

REGIONAL DISTRICT OF NANAIMO

**ELECTORAL AREA PLANNING COMMITTEE
TUESDAY, MARCH 14, 2006
6:30 PM**

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

- 3-6 Minutes from the regular meeting of the Electoral Area Planning Committee held February 14, 2006.

COMMUNICATION/CORRESPONDENCE

- 7-8 **Rich Coleman, Minister of Forests and Range and Minister Responsible for Housing**, re Manufactured Home Park Tenancy.

BUSINESS ARISING FROM THE MINUTES

PLANNING

AMENDMENT APPLICATIONS

- 9-19 Zoning Amendment Application ZA0524 -- Ainsley Foster on behalf of Laverne Kilner -- Schoolhouse Road -- Area A.

DEVELOPMENT PERMIT APPLICATIONS

- 20-31 Development Permit Application No. 60601 -- Gibson -- 343 Home Lake Road -- Area H.
- 32-37 Development Permit Application No. 60608 -- Jill Maibach -- 2093 South Wellington Road -- Area A.
- 38-46 Development Permit Application No. 60610 -- McKinnon/Jorgensen -- 2377 Higginson Road -- Area E.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

- 47-56 Development Variance Permit Application No. 90602 -- Rondeau/Jorgensen -- 3437 Redden Road -- Area E.
- 57-64 Development Variance Permit Application No. 90603 -- Johansen -- 2542 Pylades Drive -- Area A.

- 65-71 Development Variance Permit Application No. 90604 – MacArthur – 2440 Schirra Drive – Area E.
- 72-78 Development Variance Permit Application No. 90605 – Oceanside Storage Ltd. -- 1270 Albemni Highway -- Area F.
- 79-86 Development Variance Permit Application No. 90606 – Allen and Parker – 2933 Dolphin Drive – Area E.

OTHER

- 87-91 Manufactured Home Park Tenant Relocation Policy.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

IN CAMERA

ADJOURNMENT

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, FEBRUARY 14, 2006, AT 6:30 PM
IN THE RDN BOARD CHAMBERS**

Present:

Director D. Bartram	Chairperson
Director J. Burnett	Electoral Area A
Director M. Young	Electoral Area C
Director G. Holme	Electoral Area E
Director L. Biggemann	Electoral Area F
Director J. Stanhope	Electoral Area G
Director B. Johnston	City of Parksville

Also in Attendance:

J. Llewellyn	Manager of Community Planning
M. Pearce	Manager Administrative Services
W. Moorman	Manager of Engineering Standards & Subdivisions
N. Tomn	Recording Secretary

MINUTES

MOVED Director Stanhope, SECONDED Director Holme, that the minutes of the Electoral Area Planning Committee meeting held January 10, 2006 be adopted.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Amendment Application ZA0417 – Island Cash Buyers, on behalf of Integrated Land Management Bureau – Deep Bay Harbour – Area H.

MOVED Director Holme, SECONDED Director Stanhope,:

1. That “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.332, 2006” to rezone the property from Water 1 Subdivision District ‘Z’ (WA1Z) to Water 2 Subdivision District ‘Z’ (WA2Z) in order to recognize a number of existing marina uses on the property be given 1st and 2nd reading.
2. That “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.332, 2006” be approved to proceed to Public Hearing.
3. That the Public Hearing on “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.332, 2006” be delegated to Director Bartram or his alternate.

CARRIED

Amendment Application ZA0525 – Coulson – 161 Horne Lake Road – Area H.

MOVED Director Stanhope, SECONDED Director Biggemann,:

1. That “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.328, 2006” to rezone the land from Residential 6 Subdivision District ‘D’ (RS6D) to Horne Lake Road Comprehensive Development Zone Subdivision District ‘Z’ (CD32Z) be given 1st and 2nd reading.
2. That “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.328, 2006” be approved to proceed to Public Hearing, subject to the conditions identified in Schedule 1.
3. That the Public Hearing on “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.328, 2006” be delegated to Director Bartram or his alternate.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60559 – John Gantner –825 Flamingo Drive - Area G.

MOVED Director Stanhope, SECONDED Director Holme, that Schedule 1 of Development Permit Application No. 60559 be amended to add the following:

“Section 219 Covenant

- f) At the applicant’s expense and to the satisfaction of the RDN, the applicant shall register on title a Section 219 covenant that saves the RDN harmless from any legal action or loss that may result from flooding, and includes the geotechnical report prepared for the property.”

CARRIED

MOVED Director Stanhope, SECONDED Director Holme, that Development Permit Application No. 60559, to allow the replacement of an existing dwelling with a new dwelling and vary the maximum dwelling unit height in the Residential 2 (RS2) zone from 8 metres to 9.5 metres, be approved according to the terms outlined in Schedule No. 1 as amended, and subject to the Board’s consideration of comments received as a result of public notification.

CARRIED

Development Permit Application No. 60602 – Gorenko – 721 Barclay Crescent North – Area G.

MOVED Director Stanhope, SECONDED Director Holme, that Development Permit Application No. 60602, to facilitate the replacement of an existing single-wide manufactured home with a double-wide manufactured home at 721 Barclay Crescent North, be approved according to the terms outlined in Schedule No. 1.

CARRIED

Development Permit Application No. 60604 – Dave Scott for 3536696 Canada Inc. - Area E.

MOVED Director Holme, SECONDED Director Stanhope, that Development Permit Application No. 60604, to site a new dwelling and vary the maximum dwelling unit height from 8 metres to 9.83 metres, be approved according to the terms outlined in Schedule No. 1 and subject to the Board’s consideration of comments received as a result of public notification.

CARRIED

Development Permit Application No. 60605 – Konitzki/Homes by Kimberly – 2590 La Selva Place – Area E.

MOVED Director Holme, SECONDED Director Biggemann, that Development Permit Application No. 60605 to allow for the construction of one single-dwelling unit and one accessory building be approved according to the terms outlined in Schedule No. 1.

CARRIED

OTHER

Request for Relaxation of the Minimum 10% Perimeter Requirement – Glencar Consultants Ltd., on behalf of T & M Gilchrist – Raines Road – Area A.

MOVED Director Burnett, SECONDED Director Young, that the request from Glencar Consultants, on behalf of the Gilchrists, to relax the minimum 10% frontage requirement for the proposed Remainder of Lot 1, as shown on the plan of subdivision of Lot 1, Section 18, Range 7, Cranberry District, Plan 20029 Except Parts in Plans 28748 and 28749 be approved subject to the conditions set out in Schedule No. 1.

CARRIED

Riparian Areas Regulation.

MOVED Director Holme, SECONDED Director Burnett, that the Electoral Area Planning Committee receive this report for information.

CARRIED

Floodplain Management Bylaw No. 1469.

MOVED Director Stanhope, SECONDED Director Biggemann,:

1. That “Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006” be introduced and read three times.
2. That “Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006” be adopted.
3. That the following resolution be forwarded to the Association of Vancouver Island and Coastal Communities for consideration at its upcoming convention:

Flood Plain Bylaw Fee

WHEREAS a regional district is not able to recover costs associated with the processing of an application for a site specific exemption to a flood plain bylaw adopted under Section 910 of the *Local Government Act*;

AND WHEREAS the *Local Government Act* does not include a provision for a regional district to charge a fee for processing an application for a site specific exemption to a flood plain bylaw;

THEREFORE BE IT RESOLVED that AVICC request the provincial government to amend the *Local Government Act* so that regional districts can charge a fee for processing an application for a site specific exemption to a flood plain bylaw.

CARRIED

Proposed Development Variance Permit, Development Permit with Variance and Floodplain Exemption Evaluation Guidelines.

MOVED Director Holme, SECONDED Director Stanhope,:

1. That the Board rescind Policy B1.5 – Development Variance Permit Application Evaluation Guidelines.
2. That the Board endorse as a policy, the Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Evaluation Guidelines attached as Schedule No. 1 to the staff report.

CARRIED

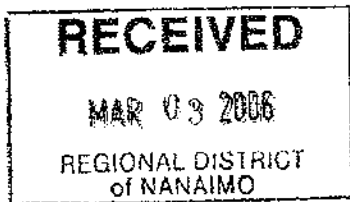
ADJOURNMENT

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

CARRIED

TIME: 6:46 PM

CHAIRPERSON



FEB 28 2006

Maureen Pearse
Manager of Administrative Services
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, British Columbia
V9T 6N2

Dear Ms. Pearse:

Thank you for your February 2, 2006 letter on behalf of the Board of the Regional District of Nanaimo, requesting that I investigate the adequacy of compensation currently provided for manufactured home owners, where residents are requested to vacate as a result of the landlord's use of property.

In 2002, the public was invited to provide comments on the proposed direction of residential tenancy legislation. The Residential Tenancy Office received over 1500 responses, most from individual tenants and landlords representing a wide cross-section of the rental housing community, including home owners of manufactured home parks. The *Manufactured Home Park Tenancy Act* (MHPTA) was created to address the unique issues and interests of manufactured home park owners and manufactured home owners.

I understand the importance of manufactured home parks as an affordable housing choice. I am aware of the significant financial and personal investment manufactured home owners have in their homes. I am also aware of the investment that park owners make to develop and maintain manufactured home parks.

Changes were made to the provisions for ending a tenancy for landlord use of property to address the concerns of both home owners and park owners. Tenants will now receive compensation before they have to incur moving expenses. The set amount of 12 months' rent has reduced the uncertainty and disputes over what are allowable moving expenses. Also under the new MHPTA, a landlord is permitted to end a tenancy for landlord use only if the landlord intends to convert all or a significant part of the park to another use. This is a significant change to address the home owner's concerns.

Maureen Pearse, Manager

We need to encourage investment in rental housing to maintain an adequate supply of clean, safe and affordable housing. It is important that home owners and park owners work together in everyone's interests.

I will continue to work with home owners associations to ensure that the MIIPTA and the residential tenancy system are balanced for both landlords and tenants.

Thank you again for writing.

Sincerely yours,

A handwritten signature in black ink, appearing to be 'Rich Coleman', with a long horizontal stroke extending to the right.

Rich Coleman
Minister



REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAO	<i>GN</i>	GM ES	
DA CCD		MoF	
MAR - 6 2006			
<i>EAP</i>			

MEMORANDUM

TO: Jason Llewellyn
Manager, Community Planning

DATE: March 1, 2006

FROM: Greg Keller
Planner

FILE: 3360 30 0524

SUBJECT: Zoning Amendment Application No. ZA0524
Ainsley Foster, on behalf of Laverne Kilner
Electoral Area 'A' – Schoolhouse Road

PURPOSE

To consider an application to rezone the subject properties from Residential 2 Subdivision District 'F' (RS2F) to Comprehensive Development Zone 33 (CD33) in order to facilitate the future development of light industrial uses.

BACKGROUND

The Planning Department has received a zoning amendment application for the properties legally described as Lot 1, Plan 19938 and Lot 1, Plan 22021 all of Section 13, Range 7, Cranberry District and located at the intersection of Harold and Schoolhouse Roads in the South Wellington area of Electoral Area 'A' (see Attachment No. 1 for location of subject property). The subject properties are 3.76 ha and 1.42 ha in area and are currently zoned Residential 2 Subdivision District 'F' (RS2F) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."

Pursuant to "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001," (OCP), the subject property is designated within the South Wellington Industrial - Commercial Land Use Designation. The OCP policies for this designation recognize and support the use of the land for light industrial purposes. The OCP designates the subject property within the South Wellington Development Permit Area No. 1 which was designated for the protection of the natural environment, its ecosystems and biological diversity, and the regulation of the form and character of commercial and industrial development. The OCP also designates a watercourse starting at the south east edge of the subject property and crossing the adjacent highway right-of-way and lands to the east. As a result, the OCP designates the watercourse as within the Watercourse Development Permit Area No. 5.

The subject properties are currently undeveloped and are primarily vegetated with a mix of native and non-native evergreen and deciduous trees and ground covers. There is a wetted area on the north portion of the northern most lot and a slight gully that runs through the approximate centre of the northern lot on a north south direction. The subject properties are slightly below the elevation of the highway; and therefore, it is anticipated that this difference in elevation will reduce the visual impact of development on the Trans Canada Highway.

There is also a wetted area located on the northern portion of Lot 1, Plan 19938 that is not suitable for development at this time. The applicant has submitted a preliminary geotechnical report dated January 17, 2006, prepared by Lewkowich Geotechnical Engineering Ltd. addressing on-site conditions for construction of industrial uses. The report found that it is feasible from a geotechnical perspective to develop the site. The applicant has also submitted a preliminary septic evaluation dated June 25, 2003, investigating the suitability of the subject properties for on-site sewerage disposal. This preliminary

report was conducted for a proposed seven lot residential subdivision. It is unlikely that the proposed use would not generate septic demand greater than a seven lot residential subdivision. Therefore, staff are satisfied that the applicant has demonstrated the ability to accommodate on site septic disposal. Please note, an on-site septic disposal system designed to meet or exceed provincial standards shall be required prior to development.

Surrounding uses include other Industrial zoned properties to the south, east, and west and a Residential 2 zoned property to the north. Schoolhouse Road and the Trans Canada Highway separate the subject parcel from the adjacent industrial and commercial uses on the west side of the subject parcel. The subject parcel is visible from the Trans Canada Highway and Schoolhouse Road.

There are currently no community water or community sewer services within the area nor are services anticipated in the future. The subject property is within a Regional District of Nanaimo (RDN) Building Inspection area.

Proposal

The applicant is requesting an amendment to Bylaw No. 500, 1987, to rezone the subject property from Residential 2 Subdivision District 'F' (RS2F) to Comprehensive Development Zone 33 (CD33) in order to accommodate a number of light industrial and manufacturing uses (*see Schedule No. 2 for proposed CD33 zone*).

Public Information Meeting

A public information meeting was held on February 27, 2006, at the Cranberry Community Hall. Notification of the meeting was advertised in The Take Five and the Nanaimo News Bulletin as well as the RDN web site along with a courier mail-out to all property owners within 200 metres of the subject property. Signage was also posted on the subject property. Approximately 7 people attended the information meeting and provided comments and suggestions with respect to the proposal (*see Attachment No. 2 'Proceedings of the Public Information Meeting'*). Issues raised at the public information meeting included the following:

- Concerns with outdoor uses and storage
- Concerns for the disposal of storm water

ALTERNATIVES

1. To approve the amendment application as submitted for 1st and 2nd reading and proceed to Public Hearing.
2. To not approve the amendment application.

OFFICIAL COMMUNITY PLAN IMPLICATIONS

"Regional District of Nanaimo Electoral Area 'A' Official Community Plan No. 1240, 2001," policies support the rezoning of the subject parcel to a comprehensive development zone for a light industrial use in this location.

DEVELOPMENT IMPLICATIONS

Land Use Implications

The subject property is designated South Wellington Industrial Commercial in the OCP; however, the subject property is adjacent to a residential parcel and is visible from the Highway. Therefore, staff has concerns that all industrial uses may not be appropriate for the site. Staff worked closely with the

applicant to identify appropriate uses for the site and to identify additional requirements that reflect the unique nature of this industrial property. The proposed uses are intended to be visually unobtrusive and sensitive to the surrounding residential land uses and the highway traffic. The uses are relatively low impact with respect to traffic generation and noise. In addition, they are, for the most part, required to be fully contained within a building to reduce the aesthetic and noise impacts on the area.

Staff are concerned with the size of the subject properties and the fact that the proposed development is being proposed on two separate parcels as this could have future implications with respect to the ability of any one of the parcels to function independently for the proposed use. However, the Ministry of Transportation, as a condition of approval for an access permit, is requiring the consolidation of the two subject properties under one title. Therefore, staff is recommending that the applicant be required to consolidate the subject properties under one single title prior to final reading.

In addition, to ensure that there is adequate site area to accommodate future light industrial uses, especially given the limited building envelope due to the site constraints (wetted area, watercourse, topography), staff is proposing to amend the subdivision district from Subdivision District 'F' (1.0 ha minimum regardless of servicing) to Subdivision District 'Z' (no further subdivision).

Staff are concerned with the availability of a suitable source of on-site potable water to service the proposed development. Therefore, staff recommends that the applicant be required to submit a report prepared by a professional Engineer assessing the ability to provide an on-site potable water supply. The applicant is in concurrence with this request.

Landscaping and Screening

Due to the visual sensitivity of the area and in order to ensure that the future uses of the subject property are visually compatible with the surrounding industrial and residential uses and highway traffic, staff is proposing a higher standard of landscaping and screening adjacent to Schoolhouse and Harold Roads than what is required pursuant to Bylaw No. 500.

In order to ensure an appropriate standard of landscaping is provided, staff recommends that the applicant be required to submit a landscaping plan to the RDN prior to the Public Hearing for this application detailing the landscaping adjacent to Schoolhouse and Harold Roads. Further to the above, staff also recommends that the applicant, prior to final approval, be required to register a Section 219 covenant on the title of the subject property ensuring they undertake the proposed landscaping prior to development of the site.

The proposed covenant would require the applicant to obtain a Development Permit that implements the landscaping plan and submit a security deposit in an amount equal to the total estimated cost of materials and labour prior to the applicant establishing any new uses on the property. The said covenant would allow for the incremental implementation of the landscape plan provided that the applicant provides landscaping adjacent to all new uses as they are developed and/or established, and the overall plan is implemented as the remainder of the subject property is developed. The applicant is in concurrence with this request; however, as of the date of this report the applicant has not submitted an acceptable landscaping plan. The applicant has agreed to provide this information prior to the Public Hearing for this application.

Visual screening and separation between Lot 1, Plan 19938, and the Residential 2 zoned property to the north will be maintained by an existing buffer of native vegetation. This area of the property is wet and is currently not appropriate for development. However, the applicant has indicated a 5.0 metre buffer of native vegetation will be maintained as shown on the preliminary landscaping plan, the final product of which will be registered on title and should the conditions for development improve on this portion of the property, this buffer will provide an adequate separation distance between properties.

Development Permit Implications

No specific development is being proposed at this time. However, the applicants are proposing up to a maximum of approximately 9290 m² of floor space for a mini warehouse facility. If this zoning amendment application is approved, future development of light industrial or manufacturing uses shall be subject to the South Wellington Development Permit Area No. 1 guidelines. The development permit process will trigger the landscaping requirement adjacent to Schoolhouse and Harold Roads as well as other issues including access signage, drainage, and protection of the aquifer.

PUBLIC CONSULTATION IMPLICATIONS

If the application proceeds, a Public Hearing will be required as part of the zoning amendment process.

ENVIRONMENTAL IMPLICATIONS

The Environmentally Sensitive Areas Atlas indicates that there is a watercourse that runs through the Southeast corner of Lot 1, Plan 22021.

The applicant also has completed a Waste Management Site Profile which indicates there have not been any Schedule No. 2 activities on the subject parcel.

INTERGOVERNMENTAL IMPLICATIONS

Ministry of Transportation – the Ministry has forwarded a number of conditions concerning this application. In summary, the Ministry's conditions are as follows: dedication of a 6.0 m corner cut off at the intersection of Schoolhouse and Harold Road, consolidation of the two subject parcels, access to be off of Harold Road to be setback a minimum of 25.0 m from the corner cut off, and drainage is to be contained on site or taken to an approved natural outfall. The original drainage pattern and existing drainage courses are not to be altered without approval from the Ministry of Environment.

It should be noted, that the applicant may require an updated access permit at the time of development in order to permit any specific light industrial use. It is also noted that this amendment bylaw is subject to the approval of the Ministry pursuant to the *Highway Act*.

Staff also sent referrals to the Ministry of Environment, the Vancouver Island Health Authority, and the Cranberry Fire Hall; and as of the date of this report, no negative comments have been received.

VOTING

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

SUMMARY

This is a request to amend Bylaw No. 500, 1987, to permit future industrial related uses on property located on Schoolhouse and Harold Roads in the South Wellington area of Electoral Area 'A'.

The Electoral Area 'A' OCP designates the subject property within the South Wellington Development Permit Area No. 1. Although the applicant is not proposing development at this time, any future development of the property is subject to the South Wellington Development Permit Area guidelines and a Development Permit will be required to address the following issues: signage, lighting, drainage, and landscaping, etc.

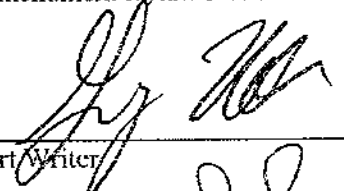
Given the surrounding industrial and residential uses and close proximity to the highway, staff have included site specific landscaping requirements in the proposed CD zone. There is a higher standard of

landscaping recommended by staff and agreed to by the applicant for the frontage of the property adjacent to Schoolhouse and Harold Roads than is required pursuant to Bylaw No. 500.

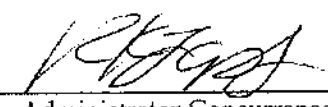
In conclusion, the OCP supports the proposed industrial uses on the subject property. In staff's assessment, the proposed uses are compatible with the adjacent uses if developed in accordance with the proposed CD zone. Therefore, staff recommends Alternative No. 1 to approve the amendment application subject to the conditions set out in Schedule No. 1 for 1st and 2nd reading and to proceed to Public Hearing.

RECOMMENDATIONS

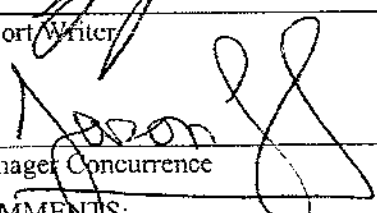
1. That the minutes of the Public Information Meeting held on February 27, 2006, be received.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.333, 2006" to rezone the properties legally described as Lot 1, Plan 19938, and Lot 1, Plan 22021, all of Section 13, Range 7, Cranberry District from Residential 2 Subdivision District 'F' (RS2F) to Comprehensive Development 33 (CD33) to allow the industrial use of the property be given 1st and 2nd reading.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.333, 2006" be approved to proceed to Public Hearing subject to the conditions identified in Schedule 1.
4. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.333, 2006," be delegated to Director Burnett or his alternate.



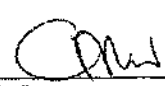
Report Writer



Deputy Administrator Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

devsvs/reports/2006/za nr 3360 39 0524 Kilner-Foster 1st and 2nd Report

Schedule No. 1
Conditions of Approval
Zoning Amendment Application No. ZA0524
Lot 1, Plan 19938, and Lot 1, Plan 22021, Section 13, Range 7,
Cranberry District – Schoolhouse and Harold Roads

The following conditions are to be completed prior to the scheduling of the Public Hearing for Amendment Bylaw No. 500.333, 2006:

1. Applicant shall submit a site plan detailing the location of landscaping and fencing to be provided on the property adjacent to Schoolhouse and Harold Roads and must include the following:
 - a. an itemized list of the individual plant species and number of plant species to be planted;
 - b. height of all proposed plantings;
 - c. a list of the materials to be used including curb and fencing if applicable;
 - d. all existing vegetation which is proposed to be maintained or removed;
 - e. detailed drawings indicating how all access and egress points will be identified; and,
 - f. verification that the proposed landscaping meets the landscaping requirements contained in the proposed CD33 zone.

