

REGIONAL DISTRICT OF NANAIMO

DEVELOPMENT SERVICES COMMITTEE

TUESDAY, AUGUST 28, 2001

(immediately following the Corporate & Community Services Committee Meeting)

(Nanaimo City Council Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

- 2-4 Minutes of the regular Development Services Committee meeting held on July 24, 2001.

BUSINESS ARISING FROM THE MINUTES

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

- 5-11 Application No. 0116 - Coldstream (Vernon) Ltd. - 2048 Hemer Road - Area A.
- 12-18 Temporary Commercial Use Permit No. 0104 & Development Permit No. 0119 - Intracorp (on behalf of Fairwinds) - Fairwinds Drive - Area E.

DEVELOPMENT VARIANCE PERMIT

- 19-24 Application No. 0106 - Dueck - 6941 Seaside Terrace - Area D.

FRONTAGE RELAXATION

- 25-28 Ward - 640 Grovehill Road - Area H.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

IN CAMERA

ADJOURNMENT

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE DEVELOPMENT SERVICES COMMITTEE
MEETING HELD ON TUESDAY, JULY 24, 2001, AT 7:30 PM
IN THE CITY OF NANAIMO COUNCIL CHAMBERS,
455 WALLACE STREET, NANAIMO, BC

Present:

Director B. Holdom	Chairperson
Director L. Elliott	Electoral Area A
Director B. Sperling	Electoral Area B
Alternate	
Director M. Young	Electoral Area C
Alternate	
Director B. Jepson	Electoral Area D
Director G. Holme	Electoral Area E
Director J. McLean	Electoral Area F
Director J. Stanhope	Electoral Area G
Director R. Quittenton	Electoral Area H
Director J. Macdonald	City of Parksville
Director T. Westbroek	Town of Qualicum Beach
Director L. Sherry	City of Nanaimo
Director T. Krall	City of Nanaimo
Director G. Korpan	City of Nanaimo
Alternate	
Director R. Cantelon	City of Nanaimo
Director L. McNabb	City of Nanaimo

Also in Attendance:

K. Daniels	Chief Administrative Officer
J. Finnie	General Manager, Environmental Services
C. Mason	General Manager, Corporate Services
P. Shaw	Manager of Community Planning
S. Schopp	Manager of Inspection & Enforcement
D. Trudeau	Manager of Liquid Waste
C. McIver	Manager of Solid Waste
M. Donnelly	Manager of Transportation Services
N. Tonn	Recording Secretary

DELEGATIONS

Tony Ransom, re Relocation of Royal LePage Realty Office, Andover Road – Fairwinds Development Corporation – Area E

Mr. Ransom, representing residents of Andover Road, spoke to the need for a realty office in the area. He noted however, the residents' concerns regarding the placement of a commercial business in a residential neighbourhood.

MOVED Director Cantelon, SECONDED Director Krall, that the delegation be received.

CARRIED

PAGE
2

LATE DELEGATIONS

MOVED Director Stanhope, SECONDED Director McLean, that a late delegation be permitted to address the Committee.

CARRIED

Dave Scott, Fairwinds Community & Resort, re Relocation of Royal Lepage Realty Office, Andover Road – Fairwinds Development Corporation – Area E.

Mr. Scott invited any residents with concerns regarding Temporary Commercial Use Permit No. 0103 and Development Permit application No. 0117 to a public information meeting to be held on August 2, 2001.

MOVED Director Krall, SECONDED Director Sherry, that the delegation be received.

CARRIED

MINUTES

MOVED Director Sherry, SECONDED Director Krall, that the minutes of the regular Development Services Committee meeting held June 19, 2001, be approved.

CARRIED

CORRESPONDENCE/COMMUNICATIONS

Marie Crawford, UBCM, re Premature Building Envelope Failure.

MOVED Director Sherry, SECONDED Director Macdonald, that the correspondence from UBCM with respect to the provincial response to the Board's resolution on Premature Building Envelope Failure, be received.

CARRIED

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

Application No. 0115 – McGarrigle/Sims – Admiral Tryon Boulevard – Area G.

MOVED Director Stanhope, SECONDED Director McLean, that Development Permit Application No. 0115, to vary the minimum 'other' lot line setback for the Residential 1 (RS1) zone from 5.0 metres to 0.5 metres and to vary the minimum setback from the natural boundary requirements from 8.0 metres to 7.5 metres pursuant to the RDN's Land Use and Subdivision Bylaw No. 500, 1987; and to vary the Watercourse Protection Development Permit Area setback from the natural boundary pursuant to the French Creek Official Community Plan Bylaw No. 1115, 1998 from 15.0 metres to 3.0 metres to permit the construction of a retaining wall, and to vary the DPA setback from 15.0 metres to 7.5 metres to permit the siting of the dwelling unit for the property legally described as Lot 18, District Lot 28, Nanoose District, Plan VIP62528, be approved subject to the requirements outlined in Schedule '1' and subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

FRONTAGE RELAXATION

Request for Relaxation of the Minimum 10% Perimeter Requirement – Leigh Millan on behalf of Lorraine & Clifford Haslam – 3026 Adshead Road and 2974 Haslam Road – Area A.

MOVED Director Elliott, SECONDED Director McNabb, that the request from Leigh Millan, BCLS, on behalf of Lorraine Haslam and Clifford Haslam, to relax the minimum 10% frontage requirement for the proposed Homesite Severance parcel and the Remainder of Lot 1, Plan VIP69321, as shown on the plan of subdivision prepared by Leigh Millan, be approved.

CARRIED

Development Services Committee Minutes

July 24, 2001

Page 3

Request for Relaxation of the Minimum 10% Perimeter Requirement – Dave Wallace on behalf of 565832 BC Ltd. – off West Road – Area D.

MOVED Director Jepson, SECONDED Director Sherry, that the request from Dave Wallace, BCLS, on behalf of 565832 BC Ltd., to relax the minimum 10% frontage requirement for proposed Lots 4 and 5, as shown on the plan of subdivision of Part of Lot 3, Range 3, Mountain District, Plan VIP57411, be approved.

CARRIED

OTHER

Building Strata Conversion Application – Philip Sopow – 2525 Myles Lake Road – Area C.

MOVED Director Young, SECONDED Director Stanhope, that the request from Philip Sopow, for the building strata conversion as shown on the Sketch Plan of Lot A, Cranberry District, Section 8, Range 3, Plan VIP53510, be approved subject to the conditions being met as set out in Schedule No. 1 of the staff report.

CARRIED

Temporary Commercial Use Permit No. 0103 & Development Permit No. 0117 – Fairwinds Development Corporation – Real Estate Office – Andover Road – Area E.

MOVED Director Holme, SECONDED Director Krail, that Temporary Commercial Use Permit No. 0103 and Development Permit No. 0117, submitted by the Fairwinds Development Corporation Inc. No. 441838 for the property legally described as Lot 56, District Lot 8, Nanoose District, Plan VIP68559, to allow a temporary real estate office use, proceed to a public information meeting prior to the Board's consideration of these permits, subject to the conditions outlined in Schedule No. 1 and the notification requirements pursuant to the *Local Government Act*.

CARRIED

NEW BUSINESS

Zoning Regulations for Mobile and Modular Homes – Columbia Beach.

MOVED Director Stanhope, SECONDED Director Westbroek, that staff be directed to investigate amendment to the zoning bylaw for the Columbia Beach neighbourhood to disallow mobile or modular homes at Columbia Beach.

CARRIED

IN CAMERA

MOVED Director Holme, SECONDED Director Sherry, that pursuant to Section 242.2(I)(f) of the *Local Government Act* the Committee proceed to an In Camera Development Services Committee Meeting to consider a matter of litigation or potential litigation affecting the Local Government.

CARRIED

ADJOURNMENT

MOVED Director McNabb, SECONDED Director Sherry, that this meeting terminate.

CARRIED

TIME: 8:16 PM

CHAIRPERSON

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4



REGIONAL DISTRICT OF NANAIMO			
AUG 21 2001			
CHAIR		GMCRS	
CAO		GMDS	
GMCMS		GMES	
DSE			
		DATE:	

MEMORANDUM

TO: Pamela Shaw
 Manager, Community Planning

DATE: August 20, 2001

FROM: Deborah Jensen
 Planner

FILE: 3060 30 0116

SUBJECT: Development Permit Application No. 0116 Coldstream (Vernon) Ltd.
 Lot A, Section 14, Range 1, Cedar District, Plan 37404
 Electoral Area A – 2048 Hemer Road

PURPOSE

To consider an application for a Development Permit in the "Electoral Area A Official Community Plan Bylaw No. 1116, 1999" Cedar Village Development Permit Area to legalize an existing freestanding information/advertising sign and permit the construction of score boards. The information sign requires a variance to the minimum setback to the other lot line, located along Cedar Road, of the subject property.

BACKGROUND

The subject property is a 2.15 hectares (5.32 acres) parcel located along Cedar Road and Hemer Road, and is currently utilized for playing fields and/or community events (see Attachment 1).

Zoning and Proposed Variances

The subject property is zoned Recreation 1 (RC1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The minimum setback requirements for buildings and structures in this zone are 8.0 metres from the front lot line and 5.0 metres from the other lot lines.

The siting of the information sign and proposed location of the proposed scoreboards is shown on Schedule 1. The applicant is requesting a variance to the other lot line located along Cedar Road from 5.0 metres (16.4 feet) to 2.1 metres (6.9 feet) for the information sign. There are no variances required to permit the construction of the scoreboards.

