

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA PLANNING COMMITTEE

TUESDAY, JULY 10, 2007

6:00 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 June 12, 2007.

BUSINESS ARISING FROM THE MINUTES

UNFINISHED BUSINESS

PLANNING

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

- 6-14 Development Variance Permit Application No. 90705 – Gilley – 3063 Lofthouse Road – Area A.
- 15-32 Development Variance Permit Application No. 90710 – LaRoche – SW Corner of the Benson Meadows Development (off Northwood Road) – Area C.

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, JUNE 12, 2007, AT 6:00 PM
IN THE RDN BOARD CHAMBERS**

Present:

Director J. Stanhope	Chairperson
Director J. Burnett	Electoral Area A
Director M. Young	Electoral Area C
Alternate	
Director F. Van Eynde	Electoral Area E
Director L. Biggemann	Electoral Area F
Alternate	
Director D. Heenan	Electoral Area H

Also in Attendance:

M. Pearse	Senior Manager, Corporate Administration
P. Thorkelsson	General Manager, Development Services
T. Osborne	General Manager, Recreation & Parks
G. Garbutt	Manager, Current Planning
N. Tonn	Recording Secretary

MINUTES

MOVED Director Biggemann, SECONDED Director Van Eynde, that the minutes of the Electoral Area Planning Committee meeting held May 8, 2007 be adopted.

CARRIED

UNFINISHED BUSINESS

Reconsideration of Development Permit Application No. 60703 – Request for 10% Frontage Relaxation – Ring Contracting Ltd. – 470 Nanaimo River Road – Area C.

MOVED Director Young, SECONDED Director Burnett,:

That the requests for variance and for relaxation of the minimum 10% frontage requirement be denied; and

That Development Permit Application No. 60703 be referred back to staff to request the applicant submit a revised plan of subdivision prior to reconsideration of the application.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. ZA0702 – Angela Quek, Pacific Edge Architecture Inc. on behalf of Kijosa Investment Corporation – 1680 Timberlands Road – Area A.

MOVED Director Burnett, SECONDED Director Young,:

1. That the minutes of the Public Information Meeting held on May 23, 2007 be received.

2. That Zoning Amendment Application No. ZA0702, as submitted by Angela Quek, Pacific Edge Architecture Inc. on behalf of Kijosa Investment Corporation to discharge Land Use Contract No. 98 and to rezone the property legally described as Lot 1, District Lot 15, Bright District, Plan 29967, Except Plan 38105 and located at 1680 Timberlands Road from Residential 6 Subdivision District 'D' (RS6D) to Comprehensive Development Zone 36 be approved to proceed to public hearing subject to the conditions included in Schedule No. 1 as amended to include a new condition No. 5 as follows:

"5. That the building plans incorporate access for persons with disabilities in order to provide full access to the 2nd floor hotel units subject to compliance with the BC Building Code."
3. That "Regional District of Nanaimo Land Use Contract Authorization Bylaw Amendment Bylaw No. 239.03, 2007" be given 1st and 2nd reading.
4. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.341, 2007" be given 1st and 2nd reading.
5. That "Regional District of Nanaimo Land Use Contract Authorization Bylaw Amendment Bylaw No. 239.03, 2007" proceed to Public Hearing.
6. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.341, 2007" proceed to Public Hearing.
7. That the Public Hearing on "Regional District of Nanaimo Land Use Contract Authorization Bylaw Amendment Bylaw No. 239.03, 2007" and "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.341, 2007" be delegated to Director Burnett or his alternate.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60719 – Brandt Tractor Properties Ltd. – 1830 Schoolhouse Road – Area A.

MOVED Director Burnett, SECONDED Director Young, that Development Permit No. 60719 to vary "Regional District of Nanaimo Sign Bylaw No. 993, 1995", for the property legally described as Lot B, Section 14, Range 6, Cranberry District, Plan VIP72567, be denied.

CARRIED

Development Permit Application No. 60721 – Laidlaw/Shurvell – 2716 Hay Rake Road – Area C.

MOVED Director Young, SECONDED Director Burnett, that Development Permit Application No. 60721, to vary "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", for the property legally described as Lot 2, Section 10, Ranges 4 and 5, Mountain District, Plan 25557, be approved subject to the conditions outlined in Schedules 1, 2 and 3, and subject to the Board's consideration of comments received as a result of public notification.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. 90621 and Request for Acceptance of Park Land in Conjunction with Subdivision Application No. 26822 – Leigh Millan on behalf of BCAB Developments Ltd. – Whiting Way – Area A.

MOVED Director Burnett, SECONDED Director Young,:

That Development Variance Permit Application No. 90621, submitted by Leigh Millan, BCLS, on behalf of BCAB Developments Ltd., in conjunction with the subdivision on the parcel legally described as Lot 1, Section 1, Range 6, Cedar District, Plan VIP68894 Except Part in Plan VIP75488 and VIP80291 and located adjacent to Whiting Way be approved subject to the conditions outlined in Schedules No. 1 and 3 of the corresponding staff report and the notification requirements pursuant to the *Local Government Act* with respect to the proposed variance outlined in Schedule No. 2.

That the park land proposal, in the amount and location as shown on Schedule No. 3 of the staff report, be accepted subject to the conditions set out in Schedule No. 4 of the staff report.

CARRIED

Development Variance Permit Application No. 90706 – Armstrong/Clark – 5049 Thompson Clarke Drive West – Area H.

MOVED Director Heenan, SECONDED Director Van Eynde, that Development Variance Permit Application No. 90706, to permit the height of a single family residence located at Lot 48, District Lot 28, Newcastle District, Plan 22249 to a maximum of 8.07 metres, according to the terms outlined in Schedule No. 1, be approved subject to the Board's consideration of comments received as a result of public notification.

CARRIED

Development Variance Permit Application No. 90708 – Dave Murray on behalf of Gaigher Holdings Inc. – 153 Jamieson Road – Area H.

MOVED Director Heenan, SECONDED Director Van Eynde, that Development Variance Permit Application No. 90708, submitted by David Murray, on behalf of Gaigher Holding Inc., in conjunction with the property legally described as That Part of Lot 40, Newcastle District, Lying to the Southwest of the Esquimalt and Nanaimo Railway Company Right of Way, Except Those Parts in Plans 15180 and 43604, be approved subject to the conditions set out in Schedules No. 1, 2 and 3 and the notification requirements of the *Local Government Act*.

CARRIED

Development Variance Permit Application No. 90709 – 2985 Dolphin Drive – Area E.

MOVED Director Van Eynde, SECONDED Director Burnett, that Development Variance Permit Application No. 90709, to vary "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", for the property legally described as Lot A, District Lot 78, Nanoose District, Plan 29682, be approved subject to the conditions outlined in Schedules No. 1, 2 and 3, and subject to the Board's consideration of comments received as a result of public notification.

CARRIED

OTHER

Amendment to Impact Assessment Bylaw No. 1165.

This item was referred to the Committee of the Whole meeting.

ADJOURNMENT

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

CARRIED

TIME: 6:14 PM

CHAIRPERSON



RDN	
CAO	GMF&IS
GMDS	GMR&PS
GMES	GMTS
JUL - 4 2007	
SMCA	
CHAIR	BOARD
July 4/07	

MEMORANDUM

TO: Geoff Garbutt
Manager of Current Planning

DATE: June 29, 2007

FROM: Kristy Marks
Planner

FILE: 3090 30 90705

SUBJECT: Development Variance Permit Application No. 90705 – Gilley
Lot 2, Section 14, Range 5, Cedar District, Plan 9939
Electoral Area 'A', RDN Map Ref. No. – 92G.011.2.2

PURPOSE

To consider an application for a Development Variance Permit to permit the siting of a barn for horses.

