

**REGIONAL DISTRICT OF NANAIMO
ELECTORAL AREA PLANNING COMMITTEE
TUESDAY, FEBRUARY 13, 2007
6:30 PM**

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

- 2-5 Minutes from the regular meeting of the Electoral Area Planning Committee held January 9, 2007.

BUSINESS ARISING FROM THE MINUTES

PLANNING

AMENDMENT APPLICATIONS

- 6-31 Zoning Amendment Application No. ZA0605 – Quest Homes on behalf of Schickendanz & Moore – 4320 Garrod Road – Area H.

DEVELOPMENT PERMIT APPLICATIONS

- 32-38 Development Permit Application No. 60633 – Malaincy – 1777 Admiral Tryon Boulevard – Area G.
- 39-45 Development Permit Application No. 60653 – Fern Road Consulting Ltd., on behalf of C&D Steen – 4299 Garrod Road – Area H.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

- 46-51 Development Variance Permit No. 90702 and Request for Relaxation of the Minimum 10% Perimeter Requirement McElhanney Consulting Services Ltd., on behalf of 547808BC Ltd. – 2298 Pylades Drive – Area A.

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, JANUARY 9, 2007, 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

Also in Attendance:

C. Mason	Chief Administrative Officer
M. Pearse	Senior Manager, Corporate Administration
P. Thorkelsson	General Manager, Development Services
T. Osborne	General Manager, Recreation & Parks
P. Thompson	Manager, Long Range Planning
G. Garbutt	Manager, Current Planning
N. Tonn	Recording Secretary

LATE DELEGATIONS

MOVED Director Holme, SECONDED Director Burnett, that late delegations be permitted to address the Committee.

CARRIED

Allen and Boone Blanke, re Development Permit Application No. 60660 – Homes by Kimberly/Blanke – La Selva Place – Area E.

Ms. Laura Lambert, Homes by Kimberly, provided an overview of Development Permit Application No. 60660 and requested that the Committee approve the application.

Will Burrows, re Budget Steel – 2073 Main Road – Area A.

Mr. Burrows raised his concerns with respect to their ongoing development permit application and the effect Amendment Application ZA0606 may have on its outcome.

MINUTES

MOVED Director Holme, SECONDED Director Young, that the minutes of the Electoral Area Planning Committee meeting held November 14, 2006 be adopted.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. AA0606 – Point Ellice Properties Ltd. – Main Road – Area A.

MOVED Director Burnett, SECONDED Director Holme,:

1. That “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.338, 2006” to rezone the properties legally described as Lot 5, Block 7, Section 12, Range 7, Cranberry District, Plan 1643 and Lots 6 and 7, Block 7, Sections 12 and 13, Range 7, Cranberry District, Plan 1643 from Industrial 5 Subdivision District ‘J’ (IN5J) to Main Road Light Industrial Comprehensive Development 37 (CD37) be given 1st and 2nd reading.
2. That “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.338, 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. 500.338, 2006” be delegated to Director Burnett or his alternate.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60657 – Allen/Kehoe Holdings – Andover Road – Area E.

MOVED Director Holme, SECONDED Director Biggemann, that Development Permit No. 60657 submitted by Walter Allen on behalf of Kehoe Holdings Ltd. to facilitate the construction of a single dwelling unit on Andover Road be approved subject to the conditions outlined in Schedule No. ‘1’.

CARRIED

Development Permit Application No. 60658 – Allen/Eilers – Carmichael Road – Area E.

MOVED Director Holme, SECONDED Director Stanhope, that Development Permit No. 60658 submitted by Walter Allen on behalf of Florian and Alice Eilers to facilitate the construction of a single dwelling unit on Carmichael Road be approved subject to the conditions outlined in Schedule No. ‘1’.

CARRIED

Development Permit Application No. 60660 – Homes by Kimberly/Blanke – La Selva Place – Area E.

MOVED Director Holme, SECONDED Director Young, that Development Permit No. 60660 submitted by Homes by Kimberly on behalf of Allen and Boone Blanke to facilitate the construction of a single dwelling unit on La Selva Place be approved according to the conditions outlined in Schedule No. ‘1’.

CARRIED

Development Permit Application No. 60661 – Ken Clarke & Keith Wick – Beldon Place – Area E.

MOVED Director Holme, SECONDED Director Biggemann, that Development Permit No. 60661 with variance submitted by Ken Clarke and Keith Wick to facilitate the construction of a single dwelling unit on Beldon Place be approved according to the conditions outlined in Schedule No. ‘1’ and subject to the Board’s consideration of the comments received as a result of public notification.

CARRIED

Development Permit Application No. 60663 – Quest Homes Inc., on behalf of Green Thumb Nursery and Landscaping – Island Highway No. 19A & Coburn Road – Area H.

MOVED Director Holme, SECONDED Director Young, that Development Permit Application No. 60663 submitted by Quest Homes Inc., on behalf of Green Thumb Nursery & Landscaping, in conjunction with the subdivision on the parcels legally described as Lot 5 & Lot 6 Except That Part in Plan VIP53852, both of District Lot 36, Newcastle District, Plan 2076 and designated within the Environmentally Sensitive Features Development Permit Area for the protection of the aquifer, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

CARRIED

OTHER

Building Strata Conversion Application – JE Anderson & Associates on behalf of J. Glazier Developments Ltd. – 430 Evergreen Way – Area G.

MOVED Director Stanhope, SECONDED Director Burnett, that the request from JE Anderson & Associates, BCLS, on behalf of Glazier Developments Ltd., for the building strata conversion as shown on the Proposed Strata Plan of the property legally described as Lot 8, Block 419, Nanoose District, Plan 32536, be approved subject to the conditions being met as set out in Schedules No. 1, 2 and 3 of the staff report.

CARRIED

Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement – WR Hutchinson on behalf of Boa Enterprises Ltd. – South Forks Road – Area C.

Director Young left the meeting citing a possible conflict of interest as a relative is involved in the application.

MOVED Director Holme, SECONDED Director Burnett, that the request from WR Hutchinson, BCLS, on behalf of Boa Enterprises Ltd., to relax the minimum 10% frontage requirement for proposed Lot 1 and the Remainder of Lot A, as shown on the Plan of Subdivision of Lot A, District Lot 3, Douglas District, Plan VIP77998, be approved.

CARRIED

Director Young returned to the meeting.

Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement – WR Hutchinson on behalf of Kevin Ford 0758399 BC Ltd. – off Nanaimo River Road – Area C.

MOVED Director Young, SECONDED Director Burnett, that the request from WR Hutchinson, BCLS, on behalf of Kevin Ford 0758399 BC Ltd., to relax the minimum 10% perimeter frontage requirement for proposed Lot 6 in conjunction with the proposed subdivision of District Lot 3, Douglas District, Except Part Shown Coloured Red on Plan 163RW and Except Part in Plans VIP73765 & VIP77998, be approved.

CARRIED

Riparian Areas Regulation Implementation OCP Amendment Bylaw Nos. 1240.03, 1152.03, 1148.04, 814.09, 1055.03, 1115.04, 1335.02, 1007.05 and 1400.01.

The Chairperson noted that this item will be addressed at the January 23, 2007 Board meeting.

Building Strata Conversion Application – Fern Road Consulting Ltd., on behalf of Janette Hooper – 440 Parker Road – Area G.

MOVED Director Stanhope, SECONDED Director Holme, that the request from Fern Road Consulting Ltd., on behalf of Janette Hooper, for the building strata conversion as shown on the Proposed Strata Plan of Lot 3, District Lots 65 and 66, Newcastle District, Plan 1803, be approved subject to the conditions being met as set out in Schedules No. 1, 2 and 3 of the staff report.

CARRIED

Electoral Area ‘G’ Official Community Plan Review Workshop Summaries and Update.

MOVED Director Stanhope, SECONDED Director Biggemann, that the Board receive the staff report and attached workshop summaries for information.

CARRIED

NEW BUSINESS

Sustainability Builders Checklist Application.

Director Bartram requested that in future reports with respect to development applications, staff include the following as it pertains to the sustainability builders checklist:

1. Whether the applicant filled out the Sustainability Builders Checklist.
2. Whether in discussion with the RDN planners, anything was changed in the application to make the application more sustainable.
3. Whether in the staffs’ opinion (Environmental Services, Development Services and Corporate Services) the application supports the Region’s Sustainability Goals.

ADJOURNMENT

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

CARRIED

TIME: 6:51 PM

CHAIRPERSON



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GMES		GMTS	
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SMCA			
CHAIR		BOARD	
EAP			

MEMORANDUM

TO: Geoff Garbutt
Manager, Current Planning

DATE: February 6, 2007

FROM: Susan Cormie
Senior Planner

FILE: 3360 30 0605

SUBJECT: Proposed Zoning Amendment Application No. ZA0605 / Quest Homes, on behalf of Schickedanz & Moore
Electoral Area 'H' – 4320 Garrod Road

PURPOSE

To consider an application to rezone the building strata development at 4320 Garrod Road in Electoral Area 'H' in order to facilitate residential uses.

BACKGROUND

The Regional District has received a zoning amendment application for the subject parcels legally described as Building Strata Lots 1 - 10 District Lot 36 Newcastle District Plan V1S5953 and located at 4320 Garrod Road in the Bowser area of Electoral Area 'H' (see Attachment No. 1 for location of subject properties).

The parent parcel (Strata Lots 1 – 10 and Common Property), which totals 1.08 ha in size, is currently zoned Commercial 5 (CM5) and is situated within Subdivision District 'M' (minimum parcel size 2000 m² with community water service) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

The Electoral Area Planning Committee may recall that the parent parcel was originally developed as a resort condominium development under Development Permit No. 60428 with 10 building strata units complete with landscaping, paved access route, an updated common septic disposal area, and environmental protection along the foreshore.

Surrounding uses include residentially zoned parcels to the east, commercially zoned parcels to the south and west; and the Strait of Georgia to the north. A small watercourse flows through the southwest corner of the parent parcel.

The parent parcel is designated within the following development permit areas pursuant to the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003":

- Village Centres Development Permit Area established for the form and character of commercial, industrial, or multi-family residential development;
- Environmentally Sensitive Features Development Permit Area established to protect the natural environment, in this case for protection of the coastal area, which is measured 30.0 metres from the natural boundary of the ocean and for protection of the aquifer;
- Natural Hazard Development Permit Area established to protect development from hazardous conditions, in this case for the protection of development from flooding; and

- Fish Habitat Protection Development Permit Area established to ensure consistency with the provincial *Riparian Areas Regulation*, in this case for the protection of a watercourse and its riparian area crossing the southwest corner of the property. This development permit area was adopted by bylaw on January 23, 2007.

It is noted that Development Permit No. 60428 addressed the applicable guidelines of these development permit areas with the exception of the Fish Habitat DPA which was only recently adopted.

In addition to the above-noted land use regulations, there are a number of charges registered on title as follows:

- flood covenant in favour of the Ministry of Water, Land and Air Protection that requires a 15.0 metres setback from the natural boundary of the ocean and a flood construction elevation of 1.5 metres above the natural boundary of the ocean (registered 1992);
- a no build covenant over of an approximate area of 337 m² located in the south west corner of the parcel in favour of the Ministry of Transportation (registered 1992);
- a save harmless covenant in favour of the Regional District (registered 2004);
- a watercourse protection covenant in favour of the Regional District restricting use of the riparian area of the small watercourse (registered 2004);
- a septic disposal covenant in favour of the Ministry of Health (registered 2004); and
- 4 statutory Rights-of-Way in favour of BC Hydro and Telus Communications.

The development is currently served by community water service from Bowser Waterworks District and a private on-site septic disposal system. Access to the site is via Garrod Road. The parent parcel is located outside an RDN Building Services area.

Proposed Development

The applicant is proposing to rezone the parent parcel from a resort condominium use to a residential use for the purposes of providing full time residential occupancy for the existing buildings (*see Attachment No. 2 showing the proposed layout*).

As part of the application information process, the applicant submitted correspondence addressing the Development Guideline Criteria as outlined in the OCP. As the site was recently developed, information which was required as part of the development permit application process was accepted as part of the zoning amendment application. This included a geotechnical report and an archeological study. The applicant also constructed an integrated storm water management system and a state of the art septic disposal system as part of this development permit application. In addition, a number of documents, including a save harmless covenant and a riparian protection covenant were registered as part of the development permit process.

Public Information Meetings

A Public Information Meeting was held on October 11, 2006 at Lighthouse Community Centre. Notification of the meeting was advertised in The News newspaper and on the RDN website, along with a direct mail out to all property owners within 200 metres of the subject property. Approximately 8 persons attended this information meeting and provided comments with respect to the proposal following a presentation of the proposal by the applicant's agent (*see Attachment No. 3 'Report of the Public Information Meeting October 11, 2006'*). Issues raised at this Public Information Meeting included the following:

- Water runoff from Garrod Road requires mitigation;
- Concern that a precedent would be set for other resort land owners to rezone to residential uses; and
- Potential for increased traffic.

Following this Public Information Meeting, the applicants were requested to provide additional information with respect to the applicable Development Guide Criteria outlined in the OCP and more specifically with a proposal for a community amenity. In order to ensure that the public was fully apprised of the amendment proposal, a second Public Information Meeting was arranged for December 11, 2006. This meeting was canceled due to weather conditions and a power black out.