The subject property is located within a building inspection area and the information sign addressed in this application was constructed without a building permit and contrary to the setback requirements. It should also be noted the required variance exceeds the Ministry of Transportation setbacks for construction adjacent to roads, in this case, Cedar Road. Therefore, staff referred the application to the Ministry. The Ministry has indicated that while there are no objections to permitting the sign, the placement of the sign should not interfere with sight lines at driveways or other traffic movements.

Development Permit Requirements

The subject property is located within the Cedar Village Development Permit Area, which is intended to address the form and character of commercial and multi-family development within the village area, and to protect the natural environment. In this case, the subject property is zoned Recreation 1 (RC1) and is operated as a commercial sport complex and therefore must conform to the guidelines of the development permit area. Specifically, the development permit guidelines state: (a) site lighting and signage will not utilize high-intensity lights and will be ornamental and in scale with the pedestrian environment with added emphasis on various forms of indirect illumination; and (b) signage shall generally be visually unobtrusive and grouped whenever possible and designed in such a manner as to be complementary to the form and character of existing development. There are no environmental implications.

ALTERNATIVES

1. To approve Development Permit No. 0116 as submitted.
2. To deny the requested development permit.

LAND USE AND DEVELOPMENT IMPLICATIONS

The information sign is located opposite other commercial uses on Cedar Road and away from adjacent residential parcels. The proposed scoreboards are to be located in the center of the site 'back to back' facing the playing fields. The site is predominately grassed with developed baseball playing fields, fencing, washrooms, dugout areas, parking and other ancillary structures for food and beverage sales.

The design of the information sign consists of back lighting, with interchangeable letters and is intended to promote on-site sports and other local community events (*see Schedule 2*). The design of the scoreboards consists of back light digital lighting and includes sponsorship emblems (*see Schedule 3*). Due to its orientation, the use of the information sign is restricted from being used as advertising for other business, entertainment, sales or service activities not occurring on the subject property pursuant to Regional District bylaws. However, staff is of the opinion that the use of sponsorship emblems on the scoreboard is directed at the users of the facility and not for the traveling public and therefore could be allowed in conjunction with the use as long as they are not directed off-site.

From staff's assessment of this application, the size and design of the proposed sign is consistent with the type of signage typically used on sport fields. While the sign may have preferably been located in better proximity to access locations, been indirectly lit and not back lit, and included some enhanced features to promote the Village theme and scale as suggested by the development permit area guidelines, it is considered to be compatible with existing development. The potential impact of the variance is reduced due to physical arrangement of the adjacent parcels and by the physical characteristics of the site. It is noted that the development permit area guidelines place emphasis on compatibility with pedestrian development whereas the subject property is being use for outdoor commercial recreation activity where this may be less of a concern due to the amount of road frontage and proximity of other uses.

SUMMARY/CONCLUSIONS

This is an application for a development permit within the Electoral Area A Official Community Plan Bylaw No. 1116, 1999 Cedar Village Development Permit Area to legalize an existing free-standing information sign and permit the construction of two scoreboards. The application includes a request to vary the minimum setback requirement for an other lot line located along Cedar Road from 5.0 metres (16.4 feet) to 2.1 metres (6.9 feet). As the sign and scoreboards do not appear to have a significant visual impact on adjacent properties or result in any traffic safety issues and is compatible with the type of use and character of development on the property, staff recommends this application be approved subject to notification procedures pursuant to the *Local Government Act*.

RECOMMENDATION

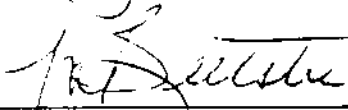
That Development Permit No. 0116, submitted by Coldstream (Vernon) Ltd., to legalize an existing free-standing sign by varying the minimum setback requirement for an other lot line located along Cedar Road within a Recreation 1 (RC1) zone from 5.0 metres (16.4 feet) to 2.1 metres (6.9 feet) and permit the construction of two scoreboards for the property legally described as Lot A, Section 14, Range 1, Cedar District, Plan 37404, be approved as submitted subject to the notification requirements pursuant to the *Local Government Act*.



Report Writer



General Manager Concurrence



Manager Concurrence

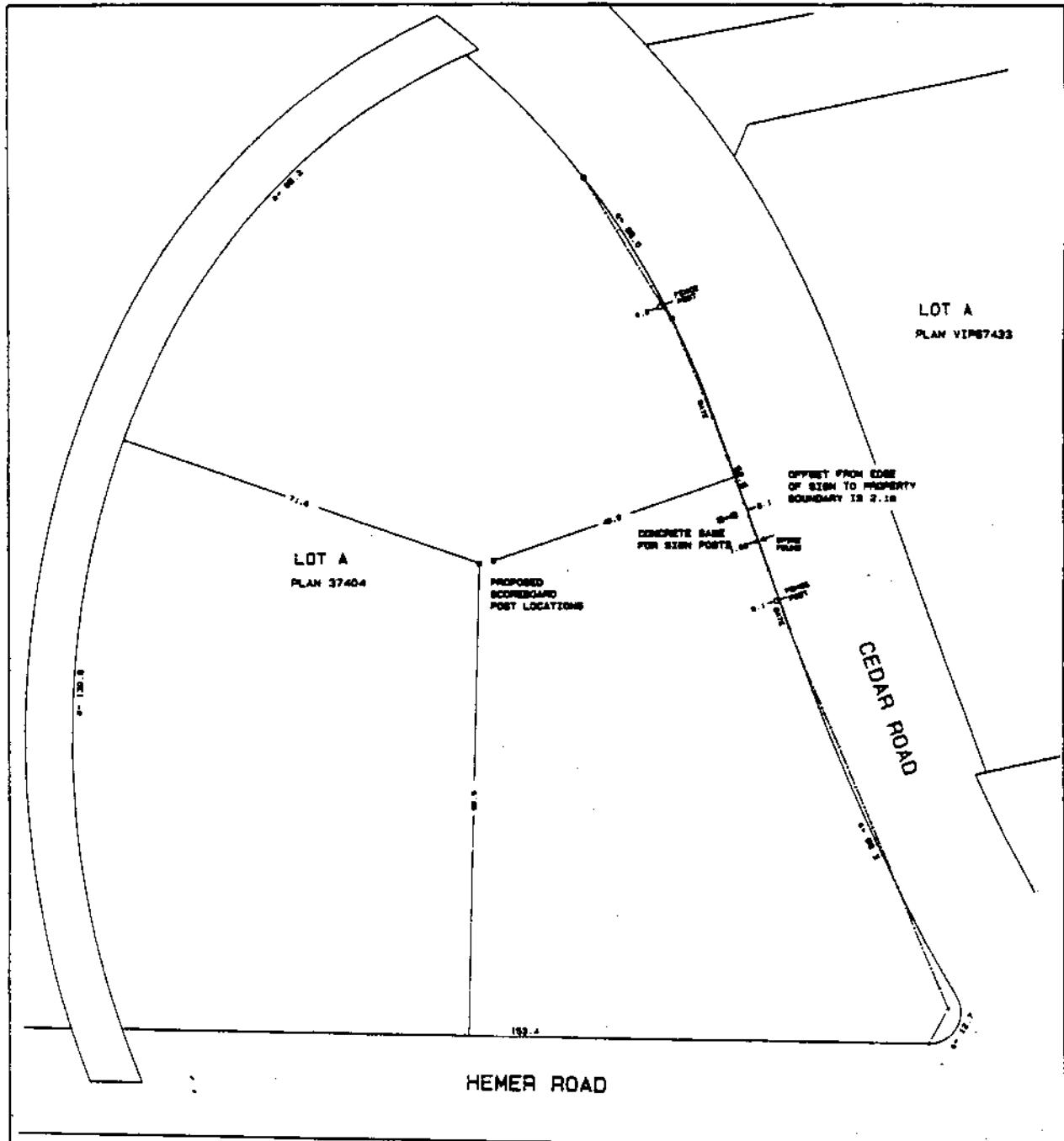


CAO Concurrence

COMMENTS:

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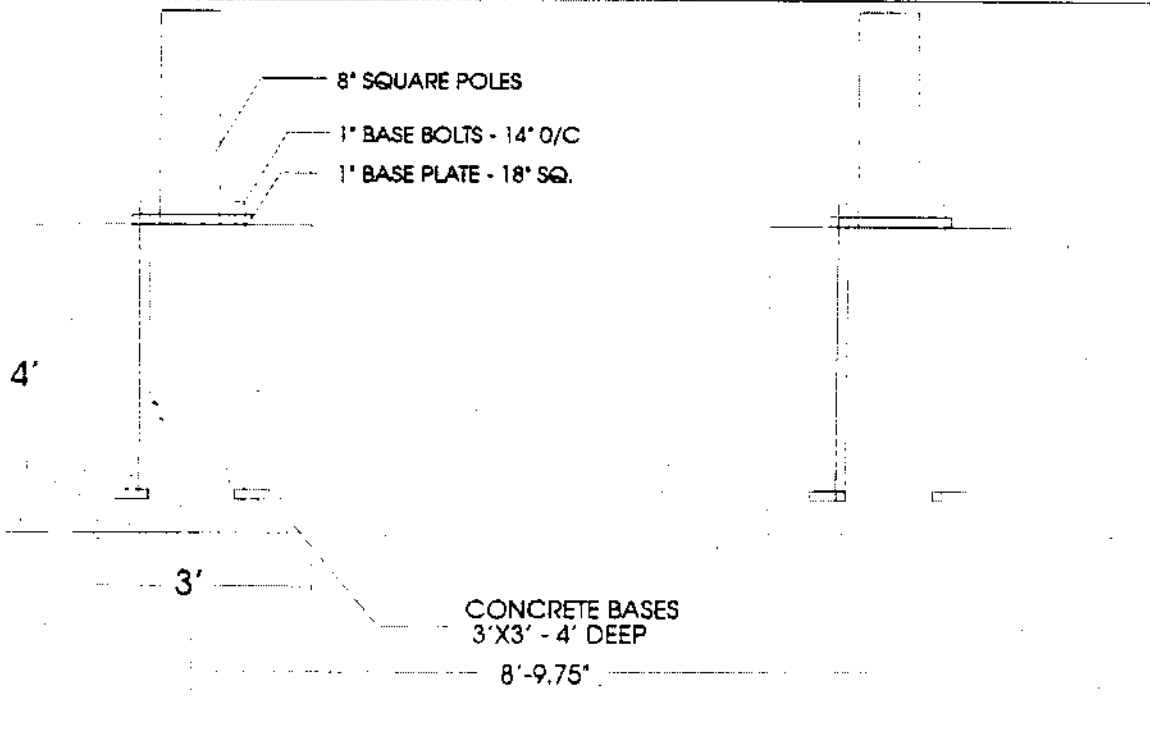
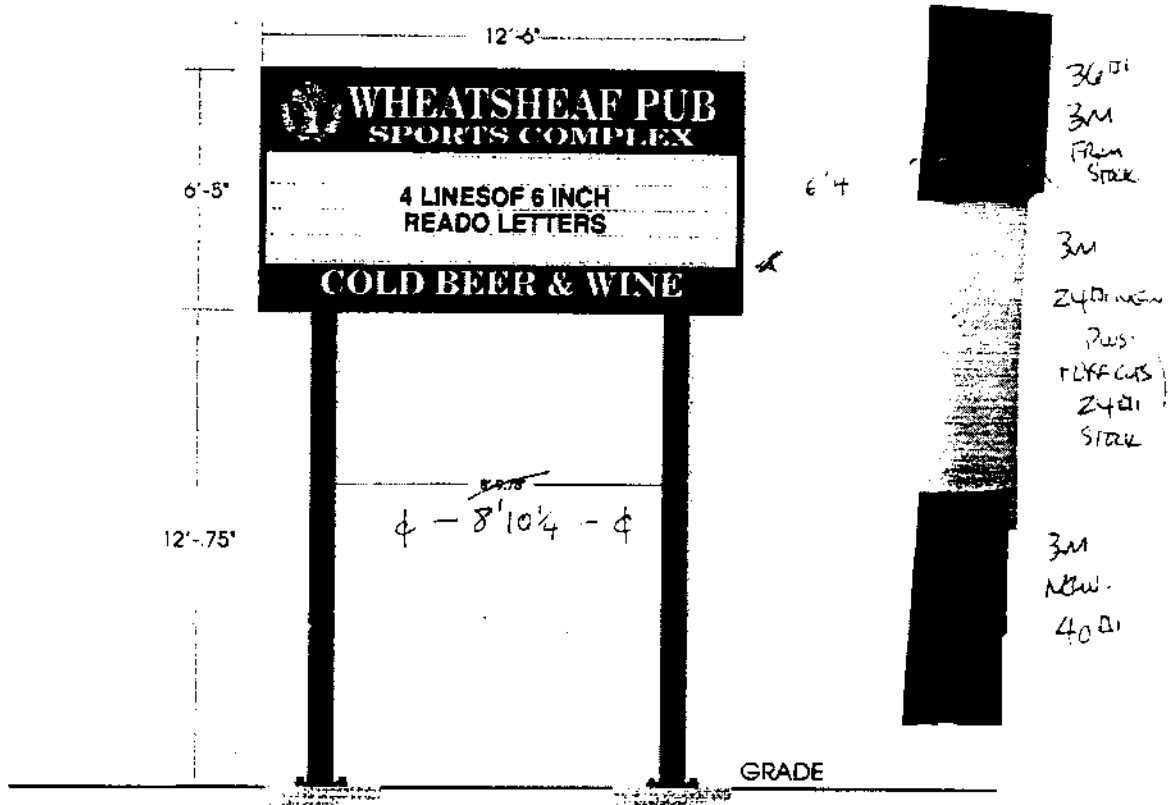
Schedule 1 Survey Plan



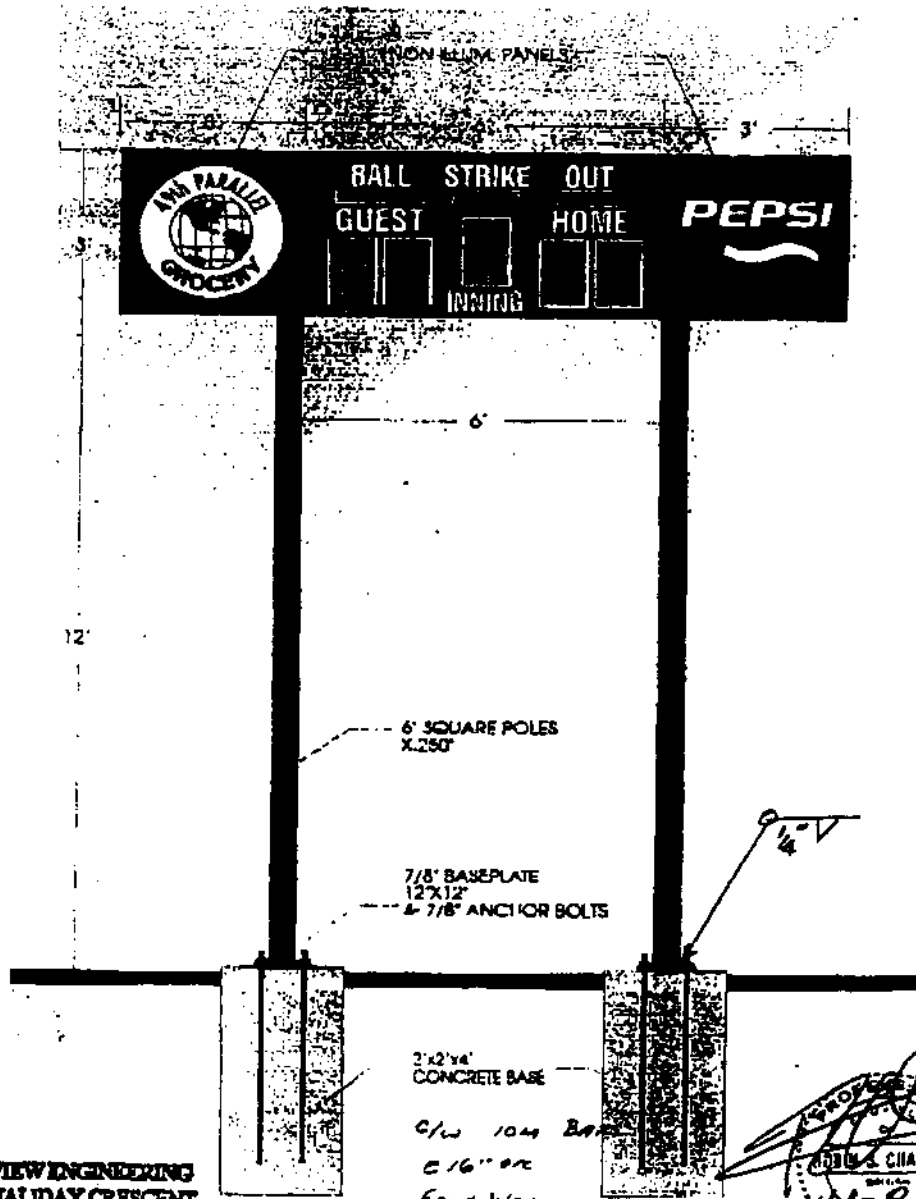
<p>GENERAL NOTES: REFERENCED AND SUPPLEMENTARY ARE TO REMAIN. FIELD SURVEY CONDUCTED APRIL 25, 2001. LOT A DRAINAGE SERVICE PER PLAN 37404.</p>	<table border="1"><thead><tr><th>ID</th><th>REV</th><th>DESCRIPTION</th></tr></thead><tbody><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></tbody></table>	ID	REV	DESCRIPTION																<p>PROJECT: SIGN LOCATIONS AT SPORTS COMPLEX CLIENT: WHEATSHEAF INN</p>
		ID	REV	DESCRIPTION																
<table border="1"><thead><tr><th>DATE</th><th>BY</th></tr></thead><tbody><tr><td> </td><td> </td></tr></tbody></table>		DATE	BY			<p>SITE PLAN</p>														
DATE	BY																			
<p>DATE: JUNE 20/01 SCALE: 1:500 DRAWN BY: [blank] FILE: 00107-10 SHEET 1 OF 1</p>		<p>WILLIAMSON & ASSOCIATES PROFESSIONAL SURVEYORS 100-1000 100TH ST. W. UNIT 100 VANCOUVER, BC V6P 6E8</p>																		

