



DATE OF MEETING: June 24, 2025

TO: Gambier Island Local Trust Committee

FROM: Marlis McCargar, Island Planner  
Northern Team

COPY: Sonja Zupanec, A/Regional Planning Manager

SUBJECT: PL-DVP-2025-0170  
Applicant: Dusty Moi  
Location: The Grove Road, Gambier Island

## RECOMMENDATION

1. That the Gambier Island Local Trust Committee approve issuance of PL-DVP-2025-0170.

## REPORT SUMMARY

The purpose of this report is to consider a Development Variance Permit (DVP) to vary the required setback from the natural boundary of the sea, from 15 metres to 4.33 metres, to allow for a roofline alteration to an existing non-conforming dwelling. The proposed changes do not expand the building footprint, but would modify the structure within the setback.

## RATIONALE FOR VARIANCE

The applicant's rationale is that the variance is needed to accommodate a modest reconfiguration of the existing roofline, intended to consolidate and simplify the roof form over the original building footprint. The proposal does not increase the building's footprint or overall site coverage. The original footprint is proposed to be maintained, and the overall enclosed floor area is proposed to be reduced. The proposed roof changes result in a net reduction of volume within the setback (Attachment 4).

## BACKGROUND

The variance application is following an Islands Trust Preliminary Plan Review referral from the Sunshine Coast Regional District for a Building Permit application, which identified the proposed building alterations to be increasing the non-conforming with the Gambier Island Land Use Bylaw No. 86, 2004 (LUB).

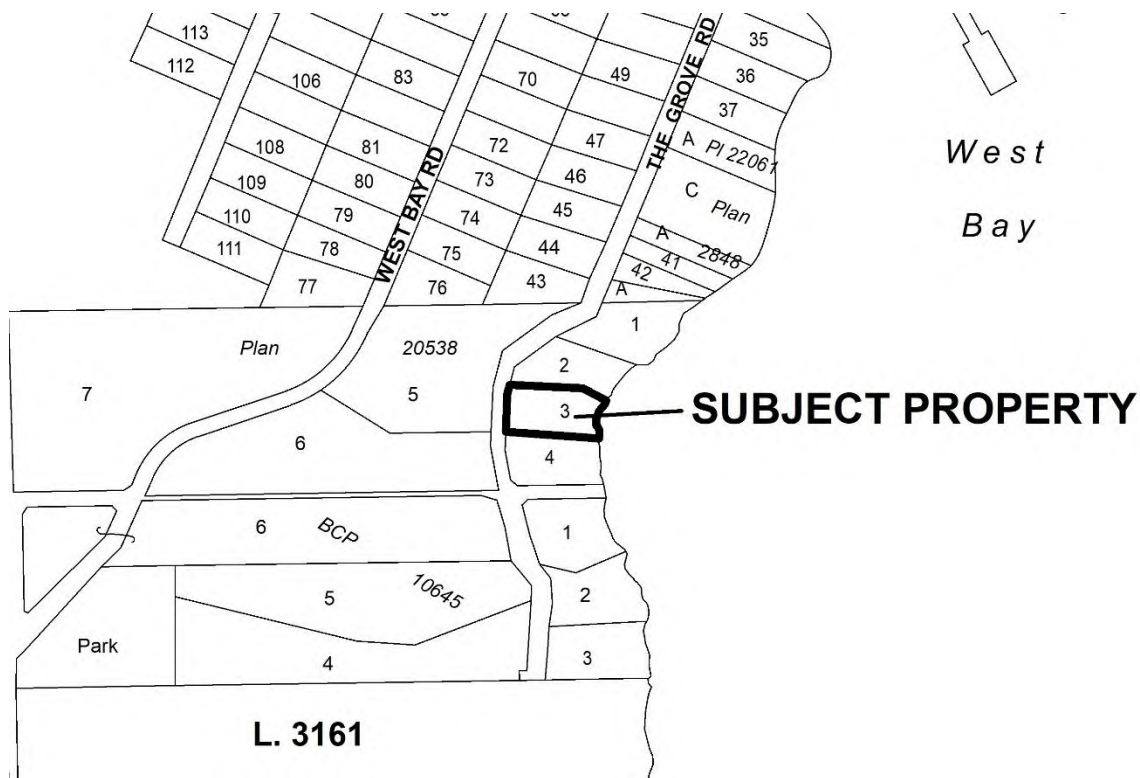
The specific variances to the LUB are as follows:

- a) Subsection 3.3(1), which states that no building or structure shall be sited within 15 metres of the natural boundary of the sea, lake, wetland or watercourse, is varied to permit an alteration to a dwelling within 4.33 metres of the natural boundary of the sea.

