

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA PLANNING COMMITTEE

TUESDAY, SEPTEMBER 11, 2012

6:30 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

- 3 - 5 Minutes of the regular Electoral Area Planning Committee meeting held Tuesday, July 10, 2012.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

UNFINISHED BUSINESS

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

- 6 - 12 Development Permit Application No. PL2012-066 – Ron Ashmore – 302 Waters Road, Electoral Area 'G'.

- 13 - 18 Development Permit Application No. PL2012-008 – 3301 Andres Road, Electoral Area 'C'.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

- 19 - 25 Development Variance Permit Application No. PL2012-098 – Kevin & Wendy May – Electoral Area 'G'.

- 26 - 30 Development Variance Permit Application No. PL2012-112 – Van Dyk – 1820 Settler Road, Electoral Area 'F'.

- 31 - 37 Development Variance Permit Application No. PL2012-058 – 1694, 1696, and 1731 Errington Road, Electoral Area 'F'.

- 38 - 43 Development Variance Permit Application No. PL2012-090 – Barrie Cook – 2182 Yellow Point Road, Electoral Area 'A'.

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

- 44 - 54 Development Permit Application No. PL2011-104 – 0763634 BC Ltd. – Lot A, Section 13, Range 7, Cranberry District, Plan VIP83828 – Harold Road and Schoolhouse Road, Electoral Area 'A'.

OTHER

- 55 - 71 Zoning Amendment Application No. PL2011-070 – Bylaw 500.372 – 639582 BC Ltd. Lot A, District Lot 28, Nanoose District, Plan VIP60624 – 1395 Island Highway West, Electoral Area 'G'.
- 72 - 75 Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement PL2012-081 – 2956 and 2962 Ridgeway Road, Electoral Area 'C'.
- 76 - 80 Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement PL2012-048 – Deas – 2900 Leon 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 HELD ON TUESDAY, JULY 10, 2012 AT 6:30 PM
IN THE RDN BOARD CHAMBERS

Present:

Director J. Stanhope	Chairperson
Director A. McPherson	Electoral Area A
Alternate	
Director C. Pinker	Electoral Area C
Alternate	
Director F. Van Eynde	Electoral Area E
Alternate	
Director L. Salter	Electoral Area F
Director W. Veenhof	Electoral Area H

Also in Attendance:

C. Mason	Chief Administrative Officer
P. Thorkelsson	Gen. Mgr., Strategic and Community Development
J. Holm	Mgr., Current Planning
P. Thompson	Mgr., Long Range Planning
N. Tonn	Recording Secretary

Regrets:

Director M. Young	Electoral Area C
Director G. Holme	Electoral Area E
Director J. Fell	Electoral Area F

CALL TO ORDER

The Chairperson welcomed Alternate Directors Pinker, Van Eynde and Salter to the meeting.

MINUTES

MOVED Director Van Eynde, SECONDED Director Veenhof, that the minutes of the regular Electoral Area Planning Committee meeting held on Tuesday, June 12, 2012 be adopted.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. PL2012-068 – Barwil Builders Ltd. – 822 Mariner Way, Area ‘G’.

MOVED Director Veenhof, SECONDED Director McPherson, that Development Permit Application No. PL2012-068 to permit the construction of a deck to the existing dwelling unit be approved subject to the conditions outlined in Schedules 1 to 4.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. PL2012-064– Fern Road Consulting – 3477 Schooner Road, Area ‘E’.

Staff noted that the report recommendation should be amended to add the words “That staff be directed to complete the required notification” and further that Schedule 1, item (1) should read ‘Section 3.3.9 b) (i).’

MOVED Director Van Eynde, SECONDED Director Pinker, that staff be directed to complete the required notification.

CARRIED

MOVED Director Van Eynde, SECONDED Director Pinker, that Development Variance Permit Application No. PL2012-064 to vary the minimum setback from 8.0 metres to 0.0 metres inland from the top of a slope of 30% or greater for a proposed dwelling unit and accessory building; to vary the maximum permitted height from 8.0 metres to 10.7 metres for a proposed dwelling unit; and to vary the maximum permitted height from 6.0 metres to 7.4 metres for a proposed accessory building be approved.

CARRIED

Development Variance Permit Application No. PL2012-073 – David West – 1340 Tyler Road, Area ‘F’.

Staff noted that Schedule 1, item (3) should be amended as follows:

3. **Section 4.14.3 f) Minimum Setback From ii) All Other Lot Lines** is requested to be varied by relaxing the minimum setback from the other lot line in relation to the south property line from 2.0 metres to 0.97 metres to legalize the siting of an existing non-conforming accessory building as shown on Schedule 2.

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

CARRIED

MOVED Director Salter, SECONDED Director McPherson, that Development Variance Permit Application No. PL2012-073 be approved subject to the conditions outlined in Schedules No. 1 to 2 as amended.

CARRIED

OTHER

Amendment Bylaw No. 500.378, 2012 – Zoning Amendment Application No. PL2012-014 – Carey Development Ltd. – 1244 & 1250 Allgard Road, Electoral Area ‘G’.

MOVED Director Veenhof, SECONDED Director McPherson, that Zoning Amendment Application No. PL2012-014 to rezone a portion of the subject property from Residential 6 (RS6) to Rural 1 (RU1) be approved.

CARRIED

MOVED Director Veenhof, SECONDED Director McPherson, that “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.378, 2012” 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. 500.378, 2012”, be delegated to Director Stanhope or another Area Director.

CARRIED

Amendment Bylaw No. 500.376, 2012 – Zoning Amendment Application No. PL2012-070 – Karen Kenyon, Jean-Luc Roy – Collingwood Drive, Electoral Area ‘E’.

MOVED Director Van Eynde, SECONDED Director McPherson, that Zoning Amendment Application No. PL2012-070 to rezone a portion of the subject property from Recreation 1 (RC1) Zone to Residential 1 (RS1) be approved.

CARRIED

MOVED Director Van Eynde, SECONDED Director McPherson, that “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.376, 2012” be introduced and read two times.

CARRIED

MOVED Director Van Eynde, SECONDED Director McPherson, that the public hearing on “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.376, 2012” be delegated to Director Holme or another Area Director.

CARRIED

Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement – Subdivision Application No. PL2012-047 – J.E. Anderson & Associates – 2032 Rocking Horse Place, Electoral Area ‘E’.

MOVED Director Van Eynde, SECONDED Director Veenhof, that the request to relax the minimum 10% perimeter frontage requirement for proposed Lot A and remainder parcel in conjunction with a Section 946 subdivision application, be approved.

CARRIED

ADJOURNMENT

MOVED Director Van Eynde, SECONDED Director Veenhof, that this meeting terminate.

CARRIED

Time: 6:50 PM

CHAIRPERSON



RDN REPORT	
CAO APPROVAL ✓	
EAP	✓
COW	
AUG 31 2012	
RHD	
BOARD	

MEMORANDUM

TO: Jeremy Holm
Manager of Current Planning

DATE: August 16, 2012

FROM: Kim Farris
Planner

FILE: PL2012-066

SUBJECT: Development Permit Application No. PL2012-066 – Ron Ashmore
Lot 3, District Lot 9, Newcastle District, Plan 14909, Excepting Any Portion of
The Bed of Little Qualicum River as Shown on Said Plan -302 Waters Road
Electoral Area 'G'

PURPOSE

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

BACKGROUND

The Regional District of Nanaimo has received an application from Ron Ashmore to construct a detached garage on the subject property. The property is approximately 0.14 ha in area and is zoned Residential 2 (RS2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachment 1 for subject property map).

The subject property is bordered by residential parcels to the north and south, Little Qualicum River to the west, and Waters Road to the east. An existing dwelling unit and detached workshop are located on the property.

The proposed development is subject to the Hazard Lands Development Permit Area (DPA) in accordance with the "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008" as the property is located within the Little Qualicum River Floodplain.

Proposed Development

The applicant is proposing to construct a detached garage on the subject property replacing an existing garage (see Schedules 2 and 3 for site plan and elevation drawings). The proposed garage will be approximately 81.4 m² in floor area and located within the Little Qualicum River Floodplain. The applicable flood construction level for this site is 6.3 m Geodetic (above sea level). As the existing house was built below the flood construction level prior to applicable bylaws, the applicant is proposing to build the garage below the flood construction level in order match the elevation of the dwelling unit. The proposed garage meets the General Flood Construction Level Exemptions as stated in section 16(c) of the "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006":

- A building or that portion of a building to be used as a garage, carport, or storage building not used for the storage of goods damageable by flood waters, toxic materials, or materials that may contaminate the environment.

ALTERNATIVES

1. To approve the Development Permit Application No. PL2012-066 subject to the conditions outlined in Schedules 1 to 3.
2. To deny the Development Permit Application No. PL2012-066.

LAND USE IMPLICATIONS

Development Implications

The applicant submitted a Geotechnical Hazards Assessment report prepared by Ground Control Geotechnical Engineering Ltd. dated May 14, 2012, to satisfy the Hazard Lands Development Permit Area Guidelines. The report states that from a geotechnical hazard perspective the proposed development will have no significant detrimental impact on the adjoining properties or public infrastructure. The report concludes that the proposed development is considered safe for the intended use.

