

**REGIONAL DISTRICT OF NANAIMO**

**ELECTORAL AREA PLANNING COMMITTEE**

**TUESDAY, JANUARY 10, 2012**

**6:30 PM**

*(RDN Board Chambers)*

**A G E N D A**

**PAGES**

**CALL TO ORDER**

**DELEGATIONS**

**MINUTES**

- 3 - 4 Minutes of the regular Electoral Area Planning Committee meeting held November 8, 2011.

**BUSINESS ARISING FROM THE MINUTES**

**COMMUNICATIONS/CORRESPONDENCE**

**UNFINISHED BUSINESS**

**PLANNING**

***DEVELOPMENT PERMIT APPLICATIONS***

- 5 - 10 Development Permit Application No. PL2011-166 – Marilyn Bennett – 991 Maple Lane Drive – Area ‘G’.

- 11 - 15 Development Permit Application No. PL2011-168 – Scott Bentzen – 729 and 735 Despard Avenue – Area ‘G’.

***DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS***

- 16 - 23 Development Permit with Variance Application No. PL2010-093 – Meade – Lundine Lane – Area ‘G’.

***DEVELOPMENT VARIANCE PERMIT APPLICATIONS***

- 24 - 29 Development Variance Permit Application No. PL2011-175 – Donald & Hilary Lane – 3048 Bay Road – Area ‘H’.

- 30 - 36 Development Variance Permit Application No. PL2011-194 – Glencar Consultants Inc. – Bouman Place & Wembley Road – Area ‘G’.

***OTHER***

37 - 42

Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement –  
Couverdon Real Estate – 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, NOVEMBER 8, 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:**

M. Pearse	Sr. Mgr., Corporate Administration
P. Thorkelsson	Gen. Mgr., Development Services
D. Lindsay	Mgr., Current Planning
N. Hewitt	Recording Secretary

**MINUTES**

MOVED Director Stanhope, SECONDED Director Burnett, that the minutes of the regular Electoral Area Planning Committee meeting held October 11, 2011 be adopted.

CARRIED

**PLANNING**

***DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS***

**Development Permit with Variance Application No. PL 2011-170 – Couverdon Real Estate – Pratt Road – Area ‘F’.**

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

CARRIED

MOVED Director Biggemann, SECONDED Director Holme, that Development Permit with Variance Application No. PL2011-170 subject to the conditions outlined in Schedules No. 1-2, be approved.

CARRIED

**Development Permit with Variance Application No. PL2010-186 – Rowe – 2648 East Side Road – Area ‘H’.**

MOVED Director Stanhope, SECONDED Director Biggemann, that Development Permit with Variance Application No. 2010-186 to permit fill, and re-vegetation of the subject property within the 15.0 m setback to Horne Lake be approved in accordance with the Riparian Areas Assessment prepared by Streamline Consulting Ltd., dated August 24, 2011.

CARRIED

MOVED Director Stanhope, SECONDED Director Biggemann, that the requested variance to the setback from the creek from 15.0 m to 3.0 m, be approved.

CARRIED

MOVED Director Stanhope, SECONDED Director Biggemann, that the requested variances to vary the number of storeys, and permit enclosed occupiable storage space, be denied.

CARRIED

***DEVELOPMENT VARIANCE PERMIT APPLICATIONS***

**Development Variance Permit Application No. PL2011-123 – Jordan Desrochers – 2347 and 2419 Cedar Road – Area ‘A’.**

MOVED Director Burnett, SECONDED Director Young, that Development Variance Permit Application No. PL2011 -123 to vary the minimum setback from 5.0 metres to 0.0 metres from an exterior side lot line fronting Cedar Road, be approved.

CARRIED

***OTHER***

**Subdivision Application No. PL2011-130 – Request to Relax the Minimum 10% Frontage Requirement and Request to Accept Park Land Dedication – Glencar Consultants Inc. – 702 and 714 Wembley Road, and 916 Island Highway West – Area ‘G’.**

MOVED Director Stanhope, SECONDED Director Holme, that the request to relax the minimum 10% perimeter frontage requirement for proposed Lots 30 and 31, 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 October 20, 2011, be received.

CARRIED

**NEW BUSINESS**

Chairperson Bartram thanked the staff for their support.

**ADJOURNMENT**

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

CARRIED

**TIME: 6:38 PM**

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CHAIRPERSON



RDN REPORT		
CAO APPROVAL		
EAP	✓	Jan. 10/12
COW		
DEC 28 2011		
RHD		
BOARD		

**MEMORANDUM**

**TO:** Paul Thompson  
Acting Manager of Current Planning

**DATE:** December 23, 2011

**FROM:** Kim Farris  
Planner

**FILE:** PL2011-166

**SUBJECT:** Development Permit Application No. PL2011-166 – Marilyn Bennett  
Lot 3, District Lot 1, Nanoose District, Plan 21715 – 991 Maple Lane Drive  
Electoral Area 'G'

**PURPOSE**

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

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received an application from Marilyn Bennett to permit an addition to an existing dwelling unit. The subject property is approximately 0.33 ha in area and is zoned Residential 1 (RS-1) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (see Attachment No. 1 for subject property map).

The subject property contains a dwelling unit and detached shed and is bordered by residential zoned properties. The property is located within the San Paniel community and is within the Englishman River and Strait of Georgia Floodplain.

The proposed development is subject to the following applicable development permit area as per “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008”:

- Hazard Lands Development Permit Area

***Proposed Development***

The applicant is proposing to construct an addition to the existing residential dwelling (see Schedules No. 2 and 3 for site plan and elevation drawings). The addition is 29 m<sup>2</sup> in floor area and is 24.6 percent of the existing floor area (387.7 m<sup>2</sup>). The entire property is located within the Englishman River and Strait of Georgia Floodplain based on the 1 in 200 year flood event. The location of the existing dwelling unit and proposed additions has a minimum flood plain construction level of 3.1 m Geodetic (sea level) which is 1.0 m below the Strait of Georgia 200 year flood level of 4.1 m. The finished floor elevation of the existing dwelling unit and proposed addition is 3.65 m.

The proposed addition meets the General Flood Construction Level Exemptions as stated in Section 16(b) of the “Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006”:

- An addition to a building or structure, at the original non-conforming floor elevation, that would increase the size of the building or structure by less than 25 percent of the floor area that existed in February 11, 1992.

## ALTERNATIVES

1. To approve the Development Permit Application No. PL2011-166 subject to the conditions outlined in *Schedules No. 1 to 2*.
2. To deny the Development Permit Application No. PL2011-166.

## LAND USE IMPLICATIONS

### *Development Implications*

The applicant submitted a Geotechnical report prepared by Lewkowich Engineering Associates Ltd. dated October 14, 201, to satisfy the Hazard Lands DPA guidelines. The report states that in the event of a 200 year flood, the flood water elevation would be 0.45 m above the finished floor elevation of the existing and proposed structure. Further, the report states that it would not be practical to raise the existing dwelling unit to the safe flood level. The engineer concludes that the proposed construction is safe for the intended use provided that conditions in the report are followed as per *Schedule No. 1*.

In compliance with the recommendation of the engineering report, the applicant will register a Section 219 covenant on the property title recognizing the flood risk associated with the construction below the flood construction level and holding harmless the Regional District of Nanaimo from damages caused by the potential hazard. Compliance with the Geotechnical Report and the requirement to register a Section 219 covenant are included as conditions of approval outlined in *Schedule No. 1*.

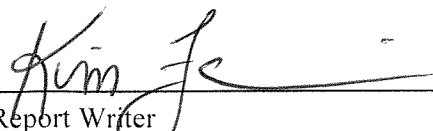
The proposed addition to the dwelling unit will meet the minimum setbacks as set out in the submitted site plan dated September 29, 2011. The proposed development is consistent with the Hazard Lands Development Permit Area guidelines.


## SUMMARY/CONCLUSION

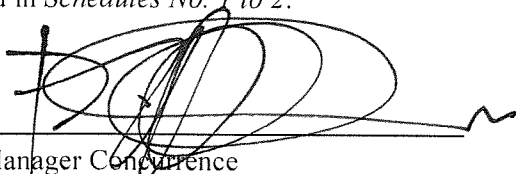
This is an application for a Development Permit to permit the construction of an addition to an existing dwelling unit within the Hazard Lands Development Permit Area. In staff's assessment, this proposal is consistent with the applicable Development Permit Area guidelines, and staff recommends approval.

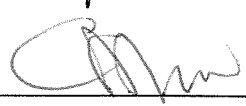
## RECOMMENDATION

That Development Permit Application No. PL2011-166 to permit the construction of an addition to the existing dwelling unit be approved subject to the conditions outlined in *Schedules No. 1 to 2*.

  
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Report Writer

  
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Manager Concurrence

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

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

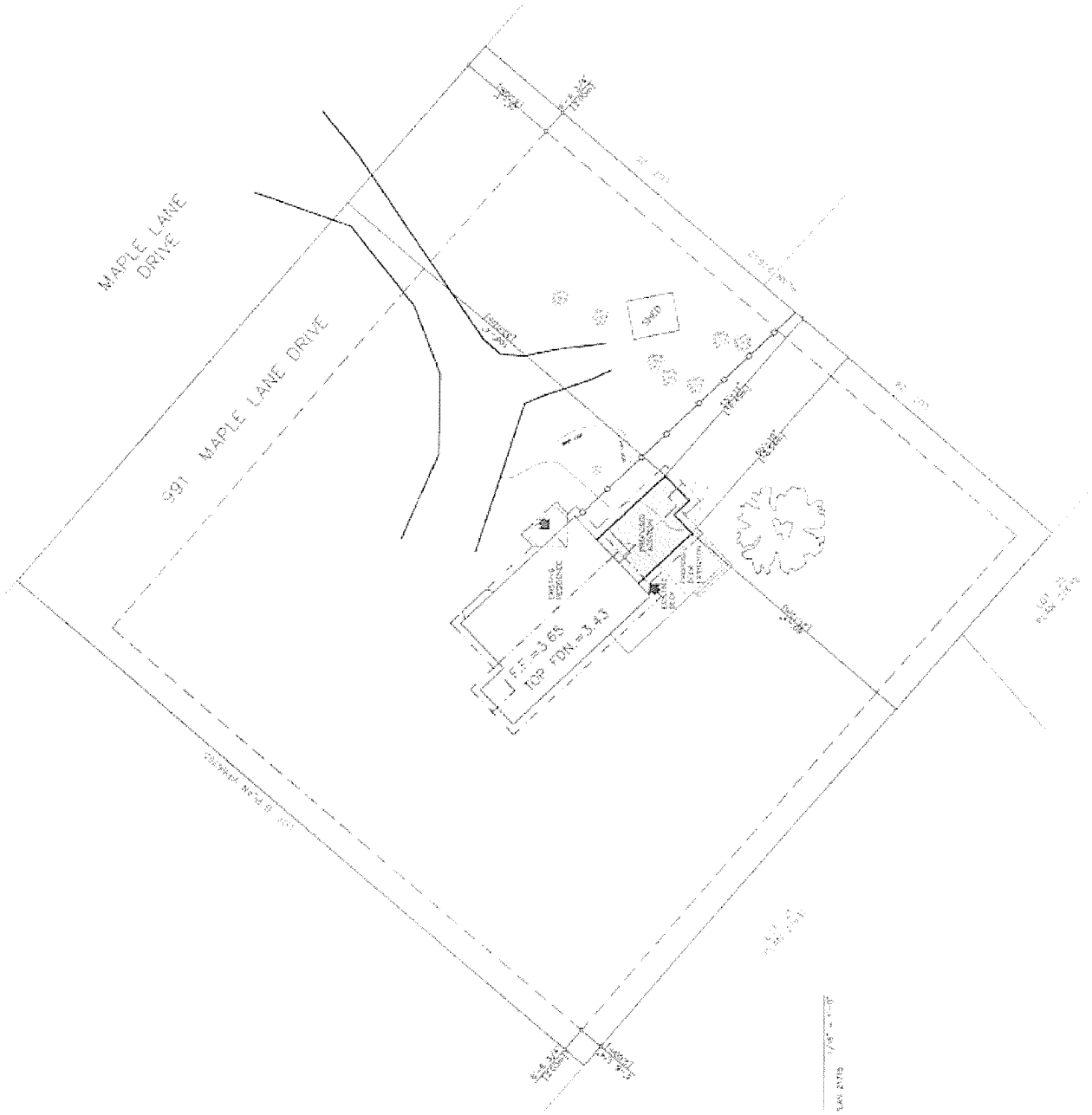
**Schedule No. 1  
Conditions of Development Permit**

The following sets out the terms and conditions of Development Permit No. PL2011-166:

**Conditions of Approval**

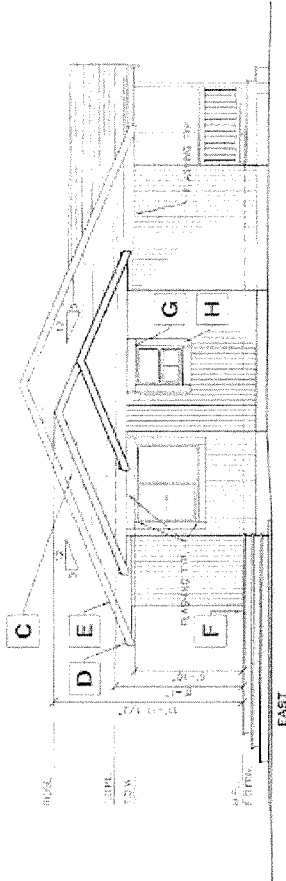
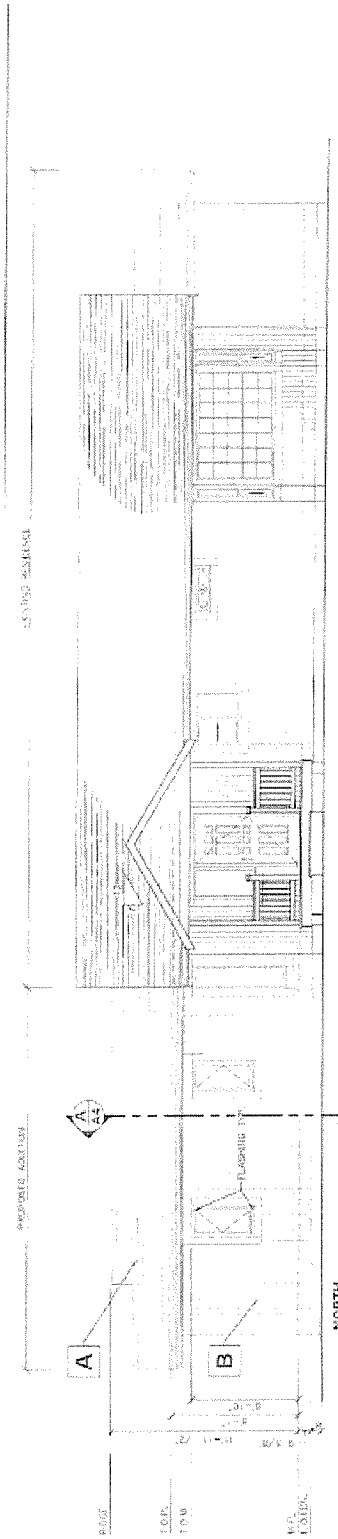
1. The Lands shall be developed in accordance with the Geotechnical report prepared by Lewkowich Engineering Associates Ltd. dated October 14, 2011.
2. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 covenant that registers the Geotechnical report prepared by Lewkowich Engineering Associates Ltd. dated October 14, 2011, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential hazard.

**Schedule No. 2  
Site Plan**



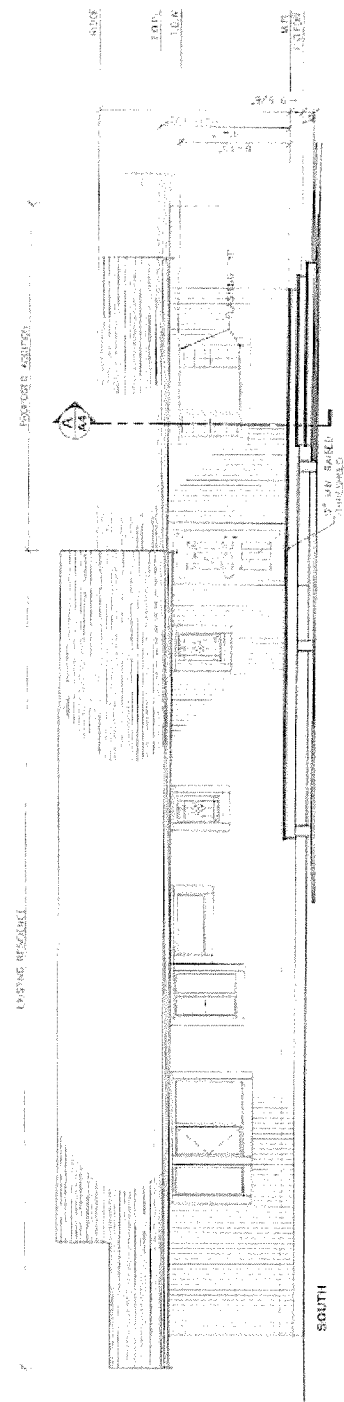


**Schedule No. 3  
 Elevations**



**MATERIALS LEGEND**

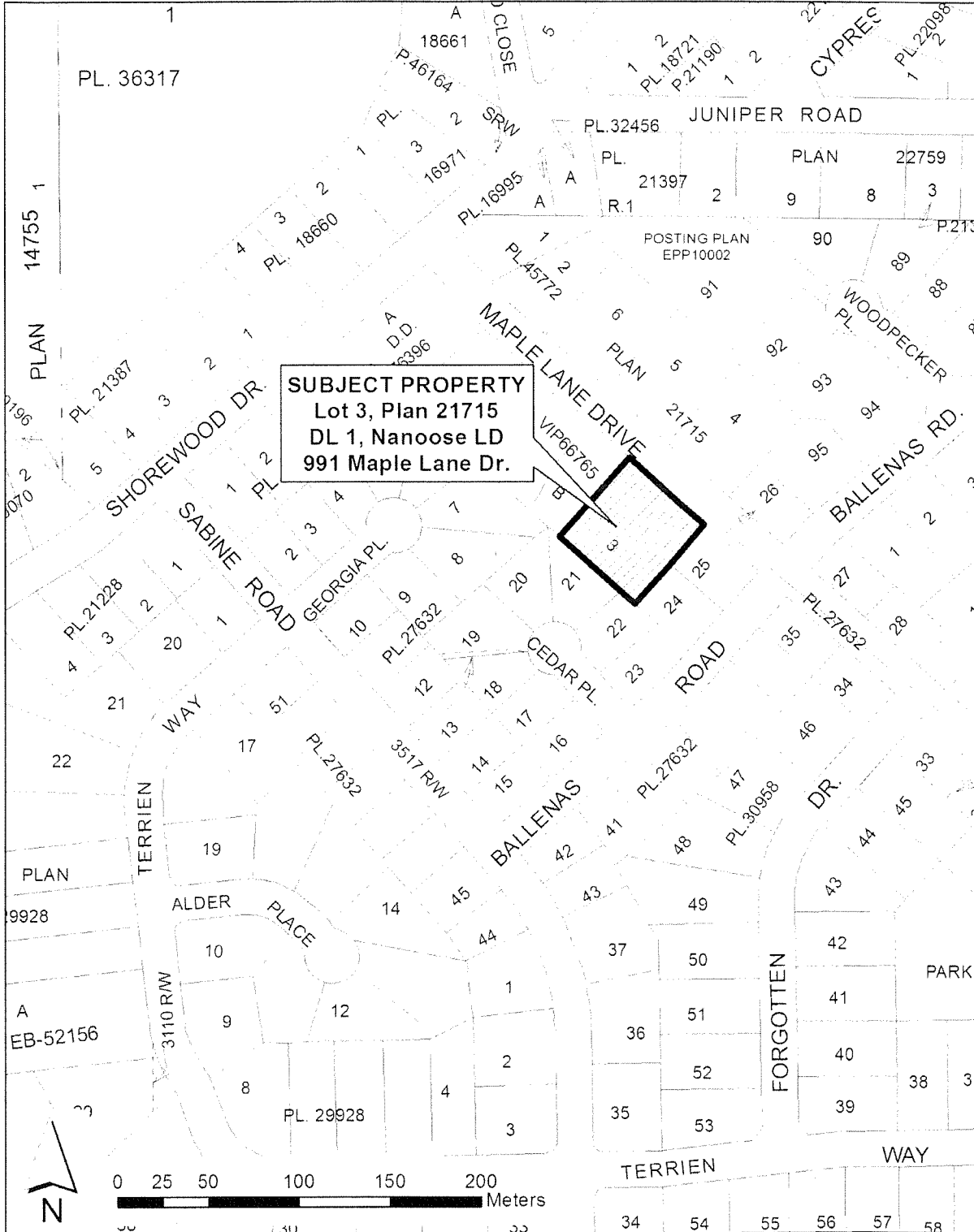
<b>A</b> BRICK (SEE SPEC.) (MATCH EXIST.)	<b>D</b> 2" X 4" CEDAR SHAKES (MATCH EXIST.)	<b>G</b> 1" X 8" BRK 12" GUT
<b>B</b> 1" X 6" BRK (MATCH EXIST.)	<b>E</b> 1" X 6" BRK (MATCH EXIST.)	<b>H</b> 1" X 6" BRK
<b>C</b> 1" X 6" BRK (MATCH EXIST.)	<b>F</b> 1" X 6" BRK (MATCH EXIST.)	



**ELEVATIONS**

- \* ALL ELEVATIONS TO BE CHECKED BY CONTRACTOR FOR SITE PRIOR TO CONSTRUCTION
- \* ROOF SLOPES TO BE CHECKED BY CONTRACTOR FOR SITE

### Attachment No. 1 Subject Property Map





RDN REPORT	
CAO APPROVAL <i>(Signature)</i>	
EAP	✓ Jan. 10/12
COW	
DEC 28 2011	
RHD	
BOARD	

**MEMORANDUM**

**TO:** Paul Thompson  
Acting Manager of Current Planning

**DATE:** December 23, 2011

**FROM:** Kim Farris  
Planner

**FILE:** PL2011-168

**SUBJECT:** Development Permit Application No. PL2011-168 – Scott Bentzen  
Lot 1, District Lot 42, Nanoose District, Plan 7536, Except Part in Plan 26202  
729 and 735 Despard Avenue  
Electoral Area ‘G’

**PURPOSE**

To consider an application for a Fish Habitat Protection and Hazard Lands Development Permit in conjunction with the subdivision of the subject property.

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received a development permit application from Scott Bentzen in conjunction with a two lot subdivision proposal. The subject property is approximately 2.02 ha in area and is zoned Rural 1 (RU-1), Subdivision District ‘F’ (1.0 ha minimum parcel size), pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (see *Attachment No. 1* for subject property map).

The subject property contains two dwelling units and is bordered by rural zoned properties to the north and west, and recreational zoned properties to the east. The City of Parksville borders the property to the south and the Englishman River flows through the properties to the east.

The proposed development is subject to the following applicable Development Permit Areas as per “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008”:

- Fish Habitat Protection Development Permit Area
- Hazard Lands Development Permit Area

***Proposed Development***

The applicant is proposing a two lot subdivision, with both parcels meeting the minimum 1.0 ha parcel size required in the Bylaw (see *Schedule No. 2 for proposed plan of subdivision*). The applicant is applying for a development permit to permit the subdivision to occur within the riparian area and floodplain of the Englishman River.

**ALTERNATIVES**

1. To approve the Development Permit Application No. PL2011-168 subject to the conditions outlined in *Schedules No. 1 to 2*.
2. To deny the Development Permit Application No. PL2011-168.

**LAND USE IMPLICATIONS**

***Development Implications***

In keeping with the guidelines of the Fish Habitat Protection DPA, the applicant has submitted a Riparian Areas Regulation Assessment Report prepared by Toth and Associates Environmental Services, dated June 30, 2011. The recommended 30.0 metre Streamside Protection and Enhancement Area (SPEA) setback encompasses the northeast corner of the subject property. 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 the proposed parcels. Development of the property in accordance with the recommendations contained in the Assessment Report is included as a condition of approval of the development permit (*Schedule No. 1*).

The applicant also submitted a Geotechnical Report prepared by Lewkowich Engineering Associates Ltd., dated April 20, 2011, confirming the site is safe and suitable for the intended residential use, provided the recommendations stated in the report are followed. The applicant will be required to register a Section 219 covenant on the property title that registers the Geotechnical Report, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages. Compliance with the Geotechnical Report and the requirement to register a Section 219 covenant are included as conditions of approval outlined in *Schedule No. 1*.


The proposed development is therefore consistent with the Fish Habitat Protection and Hazard Lands DP guidelines.

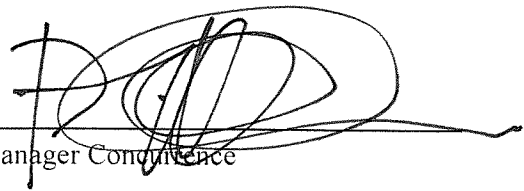
**SUMMARY/CONCLUSION**


This is an application for a development permit in conjunction with a subdivision application. The property is subject to the Fish Habitat Protection and Hazard Lands Development Permit Area. The applicant has submitted a Riparian Areas Regulation Assessment Report and a Geotechnical Report in support of the application. In staff's assessment, this proposal is consistent with the applicable Development Permit Area guidelines. Staff are in support of this application and recommend approval.