BACKGROUND

The subject property is located on Lofthouse Road in Electoral Area 'A' (*See Attachment No. 1 for location of the subject property*). The parcel is 6.7 acres in size and is zoned Rural 4 (RU4), pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."

The proposed barn is to be located near the northern property boundary, adjacent to the Lofthouse Road dedicated road right-of-way which is currently un-constructed (*See Schedule No 2 for location of barn*). The subject property is located in the Agricultural Land Reserve (ALR) and is bound by Rural properties to the north, south and west and by the ocean to the east.

The applicant has completed the "Sustainable Community Builder Checklist", as per Board policy. There are no sustainability implications related to this application. The requested variance is supported by the *Regional District of Nanaimo Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Evaluation Policy*.

There is a seasonal creek on the subject property located greater than 30 metres from the proposed barn. In addition, as this is a proposal for a farm use the proposed development is exempt from the Fish Habitat Protection Development Permit Area guidelines pursuant to "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001".

Requested Variance

The applicants are proposing to vary **Section 3.3.84** of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," as follows:

Minimum Setback Requirement	Requested Setback	Requested Variation
30 metres	8 m	22 m

The proposed development is located on a parcel that slopes to the northeast. The property owner has indicated that a portion of the property within the building envelope for agricultural buildings receives a significant amount of seasonal runoff and has poor drainage.

ALTERNATIVES

1. To approve the request for a development variance permit.
2. To deny the request for a development variance permit.

LAND USE AND DEVELOPMENT IMPLICATIONS

Board Policy B1.5

RDN Policy B1.5 (Regional District of Nanaimo Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Evaluation Policy) provides staff with guidelines for reviewing and evaluating development variance permit applications. The policy requires that the potential impacts of the variance are warranted by the need for the variance. The applicants have provided justification for the variance and have submitted a letter citing the following justifications for the proposed location of the barn:

- preservation of views for adjacent properties;
- building on more level ground away from areas with poor drainage.

Development Proposal

The applicant proposes to construct an approximately 176 m² barn in the location shown on Schedule No. 2. The barn is proposed to be constructed in a Tudor style, in keeping with the character of the dwelling, with elevations and floor plan to be constructed according to Schedule No. 3. The height and dimensions of the proposed barn comply with the requirements Bylaw No. 500 Rural 4 zone.

As discussed above, the applicants are proposing to reduce the setback for agricultural buildings from 30 metres to 8 metres for the proposed barn. Although this is a significant variance, the applicant is proposing the variance in order to preserve the views of adjacent property owners.

Public Consultation Process

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

The applicants have submitted letters from two adjacent property owners in support of the variance, stating that constructing the barn within the building envelope would have significant impacts on their view.

VOTING

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

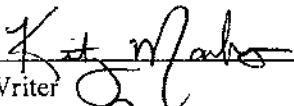
SUMMARY/CONCLUSIONS

This application for a Development Variance Permit requests a variance in the setback for agricultural buildings from 30 metres to 8 metres. The requested variance is made in the context of preserving

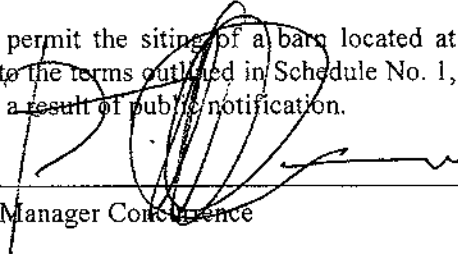
neighbouring views as well as slope and drainage issues. Staff does not anticipate that the reduced setback will have a negative impact on the neighbouring properties views, or streetscape. Therefore, staff recommends that the requested Development Variance Permit be approved subject to the terms outlined in Schedule No. 1 of this report, and subject to notification requirements pursuant to the *Local Government Act*.

RECOMMENDATION

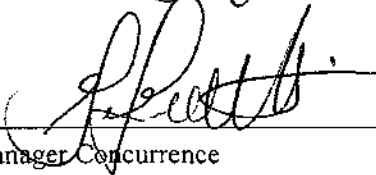
That Development Variance Permit Application No. 90705, to permit the siting of a barn located at Lot 2, Section 14, Range 5, Cedar District, Plan 9939, according to the terms outlined in Schedule No. 1, and subject to the Board's consideration of comments received, as a result of public notification.




Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

Schedule No. 1
Terms of Development Variance Permit No. 90705

Bylaw No. 500, 1987 – Requested Variance

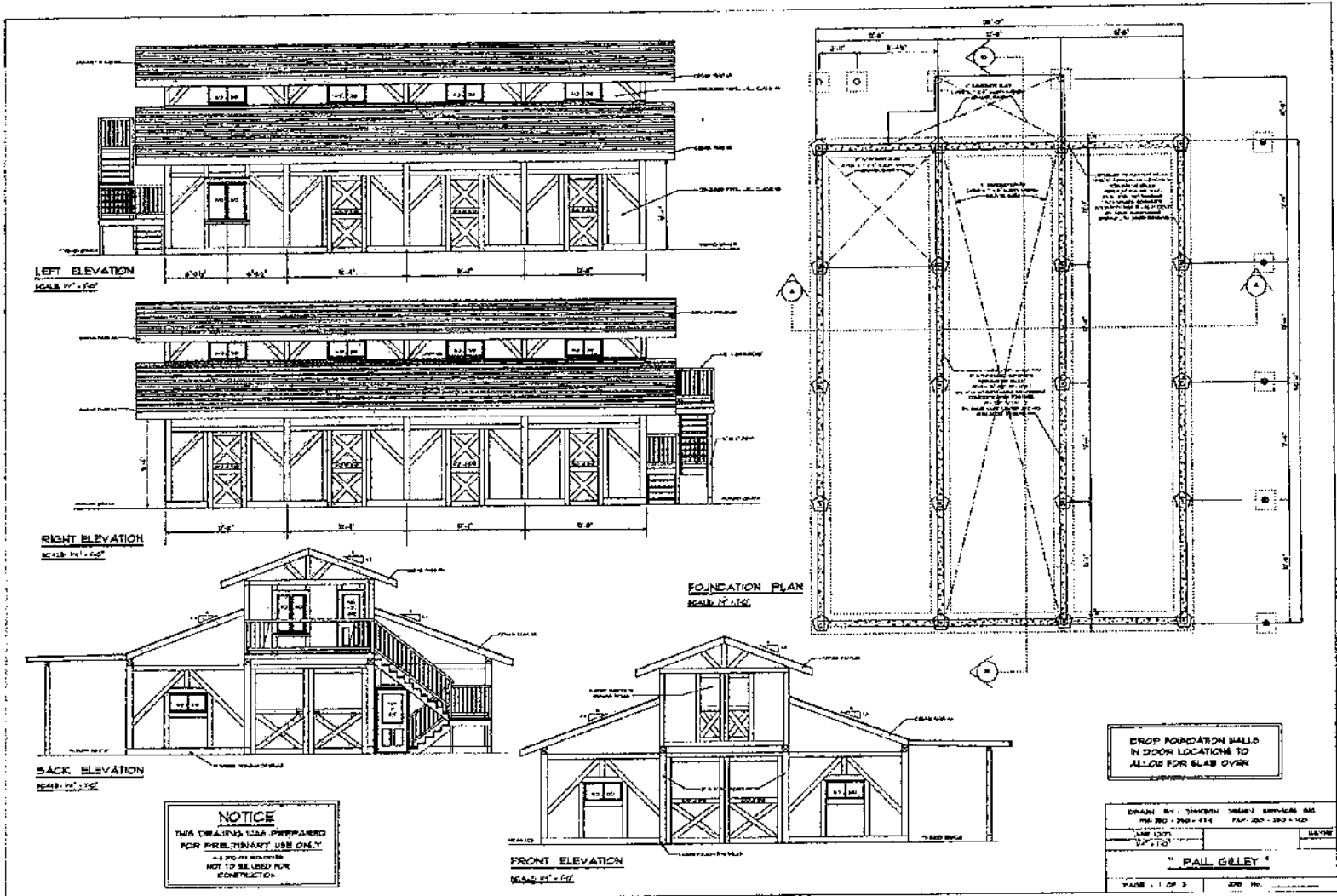
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” the following variance is proposed:

1. **Section 3.4.84, Minimum Setback Requirement** is hereby varied by reducing the setback for a barn, located on Lot 2, Section 14, Range 5, Cedar District, Plan 9939 from 30 metres to 8 metres as shown on *Schedule No. 2*. The variance applies only to the barn.

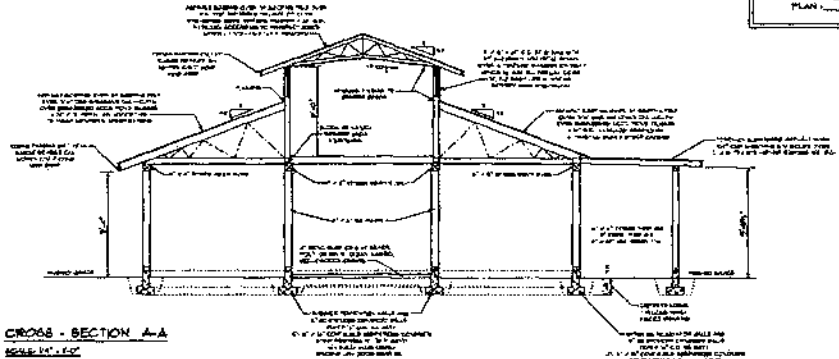
Conditions of Approval

2. The barn shall be sited in accordance with the Site Plan attached as *Schedule No. 2*.
3. The barn elevations shall be developed in accordance with the Building Elevations Version 7 prepared by Dirkson Design Services Inc. dated June , 2007 attached as *Schedule No. 3*.

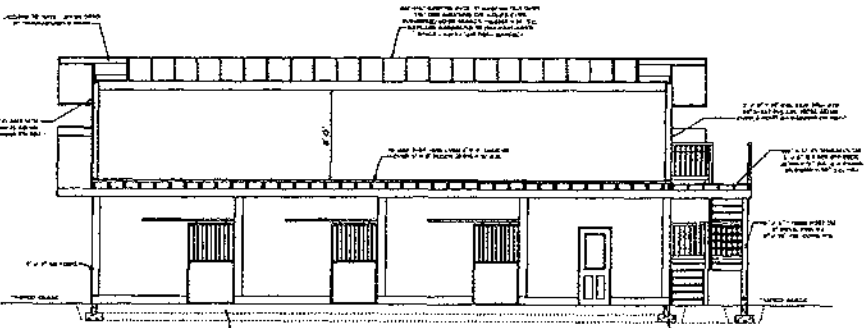
Schedule No. 3
 Elevations and Floor Plan
 (page 1 of 3)



Schedule No. 3
 Elevations and Floor Plan
 (page 2 of 3)



CROSS - SECTION A-A
 SCALE: 1/4" = 1'-0"



CROSS - SECTION B-B
 SCALE: 1/4" = 1'-0"

LEGAL:

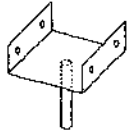
LOT: _____
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 PLAN: _____

REINFORCING NOTES

- ALL REINFORCING SHALL BE #4 UNLESS OTHERWISE NOTED.
- ALL REINFORCING SHALL BE PLACED IN ACCORDANCE WITH THE LATEST EDITION OF THE ACI 318 BUILDING CODE.
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1.0 GENERAL NOTES

- ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITION OF THE ACI 318 BUILDING CODE.
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TYPICAL POST SADDLE TYPE
 SCALE: 1/4" = 1'-0"

NOTES:

- IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO CHECK ALL DIMENSIONS AND CONDITIONS ON THE JOB AT ALL TIMES.
- ALL DIMENSIONS SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE ACI 318 BUILDING CODE.
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GENERAL NOTES ON FOOTINGS AND FOUNDATIONS

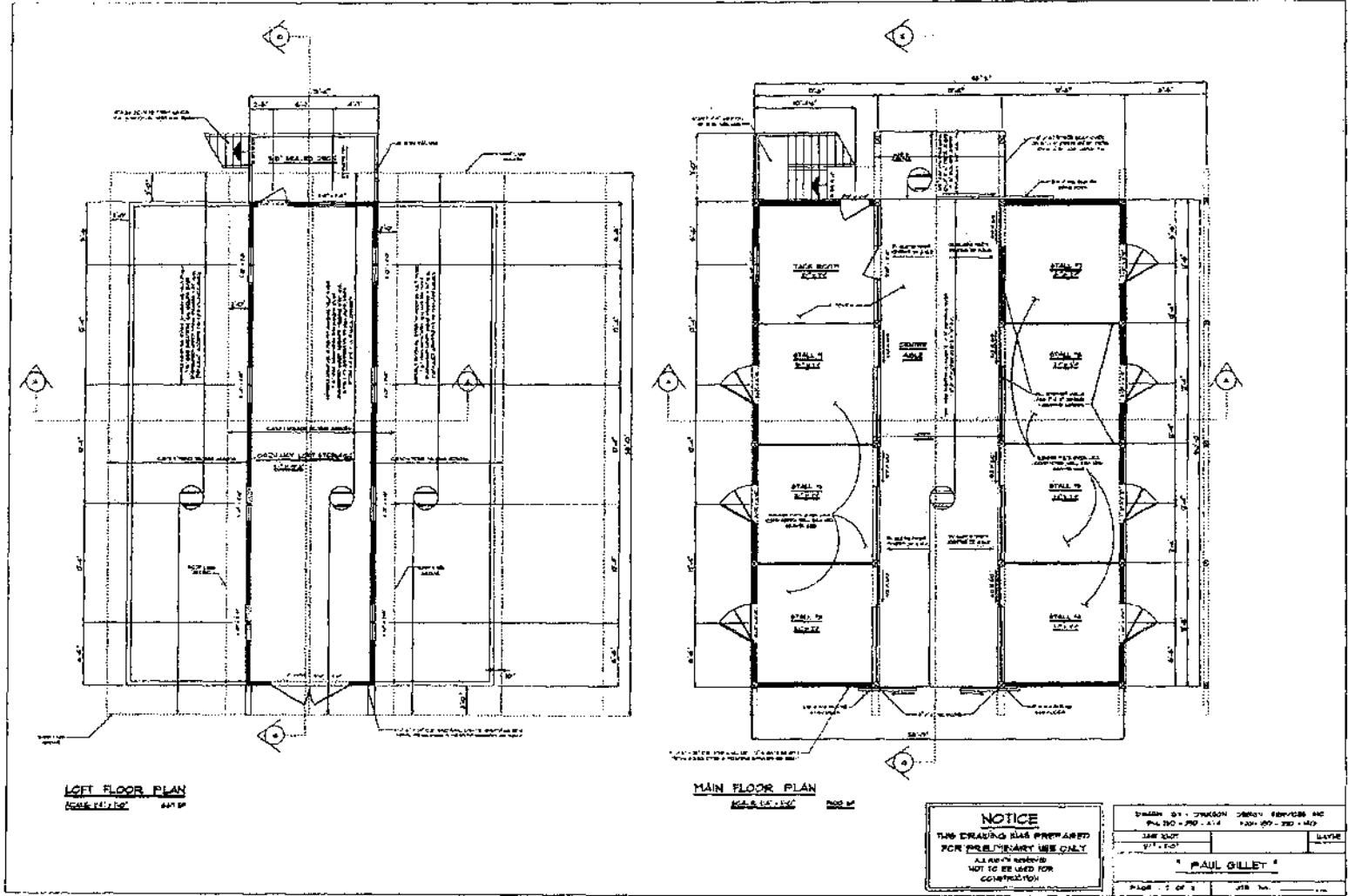
- ALL FOOTINGS SHALL BE PLACED ON THE PLAN AND BASED ON A SOFTEN SHOULDER BEHIND A MINIMUM OF 18 INCHES FROM THE FACE OF THE FOOTING.
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NOTICE