The second public information meeting was then re-scheduled and held on January 22, 2007 at Lighthouse Community Centre. Notification of the meeting was advertised in The News newspaper and on the RDN website, along with a direct mail out to all property owners within 200 metres of the subject property. Notices were also sent to the members of the Electoral Area 'H' Parks and Open Space Advisory Committee. In addition, signage was posted on the property. 14 persons attended this information meeting and provided comments with respect to the proposal following a presentation of the proposal by the applicants (*see Attachment No. 4 'Report of the Public Information Meeting January 22, 2007'*). Issues raised at this second Public Information Meeting included the following:

- Concern for the reduction in the commercial land base;
- Request for repair of fencing and need for tree pruning; and
- Suggestion to improve the landscaping on the site.

ALTERNATIVES

1. To approve the application to rezone the parent parcel from Commercial 5 Subdivision District 'M' (CM5M) to Comprehensive Development Zone 38 (CD38) subject to the conditions outlined in Schedule No. 1.
2. To not approve the amendment application.

DEVELOPMENT IMPLICATIONS

Official Community Plan / Development Permit Implications

Pursuant to the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" (OCP), the parent parcel is designated within the Village Centres Land Use Designation. The Plan encourages a mix and concentration of uses including a variety of housing types. Therefore, the OCP supports the use of the land for the proposed residential development.

With respect to the Development Guidelines Criteria as set out in the OCP, the applicants have addressed the criteria to the satisfaction of staff.

With respect to the development permit areas, the parent parcel was fully developed under Development Permit No. 60428, including the registration of land use related documents concerning watercourse protection and save harmless covenants. With respect to the recently adopted Fish Habitat Protection Development Permit Area, this application will meet the exception provisions as the site has been developed.

Site Servicing Implications

The site is currently served by community water service and private septic disposal system. As the parent parcel is designated within a Village Centre which promotes future community sewer services, staff recommends that the applicant be required to provide a covenant requiring that the parcels be connected to community sewer upon availability. The applicant is in concurrence with the covenant.

COMMUNITY AMENITY IMPLICATIONS

As set out in the Development Guidelines Criteria of the OCP, the applicants put forward a number of suggestions for offering an amenity to the community. Suggestions included improvements to the nearby beach access which is under Ministry of Transportation jurisdiction; transferring the 5% park land dedication requirement to another subdivision application; or paying 5% cash in-lieu-of dedicating park land within the site itself. The applicants have not included a suggestion for park land within the parent parcel as the parcel has been fully developed.

With respect to the beach access improvements, the Electoral Area 'H' Parks and Open Space Advisory Committee reviewed the application and while the Committee did not register a formal comment, the general consensus was that improvements to the beach access are not necessary.

With respect to transferring 5% to another subdivision application, staff notes that this could be difficult to secure as there are different property owners involved.

With respect to the offer to provide 5% cash in-lieu-of park land, which is in keeping with the provisions of the *Local Government Act*, staff feel that this is the best option as there is limited opportunity for park land within the parent parcel. This has been included in the Conditions of Approval as set out in *Schedule No. 1*.

PUBLIC CONSULTATION IMPLICATIONS

Comments and written correspondence from the public have raised some issues. The applicants have indicated they can address a number of these issues raised. Issues raised by the public, along with applicant and staff comments, are outlined below:

As a result of the comments received at this October meeting, the applicants have indicated that they will stain the perimeter fence and remove the entrance sign.

Water runoff from Garrod Road requires mitigation – The applicants have indicated that they have addressed the storm water runoff concerns of the adjacent landowner by installing a two inch asphalt curb to redirect storm water.

Concern that a precedent would be set for other resort land owners to rezone to residential uses – Staff notes that every zoning amendment application is considered on its own merits and how it relates to applicable OCP land use designations and related objectives and policies. In other words, if one application is considered for approval, this does not mean that a similar application would be considered for an amendment.

Concern for volume of traffic – Ministry of Transportation staff has indicated that additional traffic associated with the proposed residential use is not expected.

Concern for the reduction in the commercial land base – As noted above, the OCP provides for a variety of land use in the Village areas. This proposal provides an alternative form of housing suitable to the parcel and in a location in keeping with the OCP concerning providing a mix of housing types within a Village Centre.

Request for repair of fencing and need for tree pruning - The applicants have indicated that they will stain and repair as necessary the fencing and provide pruning of trees as required.

Suggestion to improve the landscaping on the site – The applicants have indicated that landscaped areas are not recommended over the septic disposal field, which in case is adjacent to the common driveway entrance to the parent parcel.

INTERGOVERNMENTAL IMPLICATIONS

Initial referrals concerning the application were sent to the following agencies:

Ministry of Transportation – Ministry staff has indicated that the Ministry interests are unaffected.

Ministry of Environment – The Ministry of Environment indicated that they no longer review site specific referrals and noted that the Ministry's Develop With Care Environmental Guidelines for Urban and Rural Development in British Columbia, December 2005 is expected to address most development questions.

Local Fire Chief – indicated that building siding is fire-resistant and that the entrance way width is adequate to allow egress if emergency vehicles are parked near the entrance.

Bowser Waterworks District – The District indicated that it has no objection to the rezoning.

Department of Fisheries and Oceans – no response to date has been received.

VOTING

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

SUMMARY

This is an amendment application proposing that an existing resort condominium development be rezoned to a residential use. The Village Centre (Bowser) Land Use Designation in which the parent parcel is designated under the OCP supports a variety of land uses including residential. In addition, the parent parcel is designated within the Village Centres, Environmentally Sensitive Features, Natural Hazard and the recently adopted Fish Habitat Development Permit Areas. As the parcel was developed in accordance with the applicable guidelines of these Development Permit Areas and the application will meet the exemption provisions of the Fish Habitat Development Permit Area, a second development permit is not required at this time. The application will meet the Development Criteria Guidelines of the OCP including the community amenity of 5% cash of the value of the parent parcel.


Two Public Information Meetings were held in conjunction with this amendment application. The applicants are in concurrence to complete concerns raised by the residents with respect to upgrading the fencing and pruning of trees.

Conditions of approval, as outlined in Schedule No. 1, also include the registration of future sewer connection covenant to be registered on title prior to the consideration of adoption of the proposed amendment bylaw. Other conditions will be required to be completed before consideration of 4th reading of the amendment bylaw. In addition, site-specific comprehensive development zone CD38 has been prepared to provide for specific provisions in consideration of the existing development. These include specific regulations dealing with residential density, minimum setbacks, maximum building heights, and accessory building sizes.

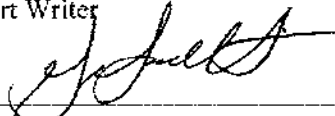
Ministry of Transportation staff has indicated they have no issues with the proposed application. The Local Fire Chief has indicated emergency access is available and the buildings are constructed with fire resistant materials. Bowser Waterworks District has indicated that it has no objection. The conditions included in Schedule No. 1 address future community sewer connections. Given that the proposal is in keeping with the related OCP policies, staff supports 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

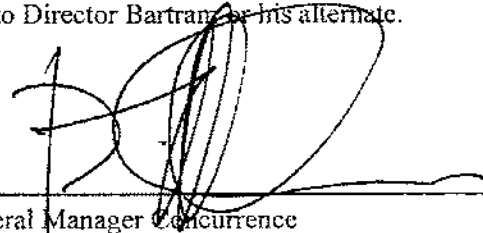
1. That the minutes of the Public Information Meetings held on October 11, 2006 and January 22, 2007 be received.
2. That Zoning Amendment Application No. ZA0605, as submitted by Quest Homes, on behalf of Schickedanz & Moore to rezone Building Strata Lots 1-10, District Lot 36, Newcastle Land District, Plan VIS5953 and located adjacent at 4320 Garrod Road from Commercial 5 Subdivision District 'M' (CM5M) to Comprehensive Development Zone 38 be approved to proceed to public hearing subject to the conditions included in Schedule No. 1.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.339, 2007" be given 1st and 2nd reading.
4. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.339, 2007" proceed to Public Hearing.
5. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.339, 2007" be delegated to Director Bartram or his alternate.



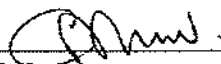
Report Writer



Manager



General Manager Concurrence



CAO Concurrence

COMMENTS:

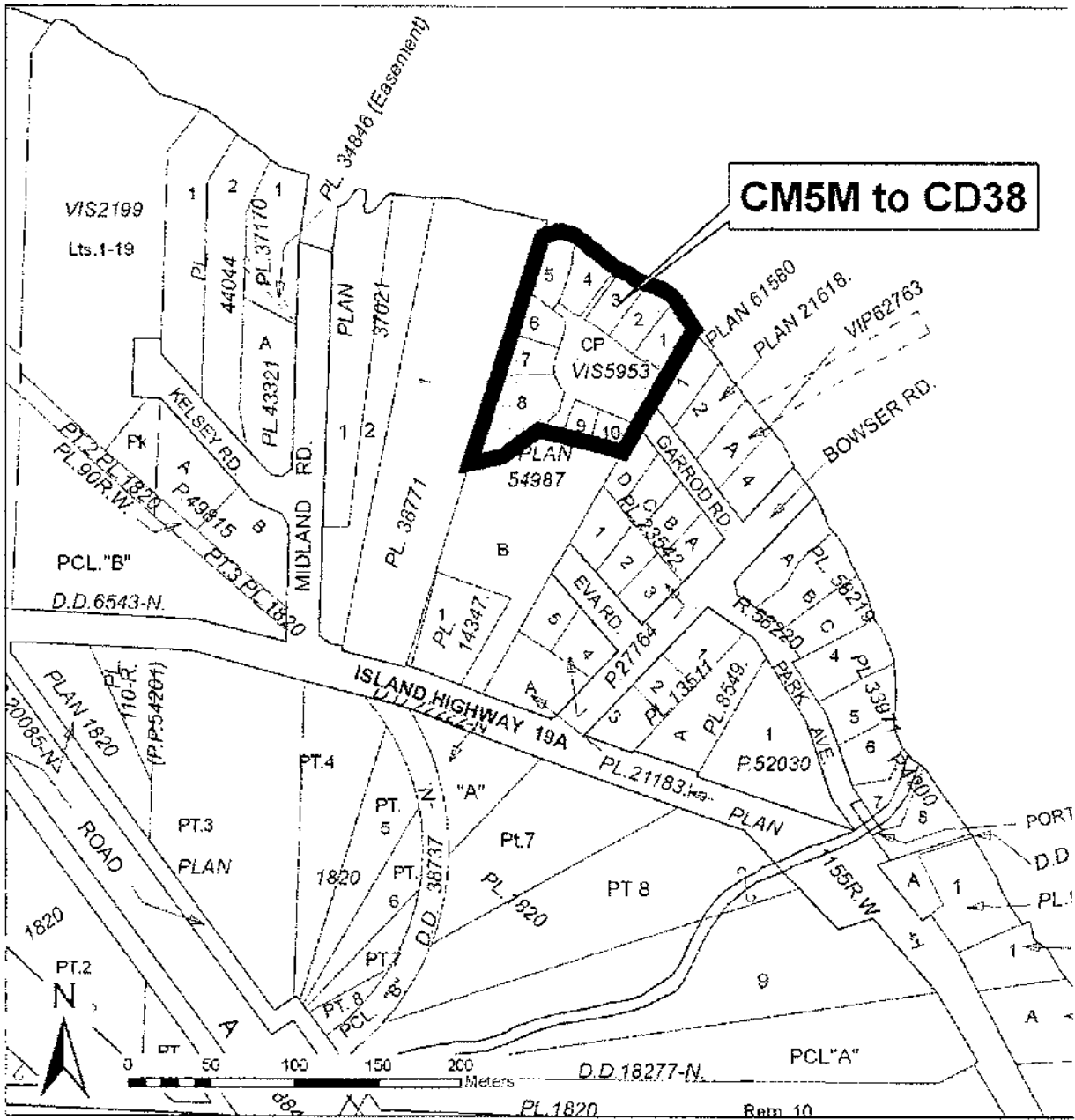
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Schedule No. 1
Conditions of Approval in Conjunction with
Zoning Amendment Application No. ZA0605
Quest Homes, on behalf of Schickedanz & Moore

The applicants are to complete the following prior to the amendment application being considered for 4th reading:

1. Applicants to provide 5% cash of the value of the parent parcel in accordance with the provisions of section 941 of the **Local Government Act**.
2. Applicants to prepare a section 219 covenant document, restricting that upon community sewer services being available for connection to the parent parcel, service connections shall be provided to each strata lot or unit at the owners' expense. Applicants, at their expense, is to prepare and register this covenant at Land Title Office, Victoria prior to amendment bylaw being considered for 4th reading of amendment. Draft document to be submitted to Regional District prior to registration.
3. Applicants to repair and stain fencing, remove entrance signs and prune trees. These works are to be completed prior to consideration of 4th reading of amendment bylaw.

