



DATE OF MEETING: April 23, 2026

TO: Gabriola Island Local Trust Committee

FROM: Margot Thomaidis, Planner 2
Northern Team

SUBJECT: PL-DVP-2026-0049 – Development Variance Permit Application
Applicant: Jean-Philippe Matte
Location: 930 Canso Road, Gabriola Island

RECOMMENDATION

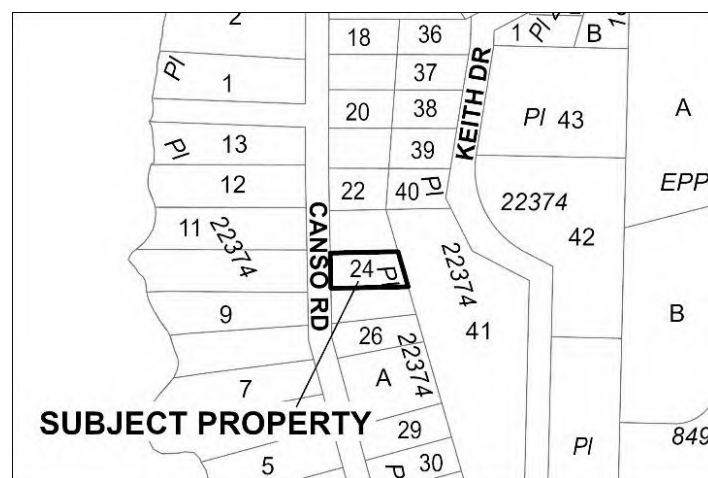
That the Gabriola Island Local Trust Committee approve Development Variance Permit PL-DVP-2026-0049 with the following variance to the Gabriola Island Land Use Bylaw No. 177, 1999:

- a) To reduce the front lot line setback from 6.0 metres to 4.5 metres; and
 - b) To reduce the interior lot line setback from 1.5 metres to 0.5 metre,
- to permit the final construction of an existing garage building.**

REPORT SUMMARY

The purpose of this report is to consider an application for a Development Variance Permit (DVP) for the final construction of a substantially constructed garage building on the subject property at 930 Canso Road. The proposed development requires a variance from Gabriola Island Land Use Bylaw regulation D.1.1.3.a.i. to reduce the front lot line setback from a minimum of 6.0 metres to a minimum of 4.5 metres and the interior lot line setback from a minimum of 1.5 metres to a minimum of 0.5 metre. The location of the subject property is shown in Figure 1 below.

Figure 1: Subject Property Map



RATIONALE FOR VARIANCE

The applicant's rationale for the variance is to allow final construction of a partially constructed accessory garage. They applied for and received an approved building permit from the Regional District of Nanaimo (RDN) in July 2025 and began to build a detached, 5.3-metre-tall double-car garage towards the southwest corner of the property. They were not aware that they were accidentally building in the setback area, until the building inspector requested a survey confirming setbacks. The location of the garage is considered the most reasonable place given the location of the existing dwelling, accessory sheds, and larger trees on the property.

BACKGROUND

The 0.19-hectare subject property contains an existing single-family dwelling, small shed, and pump/utility house and is surrounded by other developed small-lot residential properties to the north, south, and west, and a large rural residential property to the east.

As part of their building permit application for the accessory garage, the applicant prepared a site plan showing the proposed building footprint outside of setback areas, a minimum of 6.0 metres from the front lot line and 1.5 metres from the interior lot line. Construction was nearly complete when the building inspector asked that the applicant provide a site survey prepared by a B.C. Land Surveyor, as the building footprint appeared to be within setback areas. The survey showed that the building is located 5.1 metres from the front lot line, and 1.5 metres from the interior lot line, with the roof overhangs on both sides of the garage encroaching a further 0.6 metres into the setback area. The Regional District of Nanaimo issued a stop work order which will apply until the setback non-compliance is addressed through variance application with Islands Trust.

A copy of the notice and proposed permit PL-DVP-2026-0049 are included with this report as Attachments 4 and 5. The applicant has provided a letter explaining their rationale for the variance application included as Attachment 3. Staff completed a site visit of the property on March 18, 2026; photos of the site are included as Attachment 2.

