

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA PLANNING COMMITTEE

TUESDAY, SEPTEMBER 9, 2014

6:30 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

2-6 Minutes of the regular Electoral Area Planning Committee meeting held Tuesday, July 8, 2014.

BUSINESS ARISING FROM THE MINUTES

DEVELOPMENT PERMITS

7-12 Development Permit Application No. PL2014-084 – Shephard – 853 Miller Road, Electoral Area ‘G’.

13-18 Development Permit Application No. PL2014-075 – 0873123 BC Ltd. – Forgotten Drive, Electoral Area ‘G’.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

19-26 Development Variance Permit Application No. PL2014-091 – Molnar/Pope – 3031 Park Place, Electoral Area ‘E’.

27-31 Development Variance Permit Application No. PL2014-024 – Ball – Lot 7, Block 359, Newcastle District, Plan VIP64696 – Electoral Area ‘F’.

OTHER

32-35 Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement – Subdivision Application No. PL2014-053 – Sylvia and Terry Birkholz – 2881 Ashcraft Road, Electoral Area ‘E’.

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, JULY 8, 2014 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 J. Stanhope	Electoral Area G
Director B. Veenhof	Electoral Area H

Also in Attendance:

P. Thorkelsson	Chief Administrative Officer
J. Harrison	Director of Corporate Services
D. Trudeau	Gen. Mgr. Transportation & Solid Waste
T. Armet	Mgr. Building, Bylaw & Emergency Planning Services
J. Holm	Mgr. Current Planning
J. Hill	Mgr. Administrative Services
C. Golding	Recording Secretary

CALL TO ORDER

The Chairperson called the meeting to order.

ELECTORAL AREA PLANNING COMMITTEE MINUTES

Minutes of the regular Electoral Area Planning Committee meeting held Tuesday, June 10, 2014.

MOVED Director Stanhope, SECONDED Director Young, that the minutes of the Electoral Area Planning Committee meeting held Tuesday, June 10, 2014, be adopted.

CARRIED

COMMUNICATION/CORRESPONDENCE

Dan Cullon, re Zoning Amendment Application No. PL2014-028 – Bylaw 500.393 – Steve Atkinson/Steed – 3119 Jameson Road, Electoral Area ‘C’.

MOVED Director Stanhope, SECONDED Director Fell, that the correspondence from Dan Cullon, regarding Zoning Amendment Application No. PL2014-028 – Bylaw 500.393 – Steve Atkinson/Steed – 3119 Jameson Road, Electoral Area ‘C’, be received.

CARRIED

Rob Williams, French Creek Residents’ Association, re Zoning Amendment Application No. PL2014-034 – Bylaw No. 500.394 – Fern Road Consulting Ltd. – 1032 Lowry’s Road, Electoral Area ‘G’.

MOVED Director Stanhope, SECONDED Director Fell, that the correspondence from Rob Williams, French Creek Residents’ Association, regarding Zoning Amendment Application No. PL2014-034 – Bylaw No. 500.394 – Fern Road Consulting Ltd. – 1032 Lowry’s Road, Electoral Area ‘G’, be received.

CARRIED

DEVELOPMENT PERMITS

Development Permit Application No. PL2014-039 – Robinson/Bauer – 1559 Stone Lake Drive, Electoral Area ‘E’.

MOVED Director Stanhope, SECONDED Director McPherson, that Development Permit Application No. PL2014-039 to address the construction of a stepped retaining wall and associated remediation works within the Watercourse Protection Development Permit Area be approved subject to the conditions outlined in Attachments 2 to 4.

CARRIED

Development Permit Application No. PL2014-048 – Barry O’Neill – 1965 Walsh Road, Electoral Area ‘A’.

MOVED Director McPherson, SECONDED Director Young, that Development Permit Application No. PL2014-048 to permit a proposed subdivision in the Nanaimo River Floodplain and the Watercourse and Fish Habitat Protection Development Permit Areas be approved subject to the conditions outlined in Attachments 2 and 3.

CARRIED

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

Development Permit with Variance Application No. PL2014-022 – Herold Engineering Ltd. – 1475 Island Highway East, Electoral Area ‘E’.

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

CARRIED

MOVED Director Stanhope, SECONDED Director McPherson, that Development Permit with Variance Application No. PL2014-022 to permit a proposed industrial building addition and related site improvements be approved subject to the conditions outlined in Attachments 2 to 5.

CARRIED

Development Permit with Variance Application No. PL2014-040 – Fern Road Consulting Ltd. – Flamingo Drive, Electoral Area ‘G’.

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

CARRIED

MOVED Director Stanhope, SECONDED Director Fell, that Development Permit with Variance Application No. PL2014-040 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. PL2014-061 – Sepos / Fern Road Consulting Ltd. – 1070 Price Road, Electoral Area ‘F’.

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

CARRIED

MOVED Director Fell, SECONDED Director McPherson, that Development Permit with Variance Application No. PL2014-061 be approved subject to the conditions outlined in Attachments 2 and 3.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. PL2014-052 DeClark – 2181 Addison Way, 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 Variance Permit Application No. PL2014-052 to reduce the minimum setback requirement from the eastern lot line from 8.0 metres to 3.7 metres be approved subject to the conditions outlined in Attachments 2 to 3.

CARRIED

Development Variance Permit Application No. PL2014-055 – J.E. Anderson & Associates – 1634 Brunt Road, 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 Variance Permit No. PL2014-055 to legalize the siting of an existing dwelling unit, deck, stairs and two concrete walls be approved subject to the conditions outlined in Attachments 2 to 5.

CARRIED

ZONING AMENDMENT APPLICATION

Zoning Amendment Application No. PL2014-028 – Bylaw No. 500.393 – Steve Atkinson/Steed – 3119 Jameson Road, Electoral Area ‘C’.

MOVED Director Young, SECONDED Director Stanhope that late delegations be permitted to address the Committee.

CARRIED

Mr. Atkinson spoke in support of the zoning amendment process in regard to Zoning Amendment Application No. PL2014-028 – Bylaw No. 500.393 and requested that the Regional District of Nanaimo not attach the proposed conditions as outlined in the report to this application.

MOVED Director Young, SECONDED Director Stanhope, that the Summary of the Public Information Meeting held on June 11, 2014, be received.

CARRIED

MOVED Director Young, SECONDED Director Stanhope, that the conditions set out in Attachment 2 of the staff report be completed prior to Bylaw No. 500.393 being considered for adoption.

CARRIED

MOVED Director Young, SECONDED Director Stanhope, that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.393, 2014", be introduced and read two times.

CARRIED

MOVED Director Young, SECONDED Director Stanhope, that the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.393, 2014", be chaired by Director Young or her alternate.

CARRIED

Zoning Amendment Application No. PL2014-034 – Bylaw No. 500.394 – Fern Road Consulting Ltd. – 1032 Lowry’s Road, Electoral Area ‘G’.

MOVED Director Stanhope, SECONDED Director Veenhof, that the Summary of the Public Information Meeting held on June 25, 2014, be received.

CARRIED

MOVED Director Stanhope, SECONDED Director Veenhof, that the conditions set out in Attachment 2 of the staff report be completed prior to Amendment Bylaw No. 500.394 being considered for adoption.

CARRIED

MOVED Director Stanhope, SECONDED Director Veenhof, that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.394, 2014", be introduced and read two times.

CARRIED

MOVED Director Stanhope, SECONDED Director Veenhof, that the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.394, 2014", be chaired by Director Stanhope or his alternate.

CARRIED

MOVED Director Stanhope, SECONDED Director Veenhof, that the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.394, 2014", be scheduled following written confirmation from EPCOR that it can provide sufficient water to service the proposed development.

CARRIED

MOVED Director Stanhope, SECONDED Director Veenhof, that the applicant provide a concept design of a fence, landscaping and tree retention, where feasible, along the rear lot line of the lot proposed to back onto Lowry's Road and the re-named Robertson Boulevard prior to staff scheduling a Public Hearing.

CARRIED

Zoning Amendment Application No. PL2013-062 – Bylaw No. 500.392 - Keith Brown Associates Ltd. - 1868 Fielding Road, Electoral Area 'A'.

MOVED Director McPherson, SECONDED Director Young, that the Summary of the Public Information Meeting held on April 28, 2014, be received.

CARRIED

MOVED Director McPherson, SECONDED Director Young, that the conditions set out in Attachment 2 of the staff report be completed prior to Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.392, 2014, being considered for adoption.

CARRIED

MOVED Director McPherson, SECONDED Director Young, that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.392, 2014", be introduced and read two times.

CARRIED

MOVED Director McPherson, SECONDED Director Young, that the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.392, 2014", be chaired by Director McPherson or his alternate.

CARRIED

ADJOURNMENT

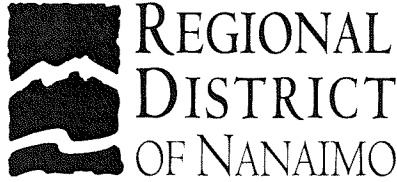
MOVED Director Veenhof, SECONDED Director Young, that this meeting terminate.

CARRIED

TIME: 6:56 PM

CHAIRPERSON

CORPORATE OFFICER



RDN REPORT	
CAO APPROVAL	
EAP	✓
CGW	
AUG 29 2014	
RHD	
BOARD	

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: August 29, 2014

FROM: Robert Stover
Planning Technician

FILE: PL2014-084

SUBJECT: Development Permit Application No. PL2014-084 – Shepheard
Lot 19, District Lot 28, Nanoose District, Plan 26472 – 853 Miller Road
Electoral Area ‘G’

PURPOSE

To consider an application for a Development Permit in conjunction with Subdivision Application No. PL2011-186.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Gary and Arlene Shepheard for a Development Permit in conjunction with Subdivision Application No. PL2011-186. The subject property is approximately 3,462 m² in area and is zoned Residential 1 (RS1) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (see Attachment 1 for location of subject property).

The subject property contains a dwelling unit with two accessory buildings, and is bordered by Miller Road to the east, French Creek to the west, and developed residential lots to the north and south.

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

1. Hazard Lands; and,
2. Environmentally Sensitive Features for Aquifer Protection.

Proposed Development

The applicants propose to subdivide the subject property into two parcels (see Attachment 3 proposed subdivision plan), both of which will be serviced with community water and sewer. Proposed Lot A will be 2,515 m² in area (excluding the panhandle), and proposed Lot B will be 757 m² in area. Subdivision of the subject property requires a Development Permit to address the Hazard Lands and Environmentally Sensitive Features (Aquifer Protection) DPA guidelines.

ALTERNATIVES

1. To approve the Development Permit No. PL2014-084 subject to the conditions outlined in Attachments 2 and 3.
2. To deny the Development Permit No. PL2014-084.

