rental to four Tenants ..." (LTR E Williams, August 13, 2019).

The notarized letter from the property owner as well as the letter of support from Eddie Williams Architect AIBC, MRAIC is provided in Attachment 4.

3. Section 57 Notice on Title

Council requested that a Notice under section 57 of the *Community Charter* be registered on the title of the subject property prior to consideration of second reading. A notice was registered on the title of the subject property by staff on July 12, 2018.

The updated title of the subject property showing the Notice is registered is provided in Attachment 5.

4. AS AMENDED, Zoning Amendment Bylaw No. 3685

This zoning amendment request is intended to permit a four-plex on the subject property. While the property owner wishes to upgrade the existing residential structure, should the property be successfully rezoned from R3 to R3-MF (Residential Medium Density Multi-Family Zone), a new residential building to a maximum residential density as permitted in the R3-MF Zone could also be constructed.

Yet, the proposed use of the existing duplex residential building for 4 residential units inadvertently does not comply with all density provisions of the R3-MF Zone. While the proposed use of the existing building complies with the maximum permitted floor area ratio of 0.5:1, **the minimum site area per dwelling unit of 230 m² (2,476 ft²) on the 875 m² (9,418 ft²) subject property would permit only 3.8 units, or 3 residential units.**

As the parcel area would permit only 3 residential units, and the intent of the property owner is to conduct building upgrades to the existing duplex to accommodate a four-plex (Attachment 4), an additional site specific amendment to Zoning Amendment Bylaw No. 3685 is recommended for Council's consideration of second reading.

The density provisions of the R3-MF Zone (Zoning Bylaw No. 2950, 58.3(5) are:

Density

- (5) The permitted density for the R3-MF zone is as follows:
 - (a) Minimum site area per dwelling unit 230 m² (2,476 sq. ft.)
 - (b) Maximum permitted floor space ratio is 0.5:1.

Staff recommend that Council consider giving second reading to Zoning Amendment Bylaw No. 3685 **as amended** by adding the following site specific provision to section 58.3(5) [Density] shown in **bold**:

"Density

- (5) The permitted density for the R3-MF zone is as follows:
 - (a) Minimum site area per dwelling unit 230 m² (2,476 ft²)
 - (b) Maximum permitted floor space ratio is 0.5:1.
 - (c) **Despite section (5)(a), the minimum site area per dwelling unit of 215 m² (2,314 ft²) is permitted at 3181/3183 Gibbins Road."**

Proposed Zoning Amendment Bylaw No. 3685, as amended, maintains that the location for a four-plex was supported in the report to Council, dated April 5, 2018, which considered the rezoning proposal for multi-family use of the subject property is consistent with Official Community Plan (No. 3450) policies for increased residential density within the Growth Centre designation within the Urban Containment Boundary, and toward an increase in variety of housing types (OCP policies 2.5.2.8, 2.5.2.1). The Report to Council dated April 5, 2018 is provided in Attachment 1.

Zoning Amendment Bylaw No. 3685 as presented at first reading is provided in Attachment 6.

Zoning Amendment Bylaw No. 3685 as amended for consideration at second reading, is provided in Attachment 7.

The conditions requested by Council to be fulfilled prior to scheduling second reading are completed, and it is recommended that Council give second reading of Zoning Amendment Bylaw No. 3685 *as amended*.

OPTIONS

1. (Recommended Option)

1. THAT Council amend "Zoning Amendment Bylaw No. 3685, 2018" by inserting the following:
 - "2. Zoning Bylaw 1997, No. 2950, section 58.3 (5) [R3-MF, Density] is amended by inserting the following:
 - "(c) Despite section (5)(a), the minimum site area per dwelling unit of 220 m² (2,368 ft²) is permitted at 3181/3183 Gibbins Road".";
2. THAT Council give second reading, as amended, to "Zoning Amendment Bylaw No. 3685, 2018"; and

3. THAT Council schedule a Public Hearing for "Zoning Amendment Bylaw No. 3685, 2018" and notification be issued in accordance with the *Local Government Act*.
2. THAT Council give second reading to "Zoning Amendment Bylaw No. 3685 (3181/3183 Gibbins Road; R3 to R3-MF), 2018"; and
THAT Council schedule a Public Hearing for "Zoning Amendment Bylaw No. 3685, 2018" and notification be issued in accordance with the *Local Government Act*.
3. THAT Council abandon second reading of "Zoning Amendment Bylaw No. 3685, 2018".

IMPLICATIONS

Should Council approve the rezoning of the subject property from R3 to R3-MF to permit an increase in residential density to a maximum of four residential units, the property owner would be permitted to upgrade the existing duplex to a four-plex to BC Building Code and municipal Building Bylaw standards under an approved building permit issued by the Municipality, or demolish the existing residential building and construct a multi-family residential building on the subject property to a maximum density of 4 residential units.

If after 90 days, with a successful rezoning of the subject property from R3 to R3-MF, the property owner does *not* apply for a building permit to complete the necessary residential building upgrades for the permitted multi-family residential use, as stated in the notarized letter signed by the property owner dated April 26, 2022 (Attachment 4), and the use of the residential building contravenes BC Building Code and municipal Zoning and Building Bylaws, then the Building and Bylaw Compliance departments would proceed with bylaw enforcement to bring the use of the building into compliance with these standards.

If Council denies application ZB00070, the residential density at 3181/3183 Gibbins Road would be restricted to 2 units. Any illegal suites located within the existing duplex would be required to be removed.

RECOMMENDATION

1. THAT Council amend "Zoning Amendment Bylaw No. 3685, 2018" by inserting the following:
 - "2. Zoning Bylaw 1997, No. 2950, section 58.3 (5) [R3-MF, Density] is amended by inserting the following:
 - "(c) Despite section (5)(a), the minimum site area per dwelling unit of 220 m² (2,368 ft²) is permitted at 3181/3183 Gibbins Road".";
2. THAT Council give second reading, as amended, to "Zoning Amendment Bylaw No. 3685, 2018"; and
3. THAT Council schedule a Public Hearing for "Zoning Amendment Bylaw No. 3685, 2018" and notification be issued in accordance with the *Local Government Act*.

Report prepared by:

Caroline von Schilling

Caroline von Schilling
Development Planner

Report reviewed by:



Rob Conway, MCIP, RPP
Director, Planning and Building

Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Attachments:

- (1) Report to Council, April 5, 2018
- (2) Council Minutes, May 2, 2018
- (3) BC Building Code Analysis
- (4) Letter of Commitment, April 26, 2022 and Letter of Support, August 13, 2019
- (5) Updated Title with registered Notice
- (6) Zoning Amendment Bylaw No. 3685, as considered at first reading
- (7) Zoning Amendment Bylaw No. 3685, as amended for second reading

Report

Date	April 5, 2018	Prospero No. ZB000070
To	Council	Folio No. 01136-000
From	Morgan McLeod, Development Planner	File No. 3360-20 17.25
Subject	Zoning Bylaw Amendment Application No. ZB000070 for 3181 & 3183 Gibbins Road	

Purpose

The purpose of this report is to provide Council with information, analysis and recommendations regarding a zoning bylaw amendment application to rezone the subject property from the Residential One and Two Family Zone (R3) to Residential Medium Density Multi-Family Zone (R3-MF) to regularise a duplex that was converted to a fourplex.

Background

The subject property is located at 3181 & 3183 Gibbins Road and is approximately 875 m² (0.22 ac) in area (see ATTACHMENTS 1 & 2). The property currently contains an illegal multi-family building and a number of accessory buildings and structures. The building was originally constructed as a duplex in 1977. The subject property is in the Urban Containment Boundary and is zoned Residential One and Two-Family (R3) (ATTACHMENT 3).

The property currently contains a duplex with an accessory building (see site photos in ATTACHMENT 4) and is primarily surrounded by single family residences.

History

On April 7, 1981, a complaint was made that the subject property was being used as a fourplex. The building had two 3 bedroom units and two 2 bedroom units. The Building Inspector issued a letter to the owner informing him that the property's legal use of the structure was for a two family residence only. The owner was informed by the Municipality that failure to comply with the Zoning Bylaw may result in the District pursuing bylaw enforcement action.

On June 17, 1982, the owner applied to rezone the property from the R3 Zone to Residential Multi-Family Three Storey (R7) Zone, which was not approved on the basis that the duplex was converted into a four plex without a building permit and contrary to the requirements of the Zoning Bylaw.

The issue of the building being used as a fourplex has continued since it was originally converted; the property file indicates the property has had enforcement notices in 1985, 1988, 1993 and 2000. It is the current owner's intention to regularize the building.

