

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA PLANNING COMMITTEE

TUESDAY, JANUARY 11, 2005

6:30 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

- 2 **Bill Katerenchuk**, re DP Application No. 60461 – Fairway Pointe Properties Ltd. (Quail's Landing) – 730 Barclay Crescent – Area G.

MINUTES

- 3-5 Minutes from the meeting of the Electoral Area Planning Committee held December 14, 2004.

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

- 6-20 DP Application No. 60459 – Windley Contracting Ltd., on behalf of Jill Maibach (Maibach Industries) – 2093 South Wellington Road – Area A.
- 21-27 DP Application No. 60461 – Fairway Pointe Properties Ltd. (Quail's Landing) – 730 Barclay Crescent – Area G.
- 28-42 DP Application No. 60462 – Anderson Greenplan Ltd. For Tycor Ventures Ltd. – 3702 Alberni Highway -- Area F.
- 43-50 DP Application No. 60463 – Bev & Gerd Voigt on behalf of 642703 BC Ltd. – off Kaye Road and the Island Highway – Area E.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

- 51-59 DVP Application No. 90501 – Peloso – 650 Meadow Drive -- Area G.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

IN CAMERA

ADJOURNMENT

DATE	DESTINATION FAX NO	NO OF PAGES (INCL THIS PAGE)	FILE
06 January 2005	250-390-7511	1	031028/Quail's Landing
TO Maureen Pearse		FROM Teresa Myrfield	
COMPANY Regional District of Nanaimo			
CITY		OTHER (SPECIFY)	

MESSAGE

Re: Regional District of Nanaimo Electoral Area Planning Committee Meeting
January 11, 2005 – Quail's Landing

I am writing on behalf of Mr. W. Katerenchuk (Bill). Mr. Katerenchuk would like to speak at the January 11, 2005 meeting regarding Quail's Landing.

Please call the writer or e-mail (tmyrfield@telus.net) should you have any questions.

Thank you.



Teresa Myrfield, P.Eng., BCLS, CLS
British Columbia Land Surveyor

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, DECEMBER 14, 2004, AT 6:00 PM
IN THE RDN BOARD CHAMBERS

Present:

Director E. Hamilton	Chairperson
Director H. Kreiberg	Electoral Area A
Alternate	
Director B. Jepson	Electoral Area D
Director P. Bibby	Electoral Area E
Director L. Biggemann	Electoral Area F
Director J. Stanhope	Electoral Area G
Director D. Bartram	Electoral Area H

Also in Attendance:

B. Lapham	General Manager, Development Services
K. Daniels	Chief Administrative Officer
C. Mason	General Manager, Corporate Services
J. Finnie	General Manager, Environmental Services
M. Pearse	Manager of Administrative Services

DELEGATIONS

J. Lettic, Nanoose Property Owners and Residents Association, re Area E OCP Review – Terms of Reference/Process and Procedures.

Mr. Lettic outlined his concerns with respect to the OCP review process.

Diane Pertson, Nanoose Bay Conservancy Society, re Area E OCP.

Ms. Pertson requested that the Committee not proceed with the draft OCP until further consultation is held with respect to environmental issues.

Ron Kuhn, Nanoose Property Owners and Residents Association, re Area E OCP Review – Community Sewer Service.

Mr. Kuhn spoke of his difficulty in understanding the sewer aspects section in the draft OCP.

Jeannette Thomson, re Area E OCP.

Ms. Thomson expressed serious concerns with the process and the need for more meetings before proceeding with the draft OCP.

Carol Anne Phillion, re Area E OCP.

Ms. Phillion voiced her concerns with respect to the draft OCP.

MOVED Director Stanhope, SECONDED Director Bartram, that the following late delegations be permitted to speak.

CARRIED

Ross Peterson, Northwest Nanoose Residents Association, re Nanoose Bay Official Community Plan.

Mr. Peterson expressed concerns with various sections of the draft OCP.

Mike Gray, re Nanoose Bay Official Community Plan.

Mr. Gray spoke to the letter on the agenda from the Nanoose Bay Coastal Property Owners Standing Committee outlining concerns with the draft OCP and requesting that the Board withhold processing the draft OCP.

Kiwi Stanner, re Nanoose Bay Official Community Plan.

Mr. Stanner advised that his concerns have been addressed by previous speakers.

Janet Farooq, re Nanoose Bay Official Community Plan.

Mr. Peterson read Ms. Farooq's submission outlining her concerns with various sections of the draft OCP.

MINUTES

MOVED Director Stanhope, SECONDED Director Bartram, that the minutes of the Electoral Area Planning Committee meeting held November 9, 2004 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Nanoose Bay Coastal Property Owners Standing Committee, re Nanoose Bay Official Community Plan.

MOVED Director Stanhope, SECONDED Director Bartram, that the correspondence from the Nanoose Bay Coastal Property Owners Standing Committee re Nanoose Bay Official Community Plan be received.

CARRIED

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60455 – Robbins-MacQueen – 312 Kinkade Road - Area G.

MOVED Director Stanhope, SECONDED Director Bibby, that Development Permit Application No. 60455 submitted by Heather Robbins-MacQueen for a development permit to allow for the construction of two additions to an existing dwelling unit within the Environmentally Sensitive Areas and Hazard Lands Development Permit Areas pursuant to "Regional District of Nanaimo Shaw Hill – Deep Bay Official Community Plan Bylaw No. 1007, 1996" for the property legally described as Parcel A, (DD 3874921), of Lot 6, District Lot 9, Newcastle District, Plan 14909 be approved, subject to the requirements outlined in Schedules No. 1 and 2.

CARRIED

OTHER

Consideration of an Offer for Park Land Dedication – Fern Road Consulting Ltd., on behalf of Carvalho – Lee Road – Area G.

MOVED Director Stanhope, SECONDED Kreiberg, that the Approving Officer be advised that the RDN supports the full 20.0 metre wide dedication to the Strait of Georgia pursuant to Section 8.1 of the *Bare Land Strata Regulations*; however, if the Approving Officer waives the requirement for access to water, the RDN would accept the offer by the applicant to dedicate park land with a minimum width of 6.0 metres in the amount and location as shown on Schedule No. 1 and that the RDN's position is a minimum standard for acceptance.

CARRIED

Update on Draft Nanoose Bay Official Community Plan.

MOVED Director Bibby, SECONDED Director Bartram,:

1. That the Draft Nanoose Bay Official Community Plan be received.
2. That the Nanoose Bay Official Community Plan Terms of Reference be amended to allow for a Public Information meeting on the Draft Nanoose Bay Official Community Plan.

CARRIED

ADJOURNMENT

MOVED Director Bartram, SECONDED Director Biggemann, that this meeting terminate.

CARRIED

TIME: 7:30 PM

CHAIRPERSON



REGIONAL DISTRICT
OF NANAIMO

JAN - 4 2005

CHAIR	GMCrs
	GMCrs
CAO	GMDS
	GMES
EAPC	

MEMORANDUM

TO: Jason Llewellyn
Manager, Community Planning

DATE: December 31, 2004

FROM: Greg Keller
Planner

FILE: 3060 30 60459

SUBJECT: Development Permit Application No. 60459 – Windley Contracting Ltd., on behalf of Jill Maibach (Maibach Industries)
Electoral Area 'A' – 2093 South Wellington Road

PURPOSE

To consider a development permit application to facilitate the development of a 557m² warehouse within the South Wellington Development Permit Area No. 1 for property in Electoral Area 'A'.

BACKGROUND

The Planning Department has received a development permit application for the property legally described as Lot 1, Section 12, Range 7, Cranberry District, Plan 18166 and located at 2093 South Wellington Road in Electoral Area 'A' (see Attachment No. 1 for location of subject property). The subject property is 0.53 ha in area and is currently zoned South Wellington 2 Comprehensive Development 11 (CD11) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The subject parcel is currently designated within the South Wellington Development Permit Area No. 1 pursuant to "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001" and therefore, a development permit is required in order to proceed with the proposed development. The applicant is not proposing any variances to Bylaw No. 500 or "Regional District of Nanaimo Sign Bylaw No. 993, 1995" requirements as part of this development permit application.

The Board of the Regional District previously issued two (2) development permits on the subject property. Development Permit No. 89 was issued on July 26, 1995 to allow for the construction of the existing building and associated landscaping. Development Permit No. 0125 was issued on June 12, 2002, which varied the requirements of Bylaw No. 500 to relax the minimum required front lot line setback from 8.0 metres to 1.2 metres to allow for the placement of an existing freestanding sign and increased the maximum allowable number of signs pursuant to Bylaw No. 993 from two (2) to four (4). The existing signage appears to be in compliance with the requirements of Development Permit No. 0125.

Proposed Development

The applicant is proposing to construct a 557m² warehouse development for the storage of building materials (see Schedule Nos. 2 and 3 for proposed layout and building profiles). As part of this application, the applicant is also proposing to construct an engineered storm water drainage system including the installation of an oil-water separator. Landscaping is proposed to include a variety of shrubs and ground covers to enhance the existing landscaping adjacent to South Wellington Road (see

Schedule No. 4). No new signs are being proposed as part of this application. However, the applicant is proposing to relocate an existing previously approved illuminated fascia sign currently flush mounted on the exterior wall of the existing building to the proposed warehouse and has indicated that the contents (wording) of the sign may change, but the illumination, type, and dimensions of the sign will remain as previously approved (*see Schedule No. 3*). The applicant is also proposing to construct a chain link fence in order to separate the uses on the property and provide additional security.

ALTERNATIVES

1. To approve the Development Permit No. 60459 as submitted
2. To deny the development permit as submitted

DEVELOPMENT IMPLICATIONS

Development Permit Guidelines

With respect to the site layout, the application is considered to be in substantial compliance with the applicable guidelines. However, the South Wellington Development Permit Area No. 1 guidelines recommend that all off-street parking and loading areas be located to the rear of buildings and structures. In this case, the proposed parking is not located to the rear of the proposed building. However, given the site layout, it is not practical to relocate the parking and loading facilities to the rear of the building as this is the location of the existing sewage treatment plant and future septic disposal system. In addition, there is Residential 2 (RS2) zoned property to the rear of the existing building that could potentially be negatively impacted by locating the proposed parking and loading facilities adjacent to the RS2 zoned property. Therefore, staff supports the proposed location for parking and loading facilities.

Landscaping Requirements

Enhancement and densification of the existing landscaping located adjacent to South Wellington Road to bring it in to compliance with Bylaw No. 500 is recommended. In addition to the above, it does not appear that all landscaping works previously approved under Development Permit No. 89 have been complete including two proposed landscaped areas on the east and west of the existing building. Therefore, it is recommended that the applicant also be required to complete the landscaping and associated improvements previously approved under Development Permit No. 89. In order to ensure completion of the required landscaping improvements, staff recommends that a security deposit in a form acceptable to the Regional District of Nanaimo be required in an amount equal to the estimated total cost of all landscaping and improvements. The applicant's landscape contractor has submitted a reasonable itemized cost estimate for all required landscaping. Please refer to Schedule No. 4 for a copy of the landscaping estimate as submitted by the landscape contractor. The applicant has submitted landscaping security in the amount of \$3844.00, an amount equal to the total estimated cost of the proposed landscaping works.

Ministry of Transportation Implications

With respect to access to the proposed development, the Ministry of Transportation has approved access permits 24034 and 24164 on the subject property. However, staff recommends that as a condition of approval, the applicant be required to continue to comply with the conditions of the previously approved Ministry of Transportation access permits.

Site Servicing Implications

With respect to storm water drainage works, the applicant is proposing to direct runoff from roof perimeter drains to a dispersal trench located to the northeast of the proposed warehouse. An oil-water separator system is also being incorporated into the drainage system for the protection of the groundwater and aquifer. This has been included in the development permit conditions.

With respect to septic disposal, the applicant is proposing to utilize an existing treatment plant and septic field engineered by Lewkowich Geotechnical Engineering Ltd. and has submitted a copy of the Ministry of Health septic approval dated October 26, 2004 for the above mentioned septic disposal system.

In previous written correspondence, the applicant has stated that the Fire Chief did not reveal any concerns with respect to the size and type of building proposed for the site. However, in order to ensure adequate fire protection and emergency vehicle access to the proposed development, it is recommended that the applicant consult with the Local Fire Chief and that this be a condition of the corresponding development permit

Geotechnical Implications

The applicant has submitted a geotechnical report dated November 08, 2004 prepared by Lewkowich Geotechnical Engineering Ltd. relating to the design and construction of the proposed warehouse and septic field. In summary, the report found that the existing site fill is not considered suitable for supporting the proposed warehouse foundation. The report recommends that the applicant undertake site preparation including, but not limited to, the removal and replacement of the existing fill under the supervision of a Geotechnical Engineer.

In addition, the report also recommends that the applicant retain a Geotechnical Engineer to provide geotechnical assurance services during construction. With respect to drainage, the report found the site, especially in the southwest corner, suitable for ground disposal of roof drainage. The report recommends that roof drainage be directed to a dispersal trench located in the southwestern portion of the site. Staff recommends, that as a condition of approval, the applicant be required to adhere to all recommendations outlined in the geotechnical engineering report as submitted by the applicant.

Parking and Loading Requirements

The applicant is proposing to construct a 557m² warehouse of which 511.0 m² is proposed for storage and 46.4m² is proposed for office. The proposed building requires a minimum of five (5) parking stalls pursuant to Bylaw No. 500. The applicant is proposing to provide eight (8) parking stalls including one handicapped stall. In addition, there are also six (6) parking stalls located adjacent to the existing building, which exceeds the minimum number of parking stalls required pursuant to Bylaw No. 500. The applicant is also proposing to construct two (2) loading bays to give access to the storage area of the building. Staff recommends that as a condition of approval, the applicant be required to construct all parking and loading stalls to Bylaw No. 500 standard.

VOTING

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

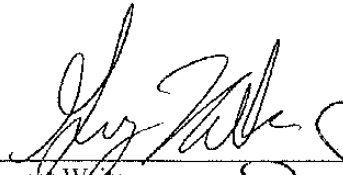
SUMMARY

This is an application for a development permit for the construction of a 557m² warehouse on property designated within the South Wellington Development Permit Area No. 1 pursuant to the Electoral Area 'A' OCP specifically for the purposes of form and character and the protection of the Cassidy aquifer. The proposed development is substantially in compliance with the guidelines of the South Wellington Development Permit Area No. 1 and the IN1 zoning requirements. No variances to Bylaw No. 500 or Bylaw No. 993 are proposed as part of this application.

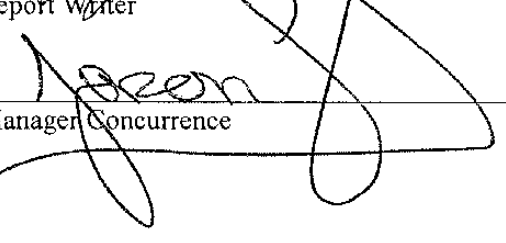
For the above reasons, staff recommends Alternative No. 1, to approve the development permit subject to conditions outlined in Schedule Nos. 1 to 4.

