

REGIONAL DISTRICT OF NANAIMO

**ELECTORAL AREA PLANNING COMMITTEE
TUESDAY, OCTOBER 11, 2011
6:30 PM**

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

- 2 - 5 Minutes of the regular Electoral Area Planning Committee meeting held September 13, 2011.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

UNFINISHED BUSINESS

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

- 6 - 14 Development Permit Application No. PL2011-157 – Kuun – Jameson Road – Area ‘H’.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

- 15 - 19 Development Variance Permit Application No. PL2011-149 – Muise – Creekside Place – Area C.

- 20 - 28 Development Variance Permit Application No. PL2010-180 – JE Anderson & Associates – 1915 Cormorant Crescent – 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, SEPTEMBER 13, 2011 AT 6:30 PM IN THE
RDN BOARD CHAMBERS**

Present:

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

Also in Attendance:

C. Mason	Chief Administrative Officer
M. Pearse	Senior Manager, Corporate Administration
P. Thorkelsson	Gen. Mgr., Development Services
D. Lindsay	Manager of Current Planning
P. Thompson	Manager of Long Range Planning
N. Hewitt	Recording Secretary

DELEGATIONS

Jim Crawford, re OCP Amendment Application No. PL2011-060 – Baynes Sound Investments – Area ‘H’.

Mr. Crawford and Ms. Hildebrand of Baynes Sound Investments Ltd. presented a visual and verbal overview of their proposed development.

BOARD MINUTES

MOVED Director Holme, SECONDED Director Burnett, that the minutes of the regular Electoral Area Planning Committee meeting held July 12, 2011 be adopted.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

OCP Amendment Application No. PL2011-060- Baynes Sound Investments – Area ‘H’.

MOVED Director Burnett, SECONDED Director Stanhope, that the applications to amend the Regional Growth Strategy and the Electoral Area 'H' Official Community Plan be held in abeyance until after the Village Centre Study has been completed.

CARRIED

MOVED Director Burnett, SECONDED Director Stanhope, that the proposal for creation of a new village centre in Deep Bay be considered in the Village Centre Study.

CARRIED

MOVED Director Burnett, SECONDED Director Stanhope, that staff investigate establishing a fee for requested changes to the Regional Growth Strategy.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. PL2011-113 – Hay – 1483 Mason Trail – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Burnett, that Development Permit Application No. PL2011-113 to permit the construction of a dwelling unit be approved subject to the conditions outlined in Schedules No.1 to 4.

CARRIED

Development Permit Application No. PL2011-141 - Fern Road Consulting Ltd. – 865 Crocus Corner – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Holme, that Development Permit Application No. PL2011-141 to permit the construction of a dwelling unit be approved subject to the conditions outlined in Schedules No. 1 to 3.

CARRIED

Development Permit Application No. PL2011-122 - Request for Frontage Relaxation on Subdivision Application No. PL2009-721 and Request for Parkland – TimberWest - Nanaimo Lakes Road – Area ‘C’.

MOVED Director Young, SECONDED Director Burnett, that Development Permit Application No. PL2011-122 in conjunction with a lot line adjustment subdivision be approved subject to the conditions outlined in Schedule No. 1.

CARRIED

MOVED Director Young, SECONDED Director Burnett, that the request to relax the minimum 10% perimeter frontage requirement for proposed Lot 14 be approved.

CARRIED

MOVED Director Young, SECONDED Director Burnett, that the offer to dedicate park land be accepted in the amount and location outlined in Schedule No. 2 and subject to the conditions outlined in Schedule No. 1.

CARRIED

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

Development Permit with Variance Application No. PL2011-127 – Whittall – 960 Woodpecker Place – 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 Development Permit with Variance Application No. PL2011-127 be approved subject to the conditions outlined in Schedule 1.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Permit with Variance Application No. PL2011-125 – Dorset - 1921 & 1949 Akenhead 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 Development Permit with Variance Application No. PL2011-125, in conjunction with a lot line adjustment subdivision, be approved subject to the conditions outline in Schedule No. 1.

CARRIED

Development Permit Application No. PL2011-137 & Frontage Relaxation – Yamato Development – Boat Harbour Road – Area ‘A’.

MOVED Director Burnett, SECONDED Director Young, that Development Permit Application No. PL2011-137 in conjunction with a five lot subdivision be approved subject to the conditions outlined in Schedule No. 1.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that the request to relax the minimum 10% perimeter frontage requirement for proposed Lot 2 be approved

CARRIED

Request for Parkland (Subdivision Application No. PL2011-079) – 0885538 BC Ltd – 564 Wembley Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Holme, that the request to relax the minimum 10% perimeter frontage requirement for proposed Lots 7, 8, 9 and 10 be approved.

CARRIED

MOVED Director Stanhope, SECONDED Director Holme, that the request to accept the dedication of park land, as outlined in Schedule No. 1, be accepted.

CARRIED

MOVED Director Stanhope, SECONDED Director Holme, that the Summary of the Public Information Meeting held on August 17, 2011, be received.

CARRIED

MOVED Director Stanhope, SECONDED Director Holme, that correspondence be sent to the Ministry of Transportation & Infrastructure requesting to have the trees remain in the road allowance.

CARRIED

OTHER

Request for Frontage Relaxation on Subdivision Application No. PL2011-066 – Fern Road Consulting Ltd. – Wembley Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Holme, that the request to relax the minimum 10% perimeter frontage requirement for proposed Lot 7 be approved.

CARRIED

Temporary Use Permit (Renewal) Applications No. PL2011-146 and PL2011-147 – Earthbank Resources Systems & Fern Road Consulting – Hodges Road – Area ‘G’.

MOVED Director Stanhope, SECONDED Director Holme, that Temporary Use Permit (renewal) Applications No. PL2011-146 and PL2011-147 to continue to permit an existing commercial composting operation and accessory retail sales, for a period of three years after the expiration date of the original TUPs, be approved subject to the Conditions of Permit outlined in Schedule No. 2.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 7:10 PM

CHAIRPERSON



RDN REPORT		
CAO APPROVAL <i>[Signature]</i>		
EAP	✓	Oct. 11/11
COW		
OCT -3 2011		
RHD		
BOARD		

MEMORANDUM

TO: Dale Lindsay
Manager of Current Planning

DATE: September 27, 2011

FROM: Elaine Leung
Planner

FILE: PL2011-157

SUBJECT: Development Permit Application No. PL2011-157 – Christo Kuun Design & Construction Ltd.
Lot 112, District Lot 82, Newcastle District, Plan 31044 – Jamieson Road
Electoral Area 'H'

PURPOSE

To consider an application for a Development Permit to allow the construction of a dwelling unit and detached garage on the subject property.

BACKGROUND

The Regional District of Nanaimo has received an application from Christo Kuun Design & Construction Ltd. on behalf of Manfred and Isolde Winter in order to permit the construction of a dwelling unit and detached garage. The subject property is approximately 3,492 m² (0.35 ha) in area and is zoned Residential 2 (RS2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."

The subject property is located at the end Jamieson Road with the Strait of Georgia to the south. Jamieson Creek flows through dedicated park land area, which is located alongside the western side of the property (*see Attachment No. 1*).