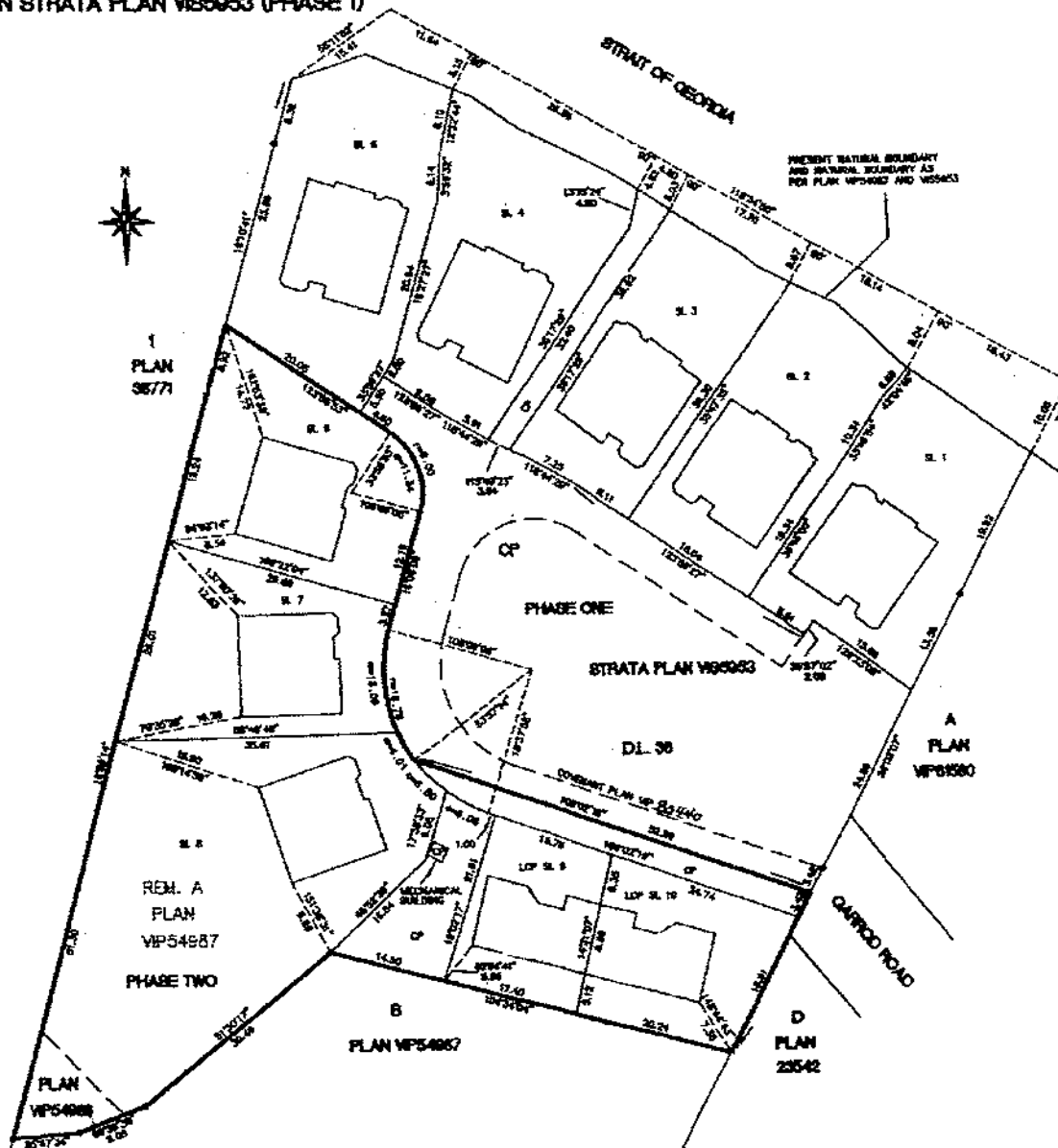
Attachment No. 1
Location of The Subject Properties



Attachment No. 2

Site Plan
(as submitted by applicant / (reduced for convenience)

F THE STRAIT OF GEORGIA, NEWCASTLE DISTRICT,
ART IN STRATA PLAN V85953 (PHASE 1)



Attachment No. 3

**Report of the Public Information Meeting October 11, 2006
Held at Lighthouse Community Small Hall 240 Lion's Way, Qualicum Bay
October 11, 2006 at 7:00 pm**

**Zoning Amendment Application in Association with Zoning Amendment Application No. 0605
4320 Garrod Road, Electoral Area 'H'**

Note: these minutes are not a verbatim recording of the proceedings, but are intended to summarize the comments of those in attendance at the Public Information Meeting.

There were approximately 8 people in attendance.

Present for the Regional District:

Director Dave Bartram, Director for Electoral Area 'H', Meeting Chair
Norma Stumborg, Planner
Greg Keller, Planner

Present for the Applicant:

Lyle Harvey, agent for the applicant
Peter Gerritsen, agent for the applicant

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

Norma Stumborg, Planner, provided a brief description of the application.

The Chair, introduced the Lyle Harvey, and Peter Gerritsen of Quest Homes Inc. agents for the applicant. Mr. Harvey explained that the developers constructed the resort condominiums and placed the units on the market in May. Potential buyers expressed a desire to live in the area full time and so the developers applied to rezone the property to allow for year round residential use.

The Chair, invited questions from the floor.

John and Joan Baartman, expressed their support for the rezoning application as they prefer to have full time community members.

The Chair read letters from Mary and Frank Stets of 4310 Garrod Road and Frank Coomber of 4311 Garrod Road

In response to the concerns outlined in the letters, Peter Gerritsen, agent for the applicant, stated that they paved Garrod Road to the Ministry of Transportation's requirements and complimentarily paved the driveways of the residents on Garrod Road at the same time. He added that a drain was placed in front of Mr. Coomber's property but his private storm water pipe is clogged. Mr. Gerritsen stated that they are willing to place a curb on the road to direct storm water into the strata storm system.

The Chair asked if there were any further submission or comments three times. There being none, the Chair thanked those in attendance and closed the public information meeting.

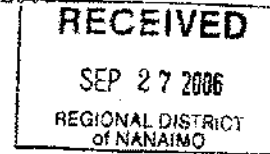
The meeting concluded at 7:16 pm.

Norma Stumborg
Recording Secretary

Ralph Coomber
4311 Garrod Rd.
PO Box 146
Bowser, B.C.
V0R-1G0

Regional District of Nanaimo
Planning and Building Depts.
6300 Hammond Bay Road
Nanaimo, B.C.
V9T-6N2

Sept. 26, 2006



Dear Sirs,

My home is next door to the new Shoreline development in Bowser. Last May, I had a discussion with Peter Gerritsen, one of the principals, about my concern over two things, the high density of the project and the road modification which might result in additional water going onto my property. Peter answered that the RDN specifically wanted ten units to be built on the property, and, as to the road, it would be slanted so that all of the water would funnel into their development and be dissipated by them.

I was not in Bowser when the road was built. I assumed that Peter had lived up to his word, however, last week, we had a very minor rain storm in Bowser and I observed that almost all of the water coming down the road ran off onto my property. I am concerned that a strong winter storm will flood both my studio and garage.

I cannot believe that the RDN has approved the Garrod Road improvement. Prior to grading, and paving, the old road slanted to the westerly side, where it ran off into the old stream bed. Now, the road has been reversed, slanting to the easterly side. I feel that this water runoff needs to be mitigated. I feel that the only way is for the road, in front of my house, to be redone in such a manner that it lives up to the original promise by Peter Gerritsen.


If my property is flooded, I will be filing law suits.

In regard to rezoning Shoreline to residential status, I believe that the RDN is leaving itself open, up and down the waterfront, for other developments on

page 2 --- Coomber, Shoreline

resort lands to apply for high density and later achieve residential approval.
By rezoning, you are essentially re-writing the law and setting a precedent for
future legal challenges.

Sincerely,



Ralph Coomber

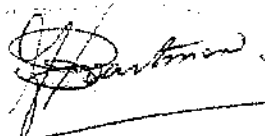
Sept 28, 2006

J Baartman
Garner 4307
Bowser BL

Dear Mr. Havellyn (manager Community planning):

We reside at 4307 Garner Rd in Bowser.
We are aware that Quest Homes Inc. has
made an application to rezone its
development at 4320 Garner Rd. to allow
for year-round residency.
We have no objection to rezoning the
property for this purpose.

Sincerely,



REN	
CAG	GMRES
GNDE	GMRES
GMES	CMTE
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TEAM	BOARD

BOWSER WATERWORKS DISTRICT
 Box 17, Bowser, B.C. V0R 1G0
 Ph. 250-757-8363 Fax 250-757-8886

September 29, 2006

Shickedanz Properties Ltd.
 Ranchlands Blvd.
 Calgary, Alberta

Re: Rezoning of the Garrod Road/Shoreline

Please be advised that Bowser Waterworks District has no objection to the re-zoning of this property from CM5 to Residential. There would be a "Change of Use", which would entail a different Capital Charge on the properties. As indicated in Schedule A of Bylaw 100, the Capital charge for residential properties is \$2500.00/ unit. What is developed is Resort Condominium/seasonal use at \$1250.00 per unit. Thus the difference upon re-zoning would be \$1,250.00 per unit, or \$12,500.00.

If you have any questions, please call the administrator.

Thank you.

Lawrence Setter
 BWWD Administrator
 Per Bwwd Trustees.

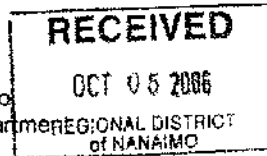
c.c. Norma Stumorg, Regional District of Nanaimo

Oct. 30 2006 08:34PM PT

FXR NO. : 2507578886

FROM : DAWN SETTER

P O Box 6
4310 Garrod Road
Bowser, BC V0R 1G0
September 29, 2006



Regional District of Nanaimo
Planning and Building Department
6300 Hammond Bay Road
Nanaimo, BC V9
V9T 6N2

Dear Sir or Madam:

Re: Rezoning Application for Garrod Road Property

We understand that the developers have applied for a rezoning application to make this current C-5 (Resort Condominium status) become residential (single family dwellings). At this time, we have had no direct notice from either the developers or the Regional District of Nanaimo that such an application may be considered. We saw the notice posted on the fence surrounding the property. As we are going away for two weeks, we want to make our voice heard before it is too late.

Our home is adjacent to the new 'Shoreline' development on Garrod Road in Bowser. We purchased our retirement home here four years ago. We chose this area for the quiet country atmosphere and beautiful views. We are the only permanent residents next door to this property and as such are most affected by the changes.

We were very upset when we learned that the developers planned to build a high-density project beside us. We asked Peter Gerritsen why he did not consider building four or five quality single-family homes instead of the 'cookie-cutter' design chosen. He explained that rezoning would be complicated and very costly and would not likely be achieved as the RDN designated high-density for the central core of Bowser.

We have lived with dirt and dust, heavy traffic and heavy vehicles since the beginning of this project. We have seen our quiet way of life and beautiful views deteriorate as the long period of construction drags on. We have lost more than 50 mature trees, which hosted eagles and other birds and also provided a buffer zone for our neighbourhood.

We are concerned about heavy traffic on Garrod Road. Of the five homes on this road, only three have permanent residents. Only seven vehicles regularly use this road. Should the development be rezoned, we could have an additional 20 vehicles back and forth each day.

This project has been on the market since May 1, 2006. To this date not one of these over-priced homes has been sold! We visited one of the houses during a real estate open house. We asked the woman hosting the open house to provide us with the disclosure statement and proposed strata fees. She was unable to do so, but provided

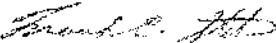
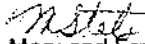
us with the real estate 'spec' sheet that named the home as a single-family dwelling. She insisted that it was quite all right for a purchaser to live in the home on a 12-month basis.

We took a copy of the 'spec' sheet to the RDN and your staff immediately telephoned the real estate agent to have this status changed from single-family dwelling to resort condominium on their literature.

We are very much opposed to rezoning of this property. We are concerned that should the RDN approve the developers' request to rezone this property to single-family residences that you are setting a precedent for others to ignore the current resort zoning and achieve high density and later achieve residential approval through the back door.

We chose our home in the country because of the views and the quiet country life—we did not choose to live in a cheaply built subdivision! We urge you to reject the rezoning application and leave the property as its current resort condominium status.

Yours truly,



Mary and Frank Stets
(250) 757-9394

Attachment No. 4

**Report of the Public Information Meeting January 22, 2006
Held at Lighthouse Community Small Hall 240 Lion's Way, Qualicum Bay
January 22, 2007 at 7:00 pm**

**Zoning Amendment Application in Association with Zoning Amendment Application No. 0605
4320 Garrod Road, Electoral Area 'H'**

Note: these minutes are not a verbatim recording of the proceedings, but are intended to summarize the comments of those in attendance at the Public Information Meeting.

There were 14 people in attendance.

Present for the Regional District:

Director Dave Bartram, Director for Electoral Area 'H', Meeting Chair
Susan Cormie, Senior Planner

Present for the Applicant:

Lyle Harvey, agent for the applicant
Peter Gerritsen, agent for the applicant

The Chair opened the meeting at 7:00 pm and followed with greetings to the public and an introduction of the staff and applicant's agents.

The Chair read into the minutes correspondence received from Bowser Waterworks, Quest Homes, and Frank and Mary Stets, which are attached to and forming part of these minutes.

The Chair stated the purpose of the public meeting and asked the Senior Planner to provide an overview of the proposed development.

The Senior Planner explained that the purpose of this application is to rezone the subject property located at the 4320 Garrod Road from the present resort condominium use, developed under a Commercial 5 zone to a residential zone, with no change in the current number of units for the property. The Senior Planner explained that there is a current development permit on the parcel which permitted the resort condominium development of the site and that the Electoral Area 'H' Official Community Plan designates the subject property as a Village Center Comprehensive Development Area, which supports a variety of land use including a range of housing types.

The Chair then asked the applicant's agent to give an overview of the proposal.

The applicant's agent, Peter Gerritsen explained that they would like to change the property to a residential strata subdivision to allow full time residential occupancy rather than the resort condominium use which restricts occupancy. Mr. Gerritsen explained that they have conducted a limited marketing campaign which has found that residential use would be more desirable.