RECOMMENDATION

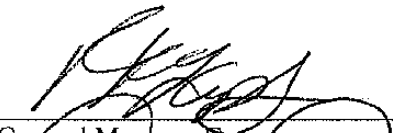
That Development Permit No. 60459 submitted by Windley Contracting, on behalf of Maibach Industries Ltd., to allow for the construction of a 557m² warehouse within the Electoral Area 'A' Official Community Plan South Wellington Development Permit Area No. 1 for the property legally described as Lot 1, Section 12, Range 7, Cranberry District, Plan 18166 be approved, subject to the conditions outlined in Schedule Nos. 1, 2, 3, and 4.



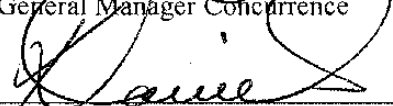
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

Schedule No. 1 (1 of 2)
Conditions of Approval
Development Permit Application No. 60459

The following sets out the conditions of approval:

Building / Site Development

1. The subject property shall be developed in accordance with the Site Plan as shown on Schedule No. 2.
2. The applicant shall comply with all recommendations contained within the Geotechnical Assessment dated November 08, 2004 prepared by Lewkowich Geotechnical Engineering Ltd.
3. The buildings shall be designed and constructed, including the incorporation of building materials, as shown on Schedule No. 3.
4. The proposed warehouse shall not exceed an overall building height of 8.0 metres as measured from natural grade.
5. All development shall comply with "Regional District of Nanaimo Land Use and Subdivision No. 500, 1987", and "Regional District of Nanaimo Sign Bylaw No. 993, 1985".
6. The two (2) existing storage containers and propane storage tank shall be removed from the site during construction and prior to occupancy.
7. A building permit shall be required prior to construction.

Landscaping Requirements

8. Landscaping to be provided as shown on Schedule No. 4 and shall, at the minimum, satisfy the following criteria:
9. Landscaping shall be totally comprised of biologically diverse and drought resistant plants.
10. 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.
11. All landscaping shall be permanently maintained in good condition with, at a minimum, the same quality and quantity of landscaping as was initially approved and without alteration of the approved design; the owner shall make provisions for the permanent irrigation works necessary to water the landscaping.
12. 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 require sight triangle.
13. All landscaped areas shall be constructed completed with a permanent curb a minimum of 15 cm in height to protect all landscaped areas from potential vehicular damage.
14. The subject property shall be fenced as shown on Schedule No. 2.
15. A landscape security deposit, pursuant to Bylaw No. 500, in the amount of \$3844.00 is to be held by the RDN pending the completion of the required landscaping to the satisfaction of the Regional District of Nanaimo.

Storm Water Drainage

16. The site shall be developed in accordance with all recommendations contained in the Geotechnical Assessment report with respect to storm water management dated November 98, 2004 prepared by Lewkowich Geotechnical Engineering Ltd. and subject to the approval of the Ministry of Transportation and the Regional District of Nanaimo and in accordance with Schedule No. 2

Schedule No. 1 (2 of 2)
Conditions of Approval
Development Permit Application No. 60459

17. An engineered oil-water separator shall be designed and constructed to industry standard for the purpose of the protection of the Cassidy aquifer.

Local Fire Protection / Fire Chief

18. Local Fire Chief to approve site layout.

Off-Street Parking Spaces and Aisle Ways

19. All off street parking spaces and aisle ways shall be in accordance with Schedule No. 2.
20. All parking areas, including aisle ways, shall be constructed to Bylaw No. 500 standards and all parking spaces shall be clearly delineated through the use of painted lines on paved surfaces or concrete parking stops on compacted and dust free surfaces.

Signage

21. No signs shall be enlarged, erected, constructed, or placed on the subject property without Regional District of Nanaimo approval.
22. The existing illuminated “G&G Roofing” sign currently mounted on the existing building shall be removed and relocated to be flush mounted on the proposed warehouse as shown on attached schedule 3 and forming part of this permit.

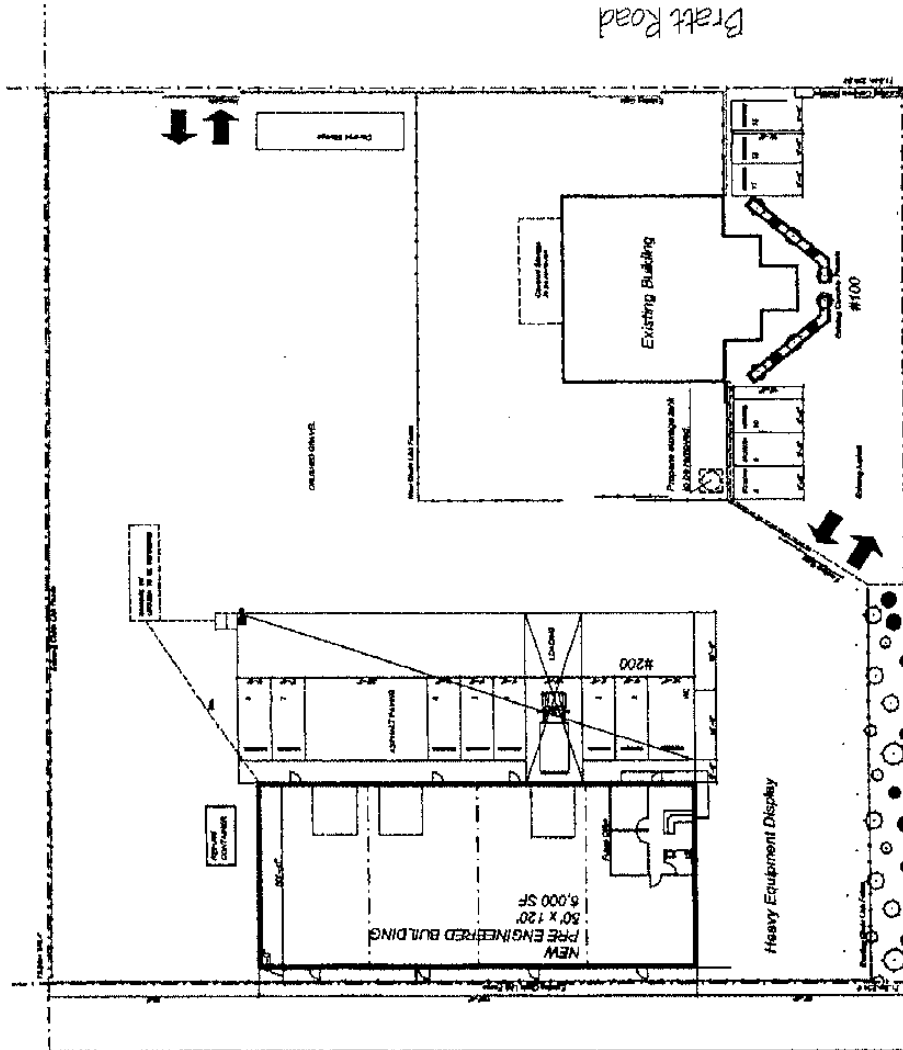
Refuse Containers and Other Outdoor Storage

23. All refuse containers shall be permanently located on the southwest side of the proposed building out of sight from the Trans Canada Highway.

Ministry of Transportation

24. Applicant to meet requirements of Ministry of Transportation to its satisfaction in accordance with MOT access permits numbered 24034 and 24164 and amendments thereto.

Schedule No. 2 (1 of 2)
Proposed Site Layout (As submitted by the applicant)
(Reduced for Convenience)
Development Permit No. 60459

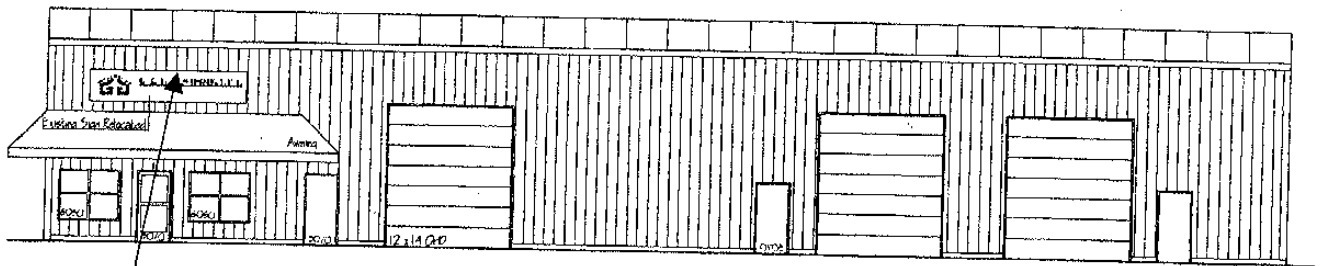


2093 South Wellington Road

SITE PLAN
 Scale: 1/16" = 1'-0"

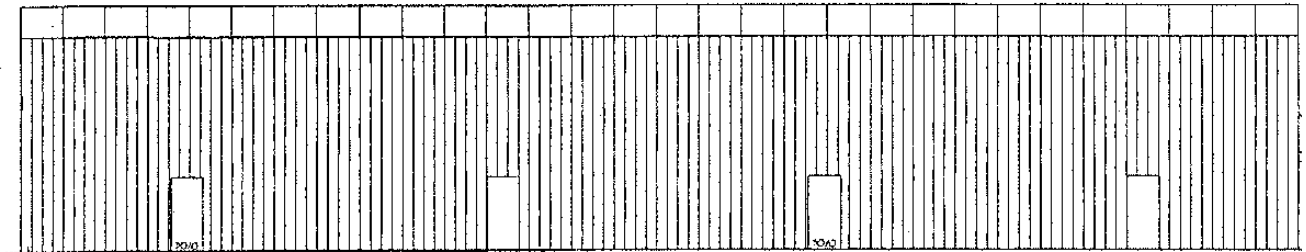
PROJECT DATA	
LEGAL DESCRIPTION	LOT 1, SECTION 2, RANGE 7, PLAT 2866
CITY ADDRESS	2995 SOUTH WELLINGTON ROAD
ZONING	CO #
LAND USE	OUTDOOR SALES / HEAVY EQUIPMENT DISPLAY
LOT AREA	320' x 1.31 ACRES
BUILDING AREA	863.6 sq. ft. 8459 sq. ft.
BUILDING TO LOT AREA RATIO	26.4%
Existing Buildings	STORAGE OFFICE 295.0 sq. ft. 312 sq. ft.
New Buildings	STORAGE OFFICE 1546 sq. ft. 16.8 sq. ft.
Toilets	728 sq. ft. 788.8 sq. ft.
Total Floor Area	4498 sq. ft. 843.6 sq. ft.
Lot Coverage	15.2%
Parking	STANDARD & SMALL CAR 13
	MOTORCYCLES 14
	TRUCK STALLS 14
Recessed	728.8 / 227 sq. ft. 3.2
	80.8 / 102 sq. ft. 2.01
	TOTAL STALLS Maximum 5 5 9

Schedule No. 3 (Page 1 of 3)
Building Profiles (as submitted by applicant)
(Reduced for convenience)
Development Permit No. 60459



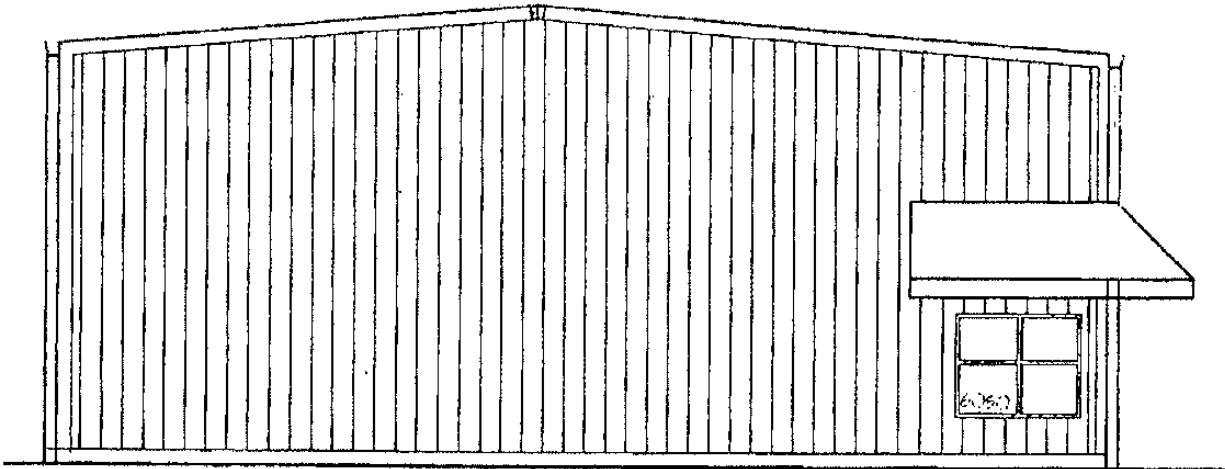
Existing sign to be
relocated from the
existing building to
the proposed
building

North Elevation

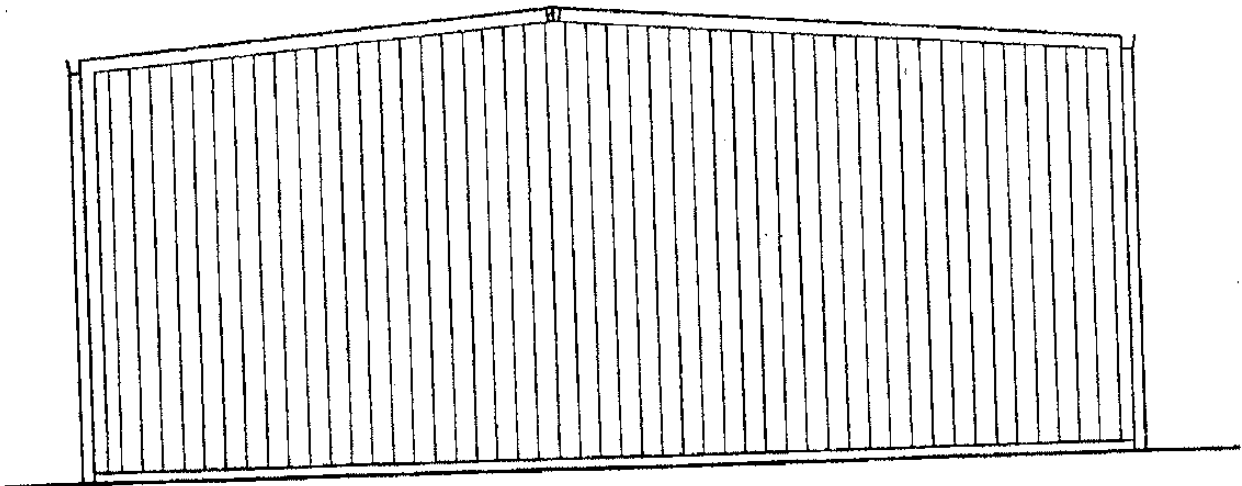


South Elevation

Schedule No. 3 (Page 2 of 3)
Building Profiles (as submitted by applicant)
(Reduced for convenience)
Development Permit No. 60459