The proposed development is subject to the following development permit areas as per "Regional District of Nanaimo Area 'H' Official Community Plan Bylaw No. 1335, 2005:"

- Hazards Lands
- Fish Habitat Protection

The applicants have submitted a Geotechnical Report and Riparian Areas Assessment in support of their application (*see Schedule No. 1, conditions of approval*).

Proposed Development

The applicants wish to construct a new dwelling unit and garage, both which will be located beyond the top of the ravine bank and 30.0 m riparian area.

ALTERNATIVES

1. To approve the Development Permit No. PL2011-157 subject to the conditions outlined in *Schedules No. 1 to 4*.
2. To deny the Development Permit No. PL2011-157.

LAND USE IMPLICATIONS

Development Implications

The subject property slopes gently to the north and west, ending with a significant embankment drop off to the Strait of Georgia to the north, and to the ravine and creek to the west. The applicants propose to construct a dwelling unit and detached garage as outlined on *Schedule No. 2*. Building elevations for the proposed dwelling unit and garage are shown on *Schedule Nos. 3 and 4*.

In keeping with the Hazard Lands DPA, the applicants have submitted a Geotechnical Report prepared by Lewkowich Engineering Associates Ltd., dated April 13, 2011, confirming the site is safe and suitable for the intended residential use, provided the recommendations are followed. The report recommends that the proposed dwelling and garage be constructed a minimum distance of 14.0 m from the top of the bank at the northern slope, and 13.0 m from the western slope, respectively. The proposed garage will be further away from the identified setbacks than the proposed dwelling. Compliance with the Geotechnical Site Report has been included within the Conditions of Approval (*see Schedule No. 1*).

With respect to the Fish Habitat Protection DPA, the applicants have submitted a Riparian Areas Assessment prepared Toth and Associates Environmental Services. The report has identified a 12.0 m Sensitive Streamside Protection Enhancement Area (SPEA) from the top of the bank of Jamieson Creek, and confirms that the proposed dwelling unit will be beyond the 30.0 m Riparian Assessment Area. The top of bank of Jamieson Creek is located within the adjacent park and as such, the proposed dwelling is well outside of the creek setback.

As per Board policy, staff recommends that the applicant be required to register a covenant that registers the Geotechnical Report, 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.

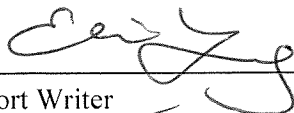
The proposed dwelling unit and detached garage will meet the minimum setbacks as set out in the submitted Geotechnical Report, and Riparian Areas Assessment. The proposed development is consistent with the Fish Habitat Protection and Watercourse Protection DPA guidelines.

SUMMARY/CONCLUSION

This is an application for a Development Permit to permit the construction of a dwelling unit and garage within the Hazard Lands Development Permit Areas. In staff's assessment, this proposal is consistent with the applicable Development Permit Areas, and staff recommends approval.

RECOMMENDATION

That Development Permit Application No. PL2011-157 to permit the construction of a dwelling unit and detached garage be approved subject to the conditions outlined in *Schedules No. 1 to 4*.



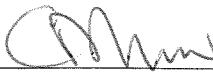
Report Writer



1
Manager Concurrence



General Manager Concurrence



CAO Concurrence

Schedule No. 1
Conditions of Development Permit Application No. PL2011-157

Conditions of Approval:

1. The proposed dwelling unit and detached garage shall be sited in accordance with the site plan prepared by Peter Mason, BCLS dated June 23, 2011, attached as *Schedule No. 2*.
2. The dwelling unit and detached garage shall be constructed in accordance with the elevation drawings attached as *Schedule No. 3*.
3. The proposed dwelling unit and detached garage shall be constructed in accordance with the Geotechnical Site Report prepared by Lewkowich Engineering Associates Ltd. dated April 13, 2011.

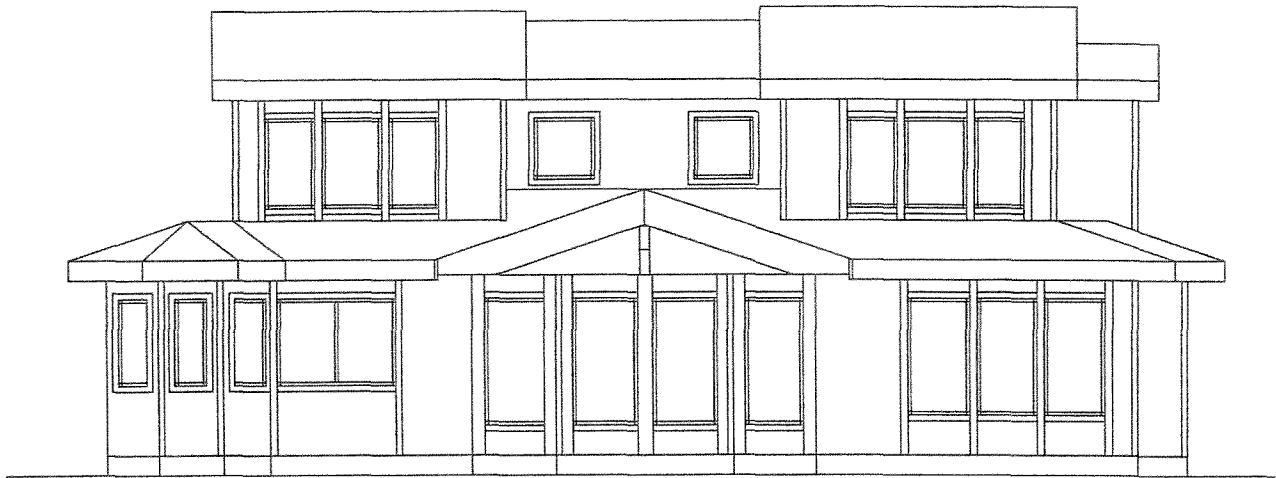
Geotechnical Assessment:

4. 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 Engineering Associates Ltd., dated April 13, 2011 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.

Environmental Assessment:

5. The proposed dwelling unit and detached garage shall be developed in accordance with the recommendations established in the Riparian Areas Regulations Report prepared by Toth and Associates Environmental Services, dated September 23, 2011.

Schedule No. 3
Building Elevations – Dwelling Unit
(Page 1 of 2)

