

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA PLANNING COMMITTEE

TUESDAY, OCTOBER 22, 2002

7:00 PM

(Nanaimo City Council Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

- 2 John Collins & Gerald Hoffman, re DP Application No. 0247 – Broad/Collins –
3837 Amberwood Lane – Area E.

MINUTES

- 3-5 Minutes of the Electoral Area Planning Committee meeting held Tuesday,
October 1, 2002.

BUSINESS ARISING FROM THE MINUTES

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

- 6-13 DP Application No. 0247 – Broad/Collins – 3837 Amberwood Lane – Area E.
14-20 DP Application No. 0248 – Parker – 2416 Shady Lane, Home Lake – Area H.
21-30 DP Application No. 0250 – Striker – Lot 5, Miller Road – Area G.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

- 31-38 DVP Application No. 0217 – Thompson/Goldney – Seaview Drive/Thompson
Clarke Drive West – Area H.
39-43 DVP Application No. 0218 - Alexander – 835 View Road – Area G.
44-50 DVP Application No. 0219 – Timmermans – 3140 Graham Road – Area A.

OTHER

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

IN CAMERA

ADJOURNMENT

Burgoyne, Linda

From: Reynolds, Brigid
Sent: Wednesday, October 02, 2002 1:30 PM
To: Burgoyne, Linda
Subject: Oct 22 EAPC Meeting delegation request

Linda
Can you put this request on the agenda. It is for DP0247, 3837 Amberwood Lane.
thanks

*Brigid Reynolds
Planner
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2
Ph. (250) 390-6510 or (250) 954-3798 from Parksville Qualicum Beach area or 1-877-607-4111 from
elsewhere in BC
fax (250) 390-7511*

www.rdn.bc.ca

-----Original Message-----

From: John Collins [mailto:borntobuild@shaw.ca]
Sent: Wednesday, October 02, 2002 12:31 PM
To: Reynolds, Brigid
Subject: Meeting

On behalf of Glenn & Reimin Broad, Mr. John Collins and Mr. Gerald Hoffman will be attending the Development Permit Meeting on October 22, 2002 at 7:00Pm at City Hall.

Thank you very much

John Collins

10/2/2002

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2

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, OCTOBER 1, 2002, AT 7:00 PM
IN THE CITY OF NANAIMO COUNCIL CHAMBERS,
455 WALLACE STREET, NANAIMO, BC

Present:

Director E. Hamilton	Chairperson
Director L. Elliott	Electoral Area A
Director D. Haime	Electoral Area D
Director G. Holme	Electoral Area E
Alternate	
Director J. Pullen	Electoral Area F
Director J. Stanhope	Electoral Area G
Director R. Quittenton	Electoral Area H

Also in Attendance:

B. Lapham	General Manager, Development Services
P. Shaw	Manager of Community Planning
N. Tomz	Recording Secretary

DELEGATIONS

Ken Kyler, re DP Application No. 0245 – Thiessen and Marshall/Kyler – 1272 Seadog Road – Area E.

Mr. Kyler provided an overview of the application and noted that the applicant has no concerns with the requirements listed in Schedule Nos. 1, 2, 3 or 4.

MINUTES

MOVED Director Elliott, SECONDED Director Stanhope, that the minutes of the Electoral Area Planning Committee meeting held Tuesday, August 27, 2002 be adopted.

CARRIED

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

DP Application No. 0244 – S. Terry on behalf of Cassidy Inn (1989) Ltd. – 2954 Canyon Road – Area A.

MOVED Director Elliott, SECONDED Director Haime, that Development Permit Application No. 0244 submitted by Steve Terry, on behalf of Cassidy Inn (1989) Ltd., to convert a portion of the existing hotel use to a licensee retail store (Wine and Beer Store) within the South Wellington Development Permit Area on the property legally described as Lot 1, Section 3, Range 8, Cranberry District, Plan 15453, be approved, subject to the conditions outlined in Schedules No. 1, 2 and 3 of the corresponding staff report and the notification requirements pursuant to the *Local Government Act*.

CARRIED

DP Application No. 0245 – Thiessen and Marshall/Kyler – 1272 Seadog Road – Area E.

MOVED Director Holme, SECONDED Director Stanhope, that Development Permit Application No. 0245 submitted by Thiessen and Marshall/Kyler to vary the minimum setback from the sea from 8.0 metres from the top of the bank to a minimum of 2.7 metres and to vary the minimum setback from 8.0 metres from the natural boundary to 0.0 metre pursuant to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 to permit the construction of a dwelling unit and deck and to legalize an existing set of stairs within the Watercourse Protection Development Permit Area on the property legally described as Lot 21, Block C, District Lot 38, Nanoose District, Plan 10777, be approved subject to the requirements outlined in Schedule Nos. 1, 2, 3 and 4 and subject to notification requirements pursuant to the *Local Government Act*.

CARRIED

OTHER

Zoning Amendment Application No. 0205 – Colclough – Aulds Road – Area D.

MOVED Director Haime, SECONDED Director Stanhope,:

1. That Amendment Application No. ZA0205 by William Colclough to rezone the subject property legally described as Lot 8, Block 471, Nanoose District, Plan 43434, from Residential 1 (RS1), Subdivision District 'L' to Residential 2 (RS2), Subdivision District 'L' be advanced to public hearing, subject to the conditions outlined in Schedule No. 1.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.289, 2002" be given 1st and 2nd reading and proceed to public hearing.
3. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.289, 2002" be delegated to Director Haime or her alternate.

CARRIED

Request for Cash in Lieu of Parkland & Relaxation of the Minimum 10% Frontage Requirement – Joseph & Marjorie Grimes – Morland Road – Area A.

MOVED Director Elliott, SECONDED Director Stanhope, that the requests, submitted by Joseph Grimes and Marjorie Grimes, for cash-in-lieu of park land dedication be accepted and to relax the minimum 10% frontage requirement for proposed Lots 4 and 5, as shown on the plan of subdivision of Lot 10, Section 12, Range 2, Cedar District, Plan VIP53334, be approved subject to the applicant registering a section 219 covenant on proposed Lots 4 and 5 restricting further subdivision, including all forms of strata subdivisions.

CARRIED

Notification Distance for Development Applications – All Electoral Areas Except Electoral Area B.

MOVED Director Holme, SECONDED Director Stanhope,:

1. That "Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1261, 2002" be amended to require that the Development Application Sign as shown on *Attachment No. 1*, be placed on a property subject to an application for rezoning and/or OCP amendments.

2. That "Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1261, 2002" be amended to increase the notification distance for applications for rezoning and/or OCP amendments for all Electoral Areas except Electoral Area 'F' to 200 m/ and further, to increase the notification distance to 500 m where the development application involves more than a minimum of 20 residential units, a minimum parcel area of 4000 m² for the purpose of commercial development or a minimum parcel area of 4000 m² for the purpose of industrial development.
3. That "Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1261, 2002" be amended to require the applicant of a development application that involves more than a minimum of 20 residential units, a minimum parcel area of 4000 m² for the purpose of commercial development or a minimum parcel area of 4000 m² for the purpose of industrial development to install detailed development application sign as shown on *Attachment No. 2*.
4. That "Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1261.01, 2002" be introduced and given three (3) readings.

CARRIED

ADJOURNMENT

MOVED Director Holme, SECONDED Director Quittenton, that this meeting terminate.

CARRIED

TIME: 7:17 PM

CHAIRPERSON



REGIONAL DISTRICT OF NANAIMO			
OCT 15 2002			
CHAIR		GMCrs	
CAG		GMDS	
GMCS		GMES	
EH Planning			<input checked="" type="checkbox"/>

MEMORANDUM

TO: Pamela Shaw
 Manager of Community Planning

DATE: October 11, 2002

FROM: Brigid Reynolds
 Planner

FILE: 3060 30 0247

SUBJECT: Development Permit Application No. 0247 - Broad/Collins
 Electoral Area 'E' - 3837 Amberwood Lane

PURPOSE

To consider an application to vary the minimum setback requirement from a watercourse to facilitate the construction of a dwelling unit within the Watercourse Protection Development Permit Area pursuant to the "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1118, 1998".

BACKGROUND

The subject property, legally described as Lot 11, District Lot 78, Nanoose District, Plan 47638, is located at 3837 Amberwood Lane in the Fairwinds area of Electoral Area 'E' (see Attachment No. 1).

The subject property is zoned Residential 1 (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The bylaw states the minimum setback requirement from the sea is 8.0 metres from the top of bank 30% or greater. The proposed location of the dwelling unit is a minimum of 1.4 metres from the top of the bank (see Schedule No. 1).

The Watercourse Protection Development Permit Area was established to protect the natural environment. The Development Permit Area is measured 15.0 metres from the natural boundary of the marine foreshore. The dwelling unit is proposed to be sited a minimum of 9.5 metres from the natural boundary, within the Development Permit Area.

There are several site constraints. The lot is bounded on two sides by the ocean and contains a slope of 30% or greater; the access is narrow at 7.0 metres; and the lot slopes down from the road towards the ocean.

A geotechnical report was completed by Lewkowich Geotechnical Engineering Ltd., August 21, 2002 and states the site is geotechnically safe and suitable for the intended use and recommends a minimum setback of 3.0 metres from the top of the bank.

ALTERNATIVES

- To approve the requested variance and development permit subject to the conditions outlined in Schedule Nos. 1, 2, 3 and 4.
- To deny the requested variance and development permit.

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LAND USE AND DEVELOPMENT IMPLICATIONS

Approval of the requested variance would permit the construction of a dwelling unit to be located a minimum of 1.4 metres from the top of the bank and a minimum of 9.5 metres from the natural boundary of the marine foreshore.

The lot contains several site constraints. It is bounded on the north and east side by the ocean thereby reducing the size of a potential building envelope. The access is 7.0 metres in width and the lot is highest at the access point then slopes down to the ocean. Due to the narrow access, the building lay out, and the desire by the applicant to have adequate turn around space for vehicles, the dwelling unit is proposed to be sited a minimum of 19.0 metres from the front lot line. Given the style and size of the proposed dwelling unit it cannot be sited any closer to the front lot line

Views of neighbouring residents should not be impacted as the proposed dwelling unit is 1.5 storeys and has been designed to fit within the topography of the lot. The applicant has submitted letters from owners of adjacent lots 10 and 12 who indicate they have no objections to the proposed development.

The geotechnical report prepared by Lewkowich Geotechnical Engineering Ltd. recommends a setback of 3.0 metres from the top of the bank. The dwelling unit is proposed to be sited a minimum of 1.4 metres from the top of the bank, measured to the overhang. However, the foundation is proposed to be sited a minimum of 3.0 metres from the top of the bank thereby incorporating the recommendations of the report.

The level of encroachment varies due to the topography of the lot. The proposed siting ranges from 1.4 metres from the top of the bank in one area to 4.5 metres to more than 8.0 metres from the top of the bank.

ENVIRONMENTAL IMPLICATIONS

The lot is currently undeveloped and is vegetated with light tree cover comprised of fir arbutus and oak and light underbrush. The soil cover is thin with frequent bedrock exposures. The dwelling unit is proposed to be sited a minimum of 9.5 metres from the natural boundary and tree removal will consist of that which is required to site the dwelling unit.

Drainage from the perimeter drains, roof leaders and other hard surfaces will be directed to two catch basins proposed to be located at the south side of the lot, within the building envelope. As a result of the site geology, level of encroachment, and conditions outlined in Schedule No. 1, any potential negative impacts to the natural environment should be mitigated.

VOTING


Electoral Area Directors -- one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

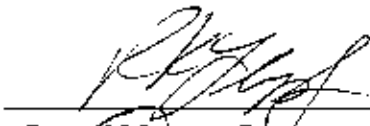
This is an application to vary Bylaw No. 500 minimum setback requirement from the sea from 8.0 metres from the top of the bank to a minimum of 1.4 metres, and to permit the construction of a dwelling unit a minimum of 9.5 metres from the natural boundary within a Watercourse Protection Development Permit Area. From staff's assessment of this application, Development Permit No. 0247 should be approved as several site constraints limit the siting of the dwelling unit to the proposed location.

RECOMMENDATION

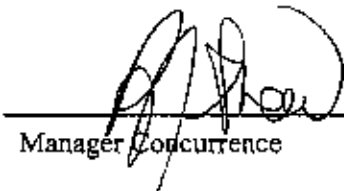
That Development Permit Application No. 0247, submitted by Broad/Collins to vary the minimum setback from the sea from 8.0 metres from the top of the bank to a minimum of 1.4 metres pursuant to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 and to permit the construction of the dwelling unit a minimum of 9.5 metres from the natural boundary within the Nanoose Bay Official Community Plan Bylaw No. 1118, 1998 Watercourse Protection Development Permit Area on the property legally described as Lot 11, District Lot 78, Nanoose District, Plan 47638, be approved subject to the requirements outlined in Schedule Nos. 1, 2, and 3 and subject to notification requirements pursuant to the *Local Government Act*.



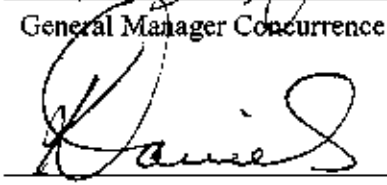
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

devrs/reports/2002/dp oc 3060 30 0247 Broad Collins

**Schedule No. 1
Conditions of Approval
Development Permit No. 0247**

Development Permit Area Protection Measures

1. All surface drainage collected from roof leaders, perimeter drains and hard surfaces to be directed to two catch basins to be sited within the building envelope.
2. Native vegetation within the development permit area and outside of the proposed building location shall not be disturbed.
3. Temporary construction fencing to be erected 2.0 metres from the proposed building envelope to reduce the level of disturbance within the development permit area.