ANALYSIS

Policy/Regulatory

Attachment 1 addresses the site context in greater detail, including reference to Islands Trust policies and Gabriola Island local bylaws; however, the following is a summary of the subject property:

- Gabriola Island Land Use Bylaw No. 177 (LUB) zoning is **Small Rural Residential (SRR)**;
- Request to vary LUB regulation D.1.1.3.a.i. to reduce the front lot line setback from a minimum of 6.0 metres to a minimum of 4.5 metres, and the interior lot line from a minimum of 1.5 metres to a minimum of 0.5 metre to permit a 67 m² accessory garage building including 0.6 metre roof overhangs;
- Gabriola Island Official Community Plan Bylaw No. 166 (OCP) designation is Small Rural Residential (SRR). Proposed development is compatible with the objectives of this OCP designation;
- The subject property is not adjacent to any Islands Trust Conservancy owned or managed properties;
- The subject property is not within a Development Permit Area; and
- The proposed development is not contrary to or at variance with the Islands Trust Policy Statement.

Intent of regulations being varied

The overall purpose of the setback regulations is to:

- Limit the visual impact of development on adjacent properties and public right of ways;
- Establish consistent development patterns within a local area;
- Maintain rural character;
- Establish certainty with respect to development by maintaining consistent regulations;
- Protect views, scenic areas, and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.

Potential impacts of granting the variance

Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation, each application should be evaluated on its own merits.

If the variance is approved the anticipated impacts on neighbouring properties is considered to be minimal since the garage is not obstructing views or visibility and there would be no additional land alteration or tree removal necessary to complete the construction. The neighbour to the south would be the most impacted by the garage siting as the roof overhang encroaches 0.6 metre into the interior lot line setback area.

Notification

Public notice of the proposed Development Variance Permit is required under the *Local Government Act*. Notice was distributed to neighbouring property owners and tenants within 100 metres of the subject parcel boundaries on **April 7** in accordance with statutory requirements and Section 8 of the Gabriola Island Development Procedures Bylaw No. 114 (see Attachments 3 and 4).

No public correspondence has been received at the time of preparing this report, but may be received before the LTC meeting on **Thursday, April 23, 2026**.

All correspondence received on or before the LTC meeting will form part of the public record and will be considered by the Gabriola Island Local Trust Committee.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on the *Heritage Conservation Act* directly to the applicants with the initial building permit application.

Rationale for Recommendation

As noted on page 1 of the report, staff recommend that this variance be approved, with the following rationale:

- The variance is consistent with the purpose and intent of the relevant bylaw regulations and the Official Community Plan;

- The variance is necessary because of special circumstances relating to the size of the lot and the location of the existing dwelling, accessory buildings, trees, and vegetation, and relocating the garage would require tree removal.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee request that the applicant submit to the Islands Trust [insert information] in support of application PL-DVP-2026-0049.

2. Deny the application

The LTC may deny the application. Staff advise that the implications of this alternative are file closure and the applicant could either apply to the Board of Variance or remove and relocate the building to conform with the LUB.

That the Gabriola Island Local Trust Committee deny application PL-DVP-2026-0049.

Submitted By:	Margot Thomaidis, Planner 2	April 14, 2026
Concurrence:	Renee Jamurat, RPP MCIP, Regional Planning Manager	April 15, 2026

ATTACHMENTS

1. Site Context
2. Plans and Photographs
3. Applicant Letter
4. Notice
5. Proposed Development Variance Permit

ATTACHMENT 1 – SITE CONTEXT – PL-DVP-2026-0049

LOCATION

Legal Description	LOT 24, SECTION 26, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 22374
PID	PID: 003-243-486
Civic Address	930 Canso Road, Gabriola Island, BC V0R 1X2
Lot Size	0.19 hectare

LAND USE

Current Land Use	Residential
Surrounding Land Use	Small Rural Residential (north, south, and west) Large Rural Residential (east)

HISTORICAL ACTIVITY


File No.	Purpose
GB-BP-2020.19	Building Permit – Addition to SFD
PL-BP-2025-0228	Building Permit – Application to construct a garage. Garage accidentally built in the setback, which requires a DVP.