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Schedule 2
 Sign Design



Schedule 3
SCORE BOARD DESIGN

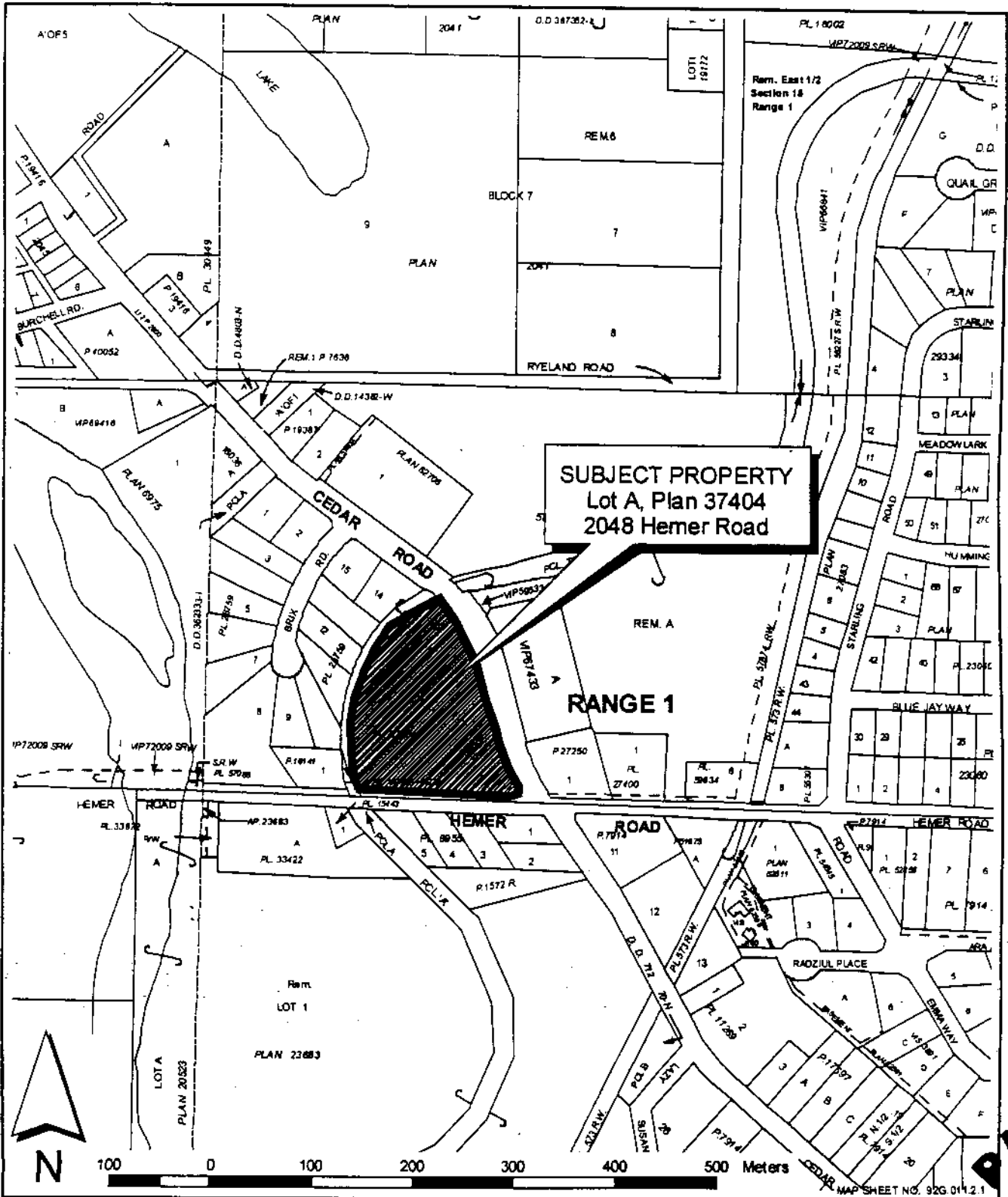


BAYVIEW ENGINEERING
 2865 HALIDAY CRESCENT
 NANAIMO, B.C. V9S 3N1
 TEL: 250-758-4390 / FAX: 250-758-4391

[Handwritten signature]
ROD & CHAPMAN
 ENGINEERS

DESIGN CO <small>201 & 202, 10th Street, Nanaimo, B.C. V9S 3N1 Tel: 250-758-4390 Fax: 250-758-4391</small>	<small>Client:</small> _____ <small>Date:</small> _____ <small>Scale:</small> _____	<small>Approved:</small> _____ <small>Checked:</small> _____ <small>Customer Address:</small> _____
	<small>Project:</small> _____ <small>Location:</small> _____	<small>Project No.:</small> _____ <small>Project Name:</small> _____

Attachment 1
Subject Property



Pursuant to the *Local Government Act*, a temporary use permit is valid for a period of 2 years and, at the end of 2 years, the applicant may apply to renew the permit for an additional 2 years.

ALTERNATIVES

1. To consider the applications for a Temporary Commercial Use Permit and a Development Permit to allow the siting of a temporary real estate office subject to the application proceeding to a public information meeting and subject to the notification requirements pursuant to the *Local Government Act*.
2. To deny the application for a Temporary Commercial Use Permit.

IMPLICATIONS

Development Permit Implications

The subject property is designated within the Form and Character Development Permit Area and the Sensitive Ecosystems Development Permit Area pursuant to the Nanoose Bay Official Community Plan Bylaw No. 1118, 1998 and therefore a Development Permit is required. The applicant is proposing to meet the development permit area guidelines by constructing a building with an architectural theme similar to residential construction in the area, providing off-street parking adjacent to the building above the minimum bylaw requirements, landscaping the frontage of the property along Fairwinds Drive and constructing signage, which will be unobtrusive and minimally lit (*see Attachment No. 3 for Building Elevations*).

Map No. 4, Inventory of Natural Environment Features does not indicate the presence of any sensitive features on the subject property; therefore, a Sensitive Ecosystems Development Permit is not required.

In order to secure the proposed site improvements, staff recommends that a permit, if issued, be subject to meeting the conditions outlined in Schedule No. 1 of this report.

PUBLIC CONSULTATION IMPLICATIONS

At a recent public information meeting for a temporary commercial use permit on Andover Drive, neighbors indicated that the site on Fairwinds Drive was a good location for a realty office due to the high volumes of traffic on Fairwinds Drive.

Due to concerns raised about other temporary commercial use permits in the area and in consultation with the applicant, staff has scheduled a Public Information Meeting for September 5, 2001 at Fairwinds Schooner Cove Resort. The minutes of the Public Information Meeting will be available at the September Board meeting when the Board considers approval of the temporary commercial use permit and development permit applications.

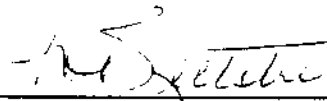
SUMMARY/CONCLUSIONS

This is an application for a Temporary Commercial Use Permit and a Development Permit for a real estate office use on the Remainder of District Lot 78 on Fairwinds Drive in Nanoose Bay. The proposed temporary use meets the applicable OCP policy relating to the placement of temporary uses in the


Fairwinds Area. The proposal, which is designated within the Form and Character Development Permit Area, will meet the applicable guidelines of the DPA. Due to previous concerns from neighbors regarding other temporary commercial uses in the area, staff is recommending that a public information meeting be held. The public information meeting has been scheduled for September 5, 2001 at the Fairwinds Schooner Cove Resort. Therefore, staff recommends that the application proceed to a public information meeting prior to being considered by the Board, subject to the conditions outlined in Schedule No. 1 and the notification requirements pursuant to the *Local Government Act*.

RECOMMENDATION

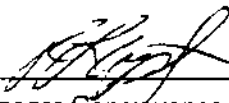
That Temporary Commercial Use Permit No. 0104 and Development Permit No. 0119, submitted by Intracorp on behalf of Fairwinds Development Corporation Inc. No. 441838 for the property legally described at the Remnant of District Lot 78 Nanoose District, to allow a temporary real estate office use, proceed to a public information meeting prior to the Board's consideration of these permits, subject to the conditions outlined in Schedule No. 1 and the notification requirements pursuant to the *Local Government Act*.



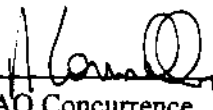
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

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Schedule No. 1

Conditions Attached to Temporary Commercial Use Permit No. 0104 and Development Permit No. 0119

1. Building Development

The buildings shall be sited in accordance with Attachment No. 2 of staff report.

2. Off-Street Parking Spaces and Aisle Ways

- a. A minimum of 10 off street parking spaces shall be provided.
- b. The off-street parking spaces shall be located as indicated on Attachment No. 2.
- c. All parking areas, including aisle ways, shall be constructed to Bylaw No. 500 standard including being clearly delineated through the use of parking stops on a compacted and dust free surface.

3. Signage

- a. A maximum of 1 freestanding monument sign not exceeding 2.5 metres in height and 1 building fascia sign not exceeding 2.5 m² shall be permitted on the subject property.