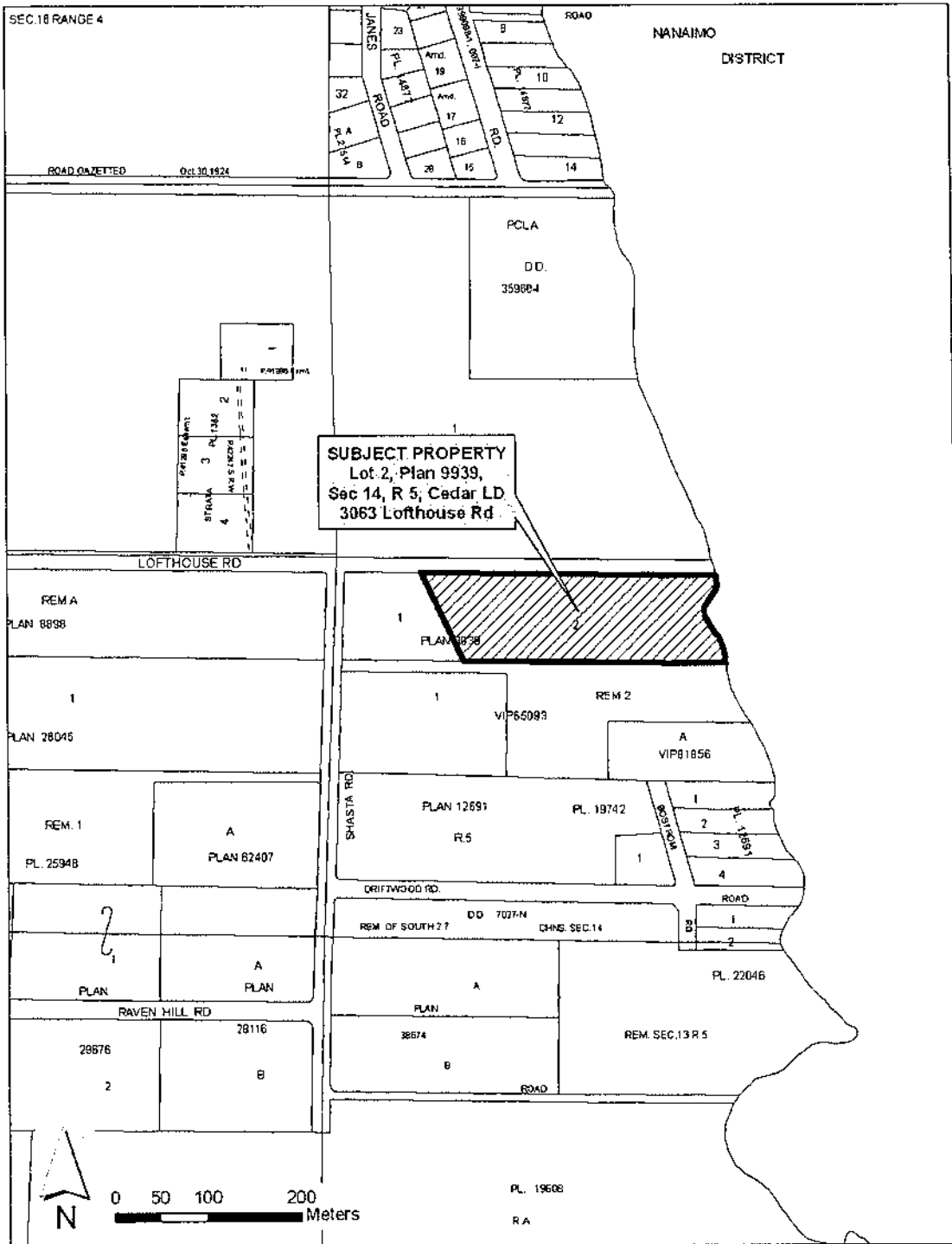
THIS DRAWING WAS PREPARED FOR PRELIMINARY USE ONLY. ALL RIGHTS RESERVED. NOT TO BE USED FOR CONSTRUCTION.

DRAWN BY: DREWSON DESIGN, INC.
 DATE: 2/15/07
 PROJECT: 90705
 DRAWING NO.: 1
 PAUL GILLEY

Schedule No. 3
 Elevations and Floor Plan
 (page 3 of 3)



Attachment No. 1
Subject Property





RDN	
CAO	GMF&IS
GMDS	GMR&PS
GMES	GMTS
JUL - 3 2007	
SMCA	
CHAIR	BOARD

MEMORANDUM

TO: Paul Thorkelsson
General Manager of Development Services

DATE: June 29, 2007

FROM: Geoff Garbutt
Manager of Current Planning

FILE: 3090 30 90710

SUBJECT: Development Variance Permit Application No. 90710 – LaRoche
Lot 16, Sections 12 and 13, Range 2, Mountain District, VIP80085
Electoral Area 'C', RDN Map Ref. No. – 92F.020.4.3

PURPOSE

To consider an application for a Development Variance Permit that would allow for the construction of a single residential dwelling with a height variance.

BACKGROUND

The subject property is located in the southwest corner of the Benson Meadows development adjacent to Harrow Road in Electoral Area 'C'. The property is currently vacant and the site is serviced by an existing driveway that is approximately 270 m in length. Access to the subject property comes via an easement from Northwood Road. The property slopes steeply to the east with an overall relief of approximately 39 m. (See Attachment No. 1 for Subject Property location and Schedule No. 2 for site topography). The subject property is bordered by rural residential properties on all sides.