2. Applicant to submit proof that a report prepared by a Qualified Environmental Professional has been submitted to the Ministry of Environment in accordance with the *Riparian Areas Regulations* in respect to the watercourse located on the south east portion of the subject property.

The following conditions are to be completed prior to consideration of Amendment Bylaw No. 500.333, 2006, for final reading:

1. The applicant shall, at their expense and to the satisfaction of the RDN, register on title a Section 219 covenant requiring the issuance of a Development Permit that includes the provision of landscaping in accordance with the landscaping plan submitted by the applicant under the above condition No. 1 prior to any use or development occurring on the subject property.

2. Applicant to submit written proof indicating that all conditions imposed by the Ministry of Transportation in the letter dated February 17, 2006, and any subsequent requests have been satisfied.

3. The applicant shall, at their expense and to the satisfaction of the RDN, register on title a Section 219 covenant requiring the completion of all measures recommended in the report prepared by the Qualified Environmental Professional and to prohibit development, land alteration, and all other disturbance by the hand of man within the streamside protection and enhancement area.

4. Applicant shall consolidate the two subject properties under one title.

5. Applicant to submit a report prepared by a professional Engineer assessing the ability to provide an on-site potable water supply.

Schedule No. 2 (page 1 of 2)
Proposed CD33 Zone
Zoning Amendment Application No. ZA0524
Lot 1, Plan 19938 and Lot 1, Plan 22021 all of Section 13, Range 7, Cranberry District,
Schoolhouse and Harold Roads

**SCHOOLHOUSE and HAROLD ROADS LIGHT INDUSTRIAL
 COMPREHENSIVE DEVELOPMENT ZONE** **CD33**

3.4.133.1 Permitted Uses

Permitted Uses

- a) Light Industry
- b) Manufacturing Use
- c) Residential Use
- d) Mini Storage

3.4.133.2 Maximum Number and Size of Buildings and Structures

Dwelling units/parcel	1
Height of buildings	8.0 m
Parcel coverage	40%

3.4.133.3 Minimum Parcel Size: 5.0 hectares

3.4.133.4 Minimum Setback Requirements

Lot Lines Adjacent to Harold Road	8.0 metres
Lot Lines Adjacent to Schoolhouse Road	8.0 metres
Other Lot Lines	5.0 metres

3.4.133.5 Other Regulations

For the purpose of this zone:

- a) *Manufacturing Use* means the assembling and manufacturing of a product or products in a building only and may include indoor accessory retail sales of the product(s) produced to a maximum of 10% of the floor area of the building and may include an accessory office use.
 - b) *Mini Storage* Means a building or buildings containing separate, individual self-storage units each with a separate entrance designed to be rented or leased to the general public for private storage of personal goods, materials, and equipment and does not include outside storage or the rental or lease of moving trucks or moving trailers.
 - c) All uses must be fully contained within a building.
-

Schedule No. 2 (page 2 of 2)
Proposed CD33 Zone
Zoning Amendment Application No. ZA0524
Lot 1, Plan 19938 and Lot 1, Plan 22021 all of Section 13, Range 7, Cranberry District,
Schoolhouse and Harold Roads

3.4.133.6 Landscaping

- a) Landscaping shall be provided to the satisfaction of the RDN along the perimeter of Schoolhouse and Harold Roads excluding entrances to a minimum width of 5.0 m and shall include a minimum of 75% screening from grade level to a height of 3.0 m and at least 25 % screening from a height of 3.0 m to 5.0 m above grade.
 - b) Landscaping shall at minimum include planting one evergreen tree for every 3.0 m of parcel frontage.
 - c) All landscaping abutting parking or other vehicle access areas on site shall be protected by a permanent curb of a minimum of 15 cm in height to protect landscaping from potential vehicular damage.
 - d) Except where varied by this zone, landscaping shall be provided in accordance with **Schedule 3F -- Landscaping Regulations and Standards of Bylaw No. 500.**
-

Attachment No. 2

Proceedings of the Public Information Meeting

Report of the Public Information Meeting
Held at Cranberry Community Hall
1555 Morden Road
February 27, 2006, at 7:00 pm

**SUMMARY OF THE MINUTES ON THE PROPOSED ZONING AMENDMENT FOR
LOT 1, PLAN 22021 AND LOT 1, PLAN 19938 ALL OF SECTION 13, RANGE 7,
CRANBERRY DISTRICT**

Note: This summary of the meeting is not a verbatim recording of the proceedings but is intended to summarize the comments of those in attendance at the Public Information Meeting.

There were approximately seven people in attendance.

Present for the Regional District:

Director Joe Burnett, Director for Electoral Area 'A', Meeting Chair
Paul Thompson, Senior Planner
Greg Keller, Planner

Present for the Applicant:

Ainsley Foster, Barclay Capital Developments Inc., Agent for applicant
Charlie Maddison of Bonnie Maddison Architects, Applicant's architect
Dean Pomeroy of Razor Construction, Applicant builder

Director Burnett, Chair, opened the meeting at 7:03 pm with opening remarks and outlined the agenda for the meeting.

Greg Keller, Planner, provided a brief description of the application.

The Chair, introduced Charlie Maddison, the architect.

Charlie Maddison and Bonnie Maddison, Architects, gave a brief presentation introducing those in attendance to the proposal. Mr. Maddison indicated that the design is a work in progress and is not cast in stone at this point. Mr. Maddison continued by describing the site features. Mr. Maddison indicated that the applicant is proposing to construct up to 100,000 m² of mini storage floor area and a two-storey office/administration building on the subject property. Mr. Maddison outlined the proposed landscaping which includes a landscaped buffer around the perimeter of the subject properties. Mr. Maddison indicated that all drainage will be handled on site. Mr. Maddison continued by stating that all signage would be constructed as per Bylaw No. 500 standard. Mr. Maddison indicated that the subject property is approximately one storey lower than the highway so much of the building would not be visible from the highway. Mr. Maddison concluded by stating that a geotechnical report has been prepared for the subject properties indicating that the site is developable and suitable for a septic disposal system.

The Chair, asked for questions from the floor.

Dave McNaught, 7025 Aulds Road, expressed concern with the off-site drainage and asked the applicant how drainage would be handled. Mr. McNaught also indicated that he was concerned with the impact of outdoor uses.

The Planner, responded by explaining that outdoor uses are restricted in the proposed zone.

Charlie Maddison, and Bonnie Maddison Architects, explained that drainage is proposed to be handled on-site.

David Little, 2717 Charles Road, indicated that he was concerned with outdoor storage.

The Planner, responded by explaining that outdoor storage is restricted in the proposed zone.

David Little, 2717 Charles Road, requested that the applicant clarify the proposal.

Charlie Maddison, and Bonnie Maddison Architects, provided a brief summary of the proposal.

The Chair asked for any further comments or questions three times.

As there were none, the **Chairperson** thanked those in attendance and announced that the Public Information Meeting was closed.

The meeting concluded at 7:30 pm.

Greg Keller
Recording Secretary



REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAO	ON	GM ES	
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EAW			

MEMORANDUM

TO: Jason Llewellyn
Manager of Community Planning

DATE: March 6, 2006

FROM: Norma Stumborg
Planner

FILE: 3060 30 60601

SUBJECT: Development Permit Application No. 60601 — Gibson
Electoral Area 'H' – 343 Horne Lake Road - RDN Reference Map No. 92G.037.4.4

PURPOSE

To consider an application for a development permit with variance for site improvements including a house and footbridge at 343 Horne Lake Road.

BACKGROUND

This application is for an Environmentally Sensitive Features Development Permit, pursuant to "Regional District of Nanaimo Area 'H' Official Community Plan Bylaw No. 1335, 2004," for site improvements and building envelopes to site a house and a footbridge. The purpose of this Development Permit Application (DPA) is to protect the natural environment, its ecosystems, and biological diversity. The property is zoned Residential 2 (RS2) Subdivision District 'M' pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," and is legally described as Lot 3, District Lot 31, Newcastle District, Plan 21871. The subject property is located at 343 Horne Lake Road. (See Attachment No. 1).

The applicant is requesting a variance to Section 3.4.62 and Section 3.3.8 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," as follows:

- to relax the minimum interior side lot line setback from 2.0 metres to 0 metres for a building envelope to site a footbridge.
- to relax the minimum setback from Westglade Brook from 18.0 metres to 0 metres for a building envelope to site a footbridge.
- to relax the minimum setback from Westglade Brook from 18.0 metres to 9.0 metres for a building envelope to site a house.
- to relax the minimum setback from the wetland to the rear of the property from 18.0 metres to 17.4 metres for a building envelope to site a house.

Please see the development plan in Schedule No. 2.

The subject property is situated in a mature residential neighbourhood comprised of a mix of older manufactured homes and stick frame houses. The property is bordered to the north, south, and west by residential properties and to the east by the railway. Separation between adjacent properties is achieved by wooden fences.

The parcel is approximately 22 metres x 44 metres in size and is relatively flat. The subject property is not located within a building inspection service area. Therefore, a building permit is not required. Reasons for the variances to the setbacks of the watercourses are that the 18 metre setback from the centerline of Westglade Brook at the front of the property and the wetland area to the rear of the property, combined with the relatively narrow and small lot size, makes siting a conventional dwelling unit and footbridge in accordance with minimum setback requirements difficult. The variance to the side lot line and watercourse setbacks is requested to construct a footbridge.

The wetland area located between the rear lot line and the railway is protected under the Environmentally Sensitive Features Development Permit Area. The applicant proposes to move a house on the property via a temporary bridge over Westglade Brook. This stream cuts across the front of the property. There are no plans for a permanent bridge crossing for vehicle access.

There are 11 mature conifers on the property. In order to site a house, the applicant proposes to remove several of the large Fir trees and the fence on the south side of the property. As well, there exists an abandoned septic field and shed on the property. Please view the Proposed Development Plan in Schedule No. 2.

ALTERNATIVES

1. To approve Development Permit No. 60601 with variances according to the terms outlined in Schedule No. 1 and subject to comments received as a result of public notification.
2. To deny the requested permit.

DEVELOPMENT IMPLICATIONS

This is an application to allow two building envelopes for the purpose of siting a house and footbridge on a previously developed parcel of land located at 343 Horne Lake Road. The applicant intends to site a house within the proposed building envelope of approximately 159 m² (1712 ft²). The applicant intends to site a pedestrian bridge to access the property within the proposed building envelope of 12 m² (129 ft²), on the south side lot line. The building envelope for the house meets the minimum side lot line setbacks, and the applicant proposes to move in a single-storey home. Please note that this application does not include a request to vary the maximum height requirement.

The applicant has provided a report from an engineer which evaluates the flooding hazard associated with this site. The engineer recommends a suitable flood elevation of 1.0 metre above the top of the existing concrete slab on grade floor of the shed structure. The applicant proposes to structurally elevate the house 1.5 metres, and staff recommends as a term of this permit that the area beneath the main floor not be inhabited or used to store items damageable by flood waters.

Servicing Implications

The applicant provided a Preliminary Septic System Site Assessment and an addendum report prepared by Lewkowich Geotechnical Engineering Ltd. These reports indicate that a Type 3 septic system is required because of to the proximity to a fish bearing watercourse.

There is a water connection at the front of the lot. The applicant has received written permission from Quality Springs Water System utility to connect to the water system. The applicant proposes to run the water line under the footbridge and to insulate the portion of the water line that is above ground.

Access Implications

The development proposal does not include a permanent bridge crossing over Westglade Creek for vehicle access to the house. Rather, the applicant proposes to create a parking area of approximately 29 m² in size on the west side of the property between Westglade Brook and Horne Lake Road and a footbridge for pedestrian access over the existing culvert on the south side of the lot. Variances to the side lot setback from 2.0 metres to 0 metres and to the centerline of Westglade Brook from 18.0 metres to 0 metres are requested to site the footbridge. Presently, people walk on the culvert to access the property. Constructing a walkway over the culvert will prevent the culvert from becoming damaged by pedestrian traffic. Staff foresee minimal impacts from the footbridge for the adjacent property owners because pedestrians presently cross at this location. The structure is not large enough to impact the views of the adjacent neighbours nor should the footbridge experience high volumes of traffic as it is for residential purposes only.

A temporary bridge span over Westglade Brook is proposed in order to move a house onto the property and construct a foundation. The bridge would be removed upon completion of construction. The applicant has applied for Notification under Section 9 of the Water Act for the temporary clear span bridge and received verbal approval for the development plan from the Ministry of Environment and Department of Fisheries and Oceans Canada. In the permit, staff recommend that the applicant comply with Provincial and Federal regulations and that the mover be certified and insured to undertake the work of moving the house in order to ensure that the structure is handled properly and that in the event of a mishap, funds are available for environmental reclamation.

Environmental Implications

A Site Quality Survey and Riparian Area Regulation assessment of the subject property prepared by Toth & Associates was completed on February 27, 2006. The assessment provides recommendations for watercourse setbacks, retention, mitigation, and compensation of significant natural features. Please note that the recommendations from the report, including the Watercourse Setback and Re-vegetation Plan, are included in this permit.

The Professional Biologist's report outlines that Westglade Brook is a valuable fish habitat, as Cutthroat Trout and juvenile Salmonoid were discovered in the creek. The biologist found that the wetland to the rear of the property that is within the DPA offers general wildlife, but no fish habitat value. Therefore, the biologist recommends a reduced setback of 5.0 metres from the normal high water mark of the swale at the rear of the property and variable setbacks ranging from approximately 2.5-11.0 metres from the top of the bank of Westglade Brook (*See Schedule No. 4*). The reason for the variation in the setbacks along Westglade Brook is that the biologist considered the limitations associated with the site specific conditions in conjunction with the proposed development plan. It is important to note that the building envelope for the house exceeds the minimum watercourse setbacks recommended by the biologist.

Along with the setback recommendations, the biologist outlines a Watercourse Setback and Re-vegetation plan that specifies planting conditions, plant types, spacing, and heights. This plan forms part of the permit and staff recommend a landscaping bond be secured to ensure the necessary work is completed (*See Schedule No. 3*). The biologist is concerned that future owners of the lot may destroy the re-vegetated area; and since Westglade Brook is not protected under a DPA, it is recommended that the applicant register the Watercourse Setback and Re-vegetation Plan and a conservation covenant on title.

The biologist recommends that an Environmental Management Plan (EMP) be developed for the property and that a qualified Environmental Monitor be contracted to develop and implement an EMP for the property and to oversee environmental protection, mitigation, and re-vegetation within the setback areas

during the construction period. An Environmental Management Plan is a detailed summary of the development work/actions and associated precautionary measures that are to be undertaken in order to protect the environmental values identified in the Site Quality Survey and Riparian Area Regulation Assessment. The Regional District of Nanaimo's (RDN) standard erosion and sediment control requirements are included in the permit to ensure that the EMP meets the baseline standard.

Other recommendations in the report include that the shed and concrete slab foundation, if possible, be moved away from Westglade Creek to allow for the establishment of riparian re-vegetation. Also, the biologist recommends that the abandoned septic tank on the property be pumped out and the septic tank, if structurally sound, be filled in with inorganic material such as rock or soil. The applicant agrees to fill the septic tank and remove the existing shed but prefers to retain the concrete slab. The concrete slab is outside of the recommended high plant zone. Staff recommends, and the Professional Biologist concurs, that the concrete slab may remain provided that no structures are located on it.

COVENANTS AND PUBLIC NOTIFICATION

To ensure that the recommendations related to environmental protection and safe use of the site are understood by current and future property owners, it is recommended that the Geotechnical Reports, Site Quality Survey and Riparian Area Assessment, Watercourse Setback, and Re-vegetation Plan along with a restrictive conservation covenant be registered as a Section 219 covenant by the property owner. A clause saving the Regional District harmless will be included in the covenant.

As part of the required public notification process pursuant to the *Local Government Act*, adjacent and nearby property owners located within a 50 meter 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 application is for an Environmentally Sensitive Features Development Permit, pursuant to "Regional District of Nanaimo Area 'H' Official Community Plan Bylaw No. 1335, 2004," to allow building envelopes to site a house and a footbridge and site improvements at 343 Horne Lake Road.

The application includes the following variances:

- to relax the minimum interior side lot line setback from 2.0 metres to 0 metres for a building envelope to site a footbridge.
- to relax the minimum setback from Westglade Brook from 18.0 metres to 0 metres for a building envelope to site a footbridge.
- to relax the minimum setback from Westglade Brook from 18.0 metres to 9.0 metres for a building envelope to site a house.
- to relax the minimum setback from the wetland to the rear of the property from 18.0 metres to 17.4 metres for a building envelope to site a house.

As a result of the relatively small lot size, proximity of natural watercourses, and setback requirements, there is a very limited building envelope that makes siting a conventional dwelling unit difficult. The


requested side lot line setback variance for the footbridge is not anticipated to have any negative impact on the adjacent property owners.

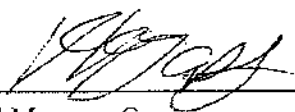
The proposed development has been evaluated by a Professional Biologist and Professional Engineer both of whom indicate that the development may be undertaken on the property given specific constraints. Their recommendations form part of this permit and will be registered on the Certificate of Title to ensure that the recommendations are known to future property owners.

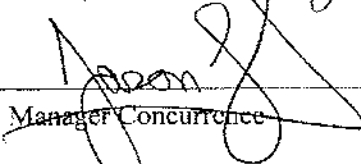
From staff's assessment of this application, Development Permit No. 60601 is acceptable given the conditions outlined in Schedule No. 1 that take into consideration the natural constraints of developing the subject property.

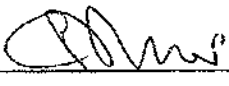
RECOMMENDATION

That Development Permit Application No. 60601 to allow the development of a house and footbridge on the property with variances to the side lot line setbacks and the watercourse setbacks at 343 Horne Lake Road be approved according to the terms outlined in Schedule No. 1 and subject to the Board's consideration of comments received as a result of public notification.


Report Writer


General Manager Concurrence


Manager Concurrence


CAO Concurrence

COMMENTS:
devsvs/reports/2006/dp nr 3060 30 60601/Clive Gibson Report

Schedule No. 1
Terms of Development Permit No. 60601
Lot 3, District Lot 31, Newcastle District, Plan 21871

Proposed Variances

1. The following variances to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," apply only to the south side lot line and to two building envelopes shown on the Survey Site Plan in Schedule No. 2.
 - a. **Section 3.4.62** - Minimum Setback Requirements is varied by relaxing the minimum side lot line setback from 2.0 metres to 0 metres for a building envelope to site a footbridge.
 - b. **Section 3.3.8a** - Minimum Setback Requirements is varied by relaxing the minimum setback from Westglade Creek from 18.0 metres to 0 metres for a building envelope to site a footbridge.
 - c. **Section 3.3.8a** - Minimum Setback Requirements is varied by relaxing the minimum setback from Westglade Creek from 18.0 metres to 9.0 metres for a building envelope to site a house.
 - d. **Section 3.3.8a** - Minimum Setback Requirements is varied by relaxing the minimum setback from the wetland to the rear of the property from 18.0 metres to 17.4 metres for a building envelope to site a house.

Development of Site

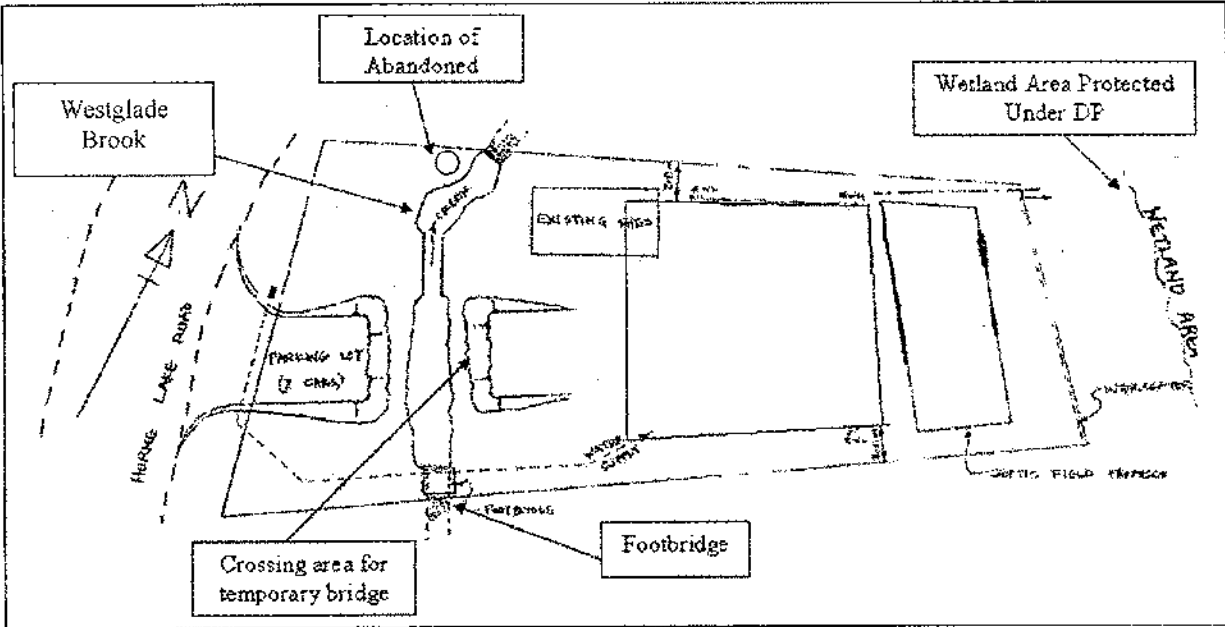
2. All structures shall be constructed within the building envelope and specifically no structure shall be sited on the concrete slab foundation outside of the building envelope.
3. The property shall be developed in substantial compliance with Schedules No. 2 and 3.
4. The Flood Construction Level of 1.0 metre above the grade of the concrete slab for the shed shall be maintained. No habitation, building machinery, or storage of items damageable by flood waters shall be located below the flood construction elevation.
5. The applicant shall secure a mover that is certified and insured to undertake the work of moving a house.
6. Uses and construction shall be undertaken in accordance with the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," except as where varied by this permit.
7. A survey plan prepared by a British Columbia Land Surveyor shall be submitted by the applicant to the Regional District of Nanaimo showing the final siting and height of the dwelling unit and footbridge. This survey should indicate the outermost part of the building such as the overhang, gutters, etc. and shall be prepared to the satisfaction of the Regional District of Nanaimo.
8. At the applicant's expense and to the satisfaction of the Regional District of Nanaimo, the Geotechnical Reports and a Restrictive Covenant saving the Regional District of Nanaimo harmless from any action or loss that might result from flooding shall be registered on the Certificate of Title as a Section 219 Covenant prior to issuance of this permit.