LAND USE IMPLICATIONS

Development Implications

The applicants have provided a Geotechnical Hazard Assessment, prepared by Lewkowich Engineering Associates Ltd. dated August 7, 2014, to satisfy the Hazard Lands DPA guidelines. The report assesses the flood risk for the proposed lots which are located adjacent to French Creek, and recommends a flood construction level (FCL) of 12.5 m geodetic for future residential construction on the lands. The report is prepared in accordance with the guidelines for flood assessment outlined by the Association of Professional Engineers and Geoscientists of British Columbia (APEGBC), concludes that the site is considered safe for the intended use (residential development) and development of the site will not result in detrimental impacts to the subject property or surrounding properties provided the recommendations of the report are followed.

Staff recommend that the applicant be required to register a Section 219 restrictive covenant that registers the Geotechnical Hazard Assessment and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of potential flood hazard. As an FCL for future residential construction on the lands has been established in the Geotechnical Hazard Assessment report, this development permit will also address future construction on the lots provided the recommendations of the Hazard Assessment Report are followed. Future construction on the lots will require a building permit, and will be subject to the provisions of "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006" (Floodplain Bylaw).

The applicants have also provided a Hydrogeology Impact Review report prepared by GW Solutions Inc. dated June 19, 2014 to satisfy the Environmentally Sensitive Features Aquifer Protection DPA guidelines. This report assesses the potential for impacts on the aquifer that could result from subdivision and further development of the subject property, and makes recommendations for measures to mitigate impacts on the aquifer. These measures involve the preparation of a rain water management plan that includes best practices for enhancing rain water storage, infiltration, directing site layout, grading and structure design. The report suggests that the following Best Management Practices would be effective on the subject property:

- Structural footings that do not penetrate the water table at any time of year;
- Disconnected roof leaders, discharging to a rain garden;
- Pervious driveway with crown;
- Vegetated landscaping swales (lawn or garden allowing temporal impounding);
- Importing thick organic soils; and,
- Buffer strip allowing infiltration at edge of property (swale shape).

Staff recommend that the applicant be required to register a separate Section 219 covenant that registers the Hydrogeological Impact Review report on the property title and includes a clause requiring the development and implementation of a rain water management plan prior to the construction of a dwelling unit on proposed Lot B.

Strategic Plan Implications

Staff have reviewed the proposed development in relation to the 2013 – 2015 Board Strategic Plan, and note that the proposed subdivision will increase density within an area serviced by existing community water and sewer, which promotes self-sufficiency through more efficient use of existing infrastructure. Additionally, the proposal will result in safe development in a manner which promotes more resilient communities.

SUMMARY/CONCLUSIONS

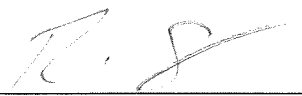
This is an application for a Development Permit to facilitate subdivision of the subject property into two parcels within the Hazard Lands and Environmentally Sensitive Features Aquifer Protection development permit areas. This Development Permit also addresses future construction on the lands. The applicants have provided a Geotechnical Hazard Assessment, prepared by Lewkowich Engineering Associates Ltd. dated August 7, 2014, to satisfy the Hazard Lands DPA guidelines. The report concludes that the site is safe for the intended use, provided the recommendations of the report are followed. The report also recommends an FCL of 12.5m geodetic for future construction on proposed Lots A and B. Staff recommend that the applicant be required to register a Section 219 restrictive covenant that registers the Geotechnical Hazard Assessment and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of potential flood hazard.

The applicants have also provided Hydrogeology Impact Review report prepared by GW Solutions Inc. dated June 19, 2014 to satisfy the Environmentally Sensitive Features Aquifer Protection DPA guidelines. This report makes recommendations for measures to mitigate impacts on the aquifer, and concludes that the proposed subdivision will not negatively impact the aquifer if the recommended measures are implemented. Staff recommend that the applicant be required to register a Section 219 covenant that registers the Hydrogeological Impact Review report on the property title and includes a clause requiring the development to be in accordance with the recommendations of the report including the implementation of a rain water management plan prior to the construction of a dwelling unit on proposed Lot B.


As the applicants have addressed the DP guidelines, staff recommend the Board approve Development Permit No. PL2014-084.

RECOMMENDATION

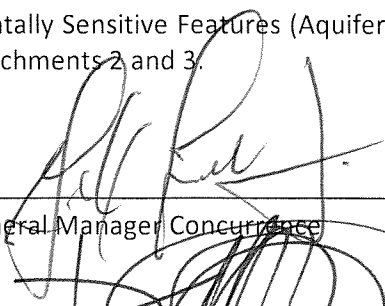
That Development Permit No. PL2014-084 to permit a subdivision and future residential construction on proposed Lots A and B in the Hazard Lands and Environmentally Sensitive Features (Aquifer Protection) DPA's be approved subject to the conditions outlined in Attachments 2 and 3.



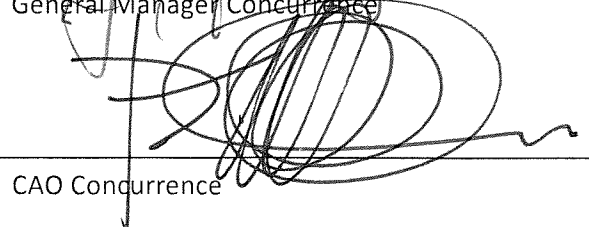
Report Writer



Manager Concurrence

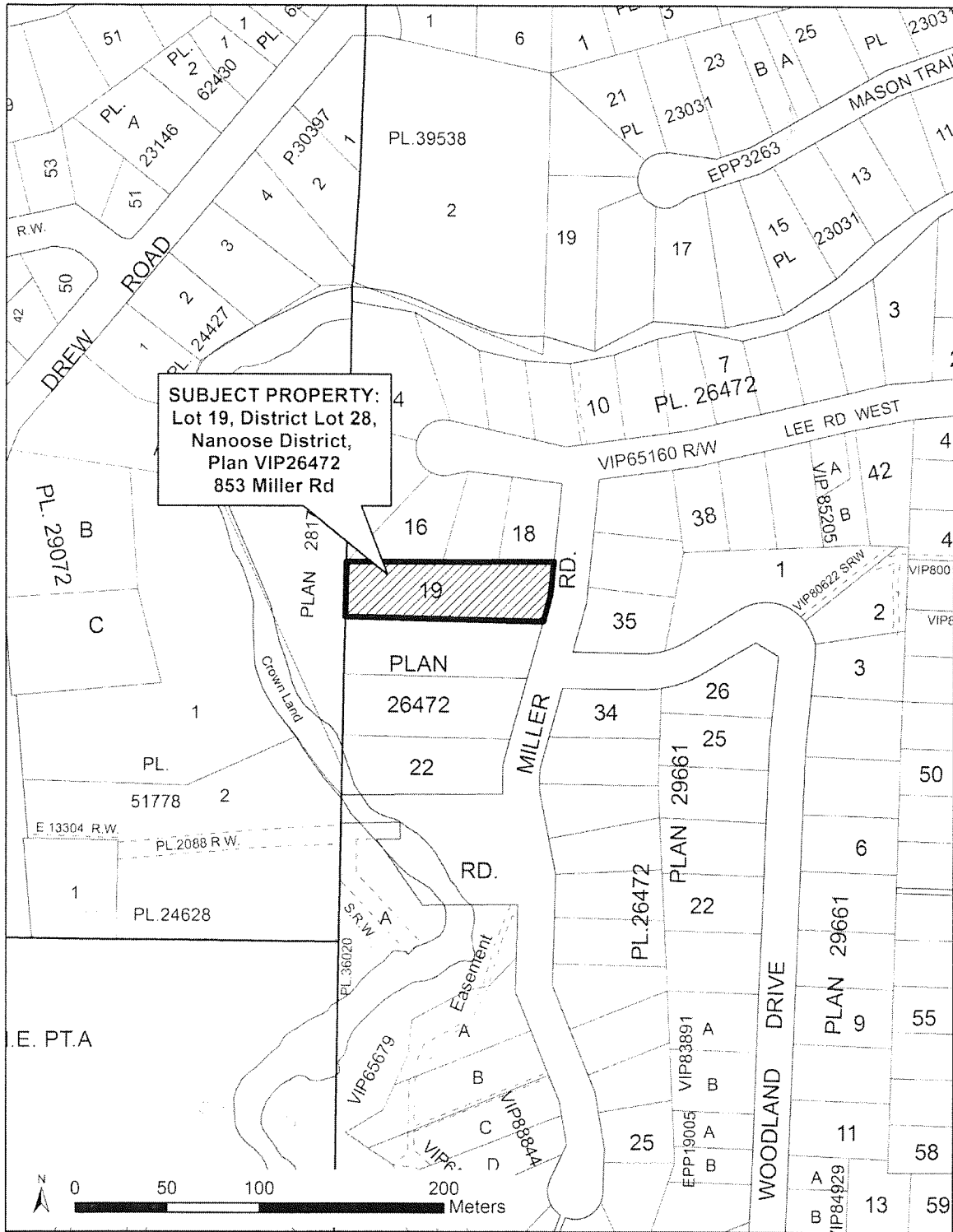


General Manager Concurrence



CAO Concurrence

Attachment 1
Subject Property Map



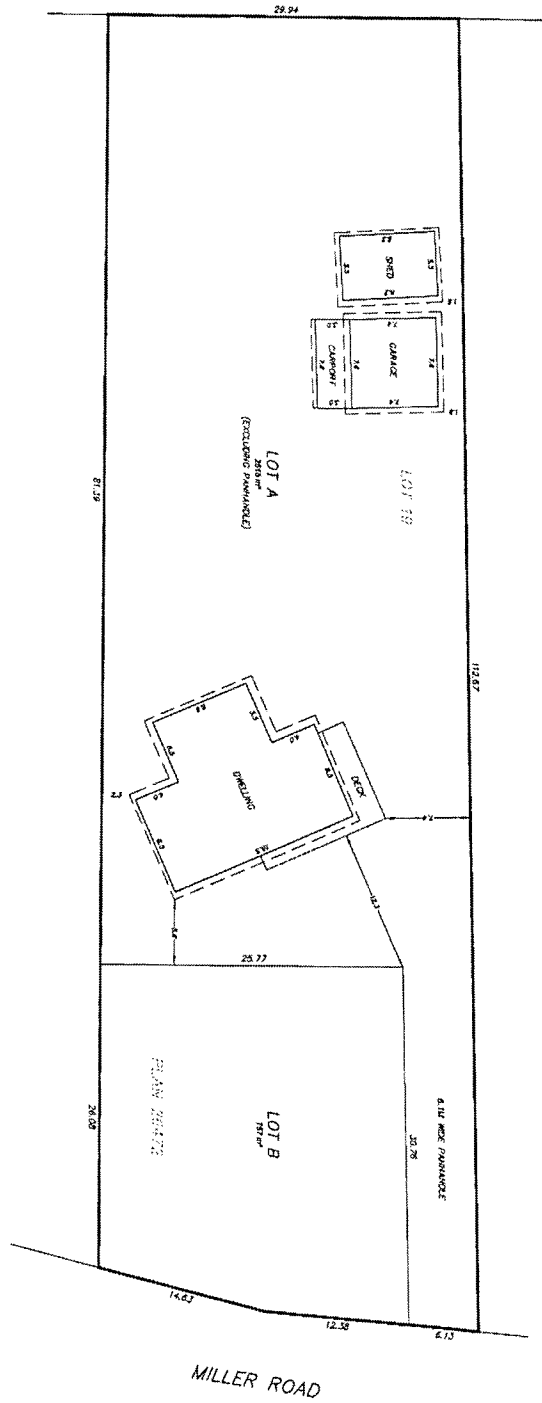
**Attachment 2
Terms and Conditions**

The following sets out the terms and conditions of Development Permit No. PL2014-084:

Conditions of Approval

1. The site be developed in accordance with the Proposed Subdivision Plan prepared by Sims Associates dated September 13, 2013, and attached as Attachment 3.
2. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 restrictive covenant containing the Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd. dated August 7, 2014, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential flood hazard.
3. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 covenant containing the Hydrogeology Impact Review prepared by GW Solutions Inc. dated June 19, 2014, and includes a clause that requires the development of a rain water management plan prior to construction on proposed Lot B.
4. Future construction on proposed Lots A and B shall be completed in substantial compliance with the recommendations of the Geotechnical Hazard Assessment, prepared by Lewkowich Engineering Associates Ltd. dated August 7, 2014.
5. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

Attachment 3 Proposed Subdivision Plan





RDN REPORT	
CAO APPROVAL	
EAP	
COW	/
AUG 29 2014	
RHD	
BOARD	

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: August 22, 2014

FROM: Robert Stover
Planning Technician

FILE: PL2014-075

SUBJECT: Development Permit Application No. PL2014-075 – 0873123 BC Ltd.
Lot 50, District Lot 1, Nanoose District, Plan 30958 – Forgotten Drive
Electoral Area ‘G’

PURPOSE

To consider an application for a Development Permit to permit the construction of a dwelling unit on the subject property within the Hazard Lands Development Permit Area.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from JE Anderson and Associates Ltd. on behalf of 0873123 BC Ltd. in order to permit the construction of a dwelling unit. The subject property is approximately 0.17 ha in area and is zoned Residential 1 (RS1) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (see Attachment 1 for location of subject property). The parcel is currently vacant, and is surrounded by residential parcels to the north, south, and west; Forgotten Drive lies to the east.

The property is located within the Englishman River floodplain, and is subject to “Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006” (Floodplain Bylaw). The proposed development is also subject to the Hazard Lands Development Permit Area (DPA) as per “Electoral Area ‘G’ Official Community Plan Bylaw 1540, 2008” (OCP). Therefore, a development permit is required for construction of the dwelling.

Proposed Development

The applicant is requesting a Development Permit to facilitate the construction of a dwelling unit on the subject property within the Hazard Lands DPA. The house is proposed to be serviced with community water and on-site septic disposal, and will meet the height and setback provisions of the RS1 Zone.

ALTERNATIVES

1. To approve the Development Permit No. PL2014-075 subject to the conditions outlined in Attachments 2 and 3.
2. To deny the Development Permit No. PL2014-075.

LAND USE IMPLICATIONS

Development Implications

In order to address the Hazard Lands DPA guidelines, and assess the potential flood risk posed by the Englishman River, the applicant has provided a Floodplain Hazard Assessment prepared by Lewkowich Engineering Associates Ltd. dated May 20, 2014. The report recommends a flood construction level (FCL) of 4.4 metres Geodetic Survey of Canada (GSC) in accordance with professional practice guidelines established by the Association of Professional Engineers and Geoscientists of BC (APEGBC). The recommended FCL is also consistent with the requirements of the RDN Floodplain Bylaw.

The underside of the floor system for the proposed house will achieve the 4.4 metre FCL through use of a raised crawlspace. The Floodplain Hazard Assessment concludes that the site is considered safe and suitable for the proposed development and that the proposed development will not result in a detrimental impact on the subject property, adjoining properties, or the environment provided the recommendations in the report are followed. In accordance with the Hazard Lands DPA guidelines, staff recommend that the applicant be required to register a Section 219 covenant that registers the Floodplain Hazard Assessment prepared by Lewkowich Engineering Associates Ltd., and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of potential flood hazard. Development of the property in accordance with the recommendations of this report is included in the Terms and Conditions of Approval set out in Attachment 2.

Strategic Plan Implications

Staff have reviewed the application and note that the proposal will result in development in a safe manner which promotes more resilient communities in accordance with the 2013-2015 Board Strategic Plan.

SUMMARY/CONCLUSIONS

This is an application for a Development Permit to facilitate the construction of a dwelling unit within the Hazard Lands DPA. The applicant has supplied a Floodplain Hazard Assessment prepared by Lewkowich Engineering Associates Ltd. dated May 20, 2014 that recommends an FCL of 4.4 metres GSC. The recommended FCL meets the minimum requirements of the Floodplain Bylaw, and the conclusions of the report satisfy the requirements of the Hazard Lands DP guidelines. Staff recommend registration of a Section 219 covenant, at the applicant's expense, that registers the Floodplain Hazards Assessment and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of potential flood hazard.

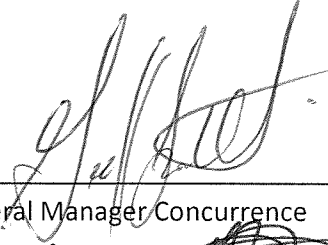
Given that the DPA guidelines have been met, and the proposal meets the requirements of the Floodplain Bylaw, staff recommend that the Board approve Development Permit No. PL2014-075 subject to the terms and conditions outlined in Attachments 2 and 3.

RECOMMENDATION

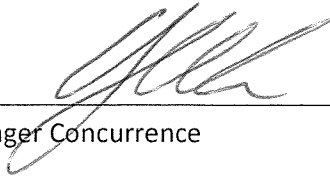
That Development Permit No. PL2014-075 to permit the construction of a dwelling unit within the Hazard Lands Development Permit Area be approved subject to the conditions outlined in Attachments 2 and 3.



