

**REGIONAL DISTRICT OF NANAIMO**

**ELECTORAL AREA PLANNING COMMITTEE**

**TUESDAY, JANUARY 13, 2009**

**6:30 PM**

*(RDN Board Chambers)*

**A G E N D A**

**PAGES**

**CALL TO ORDER**

**DELEGATIONS**

**MINUTES**

- 3-7 Minutes of the regular Electoral Area Planning Committee meeting held November 4, 2008 and the Special Electoral Area Planning Committee meeting held November 25, 2008.

**BUSINESS ARISING FROM THE MINUTES**

**COMMUNICATIONS/CORRESPONDENCE**

**UNFINISHED BUSINESS**

**PLANNING**

***AMENDMENT APPLICATIONS***

- 8-17 Zoning Amendment Application No. 0802 – Morgan – 1170 Spider Lake Road – Area ‘H’.

***DEVELOPMENT PERMIT APPLICATIONS***

- 18-31 Development Permit Application No. 60849 – Davis/Murray – 5363 Gainsberg Road – Area ‘H’.

***DEVELOPMENT VARIANCE PERMIT APPLICATIONS***

- 32-39 Development Variance Permit Application No. 90823 – Ballard – 1751 Admiral Tryon Blvd – Area ‘G’.
- 40-48 Development Variance Permit Application No. 90824 – World of Pentecost Church – 3606 Ailsop Road – Area ‘C’.

**ADDENDUM**

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**NEW BUSINESS**

**ADJOURNMENT**

**IN CAMERA**

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE  
MEETING HELD ON TUESDAY, NOVEMBER 4, 2008, AT 6:00 PM  
IN THE RDN BOARD CHAMBERS**

**Present:**

Director G. Holme	Chairperson
Director J. Burnett	Electoral Area A
Director M. Young	Electoral Area C
Director L. Biggemann	Electoral Area F
Director J. Stanhope	Electoral Area G
Alternate	
Director D. Heenan	Electoral Area H

**Also in Attendance:**

M. Pearse	Senior Manager, Corporate Administration
P. Thorkelsson	General Manager, Development Services
P. Thompson	Manager of Long Range Planning
N. Tonn	Recording Secretary

**CALL TO ORDER**

The Chairperson welcomed Alternate Director Heenan to the meeting.

**MINUTES**

MOVED Director Stanhope, SECONDED Director Biggemann, that the minutes of the Electoral Area Planning Committee meeting held October 14, 2008 be adopted.

CARRIED

**PLANNING**

***DEVELOPMENT VARIANCE PERMIT APPLICATIONS***

**Development Variance Permit Application No. 90814 -- Smood -- 8520 Rumbing Road -- Area 'E'.**

MOVED Director Burnett, SECONDED Director Young, that Development Variance Permit Application No. 90814 submitted by Fern Road Consulting Ltd. for the property legally described as Lot 13, District Lot 186, Nanoose District, Plan 47433, be approved subject to Schedules No. 1 to 3 of the staff report and the notification requirements pursuant to the *Local Government Act*.

CARRIED

***OTHER***

**Lake District (Fairwinds) and Schooner Cove Neighbourhood Planning Process -- Area 'E'.**

MOVED Director Stanhope, SECONDED Director Heenan, that the staff report with respect to the Fairwinds Terms of Reference and the Development Process for the Fairwinds Lakes District and Schooner Cove Study Areas be received.

CARRIED

MOVED Director Stanhope, SECONDED Director Heenan, that staff be authorized to provide support to the planning process as set out in Schedule No. 1 of the staff report.

CARRIED

**Proposed Policy – Beach Access Stairs.**

MOVED Director Stanhope, SECONDED Director Young, that this item be referred to the new Board of Directors, to be reviewed at an Information Seminar.

CARRIED

**ADJOURNMENT**

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

CARRIED

TIME: 6:08 PM

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CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE SPECIAL ELECTORAL AREA PLANNING COMMITTEE  
MEETING HELD ON TUESDAY, NOVEMBER 25, 2008, AT 6:00 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:**

M. Pearse	Senior Manager, Corporate Administration
P. Thorkeisson	General Manager, Development Services
G. Garbutt	Manager of Current Planning
N. Tonn	Recording Secretary

**PLANNING**

***DEVELOPMENT VARIANCE PERMIT APPLICATIONS***

**Development Permit Application No. 60825 – Einarsen – 1570 Raines Road – Area ‘A’.**

MOVED Director Burnett, SECONDED Director Young, that Development Permit Application No. 60825 submitted by Harold Einarsen for the construction of an accessory building within the Streams, Nesting Trees, and Nanaimo River Floodplain Development Permit Area, and the Fish Habitat Protection Development Permit Area for the parcel legally described as Lot 1, Section 17, Range 7, Cranberry District, Plan 21852 be approved subject to the conditions outlined in Schedule No. 1.

CARRIED

**Development Permit Application No. 60833 – Sinclair – 4695 Maple Guard Drive – Area ‘H’.**

MOVED Director Stanhope, SECONDED Director Burnett, that Development Permit Application No. 60833, to permit the construction of a residential dwelling and attached garage on the property legally described as Lot 11, District Lot 40, Newcastle District, Plan 15818, be approved subject to the conditions outlined in Schedules No. 1 to 4.

CARRIED

**Development Permit Application No. 60834 – Cheesman – 2045 Widgeon Road – Area ‘H’.**

MOVED Director Stanhope, SECONDED Director Holme, that Development Permit Application No. 60834, to permit the construction of a residential dwelling and coach house on the property legally described as Lot B, District Lot 89, Newcastle District, Plan VIP77421, be approved subject to the conditions outlined in Schedules No. 1 to 5.

CARRIED

**Development Permit Application No. 60839 – Heck – 1885 Widgeon Road – Area ‘H’.**

MOVED Director Stanhope, SECONDED Director Holme, that Development Permit Application No. 60839, to permit the construction of a residential dwelling on the property legally described as Strata Lot 1, District Lot 89, Newcastle District, Strata Plan 1253, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form 1, be approved subject to the conditions outlined in Schedules No. 1 to 4.

CARRIED

**Development Permit Application No. 60840 – 2570 Peterson Road – Area ‘F’.**

MOVED Director Biggemann, SECONDED Director Burnett, that Development Permit Application No. 60840, in conjunction with the subdivision on the parcel legally described as Lot A, District Lot 182, Nanoose District, Plan VIP65017 and designated within the Fish Habitat Protection Development Permit Area, be approved subject to the conditions outlined in Schedules No. 1 to 3.

CARRIED

**Development Permit Application No. 60842 – Allix – Mariner Way – Area ‘G’.**

MOVED Director Stanhope, SECONDED Director Holme, that Development Permit Application No. 60842, to permit the construction of a residential dwelling on the property legally described as Lot 9, District Lot 181, Nanoose District, Plan 13008, and designated within the Environmentally Sensitive Features for Watercourse Protection and Fish Habitat Protection Development Permit Areas pursuant to “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008”, be approved subject to the conditions outlined in Schedules No. 1 to 4.

CARRIED

**Development Permit Application No. 60847 – Heinrich – 3330 Kym Road – Area ‘H’.**

MOVED Director Stanhope, SECONDED Director Burnett, that Development Permit Application No. 60847, submitted by Peter T. Mason in conjunction with the subdivision of the parcel legally described as Lot 8, District Lot 20, Newcastle District, Plan 11520 and designated within the Fish Habitat Protection Development Permit Area, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

CARRIED

***DEVELOPMENT VARIANCE PERMIT APPLICATIONS***

**Development Variance Permit Application No. 90820 – Roine/Stauffer – 2780 Yellow Point Road – Area ‘A’.**

MOVED Director Burnett, SECONDED Director Young, that Development Variance Permit Application No. 90820, submitted by Rob Roine and Jerine Stauffer for the property legally described as Lot A, Section 5, Range 5, Cedar District, Plan VIP82644 be approved subject to Schedules No. 1 to 3 of the staff report and the notification requirements pursuant to the *Local Government Act*.

CARRIED

**NEW BUSINESS**

**Procedure Bylaw.**

MOVED Director Stanhope, SECONDED Director Holme, that the Procedure Bylaw be amended to reflect that the Electoral Area Planning Committee meeting will be held the second Tuesday of each month at 6:30 pm.

CARRIED

**ADJOURNMENT**

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

CARRIED

TIME: 6:12 PM

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CHAIRPERSON



CAO APPROVAL	
EAP	Jan 13 07
COV	
DEVELOPER	
RHD	
BOARD	

# MEMORANDUM

**TO:** Geoff Garbutt  
Manager, Current Planning **DATE:** December 18, 2008

**FROM:** Susan Cormie  
Senior Planner **FILE:** 3360 30 0802

**SUBJECT:** Zoning Amendment Application No. ZA0802 – JE Anderson & Associates, BCLS, on behalf of D Morgan  
Electoral Area 'H' – 1170 Spider Lake Road, Spider Lake Area

## PURPOSE

To consider an application to rezone property in the Spider Lake area of Electoral Area 'H' in order to facilitate a 2-lot subdivision.

## BACKGROUND

The Regional District has received an application to rezone a parcel in the Spider Lake area of Electoral Area 'H' to allow the subdivision of the parent parcel to create 2 parcels a minimum of 4.0 ha in size.

The subject property, which is 8.2 ha in size, is located at 1170 Spider Lake Road and legally described as Lot 20, Block 360, Newcastle District, Plan 37698. The current zoning is zoned Rural 1 and is situated within Subdivision District 'B' (8.0 ha minimum parcel size) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachment No. 1 for location of subject property).

The southern portion of the subject property has a generally flat topography while the north portion of the site has a depression that runs east to west. The portion of the shoreline of Spider Lake adjacent to the subject property consists of a high bluff approximately 10 metres to 13 metres. The parcel currently supports 1 dwelling unit.

Documents on title of the parent parcel include a blanket covenant for floodplain, no removal of vegetation, and no buildings located within 15.0 metres of Spider Lake or any watercourses registered to the Province of BC (note: There are no other watercourses within or nearby the subject property).

Surrounding land uses include a rural zoned parcel to the north; Spider Lake Road and rural zoned properties to the east; rural zoned property to the south; and Spider Lake to the west. With the exception of the parcel to the north all the surrounding parcels are within Subdivision District 'D' (2.0 ha minimum parcel size) pursuant to the Bylaw No. 500, 1987. The parcel to the north is within Subdivision District 'B' (8.0 ha minimum parcel size).

The subject property is designated within the following development permit areas pursuant to the Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003 (OCP):

- The Environmentally Sensitive Areas Development Permit Area specifically for the protection of the aquifer and the protection of Spider Lake; and
- The Fish Habitat Protection Development Permit Area for the purposes of protecting riparian areas within and adjacent to streams.



Therefore, this amendment application is subject to a development permit, which may be considered concurrently with the amendment application.

**Submitted Proposal**

The applicant is proposing to create 2 minimum sized 4.0 ha parcels (*See Schedule No. 2 for proposed plan of subdivision*). In support of this amendment application the applicant's agent has supplied the following documentation:

- Proposed plan of subdivision;
- Hydrogeological Assessment prepared by H<sub>2</sub>O Environmental Ltd., dated August 26, 2008;
- Riparian Assessment Report, prepared by Streamside Environmental Consulting Ltd., dated 2008-07-10;
- Sustainable Community Builder Checklist; and
- Letter concerning applicable criteria from OCP's Development Guideline Criteria.

The parcels are proposed to be serviced by individual on-site septic disposal systems and water wells. The parent parcel is located outside of a RDN Building Services area.

The proposed parcels will not meet the minimum 10% perimeter frontage requirement pursuant to Section 944 of the *Local Government Act*, as follows:

<i>Proposed Lot No.</i>	<i>Required Frontage</i>	<i>Proposed Frontage</i>	<i>% of Perimeter</i>
Lot A	114.7 m	77.3 m	6.7 %
Lot B	132.4 m	43.7 m	3.3 %

This application also requires a relaxation of the minimum 10% perimeter frontage requirement.

**ALTERNATIVES**

1. To approve the application to rezone the subject property from Subdivision District 'B' to Subdivision District 'CC' subject to the conditions outlined in Schedules No. 1 and 2.
2. To deny the amendment application.

**DEVELOPMENT IMPLICATIONS**

***Official Community Plan / Minimum 10% Perimeter Frontage Requirement Implications***

The proposed subdivision layout will meet the applicable policies of the OCP in that the minimum 4.0 ha parcel size can be met. It is noted that the OCP criteria, including restricting further subdivision and the maximum number of dwelling units to 1 per parcel, applies only to those proposed subdivisions where the parcels will be less than minimum 4.0 ha parcel size.

It is also noted that as the subject property does not require an amendment to change the zoning; the new parcels will be able to support 2 single dwelling units as permitted under the Rural 1 zoning provisions.

As this amendment application also reviews the minimum 10% perimeter frontage requirement, in order to ensure that the OCP policies concerning 2.0 ha sized parcels will be upheld, it is recommended that the relaxation of the minimum frontage requirement be considered only if a no building strata subdivision covenant is registered on title. Such a covenant will restrict building strata development which is

considered a form of subdivision in that separate titles are achievable. The applicant's agent has indicated that the applicant is in concurrence to register this covenant on title. As per Board policy concerning registration of documents, it is also recommended that this covenant be registered prior to consideration of the amendment bylaw if the application proceeds (*see Schedule No. 1 for Conditions of Approval*).

#### ***On-Site Servicing***

The applicant has supplied a report considering the availability of potable water and septic disposal conditions. It is noted that proof of potable water and septic disposal are requirements of subdivision and are subject to the approval of the Regional Approving Officer through the subdivision approval process.

