

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA PLANNING COMMITTEE

TUESDAY, MAY 12, 2015

6:30 PM

(RDN Board Chambers)

A D D E N D U M

PAGES

DEVELOPMENT PERMIT WITH VARIANCE

2-14

Development Permit with Variance Application No. PL2015-028 – 5509 Deep Bay Drive, Electoral Area 'H' - *This item replaces the report on pages 15-26 of the regular EAPC Agenda, May 12, 2015.*



RDN REPORT	
CAO APPROVAL	
EAP	✓
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BOARD	

STAFF REPORT

TO: Jeremy Holm
 Manager, Current Planning
DATE: May 11, 2015

FROM: Robert Stover
 Planning Technician
MEETING: EAPC – May 12, 2015

SUBJECT: Development Permit with Variance Application No. PL2015-028
 Lot 44, District Lot 1, Newcastle District, Plan 20442
 5509 Deep Bay Drive – Electoral Area ‘H’
FILE: PL2015-028

RECOMMENDATIONS

1. That staff be directed to complete the required notification for Development Permit with Variance No. PL2015-028.
2. That Development Permit with Variance No. PL2015-028 to permit an addition and renovation to a dwelling unit on the subject property be approved subject to the conditions outlined in Attachments 2 and 3.

PURPOSE

To consider an application for a Development Permit with Variance to reduce the setback to the sea, front lot line setback and parcel coverage to permit an addition and renovation to a dwelling unit on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Garry Bentham on behalf of Joan Robertson and John Carnegie to permit an addition and renovation to a dwelling unit on the subject property. The subject property is approximately 849.8 m² in area and is zoned Residential 2 (RS2), pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property currently contains a dwelling unit, and is bordered by RS2 zoned lots to the east and west; the Strait of Georgia lies to the north, and Deep Bay Drive to the south (see Attachment 1 – Subject Property Map).

The proposed development is subject to the Hazard Lands and Environmentally Sensitive Features (ESF) – Coastal Development Permit Areas (DPAs) as per the “Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2003”.

The application was referred back to staff at the regular RDN Board meeting held on April 28th, 2015. The RDN met with the applicant to review application information and confirm the development approval process. The application information is complete and development approval requirements have been confirmed; as such, the application is presented to the Committee for its consideration of a recommendation to the Board.

Proposed Development and Variance

The proposal includes interior renovations to the dwelling unit, the placement of a new roof over the existing house, the addition of bay windows to the front and rear elevations and an extension to the attached garage (see Attachment 3 for site plan and variances). The proposal is subject to the Hazard Lands DPA due to the expansion of the building envelope and land alteration required to undertake the work in an area of potential coastal flood risk. The proposal is also subject to the ESF – Coastal DPA due to footings and structural posts necessary to support the new roof structure being expanded towards the coast. The outermost extent of the existing house (i.e., the eaves) is currently sited approximately 7.0 metres from the natural boundary of the Strait of Georgia which is non-conforming to the 8.0 metre required setback from the sea.

The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” to accommodate the new roof line and garage extension:

- **Section 3.4.62 – Minimum Setback Requirements** to reduce the minimum required setback from the front lot line from 8.0 metres to 2.5 metres for a portion of the dwelling unit as shown on Attachment 3.
- **Section 3.3 9) – Setbacks – Sea** to reduce the minimum required setbacks from the top of slope of 30% or greater from 8.0 metres to 6.0 metres for a portion of the dwelling unit as shown on Attachment 3.
- **Section 3.4.62 – Parcel Coverage** – to increase the maximum permitted parcel coverage from 35% to 39% for the structures as show on Attachment 3.

ALTERNATIVES

1. To approve Development Permit with Variance No. PL2015-028 subject to the conditions outlined in Attachment 2.
2. To deny Development Permit with Variance No. PL2015-028.

LAND USE IMPLICATIONS

Development Implications

The Hazard Lands DPA guidelines require that the applicant provide a report by a Professional Engineer to confirm that the proposed construction is considered safe for its intended use, and that the development will not have detrimental impacts on adjoining properties or the environment. The applicant has submitted a geotechnical engineering report prepared by Emerald Sea Engineering dated April 2, 2015, that satisfies this requirement. The Geotechnical Engineer has not established a recommended flood construction level (FCL), as the proposal does not include any additional habitable

floor area. The applicant will be required to register a Section 219 restrictive covenant on the property title that includes the geotechnical engineering report and 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. This requirement is included in Attachment 2 – Terms and Conditions of Permit.