POLICY/REGULATORY

Official Community Plan Designations	Small Rural Residential (SRR) Land Use Designation DPA: None																								
Land Use Bylaw	<p>Small Rural Residential (SRR) zone Land Use Bylaw Regulations:</p> <table border="1"> <thead> <tr> <th>Minimum Setback</th> <th>Proposed</th> <th>Variance Required?</th> </tr> </thead> <tbody> <tr> <td>Front lot line = 6.0 m</td> <td>4.5 m</td> <td>YES</td> </tr> <tr> <td>Exterior side lot line = 4.5 m</td> <td>n/a</td> <td>n/a</td> </tr> <tr> <td>Interior side lot line = 1.5 m</td> <td>0.8 m</td> <td>YES</td> </tr> <tr> <td>Maximum Lot Coverage</td> <td></td> <td></td> </tr> <tr> <td>20%</td> <td><20%</td> <td>No</td> </tr> <tr> <td>Maximum Accessory Building Height</td> <td></td> <td></td> </tr> <tr> <td>7.0 m</td> <td>5.3 m</td> <td>No</td> </tr> </tbody> </table> <p>D.1 RESIDENTIAL ZONES D.1.1 Small Rural Residential (SRR) D.1.1.3 Regulations a. Buildings and Structures Siting Requirements <i>i On lots less than 1.0 hectares (2.47 acres), except for a sign, fence, or pump/utility house, the minimum setback of buildings or structures is:</i></p>	Minimum Setback	Proposed	Variance Required?	Front lot line = 6.0 m	4.5 m	YES	Exterior side lot line = 4.5 m	n/a	n/a	Interior side lot line = 1.5 m	0.8 m	YES	Maximum Lot Coverage			20%	<20%	No	Maximum Accessory Building Height			7.0 m	5.3 m	No
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Maximum Accessory Building Height																									
7.0 m	5.3 m	No																							

	<ul style="list-style-type: none"> • 6.0 metres (19.7 feet) from the front lot line; • 4.5 metres (14.8) from any exterior side lot line; and • 1.5 metres (4.9 feet) from any interior lot line. <p>B.2 GENERAL SITING AND HEIGHT PROVISIONS</p> <p>B.2.2 Measurement of Setbacks or Spatial Separations for Buildings and Structures</p> <p>B.2.2.2 The following features may project into the setback areas:</p> <p>a. steps, roof overhangs including eaves or gutters, cornices, sills, bay windows collectively not comprising more than 50 percent of the length of wall measured from corner to corner, balconies, awnings, and chimneys provided they do not project more than 1.0 metre (3.3 feet) into the required setback area or in the case of a setback area requirement less than 3.0 metres (9.9 feet), not more than 0.5 metre (1.7 feet);</p>
Other Regulations	Transportation Act – Highway Setback Permit required for structures less than 4.5 metres from a highway right of way.
Covenants	None on title.
Bylaw Enforcement	No BE files are associated with the subject property.