George Dussault, 5327 Gainsberg Road, noted that the OCP does not support reduction in the commercial land base to residential uses.

The Senior Planner explained that the OCP in the Village Centre areas supports a variety of land uses including residential.

Marlene Dussault, 5327 Gainsberg Road, stated that we are setting a terrible precedent by allowing Vancouver type development instead of rural residential development. Ms. Dussault gave the Costa Lotta property as an example of this type of change.

The Chair explained that this application is in a Village Node and is a different situation than the Costa Lotta property which presently has commercial zoning.

Frank Fairley, 250 Hamilton, Parksville stated that he is involved in the marketing of this property and believes that it is a nice quality development. Mr. Fairley stated that if he lived nearby he would want single family residential development because there would be less traffic than commercially rented accommodation would have. Mr. Fairley concluded by stating that he felt this development enhanced the neighbourhood.

The Chair asked the applicants to explain the septic disposal system.

Mr. Gerritsen explained that the treatment facility including the holding tanks and reserve fields meets the Ministry of Health requirements. Mr. Gerritsen noted that the previous system was outdated and this system was completely reclaimed.

Gord Webb, 5315 Deep Bay Drive stated that he wanted to rezone his property which is also zoned Commercial 5 to a residential use but was told by the Regional District that the minimum lot size would be 2000 m² with community water.

The Chair explained that anyone can make an application to rezone but the difference is this property is located in a Village Node.

Dick Stubbs, 6920 West Island Highway stated that a residential neighbourhood is less disruptive than a commercial use but cautioned that we are losing the commercially zoned lands. Mr. Stubbs also noted that a lot of communities go through residential vs. resort uses and people start renting their residential units.

The Chair asked if the applicants contacted the Stets directly.

Mr. Harvey stated that they have stained the fence and have someone looking at the trees for pruning.

The Chair explained that the Area 'H' Parks Acquisition Fund currently has about \$120,000 in it for future park land acquisitions. The Chair also explained that if 5% cash in-lieu-of park land were given for this application, it would be subject to the requirements of the *Local Government Act*.

The Senior Planner concurred with this information.

John New, Costa Lotta resident, spoke about the Costa Lotta situation and how 30 seniors are being replaced by a condo-resort development and that some of the mobile homes cannot be moved. Mr. New further asked about the Mobile Home Manufactured Home Relocation Policy. Mr. New concluded that he is not speaking for or against this application.

Ron Ryvers, 847 Raeburn Road, asked why are we preserving certain zones and noted that public access through campgrounds is a means of providing access to the ocean front. Mr. Ryvers felt that there are houses on the site and there is no reason to change the zoning as it provides tourist related accommodation.

Fred Ryvers, 5925 Gainsburg Road asked the developers if they had planned a residential use why did they build a commercial use and wondered if this was pre-meditated.

Mr. Harvey stated that they could sell the units as commercial and do not need the residential zoning to market them. Mr. Harvey also said this was not pre-medicated.

Dick Stubbs commented that he would like to see better planning for the village areas.

The Chair explained that the RDN is talking about preparing Village Plans soon.

Dick Stubbs stated that the only similarity with Costa Lotta is the residential use happens over a period of time.

The Chair then invited comments and questions from the audience.

The Chair asked if there were any further submissions or comments a second time.

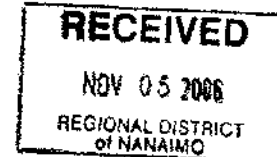
The Chair asked if there were any further submission or comments a third time. There being none, the Chair thanked those in attendance and closed the public information meeting.

The meeting concluded at 7:47 pm.

Susan Cormie
Recording Secretary

P O Box 6
4310 Garrod Road
Bowser, BC V0R 1G0
November 2, 2006

Regional District of Nanaimo
Planning and Building Department
6300 Hammond Bay Road
Nanaimo, BC V9
V9T 6N2



Dear Sir or Madam:

Re: Rezoning Application for Garrod Road Property
Shoreline (Seascape) Development

We were travelling at the time the public meeting was held last month and upon my return I spoke to Norma Strumborg of the RDN to discuss the status of this application. She informed me that one neighbour spoke in support of the application and that Dave Bartram read my letter and Ralph Coomber's letter, both in opposition.

I know that there are at least two other neighbours against the rezoning, including Mrs. Forgie who thought it was too late to send a letter, and Mr. Steen, who has his own issue with the RDN pertaining to his property.

In discussion with Norma, I learned that the RDN is presently in negotiations with the developer to allow this rezoning. There is discussion about the developer giving the RDN land or cash to create parkland at another site. This may be good for the RDN, but does nothing to alleviate our concerns. As we live directly next door, we are the most aggrieved party and as such feel we have the right to consideration also. We suggest the developer should:

1. Repair the wobbly fence along our property line and stain our side with a suitable product.
2. Hire a professional arborist tree service to trim the trees along the property lines to improve the aesthetics and safety.
 - Minor pruning is required on the maple and fir tree adjoining our property to tidy them up.
 - Remove the large fir tree that stands near the "Shoreline" sign to the right of the entrance to the project. It is unsightly and unsafe as it was severely damaged during the construction when a tree was felled against it.
 - Limb the branches of the tree situated on the property line nearest House #10 to restore some of our view and also that of the homes within the project.
3. Provide us with a load of topsoil to help us tie in our landscaping with that of the project. A large fir tree was removed here leaving us with a gaping hole.

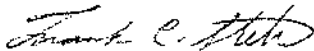
The above items #1 and #2 were suggested to the developer on July 4, 2006, by a letter hand delivered to the real estate agent who requested suggestions at that time. (copy attached)

Item #3 is a small consolation to our having to endure almost two years of construction with the attendant noise, heavy vehicular traffic, dirt and dust. We have spent countless hours cleaning the dust from inside and outside our home, as well as hosing down the dusty road until it was finally paved last December.

We still remain opposed to rezoning this property on the grounds that it was applied for after the development was built and that such approval may set a dangerous precedent. We are, however, realists and hope to make the best of a 'bad' situation.

Thank you for consideration of our concerns.

Yours truly,



Frank and Mary Stets
(250) 757-9394

cc: Dave Bartram

Notes Regarding Shoreline Development on Garrod Road, Bowser

We live next door to this development and have observed the progress of this project since the commencement of the construction process.

These strata title homes resemble a "Calgary subdivision" rather than a first class west coast development. It is unfortunate that the property was not rezoned to allow for five or six class 'west-coast' style homes that would better suit this very beautiful property, making the most of the natural setting along the ocean and snuggled against the tall trees.

However, we do have some suggestions that we think would improve curb appeal to make the development more interesting.

1. Repair the damaged fence, which is leaning over in spots adjoining our property.
2. We suggest you treat the fence with a Sikkens product that will protect it and produce a very handsome finish. The fence should be finished on *both* sides, particularly as it shows from the entrance to the development (also as a courtesy to neighbours who have endured the noise, dirt and inconvenience of this construction for close to two years).
3. Call in a professional arborist to treat the badly damaged fir tree closest to the Shoreline sign. This tree was damaged when the original tall trees were removed during the early phases of construction, resulting in unsightly and unsafe branches.
4. Have the arborist trim up the lower branches of the fir tree situated on Mr. Coomber's property at 4311 Garrod Road. Approach Mr. Coomber for permission to trim his side of the tree also. The project side of this tree almost touches the #10 home. This tree blocks much of the available ocean view from houses #1, #2, #3, #4, and #5.
5. The present landscaping is unimaginative. Consider the addition of flowering perennials and colourful annuals for seasonal colour. Remove the dead ornamental trees on the property and trim dead limbs from ornamental trees. The grasses along the sea front are very attractive.
6. Plastic wrap still clings to hardy plank on some of the houses even six months after installation!
7. The price of the oceanfront units appears to be at least \$200,000 higher than current values would suggest. There are single family waterfront homes in this general area at a similar price that offer much greater value with no strata fees or strata plan restrictions.

Thank you for this opportunity to offer our comments.

Mary and Frank Stets
4310 Garrod Road
757-9394
submitted July 4, 2006

01/16/2007 02:57 2505240291

DR PHILIP NEL

PAGE 02/02

1535 Sloan Ave
Prince Rupert, BC V8J 2B2

October 10, 2006

Regional District of Nanaimo
Planning Department
Nanaimo, BC

To Whom It May Concern:

Re: Public Information Meeting, Garrod Road Lots 1-10, Bowser, BC

Thank you for forwarding information regarding the application for rezoning of Lots 1-10 located on Garrod Road in Bowser. As a part owner of the property at the corner of Garrod Road and Bowser Road I wish to express my opposition to this request for rezoning.

It is regrettable that the developer was permitted to build 10 houses on this property.

* Changes to existing bylaws affecting neighborhood dynamics must be dealt with prior to property development and not after construction is complete and not because the properties can not be sold as presently zoned.

Sincerely,

Laurel (Garrod) Webster



Quest Homes

PO Box 30023

Courtenay, BC • V9N 9G8

November 2, 2006

Norma Stumborg
Planner, Development Services
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC • V9T 6N2

Re: Zoning Amendment Application No. ZA0605 for Strata Lots 1-10, VIS5953, District Lot 36,
Newcastle Land District -- 4320 Garrod Road, Electoral Area H, Map Reference No. 92F.047.2.3

Dear Ms. Stumborg:

Herein please find our responses to points 1-9 of Section 5.1 (Development Guideline Criteria) of the
Official Community Plan for Area H pertaining to the above-captioned application.

1. The proposal reflects the Community Values Statement, objectives of the Official Community Plan and the Policies of the Regional Growth Management Strategy by protecting the rural character of the area and containing development to the Bowser Village Centre; protecting groundwater by the removal of the outdated septic tanks and fields that serviced the former campground and replacing them with a state-of-the-art wastewater treatment system; promoting natural, environmental and geographic features (see details below); designing and installing a comprehensive stormwater management plan; working with the Qualicum First Nation in conducting an archeological site assessment; and preserving and enhancing the beachfront by removing concrete and rebar and building a new stone retaining wall. The developer also proposes to improve the public beach access at the end of Bowser Road. In addition, permitting year-round residency will see the addition of up to 10 new families in Bowser who will help support the local community.
2. The development has taken place in the Bowser Village Centre Development Permit Area. The absence of site lighting, the addition of native landscaping materials, and the incorporation of stone and fir treatments in the design of the buildings are in keeping with the village character and surrounding residential and rural areas.
3. Water degradation and pollution issues have been addressed by the wastewater treatment system designed in conjunction with Lewkowich Geotechnical Engineers Ltd. and approved by the provincial Ministry of Health (see their file No. 05-085).
4. The development, in conjunction with the federal Department of Fisheries and Oceans, the provincial Ministry of Environment and the Regional District of Nanaimo (RDN), has protected and promoted natural, environmental and geographic features by the registration of a Section 219 covenant, details of which you should have on file; and by the removal of a concrete boat launch and subsequent rehabilitation of the beachfront, including a new stone retaining wall (see attached photos).
5. The developer proposes to work with the RDN and the provincial Ministry of Transportation to improve the public beach access at the end of Bowser Road by removing unsightly and dangerous concrete and

SEE PHOTOS

subsequently rebuilding a stone retaining wall. The developer also proposes to increase the size of its park dedication on another Bowser development.

6. Sewage treatment has been addressed by the installation of a Nayadic M-2000A wastewater treatment system (see attached).

7. Stormwater management has been addressed by a plan designed by the engineering firm of J.E. Anderson and Associates, details of which you should have on file.

8. Archeological issues have been addressed via an archeological assessment conducted by I.R. Wilson Consultants Ltd. (see attached).

9. All studies required were submitted and subsequently approved as part of the original Development Permit Application No. 60428, a copy of which you should have on file.

In addition, the developer has worked to incorporate the development into the community by agreeing to stain the exterior of the perimeter fence and remove the entrance sign to the development. The developer has also addressed, at its cost, concerns of the neighbour at 4311 Garrod Road by building a two-inch asphalt curb (see attached photos) to redirect stormwater into the development's collection system.

Thank you for working with us on this file. Please contact Peter Gerritsen or me with any questions.

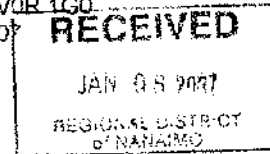
Sincerely,

Lyle Harvey

A handwritten signature in black ink, appearing to be 'Lyle Harvey', written over a faint, larger version of the same signature.

121

P O Box 6
4310 Garrod Road
Bowser, BC V0R 1G0
January 1, 2007



Regional District of Nanaimo
Planning and Building Department
6300 Hammond Bay Road
Nanaimo, BC V9
V9T 6N2

Dear Sir or Madam:

Re: Rezoning Application for Garrod Road Property
Shoreline (Seascape) Development

Further to our letters of September 29, 2006 and November 2, 2006, my wife and I would like to reiterate our continued opposition to this rezoning. Unfortunately the public meeting scheduled for December 11th was cancelled due to the weather. We would like to apprise you of our recent research.

I have talked to six property owners who are opposed to this rezoning. They include as well as ourselves, Ralph Coomber, Margaret Forgie, Barry and Valerie Gullekson, Lloyd Garrod, and Cliff and Deborah Steen. Mr. Murray Webster wrote a letter on behalf of Mr. Garrod that the RDN say they did not receive. He recently sent a copy of this letter to you. If you have not had written communication with the other neighbours, it does not stand that they are in favour of the rezoning.