**RECOMMENDATION**

That Development Permit Application No. PL2011-168, in conjunction with a subdivision application, be approved subject to the conditions outlined in *Schedules No. 1 to 2*.

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

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

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

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

**Schedule No. 1  
Conditions of Development Permit**

The following sets out the terms and conditions of Development Permit No. PL2011-168:

**Conditions of Approval**

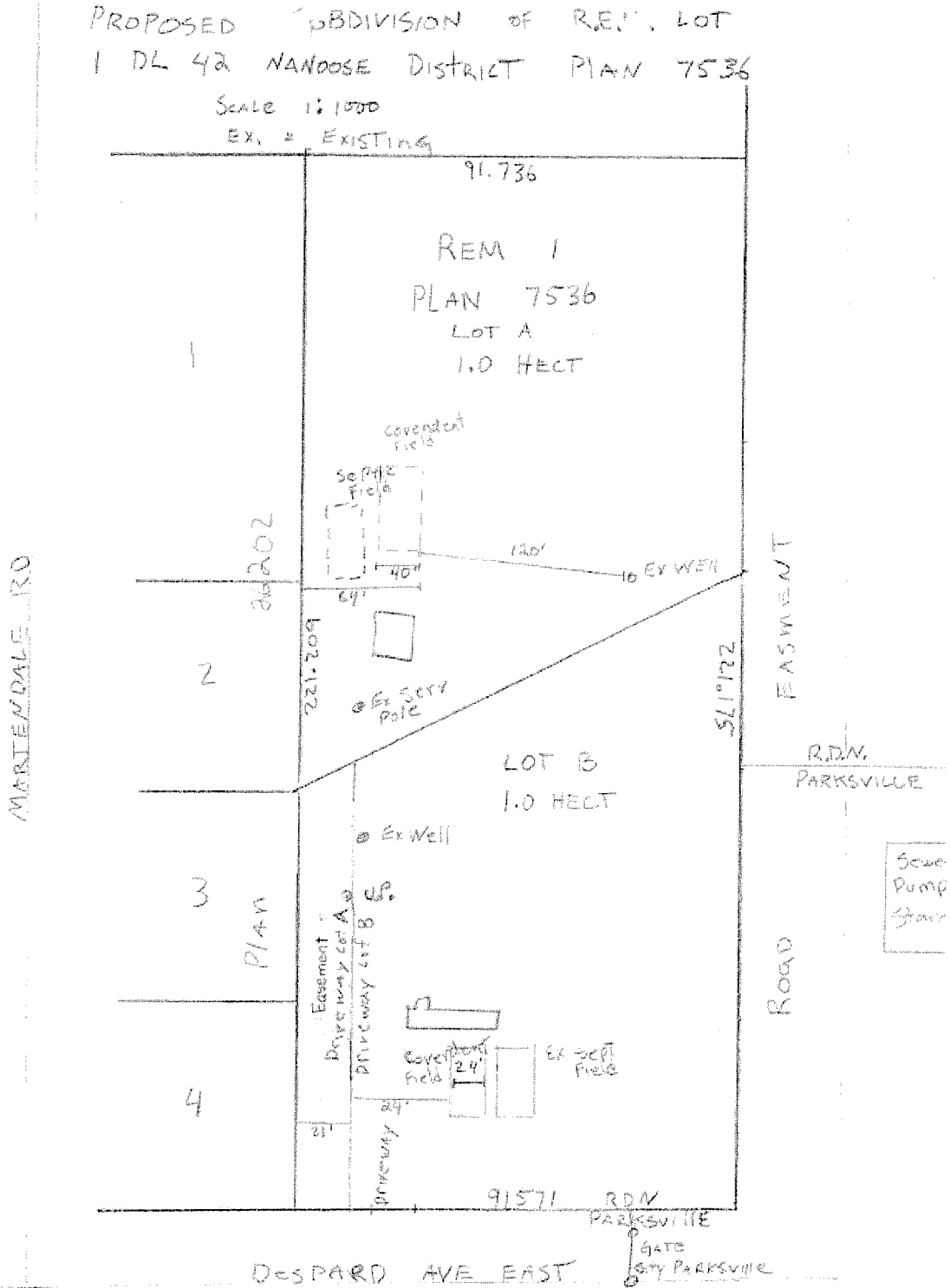
1. The subdivision of the Lands shall be in substantial compliance with the proposed plan of subdivision attached as *Schedule No. 2*.
2. The Lands shall be developed in accordance with the Riparian Areas Regulation Assessment report prepared by Toth and Associates Environmental Services, dated June 30, 2011.
3. The Lands shall be developed in accordance with the Geotechnical Report prepared by Lewkowich Engineering Associates Ltd., dated April 20, 2011.
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 20, 2011, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential hazard.

### Schedule No. 2 Plan of Proposed Subdivision

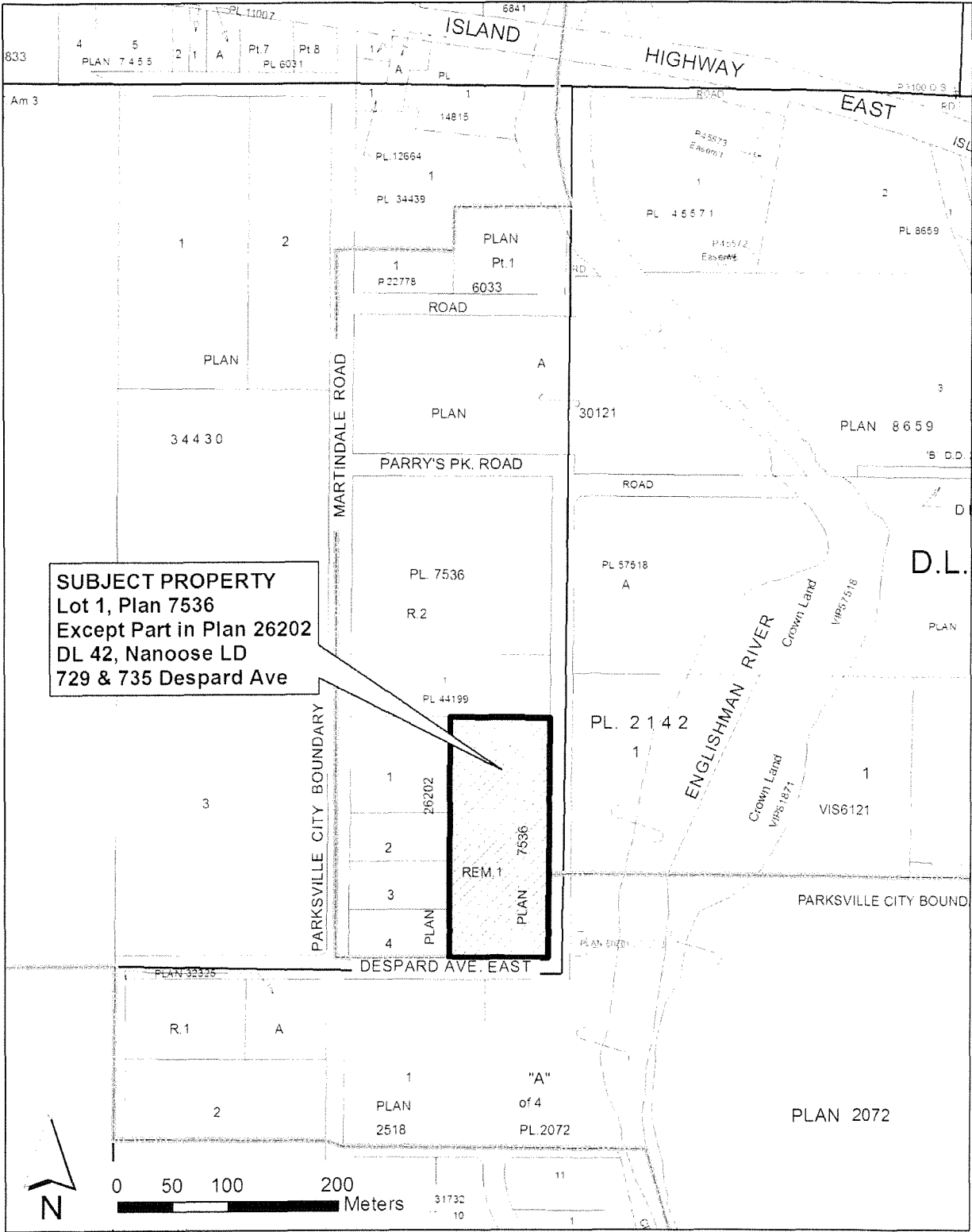
PROPOSED SUBDIVISION OF REM. LOT  
1 DL 42 NANOOSE DISTRICT PLAN 7536

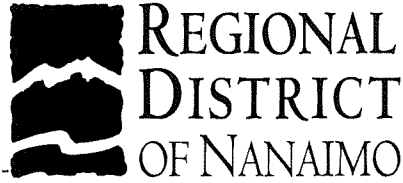
Scale 1:1000

EX. = EXISTING



### Attachment No. 1 Subject Property Map





RDN REPORT		
CAO APPROVAL <i>DN</i>		
EAP	✓	<i>SR n. 10/12</i>
COW		
DEC 28 2011		
RHD		
BOARD		

**MEMORANDUM**

**TO:** Paul Thompson  
Acting Manager of Current Planning

**DATE:** December 23, 2011

**FROM:** Stephen Boogaards  
Planner

**FILE:** PL2010-093

**SUBJECT:** Development Permit with Variance Application No. PL2010-093 – Meade Lot 1, District Lot 49, Nanoose District, Plan VIP86759 – Lundine Lane Electoral Area 'G'

**PURPOSE**

To consider an application for a Development Permit with Variance to allow the construction of a dwelling unit within the watercourse setback area and front lot line setback on the subject property.

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received an application from Fern Road Consulting on behalf of Michael and Carolyn Meade to permit the construction of a single-family dwelling. The subject property is approximately 0.23 ha in area and is zoned Residential 1 (RS1) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”.

The property is one of two panhandle lots accessed from Lundine Lane which runs parallel to the Island Highway 19A. Eaglecrest Golf Course is located to the north within the Town of Qualicum Beach. The proposed dwelling is consistent in character with the homes on neighbouring properties.

The proposed development is subject to the following applicable development permit areas as per “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008”:

- Fish Habitat Development Permit Area; and
- Environmentally Sensitive Features Development Permit Area.

***Proposed Development and Variances***

The applicant proposes to construct a single-family dwelling on the subject property, which is located entirely within the Riparian Assessment Area of Alexander Brook (*see Schedules No. 2 and 3 for Site Plan and Building Elevations*). The applicant proposes 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 dwelling:

- **Section 3.4.61 – Minimum Setback Requirements** to reduce the minimum front lot line setback from 8.0 metres to 3.6 metres, as measured from the panhandle.



- **Section 3.3.8 Setbacks – Watercourses, excluding the Sea** to reduce the minimum setback from the watercourse, as measured from the stream centerline, from 18.0 metres to 13.0 metres for the deck and a small portion of the roof overhang.

A floodplain exemption is not required as the eaves and deck located within 15.0 metres of the watercourse (Alexander Brook) are considered to be non-habitable areas.

## ALTERNATIVES

1. To approve the Development Permit with Variance Application No. PL2010-093 subject to the conditions outlined in *Schedules No. 1 to 3*.
2. To deny the Development Permit with Variance Application No. PL2010-093.

## LAND USE IMPLICATIONS

### *Development Implications*

The property is one of two panhandle lots created in 2009 through a four lot subdivision. At the time the frontage relaxation and the original development permit were approved for the subdivision, the parcel size of the subject property was increased due to the Board's concerns that the lot did not have a sufficient buildable area. These concerns were based on the site constraints including the 18.0 m watercourse setback, 8.0 m front lot line setback from the panhandle and two rights-of-way for sanitary and storm drainage disposal systems. The RDN understood at the time that this would be a sufficient building envelope for a modest dwelling unit.

The applicants have found the allowable building envelope to be insufficient for the construction of a dwelling unit consistent with the size of neighbouring homes and have requested the variances to the front lot line and watercourse. Though inconsistent with previous Board direction, the applicants have made efforts to stay outside of the watercourse floodplain for the proposed construction. The front lot line variance is intended to provide an alternative building site with less impact on the neighbouring properties and the watercourse. Staff anticipates little impact of siting the dwelling within the front lot line setbacks as the lot is accessed via a panhandle.

### *Environmental Implications*

The applicants have submitted a new Riparian Area Regulations (RAR) Assessment prepared by Steve Toth, a Qualified Environmental Professional (QEP), and dated December 7, 2011, which includes recommendations for the construction of the dwelling. The report establishes a 10.0 metre Streamside Protection and Enhancement Area (SPEA) for Alexander Brook. The QEP provides recommendations for the protection of the SPEA including the installation of snow and silt fencing along the SPEA boundary (*see Schedule No. 1 for Conditions of Approval*). Monitoring of the construction is not necessary provided the recommendations are followed and the post development report is submitted to the Ministry of Environment.

