

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA PLANNING COMMITTEE

TUESDAY, OCTOBER 8, 2013

6:30 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

2-5 Minutes of the regular Electoral Area Planning Committee meeting held Tuesday, September 10, 2013.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

DEVELOPMENT PERMIT APPLICATIONS

6-11 Development Permit Application No. PL2012-078 – Kevin and Wendy May – 863 Cavin Road, Electoral Area 'G'.

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

12-19 Development Permit with Variance Application No. PL2013-096 – Will Melville – 962 Surfside Drive, Electoral Area 'G'.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

20-25 Development Variance Permit Application No. PL2013-094 – Borden – 790 Wildgreen Way, Electoral Area 'G'.

OTHER

26-30 Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement – Shepherd – 853 Miller Road, Electoral Area 'G'.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

ADJOURNMENT

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE MEETING
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, SEPTEMBER 10, 2013 AT 6:30 PM IN THE
RDN BOARD CHAMBERS**

In Attendance:

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

Also in Attendance:

P. Thorkelsson	Chief Administrative Officer
D. Trudeau	Gen. Mgr. Transportation & Solid Waste
R. Alexander	Gen. Mgr. Regional & Community Utilities
G. Garbutt	Gen. Mgr. Strategic & Community Development
J. Holm	Mgr. Current Planning
T. Armet	Mgr. Building Bylaw & Emergency Planning Services
J. Hill	Mgr. Administrative Services
C. Golding	Recording Secretary

CALL TO ORDER

The Chairperson called the meeting to order.

ELECTORAL AREA PLANNING COMMITTEE MINUTES

MOVED Director Stanhope, SECONDED Director Fell, that the minutes of the Electoral Area Planning Committee meeting held July 9, 2013, be adopted.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. PL2013-067 – Smith & Annand – Electoral Area ‘G’.

MOVED Director Stanhope, SECONDED Director McPherson, that Development Permit Application No. PL2013-067 to address the prior placement of fill on the subject property be approved subject to the Terms and Conditions outlined in Attachment 2.

CARRIED

Development Permit Application No. PL2013-090 and Request for Frontage Relaxation in Conjunction with Subdivision Application No. PL2013-050 – Linda and George Addison – 2610 Myles Lake Road, Electoral Area ‘C’.

MOVED Director Young, SECONDED Director Stanhope, that Development Permit Application No. PL2013-090 in conjunction with a proposed four lot subdivision be approved subject to the conditions outlined in Attachment 3.

CARRIED

MOVED Director Young, SECONDED Director Stanhope, that the request to relax the minimum 10% perimeter frontage requirement for proposed lots B, C, and D in conjunction with Subdivision Application No. PL2013-050 be approved.

CARRIED

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

Development Permit with Variance Application No. PL2013-092 – Chevron Canada Ltd. – 1660 Island Highway East, Electoral Area ‘E’.

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

CARRIED

MOVED Director Stanhope, SECONDED Director Veenhof, that Development Permit with Variance Application No. PL2013-092 to permit additional signage on the subject property is approved subject to the conditions outlined in Attachments 2 to 4.

CARRIED

Development Permit with Variance Application No. PL2013-085 – Fern Road Consulting – 90 Lambert Lane, Electoral Area ‘H’.

MOVED Director Veenhof, SECONDED Director McPherson, that Development Permit with Variance Application No. PL2013-085 to permit the construction of a dwelling unit be approved subject to the conditions outlined in Attachments 2 to 4.

CARRIED

Development Permit with Variance Application No. PL2013-066 – Eliza Point – Fielding Road, Electoral Area ‘A’.

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

CARRIED

MOVED Director McPherson, SECONDED Director Young, that Development Permit with Variance Application No. PL2013-066 be approved subject to the conditions outlined in Attachments 2 to 7.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. PL2013-084 – Bernard Thomson – 2938 Hillview Road, Electoral Area 'E'.

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. PL2013-084 to reduce the minimum setback from the interior side lot line to the east from 2.0 m to 0.16 m and from the interior side lot line to the west from 2.0 metres to 0.86 metres for the existing deck and stairs be approved subject to the conditions outlined in Attachments 2 and 3.

CARRIED

OTHER

Zoning Amendment Application No. PL2013-038 – Magnolia Enterprises Ltd. – 6996 Island Highway West, Electoral Area 'H'.

MOVED Director Veenhof, SECONDED Director McPherson, that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.386, 2013", be introduced and read two times.

CARRIED

MOVED Director Veenhof, SECONDED Director McPherson, that the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.386, 2013", be chaired by Director Veenhof or his alternate.

CARRIED

MOVED Director Veenhof, SECONDED Director McPherson, that the conditions set out in Attachment 2 of the staff report be completed prior to Bylaw No. 500.386, 2013 being considered for final adoption.

CARRIED

Proposed Rogers Communications Inc. Wireless Tower No. PL2013-086 – 891 Drew Road, Electoral Area 'G'.

MOVED Director Stanhope, SECONDED Director Veenhof, that the Board provide no comments with respect to the proposed tower.

DEFEATED

Regulatory Amendments to Address Marihuana for Medical Purposes Regulations – Bylaws No. 500.387, 2013 and 1285.18, 2013.

MOVED Director Stanhope, SECONDED Director Young, that the regulatory amendments to address Marihuana for Medical Purposes Regulations – Bylaw No. 500.387, 2013 and Bylaw No. 1285.18, 2013 be referred back to staff, and that staff be directed to organize a seminar discussion for the Board on the topic.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 7:14 PM

CHAIRPERSON

CORPORATE OFFICER



CAO APPROVAL	
EAP	✓
COW	
SEP 30 2013	
RHD	
BOARD	

MEMORANDUM

TO: Jeremy Holm
Manager of Current Planning

DATE: September 16, 2013

FROM: Robert Stover
Planning Technician

FILE: PL2012-078

SUBJECT: Development Permit No. PL2012-078 – Kevin & Wendy May
Lot A, District Lot 29, Nanoose District, Plan VIP88467 – 863 Cavin Road
Electoral Area 'G'

PURPOSE

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

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Kevin and Wendy May in order to permit the construction of a dwelling unit. The subject property is approximately 0.4 hectares in area and is zoned Residential 1 (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachment 1 for subject property map).

The property currently contains a dwelling unit and an accessory building; the existing structures are to be demolished and replaced with the proposed dwelling. The subject property is bordered by developed residential lots to the east and west, Cavin Road to the south, and the Strait of Georgia to the north.

The proposed development is subject to the Environmentally Sensitive Features Development Permit Area (DPA) as per "Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008" for the protection of an eagle nest tree near the subject property.

Proposed Development

The applicant is proposing to construct a dwelling unit on the subject property (see Attachments 3 and 4 for site plan and building elevations). As the structure is proposed to be sited within 60.0 metres of an eagle nest tree, a development permit is required to satisfy the requirements of the Environmentally Sensitive Features DPA. The applicants have provided an assessment report, prepared by Steve Toth of Toth and Associates Environmental Services and dated August 22, 2013 in support of the application.

ALTERNATIVES

1. To approve the Development Permit Application No. PL2012-078 subject to the conditions outlined in Attachment 2.
2. To deny the Development Permit Application No. PL2012-078.

Development Implications

The applicant has submitted an assessment report, prepared by Toth and Associates Environmental Services and dated August 22, 2013 to satisfy the Environmentally Sensitive Features Development Permit Area guidelines.

The report concludes that the proposed demolition of the existing structures and construction of the dwelling unit is unlikely to have any negative impacts on eagle use of the nest site. The report recommends that the proposed demolition and construction be conducted between the months of June and February in order to minimize any potential noise disturbance during critical periods of nesting. This recommendation is included as a condition of approval in Attachment 2.

Sustainability Implications


In keeping with the Regional District of Nanaimo Board policy, staff reviewed the proposed development with respect to "Regional District of Nanaimo Sustainability Development Checklist". As a condition of approval, development of the property will be completed in compliance with the recommendations of the biologist's report to minimize the impact on the nearby bald eagle nest site.