While the report states that the development is considered safe, staff recommends that the applicant register a section 219 covenant on the property title that includes the Geotechnical Hazards Assessment 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.

The proposed detached garage will meet the minimum setback requirements of the RS2 zone as set out in the submitted site plan prepared by Sims Associates, attached as Schedule 2.

Sustainability Implications

In keeping with Regional District of Nanaimo Board policy, staff have reviewed the proposed development with respect to the "Regional District of Nanaimo Sustainable Development Checklist" and note that the proposed garage will not have a detrimental impact on the natural environment.

SUMMARY/CONCLUSION

This is an application for a Development Permit to permit the construction of a detached garage within the Hazard Lands Development Permit Area. In staff's assessment, this proposal is consistent with the applicable Development Permit Area Guidelines, and staff recommends that the Board approve the Development Permit.

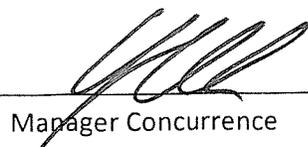
RECOMMENDATION

That Development Permit Application No. PL2012-066 to permit the construction of a detached garage be approved subject to the conditions outlined in Schedules 1 to 3.

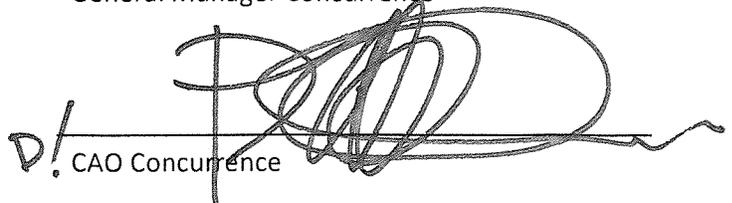


Report Writer

General Manager Concurrence



Manager Concurrence



CAO Concurrence

Schedule 1
Conditions of Development Permit

The following sets out the terms and conditions of Development Permit No. PL2012-066:

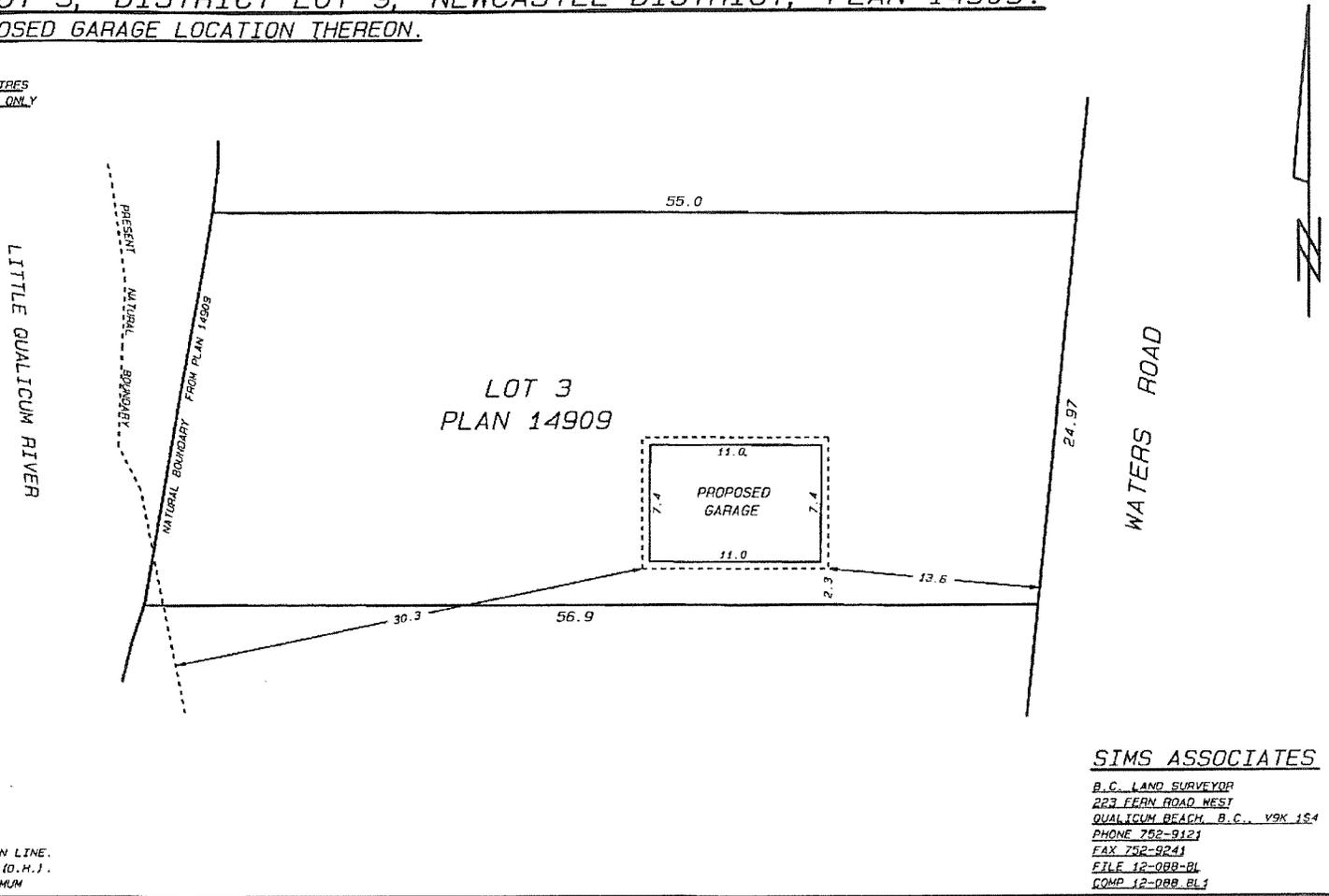
Conditions of Approval

1. The garage shall be sited in accordance with the site plan prepared by Sims Associates attached as Schedule 2.
2. The garage shall be constructed generally in compliance with the elevation drawings attached as Schedule 3.
3. The Lands shall be developed in accordance with the Geotechnical Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd., dated May 14, 2012.
4. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a section 219 covenant that registers the Geotechnical Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd., dated May 14, 2012, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential hazard. In addition, the covenant must stipulate a building or that portion of a building to be used as a garage, carport, or storage building must not be used for the storage of goods damageable by flood waters, toxic materials, or materials that may contaminate the environment.

PLAN OF LOT 3, DISTRICT LOT 9, NEWCASTLE DISTRICT, PLAN 14909.
SHOWING PROPOSED GARAGE LOCATION THEREON.

SCALE 1: 300

ALL DISTANCES ARE IN METRES
FOR BUILDING INSPECTION ONLY



LEGEND

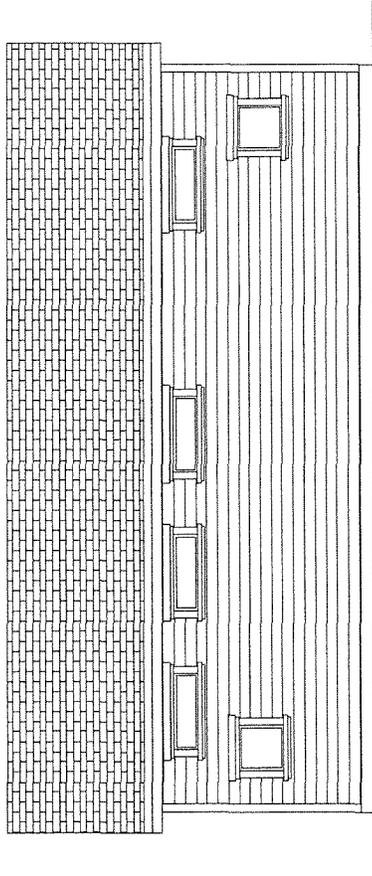
—— DENOTES FOUNDATION LINE.
----- DENOTES OVERHANG (O.H.).
OVERHANG 0.45 (18") MAXIMUM

SIMS ASSOCIATES

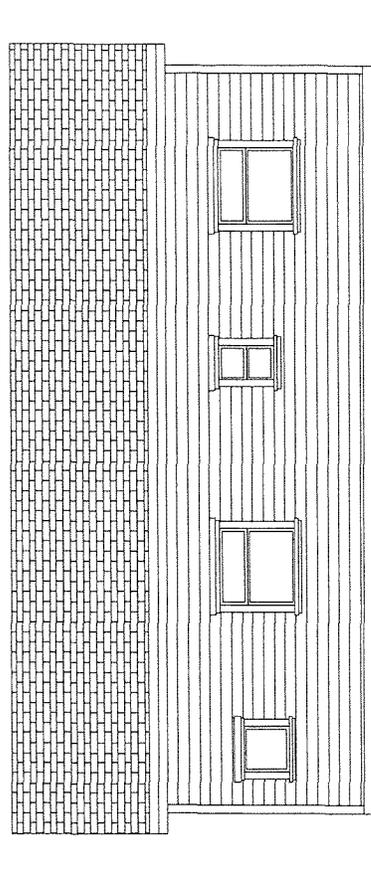
B.C. LAND SURVEYOR
223 FERN ROAD WEST
QUALICUM BEACH, B.C., V9K 1S4
PHONE 752-9121
FAX 752-9241
FILE 12-088-BL
COMP 12-088-BL1