The subject lot is located at 832 The Grove Road on Gambier Island. The parcel is zoned as Settlement Residential (SR) and is 0.078 hectares (0.19 acres) in total area. The proposed dwelling has

a height of 8.17 metres. Additional to the dwelling, an addition is also proposed to be built, but outside the setback area. There is an existing secondary cabin on the lot which was constructed in 1967 according to BC Assessment records. The cabin will be decommissioned and used as an accessory building following the completion of construction of a renovated dwelling. The lot coverage including proposed and existing structures would be equal to 24.96% or 186.8m<sup>2</sup>, just below the maximum permitted of 25%.

A copy of the notice and proposed permit PL-DVP-2025-0170 are included with this report as Attachment 6 and 7. The applicant has provided a Project Narrative explaining the context and rationale for the variance application as Attachments 3 and 4. Staff did not complete a site visit to the property, but the applicant has provided photos of the existing site conditions included as Attachment 2.



**Figure 1 - Subject Property Location**

## ANALYSIS

### Policy/Regulatory

A comprehensive site context analysis is provided in Attachment 1. The policies and regulations that pertain to this application are summarized below.

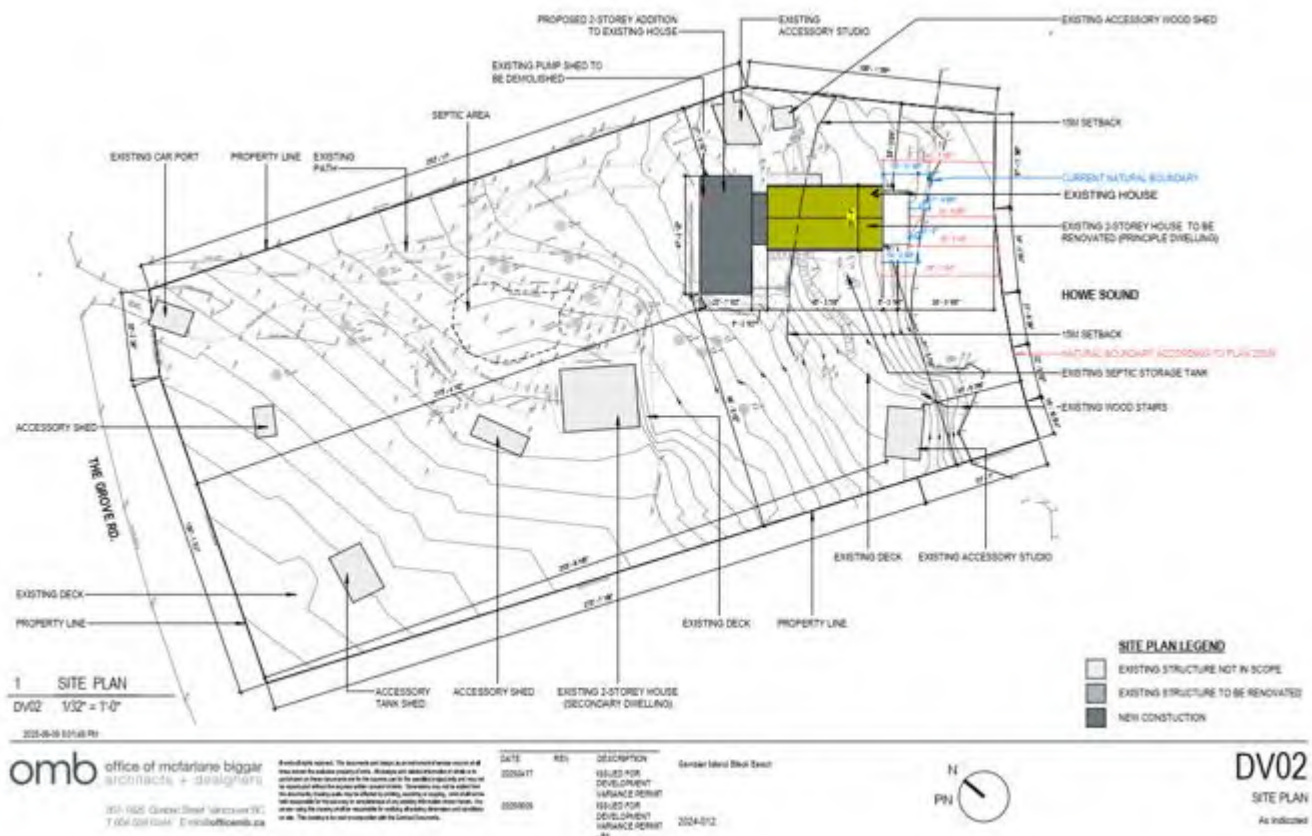
#### **Official Community Plan:**

The principal dwelling on the subject property is consistent with the Settlement Residential (SR) land use designation in the Gambier Island Official Community Plan No. 73, 2001. The subject property is within Development Permit Area No. 3 – Riparian Areas. However, the proposed development is an exempted activity as it is taking place greater than 30 metres from a watercourse.

