

**REGIONAL DISTRICT OF NANAIMO**

**ELECTORAL AREA PLANNING COMMITTEE**

**TUESDAY, MARCH 10, 2009**

**6:30 PM**

*(RDN Board Chambers)*

**A G E N D A**

**PAGES**

**CALL TO ORDER**

**DELEGATIONS**

**MINUTES**

3-4 Minutes of the regular Electoral Area Planning Committee meeting held February 10, 2009.

**BUSINESS ARISING FROM THE MINUTES**

**PLANNING**

***DEVELOPMENT VARIANCE PERMIT APPLICATIONS***

5-11 Development Variance Permit Application No. 90813 & Request for Relaxation of the Minimum Frontage Requirement – K & B Scott – 961 Clarke Road – Area ‘F’.

12-20 Development Variance Permit Application No. 90821 – F. Crucil & M. Coles – 2486 Pylades Drive – Area ‘A’.

21-26 Development Variance Permit Application No. 90901 – J. Hazlewood – 3551 Collingwood Drive – Area ‘E’.

27-33 Development Variance Permit Application No. 90902 – E. Guenther/J. Hazlewood – 3466 Simmons Place – Area ‘E’.

**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, FEBRUARY 10, 2009, AT 6:30 PM  
IN THE RDN BOARD CHAMBERS**

**Present:**

Director D. Bartram	Chairperson
Director J. Burnett	Electoral Area A
Director M. Young	Electoral Area C
Alternate	
Director F. Van Eynde	Electoral Area E
Director L. Biggemann	Electoral Area F
Director J. Stanhope	Electoral Area G
Director T. Westbrook	Town of Qualicum Beach
Director L. Sherry	City of Nanaimo

**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

**CALL TO ORDER**

The Chairperson welcomed Alternate Director Van Eynde to the meeting.

**MINUTES**

MOVED Director Stanhope, SECONDED Director Van Eynde, that the minutes of the Electoral Area Planning Committee meeting held January 13, 2009 be adopted.

CARRIED

**PLANNING**

***AMENDMENT APPLICATIONS***

**Zoning Amendment Application No. ZA0705 – Signal Road Pharmacy Ltd. & Walbern Ventures Inc. – Claudet & Prawn Roads – Area ‘E’.**

MOVED Director Van Eynde, SECONDED Director Biggemann, that the minutes of the Public Information Meeting held on October 1, 2008 be received.

CARRIED

MOVED Director Van Eynde, SECONDED Director Biggemann, that Zoning Amendment Application No. ZA0705 as submitted by Sims Associates, BCLS, on behalf of Signal Road Pharmacy Ltd. (an Alberta Company) & Walbern Ventures Inc., Inc. No. A58712 to rezone Lot 1, District Lot 84, Nanoose District, Plan 47545 from Rural 5 Subdivision District ‘D’ (RU5D) and Lot 2, Plan 47545, and Lot A, Plan VIP80224, both of District Lot 84, Nanoose District, from Resource Management 3 Subdivision District B (RM3B) to Rural 10 (RU10) Subdivision District ‘Z’ (No Further Subdivision) be approved to proceed to public hearing subject to the conditions included in Schedule No. 1.

CARRIED

MOVED Director Van Eynde, SECONDED Director Biggemann, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.348, 2009" be given 1<sup>st</sup> and 2<sup>nd</sup> reading.

CARRIED

MOVED Director Van Eynde, SECONDED Director Biggemann, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.348, 2009" proceed to Public Hearing.

CARRIED

MOVED Director Van Eynde, SECONDED Director Biggemann, that the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.348, 2009" be delegated to Director Holme or his alternate.

CARRIED

#### ***DEVELOPMENT PERMIT APPLICATIONS***

##### **Development Permit Application No. 60846 – Reid – 4179 Island Highway West – Area 'G'.**

MOVED Director Stanhope, SECONDED Director Young, that Development Permit No. 60846 submitted by Helen Sims of Fern Road Consulting Ltd. for the development of two residential lots within the Hazard Lands Development Permit Area for the parcel legally described as Lot A, District Lot 73, Newcastle District, Plan 14420 be approved, subject to the conditions outlined in Schedule No. 1.

CARRIED

#### ***DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS***

##### **Development Permit with Variances Application No. 60901 – Brown/Reynolds – 1995 Walsh Road – Area 'A'.**

MOVED Director Burnett, SECONDED Director Young, that Development Permit with Variances Application No. 60901, to legalize the siting of an existing garage on the property legally described as Lot 3, Section 16, Range 8, Cranberry District, Plan 25384, be approved subject to the conditions outlined in Schedules No. 1 to 4 and the notification requirements of the *Local Government Act*.

CARRIED

#### ***DEVELOPMENT VARIANCE PERMIT APPLICATIONS***

##### **Development Variance Permit Application No. 90817 – Dubyna – 2520/2528 East Wellington Road – Area 'C'.**

MOVED Director Young, SECONDED Director Van Eynde, that Development Variance Permit Application No. 90817 submitted by JE Anderson, BCLS, on behalf of R. Dubyna, in conjunction with the parcel legally described as Parcel A (DD 9237N) of Section 13, Range 5, Mountain District With Exceptions be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report and to the notification procedure pursuant to the *Local Government Act*.

CARRIED

#### **ADJOURNMENT**

MOVED Director Van Eynde, SECONDED Director Stanhope, that this meeting terminate.

CARRIED

TIME: 6:43 PM

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CHAIRPERSON



RDN REPORT	
CAO APPROVAL	
EAP	✓ 10-MAR-09
COW	
FEB 24 2009	
RHD	
BOARD	

MEMORANDUM

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

**DATE:** February 24, 2009

**FROM:** Angela Buick  
Planning Technician

**FILE:** 3320 30 90813  
c/r 3320 30 27843

**SUBJECT:** Development Variance Permit Application No. 90813 &  
Request for Relaxation of the Minimum Frontage Requirement  
Applicant: Karen and Brad Scott  
Electoral Area 'F' - 961 Clarke Road Folio: 769. 011753.000

PURPOSE

To consider a request to relax the minimum frontage requirement for a Section 946 lot in conjunction with a two lot subdivision on a property located in Electoral Area 'F'.

BACKGROUND

The parent parcel, which is 13 ha in size and is legally described as Lot A (DD 3792N) of Lot 1, District Lot 74, Newcastle District, (Part of which is situated in Cameron District), Plan 2002, Except Parts in Plans VIP72673 and VIP80243. The property located at 961 Clarke Road within Electoral Area 'F', is zoned A-1.28 (Agriculture 1) with a Minimum Lot Size of 4.0 ha pursuant to "Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002". The parent parcel is located within the Agricultural Land Reserve. (see Attachment No. 1 for location of subject property).

The applicant is proposing to subdivide the subject property into two lots; Lot 2 (0.25 ha in size) and a Remainder Lot (12.78 ha in size) (see Schedule No. 2 for proposed subdivision layout). Proposed Lot 2 will not meet the minimum parcel size requirement whereas the Proposed Remainder Lot will meet the minimum lot size pursuant to Bylaw No. 1285, 2002 minimum lot size provisions. Notwithstanding, pursuant to Section 946 of the Local Government Act, where a property is located in the ALR, a Section 946 parcel may be less than 1.0 ha where it has been approved by the Medical Health Officer. In this case, the Vancouver Island Health Authority has not given approval. However, the Provincial Approving Officer has indicated that all required information regarding septic and water have been provided to his satisfaction and is in a position to approve the proposed subdivision. Given the information provided by the Provincial Approving Officer, the requirements of Section 946 are being met; as a result, the Section 946 parcel will meet the minimum parcel size requirements pursuant to the Local Government Act.

The parent parcel is designated within the Fish Habitat Protection Development Permit Area pursuant to the Electoral Area 'F' Official Community Plan Bylaw No, 1152, 1999 for the protection of fish habitat and its riparian areas. The proposed Lot 2 is located outside the Riparian Assessment Area; as a result, this subdivision application is exempt from requiring a Development Permit.

The subject property currently supports two dwelling units and three farm buildings. The surrounding land uses include rural residential zoning to the west and agricultural zoning to the north, east, and south.

In 2004, the Agricultural Land Commission (ALC) approved a three lot subdivision on the subject property. Resolution No. 68/2004 outlines the approval of the proposed plan of subdivision for three lots. The plan of subdivision included Lot 1 (4.0 ha), Lot 2 (13.03 ha) with the future option to subdivide a .25 ha lot. The applicant was unable to attain health approval for the third lot (Lot 2) and therefore re-applied for a two lot subdivision with the future option to subdivide the third parcel. The ALC granted this application as outlined in Resolution No. 68/2004.

In 2005, the Ministry of Transportation approved a two lot subdivision including Lot 1 (3.22 ha) and Remainder Lot (13.03 ha); the current application's parent parcel. During the subdivision process a covenant was placed on title for no further subdivision except for the proposed Lot 2 which was approved by the Agricultural Land Commission.

The proposed lot currently supports one dwelling unit and is served by a private well and septic disposal system. The parent parcel is outside a RDN Building Services Area.

As this proposed lot does not meet the minimum frontage requirement, approval from the Regional Board of Directors is required.

***Proposed Variance***

Proposed Lot 2, as shown on the proposed plan of subdivision, will not be able to meet the minimum lot frontage requirement pursuant to section 4.1.3c) of Bylaw No. 1285. The requested variance to the minimum frontage requirement is as follows:

<b><i>Proposed Lot No.</i></b>	<b><i>Required Frontage</i></b>	<b><i>Proposed Frontage</i></b>	<b><i>Variance</i></b>
2	100.0 m	21.3 m	78.7 m

**ALTERNATIVES**

1. To approve Development Variance Permit Application No. 90813, as submitted, subject to the conditions outlined in Schedules No. 1 and 2.
2. To deny the Development Variance Permit as submitted.

**DEVELOPMENT IMPLICATIONS**

***Agricultural Land Reserve Implications***

In 2004, the Agricultural Land Commission (ALC) approved a three lot subdivision on the subject property. Resolution No. 68/2004 outlines the approval of Application No. S-35170 which included the approval of the proposed plan of subdivision for the current proposed Lot 2. The plan of subdivision included Lot 1 (4.0 ha) Remainder Lot (13.03 ha) with the future option to subdivide Lot 2 (.25 ha). The Provincial Agricultural Land Reserve Commission has approved the subdivision of the subject property as proposed as long as it meets all other government bylaws and regulations.