Proposal

The owner has applied to rezone the property to the R3-MF zone in order to bring the existing fourplex into compliance with the Zoning Bylaw (ATTACHMENT 5). The applicant has provided a site plan

(ATTACHMENT 6). The four-plex contains 4 dwelling units with a landscaped yard and parking provided at the front of the property. The units would be accessed via a driveway off Gibbins Road.

A form and character Development Permit under Development Permit Area-1 (General) would be the required next step if the rezoning application is approved. At the Development Permit stage, the proposed development would need to meet requirements of the proposed R3-MF zone, relevant Development Permit Guidelines and Municipal policies. The Development Permit would address potential upgrades and improvements to the building and landscaping.

Discussion

Official Community Plan

The OCP contains a number of policies which support multi-family residential development within the Urban Containment Boundary (UCB).

2.5.2.8 – The Municipality encourages sensitive integration of increased density in growth centres through the use of multi-unit housing.

Increasing densities in residential areas helps provide a variety of housing options.

2.5.2.1 – the Municipality recognizes the need for a variety of housing types (by size, type, tenure, density and cost) integrated into a range of neighbourhoods in all growth centres, and especially for housing types suitable for the aging population and young families.

The proposed multi-family units are relatively small (~1,020 ft² for 3 or 2 bedroom), which would provide a greater variety of housing in the area and infill in the subject area, compared with the larger surrounding single family dwellings. The multi-family housing type would assist in accommodating the diverse needs of the population in terms of size, effort to maintain and affordability. Redevelopment of the subject property would also result in a more efficient use of resources and infrastructure by accommodating an increase in density in the growth centre. The proposal is consistent with the OCP.

Zoning Bylaw

The existing permitted use of the subject property is two-family dwelling (duplex). The zoning bylaw defines a two-family dwelling as, “means a building, containing two dwelling units which, if joined by a party wall, is primarily adjoined by habitable space rather than a carport, located on a single lot or on two strata lots and which is used or intended to be used as the residence of two (2) families. Despite the foregoing, suites, granny flats, or in-law suites, and the like are permitted, provided that the unit number of 2 is not exceeded.” therefore the conversion of both sides of duplex into a four plex is not permitted in the R3 zoning.

Building Division

It will likely be difficult to bring the building up to the current BC Building Code requirements for a fourplex. Staff recommend that, should Council wish to support the proposal, the zoning amendment bylaw be given first reading only, and that second reading be withheld pending submission of a code analysis by an architect to identify the upgrades necessary to bring the fourplex into substantial compliance with the BC Building Code and a letter of commitment from the owners to undertake the work identified in the analysis (a Building Permit would be required for this work). Depending on the results of the analysis, staff may recommend that Council authorise registration of a Notice of Title.

Communications and Engagement

Should Council choose to provide 1st and 2nd readings to this bylaw, the application will proceed to the Public Hearing stage, at which time the general public will be provided with an opportunity to have input on the proposed Zoning Bylaw amendment. Neighbouring properties within a 60 m radius of the subject property will be notified of this application and advertisements will be placed in the local newspaper, as per the requirements of the *Local Government Act*.

Options

The following options are presented for Council's consideration:

Recommended Option:

Option 1: Council could choose to give 1st reading to the zoning amendment bylaw and require, prior to bringing the bylaw back to Council for consideration of 2nd reading, submission of a code analysis by an architect to identify the upgrades necessary to bring the fourplex into substantial compliance with the BC Building Code and a letter of commitment from the owners to undertake the work identified in the analysis.

Other Options:

Option 2: Council could choose to give 1st and 2nd readings to the zoning amendment bylaw without the requirement for a code analysis or letter of commitment. A Building Permit would be required to address a number of basic life-safety provisions of the BC Building Code related to the two additional dwelling units. Staff would bring forward a report recommending that Council authorise registration of a Notice of Title.

Option 3: Council could choose not to support the zoning amendment bylaw. In this instance, staff would be seeking Council direction on whether to pursue decommissioning of the two illegal dwelling units and/or registration of a Notice on Title.

Implications

There are no social, financial, environmental, cultural, personnel, communications or Official Community Plan implications of the recommended option.

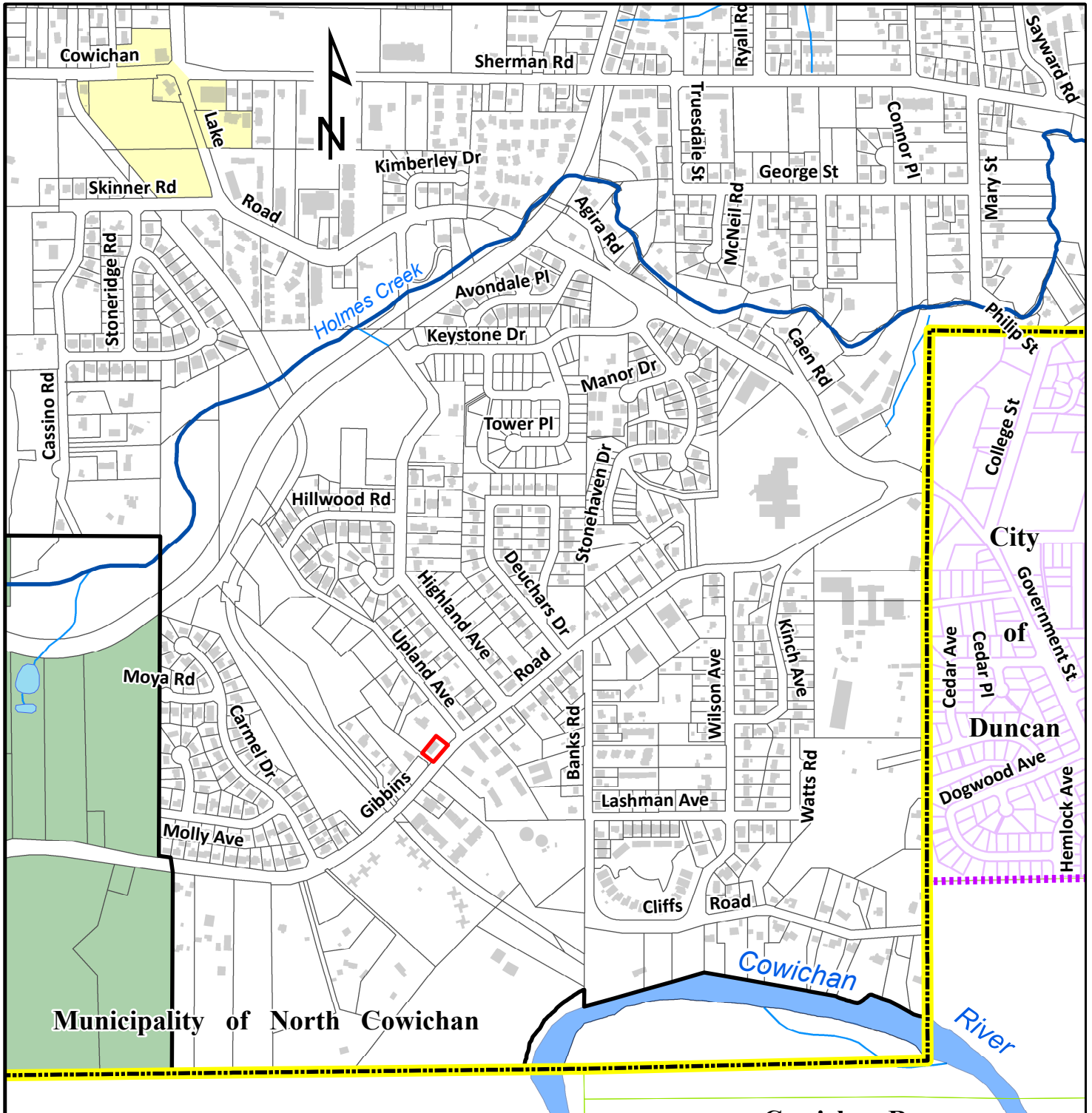
Recommendation

That Council

1. read a first time Zoning Amendment Bylaw (Gibbins Road), 2018, No. 3685, and
2. require the owner to provide a code analysis prepared by an architect to identify the upgrades necessary to bring the fourplex into substantial compliance with the BC Building Code and a letter of commitment from to undertake the work identified in the analysis.