#### ***Development Guidelines Criteria / Community Values Statement***

With respect to the Development Guidelines Criteria as set out in the OCP, the applicants have provided that the applicable criteria outlined in the Community Values Statement will be able to be met.

#### ***Bylaw No. 500, 1987 – Schedule No. 4B Subdivision Districts***

Schedule No. '4B' Subdivision Districts – Minimum Parcel Sizes of Bylaw No. 500, 1987 does not include a subdivision district with a minimum parcel size of 4.0 ha with or without community services. As this is a standard minimum parcel size, staff recommends that the amendment bylaw include a new subdivision district of 4.0 ha. This will avoid any confusion with future property owners with respect to future subdivision potential. It is noted that the recommended section 219 covenant for no further subdivision under the *Strata Property Act* will still be required as the registration of an unoccupied building strata, which creates separate titles, would bypass local authority. A copy of the proposed amendment bylaw is attached to this report.

#### **BUILDING SERVICES IMPLICATIONS**

With the recent inclusion of other properties in Electoral Area 'H' (Spider Lake, Nile Creek, and Jamieson Roads neighbourhoods) into a RDN Building Services Area, staff recommends that this subject property also be included in a Building Service Area. The applicant's agent has confirmed that the applicant is in concurrence to include this parcel within a Building Services Area.

#### **ENVIRONMENTALLY SENSITIVE AREAS IMPLICATIONS**

With respect to the Environmentally Sensitive Areas Development Permit Area for the protection of the aquifer, the applicant is in concurrence to register the submitted hydrogeological report on title. This report provides recommendations concerning well development and the protection of the aquifer. In addition, the applicant is in concurrence with the condition to enter into a development permit as outlined in Schedule No. 1 and will submit an application for a development permit if the zoning amendment proceeds. The development permit would run concurrently with the amendment application.

The applicant has provided a Riparian Area Assessment prepared by a Qualified Environmental Professional which has been accepted by the Ministry of Environment for the portion of Spider Lake adjacent to the parent parcel. No other streams were located near or within the subject property. This report establishes a Stream Protection and Enhancement Area (SPEA) of 30.0 metres as measured from the top of the bank of Spider Lake. As there are no measures or environmental monitoring required to be completed as part of the zoning amendment / subdivision process, this application will meet the exemption provisions as set out in the Fish Habitat Development Permit Area.

#### **PUBLIC CONSULTATION IMPLICATIONS**

A Public Information Meeting concerning this application was held on November 20, 2008. 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. As there were no members of the community in attendance at this meeting, the meeting was cancelled.

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

### **INTERGOVERNMENTAL IMPLICATIONS**

*Ministry of Transportation & Infrastructure* – Ministry staff has indicated that the Ministry has no objection to this application, but this is not to be construed as approval of subdivision.

*Vancouver Island Health Authority (VIHA)* – The health inspector has indicated that the soils in the Spider Lake area provide good percolation and filtration.

*Local Fire Chief* – The Planning Department, in consideration of fire safety issues, has been referring applications for rezoning or OCP amendments to local fire departments. As part of the formal referral process, the local fire official will be informed of proposed change in his area.

### **SUSTAINABILITY IMPLICATIONS**

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the “Sustainable Community Builder Checklist”. This proposed development will meet the applicable OCP policies which while the proposal is not in conflict with the Regional Growth Strategy policies, the development is situated outside of Urban Containment Boundaries where there is no public transit and other community services. It is noted that future buildings will be constructed to meet the green building code guidelines.

### **VOTING**

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

### **SUMMARY**

This report addresses a request to amend Bylaw No. 500, 1987 to allow the subdivision of a parcel located adjacent to Spider Lake Road of Electoral Area ‘H’. A Public Information Meeting was held on November 20, 2008. As no members of the community attended the meeting, the meeting was cancelled by the Chairperson.

A copy of the proposed amendment bylaw is attached to this report.

The subject property is designated within the Fish Habitat Protection Development Permit Area. The applicant has provided a riparian assessment and as there are measures or environmental monitoring required as part of the zoning amendment / subdivision processes, this application will meet the exemption provisions from requiring a development permit pursuant to the Fish Protection Development Permit Area. The subject property is also designated within the Environmentally Sensitive Features Development Permit Area specifically for protection of the aquifer. With respect to the aquifer, the applicant has provided a report prepared by a professional engineer that addresses the availability of potable water for the proposed lots and assurances that the new wells are not expected to adversely impact existing surrounding wells. Proof of potable water is reviewed by the Approving Officer through the subdivision process. A development permit will be required for protection of the aquifer and this can be completed concurrently with the zoning amendment process.

As noted above, staff recommends that as the proposed parcels will not meet the minimum 10% perimeter frontage requirement, these parcels be covenanted to restrict any building strata subdivision pursuant to the *Strata Property Act* (see *Conditions of Approval* outlined in *Schedule No. 1*).

The requirement to provide proof of adequate septic disposal areas is considered by the Approving Officer at time of subdivision.


Ministry of Transportation staff has indicated the Ministry will support a 2-lot subdivision. The Vancouver Island Health Authority has indicated that it will support the proposed application.

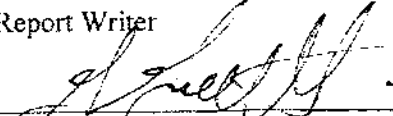
The applicant's agent has indicated that the applicant is in concurrence to include the parent parcel within a RDN Building Services Area.

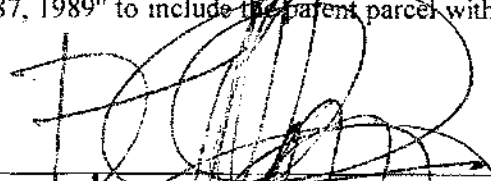
Given that the application is consistent with the OCP policies; that the applicant is in concurrence to provide a covenant restricting building strata subdivision in consideration of relaxation of the minimum 10% perimeter frontage requirement, enter into a development permit concurrently with the amendment process, and have the parent parcel included in a Building Services Area; staff supports the amendment application as submitted subject to the conditions set out in Schedule Nos. 1 and 2.


**RECOMMENDATIONS**

1. That Zoning Amendment Application No. ZA0802 as submitted by, on behalf of D Morgan to rezone Lot 20, Block 360, Newcastle District, Plan 37698 from Subdivision District 'B' to Subdivision District 'CC' be approved to proceed to public hearing subject to the conditions included in Schedule No. 1.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.347, 2009" be given 1<sup>st</sup> and 2<sup>nd</sup> reading.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.347, 2009" proceed to public hearing.
4. That the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.347, 2009" be delegated to Director Bartram or his alternate.
5. That staff be directed to prepare required amendments to "Regional District of Nanaimo Building Inspection Extended Service Establishment Bylaw No. 787, 1989" to include the parent parcel within a Building Inspection Service area.

  
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Report Writer

  
\_\_\_\_\_  
Manager Concurrence

  
\_\_\_\_\_  
General Manager Concurrence

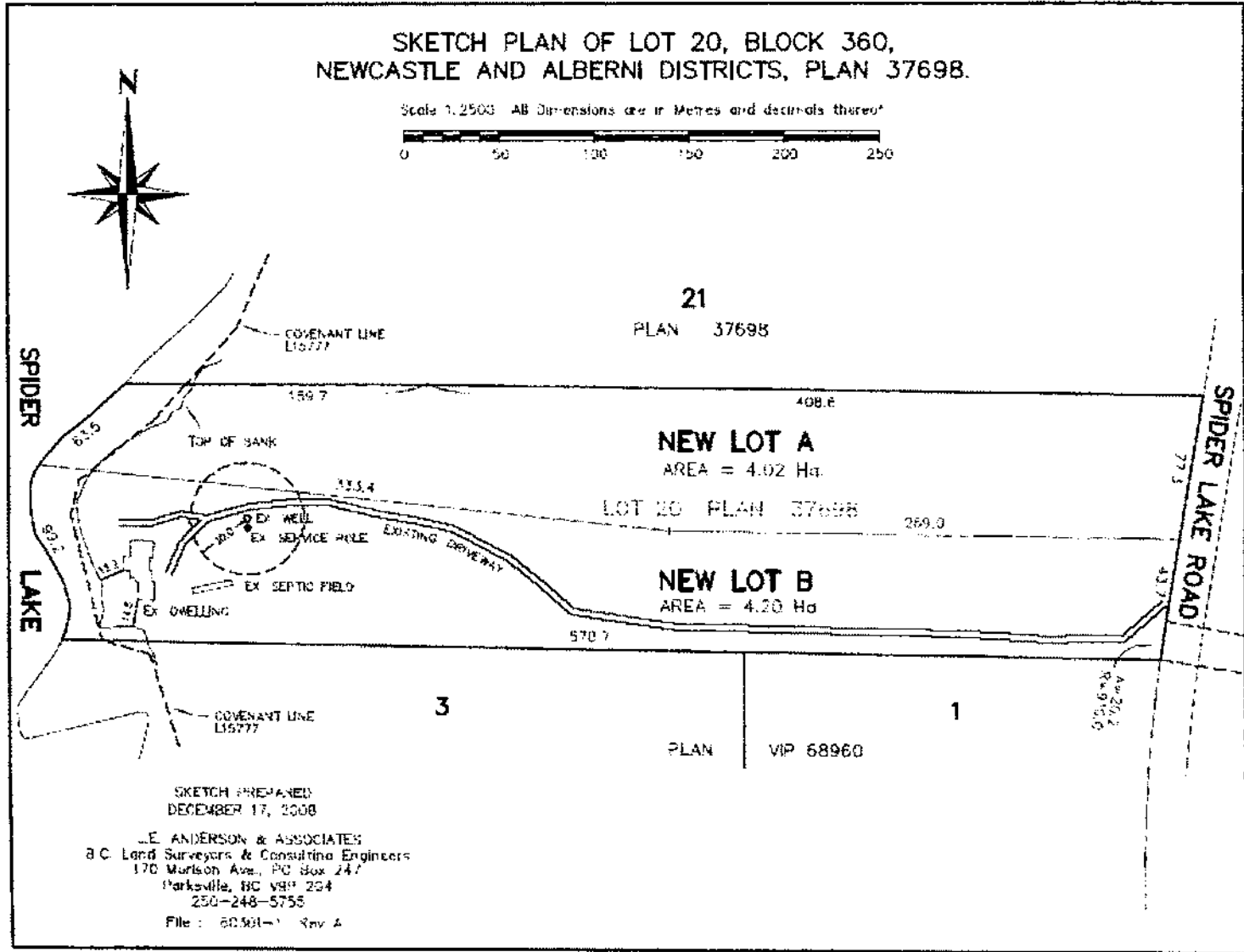
  
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CAO Concurrence

**Schedule No. 1**  
**Zoning Amendment Application No. ZA0802**  
**Conditions of Approval**

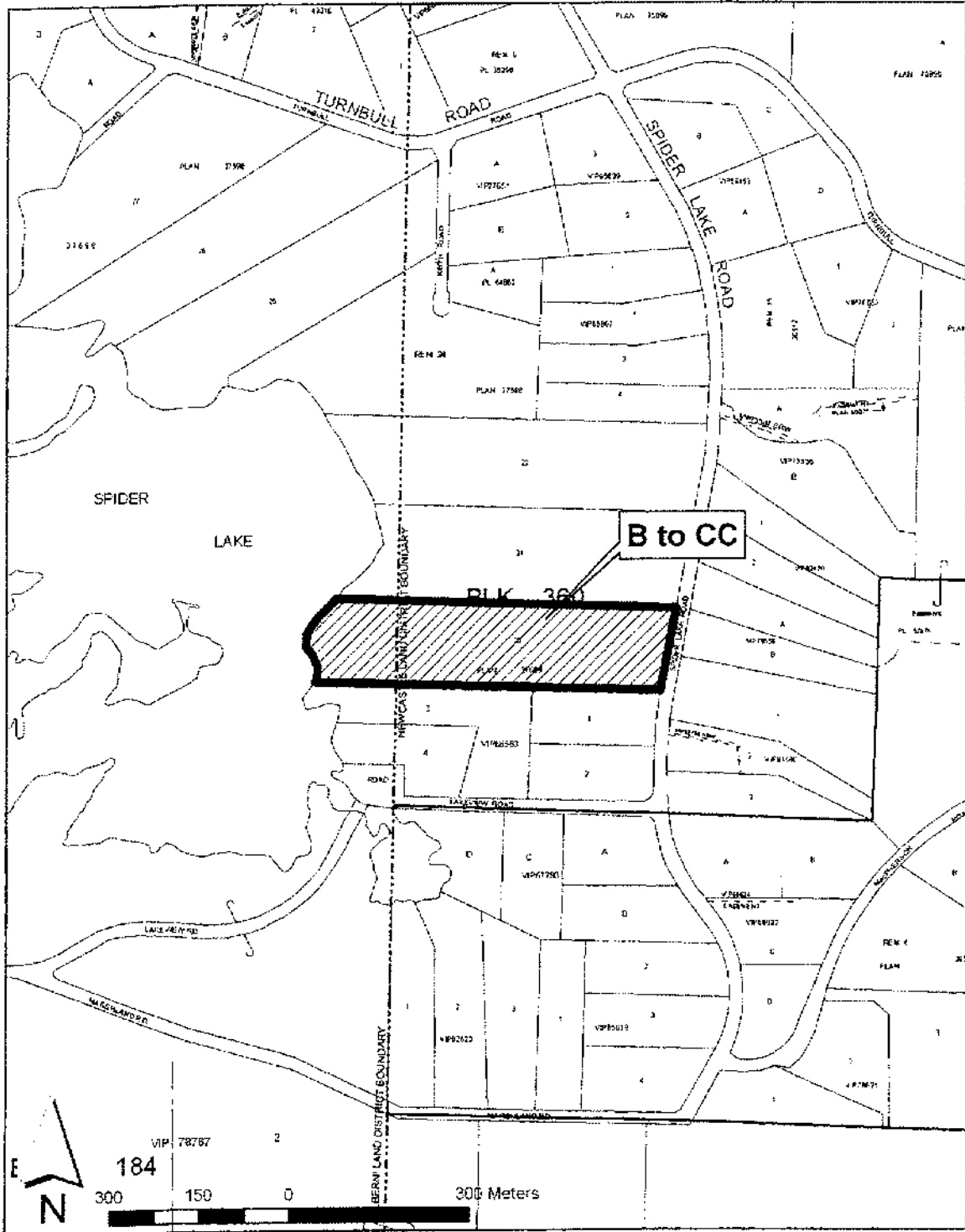
The applicant is to provide the following documentation prior to the amendment applications being considered for 4<sup>th</sup> reading:

1. All covenants are to be prepared and registered by the applicant to the satisfaction of the Regional District prior to consideration of 4<sup>th</sup> reading. Draft covenant documents are to be forwarded to the RDN for review prior to registration at Land Title Office, Victoria, BC. For all proposed parcels, the following section 219 covenants shall be registered on title:
  - a) A section 219 covenant restricting:
    - i) No further subdivision of the land, including a subdivision pursuant to the *Strata Property Act*;
  - b) A section 219 covenant registering the Hydrogeological Assessment Report prepared by H<sub>2</sub>O Environmental Ltd., dated August 26, 2008.
  - c) A section 219 covenant restricting the subdivision of the parent parcel as set out in the proposed plan of subdivision attached as Schedule No. 2 to this staff report.
2. Parent parcel be included into the Building Services Area.

