

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA PLANNING COMMITTEE

TUESDAY, FEBRUARY 14, 2012

6:30 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

3 Randy Orr, re Building Strata Conversion Application PL2011-165.

MINUTES

4 - 6 Minutes of the regular Electoral Area Planning Committee meeting held January 10, 2012.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

UNFINISHED BUSINESS

PLANNING

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

7 - 13 Development Permit with Variance Application No. PL2011-174 C.A. Design – John Larson – Lot 9, Section 7, Range 6, Cedar District, Plan 9877 – 2550 Pylades Drive, Electoral Area 'A'.

14 - 27 Development Permit with Variance Application No. PL2011-024 – Kazan Investments Ltd.; Michael J. Hill Ltd.; Douglas E. Hill Ltd. – That Part of Lot 2, District Lot 81, Nanoose District, Plan 6179 Lying to the East of the Easterly Boundary of Plan 814 RW – 883 & 899 Island Highway West, Electoral Area 'G'.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

28 - 33 Development Variance Permit Application No. PL2011-177 – Victor Blasco – Lot 109, District Lot 28, Nanoose District, Plan 30213 – 594 Karl's Way, Electoral Area 'G'.

34 - 40 Development Variance Permit Application No. PL2011-188 – Eric Jantzen – Lot 6, Section 7, Range 4, Cranberry District, Plan VIP67928 – 85 Colwell Road, Electoral Area 'C'.

OTHER

- 41 - 49 Building Strata Conversion Application PL2011-165 – Randy and Karen Orr – Lot 1, District Lot 137, Nanoose District, Plan 29414 – 1876 Stewart Road, Electoral Area 'E'.
- 50 - 54 Electoral Area 'A' Cedar Main Street Design Update – Citizen's Advisory Group Terms of Reference Amendment.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

ADJOURNMENT

Ohalloran, Matt

To: Orr, Randy
Subject: RE: Delagation request re: Strata conversion application No. PL2011-165

From: Orr, Randy [<mailto:ROrr@islandtimberlands.com>]
Sent: Wednesday, February 08, 2012 11:27 AM
To: Ohalloran, Matt
Subject: Delagation request re: Strata conversion application No. PL2011-165

Hi Matthew,

As discussed, I would like to appear as a delegation at next weeks (Feb 14th) EAPC meeting.

I was hoping to have just a few minutes to address the Committee regarding my families application.

If you could, please confirm receipt of this email.

Thank you.

Randy

Randy Orr, RI, RFT
Land Administrator, Real Estate
Island Timberlands LP
65 Front Street, 4th Floor
Nanaimo, BC, V9R 5H9
Office: 250-755-3520
Cell: 250-954-7453
Fax: 250-755-3540
Email: rorr@islandtimberlands.com

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REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, JANUARY 10, 2012 AT 6:30 PM
IN THE RDN BOARD CHAMBERS**

Present:

Director G. Holme	Chairperson
Director A. McPherson	Electoral Area A
Director M. Young	Electoral Area C
Director J. Fell	Electoral Area F
Director J. Stanhope	Electoral Area G
Director W. Veenhof	Electoral Area H

Also in Attendance:

M. Pearce	Sr. Mgr., Corporate Administration
P. Thorkelsson	Gen. Mgr., Development Services
J. Holm	Mgr., Current Planning
N. Hewitt	Recording Secretary

MINUTES

MOVED Director Stanhope, SECONDED Director Young, that the minutes of the regular Electoral Area Planning Committee meeting held November 8, 2011 be adopted.

CARRIED

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

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

MOVED Director Stanhope, SECONDED Director Veenhof, 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.

CARRIED

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

MOVED Director Stanhope, SECONDED Director McPherson, 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.

CARRIED

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

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

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

CARRIED

MOVED Director Stanhope, SECONDED Director Young, 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.

CARRIED

MOVED Director Stanhope, SECONDED Director Young, that staff report back to the Board on dealing with variances to frontage requirements and panhandle lots.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

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

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

CARRIED

MOVED Director Veenhof, SECONDED Director Stanhope, that Development Variance Permit Application No. PL2011-175 to vary the maximum floor area of accessory buildings in the CD9 zone from 10 m² to 14 m² to legalize an existing accessory building be approved as outlined in Schedule No. 1.

CARRIED

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

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

CARRIED

MOVED Director Stanhope, SECONDED Director Young, 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.

CARRIED

OTHER

Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement – Couverdon Real Estate – Area ‘E’.

MOVED Director Stanhope, SECONDED Director Young, that the request to relax the minimum 10% perimeter frontage requirement for proposed Lots 1 to 5, inclusive, be approved.

CARRIED

ADJOURNMENT

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

CARRIED

Time: 6:44 PM

CHAIRPERSON



RDN REPORT	
CAO APPROVAL <i>[Signature]</i>	
EAP	✓
COW	
FEB 02 2012	
RHD	
BOARD	

MEMORANDUM

TO: Jeremy Holm
Manager of Current Planning

DATE: January 30, 2012

FROM: Kim Farris
Planner

FILE: PL2011-174

SUBJECT: Development Permit with Variance Application No. PL2011-174
C.A. Design – John Larson
Lot 9, Section 7, Range 6, Cedar District, Plan 9877 – 2550 Pylades Drive
Electoral Area 'A'

PURPOSE

To consider an application for a Development Permit with Variance to permit construction of a dwelling unit on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from John Larson, C.A. Design on behalf of Lawrence and Doreen Doerr in order to permit the construction of a dwelling unit. The subject property is approximately 1,373 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 No. 1 for subject property map).

The subject property currently contains two existing detached garages and a dwelling unit that has been destroyed by fire. The property is bordered by residential parcels to the north, an undeveloped highway right-of-way to the south, Pylades Drive to the west, and Stuart Channel to the east.

The proposed development is subject to Environmentally Sensitive Feature/Coastal Areas Development Permit Area as per "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1620, 2011".

Proposed Development and Variances

The property owners are proposing to reconstruct a dwelling unit on the original foundation within the existing building footprint. Physical site constraints limit the proposed new dwelling unit's building envelope. A steep slope in the western portion of the property reduces the amount of buildable area. The property owners also intend to preserve the two existing garages that were not damaged by the fire which limits the buildable area further.

As the dwelling unit was damaged more than 75%, of its value above its foundation, the dwelling unit is no longer afforded protection in relation to non-conforming siting under Section 911(8) of the *Local Government Act*. As such, the dwelling unit must conform to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" minimum setback requirements. To meet the current setbacks in Bylaw No. 500, the applicant is requesting to vary the Other Lot Line (adjacent to undeveloped road) from 5.0 m to 2.5 m, the Rear Lot Line setback from 2.0 metres to 0.0 metres, and the setback from the sea from 8.0 m to 0.0 m.

Approval from Ministry of Transportation & Infrastructure is required for any setback of less than 4.5 metres adjacent to a road. MOTI has indicated support for the proposed Other Lot Line setback reduction to 2.5 metres.

ALTERNATIVES

1. To approve the Development Permit with Variance Application No. PL2011-174 subject to the conditions outlined in *Schedules No. 1 to 3*.
2. To deny the Development Permit with Variance Application No. PL2011-174.

LAND USE IMPLICATIONS

Development Implications

The applicant has submitted an Environmental Assessment Report prepared by Toth and Associates Environmental Services and dated December 8, 2011. The report states that, given the shoreline is exposed rock, there is little opportunity to improve upon conditions or increase the amount of naturally vegetated area within the development permit area on the property. The report concludes that the reconstruction of the existing home on the existing foundation will not result in any additional impacts or further intrusion into the Coastal Area DPA.

The applicant also provided a Geotechnical Hazards Assessment Report prepared by Ground Control Geotechnical Engineering Ltd and dated September 30, 2011. The report notes that the foreshore of the ocean consists of bedrock bluffs that are highly resistant to erosion and form a natural seawall. The Engineer states the completed project will have no significant detrimental impact on adjoining properties, public infrastructure, or the environment from a geotechnical point-of-view as the house will be reconstructed on the existing foundations.

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.

Sustainability Implications

In keeping with Regional District of Nanaimo Board policy, staff have reviewed the proposed development with respect to the "Regional District of Nanaimo Sustainable Development Checklist". Sustainable aspects of the development include the use of an engineered rainwater collection system to supply all potable water for the dwelling unit. The rainwater collection system is a water conservation measure which will reduce water use, protect drinking water supplies, and minimize impacts to the Yellow Point Aquifer. In addition, the applicant is proposing to reuse the existing dwelling foundation which will minimize land disturbance.

Inter-governmental Implications

The applicant obtained a permit from the Ministry of Transportation and Infrastructure to reduce the setback from 4.5 metres to 2.0 metres. The property owners' driveway extends over a portion of the adjacent undeveloped highway right-of-way to the south. The applicant has received approval from MoTI for use of the driveway over the adjacent unconstructed road.

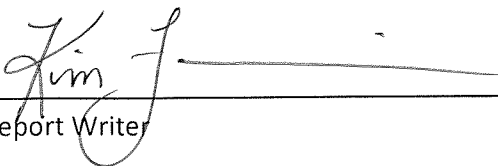
SUMMARY/CONCLUSION

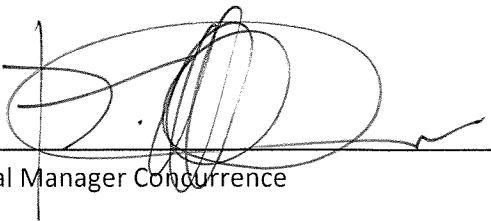
This is an application for a Development Permit with Variance to permit the reconstruction of a dwelling unit on an existing foundation within the Environmentally Sensitive Features/Coastal Areas Development Permit Area. In addition, the applicant is requesting to vary the Other Lot Line from 5.0 metres to 2.5 metres, the Rear Lot Line from 2.0 metres to 0.0 metres, and the setback from the sea from 8.0 metres to 0.0 metres. The applicant has provided an Environmental Assessment Report and Geotechnical Hazards Assessment Report in support of their application.

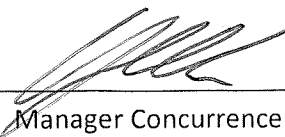
As the application is consistent with the applicable Development Permit Guidelines and is not expected to negatively impact the adjacent neighbours, staff recommends that the Board support the Development Permit with Variance pending the outcome of the public consultation.

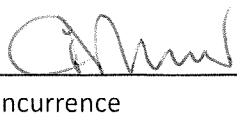
RECOMMENDATIONS

1. That staff be directed to complete the required notification, and
2. That Development Permit with Variance Application No. PL2011-174 to permit the construction of a dwelling unit be approved subject to the conditions outlined in *Schedules No. 1 to 3*.


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 with Variance No. PL2011-174:

VariANCES

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

1. **Section 3.3.9 a) i) – Setbacks – Sea** to be varied by reducing the horizontal distance inland from the top of a slope of 30% or greater from 8.0 metres to 0.0 metres.
2. **Section 3.4.62 – Minimum Setback Requirements** to be varied by reducing the Rear lot line from 2.0 metres to 0.0 metres.
3. **Section 3.4.62 – Minimum Setback Requirements** to be varied by reducing the Other lot line from 5.0 metres to 2.5 metres.

Conditions of Approval

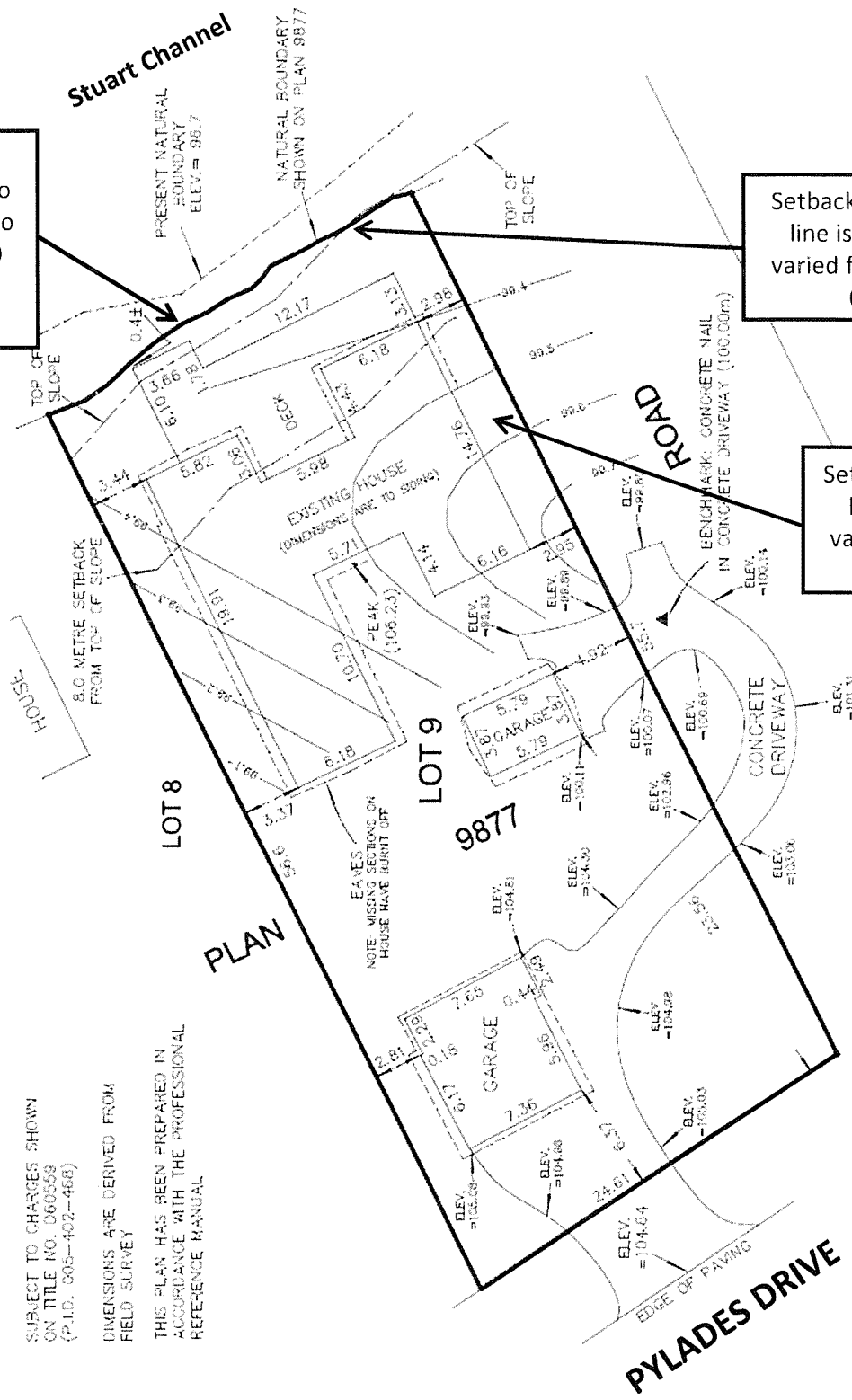
1. The dwelling unit shall be sited in accordance with the site plan attached as *Schedule No. 2*.
2. The dwelling unit shall be constructed in general compliance with the elevation drawings attached as *Schedule No. 3*.
3. The Lands shall be developed in accordance with the Environmental Assessment Report prepared by Toth and Associates Environmental Services and dated December 8, 2011.
4. The Lands shall be development in accordance with the Geotechnical Hazards Assessment Report prepared by Ground Control Geotechnical Engineering Ltd and dated September 30, 2011.

