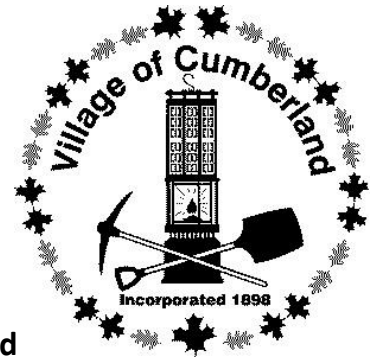


# REGULAR MINUTES

6/2017/R



## The Corporation of the Village of Cumberland

### Regular Council Meeting February 27, 2017 at 5:30 p.m. Village Council Chambers

#### **Council Present:**

Mayor Leslie Baird  
Councillor Jesse Ketler  
Councillor Gwyn Sproule  
Councillor Sean Sullivan

#### **Staff Present:**

Sundance Topham, Chief Administrative Officer  
Adriana Proton, Deputy Corporate Officer  
Michelle Mason, Financial Officer  
Rob Crisfield, Manager of Operations  
Judith Walker, Senior Planner  
Joanne Rees, Planner

#### **Regrets:**

Councillor Roger Kishi

Mayor Baird called the meeting to order at 5:30 p.m.

#### **1. Approval of Agenda**

- 1.1 Agenda for regular Council meeting, February 27, 2017  
Motion 17-97

##### **Sproule/Ketler**

THAT Council approve the agenda for the regular Council meeting, February 27, 2017, with the on-table amendment 6.1a.

**Carried Unanimously**

#### **2. Adoption of Minutes**

- 2.1 Minutes of the Council meeting held February 14, 2017  
Motion 17-98

##### **Ketler/Sproule**

THAT Council approve the minutes of the Council meeting held February 14, 2017.

**Carried Unanimously**

- 2.2 Receipt of Committee/Commissions Minutes:  
Motion 17-99

##### **Sullivan/Sproule**

THAT Council receive the minutes of the:

- Homelessness and Affordable Housing Select Committee, January 18, 2017
- Accessibility Select Committee, November 21, 2016

**Carried Unanimously**

**3. Delegations**

**4. Unfinished Business**

4.1 Natural Burial Monument Design

Prepared by Adriana Proton, Deputy Corporate Officer  
Motion 17-100

**Sproule/Sullivan**

THAT Council approve the natural burial monument design.

**Carried Unanimously**

4.2 Cumberland Lamplighters Old Age Pensioners' Society Lease

Prepared by Adriana Proton, Deputy Corporate Officer  
Motion 17-101

**Sullivan/Ketler**

THAT Council enter into the lease with the Cumberland Lamplighters Old Age Pensioners' Society for the tenancy of Buchanan Hall in the Cumberland Cultural Centre, located at 2674 Dunsmuir Avenue, from March 1, 2017 to February 28, 2022 and authorize the Mayor and Chief Administrative Officer to execute the lease.

**Carried Unanimously**

**5. Correspondence**

5.1 Tim Walton, Inspector, Comox Valley Royal Canadian Mounted Police

- Comox Valley Detachment 2017 Annual Performance Plan Consultation  
Motion 17-102

**Sullivan/Sproule**

THAT Council receive the correspondence from Tim Walton, Inspector, Comox Valley Royal Canadian Mounted Police Re: Comox Valley Detachment 2017 Annual Performance Plan Consultation.

**Carried Unanimously**

Motion 17-103

**Sproule/Ketler**

THAT Council respond to Inspector Tim Walton that Cumberland shares the same priorities as the rest of the Comox Valley, but would also like to see a greater RCMP presence at Comox Lake Park in the summer months.

**Carried Unanimously**

5.2 Dennis McGuckin, Member, Royal Canadian Navy Association

- Merchant Navy Day - Red Duster

Motion 17-104

**Ketler/Sproule**

THAT Council receive the correspondence from Dennis McGuckin, Member, Royal Canadian Navy Association Re: Merchant Navy Day – Red Duster.