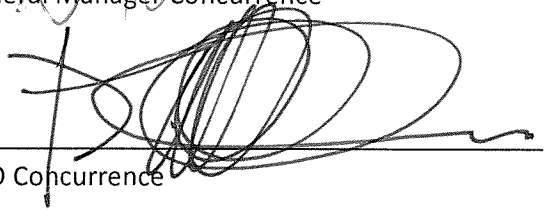
Report Writer



General Manager Concurrence

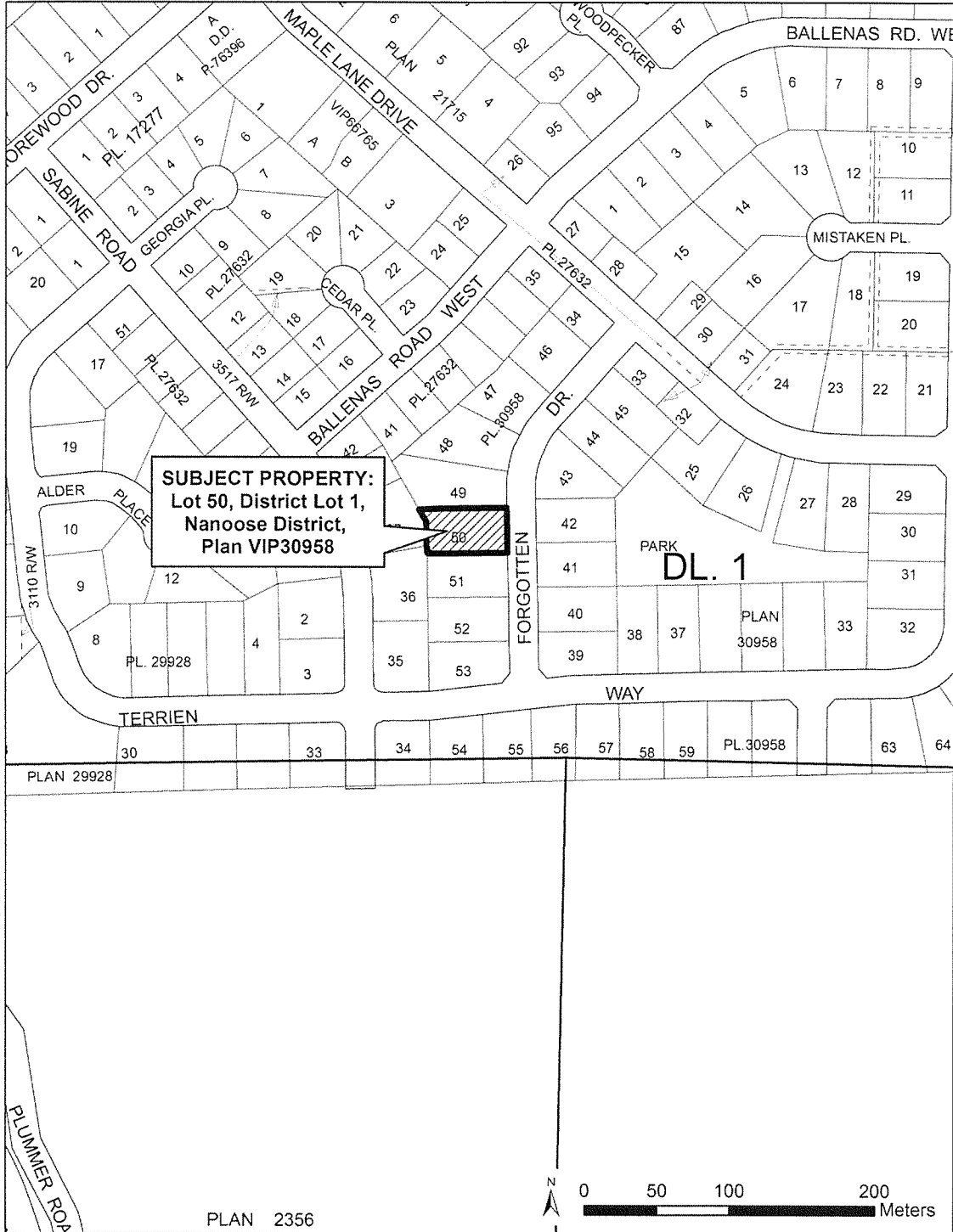


Manager Concurrence



CAO Concurrence

Attachment 1
Subject Property Map



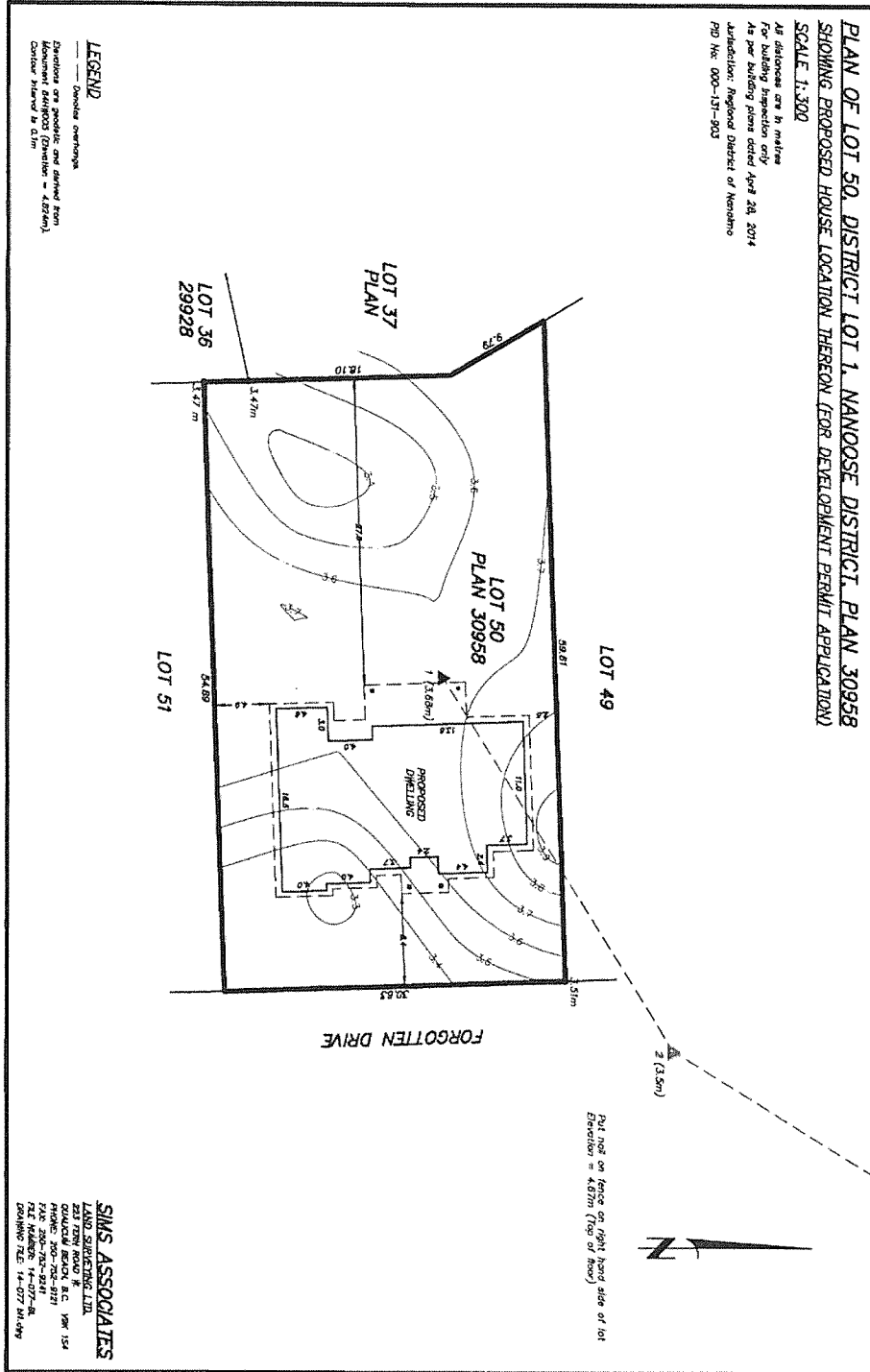
Attachment 2 Terms and Conditions

The following sets out the terms and conditions of Development Permit No. PL2014-075:

Conditions of Approval

1. The site be developed in accordance with the Site Plan prepared by Sims & Associates Ltd. dated April 28, 2014.
2. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.
3. The property shall be developed in accordance with the recommendations of the Floodplain Assessment Report prepared by Lewkowich Engineering Associates Ltd. dated May 20, 2014.
4. Staff shall withhold issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 restrictive covenant containing the Floodplain Assessment Report prepared by Lewkowich Engineering Associates Ltd. dated May 20, 2014, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential flood hazard.

Attachment 3
Site Plan





RDN REPORT	
CAC APPROVAL	
EAP	<input checked="" type="checkbox"/>
COW	<input type="checkbox"/>
SEP 02 2014	
RHD	<input type="checkbox"/>
BOARD	<input type="checkbox"/>

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: August 27, 2014

FROM: Tyler J. Brown, Planner

FILE: PL2014-091

SUBJECT: Development Variance Permit Application No. PL2014-091 – Molnar/Pope
Lot 21, District Lot 78, Nanoose District, Plan 14212 – 3031 Park Place
Electoral Area 'E'

PURPOSE

To consider an application for a Development Variance Permit to allow the construction of a dwelling unit on an existing foundation.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Geologic Design on behalf of Violet Molnar and Terry Pope in order to permit the construction of a dwelling unit on an existing foundation on the subject property. The subject property is approximately 0.13 hectares in area and is zoned Residential 1 (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachment 1 for location of the subject property). The subject property currently contains an existing foundation leftover from the demolition of a previous dwelling unit (see Attachment 4 – Site Plan). Residential 1 zoned properties bound the interior side lot lines; the northern lot line borders the Strait of Georgia and access to the property is from Park Place to the south.

Proposed Development and Variances

The applicant has applied for a variance to Section 3.4.61 – Minimum Setback Requirements and Section 3.3 9 b) – Setbacks – Sea from the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". For Electoral Area 'E' on parcels adjacent to or containing a coastal watercourse, the setback from the sea is 15.0 metres horizontal distance from the natural boundary where the slope is less than 30%. A variance of 4.71 metres is being requested to permit the construction of a dwelling unit on an existing foundation (see Attachment 2 – Terms and Conditions and Attachment 3– Proposed Site Plan and Variance). The applicant’s proposal, to build a dwelling unit on an existing foundation, utilizes a cantilever design to provide additional livable area without requiring additional foundation to be constructed or a height variance to be required (see Attachment 4 – Surveyed site plan showing the existing foundation and Attachment 5 – Building Elevations and Renderings).

ALTERNATIVES

1. To approve Development Variance Permit No. PL2014-091 subject to the conditions outlined in Attachments 2 to 5.
2. To deny Development Variance Permit No. PL2014-091.

LAND USE IMPLICATIONS

Development Implications

Staff have reviewed the applicant's variance request to construct a dwelling unit on an existing foundation and note that the proposed structure extends beyond the existing foundation due to the cantilever design. If the development variance application is approved, the property owner will be required to obtain the necessary permits in accordance with Regional District of Nanaimo Building Regulations.

Strategic Plan Implications

Staff have reviewed the application and have not identified any strategic plan implications.

Public Consultation Process

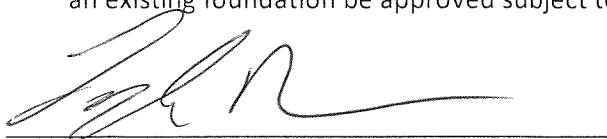
Pending the Committee's recommendation and pursuant to the *Local Government Act* and the "Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005", property owners and tenants of parcels located within a 50 metre radius of the subject property will receive 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

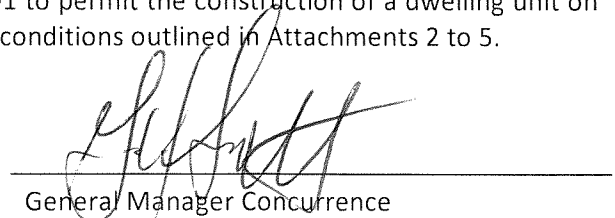
This is an application to consider a Development Variance Permit to construct a dwelling unit on an existing foundation. Given that the requested variance will utilize an existing foundation and no negative development implications are anticipated, staff recommend the Board approve the requested variance, pending the outcome of public notification and subject to the terms and condition outlined in Attachment 2.

RECOMMENDATIONS

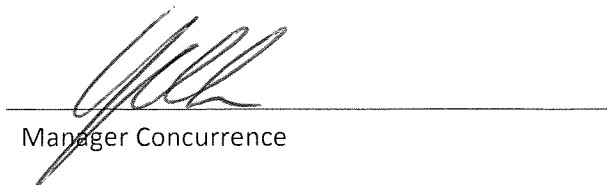
1. That staff be directed to complete the required notification.
2. That Development Variance Permit No. PL2014-091 to permit the construction of a dwelling unit on an existing foundation be approved subject to the conditions outlined in Attachments 2 to 5.



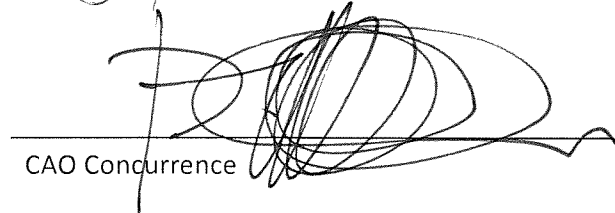
Report Writer



General Manager Concurrence

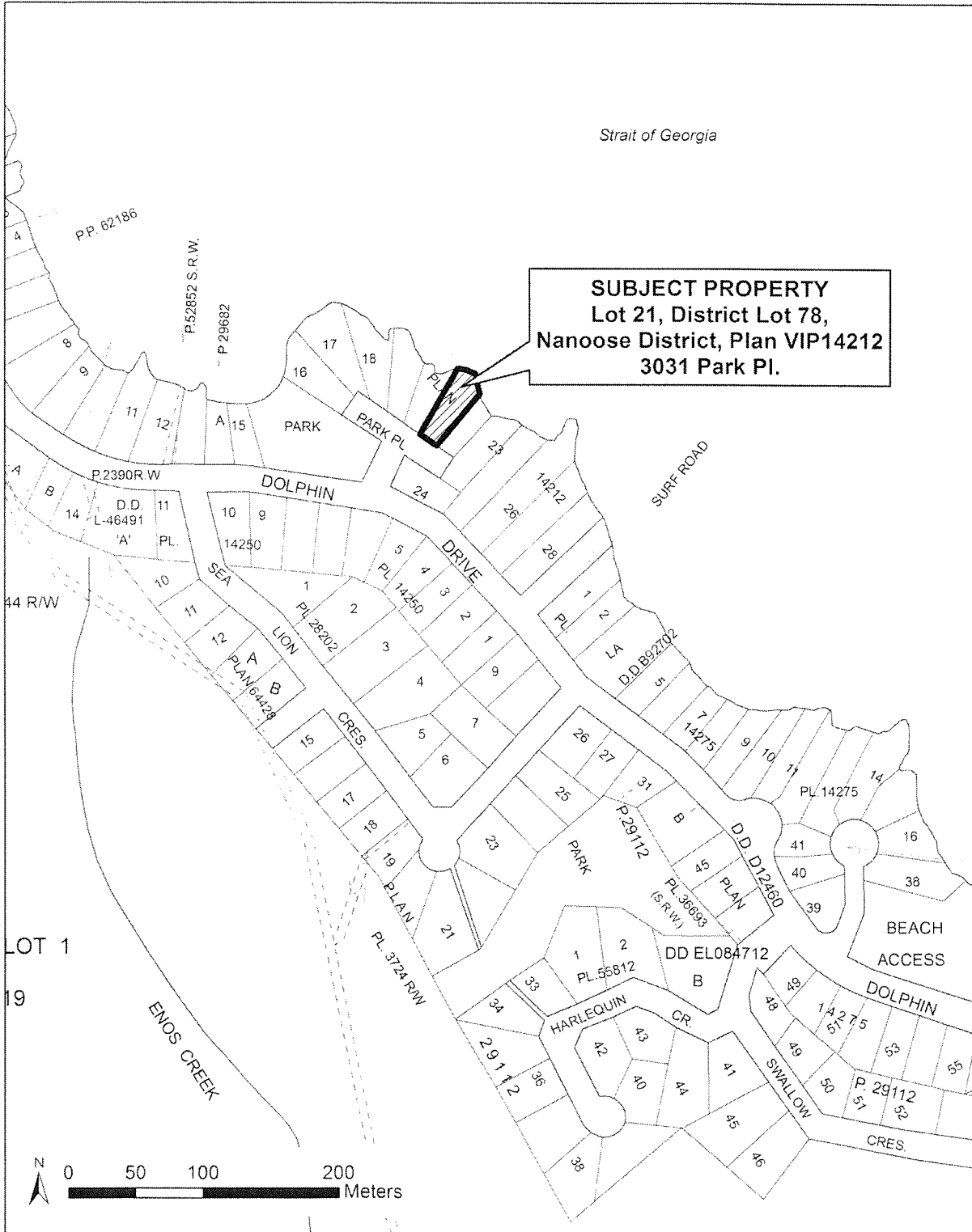


Manager Concurrence



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 No. PL2014-055:

Bylaw No. 500, 1987 Variances:

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

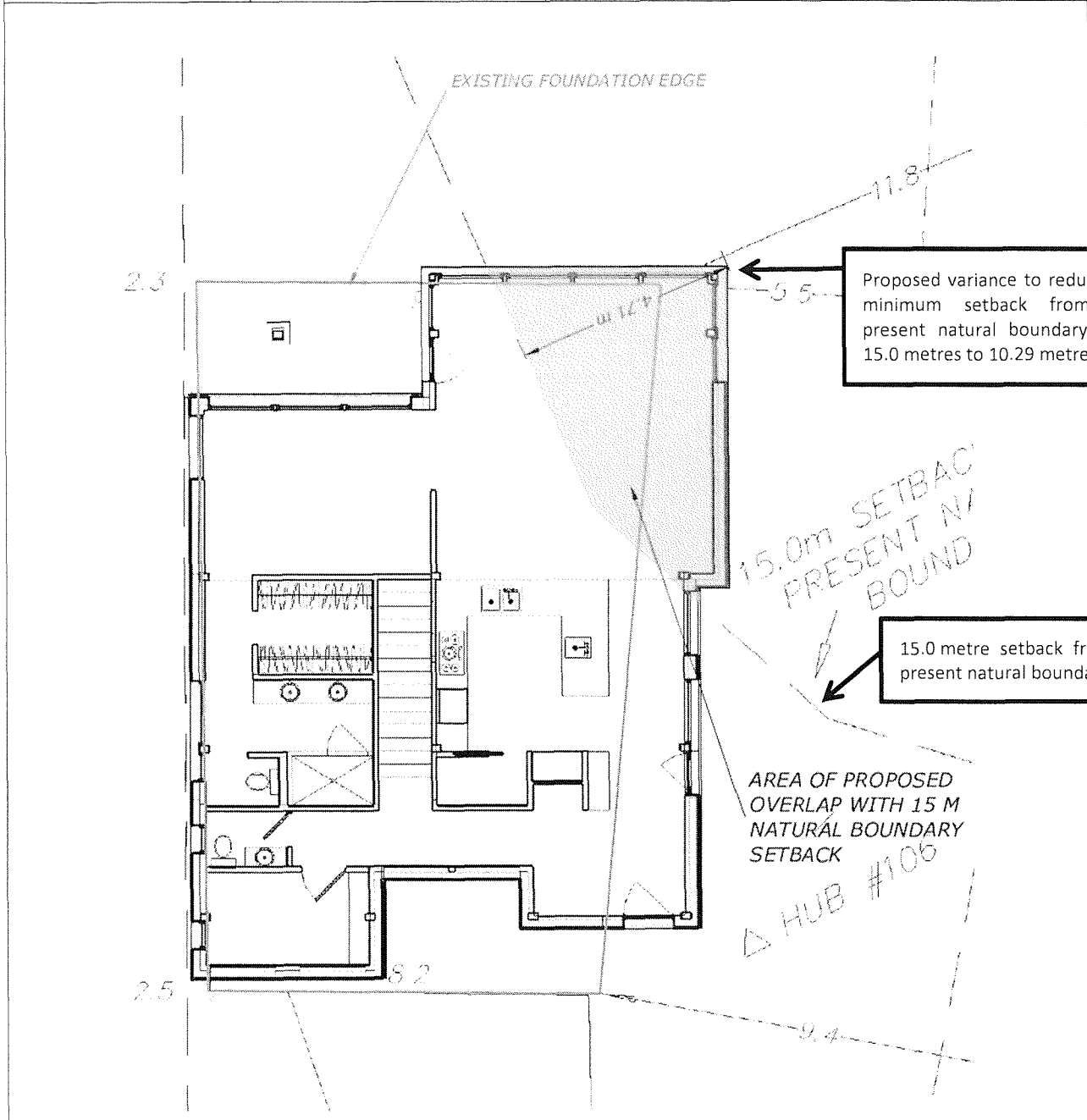
Section 3.3.9 b) – Setbacks – Sea to reduce the minimum setback requirement from 15.0 metres horizontal distance from the natural boundary to 4.71 metres for the construction of a dwelling unit.

Conditions of Approval:

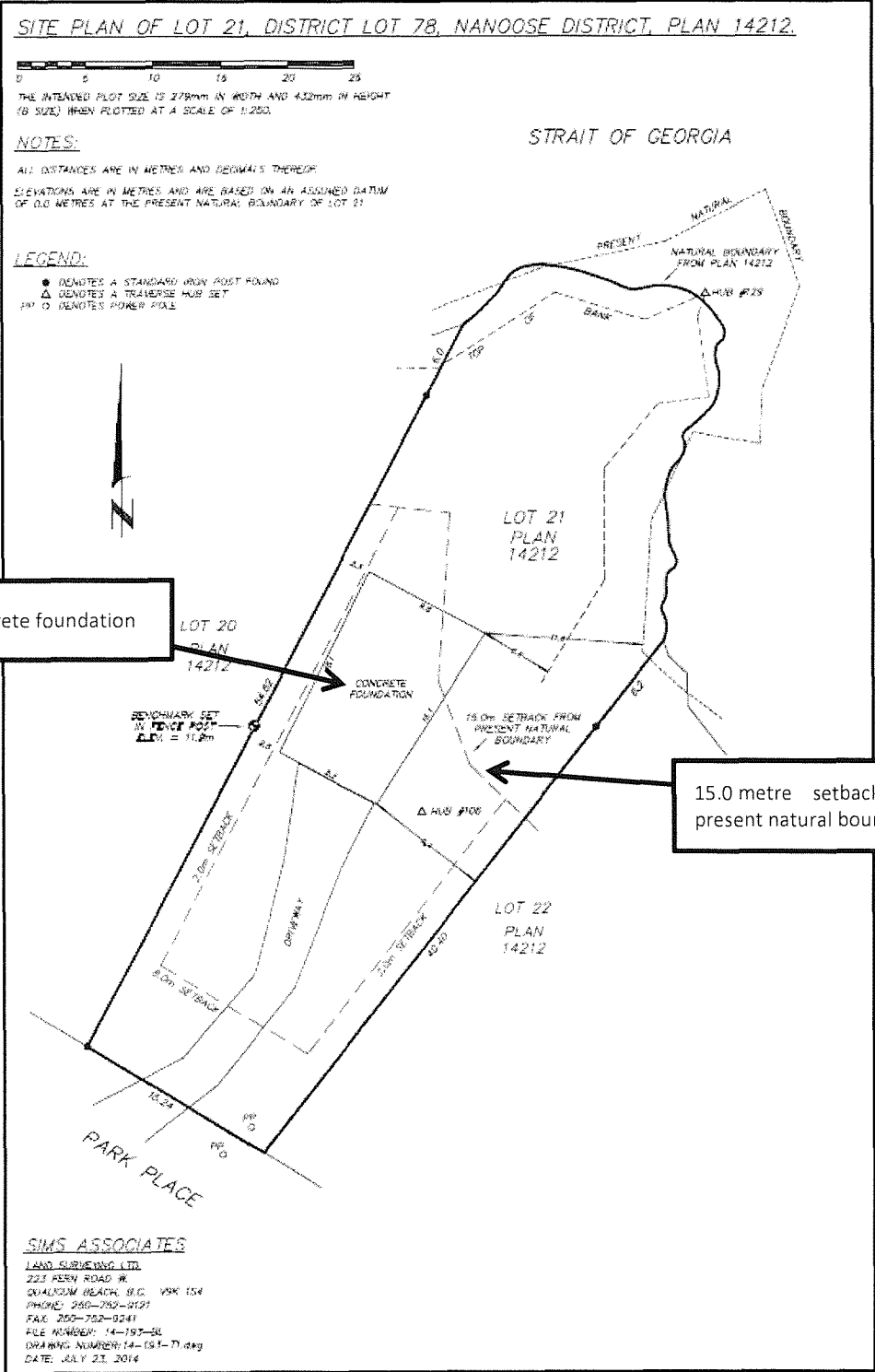
1. The proposed dwelling unit is sited in accordance with the Proposed Site Plan prepared by Geologic Design and dated May August 12, 2014 and attached as Attachment 4.
2. The proposed development is in substantial compliance with the plans and elevations prepared by Geologic Design and dated August 12, 2014 and attached as Attachment 5.
3. The property owner shall obtain the necessary permits in accordance with Regional District of Nanaimo Building Regulations.