Schedule No. 2  
 Zoning Amendment Application No. 0802  
 Proposed Plan of Subdivision



Attachment No. 1  
Zoning Amendment Application No. 0802  
Location of Parent Parcel



REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 500.347

A Bylaw to Amend Regional District of Nanaimo  
Land Use and Subdivision Bylaw No. 500, 1987

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

A. **Schedule 'A'** of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", is hereby amended as follows:

1. **PART 4 SUBDIVISION REGULATIONS, SCHEDULE '4B'** is hereby amended by adding the following subdivision district and corresponding minimum parcel sizes after Subdivision District 'C':

CC	4.0 ha	4.0 ha	4.0 ha	4.0 ha
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5. **PART 4 SUBDIVISION REGULATIONS, Schedule '4A', SUBDIVISION DISTRICTS MAPS** is hereby amended by changing the Subdivision District 'B' to 'CC' for the land legally described as:

Lot 20, Block 360, Newcastle District, Plan 37698

as shown in heavy outline on Schedule 'I' which is attached to and forms part of this Bylaw.

B. This Bylaw may be cited as "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.347, 2009".

Introduced and read two times this

Public Hearing held pursuant to Section 890 of the *Local Government Act* this

Read a third time this

Adopted this

Chairperson

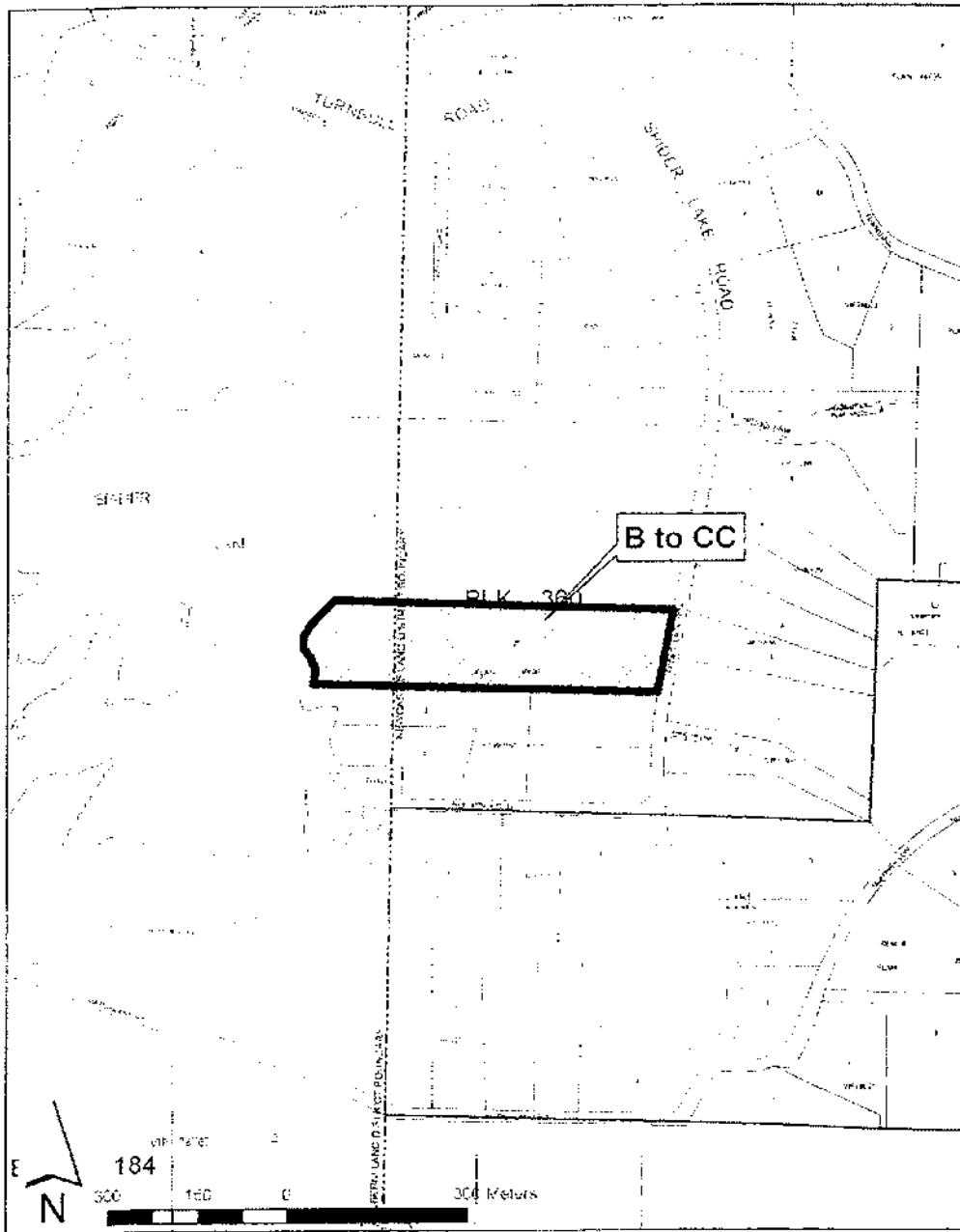
Sr. Mgr., Corporate Administration



Schedule 'I' to accompany "Regional District of Nanaimo Land Use  
and Subdivision Bylaw Amendment Bylaw No. 500.347, 2009"

\_\_\_\_\_  
Chairperson

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Sr. Mgr., Corporate Administration



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**TO:** Geoff Garbutt, Mgr. of Current Planning      **DATE:** December 30, 2008

**FROM:** Kristy Marks  
Planner      **FILE:** 3060 30 60849

**SUBJECT:** Development Permit Application No. 60849 – Davis/Murray  
Lot 3, District Lot 1, Newcastle District, Plan 20442  
Electoral Area 'H' – 5363 Gainsberg Road

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### PURPOSE

To consider an application for a Development Permit to allow the construction of a dwelling unit and detached garage on a property located at 5363 Gainsberg Road.

### BACKGROUND

The subject property, legally described as Lot 3, District Lot 1, Newcastle District, Plan 20442, is located on Gainsberg Road in Electoral Area 'H' (*see subject property map - Attachment 1*). The property is approximately 0.14 hectares in size and contained a dwelling unit and detached garage which were recently demolished by the applicant. The parcel slopes gently to the east and is bound by residential lots to the north and south, Deep Bay Drive to the east and Gainsberg Road to the west.

The subject property is located within the Hazard Lands, Environmentally Sensitive Features for Aquifer Protection, and Fish Habitat Protection Development Permit Areas (DPA) pursuant to "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335". This application is exempt from the Aquifer Protection DPA as the proposal is for a single dwelling unit and is also exempt from the Fish Habitat Protection DPA as there are no streams within 30.0 metres of the development.

The subject property is zoned Residential 2 (RS2), pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The applicant is requesting approval to construct a dwelling unit and detached garage within the Hazard Lands DPA.

As mentioned above, the applicant recently removed the existing dwelling and detached garage. During the demolition, evidence of an archaeological site was identified on the subject property. Archaeological sites would normally be addressed through the building permit process however the subject property is not located within a building inspection area. The applicant has applied to the Archaeology Branch of the Ministry of Tourism, Culture and the Arts for a site alteration permit.

### *Sustainability Implications*

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the "Sustainable Community Builder Checklist". This proposal represents the redevelopment of an existing residential parcel. The applicant is proposing to construct in generally the same location as the previous dwelling and detached garage and to retain much of the existing vegetation on the subject property. In addition, the applicant has provided a Geotechnical Evaluation of the slope conditions in order to ensure that the property is safe and suitable for residential use.

**ALTERNATIVES**

1. To approve Development Permit No. 60849 subject to the conditions outlined on Schedules No. 1 – 4.
2. To deny Development Permit No. 60849 as submitted.

**LAND USE AND DEVELOPMENT IMPLICATIONS**

As outlined above, the applicants are requesting approval to construct a dwelling unit and detached garage on a parcel on Gainsberg Road. The location of the proposed dwelling unit and garage are outlined on *Schedule No. 2* and building elevations for the proposed development are outlined on *Schedule No. 3*.

The applicants have submitted a geotechnical report prepared by Lewkowich Geotechnical Engineering Ltd. dated November 21, 2008, which states that the proposed development is considered safe and suitable for the use intended (*Schedule No. 4*). The engineer recommends a minimum setback of 3.5 metres from the crest of the slope adjacent to Deep Bay Drive. As per board policy, staff recommends that the applicant be required to register a section 219 covenant that registers the Geotechnical Report prepared by Lewkowich Geotechnical Engineering Ltd., and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of erosion and/or landslide.

Given that the applicant has provided a Geotechnical Assessment, in staff's assessment, the proposed development meets the requirements of the Hazard Lands Development Permit Area.

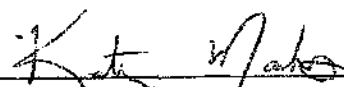
**VOTING** - Electoral Area Directors – one vote, except Electoral Area 'B'.

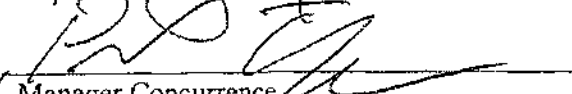
**SUMMARY/CONCLUSIONS**

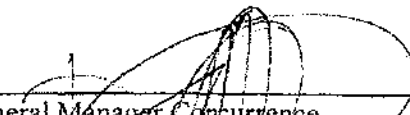
This is an application for a Development Permit to allow the construction of a dwelling unit and detached garage on a property located at 5363 Gainsberg Road in Electoral Area 'H'. Given that the applicant has submitted a Geotechnical Assessment of the slope conditions consistent with the guidelines of the "Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" Hazard Lands DPA, staff recommends that the requested Development Permit be approved subject to the terms outlined in Schedules No. 1-4 of this report.


**RECOMMENDATION**

That Development Permit Application No. 60849, to construct a dwelling unit and detached garage within the Hazard Lands Development Permit Area pursuant to "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003", for the property legally described as Lot 3, District Lot 1, Newcastle District, Plan 20442 be approved subject to the conditions outlined in Schedules No. 1-4.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
A/ Manager Concurrence