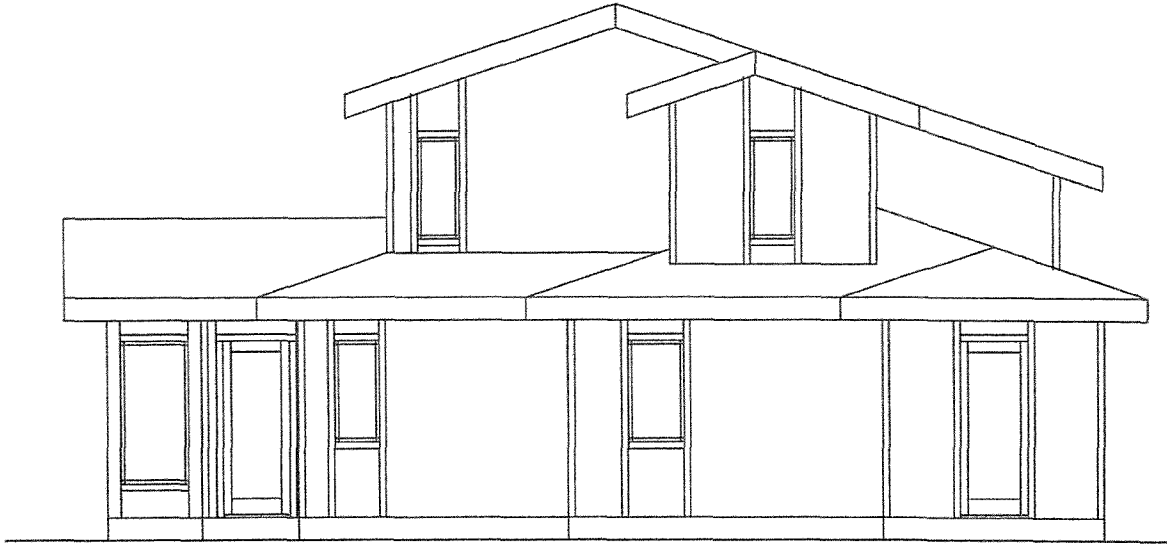


NORTH ELEVATION

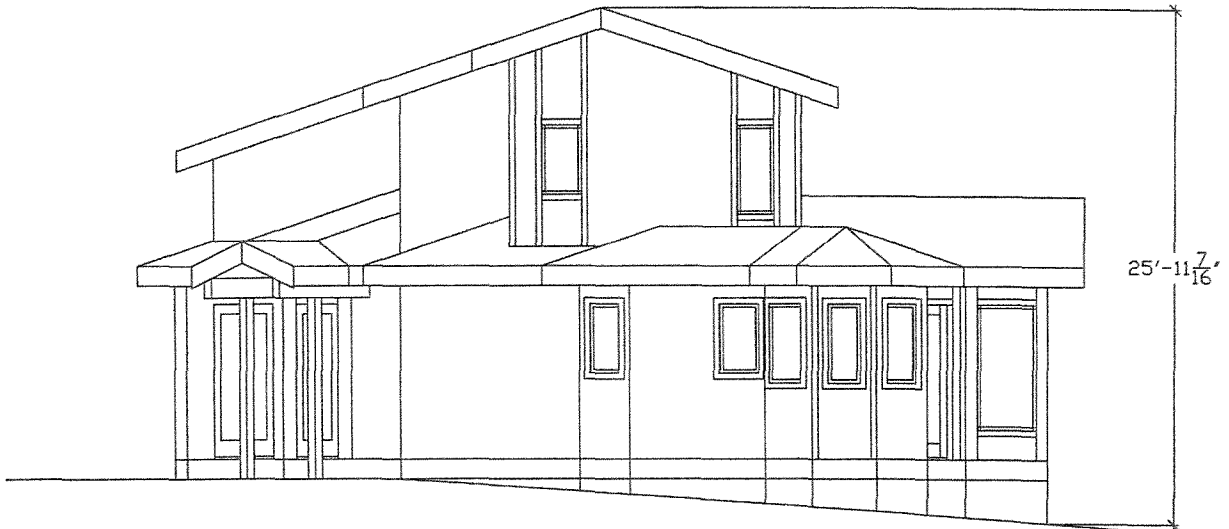


SOUTH ELEVATION

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

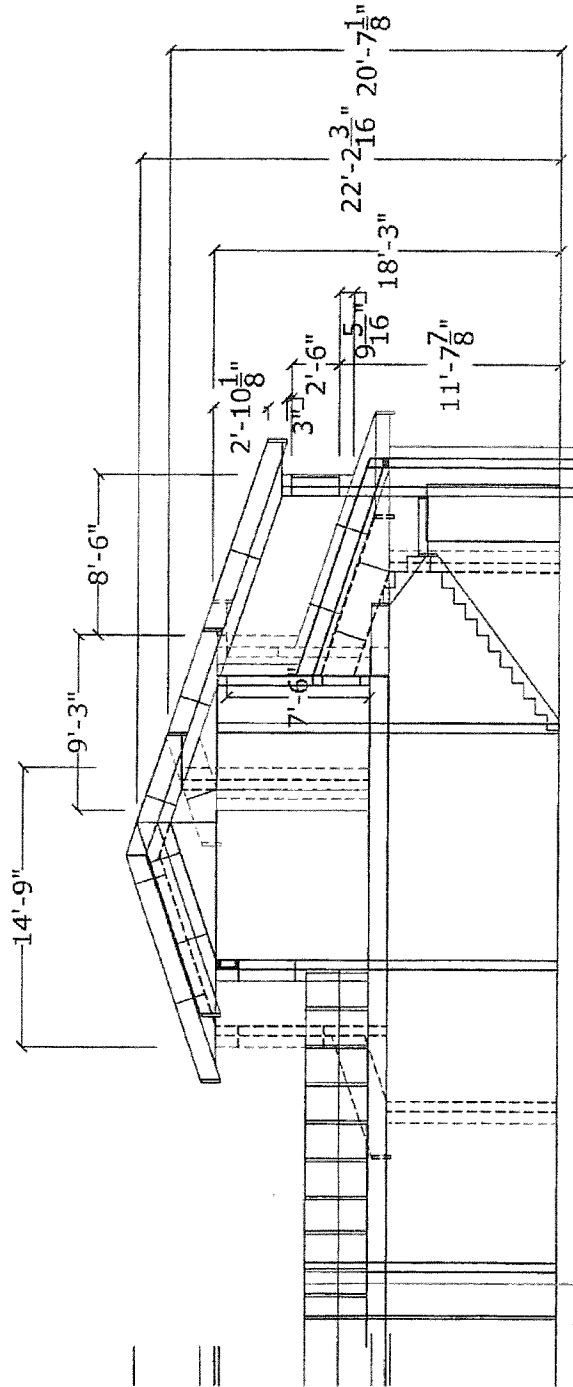


WEST ELEVATION

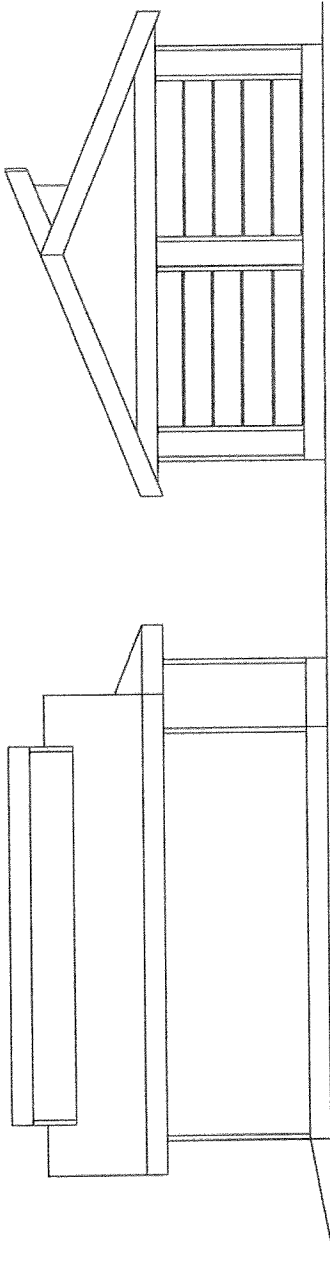


EAST ELEVATION

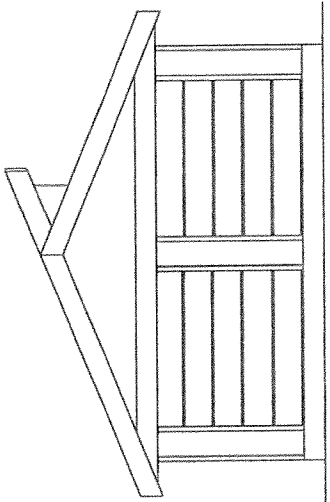
Schedule No. 3
Building Elevation – Dwelling Unit
(Page 3 of 3)