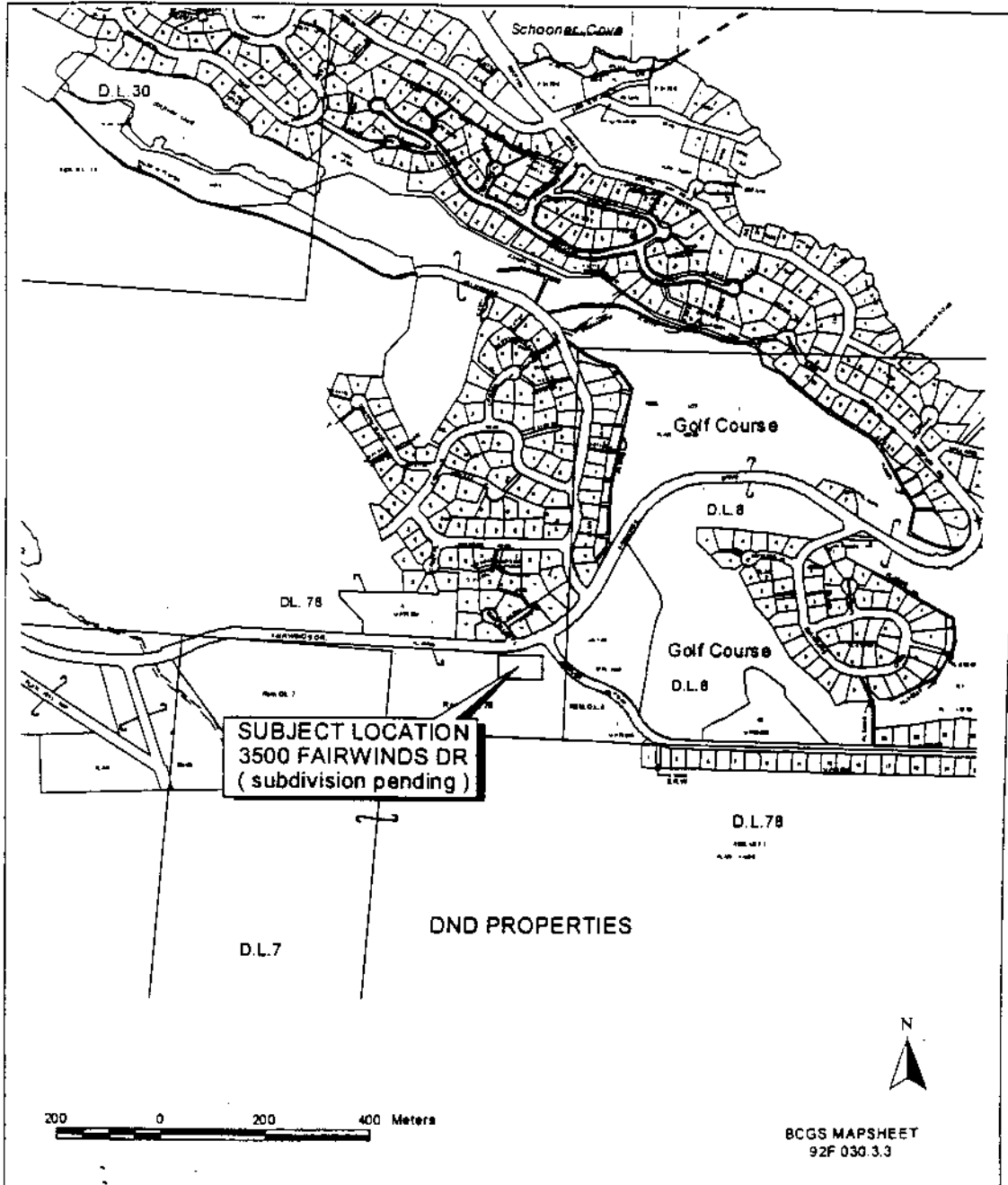
4. Landscaping Provisions

- a. Landscaping shall be provided around off-street parking areas, access point, and sign.
- b. Required landscaping shall be provided and shall, at the minimum, satisfy the following criteria:
 - i. Landscaping shall be totally comprised of biologically diverse and drought resistant plants.
 - ii. Individual plants to be used in the landscaping shall have normal, well developed branches and vigorous, fibrous root systems; such plants shall be healthy, vigorous and free from defects, decay, disfiguring roots, sunscald, injuries, abrasions of the bark, plant diseases, insect pests' eggs, borers and all forms of infestations or objectionable disfigurements.
 - iii. All landscaping shall be permanently maintained in good condition with, at the minimum, the same quality and quantity of landscaping as was initially approved and within alteration of the approved design; the owner shall make provisions for the permanent irrigation works necessary to water the landscaping.
 - iv. The design of landscaping shall be such that the growth of roots, trunks, and branches of natural or introduced vegetation or the location of planted berms shall not conflict with the utilities, structures, necessary access, or required sight triangle.
 - v. All landscaped areas shall be constructed with a permanent curb a minimum of 15 cm in height to protect all landscaped areas from potential vehicular damage.
- c. The balance of the subject property shall be left in its natural state.
- d. Upon removal of the temporary commercial use permit, the subject property is to be reinstated to its original condition.

5. Access

- a. An approved access permit issued by the Ministry of Transportation prior to the permit being issued.

Attachment No. 1
Site Location

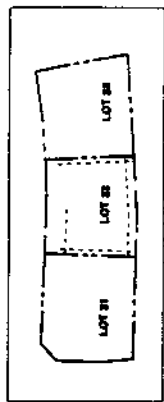


Attachment No. 2
 Subject Property Site Plan as Submitted by Applicant

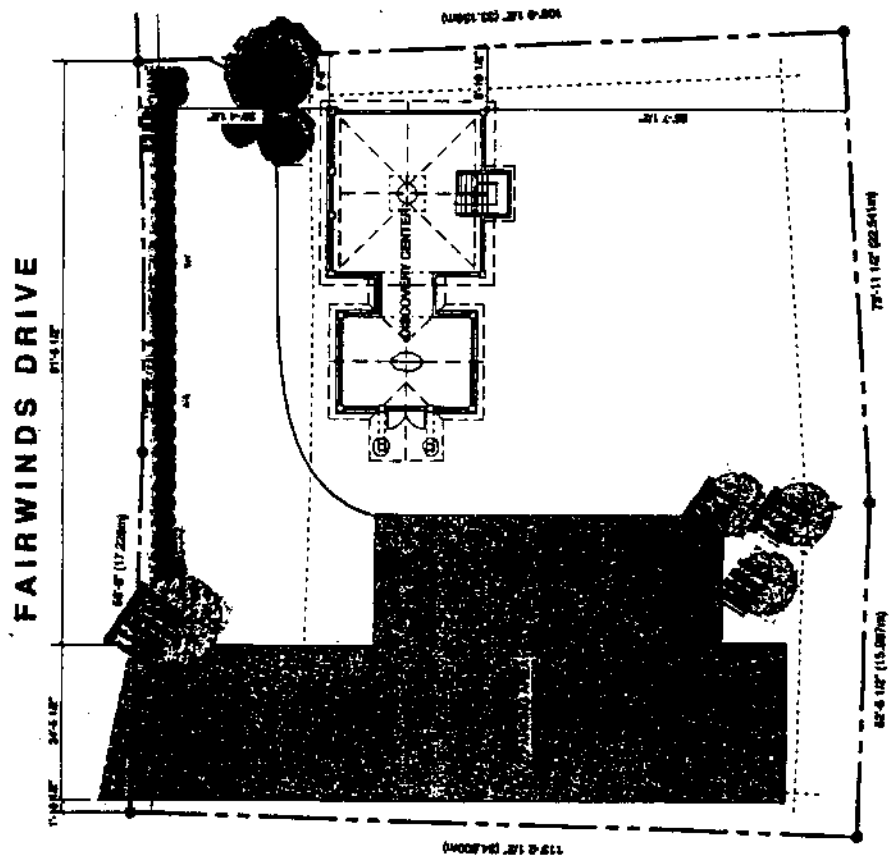


1. The site plan is based on the following information:
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 10. The site plan is based on the following information:

Fairwinds
 Discovery Center
 Lot 22, D.L. 71
 Intracorp Dev.
 Wakefield, NC
 LANDSCAPE
 PLAN



LEGAL DESCRIPTION
 LOT 22, D.L. 71, WAKEFIELD DISTRICT, PLAN 71P





REGIONAL DISTRICT OF NANAIMO			
AUG 21 2001			
CHAIR		GMCrs	
CAO		GMDS	
GMCmS		GMES	

MEMORANDUM

TO: Pamela Shaw
 Manager, Community Planning

DATE: August 17, 2001

FROM: Lindsay Chase
 Planner

FILE: 3090 30 0106

SUBJECT: Development Variance Permit Application No. 0106—Dueck
 Electoral Area 'D' – 6941 Seaside Terrace

PURPOSE

To consider the issuance of a Development Variance Permit to legalize the siting of an existing retaining wall.

BACKGROUND

This is an application to vary the interior side lot line setback pursuant to Bylaw No. 500 to legalize the siting of an existing retaining wall.

The subject property is zoned Residential 1 (RS1) pursuant to Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 (see Attachment No. 1). The minimum setback requirements for buildings and structures in this zone are 8.0 metres from the front lot line and 2.0 metres from the interior side and rear lot lines. In the case of retaining walls, if they are greater than a metre in height, and hold back more than a metre of earth, they are subject to the setback requirements of the zone and also require a building permit. The applicant is requesting a variance to the interior side lot line setback from 2.0 metres to 0.05 metres to permit the siting of the retaining wall.

The subject property has a moderate slope from front to back and also from side to side to side. The retaining wall appears to have been located in order to provide a level site for the house, which is currently under construction. The retaining wall runs along the property line indicated on the attached site plan and increases in height from approximately .5 metres to 2.0 metres from the front of the property to the rear. The applicant has indicated that the retaining wall is necessary to facilitate access to the rear of the property on that side of the house. They have also indicated that they were unaware that setback requirements were applicable to retaining walls (see Attachment No. 4). The applicant has also indicated that the retaining wall was engineered.

ALTERNATIVES

1. To approve the requested variances subject to the notification requirements pursuant to the *Local Government Act*.
2. To deny the requested variance.

DEVELOPMENT IMPLICATIONS

The applicant has indicated that the affected adjacent property owner has no objections to the retaining wall. Based on comments received from the public regarding previous after the fact variance requests there is some concern that people are applying for a variance after a structure is constructed to assure that the variance will be approved. However, it is staff's assessment that this retaining wall is necessary due to the slope and site configuration and that approval would have been recommended by staff if the applicant had applied for a variance prior to construction (*see Attachment No. 3-- Site Photos*).

SUMMARY/CONCLUSIONS

This in an application to vary the interior side lot line setback from 2.0 metres to 0.05 metres pursuant to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987. The applicant has indicated that they were unaware that setback requirements applied to retaining walls. Given the site topography on the lot, staff recommends that this application be approved subject to the notification procedures pursuant to the *Local Government Act*.

