

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA PLANNING COMMITTEE

TUESDAY, OCTOBER 9, 2012

6:30 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

- 3 - 6 Minutes of the regular Electoral Area Planning Committee meeting held Tuesday, September 11, 2012.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

UNFINISHED BUSINESS

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

- 7 - 14 Development Permit Application No. PL2012-100 - Kjell, Olive, David, and Penny Aalhus - 5996 Island Hwy W, Electoral Area 'H'.

- 15 - 21 Development Permit Application No. PL2012-121 - Beverly Briggs - 4803 Ocean Trail, Electoral Area 'H'.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

- 22 - 27 Development Variance Permit Application No. PL2012-108 - Melvyn Scott - 1061 Troy Place, Electoral Area 'G'.

- 28 - 32 Development Variance Permit Application No. PL2012-115 - Trevor & Bonnie Demynn - 1809 Northwest Bay Road, Electoral Area 'E'.

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

- 33 - 38 Development Permit with Variance Application No. PL2012-083 – D & D Pacific Developments Ltd., Inc. No. BC0934466 - 3745 Melrose Road, Electoral Area 'F'.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

ADJOURNMENT

Development Variance Permit Application No. PL2012-090 – Barrie Cook – 2182 Yellow Point Road – Electoral Area ‘A’.

MOVED Director McPherson, SECONDED Director Fell, that staff be directed to complete the required notification.

CARRIED

MOVED Director McPherson, SECONDED Director Fell, that Development Variance Permit Application No. PL2012-090 be approved subject to the conditions outlined in Schedule 1.

CARRIED

OTHER

Zoning Amendment Application No. PL2012-070 – Bylaw 500.372 – 639582 BC Ltd. Lot A, District Lot 28, Nanoose District, Plan VIP60624 – 1395 Island Highway West – Electoral Area ‘G’.

MOVED Director Stanhope, SECONDED Director Young, that Zoning Amendment Application No. PL2011-070 to amend the existing Commercial 3 (CM3) zoning of the subject property to permit an additional FAR of 0.1 for “outdoor sales” use (within a building) only, up to a total maximum Floor Area Ratio (FAR) of 0.2 for the property, be approved subject to the conditions outlined in Schedule 1.

CARRIED

MOVED Director Stanhope, SECONDED Director Young, that “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.372, 2012” be introduced and read two times.

CARRIED

MOVED Director Stanhope, SECONDED Director Young, that the public hearing on “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.372, 2012” be delegated to Director Stanhope or another Area Director.

CARRIED

Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement PL2012 - 081 – 2956 and 2962 Ridgeway Road – Electoral Area ‘C’.

MOVED Director Young, SECONDED Director Stanhope, that the request to relax the minimum 10% perimeter frontage requirement for proposed lot A in conjunction with a subdivision application, be approved.

CARRIED

Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement PL2012 – 048 - Deas – 2900 Leon Road – Electoral Area ‘H’.

MOVED Director Wahlgren, SECONDED Director Stanhope, that the request to relax the minimum 10% perimeter frontage requirement for proposed Lots 4 to 7, inclusive, be approved.

CARRIED

ADJOURNMENT

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

CARRIED

Time: 6: 48 PM

CHAIRPERSON



RDN REPORT	
✓ CAO APPROVAL	###
EAP	✓ Oct 9
COW	
OCT 02 2012	
RHD	
BOARD	

MEMORANDUM

TO: Jeremy Holm
Manager of Current Planning

DATE: September 25, 2012

FROM: Angela Buick
Planner

FILE: PL2012-100

SUBJECT: Development Permit Application No. PL2012-100 – Aalhus
Lot 5, District Lot 20, Newcastle District, Plan 3526 – 5996 Island Highway West
Electoral Area ‘H’

PURPOSE

To consider an application for a Development Permit for the development of a resort vehicle park consisting of ten recreational vehicle sites and related improvements within a portion of the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Kjell and Olive Aalhus and David and Penny Aalhus in order to permit a resort vehicle park campground consisting of ten recreational vehicle sites and related improvements. The subject property is approximately 0.62 ha in area (see Attachment 1 for subject property map) and is zoned Commercial 5 (CM5) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”.

The subject property currently contains two dwelling units and three accessory buildings. One of the dwelling units is proposed to be converted into an office/washroom facility and the campground office (internal renovations only); the second dwelling is proposed to be used as a caretaker’s residence, and the accessory buildings are proposed to be used for storage. The lot is hooked across the Island Highway West where it meets the shoreline of Qualicum Bay. The portion of the lot to be developed is located south of the Island Highway and is bound by commercial zoned properties to the west (motel units and vacant fish hatchery buildings) and to the east (Qualicum Bay Resort), and rural residential lots to the south.

The proposed development is subject to the following Development Permit Areas (DPA) as per the “Electoral Area ‘H’ Official Community Plan – Bylaw No. 1335” 2003:

- Natural Hazards;
- Aquifer; and
- Village Centres Development Permit Area.

Proposed Development

The applicant proposes to develop ten recreational vehicle sites, an office/washroom facility and caretaker's residence, served with water, septic, electricity and cable as shown on Schedule 2. Three existing accessory buildings will be retained for storage purposes in conjunction with the campground operation. Landscaping and signage improvements are also proposed as part of this permit.

ALTERNATIVES

1. To approve the Development Permit No. PL2012-100 subject to the conditions outlined in Schedules 1 to 3.
2. To deny the Development Permit No. PL2012-100.

LAND USE IMPLICATIONS

Development Implications

The proposed development will allow for seasonal or periodic accommodation of travelers or residents using tents or recreational vehicles not exceeding 37 m² (400 sq. ft.) in floor area as consistent with the definition of a Resort Vehicle Park and the uses permitted in the existing Commercial 5 (CM5) zone in accordance with "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

In keeping with the Hazard Lands DPA guidelines, the applicant has submitted a Geotechnical Hazards Assessment prepared by ThorConsult Ltd. Water & Land Development Engineering Consultants, dated September 25, 2012. As the Hazard Area applies only to the foreshore area of the property and the proposed development is greater than 20 metres from the hazard areas, the report states that the proposed development is considered to be safe and suitable for the intended use.

To address the landscaping requirements, the proposed development includes an 8.0 metre wide landscaping buffer along the Island Highway West (see Schedule 4 – landscape plan). A landscaping security in the amount of approximately \$16,000 is required as outlined in Schedule 1, Conditions of approval. One free-standing sign is proposed within the 8.0 metre landscape buffer area, and is designed to suit the form and character of the development. Additional improvements including site fencing, washrooms and refuse facilities will be provided in accordance with Schedule '3C' Campground Regulations and Standards of Bylaw No. 500 (see Schedule 3 and 4). The proposed development complies with the requirements of the Village Centres DPA.

Environmental Implications

The applicants have submitted a letter from the Qualicum Bay-Horne Lake Waterworks District (QBHLWD) confirming there is sufficient water supply for the proposed development. The applicants have also submitted an Aquifer Protection Assessment report prepared by ThorConsult Ltd. Water & Land Development Engineering Consultants, dated June 28, 2012 to address the DPA Guidelines. This report confirms that the development will not negatively impact the aquifer. The report includes recommendations for wastewater management; therefore as a condition of the approval the site shall be developed in accordance with the Engineer's recommendations (see Schedule 1).

Sustainability Implications

Staff have reviewed the application and identified the following sustainability implications for the proposed development:

- The development will revitalize an existing commercial property and meet the Official Community Plan objectives by serving the needs of the traveling public;
- New native and drought tolerant plants and existing vegetation will be provided and maintained to buffer the proposed development;
- The proposed development will improve the character and visual appeal of the site from the Island Highway (19 A);
- Existing businesses will benefit from the proposed development of this commercial property as it will bring more tourism to the area; and
- Local labour will be employed to develop the site.

Inter-governmental Implications


The Ministry of Transportation and Infrastructure have been in communications regarding the proposed development. The applicants will be required to obtain a valid highway access permit for the proposed commercial development as noted in the conditions of approval (Schedule 1).


SUMMARY/CONCLUSIONS

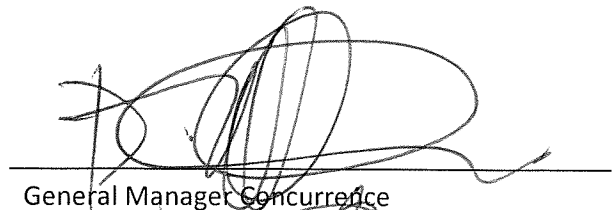
Development Permit No. PL2012-100 will facilitate the development of an existing commercial property with ten recreational vehicle sites, an office/washroom facility and caretaker’s residence. Other related improvements include landscaping and signage. The development permit, if approved, would require compliance with conditions of approval outlined in Schedule 1. Given that the proposed development meets the DP guidelines and will not negatively impact the aquifer, staff recommends the Board approve the development permit.

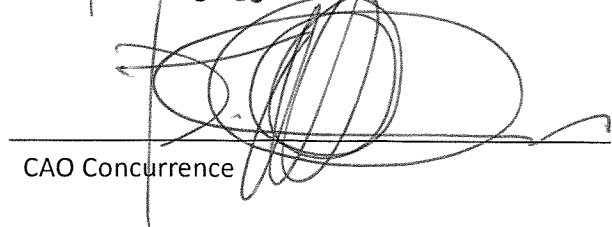
RECOMMENDATIONS

That Development Permit No. PL2012-100 to permit a resort vehicle park consisting of ten (10) recreational vehicle sites and improvements to two existing dwellings to create an office/washroom facility, caretaker’s residence, and landscaping and signage improvements be approved subject to the conditions outlined in Schedule 1 to 4.