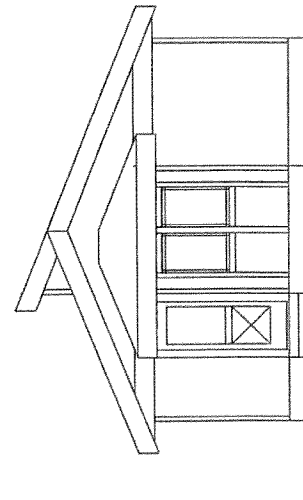
Schedule No. 4
Elevation Drawings – Accessory Building



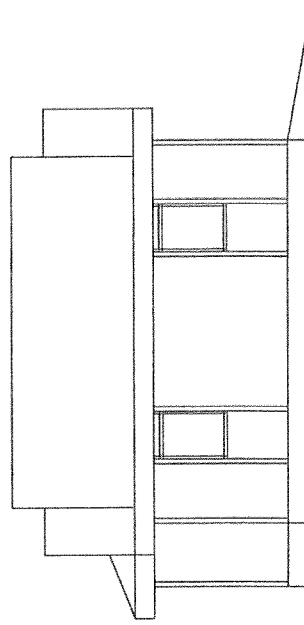
NORTH ELEVATION



EAST ELEVATION

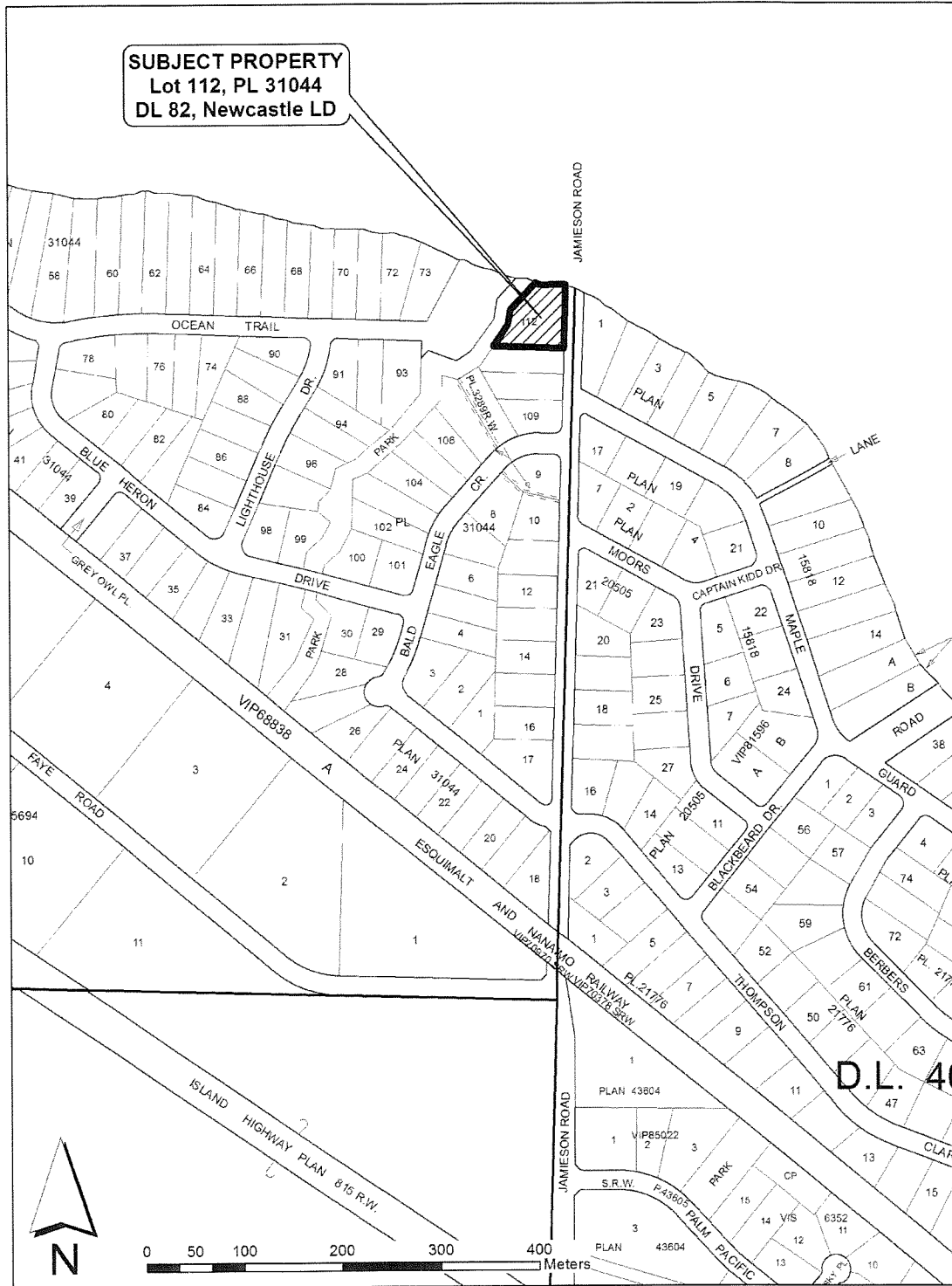


WEST ELEVATION



SOUTH ELEVATION

Attachment No. 1
Location of Subject Property



BCGS MAPSHEETS: 92F 047.2.3



RDN REPORT		
CAO APPROVAL		
EAP	✓	Oct. 11/11
COW		
OCT - 4 2011		
RHD		
BOARD		

MEMORANDUM

TO: Dale Lindsay
Manager of Current Planning

DATE: September 26, 2011

FROM: Robert Stover
Planning Technician

FILE: PL2011-149

**SUBJECT: Covenant Amendment Application No. PL2011-149 – P. Muise & L. Muise
Lot 9, Section 15, Range 2, Mountain District, Plan VIP80088 - 3349 Creekside Place
Electoral Area ‘C’**

PURPOSE

To consider an application to amend an existing covenant in order to remove a restriction that prohibits any further subdivision of the property by way of bare land strata or building strata.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Philip and Lara Muise requesting an amendment to a Section 219 restrictive covenant that was registered, in favour of the RDN on the subject property, at the time of subdivision. The subject property is approximately 2.11 hectares in area and is zoned Rural 1 (RU1) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”(see Attachment No. 1).

The subject property is located within the subdivision commonly known as ‘Benson Meadows’, a 73 lot residential development in Electoral Area ‘C’. As part of the original subdivision in 2005, a Section 219 restrictive covenant was registered on 40 of the 73 lots restricting the size of a second dwelling unit to 100 square meters, and prohibiting any further subdivision of the properties by way of bare land strata or building strata (see Attachment No. 2). This restrictive covenant was registered on the above mentioned lots following site investigations conducted by the developer that reviewed the availability of potable water, septic disposal conditions, and other site constraints. Staff supported the registration of this covenant as a condition of subdivision, as it provided assurances as to the permitted uses of these lots based upon servicing concerns. Staff is unaware of any new information with respect to the availability of groundwater resources and septic disposal conditions in the Benson Meadows subdivision. In the absence of any new comprehensive information pertaining to the above noted considerations, staff is of the opinion that conditions from the developer’s original site investigation still exist, and the Section 219 remains relevant.