Attachments

1. Location Plan
2. Air Photo
3. Zoning Map
4. Site Photos
5. Letter from Applicant
6. Site Plan
7. Residential Medium Multi-Family (R3-MF) Zone
8. Bylaw No. 3685



LEGEND

- | | |
|--------------------|--------------------------------------|
| Subject Property | Urban Containment Boundary |
| Existing Buildings | Agricultural Land Reserve |
| Waterbodies | Neighbourhood Commercial Designation |
| Watercourses | North Cowichan Municipal Boundary |

Cowichan Reserve
I.R. No.1

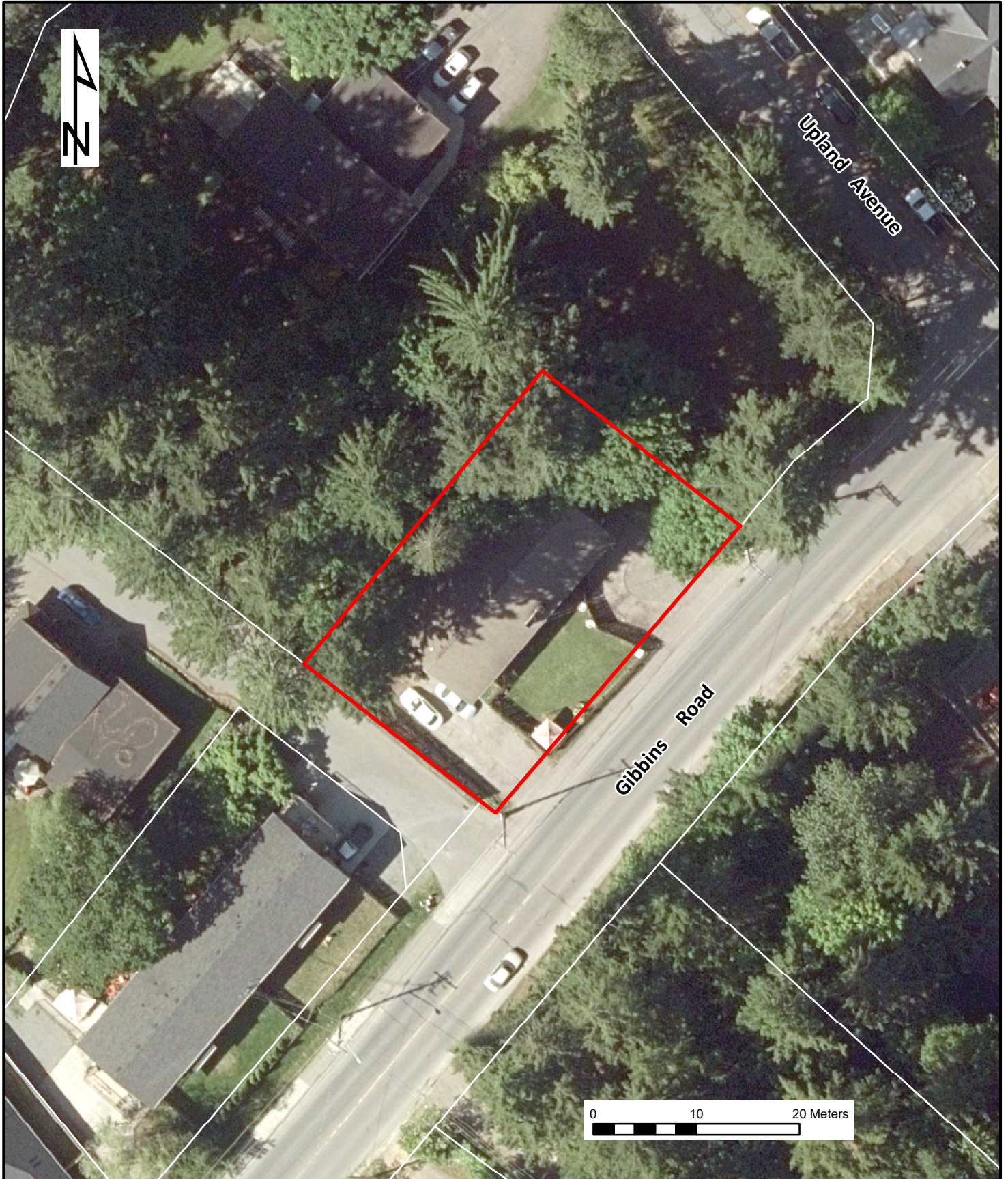
0 100 200 300 400
Meters

MUNICIPALITY OF
NORTH
Cowichan

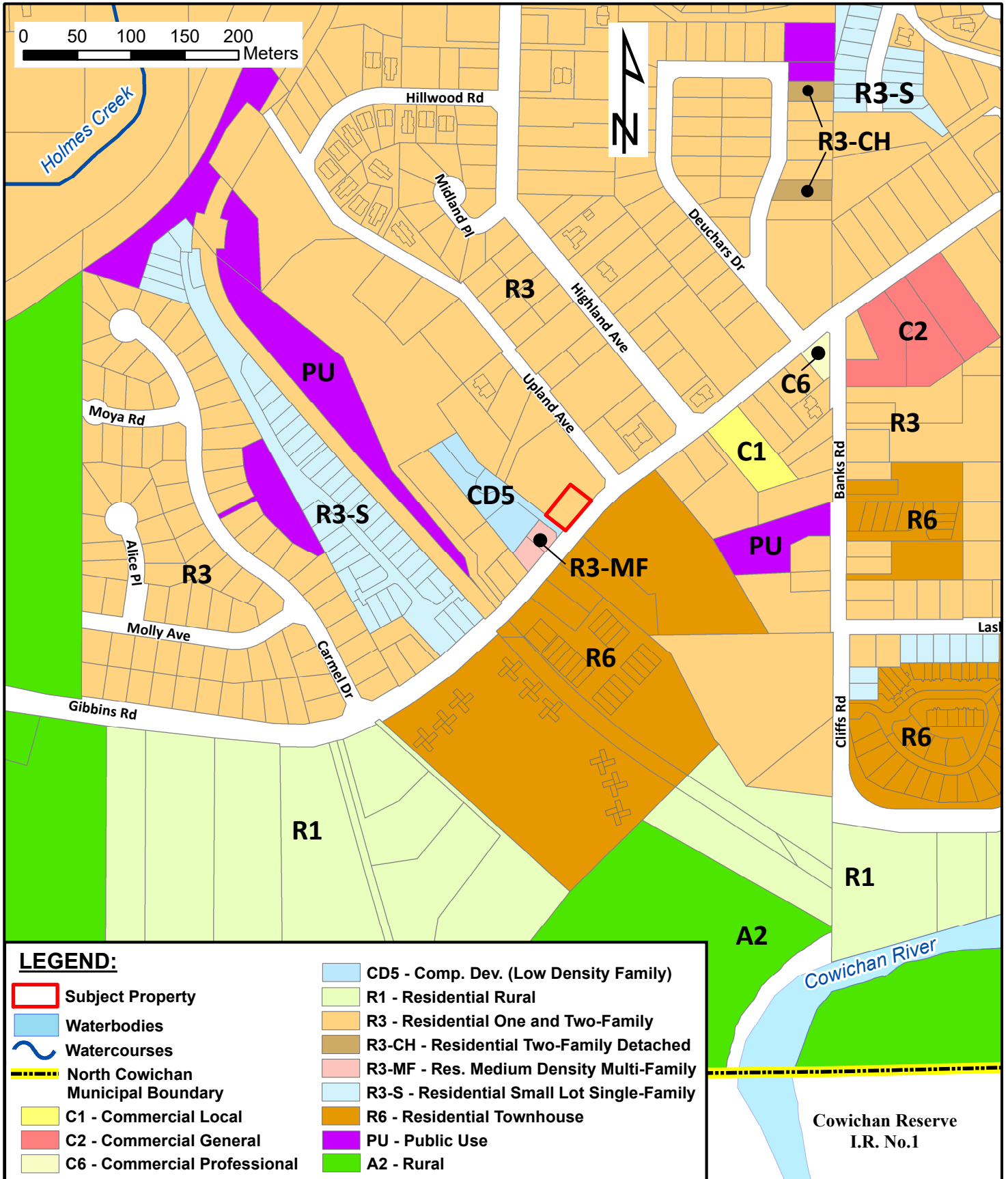
LOCATION MAP

3181 & 3183 Gibbins Road

DATE:	November 29, 2017
TYPE:	Rezoning
FILE#:	ZB000070



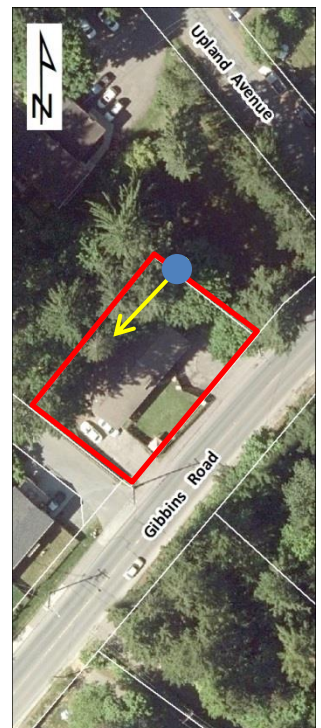
	ORTHOPHOTO MAP (Orthophoto is from 2017 aerial photography)	DATE: November 29, 2017
	3183 & 3181 Gibbins Road	TYPE: Rezoning
		FILE#: ZB000070



ATTACHMENT 4



ATTACHMENT 4



R.E.B. Development Services

1342 Oakwood Place, Duncan B.C. V9L 5R3 Phone 250-246-7640

Date: November 20, 2017

File: 2017/Gibbins Rd

Municipality Of North Cowichan

P.O. Box 278, Duncan B.C.