**Legal Implications**

Two statutory rights-of-way for sanitary and storm drainage encompass the entire panhandle and extend into the main part of the lot. The proposed construction must be consistent with the conditions of the statutory rights-of-way registered on the property title. The placement of building or structures is prohibited within the rights-of-way. The proposed location of the dwelling is within one of the rights-of-way. The applicant must have this right-of-way amended to reduce its extent, to terminate at the end of the panhandle, prior to the construction of the home.

**Public Consultation Process**

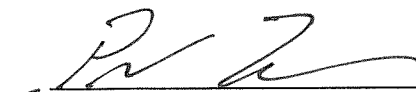
As part of the required public notification process, pursuant to the *Local Government Act*, property owners and tenants located within a 50.0 metre radius, will receive a direct notice of the proposal, and will have an opportunity to comment on the proposed variances, prior to the Board's consideration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

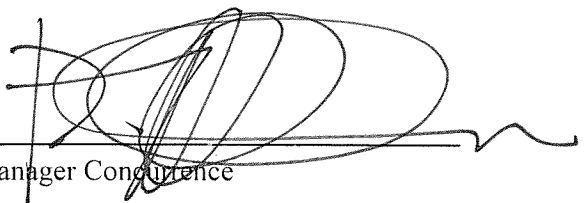
**SUMMARY/CONCLUSION**


The application is for a Development Permit with Variance to allow for the construction of a single-family dwelling with variances to reduce the watercourse setback from 18.0 metres to 13.0 metres and to reduce the front lot line setback from 8.0 metres to 3.6 metres. The variances are necessary as the building envelope for the lot is constrained due to the watercourse setback and statutory rights-of-way affecting property title. The size of the lot was increased at the subdivision stage due to RDN concerns that the lot would not be able to accommodate a dwelling. Despite the increase in lot size the building envelope was determined to be insufficient by the applicant. The applicant has made efforts to minimize the encroachment into the watercourse setback and the variance is consistent with RDN Board policy. The proposed construction is also consistent with the guidelines of the applicable Fish Habitat and Environmentally Sensitive Features Development Permit Areas.


**RECOMMENDATIONS**

1. That Staff be directed to complete the required notification; and,
2. That Development Permit with Variance Application No. PL2010-093 to permit the construction of a single-family dwelling be approved subject to the conditions outlined in *Schedules No. 1 to 3*.

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

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

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

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

**Schedule No. 1**  
**Conditions of Development Permit with Variance**

The following sets out the terms and conditions of Development Permit with Variance No. PL2010-093:

**Bylaw No. 500,1987 - Variances**

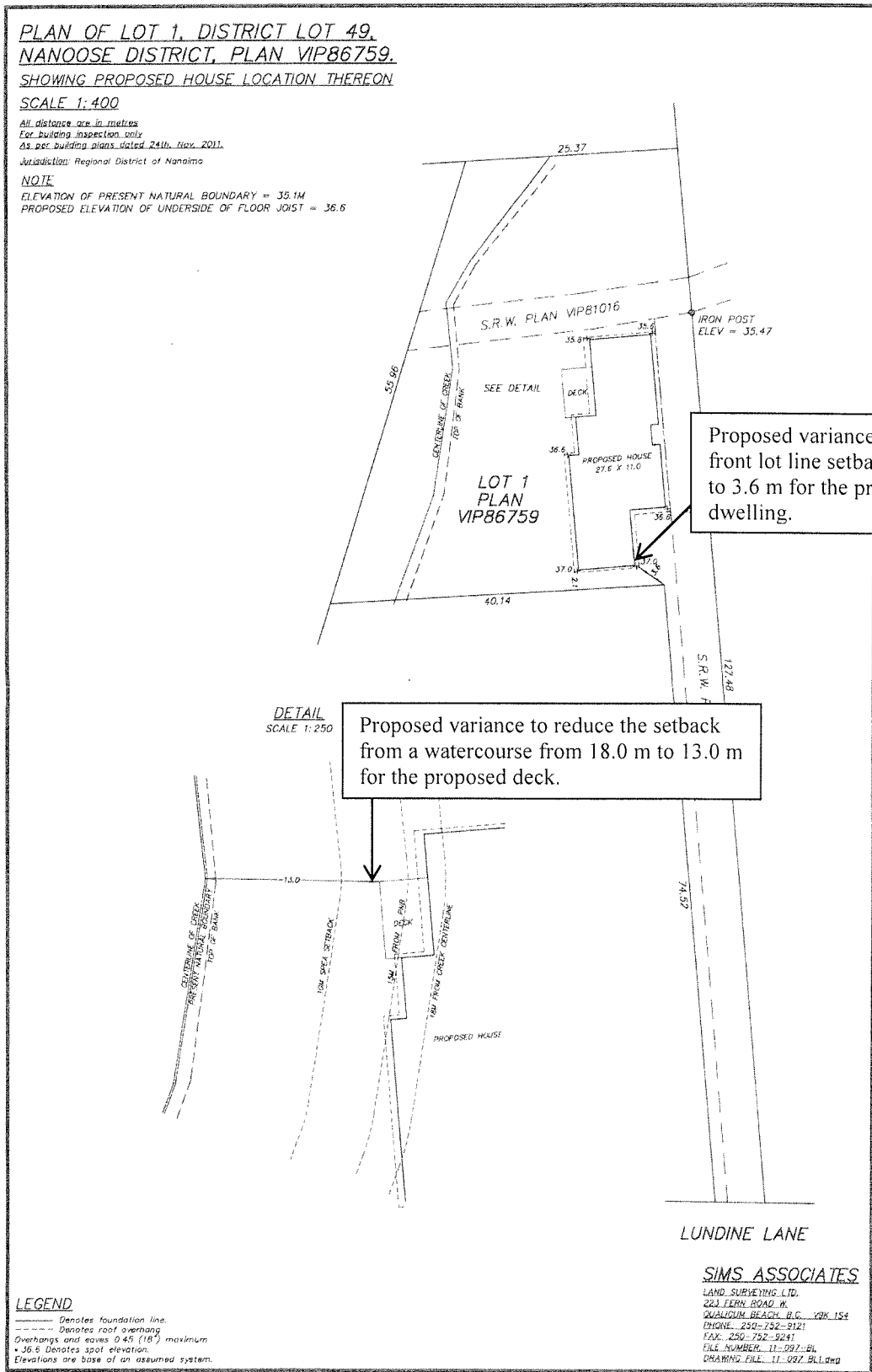
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

1. **Section 3.4.61 – Minimum Setback Requirements** is varied to reduce the minimum front lot line setback from 8.0 metres to 3.6 metres, as shown in *Schedule No. 2*.
2. **Section 3.3.8 – Setbacks – Watercourses, excluding the Sea** is varied to reduce the minimum setback from the watercourse, as measured from stream centerline, from 18.0 metres to 13.0 metres, as shown in *Schedule No. 2*.

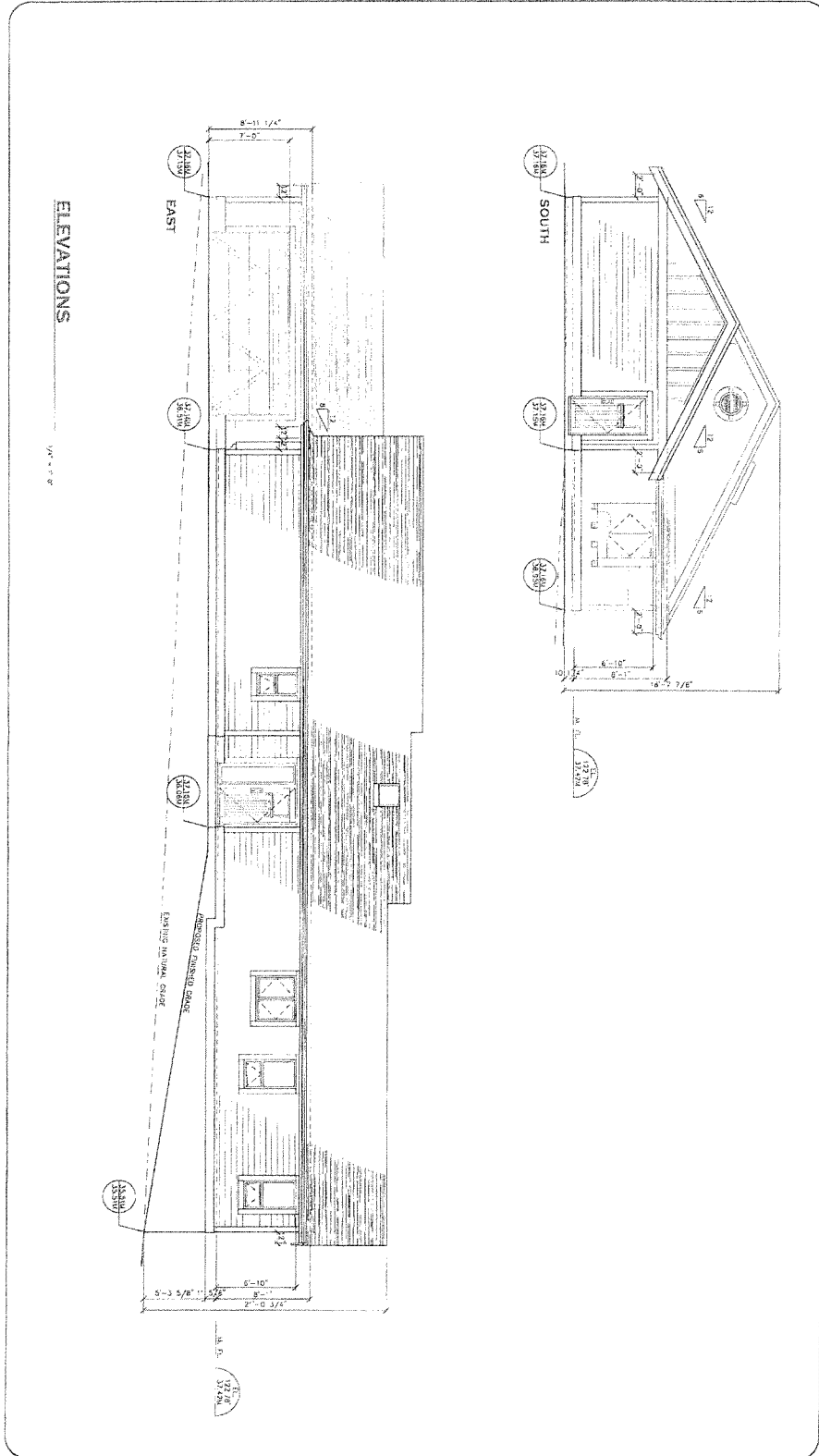
**Conditions of Approval**

1. The proposed dwelling shall be sited in accordance with the site plan prepared by Sims Associates Land Surveying attached as *Schedule No. 2*.
2. The proposed dwelling shall be constructed in accordance with the elevation drawings attached as *Schedule No. 3*.
3. The lands shall be developed in accordance with the recommendations established in the Riparian Areas Regulation Assessment Report, prepared by Steve Toth of Toth and Associates Environmental Services and dated December 7, 2011.
4. No construction shall occur until the statutory right-of-way (VIP86760) is amended to coincide with the boundaries of the panhandle portion of the lot.