Environmental Protection

9. The applicant shall comply with the Watercourse Setbacks and Re-vegetation Plan shown on Schedule No.3. Prior to issuance of this permit, the applicant shall submit security for the re-vegetation work to ensure that the work is undertaken. The applicant may re-vegetate over the existing concrete slab foundation for the shed.
10. An Environmental Management Plan shall be developed for the property prior to development, and a qualified Environmental Monitor shall be contracted to develop and implement an Environmental Management Plan for the property and to oversee environmental protection, mitigation, and re-vegetation within the setback areas during development.
11. The shed shall be removed from the property.
12. The abandoned septic tank on the property shall be pumped out and the septic tank, if structurally sound, is to be filled with inorganic material such as soil or rock; or the septic tank is to be removed or broken up and the resulting excavation is to be filled with soil or rock.
13. Sediment and erosion control measures must be utilized to control sediment during construction and land clearing works and to stabilize the site after construction is complete. These measures must include:
 - a. Tarps, sand bags, poly plastic sheeting and/or filter fabric are required to be onsite.
 - b. Sediments must not be discharged to any drainage ditch or watercourse.
 - c. Direct run-off flows away from the watercourses using sand bags, swales, or low berms.
 - d. Cover temporary fills or soil stock piles with polyethylene or tarps.
 - e. Exposed soils shall be seeded prior to the onset of fall rains.
 - f. Temporary sediment filtration ponds, constructed from straw bales and filter cloth, shall be used to treat any sediment laden water arising from construction activities. Upon completion of construction activities and grass seeding, the hay bales can be broken apart and spread over disturbed areas to act as mulch for grass seed and to reduce rain splash erosion of exposed soils.
14. The applicant shall develop the site in accordance with **Provincial** and **Federal** regulations.
15. The applicant should be familiar with Section 3.5 of a *User's Guide to Working In and Around Water* (Ministry of Environment, May 2005) and Sections 4.2 and 5.1 of *Standards and Best Practices for Instream Works*.
16. At the applicant's expense and to the satisfaction of the Regional District of Nanaimo, the applicant shall register the Site Quality Survey and Riparian Area Assessment Report as a Section 219, along with a restrictive conservation covenant on title, that protects the environmental integrity of the watercourse setbacks and the re-vegetated area and allows only introduced invasive plant species and hazard tree removal to occur within the watercourse setback area.

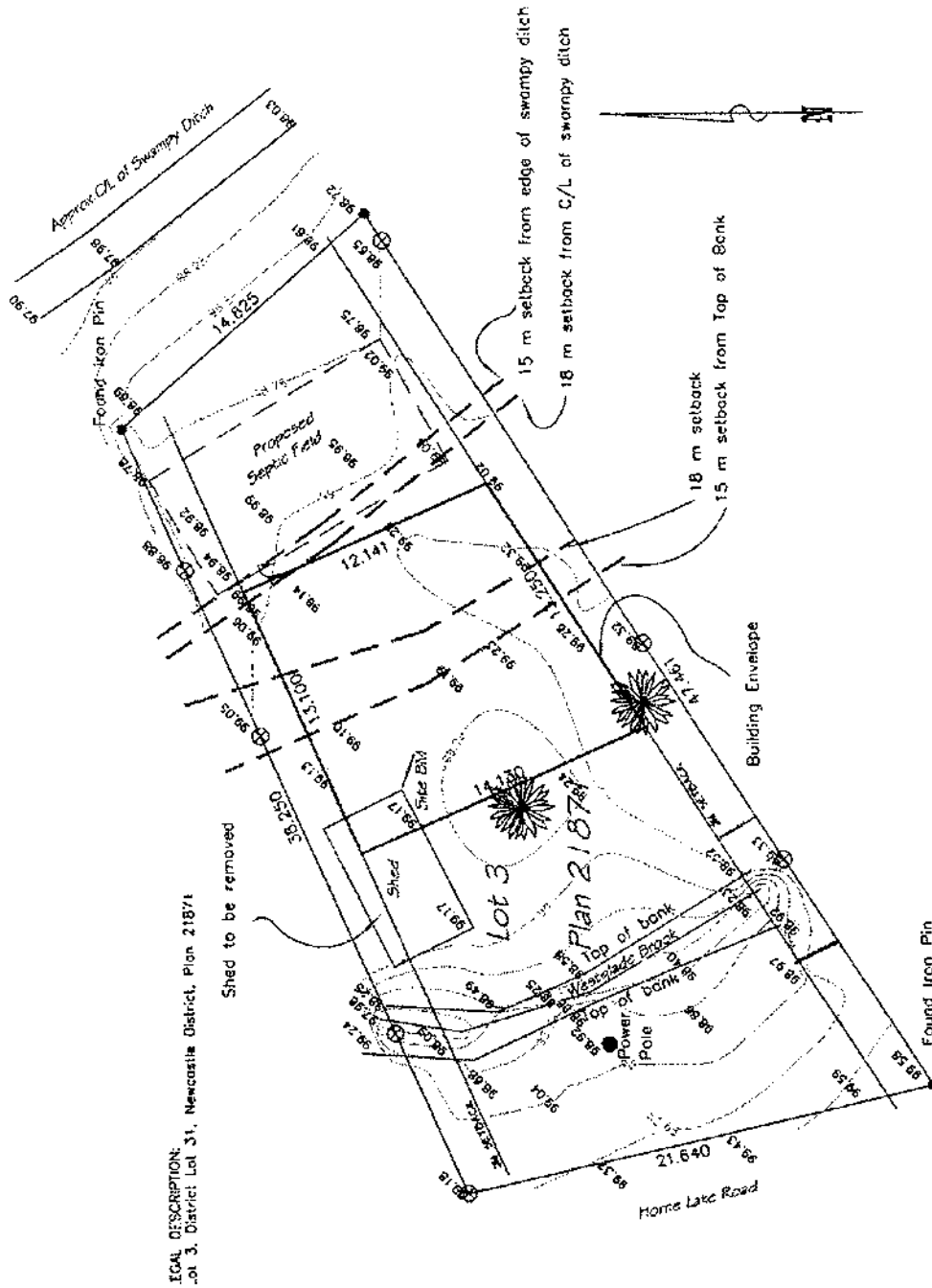
Schedule No. 2 (1 of 2)
Development Plan and Footbridge Drawings
Development Variance Permit No. 60601

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

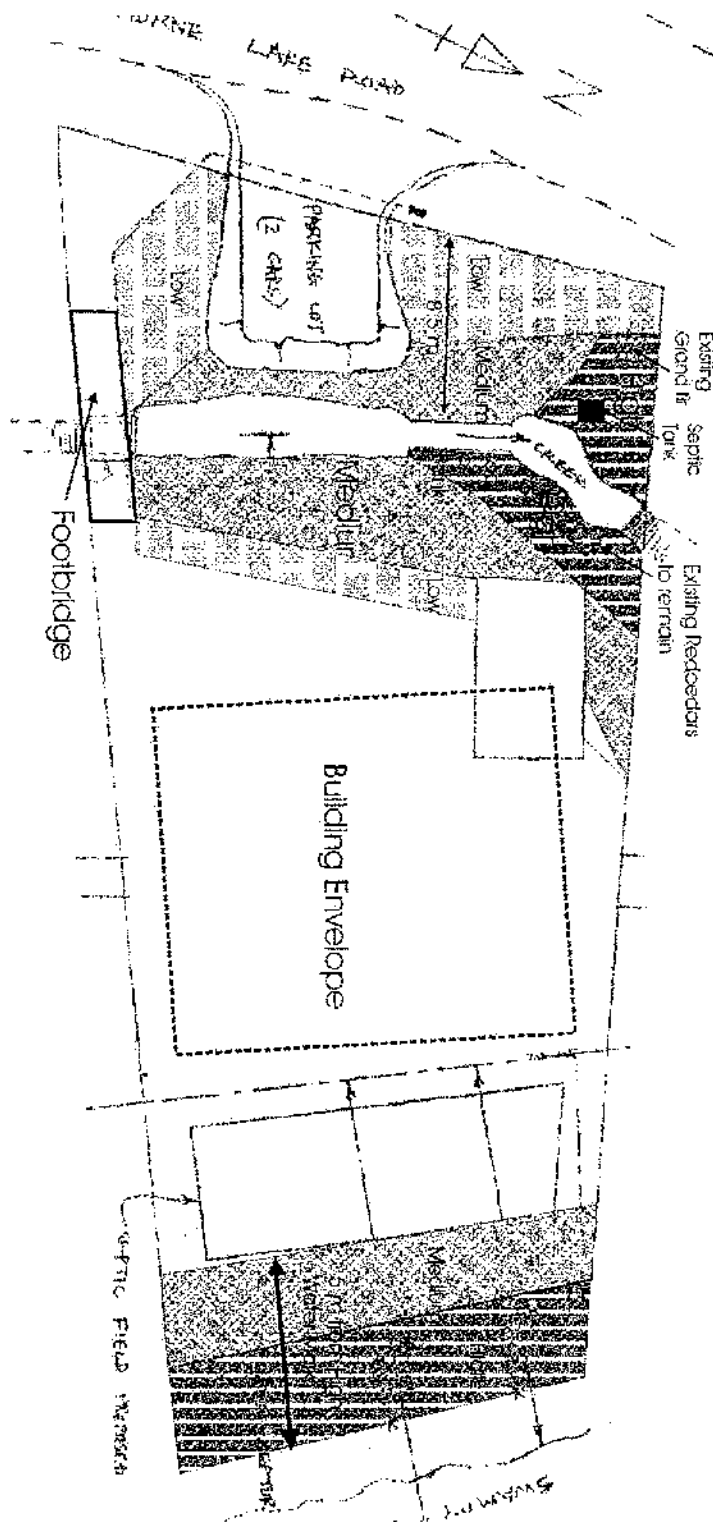


Schedule No. 2 (2 of 2)
Survey Site Plan
Development Variance Permit No. 90601

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



Schedule No. 3 (1 of 2)
Watercourse Setbacks and Re-vegetation Plan Developed by Steve Toth, ASCT, R.P. Bio
Development Variance Permit No. 60601
(As Submitted by Applicant / Modified to Fit This Page)



Schedule No. 3 (2 of 2)
Watercourse Setbacks and Re-vegetation Plan Developed by Steve Toth, AS&T, R.P. Bio
Development Variance Permit No. 60601
(As Submitted by Applicant / Modified to Fit This Page)

The native plant species indicated in Table 1 below are considered appropriate for planting on the property. The plant species identified in italics prefer moist soil or shade conditions while the remainder prefer well-drained soils with good exposure.

- Trees should be spaced 2 metres apart while shrubs should be spaced 0.75 – 1.0 metres apart. All tree and shrub species planted should be guaranteed, nursery stock for successful transplanting.
- Tree stock should be a minimum of 1.5 metres in height when purchased.
- Stock should be planted in the fall (September to October) and spring (March to April) depending on local conditions.
- The quantity of stock planted should ensure at least 80 percent survival.
- Additional watering may be required if site soil conditions are poor for successful established growth. Fruit trees and shrubs should be planted to promote recolonization by seed and to provide bird/wildlife food sources.

Table 1. Native Plant Species for restoration sorted by height

Low	Medium	High
Dull Oregon-grape	<i>Salmonberry</i>	Grand Fir
<i>Sword Fern</i>	<i>Pacific Ninebark</i>	Douglas Fir
Salal	Red Huckleberry	Shore Pine
Common Snowberry	<i>Red Elderberry</i>	<i>Red Alder</i>
Native Grass Seed Mix	Ocean Spray	Bitter Cherry
Baldhip Rose	Saskatoon	Pacific Dogwood
Gooseberry	Black Hawthorn	<i>Pacific Crab Apple</i>
	Nootka Rose	<i>Willow</i>
	Thimbleberry	<i>Cascara</i>
	Red-flowering Currant	
	<i>Red-osier Dogwood</i>	



REGIONAL DISTRICT OF NANAIMO	
CHAIR	GM Cms
CAC	GM ES
DA CCD	MoF
MAR - 6 2006	
EAP	

MEMORANDUM

TO: Jason Llewellyn
Manager, Community Planning

DATE: March 2, 2006

FROM: Greg Keller
Planner

FILE: 3060 30 60608

SUBJECT: Development Permit Application No. 60608 – Jill Maibach (Maibach Industries)
Electoral Area 'A' – 2093 South Wellington Road

PURPOSE

To consider a development permit application to facilitate the installation of one additional fascia sign on a property located within the South Wellington Development Permit Area No. 1.

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 Board of the Regional District previously issued three 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 increase the maximum allowable number of signs pursuant to Bylaw No. 993 from two to four. Development Permit No. 60459 was issued on January 25, 2005, which permitted the construction of one warehouse building and permitted the relocation of an existing sign.

Proposed Development

The applicant is proposing to construct one fascia sign 1.2 metres by 7.9 metres (9.48 m² in area) located on the west side of the new warehouse approved by Development Permit 60549 (*see Schedule Nos. 2 and 3 for proposed sign*).

VARIANCES

The applicant is proposing to vary "Regional District of Nanaimo Sign Bylaw No. 993, 1995," requirements as follows:

- 1) Section 5 – Subsection (a) – the maximum number of signs is increased from two (2) to four (4) for the signs in the location shown on Schedule No. 2 with dimensions and area as follows:

Sign	Height	Width	Sign Area	Sign Type
A (Existing Sign)	0.5 m	4.9	2.45 m ²	Fascia
B (Existing Sign)	0.6 m	0.6 m	0.36 m ²	Fascia
C (Existing Sign)	0.6 m	1.8 m	1.08 m ²	Fascia
D (Proposed Sign)	1.2 m	7.9 m	9.48 m ²	Fascia

- 2) Section 5 – Subsection (c) – the maximum width of the sign is increased from 4.0 metres to 7.9 metres for sign 'D' shown on Schedule No. 2.
- 3) Section 5 – Subsection (c) – the maximum width of the sign is increased from 4.0 metres to 4.9 metres for sign 'A' shown on Schedule No. 2.

ALTERNATIVES

1. To approve the Development Permit No. 60608 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.

Land Use Implications

The proposed variance is required in order to permit the construction of one additional fascia sign to be located on the west side of the new warehouse building previously approved by Development Permit Application 60549. The proposed sign exceeds the maximum sign dimensions of Bylaw No. 993 which limits sign height and width to 4.0 metres. The proposed sign has internal fluorescent illumination and advertises one of the tenants in the building.

The proposed sign will be visible from the Trans Canada Highway; but as the subject property is located in an industrial area and there would only be a total of two signs visible from the highway, staff is of the opinion that the proposed sign would not create a visual distraction from the highway and would be compatible with the signage on surrounding properties.

In staff's assessment of this application, the proposed variance would not have a negative impact on the adjacent properties and is justified given that the subject property has multiple tenants, each with their own signage requirements.

Landscaping Requirements

No additional landscaping is being requested as part of this application. However, the Regional District of Nanaimo is currently holding a landscaping security in the amount of \$3844, an amount equal to the total

estimated cost of the proposed landscaping works previously approved by Development Permit 60549. The applicant has indicated that they will begin landscaping sometime this spring.

VOTING

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

SUMMARY


This is an application for a development permit for the construction of one fascia sign on a 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 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.

This application includes a request to vary "Regional District of Nanaimo Sign Bylaw No. 993, 1995," to permit an oversized sign and legalize some existing signage as shown on Schedule No. 2.

For the above reasons, staff recommends Alternative No. 1 to approve the development permit subject to consideration of the comments received as a result of public notification and subject to the terms outlined in Schedule No. 1.

RECOMMENDATION

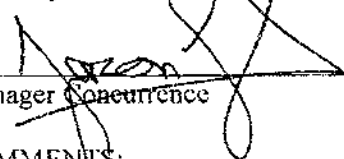
That Development Permit No. 60608 to allow for the construction of one fascia sign be approved according to the terms outlined in Schedule No. 1 and subject to the Boards consideration of the comments received as a result of public notification.




Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:
devsvs/reports/2006/dp nr 3060 30 60608 Maibach Industries Ltd. Report

**Schedule No. 1
 Terms of Approval
 Development Permit Application No. 60608
 For 2093 South Wellington Road**

The following sets out the conditions of approval:

Variiances

1) "Regional District of Nanaimo Sign Bylaw No. 993, 1995," is varied as follows:

a. Section 5 – Subsection (a) – the **maximum number of signs** is increased from two to four for the signs in the general location shown on Schedule No. 2 with dimensions and area as follows:

Sign	Height	Width	Sign Area	Sign Type
A (Existing Sign)	0.5 m	4.9 m	2.45 m ²	Fascia
B (Existing Sign)	0.6 m	0.6 m	0.36 m ²	Fascia
C (Existing Sign)	0.6 m	1.8 m	1.08 m ²	Fascia
D (New Sign)	1.2 m	7.9 m	9.48 m ²	Fascia

b. Section 5 – Subsection (c) – the **maximum width of sign** is increased from 4.0 metres to 7.9 metres for sign 'D' shown on Schedule No. 2.

c. Section 5 – Subsection (c) – the **maximum width of sign** is increased from 4.0 metres to 4.9 metres for sign 'A' shown on Schedule No. 2.

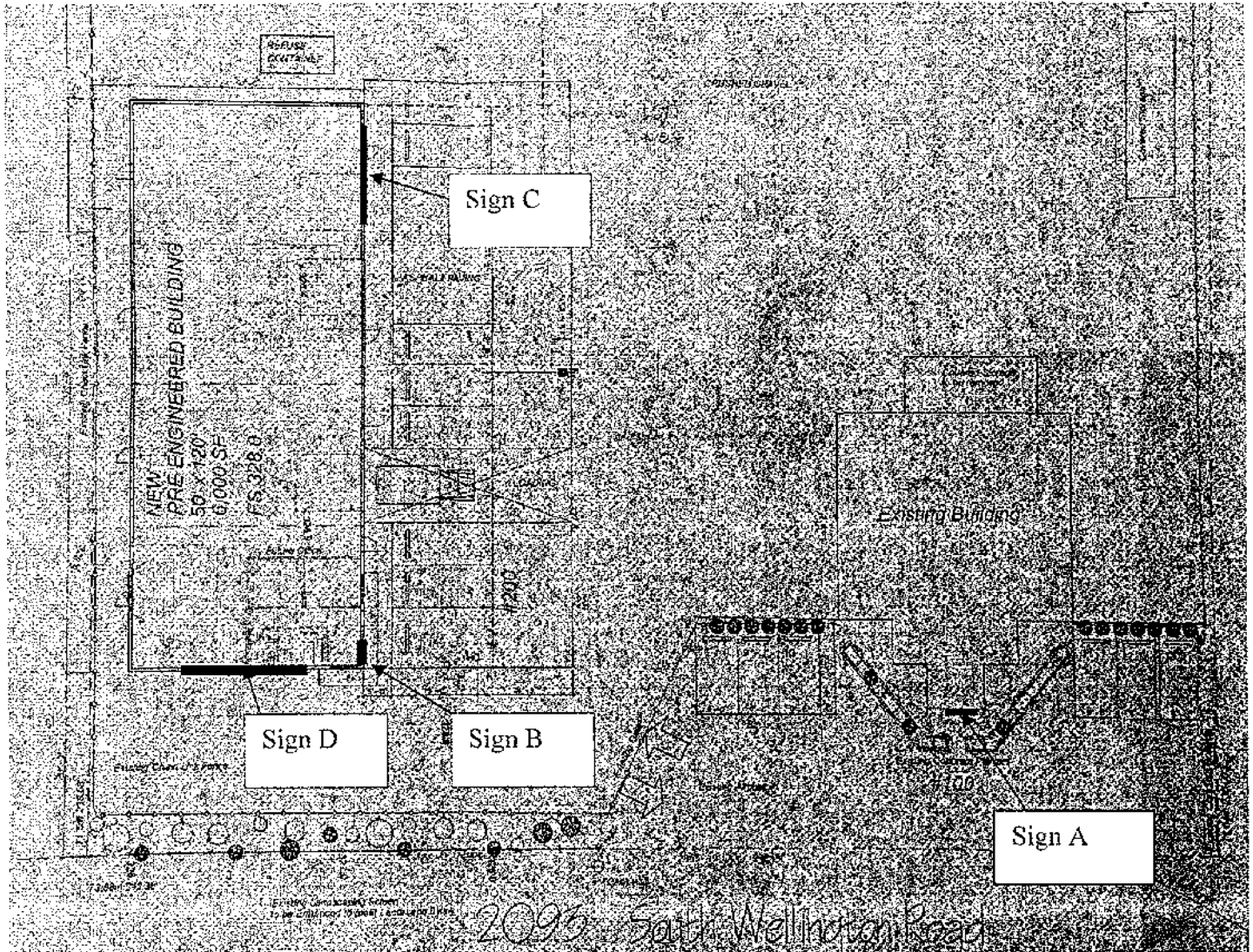
Building / Site Development

- 2) The subject property shall be developed in accordance with Schedule Nos. 1 and 2.
- 3) 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," except where varied by this permit.

Signage

- 4) No additional signs shall be enlarged, erected, constructed, or placed on the subject property without Regional District of Nanaimo approval.
- 5) Sign contents may change so long as the type, dimensions, area, and general location of all signs remain consistent with this permit.

Schedule No. 2
Proposed Sign Location (As submitted by the applicant)
 (Reduced for Convenience)
 Development Permit No. 60608



Legend

Sign	Height	Width	Sign Area	Sign Type
A (Existing Sign)	0.5 m	4.9 m	2.45 m ²	Fascia
B (Existing Sign)	0.6 m	0.6 m	0.36 m ²	Fascia
C (Existing Sign)	0.6 m	1.8 m	1.08 m ²	Fascia
D (New Sign)	1.2 m	7.9 m	9.48 m ²	Fascia



REGIONAL DISTRICT OF NANAIMO	
CHAIR	GM Cms
CAO	GM ES
DA CCD	MoF
MAR - 6 2006	
EAP	

MEMORANDUM

TO: Jason Llewellyn
Manager of Community Planning

DATE: March 2, 2006

FROM: Greg Keller
Planner

FILE: 3060 30 60610

SUBJECT: Development Permit Application No. 60610 – McKinnon/Jorgensen
Electoral Area 'E' – 2377 Higginson Road

PURPOSE

To consider an application for a Development Permit with variance to allow for the removal of an existing single-dwelling unit and the construction of a new single-dwelling unit and accessory building for a parcel located in the Watercourse Protection Development Permit Area.

BACKGROUND

This application is for the property legally described as Lot 8, District Lot 102, Nanoose District, Plan 21022. The subject property is 0.19 ha in area and is a waterfront parcel located at 2377 Higginson Road in Electoral Area 'E' (see Attachment No. 1). The subject parcel is zoned Residential 1 Subdivision District 'N' (RS1N) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."

The minimum setback requirements in the RS1 zone are 8.0 metres from the front lot line and 2.0 metres from the interior sides and rear lot lines. The minimum setback from a watercourse is 18.0 metres horizontal distance from the stream centre line. The subject parcel is within a building inspection area; therefore, a building permit is required for the proposed development

The subject property is located within the Watercourse Protection Development Permit Area pursuant to "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005," due to a small watercourse that flows through the east portion of the property. Therefore a development permit is required.

The subject property is currently developed with a single-dwelling unit. The Board previously approved Development Permit 60327 on July 8th, 2003, which approved the construction of a marine retaining wall (shoreline protection device) not exceeding 2.0 metres in height.

Separation between adjacent properties is achieved by an existing stand of mature evergreen and deciduous vegetation as well as native ground covers dispersed throughout the subject property. The applicant is proposing to minimize the removal of mature vegetation within the Development Permit Area.