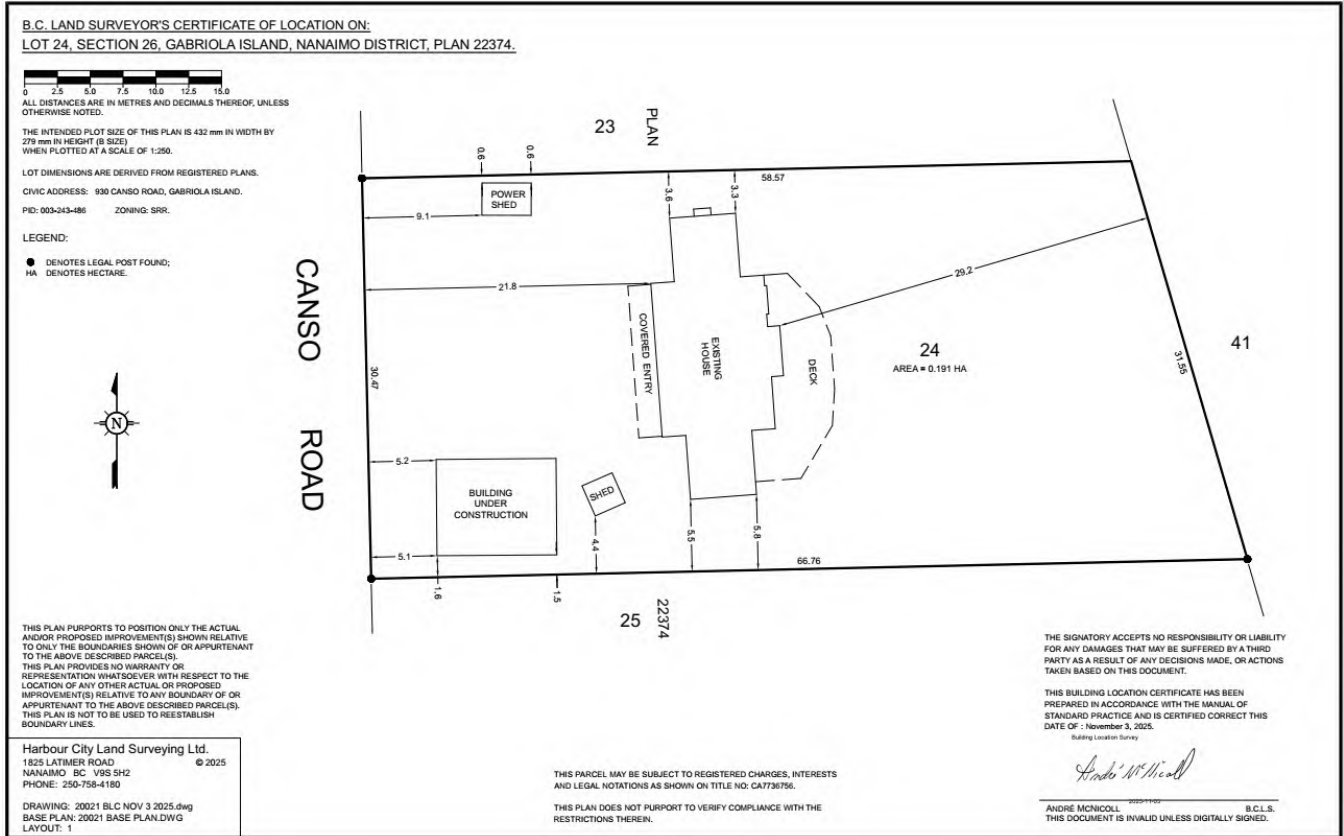
SITE INFLUENCES

Islands Trust Conservancy	n/a – This application does not directly affect an ITC-owned property or conservation covenant; nor does it directly affect a property adjacent to an ITC-owned property or conservation covenant. It also does not pertain to terrestrial or intertidal Crown land located within 100m of an ITC-owned property or conservation covenant.
Regional Conservation Strategy	Map 6 of the Regional Conservation Plan 2018-2027 estimated importance of habitat composition is LOW-MEDIUM for this property.
Species at Risk	Like all of Gabriola Island, the subject property is within an area mapped as critical SAR habitat for Callophrys mossii mossii , Moss’s Elfin butterfly.
Sensitive Ecosystems	<p>The subject property is within an area mapped as a wetland/swamp sensitive ecosystem. However, the proposed garage building and subject of this application is outside of the mapped wetland area:</p> 
Hazard Areas	None mapped.

Archaeological Sites	<p>Remote Access to Archaeological Data (RAAD) does not indicate any recorded archaeological sites on the property or areas of archaeological potential within 100 metres of the subject property.</p> <p>Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. If such material is encountered during development, all work should cease and the BC Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.</p>
Climate Change Adaptation and Mitigation	Staff do not anticipate any greenhouse gas emission changes resulting from approval of the proposed permit. Staff do not anticipate any climate change induced hazards arising from permit approval.
Shoreline Classification	N/A – not a waterfront property.
Shoreline Data in TAPIS	N/A – not a waterfront property.

ATTACHMENT 2 – PLANS AND PHOTOGRAPHS – PL-DVP-2026-0049

2.1 SURVEY PLAN



2.4 PHOTOGRAPHS



BUILDING LOCATION – LOOKING SOUTH



BUILDING LOCATION – LOOKING SOUTH-EAST FROM CANSO RD.



BUILDING LOCATION AND INTERIOR LOT LINE, LOOKING EAST



BUILDING LOCATION AND FRONT LOT LINE, LOOKING SOUTH

To We are building a 30'x24' double car garage at the front of our house in the driveway that will be used for storage and work shop. ATTACHMENT 3

We purchased a beautiful and decent size house back in 2019 but as we moved in, we realized that it had minimal storage. In 2020 when Rhonda's parents moved in with us we had to consolidate their belongings and store everything in rented storage since we couldn't hold everything in our house. We've been entertaining the idea of building that structure since then. Once finished, we will be able to have everything stored in the garage saving us \$800/month in storage fees.