West Elevation



East Elevation

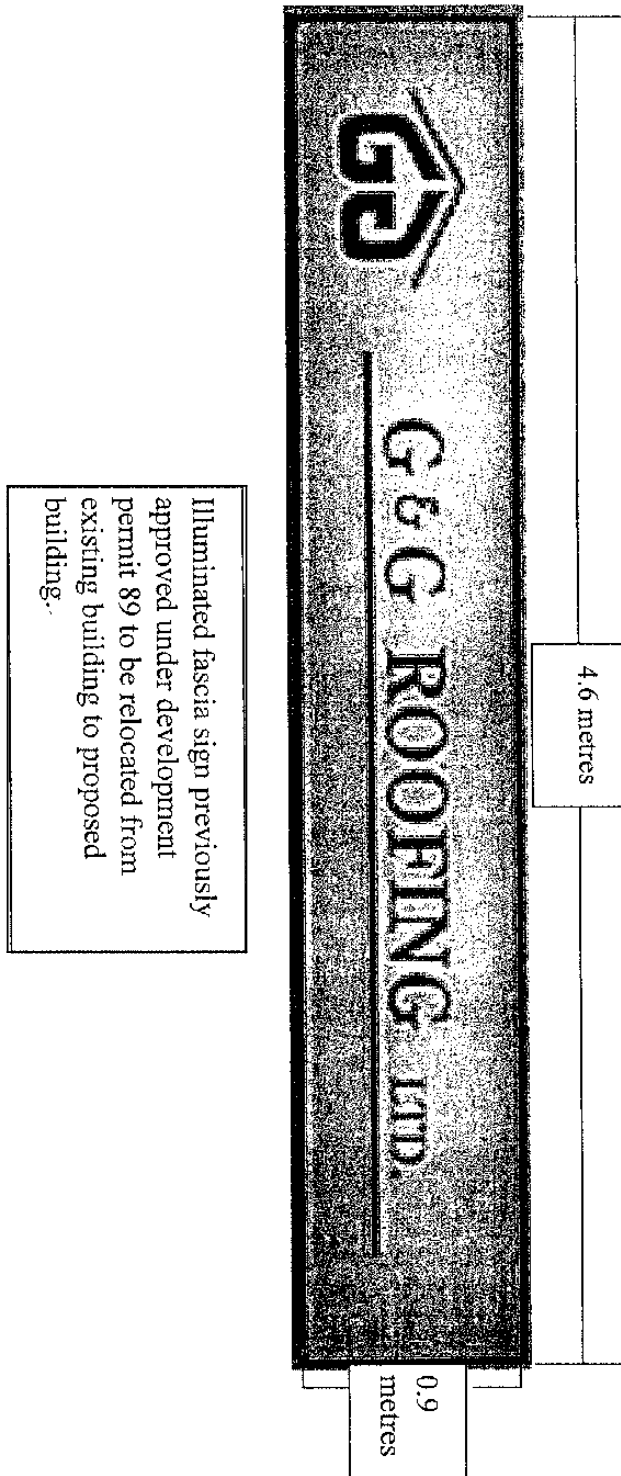
Schedule No. 3 (Page 3 of 3)

Photo of existing sign to be relocated from existing building to proposed building

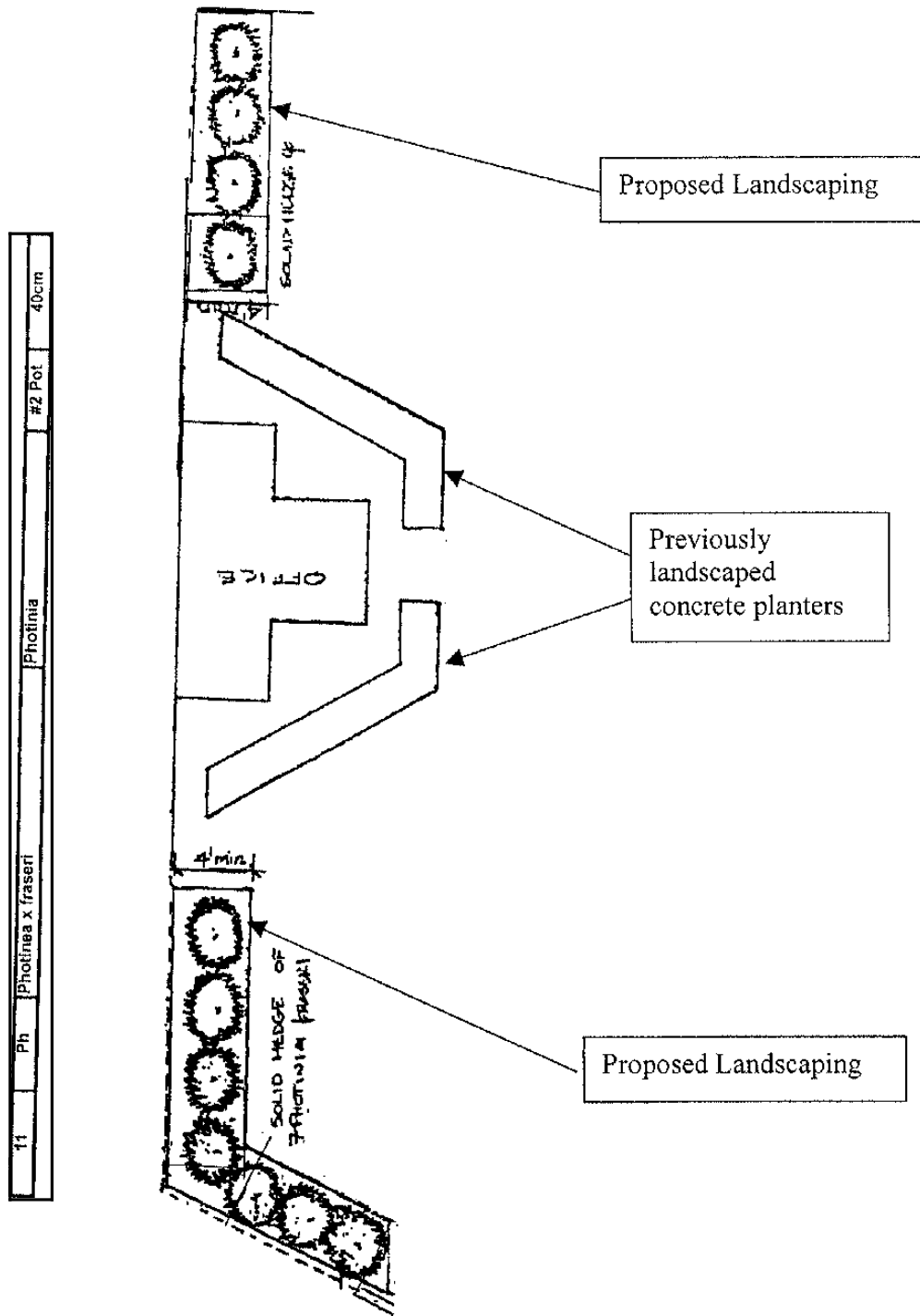
(Taken November 23, 2004)

Measurements are approximate and are provided by the applicant

Development Permit No. 60459



Schedule No. 4 (Page 1 of 3)
Proposed Landscaping Plan
Development Permit No. 60459

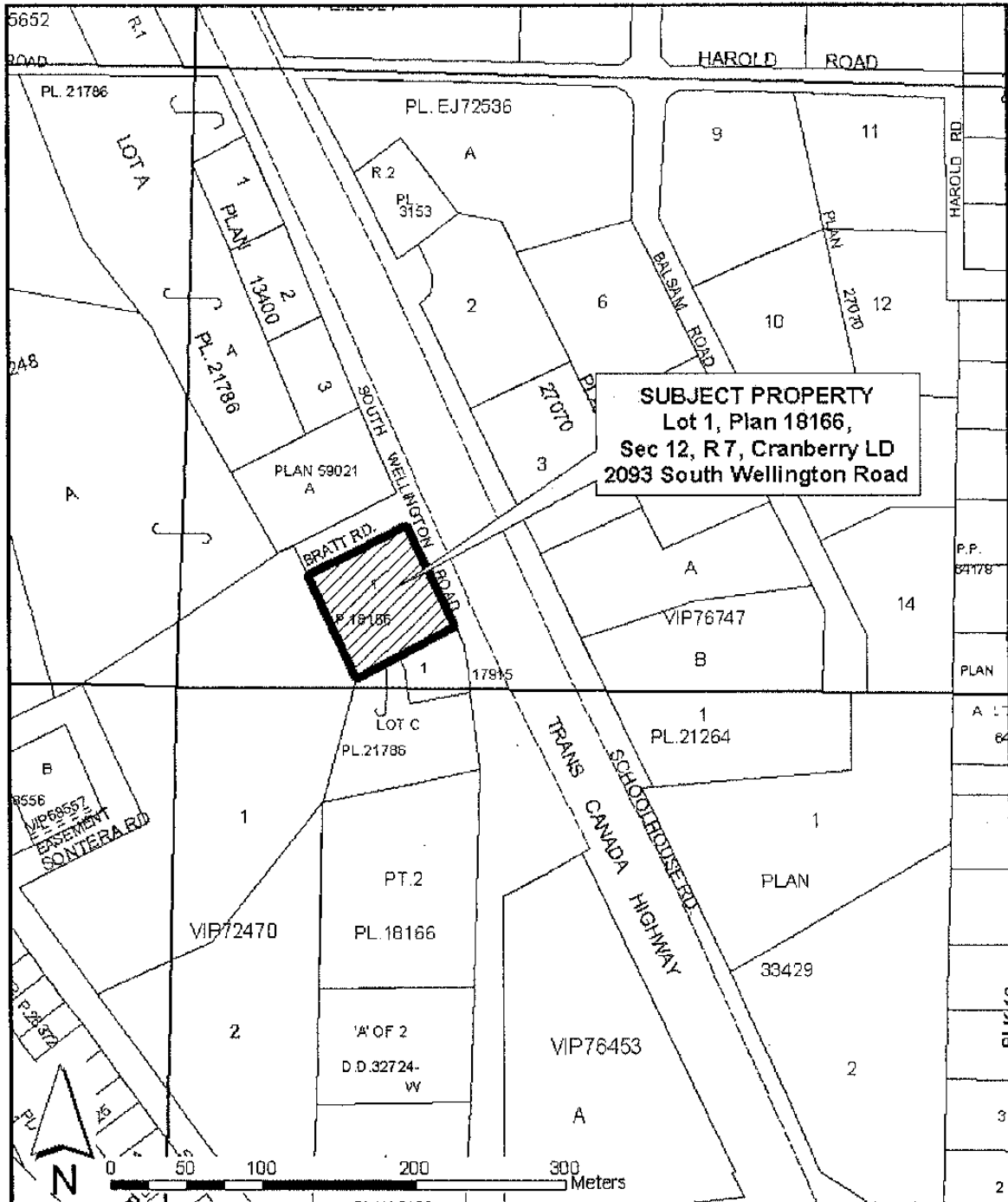


Schedule No. 4 (Page 3 of 3)
Itemized Cost Estimate
 (As submitted by the Applicant's Landscape Contractor)
 Development Permit No. 60459

Plant List						
Quantity	Symbol	Common Name	Size	Remarks	Price ea.	Extension
Shrubs						
12	Ma	Oregon Grape	#2 pot	40cm	\$ 8.00	\$ 96.00
17	Pj	Lily of the Valley Shrub	#2 pot	40cm	\$ 8.00	\$ 136.00
9	Pl	Zabel's Laurel	#2 pot	50cm	\$ 9.00	\$ 81.00
11	Pf	Fraser's Photinia	#2 pot	40cm	\$ 8.00	\$ 88.00
Ground Covers						
100	Au	Kinnik Kinnik	10cm pot	-	\$ 1.35	\$ 135.00
					Total	\$ 536.00

Plant Material	\$ 536.00
Topsoil	\$ 315.00
Bark Mulch	\$ 133.00
6" x 6" Cedar Timber Planters (24" ht.)	\$ 2,160.00
Misc.	\$ 100.00
Labour	\$ 600.00
Total This Estimate	\$ 3,844.00

Attachment No. 1
Location of Subject Property
Development Permit No. 60459



BCGS Map Sheet No. S2G.001.4.3



REGIONAL DISTRICT OF NANAIMO	
JAN - 5 2005	
CHAIR	GMCMS
	GMCrS
CAO	GMDS
	GMES
EAPC	

MEMORANDUM

TO: Jason Llewellyn Manager, Community Planning DATE: January 5, 2005

FROM: Susan Cormic Senior Planner FILE: 3060 30 60461

SUBJECT: Development Permit Application DP 60461 - Fairway Pointe Properties Ltd. (Quail's Landing) Electoral Area 'G', 730 Barclay Crescent

PURPOSE

To consider an application for a development permit, with variances, in conjunction with the 54-unit multiple family residential phased strata complex currently being developed in the French Creek area of Electoral Area 'G'.

BACKGROUND

The subject property, legally described as Lot 1 District Lot 126 Nanoose District Plan VIP76030 Except That Part in Strata Plan VIS5531 (Phases 1, 2, 3, 4, 5, 6, and 7) is located at the end of Barclay Crescent within Electoral Area 'G' (see Attachment '1' for location). The property is zoned Residential 5 (RS5) and is within Subdivision District 'Q' pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

In 2003, Development Permit No. 60319 was issued approving the development of the site with a 54-unit multiple residential development consisting of 27 duplex units with 4 styles of housing varying in size from 134 m² to 162 m². Various elements involving the site layout such as location of buildings, access route, and landscaping were secured under this Permit.

In addition, a development covenant, which was registered at the time of rezoning of the property, secures a number of conditions including off-site sanitary sewer works, the dedication of park land and the construction of a trail, the upgrading of Robertson Boulevard, a statutory right-of-way crossing the site to provide public access to the undeveloped road south of the property, and the design and construction of a storm water management plan. These conditions are also secured in Development Permit No. 60319.

The applicant, as part of Development Permit No. 60319, received a number of variances including variances from the minimum 10-metre setback requirement from the lot lines adjacent to the park land located along the top of the steep bank.

A second Development Permit (No. 60416), approved in May, 2004, involved interchanging some of the building styles and granted variances to the required setbacks adjacent to Morningstar Golf Course and the unnamed dedicated road along the south lot of the parent parcel.

Proposed Bylaw Variances

As part of this application, the applicant is requesting a further variance to the setback from the lot line adjacent to the park land boundary (as approved in DP 30319) from 7.8 metres to 6.0 metres to accommodate one duplex building consisting of Units 151 and 153. The original bylaw requirement was for a setback of 10.0 metres from the lot line.

ALTERNATIVES

1. To approve the development permit as submitted with the variances subject to the conditions outlined in Schedules No. 1 and 2 and the notification procedure pursuant to the *Local Government Act*.
2. To deny the development permit as submitted.

DEVELOPMENT IMPLICATIONS

The overall development of the site has been secured under Development Permits No. 60319 and 60416. This includes the dedication of park land (completed), trail building through the park land, a statutory right-of-way over the property to allow access to the unnamed road to the south of the property (future trail location), and engineering works and services associated with the development of the site.