***Site Servicing Implications***

The applicant received an authorization to operate a sewage disposal system from the Ministry of Health in 2004 for the proposed Lot 2.

Proof of potable water is subject to the approval of the Approving Officer and Zoning Bylaw No. 1285 requires proof of potable water for each proposed lot.

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

### ***Lot Configuration / Development Implications***

Proposed Lot 2 is proposed to be fronted on Harris Crescent which ends on the border of the western side of the property; this location was selected in order to retain the current dwelling unit and its existing on-site services.

### **PUBLIC IMPLICATIONS**

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

### **INTERGOVERNMENTAL IMPLICATIONS**

*Ministry of Transportation & Infrastructure* – The Provincial Approving Officer has indicated that they support the request for relaxation of the minimum lot frontage requirement for this proposed lot.

*Vancouver Island Health Authority (VIHA)* – The Provincial Approving Officer was unable to recommend RDN approval for the proposed lot due to soil depth and minimum lot size requirements. Notwithstanding, the Provincial Approving Officer has indicated that the minimum standards for septic disposal approval and lot size requirements have been met and are waiting for the Regional District of Nanaimo approval for the requested variance to relax the minimum frontage prior to subdivision approval.

*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 the Regional District of Nanaimo Board policy, the applicant has completed the “Sustainable Community Builder Checklist”. There are no sustainability implications related to this application.

### **VOTING**

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

### **SUMMARY**

This is a Development Variance Permit application to relax the minimum lot frontage requirement for Proposed Lot 2 of the proposed two lot subdivision involving a Section 946 lot for the subject property located between Harris Crescent and Clarke Road in Electoral Area ‘F’. The requested variance is outlined in *Schedule No. 1* of this report.

The subject property is located within the Provincial Agricultural Land Reserve. In 2004 an application for subdivision within the ALR was approved for the proposed subdivision. The resolution indicated that the approval will remain valid subject to compliance with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under enactment.


In 2005, the Ministry of Transportation approved a two lot subdivision including Lot 1 (3.22 ha) and Remainder Lot (13.03 ha). During the subdivision process a covenant was placed on title for no further subdivision except for the Proposed Lot 2 which was approved by the Agricultural Land Commission.

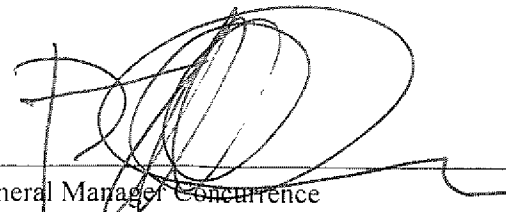
The Provincial Approving Officer was unable to recommend RDN approval for the proposed lot due to soil depth and minimum lot size requirements. Notwithstanding, the Provincial Approving Officer has indicated that the minimum standards for septic disposal approval and lot size requirements have been met and are waiting for the Regional District of Nanaimo approval for the requested variance to relax the minimum frontage prior to subdivision approval.

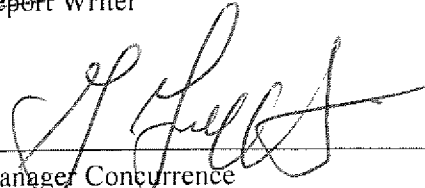
Given that the Agricultural Land Commission has approved the proposed subdivision; the Ministry of Transportation and Infrastructure staff support the request for relaxation of the minimum road frontage requirements, there is a past septic and water approval filed with the Ministry of Health, staff recommends approval subject to notification requirements of the *Local Government Act* (to approve of the request to relax of the minimum road frontage for the proposed Lot 2.)


**RECOMMENDATION**

That Development Variance Permit Application No. 90813 submitted by applicant, in conjunction with the subdivision on the parcel legally described as Lot A (DD 3792N) of Lot 1, District Lot 74, Newcastle District, (Part of which is situated in Cameron District), Plan 2002, Except Parts in Plans VIP72673 and VIP80243 and located at 961 Clarke Road within Electoral Area 'F', be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report and to the notification requirements pursuant to the Local Government Act.

  
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Report Writer

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

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

  
\_\_\_\_\_  
CAO Concurrence

COMMENTS:

**Schedule No. 1**  
**Development Variance Permit 90813**  
**Conditions of Approval / Proposed Variance**

**Conditions of Approval:**

The following sets out the conditions of approval in conjunction with Development Permit No. 90813:

**1. Subdivision**

- a. The subdivision of the lands shall be in substantial compliance with Schedule No. 2 (to be attached to and forming part of Development Variance Permit No. 90813).

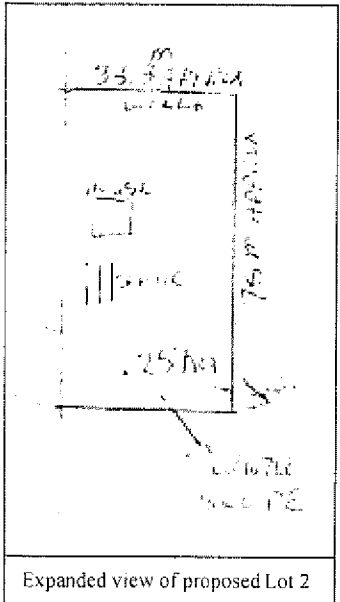
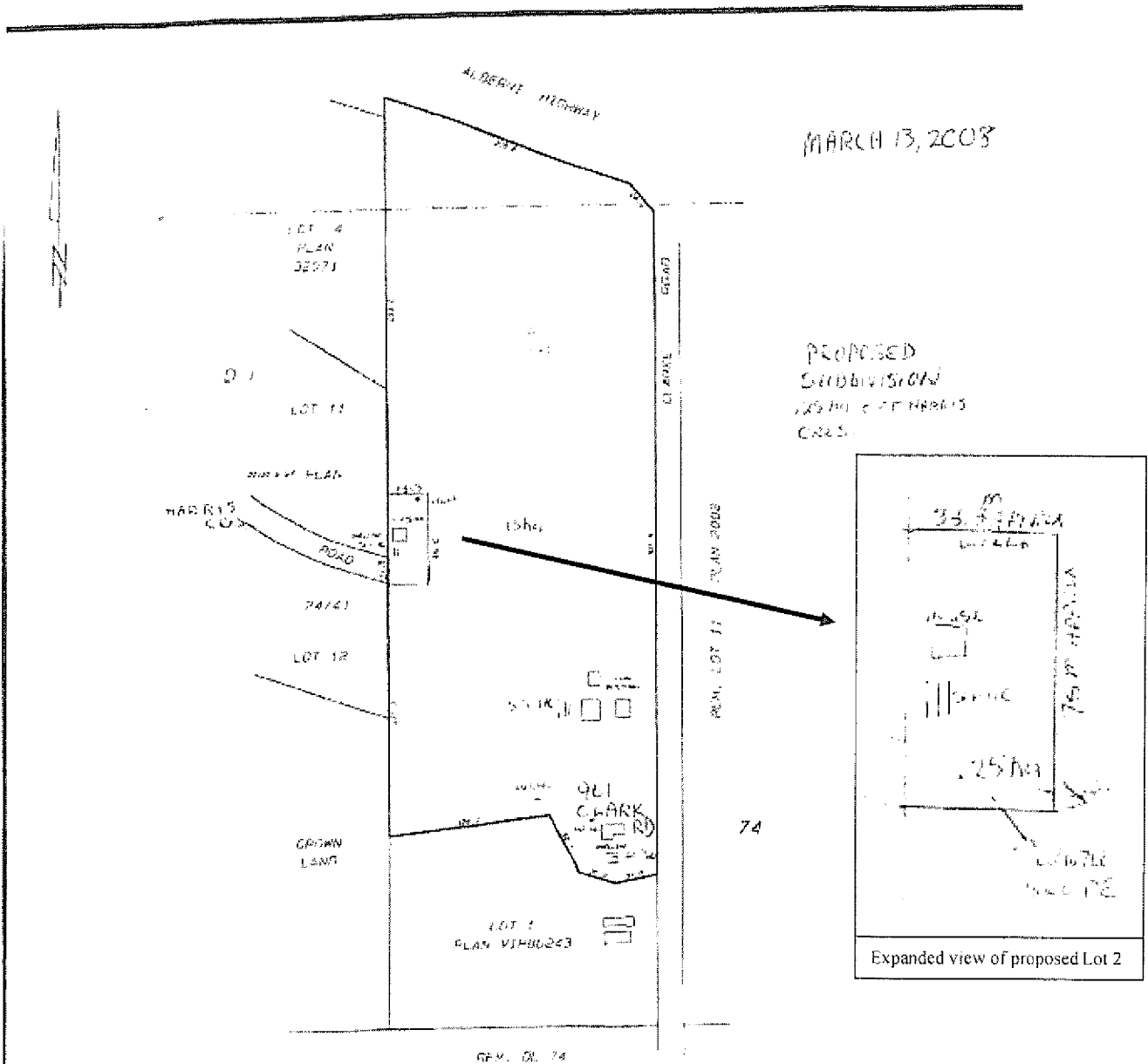
**Requested Variance:**

1. With respect to the lands, the Regional District of Nanaimo Zoning and Subdivision Bylaw No. 1285, 2002, is varied as follows:

**Section 4.1.3c) Minimum Lot Frontage** is reduced from 100 metres to 21.3 metres for Proposed Lot 2 as shown on the plan of subdivision on Schedule No. 2.