#### Intent of Regulations being varied

The overall purpose of the setback from the natural boundary to the sea is to minimize impacts related to:

- Protecting the natural environment, including ecosystems and biological diversity;
- Conserving marine habitat;
- Reducing risks from coastal erosion, flooding, and other environmental hazards;
- Preserving the rural, visual character of the coastline;
- Safeguarding archaeological and cultural heritage resources; and
- Protecting views, scenic areas, and distinctive landscape features that contribute to the overall visual and environmental quality of the Trust Area.



**Figure 2 - Site Plan**

## Issues and Opportunities

The applicant seeks a variance to reduce the sea setback from 15 metres to 4.33 metres to allow for a reconfiguration of the roofline on an existing non-conforming dwelling. As outlined earlier in the report, the purpose of the setback is to minimize environmental and visual impacts, and to manage coastal hazards.

It should be noted that this DVP only authorizes the specific roofline alteration proposed, and does not legalize or approve the entire existing dwelling or its siting within the setback. Rather, it applies only to the specific alteration being proposed, a roofline modification that does not expand the structure's horizontal footprint. The dwelling is already sited within the setback, and this application does not legalize its location or any unrelated non-conforming elements.

The proposed change increases the vertical massing of the structure but also removes several existing non-conforming features, including:

- South-facing pop-outs
- Deck portions on the east and north sides
- Floor area on the north side

These removals result in a net reduction of approximately 206 cubic feet of built volume within the setback. While the revised roofline increases the dwelling's perceived massing, the overall effect is a modest reduction in encroachment within the setback area.

### **Consultation**

In accordance with Section 499 of the *Local Government Act* (LGA) and Section 8 of the Gambier Island Development Procedures Bylaw No. 50, notification of this DVP application (Attachment 6) was distributed to neighbouring property owners and tenants within 100 metres. No correspondence was received prior to distribution of the Notice or at the time of preparing this report, but may be received before or during the LTC meeting on June 24, 2025. All correspondence received on or before the LTC meeting will form part of the public record and will be presented to the LTC as part of the application file materials. Correspondence may be sent to [northinfo@islandstrust.bc.ca](mailto:northinfo@islandstrust.bc.ca).

### **First Nations**

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places.

The structures under application are in close proximity to a documented archeological site (within 100 metres) as indicated by the provincial Remote Access to Archaeological Data (RAAD) system. At the time the application file was opened, the Applicant was provided with information on the Islands Trust Cultural Protocol and BC provincial Chance Find Procedures that contain information about what actions must be undertaken if previously unrecorded archaeological material is encountered during development. In such a case, all work must cease and the provincial Archaeology Branch contacted immediately. A *Heritage Conservation Act* permit may be required before further development is undertaken.

### **Rationale for Recommendation**

Staff recommend that the resolution on page 1 be supported for the following reasons:

- The proposed variance is reasonable in context, as the footprint of the building within the setback is not expanding, and the primary change involves a vertical reconfiguration of the roofline;
- The application is being made prior to construction, in accordance with proper process;
- Several existing non-conforming elements are being removed, resulting in a net reduction of site coverage and building volume within the 15-metre setback and

- At the time of writing, no objections or comments have been received in response to the notification process.

## 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 Gambier Island Local Trust Committee request that the applicant submit to the Islands Trust the following (specify information request) ....”*

### 2. Deny the application

The LTC may deny the application. Recommended wording for the resolution is as follows:

*“That the Gambier Island Local Trust Committee deny application PL-DVP-2025-0019.”*

Submitted By:	Marlis McCargar, Island Planner	June 6, 2025
Concurrence:	Sonja Zupanec, RPP, MCIP, Acting Regional Planning Manager	June 9, 2025

## ATTACHMENTS

1. Site Context
2. Site Photographs
3. Applicant's Rationale
4. Project History
5. Site Survey
6. Notice
7. Draft Development Variance Permit

## ATTACHMENT 1 – SITE CONTEXT

### LOCATION

Legal Description	LOT 3 DISTRICT LOT 3161 PLAN 20538
PID	006-577-512
Civic Address	832 THE GROVE ROAD, GAMBIER ISLAND
Lot Size	0.078 ha (0.19 ac)


### LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential

### HISTORICAL ACTIVITY

File No.	Purpose
-	-

### POLICY/REGULATORY

Official Community Plan Designations	Gambier Island Official Community Plan Bylaw #73, 2001 – Settlement Residential (SR)
Land Use Bylaw	Gambier Island Land Use Bylaw #86, 2004 – Settlement Residential (SR)
Other Regulations	<p>DPA 3: Riparian Areas</p>  <p>Watersheds and Watercourses Map</p> <p>Exemptions:            (3)(a)i. development taking place outside of the areas described below in 9.3(3)(a)(i) though 9.3(3)(a)(iv): i. For a watercourse that is not located in a ravine, a 30 metre strip on both sides of the watercourse measured from the high water mark;</p>

	(b) interior or exterior alterations, renovations, maintenance, reconstruction or repair to a pre-existing building or structure to an extent that does not alter, extend or otherwise increase the ground floor area of the building or structure including all impermeable accessory structures such as decks and patios
Covenants	S.215 Covenant N62361 (1985) between province and SCRD
Bylaw Enforcement	N/A

## SITE INFLUENCES

Islands Trust Conservancy	There are no Conservancy covenants or properties in the direct area; therefore, no referral has been made to the Board.
Species at Risk	N/A
Sensitive Ecosystems	N/A
Hazard Areas	N/A
Archaeological Sites	Registered archaeological site within 100m of subject property.  Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is 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 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.
Climate Change Adaptation and Mitigation	No additional impacts to GHG emissions anticipated as a result of this application.
Shoreline Classification	Sediment Shoreline - Pebble/Sand
Shoreline Data in TAPIS	Fringing, patchy eel grass noted, surf smelt



## ATTACHMENT 2 – SITE PHOTOS

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VIEW FROM THE BEACH



VIEW FROM THE BEACH





## DVP Project Narrative Document

### Gambier Island Blacks Beach Upgrades

Document Number: 7922-01-25-02

Revision 0

Date: 04/18/2025

Rev	Date	Revision Description	By	Checked	Approved
0	18-APR-25	Issue For Approval	DLM	JG	DLM

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## **1.0 Project Description**

This application requests a Development Variance Permit (DVP) to support the renovation of an existing single-family dwelling located within the 15-metre natural boundary setback, as defined by Gambier Island Land Use Bylaw No. 86, 2004.

The subject property contains a long-standing cabin structure that pre-dates the adoption of the current land use bylaw and is legally non-conforming in its siting. The proposed renovation seeks to improve the livability, safety, and structural integrity of the home while retaining the original footprint and character of the existing structure.

## **2.0 Purpose of Variance**

The variance is requested to accommodate a modest reconfiguration of the existing roof form, specifically to consolidate and rationalize the roofline over the original footprint. While the net building footprint and total site coverage are not increasing, Islands Trust staff have advised that changes to roof volume within the 15-metre natural boundary setback may be interpreted as increasing non-conformity and therefore require a variance.

We acknowledge this interpretation and respectfully note that the Gambier Island Land Use Bylaw does not explicitly regulate roof volume within the setback. The existing structure's legal non-conforming status has been respected by maintaining the original footprint and reducing overall enclosed floor area. The proposed roof change results in a net reduction of volume within the setback and does not expand the building's footprint horizontally or vertically toward the sea. Based on recent feedback, the design has been adjusted to exclude any enclosed area under the deck.

## **3.0 Project Location and Site Conditions**

Project Location

- Address: 832 The Grove Road, Gambier Island, BC
- Size: 1.112 acres (0.45 hectares)
- Zoning: SR (Settlement Residential)
- Authority Having Jurisdiction (AHJ): Sunshine Coast Regional District (SCRD)
- Land Use Bylaw: Gambier Island Land Use Bylaw No. 86, 2004

The project site is located within Black Beach, Gambier Island, an off-grid community accessible only by boat. The site is characterized by steep terrain, a rocky shoreline, and dense vegetation; however, the site is easily accessible through various routes.

## **4.0 Background and Design Intent**

The renovation is part of a larger upgrade to the "Black Beach" property, known locally as the GIBB project. The goal is to preserve the spirit and footprint of the original cabin while eliminating unsafe or deteriorated conditions and bringing the home in line with modern building standards.

Key design actions include:

- Removal of the upper loft and non-compliant stair system
- Demolition of south-facing bay windows, which previously encroached toward the sea
- Inward relocation of the east glazing
- Replacement of the east-end roof, matching existing height and pitch

- Retention of north and south exterior walls and the deck

These changes result in a smaller, safer, and more efficient building that reflects the original form of the structure and does not introduce any new encroachment toward the natural boundary.