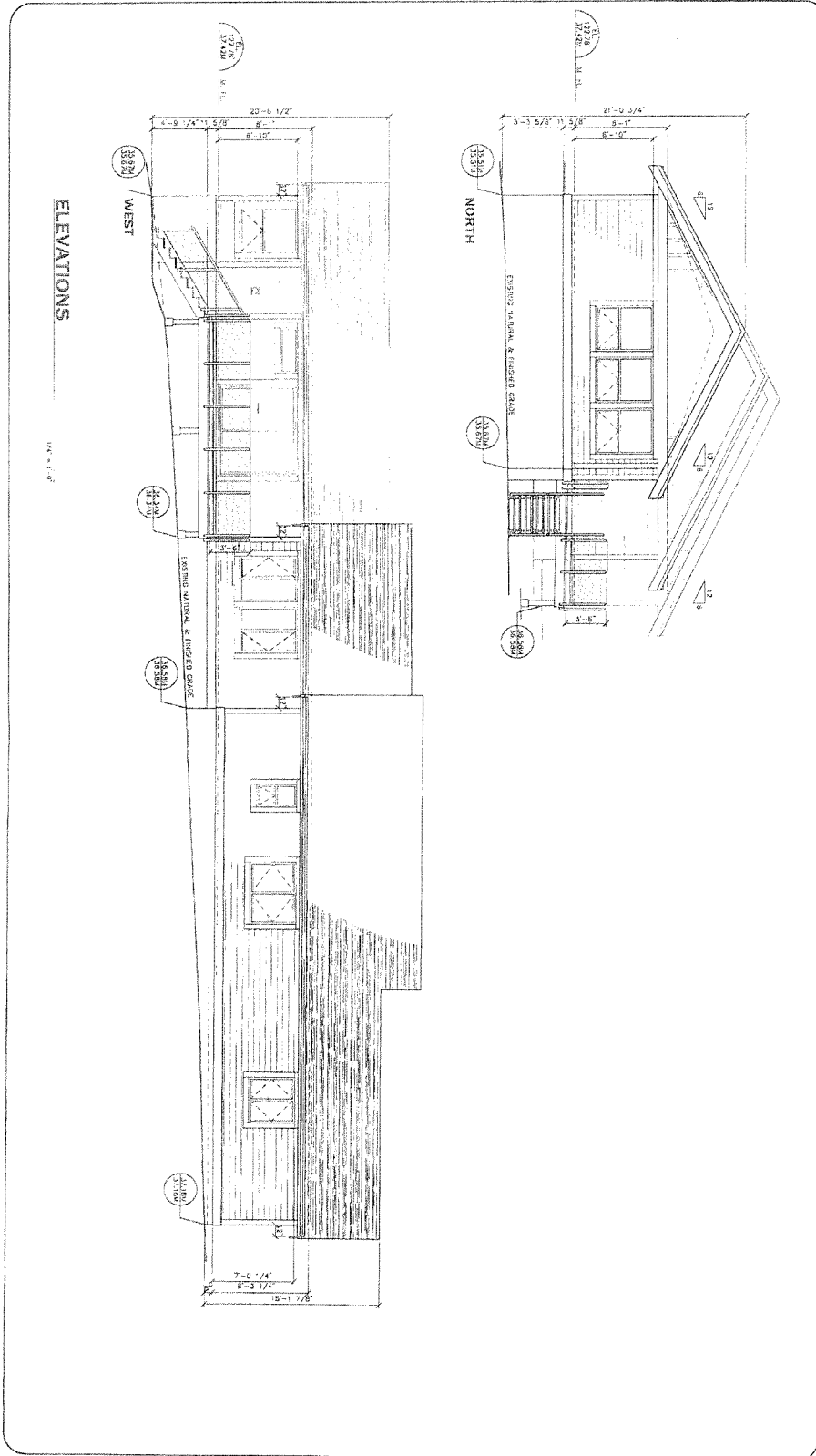
### Schedule No. 2 Proposed Site Plan and Variances



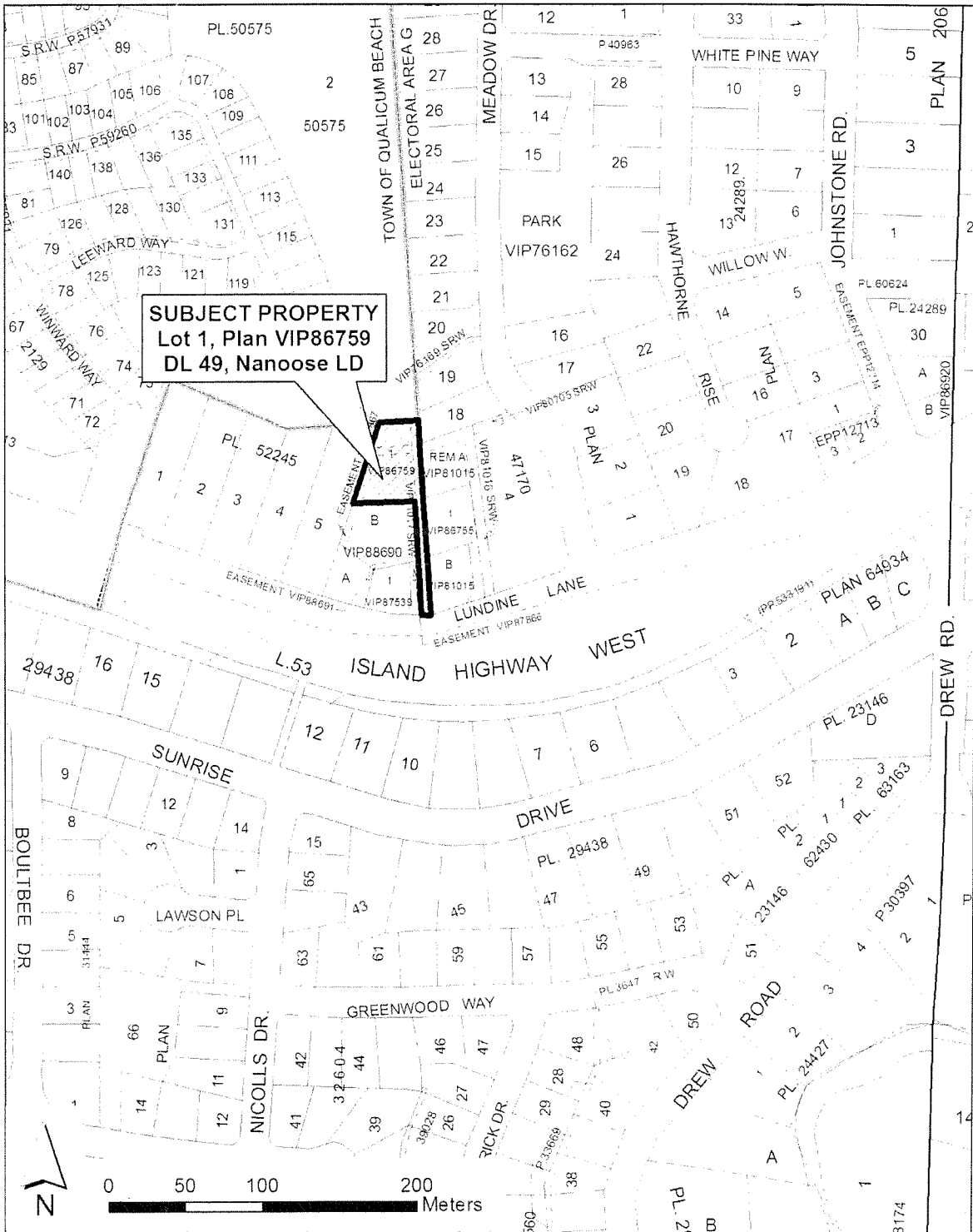
Schedule No. 3  
Building Elevations  
(Page 1 of 2)



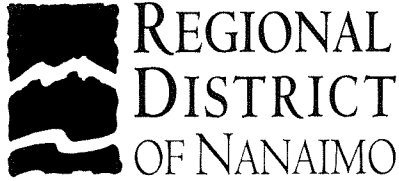
Schedule No. 3  
Building Elevations  
(Page 2 of 2)



### Attachment 1 Subject Property Map



BCGS MAPSHEET: 92F.036 1:3



RDN REPORT	
CAO APPROVAL <i>(Signature)</i>	
EAP	✓ JAN. 10/12
COW	
DEC 28 2011	
RHD	
BOARD	

## MEMORANDUM

**TO:** Paul Thompson  
Acting Manager of Current Planning

**DATE:** December 23, 2011

**FROM:** Robert Stover  
Planning Technician

**FILE:** PL2011-175

**SUBJECT:** Development Variance Permit Application No. PL2011-175 – Donald & Hilary Lane Strata Lot 182 District Lot 251 Alberni District Strata Plan VIS5160 Together With An Interest In The Common Property In Proportion To The Unit Entitlement Of The Strata Lot As Shown On Form V - 3048 Bay Road Electoral Area 'H'

### PURPOSE

To consider an application for a Development Variance Permit to vary the maximum floor area of accessory buildings in the CD9 zone to legalize an accessory building on the subject property.

### BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Donald and Hilary Lane to vary the maximum floor area for accessory buildings permitted in the CD9 zone to legalize an existing accessory building. The subject property is approximately 0.1 hectares in area and is zoned "Horne Lake Comprehensive Development Zone 9" (CD9) 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 located at Horne Lake, and is No. 182 of 400 strata lots along the Lake with CD9 zoning. This zoning restricts the maximum amount of permitted floor area for cabins and accessory buildings, as the lots at Horne Lake are quite small, and are intended for recreational use only. The subject property is bordered by CD9 zoned lots to the west and east, Horne Lake to the south, and resource management lands to the north. The applicant approached the RDN after discovering that the accessory building in question did not conform to the zoning requirements for permitted floor area.

The accessory building requiring the variance contains a boiler for the heating and hot water system for the cabin within a cantilevered portion of the building. A buried insulated conduit connects the hot water system in the accessory building to the cabin. The CD9 zoning permits two accessory buildings with specific floor area restrictions:

- one building not greater than 6 m<sup>2</sup>;
- one building of not greater than 10 m<sup>2</sup>.

As the accessory building containing the boiler exceeds the Bylaw provision, the applicant is applying for a variance.



### ***Proposed Variance***

The applicant proposes to legalize an existing accessory building on the subject property by varying the maximum permitted floor area for accessory buildings in the CD9 zone of “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” as follows:

1. To increase the maximum permitted floor area for one accessory building from 10 m<sup>2</sup> to 14 m<sup>2</sup> labeled as “shed” on the site survey plan prepared by Bruce Lewis Land Surveying Inc. and dated October 5, 2011 (*see Schedule 2*).

### **ALTERNATIVES**

1. To approve Development Variance Permit No. PL2011-175 subject to the conditions outlined in *Schedule No. 1*.
2. To deny Development Variance Permit No. PL2011-175.

### **DEVELOPMENT IMPLICATIONS**

The applicant is requesting a variance to increase the maximum floor area for accessory buildings to legalize an existing accessory building on the subject property. Dimensions of the accessory building are shown on *Schedule No. 2*. The information provided by the applicant in support of the application adequately meets the guidelines of Board Policy No. B1.5 for the evaluation of Development Variance Permit Applications.

### ***Applicant Rationale***

The applicant has provided the following justification for the requested variance:

- Due to limitations on the property with respect to flood construction levels, the accessory building for which the variance is being requested represents the only suitable location above flood construction levels to house the boiler system for the cabin.
- The increased floor area for the accessory building is necessary to contain the boiler in an insulated enclosure in close proximity to the cabin. Placing the boiler in the crawlspace was not feasible, as it is below flood construction levels.

### ***Public Consultation Process***

As part of the required public notification process, pursuant to the *Local Government Act and RDN Bylaw No. 1432*, property owners and tenants located within 50.0 metres of the subject property 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/CONCLUSION**

This is an application for a Development Variance Permit to vary the maximum floor area of accessory buildings in the CD9 zone to legalize an existing accessory building on the subject property. The applicant has submitted a site plan, structural drawings of the accessory building, and a rationale for the requested variance in support of the application. Staff are of the opinion that the information provided by the applicant for the legalization of the existing accessory building floor area adequately meets the guidelines of Board Policy No. B1.5 for the evaluation of Development Variance Permit Applications.

**RECOMMENDATIONS**

1. That Staff be directed to complete the required notification; and
2. That Development Variance Permit Application No. PL2011-175 to vary the maximum floor area of accessory buildings in the CD9 zone from 10 m<sup>2</sup> to 14 m<sup>2</sup> to legalize an existing accessory building be approved as outlined in *Schedule No. 1*.