  
\_\_\_\_\_  
General Manager Concurrence

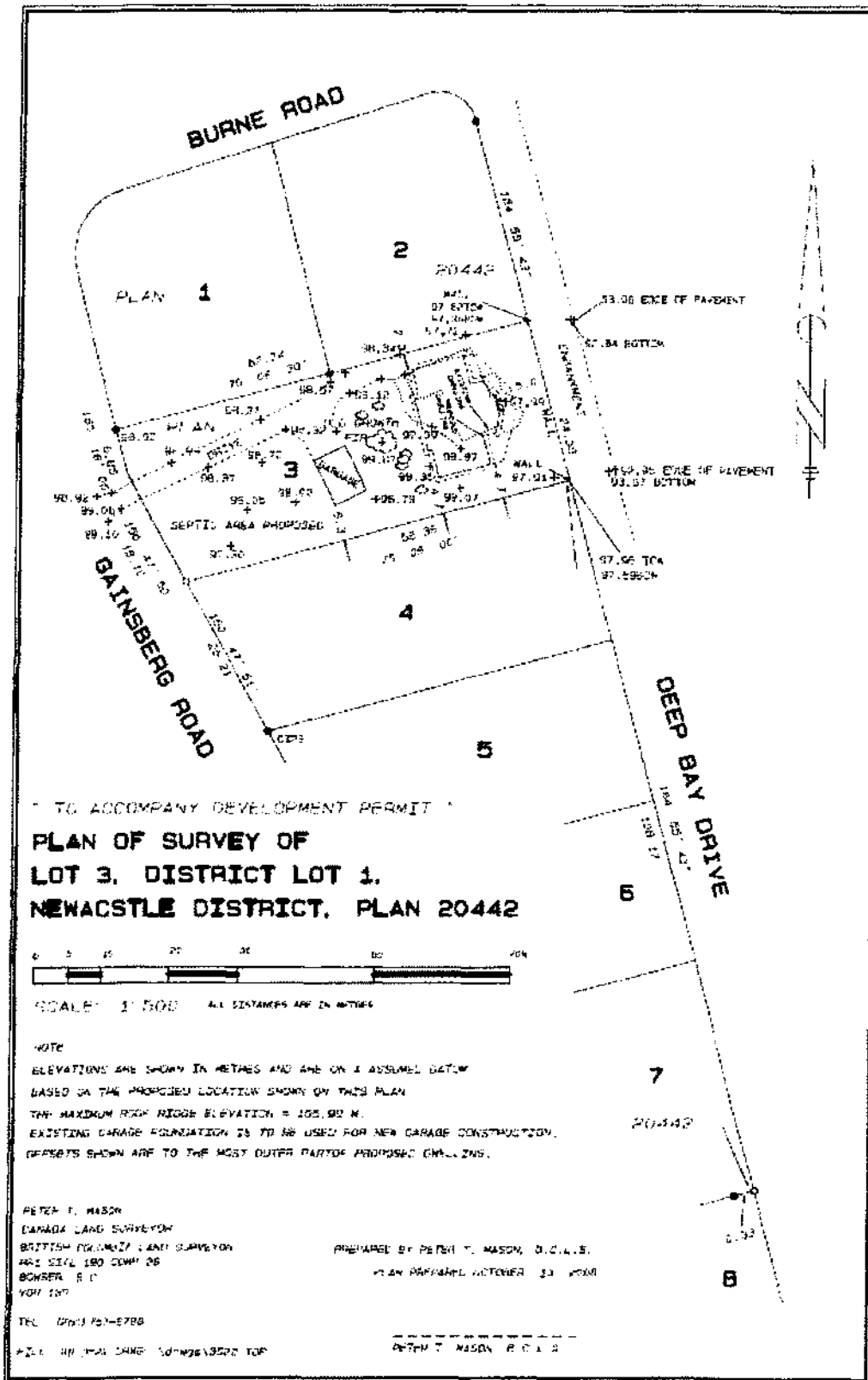
  
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A/ CAO Concurrence

**Schedule No. 1**  
**Terms of Development Permit No. 60849**

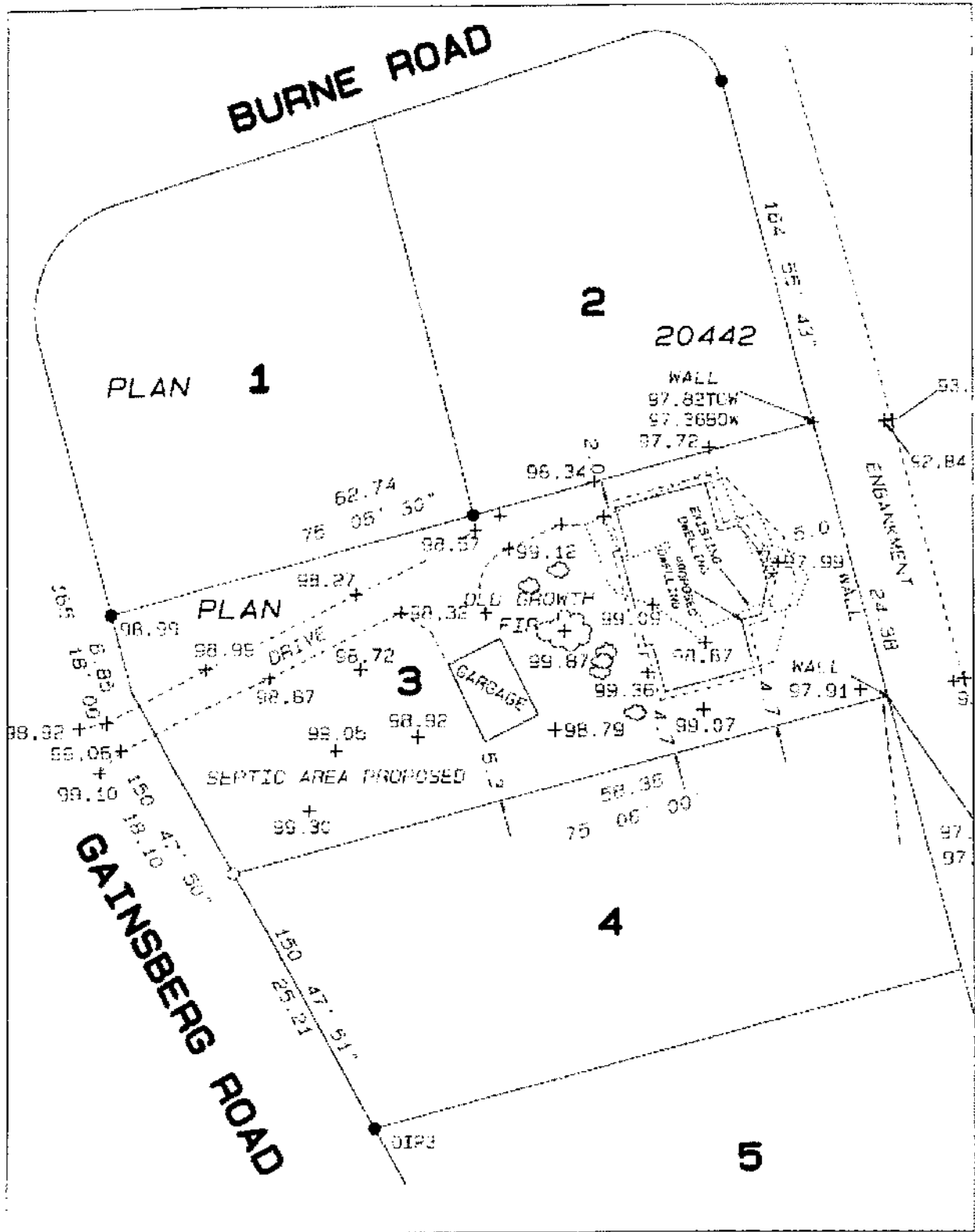
The following sets out the terms and conditions of Development Permit No. 60849.

1. The dwelling unit and detached garage shall be sited in accordance with site survey prepared by Peter T. Mason, BCLS dated October 13, 2008 attached as *Schedule No. 2*.
2. The dwelling unit shall be constructed in accordance with the elevations submitted by the applicant attached as *Schedule No. 3*.
3. The detached garage shall be constructed in accordance with the elevation drawings prepared by the applicant 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 November 21, 2008 attached as *Schedule No. 4*.
5. Staff shall withhold the issuance of this permit until the applicant, at the applicant's expense, registers a section 219 covenant that registers the Geotechnical Report prepared by Lewkowich Geotechnical Engineering Ltd., dated November 21, 2008 and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of erosion and/or landslide.
6. The applicant shall provide confirmation of building height and setbacks by a British Columbia Land Surveyor at the framing stage of construction.

### Schedule No. 2 Site Plan



Schedule No. 2  
Site Plan - Detail



**Schedule No. 3**  
**Building Elevations – Dwelling Unit**  
 (Page 1 of 3)

**MURRAY RESIDENCE**  
 BRD4 80.FY.

**FRONT ELEVATION**

**Home Building Centre**

**DETAILS:**

- 1. All exterior walls to be finished with vinyl siding.
- 2. All exterior doors to be finished with solid wood.
- 3. All exterior windows to be finished with vinyl frames.
- 4. All exterior trim to be finished with solid wood.
- 5. All exterior stairs to be finished with solid wood.
- 6. All exterior railings to be finished with solid wood.
- 7. All exterior roofs to be finished with asphalt shingles.
- 8. All exterior gutters to be finished with aluminum.
- 9. All exterior downspouts to be finished with aluminum.
- 10. All exterior landscaping to be finished with lawn and shrubs.

**BY ORDER:**

- ALL WORKMANSHIP TO BE ACCORDING TO THE NATIONAL BUILDING CODE.
- ALL MATERIALS TO BE APPROVED BY THE LOCAL AUTHORITY.
- ALL MATERIALS TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.
- ALL MATERIALS TO BE INSTALLED IN ACCORDANCE WITH THE NATIONAL BUILDING CODE.
- ALL MATERIALS TO BE INSTALLED IN ACCORDANCE WITH THE LOCAL AUTHORITY.

**Home Building Centre**

	MOD. TAYLOR DRESS '08 NAME: MURRAY CENTRAL BUILDERS INC	PLAN: FRONT ELEVATION DATE: 12/15/08 DRAWN BY: [Name] CHECKED BY: [Name]		15
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**REAR ELEVATION**

**Home Building Centre**

**DETAILS:**

- 1. All exterior walls to be finished with vinyl siding.
- 2. All exterior doors to be finished with solid wood.
- 3. All exterior windows to be finished with vinyl frames.
- 4. All exterior trim to be finished with solid wood.
- 5. All exterior stairs to be finished with solid wood.
- 6. All exterior railings to be finished with solid wood.
- 7. All exterior roofs to be finished with asphalt shingles.
- 8. All exterior gutters to be finished with aluminum.
- 9. All exterior downspouts to be finished with aluminum.
- 10. All exterior landscaping to be finished with lawn and shrubs.

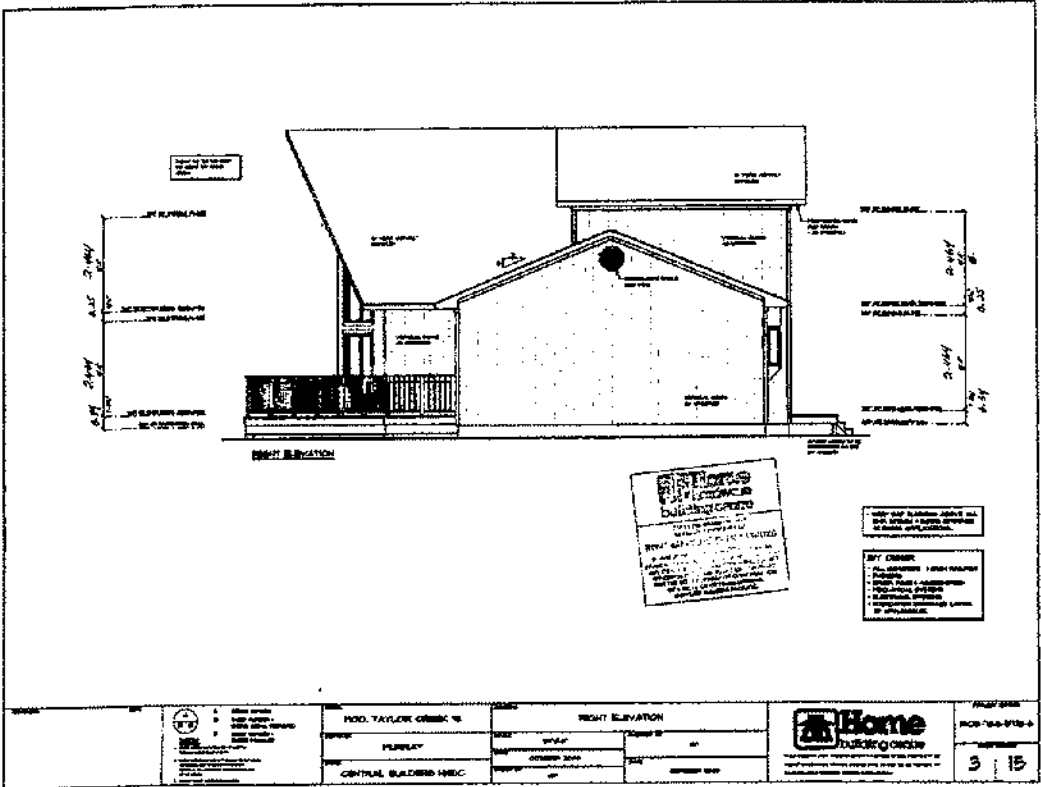
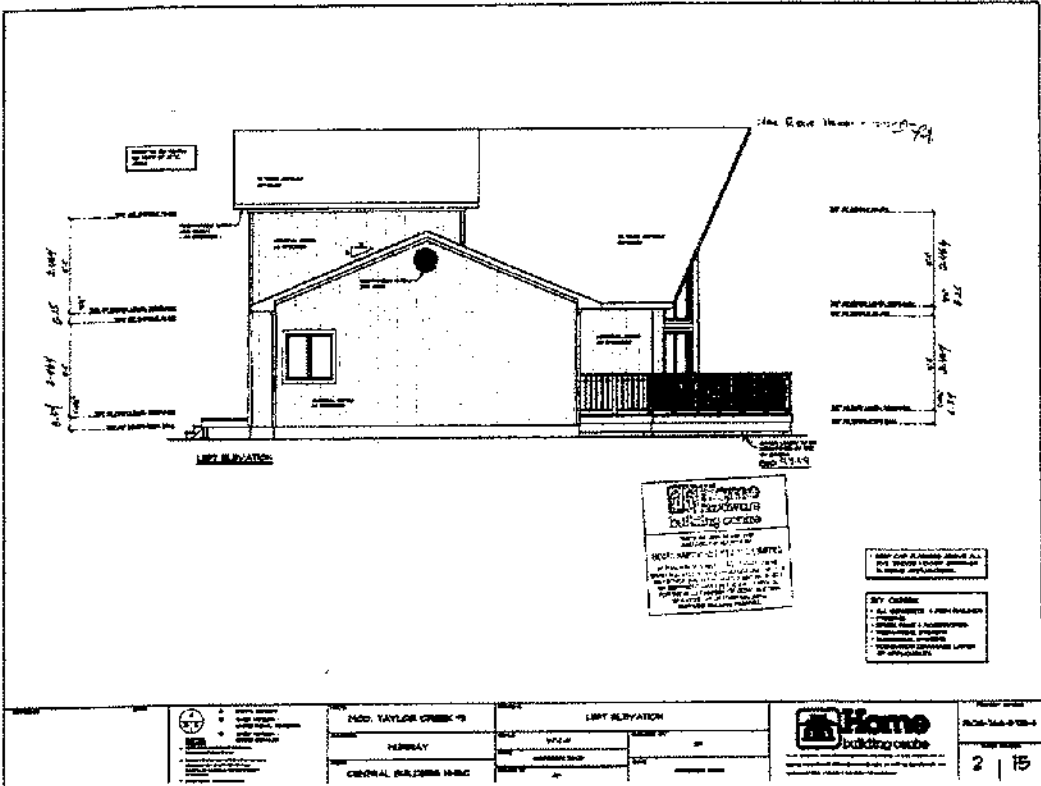
**BY ORDER:**

- ALL WORKMANSHIP TO BE ACCORDING TO THE NATIONAL BUILDING CODE.
- ALL MATERIALS TO BE APPROVED BY THE LOCAL AUTHORITY.
- ALL MATERIALS TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.
- ALL MATERIALS TO BE INSTALLED IN ACCORDANCE WITH THE NATIONAL BUILDING CODE.
- ALL MATERIALS TO BE INSTALLED IN ACCORDANCE WITH THE LOCAL AUTHORITY.