Development of Site

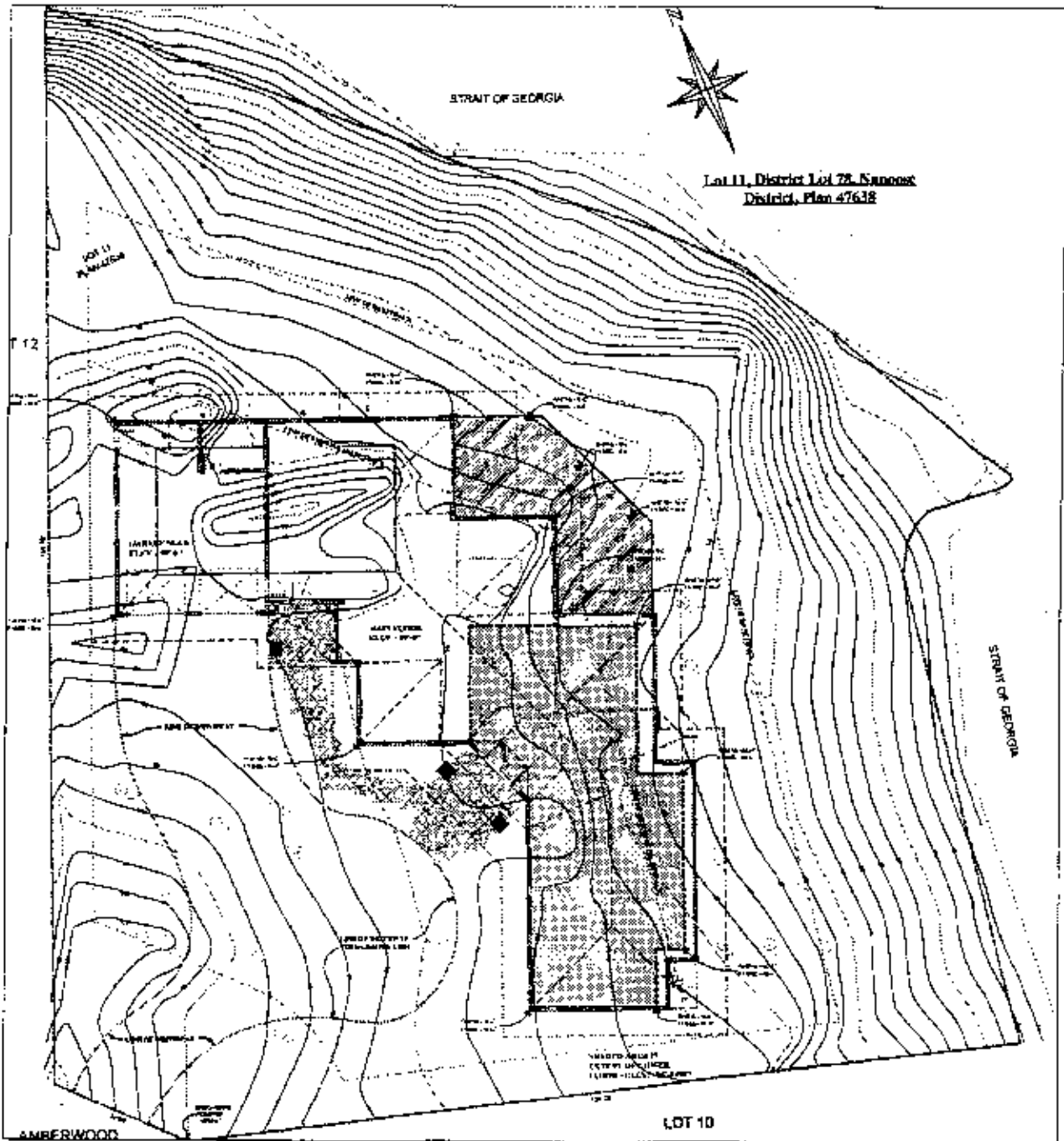
4. Subject property to be developed in accordance with Schedule Nos. 1, 2, 3, and 4.

**Schedule No. 2
Requested Variances
Development Permit No. 0247**

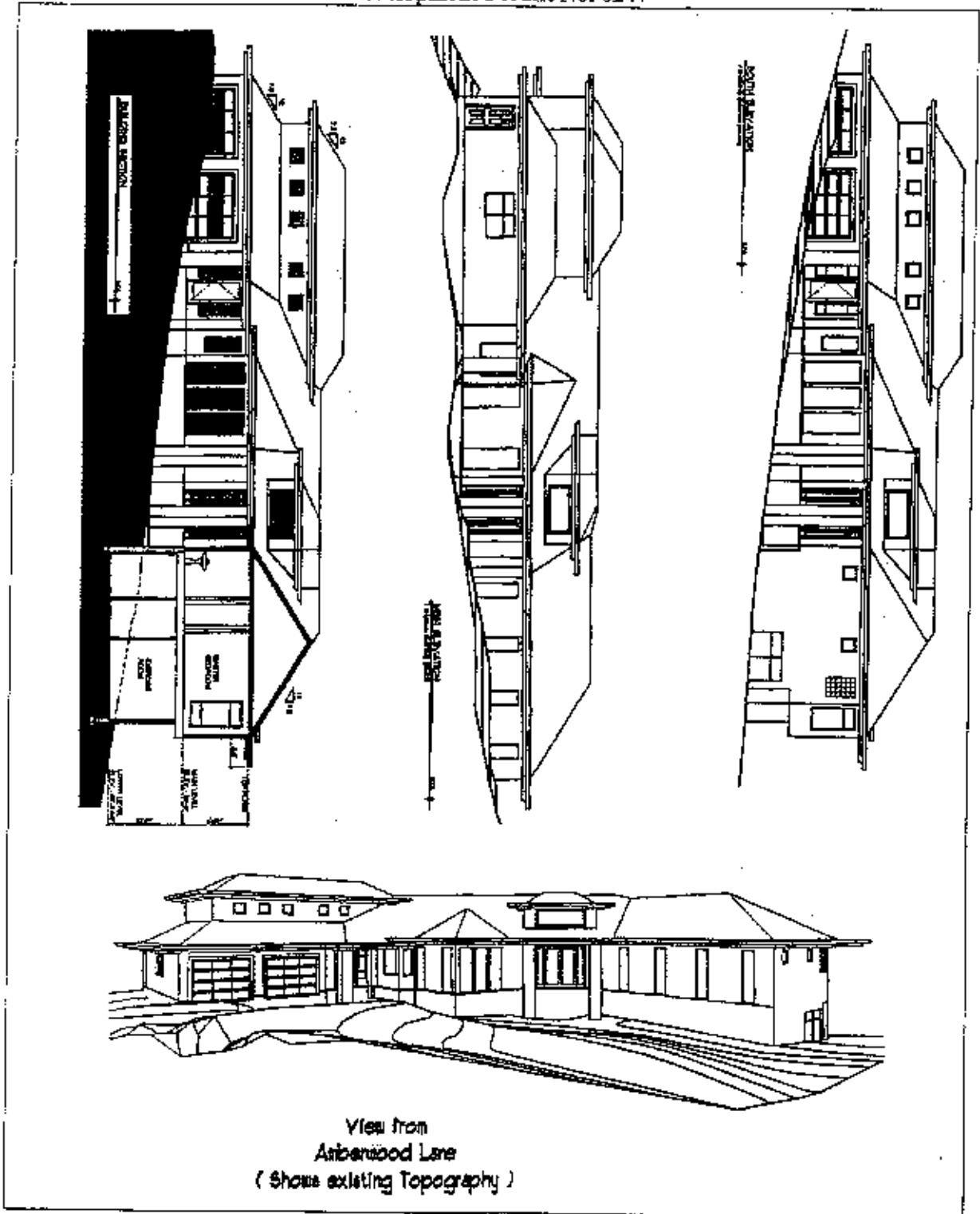
With respect to the lands, the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987, the following variances are proposed:

1. Section 3.3.9 Setbacks – Sea is varied from 8.0 metres from the top of the bank to a minimum of 1.4 metres.

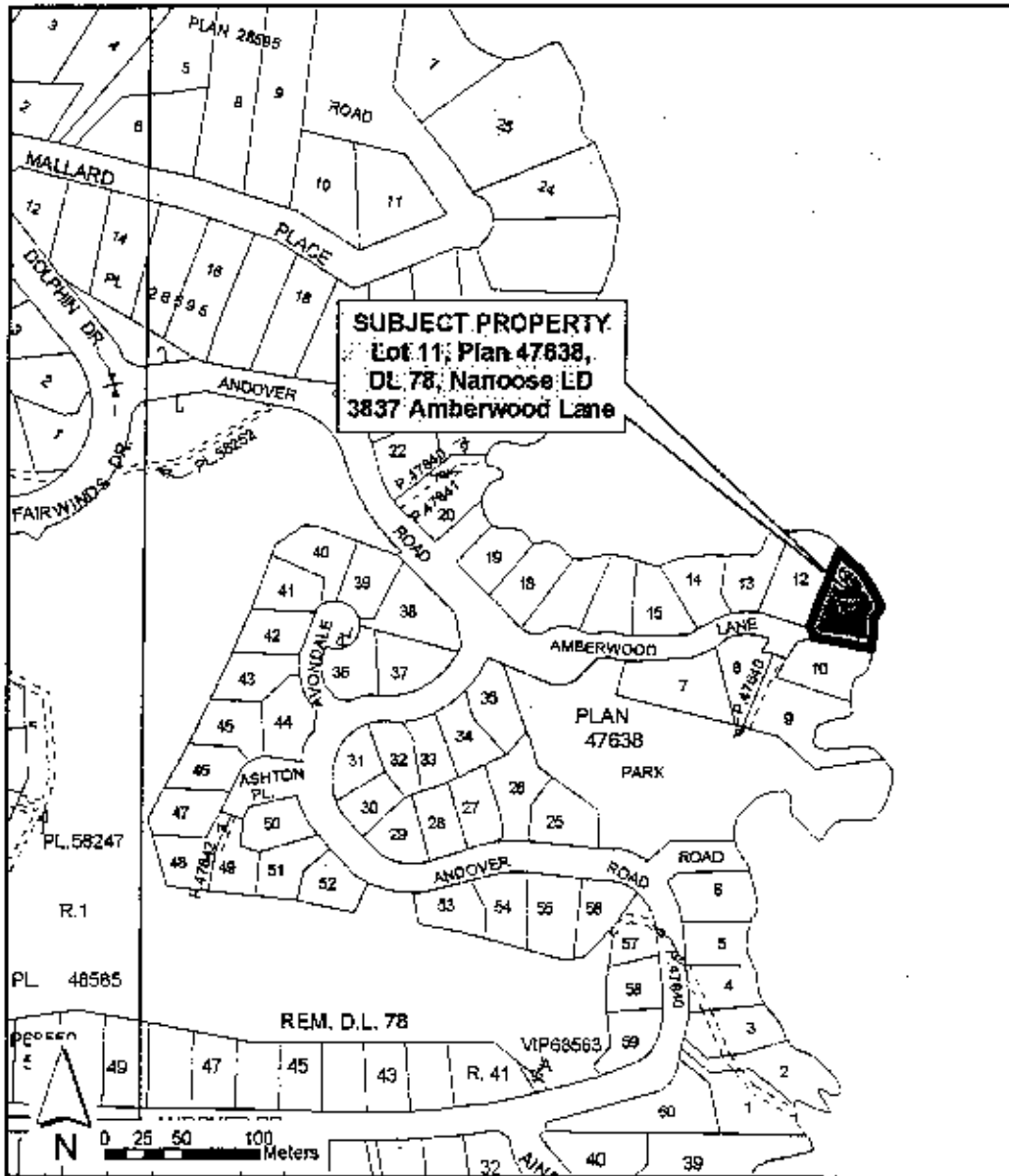
Schedule No. 3
Site Plan (reduced for convenience)
Development Permit No. 0247



Schedule No. 4
House Plan (reduced for convenience)
Development Permit No. 0247



Attachment No. 1
Subject Property
Development Permit No. 0247



SC95 Map Sheet No. 62P, 020.14



REGIONAL
DISTRICT
OF NANAIMO

REGIONAL DISTRICT OF NANAIMO			
OCT 15 2002			
CHAIR		GMCrs	
CAO		GMDS	
GMDms		GMES	
<i>Ch. Planning</i>			

MEMORANDUM

TO: Pamela Shaw
Manager, Community Planning

DATE: October 11, 2002

FROM: Blaine Russell
Planning Assistant

FILE: 3060 30 0248

SUBJECT: Development Permit Application No. 0248 - Parker
Electoral Area, 'H' - 2416 Shady Lane, Horne Lake

PURPOSE

To consider an application to vary the minimum setback from a watercourse to facilitate the construction of a recreational residence and deck and other site improvements within the Environmentally Sensitive Areas Development Permit Area pursuant to the "Regional District of Nanaimo Shaw Hill - Deep Bay Official Community Plan Bylaw No. 1007, 1986".

BACKGROUND

The Planning Department has received a development permit application for the property legally described as Strata Lot 333, District Lot 251, Alberni District, Plan VIS5160, which is located on Shady Lane at Horne Lake in Electoral Area 'H'. The subject property is currently zoned Comprehensive Development 9 (CD9) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" and the uses, as proposed, are permitted under this zoning (*see Attachment 1 for location*). The property is surrounded by Common Strata Property on the east and west, Horne Lake to the north, and Shady Lane to the south.

Pursuant to the "Regional District of Nanaimo Shaw Hill - Deep Bay Official Community Plan Bylaw No. 1007, 1996" (OCP), the subject property is designated within the Environmentally Sensitive Areas Development Permit Area (DPA), which was established for the protection of the natural environment. In this case, the development permit area includes both the protection of Horne Lake and an adjacent stream, which crosses a portion of the property. Therefore, as the applicant is proposing works within the development area adjacent to the stream, the issuance of a development permit is required.

The lot slopes from Shady Lane down to Horne Lake. The lot has previously been cleared to accommodate a recreational vehicle and the applicant is proposed to site the recreational residence and deck within the existing cleared area.

Proposal

This applicant is proposing:

- to construct a recreational residence and deck within the development permit area;
- to construct a structural deck adjacent to the recreational vehicle. The applicant is proposing to remove the deck and RV prior to beginning construction of the recreational residence; and
- to remove 1 tree and a limited area of ground cover vegetation (*see Schedule No. 2*).

Proposed Variance

The applicant is requesting to relax the minimum setback requirement from 15.0 metres from the top of bank of the adjacent stream located to the east of the property to 10.6 metres, to facilitate the construction of the recreational residence and deck (*See Schedule No. 2*). Therefore, a variance to Bylaw No. 500, 1987 is required.

There is currently an active development permit for all the Home Lake strata properties (Development Permit No. 0120), which provides general and detailed information pertaining to environmental protection when developing sites. All strata property owners are required to meet the guidelines of this development permit.

The applicant has made a pump and haul application which is currently being reviewed by the Ministry of Health.

ALTERNATIVES

1. To approve the requested variance development permit subject to the conditions as outlined in Schedule Nos. 1, 2, and 3.
2. To deny the requested variance and development permit.

LAND USE / DEVELOPMENT IMPLICATIONS

The topography of the lot and the development permit area for the adjacent stream and Home Lake limits the potential building area. By permitting the recreational residence to locate partially within the development permit area allows the recreational residence and deck to be more centrally sited on the parcel and results in less vegetation being disturbed on the overall site (*See Schedule No. 2*).

The proposed deck structure for the recreational vehicle is in the same building area as the recreational residence and will be removed prior to construction of the recreational residence. As a result, impacts due to construction remain the same.

As the subject property is bound by common strata property, the location of the recreational residence and deck within the development permit area will not impact views for neighbouring properties.

ENVIRONMENTAL IMPLICATIONS

The proposed location of the recreational residence and deck is 10.6 metres from the top of bank from the adjacent watercourse and, at the time of construction, will involve the removal of 7.0 m² of groundcover vegetation and 1 maple tree within the development permit area.

Conditions of Approval outlined in Schedule No. 1 will reduce any potential negative impacts to the watercourse and Home Lake. As well, works undertaken as part of this permit must be consistent with the detailed guidelines outlined in Development Permit No. 0120.

VOTING

Electoral Area Directors - one vote, except Electoral Area 'B'.