**Carried Unanimously**

Motion 17-105

**Sproule/Sullivan**

THAT Council purchase a Red Ensign flag from the Royal Canadian Navy Association and fly it annually on the appropriate day.

**Carried Unanimously**

5.3 Bruce Jolliffe, Chair, Comox Valley Regional District, and Bob Wells, Chair, Comox Valley Water Committee

- Ministers Meeting Invitation and Presentation Request

Motion 17-106

**Ketler/Sullivan**

THAT Council receive the correspondence from Bruce Jolliffe, Chair, Comox Valley Regional District, and Bob Wells, Chair, Comox Valley Water Committee Re: Ministers Meeting Invitation and Presentation Request.

**Carried Unanimously**

Motion 17-107

**Sproule/Ketler**

THAT Council respond to the Comox Valley Regional District that Mayor Baird and CAO Sundance Topham will attend the Ministers meeting, and that at this time, there is no further information to present to the Comox Valley water committee other than what was presented in early 2016.

**Carried Unanimously**

**6. Reports**

- 6.1 Development Variance Permit Application – 2613 Dunsmuir Avenue  
Prepared by Joanne Rees, Planner

Brett Ferdinandi, Cumberland Resident  
Hans Suhr, representing Randy Anderson, Cumberland Resident  
Motion 17-108

**Sproule/Ketler**

THAT Council receive the "Development Variance Permit Application – 2613 Dunsmuir Avenue" report dated February 22, 2017,

THAT Council receive the delegation of Brett Ferdinandi, Cumberland Resident,

AND THAT Council receive the delegation of Hans Suhr representing Randy Anderson, Cumberland Resident.

**Carried Unanimously**

Motion 17-109

**Sullivan/Baird**

THAT with regard to the Variance request for property described as Lot 37, District Lot 24, Nelson District, Plan 13640 (2613 Dunsmuir Avenue), Council grant (subject to the terms contained within the entirety of these recommendations) the following Variances:

- a) the front setback for a single family dwelling from the required 3.0metres to 0.0metres in accordance with the survey drawing prepared by Bruce Lewis, BCLS dated October 22, 2016;
- b) the right side setback for a single family dwelling from the required 1.5metres (4.9feet) to 1.0metres (3.3feet);
- c) the lot coverage be increased from the required 40% to 42% to accommodate the existing single family dwelling, decks on the left side and rear, a 1.4metre wide deck on the right side, and an accessory building of a size not to exceed 50metres<sup>2</sup>;

PROVIDED THAT the Owner sign a "demand letter" agreeing to move forward with the requirements (listed below as section #5) of the Development Variance Permit within a reasonable time (as determined in consultation with the Owner, but at the final determination by staff), and further agreeing to acquire the required Building Permits (and any engineering certification as required) for any works required to conform with the Variance conditions.

THAT with regard to the Variance request for property described as Lot 37, District Lot 24, Nelson District, Plan 13640 (2613 Dunsmuir Avenue), Council deny the following requested Variances:

- a) the request for an increase of Floor Area for an accessory building from the required 50.0metres<sup>2</sup> (538.2feet<sup>2</sup>) to 59.5metres<sup>2</sup> (637.2feet<sup>2</sup>) as

this is considered "Density" in our Zoning Bylaw and the Local Government Act prohibits variances to density; and

- b) the requested increase in height to fences and landscape/retaining walls on the left right property lines as shown on as the drawing #3 attached to this report, as it is felt that the increases requested [left side: ±3.9m (12.8) and right side: ±5.9m (19.4ft)] are excessive for their purpose;
- c) the request for 0.0m setbacks on the rear and left side for an accessory building.

THAT Council enter into a Highway Encroachment Agreement for property described as Lot 37, District Lot 24, Nelson District, Plan 13640 (2613 Dunsmuir Avenue), for the front porch attached to the single family dwelling, the existing shed, and the fence that encroaches onto the public road right-of-way as shown on the survey drawing prepared by Bruce Lewis, BCLS dated October 22, 2016; after the fence had been reduced to 1.2metres (4.0feet) in height;

PROVIDED THAT:

- a) the fence in the right-of-way is reduced to a height not to exceed 1.2metres (4.0feet);
- b) the Village receives, in writing, a letter from BC Hydro stating that they are not concerned with the shed's close proximity to the adjacent hydro pole.