V9L 3X4

Attn: Mr. Kyle Young

Re: Proposed Rezoning Of Lot 1,
Sections 18, Range 44, Quamichan District, Plan 6946
3181 Gibbins Road, Duncan B.C.

Dear Sir;

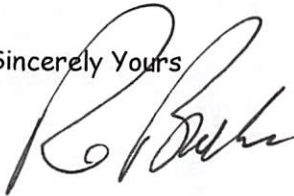
Please find attached for consideration of rezoning as demanded by the Municipality of North Cowichan Bylaw Enforcement Officer the following:

- 1) A completed Application Form.
- 2) Our Client's cheque in the amount of \$2,500.00 to cover the application fee.
- 3) A current copy of the Certificate of Title.
- 4) Two sets of the newly generated Site Plan, Floor Plans & Elevations.

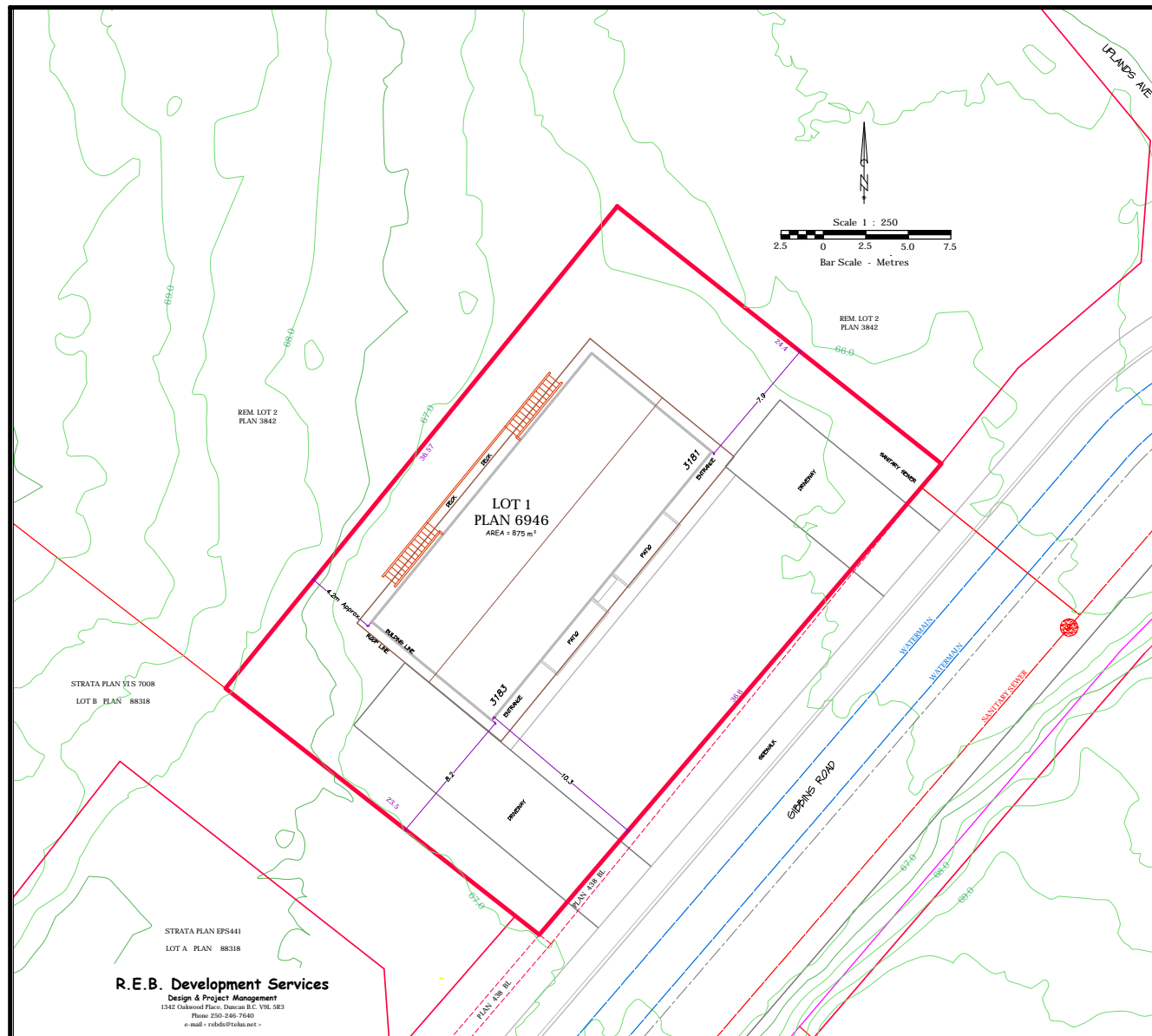
This application is required to bring the existing building into compliance with the current bylaws. The property is zoned to permit two family dwellings but has for years contained four separate dwelling units. Additional investigations are underway as suggested by the Municipal Building Inspector and this information will be provided when it becomes available.

Should you require additional information please do not hesitate to contact me either by e-mail or call/text 250-246-7640.

Sincerely Yours



Richard E. Buckles
R.E.B. Development Services



SITE PLAN

To Accompany Rezoning Application
Lot 1, Sections 18, Range 4,
Quamichan District, Plan 6946
3181 & 3183 Gibbins Road, Duncan B.C.

NOTE:

- SURVEY INFORMATION DERIVED FROM MUNICIPAL RECORDS.
- ELEVATIONS ARE GEODETIC AND DERIVED FROM INTEGRATED SURVEY CONTROL & RECENT LIDAR TOPOGRAPHICAL MAPPING.
- BUILDING LOCATION TO BE CONFIRMED BY SURVEY FOR DETERMINATION OF ACTUAL SETBACKS

PRELIMINARY - FOR DISCUSSION PURPOSES

OWNER: Tia Moshuk

DATE: March 5, 2018

FILE #: 2018/Moshuk

Residential Medium Density Multi-Family Zone (R3-MF) [BL3495]**Permitted Uses**

- 58.3** (1) The permitted uses for the R3-MF zone are:
- Multi-Family Residence
- (2) The permitted accessory uses for the R3-MF zone are:
- Limited Home-Based Business
Accessory Building

Minimum Frontage and Lot Depth

- (3) The minimum permitted frontage is 18.0 m (59.05')
- (4) The minimum permitted lot depth is 30.0 m (98.43')

Density

- (5) The permitted density for the R3-MF zone is as follows:
- (a) Minimum site area per dwelling unit 230 m² (2,476 sq. ft.)
- (b) Maximum permitted floor space ratio is 0.5:1.

Maximum Lot Coverage

- (6) The maximum permitted lot coverage for the R3-MF zone is 45%; of this, accessory buildings and structures cannot exceed 10% of the lot.

Minimum Setbacks

- (7) The minimum permitted setbacks for the R3-MF zone are as follows:
- (a) Principal Buildings
- Yard, Front, 5.0 m (16.40')
- Yard, Side, 1.5m (4.92')
- Yard Side when adjacent to a lane or street, 3.0 m (9.84')
- Yard, Rear, 7.5m (24.61')
- Garage doors from any side or front property line, 5.8m (19.03')
- (b) Accessory Buildings and Structures
- Yard, Front, 10.0 m (32.81')
- Yard, Side, 1.5m (4.92')
- Yard Side when adjacent to a lane or street, 3.0 m (9.84')
- Yard, Rear, 1.5m (4.92')

Maximum Building Height

(8) The maximum permitted building heights for the R3-MF zone are as follows:

- (a) Principal Building, 10.0 m (32.81')
- (b) Accessory Building, 5.0 m (16.40')

Landscaped Open Space

(9) Landscaping of the open space must meet the following requirements in the R3-MF zone:

- (a) 30% of the lot area must be provided and maintained as landscaped area not including parking.