The applicant is currently constructing the last phase of this building strata subdivision and discovered that in order to ensure suitable driveways to these units, the building would have to be moved closer to the lot line which runs along the top of a steep bank (park land). There is currently a geotechnical report on title, which establishes the minimum setback requirements for the proposed buildings located adjacent to the top of the bank. The applicant has supplied a revised report from his geotechnical engineer, which supports a minimum 6.0 metre setback from the top of the bank for Units 151 and 153. Although while obtaining the geotechnical support, the applicant neglected, through miscommunication with his surveyor, to apply to the Regional District for a further variance and instead proceeded with constructing Units 151 and 153 within the approved setback area. At the time of commencing construction, the applicant's surveyor gave verbal confirmation that the location of the foundations was placed by survey; however, when the surveyor's plan was submitted to the Regional District at a later date, it was discovered that the building foundations did not meet the previously approved minimum setback of 7.8 metres. A Stop Work Order was subsequently placed; however, by that time the buildings were framed and partially roofed.

This request for relaxation of the setback adjacent to the park land boundary has little impact on the park land itself, due to the steep bank. In addition, from a land use compatibility and siting perspective this request is not expected to negatively impact other adjacent neighbouring properties. From a geotechnical perspective, staff has some concerns about the siting of the building in proximity to the bank however the geotechnical report provides the necessary assurances in relation to these concerns.

The implications of not approving the variance would be that the developer would have to remove the encroaching construction and redesign the duplex unit to comply with the setbacks and substantially comply with the form and character of the building as approved by the development permit. An amendment to the Form P which defines the Phasing and Unit Entitlement provisions for the strata subdivision would also be required. The removal of this construction is difficult and would involve redesign and replacement of the roof. In addition, the functionality and ultimate value of the units would be impacted.

While approval of the application would represent an after the fact approval of a current contravention of the development permit, it appears that the contravention did result from an error by the applicant during the construction process. The application required to correct the mistake has been made, and the applicant must assume the financial risk that the building may have to be partially demolished and re-designed should the Board find the requested variance unacceptable.

VOTING

Electoral Area Directors – one vote, except Electoral Area ‘B’.


SUMMARY

This is an application for a development permit for the property located at the top of Barclay Crescent within the French Creek area of Electoral Area ‘G’ for the purposes of modifying the site plan previously approved under Development Permits No. 60319 and 60416 and requesting an additional variance. A variance was previously granted from 10.0 metres to 7.8 metres under Development Permit No. 60319 for the placement of Units 151 and 153 from the lot line adjacent to the RDN park land. The applicant is now completing the last phase of this strata development and in order to ensure adequate driveway areas for Units 151 and 153, a further variance to 6.0 metres has been requested for the siting of these units. In support of this request, the applicant has provided a geotechnical engineer's report certifying that the location of the building is suitable from a geotechnical point of view. Due to miscommunication between the applicant and his surveyor, a development permit application was not made to the Regional District and as a result, Units 151 and 153 have been partially constructed.

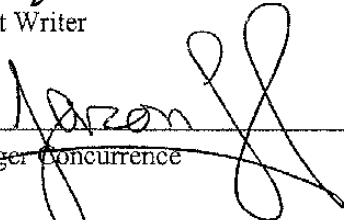
As the request is in substantial compliance with the terms of Development Permits No. 60319 and 60416, there is geotechnical support for the proposed variances, and the requested variance is not expected to negatively impact the adjacent park land or neighbouring properties, staff recommends Alternative No. 1 to approve the development permit subject to conditions outlined in *Schedule Nos. 1 and 2* and to notification procedures with respect to the proposed variances.

RECOMMENDATION

That Development Permit No. 60461, submitted by Fairway Pointe Properties Ltd. (Quail's Landing) for the property legally described as Lot 1 District Lot 126 Nanoose District Plan VIP76030 Except That Part in Strata Plan VIS5531 (Phases 1, 2, 3, 4, 5, 6, and 7) be approved, subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report and to the notification requirements pursuant to the *Local Government Act* with respect to the proposed variance.




Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

COMMENTS:
devsvs/reports/2005/dp ja 3060 30 60461 Fairway Pointe (Quail's Landing).doc

Schedule No. 1
Conditions of Approval
Development Permit Application No. 60461

The following sets out the conditions of approval:

1. Development Permits No. 60319 and 60416

The conditions of Development Permit No. 60319 and 60416 are applicable.

2. Building Development

Units 151 and 153 may be sited as shown on Schedule No. 3.

3. Geotechnical Report

Applicant to prepare and register, to the satisfaction of the Regional District, the modification of the geotechnical report currently registered on title to include the report concerning Strata Units 151 and 153.

Schedule No. 2

Bylaw No. 500, 1987 – Requested Variances
Development Permit Application No. 60461

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

1. Setbacks from the exterior property lines adjacent to the park land as approved by DP 30319 is to be varied from 7.8 metres to 6.0 metres to accommodate Unit No. 151 and 153. The original bylaw requirement was for a setback of 10.0 metres.



REGIONAL DISTRICT OF NANAIMO	
JAN - 5 2005	
CHAIR	GMCrs
	GMCrs
CAO	GMDS
	GMES
EAPC	

MEMORANDUM

TO: Robert Lapham
General Manager, Development Services

DATE: January 4, 2005

FROM: Jason Llewellyn
Manager, Community Planning

FILE: 3060 30 60462

SUBJECT: Development Permit Application No. 60462 – Anderson Greenplan Ltd. for Tycor Ventures Ltd.
Electoral Area 'F' – 3702 Alberni Highway

PURPOSE

To consider a development permit application with variances to Electoral Area “F” Zoning and Subdivision Bylaw No. 1285, 2002 to facilitate the redevelopment of an existing gasoline service station with new tanks, gas pumps, and canopy within the Watercourse Protection Development Permit Area pursuant to the Electoral Area ‘F’ Official Community Plan Bylaw No. 1152, 1999.

BACKGROUND

The Planning Department has received a development permit application for the property legally described as Lot 2, District Lot 39, Newcastle District, Plan VIP54354 located at 3702 Alberni Highway in Electoral Area “F” (see Attachment No. 1 for location of subject property). The subject property is approximately 0.426 ha in size, and is the location of an existing gasoline service station and retail store. The applicant is requesting approval to replace the existing pumps, canopy, and freestanding sign with new pumps, canopy, and freestanding sign. There is also a small extension to the front deck proposed at the northwest end of the building.

The property is in the Watercourse Protection Development Permit Area for the purpose of protecting the natural environment, its ecosystems and biological diversity. As works are proposed in the development permit area a development permit must be issued before those works may occur.

The property was developed prior to zoning regulations in the area and the existing building does not conform to the zoning bylaw setback requirements. The applicant is taking this opportunity to address the non-conforming status of the existing building by asking the Board for a setback variance.

Proposed Development

It is proposed that the existing gas pumps, underground fuel storage tank, and canopy be removed and replaced in the location shown on Schedule No. 2. The new canopy will include a fascia sign with a total area of approximately 3 square metres. The proposed new canopy and pumps require a setback variance from the front property line as part of this development permit. The new gasoline holding tanks are proposed to be located underground at the rear of the building, and this location requires a variance as part of this development permit.

The existing freestanding sign is proposed to be replaced by a 7.5 metre high sign, which is 10 square metres in area. The proposed new location is at the western corner of the property at the front property line, with the sign extending over the property line onto road right of way. The proposed new sign requires a setback variance from the front property line as part of this development permit.

New overhead lighting is proposed at the corners of the building and under the canopy and is to be installed in a manner that shall not interfere with vehicle traffic. Storm water catch-basins, and an oil/water separator, are being provided on site as part of the proposed development. The paved area around the building including the area of the gas pumps and fuel storage area shall be drained to the catch-basins. The design of this system is being undertaken by a professional engineer. New parking spaces, to bylaw standards, are being added to the west side of the building in association with landscaping and a pedestrian walkway along the side of the building to the parking at the rear.

In order to improve the safety and function of the site the applicant has been working with the Ministry of Transportation to improve site access. As part of the access improvements the Whisky Creek culvert, under the Alberni Highway, requires extension. *Schedule No. 2* shows the proposed new access and egress proposed for the road right of way. The Ministry has given their approval in principle for the works in the road right of way and the reduced setbacks from the highway. The detailed design for the culvert and highway improvements requires approval from the Ministry of Transportation and the Ministry of Water, Land and Air Protection.

ALTERNATIVES

1. To approve Development Permit Application No. 60462 as submitted with variances, subject to the conditions outlined in Schedule Nos. 1, 2, and 3 and the notification procedure pursuant to the *Local Government Act*.
2. To deny the development permit as submitted and provide staff with further direction.

DEVELOPMENT IMPLICATIONS

Environmental Implications

The proposed re-development of the property is not expected to have any negative impact on the natural environment, its ecosystems, and biological diversity; or neighbouring land uses. The nature of the site development and use is remaining relatively unchanged. The impacts are expected to result in a net benefit to the natural environment.

Storm water is being addressed through a storm water management plan. The area around the pumps and fuel storage facility system shall surface drain the east side of the property where it shall drain into catch-basins and an oil-water separator system for the protection of the groundwater and aquifer. The existing fuel storage tanks are being removed (any site contamination must be addressed in the manner acceptable to the province) and replaced with double walled tanks. Together the oil / water separator and new double walled tanks offers increased protection to the natural environment.

In addition to the proposed works, the applicant has agreed to undertake the planting of native trees, shrubs, and ground cover for the purpose of enhancing the habitat values and/or soil stability within a minimum of 3 metres from the natural boundary of Whisky Creek where that Creek abuts the subject property, and the reclamation of a picnic area to a natural vegetated state.

Inter Agency Implications

A number of access improvements, which are the responsibility of the Ministry of Transportation (MoT), are associated with this application. The applicant has worked with the MoT to obtain approval in principle for the proposed works, and the reduced setbacks from the highway. The proposed highway improvements and culvert extension requires approval from the Ministry of Transportation and the Ministry of Water, Land and Air Protection (WLAP) prior to the undertaking of any works.

The MoT has provided approval in principle for the reduced setback of the canopy and pumps, and the existing non-conforming building setbacks, from the property lines and highway. The applicant must obtain MoT approval for the reduced setbacks as a condition of the development permit.

The extension of the culvert must be undertaken under permit from WLAP, and as part of this permitting process, WLAP shall undertake to ensure the works are designed and constructed in a manner that minimizes impact on the environment.

The Ministry of Water, Land and Air Protection, Environmental Protection Branch has provided the Regional District with the required approval to proceed with the application. The applicant is required by the Ministry to meet certain conditions including the retention of a consultant to oversee the proposed works and any required independent site remediation. The consultant must then report back to the Ministry with its findings and the results of any reclamation work undertaken.

Site Servicing Implications

With respect to storm water drainage, the applicant has retained the services of an engineer to design a storm water drainage system that complies with Section 2.5 of Electoral Area "F" Zoning and Subdivision No. 1285, 2002. The system shall surface drain the area around the pumps and fuel storage facility to the east side of the property where it shall drain into catch-basins and an oil-water separator system for the protection of the groundwater and aquifer. This has been included in the development permit conditions.

With respect to septic disposal, the applicant has submitted a septic disposal permit from the Vancouver Island Health Authority for the existing system.

In order to ensure adequate fire protection and emergency vehicle access to the proposed development, it is recommended that the applicant consult with the Local Fire Chief and that this be a condition of the corresponding development permit.

Land Use and Development Implications

As part of this application, the applicant is requesting a number of variances to Electoral Area "F" Zoning and Subdivision Bylaw No. 1285, 2002. There are two categories of variances being applied for with this application. The following variances require Board approval to allow the proposed new works associated with this development permit.

The minimum setbacks from the Front and Exterior Side Lot Lines are varied from 4.5 metres to:

- a. 3.6 metres in order to allow the location of 2 gas pumps;*
- b. 3.55 metres in order to allow 2 canopy columns;*
- c. 0.10 metres in order to allow the canopy over the gas pumps; and*
- d. 0.0 metres in order to allow the freestanding signs;*

The property may be used for the underground storage of fuel in the location identified in Schedule No. 2.

A total of 2 fascia signs may be located on the subject property.

The other category of variance is for the existing building that is non-conforming to the zoning bylaw. As the building was built prior to the adoption of the zoning bylaw, and setback requirements, the non-conformity is not illegal. Board approval of this variance is not required for the proposed site redevelopment to occur.

The minimum setbacks from the Front and Exterior Side Lot Lines are varied from 4.5 metres to 0.0 metres in order to accommodate the existing southeast corner of the building as shown in Schedule No. 2.

It is noted that landscaping in this area extends over the property line into road right of way. The MoT has not expressed objection to this encroachment at this time; however, they may require its removal at any time.

The report from the applicant explaining the proposed redevelopment of the site, and the application and their justification for the variances is attached to this report as *Attachment '2.'*

PUBLIC CONSULTATION

Adjacent and nearby residents and property owners will have an opportunity to comment on the proposed variances through the public notification procedure.

VOTING

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

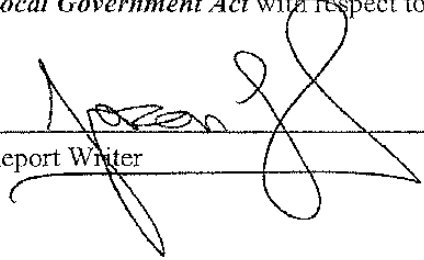
SUMMARY

This is an application for a development permit for property designated within the Watercourse Development Permit Area pursuant to the "Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999", specifically for the purposes of protecting the natural environment, its ecosystems, and biological diversity. The applicant has agreed to meet the conditions of developing the site as set out in the development permit including providing increased parking and landscaping, enhancement of habitat values and soil stability in the Whisky Creek riparian area, the development of a storm water drainage system with an oil / water separator for improved protection of the aquifer, and a new and improved fuel storage facility.

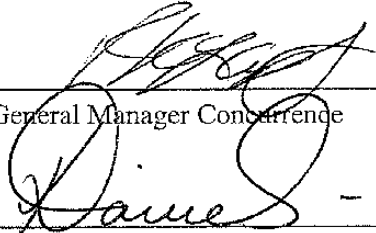
As part of the development permit application, the applicant is also requesting relaxation of a number of zoning provisions to allow the proposed redevelopment and to address a non-conforming setback for the existing development. The development permit is consistent with the applicable guidelines concerning the protection of the natural environment, its ecosystems, and biological diversity. For the above reasons, staff recommends Alternative No. 1, to approve the development permit subject to conditions outlined in Schedule Nos. 1, 2, and 3 inclusive and to notification requirements pursuant to the *Local Government Act* with respect to the proposed variances.

RECOMMENDATION

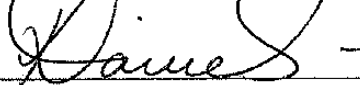
That Development Permit No. 60462 submitted by Jack Anderson for Tycor Ventures Ltd. for the property legally described as Lot 2, District Lot 39, Newcastle District, Plan VIP54354 located at 3702 Alberni Highway in Electoral Area "F" be approved, subject to the conditions outlined in Schedule Nos. 1, 2, 3, 4, 5, and 6 of the corresponding staff report and to the notification requirements pursuant to the *Local Government Act* with respect to the proposed variances.



Report Writer



General Manager Concurrence



CAO Concurrence

COMMENTS:

devsvs/reports/2005/dp ja3060 30 60462

Schedule No. 1
Conditions of Approval
Development Permit Application No. 60440

The following sets out the conditions of approval:

1. Building / Site Development

- a. The subject property shall be developed in accordance with the Site Plan as shown on Schedule No. 2.