Proposed Development

The applicant is proposing to amend a Section 219 restrictive covenant in order to remove the restriction that prohibits any further subdivision of the property by way of bare land strata or building strata in order to complete a building strata.

ALTERNATIVES

1. To approve the Development Variance Permit Application No. PL2011-149.
2. To deny the Development Variance Permit Application No. PL2011-149.

LAND USE IMPLICATIONS

Development Implications

The above mentioned covenant was registered on 40 of the 73 lots in the Benson Meadows subdivision following site investigations conducted by the developer that reviewed the availability of potable water, septic disposal conditions, and other site constraints. This restrictive covenant ensures that the permitted use of the lots is based upon individual site considerations. To date, only six of the 40 lots have constructed a second dwelling unit. By amending the provisions of the covenant to remove the restriction on subdivision of the property, by way of bare land strata or building strata, staff would anticipate that the intensity of use of the subject property to increase. In addition, amending the covenant to complete a building strata on the subject property potentially sets a precedent for other lots in the Benson Meadows subdivision to remove the restriction, thereby increasing the intensity of use on more than half of the lots in the development.

Official Community Plan

The subject property is designated “Rural” pursuant to “East Wellington – Pleasant Valley Official Community Plan Bylaw No. 1055”. (OCP) Policy No. 3 of this section states that “On land in the Rural designation, the creation of parcels having an area less than two hectares by way of subdivision pursuant to the Condominium Act (British Columbia), with the exception of subdivision pursuant to the Bareland Strata Regulations (British Columbia), shall not be supported.” As all of the 40 lots, including the subject property, are less than 4 ha. in area, removal of the covenant to permit a building strata would be in contravention of existing OCP Policy.

Environmental and Sustainability Implications

Site investigations by the developer at the time of subdivision included consideration of potable water availability and septic disposal conditions. Amending the covenant to allow for stratification of dwelling units on the subject property may lead to a more intensive use of groundwater resources, which could negatively impact the long-term ability to sustain residential use of the subject property. These implications are not limited to the subject property, as amending the Section 219 covenant on the other lots in Benson Meadows could result in a more intensive use of resources in the area.

SUMMARY/CONCLUSION

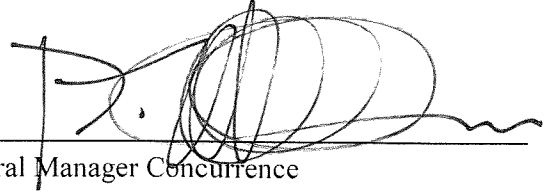
This is an application to amend an existing Section 219 restrictive covenant on the subject property, in order to permit the construction and stratification of two dwelling units. The restrictive covenant was registered on 40 of the 73 lots in the Benson Meadows development as a requirement of subdivision following site investigations conducted by the developer. These site investigations took into account the availability of potable water, septic disposal conditions, and other constraints of each lot. To date, only six of the 40 properties with this restrictive covenant have constructed a second ancillary dwelling unit. Amendment of the covenant to allow for the stratification of dwelling units would, in staff’s opinion, increase the intensity of use in the subdivision. As all of the 40 lots, including the subject property, are less than 4 ha. in area, amending the covenant to permit building stratas would be in conflict with existing OCP Policy.

RECOMMENDATION

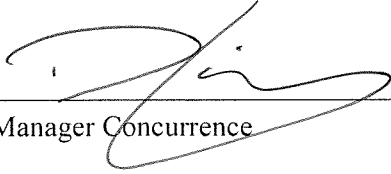
That Application No. PL2011-149 to amend an existing covenant in order to permit a building strata on the subject property be denied.