The applicant has submitted a geotechnical report dated December 10, 2005, prepared by Davey Consulting and Engineering. This report certifies that the land is safe for the intended use and recommends a minimum setback from the watercourse of 5.0 metres to prevent erosional forces from acting on any foundation or structures. In order to ensure that future developments are consistent with the recommendations of the geotechnical engineer, staff recommends that the applicant be required to

register the report along with a save harmless clause prior to the issuance of a Building Permit. The applicant is in concurrence with this request and has agreed to develop the site in accordance with the engineer's recommendations.

Proposed Variances

This application includes a request to vary "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," as follows:

1. Section 3.4.61 -- **Minimum Setback Requirements –Interior Side Lot Line** by relaxing the front lot line from 2.0 metres to 1.24 metres for the single-dwelling unit and accessory building.
2. Section 3.3.8 – **Setbacks – Watercourses, excluding the sea** by relaxing the setback from the watercourse from 18.0 metres horizontal distance from the stream centre line to 16.0 metres horizontal distance from the stream centre line for the single-dwelling unit and accessory building.
3. Section 3.4.61 – **Maximum Number and Size of Buildings and Structures** by increasing the maximum dwelling unit height from 8.0 metres to 8.4 metres

ALTERNATIVES

1. To approve the requested variance and development permit subject to the terms outlined in Schedule No. 1 and consider the comments received as a result of public notification.
2. To deny the requested variance and development permit as submitted.

DEVELOPMENT IMPLICATIONS

Land Use and Development Implications

The building envelope on the subject property is severely restricted due to the relatively narrow lot dimensions, the setbacks from the ocean, and the watercourse which flows through the east portion of the subject property. The requested height variance is required in order to meet the minimum flood construction elevation of 1.5 metres above the natural boundary.

The proposed single-dwelling unit is situated primarily in the same location as the existing dwelling unit in order to take advantage of ocean views. In addition, the proposed dwelling unit is roughly in line with the adjacent dwelling units to the east and west. The proposed accessory building is sited on the south west portion of the subject property and has been designed to minimize encroachment in to the 18.0 metre minimum watercourse setback.

Given the building constraints of the subject parcel, the proposed dwelling unit and accessory building are, in staff's opinion, in the most suitable location in order to minimize the removal of mature vegetation and to take advantage of ocean views.

Although mature vegetation does not wholly screen the proposed development, it is anticipated that future infill and vegetation growth will provide an adequate level of screening for the proposed use. In addition, the proposed variance is not anticipated to have a negative affect on the views from the adjacent properties as views are directed towards the ocean and not towards the proposed development.

As a result of the relatively small lot size and setback requirements, there is a very limited building envelope that makes it difficult to site a conventional dwelling unit and accessory building outside of the Watercourse Protection Development Permit Area and in accordance with the minimum setback and height requirements.

In staff's assessment of this application, the applicant has demonstrated that the proposed variance is justified and the proposed development is consistent with the Development Permit Area guidelines. In addition, the applicant has made efforts to reduce encroachment into the Development Permit Area by proposing design and siting which take into consideration the 18.0 metre watercourse setback.

VOTING

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

SUMMARY/CONCLUSIONS

This is an application to permit the removal of an existing single-dwelling unit and the construction of a new single-dwelling unit and accessory building on a parcel located at 2377 Higginson Road for a property located within the Watercourse Protection Development Permit Area pursuant to "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005."


This application includes a request to vary Bylaw No. 500 to relax the minimum setback from the interior side lot line from 2.0 metres to 1.24 metres, relax the watercourse setbacks to 16.0 metres from the stream centre line, and increase the maximum dwelling unit height from 8.0 metres to 8.4 metres for a proposed single-dwelling unit and accessory building.

As a result of the relatively small lot size and ocean and watercourse setback requirements, there is a very limited building envelope that makes it difficult to site a conventional dwelling unit and accessory building outside of the Watercourse Protection Development Permit Area and in accordance with the minimum setback requirements. In addition, the requested interior side lot line setback variance is minor and is not anticipated to have a negative impact on the adjacent property owners as views are directed towards the ocean and not towards the subject property. Furthermore, any potential impacts of the proposed variance are reduced by a variety of existing mature native and non-native plant species which are dispersed throughout the property.

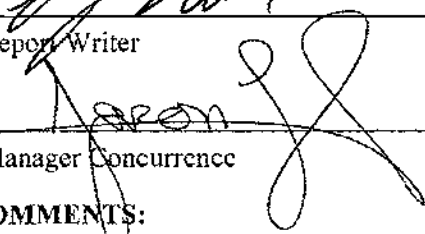
In staff's assessment of this application, the proposed development appropriately addresses the environmental concerns and the proposed variance is justified given the extreme building constraints of the subject parcel. Therefore, staff recommends that the Board approve the proposal subject to consideration of the comments received as a result of public notification.

RECOMMENDATION

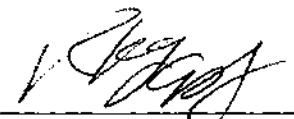
That Development Permit Application No. 60610 with variances be approved according to the terms outlined in Schedule No. 1, subject to consideration of the comments received as a result of public notification.




Report Writer



Manager Concurrence



Deputy Administrator Concurrence



CAO Concurrence

COMMENTS:
devsys/reports/2006/dp_mr_3060_30_60610_McKinnon-Jorgensen_Report

Schedule No. 1 (page 1 of 2)
Terms of Development Permit No. 60610
For Lot 8, District Lot 102, Nanoose District, Plan 21022
2377 Higginson Road

The following are to be completed as part of Development Permit No. 60610:

Issuance of Permit

1. The Applicant shall, at the applicant's expense and to the satisfaction of the Regional District of Nanaimo, register a covenant on the title of the subject property registering the geotechnical report dated December 10, 2005, prepared by Davcy Consulting and Engineering and including a save harmless agreement releasing the Regional District of Nanaimo from all liability, damages, and/or losses as a result of flooding and/or erosion, prior to the issuance of a building permit.

Proposed Variances

2. The following variances to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," apply only to one single-dwelling unit and one accessory building sited as shown on Schedule No. 2 and constructed as shown on Schedule No. 3.
 - a) Section 3.4.61 – **Minimum Setback Requirements –Interior Side Lot Line** by relaxing the front lot line from 2.0 metres to 1.24 metres for the single-dwelling unit and accessory building.
 - b) Section 3.3.8 – **Setbacks – Watercourses, excluding the sea** by relaxing the setback from the watercourse from 18.0 metres horizontal distance from the stream centre line to 16.0 metres horizontal distance from the stream centre line for the single-dwelling unit and accessory building.
 - c) Section 3.4.61 – **Maximum Number and Size of Buildings and Structures** by increasing the maximum dwelling unit height from 8.0 metres to 8.4 metres.

Development of Site

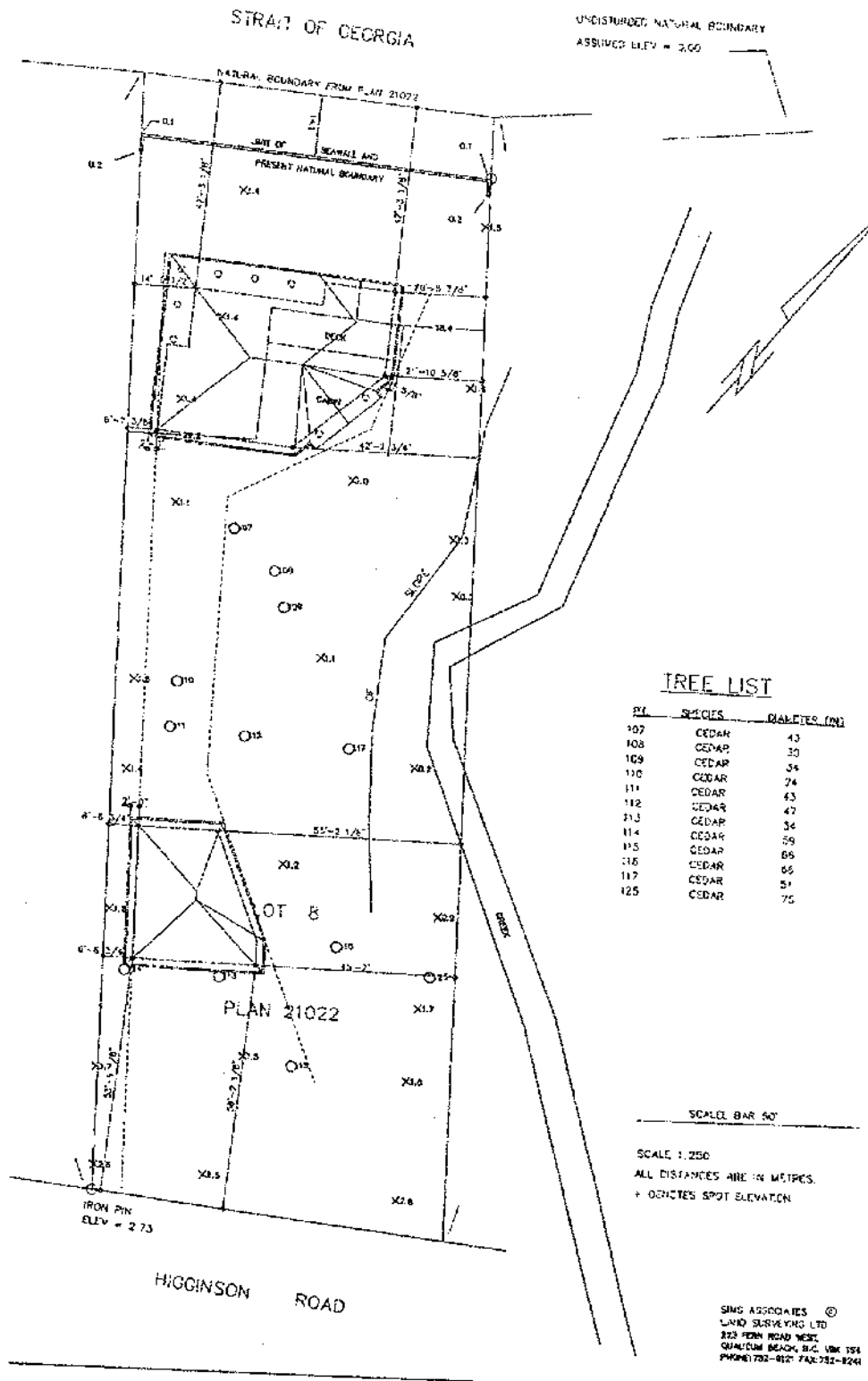
3. Sediment and erosion control measures must be utilized to control sediment during demolition and construction and to stabilize the site after construction is complete. These measures must include:
 - a. Tarps, sand bags, poly plastic sheeting and/or filter fabric are required to be on-site.
 - b. Direct run-off flows away from the ocean using sand bags, swales, or low berms.
 - c. Exposed soils must be seeded immediately after disturbance. Soil surfaces to be treated should be roughened.
 - d. Cover temporary fills or soil stock piles with polyethylene or tarps.
4. Subject property shall be developed in accordance with Schedules No. 1, 2, and 3.
5. All construction to be undertaken must be consistent with "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," except as where varied by this permit.
6. A final survey plan prepared by a British Columbia Land Surveyor shall be submitted by the applicant if deemed necessary by the Chief Building Inspector.

Schedule No. 1 (page 2 of 2)
Terms of Development Permit No. 60610
For Lot 8, District Lot 102, Nanoose District, Plan 21022
2377 Higginson Road

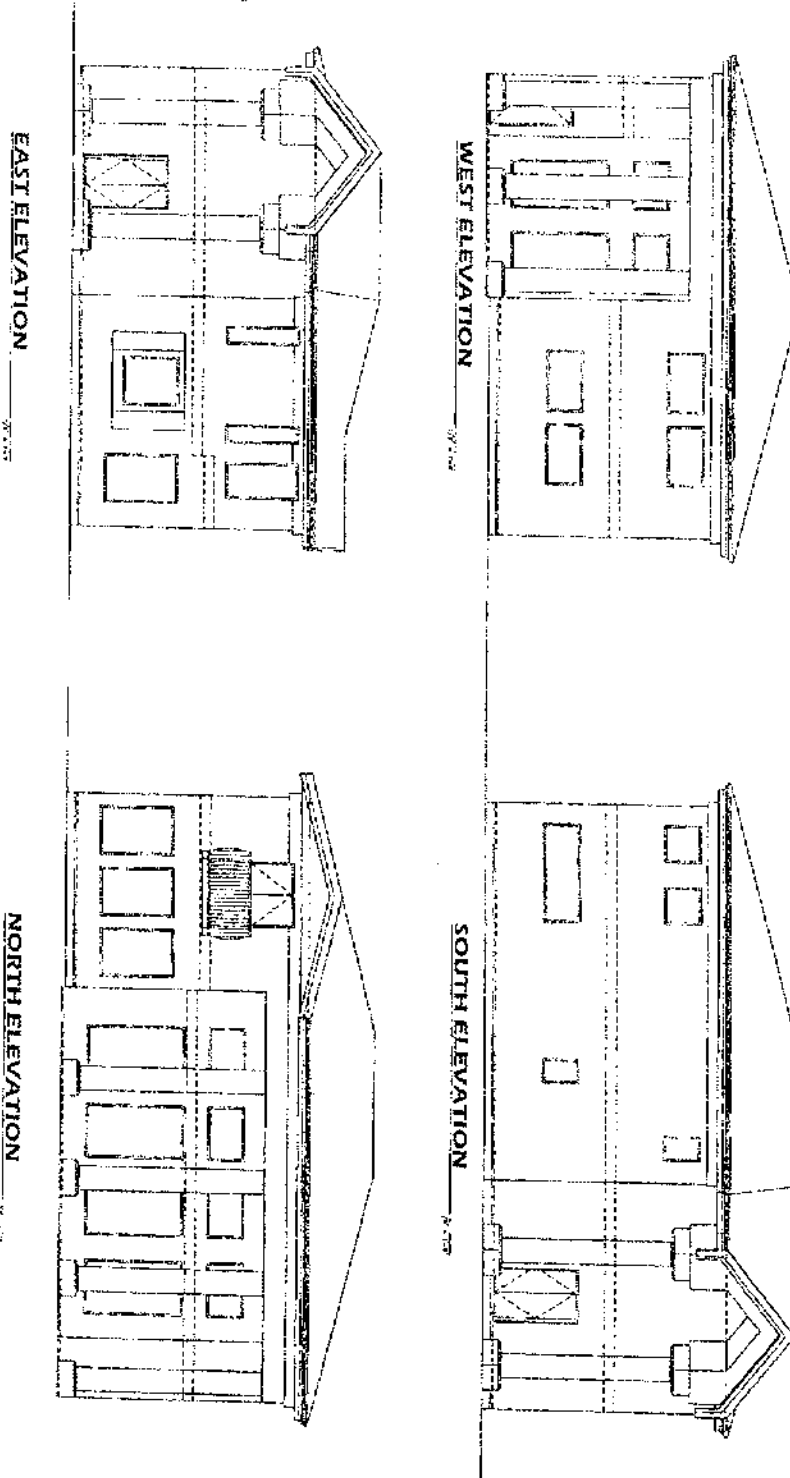
Vegetation

7. No vegetation shall be removed within the Development Permit Area other than what is required to permit the construction of the proposed dwelling unit and accessory building.
8. 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 ocean are taken.
9. Additional planting of trees, shrubs, or groundcovers for the purpose of enhancing the habitat values and/or soil stability within the Development Permit Area shall be permitted provided the planting is carried out in accordance with the guidelines provided in Stream Stewardship, 1993 and Land Development Guidelines, 1992 published by the Department of Fisheries and Oceans Canada and Ministry of Environment Lands and Parks (MELP) and the Environmental Objectives, Best Management Practices and Requirements for Land Developments, February 2000, published by MELP or any subsequent editions.

Schedule No. 2
Site Plan (reduced for convenience)
Development Permit No. 60610

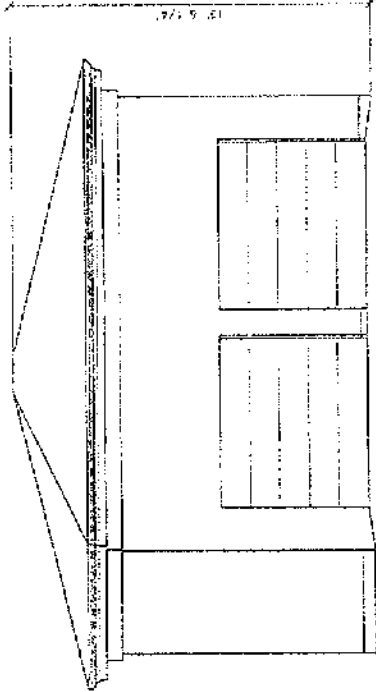


Schedule No. 3 (Page 1 of 2)
Dwelling Unit Elevations (Reduced for Convenience)
Development Permit No. 60610

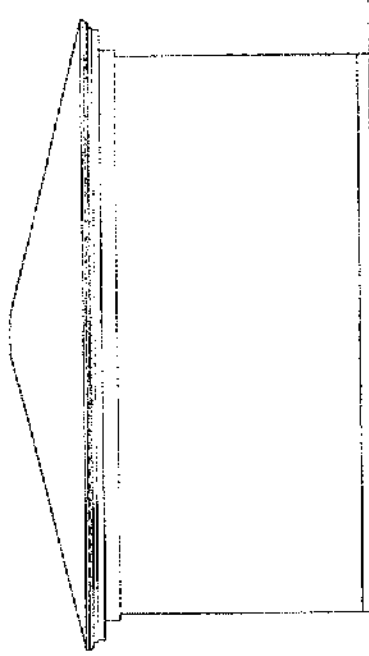


22 FEB 2006

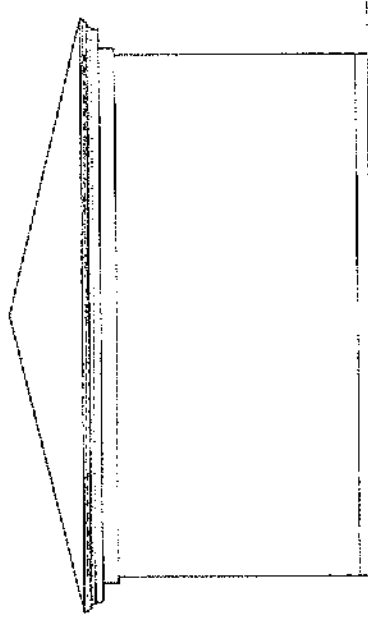
Schedule No. 3 (Page 2 of 2)
Accessory Building Elevations (Reduced for Convenience)
Development Permit No. 60610



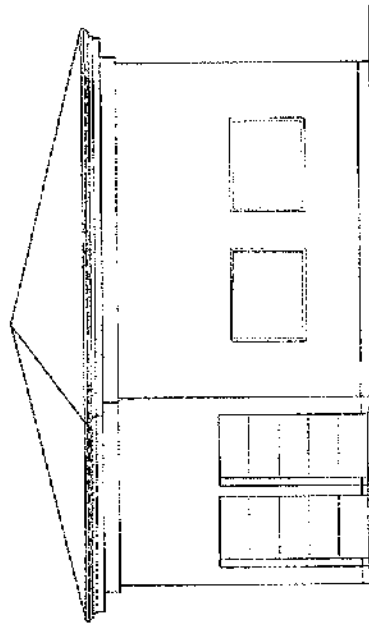
EAST ELEVATION



WEST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION



REGIONAL DISTRICT OF NANAIMO	
CHAIR	GM Cms
CAO	GM ES
DA CCD	MoF
MAR - 6 2006	
EAP	

MEMORANDUM

TO: Bob Lapham
Deputy Administrator

DATE: March 6, 2006

FROM: Jason Llewellyn
Manager of Community Planning

FILE: 3090 30 90602

SUBJECT: Development Variance Permit Application No. 90602 – Rondeau/Jorgenson
Electoral Area 'E' – 3437 Redden Road

PURPOSE

To consider an application for a Development Variance Permit to increase the maximum dwelling unit height from 8.0 metres to 12.9 metres to allow the building of a single-family dwelling proposed by the applicant at 3437 Redden Road.

BACKGROUND

The Planning Department received a Development Variance Permit application to increase the maximum dwelling unit height from 8.0 metres to 12.9 metres to allow the building of an over-height dwelling on the property legally described as Lot 13, District Lot, 78, Nanoose District, Plan VIP53134. The location of the property is shown on *Attachment No. 1*.

The subject property is approximately 2214 m² (0.547 ac.) in area. The panhandle property slopes down to the northeast from Redden Drive towards Dolphin Road and Schooner Drive. The previous dwelling on the property has been removed, and the site is currently vacant. The property is zoned Residential 1 (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The land is not within any Development Permit Area or natural feature according to "Nanoose Bay Official Community Plan Bylaw No. 1400, 2005."

Although not enforced by the Regional District of Nanaimo (RDN), it is noted that there is a Statutory Building Scheme on title restricting dwellings on the lot to a maximum of two stories.

The property is surrounded on all sides by residential properties. The three abutting lots to the east and southeast (Lots 10-12) are currently vacant. The abutting lot 14 to the west is vacant and owned by the owner of the subject property and is to be used to provide driveway access to the house on the subject property. The other lots to the west (Lots 15-16) are developed with dwellings.

The applicant is proposing a three-story dwelling with a footprint of 520 m² (5600 sq. ft.). The dwelling is 4.85 m (15 ft. 9 in.) over-height from the original natural grade, resulting in a total maximum height of 12.9 m (42 ft.). The over-height portions of the dwelling are shown on *Schedule No. 3*.

Should this application be supported, the Building Inspection Department may require a geotechnical report and an engineered foundation to ensure the site and building are safe. Also, the top story may require a sprinkler system given the Fire Departments limited ability to fight a fire in a three-story building.

Proposed Variance

The applicant is requesting to vary Section 3.4.61 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," by increasing the maximum dwelling unit height from 8.0 metres to 12.9 metres for the dwelling located and designed as shown on *Schedules No. 2 and 3*.

ALTERNATIVES

1. To approve Development Variance Permit No. 90602 according to the terms outlined in Schedule No. 1, subject to the Board's consideration of the comments received as a result of public notification.
2. To deny Development Variance Permit No. 90602, subject to the Board's consideration of the comments received as a result of public notification.
3. To deny Development Variance Permit No. 90602.

LAND USE AND DEVELOPMENT IMPLICATIONS

From Redden Road looking down on the dwelling from the southwest, the house will appear to be a large two-story dwelling with a height of approximately 7.8 m (25 ft. 7 in.). The house is not expected to appear significantly over-height from this perspective.

Lots 10 and 11 to the east and southeast may be impacted somewhat by the increased height; however, the impact is not anticipated to be significant.

The most notable impact will be the viewscape from Dolphin Drive and Schooner Road. Vehicles driving down Schooner Drive and houses on Dolphin Drive will have fairly clear view of a very large three-story, 12.9 metre (42 ft.) high dwelling. This scale of building is expected to appear out of character in the area.

Early on in the application review process, following a site visit with the applicant, staff expressed their concerns over the significant nature of the variance request. The applicant was asked to consider reducing the height of the building. The applicant indicated their client was not willing to amend the design and wished to proceed to the Board with their application as submitted. The applicant noted that an effort was made to ensure the building did not impact any view corridors of neighbouring properties and that the need for the variance is the result of the extreme slope of the land.