Report Writer


Manager Concurrence


General Manager Concurrence


CAO Concurrence

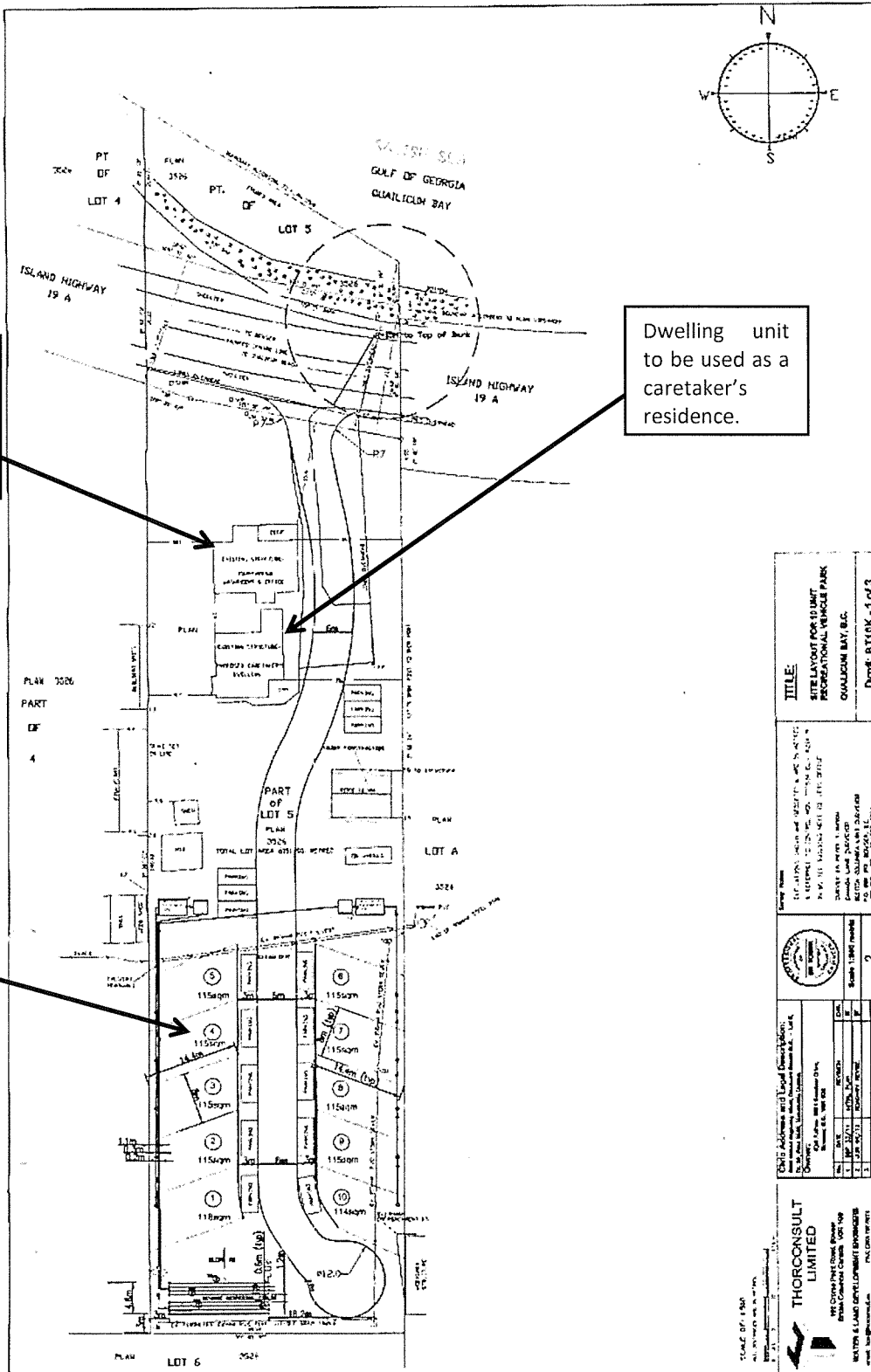
Schedule 1
Terms and Conditions of Development Permit

The following sets out the terms and conditions of Development Permit No. PL2012-100:

Conditions of Approval

1. The site shall be developed in accordance with the site plan prepared by ThorConsult Ltd. dated September 26, 2012, attached as Schedules 2 and 3.
2. The applicants shall develop the subject property in accordance with the recommendations established in the Aquifer Protection Assessment Reports prepared by ThorConsult Ltd. dated June 28, 2012.
3. With respect to the conversion of two existing dwelling units into a caretaker's residence and office/washroom facility, these improvements must comply with Schedule '3C' Campground Regulations and Standards of the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The RDN Building Department shall withhold the issuance of a building permit for these alterations until the applicant has demonstrated that the improvements are in compliance with the requirements of Bylaw No. 500 to the satisfaction of the General Manager of Strategic and Community Development.
4. The landscaping works, signage and garbage receptacle shall be developed and maintained in substantial compliance with the landscaping plan prepared by ThorConsult Limited Water & Land Development Engineers dated September 26, 2012, attached as Schedule 4.
5. A landscaping security in the amount of \$16,000 shall be submitted in accordance with Schedule '3F' Landscaping Regulations and Standards of the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".
6. Signage shall be in accordance with the "Regional District of Nanaimo Bylaw No. 993, 1995".
7. No outdoor storage shall be permitted on the property.
8. The applicants must obtain a valid highways access permit for the proposed commercial development.
9. The property owner must obtain all necessary permits in accordance with Regional District of Nanaimo Building Regulations.

Schedule 2
 Site Plan



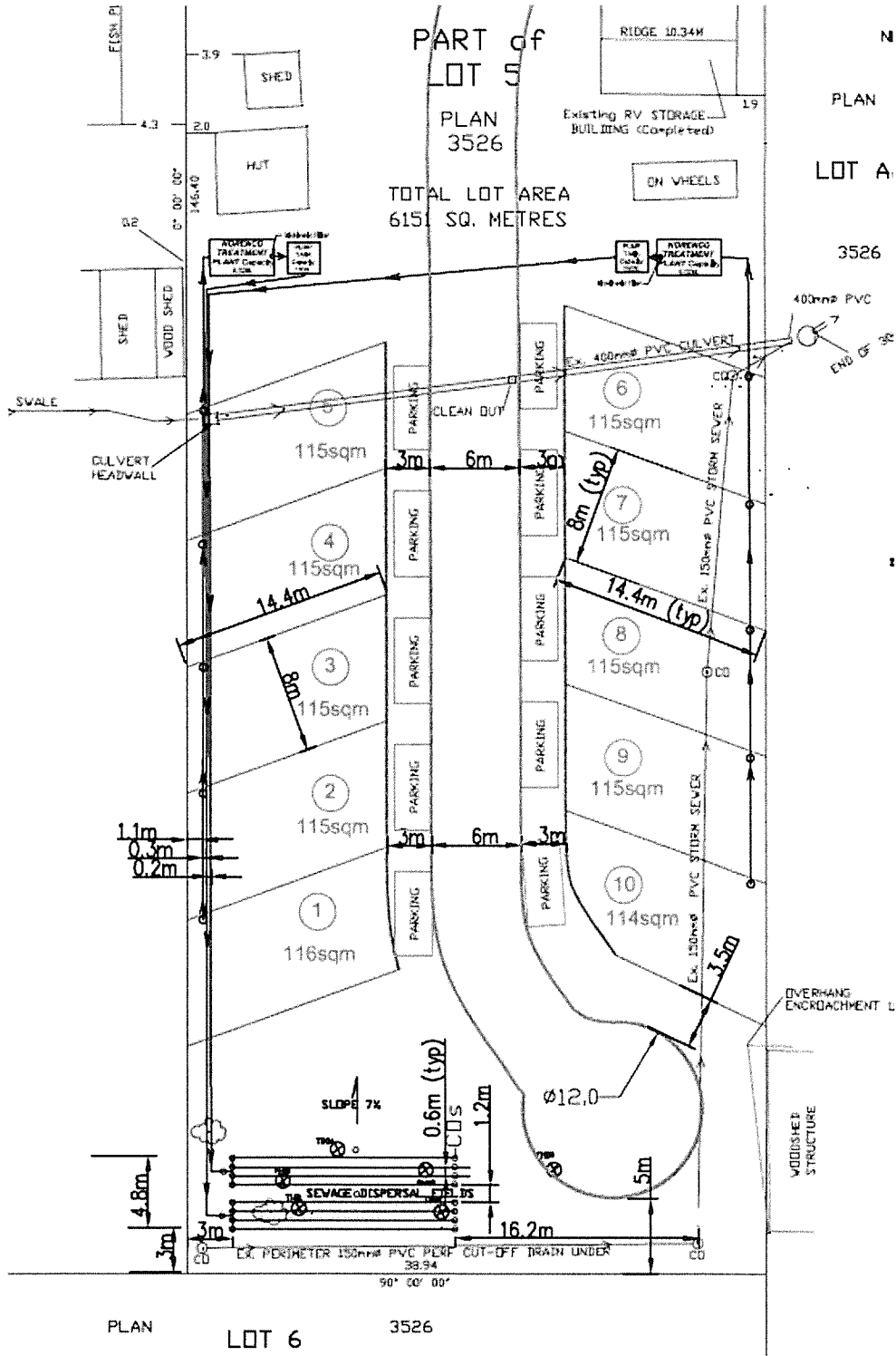
Dwelling unit proposed to be converted into an office / washroom facility.

Dwelling unit to be used as a caretaker's residence.

Proposed RV sites.

<p>TITLE: SITE LAYOUT FOR 10 UNIT RECREATIONAL VEHICLE PARK QUALICUM BAY, B.C.</p> <p>Dwg#: BT18K - 1 of 3</p>	
<p>DATE: 11/15/11</p> <p>SCALE: 1:1000</p> <p>PROJECT: 10 UNIT RECREATIONAL VEHICLE PARK QUALICUM BAY, B.C.</p>	
<p>CLIENT: QUALICUM BAY DEVELOPMENT 1000 QUALICUM BAY RD. QUALICUM BAY, B.C. V2Y 1R1</p>	
<p>DESIGNER: THORCONSULT LIMITED 1000 QUALICUM BAY RD. QUALICUM BAY, B.C. V2Y 1R1</p>	
<p>DATE: 11/15/11</p> <p>SCALE: 1:1000</p> <p>PROJECT: 10 UNIT RECREATIONAL VEHICLE PARK QUALICUM BAY, B.C.</p>	
<p>CLIENT: QUALICUM BAY DEVELOPMENT 1000 QUALICUM BAY RD. QUALICUM BAY, B.C. V2Y 1R1</p>	
<p>DESIGNER: THORCONSULT LIMITED 1000 QUALICUM BAY RD. QUALICUM BAY, B.C. V2Y 1R1</p>	

Schedule 3
 Site Plan – Detail of RV Sites



Schedule 4 Proposed Landscaping and Signage

ENGINEER'S NOTE: ROCK SHORE PROTECTION INSPECTED 09/25/12 & IS IN GOOD ORDER. THIS WALL DOES NOT HAVE ANY IMPACT ON THAT PORTION OF THE DEVELOPER'S LAND SOUTH OF ISLAND HIGHWAY. THE WALL IS MAINLY ON THE ISLAND HIGHWAY ROW & IS OVER 15 METRES DISTANT FROM THE LAND.