Schedule No. 2
 Proposed Site Plan and Variance

Setback from the natural boundary to the sea requested to be varied from 8.0 metres to 0.0 metres.

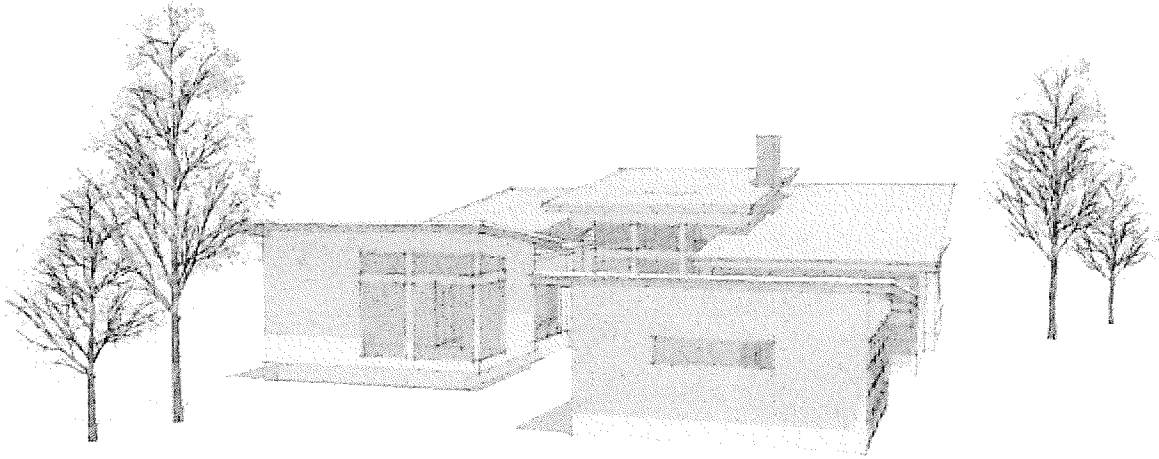
Setback from the Rear lot line is requested to be varied from 2.0 metres to 0.0 metres.

Setback from the Other lot line is requested to be varied from 5.0 metres to 2.5 metres.

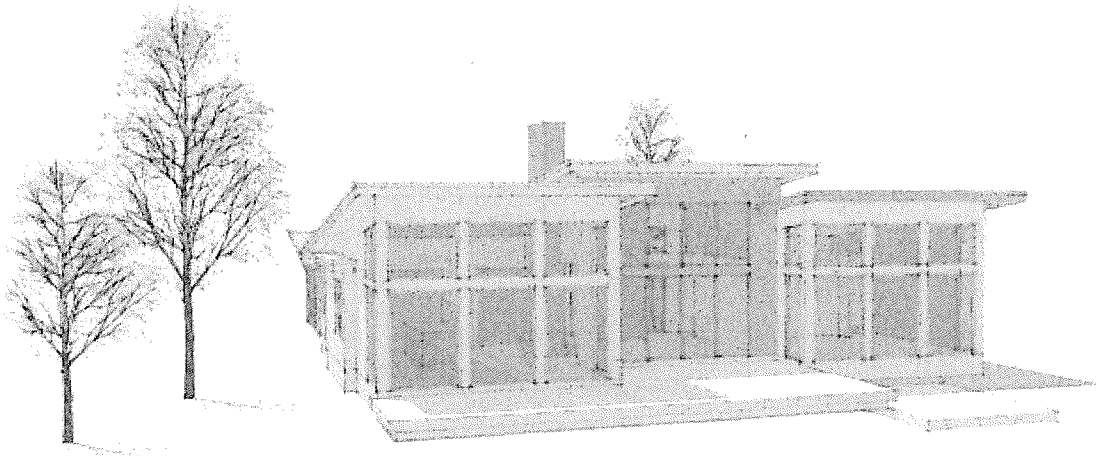


SUBJECT TO CHARGES SHOWN
 ON TITLE NO. D60358
 (P.L.D. 005-402-468)
 DIMENSIONS ARE DERIVED FROM
 FIELD SURVEY
 THIS PLAN HAS BEEN PREPARED IN
 ACCORDANCE WITH THE PROFESSIONAL
 REFERENCE MANUAL

Schedule No. 3 Building Elevations



West Elevation - 2
Street Front

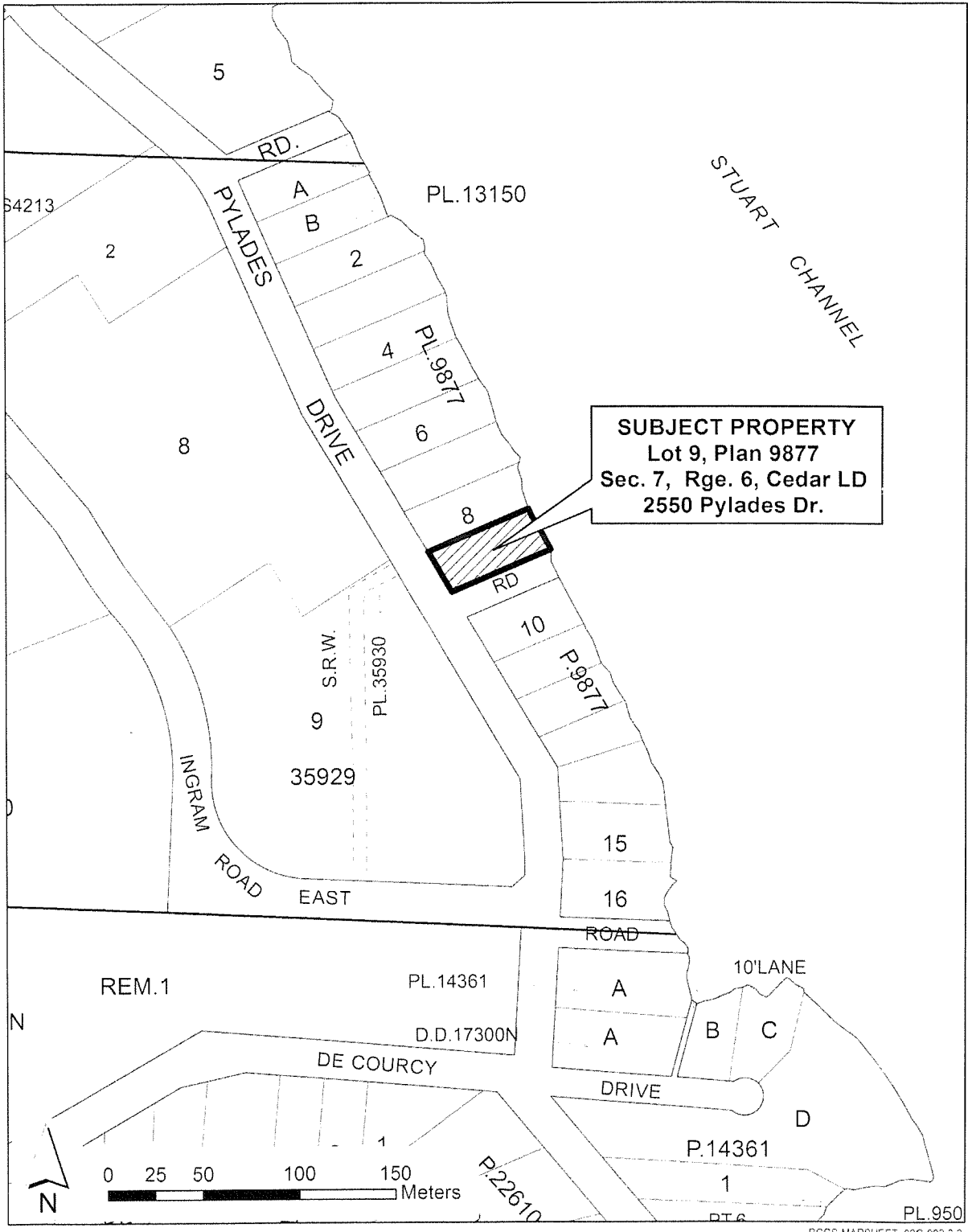


East Elevation - 3
Clergy Front



South Elevation - 1
Right Side

Attachement No. 1
Subject Property Map





KSWN RECORDS	
CAO APPROVAL	
EAP	✓
COW	
FEB 03 2012	
RHD	
BOARD	

MEMORANDUM

TO: Jeremy Holm
Manager of Current Planning

DATE: January 31, 2012

FROM: Lainya Rowett
Senior Planner

FILE: PL2011-024

SUBJECT: Development Permit with Variance Application No. PL2011-024
Kazan Investments Ltd.; Michael J. Hill Ltd.; Douglas E. Hill Ltd.
That Part of Lot 2, District Lot 81, Nanoose District, Plan 6179 Lying to the East
of the Easterly Boundary of Plan 814 RW – 883 & 899 Island Highway West
Electoral Area 'G'

PURPOSE

To consider an application for a Development Permit with Variance to permit the redevelopment of an existing commercial property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Kazan Investments Ltd., Michael J. Hill Ltd. and Douglas E. Hill Ltd., for a Development Permit with Variance to permit the redevelopment of an existing commercial centre, including the construction of three new commercial buildings, a free-standing sign, and landscaping improvements (*see Attachment 1 for location of subject property*).

The subject property is approximately 0.7 ha in area and is zoned Commercial 2 within Subdivision District 'Q' (CM2Q) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The property currently contains three commercial buildings with existing uses including: a restaurant, bakery, video rental store, and a second-hand store. The property is bound by an undeveloped Public 1 zoned parcel to the north, residential parcels to the east across Aberdeen Drive and located within the City of Parksville, a commercial property to the south, currently occupied by Shell Canada, and to the west the Island Highway West.

The proposed development is subject to the following applicable Development Permit Area (DPA) as per the "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008":

- Multi Residential, Intensive Residential, Industrial, and Commercial Form and Character.

Previous Development Proposal

In January 2011, the applicants submitted a Zoning Amendment (Application No. PL2011-023) and a Development Permit with Variance (Application No. PL2011-024) to rezone the property from Commercial 2 (CM2) to French Creek Landing Comprehensive Development Zone (CD48), in order to allow the construction of three new commercial buildings and a fast food outlet with a drive-thru within the subject property. The Regional Board denied the Rezoning Application (No. PL2011-023) on July 26, 2011, and directed RDN staff to conduct a review of drive-thru within the context of the Board's Strategic Plan, the Regional Growth Strategy and Official Community Plan targets for greenhouse gas

reductions. The Development Permit (Application No. PL2011-024) was neither denied nor approved by the Board. Subsequently, the applicants met with RDN staff to discuss alternatives to proceed with their Development Permit Application under the current zoning and permitted uses.

Proposed Development and Variances

In order to comply with existing zoning, the applicants have revised their proposal to remove the fast food outlet and the drive-thru component. This is reflected in the current site and landscaping plans (see *Schedule 2*). The revised site plan also includes an internal connection for future vehicular movement between the proposed development and the adjacent commercial development (Shell Gas Station). Other than these changes, the design of the site and proposed buildings is consistent with the previous proposal that was reviewed by the community and the Regional Board.

The applicants propose to construct three, single level commercial buildings on the subject property in accordance with the uses permitted in the existing Commercial 2 Zone. The applicants propose to vary the following regulations from the "Regional District of Nanaimo Sign Bylaw No. 993, 1995" in order to accommodate the proposed development:

- **Section 5 a)** to increase the maximum number of permitted signs from two signs per parcel to allow one free-standing sign and one fascia sign per business on the subject property.

The applicants also propose to vary the following regulations from the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987":

- **Section 3.4.12 – Minimum Setback Requirements** to reduce the setback from the Front Lot Line for Building No.3 from 8.0 m to 0.8 m; and
- **Section 3.4.12 – Minimum Setback Requirements** to reduce the setback from Other Lot Lines for the proposed free-standing sign from 5.0 m to 4.0 m.

ALTERNATIVES

1. To approve the Development Permit with Variance Application No. PL2011-024 subject to the conditions outlined in *Schedules 1 to 5*.
2. To deny the Development Permit with Variance Application No. PL2011-024.

LAND USE IMPLICATIONS

Development Implications

The applicants have submitted a site plan, building elevations, and landscape plan with signage details in order to address the Commercial Form and Character Development Permit Area Guidelines concerning site design, parking and loading, landscaping, site illumination, signage, and pedestrian and cyclist considerations.

With respect to the new buildings, the applicants propose to construct three, ground-oriented commercial buildings, ranging in size from 250 m² to 400 m² (see *Schedule 2*). The building design is suitable in scale and form with the character of the adjacent residential neighborhood. Proposed building materials include colored metal roofs, Hardie board siding, shingles, trim and stone facing details (see *Schedule 3*).

The proposed building locations will maximize highway exposure and facilitate circulation throughout the site. Smaller groupings of parking and landscaped areas between the buildings will help minimize the scale of the parking surface. The applicants propose to provide 81 parking spaces, including four handicapped spaces and additional spaces for loading. Vehicular access to the property will be provided via a single, full movement entrance from the Island Highway West. A secondary vehicular access is proposed for future connection to the adjacent commercial property to the south (Shell Gas Station) (see *Schedule 2*). In addition, on-site pedestrian connections are proposed with internal crosswalks and a pedestrian path at the rear of the property adjacent to Aberdeen Drive.

The applicants submitted a landscaping plan, which includes primarily native drought tolerant and deer resistant vegetation to be planted within a continuous landscape buffer area around the perimeter of the property (see *Schedule 4*). The buffer will be 2.0 m wide along the north, east and south property lines, and 5.0 m wide adjacent to the Island Highway West. Additional landscaping is proposed within the parking areas and to screen the garbage/recycling enclosures. The applicants also propose to construct a 1.8 m high solid cedar fence, along the north and east property lines to provide additional buffering to the adjacent residential neighborhood. As a condition of development approval, the applicants will be required to provide a landscaping security deposit in the amount of \$107,819.00 to ensure the improvements, including irrigation systems, are installed.

With respect to signage, the applicants propose to construct one free-standing sign at the site entrance off the Island Highway West. The sign panels will be back-lit and designed with a decorative metal roof and cedar posts and beams in concrete bases, which will be integrated with the surrounding architecture and landscaping (see *Schedules 4 and 5*). The proposed sign scheme also includes one fascia sign per business as described under Proposed Variances below.

On-site lighting will consist of full-cut off/flat lens luminaries designed to reduce glare on adjacent properties. The applicants also propose to provide bicycle racks, benches and trash receptacles near the building entrances.

Proposed Variances

As noted above, the applicants propose to vary the RDN Sign Bylaw No. 993 in order to increase the maximum number of permitted signs to allow one free-standing sign on the property and one fascia sign per business, to be located as shown in *Schedules 3 and 5*. A variance is also requested to locate the free-standing sign within the setback area along the Island Highway West. These variances will enable the tenants to have sufficient business signage and visibility along the highway corridor, and the signs are well integrated with the surrounding architecture and landscaping. The Ministry of Transportation and Infrastructure (MoTI) has confirmed that it supports these variances and will not require a variance for the free-standing sign to be located within 4.5 m setback requirement because this structure is not a building.