Development Variance Permit Evaluation Policy

The Development Variance Permit Evaluation Policy recently adopted by the Board requires applicants to demonstrate that the variance is necessary and supported by a land use justification. The applicant is suggesting that the variance is required as a result of the extreme slope of the land.

In staff's experience, such sloped lots typically result in the need for a 1 to 1.5 metre height variance. The typical house design for sloping lots such as this is for a building that is one-story at the top of the slope and a two-story building at the bottom of the slope. In this case, the applicants are proposing to add a third story resulting in the need for an unusually large height variance. In staff's opinion, the sloped lot does not adequately justify the need for the variance.

The policy also requires the applicants to demonstrate that an effort has been made to reduce the extent of the variance. The applicant may have oriented the building in a manner that reduces the impact as much as possible on abutting properties; however, the visual impact on Schooner Drive and Dolphin Drive is not reduced. Further, no effort has been made to reduce the height of the dwelling to conform to the topography. In fact, portions of the house increase in relative height where the land slopes downward.

The policy specifically states that height variances shall not be supported by staff if the height variance is to accommodate a third story. This application is necessary because of the proposed third story. Staff recommend Alternative No. 2, to deny Development Variance Permit Application No. 90602.

PUBLIC CONSULTATION IMPLICATIONS

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

However, if the Committee decides to deny the application as outlined in Alternative No. 3 it is recommended that staff not proceed with the public notification process. If Board wanted to support the application contrary to a Committee recommendation to deny the proposal, the application must be referred back to staff and proceed to public notification.

The EAPC may, however, choose Alternative 2 to recommend Development Variance Permit No. 90602 be denied, subject to the Board's consideration of the comments received as a result of public notification. In this case staff would proceed with the public notification process despite the Committee recommendation and the Board would make a final decision.

VOTING

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

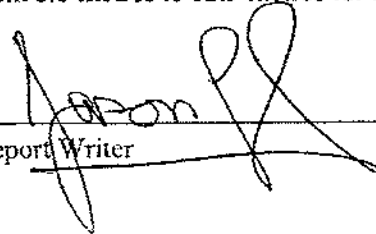
SUMMARY/CONCLUSIONS

The Planning Department received a Development Variance Permit application to increase the maximum dwelling unit height from 8.0 metres to 12.9 metres to allow the building of an over-height dwelling at 3437 Redden Drive.

In staff's opinion, the sloped lot does not adequately justify the need for the variance. A reasonable effort has not been made to reduce the height of the dwelling to conform to the topography, and the variance is necessary to accommodate a third story. The viewscape from Dolphin Drive and Schooner Road will be of a three story, 12.9 metre (42 ft.) high dwelling. This scale of the building is expected to appear out of character in the area. Therefore staff recommend Alternative No. 2, to deny Development Variance Permit Application No. 90602.

RECOMMENDATION


That Development Variance Permit Application No. 90602 to increase the maximum dwelling unit height from 8.0 metres to 12.9 metres for a dwelling at 3437 Redden Road be denied.



Report Writer



Deputy Administrator Concurrence



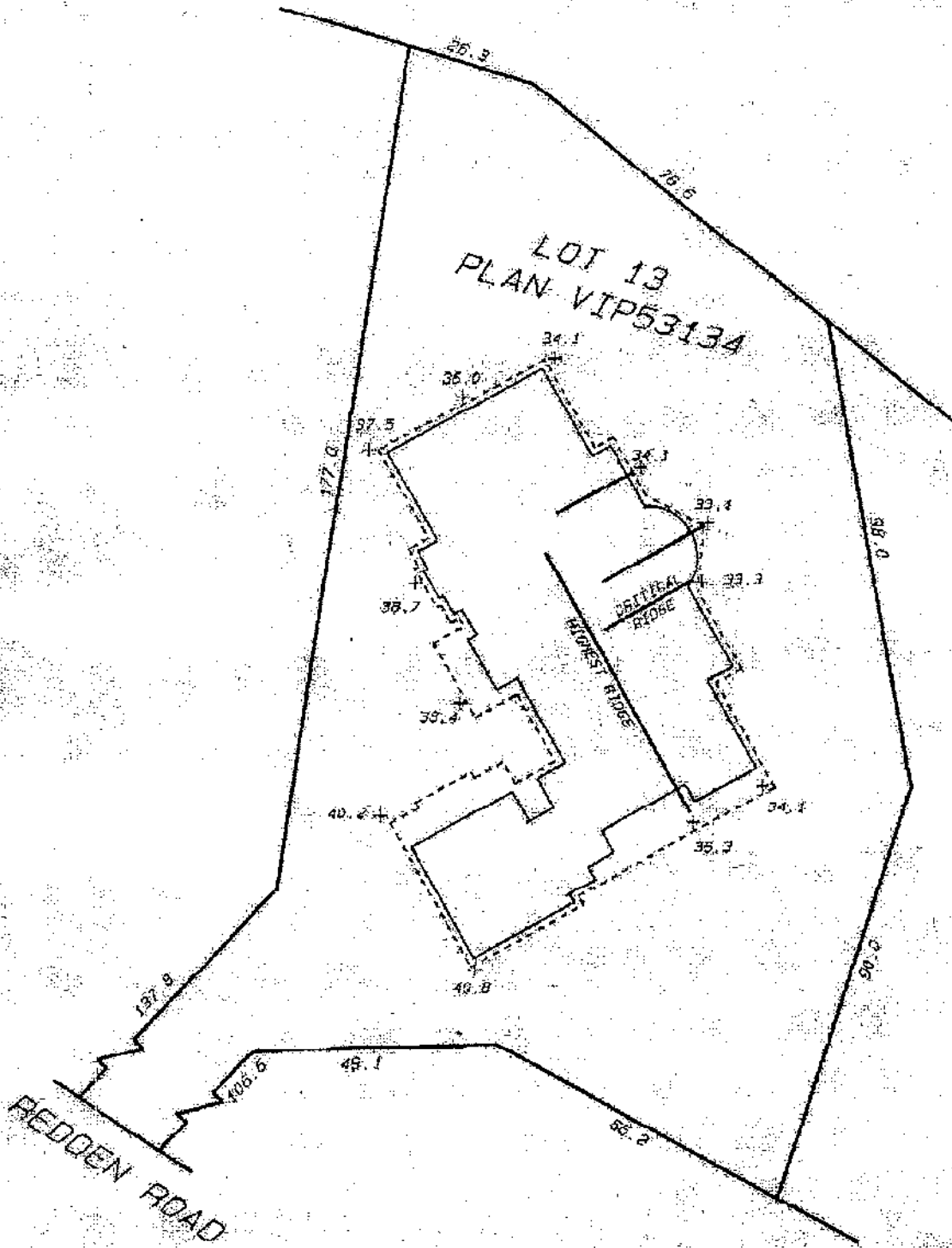
CAO Concurrence

COMMENTS:
devsvs/reports/2006/dvp mr 3090 30 90602 Rondeau - Jorgensen Report

Schedule No. 1
Terms of Development Variance Permit Application No. 90602
for Lot 14, District Lot, 78, Nanoose District, Plan VIP53134
3437 Redden Road

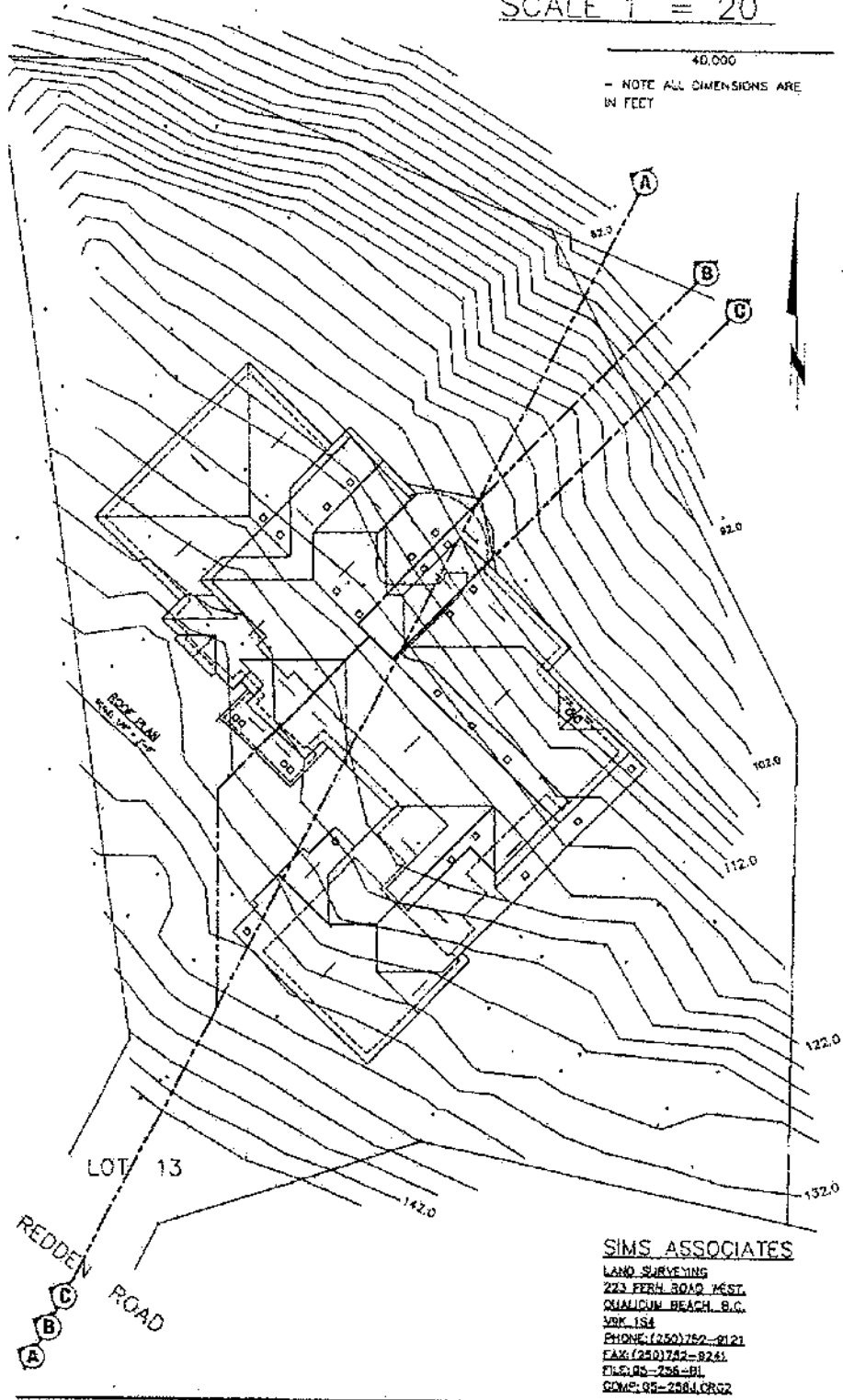
1. **Section 3.4.61** of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," is varied by increasing the maximum dwelling unit height from 8 metres to 12.9 metres. This variance applies only to a dwelling located and designed as shown on Schedules No. 2, 3, and 4.
2. The applicant shall register a Section 219 save harmless covenant in favour of the Regional District of Nanaimo at the Land Title Office prior to issuance of a building permit.
3. A building permit shall be obtained from the Regional District of Nanaimo Building Inspection Department prior to the commencement of any work on the site.
4. The applicant shall submit a survey, prepared by a British Columbia Land Surveyor, confirming the height and siting of the proposed dwelling unit prior to occupancy.

Schedule No. 2 (Page 1 of 2)
Site Plan (submitted by applicant)
Development Variance Permit Application No. 90602



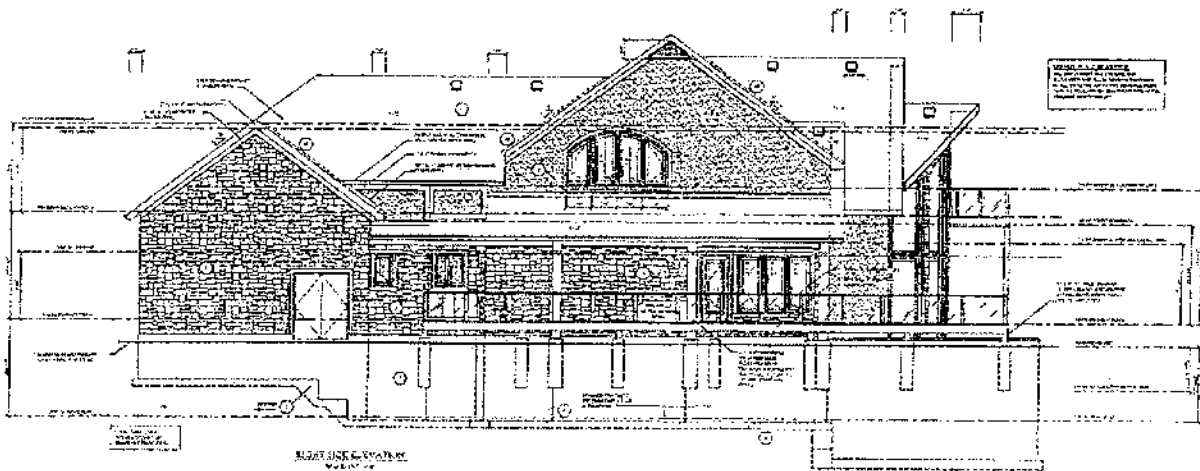
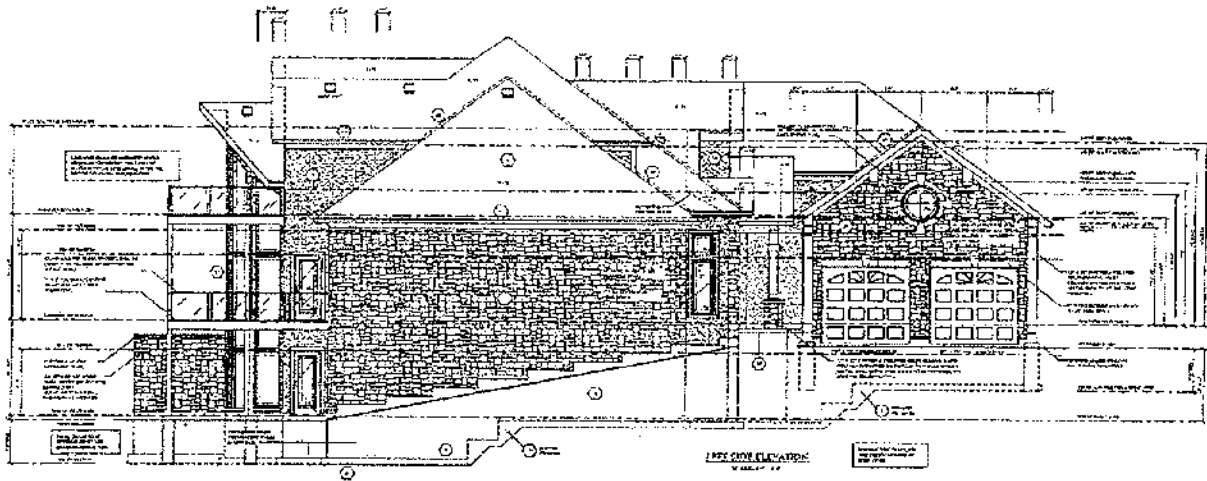
Schedule No. 2 (Page 2 of 2)
Site Plan Showing Contours (submitted by applicant)
Development Variance Permit Application No. 90602

SCALE 1' = 20"



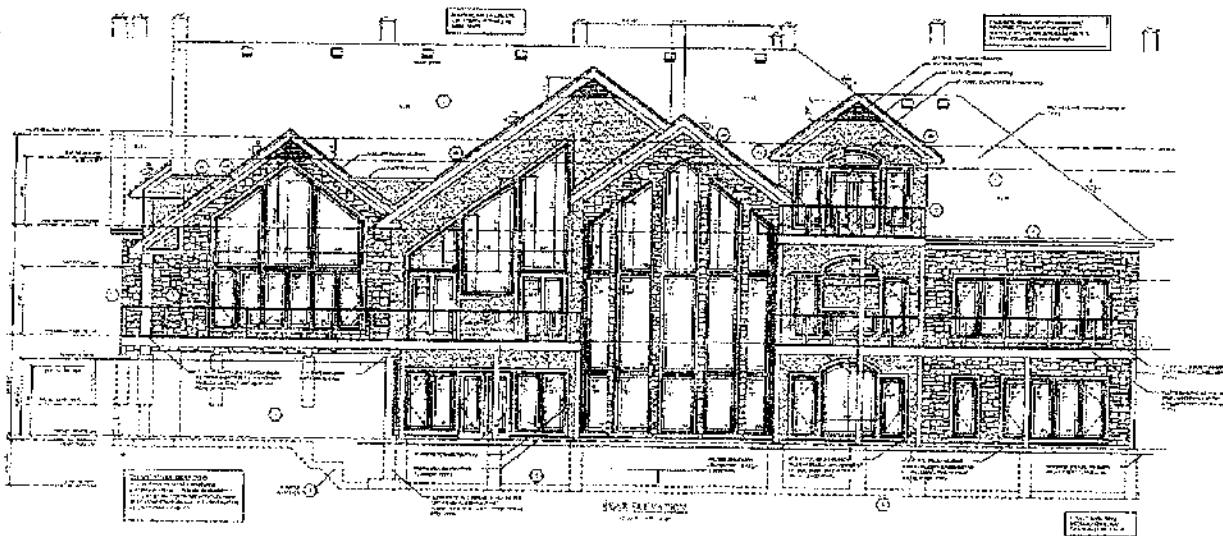
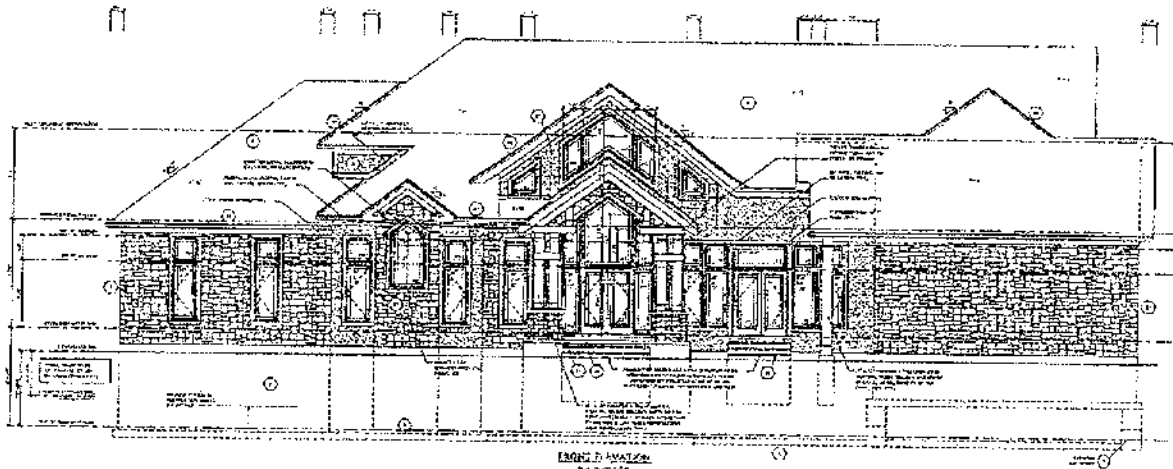
Schedule No. 4 (Page 1 of 2)
Elevation Drawings (submitted by applicant)
Development Variance Permit Application No. 90602

View from the Northwest and Southeast

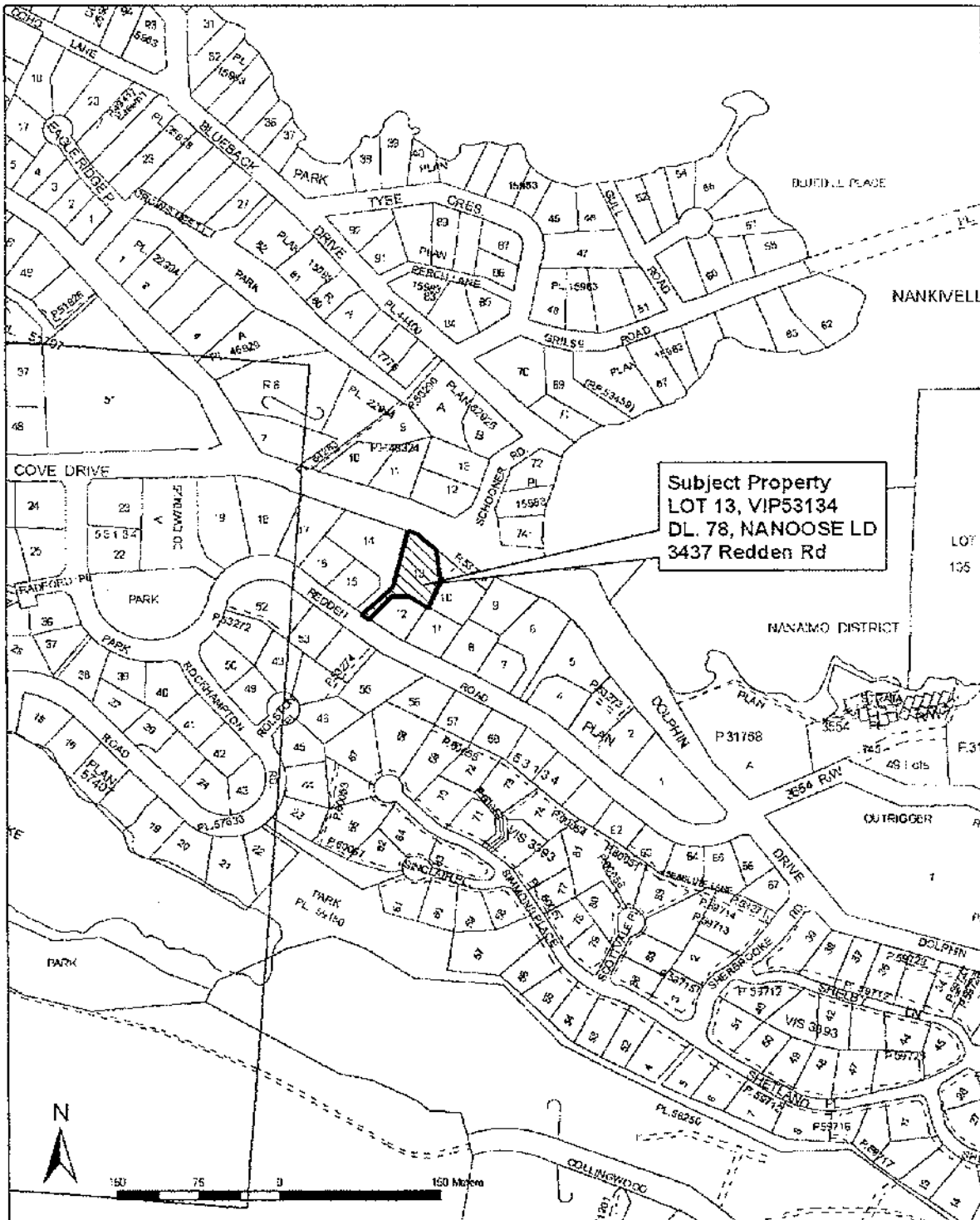


Schedule No. 4 (Page 2 of 2)
Elevation Drawings (submitted by applicant)
Development Variance Permit Application No. 90602

View from the Southwest (Redden Road) and North East (Dolphin Drive)



Attachment No. 1
Development Variance Permit Application No. 90602
Subject Property





**REGIONAL
DISTRICT
OF NANAIMO**

REGIONAL DISTRICT OF NANAIMO		
CHAIR	GM Cms	
CAO	GM ES	
DA CCD	MoF	
MAR - 6 2006		
END		

MEMORANDUM

TO: Jason Llewellyn
Manager of Community Planning

DATE: March 6, 2006

FROM: Norma Stumborg
Planner

FILE: 3090 30 90603

SUBJECT: Development Variance Permit Application No. 90603 — Johansen
Electoral Area 'A' – 2542 Pylades Drive - RDN Reference Map No. 92G.002.3.3

PURPOSE

To consider an application for a Development Variance Permit to legalize an existing dwelling and add an addition.