Attachment 3
Proposed Variance

Section 3.3.9 – Setbacks – Sea (Setback from the Present Natural Boundary)			
Structure	Required Setback by Bylaw	Proposed Setback	Requested Variance Amount
Proposed Dwelling Unit	15.0 metres	10.29 metres	4.71 metres



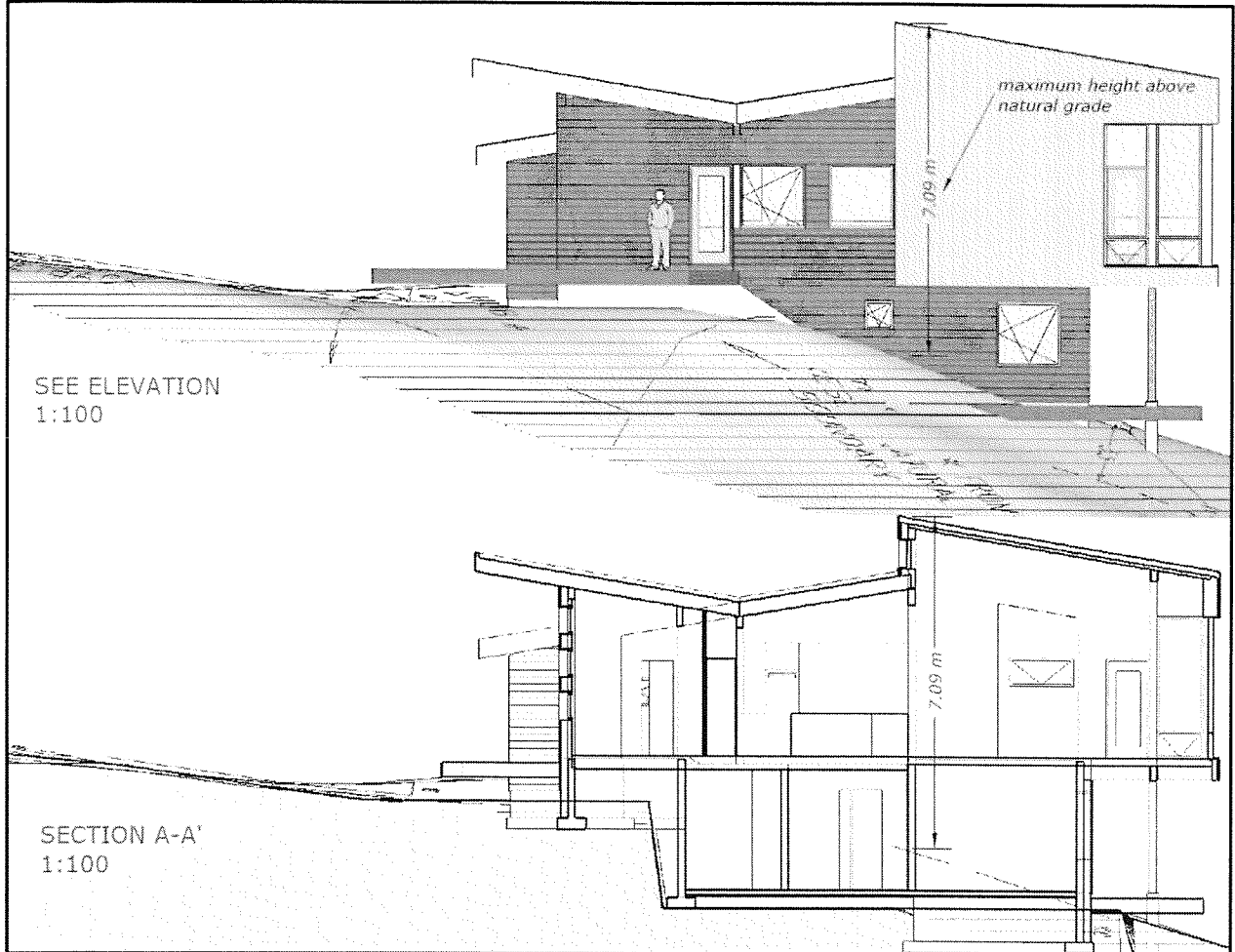
Attachment 4
Surveyed Site Plan



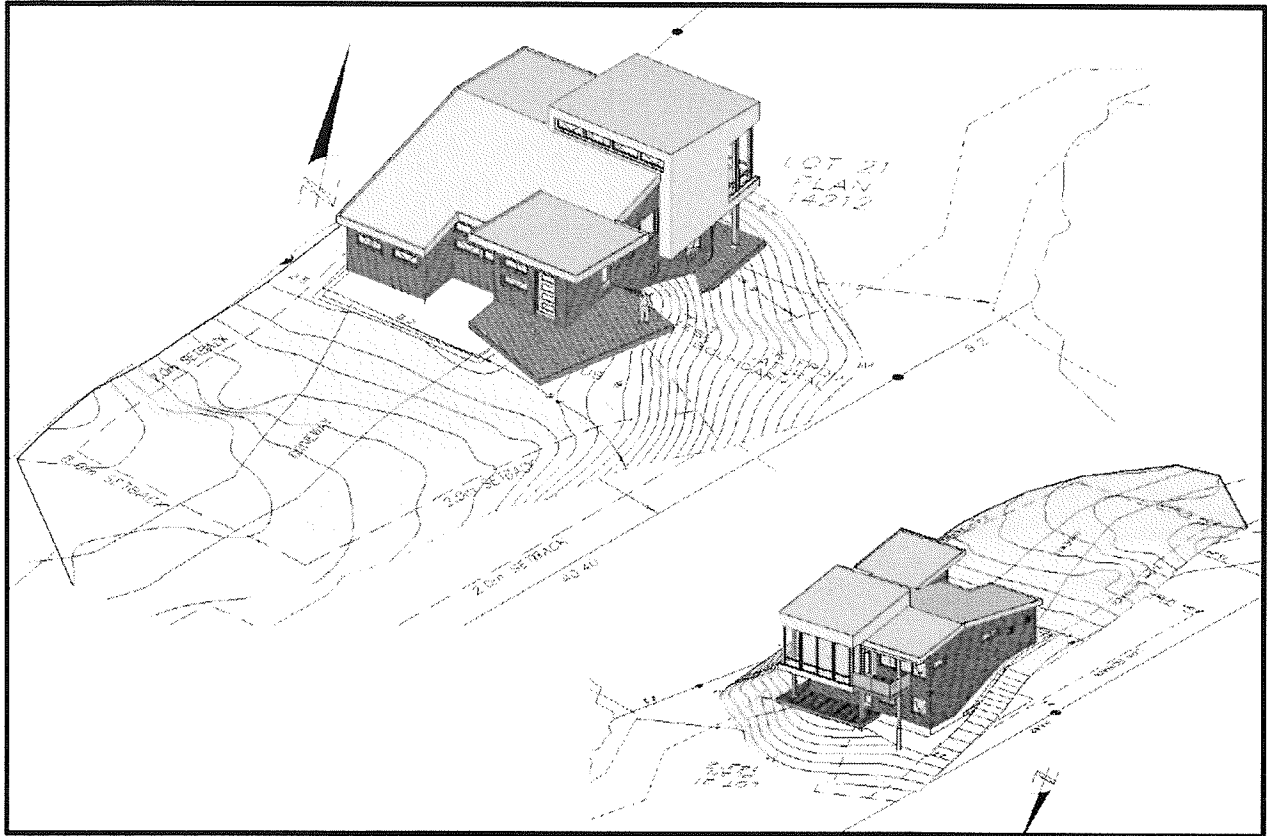
Existing concrete foundation

15.0 metre setback from the present natural boundary

Attachment 5
Building Elevations and Renderings
(page 1 of 2)



Attachment 5
Building Elevations and Renderings
(page 2 of 2)





RDN REPORT		[Handwritten initials]
CAO APPROVAL		
EAP	✓	
COW		
SEP 03 2014		
RHD		
BOARD		

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: August 29, 2014

FROM: Robert Stover
Planning Technician

FILE: PL2014-024

SUBJECT: Development Variance Permit Application No. PL2014-024 – Ball Lot 7, Block 359, Newcastle District, Plan VIP64696 Electoral Area ‘F’

PURPOSE

To consider an application for a Development Variance Permit to reduce the minimum frontage requirement of the subject property in conjunction with Subdivision Application No. PL2014-018.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Gerald and Laura Ball for a variance to reduce the minimum lot frontage requirement in conjunction with a two-lot subdivision. The parent property is approximately 2.75 ha in area and is zoned Rural Residential 2 (R-2) pursuant to “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” (Bylaw No. 1285) (see Attachment 1 for subject property map). The subject property currently contains two dwelling units and accessory buildings, and is surrounded by developed rural residential lots. The lots are proposed to be serviced with individual wells and septic disposal systems.

Proposed Development and Variance

The applicants propose to subdivide the property into two parcels, each containing one dwelling as shown on Attachment 3. The proposed lots satisfy the minimum parcel size requirements of Bylaw No. 1285. Proposed Lot A contains a panhandle driveway access to Corcan Road, while proposed Lot B has access from Wildflower Place. The frontage for proposed Lot A is 20.0 metres, which does not meet the minimum 40.0 metre lot frontage requirement in the R-2 zone. Therefore, a variance to Section 4.14.3 c) of the R-2 zone is required in relation to the lot frontage for proposed Lot A.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2014-024 subject to the conditions outlined in Attachments 2 and 3.
2. To deny Development Variance Permit No. PL2014-024.

LAND USE IMPLICATIONS

Development Implications

The proposed lot configuration and requested variance will not negatively impact the use of the lots under the R-2 zone. The proposed variance to reduce the lot frontage for Lot A may be considered because the proposed panhandle meets the minimum width requirement of 6.0 metres where no further subdivision is possible in accordance with the Subdivision Regulations of Bylaw No. 1285.

Strategic Plan Implications

Staff have reviewed the proposed development and have not identified any Strategic Plan Implications.

Inter-governmental Implications

Ministry of Transportation and Infrastructure staff have indicated that they have no concerns with the proposed variance to lot frontage.

Public Consultation Process

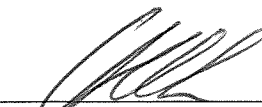
Pending the Committee's recommendation and pursuant to the *Local Government Act* and the "Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005", property owners and tenants of parcels located within a 50 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed frontage variance prior to the Board's consideration of the application.

SUMMARY/CONCLUSIONS

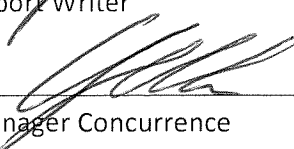
Proposed Lot A does not meet the minimum frontage requirement in the R-2 zone. The applicants propose to reduce the lot frontage requirement from 40.0 metres to 20.0 metres for proposed Lot A. As the variance to the minimum lot frontage requirement will not negatively impact use of the proposed lots under the R-2 zone and is consistent with Bylaw No. 1285 subdivision standards, staff recommends that the Board approve Development Variance Permit No. PL2014-024 subject to the terms and conditions outlined in Attachment 2 pending the outcome of public consultation.

RECOMMENDATIONS

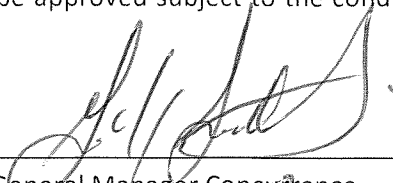
1. That staff be directed to complete the required notification.
2. That Development Variance Permit No. PL2014-024 to reduce the required lot frontage from 40.0 metres to 20.0 metres for the proposed subdivision be approved subject to the conditions outlined in Attachments 2 and 3.