RECOMMENDATION

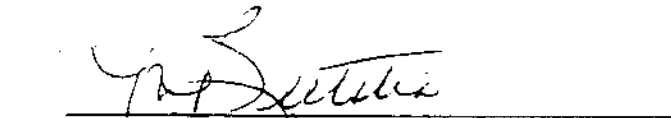
That Development Variance Permit No. 0106, submitted by Blair Dueck, Agent on behalf of Dean and Roberta Dueck, to legalize the siting of an existing retaining wall by varying the minimum setback requirements for an interior side lot line within the Residential 1 (RS1) zone from 2.0 metres to 0.05 metres for the property legally described as Strata Lot 3, District Lot 37, Wellington District, Strata Plan VIS4291 Together With An Interest in the Common Property In Proportion To The Unit Entitlement Of The Strata Lot As Shown On Form 1, be approved as submitted subject to the notification requirements pursuant to the *Local Government Act*.




Report Writer



General Manager Concurrence



per Manager Concurrence

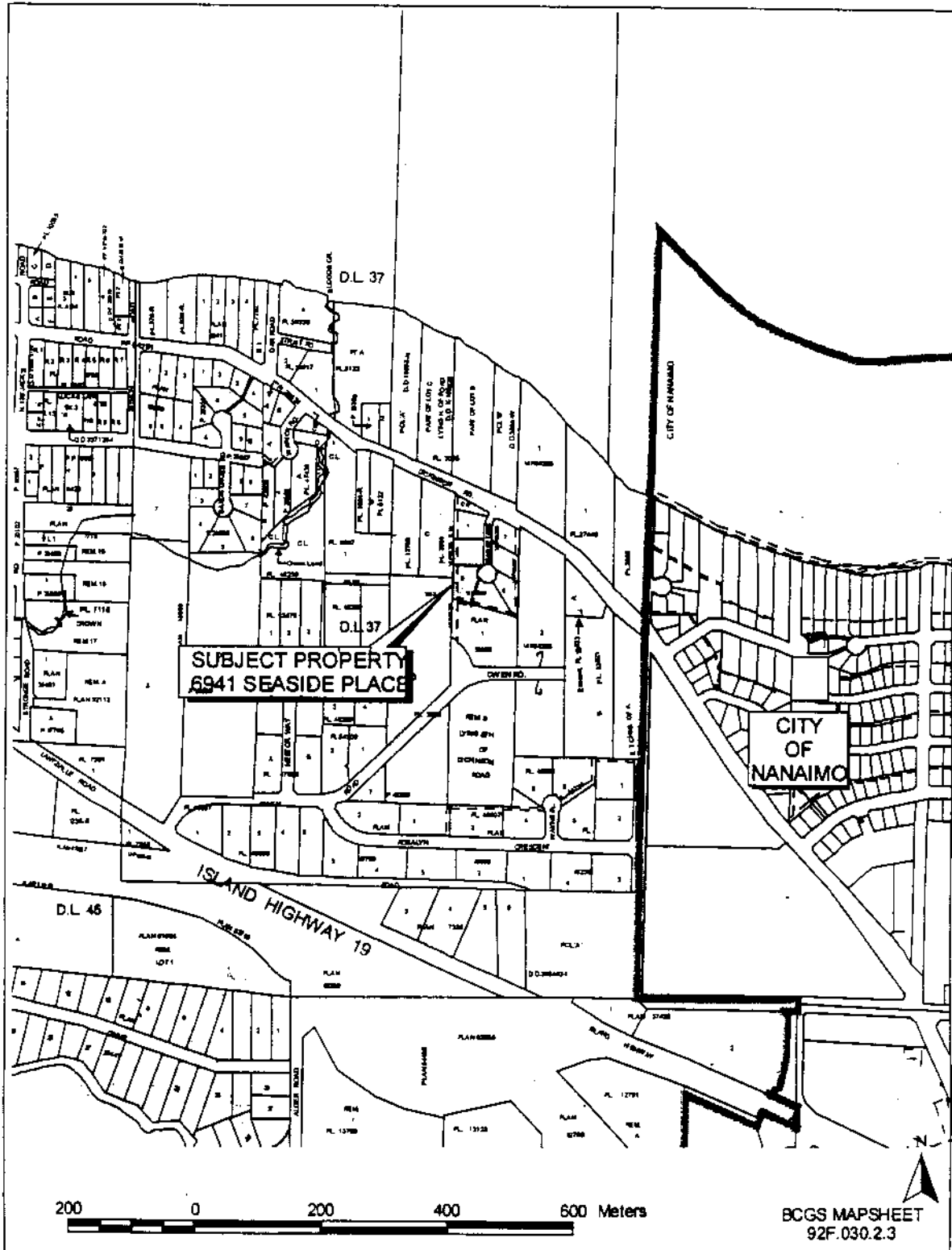


CAO Concurrence

COMMENTS:

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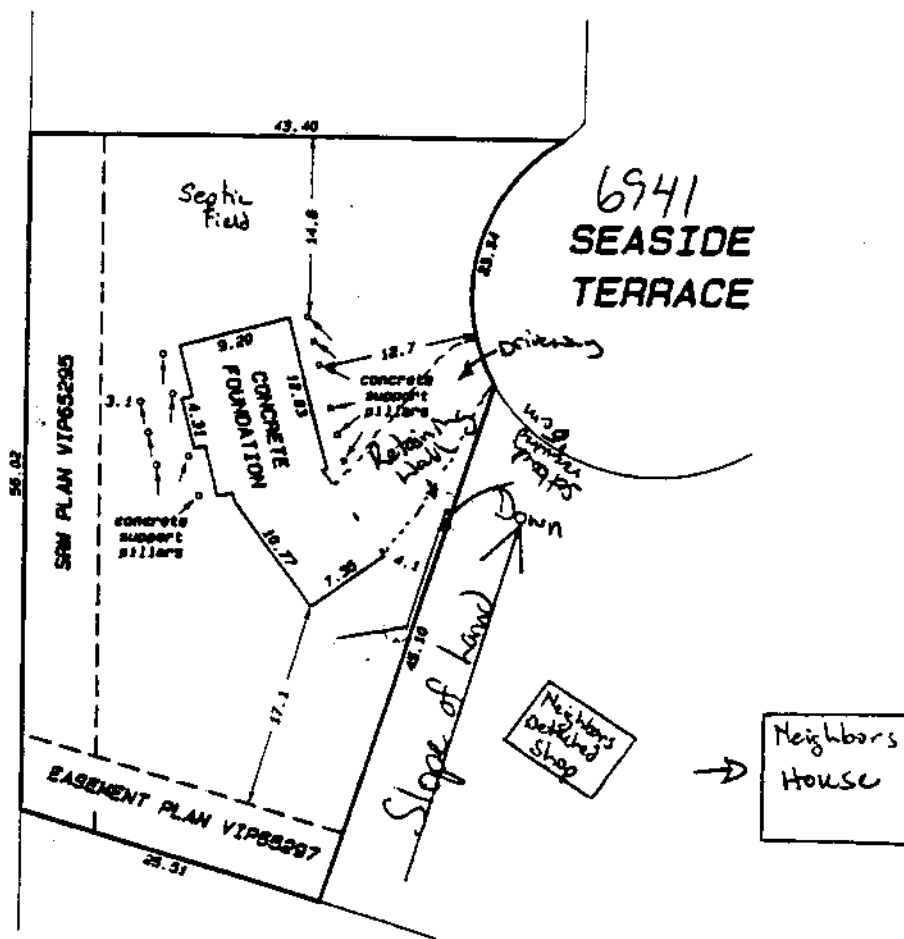
Attachment No. 1 Subject Property Location



Attachment No. 2
Site Plan Submitted by Applicant

**B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION
OF FOUNDATION ON STRATA LOT 3, STRATA PLAN
VIS4291, D.L. 37, WELLINGTON DISTRICT.**

SCALE = 1:500
All distances are in metres.



Charles D. Smythies & Associates ©

B.C. Land Surveyors & Planners
Nanaimo, B.C.