The applicants have also requested a variance to permit the southeast corner of Building No. 3 to encroach into the Front Lot Line setback area by reducing the setback requirement from 8.0 m to 0.8 m. This variance will facilitate placement of the building in a way that will maximize its exposure from the highway; locate the parking areas generally to the rear of the building, and provide adequate sight lines near the property entrance. MoTI staff have confirmed that they do not have any concerns with the requested setback variance.

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 m 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.

Environmental Implications

The applicants have submitted a Site Profile Form and Certificate of Compliance, issued by the Ministry of Environment on April 28, 2011, confirming that the site has been remediated to meet the Contaminated Sites Regulation standards for commercial land.

Site Servicing Implications

With respect to potable water, the applicant has submitted confirmation from the community water provider, EPCOR, confirming that the property is within their service area and that adequate water for domestic and fire protection purposes is available based on the demand information provided by the developer's engineer. The property is within the RDN French Creek Sanitary Sewer Service Area and is currently connected to sanitary sewer. The applicant's engineer has indicated that demand on the sanitary sewer is not anticipated to increase substantially with the redevelopment of the property.

The Parksville Fire Department has responded stating that the proposed access, site layout, and fire flows appear acceptable. They have also noted that the nearest fire hydrant is at the end of the Riley Road right-of-way across the Island Highway West and have requested that the developer consider bringing a fire hydrant across the highway to the front of the site. The applicant's engineer has indicated that this request can be accommodated and staff recommend that the developer be required to install the fire hydrant prior to development of the site (*see Schedule 1 Conditions of Approval*).

In terms of access, as discussed earlier, the Ministry of Transportation and Infrastructure (MoTI) is satisfied that the proposed site configuration will provide the opportunity for future vehicular connection between the subject property and the adjacent property to the south, which is occupied by Shell Canada. Shell has historically utilized the subject property for additional access to the highway; however, this access arrangement has not been secured through an easement agreement. The proposed site configuration will still accommodate the movement of most motor vehicles through the site, if in the future the property owners establish a formal easement agreement. Shell currently accesses the Island Highway West from an existing egress in the southern corner of their lot.

Intergovernmental Implications

This development proposal was referred to the Ministry of Transportation and Infrastructure (MoTI) for their comments. MoTI has accepted the proposed development and variances, including the addition of an internal connection for future vehicular movement between the subject property and the adjacent commercial development (Shell Gas Station). MoTI requires the applicants to apply for a highway access permit.

Through the previous (rezoning) application review, the City of Parksville confirmed that it has no concerns with the proposed pedestrian connection to Aberdeen Drive (the municipal boundary), but it does not support the provision of service connections i.e. storm drainage disposal to the swale adjacent to Aberdeen Drive. The applicants' Engineer has indicated that storm water can be dealt with on-site.

Sustainability Implications

The applicants have completed an RDN “Sustainable Community Builders Checklist” and identified the following sustainability aspects for the proposed development:

- The development will revitalize an existing commercial centre and provide local services to the surrounding residential neighborhood;
- A storm water detention system will be installed to maximize groundwater recharge;
- Native and drought tolerant plants will be maintained within an extensive buffer along all property lines and throughout the site;
- The proposed redevelopment will improve the character and visual appeal of the site, and will provide new and structurally sound buildings to replace the existing buildings which need extensive renovations;
- Existing businesses will benefit from improved commercial space, and the expansion of the commercial uses will create more opportunities for employment; and
- Local labour will be employed to develop the site.

SUMMARY/CONCLUSION

This is an application for a Development Permit with Variance to permit the redevelopment of an existing commercial property with signage and landscaping improvements on the subject property. The applicants propose to increase the maximum number of permitted signs, to allow one free-standing sign on the property and one fascia sign per business. They also propose to reduce the Front Lot Line setback from 8.0 m to 0.8 m for a corner of proposed Building No. 3, and to reduce the Other Lot Line setback from 5.0 m to 4.0 m for the proposed free-standing sign to be located along the Island Highway.

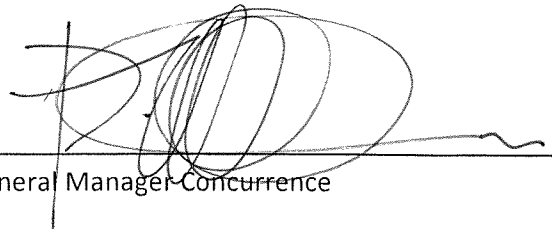
The applicants have submitted a site plan, building elevations, signage details, landscaping plan and cost estimate and servicing report in support of their application. The proposed development and requested variances are consistent with the guidelines of the Commercial Form and Character Development Permit Area; therefore, staff recommend that the Board approve the proposed Development Permit with Variance No. PL2011-024.

RECOMMENDATIONS

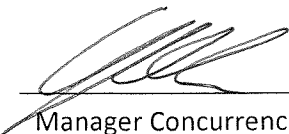
1. That staff be directed to complete the required notification; and
2. That Development Permit with Variance Application No. PL2011-024 be approved subject to the conditions outlined in *Schedule 1*.



Report Writer



General Manager-Concurrence



Manager Concurrence



CAO Concurrence

Schedule No. 1
Conditions of Approval (Page 1 of 2)

The following conditions are to be completed as part of Development Permit with Variance No. PL2011-024:

Bylaw No. 993, 1995 - Variances

With respect to the lands, "Regional District of Nanaimo Sign Bylaw No. 993, 1995" (Bylaw No. 993, 1995) is varied as follows:

1. **Section 5 a)** to increase the maximum number of permitted signs from two signs per parcel to allow one free-standing sign and one fascia sign per business on the subject property (as shown on *Schedules 2 and 3*).

Bylaw No. 500, 1987 - Variances

The applicants also propose to vary the following regulations from the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987":

- **Section 3.4.12 – Minimum Setback Requirements** to reduce the setback from the Front Lot Line for Building No. 3 from 8.0 m to 0.8 m (as shown on *Schedule 2*); and
- **Section 3.4.12 – Minimum Setback Requirements** to reduce the setback from Other Lot Lines for the proposed free-standing sign from 5.0 m to 4.0 m (as shown on *Schedule 2*).

Conditions of Approval

1. The subject property shall be developed generally in accordance with the site plan prepared by Timberlake-Jones Engineering Ltd. and dated January 20, 2011 and revised on January 25, 2012, attached as *Schedule 2*.
2. The proposed buildings shall be constructed generally in accordance with the elevations drawings prepared by dysarchitecture and dated January 21, 2011, attached as *Schedule 3*.
3. The proposed development shall be landscaped in accordance with the landscaping plan prepared by MacDonald Gray, dated January 26, 2012, attached as *Schedule 4*.

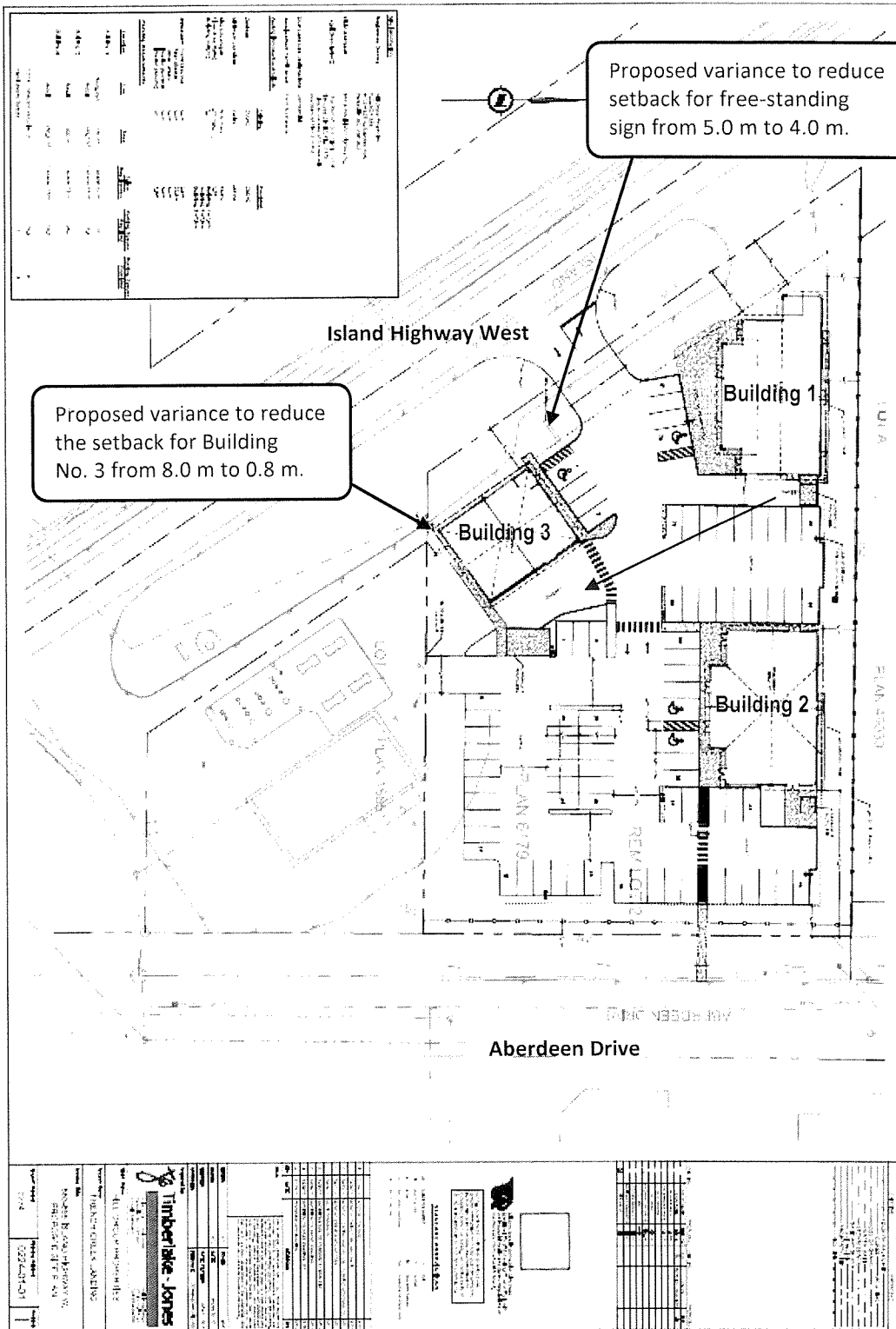
Staff shall withhold the issuance of this permit until the applicants submit a landscaping security deposit in the amount of \$107,819.00, in accordance with the landscaping cost estimate prepared by MacDonald Gray and dated January 26, 2012.

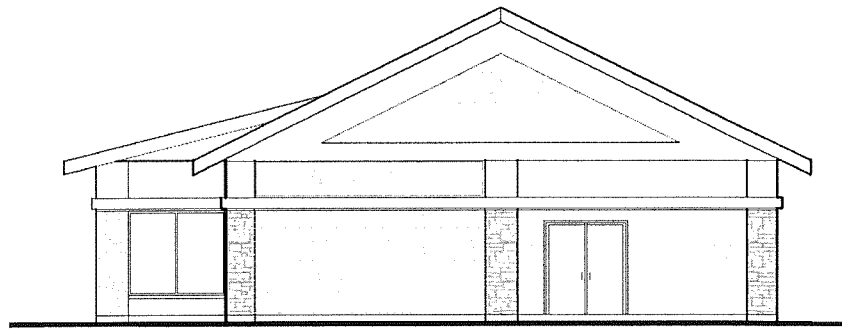
4. The proposed free-standing sign shall be constructed and sited generally in accordance with the plans prepared by MacDonald Gray dated January 26, 2012 and attached as *Schedules 4 and 5*. Fascia signage shall be sited generally in accordance with *Schedule 3* and shall be constructed in accordance with the requirements of the "Regional District of Nanaimo Sign Bylaw No. 993, 1995", except as varied by this permit.
5. The applicants provide a minimum of 81 off-street parking spaces developed in accordance with the requirements of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" Schedule '3B' Off-Street Parking & Loading Spaces.

**Schedule No. 1
Conditions of Approval (Page 2 of 2)**

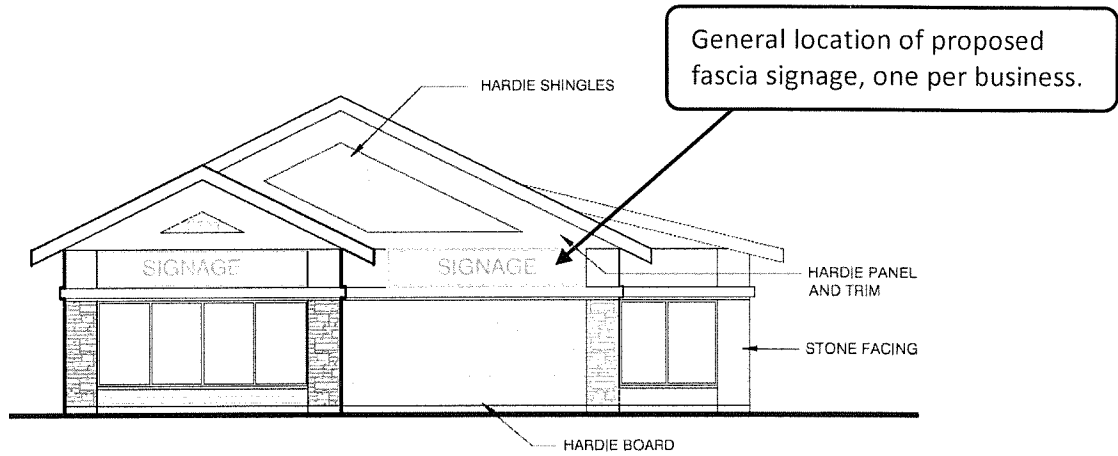
6. The applicants obtain a valid Controlled Highways Access Permit from the Ministry of Transportations and Infrastructure.
7. The applicants construct/install a fire hydrant along the front property line prior to development of the site.
8. The applicants are to provide a detailed storm water management plan at the building permit stage and prior to development of the site.