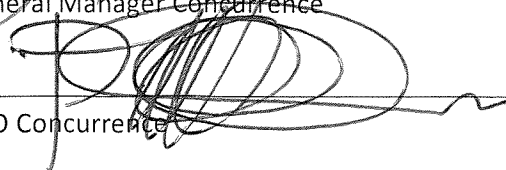
Report Writer



Manager Concurrence

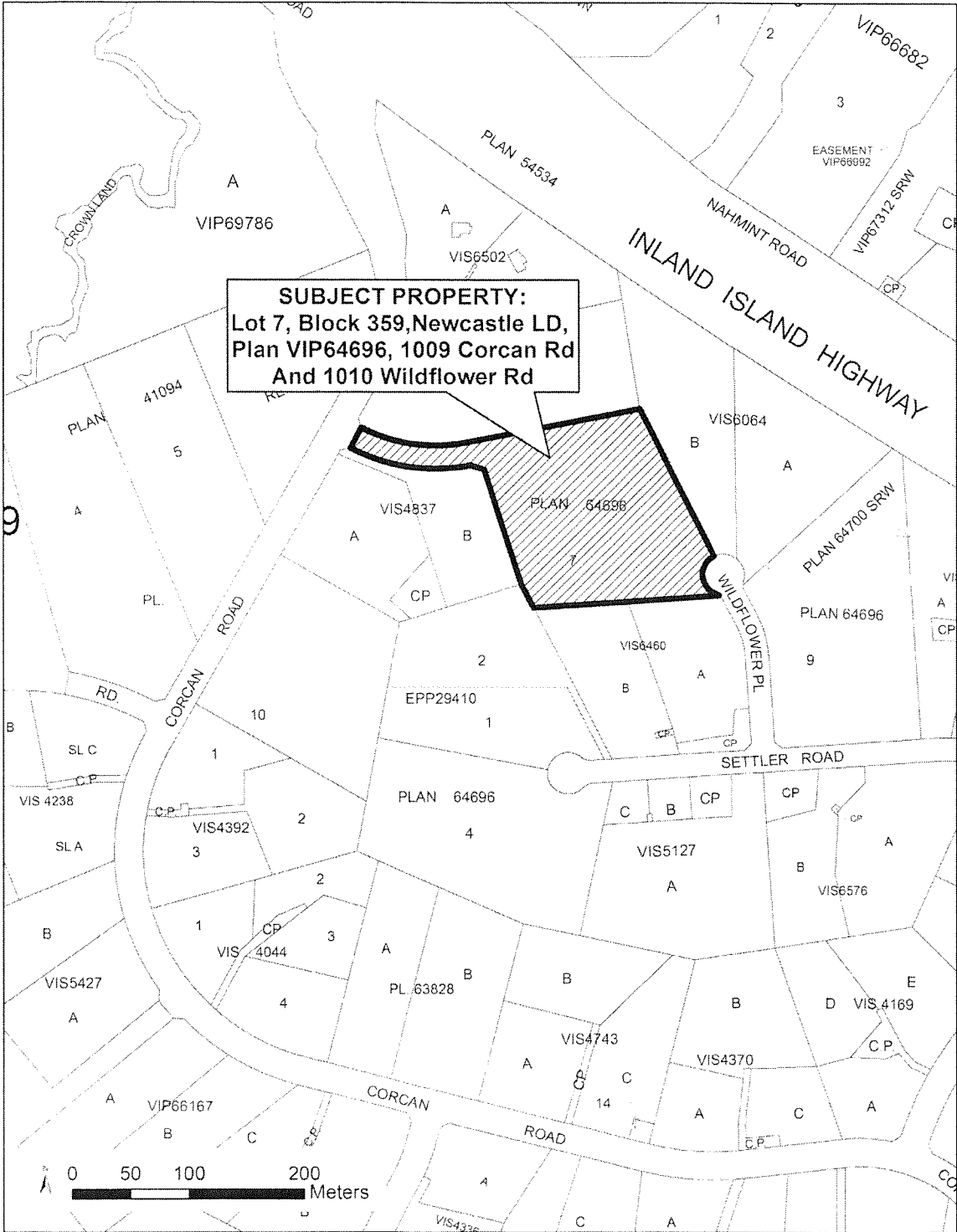


General Manager Concurrence



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 No. PL2014-024:

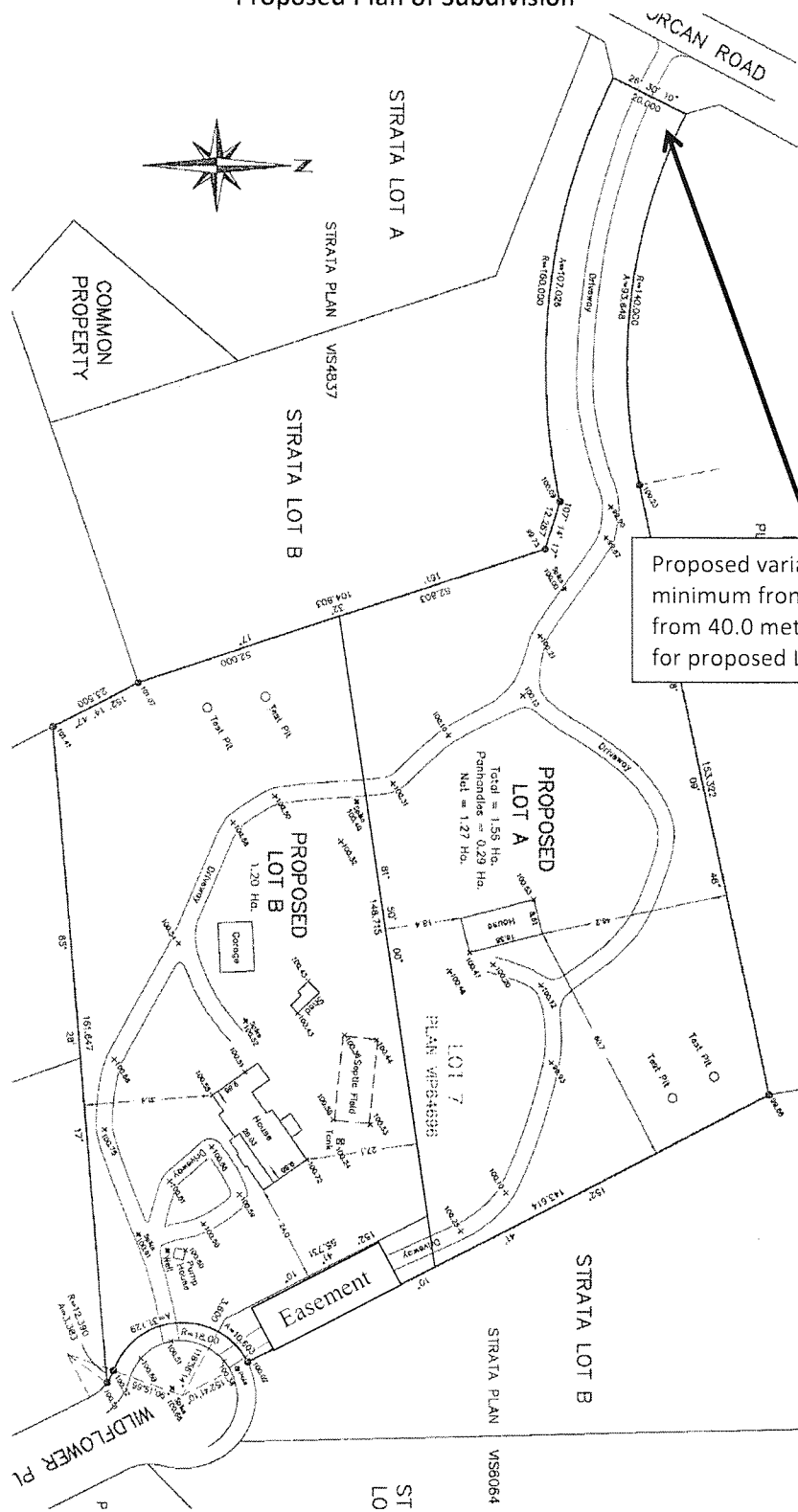
Bylaw No. 1285, 2002 Variances:

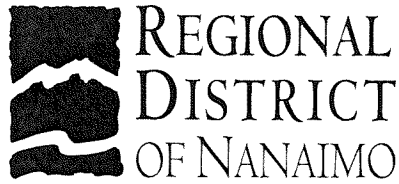
1. Section 4.14.3c) Minimum Lot Frontage to reduce the frontage from 40.0 metres to 20.0 metres for Proposed Lot A as shown on Attachment 3.

Conditions of Approval:

1. The proposed subdivision shall be generally in compliance with the survey plan prepared by JE Anderson & Associates Ltd. dated February 27, 2014, as shown on Attachment 3.

Attachment 3
Proposed Plan of Subdivision





RDN REPORT		[Signature]
CAO APPROVAL		
EAP	✓	
COW		
AUG 29 2014		
RHD		
BOARD		

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: August 26, 2014

FROM: Tyler J. Brown, Planner

FILE: PL2014-053

SUBJECT: Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement
Subdivision Application No. PL2014-053 – Sylvia & Terry Birkholz
Lot 6, District Lot 78, Nanoose District, Plan 30262 – 2881 Ashcraft Road
Electoral Area 'E'

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 'E'.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from J.E. Anderson & Associates on behalf of property owners Sylvia and Terry Birkholz for a two lot subdivision (including remainder). The subject property is approximately 2.04 ha in area. The parcel 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 subject property currently contains a dwelling unit and septic field. The parcel is bordered by RS1 zoned parcels to the north, east and west, and Ashcraft Road runs the length of the southern lot line. The proposed lot sizes meet the minimum parcel size pursuant to the "Regional District of Nanaimo's Land Use and Subdivision Bylaw No. 500, 1987", with community water provided.

Proposed Development

The applicant proposes to create a 0.255 ha parcel and a 1.79 ha remainder parcel through subdivision. The proposed lot lines are perpendicular to Ashcraft Road and each lot will have adequate road frontage. However, due to the configuration of the proposed lots, the applicant requires a frontage relaxation to accommodate subdivision.

Minimum 10% Perimeter Frontage Requirement

The proposed remainder lot (1.79 ha) does not meet the minimum 10% parcel frontage requirement for subdivision. The frontage for the proposed remainder is as follows:

<i>Proposed Lot Perimeter</i>	<i>Required Frontage (10%)</i>	<i>Proposed Frontage</i>	<i>Approximate % of Perimeter</i>
615 m	61.5 m	46.1 m	7.5%

The proposed parcels do not meet the minimum 10% parcel frontage requirement pursuant to Section 944 of the *Local Government Act*. Therefore, approval of the Regional District Board of Directors is required to allow exemption from the requirements of Section 944.

ALTERNATIVES

1. To approve the request for relaxation of the minimum 10% perimeter frontage requirement for the proposed new lot as shown in Attachment 2.
2. To deny the request for relaxation of the minimum 10% frontage requirement.

LAND USE IMPLICATIONS

Development Implications

With regards to the relaxation for the proposed remainder lot, adequate road frontage (46.1 m) is provided to accommodate an existing driveway and no negative development implications are anticipated. The lot configuration as proposed will meet minimum parcel size requirements and provide adequate site area to support the permitted uses on both parcels.

Strategic Plan Implications

Staff have reviewed the proposed development and have not identified any Strategic Plan Implications.

Inter-governmental Implications


The Ministry of Transportation and Infrastructure staff have indicated that they have no concerns with the proposed frontage relaxation, and the subdivision proposal will be subject to a Preliminary Layout Approval by the Ministry.