The proposal is exempt from the setback requirements of “Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006” (Floodplain Management Bylaw), as no new structural support or fill required to support a floor system is proposed to be sited within 15.0 metres of the natural boundary of the ocean. Additionally, the proposal is exempt from the minimum flood construction level requirements of the Floodplain Bylaw, as the garage extension, which is the only additional floor area, constitutes less than 25% of the area of the non-conforming floor level of the dwelling that existed on or prior to February 11, 1992.

While the proposal is not exempt from the Environmentally Sensitive Features – Coastal DPA, the scope of work necessary to complete the project on the coastal side of the property is limited to the excavation of existing footings and structural posts to support the new roof structure. The new roofline represents an aerial encroachment and expansion of non-habitable floor space into an area of previously developed landscaping (lawn and concrete patio). As such, a report from a Qualified Environmental Professional (QEP) was not required, as the proposal will not result in any detrimental impacts on the environment within the Coastal DPA.

The applicant has indicated that the requested variances are the result of constraints created by the shallow depth of the parcel when factoring the required setbacks from the natural boundary of the ocean and front lot line, and the maximum permitted parcel coverage provided in the RS2 zone. Setbacks are measured from the outermost portion of any structure; as the proposed roof line extends further than the existing one, setbacks must be measured from this further extension of the roofline.

The minor extension of the roofline and garage do not constitute an addition to habitable floor space, and do not increase the intensity of the residential use of the property. The proposal includes what are essentially cosmetic enhancements and related structural improvements to an existing dwelling unit. The requested variances are outlined on Attachment 3 – Proposed Site Plan and Variances.

Staff have evaluated the proposal and have not identified any negative land use implications related to the approval of this application. Given that the applicant has provided sufficient rationale, and the variances are not anticipated to result in any negative implications for adjacent properties, the applicants have made reasonable efforts to address Policy B1.5 guidelines for evaluating Development Permit with Variance applications.

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2015 – 2019 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications for the Board's 2013 – 2015 Strategic Plan.

INTER-GOVERNMENTAL IMPLICATIONS

The applicant has obtained a permit from the Ministry of Transportation and Infrastructure (MOTI) to reduce building setback to less than 4.5 metres from the property line fronting a provincial public highway in relation to the garage addition (MOTI Permit No. 2014-00466).

The property is within the boundary of known archaeological site Dis-7. The applicant has confirmed with the Archaeological Branch of the Ministry of Forests, Lands and Natural Resource Operations (FLNRO) that the proposal will not require a Section 12 Site Alteration Permit, as it is anticipated that no original ground surface will be disturbed by the excavation of backfilled soil. The applicant has been in communication with Qualicum First Nation and has invited Qualicum First Nation to have a representative on site during excavation.

PUBLIC CONSULTATION IMPLICATIONS

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 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

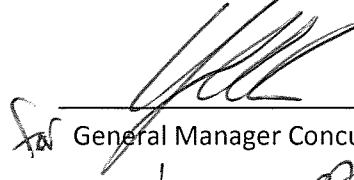
This is an application for a Development Permit with Variance to reduce the setback to the sea, front lot line, and to increase the maximum permitted parcel coverage to permit an addition and renovation to an existing dwelling unit within the Hazard Lands and ESF Coastal DPAs on the subject property. The applicant has indicated that the shallow depth of the lot results in constraints which have resulted in the need to request setback and parcel coverage variances to undertake construction.

The applicant has provided a geotechnical engineer's report, prepared by Emerald Sea Engineering dated April 2, 2015, to satisfy the Hazard Lands DPA guidelines. The proposal is exempt from the requirements of the Floodplain Management Bylaw, and has met the applicable requirements of the Ministry of Transportation and Infrastructure and the Archaeological Branch. While not exempt from the Environmentally Sensitive Features – Coastal DPA, the proposed works on the ocean side of the property do not include the addition of habitable floor space and are limited to the extension of roofline, the addition of bay windows, and very limited land alteration to facilitate expansion of existing footings. As such, a report from a QEP was not required for this proposal.

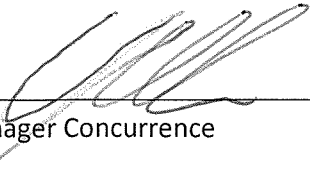
Given that the Development Permit guidelines have been satisfied, and no negative impacts are anticipated as a result of the proposed variances, staff recommend the Board approve the application pending the outcome of public notification and subject to the terms and conditions outlined in Attachment 2.