Exterior Amenity Space

(10) In the R3-MF zone, each dwelling unit

- (a) located at or below grade must have, at minimum, private outdoor amenity space of 7.4 m² (79.66 sq. ft.) in area with, at minimum, one horizontal dimension of 3.0 m (9.84 feet), and
- (b) located above grade (second storey or higher), must have a minimum private outdoor amenity space of 4.75 m² (48.44 sq. ft.) in area with, at minimum, one horizontal dimension of 2.0 m (6.56').

Conditions of Use

(11) The conditions of use for the R3-MF zone are as follows:

- (a) no fences over 1.2 m (3.94') in height are permitted in the required yards, front;
- (b) no fences over 1.8 m (5.91') in height are permitted in the required yards, side or rear;
- (c) in no situation shall a fence be greater than 2 m (6.56') in height;
- (d) common garbage and recycle receptacles/bins must be enclosed by walls or decorative fencing for the purposes of screening;
- (e) the lot must have one driveway and must be a maximum of 3.0 m (9.84') wide where it crosses pedestrian sidewalks or trails;
- (f) parking spaces must be located along the side or rear of the principal building.



The Corporation of the District of North Cowichan

Zoning Amendment Bylaw (Gibbins Road), 2018

Bylaw 3685

The Council of The Corporation of The District of North Cowichan enacts as follows:

- 1 Schedule "C" of Zoning Bylaw 1997, No. 2950, is amended by reclassifying from Residential One and Two Family Zone (R3) to Residential Medium Density Multi-Family Zone (R3-MF), 3181/3183 Gibbins Road (PID: 000-120-308), shown as "Subject Property" and outlined in bold on the Schedule attached to and forming part of this bylaw.**

READ a first time on
READ a second time on
CONSIDERED at a Public Hearing on
READ a third time on
ADOPTED on

CORPORATE OFFICER

PRESIDING MEMBER

2



5. MAYOR'S REPORT

5.1 2017 Wildfire Season

Mayor Lefebure presented a plaque to North Cowichan Fire Fighters in recognition of their contributions fighting wildfires in the Cariboo Region last summer.

6. DELEGATIONS AND PRESENTATIONS

6.1 Micro Wave Radiation Cell Tower

Council heard from Dr. Stephen Faulkner, representing Cowichan Citizens for Safe Technology, regarding micro wave radiation.

Councillor Siebring left the meeting at 1:46 p.m. and returned at 1:49 p.m.

6.2 Stewards of Paradise Pools

Council heard from Cari Burdett of the Stewards of Paradise Pools, in support of the proposed changes to the Urban Containment Boundary and rezoning of properties on the south side of Gibbins Road. She noted that the subject properties can be farmed and the Cowichan River ecosystem is delicate and threatened. She also presented a petition in support of the proposal.

6.3 Seward Developments Inc.

Council heard from Toby Seward in support of the proposed Zoning Bylaw amendment from A1 (Agriculture Zone) to A3 (Rural Restricted Zone) for property on Trans-Canada Highway and Ashcroft Road which is intended to create 20 large residential lots on wells with septic fields.

7. BYLAWS

7.1 Bylaw 3685 - "Zoning Amendment Bylaw (Gibbins Road), 2018"

It was moved and seconded:

That Council:

1. read a first time "Zoning Amendment Bylaw (Gibbins Road), 2018", No. 3685,
2. require the owner to provide a code analysis prepared by an architect to identify necessary upgrades to bring the fourplex into substantial compliance with the BC Building Code and a letter of commitment to undertake the work identified in the analysis, and
3. give notice that it intends to register a notice on title under section 57 of the *Community Charter* that building regulations have been contravened.

CARRIED

OVERVIEW

The Client requested Steller Architectural Consulting prepare a Code Review of the duplex/four-plex, located at 3181/3183 Gibbons Road, Duncan, BC. The basis of the review is limited to visual observations from a site visit on February 19th, 2019, and comparisons with the original as-builts and the current configuration.

BUILDING DESCRIPTION

The building was constructed circa 1977, as a side-by-side duplex. At some point in its history, it was converted into a four-plex with 2 units on the ground floor and 2 units on the upper floor.

The existing drawings are somewhat inaccurate, so new drawings depicting the current layout were created. Both are attached to this report.

BC BUILDING CODE

Though the building was built in 1977, this review was completed under the premise that the building will need to be brought up to the current building standards of the British Columbia Building Code 2018 in order to be properly converted into a four-plex.

BUILDING ENVELOPE

The building envelope will need to be more thoroughly inspected and potentially upgraded in the following areas: Thermal Control (Insulation), Air Tightness and Condensation Control.

Insulation

The insulation levels in the building must be brought up to current standards. This property is located within Climate Zone 4, and will require the following insulation levels within the walls.

Insulation requirement (RSI) by location:

- Floor (Slab-on-Grade): 1.96
- Foundation Walls: 1.99
- Walls: 2.78
- Ceiling below attic: 6.91
- Windows/Doors: 1.80 (U-Value)

As the construction of the walls appears to be 2x4 wood studs, this will require a thickening of the walls in some manner to help achieve the necessary thermal barrier. The foundation itself will also have to be insulated. Additionally, as the floor slab appears to be uninsulated, there will need to be an increase in the RSI values of the walls and ceiling to help achieve an efficient building envelope overall.

Air Tightness

The presence of a continuous air barrier that is in accordance with BCBC 9.25.3 and 9.36.2.10 will need to be confirmed. If present, it will be necessary to confirm that is in good repair. If not present, one will be required to be installed.

The doors also show a fair amount of light around the edges, suggesting that they are not adequately weatherstripped and sealed.

The hatches to the attics will need to be properly insulated and sealed.

Condensation Control

The presence of a vapour barrier in all exterior wall, floor and attic/roof spaces that is in accordance with BCBC 9.25.4 will need to be verified and proven to be in good repair.



Roofing

Without intrusive investigation, it is hard to determine the quality and condition of the roofing. A licensed professional should be brought in to verify that the roof meets BCBC 9.26.

Cladding

Visual inspection was unable to determine if the cladding system includes a rainscreen and appropriate protections against the ingress of moisture into the envelope.

SUITE SEPARATION

The original side-by-side duplex was constructed with a proper vertical party wall between the two units. However, the presence of a suitable fire separations between the upper and lower suites will need to be installed to meet various code items. All party walls should be verified that they meet BCBC 9.11.1 for sound proofing purposes as well.

As per BCBC 9.10.81, the floor assembly above the lower suites will need to meet a Fire-resistance Rating (FRR) of 45 minutes. In addition to this, BCBC 9.10.9.14 states that all suite separations shall be fire separations that meet a FRR of 45 minutes. This will include the floors and walls separating the units.

All wall or floor assemblies that separate two suites from one another must also be fire separations that are constructed as a continuous barrier against the spread of fire and retardation of the passage of smoke (BCBC 9.10.9.2). The continuity of this separation shall be maintained where it abuts another fire separation, wall, floor, ceiling, roof or exterior wall assembly.

Additionally, all penetrations through a fire separation must be dealt with in accordance with BCBC 9.10.9.6, to further maintain the combat the spread of fire and the passage of smoke.

EXITING

There are no exiting issues within this structure, as pertains to the doors and paths of egress. However, the handrails on the stairs within the units do not meet BCBC 9.8.7.2, which dictates that they shall be continuously graspable through the length of the flights of stairs, from the bottom riser to the top of the riser.

There are questions regarding the structural integrity of the handrails and guardrails of the rear decks and staircases. This face of the building does not see a lot of sunlight, and there is a fair amount of moisture present, which suggests rot might be an issue. A further review of these items, including the deck columns and beams, for signs of rot should also be undertaken with any work completed on this property.

VENTILATION

The ventilation of appliances and fans within the units is currently in question. All items listed below must be brought into compliance where they are found to be non-compliant.

According to BCBC 9.32.1.3, exhaust ducts or vents connected to laundry-drying equipment shall discharge directly to the outdoors. These exhaust ducts shall also be independent of other exhaust ducts, accessible for cleaning and of a smooth corrosion-resistant material.

Rooms or spaces with these suites meet the standards for non-heating-season ventilation, but there is a lack of heating-season mechanical ventilation. As per BCBC 9.32.3.1, every dwelling unit shall be provided with a mechanical ventilation system that conforms to 9.32.3. This includes Kitchen and Bathroom exhaust fans that conform to 9.32.3.6, and a principal ventilation system that provides supply air in accordance with 9.32.3.4 and includes an exhaust fan that conforms to 9.32.3.5.

All exhaust ducts shall discharge to the outdoors. And additional make-up air for actual appliance exhaust rates shall also be provided for any appliance that discharges air to the exterior. This supply air shall be tempered to either at 1°C before being introduced to a normally unoccupied area of the units, or at least 12°C to occupied areas.