SUMMARY

This is an application to vary the minimum setback from a watercourse from 15.0 metres from the top of the bank to 10.6 metres to facilitate the construction of a recreational residence and deck and the removal of vegetation within the Environmentally Sensitive Development Permit Area pursuant to the Shaw Hill – Deep Bay Official Community Plan.

As the application involves a variance to Bylaw No. 500, 1987 with respect to the minimum setback requirement to the adjacent stream, the proposed variance is subject to notification procedure pursuant to the *Local Government Act* and the consideration of the Regional Board.

Due to the site constraints which limit the buildable site area and the conditions for the protection the natural environment as set out in Schedule No. 1 of the staff report, staff support Alternative No. 1 to approve Development Permit No. 0248 with conditions as set out in Schedules No. 1, 2, and 3 of the staff report.

RECOMMENDATION

That Development Permit Application No. 0248, submitted by Grant and Treena Parker, for the property legally described as Strata Lot 333, District Lot 251, Alberni District, Plan VIS5160 be approved subject to the conditions outlined in Schedules No. 1, 2, and 3 and the notification requirements pursuant to the *Local Government Act*.



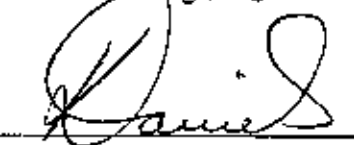
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

devsis/reports/2002/dp oc 3060 30 0248 parker

SCHEDULE NO. 1
Conditions of Approval
Development Permit No. 0248

Development Permit No. 0120

1. All works shall be undertaken in accordance with Development Permit No. 0120 except where varied by this Development Permit.

Building Site

2. A maximum of 1 temporary deck maybe located on the subject property in the size and location as shown on Schedule No. 3 prior to the construction of the recreational residence.
3. A maximum of one recreational residence and structural deck to be sited on the subject property as illustrated on Schedule No. 3.

Site Survey

4. A legal site survey completed by a BCLS confirming the siting of all buildings and structures on the lot must be submitted to the Regional District of Nanaimo prior to occupancy of the recreational residence.

Structural Deck for siting of Recreational Vehicle

5. The temporary deck must be removed prior to the commencement of construction for the permanent recreational residence and structural deck.

Flood Construction Elevation

6. Certification of Flood Construction Level must be submitted to the Regional District of Nanaimo prior to the completion of the proposed works.

Recreational Vehicle

7. The Recreational Vehicle shall cease its current use within 12 months of the commencement of construction of the recreational residence and must comply with Bylaw No. 500 requirements for Visiting Recreational Vehicle or Recreational Vehicle Storage.

Vegetation Removal

8. Vegetation removal within the Development Permit Area shall consist of that which is required to locate the recreational residence and deck and includes 1 maple tree and approximately 7.0 m² of ground cover.
9. Vegetation removal within the development permit area shall be consistent with the Vegetation Management Guidelines.

Sedimentation and Erosion Protection

10. Sediment and erosion control measures must be utilized to control sediment during construction and land clearing works, to ensure water entering the work site will be pumped out, and to stabilize the site after construction is complete. These measure must include:
 - a. Exposed soils must be seeded as soon as possible to reduce erosion during rain events.
 - b. Tarps, sand bags, poly plastic sheeting, and/or filter fabric are required to be onsite.
 - c. It is your responsibility to have and utilize all appropriate sediment and erosion control materials on-site for use during and after construction to ensure sediments do not enter the watercourse.
11. Any excavated materials must be placed upland such that there is no potential for reintroduction into the stream.

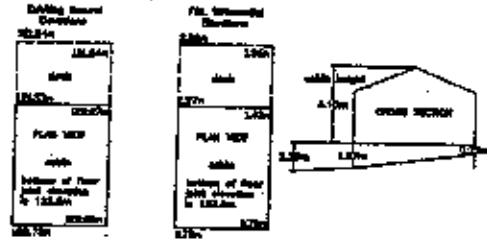
SCHEDULE NO. 2
Site Plan
Development Permit No. 0248

LEGEND

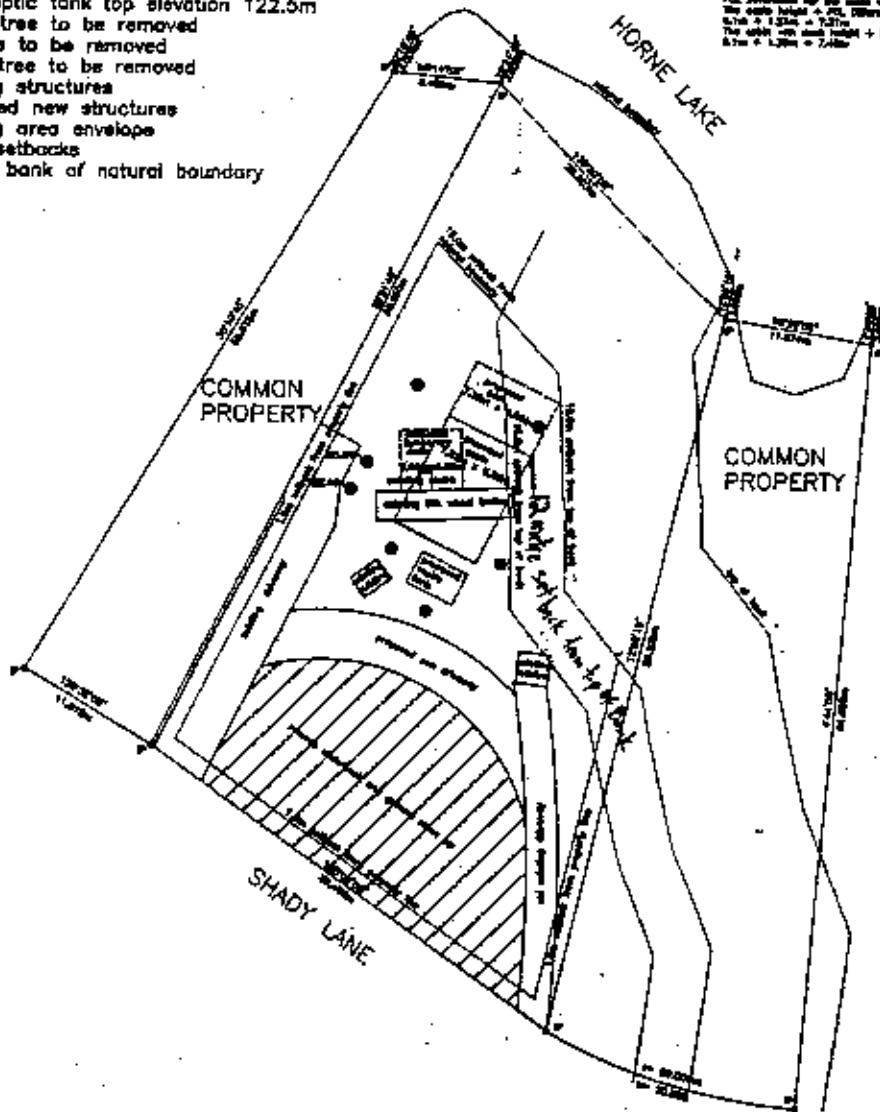
- Proposed cabin's bottom of floor joist elevation 123.5m
- Proposed height of cabin 8.1m
- Proposed height of cabin with FCL differential 7.49m
- Proposed cabin's total main floor area is 69.98m²
- Proposed deck's total floor area is 35.72m²
- Proposed cabin's area in the development area is 4.35m²
- Proposed deck's area in the development area is 17.81m²
- Proposed septic tank top elevation 122.5m

- Cedar tree to be removed
- Fir tree to be removed
- Maple tree to be removed
- Existing structures
- Proposed new structures
- Building area envelope
- Bylaw setbacks
- Top of bank of natural boundary

CABIN HEIGHT



FCI determined for the cabin with deck = 1.26m
 The cabin height = 7.23m
 The cabin with deck height + FCI determined by
 8.1m + 1.26m = 7.49m



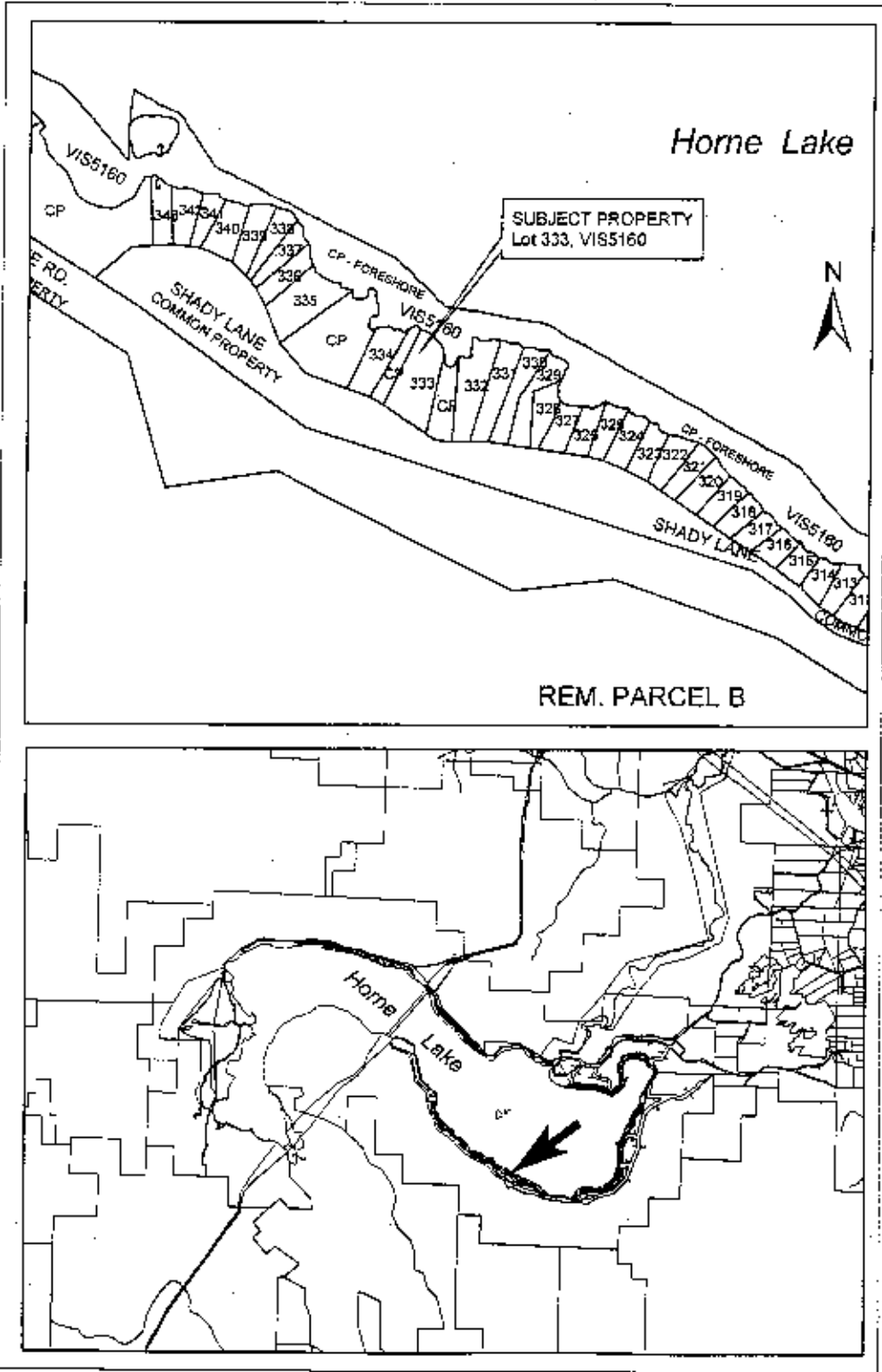
SCALE 1:250

SCHEDULE NO. 3
Proposed Variance
Development Permit No. 0248

With respect to the lands, the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987, the following variance is proposed:

1. Section 3.4.107.4 Minimum Setback Requirements All watercourses except Horne Lake is varied from 15.0 m from the top of the bank to 10.6 m from the top of the bank to facilitate the construction of a recreational residence and deck

Attachment No. 1
Subject Property
Development Permit No. 0248





REGIONAL DISTRICT OF NANAIMO	
OCT 15 2002	
CHAIR	GMCrs
CAC	GMDS
CLC/MS	GMES
P. D. [Signature]	
DATE: _____	

MEMORANDUM

TO: Pam Shaw
Manager of Community Planning

FROM: Keeva Kehler
Planner

SUBJECT: Development Permit Application No. 0250 - Striker
Electoral Area 'G' - Lot 5 Miller Road

FILE: 3060 30 0250

DATE: October 11, 2002

PURPOSE

To consider an application for a development permit to facilitate the construction of a dwelling unit within the Sensitive Lands Development Permit Area pursuant to the "Regional District of Nanaimo French Creek Official Community Plan Bylaw No. 1115, 1998".

BACKGROUND

The subject property, legally described as Strata Lot 5, District Lot 28, Nanoose District, Plan V1S4363, is located on Miller Road in the French Creek area of Electoral Area 'G' (see Attachment No. 1).

The subject property is zoned Residential 1 (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The site plan indicates the building height will be 9.2 metres, but this is based on the natural elevation being 1.2 metres above French Creek, therefore the actual height of the building is 8.0 metres above the natural grade. Therefore, no variances to Bylaw No. 500 are being requested as part of this application.

Although the property is contained within a Watercourse Development Permit Area pursuant to "Regional District of Nanaimo French Creek Official Community Plan Bylaw No. 1115, 1998", no variances are required as the proposed dwelling is located more than 30 metres from French Creek and more than 15 metres from the top of the bank. The applicant does not plan to remove any of the vegetation from the Watercourse Development Permit Area for the proposed construction.

However, Board approval is required for this development as the subject property is within the Sensitive Lands Development Permit Area pursuant to the "Regional District of Nanaimo French Creek Official Community Plan Bylaw No. 1115, 1998". This Development Permit Area was established to protect the natural environment and to protect development from hazardous conditions and is designated over the entire parcel. The subject property is located within the French Creek floodplain; therefore, there is a flood hazard associated with the parcel. The proposed location for the dwelling unit is more than 40.0 metres from the natural boundary of French Creek.

Fill has been deposited on the parcel in the general location proposed for a dwelling unit. The area between the fill and the rear property line contains riparian vegetation and some cedar and fir trees.

As a requirement of the bare land strata subdivision, three covenants were registered on the title of the parent parcel. Two of the three covenants were registered in favour of the Regional District of Nanaimo and the Ministry of Water, Land, and Air Protection. One covenant was required for the purposes of defining a flood construction elevation of 3.0 metres above the natural boundary of French Creek and the other two covenants

restricted the removal of vegetation and the construction of buildings within the covenant area. These are registered on the title of Strata Lot 5. A 5 metre wide registered easement for a sewer line crosses the western portion of the property adjacent to the covenant areas. There is also a building scheme registered on title.

ALTERNATIVES

1. To approve the development permit subject to the conditions outlined in Schedule Nos. 1, 2 and 3.
2. To deny the requested development permit.