The parcel is 2.42 ha in size and is designated Rural, pursuant to "East Wellington-Pleasant Valley Official Community Plan Bylaw No. 1055, 1997. The property is located within the Fish Habitat Protection Development Permit Area but given that all land development will be located greater than 30 m from the seasonal watercourse, no Development Permit is required for the proposed residential dwelling.

The subject property is zoned Rural 1 (RU1), pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The applicant is requesting approval to construct a 778 m² single residential dwelling and attached garage with a maximum height of 11.5 m which requires a variance of 2.5 m. For the Board's reference, due to topographic changes, a portion of the north east (rear) elevation, where the main floor of the residence and the attached garage join, this portion of the building may be considered to be three storeys.

Requested Variance Summary - Section 3.4.81 Height

Required Maximum Height	Proposed Height	Requested Variance
9 m	11.5 m	+2.5 m

In keeping with Regional District of Nanaimo Board policy, the applicant has filled in the "Sustainable Community Builder Checklist", and proposes to include a number of features that are designed to reduce the environmental footprint of the proposed dwelling and provide a 'net benefit' in consideration of the requested height variance. Key building features include climate sensitive building design that focuses extensive glazing on the south and west elevations, LEED building design and site development features,

and geothermal heat. Key site features include a native landscape plan designed by a Landscape Architect to re-vegetate this disturbed site and cistern to catch roof drainage for the irrigation of the site.

ALTERNATIVES

1. To approve Development Variance Permit No. 90710 subject to the conditions outlined in Schedules No. 1-5 and the notification requirements of the Local Government Act.
2. To deny the requested variation in height.

POLICY B1.5

A preliminary review of elevations on the subject property indicates that the proposed residence would be approximately 11.4 m in height. Regional District of Nanaimo Development Variance Permit Application Policy B1.5 Evaluation provides staff with guidelines for reviewing and evaluating development variance permit applications. The policy requires a land use justification for a variance request and that the potential impacts of the variance are warranted by the variance required.

In support of the variance request, the applicants have submitted a letter outlining their design rationale and a scaled elevation of the proposed dwelling superimposed on the lot from the driveway to illustrate view impacts (*See Attachments No. 2 and 3*). In support of the variance request, the applicant identifies the following:

- Site grade constraints - the property is located on top of a rocky knoll approximately 38 m up from the property line and access road.
- Building Design – proposal avoids blasting, rock excavation and potential bank stability issues.
- Building Scheme Covenant – covenant requires varied massing and steep pitched roofs (6:12 and 12:12).
- Height of roof and roof form is required to match building form and mass.

In addition the applicants have provided the following impact justifications:

- There are no views, shadow or privacy impacts related to the this over height structure;
- The applicant has made architectural re-design efforts to reduce the building height from an initial proposed height variation request of 14.5 m, to a current request of 11.5 m.

In reviewing the application materials, the variance justification does not specifically include a land use justification outlined in the board policy. Furthermore, the policy states that the height variance “may not be supported where...the applicant is requesting a height variance to accommodate a third storey” (Section 3.a.i, Policy B1.5).

LAND USE AND DEVELOPMENT IMPLICATIONS

As outlined above, the applicant is requesting approvals for a height variance to allow for the construction of a single residential dwelling in the Benson Meadows subdivision area. The location of the proposed dwelling within the rural lot is outlined on *Schedule No. 2*. This drawing illustrates the topographic challenges to developing the subject property as well as the building site in the western portion of the property. Building elevations for the proposed dwelling are outlined on *Schedule No. 3*. These illustrations outline the building mass, articulated building face and varied rooflines proposed by the architect engaged to design the proposed dwelling. The building design reflects west coast design influences which include high pitched roofs, exposed timber detail, extensive glazing and will include LEED and Green Building details. *Attachment No. 3* provides an illustration of the potential view implications for the development proposal from the north west elevation.

The applicant has indicated that the building design, although large, has been laid out to incorporate the varied topography of the site and to avoid extensive land alteration and potential environmental implications of blasting and rock excavation. The building design features are not substantially over height with the highest portion of the building being 10.43 m high (variance of 1.43 m from maximum of 9 m). When topography is applied to the height calculation, the variance increases to approximately 11.5 m (variance of 2.5 m). For the Board's reference, it is important to note that the portion of the dwelling that is over the height allowance is a turret used for providing natural light into the structure and no habitable space is provided within this architectural feature. Given the size of the subject property and location of the dwelling, Staff do not expect that the structure will impede the views of adjacent property owners.

ENVIRONMENTAL IMPLICATIONS

Recognizing that the applicant is requesting a variance, efforts to identify issues that could reduce the environmental impact of the proposal and provide a net benefit to the native landscape were examined. The applicant has provided a geotechnical report in support of the development proposal and no significant geotechnical issues were identified. (*See Schedule No. 4*) As outlined above, the applicant will incorporate a number of greener building details including geothermal heating, the use of cisterns, climate sensitive site design and high efficiency glazing. The applicant has also engaged the services of a Landscape Architect to design a native re-vegetation plan for the subject property. The goal of this design is to include low water use plantings, restore slope face areas and re-vegetate disturbed areas with indigenous plants and tree species. (*See Schedule No. 5*)

DEVELOPMENT VARIANCE POLICY IMPLICATIONS

The applicant has provided justification for the requested variance in accordance with Board Policy B-1.5. Staff have reviewed the request and it does not specifically include an identified justification however, given the scale of the property, distance to adjacent properties, sensitive design and architectural features proposed by the applicant, the variance request can be considered acceptable. In the case of the subject property, the applicant has demonstrated there is no net impact, site topography increases the overall height, the proposed building form reflects the scale of the both the local architectural themes as well as the natural environment/setting and meets the intent of Policy B-1.5.

Public Consultation Process

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

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

SUMMARY/CONCLUSIONS

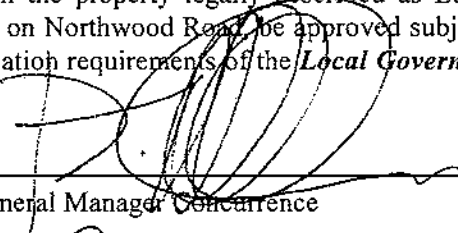
This is an application for a Development Variance Permit to increase the maximum permitted height from 9 m to 11.5 m in order to allow for the construction of a single residential dwelling in the Benson Meadows development adjacent to Northwood Road in Electoral Area 'C'. Given the size of the subject property, the lack of impacts related to the requested height variance, architectural form and the site development features including native landscape plan, Staff recommends that the requested Development Variance Permit be approved subject to the terms outlined in Schedules No. 1-5 of this report, and the notification requirements pursuant to the *Local Government Act*.

RECOMMENDATION


That Development Variance Permit Application No. 90710, to permit the construction of a single residential dwelling with a maximum height of 11.5 m on the property legally described as Lot 16, Sections 12 and 13, Range 2, Mountain District, VIP80085 on Northwood Road, be approved subject to the conditions outlined in Schedules No. 1-5 and the notification requirements of the *Local Government Act*.