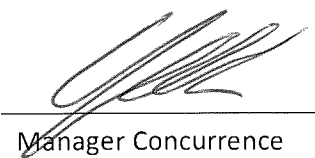
SUMMARY/CONCLUSIONS

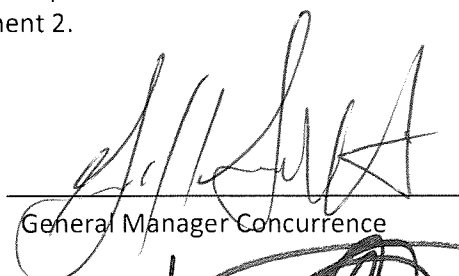
This is an application for a Development Permit to allow for the construction of a dwelling unit within the Environmentally Sensitive Areas Development Permit Area. The applicant has provided an assessment report prepared by Toth and Associates Environmental Services which is consistent with the Environmentally Sensitive Areas guidelines, in this case for the protection of an eagle nest tree. The report concludes that development is unlikely to have negative impacts on eagle use of the nest site, and it recommends construction be completed between the months of June and February to avoid disruption of the nest side during nesting season.

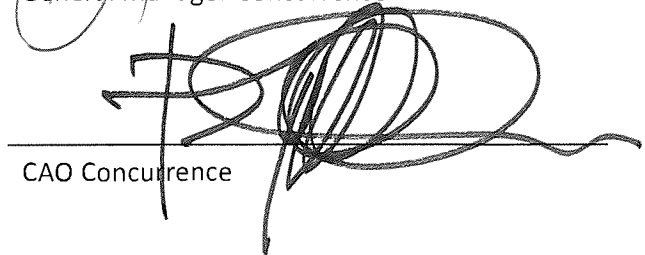
RECOMMENDATION

That, Development Permit Application No. PL2012-078 to permit the construction of a dwelling unit be approved subject to the conditions outlined in Attachment 2.

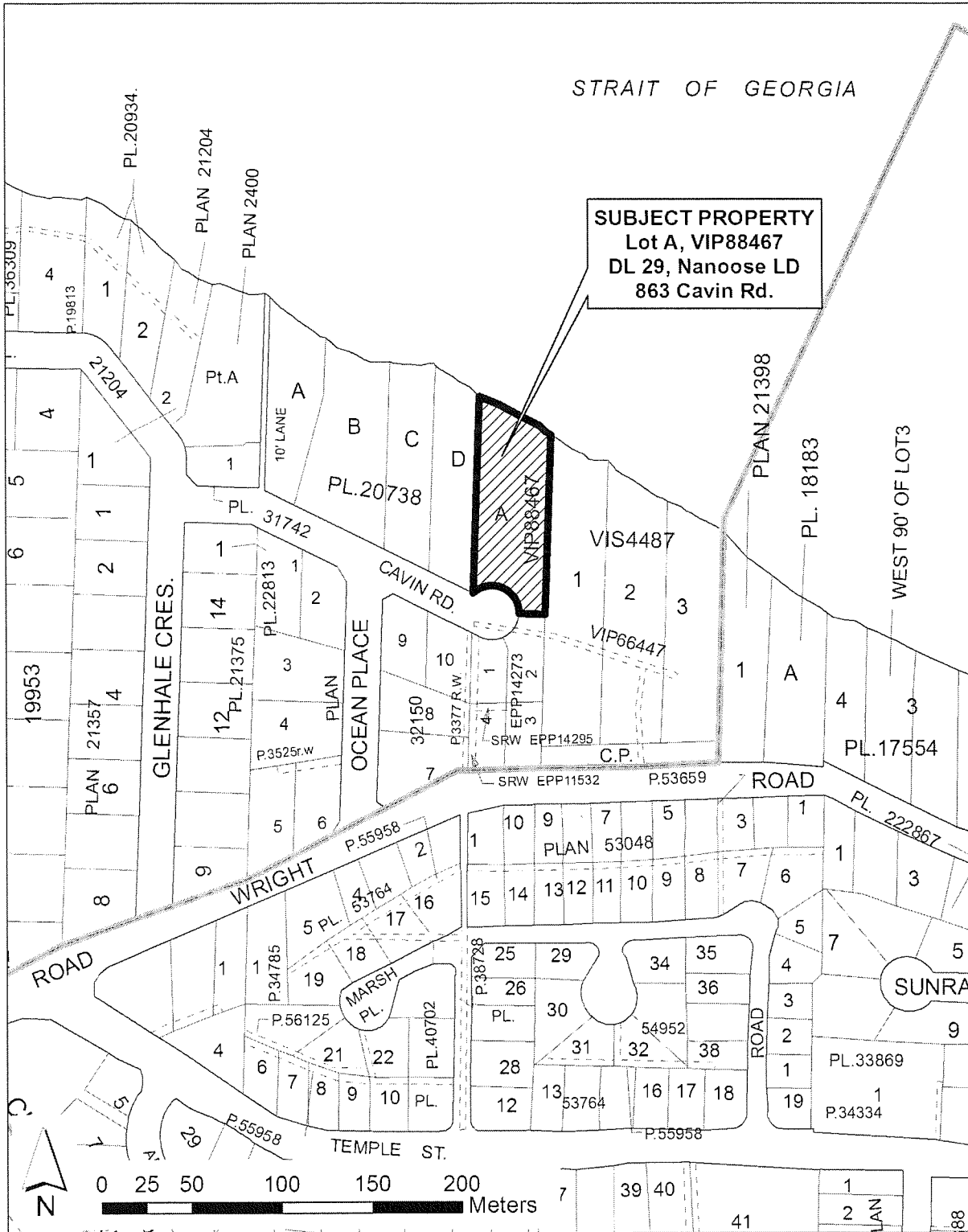
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for Report Writer