Our property is only half an acre and we have a lot of beautiful large trees on that piece of land, the idea was to build a structure that would blend with the environment without having to remove any trees/vegetation keeping the footprint minimal, which we did. Only one sick Maple tree had to be taken down.

Also, as our house is aging, a lot of maintenance work will have to be done in the coming years. Having an available work shop at our disposal will make it so much easier to get the job done, especially in the wet months.

The locations of the house, driveway, trees and power shed made it hard to position the garage in a way that would make sense, that would allow us to drive to, in and out if needed and this is where we made the mistake to position the building too close to the street setbacks (5.1m instead of 6m).

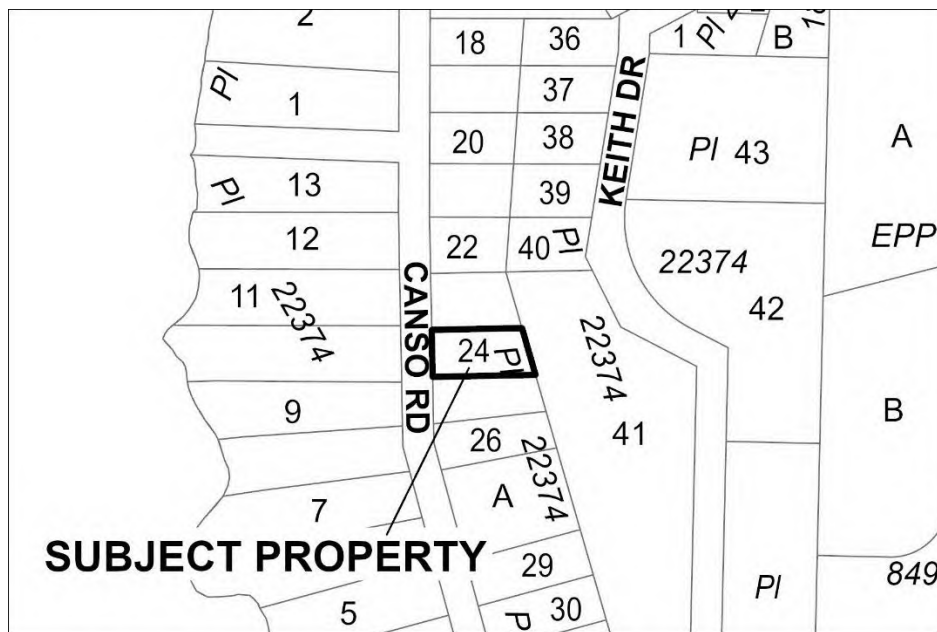
NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the Gabriola Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit. The proposed permit would vary the *Gabriola Island Land Use Bylaw, 1999* by:

- Reducing the *front lot line* setback requirement from 6.0 metres to 4.5 metres and the *interior lot line* setback requirement from 1.5 metres to 0.5 metre to permit a 67 m² garage within the setback area.

The property is located at **930 Canso Road** and is legally described as:

LOT 24, SECTION 26, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 22374
(PID: 003-243-486).

The general location of the subject property is shown on the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Office, 700 North Road, Gabriola Island, BC V0R 1X3 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **April 9, 2026** and continuing up to and including **April 22, 2026** and is also available on the Islands Trust website here: <https://islandstrust.bc.ca/island-planning/gabriola/current-applications/>

Enquiries or comments should be directed to Margot Thomaidis, Planner 2 at (250) 247-2204, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver (604) 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: northinfo@islandstrust.bc.ca before 4:30 pm, **April 22, 2026**.

The Gabriola Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the business meeting starting at **10:30 am, April 23, 2026, at the Gabriola Arts and Heritage Centre, 476 South Road, Gabriola Island, BC V0R 1X0**.

All applications are available for review by the public with prior appointment. Written comments made in response to this notice will also be available for public review.