Date: January 3, 2001

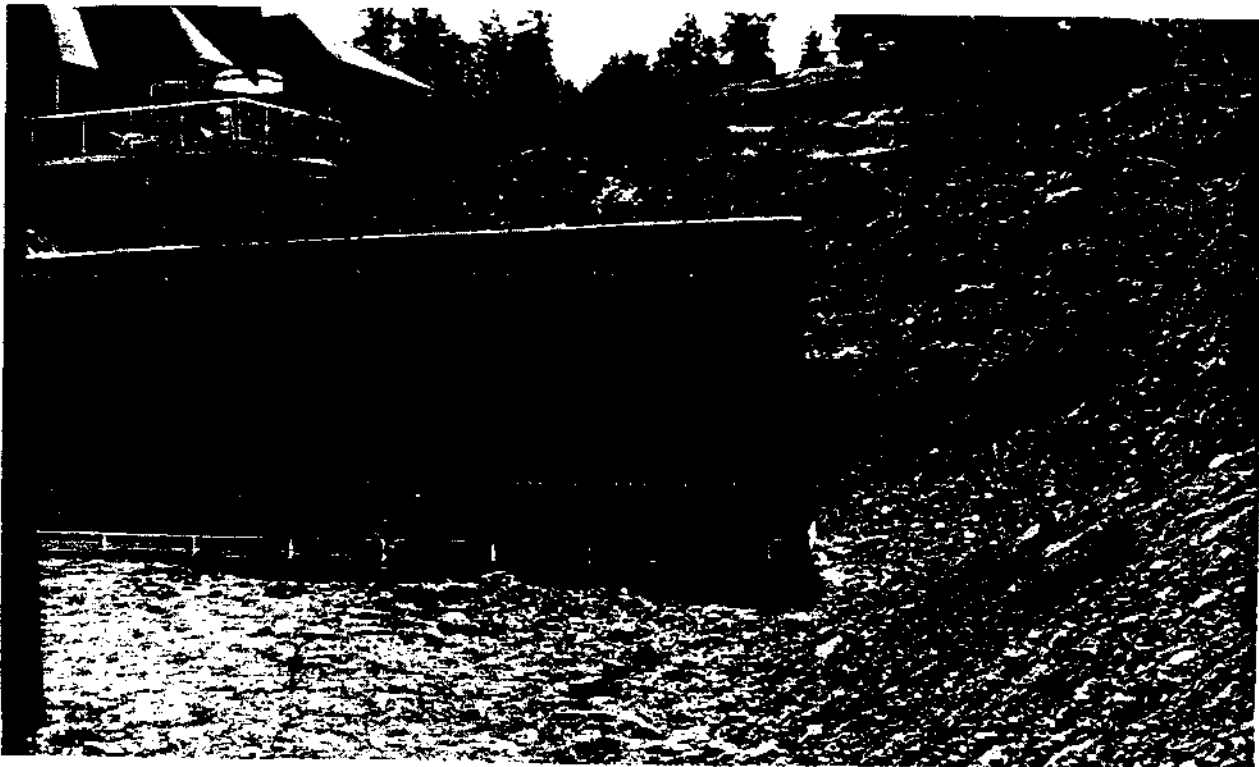
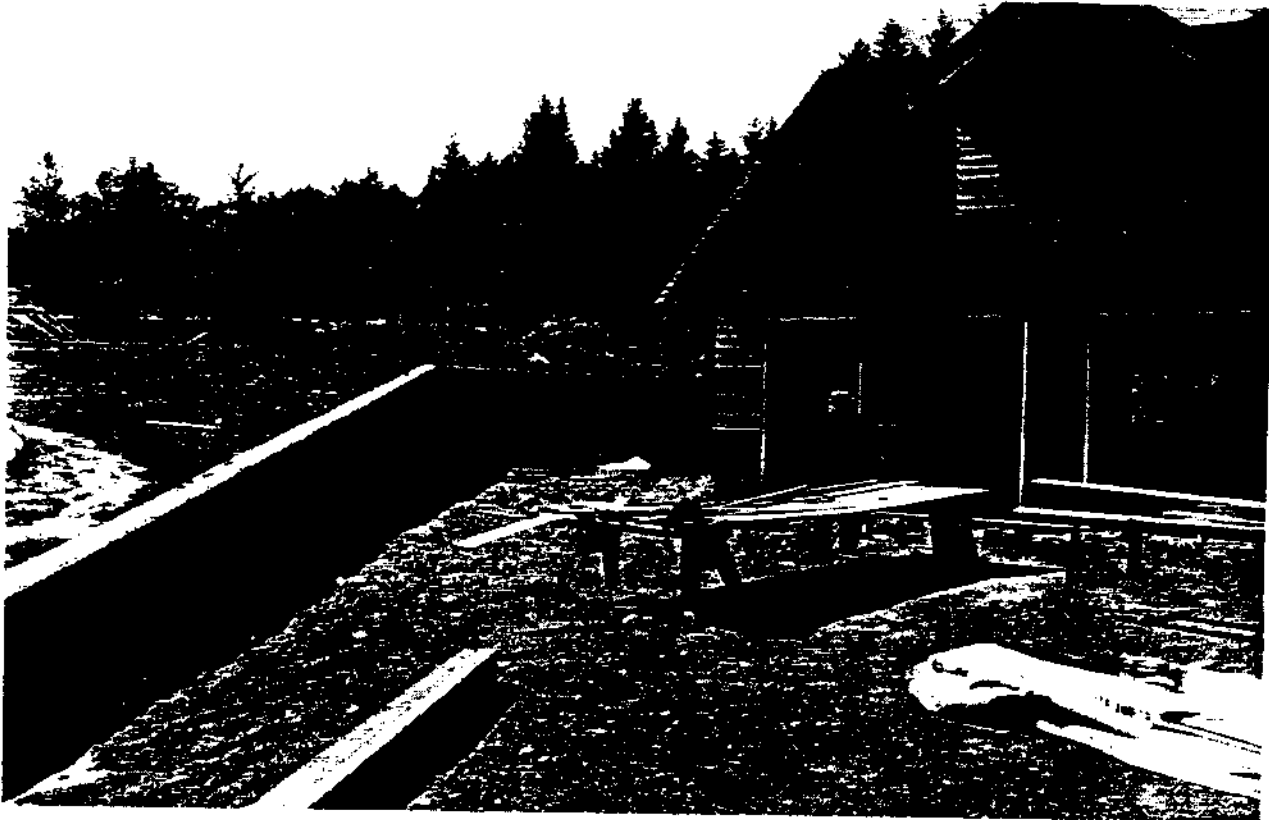
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Certified Correct

 B.C.L.S.

This document is not valid unless
originally signed and sealed.

Attachment No. 3
Photos of Site and Retaining Wall



Attachment 4
Letter Submitted by Applicant

DGC CONTRACTORS LTD. dba
DUECK GENERAL CONTRACTING
6861 Wayne Place, Lantzville B.C. V0R 2H0
Ph:250-390-4497 Fax:250-390-1203 Email: dueckcontracting@home.com

Aug. 17, 2001

TO: Regional District of Nanaimo
Development Variance Board

To Whom It May Concern;

Regarding our recent submission for a retaining wall setback variance at 6941 Seaside Terrace, please accept this letter as an explanation as to why this situation arose.

The slope of the land warranted a retaining system of some kind to have access to the south side of the home and we chose a poured in place concrete wall. We were not aware of the permit or setback implications, we did however have the wall engineered as we thought we could simply add this to the existing permit for the house. We erred and thus are now faced with the need for a variance to allow the wall to remain in place. This wall actually provides improvement for the neighboring property as well as our own.

If more information is required please do not hesitate to contact me.

Yours Truly,


Blair Dueck



REGIONAL DISTRICT OF NANAIMO		
AUG 21 2001		
CHAIR		GMCrs
CAO		GMDS
GMCrs		GMES

MEMORANDUM

TO: Pamela Shaw
 Manager of Community Planning

DATE: August 20, 2001

FROM: Susan Cormie
 Senior Planner

FILE: 3320 20 23639

SUBJECT: Request for Relaxation of the Minimum 10% Perimeter Requirement
 640 Grovehill Road - Electoral Area 'H' - Ward

PURPOSE

To consider a request to relax the minimum 10% perimeter frontage requirement in order to facilitate the creation of a two lot subdivision.

BACKGROUND

The subject property, which is located adjacent to Grovehill Road and the Inland Island Highway within Electoral Area 'H', is zoned Rural 1 (RU1) and is within Subdivision District 'D' pursuant to the RDN Land Use and Subdivision Bylaw No. 500, 1987 (see Attachment No. 1 for location).

This property is also located within the Provincial Agricultural Land Reserve (ALR).

The applicant is proposing to create two parcels. The proposed parcels will meet Bylaw No. 500 standards with respect to minimum parcel size requirements (see Attachment No. 2 for proposal).

The applicant has applied for septic disposal permits for each proposed parcel and has indicated that private water wells will be used for each proposed parcel.

The submitted subdivision layout includes a total frontage of 50 metres or 2.2 % of the total perimeter for proposed Lot 2. Therefore, proposed Lot 2 will not meet the minimum 10% perimeter frontage requirement pursuant to Section 944 of the Local Government Act. As Proposed Lot 1 has additional frontage adjacent to the Inland Island Highway, this proposed parcel will meet the minimum 10% perimeter frontage requirement.

ALTERNATIVES

1. To approve the request to relax the minimum 10% perimeter frontage requirement for the proposed Lot 2.
2. To deny the request to relax the minimum 10% perimeter frontage requirement.

DEVELOPMENT IMPLICATIONS

Ministry of Transportation staff has indicated that access to the proposed parcels will meet Ministry standards and therefore, have no concerns at this time with this request for relaxation of the minimum 10% frontage.

The Provincial Land Reserve Commission has allowed this application to create two parcels under the conditions that Groveland Road be extended no further than beyond the proposed cul-de-sac. The Commission, in its decision, noted that it does not wish to encourage further subdivision of the ALR lands by providing additional roads.

The Regional District of Nanaimo Environmentally Sensitive Areas Atlas indicates the presence of a photo-interpreted stream crossing the subject property in a west to east direction and a salmon present stream along the east boundary line of the parent parcel. Further to this, ground truthing of streams and wetlands in Electoral Area 'H', being completed by Central Vancouver Island Mapping in partnership with the local stream keepers and the RDN, indicates the presence of additional streams on the parent parcel to those outlined in the ESA Atlas. The Shaw Hill - Deep Bay Official Community Plan Bylaw No. 1007, 1996 designates the salmon present stream and its adjacent 15-metre leave strip as an Environmentally Sensitive Areas Development Permit Area. In this case, the applicant is exempt from requiring a development permit as the subdivision is proposed to be beyond a distance of 15 metres from the top of the bank of a watercourse. However, Ministry of Water, Land, and Air Protection and RDN staff will consult and provide comments to the Ministry of Transportation Approving Authority as part of the subdivision application process.