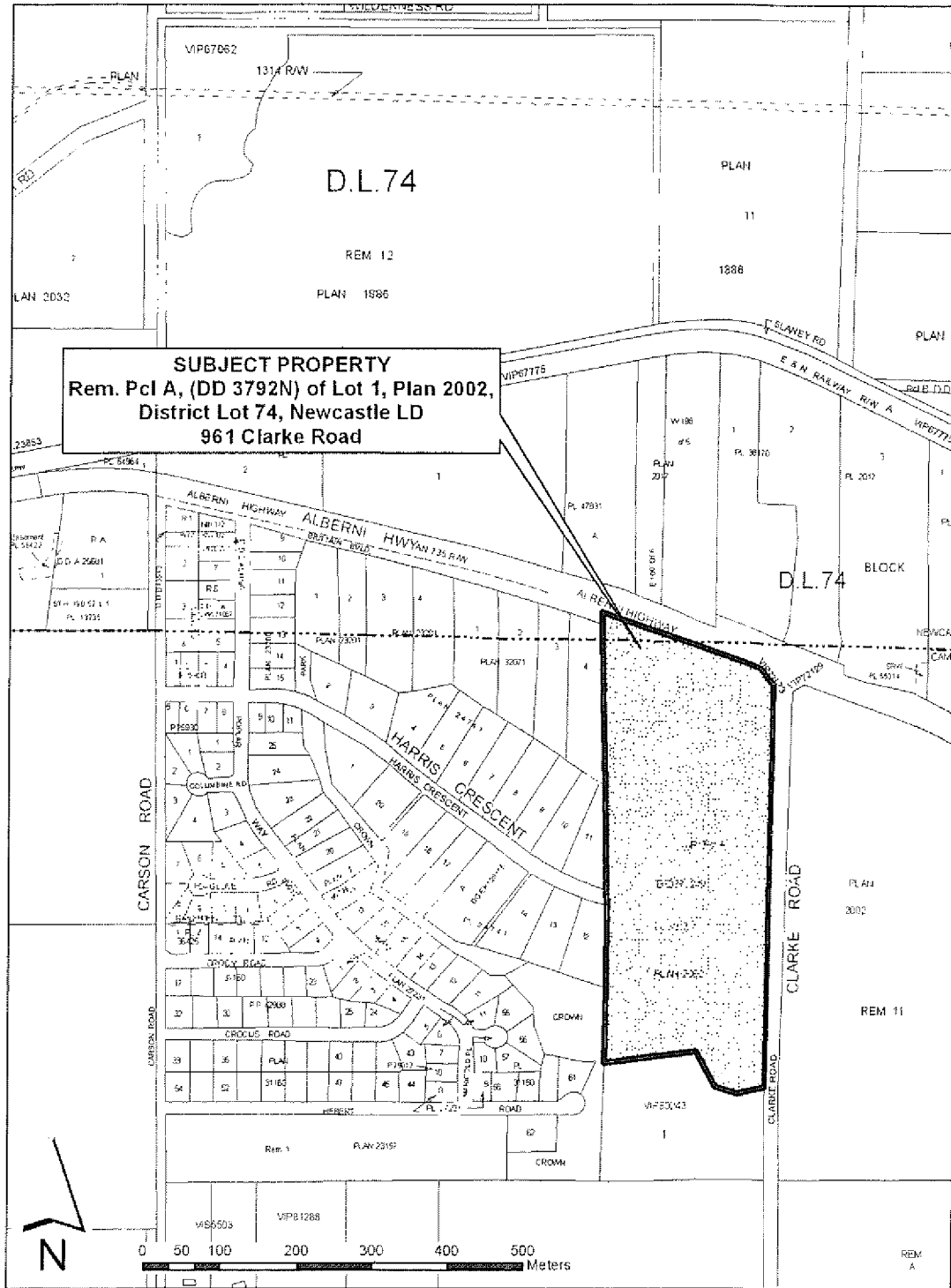
Schedule No. 2  
 Development Variance Permit 90813  
 Proposed Plan of Subdivision



ALL DIMENSIONS ARE APPROXIMATE

<p>PROPOSED LOT 11                  SUBDIVISION PLAN OF                  PARCEL A OF LOT 1, D.L. 74, WASHINGTON DISTRICT                  PART OF WHICH IS SITUATED IN GAMBURG DISTRICT                  PLAN 2002 EXCEPT PART IN PLANS V19023 &amp; V19024.</p>	<p>SCALE 1:2000                  ALL DISTANCES AND IN OTHERS                  ARE APPROXIMATE AND ARE NOT                  GUARANTEED.</p>	<p>DATE PREPARED                  IN FIGURES                  MAR 13/08                  BY KAREN A. COY</p>	<p>SIGN. AS REQUIRED BY                  THE ACT                  TO THE REGISTRAR                  KAREN A. COY                  REGISTRAR                  REG. OFFICE                  REG. DISTRICT</p>
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Attachment No. 1  
Development Variance Permit 90813  
Location of Subject Property



BCGS MAPSHEETS 02F 038 1.2 2 1



RDN REPORT	
CAO APPROVAL <i>CSJ</i>	
EAP	✓ 10-MAR-09
CCW	
FEB 17 2009	
RHD	
BOARD	

# MEMORANDUM

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

**DATE:** February 17, 2009

**FROM:** Lainya Rowett, Planner

**FILE:** 3090 30 90821

**SUBJECT:** Development Variance Permit Application No. 90821 Frank Crucil & Mindy Coles  
Lot 5, Section 8, Range 6, Cedar District, Plan 35929  
Electoral Area 'A' – 2486 Pylades Drive

## PURPOSE

To consider an application for a Development Variance Permit to vary the maximum height of structures to permit a boat hoist at 2486 Pylades Drive in Electoral Area 'A.'

## BACKGROUND

The applicants propose to vary the maximum height of structures in order to permit a boat hoist on crown land adjacent to an existing residential property located at 2486 Pylades Drive in Electoral Area 'A,' legally described as Lot 5, Section 8, Range 6, Cedar District, Plan 35929 (see *Attachment No. 1 Subject Property Map*).

The boat hoist was constructed during the winter of 2007/2008 and tested in June/July 2008. The applicants removed the hoist arm in July 2008 upon learning that the hoist did not conform with the RDN Bylaw No. 500 zoning requirements for maximum height of structures. A Development Variance Permit application was submitted to the RDN in October 2008. The applicants also submitted an application to the Integrated Land Management Bureau for a foreshore lease (private moorage).

The upland subject property (0.64 ha) is zoned Residential 2 (RS2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," and is designated "Rural Residential" in the "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001." The property is located within the Fish Habitat Protection Development Permit Area (DPA) of this OCP. The applicants have completed a Riparian Areas Regulation Property Declaration Form stating that there are no streams on or within 30 metres of the subject property; therefore, the application is exempt from the requirements of the Fish Habitat Protection DPA.

The foreshore, where the boat hoist is located, is zoned Water 1 (WA1), which restricts the maximum height of structures to 1.0 metre above the surface of water. The applicants propose a variance to increase the maximum permitted height for structures in the WA1 Zone from 1.0 metre to 4.9 metres, as shown on the Survey Plan in *Schedule No. 2*.

## ALTERNATIVES

1. To approve the Development Variance Permit as submitted subject to the conditions outlined in *Schedules No. 1 to 4*.
2. To deny the Development Variance Permit.

## LEGAL IMPLICATIONS

As outlined above, the applicants have argued that the proposed use of the boat hoist is permitted under the WA1 Zone. Staff has sought legal advice on the interpretation of a “boat hoist” in the context of the Regional District of Nanaimo Bylaw No. 500 definition of a “boat ramp.” Review of materials provided by the applicants confirms that the structure in question can be interpreted as meeting the definition of a ‘boat ramp’ in Bylaw No. 500 given that the Bylaw defines a “boat ramp” as:

*“A structure located on a shoreline to accommodate vehicles or trailers for the purpose of launching and hauling boats out of the water.”*

The boat hoist is designed specifically to haul boats out of the water, and the applicants have demonstrated how the ramp part of the structure, though not a typical or traditional ‘boat ramp,’ is used in connection with a trailer for the purpose of launching and hauling boats out of the water. The structure’s configuration appears to be suited for use with a trailer, and it appears the boat is lifted from the trailer on the hoist for placement in the water (*Schedule No. 4*).

Staff also confirmed that it is legally appropriate to register a Development Variance Permit on the upland property relative to the crown land lease area, which is not located within the subject property but is adjacent to the property.

## REGIONAL DISTRICT OF NANAIMO POLICY B 1.5

The Regional District of Nanaimo Development Variance Permit Application Policy B1.5 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 height variance:

- It will enable access to the ocean using a structure with minimal visual or physical intrusion of the native habitat along the foreshore;
- There is far less damage to the shoreline than if a traditional boat ramp were installed;
- The hoist was selected in lieu of a floating moorage due to exposure to open waters, high winds and heavy seas;
- The applicants considered various locations along the foreshore, but located the boat hoist on a rock outcrop that provides a suitable water depth for launching a boat. This outcrop rises approximately 10 feet above the high water mark, thereby contributing to the requested height variance;
- Public access along the beach is not affected by the hoist. The hoist will be accessed through the subject property;
- The hoist will be used for one boat only, and primarily used during the summer months;
- The applicants have discussed the application with adjacent property owners and have provided written support for the requested variance; and,
- There are no implications for adjacent property owners with respect to the requested variance.

## LAND USE AND DEVELOPMENT IMPLICATIONS

The proposed height of the boat hoist is 4.9 metres, as measured above the surface of the water (see *Schedule No. 3*). This represents a variance of 3.9 metres to the requirements of the WA1 Zone, to increase the maximum permitted height from 1.0 metre to 4.9 metres. The boat hoist meets all other requirements of the WA1 Zone, including a minimum setback of 3.0 metres. The hoist is setback 8.0 metres from the property line (*Schedule No. 2*).

Visibility of the hoist is limited along the foreshore, and will not be visible from Pylades Drive because the hoist is located at the rear of a single dwelling unit within the upland property. The applicants have also provided written support for the boat hoist and private moorage from the property owners along Pylades Drive, including the adjacent properties which would be most affected by the structure.

The boat hoist and related structures consist of three concrete steps, a ten-foot long aluminum ramp with hand railings and a twenty-foot long, sixteen-foot high boom for the hoist (*Schedule No. 4*). The boom is anchored to the rock via four one inch structural anchors embedded twelve inches into the rock and encased in concrete. The applicants' structural engineer, Ludek Sotola of Sotola Engineering Ltd., has certified that the hoist is safe for its intended use.

The applicants have submitted an application to the Integrated Land Management Bureau for approval of the location and operation of the boat hoist within crown land by means of a foreshore lease. The applicants have also obtained approval from Transport Canada Navigable Waters Protection Division for the private mooring, including the boat hoist and gangway/ramp.

