

REGIONAL DISTRICT OF NANAIMO
ELECTORAL AREA PLANNING COMMITTEE
TUESDAY, JUNE 8, 2010
6:30 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

- 2 - 3 Minutes of the regular Electoral Area Planning Committee meeting held May 11, 2010.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

UNFINISHED BUSINESS

PLANNING

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

- 4 - 9 Development Permit with Variances Application No. PL2010-102 - Sims - 664
Johnstone Road - Area 'G'.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

- 10 - 18 Development Variance Permit Application No. PL2010-082 - O'Hara - 2230
Godfrey 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, MAY 11, 2010, AT 6:30 PM
IN THE RDN BOARD CHAMBERS**

Present:

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

Also in Attendance:

M. Pearse	Senior Manager, Corporate Administration
P. Thorkelsson	General Manager, Development Services
D. Lindsay	Manager, Current Planning
P. Thompson	Manager, Long Range Planning
N. Hewitt	Recording Secretary

MINUTES

MOVED Director Stanhope, SECONDED Director Biggemann, that the minutes of the regular Electoral Area Planning Committee meeting held April 13, 2010 be adopted.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Bylaw No. 500.355 Zoning Amendment Application No. PL2009-211 – Keith Brown & Associates - Fielding Road - Area 'A'.

MOVED Director Burnett, SECONDED Director Young, that the Summary of the Public Information Meeting held on April 21, 2010 be received.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that Application No. PL2009-211 to rezone the subject property from Residential 2 (RS2) to Industrial I (IN 1) be approved subject to the conditions included in Schedule No. 1.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.355, 2010" be given 1st and 2nd reading.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.355, 2010" be delegated to Director Burnett or his alternate.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. PL2010-063 - JE Anderson & Associates - Lee Road East - Area 'G'.

MOVED Director Stanhope, SECONDED Director Holme, that staff be directed to complete the required notification.

CARRIED

MOVED Director Stanhope, SECONDED Director Holme, that the Development Variance Permit Application No. PL2010-063, be approved subject to the conditions outlined in Schedules No. 1 - 4.

CARRIED

Development Variance Permit Application No. PL2010-067 - Martin – 3581 Juriet Road - Area 'A'.

MOVED Director Burnett, SECONDED Director Young, that staff be directed to complete the required notification.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that the Development Variance Permit Application No PL2010-067, be approved subject to the conditions outlined in Schedules No. 1 - 3.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 6:36 PM

CHAIRPERSON



CAO APPROVAL		✓
EAP	✓	June 8 '10
COW		
MAY 31 2010		
RHD		
BOARD		

MEMORANDUM

TO: Dale Lindsay
Manager of Current Planning

DATE: May 28, 2010

FROM: Kristy Marks
Planner

FILE: PL2010-102

**SUBJECT: Development Permit with Variances Application No. PL2010-102
Michael & Helen Sims
Lot A (DD M120472), District Lot 49, Nanoose District, Plan 24289
664 Johnstone Road
Electoral Area 'G'**

PURPOSE

To consider an application for a Development Permit with Variances to recognize the siting of a storage shed and to vary the parcel averaging provisions in conjunction with a proposed three lot subdivision of the subject property.

BACKGROUND

The Regional District of Nanaimo has received a Development Permit with Variances application in conjunction with a three lot subdivision proposal from Michael and Helen Sims (*see Attachment No. 1 for location of subject property*).

The parent parcel has a lot area of 2,113 m² and is zoned Residential 1 (RS1), Subdivision District 'Q' (RS1Q) (*700 m² minimum parcel size with community water and sewer service*) as per the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

The subject property currently contains a dwelling unit, storage shed, and workshop. The property is bound by Johnstone Road to the east, Lundine Lane and the Island Highway to the south, and developed residential parcels to the north and west.

The subject property is designated within the Environmentally Sensitive Features Development Permit Area (DPA) for the protection of the aquifer pursuant to "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008".