2. Landscaping Requirements

- a. Landscaping to be provided as shown on Schedule No. 2 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 a minimum, the same quality and quantity of landscaping as was initially approved and without 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 require sight triangle.
 - v. All landscaped areas shall be constructed with permanent curbs a minimum of 15 cm in height to protect all landscaped areas from potential vehicular damage.
- b. A 3 square metre area around the base of the new freestanding sign shall be landscaped with perennial shrubbery.

3. Riparian Area Revegetation

- a. No existing trees west of the existing traffic lane shall be removed or disturbed.
- b. The removal of invasive plants or noxious weeds on a small scale shall be permitted within the Development Permit Area including; but not limited to: Scotch broom, Himalayan blackberry, morning glory, and purple loosestrife, provided that erosion protection measures to avoid sediment or debris being discharged into the watercourse are taken.
- c. The planting of native trees or shrubs for the purpose of enhancing the habitat values and/or soil stability shall be conducted on the subject property in areas within a minimum of 3.0 metres from the natural boundary of Whisky Creek where that riparian area does not contain at least 1 tree or shrub per square metre.
- d. All planting shall be carried out in accordance with the guidelines provided in Stream Stewardship, 1993 and Land Development Guidelines, 1992 published by DFO and MELP and the Environmental Objectives, Best Management Practices and Requirements for Land Developments, February 2000, published by MELP, or any subsequent editions; and the information Brochure entitled Planting Criterion and Recommended Native Tree and Shrub Species for Reforestation and Enhancement of Fish and Wildlife Habitat, dated July 1998.
- e. All planting shall be undertaken in the late fall or spring when plants are best able to establish roots and temperatures are not extreme.
- f. The former picnic site with ponds shall be returned to a natural state with the removal of the concrete structures and replanting to the standard identified in 3.d.

4. Storm Water Drainage

- a. The site is to be developed in accordance with an engineer's storm drainage report which provides for surface drainage of the area in accordance with Section 2.5 of Electoral Area "F" Zoning and Subdivision Bylaw No. 1285, 2002; and the area around the pumps and fuel storage facility to the east side of the property shall drain into catch basins and be treated by an oil / water separator system for the protection of the groundwater and aquifer.
- b. Storm water shall not be directed into Whiskey Creek.
- c. No net increase in peak storm water runoff from the land to adjoining lands or the highway system will be permitted.
- d. The oil / water separator to be designed and constructed to industry standard.

5. Local Fire Protection / Fire Chief

Local Fire Chief to approve site layout.

6. Off-Street Parking Spaces and Aisle Ways

- a. All off street parking spaces and aisle ways shall be in accordance with Schedule No. 2
- b. All parking areas, including aisle ways, shall be constructed to Zoning Bylaw standards and all parking spaces shall be clearly delineated through the use of painted lines on paved surfaces or concrete parking stops on compacted and dust free surfaces.

7. Signage

- a. A maximum of 1 free standing signs shall be permitted at the location as shown on Schedule No. 2, subject to the required approvals by the Ministry of Transportation. The sign area shall be a maximum of 10 square metres in area and 7.5 metres in height.
- b. Fascia signs may be placed on the new canopy to a maximum area of 3 square metres.
- c. Existing fascia signs on the building may be maintained.
- d. Directional signs for access and off-street parking may be incorporated throughout the site.

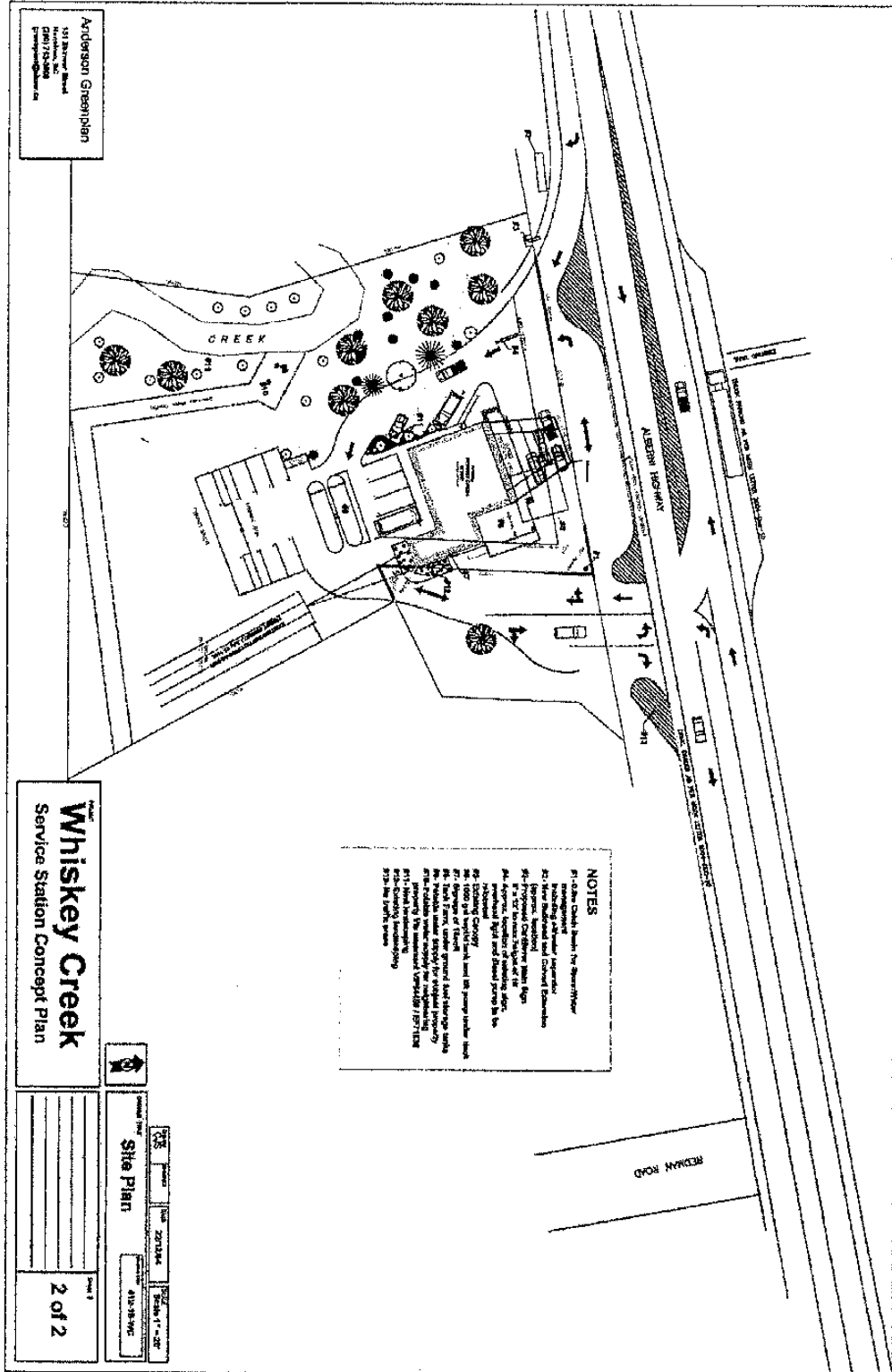
8. Refuse Containers and Other Outdoor Storage

- a. The refuse containers shall be adequately screened with fencing.

9. Agency Approval

- a. This permit does not, in any way, provide approval for any off-site works. These works are within the jurisdiction of, and require approval from, the Ministry of Transportation; the Ministry of Water, Land and Air Protection; and / or other responsible agencies.
- b. The applicant acknowledges that the property owner is responsible for meeting any requirements of the Ministry of Water, Land and Air Protection, Environmental Protection Branch with respect to any potential site contamination, including the requirements outlined in their letter dated October 10th, 2004.

Schedule No. 2 (page 2 of 2)
 Proposed Site Layout
 Development Permit No. 60462



**Schedule No. 3
Proposed Variances
Development Permit No. 60462**

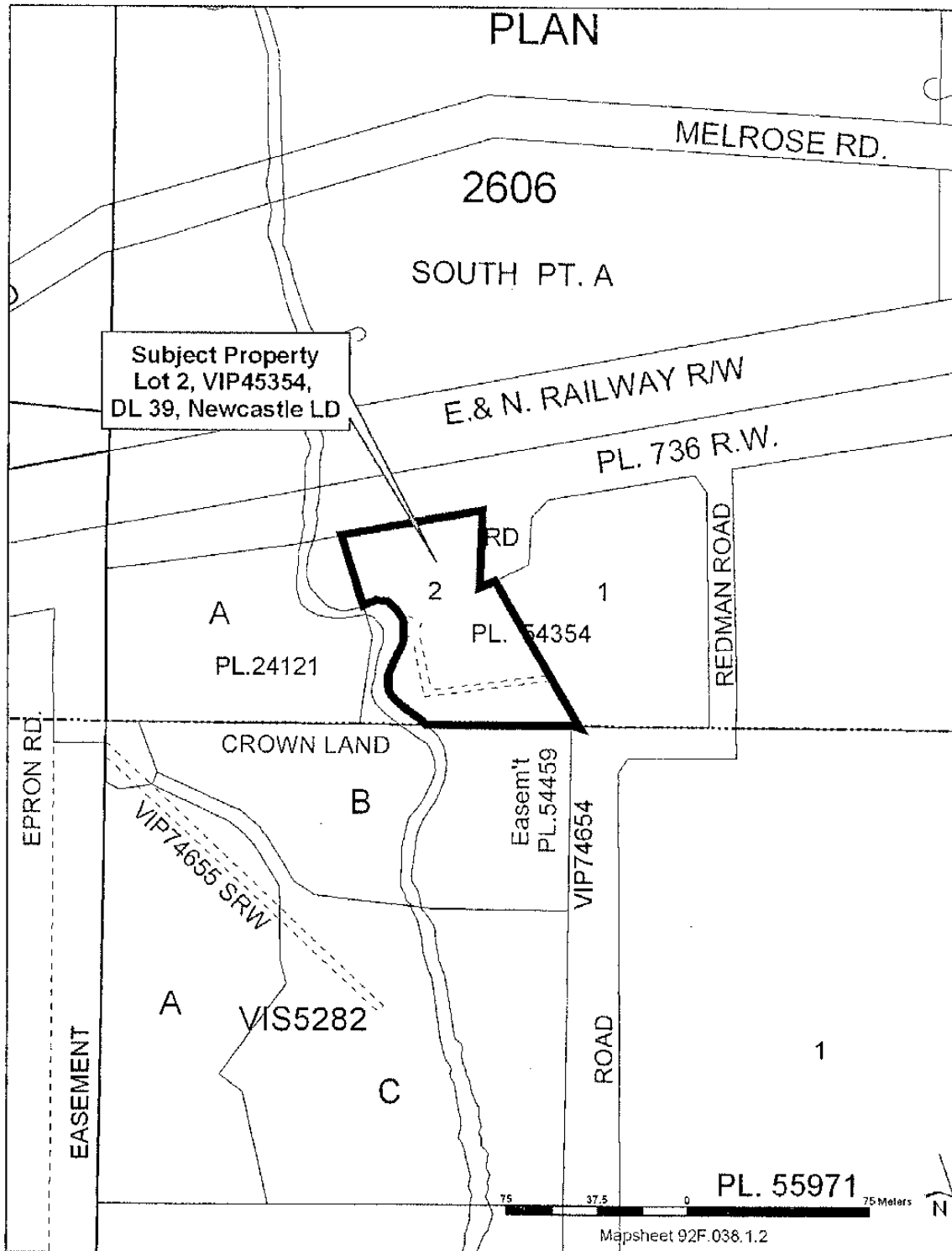
With respect to the lands, the following variances to Electoral Area "F" Zoning and Subdivision Bylaw No. 1285, 2002 are proposed to allow the redevelopment of the site.

1. The minimum setbacks from the Front and Exterior Side Lot Lines are varied from 4.5 metres to:
 - a. 3.6 metres in order to allow the location of 2 gas pumps;
 - b. 3.55 metres in order to allow 2 canopy columns;
 - c. 0.10 metres in order to allow the canopy over the gas pumps; and
 - d. 0.0 metres in order to allow the freestanding signs;As shown in Schedule No. 2.
2. The property may be used for the underground storage of fuel in the location identified in Schedule No. 2.
3. A total of 2 fascia signs are allowed on the subject property as shown in Schedule No. 2.

With respect to the lands, the following variance to Electoral Area "F" Zoning and Subdivision Bylaw No. 1285, 2002 is proposed to accommodate the existing structure.

1. The minimum setbacks from the Front and Exterior Side Lot Lines are varied from 4.5 metres to 0.0 metres in order to accommodate the existing southeast corner of the building as shown in Schedule No. 2.

Attachment No. 1
Location of Subject Property
Development Permit No. 60424



Attachment No. 2
Letter from Applicant



December 20, 2004

Regional District of Nanaimo
Development Services
c/o Brigid Reynolds, Senior Planner

RECEIVED
DEVELOPMENT PERMIT
753-3000

Re: Development Permit Application
Whiskey Creek Store – Electoral Area F
Lot 2, District Lot 39, Newcastle District, Plan VIP54354
3702 Alberni Highway

Dear Brigid:

Please accept this covering letter and the attached documents as the basis for a Development Permit application for the partial re-development of the Whiskey Creek community store in Electoral Area F. This letter is accompanied by a DP Submission Schedule where each of the suggested application document requirements as outlined in your letter of November 26, 2004 are itemized in the order noted.

This store has existed for many decades as a popular commuter and tourist stop (infamous ice cream) and as a local service station serving the Coombs, Hilliers, Errington community and as a consequence much was put in place prior to the current bylaws that regulate the land. Much of the development is legal non-conforming with respect to setback requirements pursuant to Bylaw 1285, 2002. Conformance to regulation was perceived as optional by the Area F community not so long ago and today we have properties developed with a general disregard for setbacks and property lines. Whiskey Creek Store is one of those. The 325 square feet of the southeast corner of the store is entirely within the 4.5m required setback with more than 150 sq feet of developed landscaping within the unnamed road right-of-way. The existing gas pump canopy encroaches 2.5m into the 4.5m front yard setback.

With this application we hope to legalize current encroachments where they exist and gain approval for variances necessary in the redevelopment of the gas pumps and canopy. The relocation of the pumps will improve safe access to and from Alberni Highway in association with implementing traffic management lanes including a west bound dedicated left turn lane as approved by MOT. To respect concerns for environmental protection, negotiation with MWALP have provided direction for the removal of the old fuel tanks in the front of the store and placement of a new underground tank farm to the rear of the store installed pursuant to Section 2.6 of RDN Bylaw 1285, 2002. These proposed changes to improve traffic safely, environmental protection and the functionality and aesthetics of the front façade have been undertaken to provide the best improvement of the challenging situation as is realistically possible. We believe this will be a welcome improvement in the local community and passing tourist economy.

We thank you for your consideration in this matter and would greatly appreciate the Board's support for this DP application. Please contact me at 713-3333 if you require clarification or wish to discuss any components of this application.