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Manager Concurrence

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General Manager Concurrence

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CAO Concurrence

Attachment 1 Subject Property Map



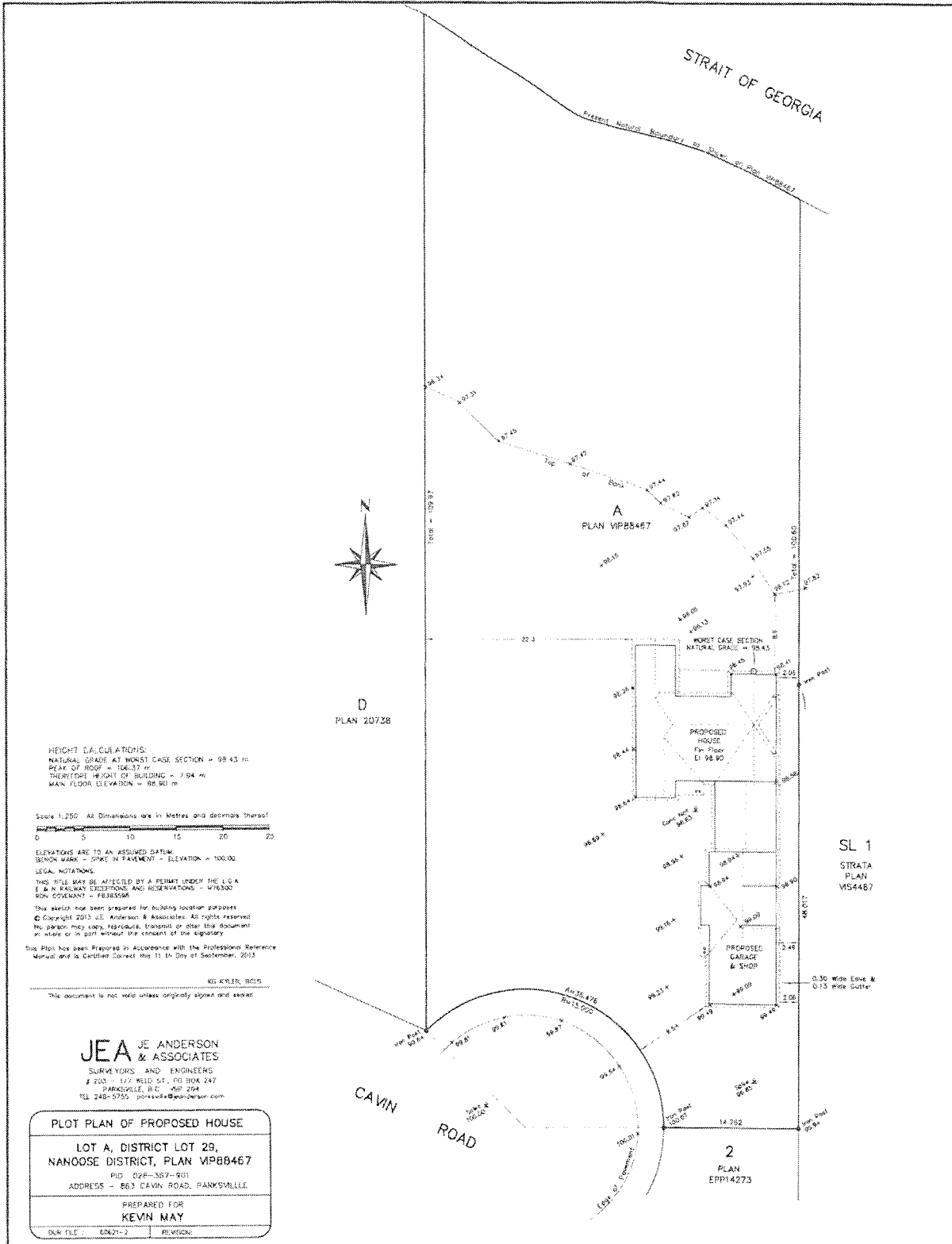
Attachment 2 Term and Conditions

The following sets out the terms and conditions of Development Permit No. PL2012-078:

Conditions of Approval

1. The works shall be completed between the months of June and February in accordance with the recommendations outlined in the assessment report, prepared by Toth and Associates Environmental Services dated August 22, 2013.
2. The applicant shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

Attachment 3
 Site Plan – Detail



Attachment 4 Building Elevations





RDN REPORT	
CAO APPROVAL	<input checked="" type="checkbox"/>
EAP	<input checked="" type="checkbox"/>
COW	<input type="checkbox"/>
SEP 27 2013	
RHD	<input type="checkbox"/>
BOARD	<input type="checkbox"/>

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: September 23, 2013

FROM: Robert Stover
Planning Technician

FILE: PL2013-096

SUBJECT: Development Permit with Variance Application No. PL2013-096 – Will Melville
Lot 10, Block 2, District Lot 9, Newcastle District, Plan 15370 – 962 Surfside Drive
Electoral Area 'G'

PURPOSE

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

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Will Melville on behalf of Airlie Pinkerton and Ross Gilley in order to permit the construction of a dwelling unit and accessory building on the subject property. The subject property is approximately 1,040 square metres in area and is zoned Residential 2 (RS2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

The property is occupied by an existing dwelling unit, which will be removed prior to the construction of the proposed new home and accessory building. The foundation of the existing dwelling will be retained to be re-used for construction of the proposed accessory building. The subject property is bordered by developed residential properties to the north, south, and east; Surfside Drive lies to the north.

The proposed development is subject to the Hazard Lands Development Permit Area (DPA) as per Electoral Area 'G' Official Community Plan Bylaw no. 1540, 2008 to address coastal flood risk.

Proposed Development and variances

The applicant is proposing to construct a dwelling unit and accessory building within the Hazard Lands development permit area. In order to construct the proposed house to the recommended flood construction level, the applicant is also requesting a variance to increase the maximum permitted dwelling unit height from 8.0 metres to 9.2 metres. The proposed accessory building will conform to the 6.0 metre height restriction for accessory buildings in the RS2 zone.

ALTERNATIVES

1. That staff be directed to complete the required notification.

2. To approve the Development Permit with Variance Application No. PL2013-096 subject to the conditions outlined in Attachment 2.
3. To deny the Development Permit with Variance Application No. PL2013-096.

LAND USE IMPLICATIONS

Development Implications

This is an application for a Development Permit with Variance to permit the construction of a dwelling unit and accessory building within the Hazard Lands DPA, and to increase the maximum permitted dwelling unit height from 8.0 metres to 9.2 metres to accommodate the construction of a proposed house.

The applicant has provided a Geotechnical Hazards Assessment prepared by Lewkowich Engineering Associates Ltd. dated September 26, 2013 to satisfy the requirements of the Hazard Lands DPA guidelines. The report assessed the potential impacts of coastal flooding on the property, and recommends a flood construction level (FCL) of 4.1 metres from natural grade measured to the underside of the floor system of the dwelling unit. This recommended FCL exceeds the 3.8 metre requirement outlined in the RDN Floodplain Management Bylaw. The Geotechnical Hazards Assessment utilizes updated methodology as outlined by the Association of Professional Engineers and Geoscientists of British Columbia (APEGBC), which considers factors such as long-term sea level rise into the FCL calculation. The report concludes that the property is safe and suitable for the intended development, and would not have detrimental impact on the environment or adjoining properties provided the property is developed in accordance with the recommendation of the report.

As the subject property lies below the recommended flood construction level of 4.1 metres, the FCL for the dwelling unit is proposed to be achieved by utilizing a combination of imported fill to raise the grade of the property, and a raised crawl space beneath the floor system. In order to achieve the FCL of 4.1 metres recommended in the Geotechnical Hazards Assessment, the applicant is requesting a variance to increase the maximum dwelling unit height from 8.0 metres to 9.2 metres to permit construction of the proposed dwelling. The applicant is proposing to site the house greater than 9.0 metres from the front lot line in an effort to minimize impacts to coastal views for the neighbor to the west. The proposed accessory building will conform to the 6.0 metre height restriction for accessory buildings in the RS2 zone, and is exempt from the RDN Floodplain Management Bylaw as the structure is proposed to be used for the storage of goods not damageable by flood waters, toxic materials, or materials that may contaminate the environment.

Sustainability Implications

In keeping with Board policy, staff have reviewed the proposal in relation to sustainability implications. Staff note that the proposed construction of the dwelling unit and accessory building will be undertaken on an existing serviced lot.

Public Consultation Process

Pending the Committee's recommendation and pursuant to the *Local Government Act* and the "Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005", property owners and tenants of parcels located within a 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/CONCLUSIONS

This is a Development Permit with Variance application to permit the construction of a proposed dwelling unit and accessory building on the subject property. The subject property is located within the Hazard Lands DPA to address flood risk. The applicant has submitted a Geotechnical Hazards Assessment, prepared by Lewkowich Engineering Associates Ltd. dated September 26, 2013 in accordance with the Hazard Lands DPA guidelines. The assessment report concludes that the property is safe for the intended use of a dwelling unit and accessory building, and recommends a flood construction level (FCL) of 4.1 metres from natural grade measured to the underside of the floor system of the proposed dwelling unit. This recommended FCL exceeds the 3.8 metre FCL requirement outlined in the RDN Floodplain Management Bylaw. The assessment report employs updated methodology for assessing coastal flood risk as outlined by APEGBC which takes into account factors, such as long term sea level rise, when calculating a recommended flood construction level.

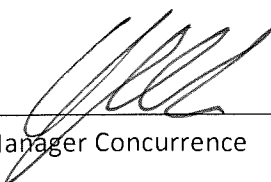
In order to achieve the recommended FCL for the proposed dwelling unit, the applicant is requesting a variance to increase the maximum permitted dwelling unit height from 8.0 metres to 9.2 metres. The use of fill and a raised crawlspace will be used to raise the elevation of the floor system of the proposed dwelling unit. The proposed accessory building will conform to the accessory building height restriction in the RS2 zone and is exempt from the RDN Floodplain Management Bylaw, as it is to be used for storage only.

RECOMMENDATION

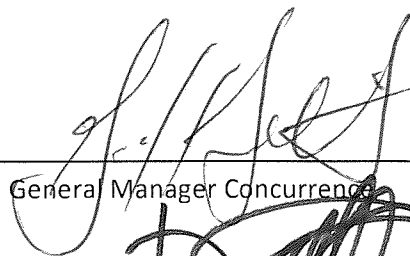
That Development Permit with Variance Application No. PL2013-096 to permit the construction of a dwelling unit and accessory building be approved subject to the conditions outlined in Attachment 2.