Carbon monoxide alarms shall be installed in accordance with 9.32.4.1 for the units containing fireplaces.



OTHER CONSIDERATIONS

The fireplaces should be inspected by a qualified professional to determine if they meet BCBC 9.21 and 9.22.

Seismic concerns also necessitate an inspection of the structure by a structural engineer to ensure that it meets BCBC 2018 standards.

SUMMARY

Significant items and conditions noted in this review, along with any additions and partition alterations to the original building permit drawings, will need to be addressed in a future building permit to bring this property up to the standards of the BC Building Code 2018.

Prepared by:



Eddie Williams Architect AIBC, MRAIC



Date: April 26, 2022

Tia Marie Moshuk
2675 Horler Place
Victoria, B.C.
V9B 5W4

Municipality Of North Cowichan
7030 Trans Canada Highway
Duncan BC V9L 6A1

Attn: Lane Killick
Chief Building Inspector

Re: Rezoning Application Lot 1, Section 18, Range 4,
Quamichan District, Plan 6946
3181 & 3183 Gibbins Road, Duncan, B.C

Dear Mr. Killick

Further to the letter dated August 13, 2019 from Eddie Williams, Architect *AIBC to you this is to confirm that the above noted building will remain as rental accommodation we will not be apply for a Strata Conversion to four Residential Units.

The previously submitted Code Review to the Municipality of North Cowichan from Stellar Architectural Consulting is in support of our current application for conversion from a Duplex to a Multi Family Fourplex Building.

The proposal is to apply for a Building Permit to implement significant Building Code Upgrades required so this Building, which is rented to four separate Tenants can be converted to a Fourplex Apartment suitable for rental to four Tenants. Therefore there will be no change of current use but the Building Code Upgrades will ensure that the building will be compliant with the BC Building Code for a four unit apartment. A Building Permit

Application to undertake the improvements will be submitted to the Municipality of North Cowichan within 90 days of a successful rezoning.

Per.
Ms. Tia Moshuk
tia1969@hoitmail.com



Declared before me at Victoria
British Columbia, this 27 day of
April 2022

A Notary Public in and for the
Province of British Columbia

DALLAS EISERT
NOTARY PUBLIC
132-328 WALE ROAD
COLWOOD, BC, CANADA. V8B 0J8
250-940-3425



210-4252 Commerce Circle
Victoria, B.C. V8Z 4M2
250.294.8076
www.stellerconsulting.com

August 13, 2019

Municipality of North Cowichan, BC
c/o Mr. Lane Killick, Chief Building Inspector

Dear Mr. Lane Killick,

**RE: 3181 AND 3183 GIBBINS ROAD, DUNCAN, BC
PPROPOSED CONVERSION FROM EXISING RENTAL DUPLEX TO RENTAL FOURPLEX**

Further to my recent phone conversation with Glen Morris, NC Planning Department this is to confirm that thE Building (noted above) will not be applied for a Strata Conversion to Four Units but and will remain as a Rental Apartment. A Notary letter is forthcoming from the Building Owner stating this.

The previously submitted Code Review to the Municipality of North Cowichan from Steller Architectural Consulting is in support for the current Zoning Amendment application to allow for convert of this Duplex to a Multifamily Building (Fourplex).

The proposal is to apply for a Building Permit to implement significant Building Code Upgrades required so that this Building which is rented to four separate Tenants can be converted into a Fourplex Apartment suitable for rental to four Tenants (therefore no "change of current use but a Building Code Upgrade to ensure Building is Code Complaint for four separate Tenants".

Respectfully,

Eddie **WILLIAMS** ARCHITECT • AIBC, MRAIC

VICTORIA LAND TITLE OFFICE

LAND TITLE ACT BRITISH COLUMBIA

FORM 17 CHARGE, NOTATION OR FILING Jul-04-2018 10:33:27.001

LAND TITLE AND SURVEY AUTHORITY

CA6908610

PAGE 1 OF 2 PAGES

- Your electronic signature is a representation by you that:
 - you are a subscriber; and
 - you have incorporated your electronic signature into
 - this electronic application, and
 - the imaged copy of each supporting document attached to this electronic application,and have done so in accordance with Sections 168.3 and 168.41(4) of the *Land Title Act*, RSBC 1996, C.250.
- Your electronic signature is a declaration by you under Section 168.41 of the *Land Title Act* in respect of each supporting document required in conjunction with this electronic application that:
 - the supporting document is identified in the imaged copy of it attached to this electronic application;
 - the original of the supporting document is in your possession; and
 - the material facts of the supporting document are set out in the imaged copy of it attached to this electronic application.

Each term used in the representation and declaration set out above is to be given the meaning ascribed to it in Part 10.1 of the *Land Title Act*.Blair Alwyn
Russel QE3GG3Digitally signed by Blair
Alwyn Russel QE3GG3
Date: 2018.07.04
09:11:56 -07'00'

1. APPLICANT: (Name, address, phone number of applicant, applicant's solicitor or agent)

THE CORPORATION OF THE DISTRICT OF NORTH COWICHAN

7030 TRANS-CANADA HIGHWAY

DUNCAN

BC V9L 6A1

File: ZB000070/FOLIO: 01136-000

Ph: 250-746-3176

E: blair.russel@northcowichan.ca

Document Fees: \$28.63

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[legal description]

000-120-308

LOT 1, SECTION 18, RANGE 4, QUAMICHAN DISTRICT, PLAN 6946, EXCEPT
PART IN PLAN 438 BLSTC? YES ☐

3. NATURE OF CHARGE, NOTATION, OR FILING: AFFECTED CHARGE OR NOTATION NO:

MUNICIPAL GOVERNMENT NOTICE

ADDITIONAL INFORMATION:

NOTICE ISSUED UNDER SECTION 57(3) OF THE COMMUNITY CHARTER - MUNICIPAL
BYLAWS CONTRAVENED

NATURE OF CHARGE, NOTATION, OR FILING: AFFECTED CHARGE OR NOTATION NO:

ADDITIONAL INFORMATION:

4. PERSON TO BE REGISTERED AS CHARGE OWNER: (including occupation(s), postal address(es) and postal code(s))

NOT APPLICABLE



7030 Trans-Canada Highway | Box 278
Duncan, BC V9L 3X4 Canada
www.northcowichan.ca
T 250.746.3100
F 250.746.3133

File: ZB000070
Folio: 01136-000

NOTICE AGAINST LAND TITLE MUNICIPAL BYLAWS CONTRAVENED

To: Registrar of Titles
Suite 200 – 1321 Blanshard Street
VICTORIA, BC V8W 9J3

Legal Description of Land Affected:

Parcel Identifier: 000-120-308
LOT 1, SECTION 18, RANGE 4, QUAMICHAN DISTRICT, PLAN 6946 EXCEPT PART IN PLAN 43 BL

TAKE NOTICE that the Municipal Council of the Corporation of the District of North Cowichan, at its Regular Council meeting held on June 20, 2018, passed the following resolution:

"That Council direct the Corporate Officer to file a notice on Title respecting 3181 / 3183 Gibbins Road, legally described as Lot 1, Section 18, Range 4, Quamichan District, Plan 6946, except Part in Plan 43 BL at the Land Title and Survey Authority of British Columbia (LTSA) under Section 57 (3) of the Community Charter in order to advise individuals of the regulations contravened and to protect taxpayers against potential claims."

This resolution was passed under Section 57 (3) of the *Community Charter*. Further information about this contravention may be inspected at the North Cowichan Municipal Hall, located at 7030 Trans-Canada Highway, Duncan, BC.

Dated at North Cowichan this 27th day of June, 2018.

A handwritten signature in black ink, appearing to read "Mark Oliver Ruttan".

Mark Oliver Ruttan, Corporate Officer

pc: Property Owner
Manager of Building and Compliance

Notice against Land Title - Building Regulation, 3181 - 3183 Gibbins Road



The Corporation of the District of North Cowichan

Zoning Amendment Bylaw (Gibbins Road), 2018

Bylaw 3685

The Council of The Corporation of The District of North Cowichan enacts as follows:

- 1 Schedule "C" of Zoning Bylaw 1997, No. 2950, is amended by reclassifying from Residential One and Two Family Zone (R3) to Residential Medium Density Multi-Family Zone (R3-MF), 3181/3183 Gibbins Road (PID: 000-120-308), shown as "Subject Property" and outlined in bold on the Schedule attached to and forming part of this bylaw.**

READ a first time on
READ a second time on
CONSIDERED at a Public Hearing on
READ a third time on
ADOPTED on

CORPORATE OFFICER

PRESIDING MEMBER

2





The Corporation of the District of North Cowichan

Zoning Amendment Bylaw (3181, 3183 Gibbins Rd.; R3 to R3-MF), 2018

Bylaw 3685

The Council of The Corporation of The District of North Cowichan enacts in open meeting assembled as follows:

Title

- 1 This Bylaw may be cited as "Zoning Amendment Bylaw No. 3685, 2018".