Proposed Development & Requested Variances

As outlined above, the applicants are proposing to create three new parcels. Lot 1 is proposed to be 921 m², Lot 2 is proposed to be 600 m² and Lot 3 is proposed to be 589 m². As more than 50% of the proposed parcels are less than the 700 m² minimum parcel size, a variance to the parcel averaging provisions of Bylaw No. 500, 1987 is required. (*see Schedule No. 2 for Proposed Plan Subdivision*). If approved, the variance will permit 66.67% of the parcels to be less than 700 m², however the parcel average will remain above 700 m² (703 m²). The parcels are proposed to be serviced by community water and sewer service connections.

The applicants are also requesting variances to the setback from the rear lot line from 2.0 m to 1.2 m and the interior side lot line from 2.0 m to 1.9 to recognize the siting of an existing storage shed. The location of the existing buildings is shown on *Schedule No. 2*.

ALTERNATIVES

1. To approve Development Permit with Variances No. PL2010-102, as submitted, subject to the conditions outlined in Schedules No. 1 and 2.
2. To deny the Development Permit with Variances No. PL2010-102 as submitted.

DEVELOPMENT IMPLICATIONS

Development Permit Area Implications

With respect to aquifer protection, the applicants have submitted a Hydrogeological Impact Assessment that concludes that “the proposed three lot subdivision is very unlikely to negatively impact the underlying aquifer or to jeopardize the groundwater quality or quantity for existing plan area residents”. In addition, the report recommends low impact development measures, where appropriate, “to reduce water use and reintroduce water to ground to maintain the natural water balance”.

Proposed Variance Implications

The parcel averaging provisions of Bylaw No. 500, 1987 require the applicant to register a covenant where the remainder parcel is greater than twice the minimum parcel size. This is to avoid further subdivision of oversized lots which were used as part of the original lot averaging. In this case, as the largest parcel is 921 m² and cannot be subdivided further, registration of a covenant restricting further subdivision is not required. In addition, the average parcel size of all proposed parcels conforms to the minimum parcel size permitted in the applicable subdivision district.

As mentioned above, the applicants are also requesting setback variances in order to legalize the siting of an existing storage shed. The applicants have indicated that the storage shed was constructed sometime in the 1970's. At that time, “The Regional District of Nanaimo Zoning Bylaw No. 55, 1973” and “The Regional District of Nanaimo zoning and Subdivision Bylaw No. 191, 1975” Residential III zone did not require any setback from a rear lot line and permitted a five foot setback from one side lot line. Although it appears that the storage shed met the setback requirement at the time it was constructed, as there is no building permit on file for this structure the applicants are requesting variances to the setbacks in order to legalize its siting.

The applicants have provided the following justification for the requested variances:

- There are no anticipated view or aesthetic impacts related to the requested setback variances for the existing storage shed;
- The storage shed has been in the current location since the 1970's and the applicants wish to legalize the siting of this structure;
- With respect to the proposed variance to the parcel averaging provision, although it would be possible to create three parcels that meet the minimum parcel size, given the location of the existing dwelling unit this would result in a boundary with several deflections;
- The subject property is located within the urban containment boundary where growth is supported.

Staff concur with the applicant's rationale and support the requested variances.

SUSTAINABILITY IMPLICATIONS

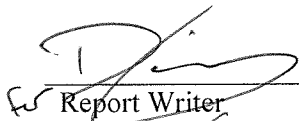
In keeping with Regional District of Nanaimo Board policy, the applicants have completed the “Sustainable Community Builder Checklist”. The proposed subdivision is situated within the French Creek Urban Containment Boundary where growth is encouraged. The local water provider has confirmed that they have sufficient capacity to service the proposed lots.

SUMMARY

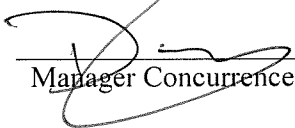
Prior to the development of the subject property, a Development Permit with Variances is required in order to vary the parcel averaging provisions of Bylaw No. 500, 1987 and in addition, the applicants have applied for variances to legalize the siting of an existing storage shed. The applicants have submitted a plan of subdivision and Hydrogeological Impact Assessment in support of the application. As the proposed variances will not negatively impact the overall subdivision and there are no anticipated view or aesthetic impacts anticipated, staff recommends approval of the Development Permit with Variances.