SUMMARY

This is a request to relax the minimum 10% frontage requirement pursuant to Section 944 of the *Local Government Act* in order to facilitate the creation of a two lot subdivision. The Land Reserve Commission has approved the request for subdivision conditional that Groveland Road not be extended beyond the proposed cul-de-sac in order to not encourage further subdivision of ALR lands. The Ministry of Transportation staff has worked with the applicant to create accesses to the proposed parcels that will be acceptable to both the Ministry and the Land Commission. Environmental issues concerning the presence of streams on site will be reviewed as part of the subdivision process. Given that the Land Reserve Commission has granted approval and the Ministry of Transportation is satisfied that acceptable accesses are achievable, staff recommend Alternative No. 1, to approve the relaxation of the minimum 10% frontage for proposed Lot 2.

RECOMMENDATION

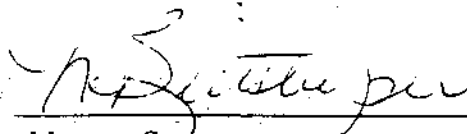
That the request from Douglas Ward, on behalf of Douglas Reid Ward and Mary Jacqueline Ward, to relax the minimum 10% frontage requirement for proposed Lot 2, as shown on the plan of subdivision of Lot 9 (DD51005N), District Lot 90, Newcastle District, Plan 1874, Except Part in Plan VIP52920, be approved.



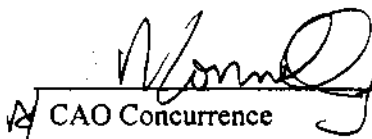
Report Writer



General Manager Concurrence



Manager Concurrence

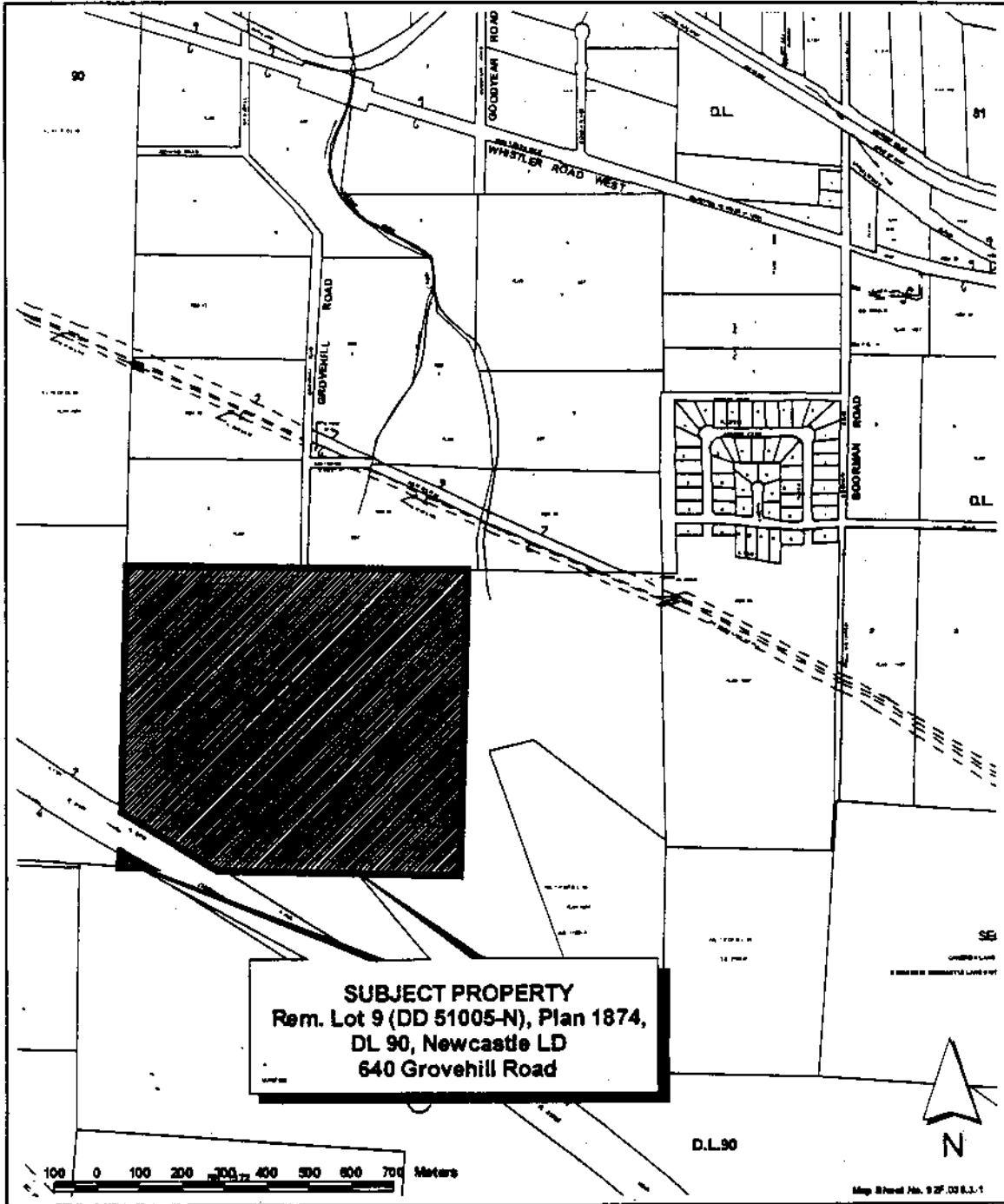


CAO Concurrence

COMMENTS:

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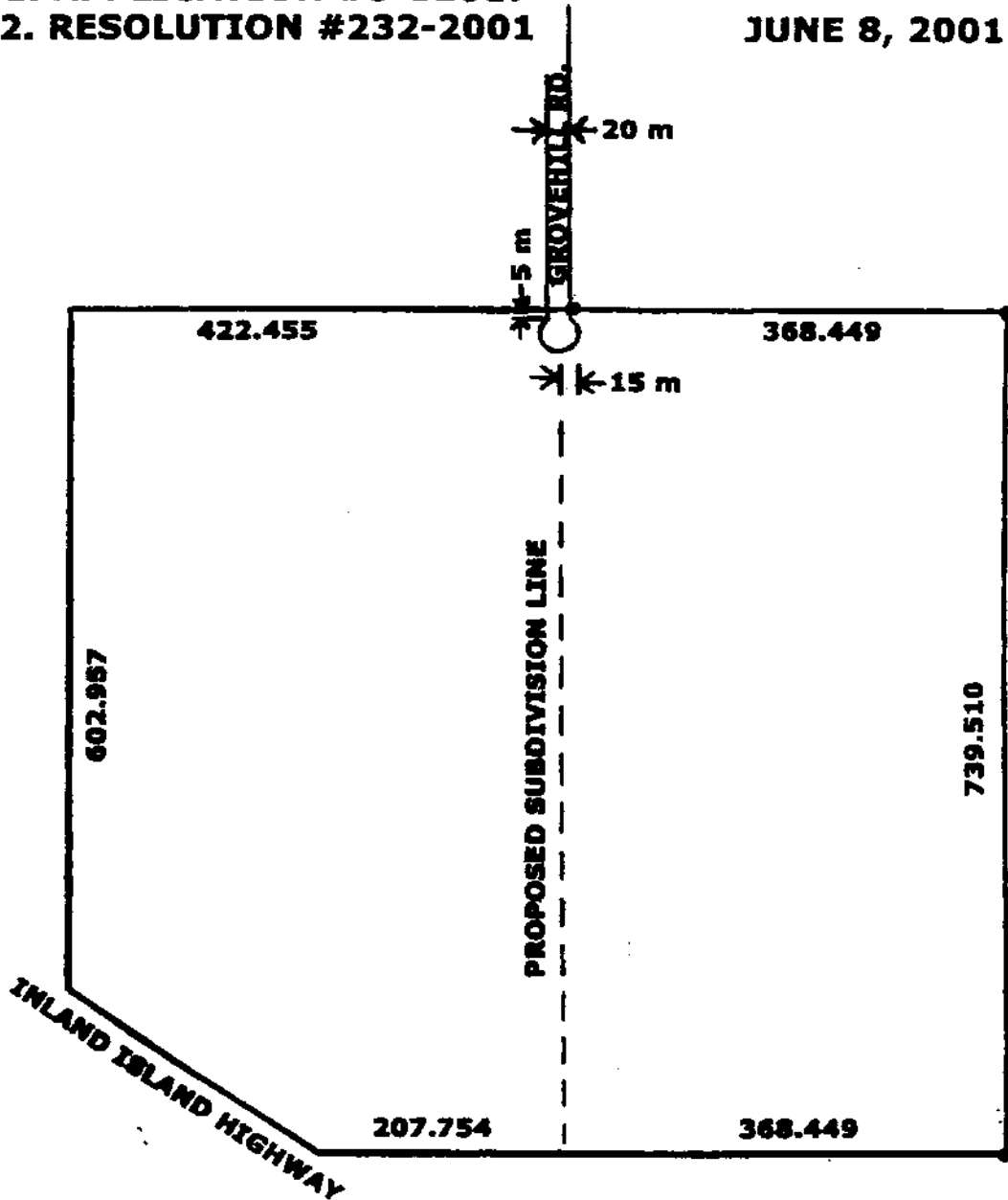
**ATTACHMENT NO. 1
LOCATION OF SUBJECT PROPERTY**



ATTACHMENT NO. 2
PROPOSED PLAN OF SUBDIVISION
(AS SUBMITTED BY APPLICANT)

1. APPLICATION #S-32817
2. RESOLUTION #232-2001

JUNE 8, 2001



REM. SL9 DL90
NEWCASTLE LAND DISTRICT
PLAN 1874