In staff's assessment, the proposed height variance is appropriate given the lack of negative impacts on the subject property or adjacent properties.

## **SUSTAINABILITY IMPLICATIONS**

The design of the boat hoist and ramp is well integrated into the natural topography and native habitat of the shoreline. This design minimizes visual obstruction and physical disturbance of the foreshore. The hoist is made of durable materials including stainless steel to prevent corrosion and to maintain the structural integrity of the hoist. The hoist is also certified by a structural engineer as being safe for human use.

The boat hoist can also be used for future repair and maintenance of the residential geothermal heating system, serving the upland property, as an alternative to using heavy machinery which could potentially contaminate the ocean.

## **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.

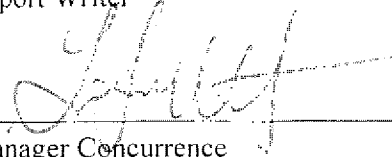
## **SUMMARY**

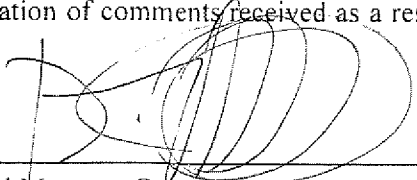
This is an application to vary the maximum height of structures in the WA1 Zone from 1.0 metre to 4.9 metres, to permit a boat hoist on the foreshore adjacent to a single residential property. Given the lack of negative impacts on the subject property and adjoining properties staff recommends approval of the Development Variance Permit as submitted.

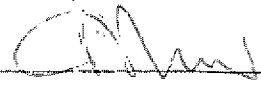
**RECOMMENDATION**

That Development Variance Permit application No. 90821 submitted by Frank Crucil and Mindy Coles for the foreshore property adjacent to Lot 5, Section 8, Range 6, Cedar District, Plan 35929 be approved subject to *Schedules No. 1 to 4* of the staff report and consideration of comments received as a result of notification requirements of the *Local Government Act*.

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

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

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

  
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CAO Concurrence

**Schedule No. 1**  
**Conditions of Development Variance Permit No. 90821**  
**2486 Pylades Drive**

**The following sets out the terms of Development Variance Permit No. 90821:**

***Bylaw No. 500, 1987 – Variance***

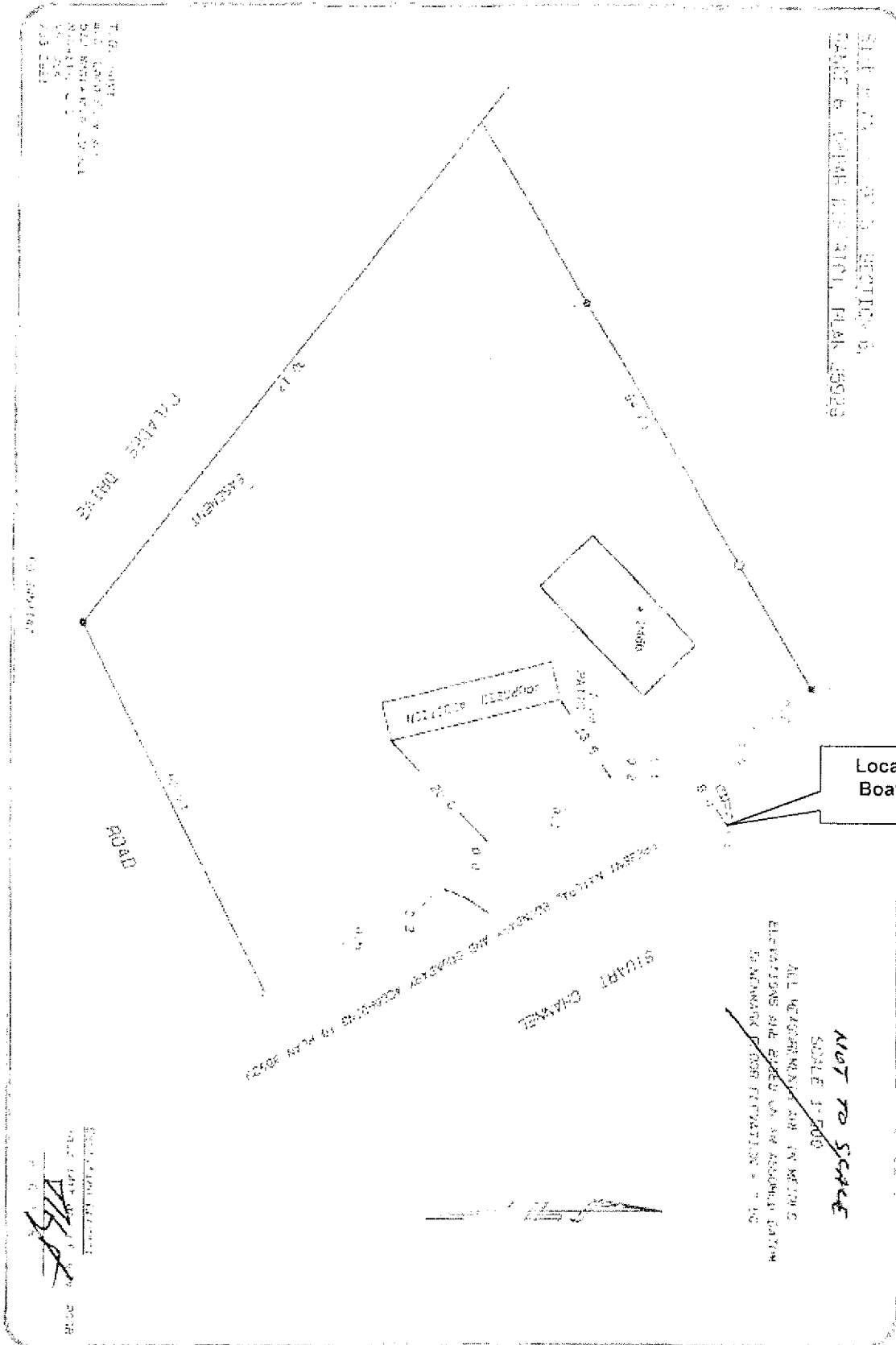
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” is varied as follows:

1. **Section 3.4.91, *Maximum Number and Size of Buildings and Structures - Height*** is hereby varied by increasing the maximum height for the proposed boat hoist, located on the foreshore adjacent to Lot 5, Section 8, Range 6, Cedar District, Plan 35929, from 1.0 m to 4.9 m as shown on *Schedule No. 3*.

***Conditions of Permit***

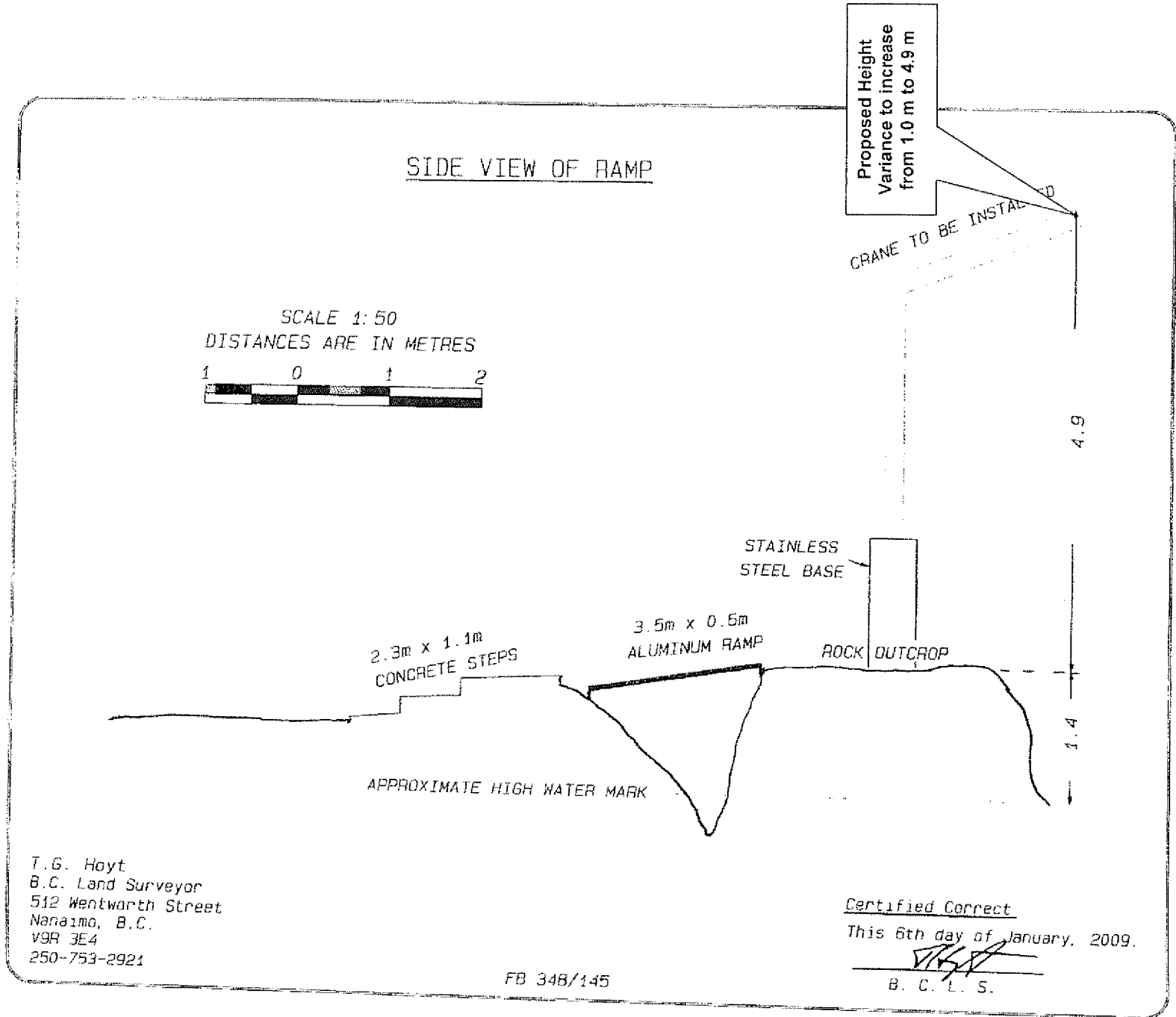
1. The proposed boat hoist shall be sited in accordance with the survey prepared by T.G. Hoyt, BCLS, and dated January 6, 2009 attached as *Schedule No. 2*.
2. The proposed boat hoist shall be developed in accordance with the elevation and photo attached as *Schedules No.3 and 4*.
3. The proposed construction of a boat hoist shall be subject to a building permit.
4. The applicants provides the Regional District of Nanaimo with a copy of the Integrated Land Management Bureau foreshore lease.
5. The applicants provides the Regional District of Nanaimo with a copy of the Transport Canada Navigable Waters Assessment.