RECOMMENDATIONS

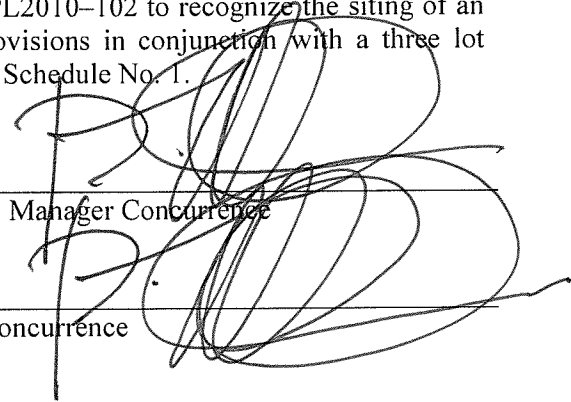
1. That staff be directed to complete the required notification, and
2. That Development Permit with Variances Application No. PL2010–102 to recognize the siting of an existing storage shed and to vary the parcel averaging provisions in conjunction with a three lot subdivision be approved subject to the conditions outlined in Schedule No. 1.




Report Writer



Manager Concurrence



General Manager Concurrence

/

CAO Concurrence

Schedule No. 1
Development Permit with Variances Application No. PL 2010-102
Conditions of Approval / Proposed Variances

The following sets out the conditions of approval with respect to Development Permit No. PL2010-102:

1. Subdivision

The subdivision of the lands shall be in substantial compliance with Schedule No. 2 (to be attached to and forming part of Development Permit with Variances No PL2010-102).

2. Aquifer Assessment

The Hydrogeological Impact Assessment prepared by Shelley Bayne, Hydrogeologist and dated February 11, 2010, (to be attached to and forming part of this permit) shall be followed.