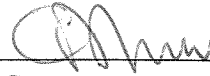
Report Writer



General Manager Concurrence

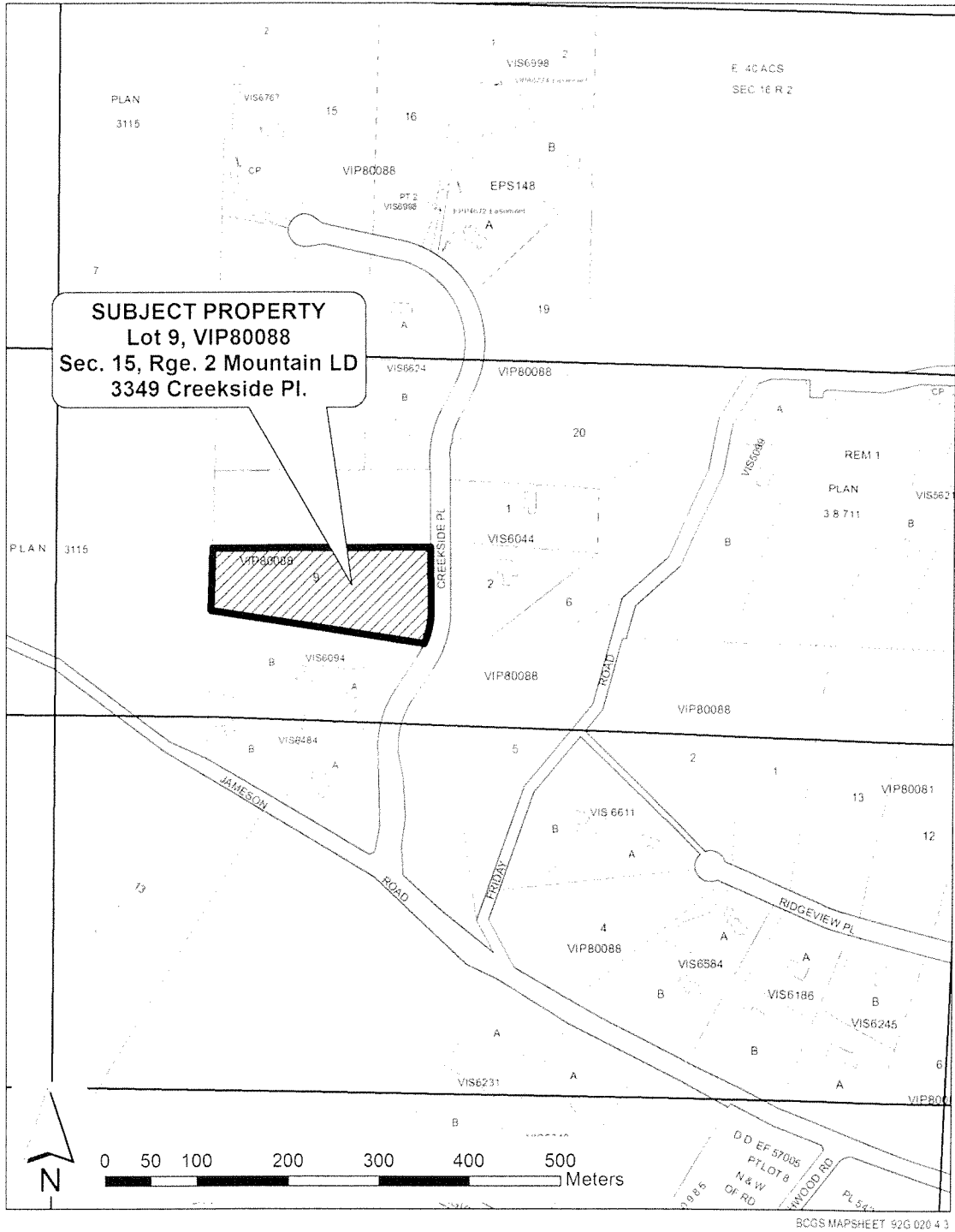


Manager Concurrence

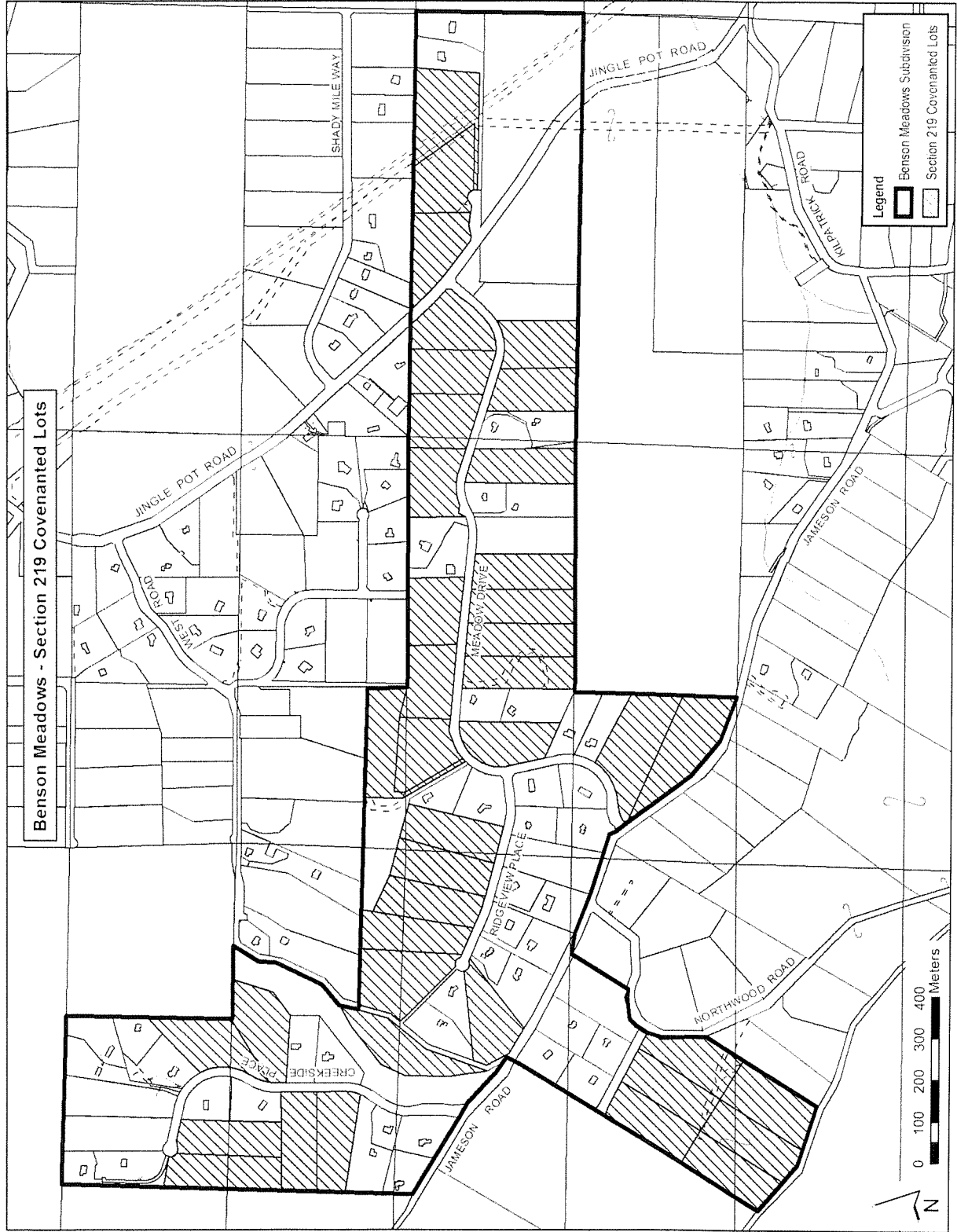


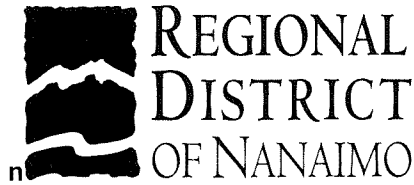
CAO Concurrence

Attachment No. 1 Subject Property Map



Attachment No. 2
Benson Meadows – Section 219 Covenanted Lots





RDN REPORT		
CAO APPROVAL <i>OW</i>		
EAP	✓	Oct. 11 / 11
COW		
OCT - 3 2011		
RHD		
BOARD		

MEMORANDUM

TO: Dale Lindsay
 Manager of Current Planning

DATE: September 27, 2011

FROM: Lainya Rowett
 Senior Planner

FILE: PL2010-180

SUBJECT: **Development Variance Permit Application No. PL2010-180**
J.E. Anderson & Associates
Lot 14, District Lot 78, Nanoose District, Plan 14275 – 1915 Cormorant Crescent
Electoral Area 'E'

PURPOSE

To consider an application for a Development Variance Permit to construct beach access stairs on the subject property.

BACKGROUND

The Regional District of Nanaimo has received an application from J.E. Anderson & Associates, on behalf of Taran Williams. The property is approximately 0.19 hectare in size and contains an existing dwelling unit and accessory buildings (workshop/garage) adjacent to the Strait of Georgia (*see Attachment No. 1 for location of the subject property*). The applicant proposes to construct beach access stairs for private use.

The subject property is zoned Residential 1 (RS1), pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987.” The property fronts Cormorant Crescent and is bordered by residential properties to the east and west, and the Strait of Georgia to the north. The coastal area beyond the property boundary is zoned Water 1 (WA1), pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987.”

In September 2010, the Regional District became aware that the owner began construction of foundations at the rear side of the subject property, to support a stair structure for private beach access (*see Schedule No. 2 for Site Plan with existing foundations*). The owner was advised that he required a building permit prior to completion of the stairs, and that a Development Variance Permit (DVP) approval was required for the proposed setbacks and height of the stairs. Subsequently, the owner submitted a DVP application for the variances described below.

Proposed Variances

The applicant is proposing to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” in order to accommodate the proposed beach access stairs:

- *Section 3.3.9 b i) General Regulations – Setbacks from the Sea (in Electoral Area 'E')* by reducing the minimum setback from the top of a slope of 30% or greater from 8.0 metres to 0.0 metres.
- *Section 3.4.61 Residential 1 - Minimum Setback Requirements* by reducing the minimum setback from the interior (eastern) side lot line from 2.0 metres to 1.0 metre.