Respectfully submitted

Jack Anderson, president
Anderson Greenplan Limited

151 Skinner Street
Nanaimo, BC, V9R 5E8
753-3000 or fax 753-9192

Development Permit Application – Whiskey Creek Store Submission Schedule

The following information is provided in numerical order in accordance with application submission requirements as noted in the RDN letter of November 26, 2004.

1. Signed letter of authorization for Jack Anderson of Anderson Greenplan Ltd. to act on behalf of the owner, Gord Pace of Tycor Ventures Inc. with respect to this application, (see attached).
2. Detailed site plans are attached at the scales of 1" = 20' for an overview of the full site development including traffic patterns to Redman Road (as requested by MOTH) and 1" = 8' for details of the subject property development. All items as noted in item 2 a) through k) have been noted on the site plans. The following notes are offered as explanation to each item:
 - a) The only structures being modified will be the removal of the existing pumps, canopy and freestanding sign and their replacement with modern pumps, canopy and signage plus a minor addition to the front entrance deck to support pedestrian access from the rear parking area.
 - b) The total floor area of the building is 294 m² which computes to 15 (14.7) required parking spaces over and above the loading zone.
 - c) Three access and egress points are under application and have been approved in principal by MOTH as illustrated, (see letter N. Vandermolten). Note that there is only one location, east of the store, for traffic returning to Alberni Highway.
 - d) The existing 2 double dumpsters will be re-located near the rear parking area outside of the restricted covenant area southwest of the store.
 - e) A significant portion of the existing developed landscaping on the east side of the store is within the road right-of-way and while some is currently planned for removal, all will be removed if requested by MOTH. Currently it serves to protect the corner of the building from vehicle traffic. Some additional landscaping will be added to the west and rear of the store to augment the pedestrian access from the rear of the building to the front entrance of the store. Note the area adjacent Whiskey Creek had been developed as a picnic site with retaining ponds by the previous owner but these improvements will be removed such that this area can return to its natural state.
 - f) The location of existing and proposed signage is noted on the site plan. The 1.5 m² signage on the east face of the building will remain. The existing freestanding sign is 6.7 m² in area and 5.5m high will be removed from its current location as a traffic impediment and negotiation with MOTH is under way for the placement of the main sign cantilevered into the Alberni Highway right-of-way to ensure visibility to eastbound traffic. The main sign will be increased in size to 10 m² in area and will not have any portion higher than 7.5 m in height, (all dimensions are thus less than the permitted allowances of Section 2.1 of Bylaw 1285). Additional fascia signage equivalent to a total of 3 m² will be provided on the east and west facing bands of the gas canopy.
 - g) Overhead lighting will be provided near the 4 exterior corners of the store thus ensuring adequate safety lighting surrounds the building. Note that the lighting provided on the underside of the gas canopy will be asymmetrical such that light is not cast in the direction of the passing motorists on Alberni Highway.
 - h) The septic field as approved under permit 5999275 of the Ministry of Health in 1992 will remain and would appear sufficient in size as no additional building area is being provided.
 - i) The two wells on the property are identified in the site plan with reference that one serves the neighbouring property by easement as registered EF71838.
 - j) The property has a natural grade that directs all surface water to the front east corner of the property. As such we have identified the east property boundary as the prime location for stormwater catch basins however their final and exact location which will include an oil/water separator, are subject to detailed study as provided by NTEC Environmental Management and Consulting who are currently finalizing their study of the property, (see attached letter dated December 20, 2004)

- k) No auto propane or canister dispensing facilities are envisioned for the property at this time.
3. Applications are currently being processed by the Ministry of Transportation for the 3 access locations to the property. In addition, applications are also being considered for permission to have, place and construct structures within the 4.5 m setbacks limitations from all MOTH R/W as are illustrated on the site plan. Discussions with MOTH staff have been underway for a number of months and thus our concept has only been developed in accordance with options that are supportable by the Ministry. I have been advised that a letter suggesting approval in principle for the access locations and variances as required will be forwarded directly to you within the next few weeks and that final approval will be subject to RDN Board approval. (Correspondence dated 04 – Dec 10 is attached).
 4. The sewage disposal system permit to construct the existing septic field as signed by Glen Gibson and dated July 13, 1992 is attached.
 5. The owner has engaged the services of Ntec Environmental Management and Consulting to prepare a work plan for the stormwater management of the property. Inclusive to this study is the design and placement of an oil/water separator to ensure any operational contamination of the site can be efficiently contained and treated and thereby eliminating the potential for significant negative impacts on the surrounding environment. Ntec will be working with Anderson Civil to assist in the sizing of the infrastructure for stormwater management as is outlined in their letter of 04 – Dec -20 attached.
 6. Arrangements are currently underway to meet with the local fire commissioner and his delegates as necessary to gain assurances that the proposed development is not perceived as beyond the abilities of the local fire service to respond in an emergency. As such we are advised they will contact you directly with letters of assurance regarding their review of the proposed development.
 7. As per 5 above, Ntec has been engaged to service this requirement and as such have been direct contact with MWALP to ensure conformance to the relevant regulatory statutes such as the Environmental Management Act and the Contaminated Sites Regulations. (see item 2 page 1 & 2 of letter attached dated 04 – Dec -20). It has further been agreed that if any contamination of the site is encountered, the owner is prepared to pay the up-cost charges of having it removed and disposed in an appropriate manner involving an approved off-site disposal facility.
 8. The variances requested within this Development Permit application fall into 2 categories: those required to legalize setbacks to existing non-conforming structures and those required for proposed new construction. We will approach each category separately.

Category 1 - The east property line to the property is adjacent a short unnamed stub road which by RDN Bylaw definition is technically considered the "front lot line" however effectively requires the same 4.5m setback to all structures as the "exterior side lot line" that separates the subject property from Alberni Highway. This distance is also the same minimum setback as per MOTH policy and regulations. The existing southeast corner of the building extends to the point of the front lot line, including the roof overhang which tapers down to ¼" at the southeast most corner) and therefore the variance required will be for the full 4.5m. A supported variance would legalize 25.2 m2 of building currently within the setback limits. A 6.75 m2 portion of the raised patio, (greater than 0.6m above natural grade) which provides access to exterior washrooms, will also require variance to 1.9m from the front lot line in order to permit this portion of the structure to become considered legal conforming.

Category 2 – All the variances required in this category are to the exterior side lot line of the Alberni Highway. Variances (distance to lot line in brackets) are required for the proposed:

- | | |
|-------------------|--|
| 2 gas pumps | – (closest point is 3.60m) therefore 0.90m relaxation requested |
| 2 canopy columns | - (closest point is 3.55m) therefore 0.95m relaxation requested |
| Gas pump canopy | - (closest point is 0.10m) therefore 4.40m relaxation requested |
| Freestanding sign | - (closest point is 0.0m) therefore a 4.50m relaxation requested |

The rationale for the requested relaxation on the gas pumps and canopy support columns are based on concerns for safety. The pump islands (6" raised concrete platforms) that support these structures have been located a minimal distance of 10' from the base of the entrance stairs to the store and given the need for vehicle passage through this area for pump service 10' would be a bare minimum and currently less than the common aisle width of a parking lot. The location of the store and front concrete entrance deck effectively reduce any flexibility in the design placement of the islands.

The rationale for the variance request for the canopy is to ensure both structural balance of the overhead canopy as well as rain coverage for the outside pump service bay. The distance from the outer edge of the pump island to the outer edge of the canopy is also 10' which serves to allow a standard 6 – 7 foot wide vehicle to have doors open on both sides and still be under cover of rain. These distances have been drawn from industry standards for the gasoline service station construction. Note that the canopy is a symmetrical trapezoid in shape whereby the inside fascia length (over the store entrance) is 13.5m in length while the shorter outer edge has been reduced to 7.6m in width. While this will serve for better rain cover for the customers approaching the store, it also was devised to offer architectural interest, create better exposure for the fascia signage to passing traffic while minimizing the mass face of the canopy at the exterior side lot line or location where the variance request is the greatest. The canopy with pitched roof will be less than 7.5m in height.

The rationale for the freestanding sign has arisen out of discussions with MOTH staff whereby it was noted that the existing freestanding sign must be removed as it will be directly within the improved traffic flow plans. To set the sign safely away from traffic it would need to move westerly into the existing vegetation protecting Whiskey Creek and thus the east bound visibility of the sign would be reduced. Whereby placement of the sign wholly within the road right-of-way was discussed, staff at Moth have indicated that they would prefer the sign support structure to be on the owner's property with the portion of the sign cantilevered into the road right-of-way above the elevation of pedestrian and bicycle traffic as noted on the site plan. Support from both RDN and Moth for this location and setback will ensure that one freestanding sign has visibility for both the east and west bound traffic. In the interest of improving the supportability of this request, note that the requested height of the sign is 7.5m (1.5m less than the maximum allowed) and the proposed sign face area is 10 m² (33% less than the maximum 15 m² allowed) as per Section 2.14, Bylaw 1285, 2002.

9. As per 5 above, Ntec is also responsible to ensure and document that the proposed new fuel storage tanks and their tank farm location are developed in accordance with Section 2.6 of Area F Bylaw 1285, 2002. (see item 3 page 2 letter attached 04 – Dec – 20).
10. Concern for the extension of the Whiskey Creek culvert under the Albemni Highway immediately west of the subject property is being professionally handled by Anderson Civil Engineering with responsibilities for sizing and design while Ntec will serve as a liaison with MWALP with regard to the timing of the improvements. It is recognized that these works are likely to be undertaken in September of 2005 in the interest of optimum fish protection in Whiskey Creek which may further correspond with the approximate timeframe for the Highway improvements as noted by MOTH staff. As such the owner is prepared to recognize this portion of his redevelopment work as phase 2 with the option to proceed on canopy, pump and tank removal and replacement being recognized as phase 1, which pending Board support may be initiated much sooner than phase 2 for the purpose of not being under construction during the start up of the tourist season. The owner is receptive to any option or legal agreement that will facilitate this project as a multi-phase development while giving all approving authorities the assurances that the project will be implemented as approved. Anderson Civil Engineering have advised that the culvert design detail will be developed for the approval of all agencies early in the new year.
11. Fees for the development permit are attached.





REGIONAL DISTRICT OF NANAIMO	
JAN - 5 2005	
CHAIR	GMCmS
	GMCrS
CAO	GMDS
	GMES
E-APC	

MEMORANDUM

TO: Jason Llewellyn
 Manager, Community Planning

DATE: January 5, 2005

FROM: Susan Cornie
 Senior Planner

FILE: 3060 30 60463

SUBJECT: **Development Permit Application No. 60463**
Applicant: Bev & Gerd Voigt, on behalf of 642703 BC Ltd.
Electoral Area 'E', off Kaye Road and the Island Highway

PURPOSE

To consider a development permit application with variances for property designated within the Watercourse Protection and Sensitive Ecosystems Protection Development Permit Areas in conjunction with a proposed 2-lot subdivision development.

BACKGROUND

This is an application for subdivision within the Watercourse Protection and Sensitive Ecosystems Development Permit Areas as part of a 2-lot subdivision proposal for the Remainder of District Lot 44 Nanoose District and located adjacent to the Island Highway within the Electoral Area 'E' (see Attachment No. 1 for location of parent parcel).

The subject property is currently zoned Rural 5 (RU5) and is within Subdivision District 'D' (2.0 ha minimum parcel size with or without community services) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

Pursuant to the Nanoose Bay Official Community Plan Bylaw No. 1118, 1998, the subject property is designated within the Watercourse Protection and Sensitive Ecosystems Development Permit Areas. The Sensitive Ecosystem Development Permit Area is designated for an area of Second Growth Forest and a Seasonally Flooded Agricultural Field. As the applicants are proposing to create new parcels and to dedicate and construct a road within the Second Growth Forest area of the Sensitive Ecosystems Development Permit Area and as subdivision activity is not exempt from requiring a development permit, a development permit is required.

With respect to the Watercourse Development Permit Area, this designation applies to that portion of Craig Creek, which crosses the parent property. However, in this case, the applicants do not require a development permit as the exemption provisions of the Development Permit guidelines can be met. Despite this, it is also noted that the applicants have prepared a covenant for the protection of Craig Creek and its riparian area for registration at Land Title Office as part of the subdivision requirements under a subdivision application on the non-ALR portion of DL 44.

The parent parcel is also situated within the Provincial Agricultural Land Reserve (ALR).

The parcels are proposed to be serviced by individual private septic disposal systems and private water wells.

Proposed Variances

The applicants are proposing to subdivide a 1.0 ha sized parcel from the parent parcel, which is less than the minimum required parcel size permitted under Subdivision District 'D'. However, section 4.5.1 of Bylaw No. 500, 1987 states that parcels within land to be subdivided may be reduced to 80% of the size otherwise permitted in the applicable subdivision district, subject to certain provisions including registering a covenant on title of the larger parcel restricting further subdivision. In this case, the applicant requires a variance to reduce the minimum 80% parcel reduction requirement to a 50% parcel reduction for proposed Lot A (*see Schedule No. 2 for proposed subdivision*). The applicant is also requesting that, due to the size of the proposed Remainder, the required covenant conditions be varied to allow the possibility of future subdivision provided the parcel averaging of the proposed 1.0 ha parcel would be met.

ALTERNATIVES

1. To approve the application for development permit with variances as submitted subject to Schedule Nos. 1 and 2 and the notification procedure.
2. To deny the development permit application as submitted.

AGRICULTURAL LAND RESERVE IMPLICATIONS

The Provincial Agricultural Land Commission has approved the proposed subdivision and road dedication subject to requirements including fencing along the eastern boundary of the proposed road. The Land Commission, in its approval letter, noted the issue concerning providing access to lands beyond and approved the application with a smaller parcel in order to lessen any impact on the farm aspects of the proposed larger remainder parcel.

DEVELOPMENT IMPLICATIONS

The applicants chose the location of the proposed road right-of-way in order to provide access to lands beyond. This location along the southern edge of the Second Growth Forest area will also have the least impact on this development permit area. In addition, the location of the proposed road and 1.0 ha sized parcel will also have lesser impact on the agricultural capability of the proposed Remainder lot.

As part of the application, the applicants are requesting a variance to the parcel averaging provisions of Bylaw No. 500, otherwise the subdivision, as proposed, would not be able to proceed. While proposed Lot A will be capable of supporting a single dwelling, it may be difficult to place agricultural buildings used for housing livestock or storing manure due to the 30-metre setback bylaw provision. As part of the subdivision review process, staff will require a covenant be registered on title restricting the placement of such buildings unless setbacks are met or the owner has obtained a variance to the bylaw requirement.

The applicants have also requested that the bylaw requirement for a covenant be modified to permit future subdivision if the parcel averaging provision would be met. Staff notes that due to the size of the proposed Remainder, if further subdivision were to occur, the parcel averaging provision for the proposed 1.0 ha lot would be able to be met. It is noted that the covenant would also include a restriction that a future subdivision proposal would be subject to the Provincial Agricultural Land Commission approving a future subdivision.