THAT Council sets the following as requirements of the Demand Letter:

- a) Reduce the width of the deck attached to the single family dwelling to conform to a reduced setback of 1.0metre (3.3feet) from the right side property line;
- b) Remove any and all fence or wall on top of the deck, this may be replaced with an 106.7cm (42.0inch) high BC Building Code approved handrail/safety device;
- c) Ensure any existing or new fence(s) on any retaining/landscape wall on right and left side comply to the siting and height requirements of the Zoning Bylaw;
- d) Ensure that the existing tire retaining walls located in the left rear corner of the lot comply with Zoning Bylaw, Building Bylaw, and/or BC Building Code; and giving a timeline for removal and compliance with the above;

- e) Where required, acquisition of valid Building Permits (and any engineering certification as required) for any of the works on the subject property.

AND FURTHER THAT, should the Owner not agree to sign the “demand letter”, the Development Variance Permit not be issued, Council not enter into the Highway Encroachment Agreement; AND THAT the Owner be directed to remove the following:

- a) Reduce the width of the deck attached to the single family dwelling to conform to the required setback of 1.5metre (4.9feet) from the right side property line;
- b) Reduce in height any existing fence(s) on any retaining/landscape wall(s) to comply to the siting and height requirements of the Zoning Bylaw;
- c) Remove any fence located in the front of the house on the right-of-way;
- d) Remove the shed located in the front of the house on the right-of-way; and
- e) Ensure that the existing tire retaining walls located in the left rear corner of the lot comply with Zoning Bylaw, Building Bylaw, and/or BC Building Code the tire retaining walls located in the left rear corner of the lot; giving a timeline for removal and compliance with the above.

In favour: Mayor Baird  
Councillor Sullivan

Opposed: Councillor Sproule  
Councillor Ketler

**Defeated**

6.2 Development Variance Permit Application – 2719 Penrith Avenue

Prepared by Joanne Rees, Planner

Motion 17-110

**Sullivan/Ketler**

THAT Council receive the “Development Variance Permit Application – 2719 Penrith Avenue” report dated February 15, 2017.

**Carried Unanimously**

Motion 17-111

**Sullivan/Sproule**

THAT Council grant the Development Variance Permit for property described as the Easterly ½ of Lot 11, District Lot 21, Nelson District,

Plan 522 (2719 Penrith Avenue) in order to legalize the siting of an existing accessory building by varying the following:

- 1) Section 7.2(7): The minimum rear setback from 1.5metres to 0.8metres in accordance with the attached survey drawing prepared by Bruce Lewis BCLS dated July 13, 2016 and the elevation drawings contained as part the attached draft Development Variance Permit.

**Carried Unanimously**

- 6.3 Residential Infill Development Permit – 2799A&B Derwent  
Prepared by Joanne Rees, Planner  
Motion 17-112

**Sullivan/Sroule**

THAT Council receive the “Residential Infill Development Permit – 2799A&B Derwent Avenue” report dated February 22, 2017.

**Carried Unanimously**

Motion 17-113

**Ketler/Sroule**

THAT Council refer the application for a Residential Infill Development Permit 2799A&B Derwent Avenue (2017-03-DP) to the next meeting of the Advisory Planning Commission to be held on March 7, 2017.

**Carried Unanimously**

- 6.4 Heritage Commission – Work Program Report 2016-2017  
Prepared by Judith Walker, Senior Planner  
Motion 17-114

**Sullivan/Ketler**

THAT Council receive the Heritage Commission – Work Program Report 2016-2017.

**Carried Unanimously**

Motion 17-115

**Sullivan/Sroule**

THAT Council approve the Summary of the Activities of the Heritage Commission for 2016 and Work Priorities for 2017,  
AND THAT Council forward the Statement of Significance workshop cost, brochure production cost and research/photo costs (total est. \$3000) for budget consideration.