Since our letter of November 2nd, we have heard nothing of our requests for considerations. In fact, since the recent windstorms, the fence on the property is in imminent threat of collapse, especially along our property line and that of Mr. Coomber. The hazard posed by the unsafe tree near Mr. Coomber's property now becomes even more of a threat as further damage occurred to this tree during the storms.

We still believe that this rezoning should not be approved as it may set a dangerous precedent. However, should it happen, we hope that you will ensure that the property be made as attractive and safe as possible.

Thank you for hearing our concerns.

Yours truly,

A handwritten signature in cursive script, appearing to read "Frank & Mary Steis".

Frank and Mary Steis
(250) 757-9394
cc: Dave Bartram



RDN			
CAO	GMF&IS		
GMDS	GMR&PS		
GMES	GMTS		
FEB - 2 2007			
SMCA			
CHAIR	BOARD		
EAP			

MEMORANDUM

TO: Geoff Garbutt
Manager of Current Planning

DATE: January 18, 2007

FROM: Greg Keller
Senior Planner

FILE: 3060 30 60633

SUBJECT: Development Permit No. 60633 – Malainey
Lot 17, District Lot 28, Nanoose District, Plan VIP62528
Electoral Area 'G' – 1777 Admiral Tryon Boulevard

PURPOSE

To consider an application for a Development Permit with variances to legalize the siting of an existing deck, facilitate the construction of a sunroom on top of the existing deck, and to legalize the siting of an existing rip rap marine retaining wall within the Sensitive Lands and Watercourse Protection Development Permit Areas pursuant to the "Regional District of Nanaimo French Creek Official Community Plan Bylaw No. 1115, 1998".

BACKGROUND

The property is situated within the Columbia Beach area of Electoral Area 'G' (*see Attachment No. 1*) adjacent to the French Creek Estuary and within the Sensitive Lands and Watercourse Protection Development Permit Areas (DPA) designated for the protection of the foreshore of the Ocean and French Creek pursuant to "Regional District of Nanaimo French Creek Official Community Plan Bylaw No. 1115, 1998". The Watercourse Protection DPA is a leave strip 30.0 metres from the natural boundary of French Creek. The existing dwelling unit and attached deck are located 11.7 metres from the natural boundary of French Creek. Therefore, a Development Permit with variances is required in order to facilitate the construction of the sunroom on top of the existing deck and to legalize the construction of an existing rip rap marine retaining wall (*see Schedule No. '2' for site plan*).

The subject property is zoned Residential 5 (RSS) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The minimum setback requirements for buildings and structures in this zone are 8.0 metres from the natural boundary of the sea, 15.0 metres from the natural boundary of French Creek, 8.0 metres from the front lot line and 3.0 metres from an interior side lot line. This parcel is also subject to the provisions of Development Permit No. 77, which relaxed the interior side lot line setbacks from 3.0 metres to 2.0 metres for the single family lots in this subdivision. Development Permit No. 77 also varied the maximum dwelling unit height to 9.5 metres above the natural grade, which takes into account the flood elevation requirements of the "Regional District of Nanaimo Floodplain Management Bylaw No. 843, 1991".

For the purpose of determining floodplain setbacks pursuant to "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006", the setback from the natural boundary of the ocean was deemed applicable due to the location of the subject property. Therefore, the proposed development is consistent with Bylaw No. 1469, 2006.

According to our records, the subject deck and marine retaining wall were constructed without a building permit or a Development Permit. The applicant indicates that the existing deck was constructed in approximately October of 1998 and the retaining wall was constructed in approximately July of 1999. When the occupancy permit was issued for the single dwelling unit on August 29, 1996 the survey on file did not indicate the presence of a deck or marine retaining wall and staff was unaware of these structures until the applicant applied for a building permit to construct the proposed sunroom in June of 2006.

In addition, there is a Section 219 Covenant (EJ136865) in favor of the Ministry of Environment and the Regional District of Nanaimo registered on title prohibiting buildings and structures from being constructed or erected within 15.0 metres from the present natural boundary of French Creek without prior written consent of the Ministry of Environment. The said covenant also specifies a minimum flood construction elevation of 4.1 metres Geodetic Survey of Canada (GSC), and prohibits the removal of vegetation within 7.5 metres of the natural boundary of French Creek or the Strait of Georgia.

Therefore, the applicant has applied for a building permit for the deck including the proposed addition and marine retaining wall, a Development Permit with variance, and has provided confirmation from the Ministry of Transportation; who has the authority to consider covenant amendments; indicating that the Ministry of Transportation is willing to relax the setback requirement contained in the covenant.

The applicant has submitted a geotechnical engineer's report dated October 17, 2006 and addendums dated November 24, 2006 and January 10, 2007 prepared by Lewkowich Geotechnical Engineering Ltd. and a biological assessment dated August 17, 2006 and an addendum dated November 6, 2006 prepared by Toth and Associates Environmental Services.

In support of this application, the applicant has submitted a petition signed by 27 residents from the surrounding properties who have no objections to the proposed sunroom addition. It should be noted that at the time of the petition, the existing rip-rap retaining wall was not being considered by this application.

For the Board's information, Development Permit No. 0205 was approved on Lot 16 to the south of the subject property to permit the construction of a single dwelling unit and marine shoreline protection device less than 1.0 metre in height. Development Permit No. 0115 was issued on Lot 18 to the north of the subject property to permit the construction of a single dwelling unit and a rip-rap marine retaining wall.

PROPOSED VARIANCES

This application includes a request to vary Section 3.3.8 – Setbacks – Watercourses, excluding the Sea of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" as follows:

- a. by relaxing the minimum setback requirement from the natural boundary of French Creek from 15.0 metres horizontal distance from the natural boundary to 11.7 metres horizontal distance from the natural boundary of French Creek to legalize the siting of the existing deck and permit the construction of a sunroom on top of the existing deck as shown in the location on Schedule No. '2' and generally constructed as shown on Schedule No. '3'.
- b. by relaxing the minimum setback requirement from the natural boundary of French Creek from 15.0 metres horizontal distance from the natural boundary to 6.0 metres horizontal distance from the natural boundary of French Creek to legalize the siting of an existing rip rap marine retaining wall not exceeding 1.8 metres in height as shown in the location on Schedule No. '2' and generally constructed as shown on Schedule No. '3'.

ALTERNATIVES

1. To approve the requested Development Permit with variances subject to the notification requirements of the *Local Government Act*.
2. To deny the Development Permit and provide staff with further direction to have the structures removed.

LAND USE AND DEVELOPMENT IMPLICATIONS

As outlined above, this Development Permit application would legalize the siting of an existing ground level deck and proposed sunroom addition and legalize the siting of an existing marine retaining wall. This Development Permit application does not propose any further encroachment into the development permit area or minimum setback requirements.

The subject property is a relatively flat ocean front property located adjacent to the French Creek estuary and other Residential 5 zoned properties to the northeast and southwest that are also developed with single dwelling units and include marine retaining walls. The subject single dwelling unit and adjacent single dwelling units are approximately in line with one and other with the proposed building site slightly obscured by existing landscaping and the architectural layout of the subject single dwelling unit. The proposed sunroom would be visible from the adjacent properties but it is not anticipated that it would have a negative impact on the views from adjacent properties given the siting of the existing dwellings. Based on the petition submitted by the applicant, the adjacent property owners do not object to the proposed sunroom.

With respect to the existing deck and rip rap retaining wall, they have been in their current location for a number of years with no complaints received from the adjacent property owners.

The applicants' geotechnical engineer's reports indicate that the deck meets the minimum Flood Construction Level of 4.1 metres Geodetic Survey of Canada (GSC), is above the 1:200 year flood plain, and indicates that the proposed sun room is safe for the intended use. With respect to the existing marine retaining wall the addendum to the applicant's geotechnical engineer's report indicates the marine retaining wall is required to protect the subject property from erosion and would provide adequate protection from erosion/scour due either to wave action or creek flows.

The biological assessment report indicates that the existing deck and proposed sun room do not pose an impact on the aquatic environment because they are located above the flood level. The biologists report recommends that no modification or vegetation removal be permitted to occur below the toe of the existing rip rap retaining wall and that there would be little environmental benefit to modifying or removing the wall. The impacts of removing the wall would likely outweigh the potential benefits.

The existing marine retaining wall is currently overgrown with English Ivy, which is generally not recommended for landscaping as it is a non-native invasive plant species. However, in this case, the applicant's biologist indicates that the English Ivy may be providing thermal, nesting, and escape cover for small mammals such as mink. Therefore it is not recommended to be removed at this time.

With respect to the Section 219 Covenant registered as EJ136865, the Ministry of Transportation has agreed to relax the setback requirement of the covenant. As of the date of this report, the covenant has not been amended. Staff recommends that the applicant, at the applicant's expense and to the satisfaction of the Regional District of Nanaimo and the Ministry of Transportation be required to amend the covenant to permit the proposed development prior to the issuance of the corresponding Development Permit. In addition, staff is recommending that the amended covenant include provisions to save the Regional District of Nanaimo harmless from all losses or damages as a result of flooding and/or erosion.

ENVIRONMENTAL IMPLICATIONS

The parcel is situated in the French Creek estuary and is bordered by French Creek and the Ocean. According to the applicant's biologist, the environmental damages were likely done when fill was introduced in to the area during subdivision and construction of the single dwelling unit. As no further encroachment in to the Development Permit Area is proposed at this time, no further environmental impacts are expected.

VOTING

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


SUMMARY/CONCLUSIONS

This is an application for a Development Permit with variances to legalize the siting of an existing sundeck and permit the construction of a sunroom on top of the existing sundeck and legalize an existing retaining wall within the Sensitive Lands and Watercourse Protection Development Permit Areas.

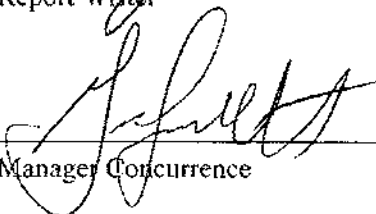
In staff's assessment of this application, the applicant has adequately addressed the flooding and environmental issues in accordance with the recommendations of a geotechnical engineer and a biologist, and the proposed variances do not appear to have any notable impact on the views from the adjacent properties. Therefore staff recommends that Development Permit Application No. 60633 be approved according to the conditions outlined in Schedule No. '1' and subject to the notification requirements of the *Local Government Act*.

RECOMMENDATION

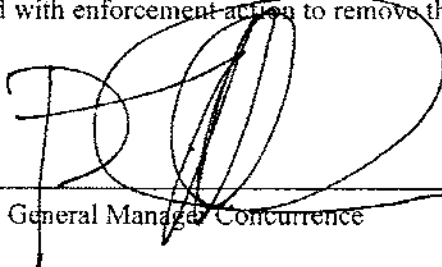
1. That Development Permit Application No. 60633, with variances to legalize the siting of an existing deck and rip-rap marine retaining wall and proposed sunroom addition for a property located at 1777 Admiral Tryon Boulevard, be approved according to the conditions outlined in Schedule No. 1 and subject to the Board's consideration of the comments received as a result of public notification.
2. That if the Ministry of Transportation, at its discretion does not approve the proposed covenant amendment, that the Board approval of this permit be withdrawn, and the Board direct staff to withhold the issuance of this permit and proceed with enforcement action to remove the illegal deck and rip-rap marine retaining wall.



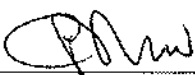
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

COMMENTS:

devsys/reports/2007/dp_ja 3060 30 60633 Malinay Report

Schedule No. '1'
Development Permit with variance No. 60633
Conditions of Approval
Lot 17, District Lot 28, Nanoose District, Plan VIP62528
1777 Admiral Tryon Boulevard

1. Issuance of Permit

Prior to the issuance of this permit the applicant shall at the applicants expense and to the satisfaction of the Regional District of Nanaimo and the Ministry of Transportation amend the Section 219 Covenant currently registered with the Land Titles office as document number EJ136865 as necessary to permit the proposed development.

2. Proposed Variances

The following variances to Section 3.3.8 – Setbacks – Watercourses, excluding the Sea of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" apply to an existing rip-rap marine retaining wall and deck including a sunroom addition constructed in substantial compliance with Schedules No. '2' and '3':

- a) The minimum setback requirement from the natural boundary of French Creek is proposed to be relaxed from 15.0 metres horizontal distance from the natural boundary to 11.7 metres horizontal distance from the natural boundary of French Creek to legalize the siting of the existing deck and permit the construction of a sunroom on top of the existing deck as shown on the location on Schedule No. '2' and generally constructed as shown on Schedule No. '3'.
- b) The minimum setback requirement from the natural boundary of French Creek is proposed to be relaxed from 15.0 metres horizontal distance from the natural boundary to 6.0 metres horizontal distance from the natural boundary of French Creek to legalize the siting of an existing marine rip rap retaining wall not exceeding a height of 1.8 metres constructed in the location on Schedule No. '2'.

3. Site Development

- a) The proposed development must be in substantial compliance with Schedules No. '1', '2', and '3'.
- b) All placements of buildings and structures to be undertaken must be consistent with "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," except where varied by this permit.
- c) The applicant shall develop the site in accordance with *Provincial* and *Federal* regulations. It is the responsibility of the landowner to ensure that all works on the lands are in compliance with the applicable *Provincial* and *Federal* regulations.