RV PARK SIGN DETAIL
Requirements in inches x HTD

KEY	QTY	BOTANICAL NAME	COMMON NAME	PLANTED SIZE/REMARKS
(1)	1	Cornus Sericea	Witching Dogwood	#2 POT, 50cm
(2)	1	Rhododendron Chinensis	Rhododendron	#3 POT, 30cm
(3)	3	Corynephoria s. Auct. Fort. Pauciflora	Reed Grass	#1 POT, heavy
(4)	2	Asplenium ad-nigrum	Wet Spleenwort	#1 POT, heavy
(5)	8	Erythronium Doolittlei	Shrubby Yellowflower	#1 POT, heavy
(6)	7	Rubus cuneifolius var. subniger ('Goldstern')	Black-eyed Susan	#1 POT
(7)	4	Physocarpum opulifolium	Asiatic Bittersweet	#1 POT, 20 cm
(8)	7	Thuja Platyloba	Western Red Cedar	2m HT, 8.8P

LANDSCAPING LEGEND
NOTE: LANDSCAPING WILL START OCT 10 & BE COMPLETE BY NOV 30/12

SITE FENCING & GARBAGE DUMPSTER DETAILS
Requirements in metres
Fiber @schedule in inches x HTD

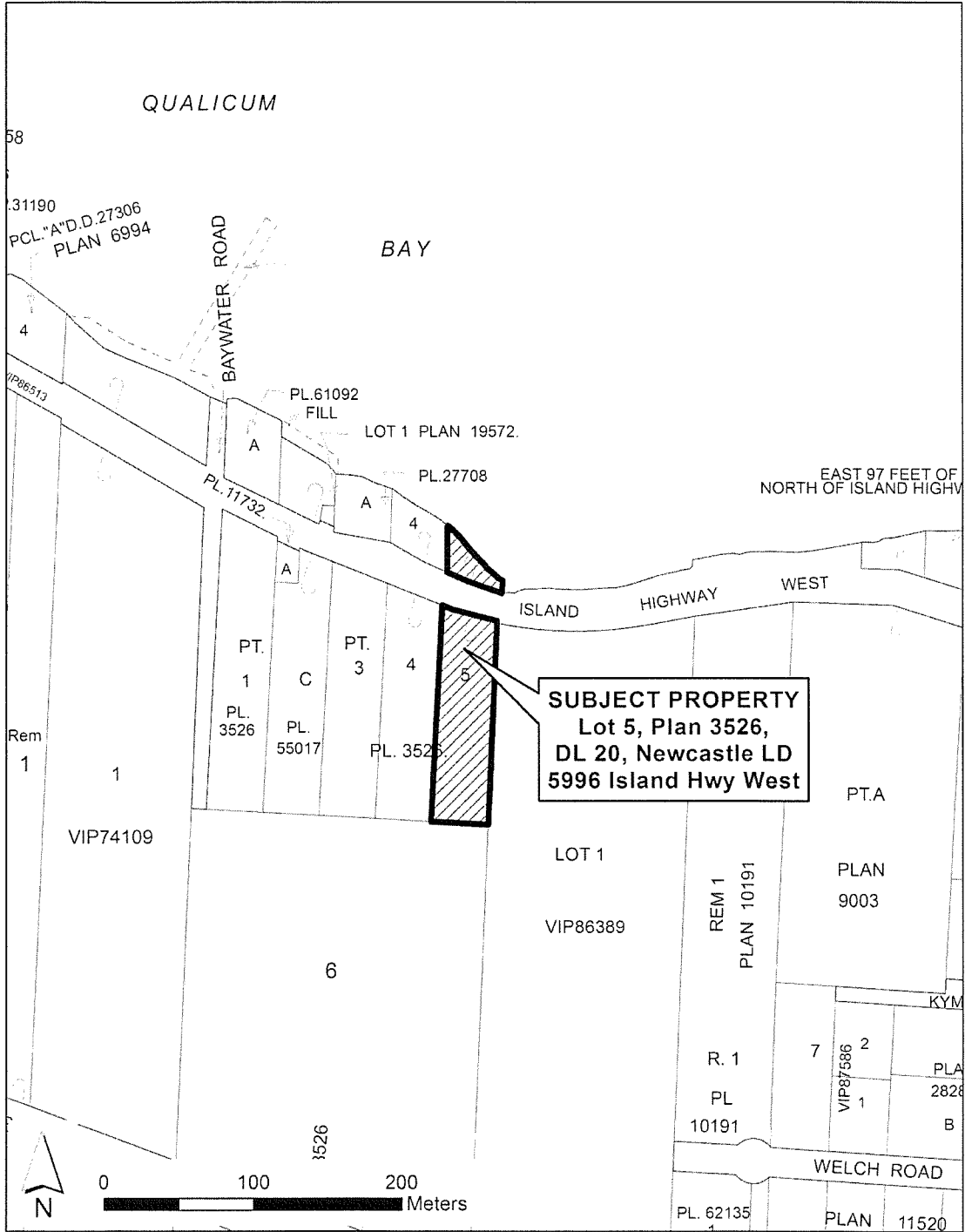
THORCONSULT LIMITED
Professional Land Surveyors
Professional Engineers
Professional Geotechnical Engineers
Professional Geologists
Professional Environmental Engineers
Professional Foresters
Professional Hydrologists
Professional Planners
Professional Social Planners
Professional Urban Planners
Professional Water Engineers
Professional Wildlife Biologists
Professional Zoning Officers
Professional Transportation Engineers
Professional Traffic Engineers
Professional Urban Designers
Professional Urban Formulators
Professional Urban Researchers
Professional Urban Strategists
Professional Urban Writers
Professional Urbanists
Professional Urban Planners
Professional Urban Designers
Professional Urban Formulators
Professional Urban Researchers
Professional Urban Strategists
Professional Urban Writers
Professional Urbanists

Proposed location of sign.

Landscape buffer within the 8.0 metre setback area.

Proposed location of garbage receptacle.

Attachment 1
Location of Subject Property



BCGS Map Sheet No 92F.047 2 2



**REGIONAL
DISTRICT
OF NANAIMO**

RDN REPORT		#
CAO APPROVAL		#
EAP	✓	OCT 9
COW		
OCT 02 2012		
RHD		
BOARD		

MEMORANDUM

TO: Jeremy Holm
Manager of Current Planning

DATE: September 25, 2012

FROM: Kristy Marks
Planner

FILE: PL2012-121

SUBJECT: Development Permit Application No. PL2012-121 – Briggs
Lot 67, District Lot 82, Newcastle District, Plan 31044 – 4803 Ocean Trail
Electoral Area 'H'

PURPOSE

To consider an application for a Development Permit to allow the construction of an addition to a single family dwelling on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Beverly Briggs in order to permit the construction of an addition to a single family dwelling. The subject property is approximately 2448 m² 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 bound by developed residential parcels to the east and west, a steep slope and the Strait of Georgia to the north and Ocean Trail to the south. The property currently contains a single family dwelling.

The proposed development is subject to the Hazard Lands Development Permit area as per “Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2003”.

Proposed Development

The applicant is proposing to construct an addition with an approximate floor area of 17 m² to an existing single family dwelling (see Schedules 2 and 3 for site plan and building elevations). The proposed addition will be located on the west side of the property, no closer to the slope than the existing dwelling.

ALTERNATIVES

1. To approve the Development Permit No. PL2012-121 subject to the conditions outlined in Schedules 1 to 3.
2. To deny the Development Permit No. PL2012-121.

LAND USE IMPLICATIONS

Development Implications

The applicant has submitted a Geotechnical Slope Assessment prepared by Ground Control Geotechnical Engineering Ltd. and dated September 25, 2012, to satisfy the Hazard Lands Development Permit Area guidelines.

The report concludes that the site is considered safe and suitable for the intended residential use, and establishes a minimum safe setback from the crest of the slope of 19.0 metres. In addition, the report includes recommendations for vegetation protection and storm water management. Staff recommends that the applicant be required to register a Section 219 covenant that registers the Ground Control Geotechnical Slope Assessment on the property title, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages to life and property as a result of potential geotechnical and flood hazards.

Sustainability Implications

In keeping with Regional District of Nanaimo Board policy, staff reviewed the proposed development with respect to the "Regional District of Nanaimo Sustainable Development Checklist" and note that the proposed development will utilize an existing developed residential parcel. Registration of the covenant containing the Geotechnical Slope Assessment will help ensure that the use of the property occurs in a manner that limits potential impacts on the steep slope bordering the Strait of Georgia.


SUMMARY/CONCLUSION


This is an application for a Development Permit to permit the construction of an addition to a single family dwelling within the Hazard Lands Development Permit Area. The applicant has provided a site plan, building elevations and Geotechnical Slope Assessment in support of the application. In staff's assessment, this proposal is consistent with the guidelines of the Hazard Lands Development Permit Area.

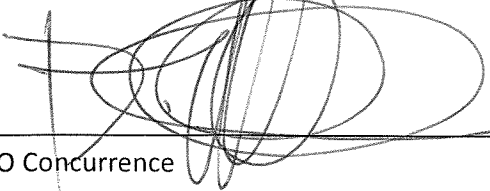
RECOMMENDATION

That Development Permit No. PL2012-121 to permit the construction of an addition to a single family dwelling be approved subject to the conditions outlined in Schedules 1 to 3.


Report Writer


General Manager Concurrence


Manager Concurrence


CAO Concurrence

Schedule 1
Terms and Conditions of Development Permit

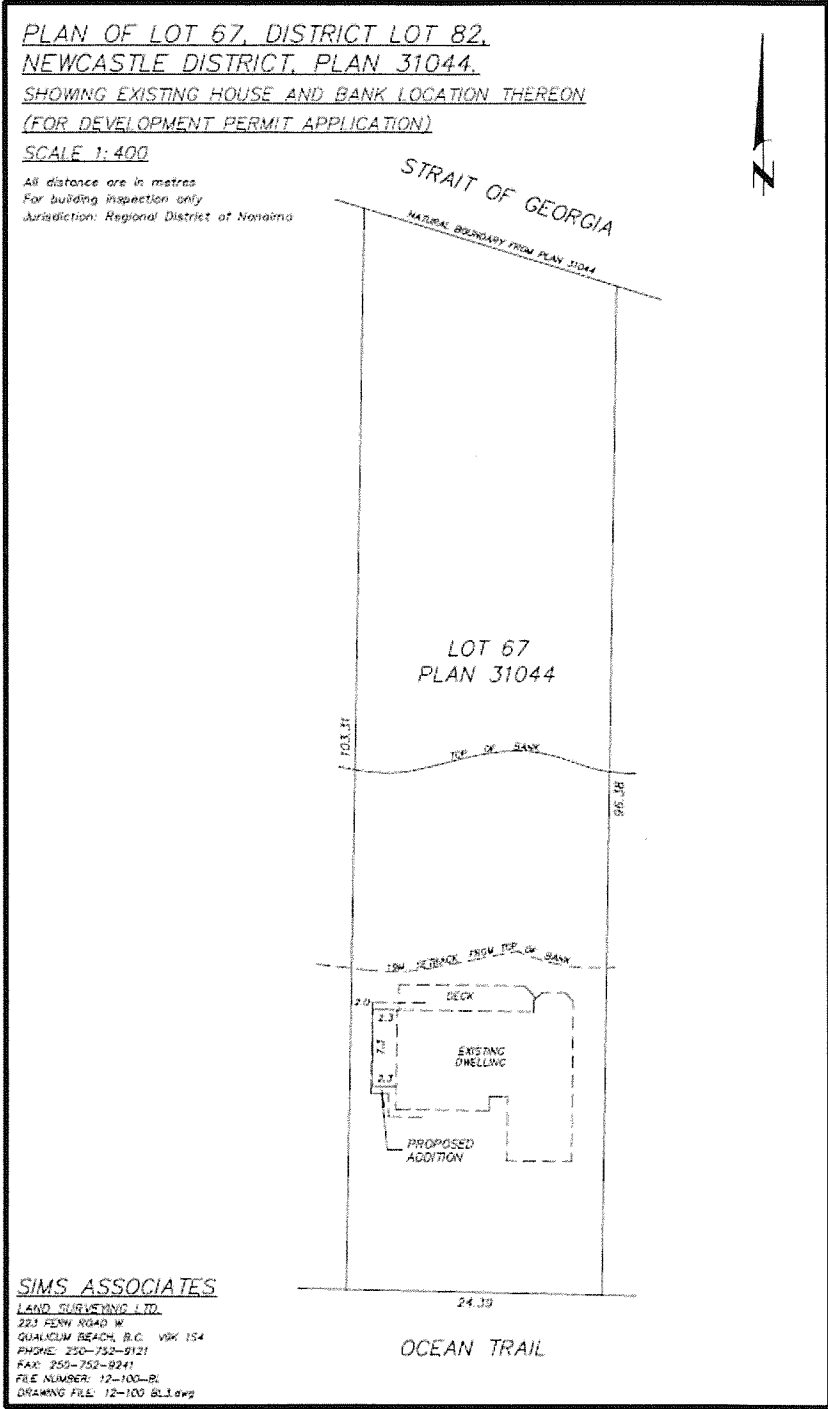
The following sets out the terms and conditions of Development Permit No. PL2012-121:

Conditions of Approval

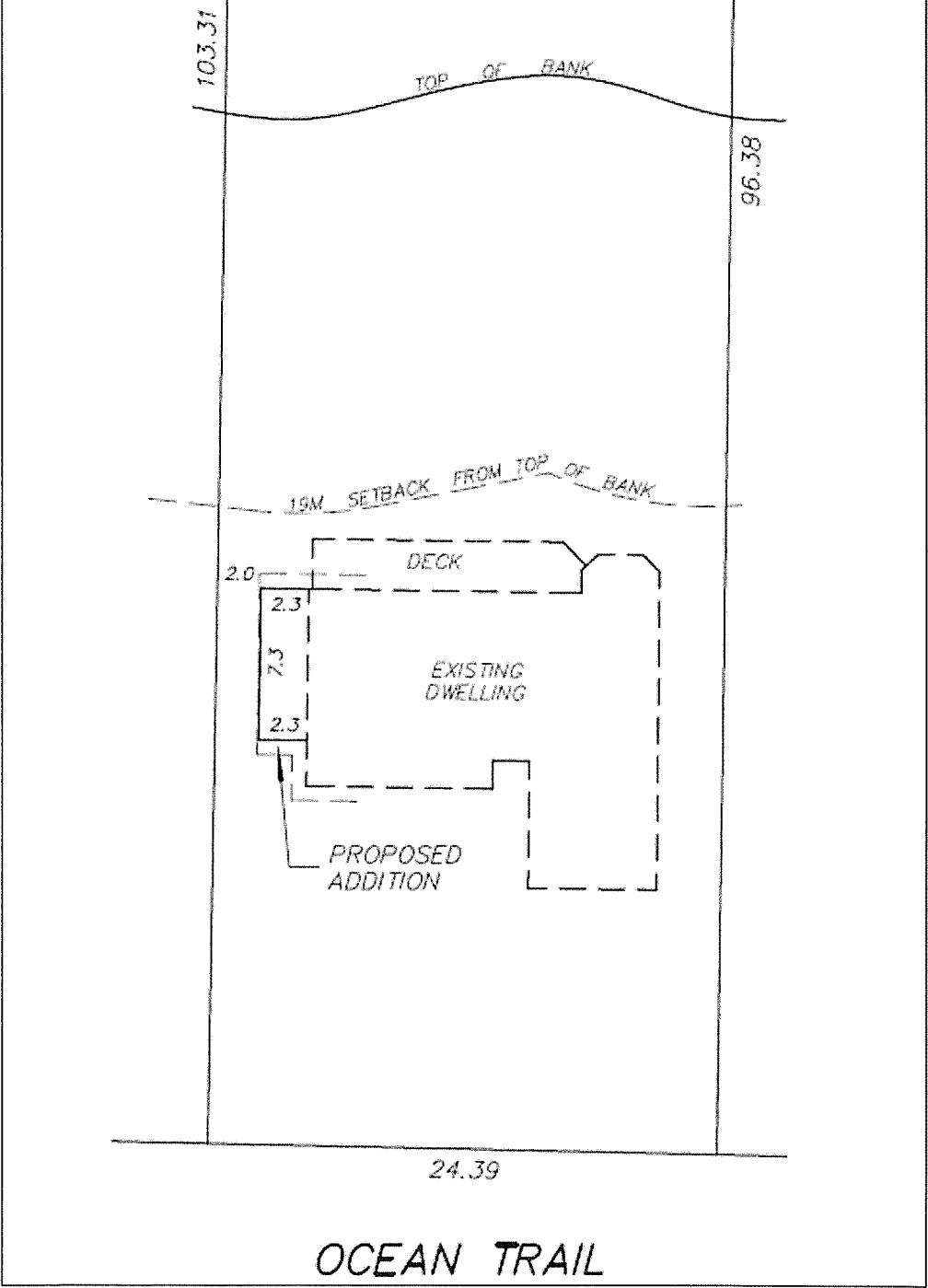
1. The addition shall be sited in accordance with the site plan prepared by Sims Associates Land Surveying Ltd., attached as Schedule 2.
2. The addition shall be constructed generally in accordance with the building elevation drawings attached as Schedule 3.
3. The Lands shall be developed in accordance with the Geotechnical Slope Assessment prepared by Ground Control Geotechnical Engineering Ltd. and dated September 25, 2012.

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 Slope Assessment prepared by Ground Control Geotechnical Engineering Ltd. and dated September 25, 2012, on the subject property title, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages to life and property as a result of potential geotechnical and flood hazards.

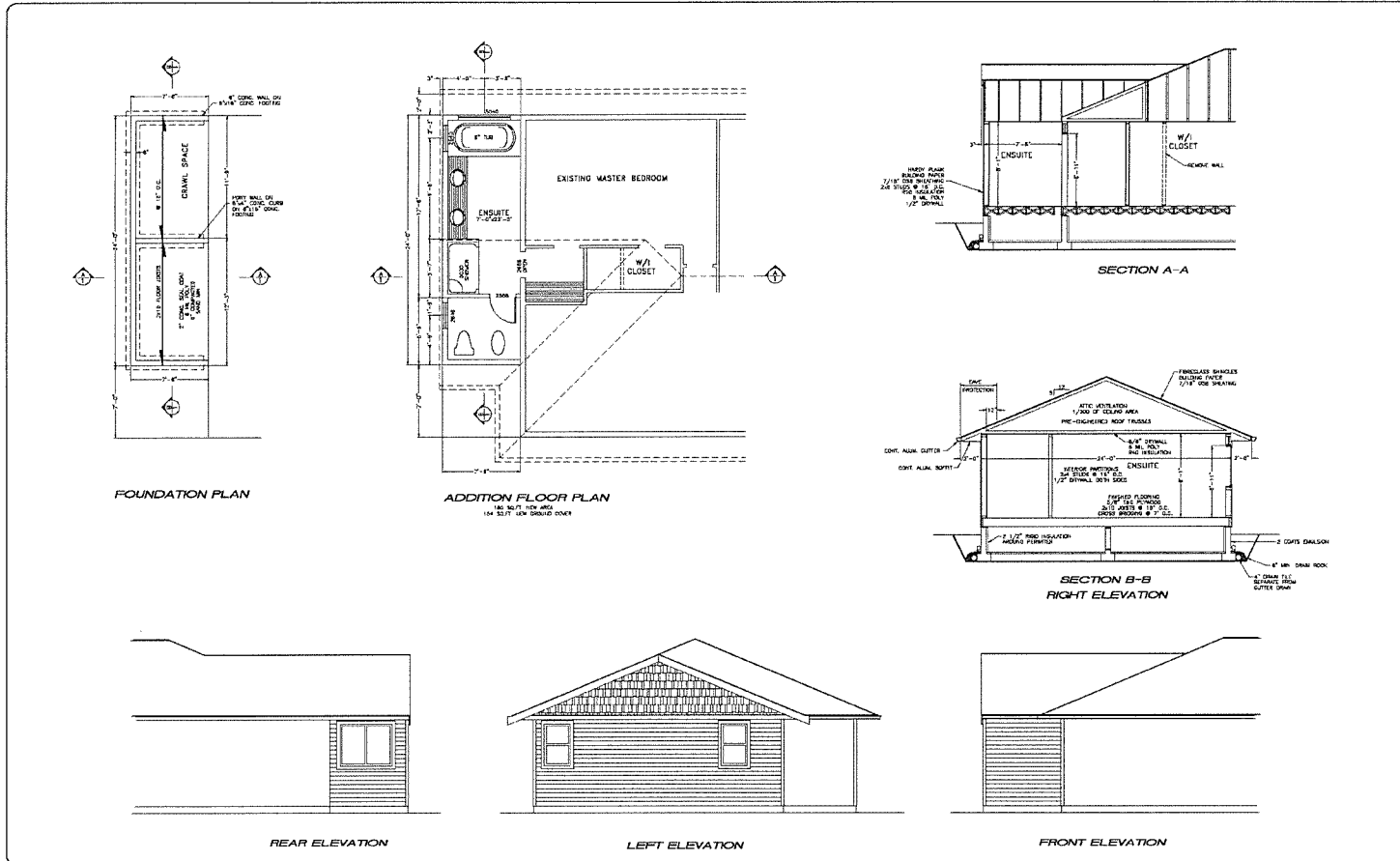
Schedule 2
Site Plan
(Page 1 of 2)



Schedule 2
Site Plan
(Page 2 of 2)