**Home Building Centre**

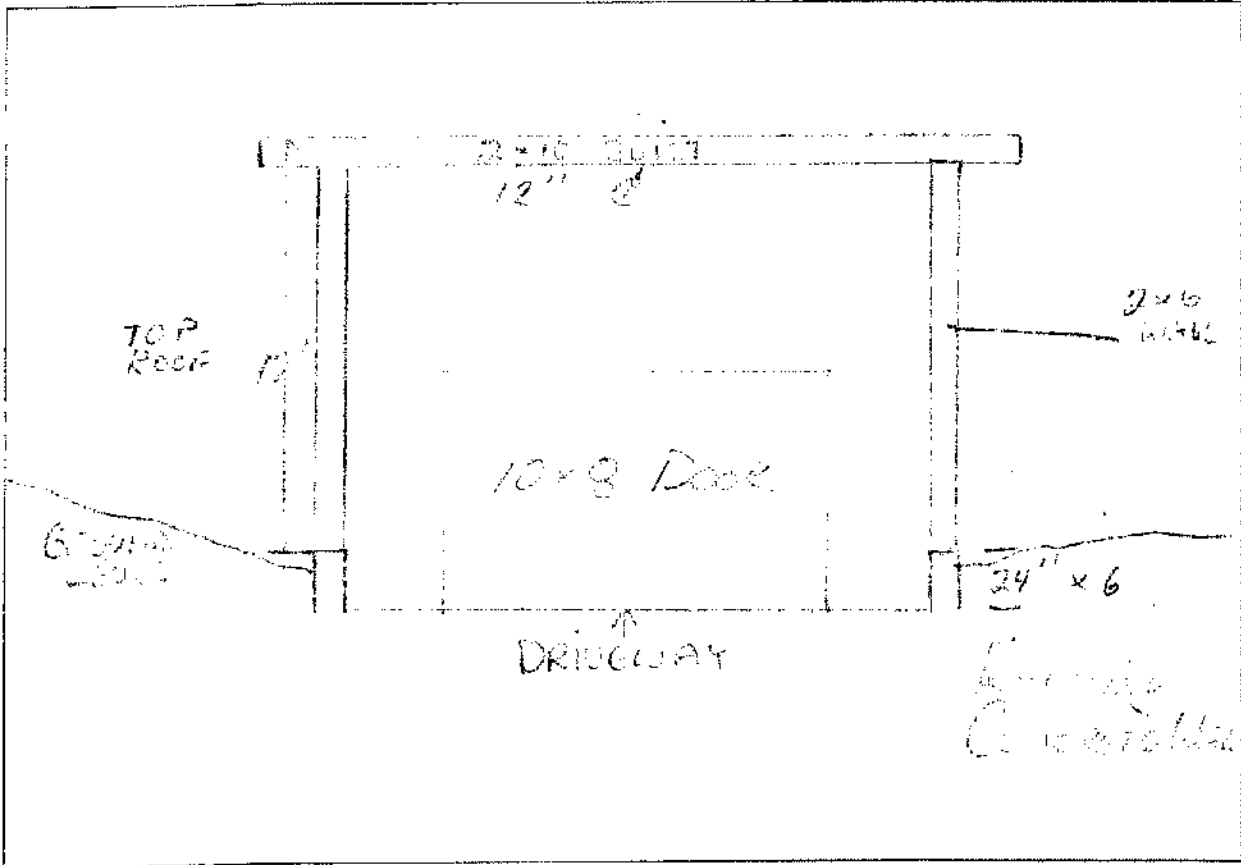
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Schedule No. 3  
Building Elevations – Dwelling Unit  
(Page 2 of 3)





Schedule No. 3  
Building Elevations - Garage  
(Page 3 of 3)



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**Schedule No. 4  
Geotechnical Report  
(Page 1 of 5)**



**Lewkovich Geotechnical Engineering Ltd.**

File No: G6893.01  
November 21, 2008

Mr. Ray Russell  
6102 Saunders Road  
Port Alberni, BC  
V9Y 8X7

Attention: Mr. Ray Russell

**PROJECT: 5363 GAINSBURG ROAD, DEEP BAY, BC**  
**SUBJECT: GEOTECHNICAL ASSESSMENT**

Dear Mr. Russell

**1. Introduction**

- a. At your request, Lewkovich Geotechnical Engineering Ltd. (LGE) has carried out a geotechnical assessment relating to the proposed development at 5363 Gainsburg Road, in Deep Bay, BC. The purpose of the work was to assess the ground conditions at the property and to provide geotechnical discussions and recommendations relating to slope stability and site development.
- b. The property is accessed by a driveway from Gainsburg Road. The legal description of the property is *Lot 3, District Lot 1, Newcomb District, Plan 20442*. The property currently has a single family residence located on the eastern half of the property. It is understood that the existing residence will be demolished to make way for a new residence.
- c. The following presents a summary of the observations made during a site reconnaissance, and provides geotechnical discussions and recommendations regarding the proposed development.

**2. Site Reconnaissance**

LGE visited the site on November 12, 2008. The following is a brief summary of the observations made during the recent site reconnaissance.

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**Schedule No. 4**  
**Geotechnical Report**  
**(Page 2 of 5)**

Client: Mr. Ray Russell  
Project: 5365 Gainsburg Road  
File No: G6895.01  
November 21, 2008  
Page 2 of 5

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- The property is situated between Gainsburg Road and Deep Bay Drive. The ground surface over the majority of the property slopes gently to the east, toward Deep Bay Drive. There is a residence on the eastern half of the property. There is an old concrete wall near the east property line. East of the concrete wall, the ground slopes at an approximate 40 degree angle down to Deep Bay Drive.
- The area east of the concrete wall is densely vegetated with berry vines, bushes and tall grass. The crest of the slope down to Deep Bay Drive is approximately 1.2m east of the concrete wall. There is a gap at the centre of the concrete wall where stairs lead down to the crest of the slope. The area below the crest of the slope has been partially cleared of vegetation to allow a stairway to be placed down to Deep Bay Drive. Two significant cracks were noted in the concrete wall and the wall is slightly bowed out toward Deep Bay Drive. This indicates that regression of the slope crest is occurring.
- The slope is around 4m in total height having an angle around 40°, with a generally straight and uniform ground surface. There were no noticeable old failure scarps or slab failures. No seepage was observed from the face or toe of the slope.
- Surficial soils exposed in hand augured test holes in the lot consist of a 0.3m layer of loose sandy topsoil, over 0.5m of compact alluvial sand and gravel over dense sand and gravel.

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**Schedule No. 4  
Geotechnical Report  
(Page 3 of 5)**

Client: Mr. Ray Russell  
Project: 5363 Gainsburg Road  
File No: G689301  
November 21, 2008  
Page 3 of 5

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### 3. Discussions and Recommendations

- a. The cracks and slight bowing of the concrete wall near the crest of the slope indicate that the slope is not static and that slow downslope movement (creep) of the surficial soils is taking place. The dense vegetation on the slope face retards regression of the crest of the slope, and should not be disturbed.
- b. Based on the conditions observed during the November 12, 2008 site reconnaissance, and on the interpreted mechanism of slope movement described above, it is considered that the backing set back of 3.0m from the crest of the slope to the proposed residence/addition would be sufficient so that the site would be safe, from a geotechnical perspective, for the use intended. The safe condition is dependent on implementation of the following recommendations:
  - i. The footings for the proposed residence/addition should be founded a minimum of 0.6 m below current ground surface. It is anticipated that the bearing subgrade soil would consist of intact, unweathered, natural, granular soil.
  - ii. Footings for decks and ancillary buildings may be located less than 3.5m from the slope crest. The building setback recommended in the report applies only to the residence. Ancillary buildings and decks may be located within the setback area, provided that their foundations are completely separate from the residence foundations and they do not form an integral part of the residence structure. Buildings that are not intended to be occupied on a permanent basis may also be located within the setback area.

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**Schedule No. 4  
Geotechnical Report  
(Page 4 of 5)**

Client: Mr. Ray Russell  
Project: 5363 Gainsburg Road  
File No: G689301  
November 21, 2008  
Page 4 of 5

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It should be noted, however, that structures within the setback area could be subject to the geotechnical hazard of slope crest regression. The Owner must be made aware of this potential for eventual damage to the structures constructed within the setback area.

- iii. Drainage from the residence - including runoff from the roof and hard surfaced areas and perimeter drain effluent - should not be discharged near the slope crest or directly onto the slope surface. Drainage should be collected and conveyed to a suitable drainage system. If storm sewers are not available, a rock pit may be used to collect and disperse storm water. The rock pit must be located at least 5m from the crest of the slope.
- iv. During construction, excavation spoil or debris should not be discharged or dumped onto the slope. Similarly, site development should not increase the elevation of the slope crest through placement of fill.
- c. Sptic fields must be located at least 5m from the crest of the slope.

Lowlowich Geotechnical Engineering Ltd.

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**Schedule No. 4  
Geotechnical Report  
(Page 5 of 5)**

Client: Mr. Ray Russell  
Project: 5363 Gainsburg Road  
File No: G4893-01  
November 21, 2008  
Page 5 of 5



**4. Closure**

- a. Lewkovich 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.
  
- b. Lewkovich Geotechnical Engineering Ltd. acknowledges that this report has been prepared for and at the expense of the Owner of the subject land. Lewkovich Geotechnical Engineering Ltd. has not acted for or as an agent of the Regional District of Nanaimo in the preparation of this report.
  
- c. Lewkovich 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.

Yours truly,

**Lewkovich Geotechnical Engineering Ltd.**



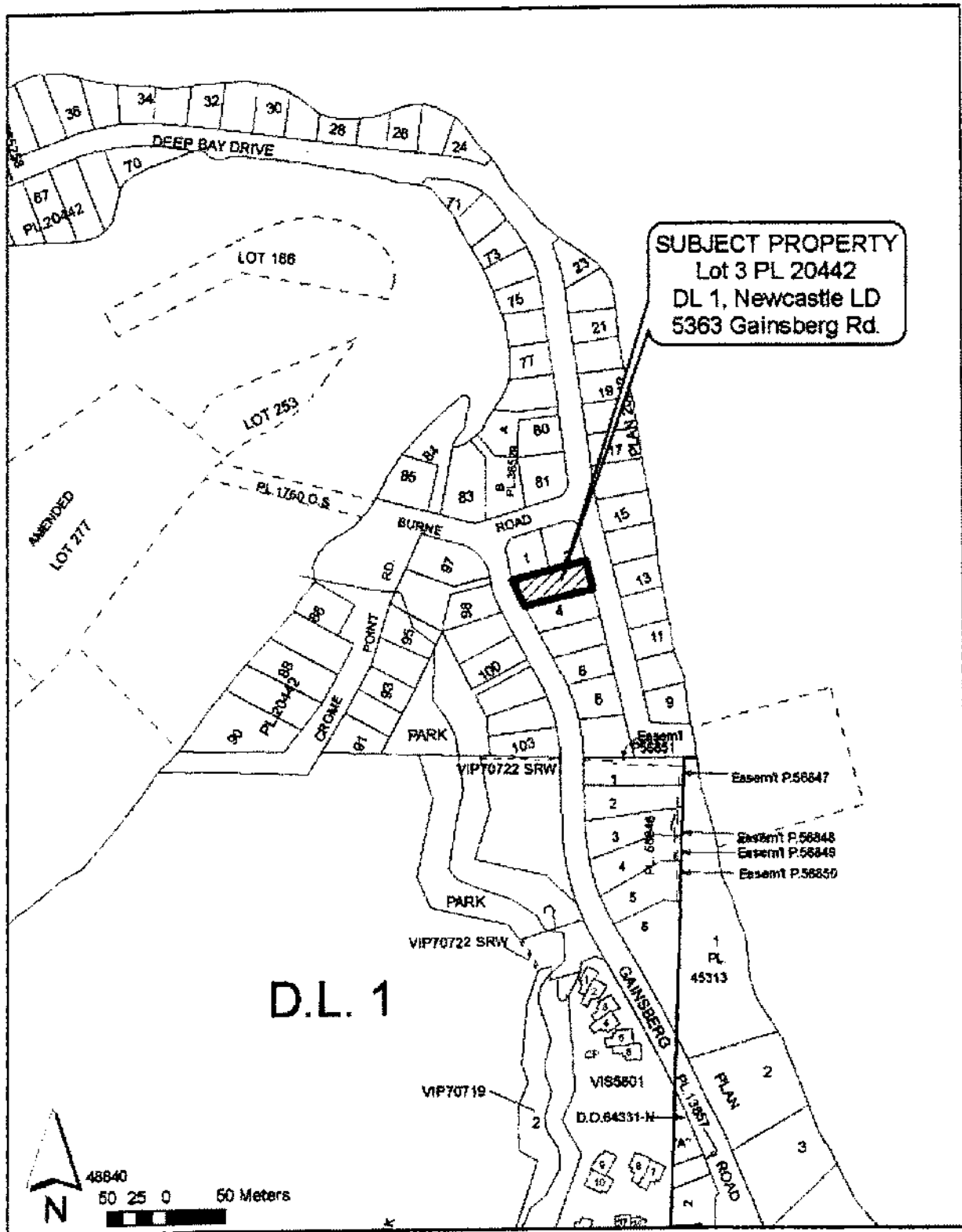
Chris Hudec, M.A.Sc., P.Eng.  
Project Engineer

Reviewed By:

John Hessel, ASCE  
Senior Technologist

Lewkovich Geotechnical Engineering Ltd.