Schedule No. 2  
Survey Plan for 2486 Pylades Drive

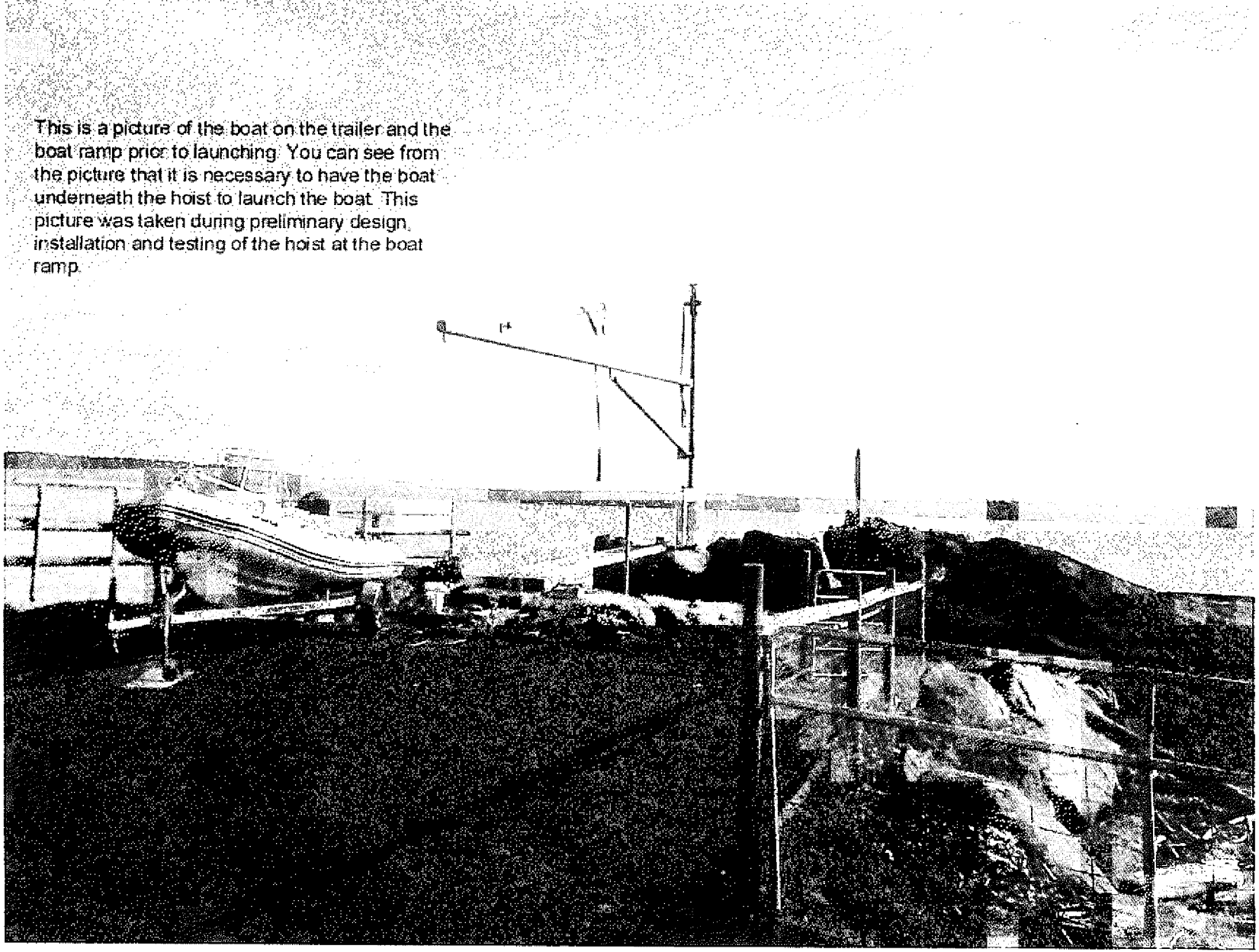




Schedule No. 3  
Survey Plan for 2486 Pylades Drive

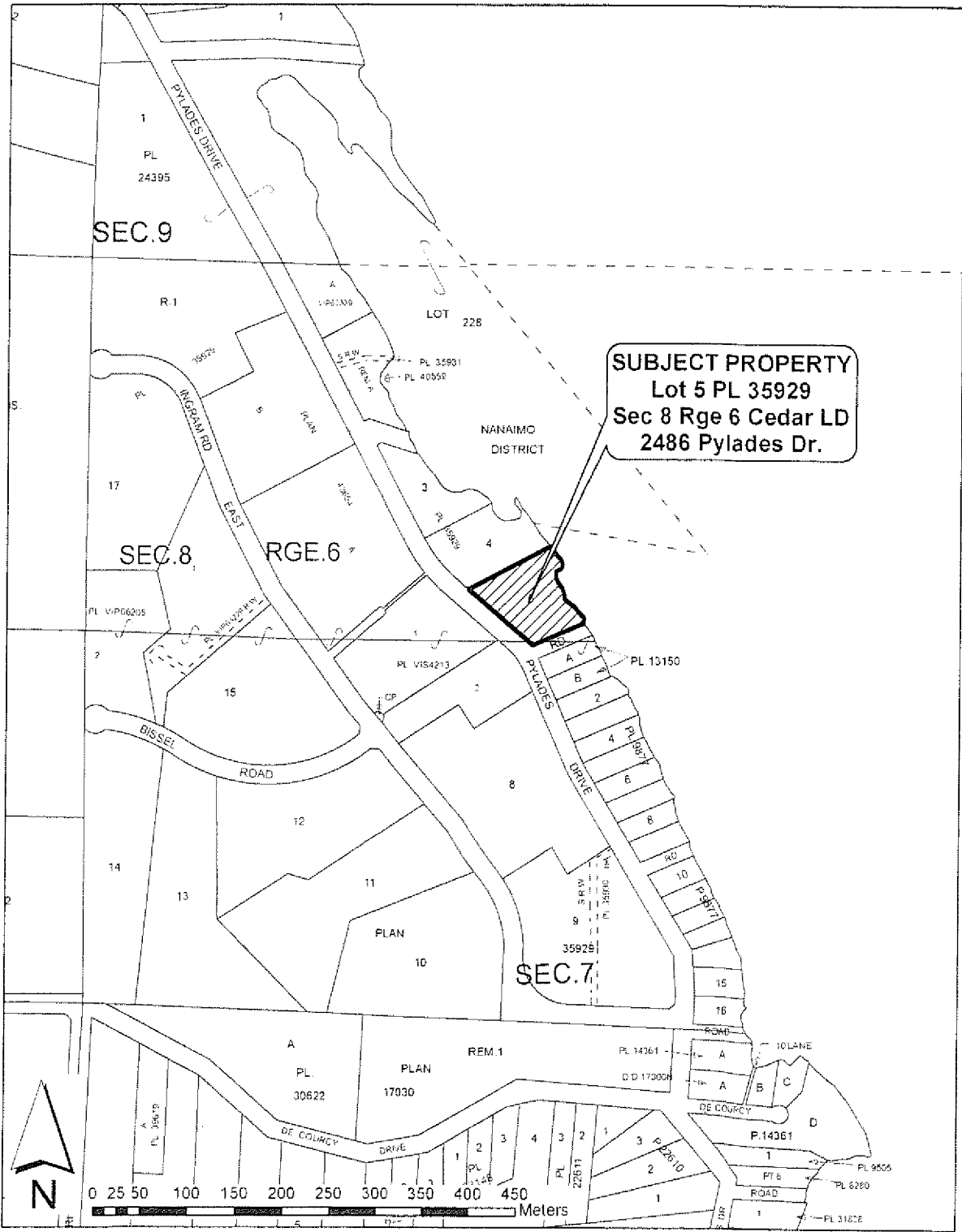


Schedule No. 4  
Photo Illustrating Operation of Boat Hoist and Ramp



This is a picture of the boat on the trailer and the boat ramp prior to launching. You can see from the picture that it is necessary to have the boat underneath the hoist to launch the boat. This picture was taken during preliminary design, installation and testing of the hoist at the boat ramp.

Attachment No. 1  
Location of Subject Property





CAO APPROVAL (U/V)	
EAP	✓ 10-MAR-09
CCW	
FEB 24 2009	
RHD	
BOARD	

# MEMORANDUM

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

**DATE:** February 18, 2009

**FROM:** Lainya Rowett  
Planner

**FILE:** 3090 30 90901

**SUBJECT:** Development Variance Permit Application No. 90901 – Jim Hazlewood  
Lot B, District Lot 8, Nanoose District, Plan VIP77476  
Electoral Area 'E'

## PURPOSE

To consider an application for a Development Variance Permit to increase the maximum building height requirement in order to accommodate a dwelling unit on an existing residential lot at 3551 Collingwood Drive in Nanoose Bay.

## BACKGROUND

The subject property (0.18 ha in area) is located at 3551 Collingwood Drive in Nanoose Bay (see *Attachment No. 1* for Subject Property Map). The property is zoned Residential 1 (RS1) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” and is designated “Fairwinds” in the “Regional District of Nanaimo Electoral Area ‘E’ Official Community Plan Bylaw No. 1400, 2005.” The property is located within the Watercourse Protection and Farmland Protection Development Permit Areas of this OCP. A Development Permit is not required, however, because the applicant has completed a Riparian Areas Regulation Property Declaration Form stating that there are no streams on or within 30 metres of the subject property, and the property does not abut the Agricultural Land Reserve.