Report Writer



General Manager Concurrence



CAO Concurrence

Schedule No. 1
Terms of Development Variance Permit No. 90710

Bylaw No. 500, 1987 – Requested Variance

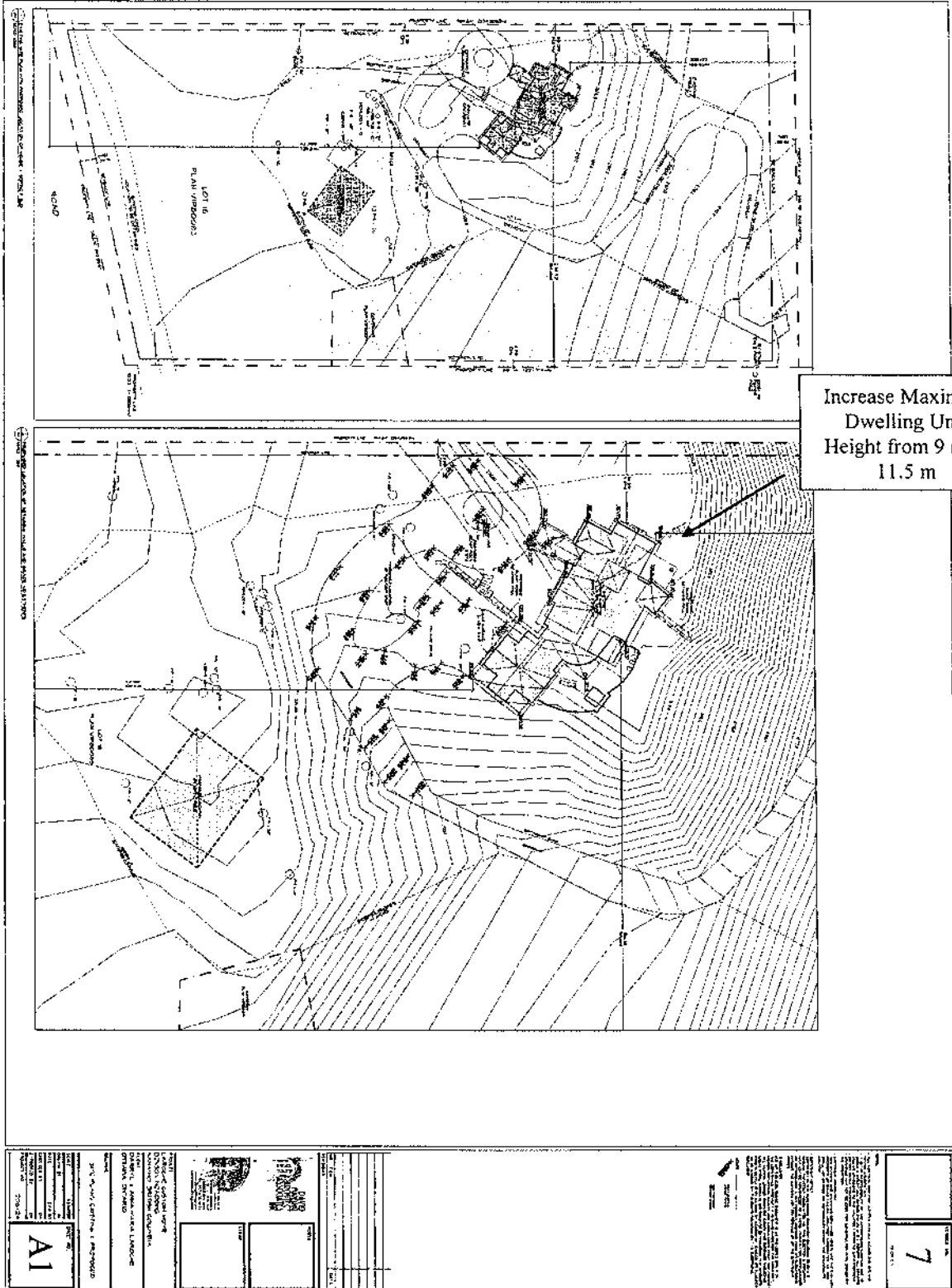
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” the following variance is proposed:

1. **Section 3.4.81, Height** of is hereby varied by increasing the maximum dwelling unit height for the principle residence, located on Lot 16, Sections 12 and 13, Range 2, Mountain District, VIP80085 from 9 metres to 11.5 metres as shown on *Schedule No. 2*. The variance applies only to the principle residence.