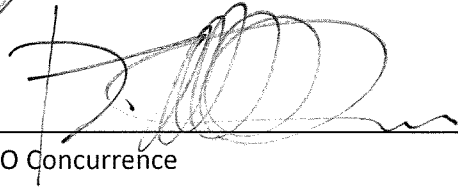
Report Writer



General Manager Concurrence

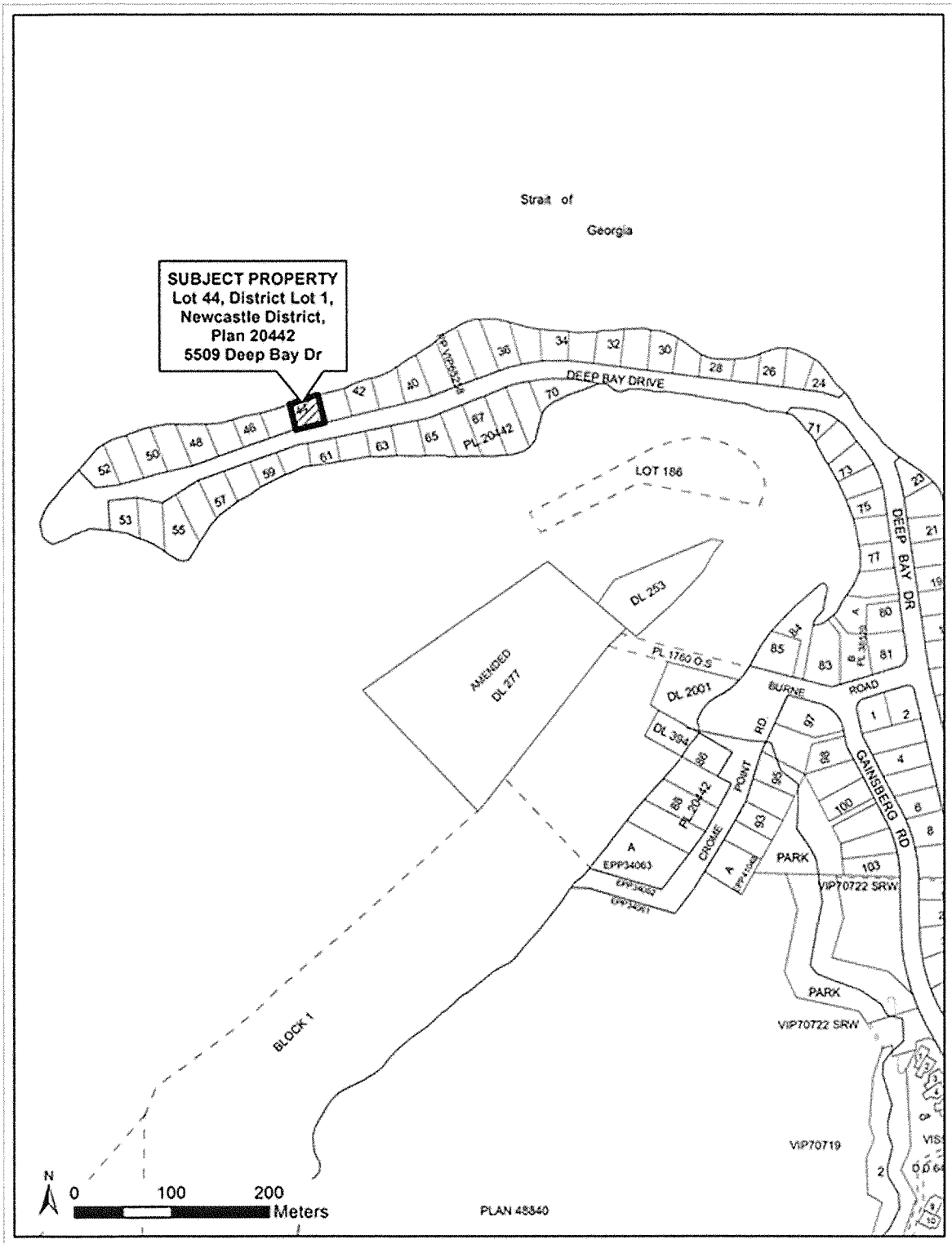


Manager Concurrence



CAO Concurrence

Attachment 1
Subject Property Map



Attachment 2 Terms and Conditions of Permit

The following sets out the terms and conditions of Development Permit with Variance No. PL2015-028:

Bylaw No. 500, 1987 Variances:

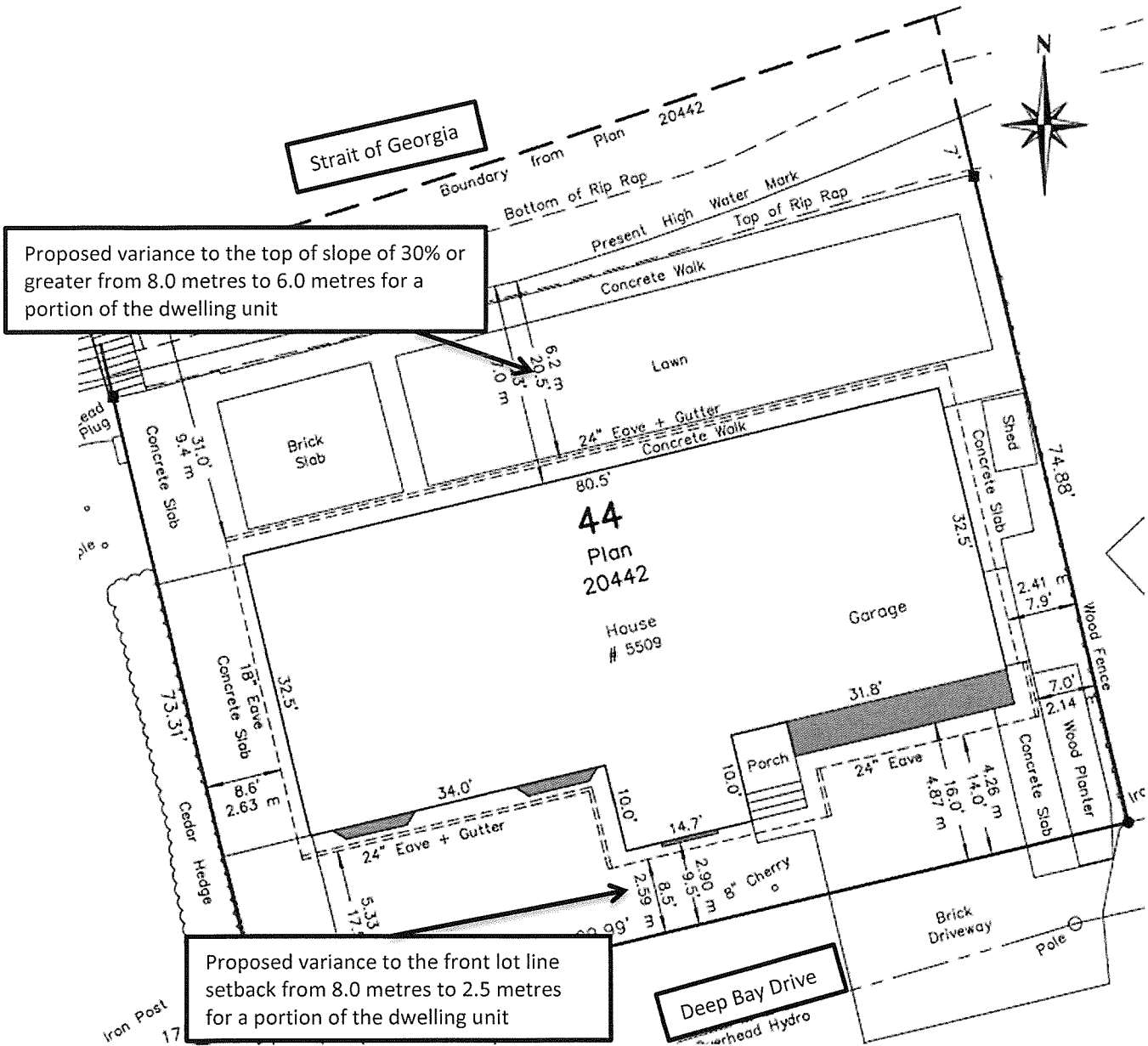
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

1. **Section 3.4.62 – Minimum Setback Requirements** to reduce the minimum required setback from the front lot line from 8.0 metres to 2.5 metres for a portion of the dwelling unit as shown on Attachment 3.
2. **Section 3.3 9) a) i) – Setbacks – Sea** to reduce the minimum required setbacks from the top of slope of 30% or greater from 8.0 metres to 6.0 metres for a portion of the dwelling unit as shown on Attachment 3.
3. **Section 3.4.62 – Parcel Coverage** – to increase the maximum permitted parcel coverage from 35% to 39% for the structures as show on Attachment 3.