**The proposed renovation substantially improves the safety and code compliance of the cabin with a focus on the following:**

- Upgrading the structural integrity of the cabin to meet current seismic requirements, while simplifying the form
- Rationalizing the roof lines, allowing for a more continuous building envelope that meets modern building standards and improves performance
- Meeting current energy use requirements for heating, cooling, and electrical consumption
- Creating a home that will be built to last, ensuring a more durable and sustainable structure that maintains its unique rural character and scale

## **5.0 OCP Alignment**

The project is strongly aligned with the Gambier Island Official Community Plan (Bylaw No. 73, 2001). Specifically, the renovation:

- Supports environmental stewardship by avoiding new encroachment into the marine setback area
- Preserves the rural and small-scale character of development on Gambier Island
- Enhances building safety and environmental resilience
- Respects the intent of the natural boundary setback while responsibly upgrading an existing structure
- Encourages renovation over demolition, minimizing environmental impact

## **6.0 Justification for Variance**

This variance request is based on the following key considerations:

1. Non-conforming status: The existing building is legally non-conforming. The project does not expand site coverage within the setback
2. Improved compliance: The renovation removes several non-compliant elements and re-establishes the original form
3. No increase in setback encroachment: All new work remains within the original footprint and does not extend closer to the sea
4. Minimal impact: The visual and spatial changes are modest and will reduce perceived bulk while improving integration with the natural landscape
5. Consistency with OCP: The proposal meets stated community goals for environmental protection, safety, and rural character preservation

## **7.0 Conclusion**

The proposed renovations represent a balanced, responsible approach to upgrading a legal non-conforming structure. While we recognize Islands Trust's interpretation of the 3D envelope requirement, we respectfully submit that this project reduces overall volume within the setback, improves code compliance, and does not intensify land use.

We ask the Local Trust Committee to consider this application favorably and allow the issuance of a Development Variance Permit to support this modest and meaningful improvement to an established home.

PROJECT HISTORY AND RENOVATION APPROACH

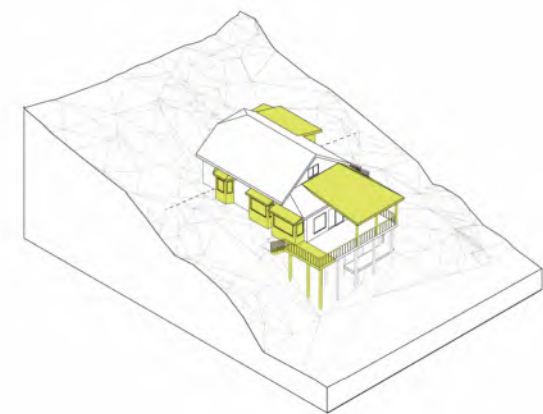
THE ORIGINAL PRIMARY DWELLING HAS SEEN AD-HOC ADDITIONS ADDED THROUGHOUT ITS LIFESPAN. THE INTENT OF THE RENOVATION IS TO RE-ESTABLISH THE ORIGINAL VOLUME OF THE HOME, AND TO IMPROVE THE LONG-TERM SAFETY OF THE RESIDENCE.

THE EXISTING STRUCTURE WILL BE REPAIRED AND REMEDIATED, AND SUPPORT A REHABILITATED ROOF STRUCTURE.

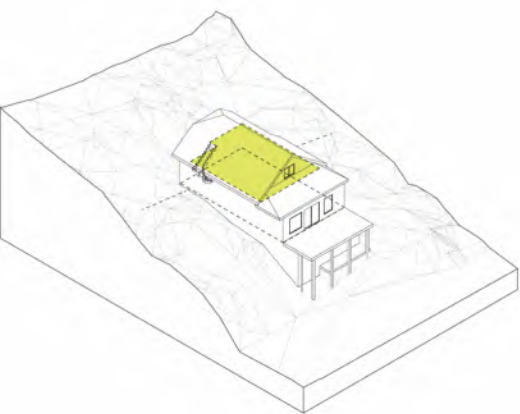
THE HOME WILL BE SUPPLEMENTED TO MEET CURRENT BUILDING AND ENERGY CODE STANDARDS. NON-COMPLIANT STAIRS AND FLOOR AREAS ARE REMOVED, AND WINDOWS AND ASSEMBLIES ARE UPGRADED TO CURRENT STANDARDS.