SUMMARY/CONCLUSIONS

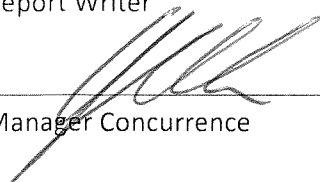
The applicant has requested the relaxation of the minimum 10% perimeter frontage requirement for a lot within a proposed subdivision of the subject property. Both parcels will meet the minimal parcel size requirements and provide adequate site area to support the permitted land uses. Despite the reduced frontage, no negative land use implications are anticipated. Ministry of Transportation and Infrastructure have indicated that they have no objection to the request for a frontage relaxation.

RECOMMENDATION

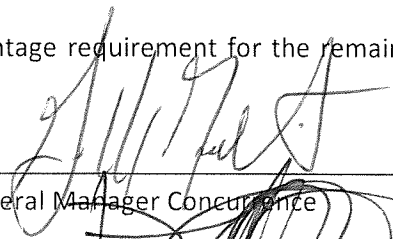
That the request to relax the minimum 10% perimeter frontage requirement for the remainder lot be approved.



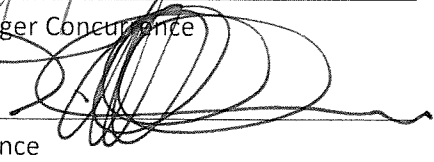
Report Writer



Manager Concurrence

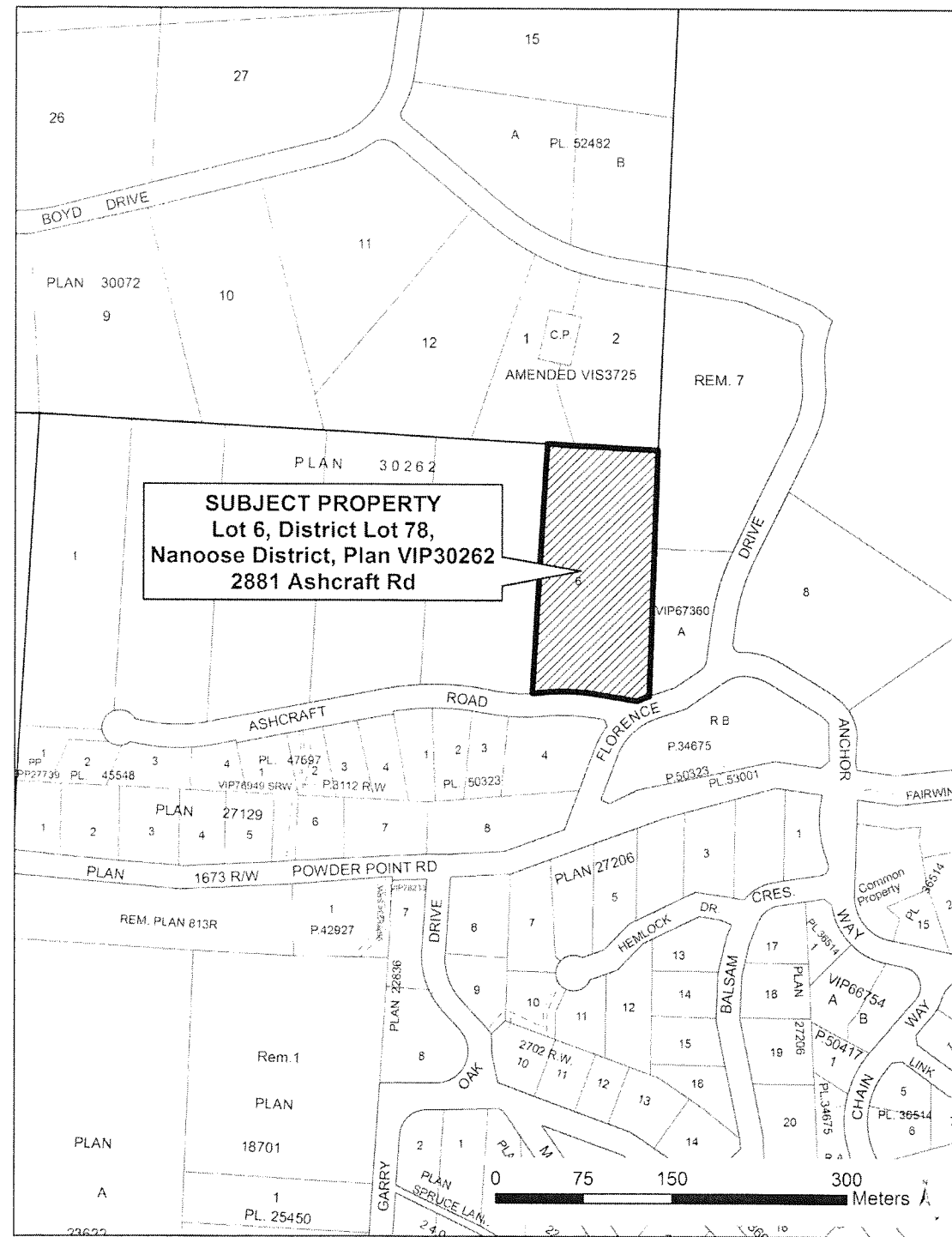


General Manager Concurrence

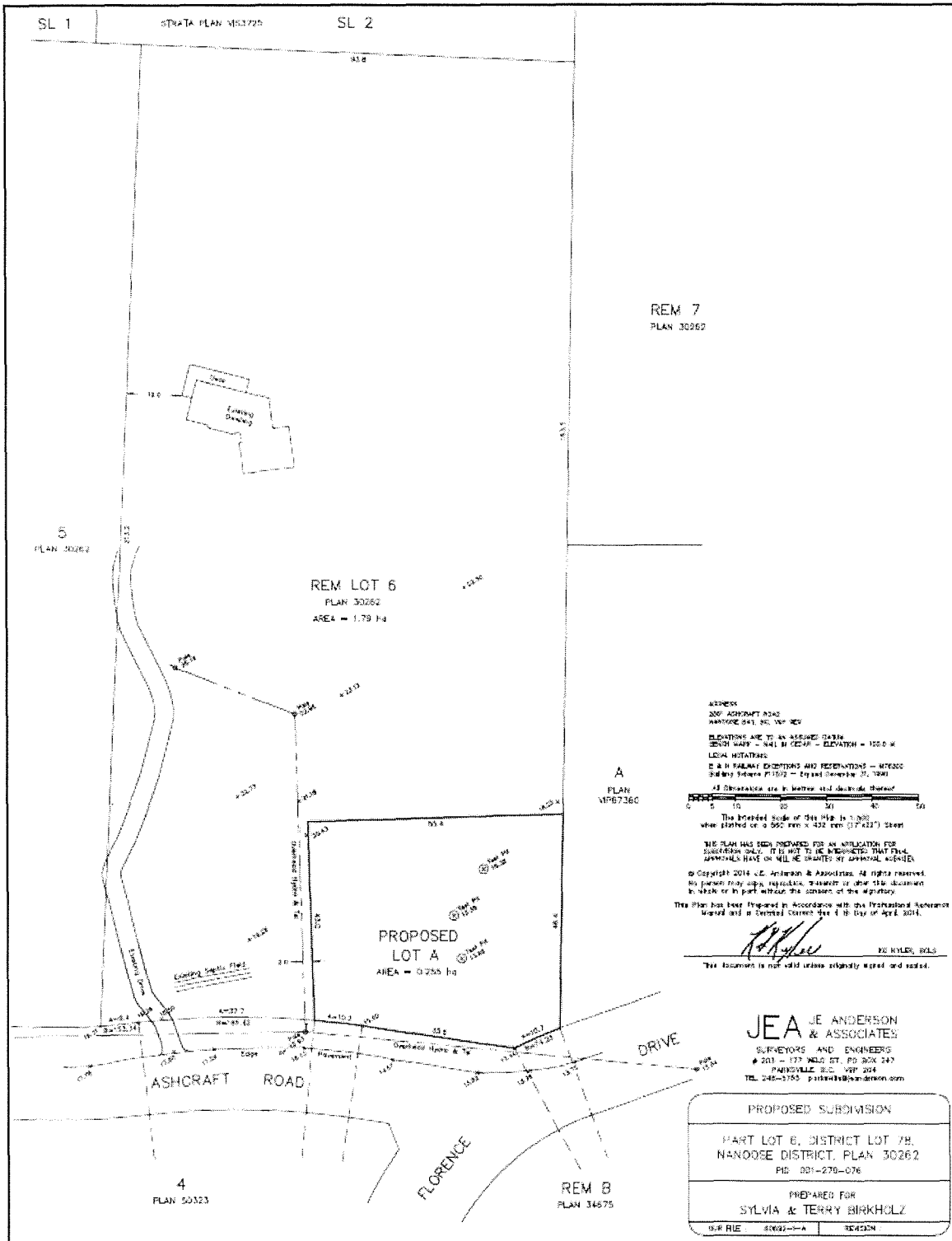


CAO Concurrence

**Attachment 1
Subject Property Map**



Attachment 2
Proposed Plan of Subdivision



REM 7
PLAN 30262

REM LOT 6
PLAN 30262
AREA = 1.79 ha

PROPOSED LOT A
AREA = 0.255 ha

A
PLAN
MP67360

AGENCY
200' ASHCRAFT ROAD
NANTICOKE 241 30' W/4' 25'

ELEVATIONS ARE TO AN ASSUMED DATUM
GENUIN HAWK - 241.1 M CGPAP - ELEVATION = 150.0 M
LEON WETTING
D & H PALMAY EXISTING AND RESTRICTIONS - 476300
SILVERY SQUARE P11512 - DATED December 27, 2004

All Distances are in metres and decimal thereof

The Included Scale of this Map is 1:500
when plotted on a 562 mm x 432 mm (21" x 17") Sheet

THIS PLAN HAS BEEN PREPARED FOR AN APPLICATION FOR
SUBDIVISION ONLY. IT IS NOT TO BE INTERPRETED THAT THE
APPLICANT HAS OR WILL BE GRANTED ANY RIGHTS, INTERESTS
OR CLAIMS IN THE LANDS SHOWN HEREON.

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No person may copy, reproduce, distribute or otherwise use this document
in whole or in part without the consent of the signatory.

This Plan has been prepared in accordance with the Professional Reference
Manual and is deemed correct as of the day of April, 2014.

[Signature] P.E. RYDER, P.E.
The document is not valid unless signed and sealed.

JEA J.E. ANDERSON
& ASSOCIATES
SURVEYORS AND ENGINEERS
2013 - 177 WALKER ST. PO BOX 247
PARROTTVILLE B.C. V0P 2K4
TEL: 2545-1755 patricia@jeanderson.com

PROPOSED SUBDIVISION
PART LOT 6, DISTRICT LOT 7B,
NANTICOKE DISTRICT, PLAN 30262
PID: 001-270-076
PREPARED FOR
SYLVIA & TERRY BIRKHOLZ
D.R. FILE: 40692-0-0 RE4524