BACKGROUND

The applicant is requesting a variance to Section 3.4.62 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," to relax the minimum interior side lot line setback from 2.0 m to 1.2 m and the front lot line setback from 8.0 m to 5.7 m to legalize an existing dwelling unit and construct an addition. (*See Schedule No. 2*).

The subject property is zoned Residential 2 (RS2) Subdivision District 'F' pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," and is legally described as Lot 7, Section 7, Range 6, Cedar Land District Plan 9877 and is located at 2542 Pylades Drive in Electoral Area 'A' (*See Attachment No. 1*).

The subject property is located within a building inspection service area and is serviced with a private well and septic system. The parcel is approximately 1737 m² in size. The front 25% of the property is relatively flat, and then the land drops in elevation approximately 4.6 m (15 ft) towards the ocean side of the lot.

The property is bordered to the north and south by residential properties, to the east by the ocean, and to the west by large rural acreages.

ALTERNATIVES

1. To approve Development Variance Permit No. 90603 according to the terms outlined in Schedule No. 1, and subject to the Board's consideration of comments received as a result of public notification.
2. To deny the requested permit.

LAND USE AND DEVELOPMENT IMPLICATIONS

The applicant proposes to construct an addition on the front level portion of the property. The reasons given for the variance is that the applicant's spouse suffers from an injury that reduced her mobility. The applicant proposes to renovate the master bedroom and existing ensuite to make it more accessible by enlarging the ensuite and corridors and relocating the closet.

The subject property is in a mature and well-treed residential neighborhood. Large trees provide a buffer between the proposed addition and the road, and the applicant proposes to retain these trees. The addition is 4.27 m x 2.13 m in size (98ft²). Given the relatively small size of the addition and the vegetation buffer, it is not anticipated that the addition will impact the streetscape.

The house on the rural acreage across Pylades Drive to the west of the subject property is approximately 20 m higher in elevation and 500 m away from the subject property. Given this distance and elevation, the minor addition is not expected to impact this property owner.

The adjacent property to the north side lot is buffered from the subject property and the road by mature hedging and thus has no views of the proposed development. The applicant's house meets the north side lot setback and the owner of the neighboring property to the north supplied a letter of support for the proposed variance.

The variance to the south side lot line setback would most impact the property directly adjacent to this lot line. The area adjacent to the south side lot line setback is used by the neighbors as a driveway to provide access to their property, and the house faces towards the ocean. The owner of this property supplied a letter of support for the proposed variance.

The proposed variance does not appear to create any notable impacts to the surrounding properties or the streetscape. The house has existed without incidence since the early 1960's. No variance to the height requirement is requested. As a condition of this permit, the applicant shall submit a survey, prepared by a British Columbia Land Surveyor, confirming the height and siting of the proposed addition prior to occupancy.

PUBLIC CONSULTATION IMPLICATIONS

As part of the required public notification process pursuant to the *Local Government Act*, property owners and tenants 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'.

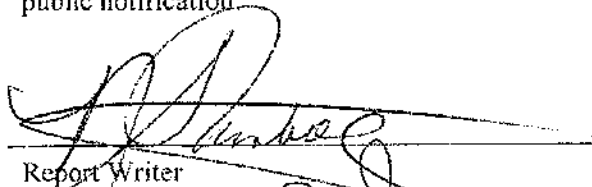
SUMMARY/CONCLUSIONS

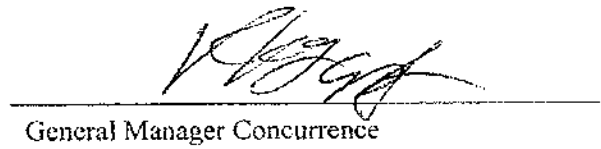
This is an application for a variance to the interior side lot and front lot line setback requirements for the subject property located at 2542 Pylades Drive in Electoral Area 'A'. The proposed relaxation to 1.2 m for the side lot and 5.7 m for the front lot line setback requirements does not appear to impact views of neighbouring property owners. In addition, the most potentially affected property owners have indicated their support for the relaxation. Therefore, staff recommends approval of the request according to the

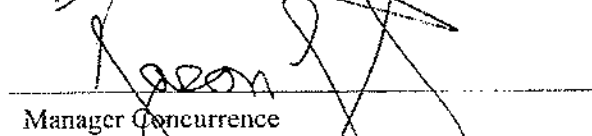
terms outlined in Schedule No. 1, and subject to the Board's consideration of comments received as a result of public notification.

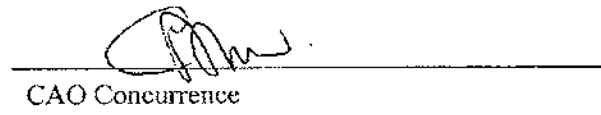
RECOMMENDATION

That Development Variance Permit Application No. 90603 to relax the interior side and front lot line setbacks to allow an addition to a dwelling at 2542 Pylades Drive be approved according to the terms outlined in Schedule No. 1, and subject to the Board's consideration of comments received as a result of public notification


Report Writer


General Manager Concurrence


Manager Concurrence


CAO Concurrence

COMMENTS

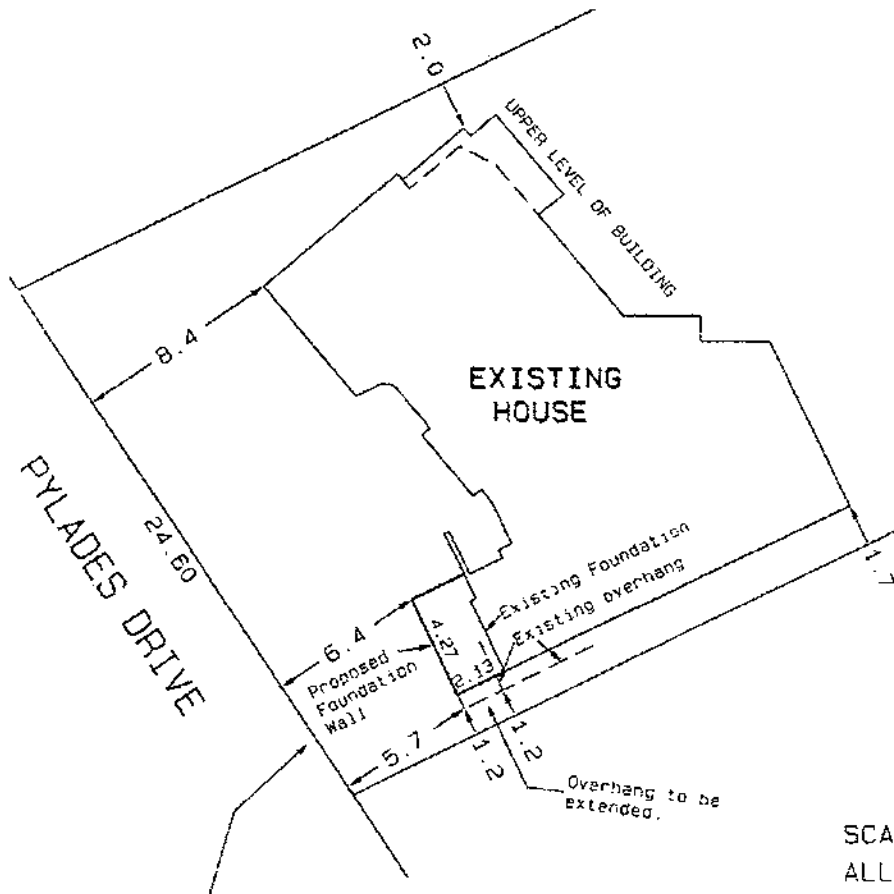
devsvs/reports/2006/dvp mr 3090 30 90603 Johansen Report

Schedule No. 1
Terms of Development Variance Permit No. 90603
For Lot 7, Section 7, Range 6, Cedar Land District Plan, 9877

1. Section 3.4.62- Minimum Setback Requirements – of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," is varied to relax the lot line setback as follows:
 - a. interior side lot line from 2.0 meters to 1.2 meters in order to legalize an existing dwelling unit.
 - b. front lot line from 8.0 meters to 5.7 meters in order to site an addition.
2. This variance applies only to the buildings in Schedule No. 2. The structures shall be constructed in substantial compliance with Schedule No. 2.
3. A building permit shall be obtained from the Regional District of Nanaimo Building Inspection Department prior to the commencement of any work on the site.
4. The applicant shall submit a survey, prepared by a British Columbia Land Surveyor, confirming the height and siting of the proposed dwelling unit prior to occupancy.

Schedule No. 2 (1 of 3)
Site Plan
Development Variance Permit No. 90603

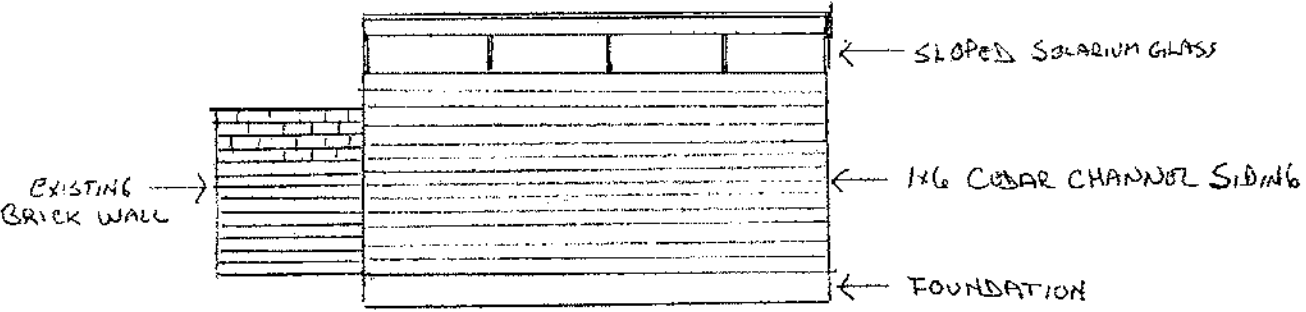
(As Submitted by Applicant / Modified to Fit This Page)



NOTE : OFFSETS ARE SHOWN TO PROPOSED FOUNDATION WALL AND DO NOT TAKE EXTERIOR FINISH INTO ACCOUNT.

Schedule No. 2 (2 of 3)
Building Profiles
Development Variance Permit No. 90603

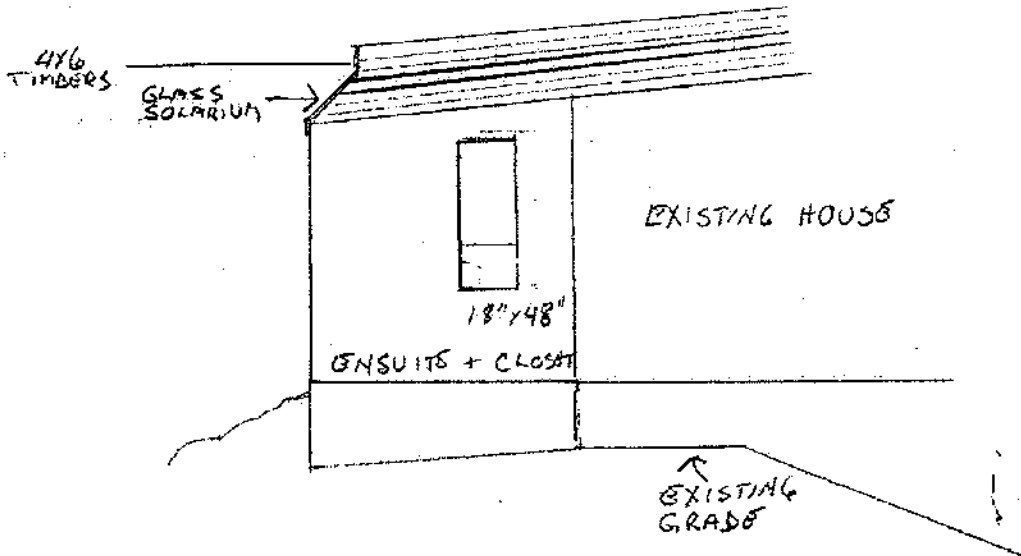
(As Submitted by Applicant / Modified to Fit This Page)



1/4" = 1' SCALE
FRONT ELEVATION

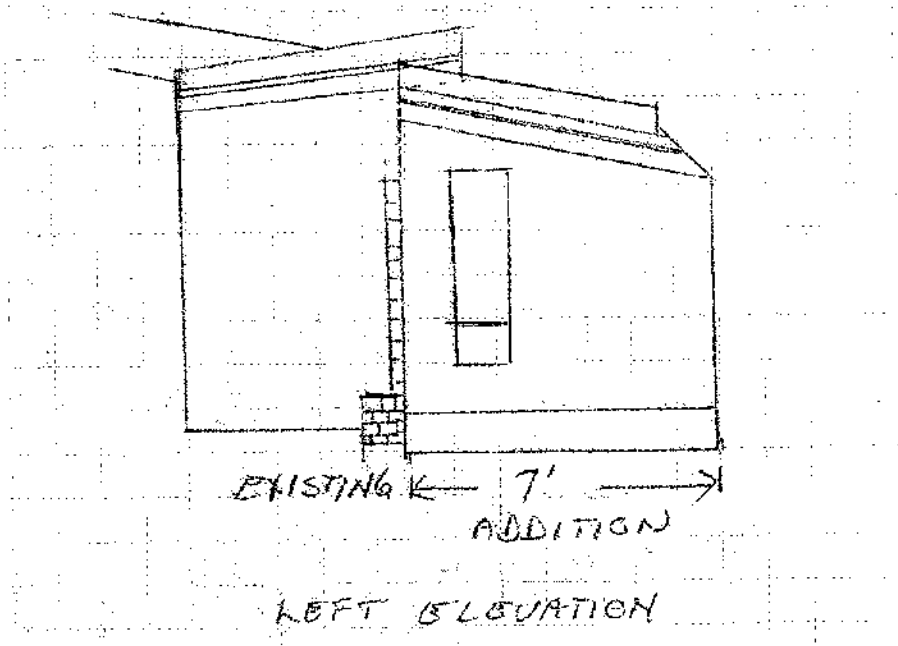
Schedule No. 2 (3 of 3)
Building Profiles
Development Variance Permit No. 90604

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



1/4" - 1" SCALE

RIGHT ELEVATION



LEFT ELEVATION



REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAO	(M)	GM ES	
DA CCD		MoF	
MAR - 6 2006			
EAP			

MEMORANDUM

TO: Jason Llewellyn
Manager of Community Planning

DATE: February 27, 2006

FROM: Norma Stumborg
Planner

FILE: 3090 30 90604

SUBJECT: Development Variance Permit Application No. 90604 -- MacArthur
Electoral Area 'E' - 2440 Schirra Drive - RDN Reference Map No. 92F.030.3.1

PURPOSE

To consider an application for a Development Variance Permit to site a dwelling unit and attached garage.

BACKGROUND

The applicants propose to remove an existing double-wide mobile home, porch, and carport to site a modular home and garage.

The subject property is zoned Residential 1 (RS1) Subdivision District 'N' pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," and is legally described as Lot 112, District Lot 6, Nanoose District, Plan 23588 and is located at 2440 Schirra Drive in the Red Gap Village area of Electoral Area 'E' (See Attachment No. 1).

The subject property is located within a building inspection service area and is serviced by a Regional District of Nanaimo (RDN) water system and a private septic system. The parcel is approximately 903 m² in size and relatively flat with approximately a 0.30 meter (1 ft) drop in elevation from the front lot line to the sewage disposal system.

The subject property is situated on a height of land that slopes gradually south and east towards Northwest Bay Road and Powderpoint Road. The property is bordered in all directions by residential properties that are a mixed composition of mobile homes and stick frame construction.

The applicant is requesting a variance to Section 3.4.61 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," to relax the minimum interior side lot line setback from 2.0 meters to 1.15 meters for the purpose of siting a modular home and garage adjacent to the north interior side lot line (See Schedule No. 2).

ALTERNATIVES

1. To approve Development Variance Permit No. 90604 subject to the terms outlined in Schedule No. 1.
2. To deny the requested permit.

LAND USE AND DEVELOPMENT IMPLICATIONS

The subject property is on a height of land in a mature and well-treed residential neighborhood. The applicants have a physically handicapped adult son in their care. Mr. and Mrs. MacArthur's reason for the variance is that the proposed dwelling and garage is needed to provide a home that better suits their son's mobility and individual needs. The applicants have reduced the width of the garage to that which is necessary to allow for loading of their son from his van to the wheelchair and to accommodate a family car.

The applicant intends to grade the front half of the lot, and in doing so, it will reduce the elevation of the land by approximately 0.6 meters (2ft) which is approximately the same elevation as the road. The applicant proposes a main floor elevation of approximately 0.30 meters (1 ft) above the natural grade and structural height of 7.26 meters. No variance to the height requirement is requested. As a condition of this permit, the applicant shall submit a survey, prepared by a British Columbia Land Surveyor, confirming the height and siting of the proposed dwelling unit prior to occupancy.

Several large Fir trees are proposed to be removed from the property in order to reduce the potential dead fall that occurs during windstorms. The applicant proposes to replace the Fir trees with Maple trees along the northeast and southeast edges of the property. Since the existing septic system was constructed in 1974, the applicants propose to construct a new sewage disposal system. The variance to the north side lot line setback would impact the property directly adjacent to this lot line. This neighboring dwelling is approximately 3.5 meters from the side property line and 1.5 meters closer to the front lot line than the proposed dwelling on the subject property. The area to the side is used as a driveway to provide access to their garage and side parking. The owner of this property supplied a letter of support for the proposed variance.

The adjacent property to the south side lot is approximately 1.5 meters lower in elevation than the subject property. The house does not have windows facing the proposed development. The proposed dwelling unit meets the south side lot setback and the owner of this property supplied a letter of support for the proposed variance.

There are two properties to the rear of the proposed development both of which are approximately 1.5 m (5 ft) lower in elevation than the subject property. These dwellings face away from the subject property and towards the valley viewscape and have limited windows facing the proposed development. Large mature trees act as a natural buffer between the subject property and the house to the northeast, and the applicant intends to replant the area to the southeast with Maple trees to replace the Fir trees that will be removed. There is in excess of 100 meters between the proposed dwelling and the houses to the rear of the subject property, and the proposed development is within the maximum height restrictions specified under Bylaw No. 500. Therefore, the proposed variance does not appear to create any notable impacts.

The applicant obtained signatures of support from the owners of properties on either side of the proposed dwelling. Notification procedures will provide for an opportunity for comments to be received from property owners and tenants within 50 meters of the subject property.

VOTING

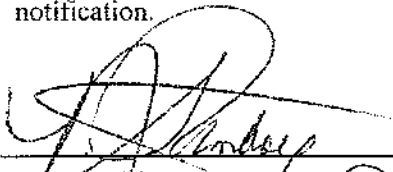
Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

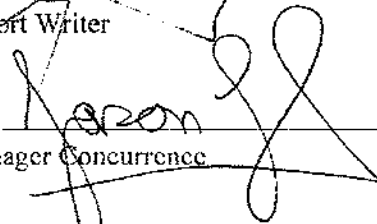
This is an application for a variance to the interior side lot line setback requirements for the subject property located at 2440 Schirra Drive in Electoral Area 'E'. The proposed relaxation to 1.15 meters for the side lot setback requirement does not appear to impact views of neighbouring property owners. In addition, the most potentially affected property owners, those directly adjacent the subject property to the east and west, have indicated their support for the relaxation. Therefore, staff recommends approval of the requested variance.

RECOMMENDATION

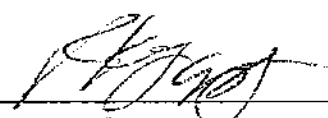
That Development Variance Permit Application No. 90604 to relax the interior side lot line setback from 2 m to 1.15 m for a dwelling at 2440 Schirra Drive be approved according to the terms outlined in Schedule No. 1, and subject to the Board's consideration of comments received as a result of public notification.




Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

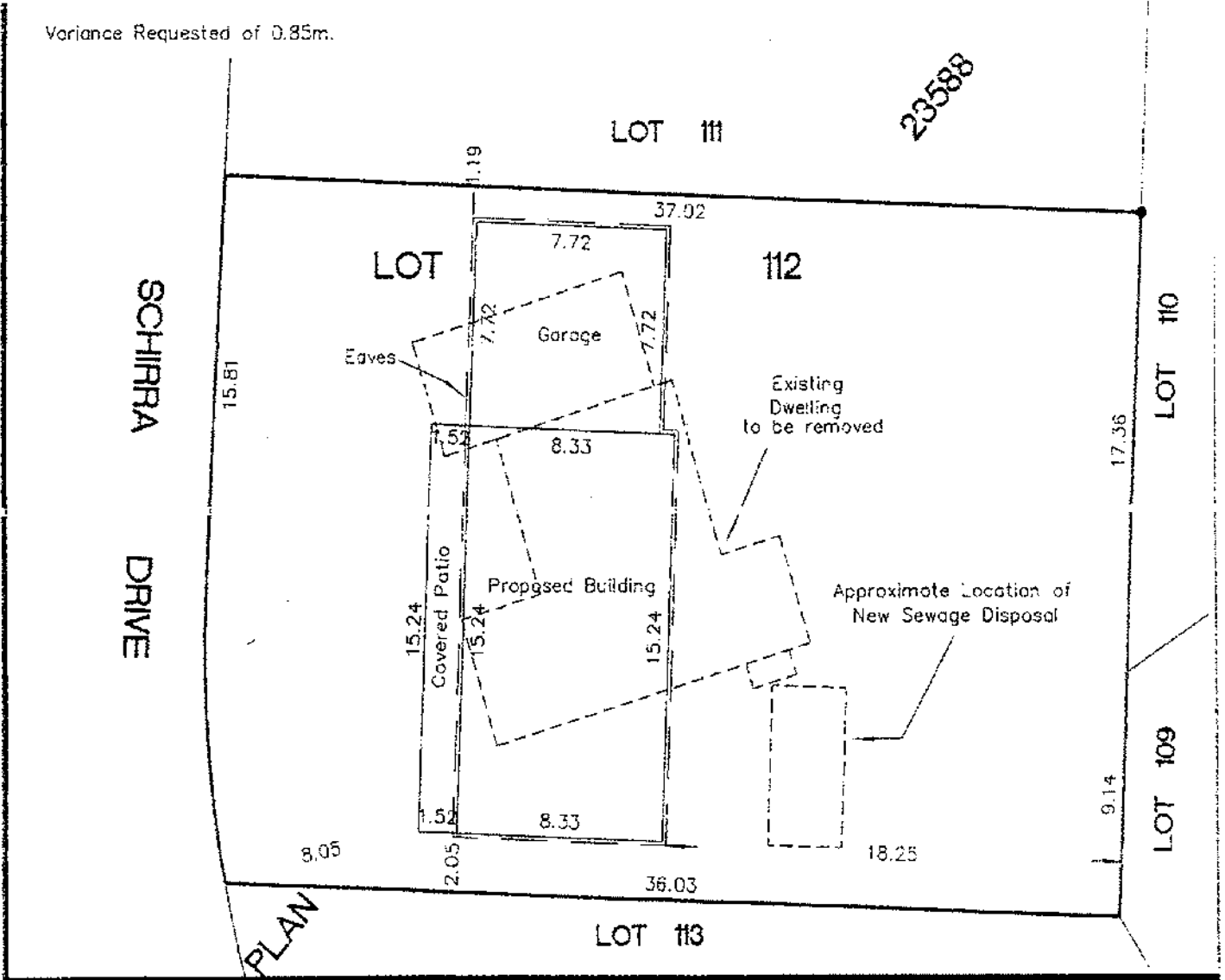
COMMENTS:
devsvs/reports/2006/dvp mr 3090 30 90604 MacArthur Report

Schedule No. 1
Terms of Development Variance Permit No. 90604
For Lot 112, District Lot 6, Nanoose District, Plan 23588

1. Section 3.4.61- Minimum Setback Requirements – Interior Side Lot Line – of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," is varied to relax the interior side lot line setback as follows:
 - a. from 2.0 metres to 1.15 metres in order to legalize the siting of a dwelling unit and attached garage.
2. This variance applies only to the buildings in Schedule No. 2. The structures shall be constructed in substantial compliance with Schedule No. 2.
3. A building permit shall be obtained from the RDN Building Inspection Department prior to the commencement of any work on the site.
4. The applicant shall construct a sewage disposal system to Ministry of Health standards.
5. The applicant shall submit a survey, prepared by a British Columbia Land Surveyor, confirming the height and siting of the proposed dwelling unit prior to occupancy.

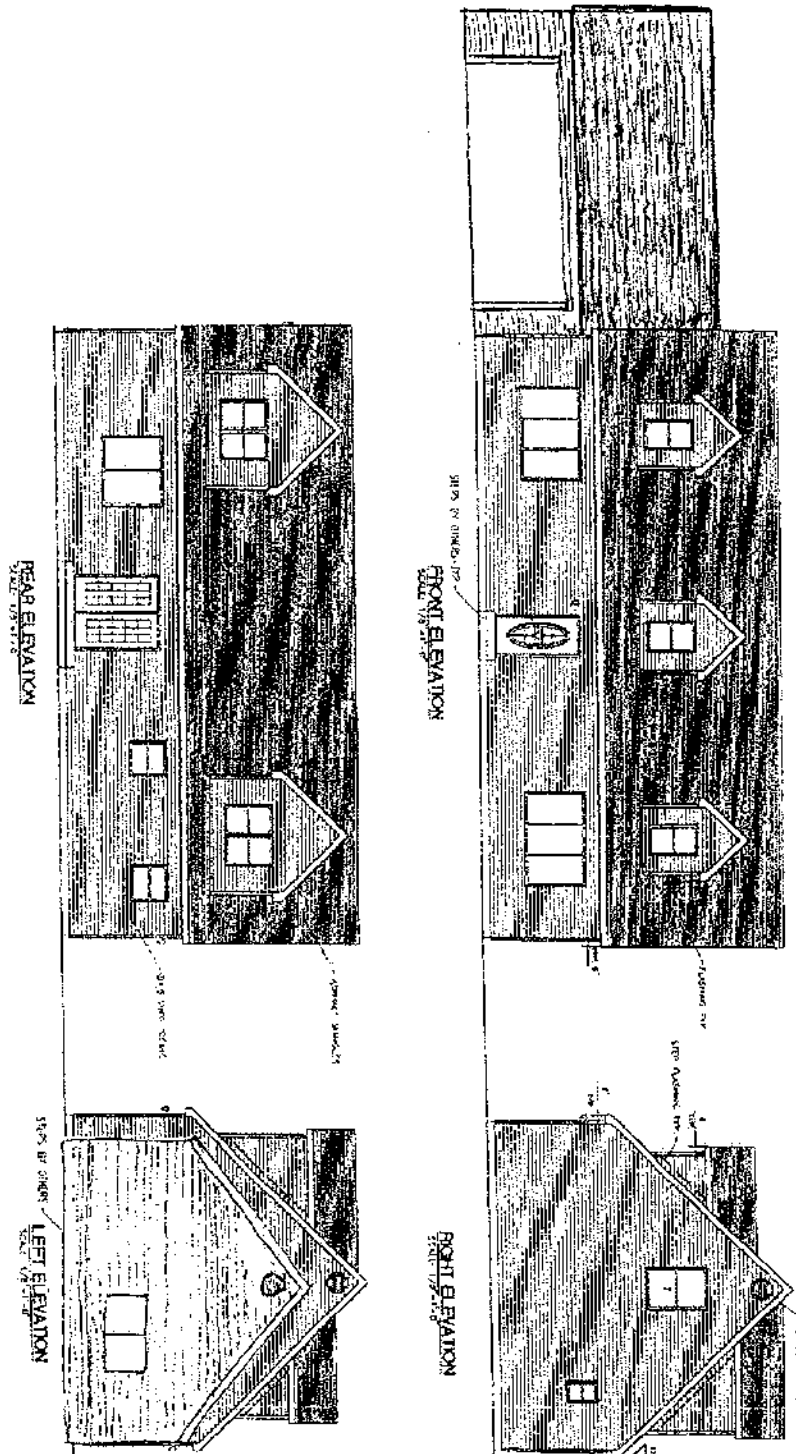
Schedule No. 2 (1 of 2)
Site Plan
Development Variance Permit No. 90604

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



Schedule No. 2 (2 of 2)
Building Profiles
Development Variance Permit No. 90604

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





REGIONAL DISTRICT OF NANAIMO	
CHAIR	GM Cms
CAO	GM ES
DA CCD	MoF
MAR - 6 2006	
EAR	

MEMORANDUM

TO: Bob Lapham
Deputy Administrator

DATE: March 6, 2006

FROM: Jason Llewellyn
Manager of Community Planning

FILE: 3090 30 90605

SUBJECT: Development Variance Permit Application No. 90605 – Oceanside Storage Ltd.
Electoral Area 'F' – 1270 Alberni Highway

PURPOSE

To consider an application for a Development Variance Permit to increase the Maximum Building and Structure Floor Area to facilitate a Mini Storage facility on the subject property at 1270 Alberni Highway in Electoral Area 'F'.

BACKGROUND

The Planning Department received a Development Variance Permit application to increase the Maximum Building and Structure Floor Area from 1500 m² to 3176 m² to facilitate a Mini Storage facility on the property legally described as Re-Amended Lot 29 (DD 78202 –N) District Lot 156, Nanoose District, Plan 1964 Except Part in Plan 733RW, as shown on Attachment No. 1.

The subject property is approximately 7.8 acres in area. The first 80 metres of the property back from the highway is flat. The property then slopes at an approximate 3 percent grade to a watercourse at the rear of the property. The proposed development is located on the flat portion of the lot, as shown on Schedule No. 2.

Just less than 2/3 of the property adjacent to the highway is zoned Commercial 3 (C-3) pursuant to "Electoral Area 'F' Zoning and subdivision Bylaw No. 1285, 2002." The remainder of the property to the rear is zoned Village Residential 3 (R-3). The subject parcel is designated Commercial / Industrial Mixed Use in the Electoral Area 'F' Official Community Plan. The development proposed is greater than 30 metres from the watercourse at the rear of the property. Therefore, a Development Permit and an assessment under the Riparian Areas Regulation (RAR) are not required.

The property to the north across the highway contains an industrial development and is zoned Industrial 2 (I-2). The lands to the west are zoned C-3 and contain a residential development and commercial uses including other Mini Storage facilities. The area to the east is in the Agricultural Land Reserve. The area in general has a commercial/industrial character.

The applicant began construction of the Mini Storage facility under the assumption that the 1500 m² Maximum Building and Structure Floor Area restriction applied to each building and did not apply to the total of all buildings on site. When staff informed the property owner their development was contrary to

zoning, they stopped construction immediately and worked with staff to submit this application for consideration by the Board.

The applicant is proposing a total of 3176 m² of building floor area. Approximately 1286 m² of buildings have been constructed, and the concrete pads and form work have already been put in place for an additional 1890 m² of buildings. The site coverage of the proposed development is less than the maximum permitted under the zoning bylaw. The proposed development consists of the 6 Mini Storage buildings and a business office as shown on Schedules No. 2 and 3. The development variance permit is required in order to allow the construction to resume.

Proposed Variance

The applicant is requesting a variance to **Section 4.4.3 – Maximum Building and Structure Floor Area** "Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002," from 1500 m² to 3176 m² to facilitate a Mini Storage facility as shown on Schedules No. 2 and 3.

ALTERNATIVES

1. To approve Development Variance Permit No. 90605 subject to the Board's consideration of the comments received as a result of public notification.
2. To deny the requested permit.

LAND USE AND DEVELOPMENT IMPLICATIONS

The requested variance is not anticipated to have a negative impact on the area. The use is appropriate and the scale of development is not out of character with the designated commercial/industrial nature of the area. The nature of Mini Storage operations is such that an increase in the number of storage units does not translate into an equivalent increase in sewage disposal or water needs. The sewage disposal system is being developed in accordance with the requirements of the Vancouver Island Health Authority. Also, the increased traffic generated as a result of the requested variance is not expected to be significant.

The applicant has undertaken a drainage study at the request of the Ministry of Transportation. The study makes recommendations for the design of the on-site storm drainage system. It is recommended by staff that a term of the development variance permit be that the development is serviced with an on-site storm drainage system designed and inspected by a qualified engineer in accordance with the requirements of the Ministry of Transportation, Ministry of Environment, and "Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002."

Development Variance Permit Evaluation Policy

The applicant is suggesting that the variance is justified as the increased building size will allow the more efficient and effective use of the property. The proposed increase in building size has no notable negative servicing or traffic implications and will not result in the development appearing out of character with the area. In staff's opinion, the proposed variance is in compliance with the Board's Development Variance Permit Evaluation Policy.

Staff recommend Alternative No. 1, to approve Development Variance Permit Application No. 90605 subject to the Board's consideration of the comments received as a result of public notification.

It is noted that the property owner is considering a future rezoning application to extend the commercial zoning to the residentially zoned portion of the property to allow further expansion of the Mini Storage use.

PUBLIC CONSULTATION IMPLICATIONS

As part of the required public notification process pursuant to the *Local Government Act*, property owners located within a 50 metre radius will receive 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'.

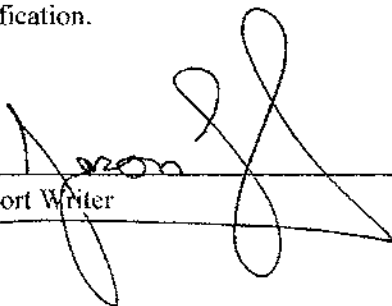
SUMMARY/CONCLUSIONS

The Planning Department received a Development Variance Permit application to increase the Maximum Building and Structure Floor Area from 1500 m² to 3176 m² to facilitate a Mini Storage facility on the property.

The variance will allow the more efficient and effective use of the large property with no notable negative servicing or traffic implications, and it is not expected to result in the development appearing out of character with the area. In staff's opinion, the proposed variance is acceptable.

RECOMMENDATION


That Development Variance Permit Application No. 90605 be approved according to the terms contained in Schedule No. 1, subject to the Board's consideration of comments received as a result of public notification.



Report Writer



Deputy Administrator Concurrence



CAO Concurrence

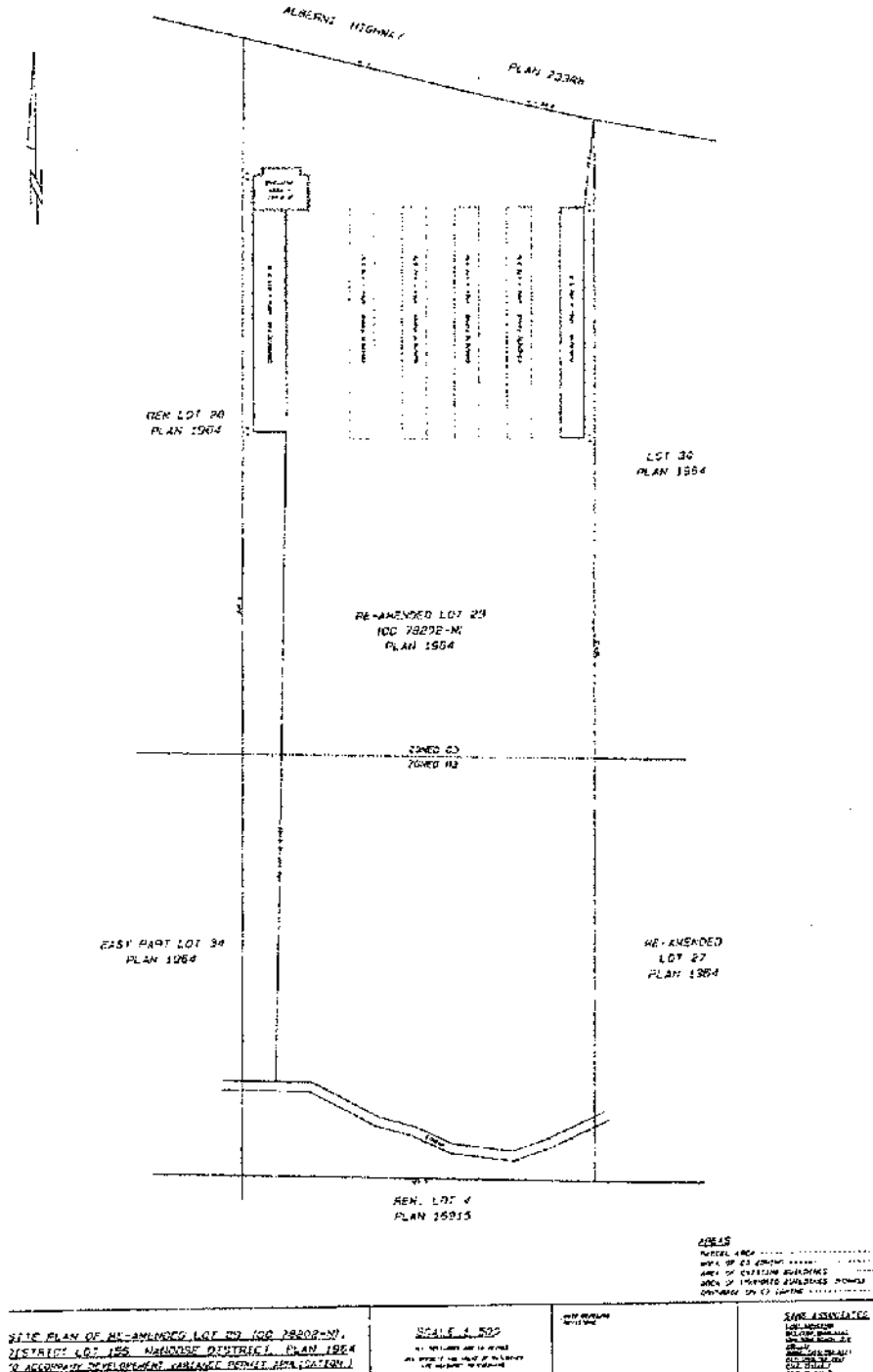
COMMENTS:

devsys/reports/2006/dvp mr 3090 30 90605 Oceanside Storage Ltd. Report

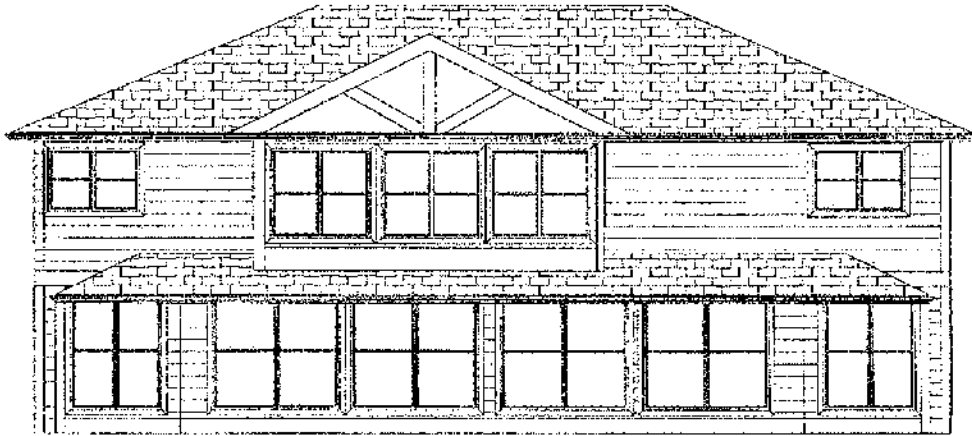
Schedule No. 1
Terms of Development Variance Permit Application No. 90605
for Re-Amended Lot 29 (DD 78202 -N) District Lot 156, Nanoose District,
Plan 1964 Except Part in Plan 733RW
1270 Alberni Highway

1. **Section 4.4.3** of "Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002," is varied to increase the total Maximum Building and Structure Floor Area for all buildings on the property from 1500 m² to 3176 m².
2. This variance applies only to the Mini Storage facilities and office buildings located and designed in substantial compliance with Schedules No. 1, 2, and 3.
3. The development is to be serviced with an on-site storm drainage system designed and inspected by a qualified engineer in accordance with the requirements of the Ministry of Transportation, Ministry of Environment, and "Electoral Area 'F' Zoning and subdivision Bylaw No. 1285, 2002."

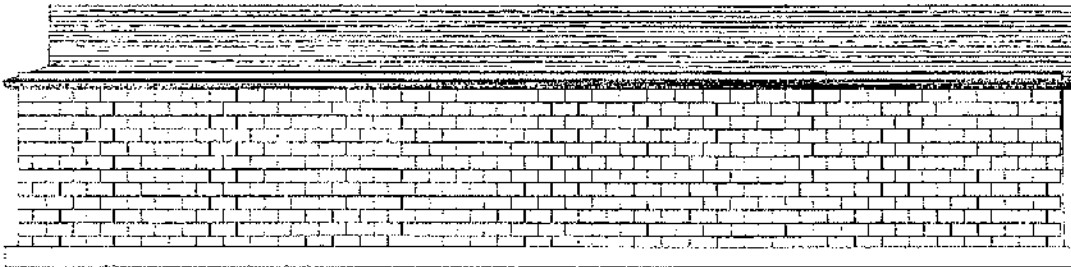
Schedule No. 2
Site Plan (submitted by applicant)
Development Variance Permit Application No. 90605



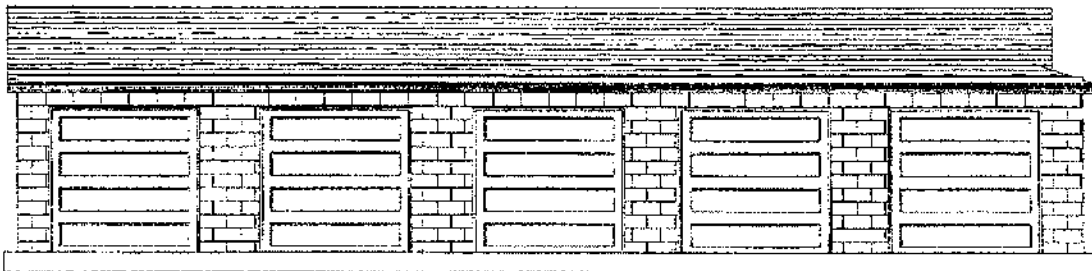
Schedule No. 3
Building Elevations (submitted by applicant)
Development Variance Permit Application No. 90605



Frontal View - Building #6



Typical Left Side Elevation
Building #1



Typical Right Side Elevation
Building #1



REGIONAL DISTRICT OF NANAIMO	
CHAIR	GM Cms
CAO	GM ES
DA CCD	MoF
MAR - 6 2006	
EAR	

MEMORANDUM

TO: Jason Llewellyn
Manager of Community Planning

DATE: March 3, 2006

FROM: Paul Thompson
Senior Planner

FILE: 3090 30 90606

SUBJECT: Development Variance Permit Application No. 90606 — Allen and Parker
Electoral Area 'E' — 2933 Dolphin Drive

PURPOSE

To consider an application for a Development Variance Permit for the construction of a new single-family dwelling on a parcel located at 2933 Dolphin Drive in Electoral Area 'E'.

BACKGROUND

The applicants propose to remove an existing house and shed and construct a new single-family dwelling with an attached garage.

The subject property is zoned Residential 1 (RS1) Subdivision District 'N' pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," and is legally described as Lot 2, District Lot 78, Nanoose District, Plan 14212 and is located on the east side of Dolphin Drive fronting the ocean in Electoral Area 'E' (*See Attachment No. 1*).

The subject property is located within a building inspection service area and is serviced by a Regional District of Nanaimo (RDN) water system and has on-site sewage disposal. The subject parcel is not located within a Development Permit Area pursuant to the Nanoose Bay Official Community Plan, and the Environmentally Sensitive Features Atlas does not indicate the presence of any environmentally sensitive features.

The parcel is approximately 1,100 m² in size and slopes down from Dolphin Drive to the top of a bluff where it drops steeply about 10 metres to the beach. The proposed dwelling will be located approximately 13.6 metres from the top of the bluff and about 27 metres from the natural boundary of the ocean. The lot contains mature trees in the north east corner adjacent to Dolphin Drive and the unnamed road right-of-way.

The applicant is requesting a variance to Section 3.4.61 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," to relax the minimum exterior side lot line setback from 5.0 meters to 2.0 meters and to relax the maximum height for a dwelling unit from 8.0 metres to 9.1 metres for the purpose of siting a new single-family dwelling (*See Schedule No. 2*).

ALTERNATIVES

1. To approve Development Variance Permit No. 90606 subject to the terms outlined in Schedule No. 1.
2. To deny the requested permit.

LAND USE AND DEVELOPMENT IMPLICATIONS

The Board recently adopted a new policy with respect to staff review and evaluation of development variance permit applications. This policy provides guidelines for determining the justification for a variance and the evaluation of impacts. With respect to justification for the variance, the variable slope on this parcel creates a physical constraint for building. The lot is highest in the northeast corner and slopes down diagonally to the southwest corner. The slope is steeper near Dolphin Drive then it levels out somewhat on a bench in the middle of the property and then steepens again until it reaches the bluff where it is a near vertical drop to the ocean. A geotechnical assessment was conducted for the property and the engineer determined that the proposed 13.6 metre setback from the top of the bluff should be adequate from a geotechnical perspective. However, a further geotechnical assessment may be needed during the foundation excavation. As well, drainage from the construction needs to be addressed and should not be discharged onto the surface of the lot. Provided the recommendations are followed, the engineer has stated that the proposed development is safe for the intended use.