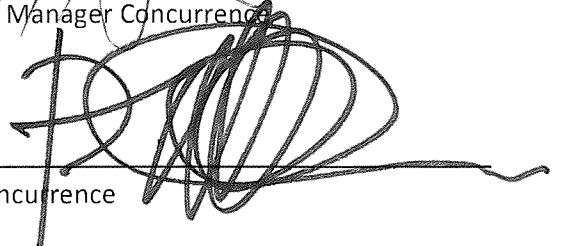
Report Writer



Manager Concurrence

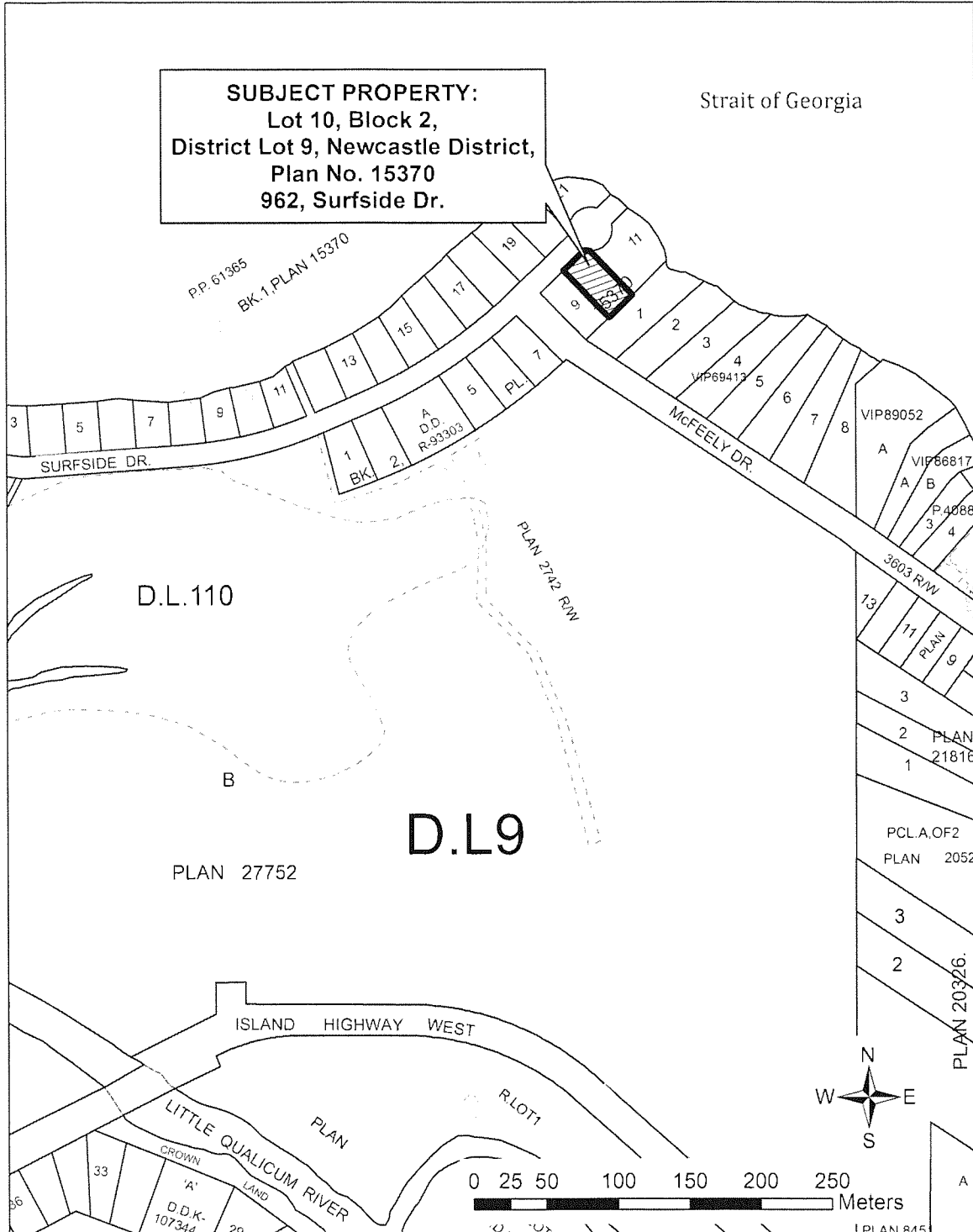


General Manager Concurrence



CAO Concurrence

**Attachment 1
Subject Property**



Attachment 2 Terms and Conditions of Permit

The following sets out the terms and conditions of Development Permit with Variance No. PL2013-096:

Bylaw No. 500, 1987 Variance:

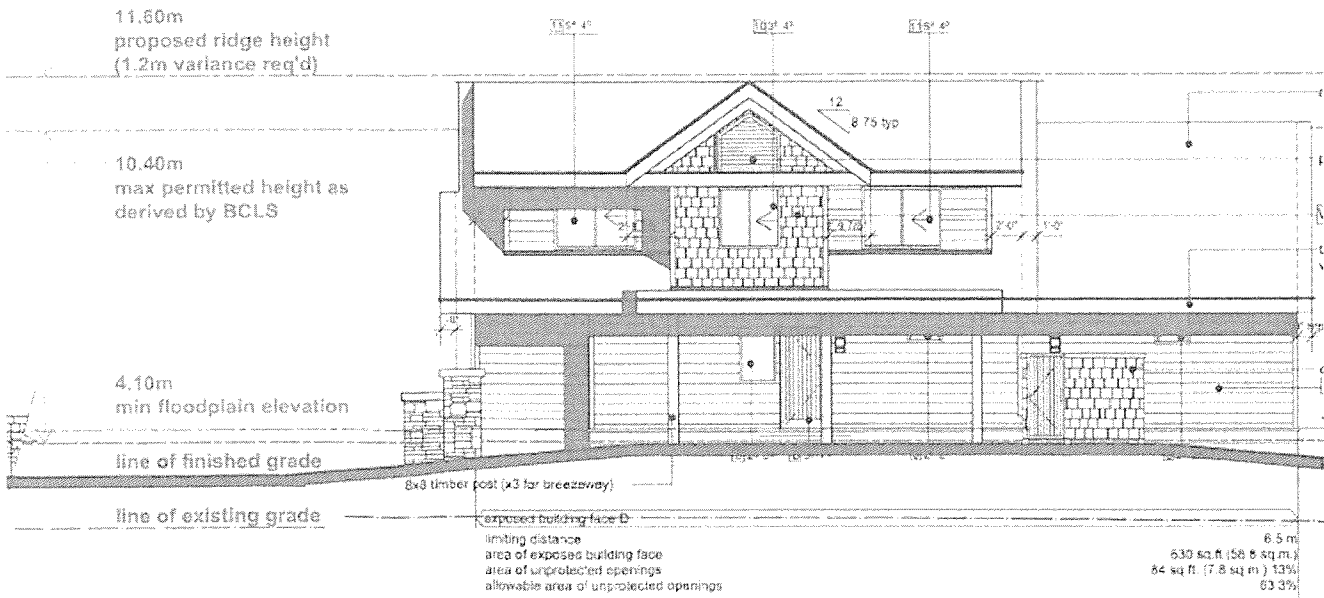
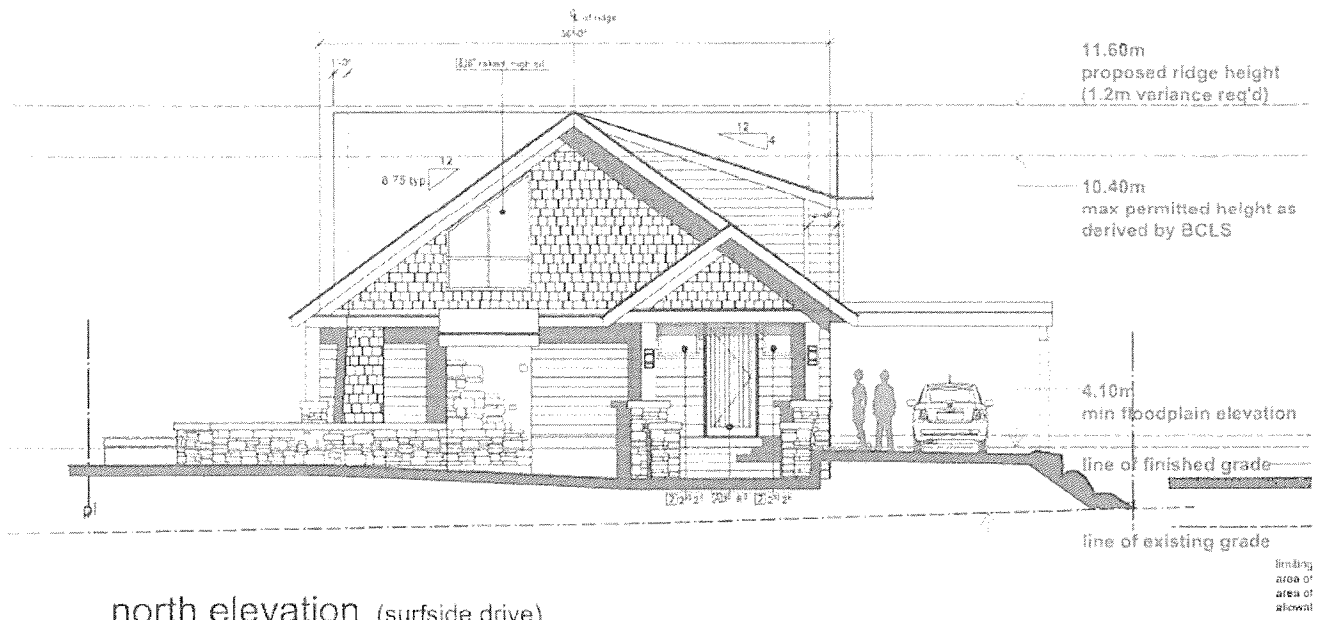
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