Schedule 2
Site Plan

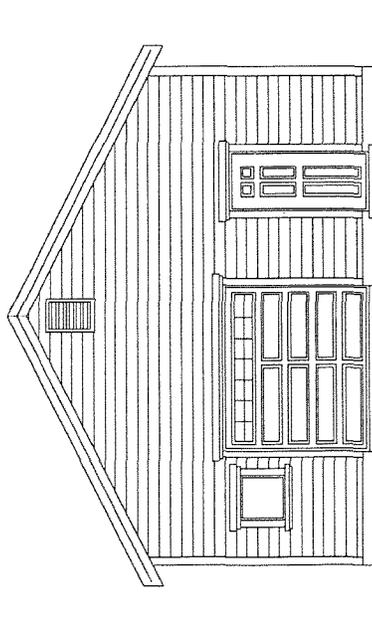
Schedule 3
Building Elevations (1 of 2)



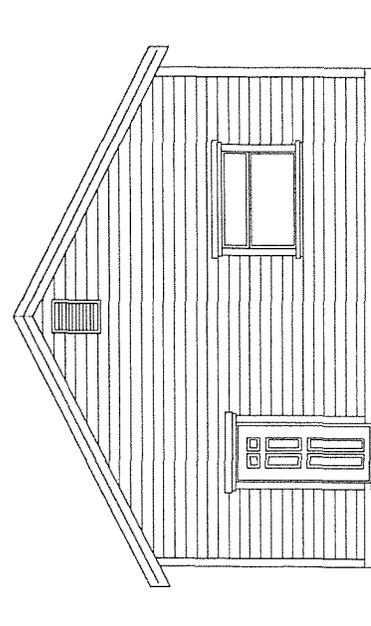
SOUTH SIDE ELEVATION
3/16" = 1'-0"



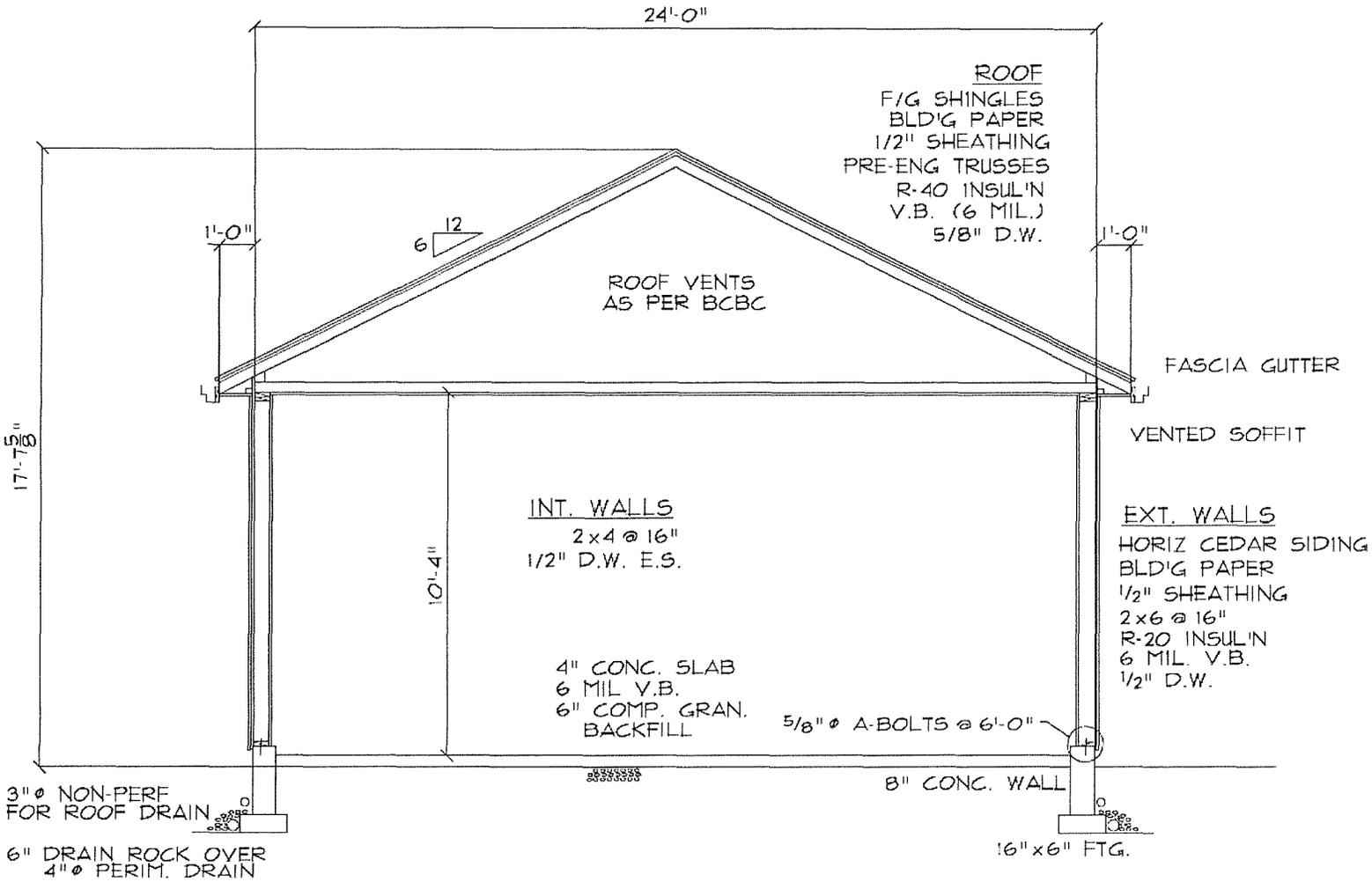
NORTH SIDE ELEVATION
3/16" = 1'-0"



WEST SIDE ELEVATION
3/16" = 1'-0"



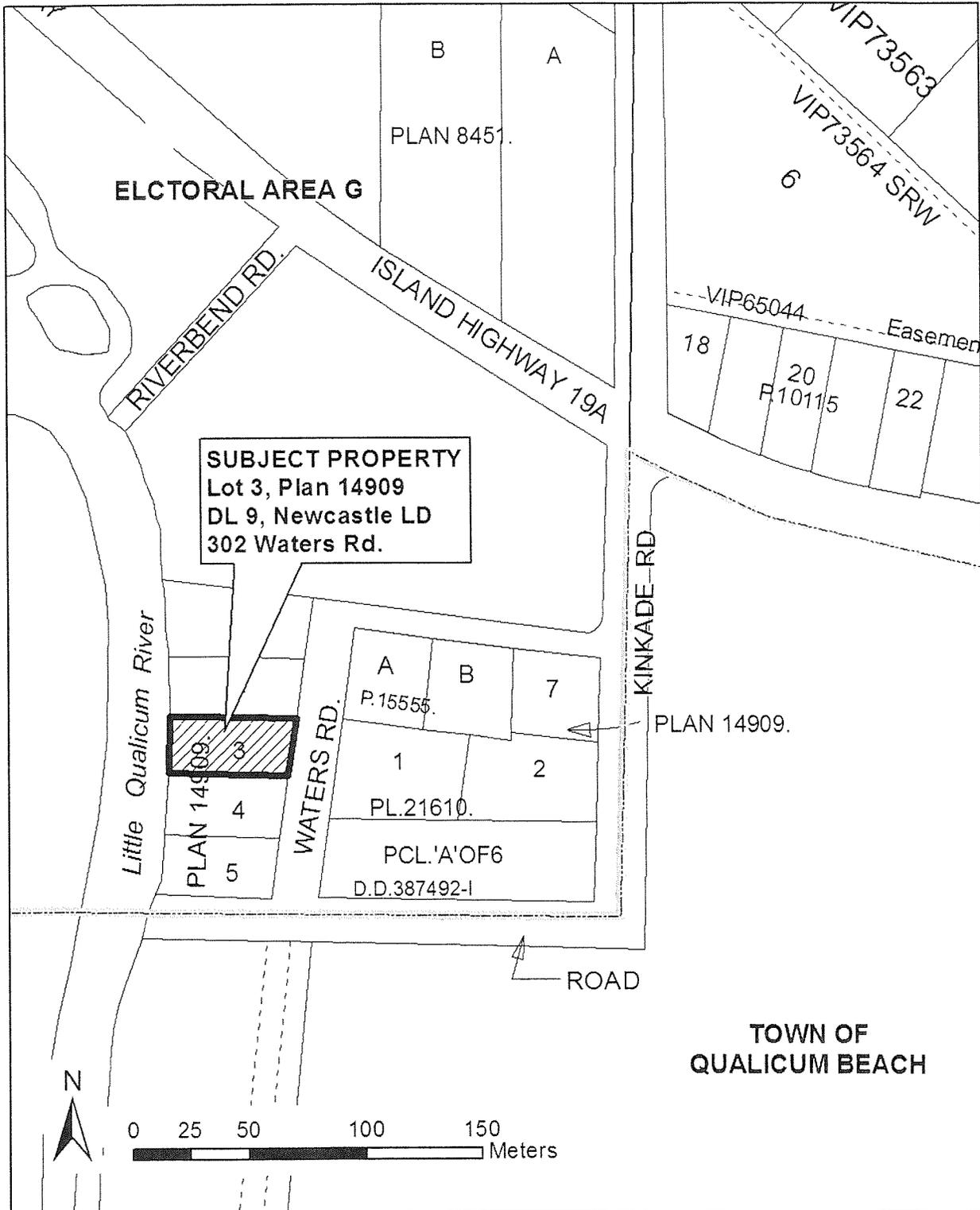
EAST SIDE ELEVATION
3/16" = 1'-0"