Schedule 2 Proposed Site Plan and Variances

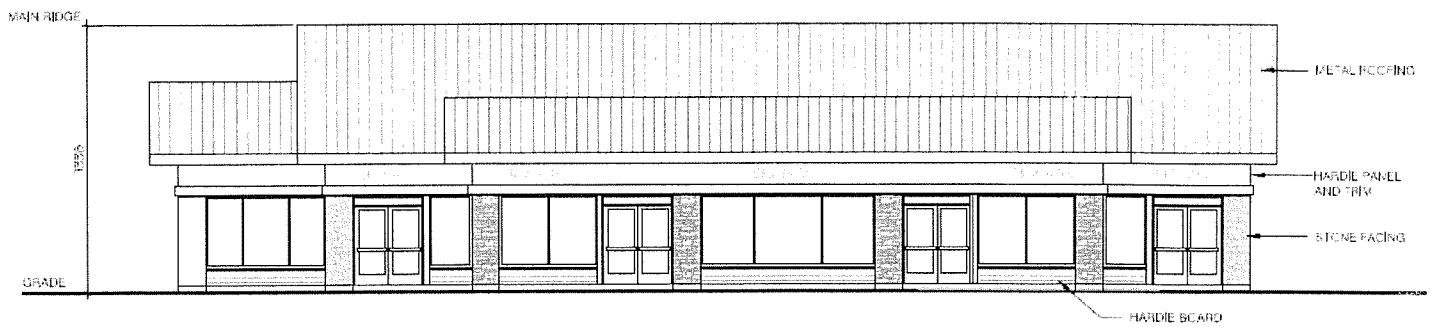




EAST ELEVATION

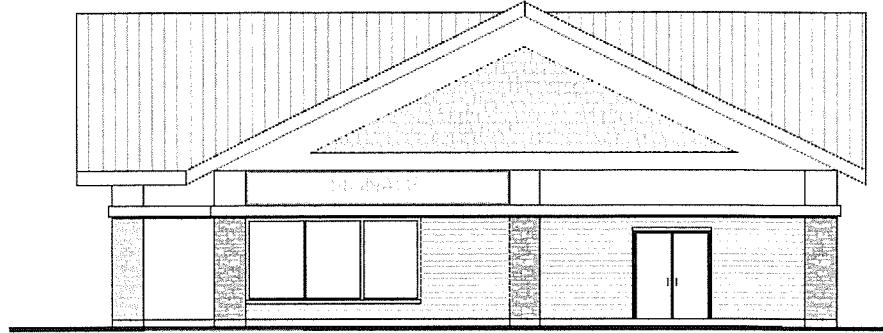


WEST ELEVATION

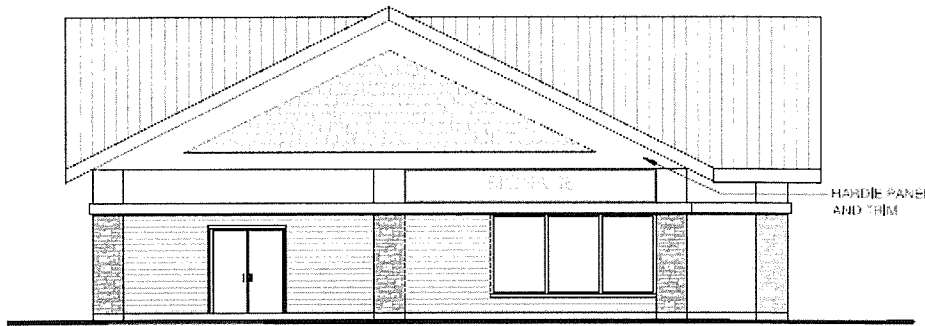


SOUTH ELEVATION

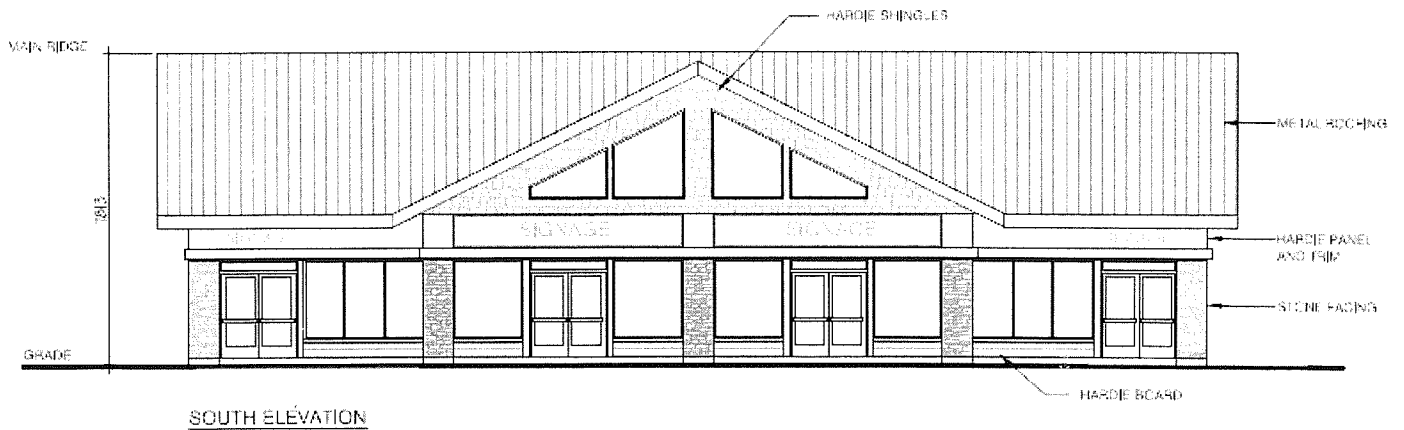
Schedule 3
Building Elevations (Page 2 of 3)



EAST ELEVATION

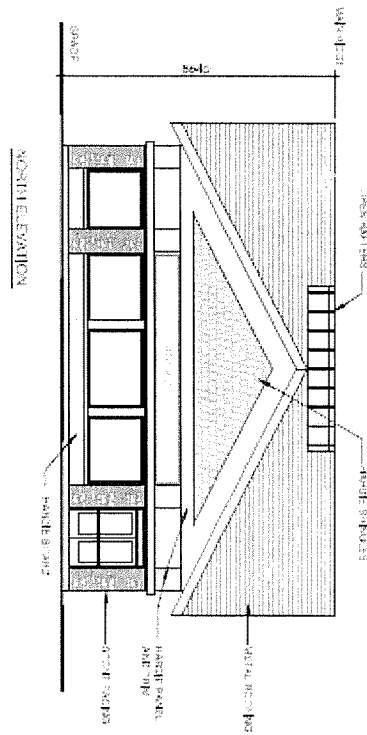
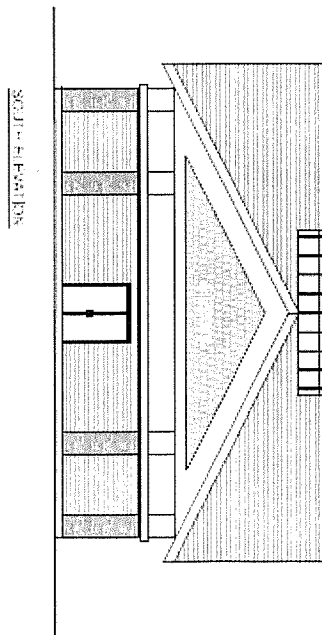
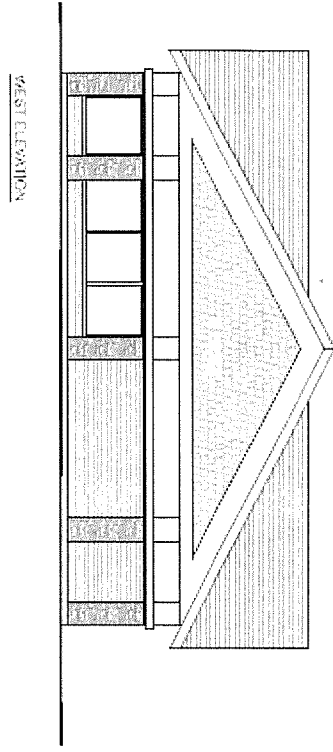
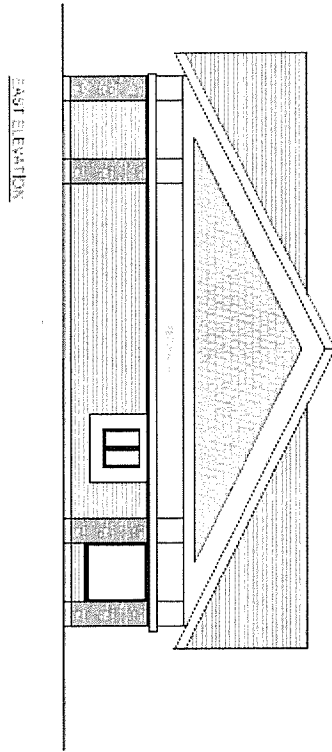


WEST ELEVATION

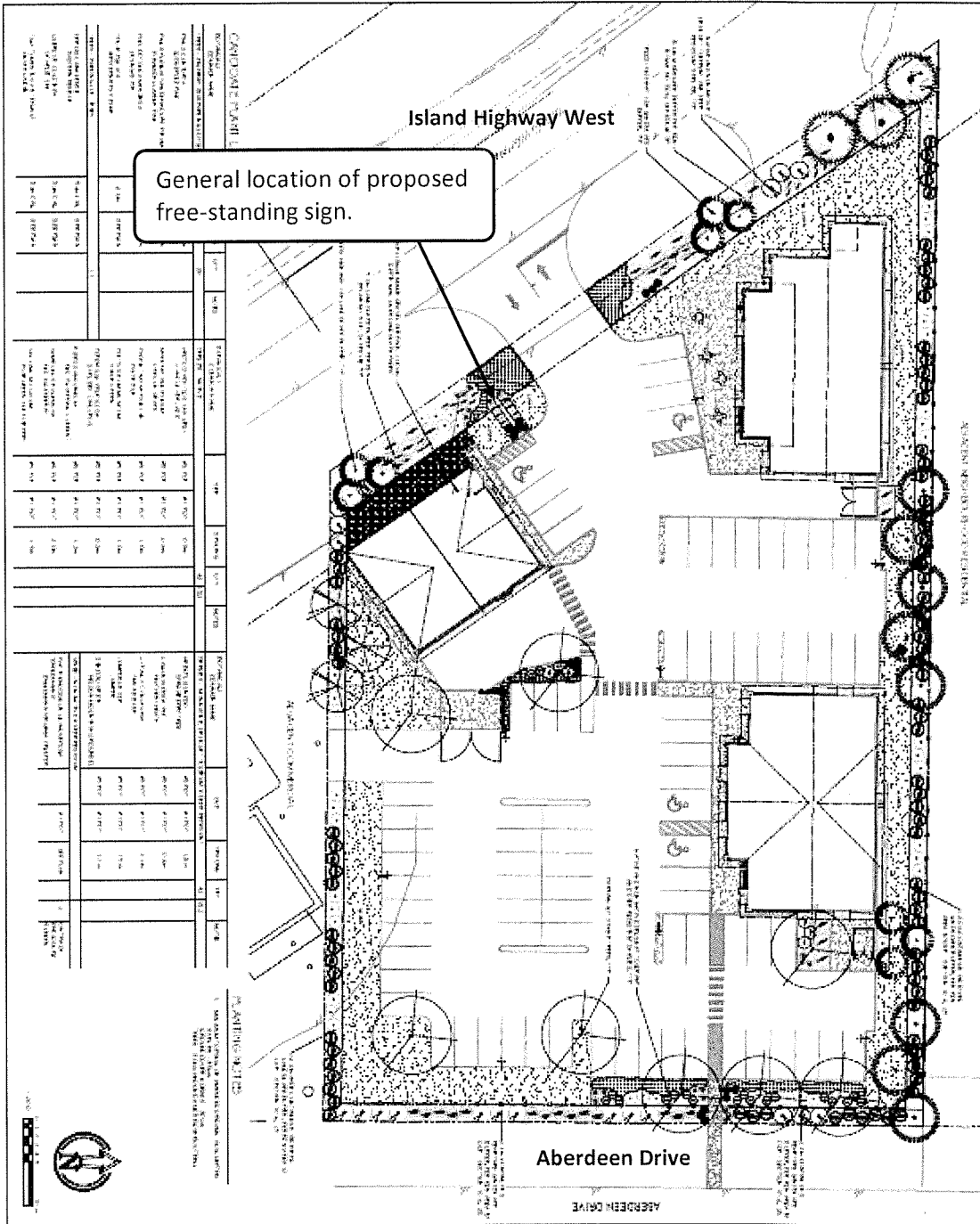


SOUTH ELEVATION

Schedule 3
Building Elevations (Page 3 of 3)



Schedule 4
Landscaping Plan



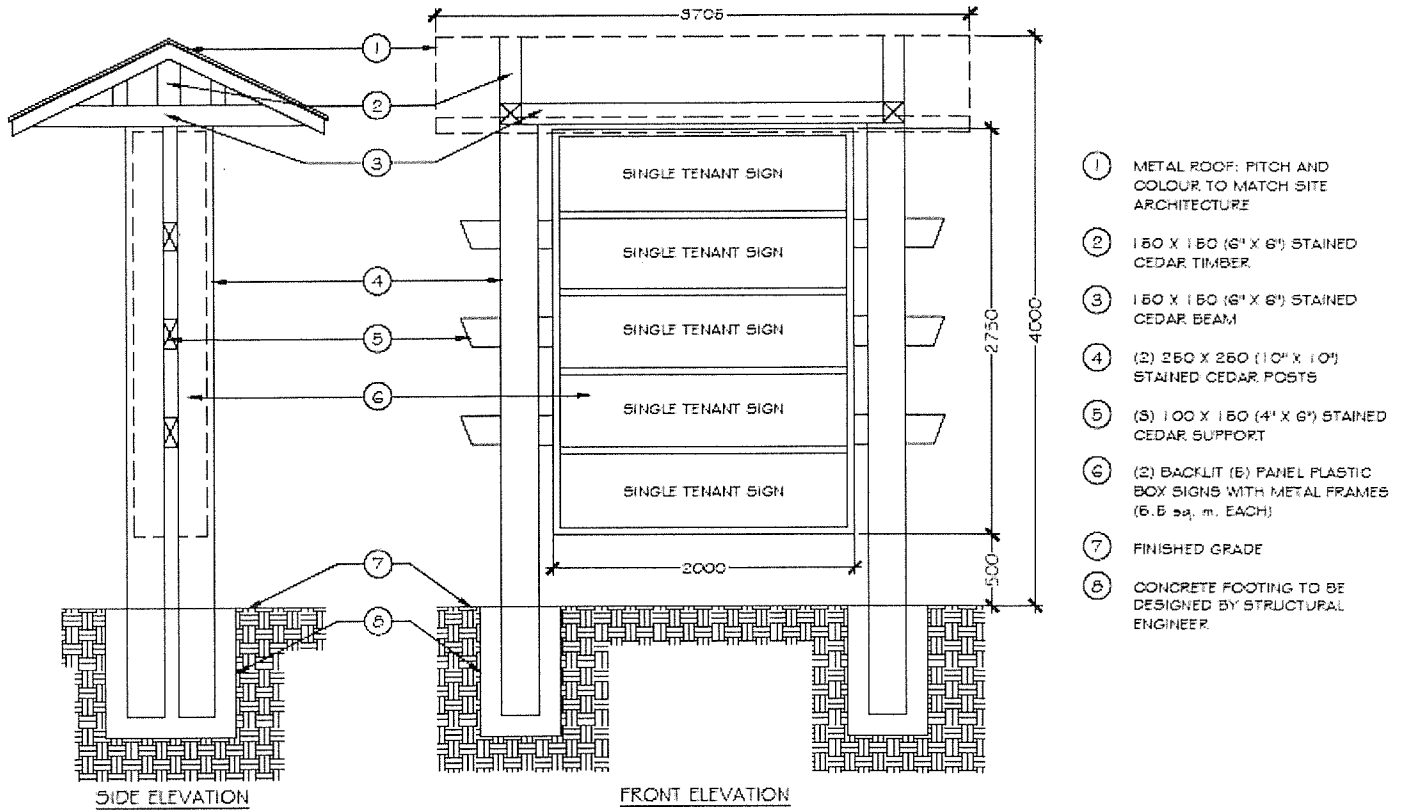
REVISIONS		
#	DATE	NOTES
1	2011-01-11	Issue for Review
2	2011-01-11	Issue for Review
3	2011-01-11	Issue for Review
4	2011-01-11	Issue for Review
5	2011-01-11	Issue for Review
6	2011-01-11	Issue for Review

PLANTING PLAN	
Date:	January 26, 2011
Client:	GM
Checked:	GM
Scale:	1:200 (as shown)
Project Number:	11-2004
Drawings Number:	L2 of 4

French Creek Landing
Hill Group Properties
Regional District of Nanaimo, BC



Schedule 5
 Proposed Free-Standing Sign



A

Freestanding Sign

Elevation

1:40 metric



RDN REPORT	
CAO APPROVAL <i>(Signature)</i>	
EAP	<input checked="" type="checkbox"/>
COW	<input type="checkbox"/>
FEB 02 2012	
RHD	<input type="checkbox"/>
BOARD	<input type="checkbox"/>

MEMORANDUM

TO: Jeremy Holm
Manager of Current Planning

DATE: January 31, 2012

FROM: Robert Stover
Planning Technician

FILE: PL2011-177

SUBJECT: Development Variance Permit Application No. PL2011-177 – Victor Blasco
Lot 109, District Lot 28, Nanoose District, Plan 30213 - 594 Karl’s Way
Electoral Area ‘G’

PURPOSE

To consider an application for a Development Variance Permit to vary the setback for a proposed free-standing sign on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Victor Blasco on behalf of The Trustees of the Congregation of the Ukrainian Orthodox Church of St. Mary the Protectress to reduce the minimum setback requirement in order to allow the proposed siting of a free-standing sign. The subject property, located at 594 Karl’s Way, is approximately 0.38 hectares in area and is zoned Residential 1 (RS1) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (Bylaw No. 500) (*see Attachment 1 for location of subject property*).