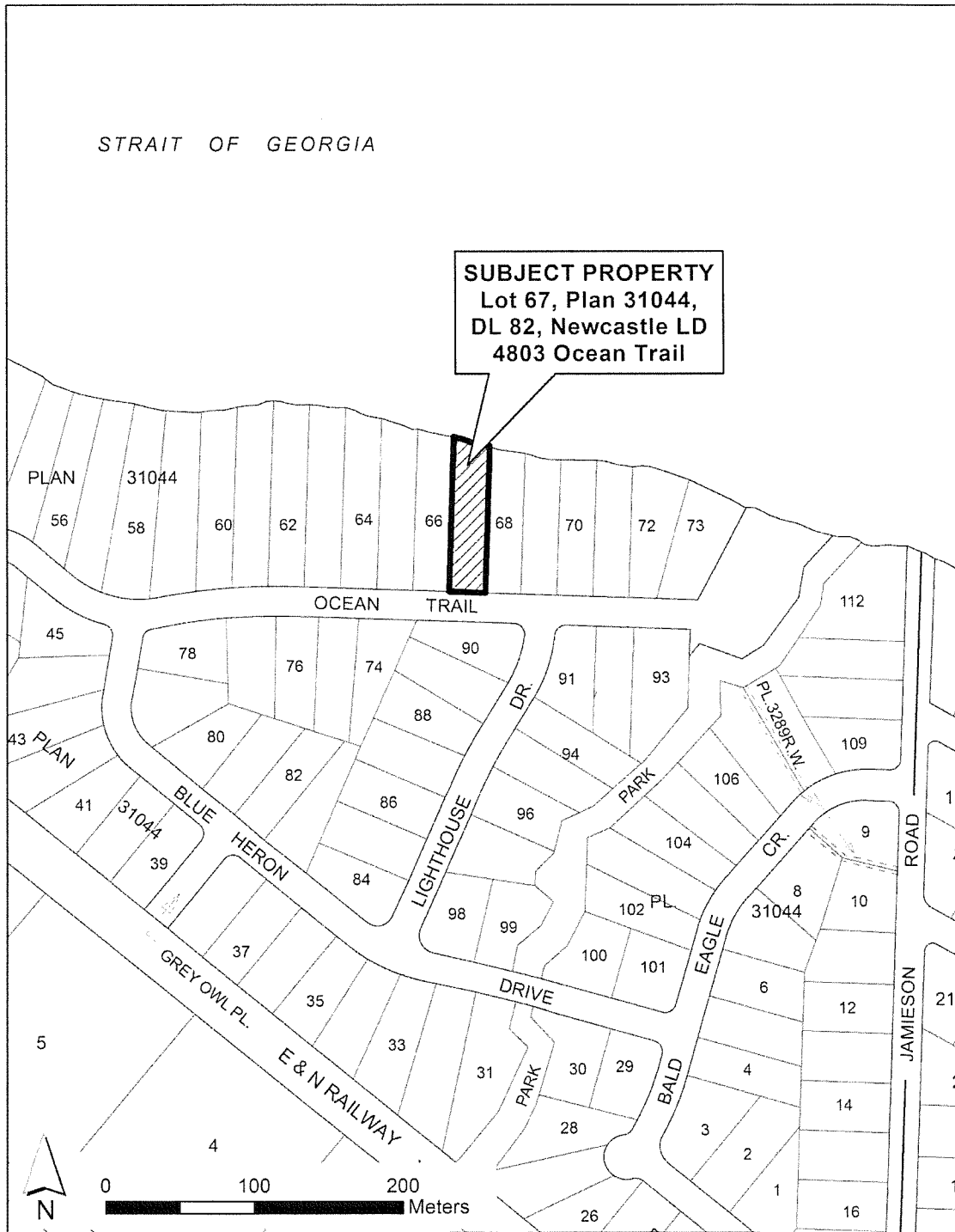


Schedule 3
 Building Elevations



<p>PROPOSED BY: LINDBERG CAD SERVICES <small>888 FIDELITY'S CIRCLE, INDIANAPOLIS, IN 46204-1224 317-844-8888</small></p>	<p>GENERAL NOTES: PERFORMER TO VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION. ALL CONSTRUCTION IS TO COMPLY WITH THE LATEST IBC & LOCAL CODES. ALL WORK SHALL BE DONE IN ACCORDANCE WITH ALL APPLICABLE CODES. ALL DIMENSIONS UNLESS OTHERWISE NOTED. ALL DIMENSIONS UNLESS OTHERWISE NOTED. ALL DIMENSIONS UNLESS OTHERWISE NOTED.</p>	<p>DATE: 07-20-12 DRAWN BY: J.L.L. CHECKED BY: J.L.L.</p>
<p>PROPOSED ADDITION</p> <p>DATE: 07-20-12 DRAWN BY: J.L.L. CHECKED BY: J.L.L.</p> <p>ADDITION PLANS</p> <p>SHEET: 1 OF 1 APPROVED BY: PLAN TAG: 12-012</p>		

Attachment 1
Subject Property Map



BCGS Map Sheet No 92F.047.2.3



RDN REPORT	
DAO APPROVAL	<i>[Signature]</i>
EAP	✓ OCT 9
COW	
OCT 02 2012	
RHD	
BOARD	

MEMORANDUM

TO: Jeremy Holm
Manager of Current Planning

DATE: September 27, 2012

FROM: Robert Stover
Planning Technician

FILE: PL2012-108

SUBJECT: Development Variance Permit Application No. PL2012-108 – Scott Lot 13, District Lot 9, Newcastle District, Plan 28564 - Troy Place Electoral Area 'G'

PURPOSE

To consider an application for a Development Variance Permit to allow the construction of a dwelling unit and to legalize the siting of an existing retaining wall.

BACKGROUND

The Regional District of Nanaimo has received an application from Melvyn Scott to allow for setback variances in relation to the proposed construction of a dwelling unit, and to legalize the siting of an existing retaining wall on the subject property. The subject property is approximately 971 m² in area and is zoned Residential 2 (RS2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachment 1 for location of subject property). The subject property is currently vacant, and is bordered by residential properties to the north, west and east, and Troy Place to the south.

The existing retaining wall was constructed without a building permit and is considered a structure as it exceeds 1.0 metre in height. It was determined that the retaining wall is located within the setback area, and is approximately 1.5 metres in height. As such, a stop work order was issued, and the owner was advised to submit a Development Variance Permit application to legalize the siting of the retaining wall. The property owner is also proposing to construct a dwelling unit on the subject property, and is requesting a variance to the setback from the front lot line to the proposed dwelling.

Proposed Development and Variances

The applicant is proposing to reduce the rear lot line setback for an existing retaining wall from 2.0 metres to 0.0 metre on the subject property as shown in Schedule 2. Portions of the wall encroach on the neighbouring lots along the interior side lot lines but are below 1.0 metre in height. However, the applicant proposes to remove these portions of the wall to ensure they are located entirely within the subject property. The applicant is also requesting a variance to reduce the front lot line setback from 8.0 metres to 5.0 metres for a proposed dwelling unit as shown on Schedule 2.

ALTERNATIVES

1. To approve the Development Variance Permit No. PL2012-108 subject to the conditions outlined in Schedules 1 and 2.
2. To deny the Development Variance Permit No. PL2012-108.

LAND USE IMPLICATIONS

Development Implications

Setback requirements apply to retaining walls over 1.0 metre in height. As such, a setback variance from 2.0 metres to 0.0 metres is required to legalize the siting of the retaining wall. Should the Board approve the requested variance, a Building Permit will be required to legalize construction of the wall.

With respect to the proposed variance for the dwelling unit, the applicant has stated that approval of the variance would allow greater privacy for the property owners directly behind the subject property (to the north). The south-east portion of the property is defined by the radius of the cul-de-sac, which creates a restriction to setbacks from the south-east corner of the lot. The proposed siting of the dwelling unit is generally consistent with the siting of the house on the property to the west. Approval of the proposed variances would allow for the continued use of the existing retaining wall, and would not negatively impact neighbouring properties. The applicant has also submitted letters of support from a number of surrounding property owners in support of the proposed variances.

Inter-Governmental Implications

The proposed location for the dwelling unit is consistent with the Ministry of Transportation and Infrastructure's (MOTI) 4.5 metre setback requirement for structures along roads. As such, MOTI's interests are not affected by the variance.

Sustainability Implications

Staff reviewed the proposed development with respect to the "Regional District of Nanaimo Sustainable Development Checklist" and note that the proposed development will utilize an existing serviced lot, and no negative impacts on the environment will occur as a result of the proposed variances.

Public Consultation Process

As part of the required public notification process, pursuant to the *Local Government Act*, property owners and tenants located within a 50.0 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 reduce the minimum required setback from the front lot line from 8.0 metres to 5.0 metres for a proposed dwelling unit, and to reduce the minimum required setback from the rear lot line from 2.0 metres to 0.0 metres in order to legalize the siting of an existing retaining wall. The applicant has submitted a site plan, letter of rationale, and letters

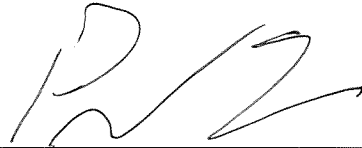
of support from several neighbouring property owners in support of the application. Given that the requested variances would allow for the continued use of an already constructed retaining wall, and would not negatively impact adjacent properties, staff recommends the Board approve the proposed Development Variance Permit subject to the outcome of public notification.

RECOMMENDATIONS

1. That staff be directed to complete the required notification.
2. That Development Variance Permit No. PL2012-108 to reduce the minimum front lot line setbacks from 8.0 metre to 5.0 metre for a proposed dwelling unit, and to reduce the minimum rear lot line setback from 2.0 metre to 0.0 metre for an existing retaining wall be approved subject to the conditions outlined in Schedules 1 and 2.



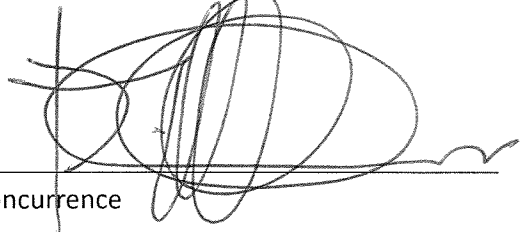
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

Schedule 1
Terms and Conditions of Development Variance Permit

The following sets out the terms and conditions of Development Variance Permit Application No. PL2012-108:

“Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”