LAND USE AND DEVELOPMENT IMPLICATIONS

Approval of the requested development permit would permit the construction of a rancher style dwelling unit (see Schedule No. 2).

There is a flood hazard associated with this property. As the subject property is located within the Building Inspection area "Regional District of Nanaimo Floodplain Management Bylaw No. 843, 1991" applies and requires the dwelling unit be raised 3.0 metres above the natural boundary of French Creek and that the area below shall not be habitable. In addition, to the bylaw requirements, there is a covenant defining the flood construction elevation which has been registered on title

ENVIRONMENTAL IMPLICATIONS

The proposed location for the dwelling unit is more than 40.0 metres from the natural boundary of French Creek. The surface elevation of the parcel has been substantially raised due to the introduction of non-native fill. The geotechnical report conducted by Davey Consulting and Engineering suggests that perimeter drains must be installed to ensure that no water from the residence enters the fill material and saturates the soil. All surface water, whether residential or run-off from paved surfaces or drains should be directed into a closed pipe at least 5 metres distance from the rear of the building elevation. The discharged water must be environmentally sound and in compliance with regulations governing discharge into watercourses. Sediment and erosion control measures must be incorporated into the construction of the dwelling unit to reduce the potential to introduce sediment into French Creek. These are outlined in *Schedule No. 1 Conditions of Approval*.

The Building Inspection Department has indicated that it will require a detailed geotechnical report outlining the site-specific hazards on the property and the mitigative measures to be taken during construction of the residence.

The portion of the parcel, adjacent to French Creek and located within the covenant areas contains mature cedar trees, bushy shrubs and riparian vegetation. There is a riprap wall adjacent to French Creek and the property slopes gently upwards to the proposed building site. The applicants have indicated they are not proposing to remove any of this vegetation thereby maintaining a riparian buffer between the proposed development and French Creek. However, there is a large rotten cedar stump located outside the covenant area that will be removed to prevent the occurrence of termites in the residence. The stump is located within the easement area.

VOTING

Electoral Area Directors - one vote, except Electoral Area 'B'.

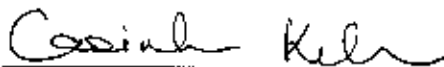
SUMMARY/CONCLUSIONS

This is an application to permit the construction of a dwelling unit within a Sensitive Lands Development Permit Area pursuant to the French Creek Official Community Plan. The entire parcel is located within the Development Permit Area; therefore, there are no means to reduce or eliminate the encroachment into the Development Permit Area. There is a flood hazard associated with this parcel; however, the dwelling unit is required to have a flood construction elevation of 3.0 metres above the natural boundary of French Creek thereby reducing the flood hazard. The proposed building site, which is on the eastern portion of the parcel, contains a substantial amount of introduced soil and fill materials. As a result extensive excavation will be required to undertake this development; therefore, sediment and erosion control measures must be utilized during the proposed construction works. In addition, a detailed geotechnical report is required as a condition of approval to outline mitigation measures and vegetation protection and retention measures.

As there is no building site available outside the Development Permit Area and the applicant is agreeable to the conditions of the permit including measures to reduce the potential hazard and negative impacts to the natural environment, staff support the issuance of the development permit subject to the conditions set out in Schedule Nos. 1 to 6 of the staff report, Ministry of Agriculture, Food and Fisheries

RECOMMENDATION

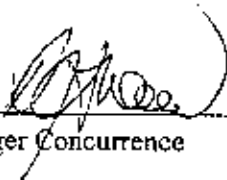
That Development Permit Application No. 0250 by Ronald and Christine Striker, to construct a dwelling unit in a Sensitive Lands Development Permit Area pursuant to the Regional District of Nanaimo French Creek Official Community Plan Bylaw No. 1115, 1998 on the property legally described as Strata Lot 5, District Lot 28, Nanoose District, Plan V1S4363 be approved, subject to the conditions outlined in Schedule Nos. 1 to 6 of the corresponding staff report.



Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

**Schedule No. 1
Conditions of Approval
Development Permit No. 0250**

Covenants

1. No construction or removal of riparian vegetation is to occur in the covenant area.

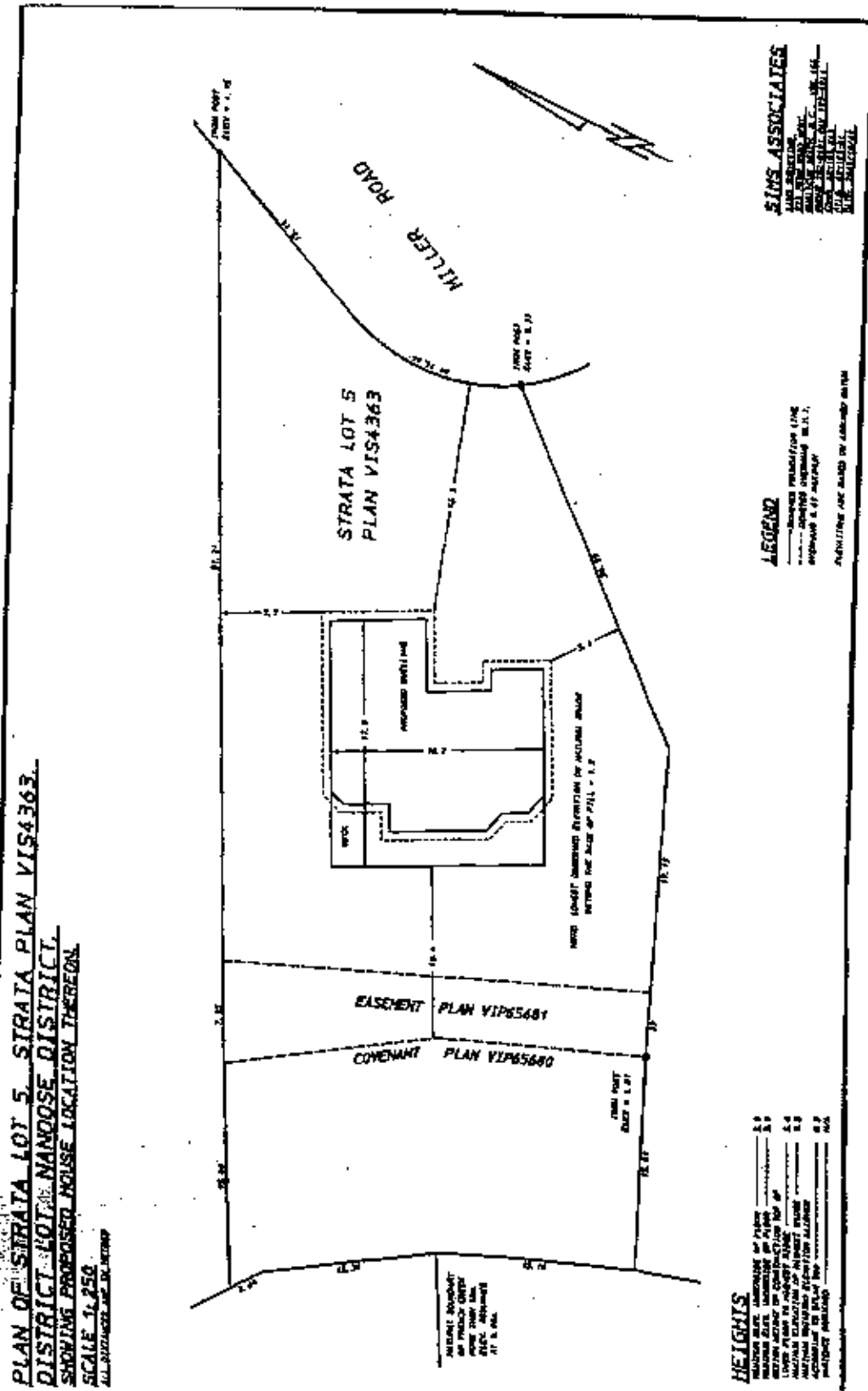
Sediment and Erosion Control

2. Sediment and erosion control measures must be utilized to control sediment during construction and to stabilize the site after construction is complete. These measures must include:
 - (a) Exposed soils must be seeded as soon as possible to reduce erosion during rain events;
 - (b) Tarps, sand bags, poly plastic sheeting and/or filter fabric are required to be onsite during the works;
 - (c) Cover temporary fill or soil stockpiles with polyethylene or tarps.

Geotechnical Report

3. A geotechnical report outlining mitigation strategies with respect to the natural hazard and vegetation protection and retention measures is required to be submitted to the RDN Building Inspection Department prior to occupancy.

Schedule No. 2
 Site Plan
 Development Permit No. 0250
 (As Supplied by Applicants)



PLAN OF STRATA LOT 5, STRATA PLAN VIS4363,
 DISTRICT LOT NANOOSE DISTRICT,
 SHOWING PROPOSED HOUSE LOCATION THEREON.
 SCALE 1:250
 ALL DIMENSIONS ARE IN METERS

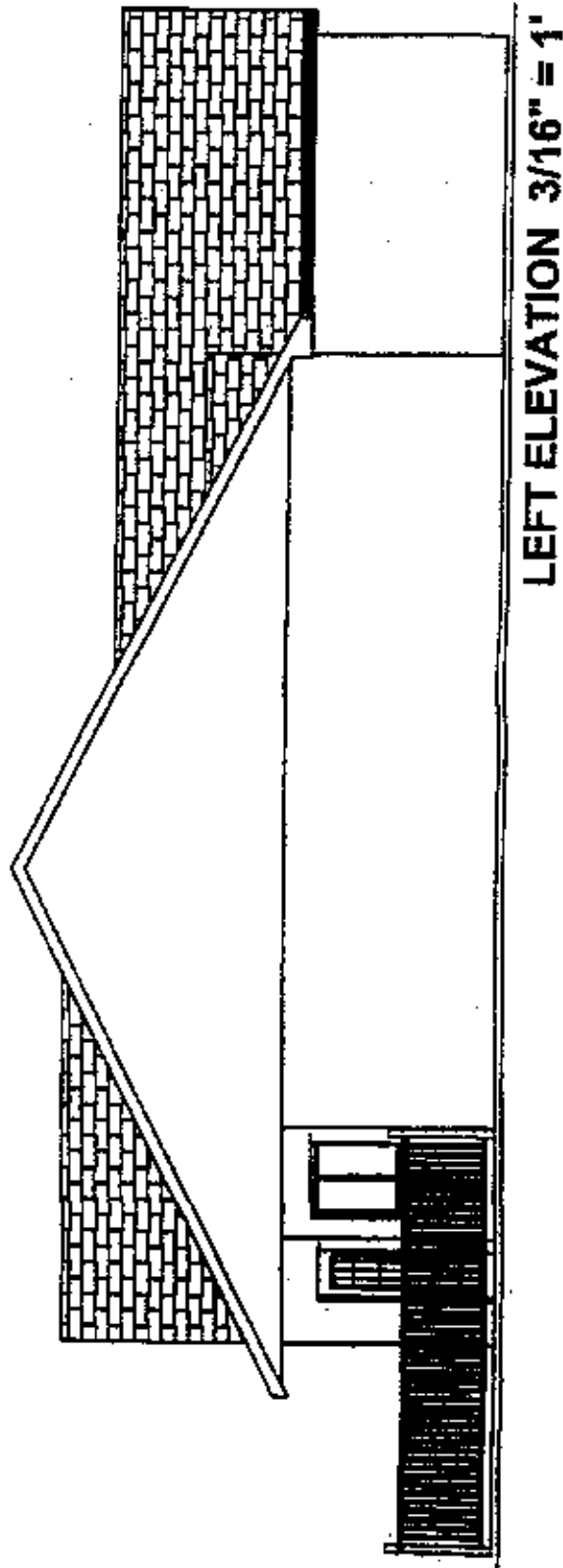
SIMS ASSOCIATES
 2100 BRACKEN
 VANCOUVER, B.C.
 V6L 2R1
 TEL: 604-271-0111
 FAX: 604-271-0111
 WWW.SIMSASSOCIATES.COM

LEGEND
 --- PROPOSED PERMITS/PLAN LINE
 --- EXISTING PERMITS/PLAN LINE
 --- PROPERTY BOUNDARY
 --- EASEMENT & COV. BOUNDARY
 DIMENSIONS ARE SHOWN BY LEADING DIMENSION

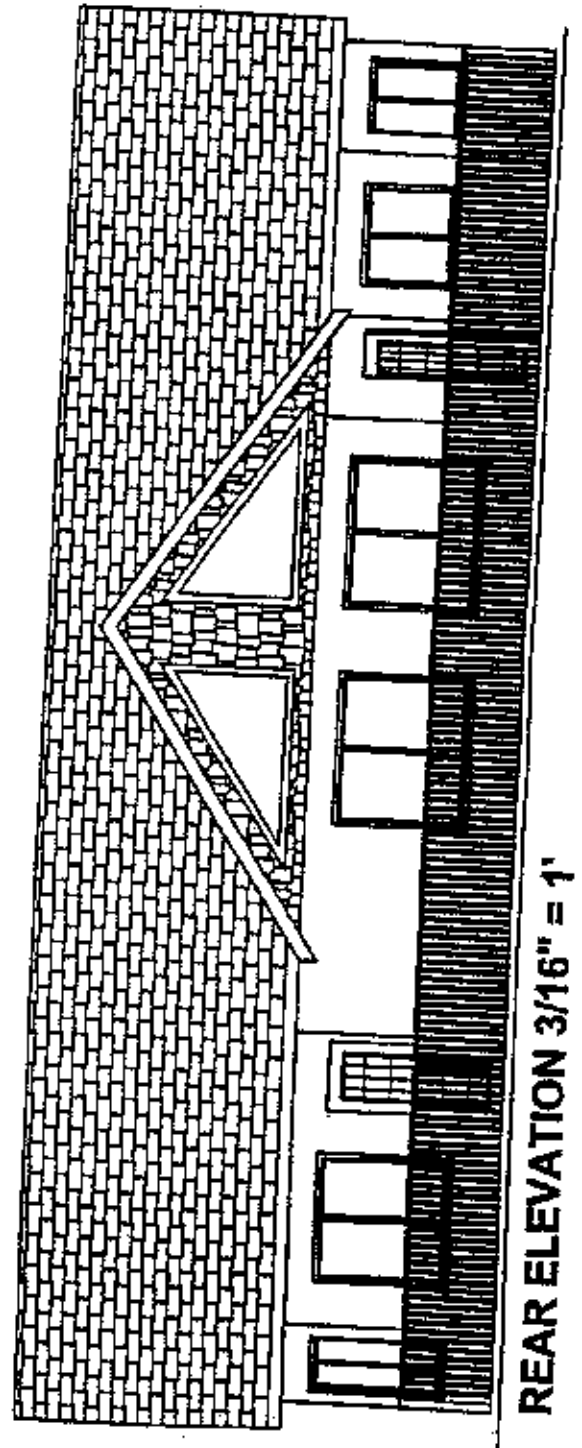
HEIGHTS

MAXIMUM ROOF HEIGHT	10.0
MAXIMUM WALL HEIGHT	10.0
MAXIMUM FINISH FLOOR HEIGHT	10.0
MAXIMUM FINISH CEILING HEIGHT	10.0
MAXIMUM FINISH FLOOR TO FINISH CEILING	10.0
MAXIMUM FINISH FLOOR TO FINISH CEILING	10.0
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MAXIMUM FINISH FLOOR TO FINISH CEILING	10.0