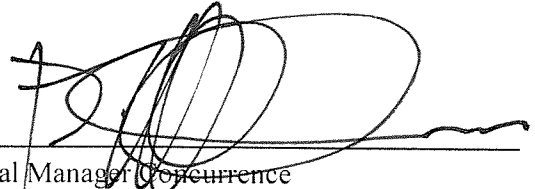
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Report Writer



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Manager Concurrence



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General Manager Concurrence



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CAO Concurrence

**Schedule No. 1**  
**Conditions of Development Variance Permit**

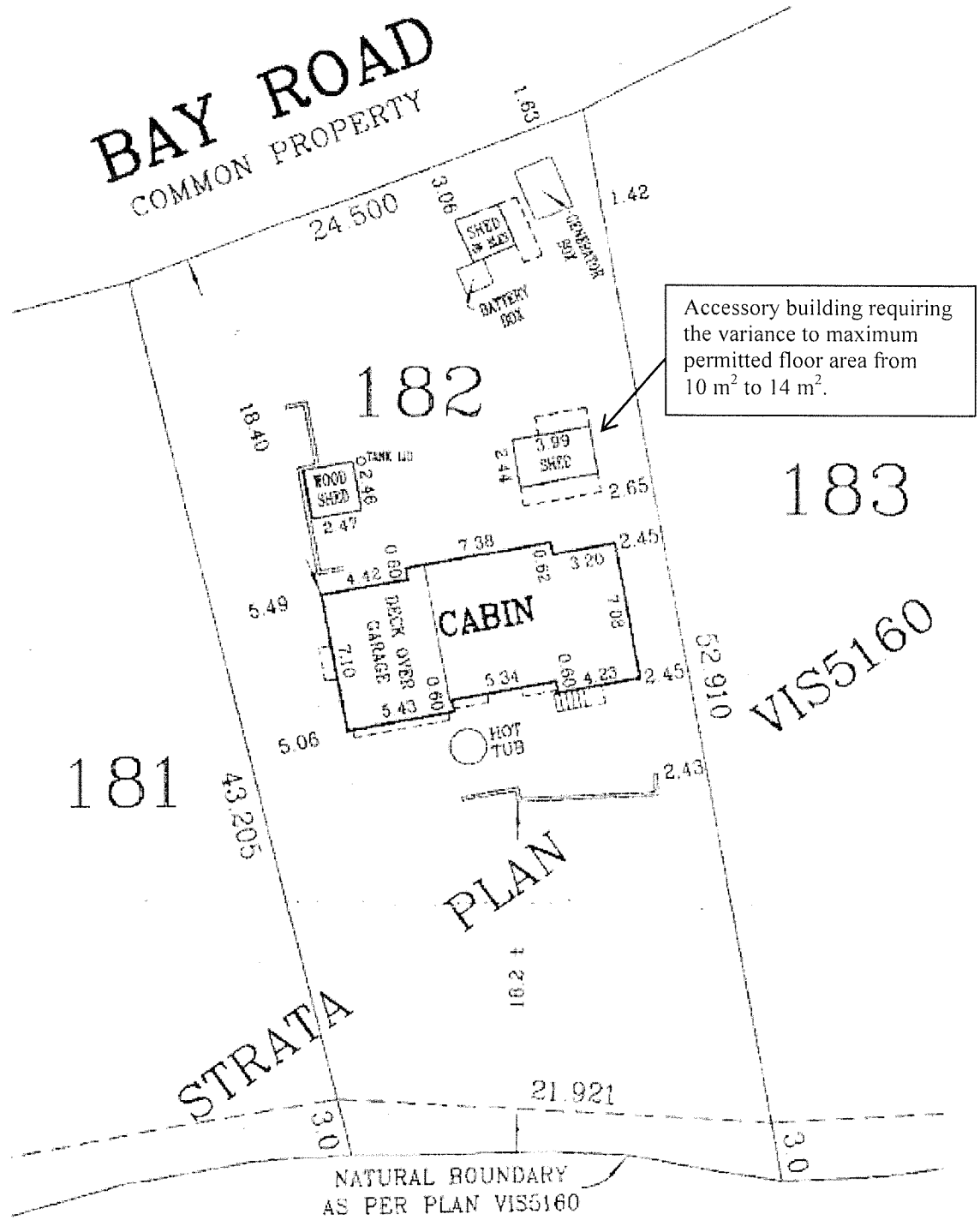
The following sets out the terms and conditions of Development Variance Permit No. PL2011-175:

**Proposed Variance**

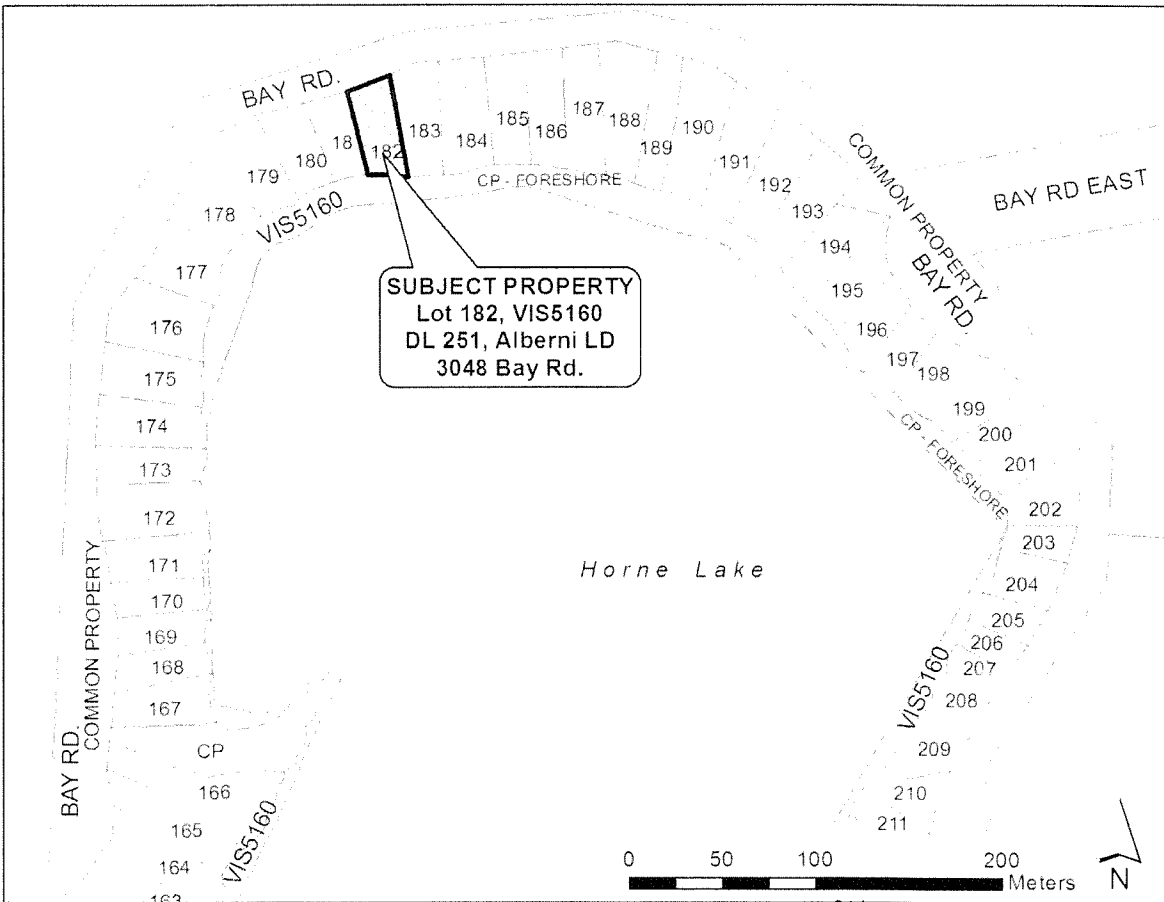
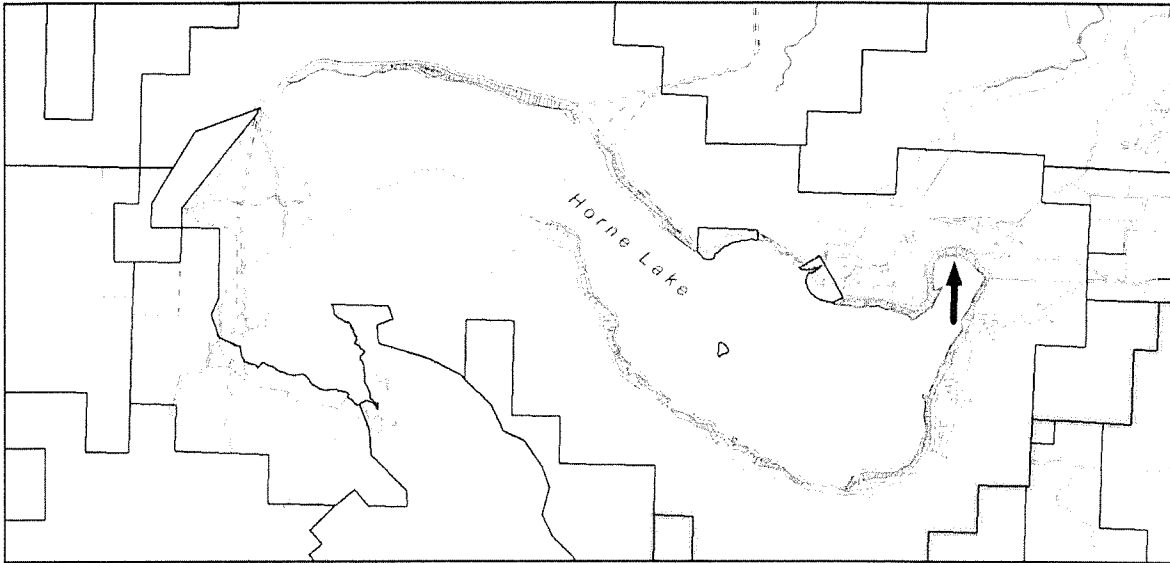
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as follows:

**Section 3.4.107.2 c iii) Floor Area: Accessory Buildings** is varied by increasing the maximum permitted floor area for one accessory building from 10 m<sup>2</sup> to 14 m<sup>2</sup> for an existing accessory building only as shown on *Schedule No. 2*.

Schedule No. 2  
Site Plan - Detail



### Attachment No. 1 Location of Subject Property



BCGS MAPSHEET 92F 037 2 3



**REGIONAL  
DISTRICT  
OF NANAIMO**

RDN REPORT		
CAO APPROVAL <i>(Signature)</i>		
EAP	✓	Jan. 10/12
COW		
DEC 28 2011		
RHD		
BOARD		

**MEMORANDUM**

**TO:** Paul Thompson  
Acting Manager of Current Planning

**DATE:** December 23, 2011

**FROM:** Lainya Rowett  
Senior Planner

**FILE:** PL2011-194

**SUBJECT:** **Development Variance Permit Application No. PL2011-194  
Glencar Consultants Inc.  
Lot 6 and 7, District Lot 81, Nanoose District, Plan VIP89168  
Bouman Place & Wembley Road  
Electoral Area 'G'**

**PURPOSE**

To consider an application for a development variance permit to construct residential dwellings within the subject properties.

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received an application from Glencar Consultants Inc. (on behalf of 0849459 B.C. Ltd.) to reduce the side yard setbacks adjacent to an existing walkway, in order to accommodate the construction of new dwellings within the subject properties (Lots 6 and 7, Plan VIP89169). These parcels were created through a recent Application (Subdivision Application No. PL2010-169), which was approved by the Ministry of Transportation and Infrastructure in October 2011.

Through the subdivision review process it was determined that a pedestrian connection was needed between Wembley Road and the proposed cul-de-sac, Bouman Place. The applicant dedicated a 4.0 metre wide lane between Lots 6 and 7 to be used as a public walkway connection (*see Schedule No. 2 Existing Subdivision*). Subsequently, the applicant consulted with RDN staff about the building envelopes for Lots 6 and 7. It was identified that the side lot lines bordering the walkway (lane) are not common to another parcel and cannot be considered as "Interior Side Lot Lines", which require a 2.0 metre setback, but instead must be considered as "Other Lot Lines" which require a 5.0 metre setback for buildings and structures. The applicant is requesting a variance to reduce the side yard setbacks along the walkway to maximize the building envelopes.

The subject properties are 700 m<sup>2</sup> each in site area and are zoned Residential 1 (RS1Q) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (*see Attachment 1 for location of subject property*). The properties are currently vacant and surrounded by rural residential parcels to the north, south and west of Wembley Road, and Wembley Mall to the east of Ackerman Road. A Subdivision Application (No. PL2011-079) is currently under review to create similar sized residential parcels (minimum 700 m<sup>2</sup>) on a property just north of the subject properties.

### ***Proposed Variance***

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

- *Section 3.4.61 Residential 1 - Minimum Setback Requirements* by reducing the minimum setback from the Other Lot Lines adjacent to the existing walkway (lane) between Lots 6 and 7, Plan VIP89169 from 5.0 metres to 2.0 metres.

### **ALTERNATIVES**

1. To approve the Development Variance Permit No. PL2011-194 subject to the conditions outlined in *Schedules No. 1 to 3*.
2. To deny the Development Variance Permit No. PL2011-194.

### **DEVELOPMENT IMPLICATIONS**

The RS1 Zone requires a setback of 5.0 metres from Other Lot Lines. The applicant is requesting a variance to reduce the side yard setback from Other Lot Lines which border the walkway (lane) from 5.0 metres to 2.0 metres to better accommodate the construction of new dwellings within Lots 6 and 7 (*see Schedule No. 3 Site Plan Detail*). The applicant has indicated that the required setbacks would constrain the building envelopes and make it difficult to build homes that are similar in character to the homes already under construction within the subdivision.

In staff’s assessment, the proposed variance would not negatively impact the function of the adjacent road right-of-way (walkway) or the adjoining properties. The variance to allow a 2.0-metre side yard setback is consistent with the side yard setbacks on the opposite sides of these lots, and would ensure the building envelope areas are similar to other lots within the subdivision. All other setback requirements will be met within the subject properties. Therefore, staff recommends that the proposed variance request be approved.

### ***Public Consultation Process***


As part of the required public notification process, pursuant to the *Local Government Act and RDN Bylaw 1432, 2005*, property owners and tenants located within a 50 metre radius, will receive a direct notice of the proposal, and will have an opportunity to comment on the proposed variance, prior to the Board’s consideration of the application.