Variances

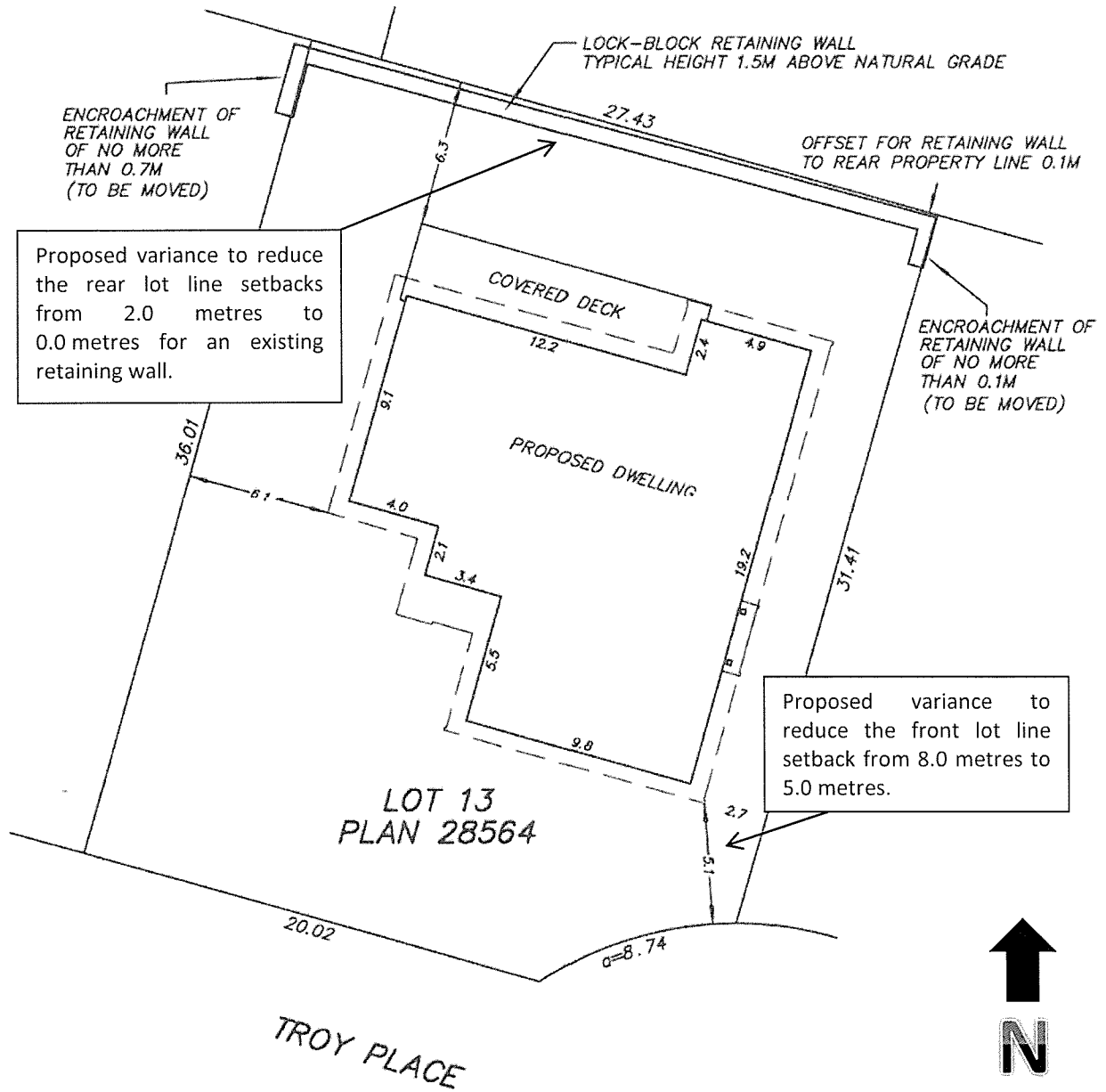
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as follows:

1. **Section 3.4.61 Minimum Setback Requirements** to reduce the minimum required setback from the front lot line from 8.0 metres to 5.0 metres for proposed dwelling unit as shown on Schedule 2.
2. **Section 3.4.61 Minimum Setback Requirements** to reduce the minimum required setback for the portion of the retaining wall along the rear lot line from 2.0 metres to 0.0 metres for a retaining wall as shown on Schedule 2.

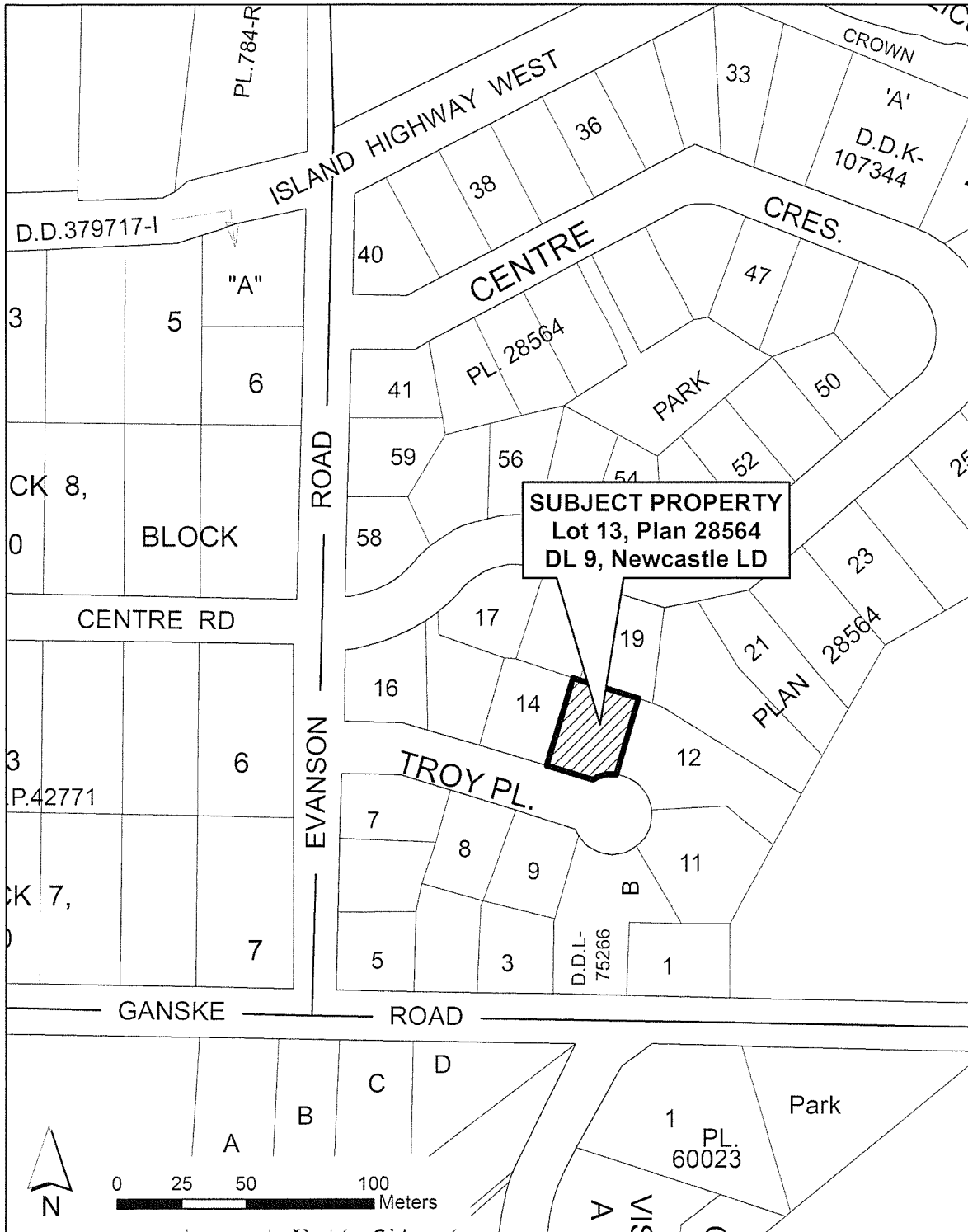
Conditions of Approval

1. The dwelling unit and retaining wall shall be sited in accordance with the site plan prepared by Sims Associates Land Surveying Ltd. attached as Schedule 2.
2. That the retaining wall be sited in accordance with Schedule 2, with the exception that the portions of the wall encroaching on neighbouring properties be moved so that they are entirely on the subject property.
3. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

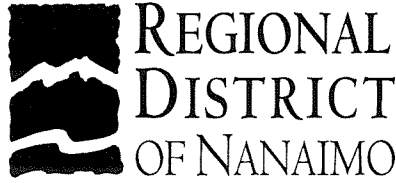
Schedule 2
Site Plan



Attachment 1
Location of Subject Property



BCGS MAPSHEET: 92F.038.4.1



RDN REPORT		#
D/CAC APPROVAL		#
EAP	✓	OCT 9
COW		
OCT 02 2012		
RHD		
BOARD		

MEMORANDUM

TO: Jeremy Holm
Manager of Current Planning

DATE: September 25, 2012

FROM: Robert Stover
Planning Technician

FILE: PL2012-115

SUBJECT: Development Variance Permit Application No. PL2012-115 – Trevor & Bonnie Demynn
Lot 8, District Lot 68, Nanoose District, Plan 30341 – 1809 Northwest Bay Road
Electoral Area ‘E’

PURPOSE

To consider an application for a Development Variance Permit to allow for structural alterations to an existing non-conforming accessory building on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Trevor and Bonnie Demynn to allow for a setback variance in relation to structural alterations to an existing non-conforming accessory building on the subject property. The subject property is approximately 0.16 hectares in area and is zoned Residential 1 (RS1) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (see Attachment 1 for location of subject property). The property is bordered by residential properties to the north, south and east, and Northwest Bay Road to the west.

The subject property contains a house and a workshop/carport that existed before the current owners purchased the property. The roof of the carport required extensive repairs, which the property owner undertook without a building permit. A stop work order was issued, and the applicant was required to apply for a Development Variance Permit, because the carport and proposed alterations do not meet the minimum setback requirements of the RS1 zone.

Proposed Variance

The applicants propose to reduce the front lot line setback from 8.0 metres to 6.6 metres in order to legalize the siting of the existing carport and permit the roof repairs (see Schedule 2 for site plan).

ALTERNATIVES

1. To approve the Development Variance Permit No. PL2012-115 subject to the conditions outlined in Schedules 1 and 2.
2. To deny the Development Variance Permit No. PL2012-115.

LAND USE IMPLICATIONS

Development Implications

The applicants have stated that they wish to maintain the siting of the existing carport structure, as relocating the building would require the removal of several mature trees within the front yard. Aside from the roof, the existing structure is in good condition, and makes effective use and improvement of the access to the property. Approval of the proposed variance would allow for the continued use of the existing structure, and would not negatively impact neighbouring properties. The building meets the minimum 4.5 metre setback from a road as required by the Ministry of Transportation and Infrastructure. In addition, the applicants have applied for a building permit and will be required to address any building requirements to the satisfaction of the RDN Building Inspection Services.

Sustainability Implications

Staff have reviewed the proposed development with respect to the "Regional District of Nanaimo Sustainable Development Checklist" and note that the proposed variance would allow the owners to utilize an existing structure in its current location, thereby minimizing any impacts on surrounding vegetation as a result of relocating the building.

Public Consultation Process

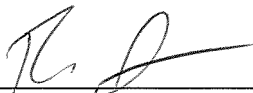
As part of the required public notification process, pursuant to the *Local Government Act*, property owners and tenants located within a 50.0 metre radius, will receive a direct notice of the proposal, and will have an opportunity to comment on the proposed variance, prior to the Board's consideration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

SUMMARY/CONCLUSIONS

This is an application for a Development Variance Permit to reduce the minimum front lot line setback from 8.0 metres to 6.6 metres in order to legalize the siting of an existing workshop/carport and to permit repairs to the carport within the setback area. The applicants have submitted a site plan and sufficient rationale in support of the application. Given that the requested variance would allow for the continued use of a pre-existing structure without negatively impacting the surrounding properties or vegetation on the property, staff recommends the Board approve the proposed Development Variance Permit pending the outcome of public notification.