Nadine Mourao, Deputy Secretary

PROPOSED



Islands Trust

**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
PL-DVP-2026-0049**

ATTACHMENT 5

To: Jean-Philippe Matte and Rhondalyn Burton

1. This Development Variance Permit applies to the land described below:

LOT 24, SECTION 26, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 22374
(PID: 003-243-486)
2. Gabriola Island Land Use Bylaw, 1999 is varied as follows:
 - a) Item D.1.1.3.a.i. which states that the minimum setback of *buildings* or *structures* is 6.0 metres (19.7 feet) from the *front lot line* and 1.5 metres (4.9 feet) from the *interior lot line* is varied to permit the construction of a 67 m² garage building including roof overhangs, 4.5 metres (14.8 feet) from the front lot line and 0.5 metre (1.6 feet) from the interior lot line.

The development shall be consistent with Schedules 'A', 'B', and 'C' which are attached to and form part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Gabriola Island Land Use Bylaw, 1999" and to obtain other approvals necessary for completion of the proposed development, including approval of the Nanaimo Regional District and Ministry of Transportation and Transit.

AUTHORIZING RESOLUTION PASSED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE THIS ##th DAY OF [MONTH], [YEAR].

Deputy Secretary, Islands Trust

Date of Issuance

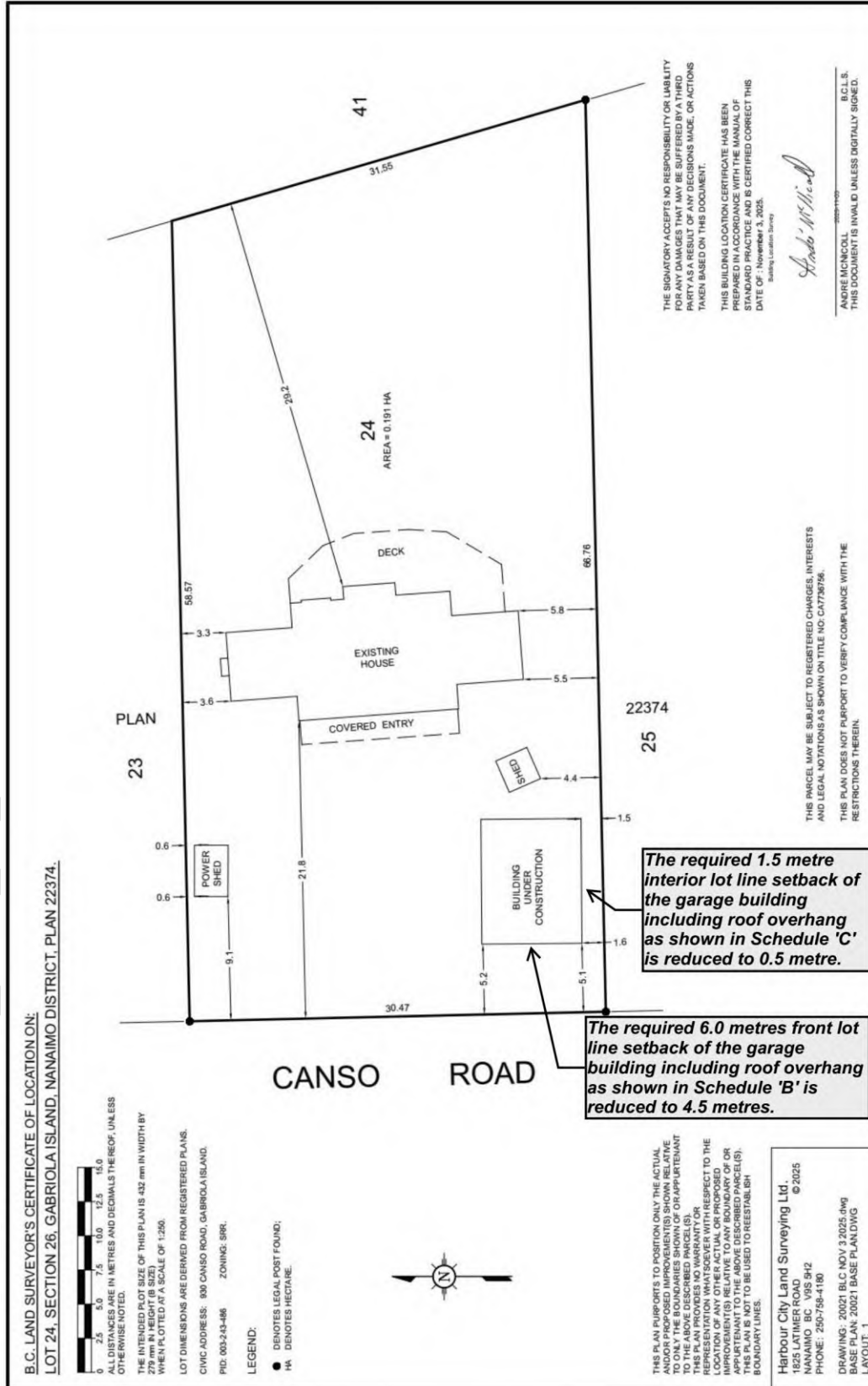
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF [MONTH], [YEAR (2 YEARS FROM DATE OF ISSUANCE)] THIS PERMIT AUTOMATICALLY LAPSES.

PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
PL-DVP-2026-0049

SCHEDULE 'A'

Survey Plan Excerpt



PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
PL-DVP-2026-0049

SCHEDULE 'B'

Elevation Plan



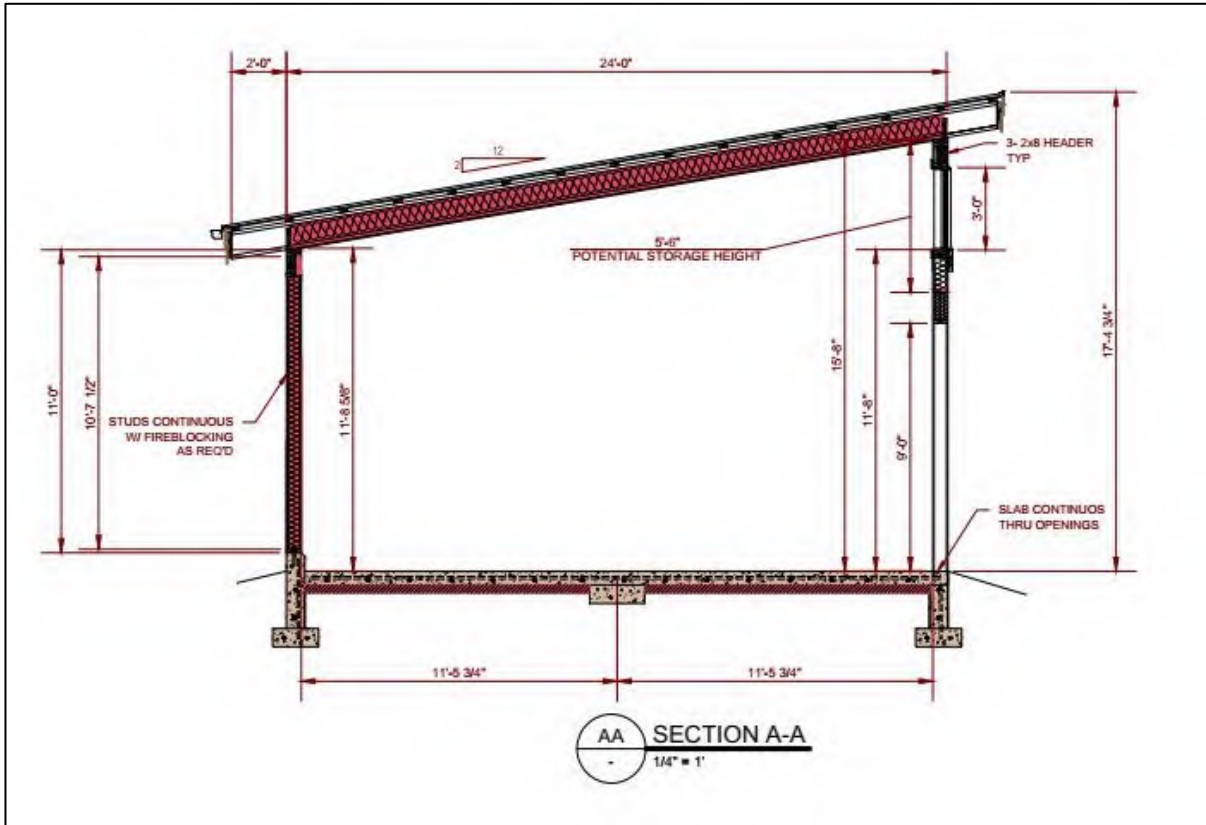
PROPOSED

PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
PL-DVP-2026-0049

SCHEDULE 'C'

Section Plan



PROPOSED