Attachment No. 1  
Location of Subject Property





**REGIONAL  
DISTRICT  
OF NANAIMO**

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CCW	<i>[Signature]</i>
DEC 30 2008	
ENV	
BYLAW	

**MEMORANDUM**

**TO:** Geoff Garbutt  
Manager of Community Planning

**DATE:** December 30, 2008

**FROM:** Lainya Rowett, Planner

**FILE:** 3090 30 90823

**SUBJECT:** Development Variance Permit Application No. 90823 – Donald Ballard  
Lot 26, District Lot 28, Nanoose District, Plan VIP62528  
Electoral Area 'G'

**PURPOSE**

To consider an application for a Development Variance Permit to vary the minimum front yard setback requirement in order to facilitate the construction of a single dwelling unit on an existing residential lot.

**BACKGROUND**

This is an application to vary the minimum front yard setback requirement in order to facilitate the construction of a single dwelling unit on a residential property located at 1751 Admiral Tryon Boulevard in Electoral Area 'G,' legally described as Lot 26, District Lot 28, Nanoose District, Plan VIP62528 (see *Attachment No. 1 for Subject Property Map*).

The subject property (715 m<sup>2</sup>) is zoned Residential 5 (RS5) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," and is designated "Neighborhood Residential" in the "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008." The property is located within the following Development Permit Areas (DPA) of this OCP: Farmland Protection; Fish Habitat Protection; Form and Character; and, Environmentally Sensitive Features for Aquifer and Coast Protection. The proposal meets the exemption criteria of each of these DPAs, so a Development Permit is not required.

The applicant proposes to construct a single dwelling unit, approximately 327 m<sup>2</sup> (3,523 ft<sup>2</sup>) in floor area with access from Admiral Tryon Boulevard. The minimum front yard setback for buildings and structures in the RS5 Zone is 8.0 metres. The proposed building setback is 5.0 metres for a portion of the building on the west elevation. The applicant proposes a Development Variance Permit to reduce the minimum required front yard setback from 8.0 metres to 5.1 metres (see *Schedules No. 2 and 3 for Survey Plan and Building Elevations*).

**ALTERNATIVES**

1. To approve the Development Variance Permit as submitted subject to the conditions outlined in *Schedules No. 1 to 3*.
2. To deny the Development Variance Permit.

**LAND USE AND DEVELOPMENT IMPLICATIONS**

The proposed setback variance of 3.0 metres would only apply to a portion of the dwelling on the west elevation, where the road (Admiral Tryon Boulevard) curves inward towards the lot (see *Schedule No. 2*). All other portions of the building comply with the requirements of the RS5 Zone, and Development Permit No. 77, which also applies to this property.



The proposed dwelling location would also meet the required 8.0 m setback from the sea, as measured from the natural boundary of the Strait of Georgia, and the 15.0 m setback required in an existing covenant registered on the Title of the property. No negative environmental impacts are anticipated as a result of the proposed variance.

The proposed house design would also meet the minimum flood construction elevation of 4.1 metres above sea level, for all habitable space within the dwelling. A crawl space with a maximum 1.5 metres (5 ft.) height is proposed below the flood construction level, as permitted in the General Flood Construction Level Exemptions of the Regional District of Nanaimo Floodplain Bylaw No. 1469.

In staff's assessment, the proposed setback variance is appropriate given the site configuration and would not result in a negative impact on adjacent properties.

### SUSTAINABILITY IMPLICATIONS

The proposed dwelling would be located within an existing building envelope that was previously cleared, and have access from an existing roadway. All habitable space within the dwelling will be located above the flood construction level, and the dwelling setback from the sea would protect the environmentally sensitive area along the coast.

### PUBLIC CONSULTATION IMPLICATIONS

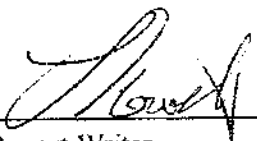
As part of the required public notification process, pursuant to the *Local Government Act and RDN Bylaw 1432*, property owners located within a 50 metre radius, must receive notice of the proposal and will have an opportunity to comment on the proposed variance, prior to the Board's consideration of the permit.


### SUMMARY/CONCLUSIONS

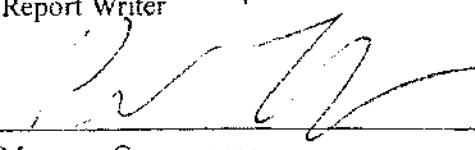
This is an application to vary the minimum front yard setback requirement of the RSS Zone from 8.0 metres to 5.0 metres, to facilitate the construction of a single dwelling unit on an existing residential property. Given the lack of negative impacts on the subject property or adjoining lots, staff recommends approval of the Development Variance Permit as submitted.

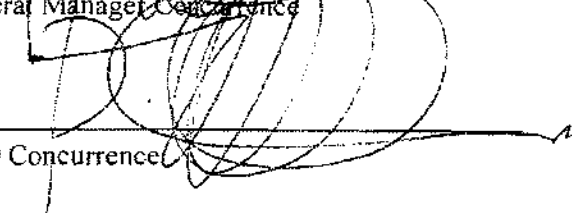
### RECOMMENDATION

That Development Variance Permit application No. 90823 submitted by Fern Road Consulting Ltd. for the property legally described as Lot 26, District Lot 28, Nanoose District, Plan VIP62528 be approved subject to *Schedules No. 1 to 3* of the staff report and consideration of comments received as a result of notification of adjacent owners/occupants.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
General Manager Concurrence

  
\_\_\_\_\_  
A/ Manager Concurrence

  
\_\_\_\_\_  
X/ CAO Concurrence

**Schedule No. 1  
Conditions of Development Variance Permit No. 90823  
1751 Admiral Tryon Blvd**

**The following sets out the terms of Development Variance Permit No. 90823:**

***Bylaw No. 500, 1987 – Variance***

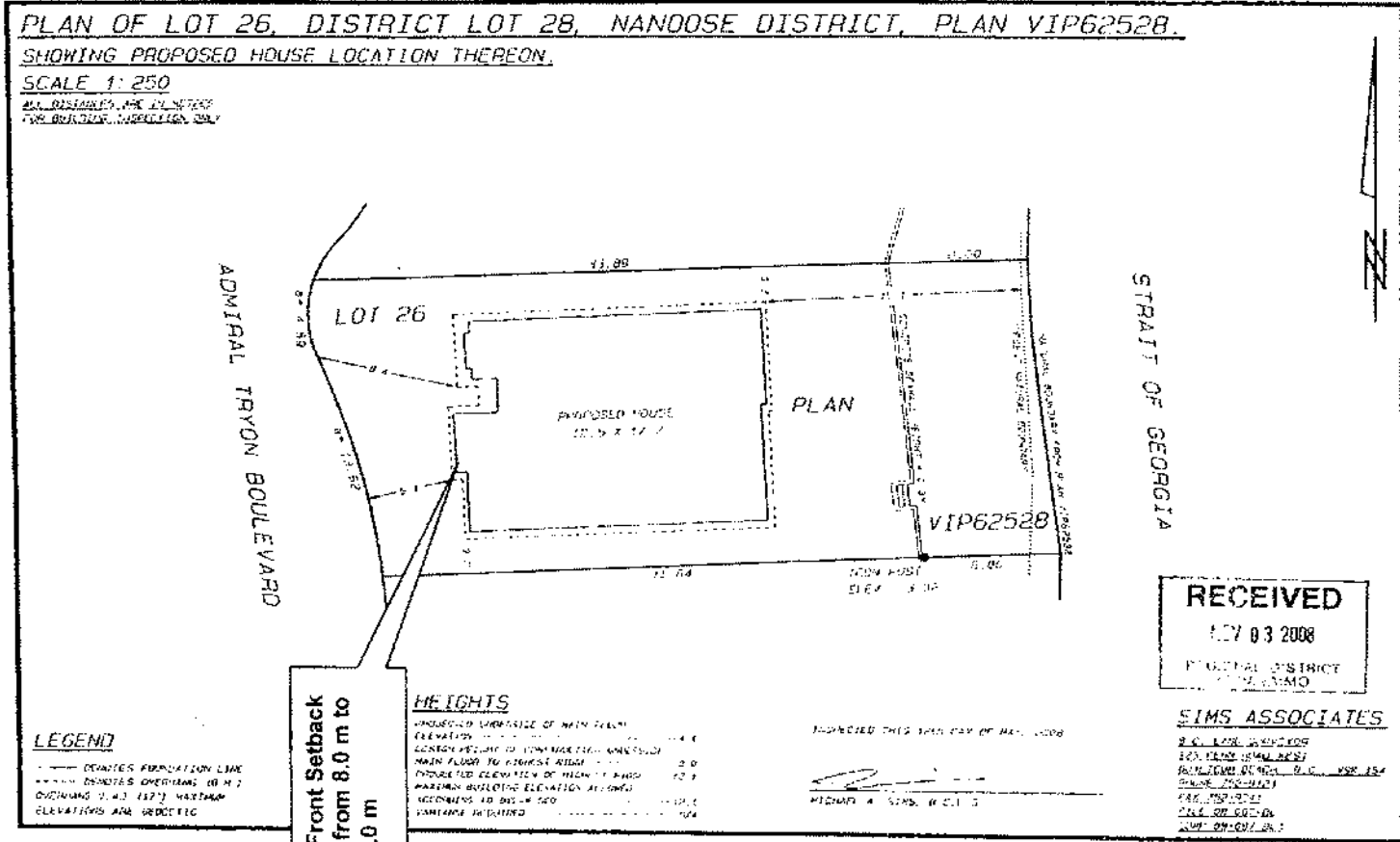
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” is varied as follows:

1. **Section 3.4.65, *Minimum Setback Requirements*** 2. ***All other buildings and structures: Front and exterior lot lines*** is hereby varied by reducing the minimum front lot line setback for the proposed dwelling, located on Lot 26, District Lot 28, Nanoose District, Plan VIP62528, from 8.0 m to 5.0 m as shown on *Schedules No. 2 and No. 3*.

***Conditions of Permit***

1. The proposed dwelling shall be sited in accordance with the survey prepared by Michael Sims of Sims Associates and dated May 12, 2008 attached as *Schedule No. 2*.
2. The proposed dwelling shall be developed in accordance with the building elevations attached as *Schedule No.3*.
3. The proposed portion of the building to be used as a crawl space shall not exceed a height of 1.5 metres, in accordance with the General Flood Construction Level Exemptions in Section 16 e) of the Regional District of Nanaimo Floodplains Bylaw No. 1469.

Schedule No. 2  
 Survey Plan for 1751 Admiral Tryon Blvd





Schedule No. 3 (Page 2 of 3)  
 Proposed Building Elevations for 1751 Admiral Tryon Blvd

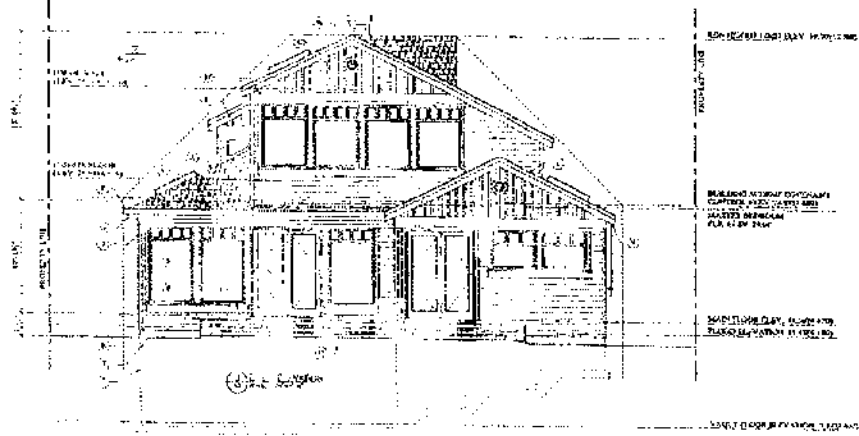
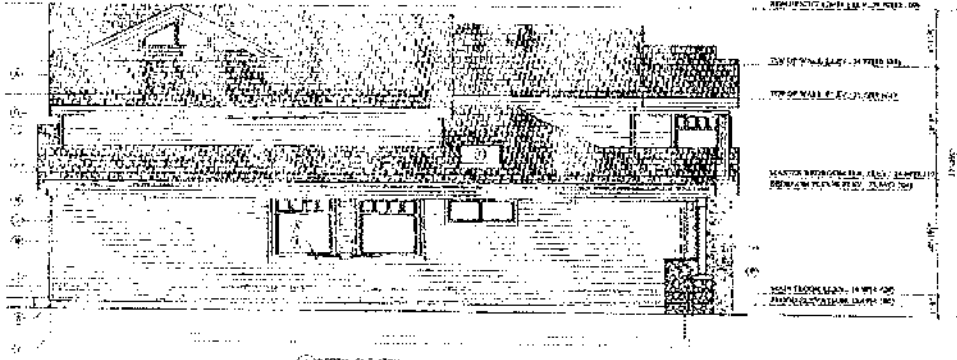
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**REVISIONS**