With respect to height, the proposed house is not excessively high as it is a two-story house with a 10/12 pitched roof. The majority of the house is less than the 8.0 metre maximum height as only portions of the rooftop ridges exceed the 8.0 metre height. The portions of the rooftop ridge that exceed the 8.0 m maximum is largely due to the lots diagonal slope. The extra height of the house will not block any views as the houses on the upper side of Dolphin Drive are much higher, and there is already a screen of trees on the subject property that are much higher than the proposed house. Houses on the lots on either side of the subject property are situated so that the new house will not block any views. As well, the unopened road right-of-way to the north is still fully treed and the house on the north side of the right-of-way is not visible from the subject property.

With respect to the siting of the proposed house nearer to the unopened road right-of-way, this should not cause any problems. A portion of this right-of-way is currently used as a driveway access to a lot located directly to the north. Also, the chances of this road right-of-way being used to provide public access to the ocean are very low as a high steep cliff prevents physical access to the water. As the proposed location of the new house is within the 4.5 metre setback from a road required by the Ministry of Transportation, approval from that agency is also required.

The proposed dwelling will not be out of character with the neighbourhood as some of the existing dwellings located nearby are also of a similar size. As well, other waterfront lots in this area are being or have already been redeveloped with larger dwellings.

Some trees will likely have to be removed for the construction of the new house. However, none of the existing natural vegetation near the top of the bluff will have to be removed for the construction of the new dwelling.

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

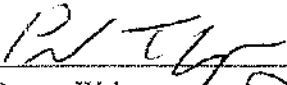
Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

This is an application for a variance to the exterior side lot line setback and maximum height requirements for the subject property located at 2933 Dolphin Drive in Electoral Area 'E'. The proposed relaxation to 2.0 meters for the other lot line and increase in height to 9.1 metres does not appear to impact views of neighbouring property owners. Therefore, staff recommends approval of the request according to the terms outlined in Schedule No. 1 and subject to Board consideration of public input received pursuant to the *Local Government Act*.

RECOMMENDATION

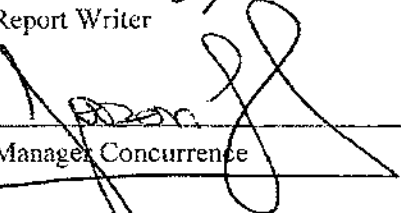
That Development Variance Permit Application No. 90606 for a new dwelling at 2933 Dolphin Drive be approved to relax the exterior side lot line setback and maximum dwelling unit height according to the terms of Schedule No. 1, subject to Board consideration of comments received as a result of the notification of adjacent property owners/occupiers.




Report Writer



Deputy Administrator Concurrence



Manager Concurrence



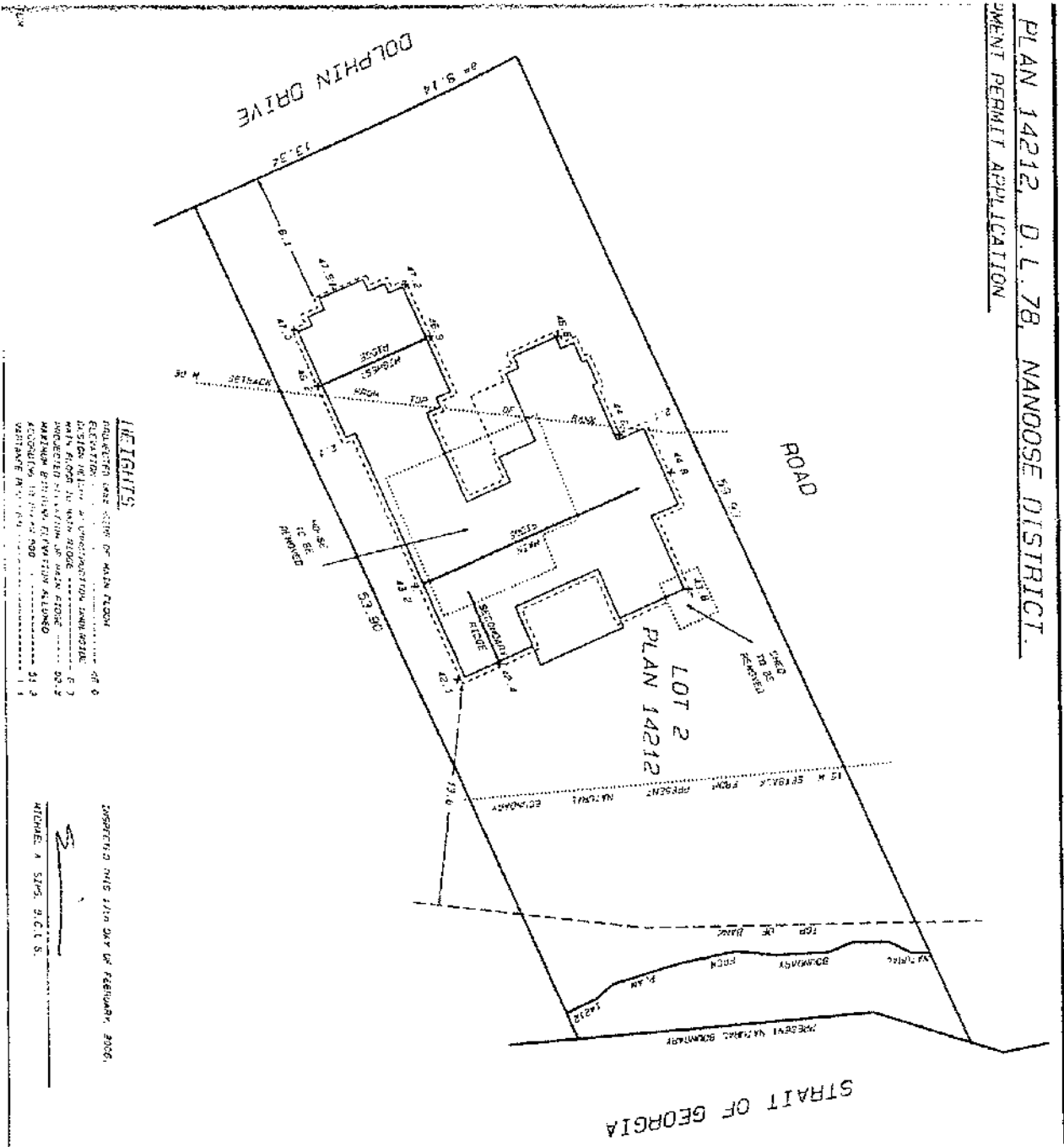
CAO Concurrence

COMMENTS:
devsvs/reports/2006/dvp mr 3090 30 90606 Allen & Parker Report

Schedule No. 1
Terms of Development Variance Permit No. 90606
For Lot 2, District Lot 78, Nanoose District, Plan 14212

1. **Section 3.4.61 - Minimum Setback Requirement – Exterior Lot Line** – of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," is varied to relax the other lot line setback from 5.0 metres to 2.0 metres on the north side of the parcel bordering the undeveloped road right-of-way in order to legalize the siting of a dwelling unit and attached garage.
2. **Section 3.4.61 - Maximum Height Requirement – Dwelling Unit** - of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," is varied to relax the maximum dwelling unit height from 8.0 metres to 9.1 metres to legalize the height of a dwelling unit and attached garage.
3. This variance applies only to the buildings in Schedule No. 2. The structures shall be constructed in substantial compliance with Schedule No. 2.
4. The applicant has been granted approval from the Ministry of Transportation for the setback relaxation to the exterior lot line prior to issuance of a building permit.
5. The applicant shall register a Section 219 save harmless covenant in favour of the Regional District of Nanaimo at the Land Title Office prior to issuance of a building permit.
6. The applicant shall file the sewerage system plan and specifications with the Vancouver Island Health Authority prior to issuance of a building permit.
7. A building permit shall be obtained from the RDN Building Inspection Department prior to the commencement of any work on the site.
8. The applicant shall submit a survey, prepared by a British Columbia Land Surveyor, confirming the height and siting of the proposed dwelling unit prior to occupancy.
9. The applicant shall develop the property in accordance with the recommendations in the geotechnical assessment prepared by Lewkowich Geotechnical Engineering Ltd. dated February 24, 2006.

Schedule No. 2 (1 of 3)
 Site Plan
 Development Variance Permit No. 90606
 (As Submitted by Applicant / Modified to Fit This Page)



Schedule No. 2 (2 of 3)
 Building Profiles
 Development Variance Permit No. 90606
 (As Submitted by Applicant / Modified to Fit This Page)

MATERIALS LEGEND

- ① PRESIDENTIAL SHIP
- ② PRESIDENTIAL CLIP
- ③ PRESIDENTIAL CLIP
- ④ PRESIDENTIAL CLIP
- ⑤ PRESIDENTIAL CLIP
- ⑥ PRESIDENTIAL CLIP
- ⑦ PRESIDENTIAL CLIP
- ⑧ PRESIDENTIAL CLIP

STRUCTURE
 WALTER ALLEN & PARKER ARCHITECTS
 1000 WEST 10TH AVENUE, SUITE 100
 DENVER, COLORADO 80202
 (303) 733-1111
 www.walalpen.com

CONTRACTOR
 WALTER ALLEN
 CUSTOM HOMIES
 QUALICOM BEACH, BC

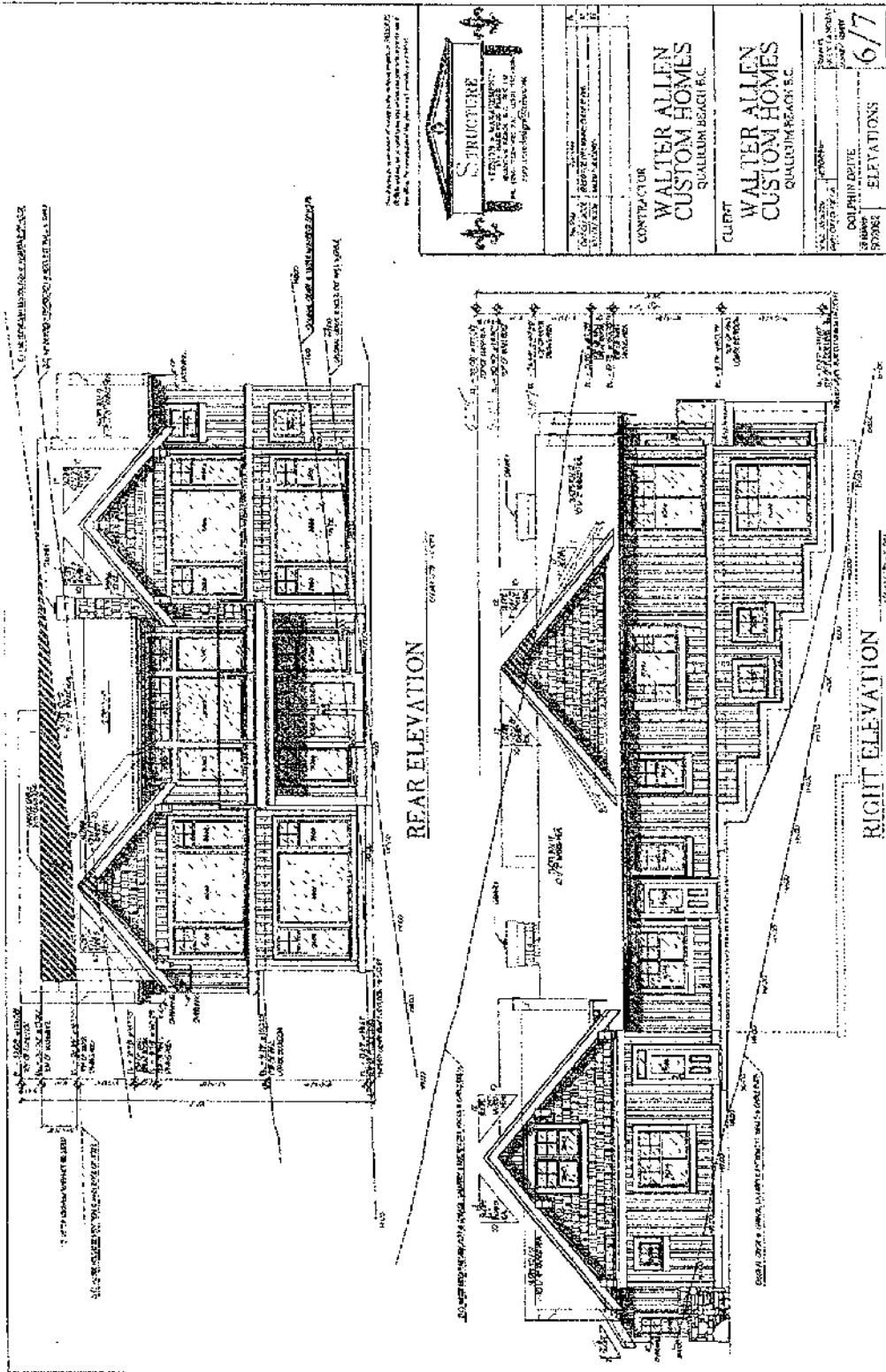
CLIENT
 WALTER ALLEN
 CUSTOM HOMIES
 QUALICOM BEACH, BC

DATE 03/03/06
PROJECT 90606
DESCRIPTION DEVELOPMENT VARIANCE PERMIT
SCALE 1/8" = 1'-0"
DATE 03/03/06
PROJECT 90606
DESCRIPTION DEVELOPMENT VARIANCE PERMIT
SCALE 1/8" = 1'-0"
ELEVATIONS 5/7

FRONT ELEVATION

LEFT ELEVATION

Schedule No. 2 (3 of 3)
 Building Profiles
 Development Variance Permit No. 90606
 (As Submitted by Applicant / Modified to Fit This Page)





REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAO	(W)	GM ES	
DA CCD		McF	
MAR - 6 2006			
EAP			

MEMORANDUM

TO: Bob Lapham
Deputy Administrator

DATE: March 6, 2006

FROM: Jason Llewellyn
Manager, Community Planning

FILE: 3010-01 GEMO

SUBJECT: Manufactured Home Park Tenant Relocation Policy

PURPOSE

To consider a proposed policy and supporting information with respect to the redevelopment of manufactured home parks.

BACKGROUND

At its January 24, 2006, Regular Board Meeting the following motion was carried:

That staff be directed to look at the policy proposed by Coquitlam with respect to manufactured home parks and forward a report for the Board's consideration on the feasibility of such a policy.

The protection of tenants rights lies with the provincial government. The Provincial *Manufactured Home Park Tenancy Act* requires a landlord to give tenants 12 months notice of the end of tenancy if the park is being redeveloped to a non residential use or a residential use other than a manufactured home park. The landlord must also give tenants a payment of 12 months rent under the existing tenancy agreement as compensation.

In the opinion of some manufactured home park tenants, notification and compensation required under the *Manufactured Home Park Tenancy Act* is not adequate given the cost of relocation and the lack of alternative rental spaces for manufactured homes. The situation creates a further hardship for owners of older manufactured homes that do not meet the current building code and may not be able to relocate.

LEGAL IMPLICATIONS

This issue is not unique to the Regional District of Nanaimo (RDN) and has become an issue in other areas of the province where increased property values have made it attractive to redevelop manufactured homes parks.

The *Local Government Act* offers no authority to local governments to create regulations related to tenant rights. However, the rezoning approval process provides the Board with discretionary decision making authority. Therefore, where a rezoning can be expected to result in the redevelopment of a manufactured home park and the displacement of tenants, the RDN can request that the applicant address the impacts of the rezoning on the tenants. The manner in which the applicant deals with the tenant relocation and housing needs that are associated with a rezoning can then be considered by the Board as part of the rezoning evaluation process.

This has been the approach taken by other jurisdictions in the province and is the approach taken by the City of Coquitlam. The City created a policy that requires an applicant to address the displacement of tenants. A similar policy is recommended by staff for the RDN.

POLICY AND PROCESS IMPLICATIONS

A draft "Manufactured Home Park Tenant Relocation Policy" is attached as Schedule No. 1 for Board consideration. The proposed policy requires the applicant to do the following:

- Notify tenants that a rezoning application has been made that may result in their relocation.
- Consult with each tenant, evaluate the ability of each tenant to relocate, and identify the obstacles that exist.
- Provide information, support, and direction to each tenant to assist them in finding an alternative location for their unit or other alternative housing.
- And, to provide a written report to the RDN that:
 - outlines the notification provided to tenants;
 - details the situation of each tenants ability to relocate;
 - contains a relocation plan that details the aid and compensation provided to each tenant to overcome their relocation challenges.

The policy states that the applicant should provide the report with the application for rezoning. Therefore, the notice, consultation, and development of the relocation plan should be undertaken early in the planning process prior to application. Staff will evaluate the report and relocation plan in conjunction with the rezoning application and include this information and their evaluation in the staff report to the Electoral Area Planning Committee for its consideration.

EXISTING MANUFACTURED HOME PARK ZONING

If a property that contains a manufactured home park is already zoned for another use, there is limited ability to require an applicant to undertake adequate consultation with tenants, develop a relocation plan, and implement that plan. The Development Permit approval process allows for limited discretion, and development permits must ultimately be approved if the development proposal meets the applicable guidelines established in the Official Community Plan. Also, the *Local Government Act* does not allow for development permit area guidelines to be created for the purpose of protecting tenant rights, providing tenant notice, relocation assistance, or compensation assistance.

Therefore, if a rezoning approval is not required prior to the redevelopment, the tenant relocation issue is difficult to address if the property owner is not willing. To ensure that a rezoning is required before the redevelopment of a manufactured home park in the regional district, staff require Board direction to dedicate the appropriate resources to undertake a review of all existing manufactured home parks. Staff would then report back to the Board with recommendations regarding the down zoning of those properties to ensure a rezoning is required prior to any manufactured home park redevelopment.

ALTERNATIVES

1. To receive this Report and endorse the Manufactured Home Park Redevelopment Policy attached as *Schedule No. 1*.
2. To receive this Report, endorse the Manufactured Home Park Redevelopment Policy attached as *Schedule No. 1*, and direct staff to include in the 2007 work plan a review of all existing

manufactured home parks in the regional district and report back with recommendations regarding the down zoning of those properties.

3. To receive this Report for information.

VOTING

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

SUMMARY

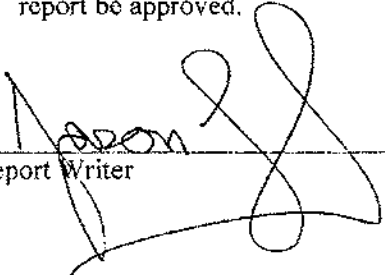
In response to the concern that the notification and compensation required under the *Manufactured Home Park Tenancy Act* is not adequate, staff were asked to consider a policy addressing the issue. At its January 24, 2006, Regular Board Meeting the following motion was carried:

That staff be directed to look at the policy proposed by Coquitlam with respect to manufactured home parks and forward a report for the Board's consideration on the feasibility of such a policy.

The *Local Government Act* offers no authority for local governments to create regulations that directly regulate in the area of tenant rights or directly establish obligations for landlords regarding relocation assistance. However, the Board may adopt a policy that states that a proposed amendment to zoning that may result in tenant relocation should be accompanied by a report that deals with the issue of notice, consultation, and development of a relocation plan for Board consideration as part of the rezoning review process. Therefore, staff recommend that the Board endorse the Manufactured Home Park Redevelopment policy attached.

RECOMMENDATION

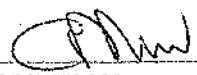
1. That the Manufactured Home Park Redevelopment Policy attached as Schedule No. 1 in the staff report be approved.



Report Writer



Deputy Administrator Concurrence



CAO Concurrence

COMMENTS:

devsvs/reports/2006/3010 01 GEMO nr Manufactured Home Park Redevelopment Policy Report

Schedule No. 1

REGIONAL DISTRICT OF NANAIMO

POLICY

SUBJECT:	A: Manufactured Home Park Redevelopment Policy	POLICY NO:	
		CROSS REF.:	
EFFECTIVE DATE:		APPROVED BY:	
REVISION DATE:		PAGE:	1 OF 2

PURPOSE

This policy is intended to apply where a proposed zoning amendment can be expected to result in the redevelopment of a manufactured home park and the displacement of manufactured home park tenants. The intent is to improve on the notification and assistance provided to tenants required to relocate from a manufactured home park as a result of redevelopment.

Communication of Plans for Redevelopment

1. Prior to submitting an application to amend zoning to allow the redevelopment of a manufactured home park the applicant should do the following:
 - a. Notify in writing to all tenants that plans for redevelopment are being made and that a relocation assistance plan shall be developed. Notices should also be posted on communal notice boards and facilities in the manufactured home park. The notice should specify the nature of the redevelopment plans and the tentative timeframe for implementation.
 - b. Provide tenants with information that will assist them in making plans for alternative living arrangements.
 - c. Inform tenants of their rights under the *Manufactured Home Park Tenancy Act*.
 - d. Undertake a survey of the number of residents, their housing needs and options, and their relocation option preferences.
 - e. And, assist the tenants in determining the condition of their manufactured homes, its ability to be moved, and its compliance to the Building Code.
2. Once an application for rezoning has been made, the applicant shall provide updates to residents as the process progresses including when the application is to be made, when it is to proceed to a Public Information Meeting, and when a Public Hearing is to be held.
3. The applicant should submit, with a zoning amendment application, a report that contains the following:
 - a. A detailed description of the notification and consultation that has occurred with tenants.

- b. A profile of the number of residents, their housing needs and options, and their relocation option preferences.
 - c. A profile of the condition of each manufactured home, its ability to be moved, and its compliance to the Building code.
 - d. A relocation plan that addresses the relocation needs of each individual tenant based on their individual characteristics, needs, and preferences. This plan may include, but is not limited to, any of the following components (in addition to the statutory requirement under the *Manufactured Home Park Tenancy Act*):
 - i. Arranging and paying for the disposal of a manufactured home.
 - ii. Unconditional compensatory payments of a value that would provide tenants with some amount of equity and greater flexibility in their plans for relocation (e.g. a payment equivalent to the assessed value of the manufactured home). This would be in addition to the mandatory payment under the *Manufactured Home Park Tenancy Act*.
 - iii. Opportunities for first right of refusal to purchase and purchase discounts on units developed by the applicant including new units built on the subject site.
 - iv. Advice on options for relocating locally, and advice on regional in market housing, non-market housing, and manufactured home parks.
 - v. Options for tenants to remain on the subject site under a Housing Agreement to secure any low-cost housing options.
 - vi. And, a timeline for implementation of the relocation plan. The applicant should develop the plan, in consultation with tenants, as soon as possible after plans for redevelopment are made.
4. Staff will evaluate the report and relocation plan in conjunction with the redevelopment application and include this information and their evaluation in the staff report to the Electoral Area Planning Committee for its consideration of the application.