- *Section 3.4.61 Residential 1 - Minimum Setback Requirements* by reducing the minimum setback from the rear lot line from 2.0 metres to 0.0 metres.
- *Section 3.4.91 Water 1 - Maximum Number and Size of Buildings and Structures* by increasing the maximum permitted height of a structure above the surface of the water, as measured from the natural boundary, from 1.0 metre to 6.0 metres.
- *Section 3.4.91 Water 1 – Minimum Setback Requirements* by reducing the minimum setback from all lot lines or lease boundaries from 3.0 metres to 0.0 metres.

ALTERNATIVES

1. To approve Development Variance Permit Application No. PL2010-180 subject to the conditions outlined on *Schedules No. 1 – 4*.
2. To deny Development Variance Permit Application No. PL2010-180 as submitted.

LAND USE AND DEVELOPMENT IMPLICATIONS

As outlined above, the applicant is requesting variances in order to accommodate the construction of beach access stairs in the location shown on *Schedule No. 3*. In considering the proposed setback variances, the location of the new stairs would not negatively impact the adjacent properties given that the stairs follow the natural topography and will be largely concealed from view by the steep slope of the upland properties. The requested height variance is necessary given the elevation of the upland property, which is approximately 6.0 metres above the ocean. The proposed stairs will, therefore, provide safe access to the foreshore for an existing dwelling within the property.

The stairs will be elevated on three foundation elements; an upper landing with a gated entry, a lower landing, and a concrete pad at the bottom of the stairs. The design materials include concrete and metal framing materials, timber stairs, railings and stone-face detailing at the top of the stairs. This design integrates well with the existing dwelling and is characteristic of other existing beach access stairs that have been constructed nearby along the coastline.

The applicant's Engineer (Ground Control Geotechnical Engineering Ltd.) has also confirmed that the installation of the foundations have not adversely affected the stability of the slope compared to pre-construction conditions, and that the presence of strong bedrock provides a very stable and geotechnically safe slope for the completion of the stairs. The applicant will be required to obtain a building permit for the construction of the stairs.

Furthermore, in support of the requested variances, the applicant has advised that he has removed extensive amounts of debris, which was located in the foreshore area when the owner purchased the property, in order to construct the new stairs.

As the variance is not anticipated to negatively impact adjacent property owners, staff recommends approval.

Inter-governmental Implications

The proposed beach access stairs are located within the title boundary of the subject property; however, the physical occupation of the stairs shows a slight encroachment of the landing pad and stairs onto the foreshore area as shown on *Schedule No. 3*. As a result, the applicant submitted an application to the Ministry of Forests, Lands and Natural Resource Operations (formerly the Integrated Land Management

Bureau) for a License of Occupation. The Ministry reviewed this application and confirmed that given the minimal extent of the encroachment no formal authorization under the *Land Act* is required.

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

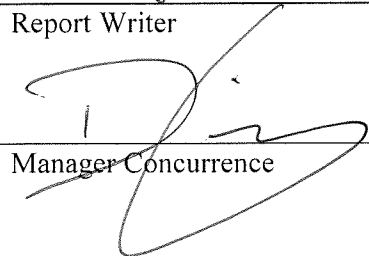
This is an application for a Development Variance Permit to permit the construction of beach access stairs. The applicant is requesting variances to the setbacks and height of the stairs, including the setback from the interior side lot line from 2.0 metres to 1.0 metre; the setback from the rear lot line from 2.0 metres to 0.0 metres; the height of the stairs from 1.0 metre to 6.0 metres; the setback from all lot lines or lease boundaries, within the WA1 Zone, from 3.0 metres to 0.0 metres; and, the setback from the natural boundary of the sea from 8.0 metres to 0.0 metres. Staff supports the application and recommends approval of the Development Variance Permit.

RECOMMENDATIONS

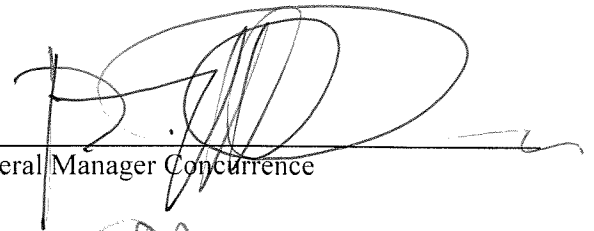
1. THAT staff be directed to complete the required notification, and
2. THAT the Development Variance Permit Application No. PL2010-180, be approved subject to the conditions outlines in *Schedules No. 1 - 4*.



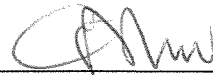
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

Schedule No. 1
Terms and Conditions of Development Variance Permit No. PL2010-180

The following sets out the terms and conditions of Development Variance Permit No. PL2010-180.

Bylaw No. 500, 1987 – Variances

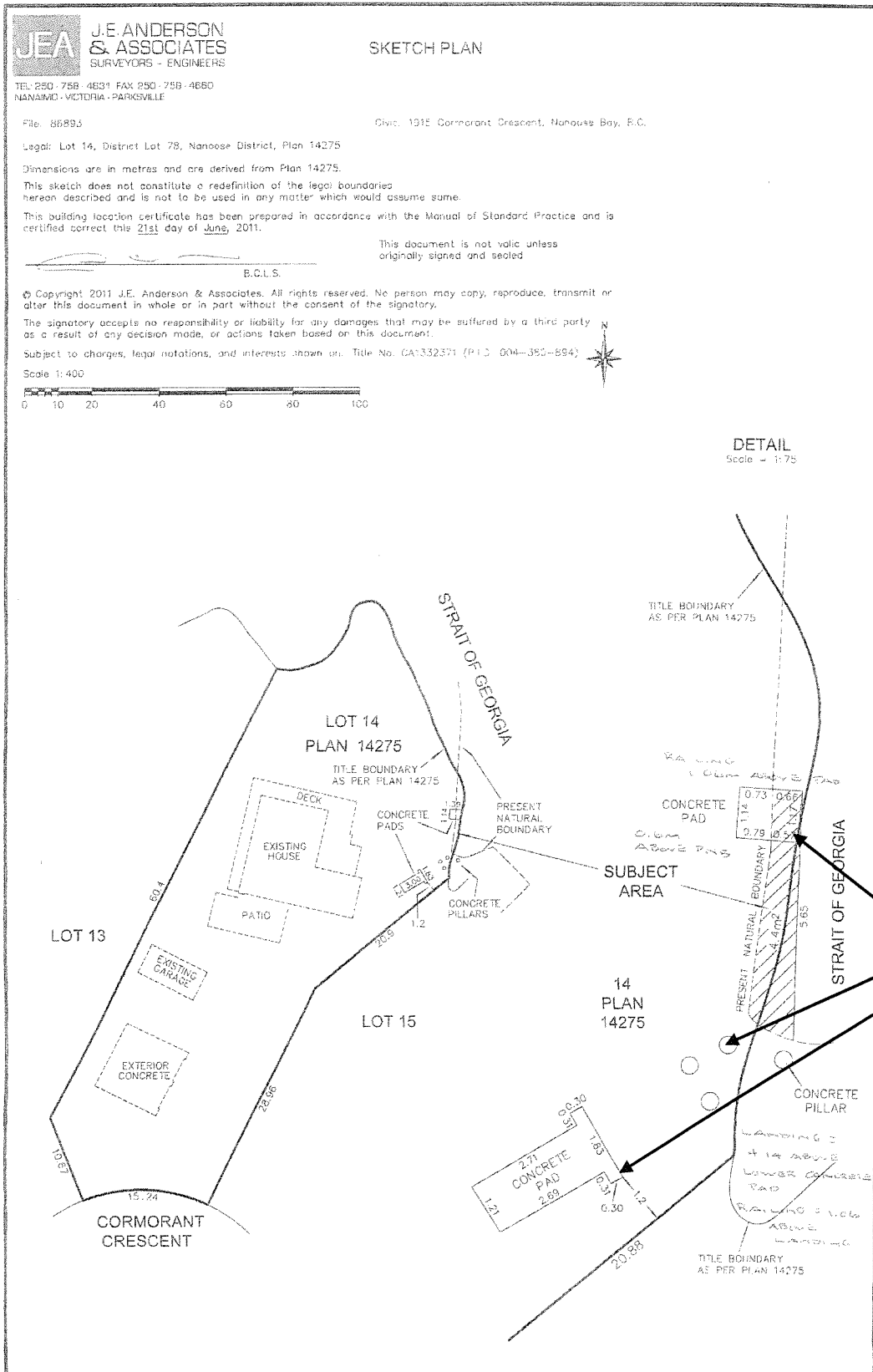
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” is requested to be varied as follows:

1. **Section 3.3.9 b i) General Regulations – Setbacks from the Sea** (in Electoral Area ‘E’) by reducing the minimum setback from the top of a slope of 30% or greater from 8.0 metres to 0.0 metres as shown on *Schedule No. 3*.
2. **Section 3.4.61 Residential 1 - Minimum Setback Requirements** by reducing the minimum setback from the interior (eastern) side lot line from 2.0 metres to 1.0 metre as shown on *Schedule No. 3*.
3. **Section 3.4.61 Residential 1 - Minimum Setback Requirements** by reducing the minimum setback from the rear lot line from 2.0 metres to 0.0 metres as shown on *Schedule No. 3*.
4. **Section 3.4.91 Water 1 - Maximum Number and Size of Buildings and Structures** by increasing the maximum permitted height of a structure above the surface of the water, as measured from the natural boundary, from 1.0 metre to 6.0 metres as shown on *Schedule No. 4*.
5. **Section 3.4.91 Water 1 – Minimum Setback Requirements** by reducing the minimum setback from all lot lines or lease boundaries from 3.0 metres to 0.0 metres as shown on *Schedule No. 3*.

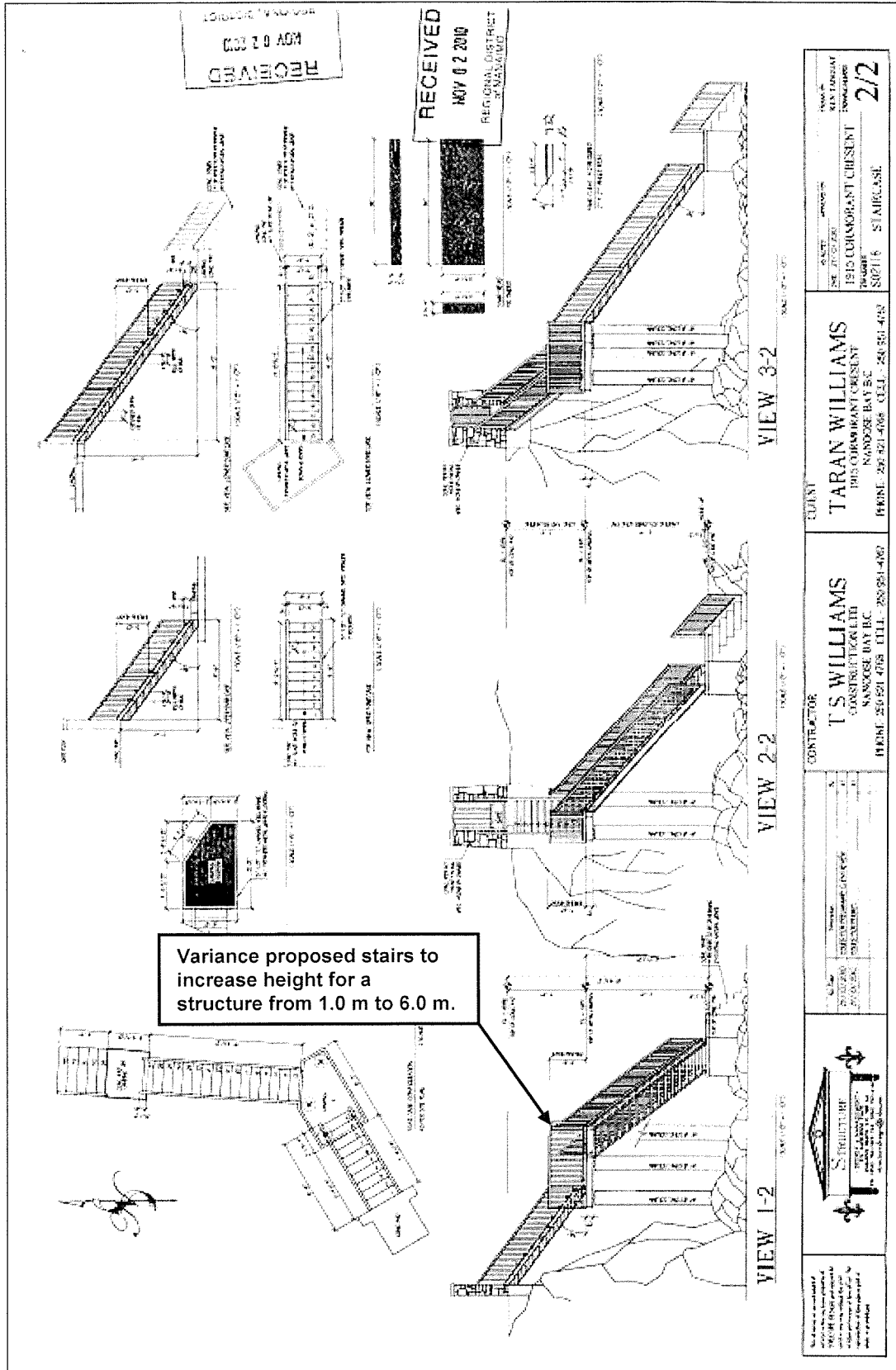
Conditions of Approval:

1. The beach access stairs shall be sited in accordance with site survey prepared by J.E. Anderson & Associates, dated October 27, 2010, attached as *Schedule No. 3*.
2. The beach access stairs shall be constructed in accordance with the building elevations submitted by the applicant attached as *Schedule No. 4*.

Schedule No. 2 Site Plan – Existing Foundations



**Schedule No. 4
 Elevations of Proposed Stairs**



The drawings are submitted by T.S. WILLIAMS ARCHITECT 1111 BAYVIEW STREET, NANAIMO, B.C. V9R 5K1 TEL: 250-251-4707	CONTRACTOR T.S. WILLIAMS CONSTRUCTION LTD. NANAIKSE BAY B.C. PHONE: 250-251-4708 UTILL: 250-251-4707	OWNER TARAN WILLIAMS 1815 CORMORANT CRESENT NANAIKSE BAY B.C. PHONE: 250-221-4766 CELL: 250-551-4758	NAME: KEN LONZATY NUMBER: 212
			PROJECT: 1815 CORMORANT CRESENT SHEET: 20116 STAIRCASE

Attachment No. 1
Location of Subject Property