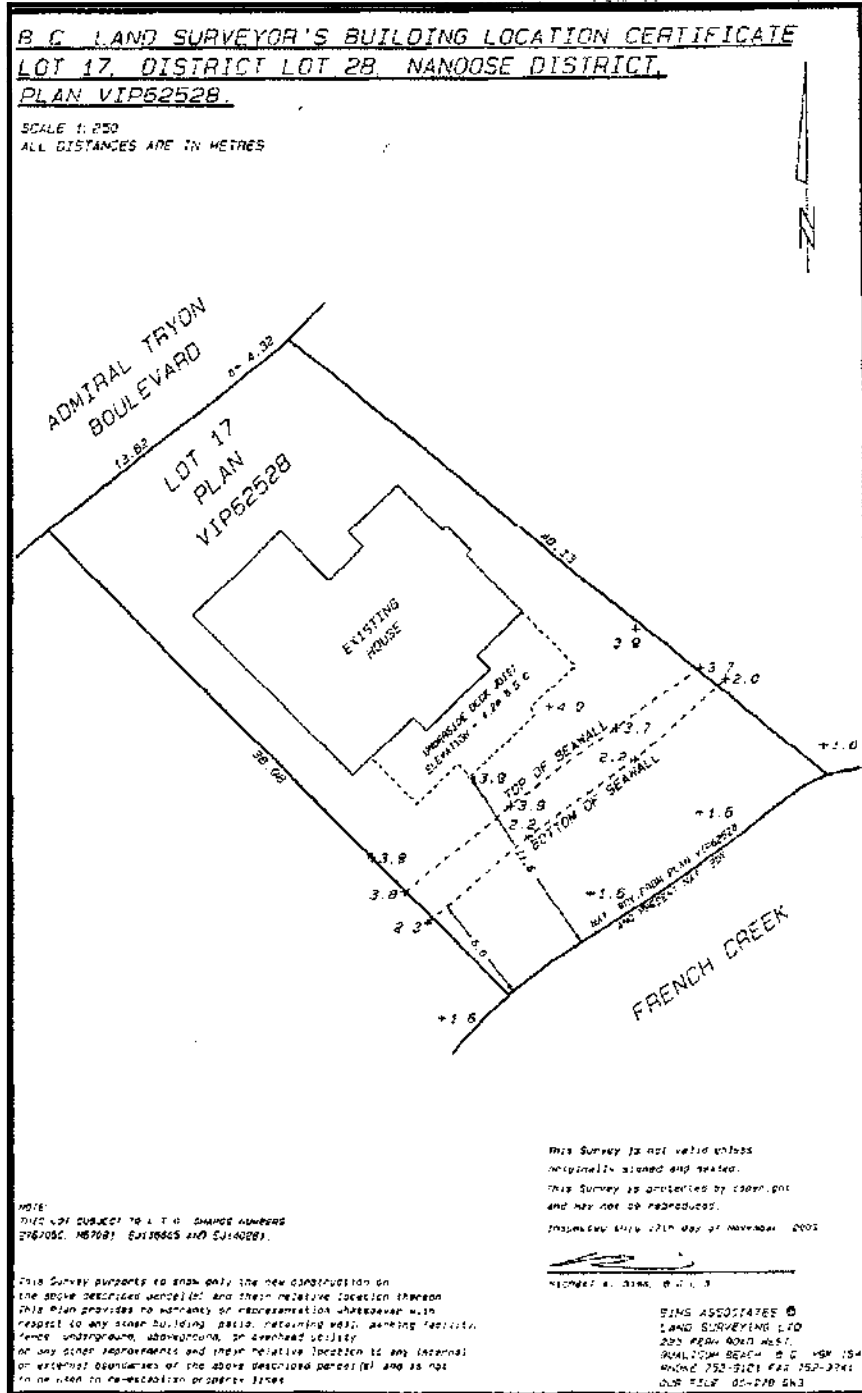
4. Geotechnical Implications

- a) The applicant shall develop the subject property in accordance with the recommendations established in the geotechnical engineer's report dated October 17, 2006 and an addendum dated November 24, 2006 both prepared by Lewkowich Geotechnical Engineering Ltd.

5. Environmental Considerations

- a) The applicant shall develop the subject property in accordance with the recommendations established in the biological assessment report dated August 17, 2006 and addendum dated November 6, 2006 both prepared by Toth and Associates Environmental Services.

Schedule No. '2' (page 1 of 2)
 Development Permit with variance No. 60633
 Site Plan
 (submitted by applicant / reduced for convenience)
 Lot 17, District Lot 28, Nanoose District, Plan VIP62528
 1777 Admiral Tryon Boulevard



Schedule No. '2' (page 2 of 2)

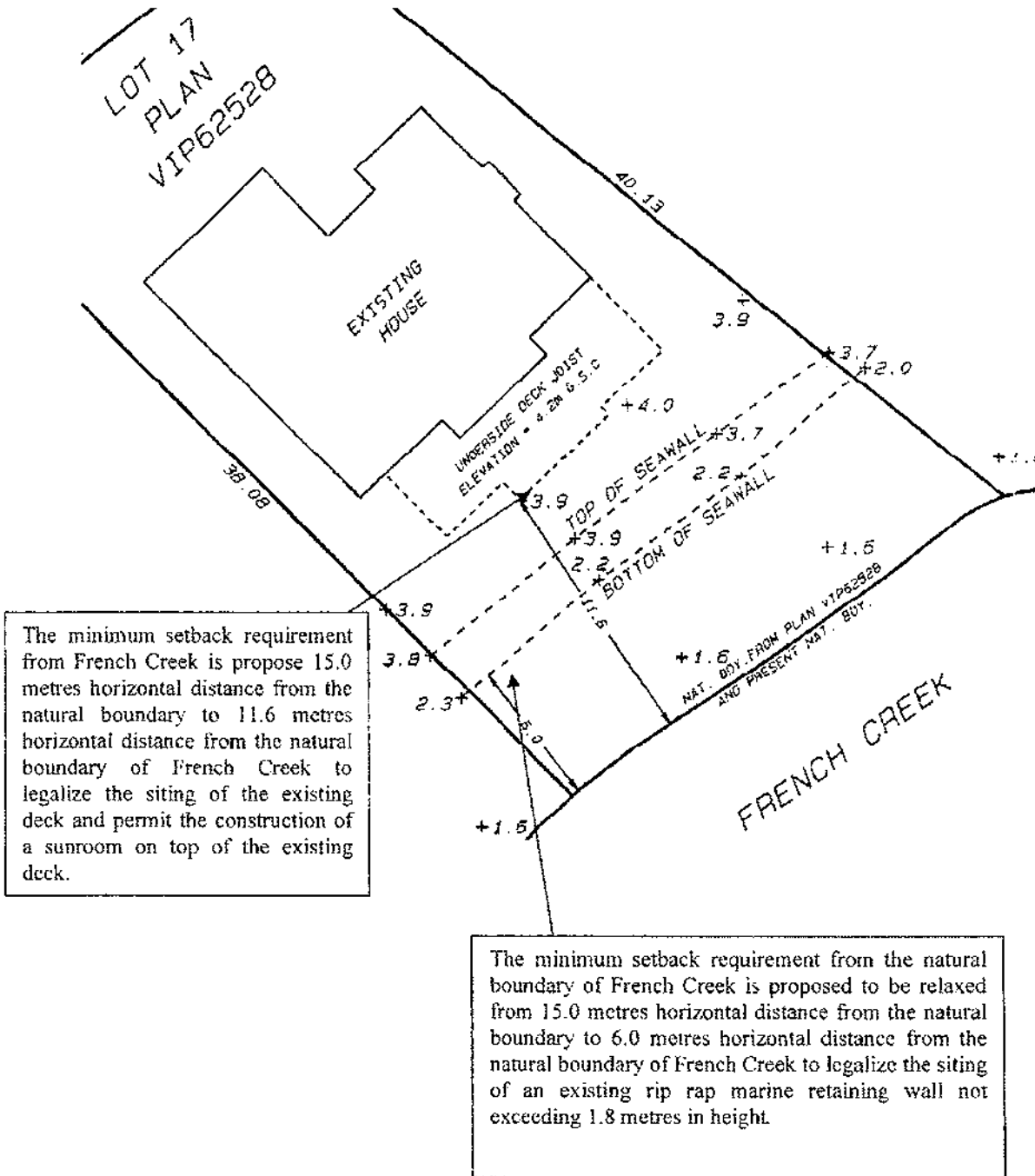
Development Permit with variance No. 60633

Site Plan

(submitted by applicant / enlarged for convenience)

Lot 17, District Lot 28, Nanoose District, Plan VIP62528

1777 Admiral Tryon Boulevard



The minimum setback requirement from French Creek is propose 15.0 metres horizontal distance from the natural boundary to 11.6 metres horizontal distance from the natural boundary of French Creek to legalize the siting of the existing deck and permit the construction of a sunroom on top of the existing deck.

The minimum setback requirement from the natural boundary of French Creek is proposed to be relaxed from 15.0 metres horizontal distance from the natural boundary to 6.0 metres horizontal distance from the natural boundary of French Creek to legalize the siting of an existing rip rap marine retaining wall not exceeding 1.8 metres in height.



RON	
CAO	GMF&IS
GMDS	GMR&PS
GMES	GMS
FEB - 6 2007	
SMCA	
CHAIR	BOARD
EAP	

MEMORANDUM

TO: Geoff Garbutt
Manager, Current Planning

DATE: February 07, 2007

FROM: Angela Mays
Planning Assistant

FILE: 3060 30 60653

SUBJECT: Development Permit Application No. 60653 – Fern Road Consulting Ltd., on behalf of C&D Steen
Electoral Area 'H' – 4299 Garrod Road

PURPOSE

To consider an application for a Development Permit with variances to legalize an existing accessory building located on property at 4299 Garrod Road in Electoral Area 'H'.

BACKGROUND

This is a Development Permit with variances to relax the minimum setbacks to the existing accessory buildings located on the property legally described as Lot 4, District Lot 36, Newcastle District, Plan 21618 and located at 4299 Garrod Road in the Bowser Village Centre of Electoral Area 'H'. The subject parcel is currently developed with one single dwelling unit, and two accessory buildings - a garage and green house (see Attachment No. 1 for location of subject property).

The subject property is 1117 m² in area and is currently zoned Residential 2 Subdivision District 'M' (RS2M) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

Pursuant to "Regional District of Nanaimo Electoral 'H' Official Community Plan Bylaw No. 1335, 2003" the subject parcel is designated within the following Development Permit Areas:

- Environmentally Sensitive Features Development Permit Area, in this case for the protection of the aquifer areas and for protection of coastal areas; and
- Natural Hazards Development Permit Area, in this case for the protection of development from flooding potential.

This application will meet the exemption provisions for the Environmentally Sensitive Features Development Permit Area as the proposed development would not be expanding the footprint of the property and the accessory garage building lies outside of the 30 metre designation for coastal protection. Therefore, a Development Permit is required only for the Hazard Lands Development Permit Area.

The applicant is requesting to legalize the siting of the existing accessory buildings. This application is the result of complaint received by Bylaw Enforcement concerning the construction of a second storey to the accessory garage. Upon investigation it was determined that the garage is over height and both accessory buildings do not meet the minimum setback requirements. The owners were unaware of the development permit requirements and building height and setback restrictions.

Proposal

The applicants are proposing to remove the second storey addition of the garage and alter the original roof line from a flat roof to a peaked roof while keeping under the maximum 6.0 metre maximum height provision for accessory buildings (*see Schedule No. 3 for submitted proposal*).

As part of the application requirements, the applicant has submitted a Geotechnical Assessment Report prepared by Lewkowich Geotechnical Engineering Ltd., and dated September 19, 2006.

Proposed Variances

The applicant is also requesting variances to the minimum front and exterior side lot lines setback requirements to legalize the siting of the garage and the front lot line for the greenhouse (*see Schedule No. 1 for proposed variances*).

ALTERNATIVES

1. To approve Development Permit No. 60653 with variances, as submitted, subject to the conditions outlined in Schedule Nos. 1, 2, and 3 and the notification procedure pursuant to the *Local Government Act*.
2. To deny the development permit with variances, as submitted.
3. To deny the development permit with variances, as submitted, and direct staff to take action to have the structure removed or brought into conformity with the zoning bylaw.

DEVELOPMENT IMPLICATIONS

OCP/Development Permit Guidelines Implications

The submitted geotechnical assessment concludes that the existing garage would be considered safe for the intended use.

Siting Implications

With the respect to maximum lot coverage, the applicant's BCLS has submitted a site plan indicating that the existing buildings and structures do not exceed the lot coverage requirement as set out in Bylaw No. 500, 1987.

With respect to the height of the garage, the applicant will remove the second storey to conform to the maximum accessory building height requirements. The applicant's BCLS has indicated that the change in roof line will conform to the maximum height requirements (*see Schedule No. 3 for Proposed Roof Profile*). Once the second storey of the garage has been removed, there will be no view implications to the surrounding neighbours. The greenhouse is covered by the eaves of the garage and given its location and height, neighbouring views are not impacted.

Ministry of Transportation

Ministry of Transportation staff has indicated with a written letter to the applicant that the Ministry has no objection in principle to the proposed variances.

Public Consultation Implications

As part of the required public notification process, adjacent and nearby property owners located within a 50.0 metre radius will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the notification procedure pursuant to the *Local Government Act*.

SUMMARY

This is an application for a development permit with variances to legalize the siting of two existing accessory buildings designated within the Hazard Lands Development Permit Area.