Schedule No. 3
Building Elevation Plans
Development Permit No. 0250
(As supplied by Applicants)

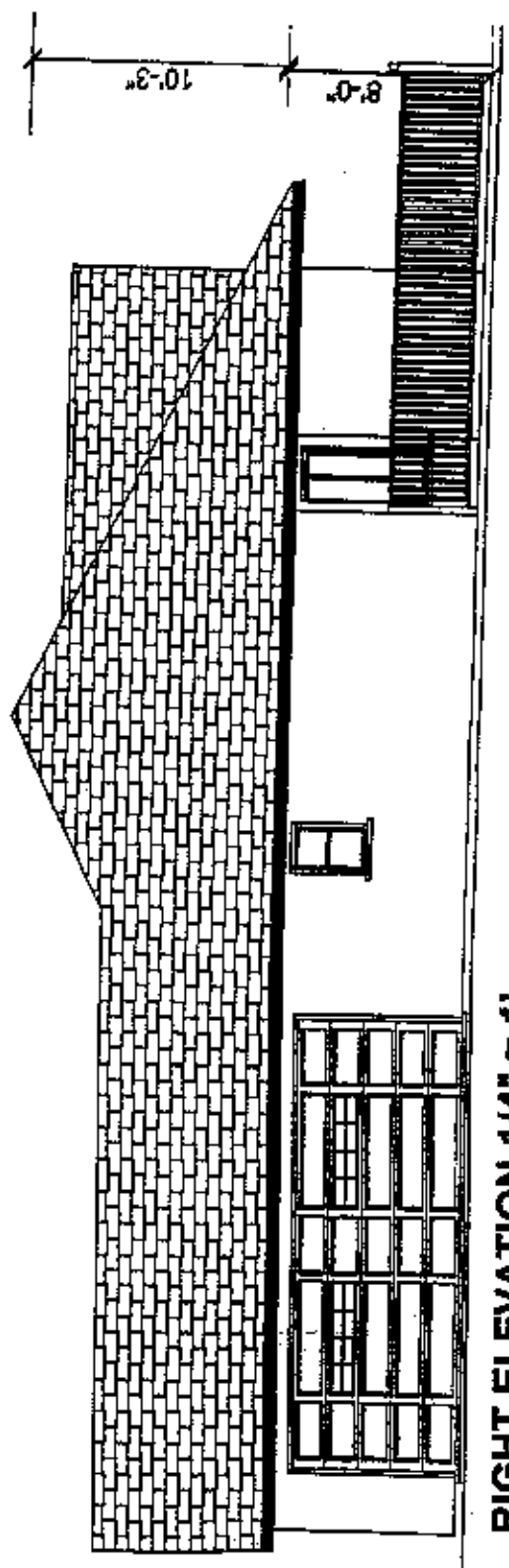


Schedule No. 4
Building Elevation Plans
Development Permit No. 0250
(As supplied by Applicants)



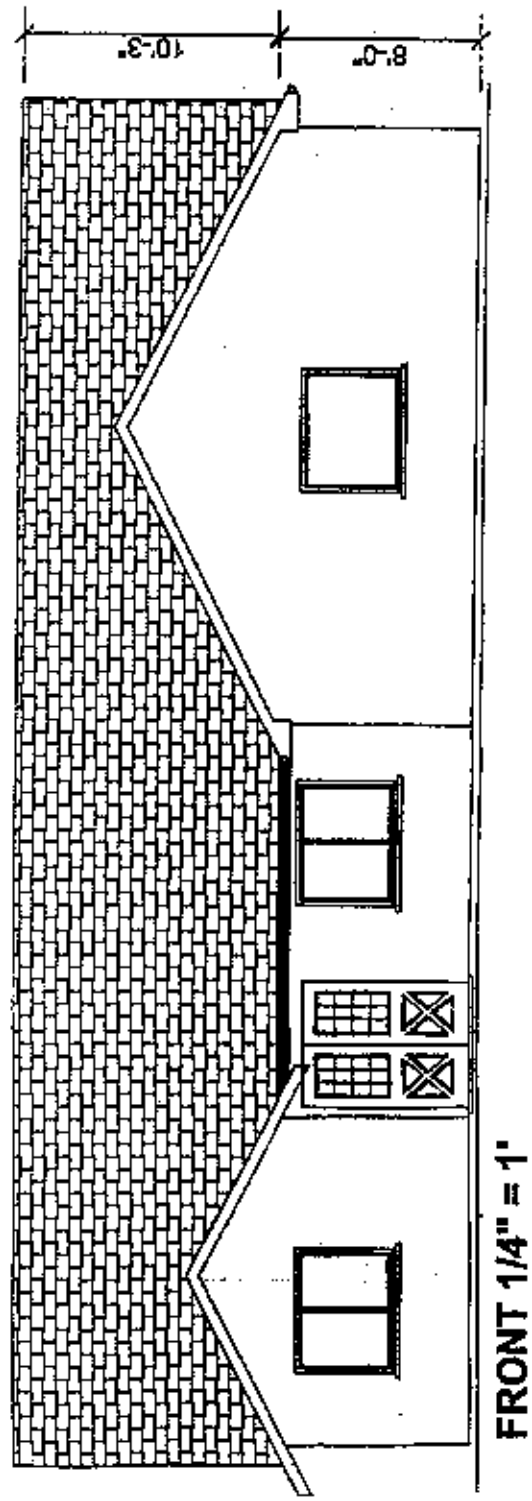
REAR ELEVATION 3/16" = 1'

Schedule No. 5
Building Elevation Plans
Development Permit No. 0250
(As supplied by Applicants)

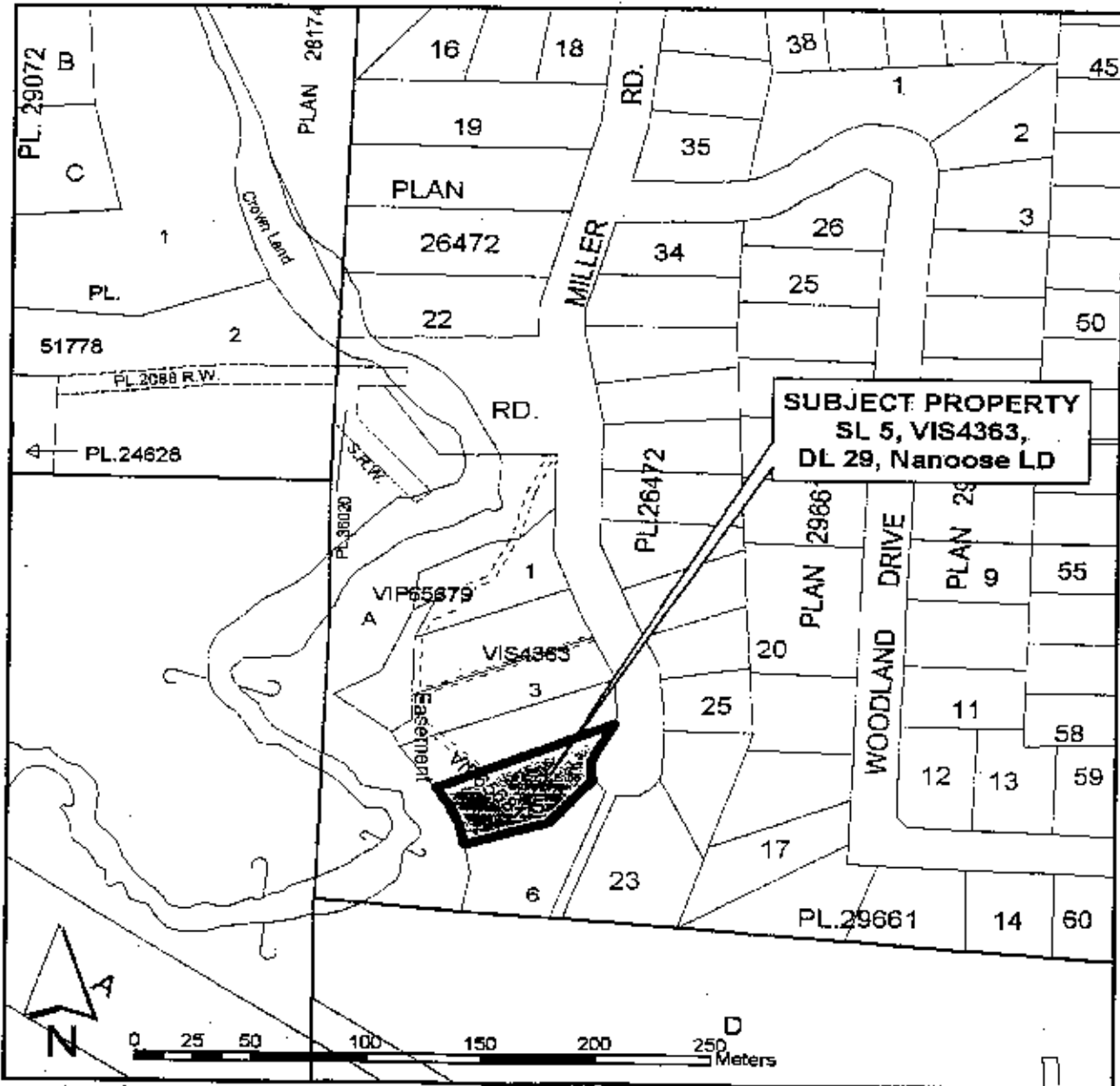


RIGHT ELEVATION 1/4" = 1'

Schedule No. 6
Building Elevation Plans
Development Permit No. 0250
(As supplied by Applicants)



Attachment No.1
Development Permit No. 0250
Subject Property





REGIONAL DISTRICT OF NANAIMO		
OCT 15 2002		
CHAIR		GMCrs
CAL		GMDS
GA		GMS
EA Planning		
DATE:		

MEMORANDUM

TO: Pam Shaw
Manager, Community Planning

FROM: Geoff Garbutt
Senior Planner

SUBJECT: Development Variance Permit Application No. 0217 - Thompson/Goldney
Electoral Area 'H' - Seaview Drive/Thompson Clarke Drive West

FILE: 3090 30 0208

DATE: October 11, 2002

PURPOSE

To consider an application for a development variance permit to:

1. Relax the minimum setback requirement from the stream centreline and the minimum setback requirement from the front lot line to create a building envelope for the future siting of dwelling unit; and
2. Relax the minimum setback requirement from the stream centreline, the minimum setback requirement from the interior side lot line, rear lot line and other lot line for an existing garage.

BACKGROUND

The subject property (legally described as Lot 22, District Lot 21, Newcastle District, Plan 22249) is 816 m² and is located at the corner of Seaview Drive and Thompson Clarke Drive West in the Deep Bay area of Electoral Area 'H' (see Attachment 1). This application is being made to create a building envelope on the property to allow for the future sale of the parcel, as the applicant is of the opinion that any development of a dwelling unit on the parcel will require board approval of setback variances due to various site constraints on the property. The applicant is requesting variances to establish the maximum building area for the location of a future dwelling to assure future purchasers that the lot is 'developable'. No building plans have been submitted for a dwelling unit. The Deep Bay Water Works District services the property with Community Water and there is an existing septic system located on the parcel that is approved by the local Health Unit.

The property is located in a non-building inspection area and as a result, a 40.9 m² garage was constructed on the property approximately 10 years ago, without approvals. This accessory use was illegally sited on the property, as there is no residential dwelling on the property, and the garage encroaches into the side, rear and 'other' lot line setbacks for structures as well as the watercourse setbacks in Bylaw No. 500. This application for a variance permit represents an opportunity to legalize the accessory use on the property provided that a dwelling is constructed on the property.

The subject property is zoned Residential 2 (RS2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The minimum setback requirements for buildings and structures on parcels with an average slope of 5% or less adjacent to or containing a watercourse is 18.0 metres from the stream centreline. The minimum setback requirements for buildings and structures from a front lot line is 8.0 m, interior side lot line and rear line is 2.0 m and an 'other' lot line is 5.0 m.

The applicant is requesting to vary the setback from the stream centreline to 6.7 metres and the minimum setback from the front lot line to a minimum of 9.1 metres to establish a maximum building envelope to locate a future dwelling unit. In order to recognize the siting of the existing garage on the property, the bylaw setbacks must be varied from the stream centreline to 4.2 metres, from the interior side lot to 1.9 metres, from the rear lot line to 1.9 metres and from the 'other' lot line along Thompson Clarke Drive West to 2.4 metres.

The subject property is 816 m² in size and the natural grade of the property is generally flat, sloping slightly northwest towards Seaview Drive; however, excavation to accommodate a future underground carport was undertaken several years ago. The property is surrounded on all sides by existing single residential dwellings and due to existing building heights and vegetation, views to the ocean are minimal.

It must be noted that this parcel is subject to a Building Scheme registered on title and the requested front lot line variance is not in keeping with the standards outlined in the covenant. The RDN does not enforce Building Scheme Covenants; however, should this variance be granted, construction of the future dwelling unit would still be subject to all covenants registered against the title of this property.

ALTERNATIVES

1. To approve the requested variance subject to the conditions outlined in Schedules No. 1, 2, and 3.
2. To deny the requested variance.

LAND USE AND DEVELOPMENT IMPLICATIONS

As outlined on *Schedule No. 3* attached, this parcel contains several physical site constraints that make locating a dwelling in conformity with the watercourse and front lot line setback requirements of Bylaw No. 500 difficult. The relatively small parcel size combined with the location of the existing septic field and the channelized watercourse creates a relatively small building footprint. Because this parcel is located at the intersection of both Seaview Drive and Thompson Clarke Drive West, required setbacks of 5.0 metres further restrict the developable area of the site.

The property is surrounded on all sides by existing single residential dwellings. Due to relatively flat natural grades, existing building heights and vegetation, views to the ocean from the surrounding properties along Thompson Clarke Drive West are minimal and the proposed building envelope if built to the maximum height of 8.0 m allowed in the RS 2 zone would have little impact on adjacent properties.

The applicant would like to establish a building envelope of 229.4 m² (2470 ft²), which is in keeping with the average size of dwellings in the area, and in order to realize this envelope it is necessary to encroach into both the stream and front lot line setbacks required under Bylaw No. 500.

No building plans have been submitted as part of this application and the parcel is not within the Building Inspection Area. Therefore, as a condition of these variances, the RDN will require that all construction is consistent with RDN bylaws.

The existing garage was located several years ago and currently is illegal, as Bylaw No. 500 requires that a principle use be sited in order to have an accessory use or structure on a parcel. The purpose of this application is to facilitate the sale of the parcel with the intention that the purchaser would construct a dwelling within the building envelope. With the construction of the dwelling the existing garage would

no longer be illegally sited and as a result a variance could be granted recognizing the setback encroachment issues. As this building is already built and has been in place for several years, varying the setbacks would have no apparent impact on surrounding properties. It must be noted that Ministry of Transportation approval is required to vary the setback for buildings and structures located within 4.5 metres of a roadway and to date this approval has not been received. Ministry staff has verbally indicated that they do not have an issue with this variance; however, the applicant must apply for a setback relaxation for the existing garage from the Ministry.