1. Section 3.4.62 **Maximum Number and Size of Buildings** by increasing the maximum permitted dwelling unit height from 8.0 metres to 9.2 metres for a proposed dwelling unit.

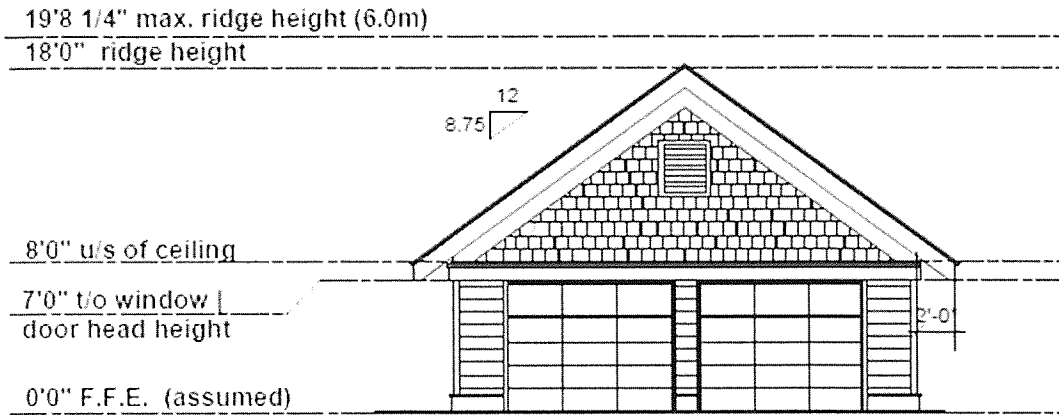
Conditions of Approval:

1. The proposed development is sited in accordance with the Survey Plan prepared by Harbour City Land Surveying, dated September 10, 2013 and attached as Attachment 2.
2. The proposed development is in compliance with the plans and elevations prepared by Delinea Design Consultants Ltd., dated September 11, 2013 and attached as Attachment 3.
3. 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 Hazards Assessment report prepared by Lewkowich Engineering Associates Ltd. (dated September 26, 2013), on the subject property title, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages to life and property as a result of potential geotechnical and flood hazards.
4. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

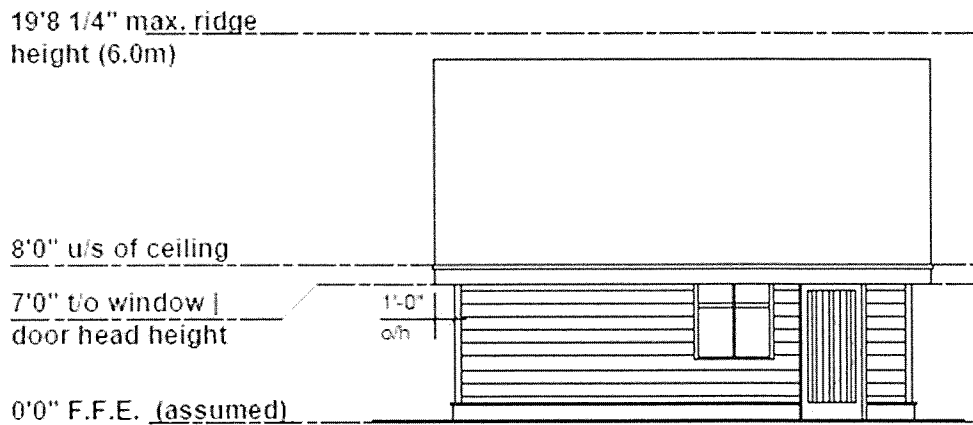
Attachment 4
Building Elevations – Dwelling Unit



Attachment 5
Building Elevations – Accessory Building



north elevation



west elevation



CAO APPROVAL PL21	
EAP	✓
COW	
SEP 27 2013	
RHD	
BOARD	

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning **DATE:** September 25, 2013

FROM: Robert Stover
Planning Technician **FILE:** PL2013-094

SUBJECT: Development Variance Permit Application No. PL2013-094 – Borden
Strata Lot A, Block 1438, Nanoose District, Strata Plan VIS6649 Together with an Interest
in the Common Property in Proportion to the Unit Entitlement of the Strata Lots as
Shown on Form V – 790 Wildgreen Way
Electoral Area ‘G’

PURPOSE

To consider an application for a Development Variance Permit to reduce the side lot line setback to legalize the siting of an accessory building on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Len and Michelle Borden to legalize the siting of an accessory building on the subject property. The subject property is approximately 0.976 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 1 for location of subject property).

The subject property currently contains a dwelling unit and an accessory building which is under construction. The subject property is bordered by developed residential properties to the east and west, the Inland Island Highway to the south, and Wildgreen Way to the north. The applicants intended to site the accessory building parallel to the side lot line on the west side of the parcel. However, subsequent survey of the structure relative to the side lot line revealed that a portion of the roof overhang encroaches 0.7 metres into the required 8.0 metre setback from the side lot line, as the western property line does not run parallel to the accessory building roof line.

Proposed Development and Variance

The applicants are requesting a variance to relax the Side Lot Line setback from 8.0 metres to 7.3 metres to legalize the siting of an accessory building that is under construction on the subject property (see Attachment 3 for site plan and proposed variance).

ALTERNATIVES

1. To approve the Development Variance Permit Application No. PL2013-094 subject to the conditions outlined in Attachment 2.
2. To deny the Development Variance Permit Application No. PL2013-094.

LAND USE IMPLICATIONS

Development Implications

This is an application for a Development Variance Permit to relax the side lot line setback from 8.0 metres to 7.3 metres to legalize the siting of an accessory building that is under construction on the property. The original site plan submitted with the building permit application indicated that the applicant intended to site the building in compliance with the required 8.0 metre setback from all lot lines.

Through the course of construction and subsequent survey of the structure relative to the western property boundary, it was discovered that the accessory building was sited with the foundation wall located at 8.1 metres from the side lot line. As a result, a portion of the roof overhang now encroaches into the Side Lot Line setback.

Sustainability Implications

In keeping with Board policy, staff have reviewed the application in relation to sustainability implications. Staff note that this application is to legalize the siting an accessory structure that is currently under construction on a developed parcel. No further development impacts will result from approval of this application.