This application is the result of complaint received by Bylaw Enforcement concerning the construction of a second storey to the garage, at which time it was determined that the garage was over height and that both accessory buildings did not meet the minimum setback requirements. The applicant is proposing to retain the garage in the same location, but remove the second storey and reconstruct the formerly flat roof with a peaked roof. The applicant's BCLS has indicated the garage will not exceed maximum height requirement. The lowering of the building is expected to alleviate concerns with views from neighbouring parcels.

As part of the application process, the applicant has submitted a geotechnical report which indicates the garage is considered safe for the intended use. The Ministry of Transportation has granted approval for the relaxation of the setbacks from both Garrod and Bowser Roads.

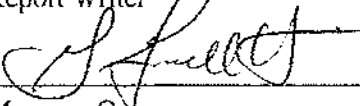
Given Ministry's approval for the setback relaxations; lack of view implications; and site constraints on the subject property, staff supports the development permit with variances subject to Schedule Nos. 1, 2, and 3.

RECOMMENDATION

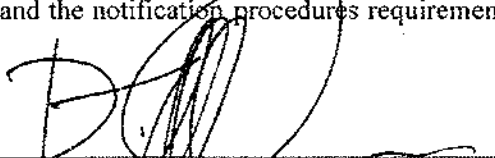
That Development Permit No. 60653, submitted by Fern Road Consulting Ltd, on behalf of C&D Steen to legalize the siting of the accessory garage and greenhouse buildings located on the property legally described as Lot 4, District Lot 36, Newcastle District, Plan 21618 and designated within a Hazard Lands Development Permit Area pursuant to Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003 be approved subject to the conditions outlined in Schedule Nos. 1, 2, and 3 and the notification procedures requirements of the *Local Government Act*.



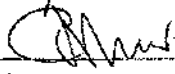
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

COMMENTS:

devs/reports/2007/dp fe 3060 30 60653 Steen Report

Schedule No. 1
Development Permit No.60653
Conditions of Approval / Proposed Variances
Lot 4, District Lot 36, Newcastle District, Plan 21618
4299 Garrod Road

Conditions of Approval

The following sets out the conditions of approval with respect to Development Permit Application No. 60653:

1. The applicant shall submit a survey, prepared by a BCLS, certifying the height of the accessory building does not exceed 6.0 metres pursuant to the requirement set out in Land Use and Subdivision Bylaw No. 500, 1987.
2. The roof line shall be constructed in accordance with the Proposed Roof Profile as set out in Schedule No. 3, to be attached to and forming part of this Permit.

Proposed Variances

With respect to the lands, pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", section 3.4.62 is proposed to be varied as follows:

by relaxing the minimum setback requirement for the exterior lot line (in this case, the lot line adjacent to Bowser Road) from 5.0 metres to 2.2 metres and

by relaxing the minimum setback requirement for the front lot line (in this case, the lot line adjacent to Garrod Road) from 8.0 metres to 1.0 metres

in order to legalize the siting of an existing accessory garage building as shown on Schedule No. 2 to be attached to and forming part of Development Permit No. 60653.

and

by relaxing the minimum setback requirement for the front lot line (in this case, the lot line adjacent to Garrod Road) from 8.0 metres to 3.2 metres

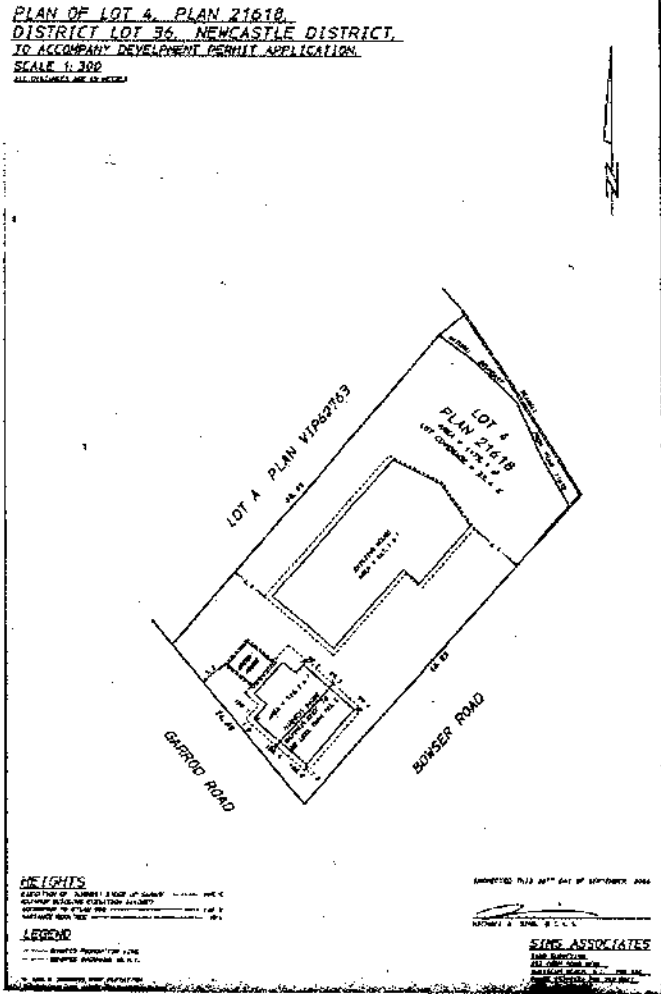
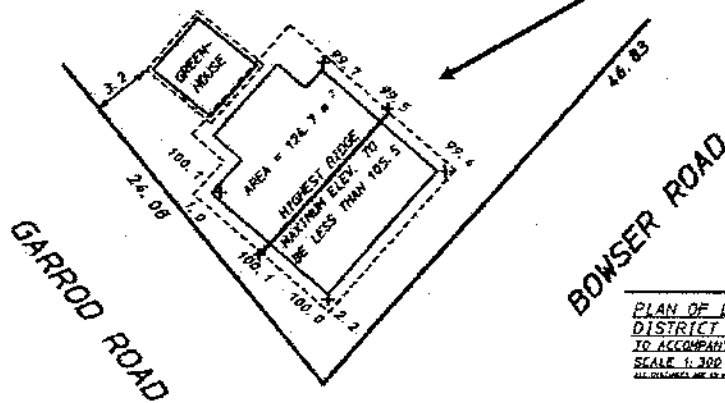
in order to legalize the siting of an existing accessory greenhouse building as shown on Schedule No. 2 to be attached to and forming part of Development Permit No. 60653.

Schedule No. 2
 Development Permit No. 60653
 Site Plan
 (submitted by applicant / reduced for convenience)
 Lot 4, District Lot 36, Newcastle District, Plan 21618
 4299 Garrod Road

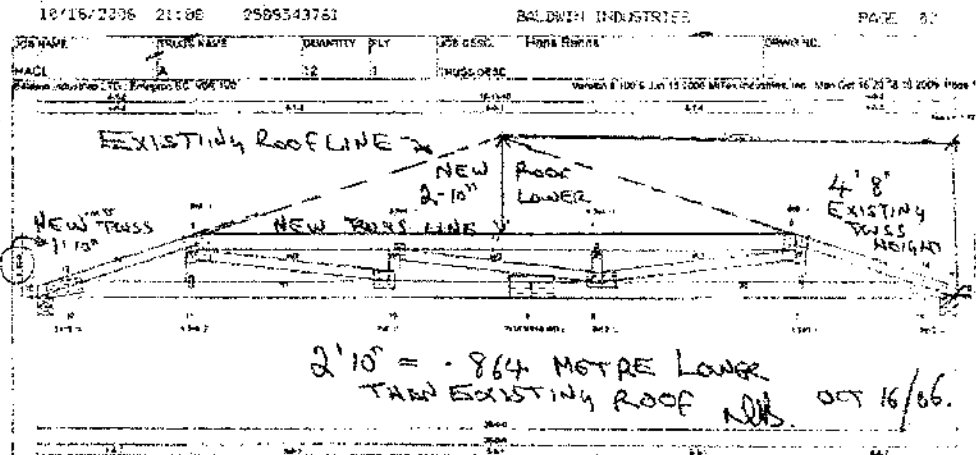
Enlarged View Showing
Accessory Buildings Proposed Variances

Garage - Front lot line setback from 8.0 m to 1.0 m
 Exterior side lot line setback from 5.0 m to 2.2 m

Greenhouse - Front lot line setback from 8.0 m to 3.2 m



Schedule No. 3
Development Permit No. 60653
Proposed Roof Profile
 (submitted by applicant / reduced for convenience)
 Lot 4, District Lot 36, Newcastle District, Plan 21618
 4299 Garrod Road



TOTAL WEIGHT = 12 X 37 X 1844 = 808

ALL G & R RULES	LUMBER	DESCR.	GRADE	FACTORED	MAX. FACTORED	WEDGE	WEDGE	WEDGE
1 - 2	2x4	SPY	NO.2	SPF				
3 - 4	2x4	DRY	NO.2	DRY				
5 - 6	2x4	DRY	1900F 1.8E	SPF				
7 - 8	2x4	DRY	1900F 1.8E	SPF				
9 - 10	2x4	DRY	1900F 1.8E	SPF				
11 - 12	2x4	DRY	NO.2	SPF				

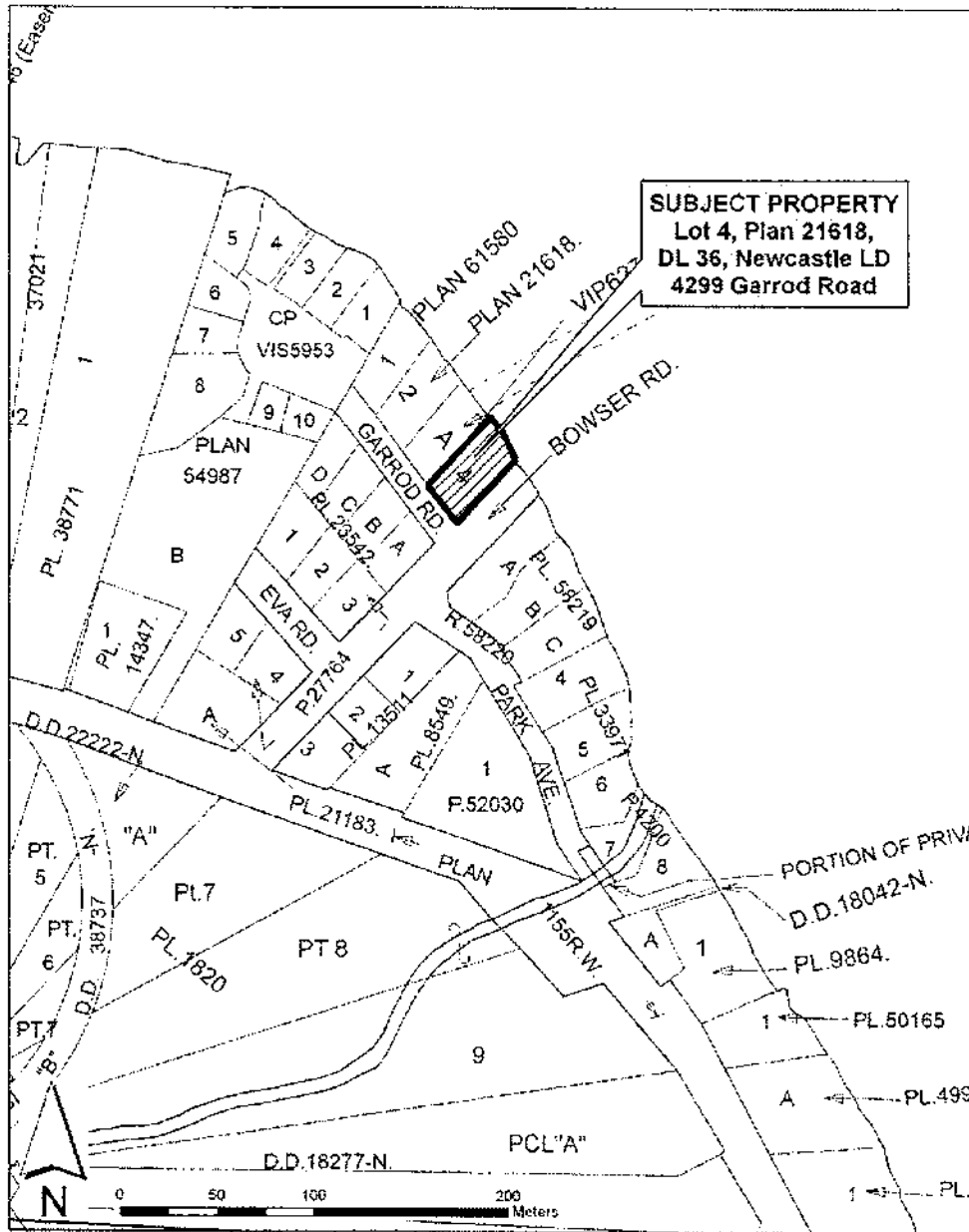
DESIGN CRITERIA

UNFACTORED LOADS:
 TOP CH = 14 x 400 PSF
 BC = 190 PSF
 BOT CH = 60 PSF
 NBGLL = 100 PSF
 DL = 10 PSF
 TOTAL LOAD = 734 PSF