ENVIRONMENTAL IMPLICATIONS

The watercourse that traverses the southwestern portion of the subject parcel is not identified as a Sensitive Ecosystem or Natural Hazard Development Permit Area in the Shaw Hill Deep Bay Official Community Plan or identified as a watercourse on the RDN Sensitive Areas Atlas. It is evident, however, that the watercourse is not a seasonal stream and has considerable flow with unknown fisheries values. As outlined in *Schedule No. 3*, the stream on the property flows under Thompson Clarke Drive West and pools prior to being directed into an existing culvert and concrete spillway.

The location of the stream and previous modifications, including culverts and structures, both above and below the subject property, has compromised the natural state of the watercourse. It is staff's assessment that the proposed setback relaxation for the building envelope and the existing garage will have minimal impacts on the existing channelized portion of the watercourse. As a condition of the proposed variances, the RDN will require that no further modifications of the stream take place without approval of Fisheries and Oceans Canada, the Ministry of Water, Land and Air Protection and the Ministry of Sustainable Resource Management.

VOTING

Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

This is an application for a development variance permit to vary the minimum setback requirement from 18.0 metres from the stream centreline to a minimum of 6.7 metres and the minimum setback requirement from 8.0 metres from the front lot line to a minimum of 9.1 metres for a building envelope to locate a future dwelling unit. This application will also recognize an existing illegally sited garage by varying the minimum setback requirement from 18.0 metres from the stream centreline to a minimum of 4.2 metres and the minimum setback requirement from the interior side lot to 1.9 metres, from the rear lot line to 1.9 metres and from the 'other' lot line along Thompson Clarke Drive West to 2.4 metres. This application is not being made as a condition of the sale of a property.

This lot contains various site constraints including small size, location of existing septic field, and a channelized watercourse that make development of the site outside of the setbacks required under Bylaw No. 500 difficult.

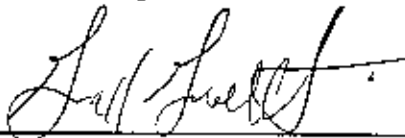
Given the site constraints and the relatively minor impact that the future development of this lot will have on surrounding properties, it is staff's assessment that this application should be approved and proceed to public notification.

RECOMMENDATION

That Development Variance Permit Application No. 0217 by Richard Goldney on behalf of Tim and Linda Thompson, to:

1. vary the minimum setback requirement from 18.0 metres horizontal distance from the stream centreline to a minimum of 6.7 metres and from 8.0 metres to 9.7 metres from the front lot line for a building envelope; and
2. vary the minimum setback requirement from 18.0 metres horizontal distance from the stream centreline to a minimum of 4.2 metres and from 2.0 metres to 1.9 metres from an interior and rear lot line and from 5.0 metres to 2.4 metres from an other lot line for an existing garage;

for the property legally described as Lot 22, District Lot 21, Newcastle District, Plan 22249, be approved, subject to the requirements outlined in Schedules No. 1, 2, and 3 and notification requirements pursuant to the *Local Government Act*.



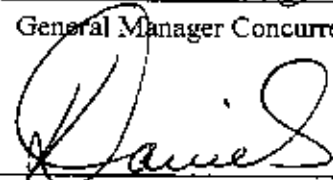
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

devsvr/reports/2002/dvp oc 3090 30 0217 Thompson Goldney

Schedule No. 1
Conditions of Approval
Development Variance Permit No. 0217
Seaview Drive and Thompson Clarke Drive West

1. All construction of buildings and structures to be undertaken must be consistent with Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987; and
2. No further alteration or modification of the stream channel in the watercourse setback be undertaken without approval of Fisheries and Oceans Canada, the Ministry of Water, Land and Air Protection and the Ministry of Sustainable Resource Management; and
3. Variances recognizing the setbacks for the existing garage are conditional upon the construction of a dwelling unit; and
4. Variances recognizing the setbacks for the existing garage are conditional upon receiving approval of a setback relaxation from the Ministry of Transportation.

Schedule No. 2
Requested Variances
Development Variance Permit No. 0217
Seaview Drive and Thompson Clarke Drive West

With respect to the lands, the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987, the following variances are proposed:

Building Envelope

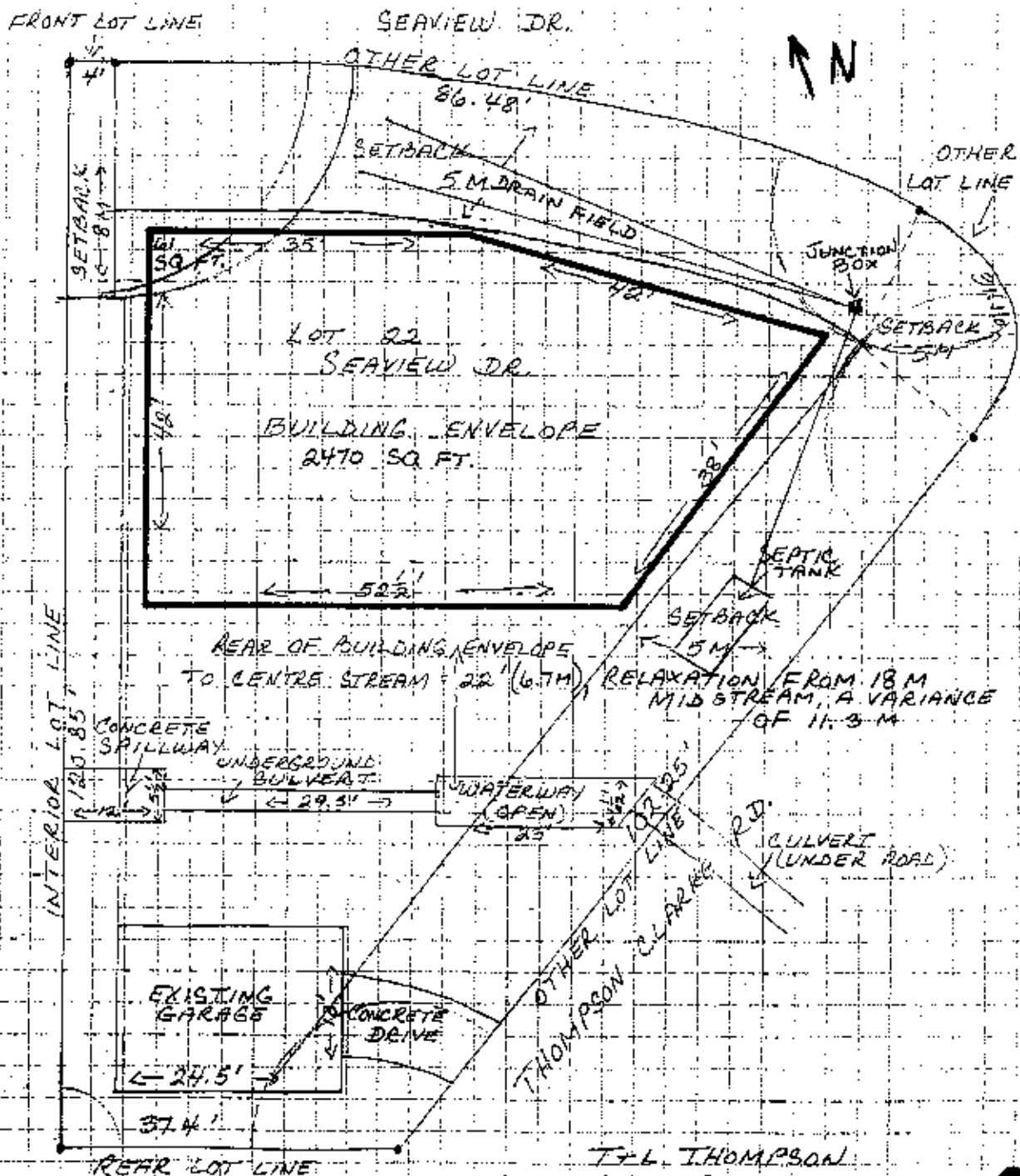
1. Section 6.3.8 Setbacks – Watercourse, excluding the Sea – varied from 18 metres horizontal distance from the stream centreline to a minimum of 6.7 metres for a building envelope to locate a future dwelling unit; and
2. Section 6.4.62 Residential 2, Minimum Setback Requirements, Front Lot Line – varied from 8.0 metres to 9.1 metres for the building envelope to locate a future dwelling unit.

Garage

1. Section 6.3.8 Setbacks – Watercourse, excluding the Sea – varied from 18 metres horizontal distance from the stream centreline to a minimum of 4.2 metres for a building envelope to locate a future dwelling unit; and
2. Section 6.4.62 Residential 2, Minimum Setback Requirements, Interior Side Lot Line – varied from 2.0 metres to 1.9 metres for the existing garage; and
3. Section 6.4.62 Residential 2, Minimum Setback Requirements, Rear Lot Line – varied from 2.0 metres to 1.9 metres for the existing garage; and
4. Section 6.4.62 Residential 2, Minimum Setback Requirements, Other Lot Line – varied from 5.0 metres to 2.4 metres for the existing garage.

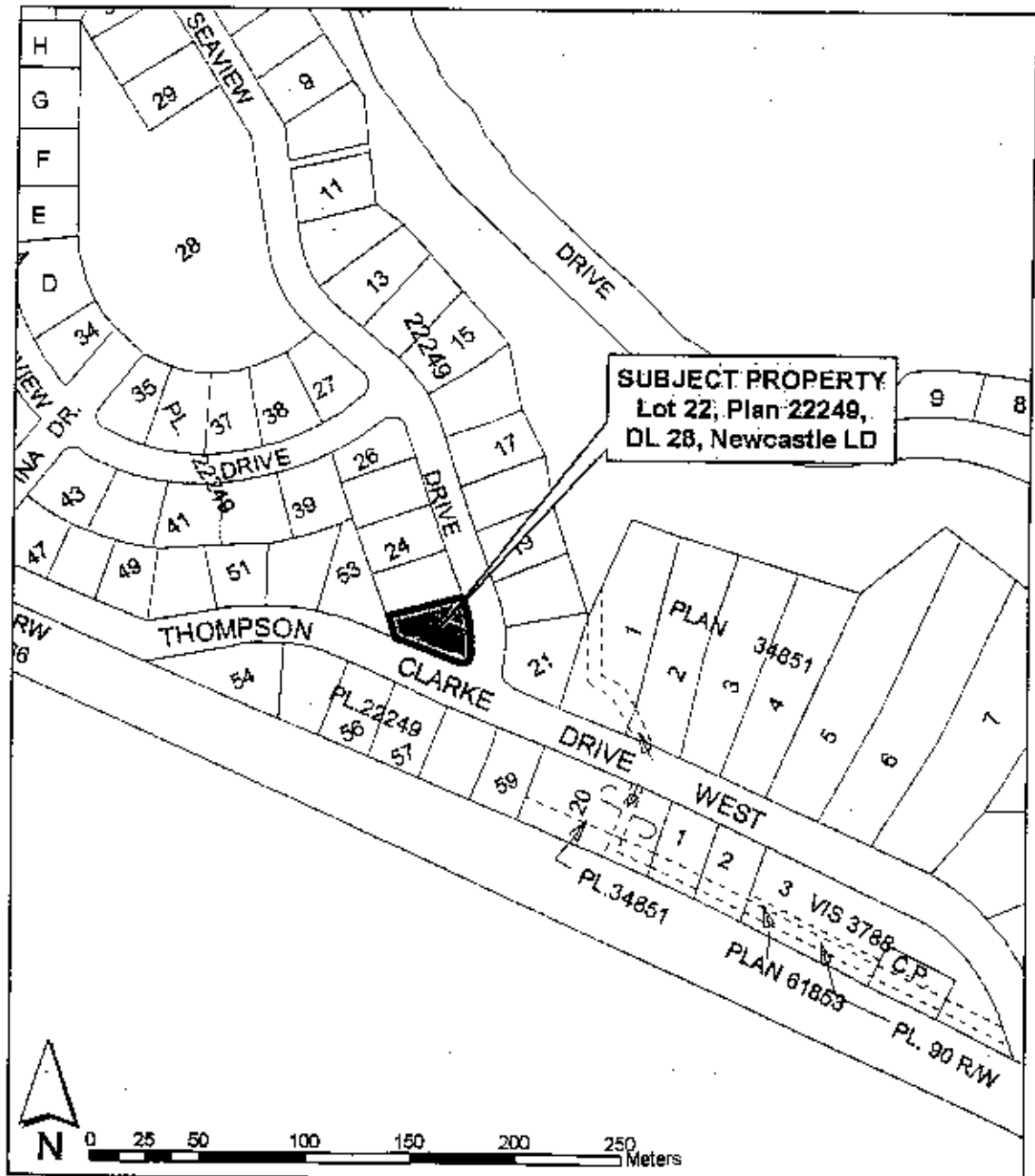
Schedule No. 3

Site Plan
Development Variance Permit No. 0217
Seaview Drive and Thompson Clarke Drive West



T & L THOMPSON
6250 SECHERT DR.
NANAIMO, BC V9Y 1C6
PH. 758-3893

Attachment No. 1
Subject Property
Development Variance Permit No. 0217
Seaview Drive and Thompson Clarke Drive West





REGIONAL DISTRICT OF NANAIMO		
OCT 15 2002		
CHAIR		GMCrs
CAO		GMDS
GMCrs		GMES
<i>E.H. Clanny</i>		

MEMORANDUM

TO: Pamela Shaw
Manager, Community Planning

DATE: October 11, 2002

FROM: Susan Cormie
Senior Planner

FILE: 3090 30 0218

SUBJECT: Development Variance Permit Application 0218 - Alexander
Electoral Area 'G' - 835 View Road

PURPOSE

To consider a development variance permit application to relax the minimum front lot line setback requirement to accommodate the siting of a partially constructed covered deck structure.

BACKGROUND

This is an application to legalize the siting of covered deck structure, which is partially constructed, for the property legally described as Lot 48, District Lot 78, Newcastle and Nanoose Districts, Plan 22438 and located at 835 View Road in Electoral Area 'G'. Surrounding uses include 2000 m² sized residential lots to the north, east, and west, and rural acreages to the south (*see Attachment No. 1 for location*). The subject property has a private well and septic disposal system.

The subject property is currently zoned Residential 1 (RS1) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The applicant is proposing to complete construction of a partially constructed deck built recently to replace a front porch and patio. The deck is larger than the original patio size and is situated 6.50 metres from the front lot line adjacent to View Road (*see Schedules No. 1 and 2 for site survey and cross section of deck*). As the minimum setback requirement under the Residential 1 zone for the front lot line is 8.0 metres, a variance to reduce the setback requirement to 6.50 metres is required.

ALTERNATIVES

1. To approve the development variance permit application as submitted, subject to notification procedure.
2. To deny the development variance permit application.