Public Consultation Process

Pending the Committee's recommendation and pursuant to the *Local Government Act* and the "Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005", property owners and tenants of parcels 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/CONCLUSIONS

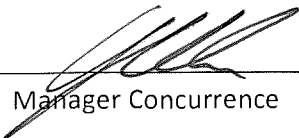
This is a Development Variance Permit application to legalize the siting of an accessory building that is under construction on the subject property. An error in the siting of the structure in relation to the western property boundary has resulted in a portion of the roof overhang encroaching into the side lot line setback. The applicants are requesting a variance to relax the side lot line setback from 8.0 metres to 7.3 metres to accommodate the portion of encroaching roof overhang. Staff recommend approval of this Development Variance Permit application.

RECOMMENDATION

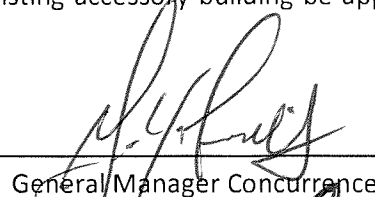
That Development Variance Permit Application No. PL2013-094 to relax the side lot line setback from 8.0 metres to 7.3 metres to legalize the siting of an existing accessory building be approved subject to the conditions outlined in Attachment 2.



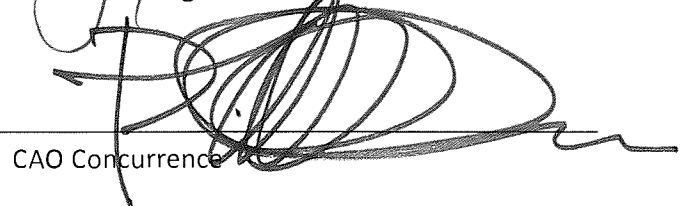
Report Writer



Manager Concurrence

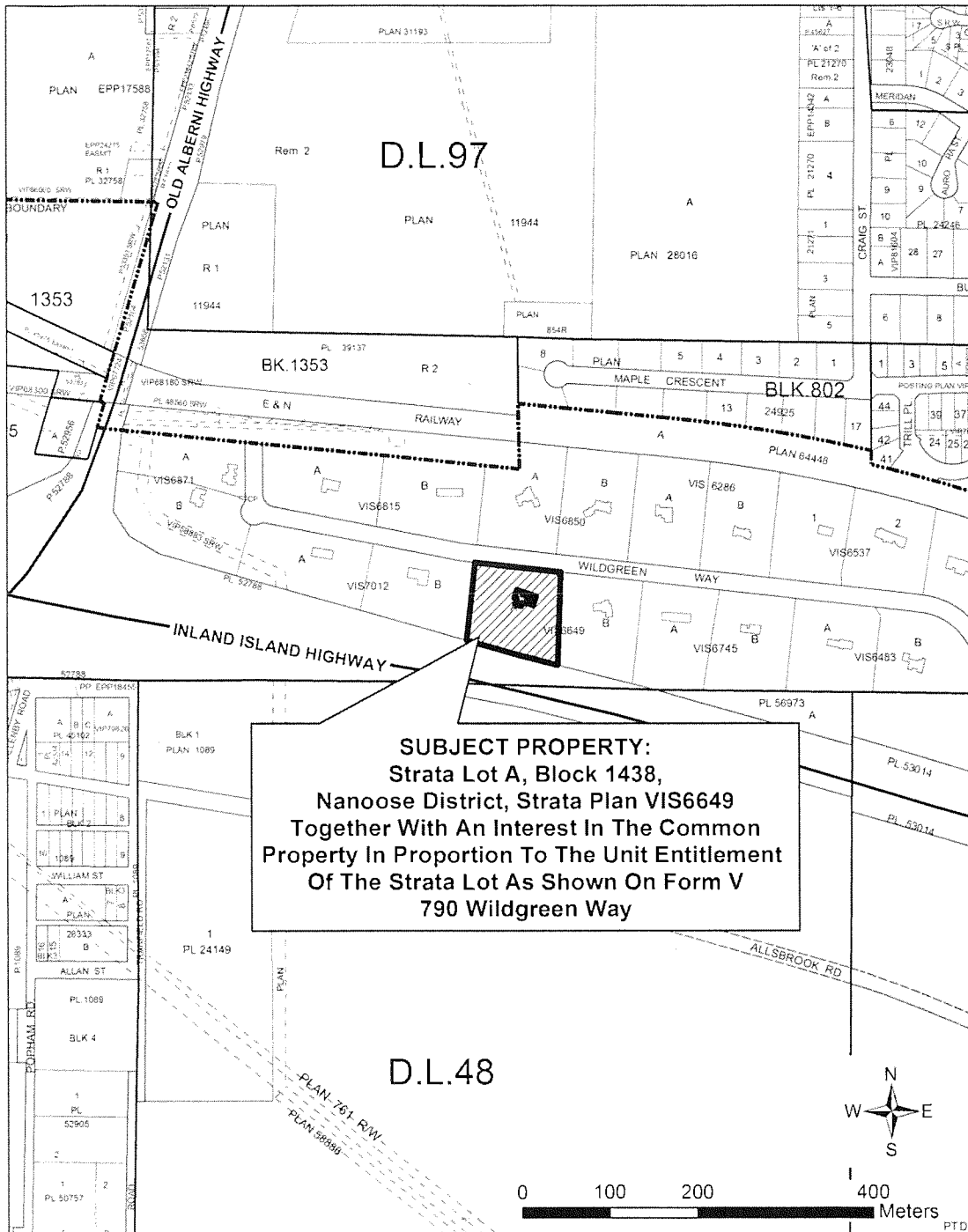


General Manager Concurrence



CAO Concurrence

Attachment 1
Subject Property Map



Attachment 2
Terms and Conditions of Permit

The following sets out the terms and conditions of Development Variance Permit Application No. PL2013-094:

Bylaw No. 500, 1987 Variance:

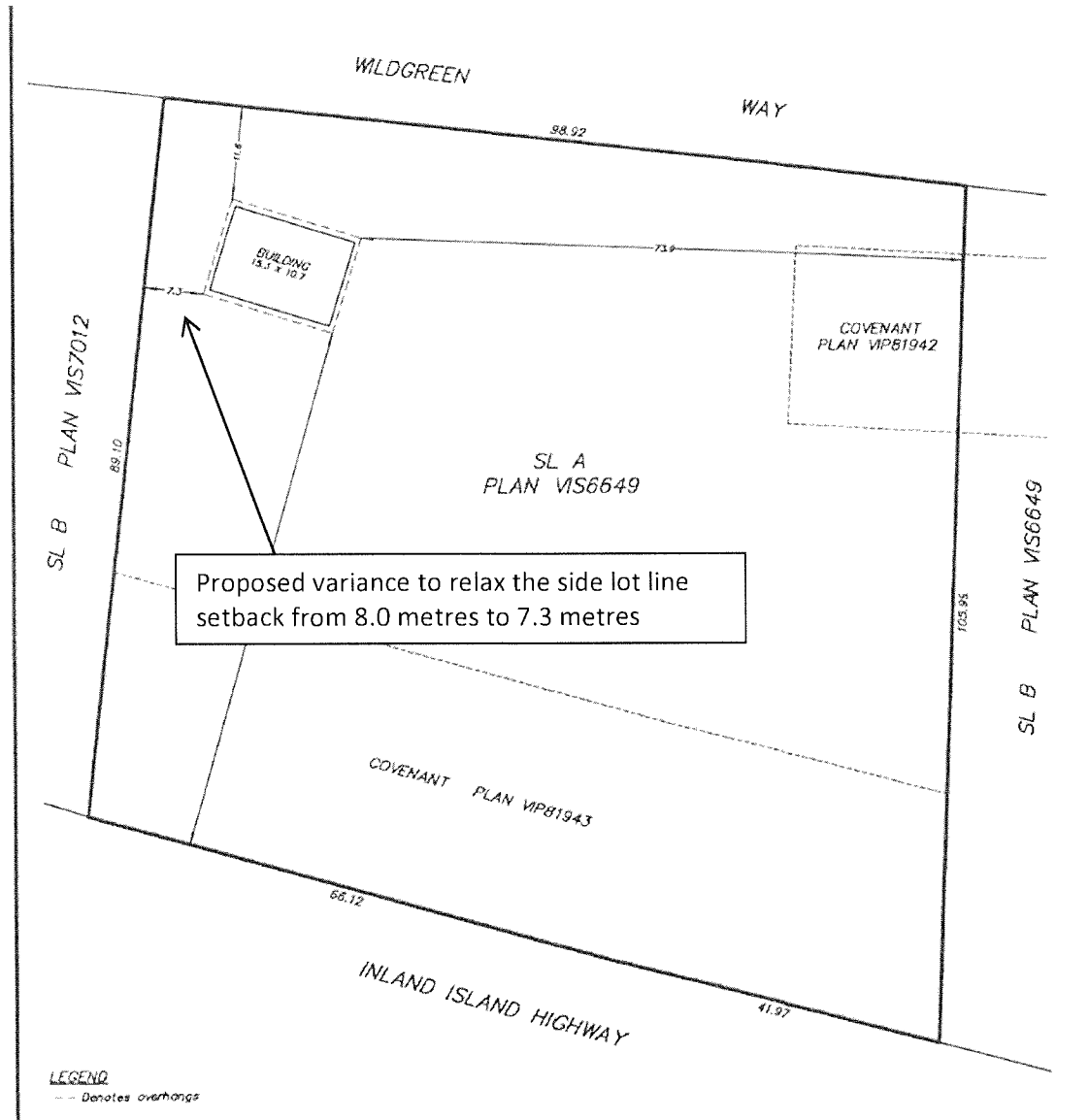
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