BRACING: 2x4 @ 4.0C

DESIGN NOTES:
 THE TRUSS IS DESIGNED FOR COMMERCIAL UNIFORM STRIP LOADING REQUIREMENTS OF PART 4, NBC 1995 WHERE THE SPECIFIED GROUND SNOW LOAD IS 40 PSF OR LESS AND SPECIFIED WIND SPEED DOES NOT EXCEED 47 MPH.
 THIS DESIGN COMPLIES WITH: CANADIAN CODES AND STANDARDS: CANADIAN NATIONAL BUILDING CODE (NBC) 1995, CANADIAN NATIONAL STANDARD FOR WOOD DESIGN (CANADIAN STANDARD C16) 1989, CANADIAN NATIONAL STANDARD FOR WOOD DESIGN (CANADIAN STANDARD C17) 1989, CANADIAN NATIONAL STANDARD FOR WOOD DESIGN (CANADIAN STANDARD C24) 1995, CANADIAN NATIONAL STANDARD FOR WOOD DESIGN (CANADIAN STANDARD C29) 1995, CANADIAN NATIONAL STANDARD FOR WOOD DESIGN (CANADIAN STANDARD C30) 1995, CANADIAN NATIONAL STANDARD FOR WOOD DESIGN (CANADIAN STANDARD C31) 1995, CANADIAN NATIONAL STANDARD FOR WOOD DESIGN (CANADIAN STANDARD C32) 1995, CANADIAN NATIONAL STANDARD FOR WOOD DESIGN (CANADIAN STANDARD C33) 1995, CANADIAN NATIONAL STANDARD FOR WOOD DESIGN (CANADIAN STANDARD C34) 1995, CANADIAN NATIONAL STANDARD FOR WOOD DESIGN (CANADIAN STANDARD C35) 1995, CANADIAN NATIONAL STANDARD FOR WOOD DESIGN (CANADIAN STANDARD C36) 1995, CANADIAN NATIONAL STANDARD FOR WOOD DESIGN (CANADIAN STANDARD C37) 1995, CANADIAN NATIONAL 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Attachment No. 1
Development Permit No.60653
Subject Property Map
Lot 4, District Lot 36, Newcastle District, Plan 21618
4299 Garrod Road





RDN	
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GMDS	GMR&PS
GMES	GMTS
FEB - 2 2007	
SIMCA	
CHAIR	BOARD
EAP	

MEMORANDUM

TO: Geoff Garbutt
Manager, Current Planning

DATE: February 1, 2007

FROM: Susan Cormie
Senior Planner

FILE: DVP 90702
3320 30 27136

SUBJECT: Development Variance Permit Application No. 90702 and Request for Relaxation of the Minimum 10% Perimeter Requirement
McElhanney Consulting Services Ltd., on behalf of 547808 BC Ltd.
Electoral Area 'A' – 2298 Pylades Drive

PURPOSE

To consider a development variance permit application to create a non-contiguous parcel and to request relaxation of the minimum 10% perimeter frontage requirement in conjunction with the development of a 3-lot subdivision proposal.

BACKGROUND

This is an application requesting a variance to permit a non-contiguous parcel and a request to relax the minimum 10% perimeter frontage requirement as part of a 3-lot subdivision for the property legally described as Lot A Section 9 & 10 Range 6 Cedar District Plan VIP71176 and located at the end of Pylades Drive in Electoral Area 'A' (*see Attachment No. 2 for location map of parent parcel*).

The parent parcel is currently zoned Residential 2 (RS2) and is within Subdivision District 'F' (*1.0 ha minimum parcel size with or without community services*) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The proposed new parcels will be greater than the 1.0 ha minimum parcel size, therefore meeting the minimum parcel size requirement pursuant to Bylaw No. 500, 1987 (*see Attachment No. 1 for proposed subdivision*).

The parent parcel, which is 4.5 ha in size, currently supports one dwelling unit. Surrounding land uses include Stuart Channel to the north and east; residentially zoned parcels to the south with access to Pylades Drive; and residentially zoned parcels to the west.

The parcels are proposed to be served by individual private septic disposal systems and private well water. The parent parcel is located within an RDN Building Inspection Area.

10% Minimum Frontage Requirement

Proposed Remainder of Lot A, as shown on the plan of subdivision submitted by the applicant, does not meet the minimum 10% perimeter frontage requirement pursuant to section 944 of the *Local Government Act*. The requested frontage is as follows:

<i>Proposed Lot No.</i>	<i>Required Frontage</i>	<i>Proposed Frontage</i>	<i>% of Perimeter</i>
Rem. of Lot A	108.0 m	20.0 m	1.9 %

As this proposed parcel does not meet the minimum 10% parcel frontage, approval of the Regional Board of Directors is required.

Non Contiguous Parcel

Due to the alignment of the extension of Pylades Drive, Lot 2 is proposed to be created as a non-contiguous parcel. As section 4.5.4 of Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 prohibits the creation of non-contiguous parcels, a variance permit is necessary to allow the creation of this parcel (*see Schedule No. 1 on page 4 for proposed variance*).

ALTERNATIVES

1. To approve the request to relax the minimum 10% perimeter frontage requirement for proposed Remainder of Lot A and approve the request for the creation of a non-contiguous parcel subject to the notification requirements pursuant to the *Local Government Act*.
2. To deny the requests for a non-contiguous parcel and the relaxation of the minimum 10% perimeter frontage requirement.

DEVELOPMENT IMPLICATIONS

The applicant is proposing to extend Pylades Drive to serve the proposed parcels. Due to historical development of the surrounding parcels combined with the topography of the land, the future road alignment cuts through the parent parcel leaving a small portion of Proposed Lot 2 on the west side of the proposed new road. As it is impracticable to establish the non-contiguous portions as separate parcels and as the proposed parcel will be capable of supporting the intended residential use and accessory uses within the main body of the lot, staff supports this request to create a non-contiguous lot.

The parent parcel currently supports 1 single dwelling unit. The access to the proposed Remainder of Lot A is acceptable to the Ministry of Transportation. Ministry staff has no concerns at this time with this request for relaxation of the minimum 10% frontage. It is noted that the proposed access to serve the Remainder of Lot A is similar in width to the current access serving the parent parcel.

The proposed subdivision is not expected to negatively impact surrounding residential properties.

Site Servicing Implications

The applicant has applied for septic disposal approval to the Central Vancouver Island Health Authority.

Proof of potable water is subject to the approval of the Approving Officer.

The Ministry of Transportation is responsible for the storm drainage. As part of the subdivision review process, the Regional Approving Officer will examine the storm water management of the parent parcel and impose conditions of development as required.

Environmentally Sensitive Areas Atlas

The Environmentally Sensitive Areas Atlas indicates a Fish Present Fish Habitat for Stuart Channel and the coastal area; a photo-interpreted stream, and Older Forest and Coastal Bluffs Sensitive Ecosystems for the parent parcel. Staff will, through the subdivision review process; bring these features to the attention of the Approving Authority.

Access to Water (Stuart Channel) Implications

Pursuant to the *Land Title Act*, the applicant is required to provide a 20-metre wide access to Stuart Channel to the satisfaction of the Regional Approving Officer. Staff has visited the site and feels that the proposed 20-metre wide access would offer an opportunity for the public to access the beach area via

rambling, well treed area. As part of the subdivision review process, staff will inform the Approving Officer that this access would be suitable for pedestrian access to the waterfront.

VOTING

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

SUMMARY


This is a request to relax the minimum 10% frontage requirement for the proposed Remainder of Lot A pursuant to Section 944 of the *Local Government Act* and to vary the bylaw provisions to permit the creation of a non-contiguous parcel as part of a 3-lot subdivision proposal. The proposed subdivision is not expected to impact surrounding uses. The proposed 20-metre wide access to Stuart Channel offers a future opportunity for providing beach access to the public. Given that the Ministry of Transportation is satisfied that the proposed access is achievable and the proposed non-contiguous parcel will be able to support intended residential uses, staff recommends Alternative No. 1, to approve the relaxation of the minimum 10% frontage for the proposed Remainder of Lot A and to approve the request for the creation of a non-contiguous parcel subject to the notification requirements pursuant to the *Local Government Act*.

RECOMMENDATIONS

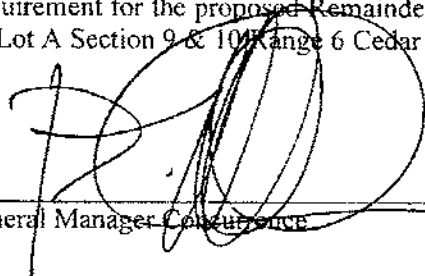
1. That Development Variance Permit No. 90702, submitted by McElhanney Consulting Services Ltd., on behalf of 547808 BC Ltd., in conjunction with the subdivision on the parcel legally described as Lot A Section 9 & 10 Range 6 Cedar District Plan VIP71176 and located at the end of Pylades Drive in Electoral Area 'A', be approved subject to the notification requirements pursuant to the *Local Government Act*, with respect to the proposed variances outlined in Schedule No. 1.
2. That the request to relax the minimum 10% frontage requirement for the proposed Remainder of Lot A, as shown on the submitted plan of the subdivision of Lot A Section 9 & 10 Range 6 Cedar District Plan VIP71176, be approved.



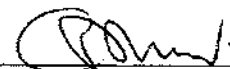
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

COMMENTS:

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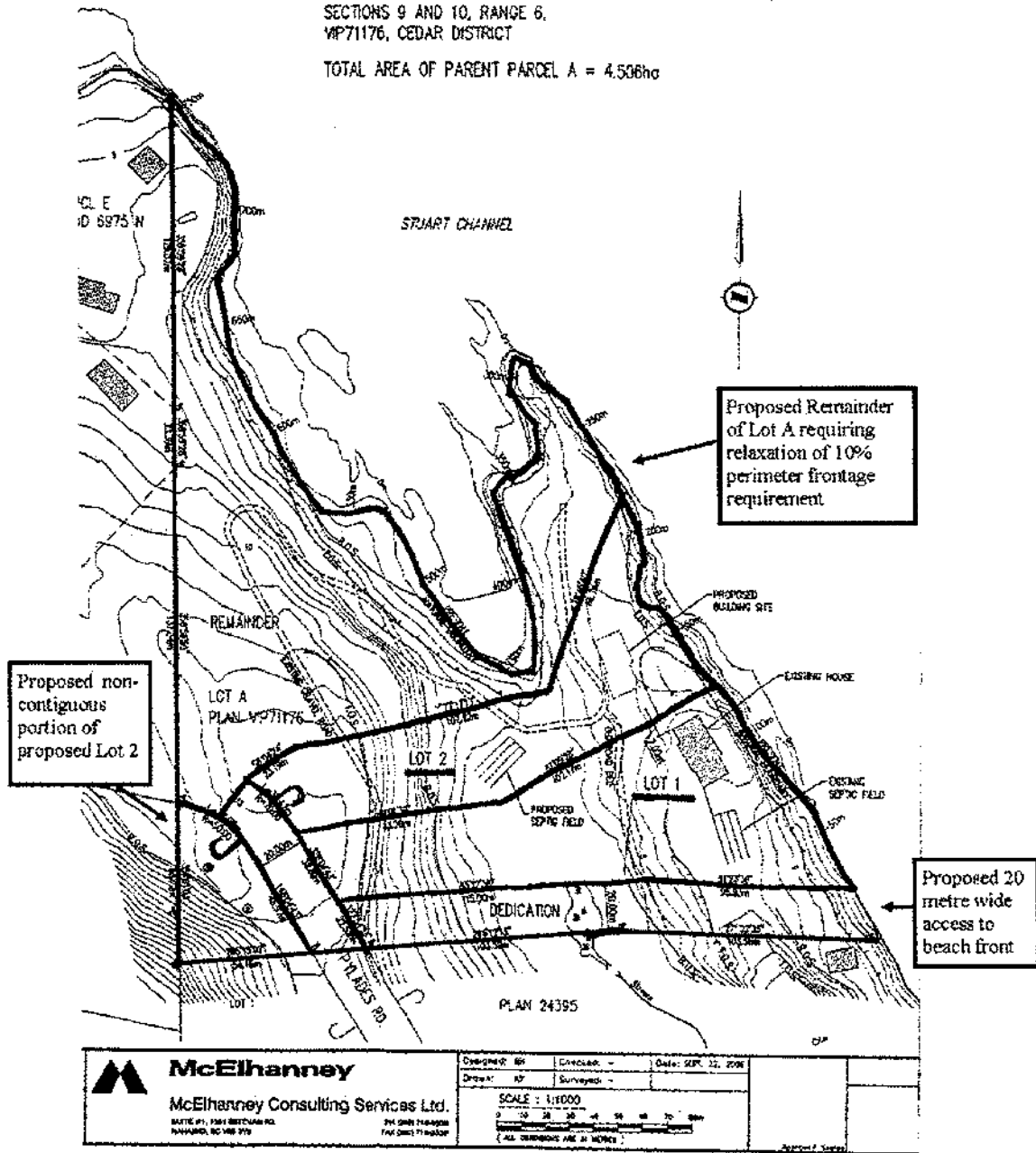
**Schedule No. 1
Development Variance Permit Application No. 90702
Subdivision Application No. 27136
Proposed Variance to Bylaw No. 500, 1987**

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

The requirement of section 4.5.4 is proposed to be relaxed by varying the non-contiguous parcel provision to allow proposed Lot 2 to be created as a non-contiguous parcel.

Attachment No. 1
Development Variance Permit Application No. 90702
Subdivision Application No. 27136
Proposed Plan of Subdivision
(As Submitted by Applicant)

PLAN OF PROPOSED SUBDIVISION OF LOT A,
 SECTIONS 9 AND 10, RANGE 6,
 VP71176, CEDAR DISTRICT
 TOTAL AREA OF PARENT PARCEL A = 4.506ha



Attachment No. 2
Development Variance Permit Application No. 90702
Subdivision Application No. 27136
Location of Subject Property