The subject property is currently occupied by a church, and is bordered by a commercially zoned property to the west and residentially zoned properties to the north and east. The Island Highway lies to the south of the subject property. While the RS1 zone does not include ‘church’ as a permitted use, the current use of the subject property predates the adoption of Bylaw No. 500, and is therefore recognized as a non-conforming use.

The owner proposes to replace the existing free-standing church sign with a new free-standing sign to be located in a more visible location facing the road. In consideration of the sign replacement, staff reviewed the potential legal implications related to the property’s non-conforming status. The provisions of Section 911 in the *Local Government Act* do not address signage improvements to non-conforming properties. Additionally, “Regional District of Nanaimo Bylaw No. 993, 1995” for regulation of signs does not prohibit the erection of signs on lots with non-conforming uses, provided the advertised service, business or activity is being conducted on the same parcel as the sign. Therefore, the Board may consider issuing a Development Variance Permit for a sign which pertains to the non-conforming use on the subject property.

Proposed Variance

The applicant is requesting a variance to reduce the minimum required setback from the front lot line from 8.0 metres to 1.5 metres for a proposed free-standing sign.

ALTERNATIVES

1. To approve the Development Variance Permit No. PL2011-177 subject to the conditions outlined in *Schedules 1 to 3*.
2. To deny the Development Variance Permit No. PL2011-177.

Development Implications

The applicant is requesting a variance to reduce the minimum front lot line setback for a proposed free-standing sign. The applicant has indicated that reducing the setback from the front lot line for the proposed sign is necessary in order to provide adequate visibility of the sign from the Island Highway.

Public Consultation Process


As part of the required public notification process, pursuant to the *Local Government Act*, 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 reduce the minimum required setback for a proposed free-standing sign from 8.0 metres to 1.5 metres from the front lot line of the subject property. The applicant has submitted a site plan (*Schedule 1*), and drawings showing the sign dimensions (*Schedule 2*). In Staff's opinion, the proposed sign will not negatively impact the use of the subject property or adjacent properties. Staff recommend that the Board support the variance pending the outcome of public consultation.

RECOMMENDATIONS

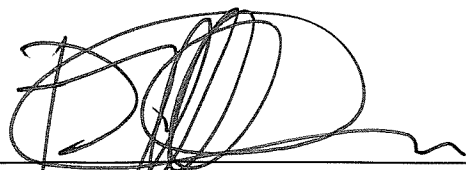
1. That staff be directed to complete the required notification; and
2. That Development Variance Permit Application No. PL2011-177 to reduce the minimum required setback from the front lot line from 8.0 metres to 1.5 metres be approved subject to the conditions outlined in *Schedules 1 to 3*.



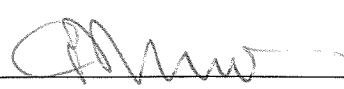
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

**Schedule 1
Term and Conditions of
Development Variance Permit Application No. PL2011-177**

The following sets out the terms and conditions of Development Variance Permit No. PL2011-177:

Variances

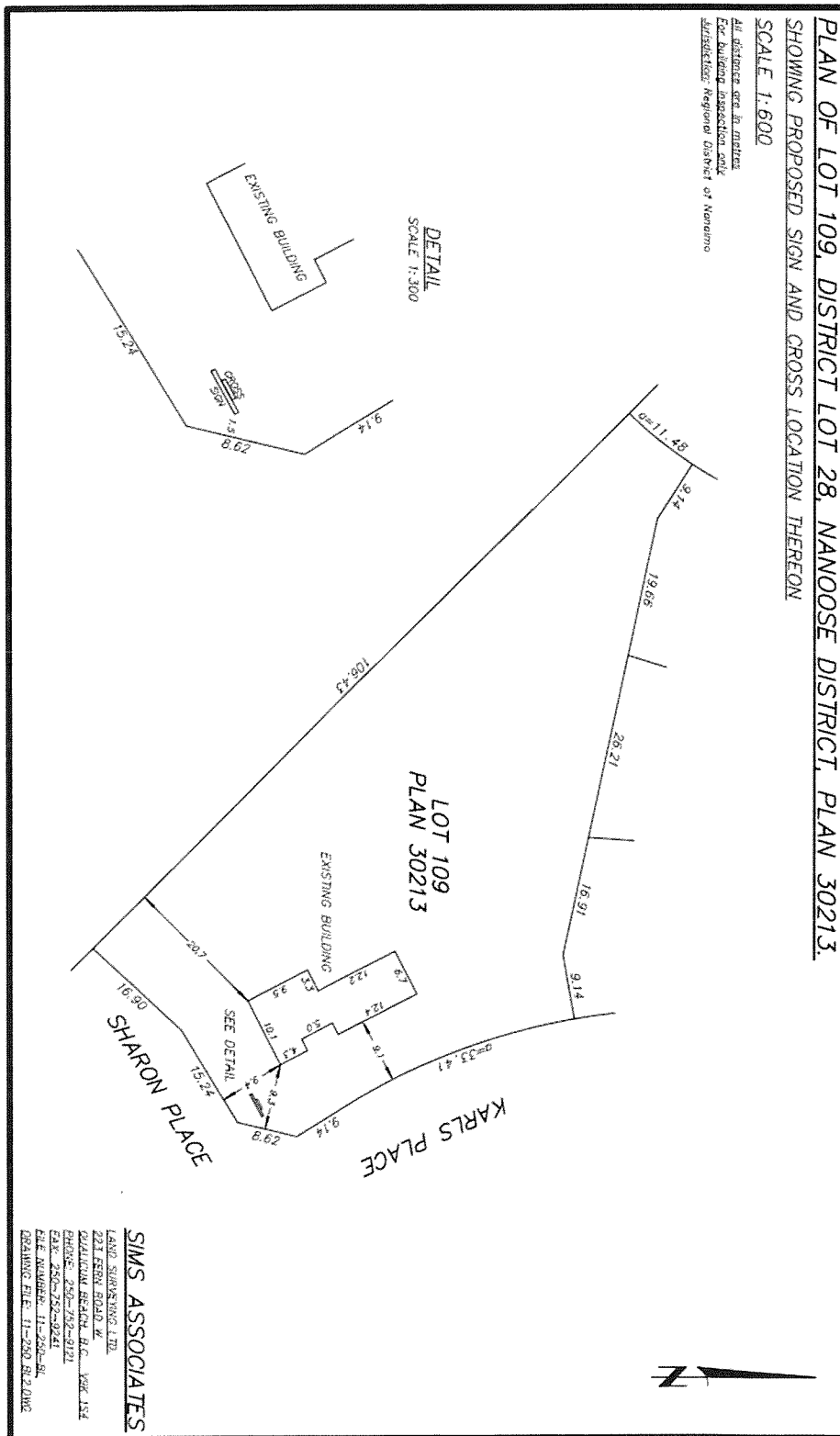
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

1. **Section 3.4.61 Minimum Setback Requirements** is requested to be varied by reducing the minimum setback from the Front Lot Line from 8.0 metres to 1.5 metres to permit a free-standing sign as shown on *Schedule 2*.

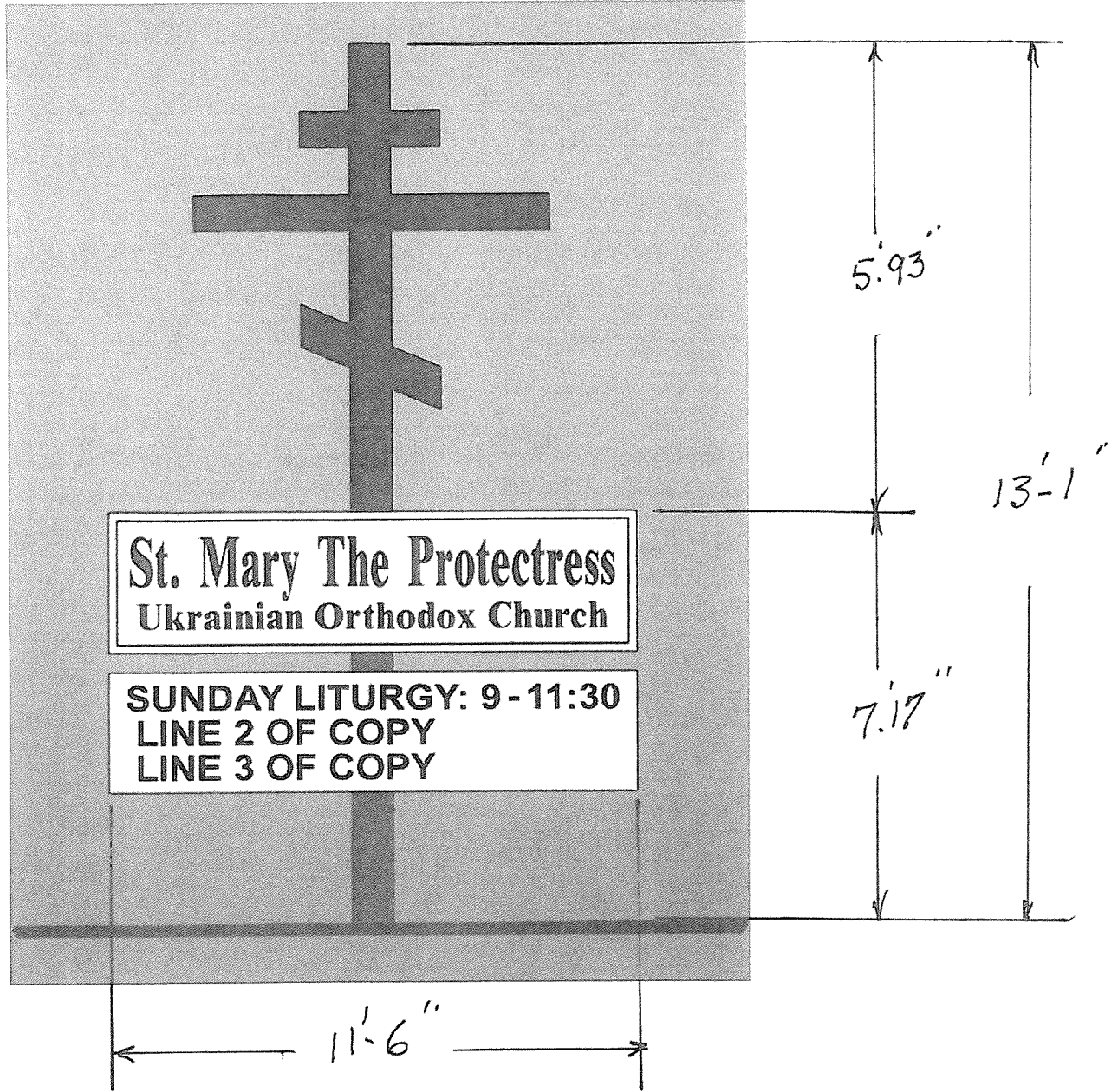
Conditions of Approval

1. The sign shall be sited in accordance with the site plan prepared by Sims Associates attached as *Schedule 2*.
2. The sign shall be constructed in accordance with the sign dimensions illustration provided by the applicant, attached as *Schedule 3*.