**Carried Unanimously**

- 6.5 Homelessness and Affordable Housing Committee 2017 Work Plan

Prepared by Adriana Proton, Deputy Corporate Office  
Motion 17-116

**Sullivan/Ketler**

THAT Council receive the Homelessness and Affordable Housing  
Committee 2017 Work Plan report.

**Carried Unanimously**

Motion 17-117

**Sullivan/Sroule**

THAT Council approve the Homelessness and Affordable Housing  
Committee 2017 Work Plan,  
AND THAT Council direct staff to review the affordable housing brochure  
content.

**Carried Unanimously**

6.6 Accessibility Committee 2017 Work Plan

Prepared by Adriana Proton, Deputy Corporate Officer  
Motion 17-118

**Sullivan/Ketler**

THAT Council receive the Accessibility Committee 2017 Work Plan report.

**Carried Unanimously**

Motion 17-119

**Sullivan/Sroule**

THAT Council approve the Accessibility Committee 2017 Work Plan.

**Carried Unanimously**

6.7 Final Reports for the 2016 Community Grant Program

Prepared by Adriana Proton, Deputy Corporate Officer  
Motion 17-120

**Sullivan/Ketler**

THAT Council receive the Final Reports for the 2016 Community Grant  
Program report.

**Carried Unanimously**

6.8 Electronic Funds and Cheque Register January 2017

Motion 17-121

**Ketler/Sullivan**

THAT Council receive the Electronic Funds and Cheque Register January  
2017.

**Carried Unanimously**



- 6.9 Outstanding Action Items  
Motion 17-122  
**Sproule/Sullivan**  
THAT Council receive the Outstanding Action Items Report.  
**Carried Unanimously**

**7. Bylaws**

- 7.1 Fire Protection Services and Regulation Amendment Bylaw No. 1052, 2017  
Motion 17-123  
**Ketler/Sullivan**  
THAT Council adopt the "Fire Protection Services and Regulation Amendment Bylaw No. 1052, 2017".  
In favour: Mayor Baird  
Councillor Ketler  
Councillor Sullivan  
Opposed: Councillor Sproule  
**Carried**
- 7.2 Water Frontage Tax Bylaw No. 1056, 2017  
Motion 17-124  
**Ketler/Sproule**  
THAT Council adopt the "Water Frontage Tax Bylaw No. 1056, 2017".  
**Carried Unanimously**
- 7.3 Sanitary Sewer Frontage Tax Bylaw No. 1057, 2017  
Motion 17-125  
**Sullivan/Sproule**  
THAT Council adopt the "Sanitary Sewer Frontage Tax Bylaw No. 1057, 2017".  
**Carried Unanimously**
- 7.4 Storm Water Frontage Tax Bylaw No. 1058, 2017  
Motion 17-126  
**Ketler/Sproule**  
THAT Council adopt the "Storm Water Frontage Tax Bylaw No. 1058, 2017".  
**Carried Unanimously**

**8. Consent Calendar**

All matters listed here are considered to be routine and non-controversial and will be received by one motion. There will be no separate discussion of these items unless a member so requests, in which case the item will be removed from the Consent Calendar and considered immediately after the adoption of the Consent Calendar.

**9. New Business**

**10. Notices, Motions and Announcements**

Matters considered here may include notices or motions to hold a meeting of the Committee of the Whole, a Village Hall meeting, a public hearing, and notices of motion introduced by a council member.

- Heritage Commission meeting March 6, 2017 at 5:45 p.m. in Council Chambers
- Advisory Planning Commission meeting March 7, 2017 at 11 a.m. in Council Chambers

**11. Question Period**

Council received questions about variances and building permits.

**12. Closed Portion**

Motion 17-127

**Sullivan/Sproule**

THAT pursuant to Section 90 (1) of the Community Charter Council close the meeting to the public to consider:

- Personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent to the municipality or another position appointed by the municipality.

**Carried Unanimously**

**13. Adjournment**

Motion 17-128

**Ketler/Sproule**

THAT Council adjourn the meeting at 7:48 p.m.

**Carried Unanimously**

Certified Correct:

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Mayor

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Corporate Officer