DEVELOPMENT IMPLICATIONS

The applicant recently took possession of the subject property and as part of house improvements, replaced a front porch and patio that were in need of extensive repairs with a covered deck. The applicant was not aware that a building permit was required to be in place prior to commencing this construction.

Upon being informed of this requirement, the applicant immediately applied for a building permit and the issue of the required setback from the front lot line was raised. The applicant does not wish to reduce the size of the deck to meet the minimum setback requirements, as this will create a less usable space. The deck is partially constructed, but at the time the Stop Work Order was issued, railings still needed to be built. In order to ensure that the deck is built to current building standards, the Building Inspection Department will require the applicant to submit a professional engineer's report certifying the works are built to current code. The applicant is in concurrence with providing this information.

PUBLIC CONSULTATION IMPLICATIONS

As part of the required public notification process, adjacent and nearby residents and property owners will have an opportunity to comment on the proposal prior to the Board's consideration of the permit.

VOTING

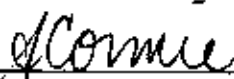
Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY

This is an application for a development variance permit to relax the minimum front lot line setback requirement to legalize the siting of a partially constructed deck and to allow the completion of the construction. As a professional engineer's report certifying the structural integrity of the deck will be required as part of the building inspection procedure, and as the requested setback relaxation to allow the deck is considered minor and appears to have little impact on the surrounding residential and rural neighbourhood, staff supports Alternative No. 1, to approve the development variance permit, subject to Schedules No. 1 and 2 and to the notification requirements pursuant to the *Local Government Act*.

RECOMMENDATION

That Development Variance Permit Application No. 0218, to relax the minimum front lot line setback requirement from 8.0 metres to 6.50 metres for the property legally described as Lot 48, District Lot 78, Newcastle and Nanoose Districts, Plan 22438, to accommodate a covered deck structure, be approved subject to Schedules No. 1 and 2 and the notification requirements pursuant to the *Local Government Act*.



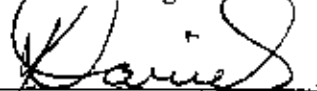
Report Writer



Manager Concurrence



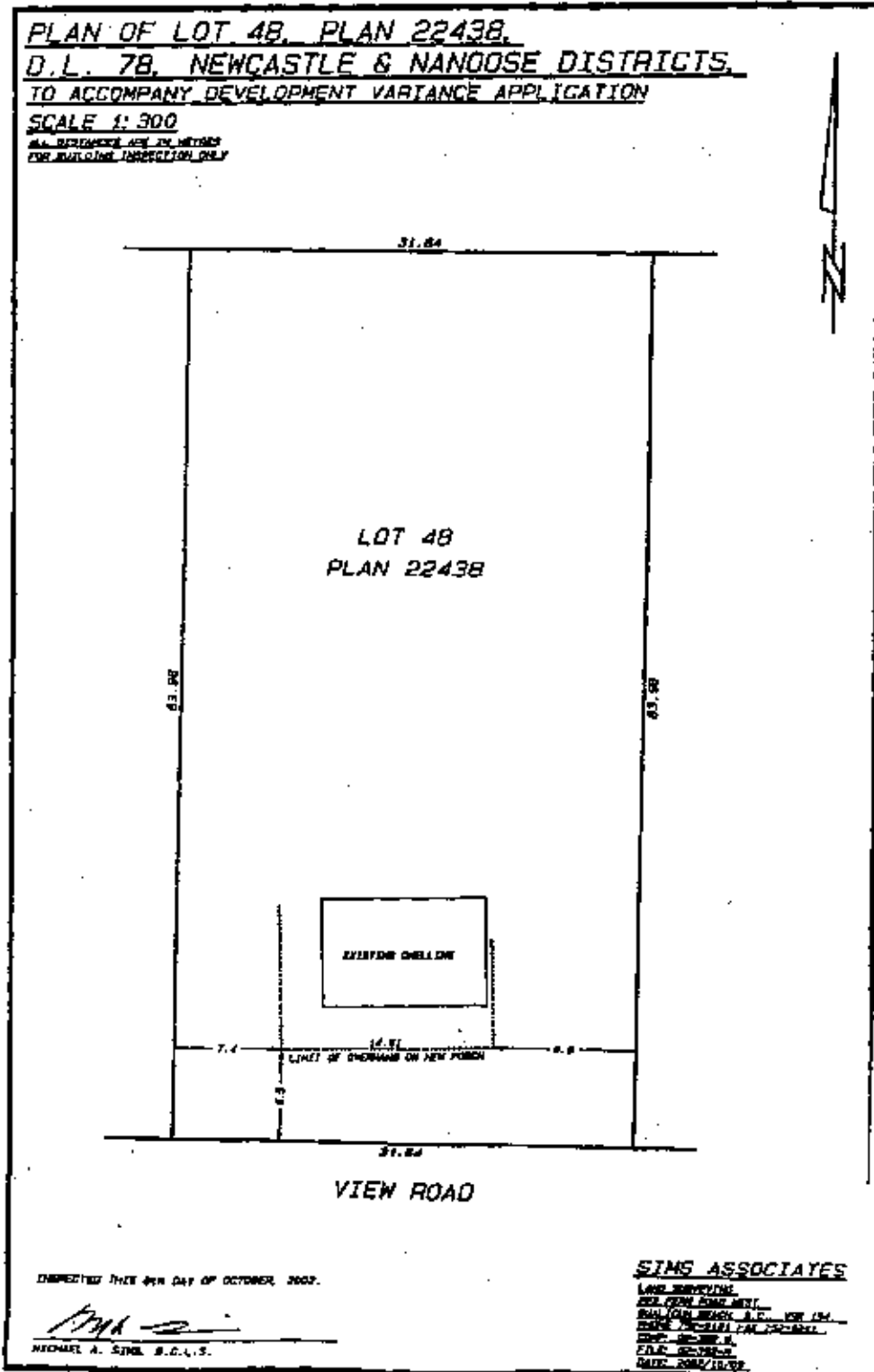
General Manager Concurrence



CAO Concurrence

COMMENTS:

Schedule No. 1
Site Plan
(as submitted by applicant / reduced for convenience)



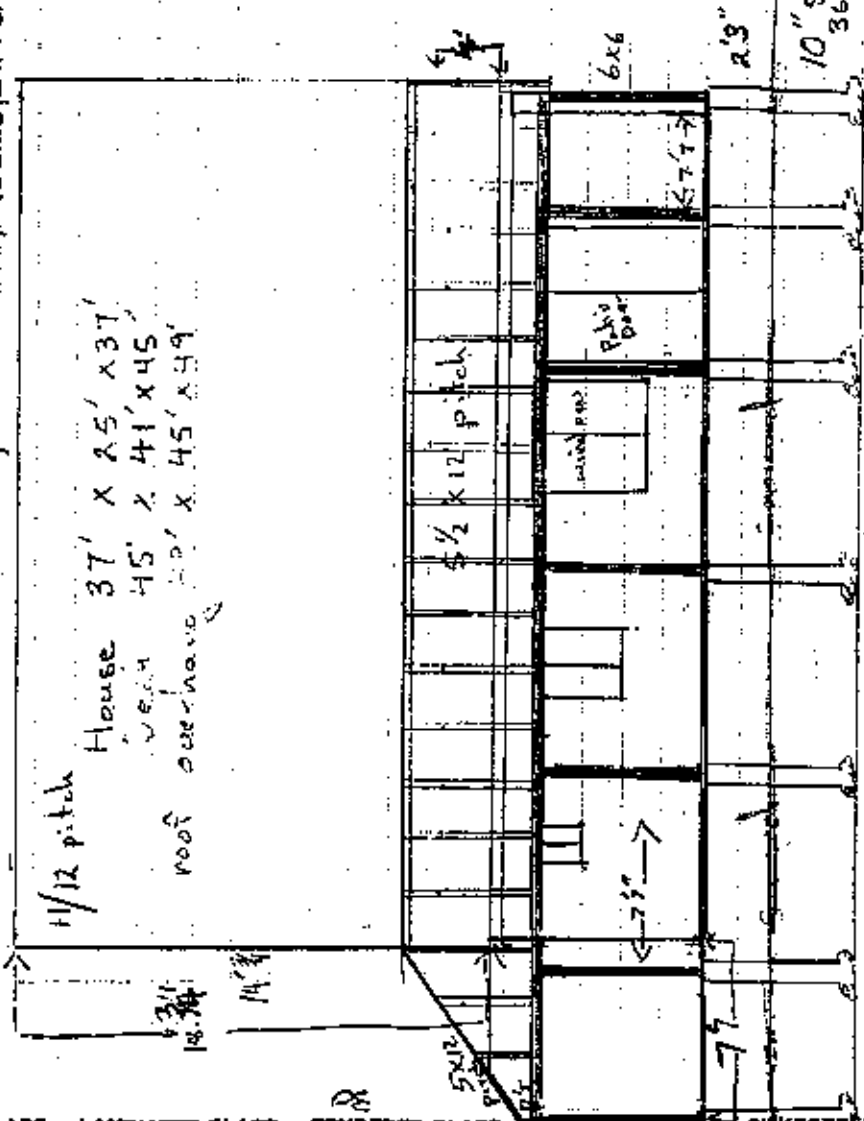
Schedule No. 2
 Cross Section of Covered Deck
 (as submitted by applicant)

WESCAN GLASS INDUSTRIES
 A Division of HGP Glass Industries of Canada Inc.



1/4" = 1.5' 33

House - 2x4 construction, Roof (Rafters 16" centers) 11/12 pitch
 Deck - 10" Sonatube 7'7" center to center, 3'6" in ground, 20mpa, from
 Joist hangers, 2x6 24" center joists, 2x6 center decking
 posts 6x6 7'1" high, headers 2x8 doubled, 2x10 endback, bird mount
 Rafters rest on 2x10, 2x8 rafters, 7/8 OSB, with dips, Duroids.

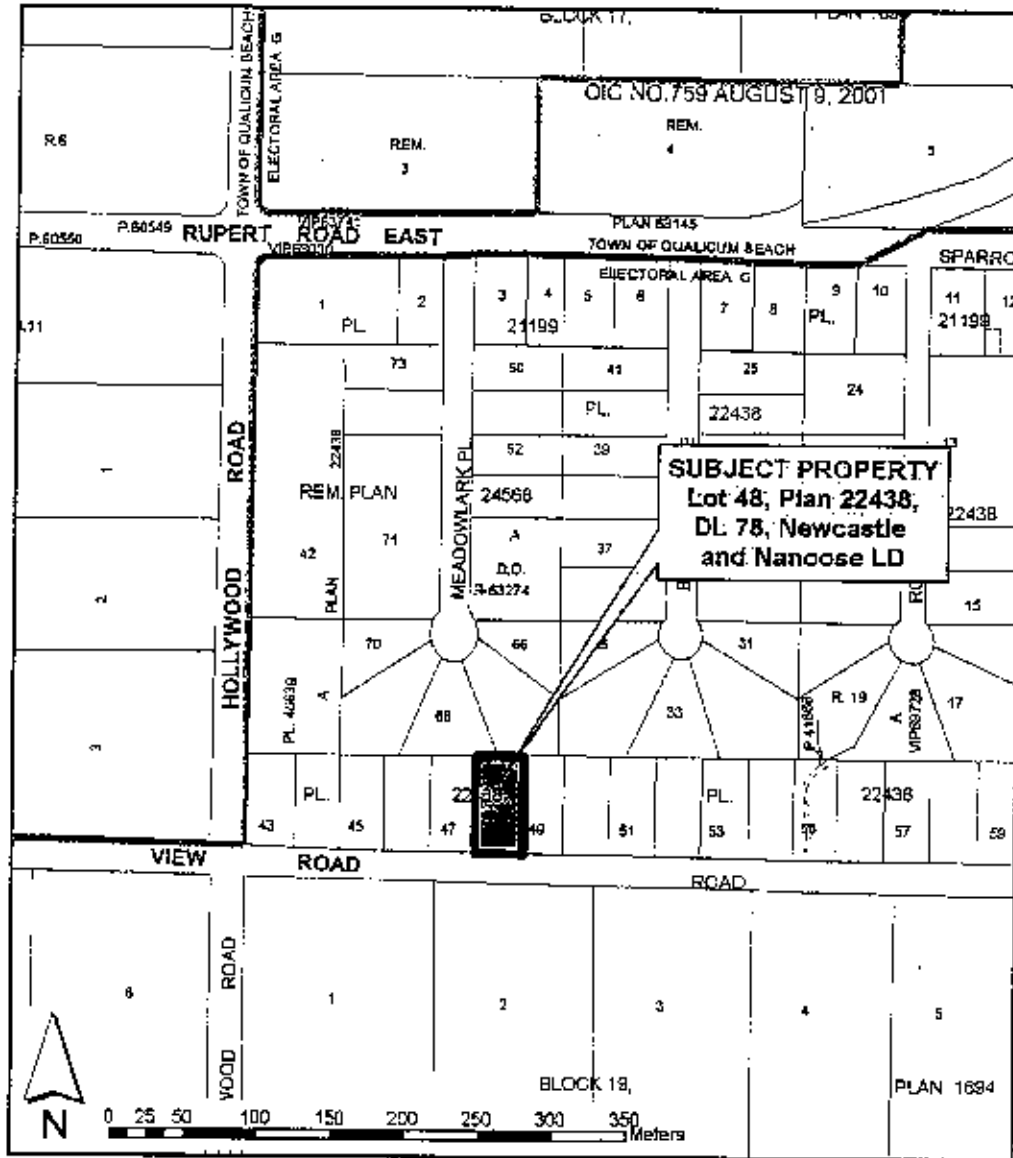


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Attachment No. 1
Location of Subject Property



BC28 Map Sheet No. R2F.088.2.4



REGIONAL DISTRICT OF NANAIMO		
OCT 15 2002		
CHAIR		GMCRS
CAO		GMDS
RMCRS		GMES
E.A. Planning		

MEMORANDUM

TO: Pamela Shaw
Manager, Community Planning

DATE: October 15, 2002

FROM: Deborah Jensen
Planner

FILE: 3090 30 0219

SUBJECT: Development Variance Permit Application No. 0219 - Timmermans
Lot 1, Section 4, Range 5, Cedar District, Plan VIP71097
Electoral Area 'A' - 3140 Graham Road

PURPOSE

To consider an application for a Development Variance Permit in the "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001" area to facilitate the development of a single-family dwelling. This application includes a request to vary the maximum permitted height of a structure.

BACKGROUND

This is an application to facilitate the construction of a single dwelling unit on a rural property located in Electoral Area 'A' (see Attachment No. 1). The subject property is a 2.01 hectares parcel located on Graham Road.

Zoning and Proposed Variances

The subject property is zoned Rural 4 (RU4) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," and is surrounded by similar or larger-size parcels with the same zoning. The minimum setback requirements for buildings and structures in this zone are 8.0 metres from all lot lines, or 30.0 metres where the buildings and structures are for housing livestock or storing manure. The maximum dwelling unit height within this zone is 9.0 metres.