A building permit was issued for the construction of a single dwelling unit (aprox. 386 m<sup>2</sup> in floor area) on the subject property in September 2008. At that time the proposed building height conformed to the zoning bylaw requirements. Upon submission of a survey plan by the applicant it was determined that there was a misinterpretation of the height calculation, according to RDN zoning bylaws, and that the dwelling under construction would be over-height by 0.39 metre. A stop work order was issued in November 2008.

The maximum permitted height for buildings and structures in the RS1 Zone is 8.0 metres. The proposed building height is 8.4 metres. Therefore, the applicant proposes a Development Variance Permit to increase the maximum allowable height from 8.0 metres to 8.4 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 height variance of 0.4 metre would apply only to the main roof peak of the subject dwelling (see *Schedules No. 2 and 3*). All other portions of the building comply with the RS1 zoning requirements.

The applicant has amended the building plans to reduce the need for a variance, including reduce the roof pitch from 6:12 to 5:12, and reduce the height of the in-ground basement from 2.7 m to 2.4 m. The variance will not facilitate the construction of additional floors to the dwelling, which consists of a main floor, attached garage and in-ground basement.

The house backs on to a golf course, so the impact of the variance is minimized. In staff's assessment, the proposed variance is reasonable and would not negatively impact the subject property or adjacent properties.

### SUSTAINABILITY IMPLICATIONS

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the "Sustainable Community Builder Checklist" and has identified some green building elements that would be incorporated in the proposed dwelling, including low flush toilets and Logix Block (insulated concrete blocks), which are more energy efficient and sound resistant.

### PUBLIC CONSULTATION IMPLICATIONS

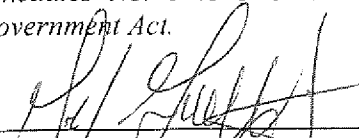
As part of the required public notification process, pursuant to the *Local Government Act*, property owners located within a 50 metre radius, must receive notice of the proposal and will have an opportunity to comment on the proposed variance, prior to the Board's consideration of the permit.

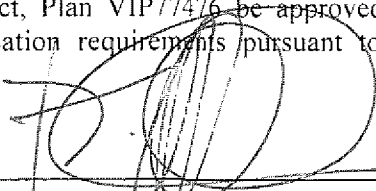
### SUMMARY / CONCLUSIONS

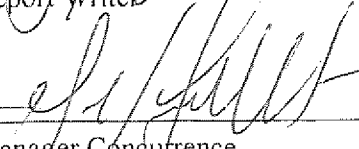
This is an application to vary the height requirement of the RS1 Zone to increase the maximum permitted height for a single dwelling unit from 8.0 metres to 8.4 metres. Given the lack of negative impacts on the subject property or adjoining lots staff recommends approval of the Development Variance Permit as submitted.


### RECOMMENDATION

That Development Variance Permit application No. 90901 submitted by Jim Hazlewood for the property legally described as Lot B, District Lot 8, Nanoose District, Plan VIP77476 be approved subject to *Schedules No. 1 to 3* of the staff report and the notification requirements pursuant to the *Local Government Act*.

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

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

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

  
\_\_\_\_\_  
CAO Concurrence

**Schedule No. 1**  
**Conditions of Development Variance Permit No. 90901**  
**3551 Collingwood Drive**

**The following sets out the terms of Development Variance Permit No. 90901:**

*Bylaw No. 500, 1987 – Variance*

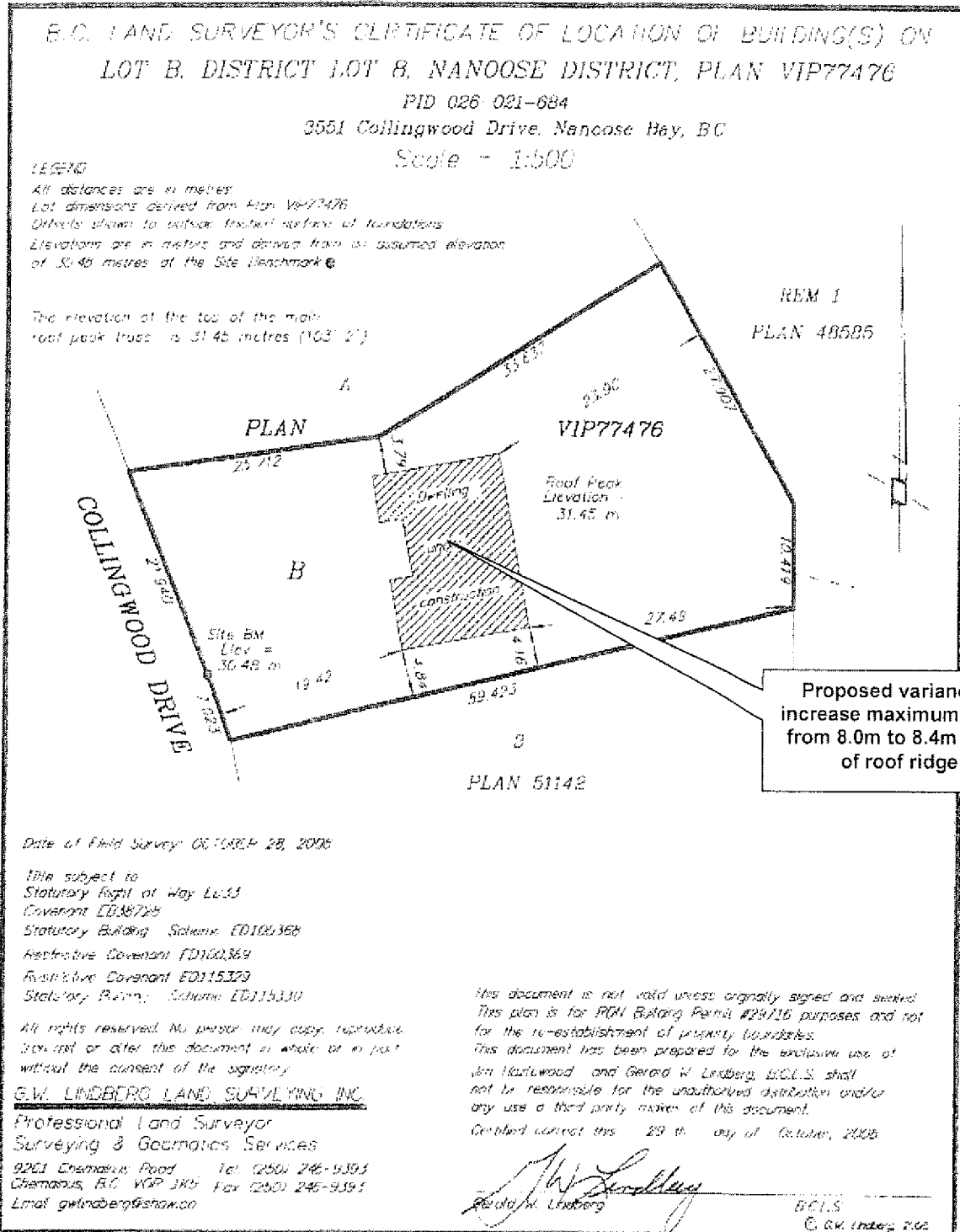
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” is varied as follows:

1. **Section 3.4.61 Maximum Number and Size of Buildings and Structures** is hereby varied by increasing the maximum height for a dwelling unit located on Lot B, District Lot 8, Nanoose District, Plan VIP77476 from 8.0 m to 8.4 m as shown on *Schedule No. 2*.

*Conditions of Permit*

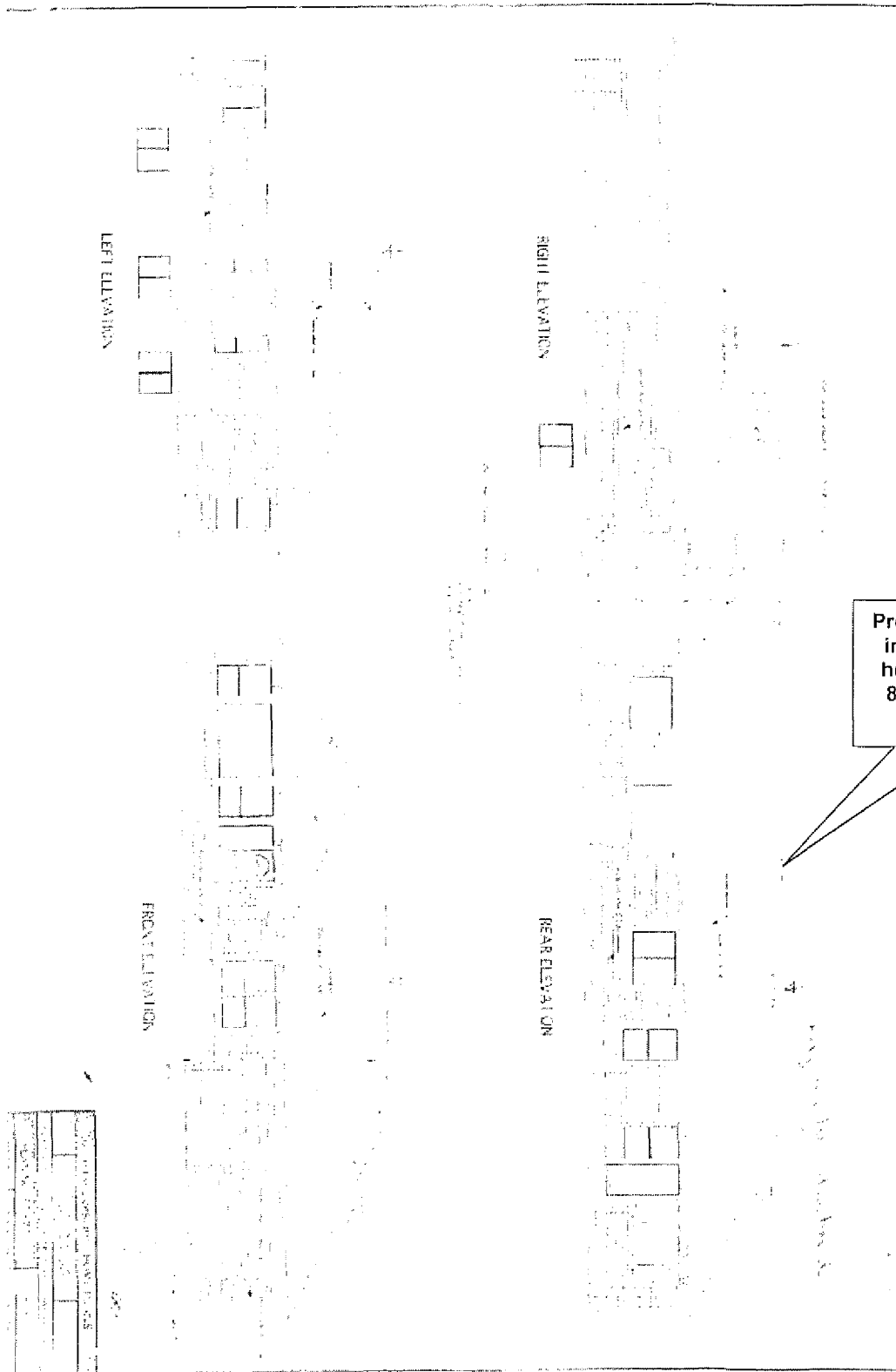
1. The proposed dwelling shall be sited in accordance with the survey prepared by Gerald W. Lindberg Land Surveying Inc. and dated October 29, 2008 attached as *Schedule No. 2*.
2. The proposed dwelling shall be developed in accordance with the building elevations prepared by Dawes Designs attached as *Schedule No. 3*.