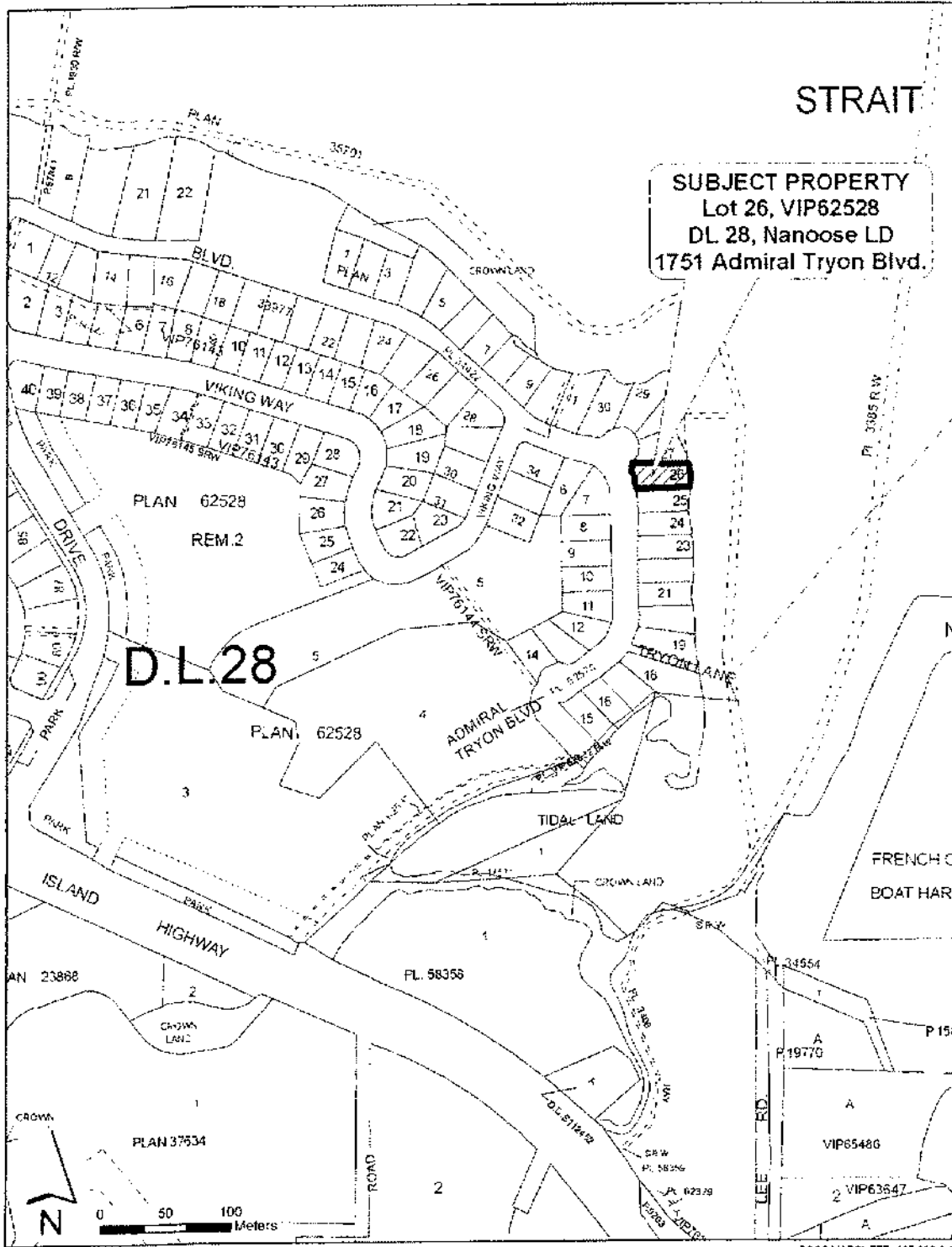
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Schedule No. 3 (Page 3 of 3)  
 Proposed Building Elevations for 1751 Admiral Tryon Blvd



- ELEVATION KEYNOTES**
- 1. EXTERIOR WALLS TO BE BRICK
  - 2. SHINGLES TO BE USED FOR SIDING
  - 3. BATT INSULATION
  - 4. TRIM TO BE WOOD
  - 5. TRIM TO BE WOOD
  - 6. SHINGLES TO BE USED FOR SIDING
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  - 97. 1/2" X 4" PAINTED WOOD SHIM
  - 98. 1/2" X 4" PAINTED WOOD SHIM
  - 99. 1/2" X 4" PAINTED WOOD SHIM
  - 100. 1/2" X 4" PAINTED WOOD SHIM

**Attachment No. 1**  
**Location of Subject Property**



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**TO:** Geoff Garbutt  
Manager of Current Planning

**DATE:** December 30, 2008

**FROM:** Angela Buick  
Planning Technician

**FILE:** 3090 30 90824

**SUBJECT:** Development Variance Permit Application No. 90824  
The World of Pentecost Church  
Lot 7, Section 18, Range 3, Mountain District, Plan 34810  
Electoral Area 'C', RDN Map Ref. No. – 92F.20.4.4

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#### PURPOSE

To consider an application for a Development Variance Permit to vary the maximum height of an addition to an existing dwelling unit on a property located at 3606 Allsop Road.

#### BACKGROUND

The subject property is located at 3606 Allsop Road in Electoral Area 'C', legally described as Lot 7, Section 18, Range 3, Mountain District, Plan 34810 (see Attachment No. 1 for location of the subject property). The subject property is 2.024 hectares in size and is relatively flat. The lot is bordered by developed rural residential lots to the north, south and west and Allsop Road along the eastern boundary. The subject property is zoned Public 1 (PU1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The parcel is located within the Fish Habitat Protection Development Permit Area (DPA) pursuant to "Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Bylaw No. 1055, 1997". The property does not contain a watercourse therefore the application is exempt from the requirements of the Fish Habitat Protection DPA. The applicant has completed the "Sustainable Community Builder Checklist", as per Board policy and there are no implications related to this application.

The subject property is located within a Regional District of Nanaimo building inspection area. A building permit was issued in 1980 for the existing house. On September 23, 2008, the Regional District of Nanaimo (RDN) bylaw enforcement staff received a complaint that the owners of the subject property were performing major renovations/additions to a single family dwelling without a building permit. Staff attended the property and confirmed that extensive alterations requiring a building permit were underway. A Stop Work Order was issued informing the owners to cease all construction until a building permit had been obtained. A subsequent site visit on September 30, 2008, revealed that construction was progressing after the Stop Work Order was posted. A third site visit revealed further work progress. On October 30, 2007 the owner submitted an application for a building permit and contacted the Planning Department to discuss variance options. On December 9, 2008 the applicant submitted an application for a Development Variance Permit.



### ***Requested Variance Summary***

The applicants are requesting to vary Section 3.4.41, Maximum Number and Size of Buildings and Structures of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," as follows:

1. The maximum height is requested to be increased from 8.0 metres to 9.0 metres for the dwelling unit, labelled 'house', on the legal survey submitted by the applicant (see *Schedule No. 2*).

### **ALTERNATIVES**

1. To approve Development Variance Permit No. 90824 subject to the conditions outlined in Schedules No. 1 to 4 and the notification requirements of the *Local Government Act*.
2. To deny the requested variance.

### **DEVELOPMENT VARIANCE PERMIT POLICY B1.5**

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 that the potential impacts of the variance are warranted by the need for the variance.

The applicants have provided the following justifications for the requested setback variance:

- All adjacent properties are zoned Rural 1 (RU1) which allows a 9 meter maximum height and therefore the proposed variance would be consistent with the maximum building height on surrounding properties.
- There are no view implications for adjacent property owners with respect to the requested variance.

### **LAND USE AND DEVELOPMENT IMPLICATIONS**

The proposed height variance of 1.0 metre facilitates the addition of a second storey to an existing dwelling unit (see *Schedule No. 3*). The addition generally suits the natural topography of the property and is equivalent to the maximum permitted height of surrounding properties. All other portions of the building comply with the zoning requirements.

The dwelling unit is located at the rear of the property and is well screened from the neighbours by existing trees and vegetation which will not be removed as part of this construction. The proposed variance to the existing dwelling unit integrates well into the surrounding built and natural landscape. Therefore, the variance will impose minimal visual intrusion on neighboring properties. In staff's assessment, the proposed variance is reasonable and the proposed building would not negatively impact the subject property or adjacent properties.

### **Public Consultation Process**

As part of the required public notification process, pursuant to the *Local Government Act* and RDN Bylaw No. 1432, 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.

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

## SUSTAINABILITY IMPLICATIONS

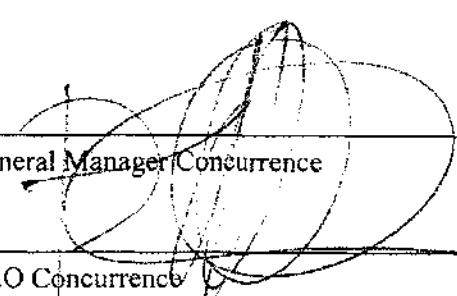
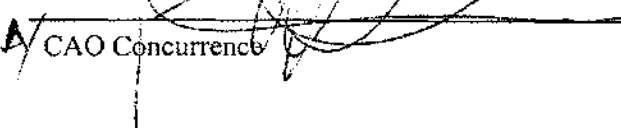
In keeping with Regional District of Nanaimo Board policy, the applicant has completed the “Sustainable Community Builder Checklist.” The dwelling unit has been expanded in order to provide housing to a parsonage and church related needs therefore providing for additional onsite housing. The second storey addition does not require an expansion of the building footprint and the existing driveway will provide access. Therefore, no vegetation removal was necessary.

## SUMMARY/CONCLUSIONS

This application for a Development Variance Permit requests a 1.0 metre increase in the maximum permitted height from 8.0 metres to 9.0 metres to recognize a second storey addition to an existing dwelling unit on a property located at 3606 Allsop Road in Electoral Area ‘C’. The property is in a building inspection area and the applicant commenced construction of the second storey without a permit. After being advised that a building permit was required, applications were submitted for a building permit and a Development Variance Permit. Given the lack of negative impacts to the subject property and adjoining lots, staff recommend approval of the Development Variance Permit as submitted.

## RECOMMENDATION

That Development Variance Permit Application No. 90824, to vary the maximum height of a dwelling from 8.0 metres to 9.0 metres on the parcel legally described as Lot 7, Section 18, Range 3, Mountain District, Plan 34810 at 3606 Allsop Road, be approved subject to the condition outlined in *Schedules No. 1 to 4* and the consideration of comments received as a result of the notification of adjacent property owners/occupants.

  
\_\_\_\_\_  
Report Writer  
\_\_\_\_\_  
A/ Manager Concurrence  
\_\_\_\_\_  
General Manager Concurrence  
\_\_\_\_\_  
A/ CAO Concurrence

**Schedule No. 1**  
**Terms of Development Permit No. 90824**

***Bylaw No. 500, 1987 – Requested Variance***

With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” is varied as follows:

1. **Section 3.4.41**, Maximum Number and Size of Buildings and Structures Requirements is hereby varied by increases the maximum height from 8.0 metres to 9.0 metres for the existing dwelling unit, only as shown on *Schedules No. 2 and 3*.

***Conditions of Approval***

2. The second storey shall be in accordance with the survey prepared by Leigh A. Millan dated December 11, 2008 attached as *Schedule No. 2*.
3. The second storey shall be developed in accordance with the Building Elevations and Floor Plans submitted by the applicant attached as *Schedules No. 3 to 4*.

Schedule No. 2  
 Site Plan

BRITISH COLUMBIA LAND SURVEYOR'S  
 BUILDING LOCATION CERTIFICATE

LEGAL DESCRIPTION :

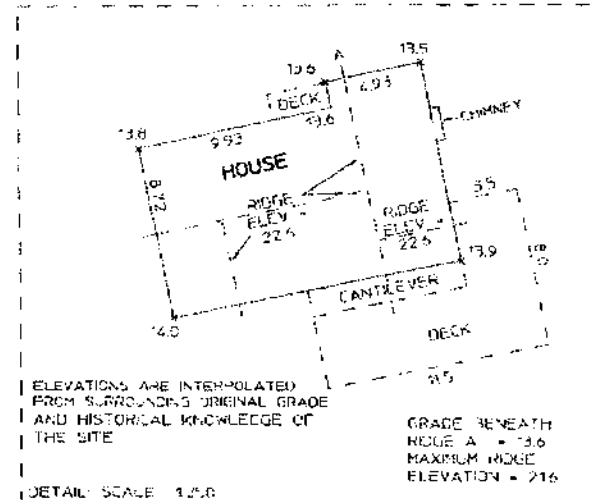
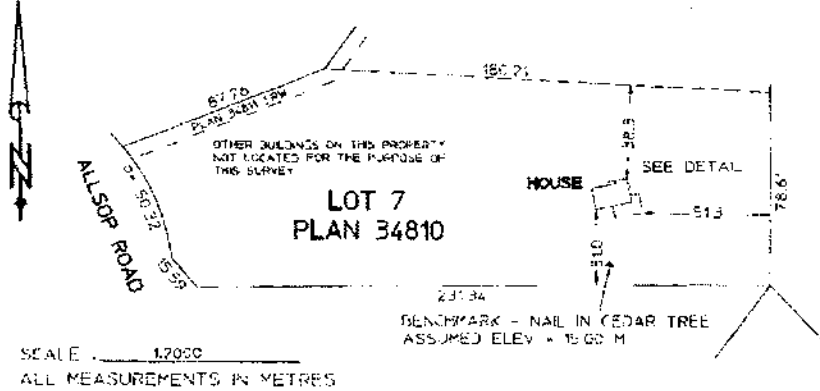
LOT 7, PLAN 34810, SECTION 18,  
 RANGE 3, MOUNTAIN DISTRICT

ELEVATIONS ARE REFERRED TO AN ASSUMED DATUM  
 REGIONAL DISTRICT OF NANAIMO ZONING - PUD

THIS DOCUMENT PREPARED FOR BUILDING INSPECTION AND BOARD OF VARIANCE  
 APPLICATION ONLY AND IS FOR THE EXCLUSIVE USE OF OUR CLIENT

THIS DOCUMENT SHOWS THE RELATIVE LOCATION OF THE SURVEYED  
 STRUCTURES AND FEATURES WITH RESPECT TO THE BOUNDARIES OF THE  
 PARCEL DESCRIBED ABOVE. THIS DOCUMENT SHALL NOT BE USED TO  
 DEFINE PROPERTY LINES OR PROPERTY CORNERS.