THE SECOND LEVEL LIVING SPACE IS REMOVED, RESULTING IN AN OVERALL REDUCED FLOOR SPACE WITHIN THE EXISTING HOME. AN ADDITION IS ADDED TO THE WEST OF EXISTING HOME, CLEAR OF THE 15M NATURAL BOUNDARY SETBACK.

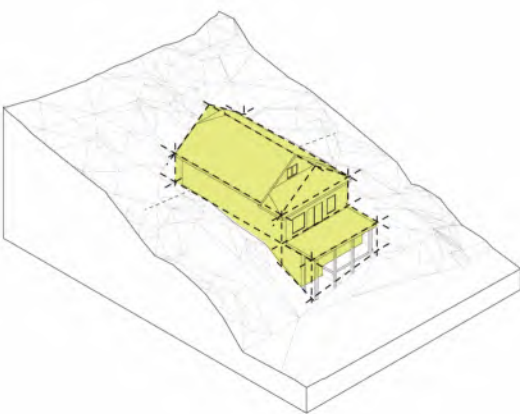
REMOVAL OF ADDITIONS TO RESTORE ORIGINAL BUILDING VOLUME.



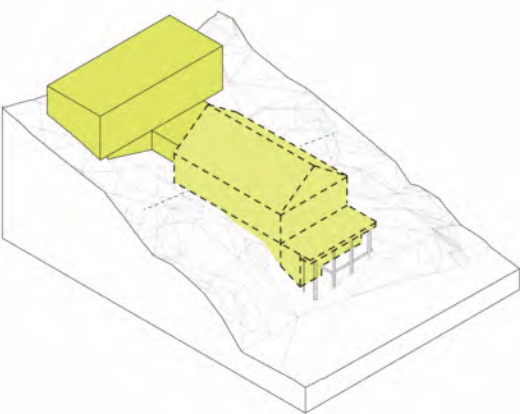
NON - COMPLIANT STAIRCASE AND SECOND LEVEL ARE REMOVED, RESULTING IN REDUCED FLOOR AREA IN THE EXISTING HOME.



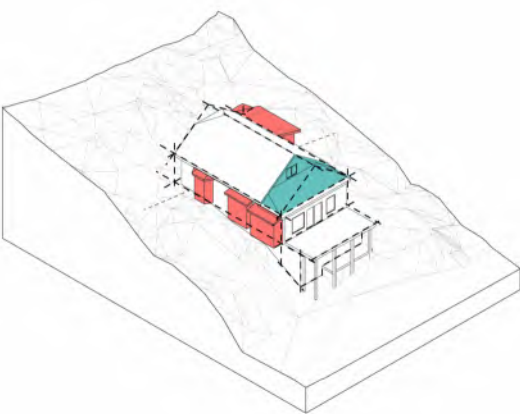
EXISTING BUILDING IS UPGRADED TO CURRENT BUILDING AND ENERGY CODE STANDARDS



NEW ADDITION CLEAR OF THE 15M NATURAL BOUNDARY SETBACK.



VOLUME REMOVED FROM EXISTING VERSUS VOLUME RELOCATION PROPOSED



2025-04-17 3:57:49 PM

DATE	REV	DESCRIPTION
20250417		ISSUED FOR DEVELOPMENT VARIANCE PERMIT

Gambier Island Black Beach

2024-012







**GAMBIER ISLAND LOCAL TRUST COMMITTEE**  
**DEVELOPMENT VARIANCE PERMIT NO. PLDVP20250170**

**TO:** Dusty and Joseph Moi

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

PID: 006-577-512

LOT 3 DISTRICT LOT 3161 PLAN 20538

- 2.** Pursuant to Section 498 of the *Local Government Act*, the *Gambier Island Land Use Bylaw No. 86, 2004* is varied as follows:

- 1.** PART 3 GENERAL REGULATIONS, Section 3.3 Siting and Setback Regulations, Subsection 3.3(1) “No building or structure shall be sited within 15 metres of the natural boundary of the sea, lake, wetland or watercourse, or constructed with the underside of any floor system or the top of any pad supporting any space or room that is used for dwelling purposes, business or the storage of goods less than 1.5 metres above the natural boundary of the sea, lake or watercourse unless otherwise provided for in this Bylaw.”; is varied to permit:

- A reduction of the required setback from 15 metres to 4.33 metres to allow for a roofline alteration to an existing non-conforming dwelling, located within the setback from the natural boundary of the sea.

- 3.** The proposed development is limited to the roof alteration on the “EXISTING DWELLING”, as labelled on **Schedule “A” – Site Plan**, attached to and forming part of this permit. This permit is not a Building Permit or a Siting and Use Permit, and does not remove any obligation on the part of the permittee to comply with all other requirements of the Gambier Island Land Use Bylaw No. 86, 2004 including use and density, and to obtain other appropriate approvals necessary for completion of the proposed development.