Amendment

- 2 Bylaw 1997, No. 2950, section 58.3 (5) [R3-MF, Density] is amended by inserting the following:

"(c) Despite section (5)(a), the minimum site area per dwelling unit of 215 m² (2,314 ft²) is permitted at 3181/3183 Gibbins Road".
- 3 Zoning Bylaw 1997, No. 2950, Schedule "C" is amended by reclassifying 3181/3183 Gibbins Road (PID: 000-120-308) from Residential One and Two-Family Zone (R3) to Residential Medium Density Multi-Family Zone (R3-MF), as shown outlined in black in Schedule A attached to and forming part of this Bylaw.

READ a first time on May 2, 2018
READ a second time, as amended, on
CONSIDERED at a Public Hearing on
READ a third time on
ADOPTED on

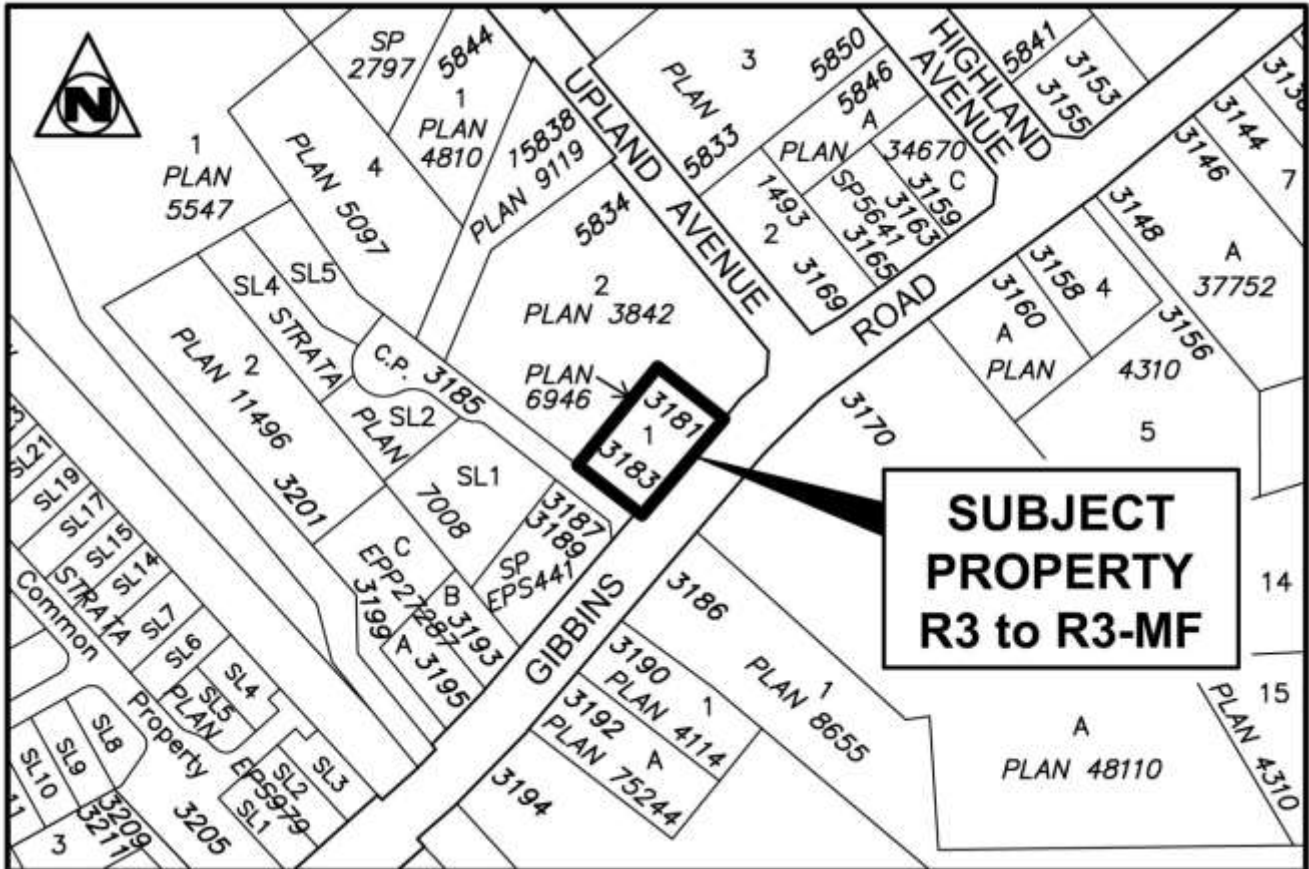
CORPORATE OFFICER

PRESIDING MEMBER

Schedule "A" to accompany
"Zoning Amendment Bylaw No.
3685, 2018".

Presiding Member

Corporate Officer



**COMMITTEE
AND
COUNCIL MINUTES**

4. BUSINESS

4.1 Official Community Plan - Gibbins Road Area

The Committee reviewed the Community Planning Coordinator's April 12, 2018 report regarding a proposed amendment to the Urban Containment Boundary (UCB) in the Official Community Plan and proposed amendments to the Zoning Bylaw to rezone land from Residential Rural One Zone (R1), Residential One and Two Family Zone (R3), and Residential Townhouse Zone (R6) to Rural Zone (A2) and allow the affected properties to have two residential buildings with a total maximum of two dwelling units.

The Committee also:

- received clarification regarding how sewer service would be provided if the subject properties are kept within the UCB,
- heard about North Cowichan's communication outreach efforts with stakeholders and property owners,
- discussed if allowing a second dwelling on each property may offset the loss of development potential from having the subject properties removed from the UCB, and
- noted that adoption of the proposed bylaws has no impact on public river access through private lands.

It was moved and seconded:

That the Committee recommend that Council:

1. read a first and second time Official Community Plan Amendment Bylaw (No. 2 – UCB Realignment), 2018, No. 3696, and
2. read a first and second time Zoning Amendment Bylaw (No. 6 – UCB Realignment) 2018, No. 3697, as amended to allow each subject property a maximum of 2 residential buildings but no more than 2 dwelling units.

CARRIED

4.2 Zoning Bylaw Amendment - 5353 Gore Langton Road

The Committee reviewed the Development Planner's April 12, 2018 report regarding a proposal to amend the Zoning Bylaw's Rural Restricted Zone (A3) to permit a second residential dwelling unit on 5353 Gore Langton Road.

The Committee noted that this approach was taken for a similar property in this area and this was a way for staff to regularize an existing situation.

It was moved and seconded:

That the Committee recommend that Council read a first and second time Zoning Amendment Bylaw (No. 8 – Gore Langton Rd), 2018, No. 3703.

CARRIED

4.3 Zoning Bylaw Amendment - 3181 & 3183 Gibbins Road

The Committee reviewed the Development Planner's April 5, 2018 report regarding a Zoning Bylaw amendment application to rezone 3181 and 3183 Gibbins Road from the Residential One and Two Family Zone (R3) to Residential Medium Density Multi-Family

Zone (R3-MF) to regularize a duplex that was converted to a fourplex. The Committee heard from staff that the property is currently legal non-conforming, but if the owners decide to rebuild after the Zoning Amendment, they will need a Development Permit.

The Committee requested clarification regarding "registration of a notice on title" and its implications. The Committee discussed the difference between a commitment letter from owner and a notice on title.

It was moved and seconded:

That the Committee recommend that Council:

1. read a first time Zoning Amendment Bylaw (Gibbins Road), 2018, No. 3685, and
2. require owner to provide a code analysis prepared by an architect to identify the upgrades necessary to bring the fourplex into substantial compliance with the BC Building Code and a letter of commitment to undertake the work identified in the analysis.

PENDING

Amendment:

It was moved and seconded:

That the Committee amend the main motion to add #3 consider registration of a Notice on Title.

CARRIED

Main Motion as Amended:

It was moved and seconded:

That the Committee recommend that Council:

1. read a first time Zoning Amendment Bylaw (Gibbins Road), 2018, No. 3685,
2. require the owner to provide a code analysis prepared by an architect to identify the upgrades necessary to bring the fourplex into substantial compliance with the BC Building Code and a letter of commitment to undertake the work identified in the analysis, and
3. consider registration of a notice on title.