REGISTERED DOCUMENTS WHICH  
 MAY AFFECT THIS TITLE  
 #76400 EXEMPTIONS AND RESERVATIONS  
 224500 RIGHT OF WAY  
 215392 RIGHT OF WAY



LEIGH A. MILLAN  
 BRITISH COLUMBIA  
 LAND SURVEYOR  
 CANADA LANDS SURVEYOR

SITE NUMBER 102  
 170 WALLACE STREET  
 NANAIMO, B.C. V9R-5B1

FILE NO 515  
 F.B. NO L0058EAF... COMP FILE ANL0517

THIS DOCUMENT PREPARED FOR :  
 WORLD OF PENTECOST CHURCH

ADDRESS 3636 ALLSOP ROAD

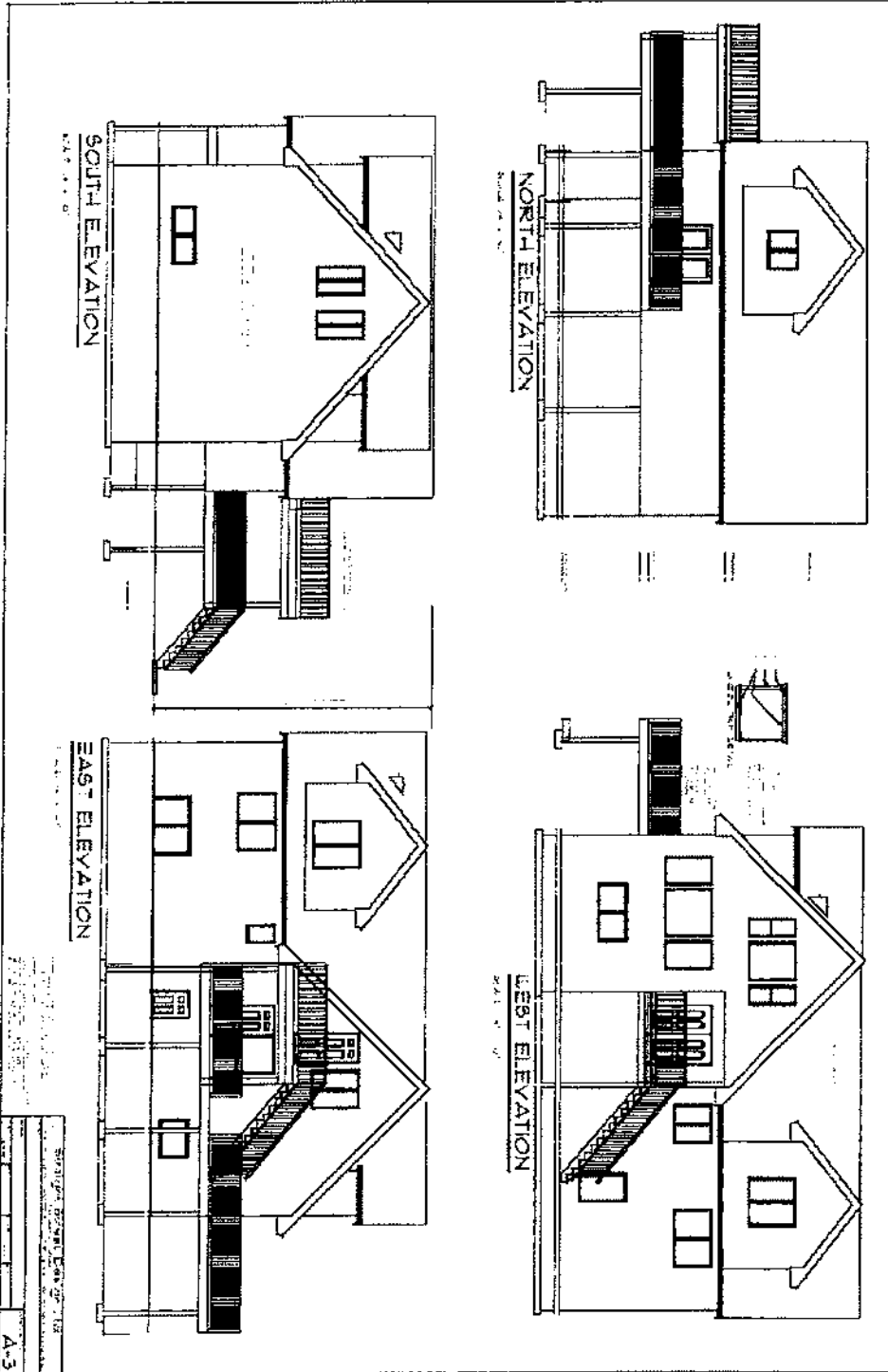
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CERTIFIED CORRECT

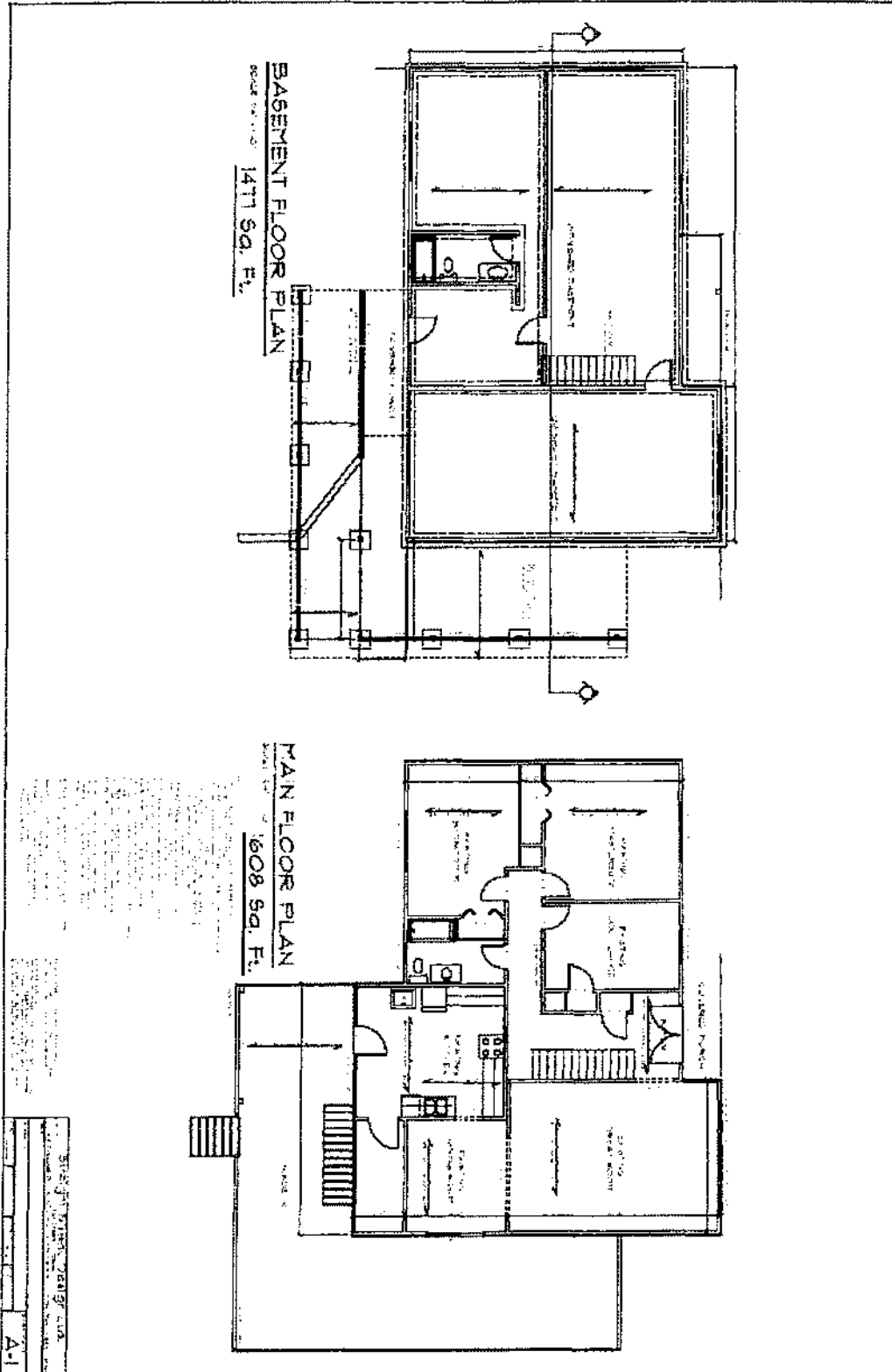
DATE DECEMBER 31, 2008

BCLS/CLS  
 © 2008 NOT VALID UNLESS  
 CRIMINALLY SIGNED  
 AND SEALED

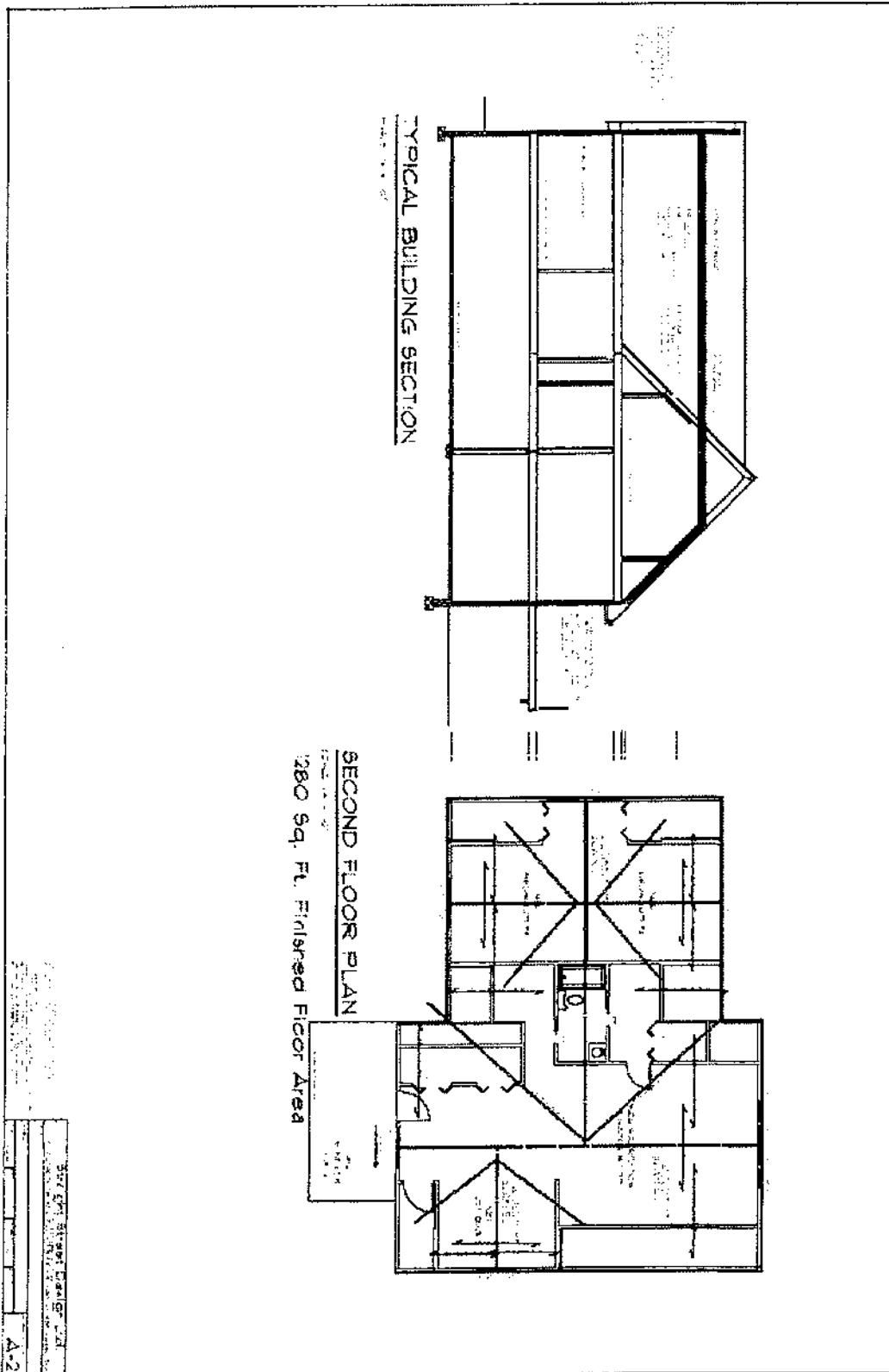
**Schedule No. 3  
Building Elevations**



Schedule No. 4  
Floor Plans  
(Part 1 of 2)



**Schedule No. 4**  
**Floor Plans**  
**(Part 2 of 2)**



**Attachment No. 1  
 Location of Subject Property**