1. Section 3.4.81 **Minimum Setback Requirements** by reducing the minimum required setback from the side lot line from 8.0 metres to 7.3 metres for a portion of an existing accessory building.

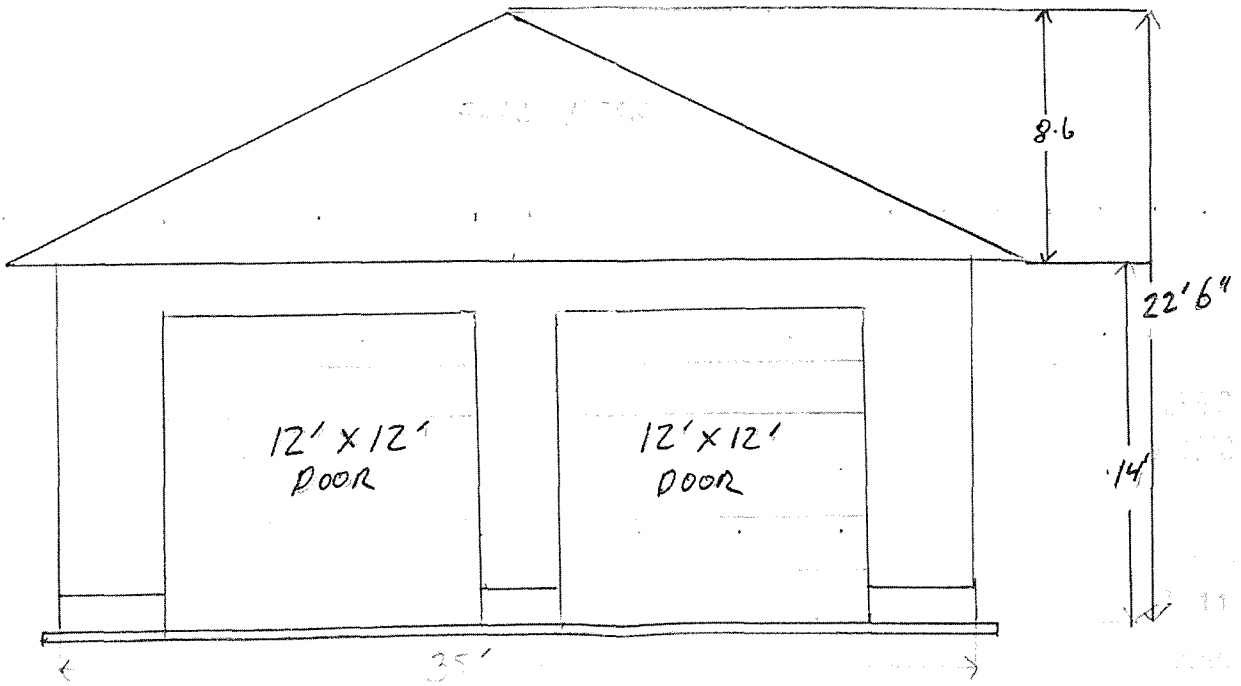
Conditions of Approval:

1. The lands shall be developed in substantial compliance with the survey plan prepared by Sims Associates Land Surveying Ltd. dated August 29, 2013.

Attachment 3
Site Plan and Proposed Variance



Attachment 4
Building Elevation Drawings





RDN REPORT	
CAO APPROVAL DAH	
EAP	✓
COW	
SEP 27 2013	
RHD	
BOARD	

MEMORANDUM

TO: Jeremy Holm
Manager of Current Planning

DATE: September 27, 2013

FROM: Greg Keller
Senior Planner

FILE: PL2011-186

SUBJECT: Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement
Subdivision Application No. PL2011-186 – Shepherd
Lot 19, District Lot 28, Nanoose District, Plan 26472 – 853 Miller Road
Electoral Area ‘G’

PURPOSE

To consider a request to relax the minimum 10% perimeter frontage requirement in conjunction with a two lot subdivision application on a parcel located in Electoral Area ‘G’.

BACKGROUND

This application dates back to December 2011 when the original application proposed a three lot subdivision with a request to vary the minimum panhandle width and minimum frontage requirement. Staff presented the applicant’s Development Variance Permit application report to the Board at its November 27, 2012 meeting. In response to concerns from adjacent property owners, the Board passed the following resolution:

“MOVED Director Holme, SECONDED Director Young, that Development Variance Permit Application No. PL2012-146 be tabled”.

Tabling the application was intended to give the applicant a chance to consult with affected property owners to address their concerns prior to amending their application for reconsideration. The applicants indicate that they have consulted with affected property owners and have met with staff.

On September 16, 2013 the Regional District of Nanaimo received an amended application from Fern Road Consulting on behalf of David and Arlene Shepherd, which includes a request to relax the minimum 10% perimeter frontage requirement in conjunction with a two lot subdivision.

The parent parcel is approximately 3,462 m² in area and is zoned Residential 1 Subdivision District ‘Q’ (RS1Q) (700 m² minimum parcel size with community water and sewer services) 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 currently contains a dwelling unit, and two accessory buildings. The parcels are proposed to be served by community water and sewer services.

The applicant now proposes to subdivide the subject property into proposed Lot A with an area of 2,515 m² excluding the proposed panhandle and proposed Lot B with an area of 757 m² (see Attachment 2 for proposed subdivision layout). The proposed lot areas satisfy the minimum parcel size requirements of Bylaw No. 500, 1987. However, as proposed Lot A would be further subdividable under the current zoning, Bylaw No. 500, 1987 requires a 10.0 metre panhandle width.

In order to address the minimum panhandle width requirement and concerns from adjacent property owners, the applicants are proposing to restrict further subdivision of proposed Lot A through a Section 219 covenant to be registered on the title of proposed Lot A concurrently with registration of the subdivision plan. By doing so, proposed Lot A would no longer be further subdividable and would therefore, pursuant to Bylaw No. 500, 1987, require a 6.0 metre panhandle width. As a result a Development Variance Permit is no longer required to facilitate the proposed subdivision.

Minimum 10% Perimeter Frontage Requirement

Proposed Lot A as shown on the submitted plan of subdivision does not meet the minimum 10% perimeter frontage requirement pursuant to Section 944 of the *Local Government Act*. The applicant has requested a relaxation of the frontage requirement as follows:

<i>Proposed Lot No.</i>	<i>Perimeter (m)</i>	<i>Required Frontage (m)</i>	<i>Proposed Frontage (m)</i>	<i>% Perimeter</i>
Lot A	286.7	28.7	6.1	2.1

ALTERNATIVES

1. To approve the request for relaxation of the minimum 10% perimeter frontage requirement in conjunction with the proposed subdivision.
2. To deny the request for relaxation of the minimum 10% perimeter frontage requirement.