RECOMMENDATIONS

1. That staff be directed to complete the required notification.
2. That Development Variance Permit No. PL2012-115 to reduce the minimum required setback from the front lot line from 8.0 metres to 6.6 metres be approved subject to the conditions outlined in Schedules 1 and 2.



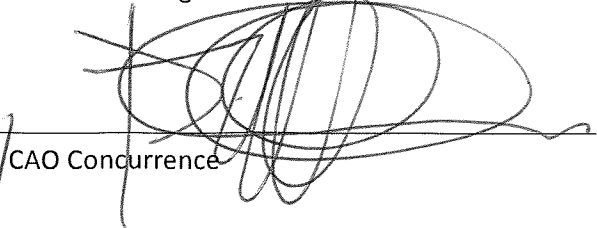
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

Schedule 1
Terms and Conditions of Development Variance Permit

The following sets out the terms and conditions of Development Variance Permit Application No. PL2012-115:

Bylaw No. 500, 1987 - Variances

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 Minimum Setback Requirements** to reduce the minimum front lot line setback from 8.0 metres to 6.6 metres for an existing accessory building (carport) as shown on Schedule 2.

Conditions of Approval

1. The accessory building shall be sited in accordance with the site plan prepared by Sims Associates Land Surveying Ltd. dated September 5, 2012, attached as Schedule 2.

Schedule 2
Site Plan

B.C. LAND SURVEYORS BUILDING LOCATION CERTIFICATE

LOT 8, DISTRICT LOT 68, NANOOSE DISTRICT, PLAN 30341.

SCALE 1:300

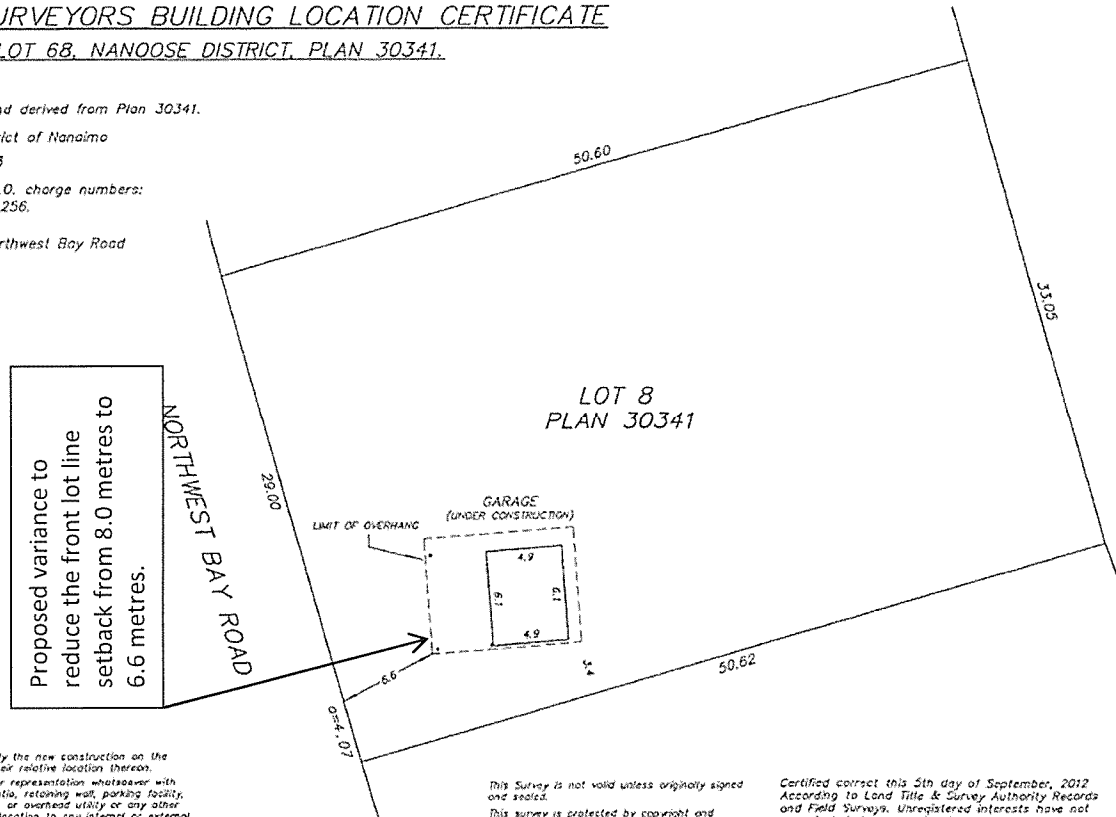
All distance are metric and derived from Plan 30341.

Jurisdiction: Regional District of Nanaimo

PID No. 001-270-273

This Lot is subject to L.T.O. charge numbers:
M76300, D92813 AND G41256.

MC ADDRESS: 1809 Northwest Bay Road



NOTE:

1. This Survey purports to show only the new construction on the above described parcel(s) and their relative location thereon.
2. This Plan provides no warranty or representation whatsoever with respect to any other building, patio, retaining wall, parking facility, fence, underground, aboveground, or overhead utility or any other improvements and their relative location to any internal or external boundaries of the above described parcel(s) and it not to be used to re-establish property lines.
3. Sims Associates Land Surveying Ltd. and Mark A. Flinta accept no responsibility for and hereby disclaim all obligations and liabilities for damages including, but not limited to, direct, indirect, special, and consequential damages arising out of or in connection with any direct or indirect use of this plan.

This Survey is not valid unless originally signed and sealed.
This survey is protected by copyright and may not be reproduced.

Certified correct this 5th day of September, 2012
According to Land Title & Survey Authority Records
and Field Surveys. Unregistered interests have not
been included or considered.

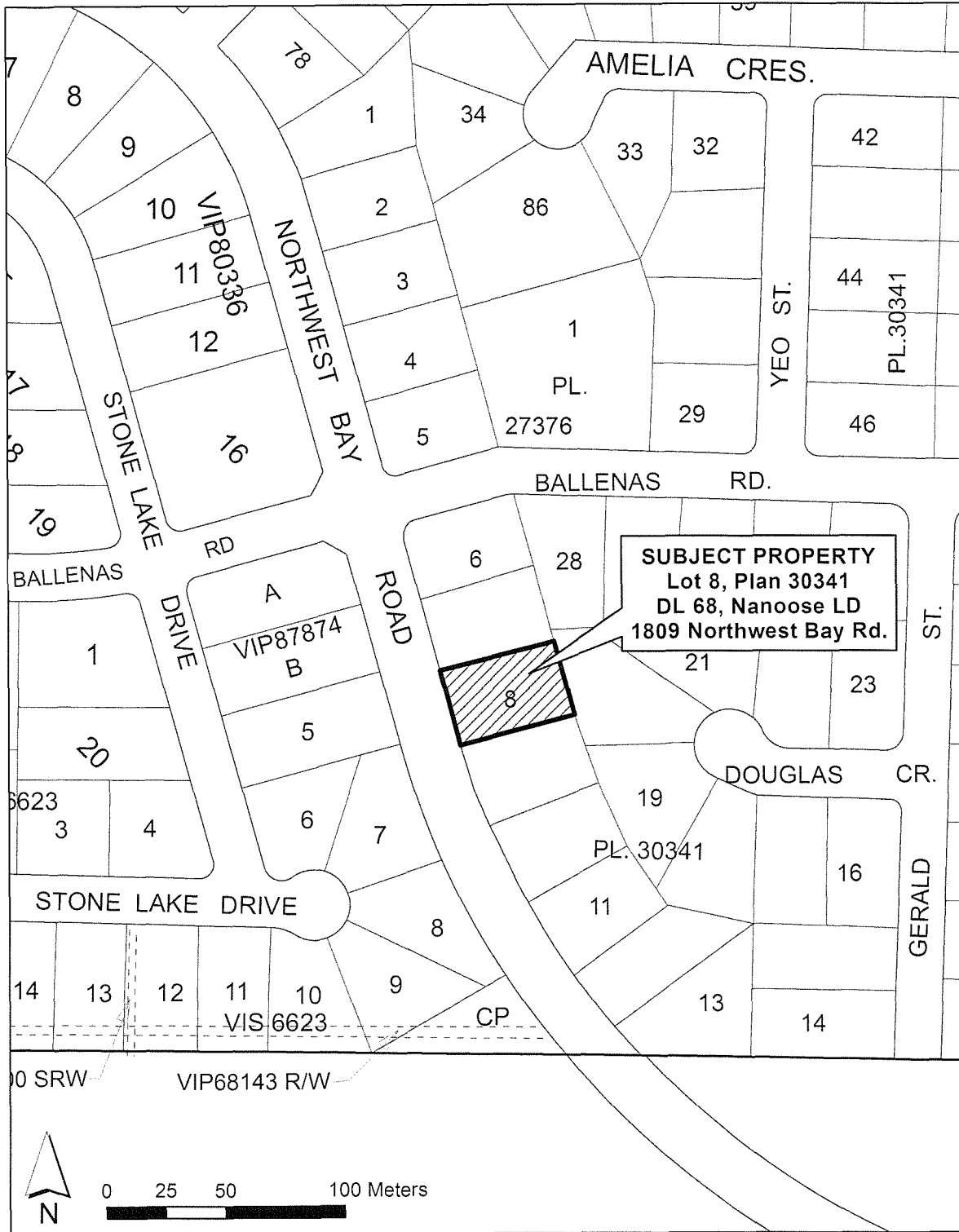
Mark A. Flinta

©Mark A. Flinta R.C.S.

SIMS ASSOCIATES

LAND SURVEYING LTD.
223 FERRIS ROAD W.
QUALICUM BEACH, B.C. V9K 1S4
PHONE: 250-752-8121
FAX: 250-752-9241
FILE NUMBER: 12-171M
DRAWING REF: 12-171 H.dwg

Attachment 1
Location of Subject Property



BCGS Map Sheet No. 92F.039.2.2



RDN REPORT		
D/CAO APPROVAL		PH
EAP	✓	OCT 9
COW		
OCT 02 2012		
RHD		
BOARD		

MEMORANDUM

TO: Jeremy Holm
Manager of Current Planning

DATE: September 27, 2012

FROM: Kim Farris
Planner

FILE: PL2012-083

SUBJECT: Development Permit with Variance Application No. PL2012-083
D & D Pacific Developments Ltd., Inc. No. BC0934466
Lot 8, District Lot 92, Newcastle District, Plan 2032 – 3745 Melrose Road
Electoral Area 'F'

PURPOSE

To consider an application for a Development Permit with Variance in conjunction with a three lot subdivision on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from D & D Pacific Developments Ltd., Inc. No. BC0934466 for a Development Permit with Variance in order to subdivide the subject property (Subdivision Application No. PL2012-046). The subject property is approximately 5.66 ha in area and is split-zoned Rural 1 (R-1) and Rural Residential 2 (R-2) pursuant to the "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" (see Attachment 1 for subject property map).