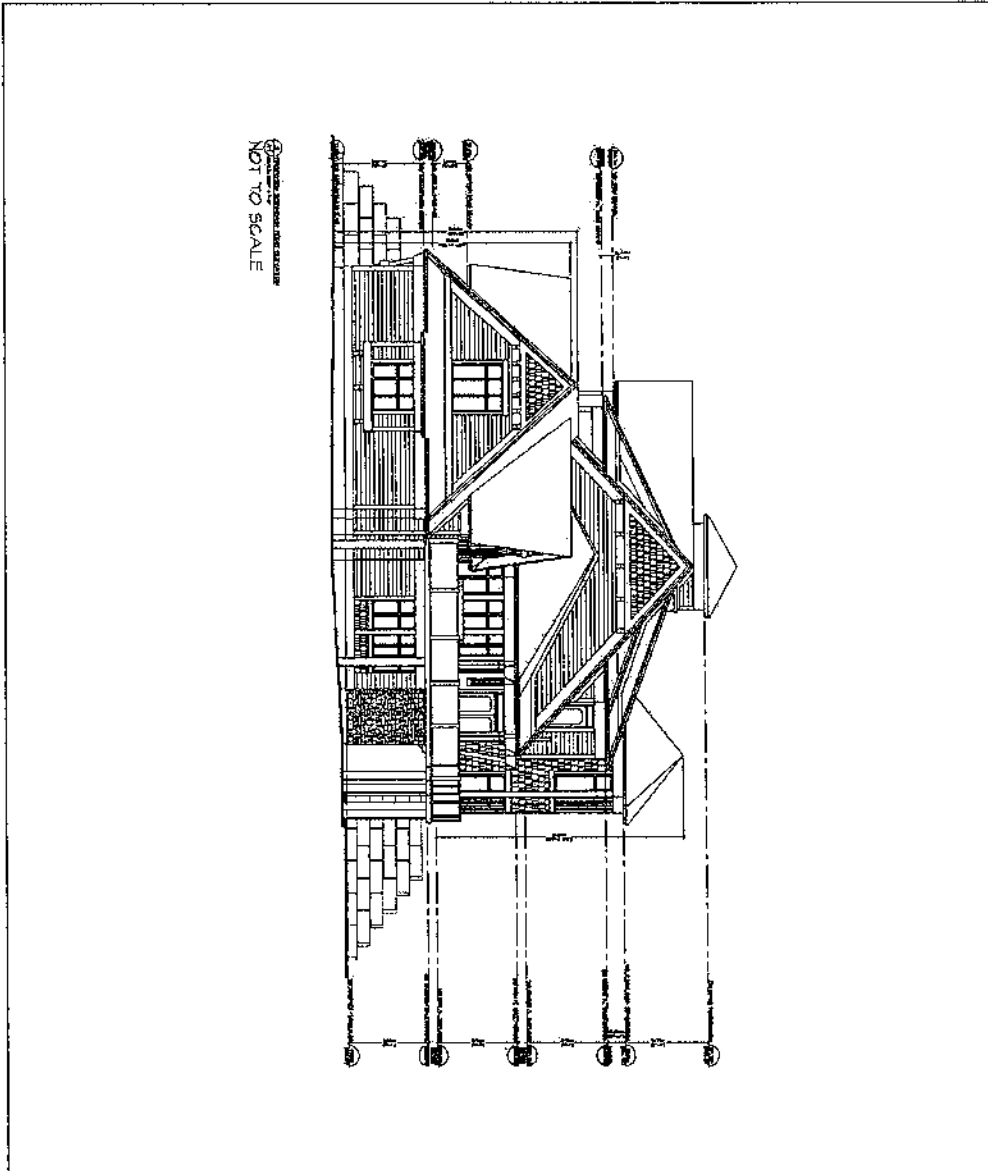
Conditions of Approval

2. The dwelling unit shall be sited in accordance with Site Plan drawing A1 prepared by David Mailing Architect Associates Inc. dated June 15, 2007 attached as *Schedule No. 2*.
3. The dwelling unit elevations shall be developed in accordance with the Building Elevations Version 7 prepared by David Mailing Architect Associates Inc. dated June 15, 2007 attached as *Schedule No. 3*.
4. The dwelling unit shall be constructed in accordance with the Geotechnical Assessment prepared by Lewkowich Geotechnical Engineering Ltd. dated June 4, 2007 attached as *Schedule No. 4*.
5. The property shall be landscaped and re-vegetated in accordance with the landscape plan prepared by Victoria Drakeford Landscape Architect dated June 19, 2007 attached as *Schedule No. 5*.

Schedule No. 2
Development Variance Permit No. 90710
Survey Elevations



Schedule No. 3
(Page 3 of 4)
Development Variance Permit No. 90710
Building Elevation



<p>7</p>	
<p>DATE: 2007-06-29</p> <p>SCALE: AS SHOWN</p> <p>PROJECT NO.:</p> <p>DATE: 2007-06-29</p> <p>SCALE: AS SHOWN</p> <p>PROJECT NO.:</p>	
<p>NAME: DIMITRI & ANNA MARIA LAROUCHE</p> <p>ADDRESS: 10000 LA ROCHE</p> <p>CITY: OTTAWA, ONTARIO</p>	
<p>PROJECT: CUSTOM HOME</p> <p>DESIGNER: BENSON READERS</p> <p>LOCATION: BRITISH COLUMBIA</p>	
<p>DATE: 2007-06-29</p> <p>SCALE: AS SHOWN</p> <p>PROJECT NO.:</p>	

**Schedule No. 4
(Page 1 of 4)
Development Variance Permit No. 90710
Geotechnical Report**



Lewkowich Geotechnical Engineering Ltd.

File No: G5389.01
June 4, 2007

LaRoche Residence
c/o Raymond deBeeld Architect Ltd.
617A Wentworth Street
Nanaimo, BC
V9R 3E6

Attention: Mr. Raymond deBeeld

**PROJECT: SINGLE FAMILY RESIDENTIAL DEVELOPMENT
LOT 16, SECTIONS 12 & 13, RANGE 2, MOUNTAIN DISTRICT, PLAN
VIP80085, NANAIMO, BC**

SUBJECT: GEOTECHNICAL ASSESSMENT

Dear Mr. deBeeld:

1. As requested, Lewkowich Geotechnical Engineering Ltd. (LGE) has carried out a geotechnical assessment of the residential building site at a proposed single family residential development of Northwood Road one kilometer west of Nanaimo, BC. The purpose of the assessment was to establish a safe construction setback distance from the top of a bluff located 60m from the northeast property line of the site.
2. LGE visited the site on June 1, 2007. The following is a brief summary of the observations made during the site visit.
 - a. The site is located in the southwest corner of the Benson Meadows Development off Northwood Road on an access road servicing three lots. The site is bound on the southwest by a Riparian Zone (intermittent creek) and the three remaining sides by single family properties.

**Schedule No. 4
(Page 2 of 4)
Development Variance Permit No. 90710
Geotechnical Report**

Single Family Residential Development
Lot 16, Section 12 & 13, Range 2, Mountain District,
Plan VIP 80085, Nanaimo, BC
File No: G5389.01
Page 2 of 4

June 4, 2007



- b. The site is currently undeveloped, although does include a substantial access driveway approximately 270m long, which appears to consist of a native sand and gravel material with some clean import sand and gravel surface material on the lower one third. A potable water well is located approximately 30m from the northeast and northwest property lines. The vegetation is sparse overall with some evergreen trees populating the upper one third and the borders of the property. Other vegetation includes salal, berry vines, ferns and low lying bushes.

 - c. The lot topography consists of a steep gradient downward to the east with an overall relief of approximately 39m. An igneous rock outcrop exists 60m from the northeast property line. The proposed residence is currently sited at this location. No surface water was noted on site. The subject property and adjacent lots displayed no sign of slide activity.
3. Based on the conditions observed during the June 1, 2007 site visit, the building and deck foundations for the proposed single family residence should be set back a minimum of 2 m from the crest of the rock bluff. The following discussions and recommendations apply to these setbacks.
- a. The rock bluff exhibited no evidence of surficial, downslope movement (e.g. bent/leaning trees, failure scarp and debris). If any signs of movement are noted in the future, the undersigned should be contacted.

 - b. Sundecks and ancillary structures (such as gazebos) may be located within the setback area (i.e. within 2m of the top of slope). However, the foundations for these structures should not be connected to, or form an integral part of, the foundations for the residence. Further, the sundeck structure should also be completely separate from the structure of the residence. Note that any structure or feature within the setback area could be adversely impacted through the possible retrogression of the weathered portion of exposed bedrock.

Lewkowich Geotechnical Engineering Ltd.

**Schedule No. 4
(Page 3 of 4)
Development Variance Permit No. 90710
Geotechnical Report**

Single Family Residential Development
Lot 16, Section 12 & 13, Range 2, Mountain District,
Plan VIP 80035, Nanaimo, BC
File No: G5389.01
Page 3 of 4

June 4, 2007



- c. Satisfactory site drainage is dependent on final lot grading. It is recommended that final lot grading direct the water at least 2m away from the building perimeter to a suitable discharge area.
 - d. It is anticipated that the foundations for the proposed residence will be founded on a subgrade of exposed bedrock or sand and gravel deposits underlain by bedrock at shallow depths. If organic or predominately fine grained (silt/clay) soils are encountered at foundation subgrade elevation during construction, the Geotechnical Engineer should be notified immediately, so recommendations for achieving adequate bearing can be provided.
 - e. The footings for the proposed residence should be founded on a minimum 300mm thick layer of 75mm minus crush material compacted fully to provide a consistent 200 kPa bearing medium. This layer will also provide a buffer against reflective cracking from bedrock fractures.
 - f. The final plans of the proposed construction should be reviewed by the undersigned in order to check for geotechnical concerns.
4. The driveway right of way appears to be in good condition, during periods of heavy rain very little gouging or sloughing was evident as the material consists of a relatively free draining sand and gravel. The side slopes vary from 1:1 to 2:1 with cross culverts installed to prevent excessive uphill ponding against the road fills. Any significant change in grading and / or erosion concerns should be reported to the undersigned for geotechnical evaluation.
 5. Under the conditions outlined above, the proposed development would be safe - from a geotechnical perspective - for the use intended (single family residence), considering a probability of failure of 2 percent in 50 years.

Lewkowich Geotechnical Engineering Ltd.