LAND USE IMPLICATIONS

Development Implications

Despite the reduced frontage for proposed Lot A, it is expected that the proposed 6.1 metre wide panhandle will provide adequate access.

It also appears that proposed Lots A and B have adequate Lot Area (2,515 m² and 757 m² respectively) and dimensions to support permitted uses. In addition, there are no significant constraints impacting the use of proposed Lots A and B such as water courses, environmentally sensitive features or natural hazards.

The two existing accessory buildings on proposed Lot A do not meet the minimum 2.0 metre side yard setback requirements. The applicants have not requested a variance to recognize the siting of the accessory buildings. Due to the age of the structures and the fact that they meet the minimum setback requirements from all new lot lines, staff is recommending that the siting of these structures not be legalized through variance.

Although the subject property is located more than 30.0 metres from the natural boundary of French Creek, due to relatively flat topography, proposed Lots A and B will not be located above the minimum Flood Construction Level required by “Regional District of Nanaimo Floodplain Management Bylaw

No. 1469, 2006" (Bylaw No. 1469). Bylaw 1469 specifies that no building or structure be constructed, reconstructed, moved, extended, or located where the underside of any wooden floor system or top of a slab or pad of any habitable area is located below three (3) metres above the Natural Boundary of French Creek where that land is within a distance of 200 metres from French Creek. The elevation of French Creek adjacent to the subject property is 9.5 metres. Therefore, the minimum flood construction level specified by Bylaw No. 1469 is 12.5 metres. The elevation of the subject property, where a future dwelling unit might be proposed, ranges from 12.2 metres on proposed Lot A to 10.9 metres on proposed Lot B. Therefore, the underside of any future dwelling units would be required to be elevated to satisfy the minimum flood construction level. Although not directly related to the requested minimum frontage relaxation, the Board should be aware that approving the frontage relaxation would create a parcel with a limited vertical building envelope. The minimum flood construction elevation for the proposed parcels would be addressed through a subsequent Hazard Lands Development Permit.

Inter-governmental Implications

The Ministry of Transportation and Infrastructure has indicated that they have no concerns with respect to access. As of the date of this report a Preliminary Layout Approval has not been issued for the proposed subdivision.

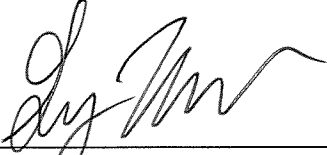
SUMMARY/CONCLUSIONS

The proposed two lot subdivision includes a request to relax the minimum 10% frontage requirement for Lot A. Despite the reduced frontage, the proposed panhandle width of 6.1 metres will provide sufficient access and the proposed lot area will be able to accommodate the permitted residential uses. The applicant has agreed to register a Section 219 Covenant restricting further subdivision of proposed Lot A to address concerns from adjacent property owners and ensure that the proposal satisfies Bylaw No. 500, 1987 minimum panhandle width requirements. Ministry staff indicated that they have no concerns with the request to relax the frontage of proposed Lot A from the required 28.7 metres to 6.13 metres.

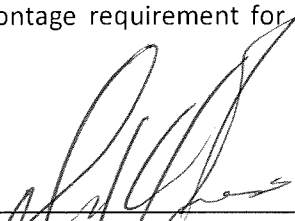
Therefore, staff recommends approval of the relaxation of the minimum 10% perimeter frontage for proposed Lot A.

RECOMMENDATION


That the request to relax the minimum 10% perimeter frontage requirement for proposed Lot A be approved.



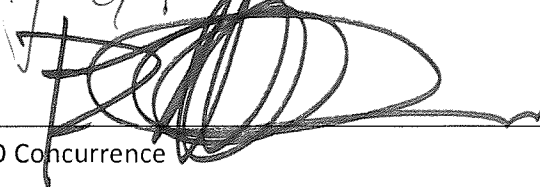
Report Writer



General Manager Concurrence

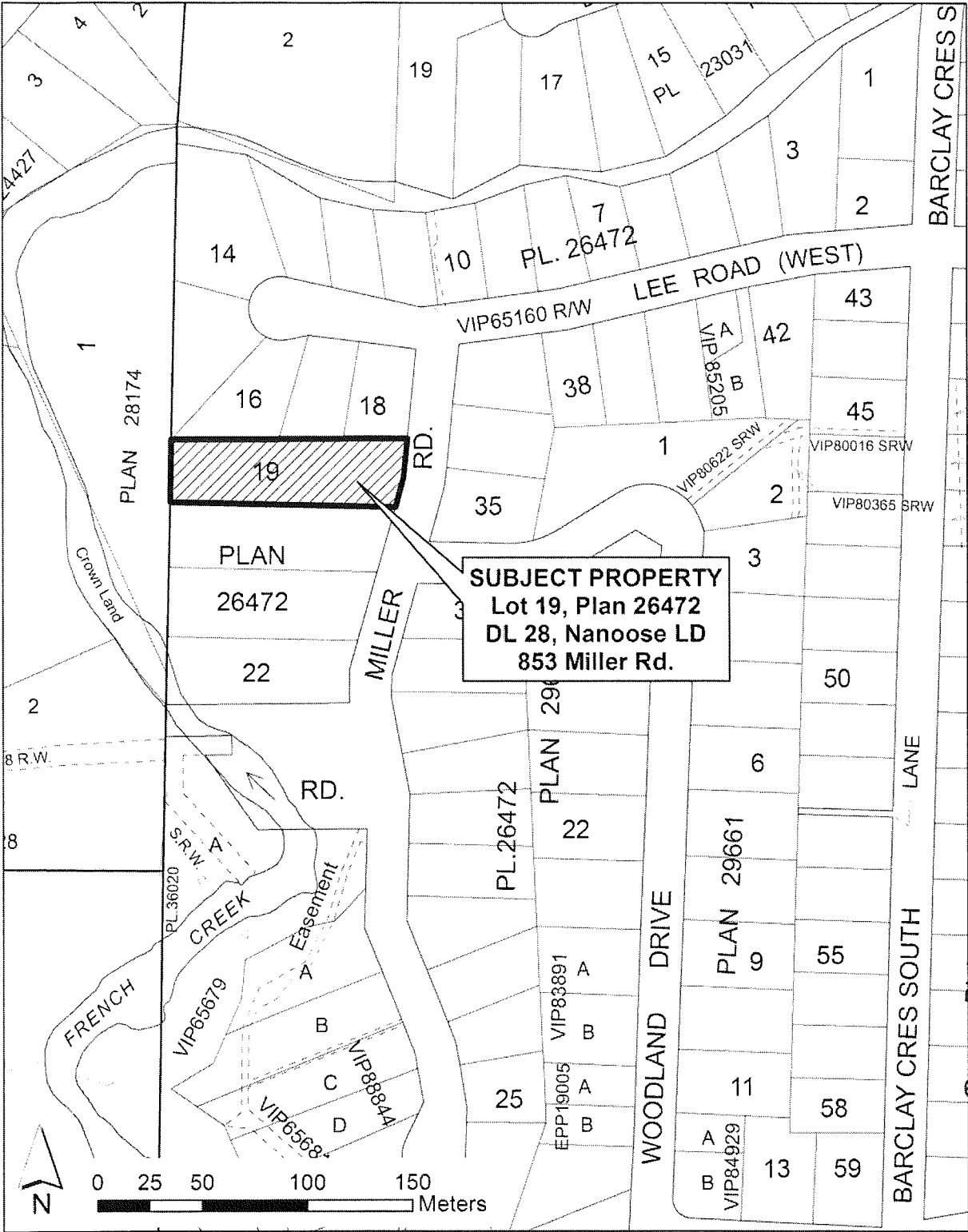


Manager Concurrence



CAO Concurrence

Attachment 1
Location of Subject Property



BCGS MAPSHEET: 92F.039.1.3

Attachment 2 Plan of Proposed Subdivision