The subject property is surrounded by a forestry/resource zoned parcel to the north and east, an agriculture zoned parcel to the west, and rural residential zoned parcels to the south. Whiskey Creek runs within adjacent properties to the east and Melrose Road bisects the southeastern corner of the property. The property is currently vacant land and the applicant is in the process of constructing a dwelling unit on proposed Lot 1.

The proposed development is subject to the Fish Habitat Protection Development Permit Area (DPA) in accordance with the "Regional District of Nanaimo Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999". In addition, proposed Lot 2 does not meet the minimum frontage requirements of Bylaw No. 1285. As such, a Development Permit with Variance is required in order to facilitate the proposed subdivision.

Proposed Development

The applicant proposes to subdivide the parent parcel into three lots which will be serviced with potable well water and individual private septic disposal systems. Proposed Lots 1 and 2 are zoned R-1 and Lot 3 is zoned R-2. The area of proposed Lot 3 (0.26 ha), as shown on the proposed plan of subdivision (see

Schedule 2), does not meet the minimum lot size of 1.0 ha required for Rural Residential 2 zoning. Despite this, Section 6.7.3a) of the “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” states that lots consisting of two or more parts physically separated by a highway which was dedicated prior to the adoption of this bylaw may be subdivided along the dividing highway even in the case that the newly created lots fail to meet the minimum lot size. In addition requirements for the provision of water, method of sewage disposal, and access must be met to the satisfaction of the Provincial Approving Officer as a condition of subdivision approval in order to waive the minimum lot size requirement under Section 6.7.3 of the Bylaw.

Pursuant to Section 4.13.3 c) of Bylaw No. 1285, 2002, the R-1 zone requires a minimum lot frontage of 70.0 metres per lot (140.0 metres in total for two lots). The proposed subdivision will not meet the minimum road frontage for Lots 1 and 2 as the combined frontage is 136.0 metres. Therefore, the applicant is requesting a variance to proposed Lot 2 to be varied from 70.0 metres to 64.0 metres to meet the minimum frontage requirements of the R-1 zone.

ALTERNATIVES

1. To approve Development Permit with Variance No. PL2012-083 subject to the conditions outlined in Schedules 1 and 2.
2. To deny Development Permit with Variance No. PL2012-083.

LAND USE IMPLICATIONS

Development Implications

In keeping with the guidelines for the Fish Habitat Protection DPA, the applicant has provided a Riparian Areas Regulation Assessment report prepared by Aquaparian Environmental Consulting Ltd. dated March 26, 2012. The Qualified Environmental Professional (QEP) determined that a portion of the Riparian Area Assessment (RAA) is located within proposed Lots 2 and 3. Although Lot 2 is located within the RAA, it is not located within the Streamside Protection and Enhancement Area (SPEA) as established by the QEP.

The QEP established a 30.0 metre SPEA setback for proposed Lot 3. The report states that environmental monitoring is not required at this time as the proposed subdivision will not negatively impact the riparian area. Additional riparian assessment reports may be required at the time of further development of proposed Lot 3. Development of the property in accordance with the recommendations contained in the Riparian Areas Regulation Assessment report is included as a condition of approval in Schedule 1.

To further protect the SPEA within proposed Lot 3, and pursuant to the Development Permit Guidelines, staff recommends registration of a *Land Title Act* Section 219 restrictive covenant that prohibits development and use within the SPEA. This covenant document is to contain an explanatory plan of the SPEA and to be registered concurrently with the plan of subdivision.

Sustainability Implications

Staff have reviewed the proposed development with respect to the “Regional District of Nanaimo Sustainable Development Checklist” and note that the proposed subdivision will not negatively impact the SPEA.

Inter-governmental Implications

The Ministry of Transportation and Infrastructure has indicated that they have no concerns with respect to reducing the minimum lot frontage. A preliminary layout approval was issued on September 6, 2012 and amended on September 10, 2012. As a condition of subdivision approval, the applicant will be required to demonstrate adequate site area within proposed Lot 3 to accommodate a future dwelling unit and site servicing.

Public Consultation Process

As part of the required public notification process, pursuant to the *Local Government Act*, property owners and tenants located within a 50.0 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 Permit with Variance in conjunction with a three lot subdivision of the subject property within the Fish Habitat Protection Development Permit Area pursuant to the “Regional District of Nanaimo Electoral Area ‘F’ Official Community Plan Bylaw No. 1152, 1999”. In addition, the applicant is requesting to reduce the minimum lot frontage for proposed Lot 2 from 70.0 metres to 64.0 metres. The applicant has provided a Riparian Areas Regulation Assessment which establishes a 30.0 metre SPEA for proposed Lot 3. Staff recommends the applicant provide an explanatory plan of the SPEA including registration of a Section 219 restrictive covenant that prohibits development and use within the SPEA for proposed Lot 3 as outlined in the conditions of approval in Schedule 1.


As the application is consistent with the Development Permit Area guidelines, staff recommend that the Board approve the Development Permit with Variance.

RECOMMENDATIONS


1. That staff be directed to complete the required notification.
2. That Development Permit with Variance No. PL2012-083 to permit subdivision of the subject property be approved subject to the conditions outlined in Schedules 1 and 2.



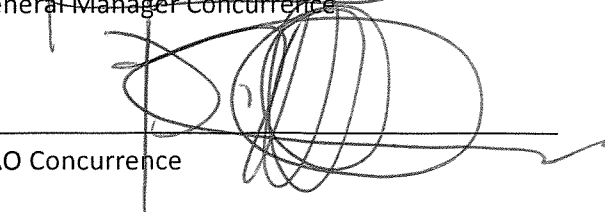
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

Schedule 1
Conditions of Development Permit with Variance

The following sets out the terms and conditions of Development Permit with Variance No. PL2012-083:

Bylaw No. 1285, 2002 – Variances

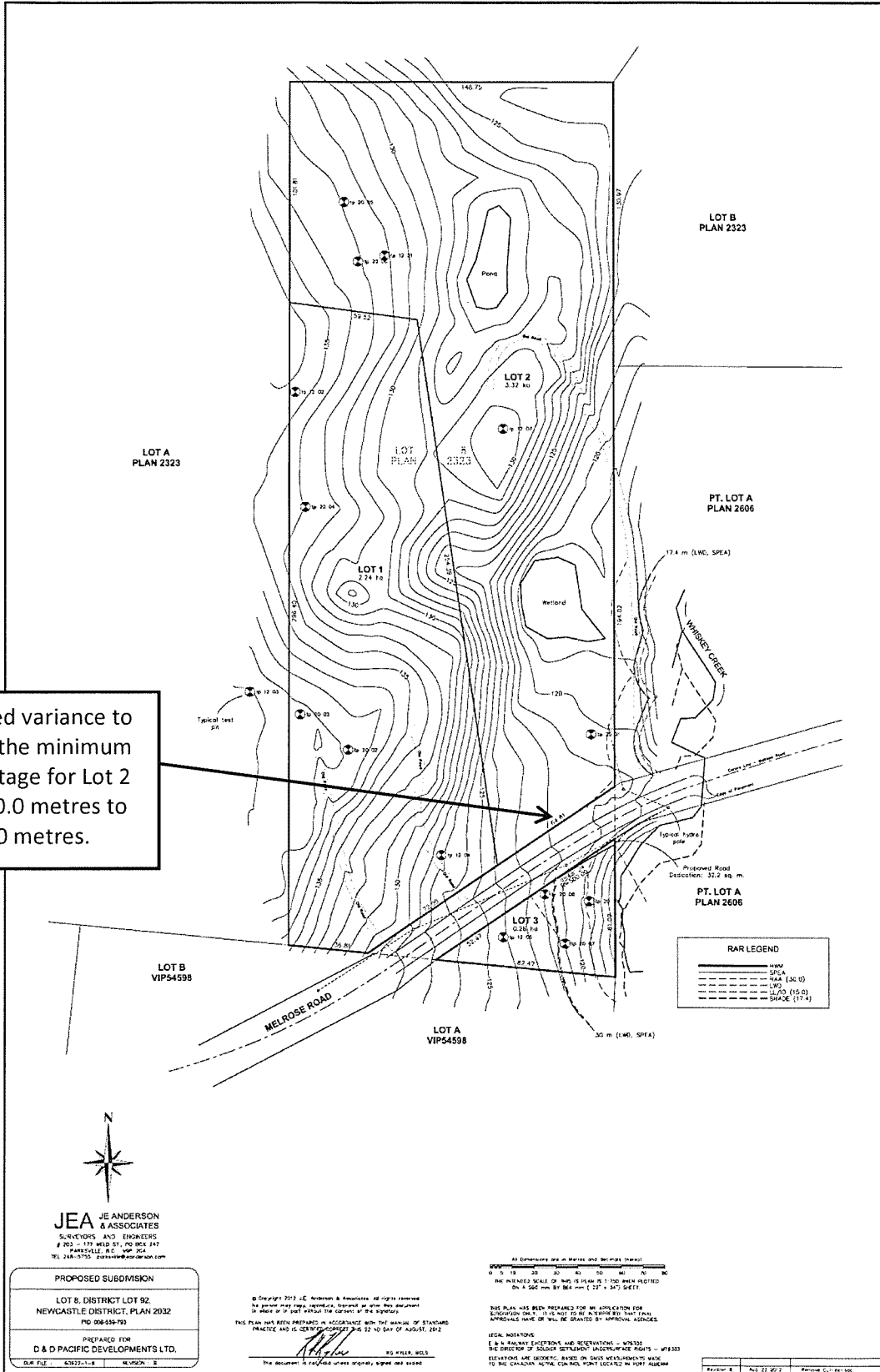
With respect to the lands, “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” is varied as follows:

1. **Section 4.13.3 c) – Minimum Lot Frontage** to reduce the minimum lot frontage from the 70.0 metres to 64.0 metres for proposed Lot 2, as shown on Schedule 2.

Conditions of Approval

1. The subdivision of the lands shall be in substantial compliance with the plan of subdivision prepared by J.E. Anderson & Associates dated August 22, 2012 as shown in Schedule 2.
2. The lands shall be developed in accordance with the Riparian Areas Regulation Assessment report prepared by Aquaparian Environmental Consulting Ltd. dated March 26, 2012.
3. The applicant shall provide an explanatory plan of the Streamside Protection and Enhancement Area (SPEA) including the registration of a Section 219 restrictive covenant that prohibits development and use within the SPEA for proposed Lot 3. This covenant document is to be registered concurrently with the plan of subdivision.

**Schedule 2
 Proposed Plan of Subdivision**



Attachment 1
Location of Subject Property