### **SUMMARY/CONCLUSIONS**

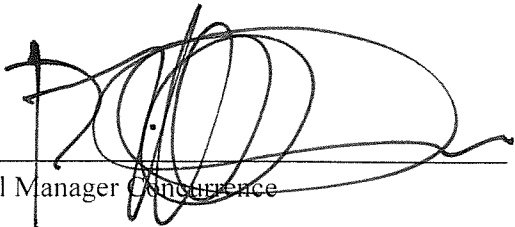
This is an application for a development variance permit to reduce setback requirement from “Other Lot Lines”, which are common to the walkway (lane) within the subject properties, Lots 6 and 7, Plan VIP89168, to accommodate the construction of new dwellings. The applicant has submitted a rationale and site plan in support of the application, indicating that the variance would improve the building envelopes within these lots and ensure consistency with other lots in the subdivision. As the proposed variance would not negatively impact the function of the adjoining walkway and residential lots, staff recommends the variance be supported.


**RECOMMENDATION**

1. That staff be directed to complete the required notification, and
2. That Development Variance Permit Application No. PL2011-194 to reduce the setback from "Other Lot Lines" adjacent to the existing walkway (lane) within the subject properties be approved as outlined in *Schedules No. 1, 2 and 3.*

  
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for Report Writer

  
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Manager Concurrence

  
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General Manager Concurrence

  
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CAO Concurrence



**Schedule No. 1**  
**Conditions of Development Variance Permit**

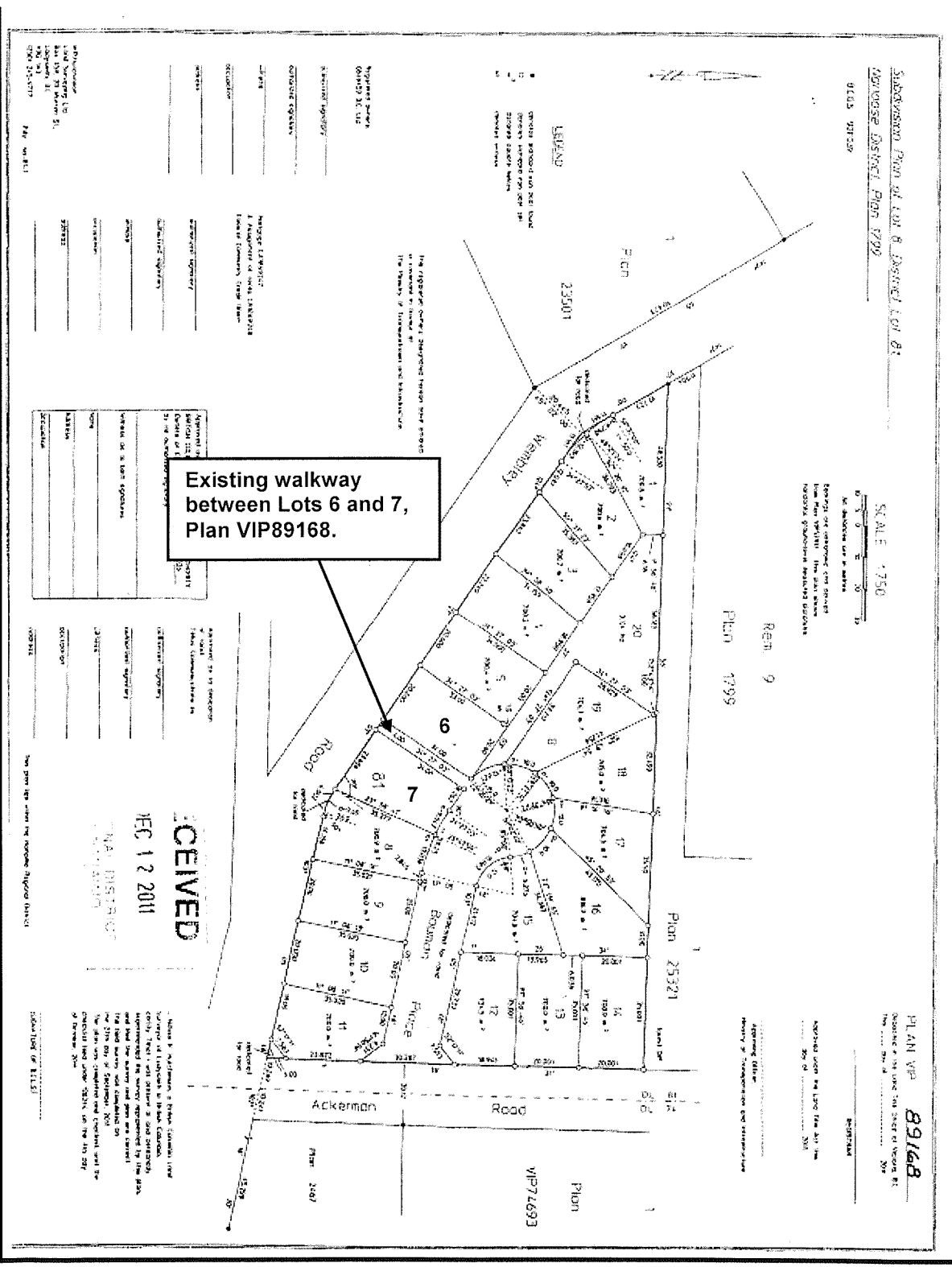
The following sets out the terms and conditions of Development Variance Permit Application No. PL2011-194:

**Proposed Variance**

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

- **Section 3.4.61 Residential 1 – Minimum Setback Requirements** by reducing the minimum setback from the Other Lot Lines adjacent to the existing walkway (lane) between Lots 6 and 7, Plan VIP89169 from 5.0 metres to 2.0 metres only as shown on Schedule Nos. 2 and 3.

**Schedule No. 2  
 Existing Subdivision**



**Existing walkway  
 between Lots 6 and 7,  
 Plan VIP89168.**

**NOTICE TO ORDER**  
 1. A copy of this plan is available for inspection at the Office of the Registrar of Titles, 1000 Burrard Street, Vancouver, B.C. V6Z 1G4.

**LEGEND**

- Proposed boundary
- Proposed easement
- Proposed right of way
- Proposed fence
- Proposed driveway
- Proposed utility line
- Proposed water line
- Proposed sewer line
- Proposed gas line
- Proposed telephone line
- Proposed power line
- Proposed fire hydrant
- Proposed fire alarm
- Proposed fire extinguisher
- Proposed fire alarm bell
- Proposed fire alarm pull station
- Proposed fire alarm control panel
- Proposed fire alarm sounder
- Proposed fire alarm horn
- Proposed fire alarm bell
- Proposed fire alarm pull station
- Proposed fire alarm control panel
- Proposed fire alarm sounder
- Proposed fire alarm horn

**APPROVALS**

Authorised by:	
Date:	
Signature:	
Capacity:	
Approval:	
Date:	
Signature:	
Capacity:	
Approval:	
Date:	
Signature:	
Capacity:	

**RECEIVED**  
 DEC 12 2011  
 CITY OF VANCOUVER

**NOTICE TO ORDER**  
 1. A copy of this plan is available for inspection at the Office of the Registrar of Titles, 1000 Burrard Street, Vancouver, B.C. V6Z 1G4.

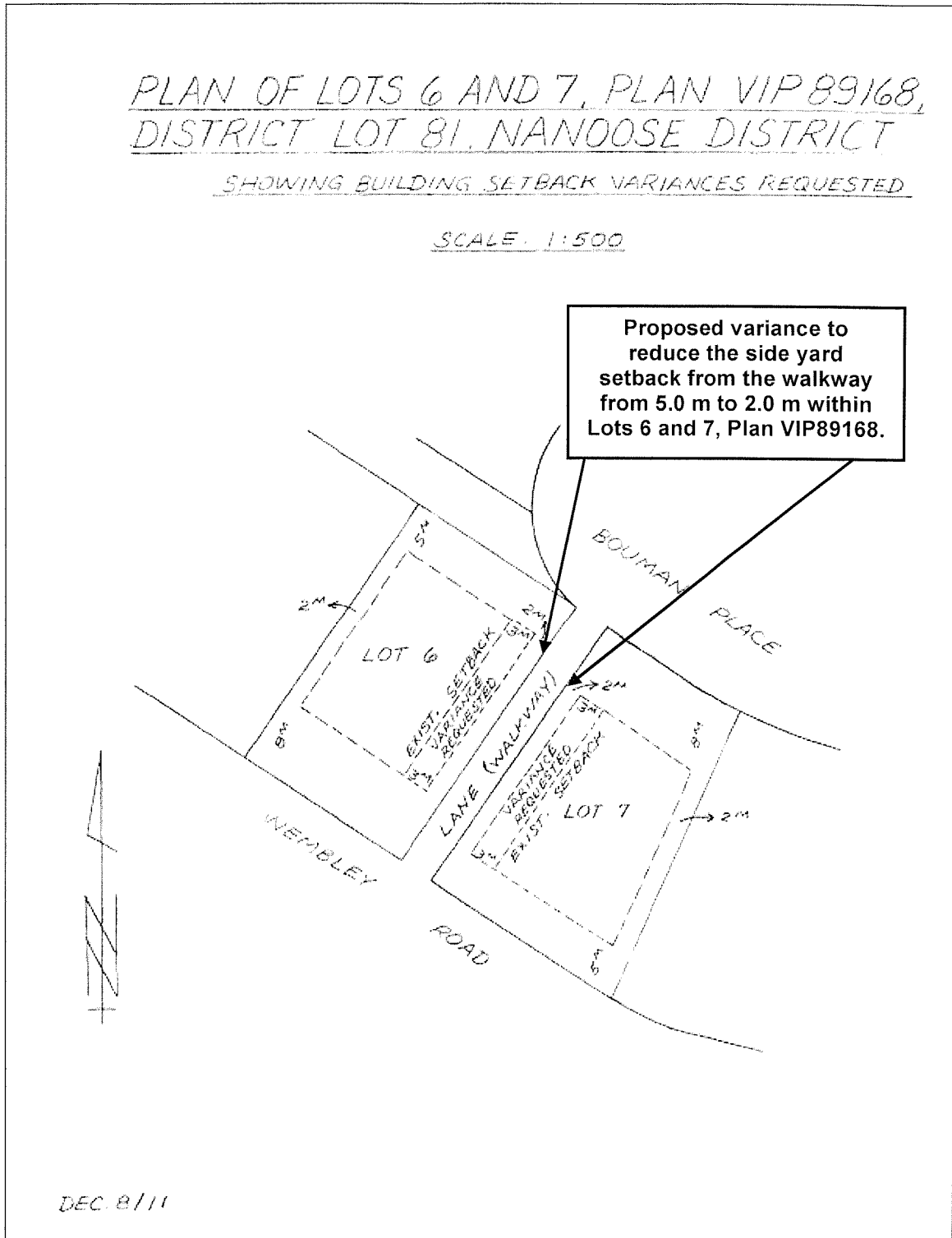
**LEGEND**

- Proposed boundary
- Proposed easement
- Proposed right of way
- Proposed fence
- Proposed driveway
- Proposed utility line
- Proposed water line
- Proposed sewer line
- Proposed gas line
- Proposed telephone line
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- Proposed fire hydrant
- Proposed fire alarm
- Proposed fire extinguisher
- Proposed fire alarm bell
- Proposed fire alarm pull station
- Proposed fire alarm control panel
- Proposed fire alarm sounder
- Proposed fire alarm horn