**Schedule No. 2**  
**Survey Plan for 3551 Collingwood Drive**



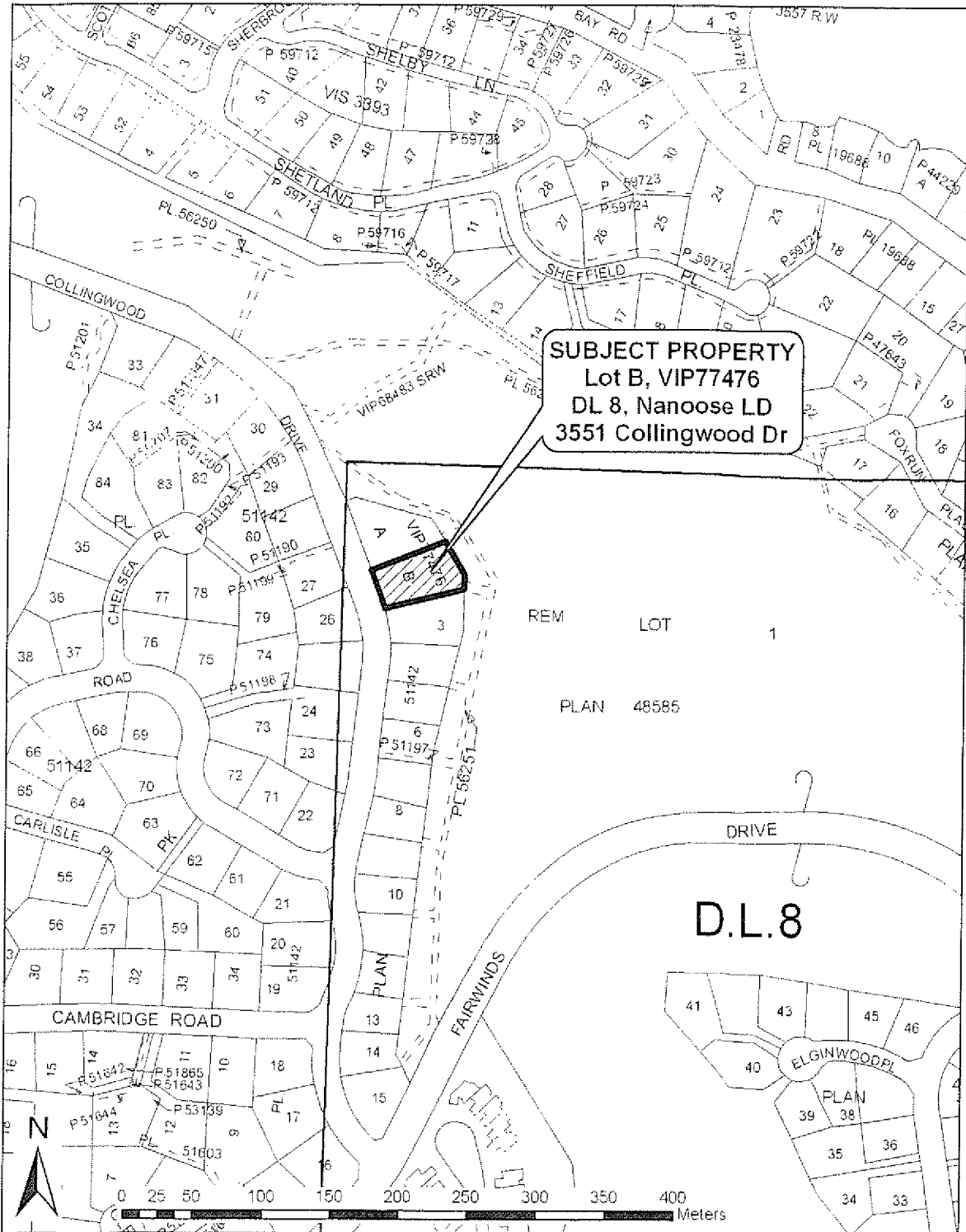
File GW08-47151

Schedule No. 3  
Proposed Building Elevations for 3551 Collingwood Drive





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





CAO APPROVAL (U/N)		
EAP	✓	10-MAR-09
COW		
FEB 26 2009		
RHD		
BOARD		

# MEMORANDUM

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

**DATE:** February 24, 2009

**FROM:** Kristy Marks  
Planner

**FILE:** 3090 30 90902

**SUBJECT:** Development Variance Permit Application No. 90902 –Ed Guenther/Jim Hazlewood  
Strata Lot 56, District Lot 78, Nanoose District, Strata Plan VIS3393  
Together With an Interest in the Common Property in Proportion to the  
Unit Entitlement of the Strata Lot as Shown on Form 1  
Electoral Area 'E' - Folio No. 769.009104.956

## PURPOSE

To consider an application for a Development Variance Permit to legalize the height of an existing dwelling unit on a parcel located at 3466 Simmons Place in Electoral Area 'E'.

## BACKGROUND

The subject property is a strata lot located at 3466 Simmons Place in Nanoose Bay (see *Attachment No. 1 for location of subject property*). The subject property is approximately 0.16 hectare and slopes to the southeast. The property is bordered by an internal access road to the northeast, a vacant residential parcel to the northwest, developed residential parcels to the southeast, and park land and the Fairwinds Golf Course to the southwest.

The subject property is designated within the Farmland Protection and Fish Habitat Protection Development Permit Areas (DPA) pursuant to "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005". A Development Permit is not required as the property is not adjacent to ALR land and all land development is located greater than 30 metres from a 'stream'.

The parcel is zoned Residential 1 (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The applicant is requesting to legalize the height of an existing dwelling unit with an approximate floor area of 386 m<sup>2</sup>. A building permit was issued for the construction of the dwelling unit in December 2007. At that time the proposed building height conformed to the zoning bylaw requirements. Upon submission of a survey plan by the applicant it was determined that there was a misinterpretation of the height calculation, according to Bylaw No. 500, 1987, and that the dwelling unit is over-height by 0.15 of a metre. The dwelling unit has been completed however an occupancy permit has not been issued.

The slope adjacent to the internal access road (Simmons Place) was excavated in order to accommodate the existing dwelling and the construction of a retaining wall will be required in order to stabilize the bank. The applicant has indicated that that the retaining wall will comply with RDN building requirements and setbacks outlined in the RS1 zone in "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

**Requested Variance Summary - Section 3.4.61 Dwelling Unit Height**

Maximum Permitted Height	Proposed Height	Requested Variance
8.0 metres	8.15 m	0.15 m

**ALTERNATIVES**

1. To approve Development Variance Permit No. 90902 subject to the conditions outlined in Schedules No. 1 - 3 and the notification requirements of the *Local Government Act*.
2. To deny the requested variance.

**LAND USE AND DEVELOPMENT IMPLICATIONS**

As outlined above, the applicant is requesting to legalize the height of an existing dwelling unit on a property at 3466 Simmons Place in Nanoose Bay. The location of the proposed residential dwelling is outlined on *Schedule No. 2*. Building elevations for the proposed development are outlined on *Schedule No. 3*. The proposed height variance of 0.15 of a metre applies only to the main roof peak of the subject dwelling. All other portions of the building comply with the RS1 zoning requirements.

Given the topography of the subject property and the surrounding parcels and that the requested variance is relatively minor; staff do not anticipate that the requested variance will result in privacy impacts or view implications for adjacent properties. In addition, the variance has not been requested in order to legalize additional floors to the existing dwelling, which consists of a main floor, attached garage and in-ground basement.

**SUSTAINABILITY IMPLICATIONS**

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the “Sustainable Community Builder Checklist”. This is an application for the development of an existing residential parcel located within the Fairwinds Urban Containment Boundary and the building design includes the use of Logix Block (insulated concrete blocks), which are more energy efficient and sound resistant than other traditional materials.

**PUBLIC CONSULTATION IMPLICATIONS**

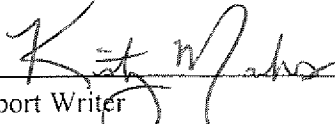
As part of the required public notification process, pursuant to the *Local Government Act*, property owners located within a 50 metre radius, must receive notice of the proposal and will have an opportunity to comment on the proposed variance, prior to the Board's consideration of the permit.

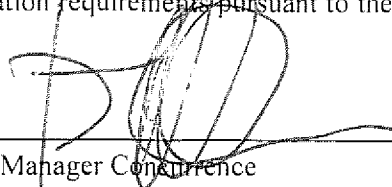
**SUMMARY / CONCLUSIONS**

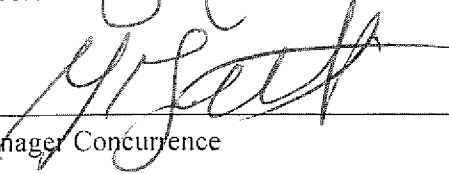
This is an application for a Development Variance Permit to legalize the height of an existing dwelling unit on a property located at 3466 Simmons Place. Given that the requested variance is relatively minor and there are no anticipated view or privacy impacts on adjacent properties, staff recommends that the requested Development Variance Permit be approved subject to the terms outlined in *Schedules No. 1- 3* of this report, and the notification requirements of the *Local Government Act*.