Conditions of Approval:

1. The site is developed in accordance with the Survey Plan prepared by JE Anderson & Associates, dated May 11, 2015, and attached as Attachment 3.
2. The applicant will be required to register a Section 219 restrictive covenant on the property title that includes the geotechnical engineering report prepared by Emerald Sea Engineering dated April 2, 2015 including 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.
3. The site be developed in substantial compliance with building details and elevations included as Attachments 4, and 6 to 8.
4. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

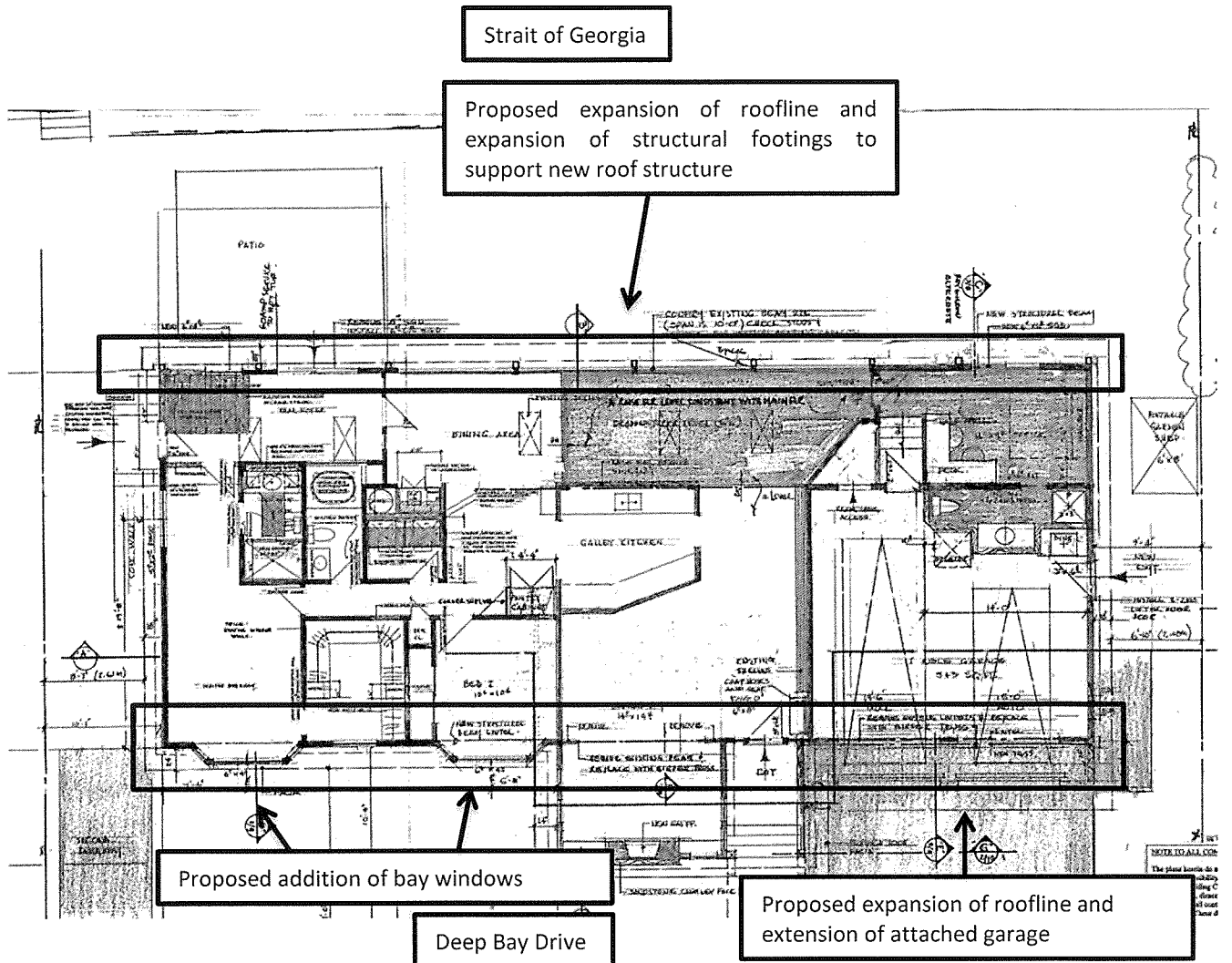
**Attachment 3
Proposed Site Plan and Variances**