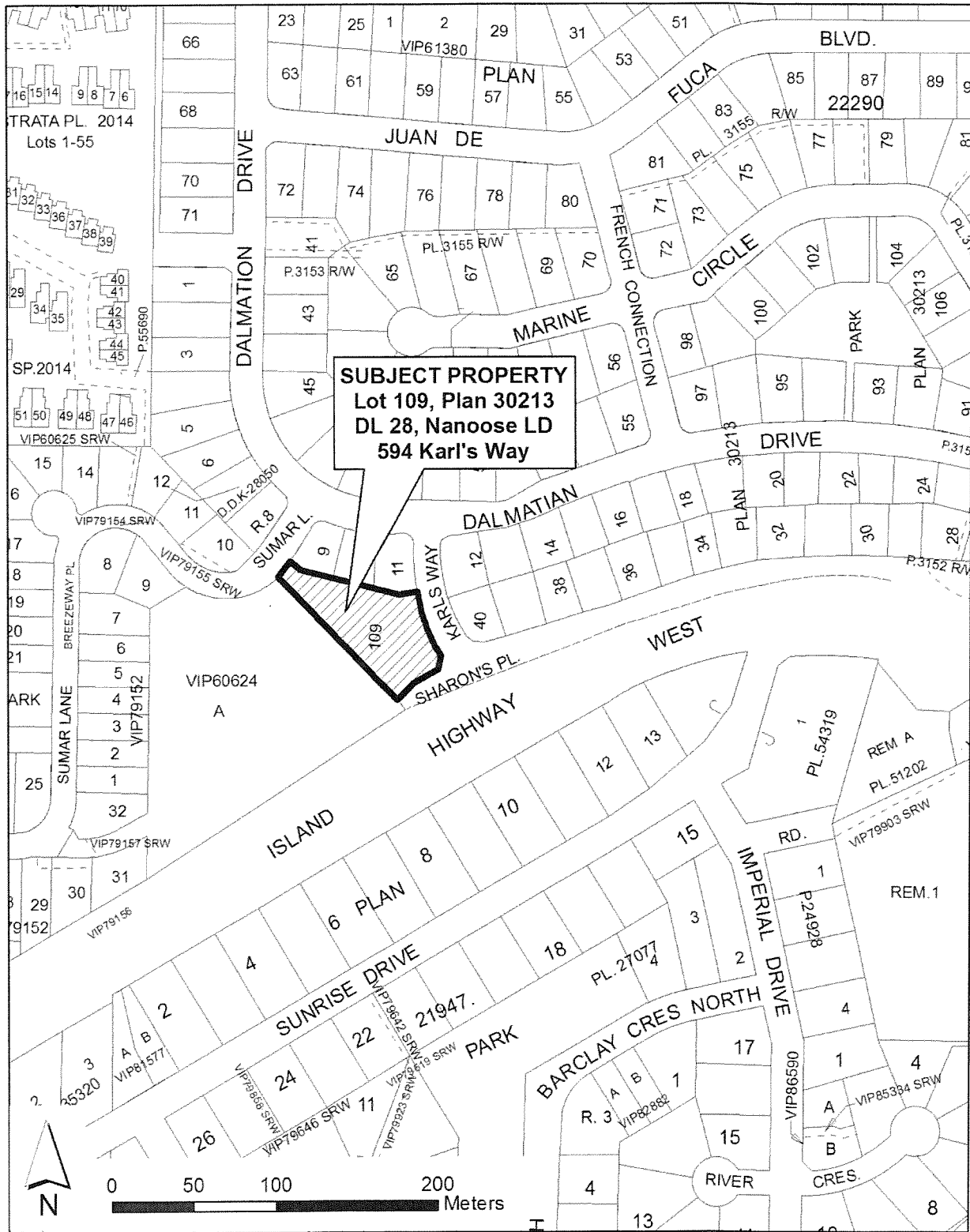
Schedule 2 Site Plan - Detail



Schedule 3
Sign Dimensions



Attachment No. 1
Location of Subject Property



BCGS MAPSHEET: 92F.039.1.3



RDN REPORT		
CAO APPROVAL <i>(Signature)</i>		
EAP	<input checked="" type="checkbox"/>	
COW	<input type="checkbox"/>	
FEB 02 2012		
RHD	<input type="checkbox"/>	
BOARD	<input type="checkbox"/>	

MEMORANDUM

TO: Jeremy Holm
Manager of Current Planning

DATE: January 31, 2012

FROM: Kim Farris
Planner

FILE: PL2011-188

SUBJECT: Development Variance Permit Application No. PL2011-188 – Eric Jantzen
Lot 6, Section 7, Range 4, Cranberry District, Plan VIP67928 – 85 Colwell Road
Electoral Area ‘C’

PURPOSE

To consider an application for a Development Variance Permit to vary the setback from the front lot line in order to legalize the siting of an existing dwelling unit on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Eric Jantzen to legalize the siting of an existing dwelling unit on the subject property. The subject property is approximately 2.17 ha in area and is zoned Rural 1 (RU1) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (see *Attachment No. 1* for location of subject property). The subject property is located at the end of a Colwell Road (a no through road) and is surrounded by large, rural parcels of land. The property is bordered by Colwell Road to the north, a rural parcel to the east, and an Agriculture Land Reserve parcel to the south and west.

The Rural 1 zone permits a maximum of two dwelling units on a parcel having an area greater than 2.0 hectares. Further, the minimum setback requirement for all lot lines is 8.0 metres. The subject property was included within the Building Inspection service area in April 2011.

Proposed Variance

The applicant is requesting a setback variance from the front lot line from 8.0 meters to 2.3 metres in order to legalize the siting of the existing dwelling unit.

ALTERNATIVES

1. To approve the Development Variance Permit No. PL2011-188 subject to the conditions outlined in *Schedules No. 1 to 2*.
2. To deny the Development Variance Permit No. PL2011-188.

LAND USE IMPLICATIONS

Development Implications

The subject property contains three existing dwelling units. One dwelling unit was originally a barn that was converted into living space in 2008. The converted barn and the other two dwelling units were constructed prior to the property being included in the Building Inspection service area (April 2011). As such, building permits were not required. The three dwelling units at the time of their construction were subject to meeting all requirements of the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". Despite this, the converted barn and dwelling unit nearest Colwell Road were constructed within the required 8.0 metres front lot line setback.

An addition and improvements to the converted barn were commenced in 2010 and are ongoing. The addition to the converted barn increased the building area within the front lot line setback thereby increasing the non-conformity. In August 2011, staff received a complaint concerning the number of dwelling units on the subject property and construction without a building permit. Building Department staff completed a site visit and a stop work order was placed on the property as a building permit was required for the new construction.

In order to meet the maximum density of two dwelling units per parcel as stated in the Rural 1 zone, the applicant has proposed to connect the two dwelling units directly abutting Colwell Road (see *Schedule No. 2*). Once the two units are connected by habitable area and the second kitchen in the converted barn dwelling unit is removed, the building will be considered one dwelling unit. This interconnection of the converted barn and dwelling unit nearest Colwell Road will bring the use of the property in compliance with the maximum density of two dwelling units. However a front lot line setback variance is required to legalize the siting in relation to Colwell Road.

The applicant is requesting a variance to the setback from the front lot line in order to legalize the siting of the existing dwelling unit and converted barn addition. The existing dwelling unit is 5.9 metres from the front property line and the converted barn is 2.3 metres from the front property line. The required setback from all lot lines for this property is 8.0 meters; therefore the front lot line setback is requested to be varied to 2.3 metres for the converted barn addition (see *Schedule No. 2*). As the applicant is proposing to interconnect the converted barn and dwelling unit nearest Colwell Road to form one dwelling unit, a variance is only required for the outermost point of that dwelling unit. If the variance is approved, siting of the converted barn addition and existing dwelling unit must comply with the site plan prepared by Charles O. Smythies & Associates and dated December 7, 2011 as stated in *Schedule No. 1*.

The applicant has provided the following rationale for the requested setback variance:

- The applicant was unaware that a building permit was required for the barn upgrades.
- Additional dwelling units will accommodate family members to help with regular maintenance and upkeep of the property.
- Covenant area for septic sewage system restricts the ability to meet front property line setback therefore the converted barn building addition was constructed eastward increasing the non-conformity.
- Anderson Consulting Services has assured that the onsite sewerage dispersal system is being well maintained and in very good condition with no indication of over use. Future use of the system is not to exceed a seven bedroom dwelling unit.
- Ministry of Transportation and Infrastructure has issued a permit to reduce the building setbacks and have no concerns with the siting of the existing dwelling unit.

Given the rural location of the subject property and that there are no anticipated view impacts related to the requested variance, the limited building envelope due to covenant area, and that Ministry of Transportation and Infrastructure has issued a permit to reduce the setback from a highway, staff recommend that the Board support the reduction to the front lot line setback to legalize the existing dwelling unit pending outcome of public consultation.

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.

Sustainability Implications

In keeping with Regional District of Nanaimo Board policy, staff have reviewed the proposed development with respect to the "Regional District of Nanaimo Sustainable Development Checklist" and note that the reuse of the existing structure will minimize the disturbance to the natural environment.

Inter-governmental Implications

The applicant obtained a permit from the Ministry of Transportation and Infrastructure permitting the reduction of the building setback from 4.5 metres to 2.3 metres.

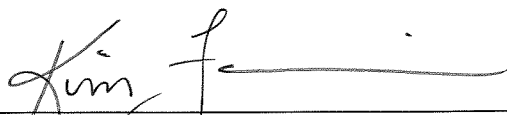
SUMMARY/CONCLUSIONS

This is an application for a Development Variance Permit to vary the minimum setback from the front lot line in order to legalize the siting of a dwelling unit on the subject property.

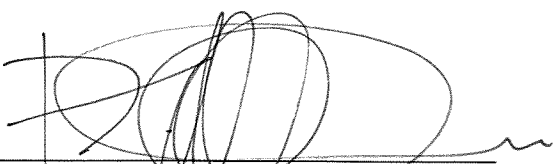
The applicant has submitted a site plan and rationale for the requested variance in support of the application. As the Ministry of Transportation & Infrastructure has granted approval to the setback reduction from the road and with consideration to the applicant's re-use of an existing accessory building constructed within the front yard setback prior to building permits being required, staff recommend that the Board support the reduction to the front lot line setback to legalize the siting of the dwelling unit pending outcome of public consultation.

RECOMMENDATIONS


1. That staff be directed to complete the required notification, and
2. That Development Variance Permit Application No. PL2011-188 to be approved subject to the conditions outlined in *Schedules No. 1 to 2*.



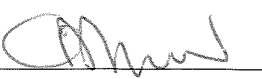
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

Schedule No. 1
Term of Development Variance Permit

The following sets out the terms of Development Variance Permit No. PL2011-188:

Variance:

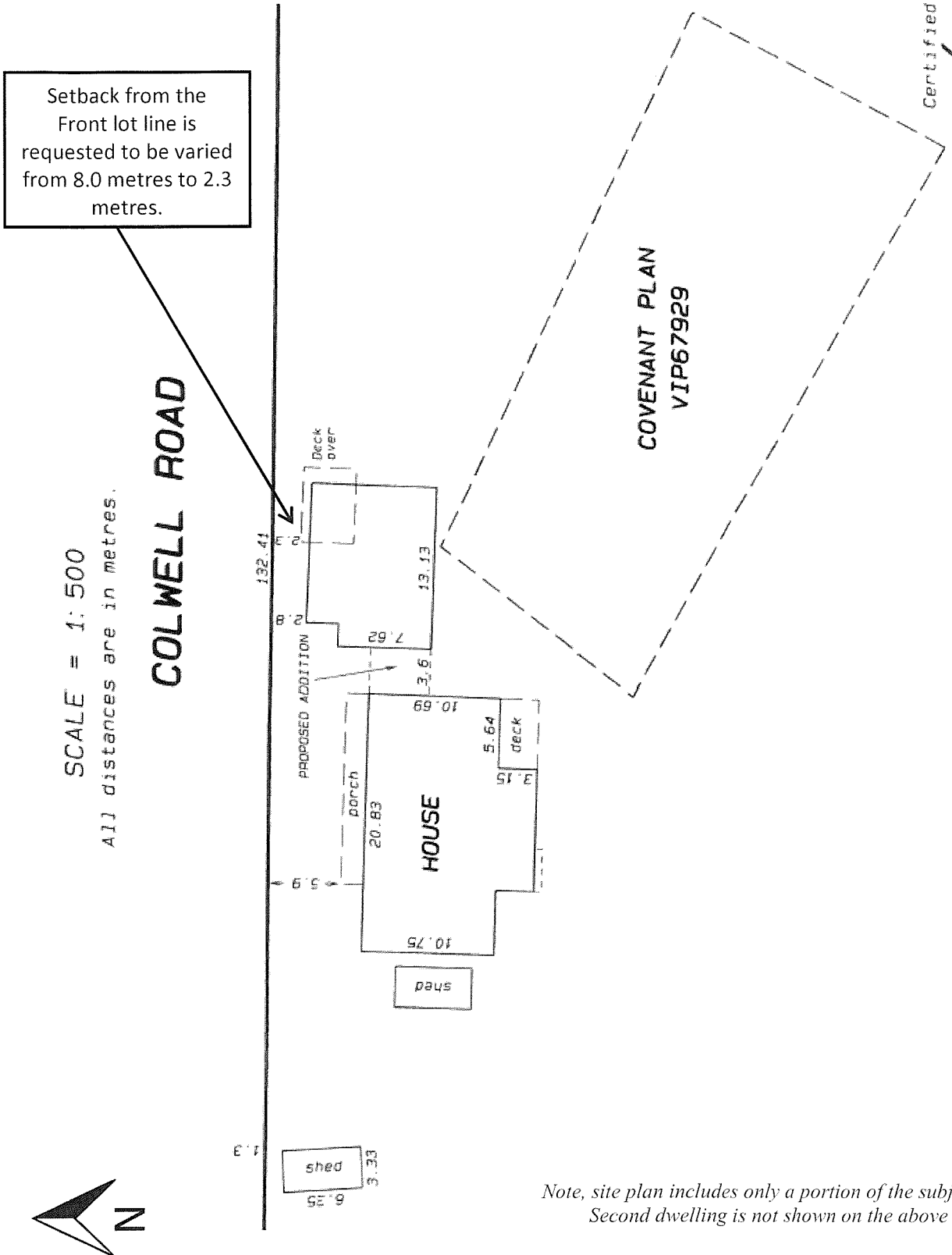
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," is requested to be varied as follows:

1. **Section 3.4.81 – Minimum Setback Requirements** is requested to be varied by reducing the setback from the front lot line from 8.0 metres to 2.3 metres for a dwelling unit, as shown on *Schedule No. 2*.

Condition of Approval:

1. The dwelling unit shall be sited in accordance with the site plan prepared by Charles O. Smythies & Associates and dated December 7, 2011, attached as *Schedule No. 2*.

Schedule No. 2
Site Plan



Note, site plan includes only a portion of the subject property.
Second dwelling is not shown on the above survey.

Site plan prepared by Charles O. Smythies & Associates and dated
December 7, 2011.

**Attachment No. 2
Letter from Applicant**

To the Board;

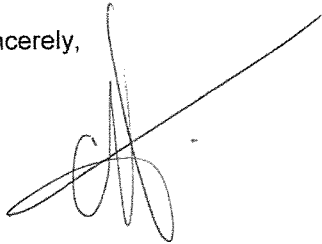
January 30, 2012

1. Main home at located at 85 Colwell Road was constructed in late 2004 and the beginning of 2005.
2. In 2006, barn was constructed beside the house and used as a storage building for farm feed, shavings, and equipment.
3. After some time, due to many factors, we converted the existing space in the "barn" to living area approximately in 2008.
4. The new addition to extend the "barn" building was originally started in 2010, and the front part of the new addition (an afterthought), was started in 2011.
5. The septic has been thoroughly inspected (dug up and tested) by Anderson Consulting and has been approved for what is existing now in what will be one building- seven bedrooms.
6. We are going to connect the barn to the house to make it one complete building and home. With your approval we hope to complete this in 2012.

We are a very close knit family, taking care and supporting each other, especially in these hard economic times and an added stress/ pressure due to increased health issues. My children, if at all possible would like to stay and support us, and help keep the property, principally because my wife and I are now unable to keep up with everything. It is our great desire to be able to support them in their transition into the workforce, so they too can be a productive contributing part of society.

Again, thank you in advance for your consideration in this very important matter. Getting approval for this variance means we can keep the family and property together.

Sincerely,

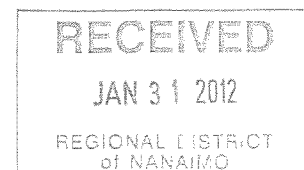


Eric Jantzen

85 Colwell Road

Nanaimo, BC, V9X 1E4

250-714-1117





RDN REPORT		
CAO APPROVAL		
EAP		
COW		
FEB - 7 2012		
RHD		
BOARD		

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: February 2, 2012

FROM: Lainya Rowett
Senior Planner

FILE: PL2011-165

SUBJECT: Building Strata Conversion Application PL2011-165 – Randy and Karen Orr
Lot 1, District Lot 137, Nanoose District, Plan 29414 – 1876 Stewart Road
Electoral Area ‘E’

PURPOSE

To consider a request to approve a building strata conversion of a residential development pursuant to Section 242 of the *Strata Property Act* in order to permit the creation of two residential building strata lots.