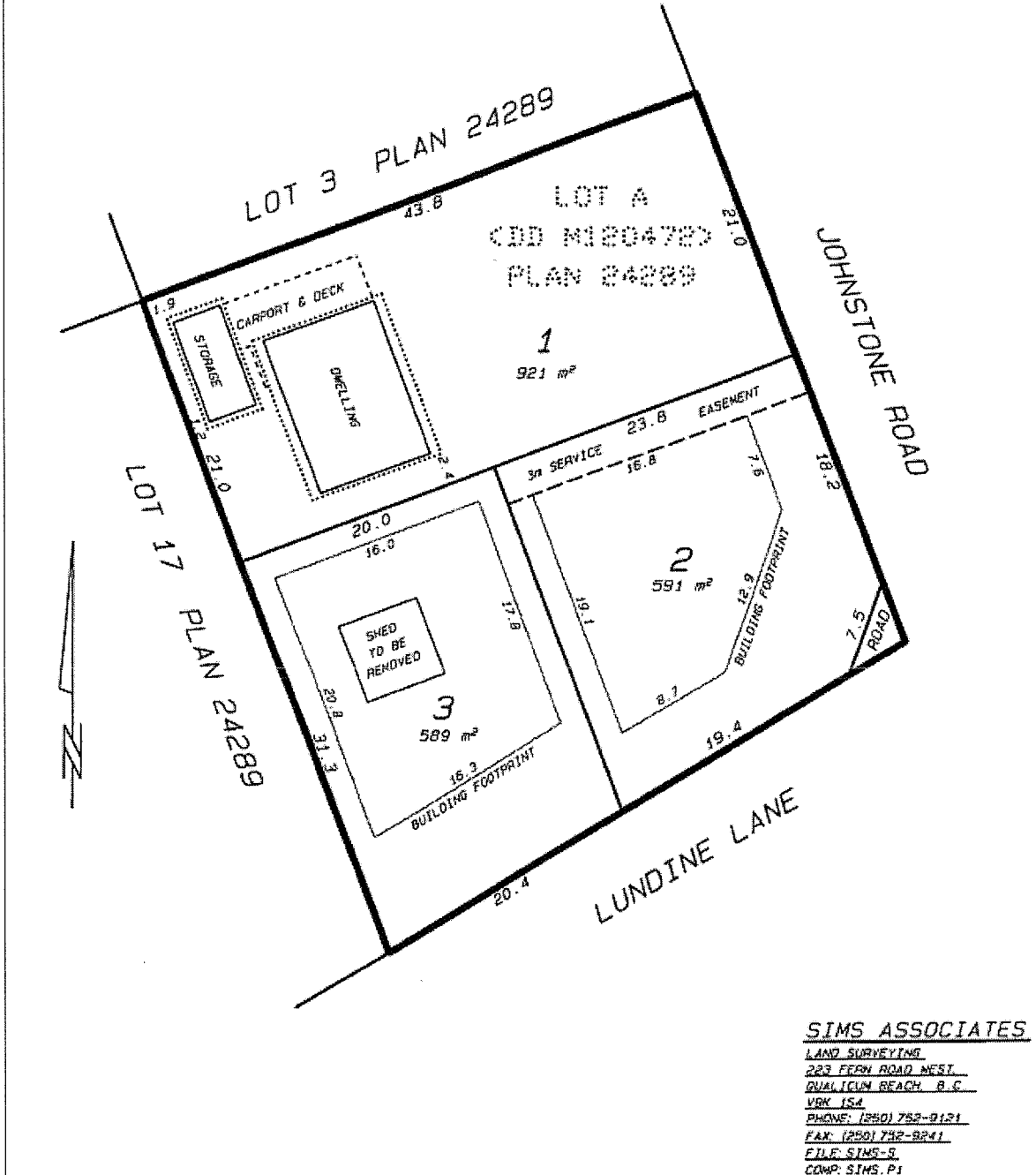
3. Proposed Variances

- a) The requirements of Section 4.3.4a are proposed to be relaxed by varying the parcel averaging provision from a maximum of 50% of the proposed parcels that can be less than 700 m² in size to a maximum of 66.67% of the proposed parcels that can be less than 700 m² in size provided that these parcels are not less than 560 m² in size.
- b) With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” is varied as follows:
 - i. **Section 3.4.61 Minimum Setback Requirements** is hereby varied by reducing the minimum setback from the rear lot line from 2.0 meters to 1.2 metres for a storage shed as shown on *Schedule No 2*.
 - ii. **Section 3.4.61 Minimum Setback Requirements** is hereby varied by reducing the minimum setback from the interior side lot line from 2.0 meters to 1.9 metres for a storage shed as shown on *Schedule No 2*.

Schedule No. 2
Development Permit with Variances No. PL2010-102
Proposed Plan of Subdivision

PROPOSED SUBDIVISION PLAN OF LOT A (DD M120472),
DISTRICT LOT 49, NANOOSE DISTRICT, PLAN 24289.
SCALE 1: 400

ALL MEASUREMENTS ARE METRIC UNITS.



CAO APPROVAL PL	
EAP	✓ June 8 '10
COW	
JUN 01 2010	
RHD	
BOARD	

MEMORANDUM

TO: Dale Lindsay
Manager of Current Planning

DATE: May 14, 2010

FROM: Elaine Leung
Planner

FILE: PL2010-082

SUBJECT: Development Variance Permit Application No. PL2010-082 – O’Hara
Lot B (DD EM79527) Block 2, Section 12, Range 2, Cranberry District Plan 719
2230 Godfrey Road – Electoral Area 'C'

PURPOSE

To consider an application for a Development Variance Permit for the construction of an accessory building.

BACKGROUND

The Regional District of Nanaimo has received a Development Variance Permit application from Clint and Kari O’Hara. The property is approximately 1,305 square metres (0.13 ha) in size and contains an existing dwelling unit and shed (*see Attachment No. 1 for location of the subject property*). The applicant wishes to construct an accessory building.

The subject property is zoned Residential 2 (RS2), pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987.” The subject property is bordered by residential properties to the north and west, and an undeveloped rural zoned lot to the east.

Proposed Variances

The applicants propose to vary the following section from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

- *Section 3.4.62 Residential 2* by varying the minimum setback from the interior (west) side lot line from 2.0 metres to 1.0 metres.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2010-082 subject to the conditions outlined on Schedules No. 1 – 3.
2. To deny Development Variance Permit No. PL2010-082 as submitted.