ENVIRONMENTAL IMPLICATIONS

With respect to the Second Growth Forest designation, the Electoral Area Planning Committee may recall that a development permit was issued on DL 44 for the subdivision of 5 parcels located outside the ALR. At that time, the applicants submitted a report prepared by a registered professional biologist who evaluated the presence of any sensitive ecosystems on the development portion of the subject property. The study did not evaluate the presence of any sensitive ecosystems within the ALR as the *Farm Protection (Right to Farm) Act* does not permit local government bylaws to impede 'normal farm practices'. The Ministry of Agriculture has an obligation to ensure that normal farm practices do not harm the environment. Despite this, this report is applicable to the area of Second Growth Forest area under this application as it is adjacent to the original study area. Therefore, the recommendations of the report pertaining to the restriction of land clearing during the period of time that songbirds, cavity nesting birds, and accipiters (hawks) nest are applicable and should be included in the development permit conditions.

As the Seasonally Flooded Agricultural Field is outside the proposed development area, as farming activity is exempt from requiring a Sensitive Ecosystems Development Permit, and as the Approving Authority does not consider it necessary that this field be protected by flood covenants as there are alternative building sites available within the proposed Remainder of DL 44, staff are not recommending any conditions pertaining to this field in the corresponding Development Permit.

The ALR portion of the subject property includes a portion of Craig Creek designated within the Watercourse Protection Development Permit Area. The applicants are in the process of registering a 30-metre protective covenant over the riparian area of Craig Creek, which will meet the objectives of this Development Permit Area.

VOTING

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

SUMMARY

This is a request for a development permit to create new parcels and to dedicate and develop a new road within property designated within the Sensitive Ecosystems and Watercourse Protection Development Permit Areas pursuant to the Nanoose Bay Official Community Plan Bylaw No. 1118, 1998 in association with a 2-lot subdivision proposal. The subject property is situated within the Agricultural Land Reserve and the Land Commission has granted approval of this subdivision proposal. The applicants, under a previous development permit application, submitted a biophysical site investigation report indicating the study area does not contain fish or wildlife issues and recommended the restriction of land clearing during the period of time that songbirds, cavity nesting birds, and accipiters (hawks) nest. This report can be applied to the current application and it is recommended that the conclusions and recommendations of the report including restricting times of land clearing be included in this development permit.

The Watercourse Protection Development Permit Area is designated over the subject property as a portion of Craig Creek crosses the subject property; however, the proposal meets the exemption provisions of the development permit guidelines. Despite this, the applicants have prepared a protective covenant for Craig Creek and its riparian area and their solicitor has undertaken to register the covenant with a previously approved subdivision application.


As part of the application, the applicants are requesting a variance to the parcel averaging provisions of Bylaw No. 500, otherwise the subdivision, as proposed, would not be able to proceed. With respect to the modification of the covenant provisions, staff notes that due to the size of the proposed Remainder, if

further subdivision were to occur, the parcel averaging provision for the proposed 1.0 ha lot would be able to be met. It is noted that the covenant would also include a restriction that a future subdivision proposal would be subject to the Provincial Agricultural Land Commission approving a future subdivision.

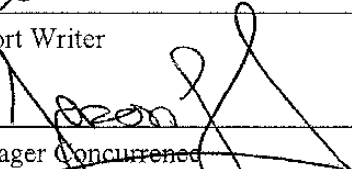
Therefore, as the Agricultural Land Commission has approved the proposal and as the size of the parcel is restricted by the location of the proposed road right-of-way which is to serve lands beyond, staff recommends Alternative No. 1 to approve the development permit subject to Schedule Nos. 1, 2, and 3 and the notification procedure pursuant to the *Local Government Act*.

RECOMMENDATION

That the request, submitted by Bev and Gerd Voigt, on behalf of 642703 BC Ltd., for a 2 lot subdivision and the dedication of a new road for property designated within the Watercourse Protection and Sensitive Ecosystems Development Permit Areas, as shown on the plan of subdivision of The Remainder of District Lot 44 Nanoose District, be approved subject to Schedules No. 1, 2, and 3 and to the notification procedure subject to the *Local Government Act* with respect to the proposed variances to Bylaw No. 500, 1987.



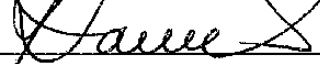
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

COMMENTS:

devsvs/report/2005/ja dp60463.doc

SCHEDULE NO. 1

Conditions of Approval
Development Permit Application No. 60463

The following sets out the conditions of approval with respect to Development Permit Application No. 60463:

Subdivision:

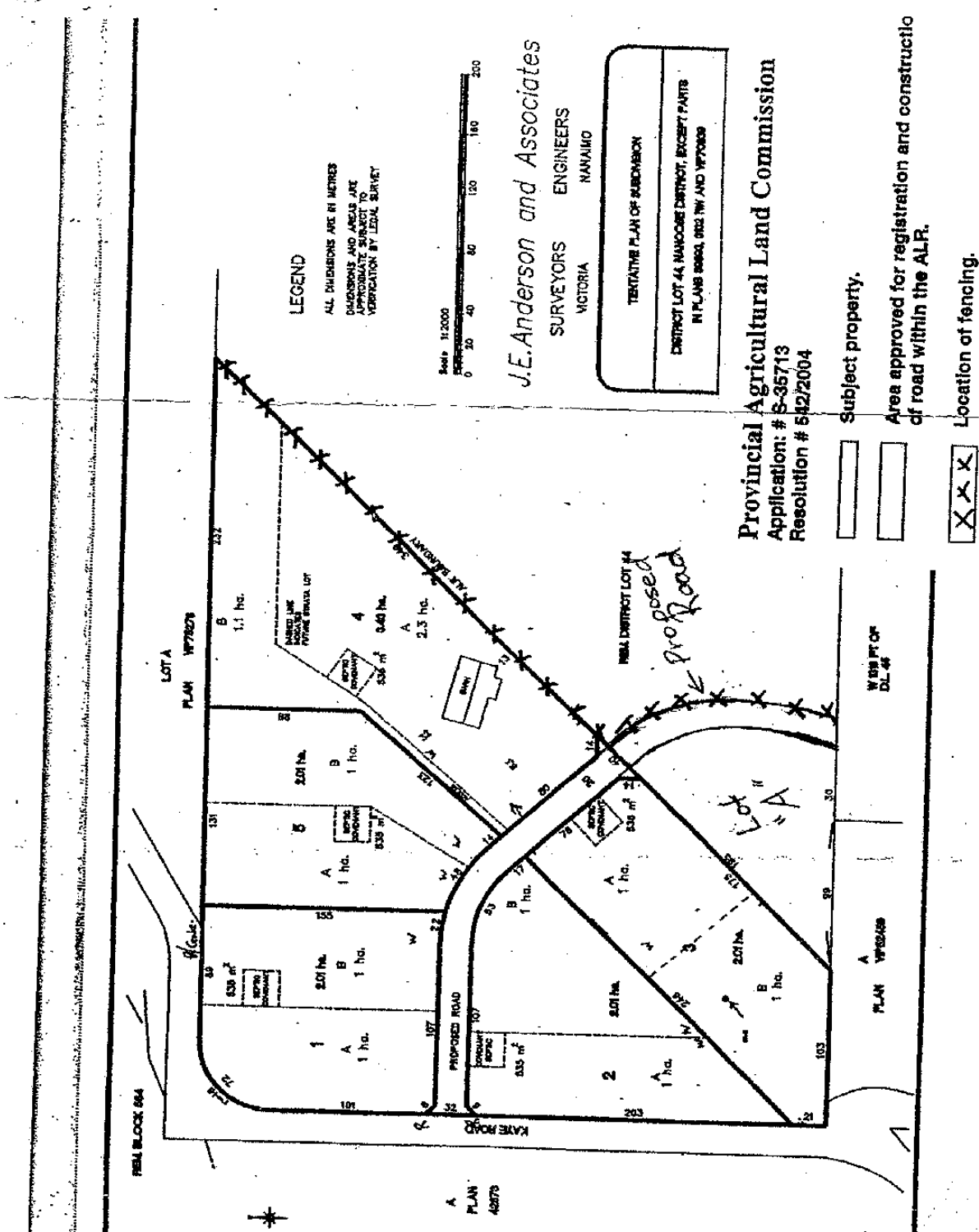
The proposed subdivision shall be in substantial compliance with Schedule No. 2 including the location of the road right-of-way.

Sensitive Ecosystem Area:

Land clearing on proposed Lot A is not to occur during the time period from April 1 to July 15 annually or unless a biologist examines the site to identify the location of nesting birds and to ensure that active nests are protected during land clearing operations, as set out in the report prepared by EBA Engineering and Associates and dated June 11, 2004 which is attached to and forms part of this Development Permit.

SCHEDULE NO. 2

Development Permit Application No. 60463
Conceptual Plan of Subdivision
(as submitted by applicant)



J.E. Anderson and Associates
SURVEYORS VICTORIA
ENGINEERS NANAIMO

TEMPORARY PLAN OF SUBDIVISION
DISTRICT LOT 44, NANOWATSE DISTRICT, EXCEPT PARTS
IN PLANS 88660, 0183 NW AND W70089

Provincial Agricultural Land Commission
Application: # S-35713
Resolution # 542/2004

- Subject property.
- Area approved for registration and construction of road within the ALR.
- Location of fencing.

SCHEDULE NO. 3

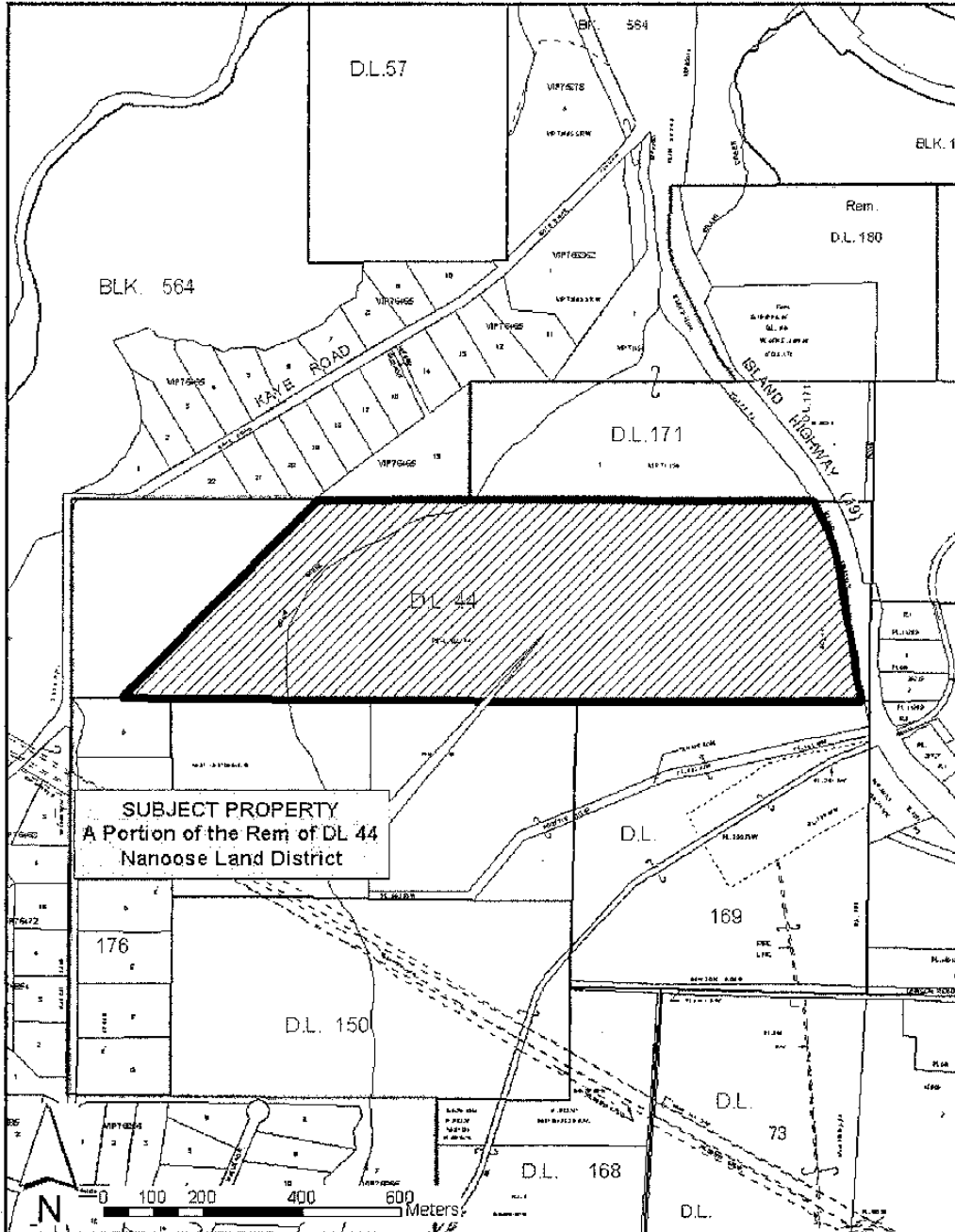
Development Permit Application No. 60463
Proposed Variances

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

1. The requirements of Section 4.4.3 be relaxed by varying the parcel averaging provision from 80% to 50% for proposed Lot A and by modifying the corresponding covenant document to permit further subdivision of the proposed Remainder provided the parcel averaging provision would be met and approval has been obtained from the Provincial Agricultural Land Commission.

ATTACHMENT NO. 1

Location of Subject Property





REGIONAL DISTRICT OF NANAIMO	
JAN - 5 2005	
CHAIR	GMCMS
	GMCMS
CAO	GMDS
	GMES
EAPC	

MEMORANDUM

TO: Robert Lapham
General Manager, Development Services

DATE: January 5, 2005

FROM: Blaine Russell
Planner

FILE: 3090 30 90501

SUBJECT: Development Variance Permit Application No. 90501 — Peloso
Electoral Area 'G' – 650 Meadow Drive - RDN Reference Map No. 92F.039.3.1

PURPOSE

To consider an application for a Development Variance Permit to facilitate the construction of a dwelling unit with a proposed variance to the maximum permitted height.

BACKGROUND

The subject property is legally described as Lot 20, District Lot 49, Nanoose District, Plan VIP76162 and is located at 650 Meadow Drive in the French Creek area of Electoral Area 'G' (*see Attachment No. 1*).

The subject property is bordered to the north and south by other residential properties, to the west by a golf course fairway located within the town of Qualicum Beach, and to the east by Meadow Drive. In addition, a small drainage course is located along the interior side lot line, to the south, and a pond is located along the rear lot line, to the west. The Meadow Drive area is relatively flat with a gradual slope down towards the ocean.

The subject property is zoned Residential 1 (RS 1) subdivision district 'Q' pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

The applicant is requesting a relaxation to the maximum permitted height of Section 3.4.61 pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" from 8.0 metres to 8.9 metres to accommodate the proposed construction of a new dwelling unit.

A previous Development Variance Permit, DVP No. 90311 has been issued on the parent parcel of the subject property prior to subdivision. This permit relaxed the setbacks pursuant to Section 3.3.8 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" for Watercourses, excluding the sea.

"Regional District of Nanaimo Floodplain Management Bylaw No. 843, 1991" requires a flood elevation for the underside of the floor system to be 1.5 metres above the natural boundary of a watercourse. In addition, Ministry of Water, Land and Air Protection (WLAP) covenant EV145807 requires that the elevation of the underside of the floor system be 1.5 metres about the winter high water mark of the creek, which is defined as Alexander Brook, and the pond.