BACKGROUND

The Regional District of Nanaimo has received a building strata conversion application from Randy and Karen Orr, the owners of the subject property, for the parcel legally described as Lot 1, District Lot 137, Nanoose District, Plan 29414 and located at 1876 Stewart Road within Electoral Area ‘E’ (*see Attachment No. 1 for location of subject property*). The property is zoned Rural 5 and is situated within Subdivision District ‘D’ (RU5D) (*2.0 ha minimum parcel size with or without community services*) as per the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. Under the Rural 5 Zone, two dwelling units are permitted if the parcel is greater than 2.0 ha in size. In this case, the parent parcel is 2.02 ha, and is, therefore, permitted two dwelling units.

There is an existing dwelling unit (built in 1979) and accessory buildings located within the northerly half of the subject property. The southern portion of the property was cleared in 2010 in accordance with an approved Development Permit (No. PL2010-142). Surrounding land uses include rural residential and farm uses to the south, west and north across Stewart Road; and vacant crown resource-zoned lands located to the east across Thornberry Road (right-of-way).

The parent parcel is designated within the following applicable Development Permit Areas (DPA) pursuant to the Nanoose Bay Official Community Plan Bylaw No. 1400, 2005: the Sensitive Ecosystems Protection DPA and the Watercourse Protection DPA, for the protection of the natural environment, its ecosystems and biological diversity.

Development Permit Application No. PL2010-142 was approved for this property on September 14, 2010, by the General Manager of Development Services, pursuant to “Regional District of Nanaimo Delegation Authority Bylaw No. 1166, 1999”, to permit land clearing and the future construction of a second dwelling. Although the dwelling has not yet been built, the permit is still active and does not expire until after September 14, 2012. Therefore, a development permit is not required as part of the proposed building strata conversion application.

Proposed Development

The applicants propose to create two building strata lots, including the existing single dwelling unit and accessory structures within proposed Strata Lot 1, and a proposed single dwelling unit (approximately 280 m² in floor area) and accessory structures within proposed Strata Lot 2 (*see Schedule 2 for proposed building strata subdivision plan*). The proposed building strata units will be served with individual wells and private septic disposal systems, and will have vehicular access from the Thornberry Road dedication. Ministry of Transportation and Infrastructure staff have reviewed the proposed strata plan and confirmed they do not have any concerns with respect to the existing or proposed accesses.

Applicants' Rationale

The applicants have provided the following rationale in support of their application:

- The second property title will financially benefit the owners and enable them to build a new residence for themselves and remain in the neighborhood;
- The current Board policy on building strata conversions is more relevant to multi-family and multi-tenant structures than previously occupied single family dwellings, as in this case;
- The rigorous technical reviews and requirements of the building conversion application process, including upgrades to meet building code, will ensure the stratification of previously occupied buildings, as proposed, will not set a precedence;
- The proposed stratification will not increase the permitted density beyond what is allowed under the current zoning;
- The proposed development does not require expansion of community services;
- The proposed development provides an effective form of rural infill;
- The proposed development will not negatively impact the surrounding neighborhood as the proposed strata lot borders both Crown Land and unimproved acreage.

The applicants have also voluntarily offered the following contributions as part of their application proposal:

- A *Land Title Act* S.219 Covenant for the protection of an older forest grove and Garry Oak tree located within the northern portion of the subject property;
- Replanting of 200 Douglas Fir trees, which equates to the approximate number of trees removed from the property during the approved site clearing; and
- A cash contribution in the amount of \$5,000.00 to be used for community initiatives in Electoral Area 'E', or otherwise within the District, as determined by the Regional Board.

ALTERNATIVES

1. To approve the request for a building strata conversion (Application No. PL2011-165) as submitted, subject to the conditions outlined in *Schedule 1*.
2. To deny the request for a building strata conversion (Application No. PL2011-165).
3. To direct staff to review the Nanoose Bay OCP Policy 3.3.3 in the context of considering building strata conversion applications within Electoral Area 'E'.

LAND USE IMPLICATIONS

Official Community Plan Implications

The subject property is located within the *Rural Lands* designation pursuant to the Nanoose Bay Official Community Plan Bylaw No. 1400, 2005. The intent of this designation is to preserve and enhance the rural character of these lands. The *Rural Lands Policy No. 3.3.3* supports a maximum of two dwelling units per parcel; however, this policy also states that:

“The Land Use and Subdivision Bylaw shall be revised for the purpose of preventing the stratification of the second dwelling unit and developing maximum size limitations on the second dwelling unit. The conversion of buildings pursuant to the Strata Property Act for the purpose of creating new property with separate title shall not be supported.”

In this case, the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” has not been revised to prevent stratification of the second dwelling. If a property is greater than 2.0 ha it is permitted to have up to two dwellings in accordance with the Rural 5 Zone.

While stratification of the second dwelling is not supported by the OCP, the Board has the discretion to consider stratification in accordance with the RDN Strata Conversion Policy and Guidelines Policy (No. B1.7) and the requirements of the *Strata Property Act*. Should the Board choose to approve this building strata conversion application, in accordance with Alternative No. 1, the Board should expect additional interest in strata conversion applications, which would be contrary to OCP policy. Furthermore, if the Board considers amending the OCP policy this would require public consultation and formal policy review, as noted in Alternative No. 3.

Strata Property Act

Section 242 of the *Strata Property Act* provides for the conversion of previously occupied buildings into strata lots subject to the approval of the approving authority, in this case, the Regional Board. The Board is to ensure that an adequate supply of rental units remains available and that units being converted meet the minimum standard of construction. The *Strata Property Act* specifies that the Board must consider the following criteria in its decision:

1. The priority of rental accommodation over privately owned housing in the area;
2. Any proposals for the relocation of persons occupying a residential building;
3. The life expectancy of the building;
4. Projected major increases in maintenance costs due to the conditions of the building; and
5. Substantial compliance of the buildings with applicable bylaws and the building code.

Development Implications

The proposed building strata conversion appears to address most of the criteria that the Board must consider in accordance with Section 242 of the *Strata Property Act*, with some exceptions.

With respect to the priority of rental accommodation over privately owned housing in the area, the neighborhood where the subject property is located is characterized by owner-occupied single dwellings situated on rural and rural residential parcels. As a result, the priority of rental accommodation is not considered to be significant. Furthermore, the owners currently occupy the building to be stratified so there is no relocation of persons involved.

With respect to the life expectancy of the building, the applicants submitted a Professional Engineer's Report certifying that the existing dwelling was built in 1979, renovated in 2008, and is in excellent condition with newer heating and roofing systems expected to last 20 years or more. The report also concluded that given the condition of the building no major maintenance costs are expected for a number of years. To the best of staff's knowledge, there appears to be no major increases in the cost for the maintenance of the building at this time.

The Engineer also certified that the house is essentially in compliance with existing building codes with the following minor exceptions to be addressed by the property owner:

- Upgrade the existing septic system from a 750 gallon tank to a 900 gallon tank as per the 2007 Sewerage System Standard Practices Manual;
- Insulate the exposed concrete walls in the crawl space as required under article 9.25.2 of the BC Building Code;
- Add arc fault protection at the panel in the bedroom as per 2009 Electrical code requirements;
- Add 20 amp, ground fault receptacles in the kitchen as per 2009 Electrical code requirements.

These deficiencies are noted as Conditions of Approval in *Schedule 1* should the Board consider supporting the requested stratification.

Building Strata Conversion Policy Guidelines

In addition to the building strata conversion criteria outlined above, the Board may consider "any other matters that, in its opinion, are relevant" in making its decision to approve or deny the requested strata conversion. The Board's Strata Conversion Policy and Guidelines Policy (No. B1.7) is intended to guide the Regional District in its review and evaluation of these applications and to assist applicants in the preparation of an application. This policy requires confirmation of waste water disposal, proof of potable water supply, confirmation of site access, completion of a Site Profile, submission of a strata plan, etc. To address this policy, the applicants have provided the following information:

- Proposed building strata plan;
- Site Profile;
- Profession Engineer's Report of existing residence conformity to building codes;
- Energy Efficiency Evaluation Report of the existing residence;
- Letter of Compliance for the existing septic system;
- Well quantity and quality inspection report;
- A completed RDN Sustainability Checklist;
- Copy of the approved Development Permit No. PL2010-142;
- CMHC Rental Market Report (dated Spring 2011) for Nanaimo/Parksville area.

With respect to waste water disposal, the applicants have provided a Certificate of Inspection and a Letter of Assurance from a Qualified Professional certifying that the existing septic disposal system substantially complies with the applicable regulations in place at the time the system was built, and that the system will not be negatively impacted by the proposed strata conversion. It is noted, however, that upgrades to the septic capacity are required, as discussed above, to meet the 2007 sewerage regulations.

With respect to potable water, the applicants submitted an assessment of the existing well and the quality and quantity of water supply. This information concluded that the well is used for domestic purposes, and will provide a constant and continual flow rate to meet the RDN bylaw requirements in terms of quantity (3.5 m³ per day year round) and quality as based on the Canadian Drinking Water Standard. It is noted, however, that well assessment report was reviewed by Engineering staff and it was determined that report does not provide all of the information necessary to satisfy the RDN with respect to proof of potable water. There is no second well drilled and tested for the proposed Strata Lot 2. Therefore, the applicants have not provided enough evidence concerning the existing well and water supply for the second dwelling.

Based on the information submitted by the applicant, this strata conversion application does not meet all of the requirements of the RDN Building Strata Conversion Policy Guidelines, and it does not comply with the OCP policy. The building deficiencies discussed above are technical in nature and could be addressed by the applicant pending Board direction on the application with consideration of the OCP policy. Given that approval of the requested building strata conversion would be contrary to OCP policy, it is prudent to seek Board direction in this regard prior to requesting the applicant to provide additional information to address the deficiencies noted above.

Sustainability Implications

In keeping with the Board's policy, the applicants have completed the "RDN Sustainable Development Checklist" and identified the following sustainability aspects of the proposed building strata conversion:

- Built Green standards and EnerGuide 80, or higher, will be used in the design of the proposed second dwelling unit to maximize energy efficiency;
- ENERGY STAR heating system and appliances, and low-flow fixtures and a rain water collection system will be installed in the proposed second dwelling;
- Locally sourced materials will also be used to construct the second dwelling unit;
- The existing well is located on high ground and well away from the existing septic system; and,
- Applicants have planted over 150 seedlings within the property, and plan to remove trees away from the dwellings to reduce any wildfire hazard risk.

SUMMARY/CONCLUSION

The applicants have requested a building strata conversion to separate the titles of an existing single dwelling unit from a proposed second dwelling, which is permitted under the existing zoning (RU5) within the parent parcel. The application, as submitted, appears to satisfy the minimum requirements for the approval of a building strata conversion as set out in Section 242 of the *Strata Property Act*. However, the proposal is not in compliance with the OCP policies, which do not support building strata conversions. Despite the OCP policies, the zoning regulations have not yet been revised to prevent stratification of a second dwelling unit and to restrict the size of the second dwelling, where permitted in the zoning. Therefore, it is at the Board's discretion to approve or deny the proposal.

Should the Board choose to approve this building strata conversion application, in accordance with Alternative No. 1, the Board should expect additional interest in strata conversion applications, which would be contrary to OCP policy. Furthermore, if the Board considers amending the OCP policy this would require public consultation and formal policy review, as noted in Alternative No. 3.

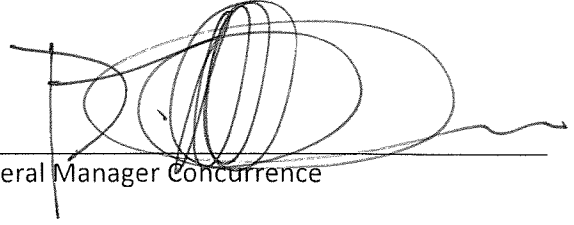
Given that the proposal is in conflict with the OCP policy, and the application information and supporting documents provided by the applicants do not adequately address the guidelines set out in the Board policy for considering strata conversion applications, staff recommends Alternative No. 2 to deny the request for a building strata conversion.

RECOMMENDATION


That the request from Randy and Karen Orr for the building strata conversion (Application No. PL2011-165) as shown on the proposed strata plan of Lot 1, District Lot 137, Nanoose District, Plan 29414 be denied.



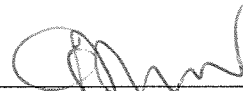
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

Schedule 1 Conditions of Approval Proposed Building Strata Conversion

The following conditions are to be completed by the applicants to the satisfaction of the Regional District of Nanaimo:

1. Subdivision

The building strata conversion shall be in substantial compliance with *Schedule 2*.

2. Building Code Deficiencies

The applicants complete the following improvements to bring the existing dwelling and site servicing into compliance with the BC Building Code and the applicable health regulations, as outlined in the Engineering Report prepared by Paul Mullen, P. Eng., and dated October 1, 2011:

- Upgrade the existing septic system from a 750 gallon tank to a 900 gallon tank as per the 2007 Sewerage System Standard Practices Manual;
- Insulate the exposed concrete walls in the crawl space as required under article 9.25.2 of the BC Building Code;
- Add arc fault protection at the panel in the bedroom as per 2009 Electrical code requirements;
- Add 20 amp, ground fault receptacles in the kitchen as per 2009 Electrical code requirements.