**RECOMMENDATION**

That Development Variance Permit application No. 90902 submitted by Jim Hazlewood for the property legally described as Strata Lot 56, District Lot 78, Nanoose District, Strata Plan VIS3393 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1 to legalize the height of an existing dwelling unit with a maximum height of 8.15 metres be approved subject to *Schedules No. 1 to 3* of the staff report and the notification requirements pursuant to the *Local Government Act*.

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

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

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

  
\_\_\_\_\_  
CAO Concurrence

**Schedule No. 1**  
**Terms of Development Variance Permit No. 90902**

The following sets out the terms of Development Variance Permit No. 90902:

***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 3.4.61 Maximum Number and Size of Buildings and Structures** is hereby varied by increasing the maximum height for a dwelling unit located on Strata Lot 56, District Lot 78, Nanoose District, Strata Plan VIS3393 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1 from 8.0 metres to 8.15 metres as shown on *Schedule No. 3*.

***Conditions of Permit***

1. The proposed dwelling shall be sited in accordance with the survey prepared by Gerald W. Lindberg Land Surveying Inc. and dated January 18, 2008 attached as *Schedule No. 2*.
2. The proposed dwelling shall be developed in accordance with the building elevations prepared by Dawes Designs attached as *Schedule No.3*.

Schedule No. 2  
Survey Plan

B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION OF BUILDING(S) ON  
STRATA LOT 56, DISTRICT LOT 78, NANOOSE DISTRICT, STRATA PLAN VIS3393.

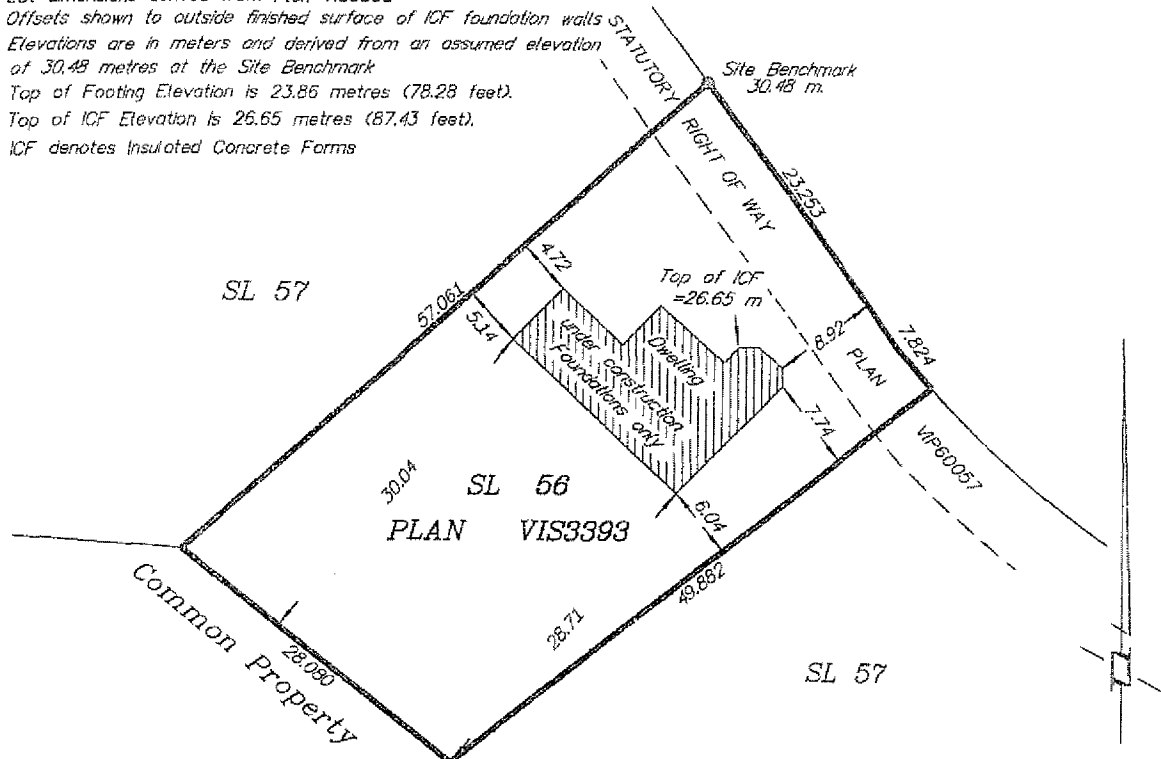
Civic Address -3466 Simmons Place, Nanoose Bay B.C.

PID 018-998-305

Scale = 1 : 500

LEGEND

All distances are in metres.  
Lot dimensions derived from Plan VIS3393  
Offsets shown to outside finished surface of ICF foundation walls  
Elevations are in meters and derived from an assumed elevation  
of 30.48 metres at the Site Benchmark  
Top of Footing Elevation is 23.86 metres (78.28 feet).  
Top of ICF Elevation is 26.65 metres (87.43 feet).  
ICF denotes Insulated Concrete Forms



Date of Field Survey: January 15, 2008.

Title Subject to :

Statutory Right of Way EB33

Covenant EB38728

Statutory Right of Way EG40097

Statutory Building Scheme EH139721

Easement EH139752

Statutory Right of Way EH139753

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G.W. LINDBERG LAND SURVEYING INC.

Professional Land Surveyor  
Surveying & Geomatics Services

9261 Chermanus Road Tel. (250) 246-9393  
Chermanus, B.C. VCP 1K5 Fax (250) 246-9393  
Email gwlinberg@shaw.ca

This plan is for Building Permit #29410 purposes and shall not be  
used for the re-establishment of property boundaries.

This document has been prepared for the exclusive use of Jim  
Hazlewood & Ed Guenther and Gerald W. Lindberg, B.C.L.S. accepts  
no responsibility or liability for the unauthorized distribution and/or  
any use a third party makes of this document.

This document shows the relative location of the  
surveyed structures and features with respect to the  
boundaries of the parcel described above.

This document is not valid unless originally signed and sealed.  
Certified correct this 18 th day of January, 2008.

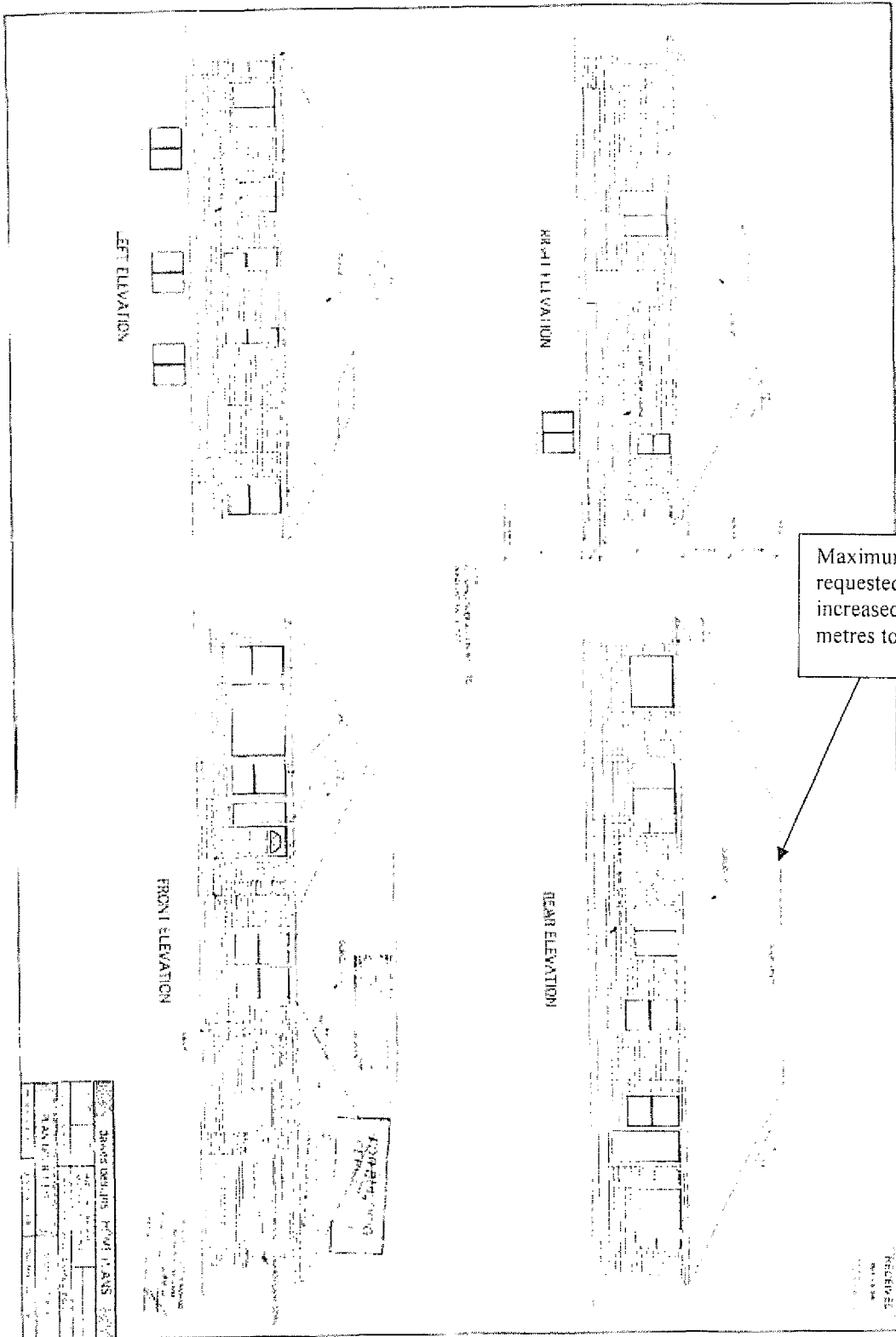
*Gerald W. Lindberg*  
Gerald W. Lindberg

B.C.L.S.

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File GWLOB-43312.C

### Schedule No. 3 Building Elevations



Attachment No. 1  
Location of Subject Property