X-SECTION "A"
 1/4" = 1'-0"

Schedule 3
 Building Elevations (2 of 2)

Attachment 1
Subject Property Map





RDN REPORT		
CAO APPROVAL ✓		
EAP	✓	
COW		
AUG 30 2012		
RHD		
BOARD		

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: August 28, 2012

FROM: Angela Buick
Planner

FILE: PL2012-008

SUBJECT: Development Permit Application No. PL2012-008 – 0473252 BC Ltd. & 0627060 BC Ltd. That Part of Section 18, Range 2, Mountain District Lying to the East of a Straight Boundary Joining a Point on the North Boundary of Said Section Distant 20 Chains from the North East Corner of Said Section to a Point on the South Boundary of Said Section - 3301 Andres Road
Electoral Area 'C'

PURPOSE

To consider a development permit application for existing land alterations in conjunction with a seven lot subdivision (Application No. PL2012-181) within the Fish Habitat Protection Development Permit Area on a parcel located in Electoral Area 'C'.

BACKGROUND

Pursuant to the "Arrowsmith Benson – Cranberry Bright Official Community Plan Bylaw No. 1148, 1999" (OCP), the proposed parcel is designated within the Fish Habitat Protection Development Permit Area (DPA) in this case for the protection of Millstone River tributaries which cross the north and south portions of the parent parcel.

The property, which is 14.3 ha in area, is currently zoned Rural 1 (RU1) and is within Subdivision District 'D' (2.0 ha minimum parcel size with or without community services) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (See Attachment 1 for subject property map). The parent parcel is currently vacant. Surrounding land uses include a resource management zoned property to the south; rural zoned properties to the east and west; and a rural zoned property within the ALR to the north.

Land alterations associated with the proposed subdivision had commenced on the subject property prior to any approvals for alterations within the riparian areas. These works included vegetation clearing and substantial earthworks within the stream itself as well as the Streamside Protection Enhancement Area. The Regional District of Nanaimo (Bylaw Enforcement), Department of Fisheries, and Ministry of Forests, Lands and Natural Resource Operations (MFLRO) were notified of the alterations and the applicant was advised to cease any further alterations until a development permit was issued. The works were ceased and sediment and erosion control measures were developed by Environmental Dynamics Inc. and Ground Control Geotechnical Engineering Ltd. for the protection of the riparian areas during the wet season. Communications and site inspection reports between the Qualified Environmental Professional (QEP), MFLRO, and the Department of Fisheries were on-going

through this process to ensure measures were implemented. The applicant was required to obtain a Section 9 approval from MFLRO for the in-stream works. The proposed development permit is required to recognize the alterations in the riparian area and to permit the proposed subdivision.

ALTERNATIVES

1. To approve Development Permit Application PL2012-008 subject to the conditions outlined in Schedule 1.
2. To deny the Development Permit as submitted.

DEVELOPMENT IMPLICATIONS

Environmental Implications

The applicant has provided a Riparian Areas Regulations Assessment (RAR) prepared by Adam Compton of Environmental Dynamics Inc. dated February 15, 2012 which has been registered with the Ministry of Environment. This report establishes Streamside Protection and Enhancement Areas (SPEA) of 10 metres from two tributaries to the millstone river (stream one and two) and 15 metres from a pond on site. The report includes measures to maintain and protect the SPEA and addresses environmental monitoring. Staff recommend that the measures identified by the QEP be included as conditions of approval (see Schedule 1).

Any future development within the Fish Habitat Development Permit Area will be required to obtain a development permit from the RDN planning department.

Inter-governmental Implications

A Section 9 permit, pursuant to the *Water Act* was issued on August 7, 2012 by MFLRO for the alterations to the unnamed tributary to the Millstone River on the subject property under Approval No. A1-1528.

Sustainability Implications

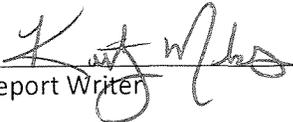
In keeping with Regional District of Nanaimo Board policy, staff reviewed the development with respect to the "Regional District of Nanaimo Sustainable Development Checklist" and note that the proposed stream remediation works to be completed under the Section 9 approval will help enhance and revitalize the identified riparian areas to its natural state.

SUMMARY/CONCLUSION

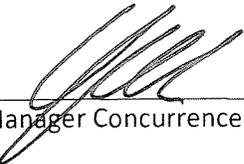
A development permit is required for recent land alterations and a proposed seven lot subdivision. The subject property is subject to the Fish Habitat Protection Development Permit Area pursuant to the Arrowsmith Benson-Cranberry Bright OCP for the protection of Millstone River tributaries and its riparian areas. The applicant has provided an RAR assessment which recommends mitigation and remediation works to be completed on the subject property. The MFLRO has issued a Section 9 approval for the works in and about the stream. Given that the implementation of the recommendations of the QEP will be required as a condition of approval and the proposed development will not negatively impact the riparian areas, staff recommends that the Board approve the development permit.

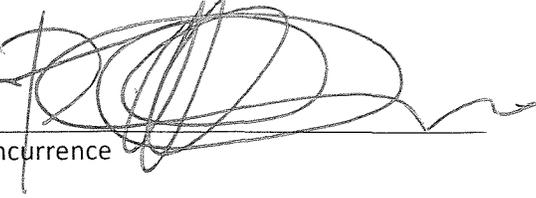
RECOMMENDATION

That Development Permit Application No. PL2012-008 for property addressed as 3301 Andres Road in Electoral Area 'C', be approved subject to the conditions outlined in Schedule 1.

Bar / 
Report Writer

General Manager Concurrence


Manager Concurrence


D. / CAO Concurrence

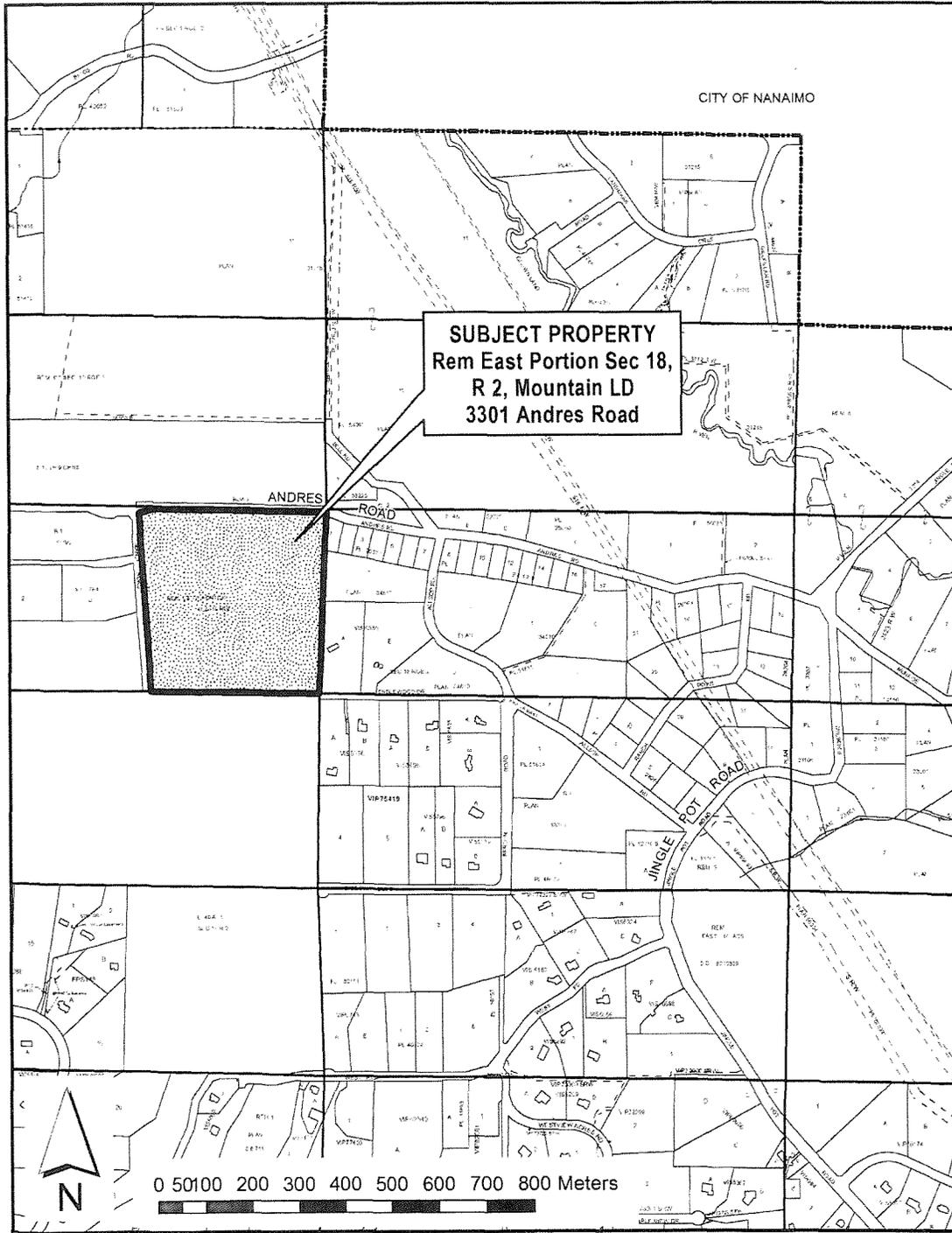
Schedule 1
Conditions of Development Permit