**Schedule No. 4
(Page 4 of 4)
Development Variance Permit No. 90710
Geotechnical Report**

Single Family Residential Development
Lot 16, Section 12 & 13, Range 2, Mountain District,
Plan VIP 80085, Nanaimo, BC
File No: G5389.01
June 4, 2007
Page 4 of 4

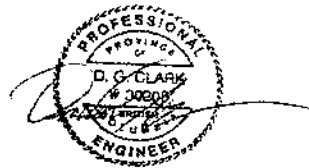


6. Lewkowich Geotechnical Engineering Ltd. acknowledges that this report may be requested by the Building Inspector of the Regional District of Nanaimo as a precondition to the issuance of a building permit and that this report, or any conditions contained in this report may be included in a restrictive covenant under Section 699 of the Local Government Act and filed against the title to the subject property.
7. Lewkowich Geotechnical Engineering Ltd. acknowledges that this report has been prepared for and at the expense of the Owner of the subject land. Lewkowich Geotechnical Engineering Ltd. has not acted for or as an agent of the Regional District of Nanaimo in the preparation of this report.
8. Lewkowich Geotechnical Engineering Ltd. trusts that the information presented above meets your current requirements. If you have any questions, or require further information, please do not hesitate to contact the undersigned.

Respectfully Yours,
Lewkowich Geotechnical Engineering Ltd.

Reviewed by,

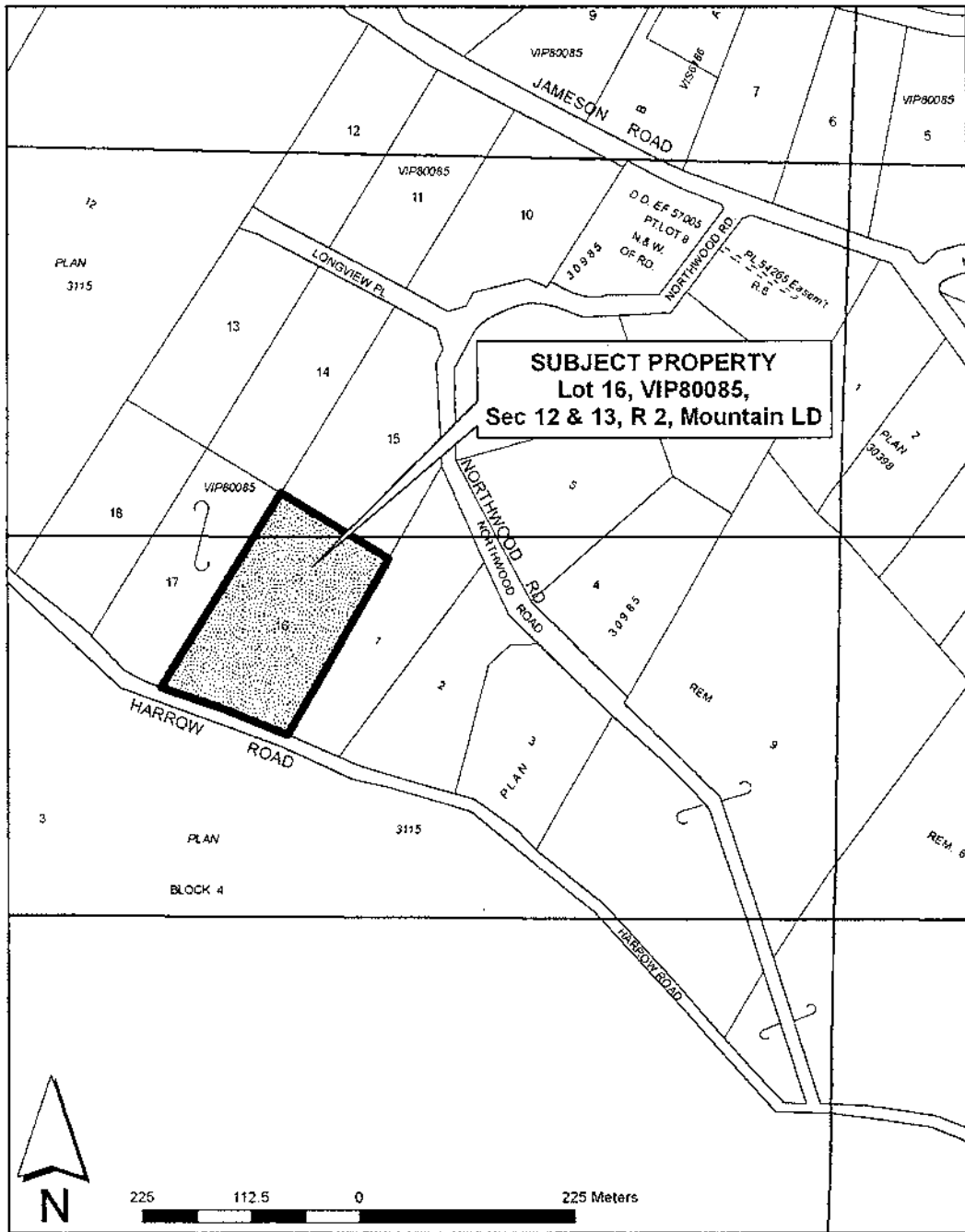
John Hessels, AScT
Senior Technologist



Darron Clark, P.Eng.
Geotechnical Engineer

Lewkowich Geotechnical Engineering Ltd.

Attachment No. 1
Subject Property
Development Variance Permit No. 90710



Mapsheet 92F.020.4.3

Attachment No. 2
Development Variance Rationale
Development Variance Permit No. 90710



**RAYMOND
de BEELD
ARCHITECT Inc.**

817A Wentworth Street, Nanaimo, B.C. V9R 3E8
Tel: (250) 754-2106 Fax: (250) 754-2116
Email: debeeld@shaw.ca

Date:	March 18, 2007
Attention:	Planning Dept.
Company:	Regional District of Nanaimo
File No.:	By Hand
From:	Raymond de Beeld
No. of Pages:	1

Re: **La Roche Custom Home, Lot 16 Benson Meadows, Nanaimo**
Development Variance Rationale

As Requested For Review & Comment Please Reply Memo Transmittal

Variance:

A variance is requested for building height of ~~14.5m~~ ^{11.4m} from the required maximum of 8m.

Contact:

1. +/-5 acre site, with proposed house location at top of rocky knoll approximately 125 ft up from front property line and common access road.
2. Perimeter of site retains existing trees including a watercourse to the rear along the base of Mount Benson.

Justification:

1. Topographical constraint due to depression and irregular contours.
2. To avoid blasting, rock excavation and bank stability.
3. Benson Meadows design guidelines request Heritage Country or Rural Estate design styles that incorporate varied massing and steep pitched roofs (8:12 to 12:12).
4. Aesthetically, significant roof forms required to match the articulation of the building form, mass, style and natural landforms.
5. Improve appearance of house when viewed from streetscape and meadows below.

Contextual Impact:

6. No reduction in views from neighbouring properties to significant views.
7. No reduction in privacy of neighbouring properties.
8. No shading of neighbouring properties.
9. No additional setbacks requested.
10. In keeping with building design of neighbouring properties.

Community Benefit:

11. The creation of an unique and magnificent house in scale with its strong natural features of the lot and background of Mount Benson.
12. Maintenance/ improvement of property values of adjoining neighbours and regional tax base.

Sincerely

Raymond de Beeld, M.A.B.C.
David Melling Architect Associates Inc. and Raymond de Beeld Architect Inc. in joint venture.

Attachment No. 3
Subject Property
Development Variance Permit No. 90710