**AUTHORIZING RESOLUTION PASSED BY THE GAMBIER ISLAND LOCAL TRUST COMMITTEE THIS X DAY OF MONTH, 202X.**

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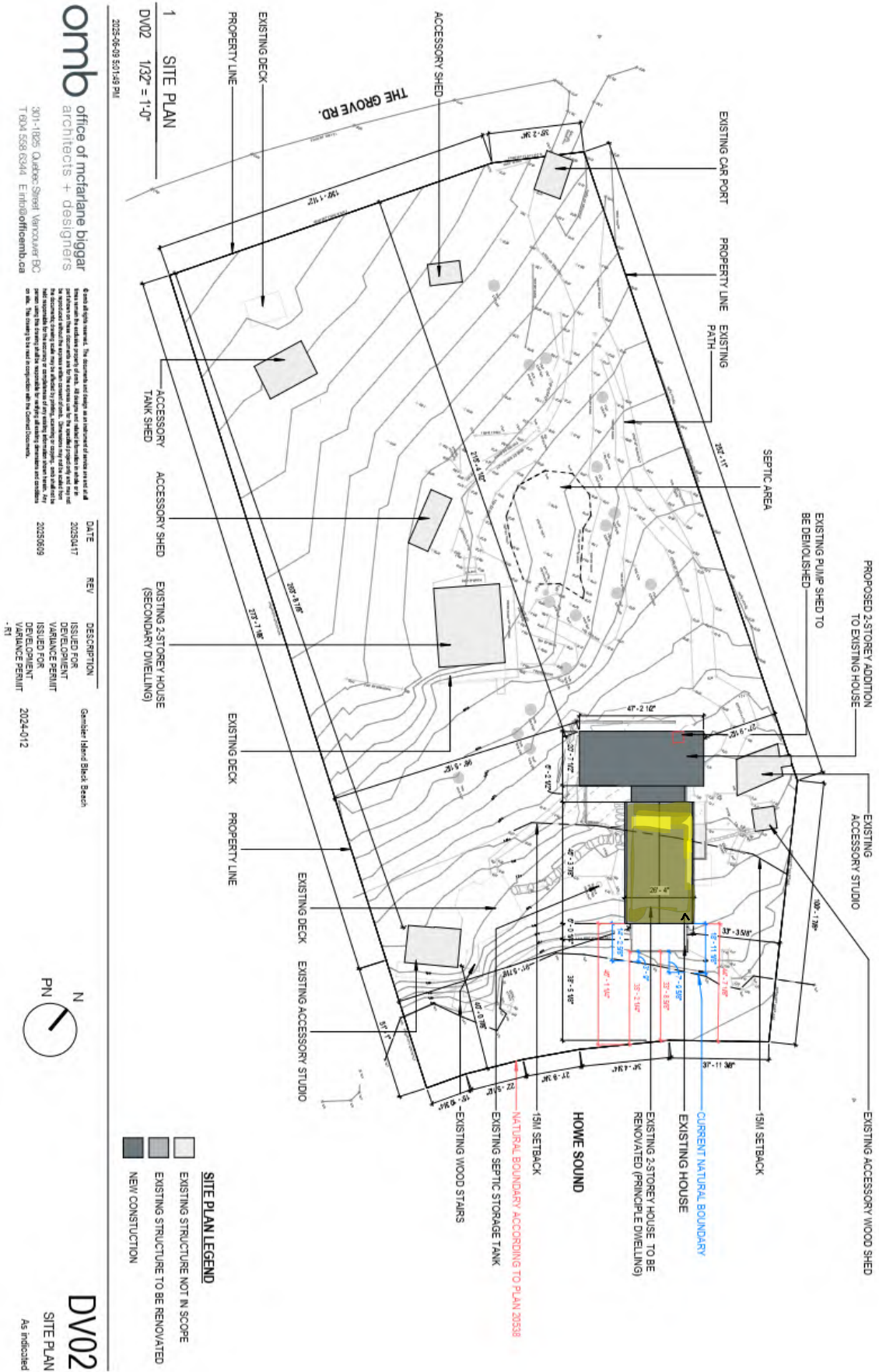
**Deputy Secretary, Islands Trust**