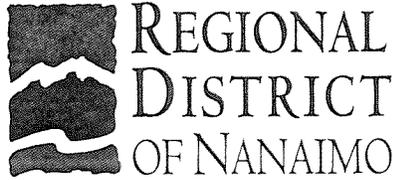
The following sets out the conditions of Development Permit Application No.:PL2012-008:

Conditions:

1. The subdivision of the lands shall be in substantial compliance with the plan of subdivision prepared by J.E. Anderson & Associates dated June 15, 2012 as shown on attached Schedule 2.
2. The site shall be developed in accordance with the Measures to Protect and Maintain the SPEA set out in "Section 4 – Measures to Protect and Maintain the SPEA" and the Environmental Monitoring set out in "Section 5 – Environmental Monitoring" of the Riparian Area Regulation Assessment prepared by Adam Compton of EDI Environmental Dynamics Inc. dated February 15, 2012. Staff shall withhold issuance of this permit until the applicants, at their own expense, provide a BCLS reference plan of the SPEA and register a section 219 restrictive covenant prohibiting development and use within the SPEA except in accordance with the RAR assessment.
3. The applicant's QEP shall submit a post-development report to the Planning Department to certify that the development has been developed in accordance with the recommendations set out in the prepared by Adam Compton of EDI Environmental Dynamics Inc. dated February 15, 2012, prior to RDN forwarding a subdivision compliance letter to The Ministry of Transportation and Infrastructure.
4. The applicant is to submit, to the satisfaction of RDN, a plan which outlines the buildable site areas for lots 5, 6, and 7, exclusive of the Fish Habitat Development Permit Area, prior to RDN forwarding a subdivision compliance letter to The Ministry of Transportation and Infrastructure.

Attachment 1 Location of Subject Property





RDN REPORT	
CAO APPROVAL	
EAP	<input checked="" type="checkbox"/>
COW	<input type="checkbox"/>
AUG 20 2012	
RHD	<input type="checkbox"/>
BOARD	<input type="checkbox"/>

MEMORANDUM

TO: Jeremy Holm
Manager of Current Planning

DATE: August 9, 2012

FROM: Robert Stover
Planning Technician

FILE: PL2012-098

SUBJECT: Development Variance Permit Application No. PL2012-098 – Kevin & Wendy May
Lot 1, District Lot 29, Nanoose District, Plan EPP14273
Electoral Area 'G'

PURPOSE

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

BACKGROUND

The Regional District of Nanaimo has received an application from Kevin and Wendy May to allow for a setback variance in relation to the construction of a dwelling unit on the subject property. The subject property is approximately 732 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 is currently vacant and is bordered by Cavin Road to the north, and developed residential lots to the east, west, and south.

Proposed Variance

The applicant is proposing to construct a two-storey dwelling unit on the subject property (see Schedule 2 for site plan). A statutory right-of-way for maintenance of drainage works of approximately 4.0 metres in width runs along the west side of the property. The minimum setback requirement from the western interior side lot line in the RS1 zone is 2.0 metres. The statutory right-of-way extends 2.0 metres beyond the minimum setback from the interior side lot line, which creates constraints for the siting of the proposed dwelling unit, as no structures can be erected within the right-of-way. The applicant is requesting to vary the minimum setback requirement from the interior side lot line along the eastern boundary from 2.0 metres to 1.0 metre to allow for the construction of the proposed dwelling unit.

ALTERNATIVES

1. To approve the Development Variance Permit No. PL2012-098 subject to the conditions outlined in Schedules 1 and 2.
2. To deny the Development Variance Permit No. PL2012-098.

LAND USE IMPLICATIONS

Development Implications

The applicant is requesting a variance to reduce the minimum required setback from the interior side lot line (east boundary) from 2.0 metres to 1.0 metres for a proposed dwelling unit as shown on the site plan attached as Schedule 2. The applicant has provided a letter of rationale for the variance, outlining the limitations on the building envelope by the existing 4.0 metre wide statutory right-of-way along the western boundary which prohibits any buildings in the right-of-way area. Approval of the proposed variance would allow for the maximum use of the property without encroaching into the right-of-way area. All other bylaw requirements of the RS1 zone will be met.

The applicant is proposing to site the dwelling unit in a way to maximize privacy for the property owner to the east by siting the garage on the west side of the property, and minimizing the number of windows facing the east property line (see Schedule 3).

Staff is of the opinion that the applicant has supplied sufficient rationale for requesting the variance, given the setback constraints on the lot created by the drainage right-of-way along the western property line of the subject property.

Sustainability Implications

In keeping with Regional District of Nanaimo Board policy, staff reviewed the proposed development with respect to the "Regional District of Nanaimo Sustainable Development Checklist" and note that the proposed development will utilize an existing serviced lot within the Growth Containment Boundary.

Public Consultation Process

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

SUMMARY/CONCLUSIONS

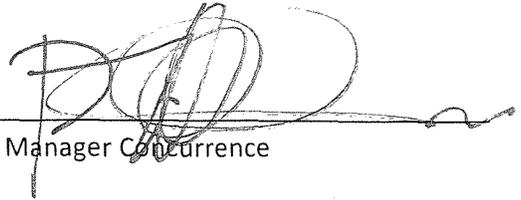
This is an application for a Development Variance Permit to reduce the minimum required setback from an interior side lot line from 2.0 metres to 1.0 metre along the east property line to allow for the construction of a dwelling unit. The applicant has submitted a site plan, elevation drawings of the proposed dwelling unit, and a letter of rationale in support of the application. Given that the requested variance would create a reasonable building envelope without negatively impacting the surrounding properties, staff recommends the Board approve the proposed Development Variance Permit.

RECOMMENDATIONS

1. That staff be directed to complete the required notification.
2. That Development Variance Permit Application No. PL2012-098 to reduce the minimum required setback from an interior side lot line (east side) from 2.0 metres to 1.0 metre be approved subject to the conditions outlined in Schedules 1 and 2.



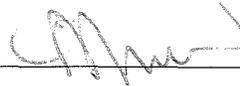
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

Schedule 1
Term and Conditions of Development Variance Permit

The following sets out the terms and conditions of Development Variance Permit Application No. PL2012-098:

Variances

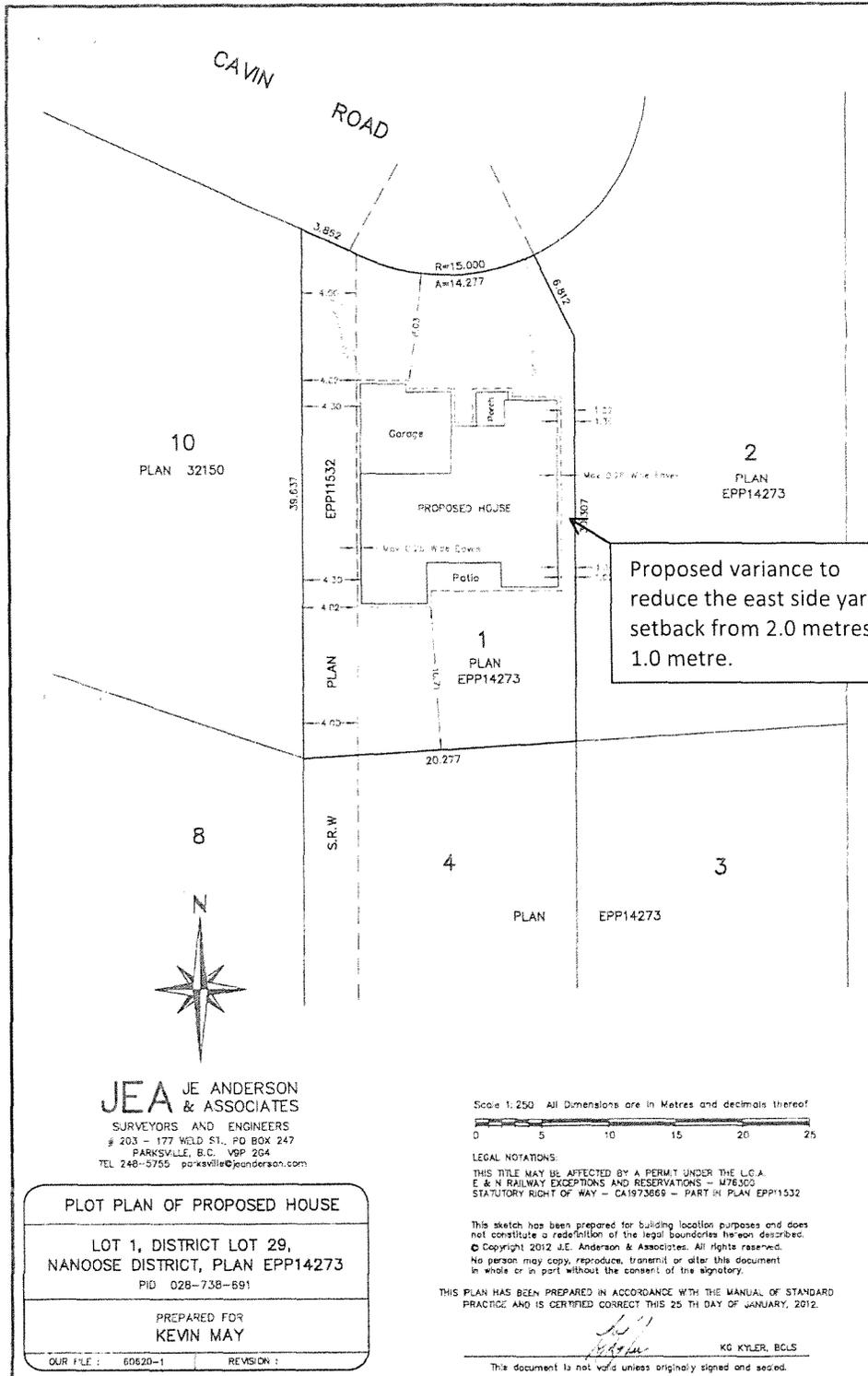
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

1. **Section 3.4.61 Minimum Setback Requirements** is requested to be varied by reducing the minimum required setback from an interior side lot line (east side) from 2.0 metres to 1.0 metres for a proposed dwelling unit as shown on Schedule 2.

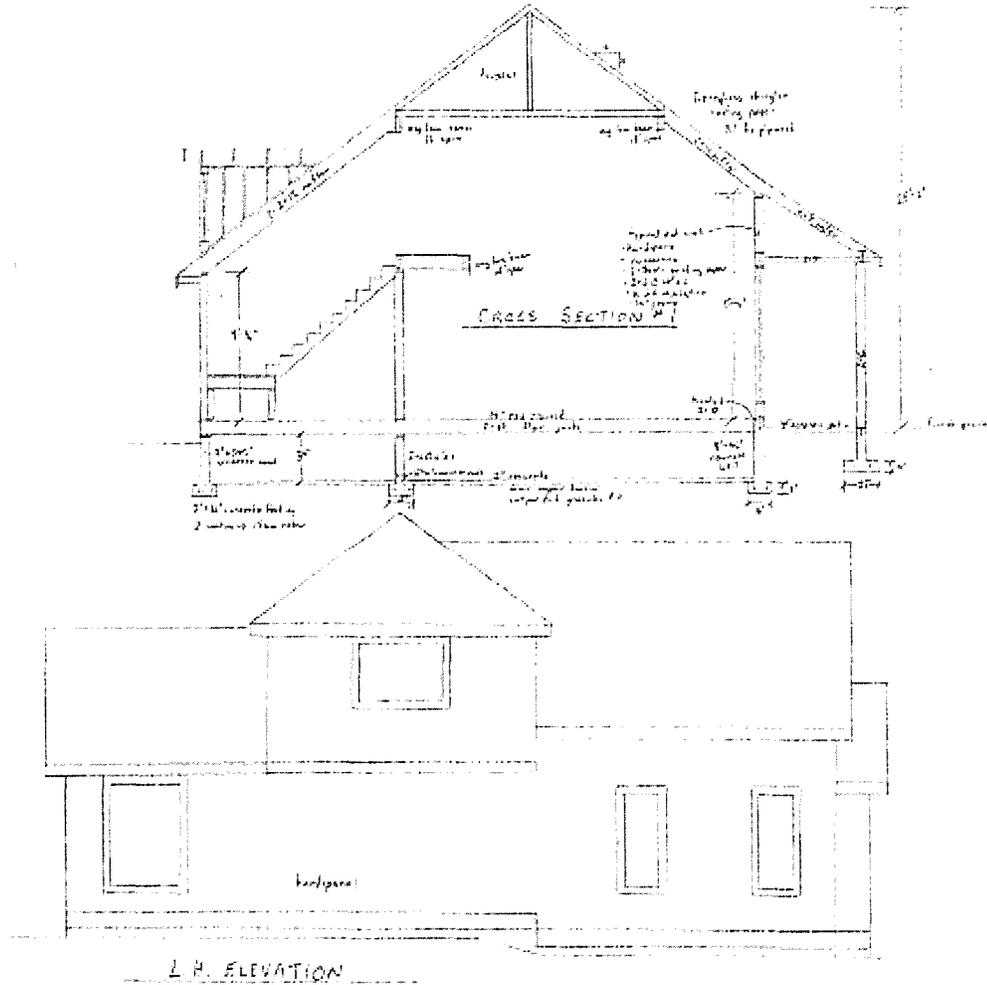
Conditions of Approval

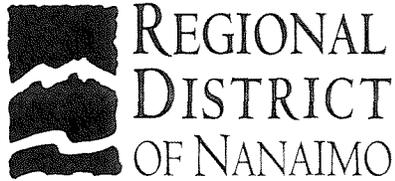
1. The proposed dwelling unit shall be sited in accordance with the site plan prepared by JE Anderson & Associates dated January 25, 2012, attached as Schedule 2.

Schedule 2
Site Plan



Schedule 3
Elevation Drawings – East Side





RDN REPORT	
CAO APPROVAL	
EAP	<input checked="" type="checkbox"/>
COW	<input type="checkbox"/>
AUG 30 2012	
RHD	<input type="checkbox"/>
BOARD	<input type="checkbox"/>

MEMORANDUM

TO: Jeremy Holm, Manager of Current Planning **DATE:** August 28, 2012

FROM: Angela Buick, Planner **FILE:** PL2012-112

SUBJECT: Development Variance Permit Application PL2012-112 – Van Dyk
 Lot 5, Block 359, Newcastle District, Plan VIP64696 – 1820 Settler Road
 Electoral Area 'F'

PURPOSE

To consider an application for a Development Variance Permit to the minimum frontage requirement for the subject properties in conjunction with a proposed two-lot subdivision.

BACKGROUND

The Regional District of Nanaimo (RDN) has received a request from Fern Road Consulting Ltd on behalf of Carlo and Barbara Van Dyk to relax the minimum lot frontage requirement in conjunction with a two lot *Local Government Act* Section 946 subdivision.

The parent parcel is 2.09 hectares and is zoned R-2 (Rural Residential 2) which supports a minimum lot size of 1.0 ha, pursuant to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" (see Attachment 1 for location of subject property). The applicant proposes to subdivide the property into two 1.0 ha lots (see Schedule 2 for proposed subdivision layout). The proposed lot areas will satisfy the minimum parcel size requirements of Bylaw No. 1285, 2002.

The subject property currently contains a dwelling unit, and various accessory buildings. The surrounding land uses are rural residential.

Proposed Development

Proposed Lot 2, as shown on the plan of subdivision (Schedule 2) does not meet the minimum 40 metre lot frontage requirement pursuant to Section 4.14.3.c) of Bylaw No. 1285, 2002 , and is proposed to be reduced to 6.5 metres of frontage. As proposed lot 2 does not meet the minimum lot frontage requirement pursuant to Bylaw No. 1285, a variance is required to permit the subdivision.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2012-112 subject to the conditions outlined in Schedule 1.
2. To deny Development Variance Permit No. PL2012-112.

LAND USE IMPLICATIONS

Development Implications

Despite the reduced frontage for proposed Lot 2, given that the proposed lot is approximately 1.03 ha in area and has a proposed panhandle road frontage of 6.5 metres, there is sufficient access and buildable site area available to support intended uses.

The proposed panhandle lot does not meet the minimum 40 metre lot frontage requirement of Bylaw 1285, however as the proposed lot fronts on a cul-de-sac and does not have further subdivision potential it does comply with the criteria set-out in the bylaw for consideration of reduced frontage.