LAND USE AND DEVELOPMENT IMPLICATIONS

As outlined above, the applicants are requesting a variance in order to construct an accessory building for storage purposes. The proposed location of the accessory building is outlined on *Schedule No. 2*. Due to an existing septic field located at the front of the property, and an existing driveway, buildable space is limited to the western side of the property. Further, due to the presence of an existing pathway along the western side of the dwelling unit, and the presence of windows along the side of the dwelling, the applicants wish to construct the garage as a detached building. The applicants have requested the side yard variance in order to permit a 2.6 metre (8.5') separation between the existing dwelling and proposed building.

The proposed accessory building is not expected to negatively impact adjacent property owners.

Sustainability Implications

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the "Sustainable Community Builder Checklist". No sustainability implications were identified as a result of the proposed development.

Public Consultation Process

As part of the required public notification process, property owners and tenants located within a 50.0 metre radius, will receive a direct notice of the proposal, and will have an opportunity to comment on the proposed variance, prior to the Board's consideration of the application.

SUMMARY/CONCLUSIONS

This is an application for a Development Variance Permit to permit the construction of an accessory building, by relaxing the interior side lot line from 2.0 metres to 1.0 metre. Staff recommends approval of the Development Variance Permit.

RECOMMENDATION

That

1. Staff be directed to complete the required notification, and
2. The Development Variance Permit Application No. PL2010-082, be approved subject to the conditions outlined in Schedules No. 1 - 3.

Report Writer

Manager Concurrence

General Manager Concurrence

CAO Concurrence

Schedule No. 1
Terms of Development Permit No. PL2010-082

The following sets out the terms and conditions of Development Variance Permit No. PL2010-082.

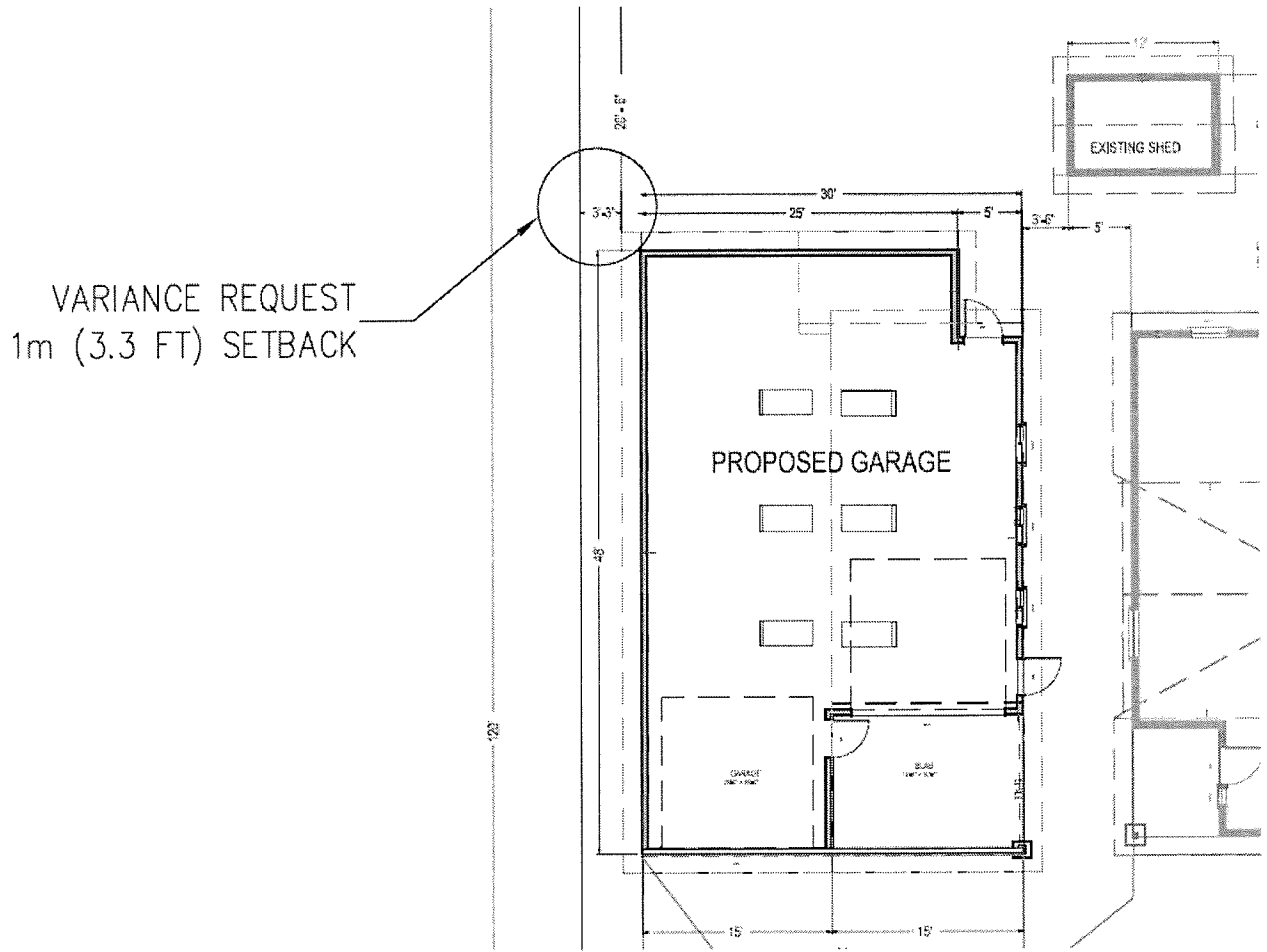
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," is requested to be varied as follows:

1. **Section 3.4.62 Minimum Setback Requirements** is hereby varied by reducing the minimum setback from the interior side lot line from 2.0 metres to 1.0 metre as shown on *Schedule No. 3*.

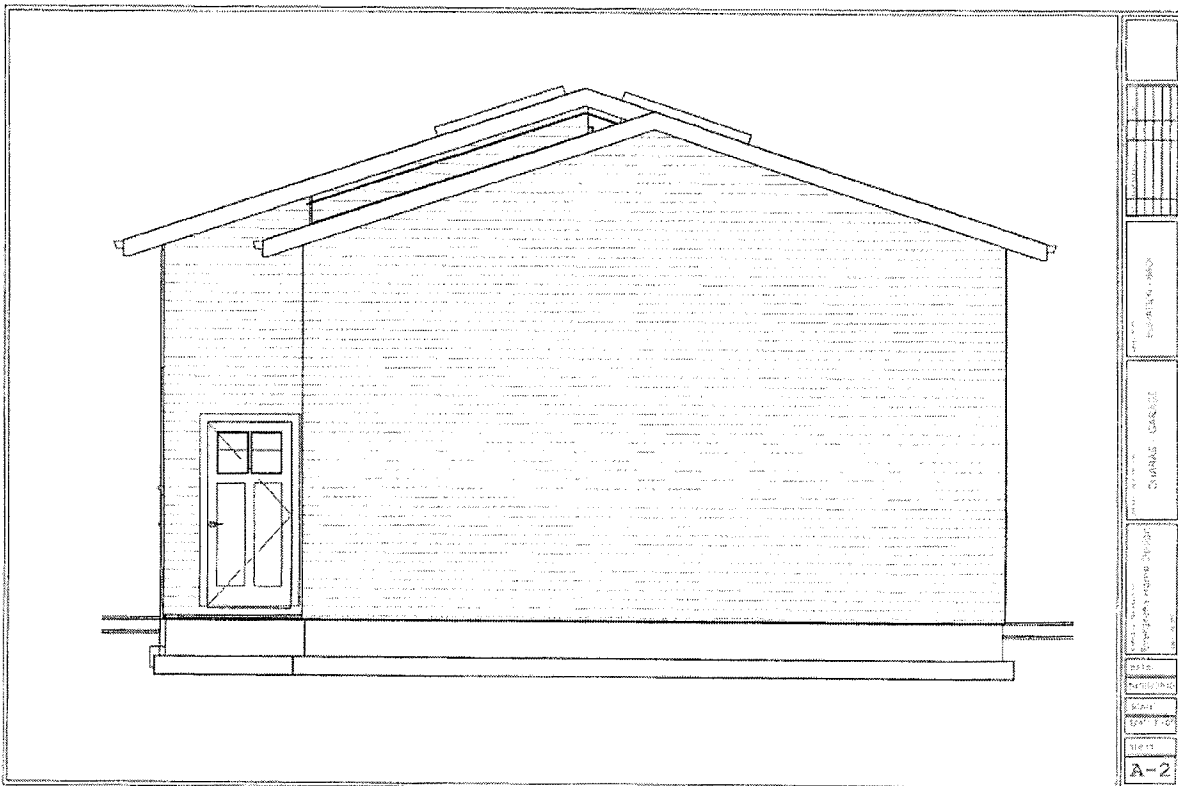
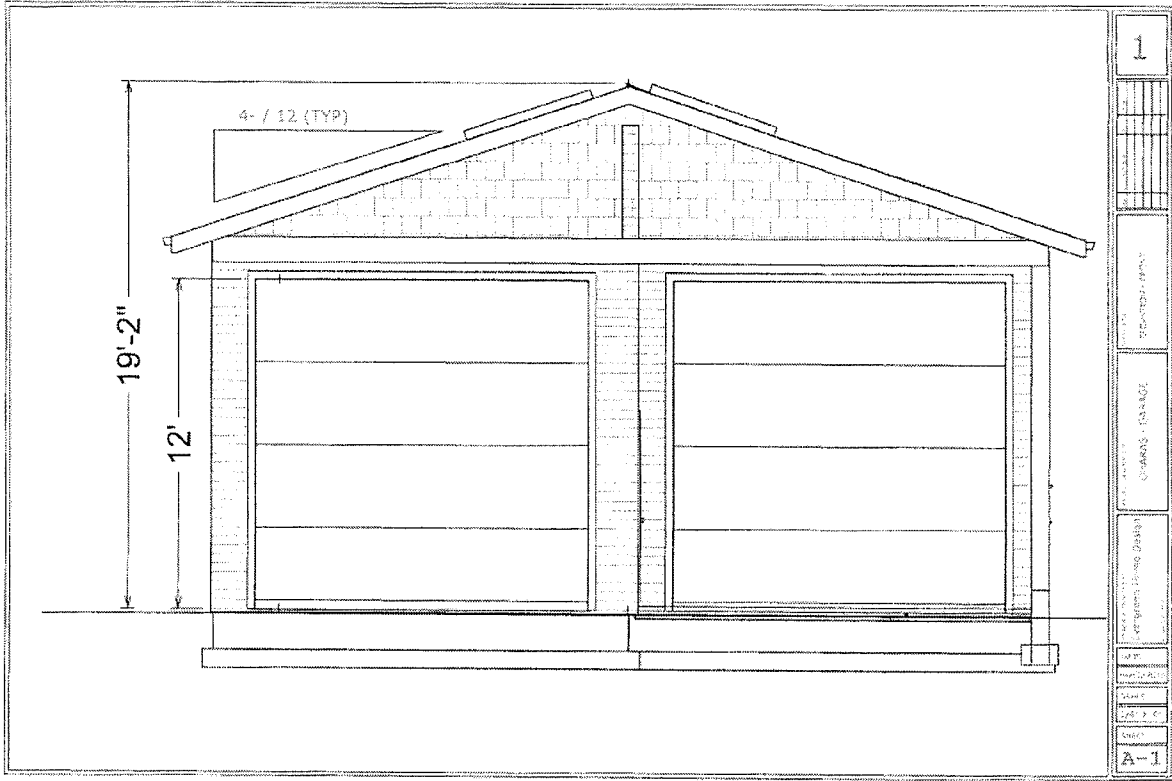
Conditions of Permit

1. The accessory building shall be sited in accordance with site plan prepared by Evergreen Home Design, dated April 26, 2010, attached as *Schedule No. 2*.
2. The accessory building shall be constructed in accordance with the building elevations submitted by the applicant attached as *Schedule No. 3*.

Detailed Site Plan



**Schedule No. 3
Elevations**



Schedule No. 3
Building Elevations (page 2 of 3)