CARRIED

4.4 Zoning Bylaw Amendment - Trans-Canada Highway/Ashcroft Road

The Committee reviewed the Director of Development Services' April 12, 2018 report regarding a Zoning Bylaw amendment application to rezone Trans-Canada Highway/Ashcroft Road from Agriculture (A1) to Rural Restricted (A3) to facilitate a 20-lot subdivision.

The Committee heard from the applicant who stated the subject property has been vacant for some time and due to soil conditions is not suitable for forestry or agriculture.

The Committee discussed other options for the use of this property and noted that the Official Community Plan does not support adding density outside of the UCB.

It was moved and seconded:

That the Committee recommend that Council not consider the application to rezone Trans-Canada Highway/Ashcroft Road.

CARRIED

5. MAYOR'S REPORT

5.1 2017 Wildfire Season

Mayor Lefebure presented a plaque to North Cowichan Fire Fighters in recognition of their contributions fighting wildfires in the Cariboo Region last summer.

6. DELEGATIONS AND PRESENTATIONS

6.1 Micro Wave Radiation Cell Tower

Council heard from Dr. Stephen Faulkner, representing Cowichan Citizens for Safe Technology, regarding micro wave radiation.

Councillor Siebring left the meeting at 1:46 p.m. and returned at 1:49 p.m.

6.2 Stewards of Paradise Pools

Council heard from Cari Burdett of the Stewards of Paradise Pools, in support of the proposed changes to the Urban Containment Boundary and rezoning of properties on the south side of Gibbins Road. She noted that the subject properties can be farmed and the Cowichan River ecosystem is delicate and threatened. She also presented a petition in support of the proposal.

6.3 Seward Developments Inc.

Council heard from Toby Seward in support of the proposed Zoning Bylaw amendment from A1 (Agriculture Zone) to A3 (Rural Restricted Zone) for property on Trans-Canada Highway and Ashcroft Road which is intended to create 20 large residential lots on wells with septic fields.

7. BYLAWS

7.1 Bylaw 3685 - "Zoning Amendment Bylaw (Gibbins Road), 2018"

It was moved and seconded:

That Council:

1. read a first time "Zoning Amendment Bylaw (Gibbins Road), 2018", No. 3685,
2. require the owner to provide a code analysis prepared by an architect to identify necessary upgrades to bring the fourplex into substantial compliance with the BC Building Code and a letter of commitment to undertake the work identified in the analysis, and
3. give notice that it intends to register a notice on title under section 57 of the *Community Charter* that building regulations have been contravened.

CARRIED

7.3 Zoning Amendment Bylaw No. 3867 (Paddle Road) for second reading & add Public Hearing date

IT WAS MOVED AND SECONDED:

THAT Council rescinds second reading of "Zoning Amendment Bylaw No. 3867 (6478, 6494, 6493, 6489 Paddle Road from R1 & 6495 Paddle Road from CD10, to CD22), 2022".

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council amends "Zoning Amendment Bylaw No. 3867 (6478, 6494, 6493, 6489 Paddle Road from R1 & 6495 Paddle Road from CD10, to CD22), 2022" by removing:

- a. section 2; and
- b. subsection 80.22(9)(f) from section 4 and inserting "*No residential dwelling unit shall have a floor area less than 32.5 m²*" immediately following subsection 80.22(9)(e).

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council gives second reading of "Zoning Amendment Bylaw No. 3867 (6478, 6494, 6493, 6489 Paddle Road from R1 & 6495 Paddle Road from CD10, to CD22), 2022" as amended.

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council schedules a Public Hearing for "Zoning Amendment Bylaw No. 3867 (6478, 6494, 6493, 6489 Paddle Road from R1 & 6495 Paddle Road from CD10, to CD22), 2022" on September 7, 2022 and notification be issued in accordance with the *Local Government Act*.

CARRIED

7.4 Zoning Amendment Bylaw No. 3685 (3181, 3183 Gibbins Road; R3 to R3-MF), 2018 for second reading

IT WAS MOVED AND SECONDED:

THAT Council amend "Zoning Amendment Bylaw No. 3685, 2018" by inserting the following:

"2. Zoning Bylaw 1997, No. 2950, section 58.3 (5) [R3-MF, Density] is amended by inserting the following:

"(c) Despite section (5)(a), the minimum site area per dwelling unit of 220 m² (2,368 ft²) is permitted at 3181/3183 Gibbins Road".

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council give second reading, as amended, to "Zoning Amendment Bylaw No. 3685, 2018".

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council schedule a Public Hearing for "Zoning Amendment Bylaw No. 3685, 2018" and notification be issued in accordance with the *Local Government Act*.

CARRIED

CORRESPONDENCE

R.E.B. Development Services

1342 Oakwood Place, Duncan B.C. V9L 5R3 Phone 250-246-7640

Date: November 20, 2017

File: 2017/Gibbins Rd

Municipality Of North Cowichan

P.O. Box 278, Duncan B.C.

V9L 3X4

Attn: Mr. Kyle Young

Re: Proposed Rezoning Of Lot 1,
Sections 18, Range 44, Quamichan District, Plan 6946
3181 Gibbins Road, Duncan B.C.

Dear Sir;

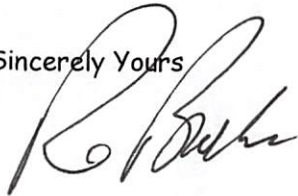
Please find attached for consideration of rezoning as demanded by the Municipality of North Cowichan Bylaw Enforcement Officer the following:

- 1) A completed Application Form.
- 2) Our Client's cheque in the amount of \$2,500.00 to cover the application fee.
- 3) A current copy of the Certificate of Title.
- 4) Two sets of the newly generated Site Plan, Floor Plans & Elevations.

This application is required to bring the existing building into compliance with the current bylaws. The property is zoned to permit two family dwellings but has for years contained four separate dwelling units. Additional investigations are underway as suggested by the Municipal Building Inspector and this information will be provided when it becomes available.

Should you require additional information please do not hesitate to contact me either by e-mail or call/text 250-246-7640.

Sincerely Yours



Richard E. Buckles
R.E.B. Development Services

November 27, 2017

Prospero No: ZB000070
Folio No: 01136-000
File No: 3360-20 17.25

Rick Buckles
R.E.B. Development Services
1342 Oakwood Place
DUNCAN BC V9L 5P3

Dear Mr. Buckles

Re: Zoning Bylaw Amendment for 3183 3181 Gibbins Road¹

We are in receipt of your rezoning application for the above-noted property registered to Tia Moshuk. The application fee in the amount of \$2500.00 is also acknowledged.

Kyle Young, Assistant Manager of Planning and Subdivision will be your key contact and may be reached by phone at 250-746-3178 or by email to kyle.young@northcowichan.ca. Please contact him directly should you have any questions.

Please reference our file number ZB000070 on all future correspondence pertaining to this application.

Sincerely



Scott Mack, M.Arch., B.Sc. (Plan), MCIP, RPP
Director | Approving Officer
DEVELOPMENT SERVICES

/fb

¹ LOT 1 SECTION 18 RANGE 4 QUAMICHAN PLAN 6946 EXCEPT PLAN BL438. - PID: 000-120-308

May 9, 2018

Prospero No: ZB000070
Folio No: 01136-000
File No: 3360-20 17.25

Rick Buckles
R.E.B. Development Services
1342 Oakwood Place
DUNCAN BC V9L 5P3

Dear Mr. Buckles

Re: Zoning Amendment Bylaw 3685 for 3181 & 3183 Gibbins Road¹

This is to advise that Municipal Council at its May 2, 2018 Regular Council meeting, passed the following motions:

It was moved, seconded and carried that Council:

- 1. read a first time "Zoning Amendment Bylaw (Gibbins Road), 2018", No. 3685,***
- 2. require the owner to provide a code analysis prepared by an architect to identify necessary upgrades to bring the fourplex into substantial compliance with the BC Building Code and a letter of commitment to undertake the work identified in the analysis, an***
- 3. give notice that it intends to register a notice on the title under section 57 of the Community Charter that building regulations have been contravened.***

Once the requirements have been met to the satisfaction of the Municipality, Bylaw 3685 can then proceed to Council for consideration of second reading.

In the meantime if you have any questions, please contact me at 250-746-3190 or by email to morgan.mcleod@northcowichan.ca.

Sincerely



Morgan McLeod, B.A., C.P.T.
Development Planner
DEVELOPMENT SERVICES | Planning & Sustainability

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c: Nelda Richardson, Manager of Building & Compliance

¹ LOT 1 SECTION 18 RANGE 4 QUAMICHAN PLAN 6946 EXCEPT PLAN BL438. - PID: 000-120-308

PUBLIC COMMENTS

(NO COMMENTS RECEIVED TO DATE)