3. Water Supply

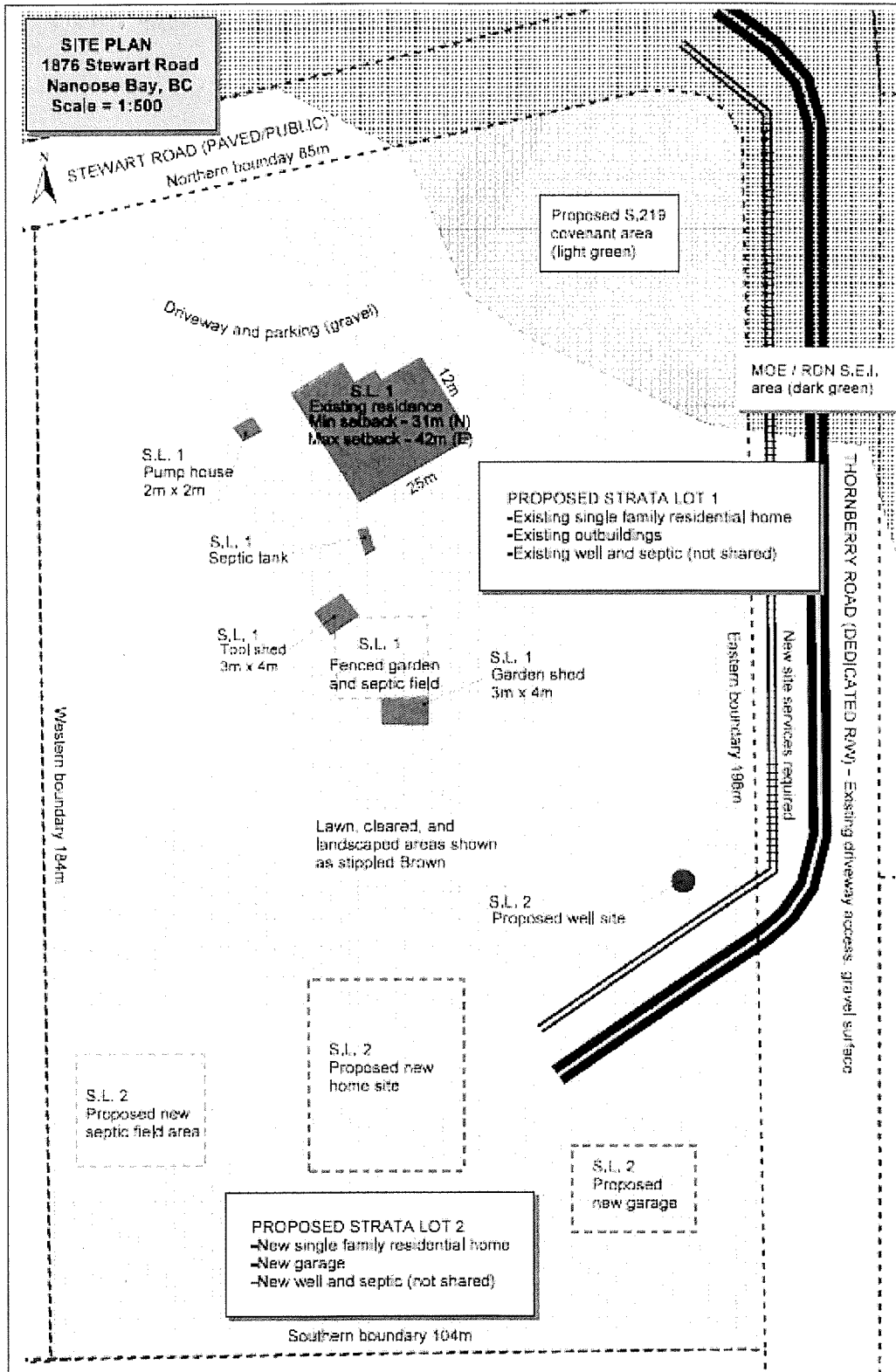
The applicants to provide proof of potable water supply to the satisfaction of the Manager of Engineering Services.

4. Voluntary Contributions

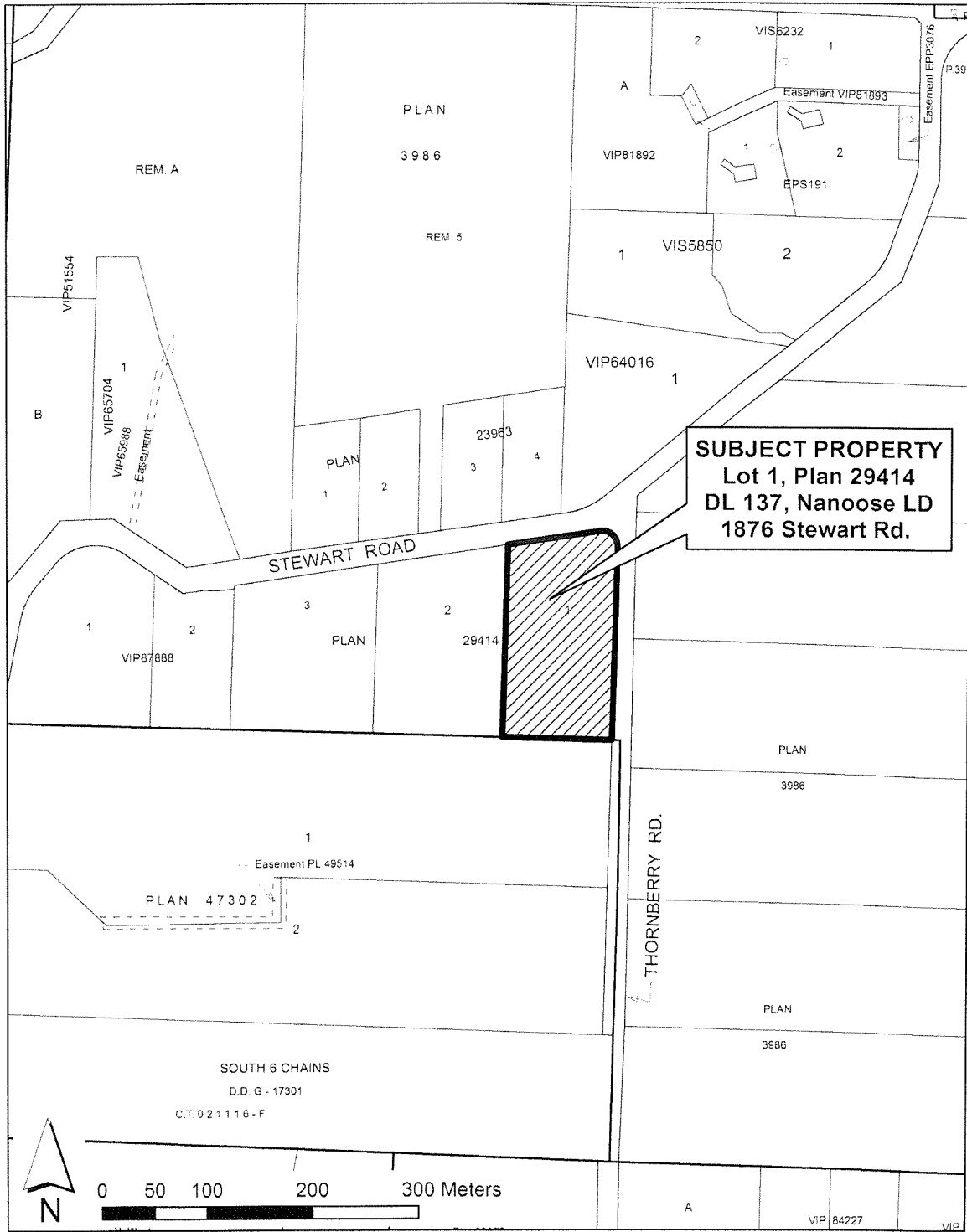
The applicants provide the following voluntary contributions:

- A *Land Title Act* S.219 Covenant for the protection of an older forest grove and Garry Oak tree located within the northern portion of the subject property;
- Replanting of 200 Douglas Fir trees, which equates to the approximate number of trees removed from the property during the approved site clearing; and
- A cash contribution in the amount of \$5,000.00 to be used for community initiatives in Electoral Area 'E', or otherwise within the District, as determined by the Regional Board.

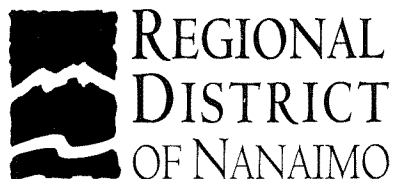
Schedule 2
 Proposed Building Strata Subdivision Plan



Attachment No. 1 Location of Subject Property



BCGS Map Sheet No 92F.030.3.3



RDN REPORT	
CAO APPROVAL <i>(Signature)</i>	
EAP	
COW	
FEB 07 2012	
RHD	
BOARD	

MEMORANDUM

TO: Paul Thompson
Manager of Long Range Planning

DATE: February 1, 2012

FROM: Greg Keller
Senior Planner

FILE: 6480-20 CMS

SUBJECT: Electoral Area 'A' Cedar Main Street Design Project Update
Citizen's Advisory Group Terms of Reference - Amendment and Appointment of Members

PURPOSE

To provide a brief update on the Cedar Main Street Design Project, consider a change to the number of members to be appointed of the Electoral Area 'A' Cedar Main Street Design Project Citizen's Advisory Group (CAG), and appoint members to serve on the CAG.

BACKGROUND

The Cedar Main Street Design Project Terms of Reference was approved by the Board on July 26, 2011. The Terms of Reference specifies that a Citizen's Advisory Group (CAG) be formed to help guide the planning process in conjunction with broad public participation.

A total of sixteen applications to serve on the CAG have been received to fill a maximum of twelve seats as defined in the CAG Terms of Reference. Recently, staff have been made aware of other residents who may be interested in serving on the Citizen's Advisory Group. This has identified the need to consider providing some flexibility on the maximum number of members who may serve on the CAG. In response, staff are proposing to increase the maximum number from twelve to twenty. This would allow all of the current applicants to be appointed as well as the option to appoint additional members at a later date should the need arise.

Process Update

The following provides a brief update on the Cedar Main Street Design Project process. Additional information is available on the Regional District of Nanaimo website at www.rdn.bc.ca.

Background Information Stage

A Technical Background Report has been prepared which provides a general land use analysis of the Study Area, a historical overview, and information related to a number of different topics relevant to the project. The purpose of the Technical Background Report is to provide baseline information on the Study Area and to provide a resource for the project participants and design team. As part of the Technical Background Report, staff contacted all of the business owners within the Study Area to advise them of the project and ask them to participate in a commercial inventory and needs assessment questionnaire. Of the eighteen businesses located within the Study Area sixteen completed the questionnaire.

Technical Advisory Group Formation

A Technical Advisory Group (TAG) has been established consisting of representatives from a number of different agencies, provincial ministries, RDN departments, and other stakeholders. The TAG uses an online forum to review and discuss project-related information and provide technical expertise where needed.

Consultant Selection

A request for proposals for the design and completion of a multi-day Community Design Charrette was issued in August 2011. Eleven proposals were received from well-qualified consultants. After a thorough evaluation, JWT Architecture and Planning was awarded the contract.

Cedar Days – August 2011

Staff attended Cedar Days, an outdoor community and children's festival in Cedar to introduce the project to the community, provide general information, and invite residents to participate in the process. Throughout the day staff spoke to a number of individuals. Overall the response was very positive and there was significant interest in the project.

Community Forum - October 22, 2011

The first formal advertised public event was a community Forum held at the Cedar Community Secondary School. The purpose of the Forum was to introduce the project to the community and prepare them for the process ahead, to stimulate active thinking and discussion on Cedar Main Street, and begin to identify community preference with respect to housing choice and character, built form, and design. There were approximately forty people in attendance at the Forum. The Forum was very productive and provided an opportunity for discussion and questions.

Design Brief Workshop – November 24, 2011

Using the information gathered from the Community Forum, a Draft Design Brief was produced. The purpose of the Design Brief Workshop was to present the draft to the community for discussion and comments. A number of ideas, comments, and suggestions were taken from the workshop and used to amend the Draft Design Brief. There were approximately twenty people in attendance at the workshop. The Draft Design Brief was available for public comment on the project website following the workshop until December 22, 2011.

Community Design Charrette

A four-day community design Charrette was held between Wednesday, January 25th and Saturday, January 28th. The purpose of the Charrette was to visually explore the community's ideas on what Cedar Main Street could look like in the future (twenty to fifty years from now). Overall community response to the Charrette was very positive. There were approximately eight people in attendance at the Charrette throughout the event. The results of the Charrette will be published on a website, linked to the project website, within the next few weeks. The community will be invited to participate in a questionnaire intended to solicit feedback on the various design options which were developed at the Charrette. This review period will last approximately six weeks. Staff will also be meeting with the CAG to discuss the Charrette results as well as posting the results on the TAG Forum for discussion of technical issues and issues which go beyond the jurisdiction of the RDN.

DISCUSSION

In accordance with the approved Electoral Area 'A' Cedar Main Street Design Project Terms of Reference, staff have advertised a request for applications to serve on the Cedar Main Street Design Project Citizen's Advisory Group. Due to the considerable interest in sitting on the CAG and to ensure that all interests are represented it would be beneficial for the CAG and the Cedar Main Street Design Project if the number of members was increased from twelve (as outlined in the Terms of Reference) to twenty (not including the Electoral Area Director or his Alternate). An additional eight members would provide assurance that the vast amount of community knowledge and local experience is utilised in the Cedar Main Street Design Project. Increasing the membership would allow all sixteen applicants who applied to sit on the CAG to be appointed. In addition, increasing the membership would provide future flexibility to appoint additional members on an as needed basis to provide an extra level of knowledge and expertise without making the CAG too large. Therefore, staff recommends that the Board amend the Electoral Area 'A' Cedar Main Street Design Project Citizen's Advisory Group Terms of Reference by increasing the maximum number of members from twelve to twenty and by providing more flexibility in the membership composition as shown in *Attachment No. 1*.

ALTERNATIVES

1. Amend the Electoral Area 'A' Cedar Main Street Design Project Citizen's Advisory Group Terms of Reference as shown in *Attachment No. 1* to permit up to twenty members.
2. Amend the Electoral Area 'A' Cedar Main Street Design Project Citizen's Advisory Group Terms of Reference to permit a "to be determined" number of members.
3. Do not amend the Cedar Main Street Design Project Citizen's Advisory Group Terms of Reference and keep the number of members at twelve.

SUMMARY/CONCLUSION

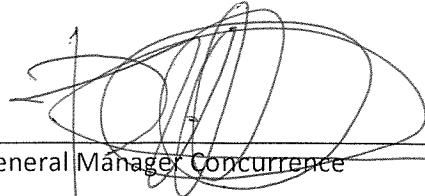
In accordance with the approved Electoral Area 'A' Cedar Main Street Design Project Terms of Reference, staff have advertised a request for applications to serve on the Cedar Main Street Design Project Citizen's Advisory Group. A total of sixteen applications have been received, which represent a diverse range of community interests. To take full advantage of community knowledge and experience, and to provide opportunities for flexibility, staff recommends that the number of members on the Advisory Group be increased from twelve to twenty.

RECOMMENDATIONS

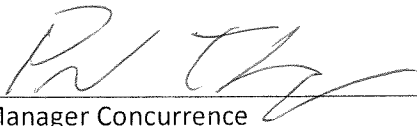
1. That the Electoral Area 'A' Cedar Main Street Design Project Citizen's Advisory Group Terms of Reference be amended by increasing the maximum number of members from twelve to twenty and by providing more flexibility in the membership composition as shown in *Attachment No. 1*.



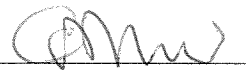
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

Attachment No. 1
Proposed Citizen's Advisory Group Terms of Reference Revision

Amend "**Membership Composition**" to read as follows (proposed changes are shown underlined and in bold and where text is proposed to be deleted it is shown in strikethrough text):

1. The CAG will be comprised of a maximum of twenty members.
2. Member selection **should** strive to maintain a balance between social/cultural, economic, and environmental interests and expertise, and citizens at large. The Citizen's group is **generally** intended to include targeted representatives from the following key interest areas:
 - a. landscape or urban design professional ~~—four member~~
 - b. affected business owners ~~—maximum three members~~
 - c. affected property owners ~~—maximum three members~~
 - d. residents at large ~~—maximum three members~~
 - e. environmental protection ~~—one member~~
 - f. social issues and housing ~~—four member~~
3. Those selected for the group should reside, be employed, and/or own or have interest in property or business within the Plan Area. Residents at large could reside outside the Plan Area but must be familiar with that portion of Cedar Road that is the subject of the Project.
4. The Electoral Area Director or his/her alternate shall serve on the CAG as the Chair and a non-voting Ex Officio member and shall not be included towards the maximum number of members. Notwithstanding the above, the Chair may, at its discretion, step down as Chair and ask the CAG members to appoint a replacement Chair on either a temporary or permanent basis.