The proposed general siting and dimensions of the dwelling unit are shown on *Schedule 2*.

The property is located within a building inspection service area; therefore, building permits will be required. The property is on community water and community sewer.

ALTERNATIVES

1. To approve Development Variance Permit No. 90501 subject to the conditions outlined in Schedules No. 1, 2 and 3.
2. To deny the requested permit.

DEVELOPMENT IMPLICATIONS

The proposed dwelling unit consists of a raised foundation (crawl space), main floor, and a steep pitched roof that contains a bonus room above the fully attached garage. The applicants have indicated that this bonus room will function as a bedroom. This room is fully integrated into the dwelling unit and is without separate entrance.

The proposed dwelling unit is to be located on the east side of Meadow Drive within the building envelope established pursuant to Development Variance Permit No. 90311. This DVP provided relaxation to the watercourse setback requirements for an adjacent drainage course, along the interior side lot line to the south, and for an adjacent pond, along the rear lot line to the west. Please refer to *Schedule No. 2* for details on the building envelope.

The foundation of the proposed dwelling unit must be raised so that the bottom of the floor system is 1.5 metres above the natural boundary of the nearby creek and pond pursuant to RDN Bylaw No. 843, 1991 and WLAP covenant EV145807 requirements. The flood elevation requirement reduces the height of habitable space in relation to the natural grade. In the case of the proposed dwelling unit, this results in the height of the usable habitable space having to be reduced from 8.0 metres to approximately 6.6 metres due to flood elevation requirements.

In order to facilitate the construction of the dwelling unit of the proposed architectural design and achieve flood elevation requirement a relaxation of the maximum height from 8.0 metres to 8.9 metres is being requested.

Nearby property owners will likely be in a similar situation with respect to maximum permitted height and flood elevation. It should be noted that the Board of Variance has granted height relaxation on two other properties on Meadow Drive (BOV Appeal No. 04-08 and 04-14).

The rather flat gently sloping nature of the area combined with the row of 24 residential lots to the north and the distance of approximately 750 metres distance from Georgia Strait preclude direct views of Georgia Strait from the subject property or any of the surrounding properties. Distant indirect views of Georgia Strait are available along the north-south corridor provided by Meadow Drive. As the dwelling unit is proposed to meet the 8.0 metres front lot line setback requirement, the view corridor along Meadow Drive will not be impacted. The proposed dwelling unit is screened to the south by large trees within an area defined in covenant EV145809 that restricts vegetation removal. There will not be any impact on the potential views of surrounding properties resulting from this proposal.

PUBLIC CONSULTATION IMPLICATIONS

As part of the required public notification process pursuant to the *Local Government Act*, adjacent and nearby property owners located within a 50 metre radius will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board's consideration of the permit.

VOTING

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

SUMMARY/CONCLUSIONS

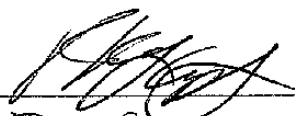
This is an application for a development variance permit to relax the maximum permitted height from 8.0 metres to 8.9 metres to accommodate the proposed construction of a new dwelling unit on Meadow Drive in Electoral Area 'G'. The proposed height variance does not appear to impact views or have other impacts on neighbouring property owners. Therefore, staff recommends approval of the request subject to the conditions outlined in Schedules No. 1, 2 and 3 and subject to the notification requirements pursuant to the *Local Government Act*.

RECOMMENDATION

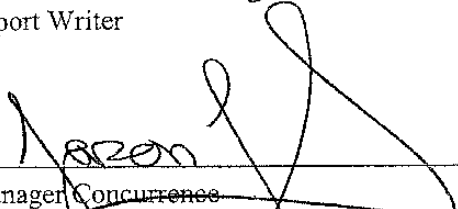
That Development Variance Permit Application No. 90501, submitted by the property owners Albert Joseph Peloso and William (Willie) Cherie Peloso for the property legally described as Lot 20, District Lot 49, Nanoose District, Plan VIP76162 to relax the maximum height requirements from 8.0 metres to 8.9 metres in order to allow for the construction of a dwelling unit as proposed by the applicants be approved subject to the conditions outlined in Schedules No. 1, 2 and 3 and subject to the notification requirements pursuant to the *Local Government Act*.




Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS

**Schedule No. 1
Conditions of Approval
Development Variance Permit No. 90501**

The following conditions are to be met as part of Development Variance Permit No. 90501:

Siting

1. The dwelling unit shall be generally sited as shown on Schedule No. 2 and shall generally appear as shown on Schedule No. 3;
2. The siting of the dwelling unit shall be in compliance with Development Variance Permit No. 90311 except where varied or specified by this permit;

Flood Elevation

3. The dwelling unit shall be constructed in accordance the flood elevation requirement pursuant to "Regional District of Nanaimo Floodplain Management Bylaw No. 843, 1991" and Ministry of Water Land and Air Protection covenant EV145807;

Maximum Height

4. The dwelling unit shall not exceed 8.9 metres in height as indicated on Schedule No. 2 and shown on Schedule No. 3;

Survey

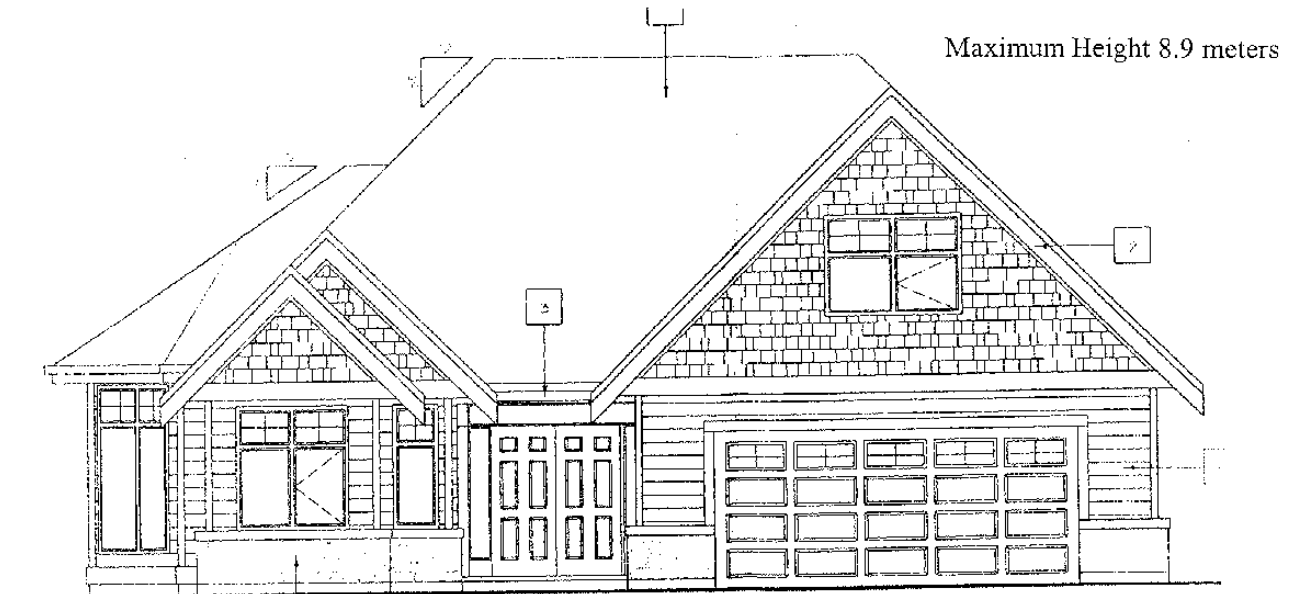
5. A survey by a British Columbia Land Surveyor (BCLS), that is prepared to the satisfaction of the Regional District of Nanaimo, shall be required upon completion of the dwelling unit to confirm its siting and height; An official copy of this survey must be provided to the Regional District of Nanaimo; This survey should include indication of the outermost part of the building such are the overhang, gutters etc.;

Geotechnical

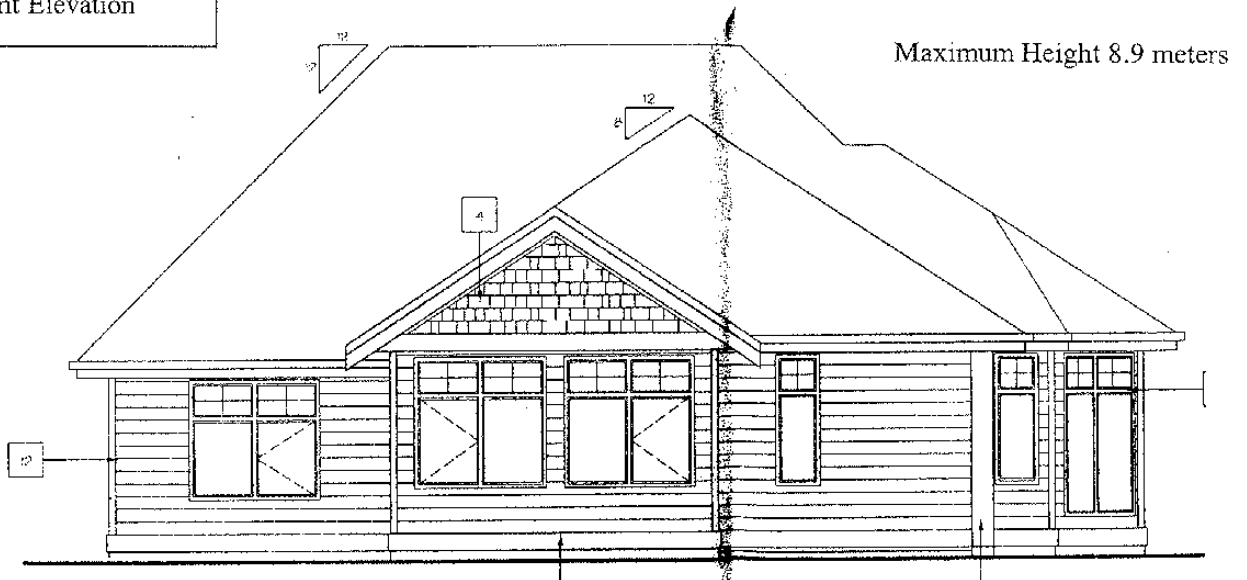
6. A Geotechnical report prepared by a Geotechnical Engineer to the satisfaction of the Regional District of Nanaimo shall be required if deemed necessary by the Chief Building inspector.

Schedule No. 3 (part 1 of 2)
Profile Plan
Development Variance Permit No. 90501

(As Submitted by Applicant / Modified to Fit This Page)



Front Elevation

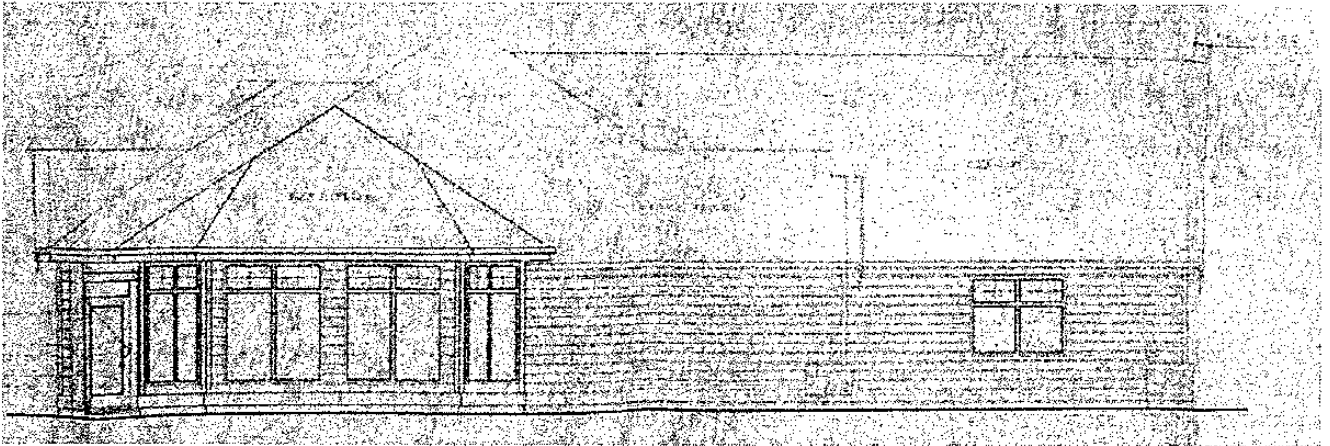


Rear Elevation

Schedule No. 3 (Part 2 of 2)
Profile Plan
Development Variance Permit No. 90501

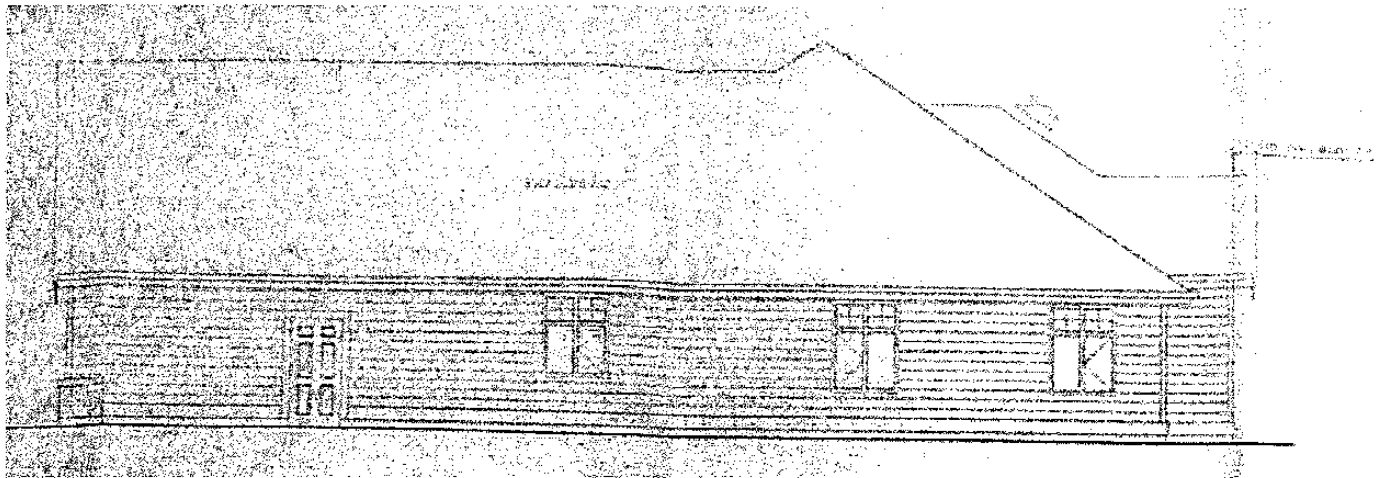
(As Submitted by Applicant / Modified to Fit This Page)

Maximum Height 8.9 meters



South Elevation

Maximum Height 8.9 meters



North Elevation

**Schedule No. 4
Requested Variances
Development Variance Permit No. 90501**

Development Variance Permit No. 90501 is proposed to vary "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987":

1. By relaxing **Section 3.4.61 – Maximum Number and Size of Building and Structures – Height** – the maximum height requirement from 8.0 metres to 8.9 metres in order to accommodate the siting of the dwelling unit.