**Schedule No. 3  
Site Plan - Detail**

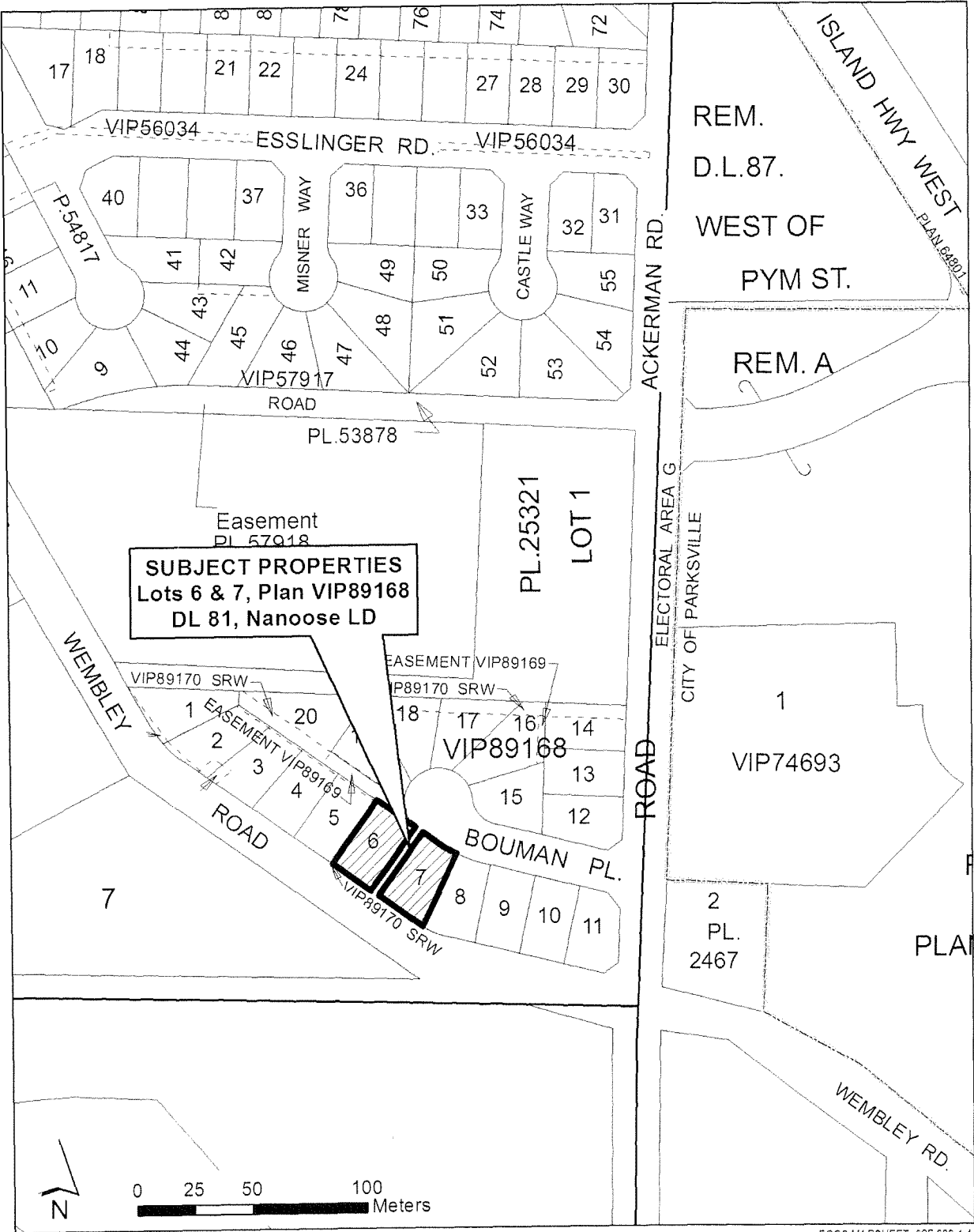
PLAN OF LOTS 6 AND 7, PLAN VIP89168,  
DISTRICT LOT 81, NANOOSE DISTRICT  
SHOWING BUILDING SETBACK VARIANCES REQUESTED

SCALE 1:500



DEC 8/11

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



BCGS MAPSHEET, 92F.039.1.4



RDN REPORT		
CAO APPROVAL		
EAP	✓	Jan. 10/12
COW		
DEC 28 2011		
RHD		
BOARD		

**MEMORANDUM**

**TO:** Paul Thompson  
Acting Manager of Current Planning

**DATE:** December 23, 2011

**FROM:** Lainya Rowett  
Senior Planner

**FILE:** PL2011-128

**SUBJECT:** Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement Couverdon Real Estate  
Lot 1, Block 586, Nanoose District, Plan EPP4638; and Block 586, Nanoose District, Except That Part Lying to the North East of the North Easterly Boundary of Plan 516RW, Except Part in Plan VIP55875 and EPP4638  
Electoral Area 'E'

**PURPOSE**

To consider a request to relax the minimum 10% perimeter frontage requirement in conjunction with a seven-lot subdivision within the subject properties.

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received a request to relax the minimum 10% perimeter frontage requirement in conjunction with a seven-lot subdivision from Couverdon Real Estate on behalf of Timberwest Forest II Ltd.

The subject properties, which have a combined lot area of 1,052 hectares, are zoned Resource Management 3, Subdivision District 'V' (RM3V) (50.0 ha minimum parcel size with or without community services) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachment 1 for location of subject property). The vacant and mostly forested parcels are classified as Privately Managed Forest Land. Surrounding land uses include rural residential lots to the north along Morello Road and Seablush Drive, and vacant resource lands to the west, south and east.

***Proposed Development***

The applicant is proposing to subdivide the two parent parcels into seven fee simple lots and intend to continue to use them for resource (forest) management purposes (see Schedule No. 1 for Proposed Plan of Subdivision).

***Minimum 10% Perimeter Frontage Requirement***

Proposed Lots 1 to 5, inclusive, as shown on the submitted plan of subdivision, do not meet the minimum 10% perimeter frontage requirement pursuant to Section 944 of the **Local Government Act**. The frontage requirement is intended to ensure that new parcels are created with a configuration that maximizes the efficient use of lands. In cases where the minimum parcel size is significantly larger, in this case a minimum of 50.0 hectares, the total distance around the perimeter of the lot, and consequently the required minimum frontage, is considerably large. The applicant has, therefore, requested to reduce the frontage requirements as follows:

<i>Proposed Lot No.</i>	<i>Required Frontage</i>	<i>Proposed Frontage</i>	<i>% Perimeter</i>
1	349.5	215.0	6.2
2	389.4	40.0	1.0
3	372.6	20.0	0.5
4	315.2	20.0	0.6
5	358.7	38.0	1.1

Proposed Lots 6 and 7 are shown to be created without any road frontage (*see Schedule No. 3 Plan of Proposed Subdivision – Detail*). The applicant proposes that these lots be accessed via easements through the adjacent proposed Lots 2 and 3. Since Lots 6 and 7 do not have any road frontage, a frontage relaxation is not required and these lots have been excluded from the frontage relaxation request. Instead, the Approving Officer may approve the creation of lots without road frontage through the subdivision approval.

The Ministry of Transportation and Infrastructure (MOTI) has required the applicant to provide easement agreements to ensure adequate access to Lots 6 and 7, as a condition of the Preliminary Layout Approval granted for the proposed subdivision on November 15, 2011. These requirements must be met to the satisfaction of the Approving Officer prior to subdivision approval.

#### **ALTERNATIVES**

1. To approve the request for relaxation of the minimum 10% perimeter frontage requirement for proposed Lots 1 to 5 inclusive.
2. To deny the request for relaxation of the minimum 10% perimeter frontage requirement.

#### **LAND USE IMPLICATIONS**

##### *Development Implications*

Despite the reduced frontages for proposed Lots 1 to 5, there is sufficient site area to support the permitted uses. With respect to access, the Ministry of Transportation and Infrastructure staff indicated that they have no concerns with the proposed minimum frontage relaxations.

The subject properties are designated within the Watercourse Protection and the Sensitive Ecosystem Protection Development Permit Areas (DPAs) pursuant to the “Regional District of Nanaimo Electoral Area ‘E’ Official Community Plan Bylaw No. 1400, 2005” for the protection of the natural environment. The proposed subdivision consists entirely of lands that are subject to the Forest Act or Private Managed Forest Land Act (PMFLA) and is, therefore, exempt from the development permit requirement.

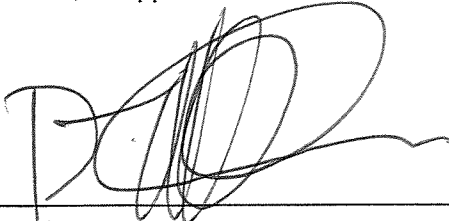
#### **SUMMARY/CONCLUSIONS**

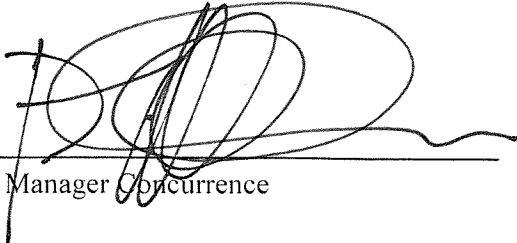
Prior to subdivision of the subject properties, the relaxation of the minimum 10% perimeter frontage requirement for five of the proposed lots is required. Despite the reduced frontages, proposed Lots 1 to 5 will be able to accommodate the proposed resource-based uses permitted in the zoning. Ministry staff verbally indicated that they have no objection to the request for relaxation of the frontages for these parcels.

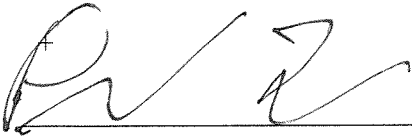
As the reduced frontages will not negatively impact the intended uses of the proposed parcels, and as the Approving Officer will require demonstration of adequate access to all of the proposed lots prior to subdivision approval, staff recommends approval of the request to relax the minimum 10% perimeter frontage requirement.

**RECOMMENDATION**

- 1. That the request to relax the minimum 10% perimeter frontage requirement for proposed Lots 1 to 5, inclusive, be approved.

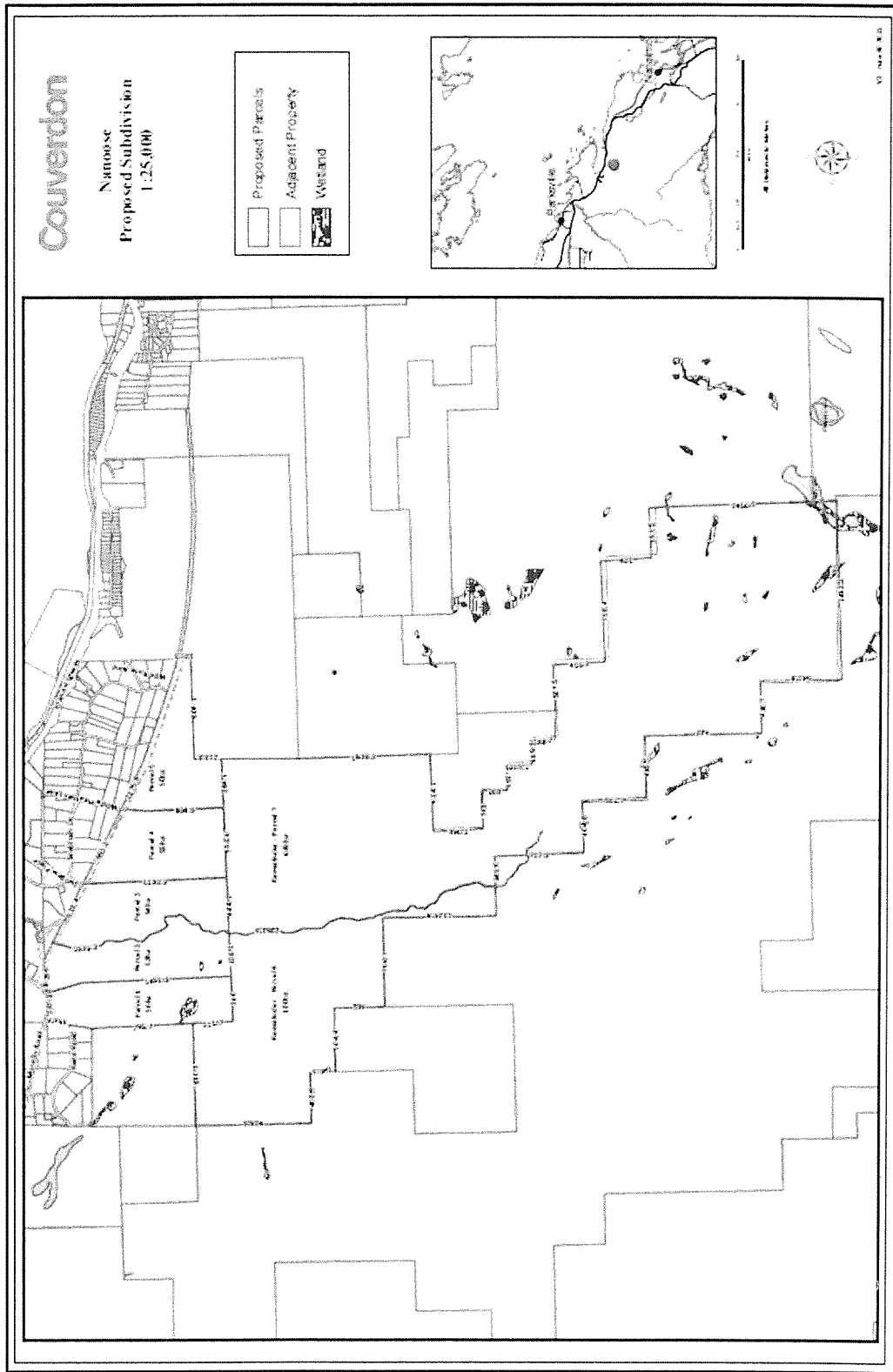
  
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Report Writer

  
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General Manager Concurrence

  
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Manager Concurrence

  
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CAO Concurrence

### Schedule No. 1 Plan of Proposed Subdivision







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