The siting and dimensions of the proposed single dwelling unit are shown in Schedules No. 1 and 2. Due to architectural design and slope of the topography, the applicants are requesting a proposed variance to the maximum permitted height of a single dwelling unit from 9.0 metres to 10.5 metres. An application for relaxation of the maximum permitted height of the dwelling unit was submitted and heard at the meeting of the Board of Variance held October 9, 2002; however, this application was denied based on a lack of undue hardship. Therefore, the applicant is proceeding with an application for a Development Variance Permit.

Restrictive Covenants

Two restrictive covenants are registered to the title of the subject property. One restrictive covenant is registered to the Ministry of Health citing a covenant area for a sewage disposal system. The second is registered to the Regional District of Nanaimo, incorporating a geotechnical report prepared by

Lewkowich Geotechnical Engineering. This report indicates the site is underlain by bedrock, and is suitable for construction.

ALTERNATIVES

1. To approve the requested permit.
2. To deny the requested permit.

ENVIRONMENTAL IMPLICATIONS

The subject property is not located in an environmentally sensitive area as designated by the "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001." The Environmentally Sensitive Areas Atlas indicates the presence of a fish planning boundary on the subject property, as well as the presence of some wetland in the very southwest portion of the property.

LAND USE AND DEVELOPMENT IMPLICATIONS

From staff's assessment of this application, the potential visual impact of the height variance is reduced due to the size of the subject property and surrounding properties, and to the general topography of the subject property. The dwelling unit itself will consist of three levels that are staggered over the length of the building, with only two levels being visible from Graham Road.

One dwelling unit is located to the north of Graham Avenue, and would have visibility of the proposed dwelling unit (ie. the attached garage) through a border of trees. Therefore, the proposed dwelling unit would appear to have minimal visual impact on this property. The site is also located above Graham Road, and is bordered to the east by an approximately 7' rock slope, and to the south by a steep slope rising upward away from the building site.

The proposed building site is located in an area of extensive bedrock that has already been altered in preparation for construction. A geotechnical report is registered on the title of the property, providing information as necessary for the building inspector during the construction phase.

VOTING

Electoral Area Directors – one vote, except Electoral Area 'B'

SUMMARY/CONCLUSIONS

This is an application for a development variance permit to facilitate the development of a single dwelling unit. The application includes a request to vary the maximum permitted dwelling unit height from 9.0 metres to 10.5 metres. Staff recommends this application be approved subject to notification procedures pursuant to the *Local Government Act*.

RECOMMENDATION

That Development Variance Permit No. 0219, submitted by Cornelis Timmermans, to facilitate the development of a single dwelling unit and vary the maximum permitted dwelling unit height within the Rural 4 (RU4) zone from 9.0 metres to 10.5 metres for the property legally described as Lot 1, Section 4, Range 5, Cedar District, Plan VIP71097, be approved as submitted subject to the notification procedures pursuant to the *Local Government Act*.



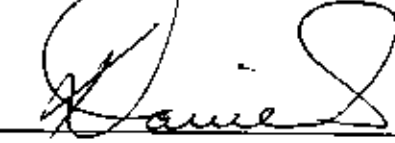
Report Writer



General Manager Concurrence



per. Manager Concurrence

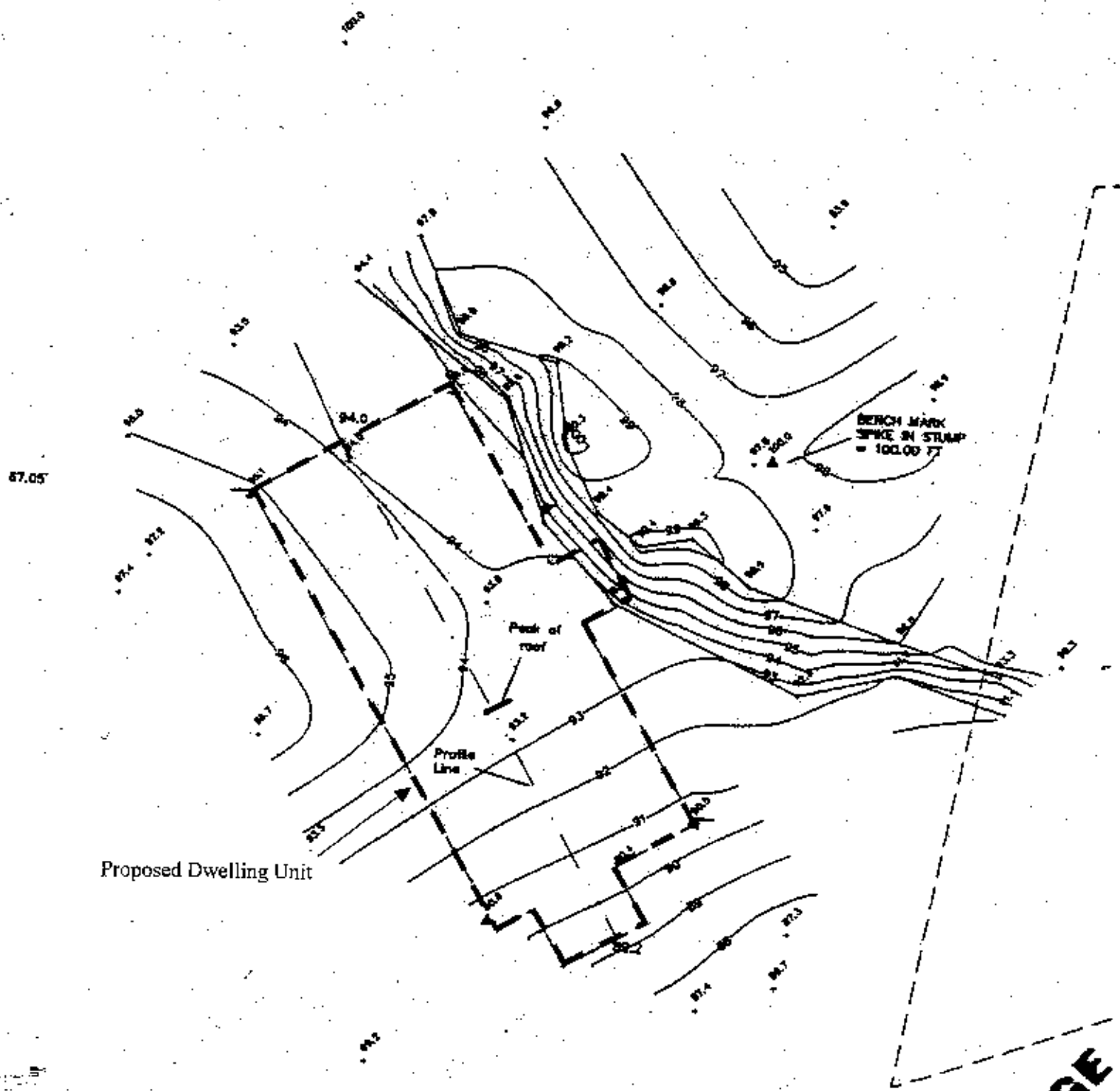


CAO Concurrence

COMMENTS:

devsvs/reports/2002/dvp oc 3090 30 0219 Timmermans

Schedule No. 1
Survey Plan
(As Submitted by Applicant)



87.05'

Proposed Dwelling Unit

Profile Line

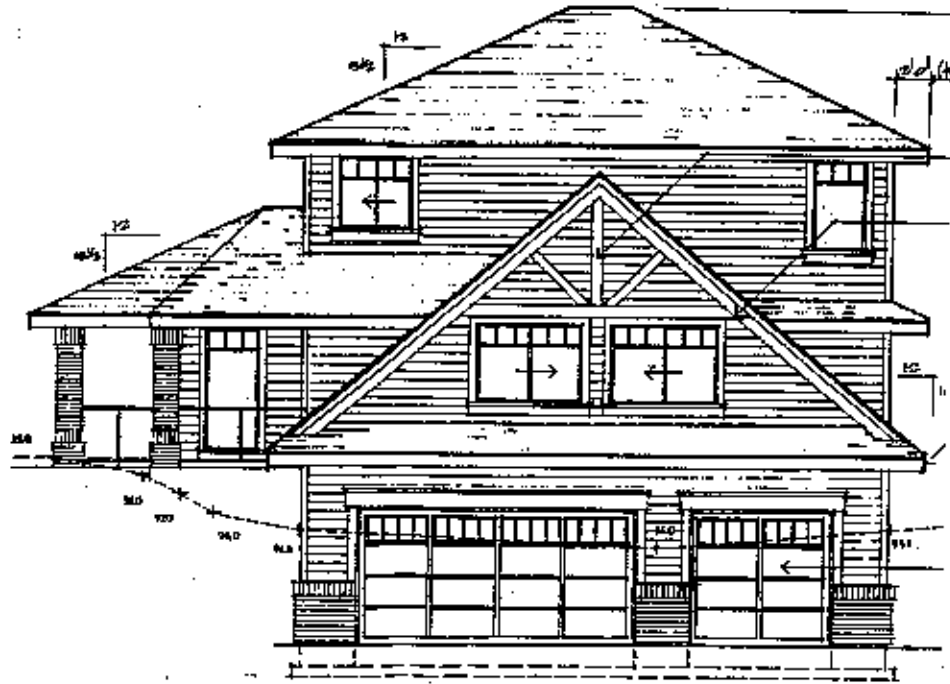
Peak of roof

BIRCH MARK SPIKE IN STUMP = 100.00 FT

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LOT 1

Schedule No. 2 (Page 1 of 2)
Building Profile
(As Submitted by Applicant)

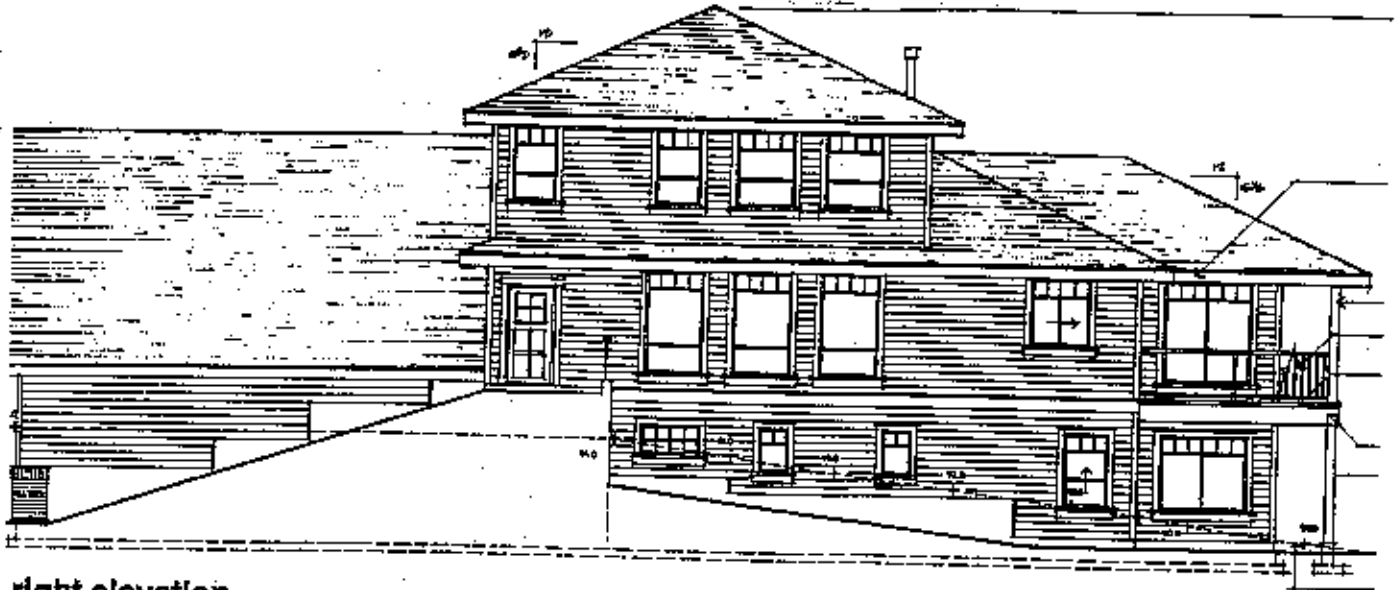


front elevation
scale: 1/8" = 1'-0"

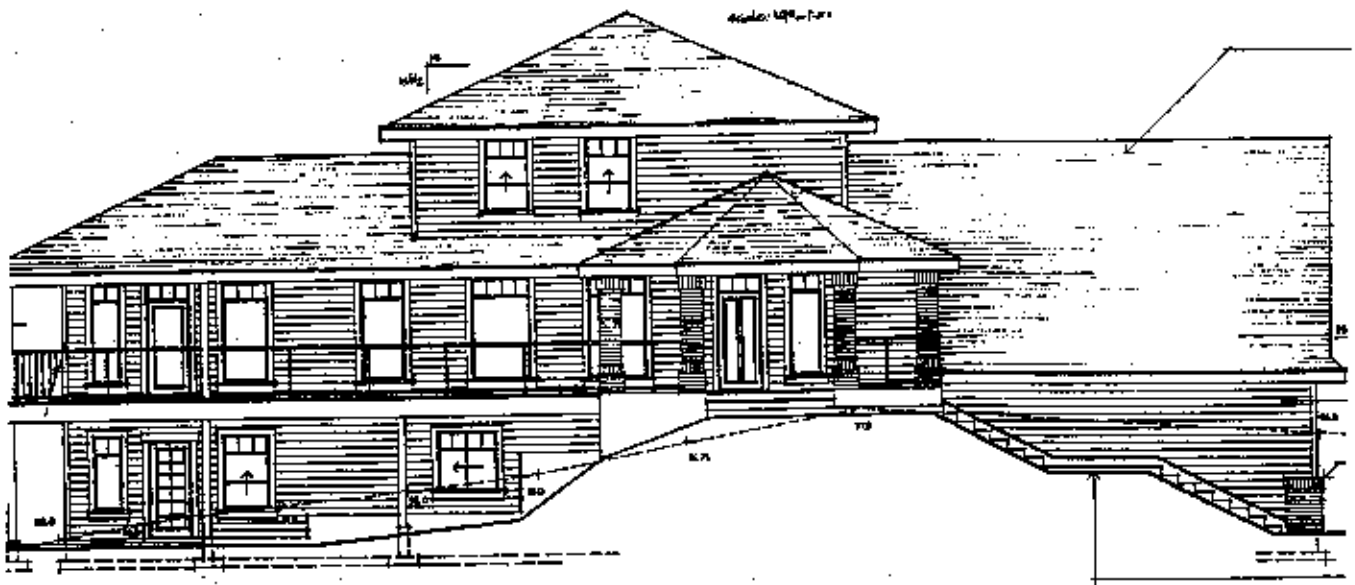


rear elevation
scale: 1/8" = 1'-0"

Schedule No. 2 (Page 2 of 2)
Building Profile
(As Submitted by Applicant)



right elevation
made: 10/11/02



left elevation
made: 10/11/02

Attachment No. 1
Subject Property Map