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**Date**

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE X DAY OF MONTH, 202X,  
THIS PERMIT AUTOMATICALLY LAPSES.**

## 44



**NOTICE**  
**PL-DVP-2025-0170**  
**GAMBIER ISLAND LOCAL TRUST COMMITTEE**

**NOTICE** is hereby given pursuant to Section 499 of the *Local Government Act* that the Gambier Island Local Trust Committee will be considering a resolution to issue a Development Variance Permit. The proposed permit would vary the Gambier Island Land Use Bylaw No. 86, 2004 by:

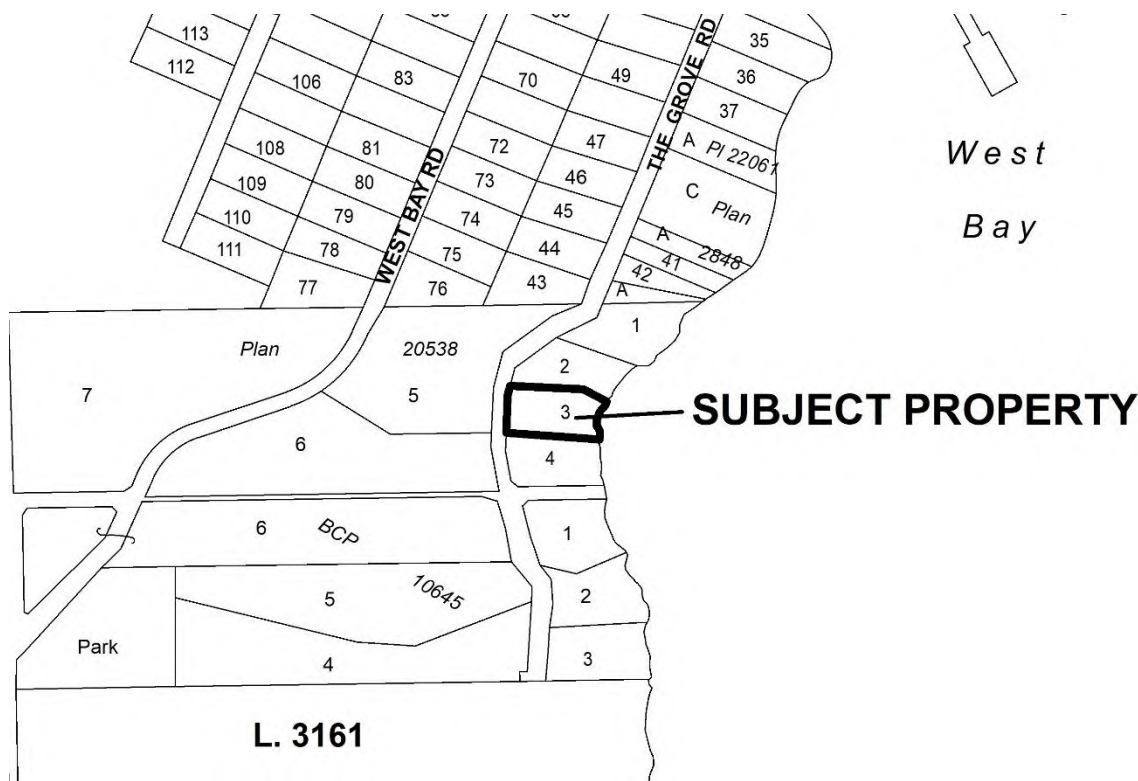
- Reducing the minimum setback from the natural boundary of the sea from 15 metres to 4.33 metres, to allow for a roofline alteration to an existing non-conforming dwelling.

The property is legally described as:

LOT 3 DISTRICT LOT 3161 PLAN 20538

(PID 006-577-512)

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 4:00 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **June 10, 2025** and continuing up to and including **June 23, 2025** and is also available on the Islands Trust website here: <https://islandstrust.bc.ca/island-planning/gambier/current-applications/>

Enquiries or comments should be directed to Marlis McCargar, Island Planner at (250) 247-2210, 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](mailto:northinfo@islandstrust.bc.ca) before 4:30 pm, **June 23, 2025**.

The Gambier Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the business meeting starting at **11:00 am, June 24, 2025, in-person at Gambier Community Centre, 721 Andy's Bay Road, Gambier Island.**

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.



**GAMBIER ISLAND LOCAL TRUST COMMITTEE**  
**DEVELOPMENT VARIANCE PERMIT NO. PLDVP20250170**

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**AUTHORIZING RESOLUTION PASSED BY THE GAMBIER ISLAND LOCAL TRUST COMMITTEE THIS X DAY OF MONTH, 202X.**

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**Deputy Secretary, Islands Trust**

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**Date**

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE X DAY OF MONTH, 202X,  
THIS PERMIT AUTOMATICALLY LAPSES.**



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