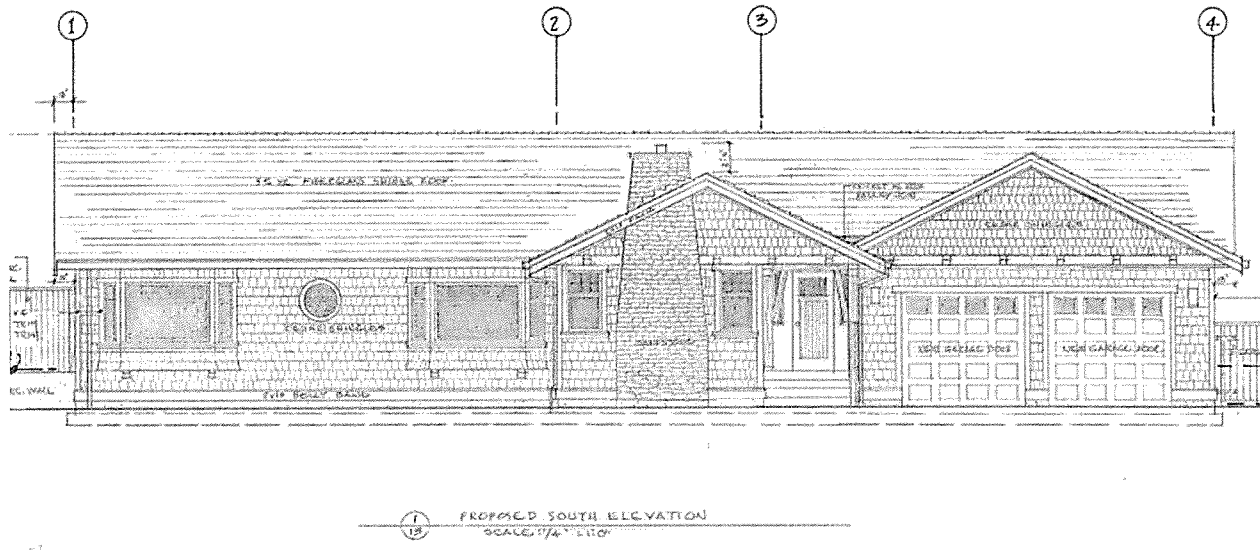
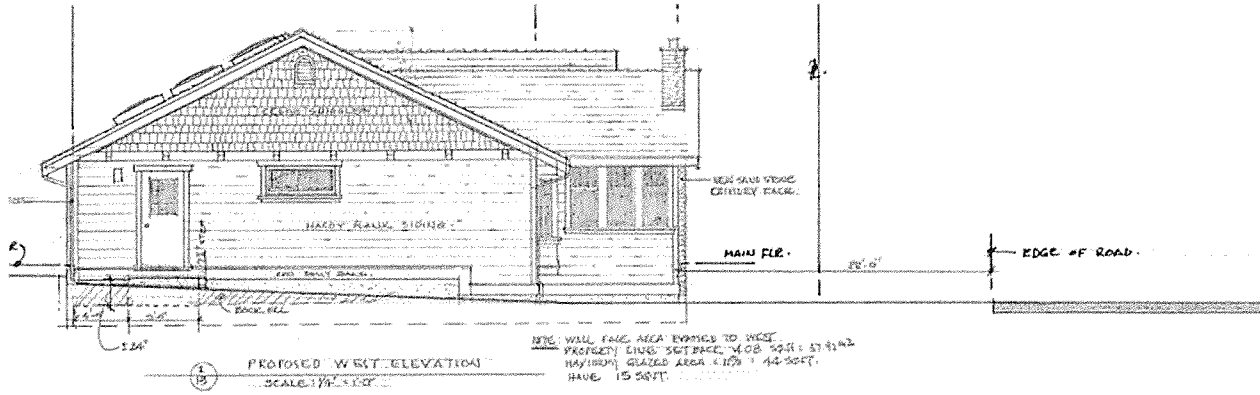
PARCEL COVERAGE CALCULATIONS

Area of Lot 44 as Shown on Plan 20442 = 8930 sq.ft.
 Sum Total Horizontal Building Area = 3454 sq.ft.
 Parcel Coverage Relative to Plan 20442 = 38.7 %

Attachment 4 Floorplan and Proposed Works



Attachment 7
Proposed West and South Building Elevations



Attachment 8 Proposed East and North Elevations