Public Consultation Implications

As part of the required public notification process, property owners and tenants located within a 50 metre radius, will receive a direct notice of the proposal, and will have an opportunity to comment on the proposed variance, prior to the Board's consideration of the application.

Sustainability Implications

In keeping with Regional District of Nanaimo Board policy, staff have reviewed the proposed development with respect to the "Regional District of Nanaimo Sustainable Development Checklist". The creation of the panhandle lot will allow more efficient use of the land as otherwise provided for in Bylaw 1285.

Ministry of Transportation and Infrastructure Implications

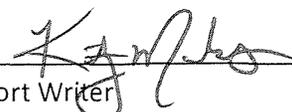
With respect to access, Ministry of Transportation and Infrastructure (MOTI) staff has indicated that they have no issues with the proposed minimum frontage relaxation and a Preliminary Layout Approval has been issued.

SUMMARY/CONCLUSIONS

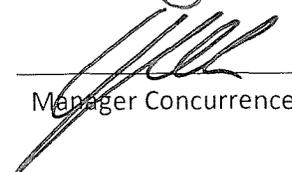
The applicant proposes to subdivide the property into two 1.0 ha lots, including one lot with a panhandle lot (lot 2). The proposed lots, despite the reduced frontage, will be capable of supporting the uses permitted in the zoning provisions. In addition, Ministry of Transportation and Infrastructure staff have indicated that they have no objection to the request for a variance to the minimum frontage requirement and have issued a Preliminary Layout Approval. As the proposed variance is consistent with the criteria set out in Bylaw 1285 for the consideration of reduced frontage, staff recommends that the board approve the Development Variance Permit pending the outcome of public notification.

RECOMMENDATIONS

1. That staff be directed to complete the required notification, and
2. That Development Variance Permit No. PL2012-112 be approved subject to the conditions outlined in Schedule 1.

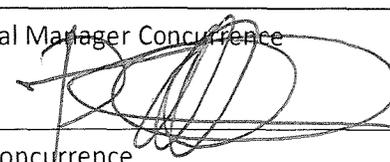
for/ 

Report Writer



Manager Concurrence

General Manager Concurrence



CAO Concurrence

Schedule 1
Terms and Conditions of Development Variance Permit

The following sets out the terms and conditions of Development Variance Permit No. PL2012-112:

Bylaw No. 1285, 2002 Variance:

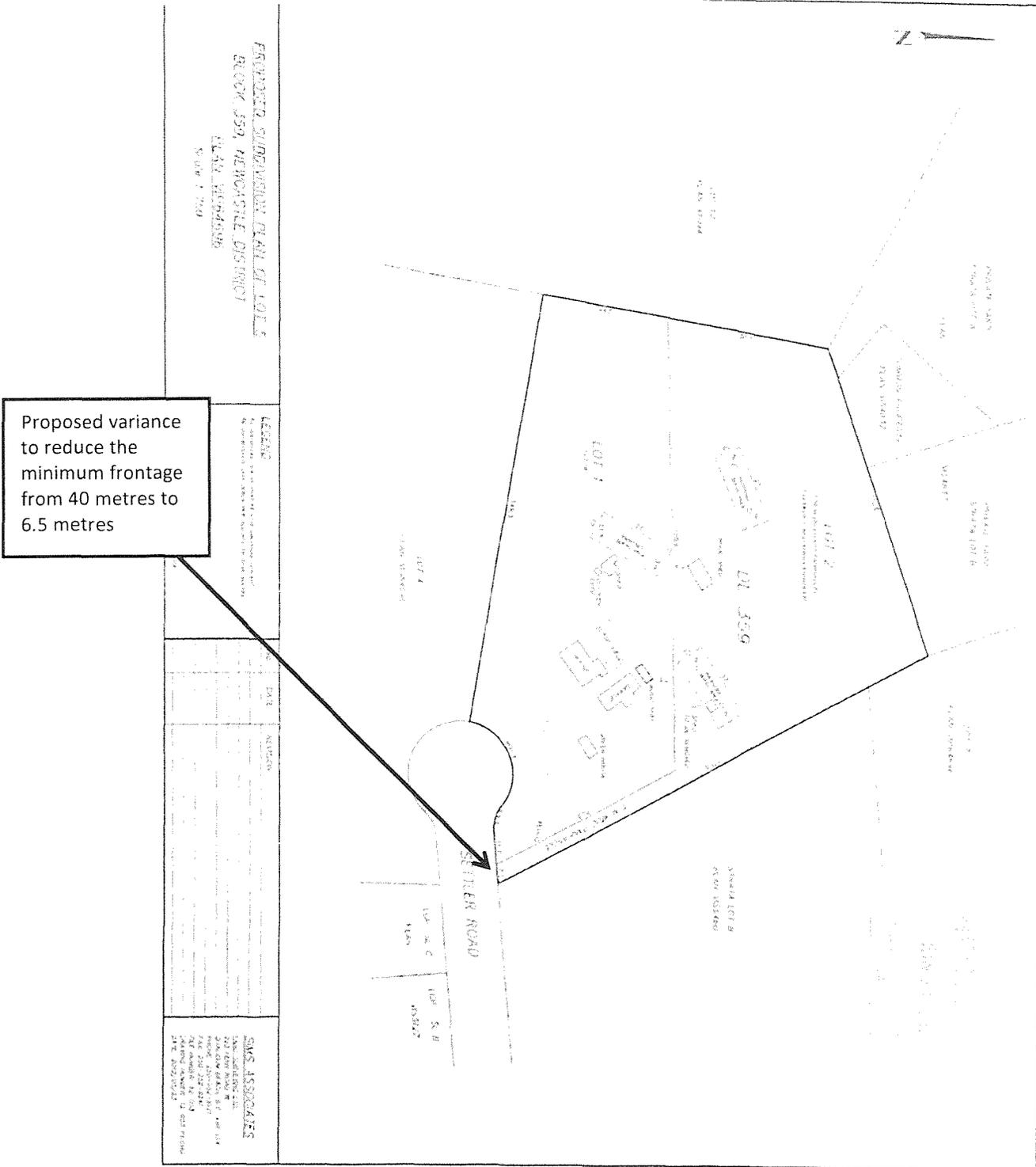
With respect to the lands, the "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" is requested to be varied as follows:

1. **Section 4.6.3c) Minimum Lot Frontage** is reduced from 40 metres to 6.5 metres for Proposed Lot 2 as shown on the proposed plan of subdivision on Schedule 2.

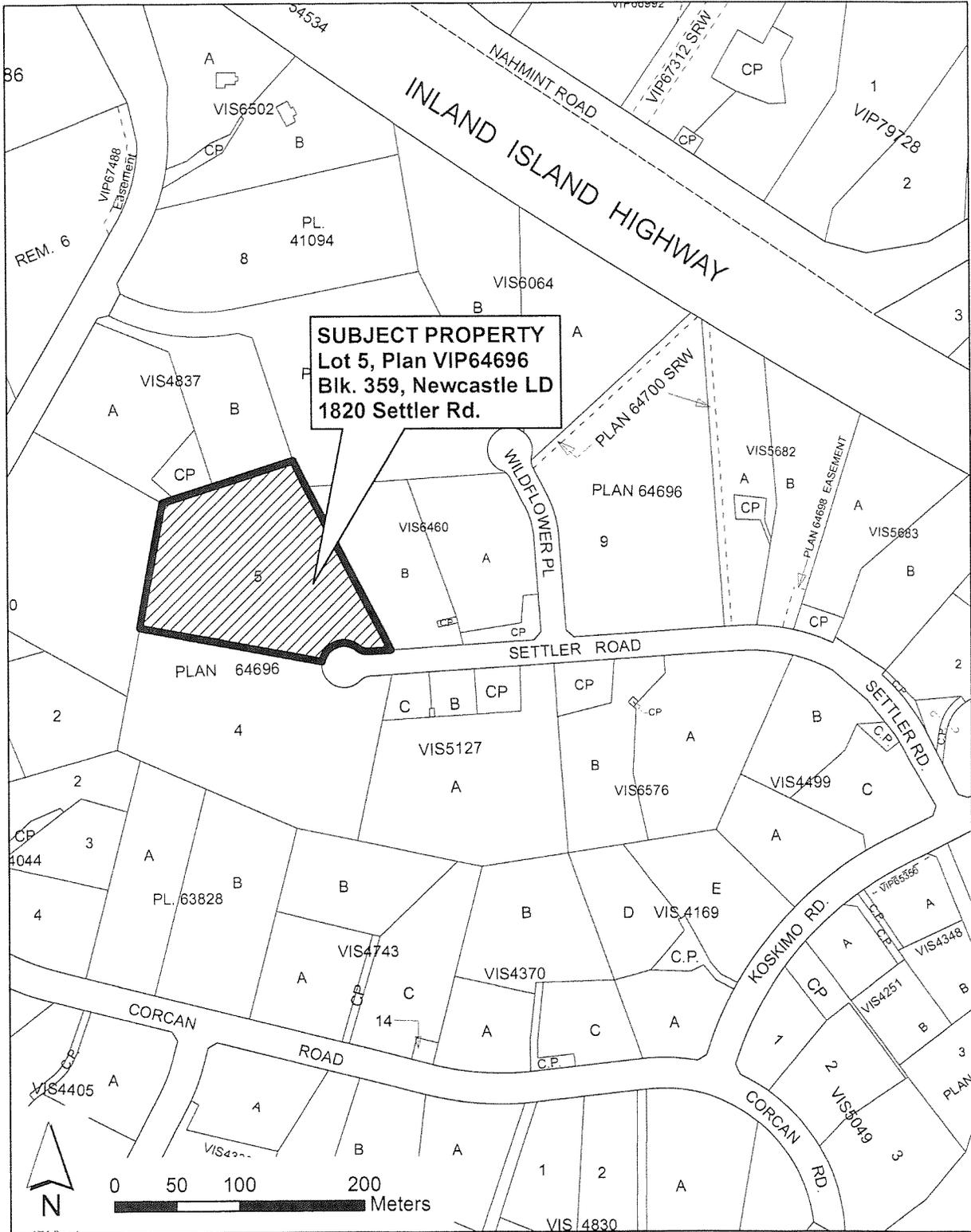
Conditions of Approval:

1. The proposed subdivision shall be generally in compliance with the survey plan prepared by Sims Associates Land Surveying Ltd. dated May 23, 2012, attached as Schedule 2.

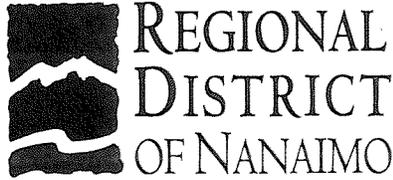
Schedule 2 Plan of Proposed Subdivision



Attachment 1 Location of Subject Property



BCGS MAPSHEET: 92F.038.1.3



RDN REPORT		
CAO APPROVAL		
EAP	<input checked="" type="checkbox"/>	
COW	<input type="checkbox"/>	
AUG 30 2012		
RHD	<input type="checkbox"/>	
BOARD	<input type="checkbox"/>	

MEMORANDUM

TO: Jeremy Holm
 Manager of Current Planning

DATE: August 21, 2012

FROM: Lainya Rowett
 Senior Planner

FILE: PL2012-058

SUBJECT: Development Variance Permit Application No. PL2012-058 – Mycock
 District Lot 46, Nanoose District, Except Parts in Plans 44554 and 45876
 1694, 1696 and 1731 Errington Road
 Electoral Area 'F'

PURPOSE

To consider an application for a Development Variance Permit in conjunction with a subdivision in the Agricultural Land Reserve (ALR).

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Fern Road Consulting Ltd. on behalf of Elizabeth Mycock to vary section 6.7.2 of the “Regional District of Nanaimo Zoning and Subdivision Bylaw No. 1285, 2002” concerning the lot size requirement for a parcel in a proposed subdivision in the Agricultural Land Reserve (ALR). The parent parcel (60 ha) consists of two hooked lots located north and south of Errington Road (see Attachment 1 for location of subject property). The surrounding land uses include other agricultural zoned parcels in the ALR as well as some rural residential parcels to the east which are not in the ALR. The property is zoned Agriculture 1 (A-1) Zone pursuant to Bylaw No. 1285 and contains two non-conforming dwelling units which were built prior to adoption of the Zoning Bylaw.

The applicant has submitted a concurrent subdivision application (Application No. PL2012-033) to subdivide two 1.0 hectare lots from the parent parcel. One of the 1.0 hectare lots (Lot 1) is proposed to be created through Section 946 of the *Local Government Act* as a parcel for a family member. The other 1.0 hectare lot (Lot 2) is proposed to be created through a standard *Land Title Act* subdivision. (see Schedule 2 Proposed Plan of Subdivision). The proposed lots will be served with individual wells and private septic disposal systems.

In November 2011 the Agricultural Land Commission (ALC) granted permission for the proposed subdivision in the ALR. Since only one lot may be created through a section 946 subdivision, the applicant has requested a variance to reduce the minimum lot size provisions in order to create a second 1.0-hectare lot in fee simple as per the ALC’s resolution (Resolution #370/2011).

Proposed Development and Variances

The minimum lot size in the A-1 Zone is 4.0 ha however section 6.7.2 of the bylaw states that proposed lots in a subdivision may be reduced to 80% of the required lot size, in this case 3.2 ha, provided that:

- a) a maximum of 50% of the proposed lots within the land to be subdivided may be reduced in size, unless a higher percentage has been approved by way of a development variance permit;
- b) the average lot size of all lots within the subdivision conforms with the lot size permitted in the applicable zone;
- c) Section 219 Restrictive Covenant in favour of the Regional District is registered against all lots in the subdivision prohibiting further subdivision of the land.

The applicant proposes to vary the percentage that a lot may be reduced in area from 80% to 25% of the minimum lot size required in the applicable zone (A-1) in order to facilitate the creation of two 1.0 hectare lots and a remainder.

ALTERNATIVES

1. To approve the Development Variance Permit Application No. PL2012-058 subject to the conditions outlined in Schedule 1.
2. To deny the Development Variance Permit Application No. PL2012-058.

LAND USE IMPLICATIONS

Development Implications

Staff have reviewed the proposed variance in accordance with *Board Policy No. B1.5* and conclude that the variance would allow for more efficient use and development of the subject property without negatively impacting its agricultural use or the use of adjacent lands.

The subdivision is located in an unobtrusive area in the northwest corner of the property, adjacent to Errington Road. The ALC supports the configuration of proposed Lots 1 and 2 because the location and size of these lots will maximize the area of the remainder to be used for agriculture. In addition, each of the proposed lots and remainder will contain an existing dwelling unit so the streetscape will not change and there will be no aesthetic impacts on adjacent properties.

The variance applies only to one of the proposed lots (Lot 2), which does not meet the minimum lot size of 4.0 ha in the A-1 Zone. Despite the reduced area, the average size of proposed Lot 2 and the remainder will exceed the minimum 4.0 ha. All other requirements of the A-1 Zone will apply, and the applicant will be required to demonstrate bylaw compliance through the subdivision process.

Proposed Lot 1, on the other hand, is to be created through a section 946 subdivision which allows a minimum 1.0 ha lot provided that all requirements of the *Local Government Act* and zoning compliance are met. As a condition of approval the applicant will be required to register a section 219 Restrictive Covenant at the time of subdivision to prohibit any further subdivision of Lot 1 under section 946 (see Schedule 1).

It is noted that if the variance is denied, the proposed section 946 subdivision could still proceed but this would leave one dwelling on the remainder which would be non-conforming, as one of the dwellings is not a manufactured home as required in the zoning. The applicant is in the process of selling the farm (remainder) and has indicated that the property sale is hampered by the presence of three dwellings on the existing lot; hence, the request to subdivide to bring the number of dwellings per lot into compliance with the zoning.

Varying the lot size requirement from 80% to 25% (in this case 3.2 ha to 1.0 ha) will not result in the creation of additional lots or dwelling units than would otherwise be permitted under the zoning bylaw, given the size (60 ha) of the parent parcel. The Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999" (OCP) would potentially permit the remainder to be subdivided into as many as fifteen 4.0 hectare lots, if approved by the ALC, each containing two dwellings for a total of 30 additional dwellings.

Under section 6.7.2 c) of the zoning bylaw a restrictive covenant is required to prohibit any further subdivision of the land, in this case the remainder or proposed Lot 2. The applicant proposes to further restrict the development potential, in support of the variance request, by registering a section 219 Restrictive Covenant to restrict the number of dwelling units to one dwelling per lot for proposed Lots 1 and 2. This restriction would further preserve a large remainder for agricultural use. The applicant will be required to register these covenants as a condition of approval at the time of subdivision (see Schedule 1).

The applicant will also be required to meet the following conditions of approval through the subdivision process as outlined in the ALC's Resolution #370/2011:

- The subdivision must be in substantial compliance with the plan submitted with the application;
- The construction of a fence and the maintenance of vegetation on the proposed parcels for the purpose of buffering the remaining farm parcel from the potential associated impacts of the residential uses of the proposed parcels;
- Compliance with the ALC's Homesite Severance Policy;
- The subdivision must be completed within three years from the date of this decision.

Sustainability Implications

In keeping with Board policy, staff have reviewed the proposed development against the Regional District of Nanaimo Sustainable Development Checklist and have identified the following sustainability implications in support of the requested variance:

- The proposed configuration of the proposed lots would preserve a larger contiguous area for agricultural use than would otherwise remain if proposed Lot 2 needed to meet the minimum 4.0 ha lot size;
- The potential for development encroachment and conflicts between residential use and agricultural use would be minimized through the registration of restrictive covenants to limit future subdivision and unit density potential on proposed Lots 1 and 2.

Inter-governmental Implications

A Preliminary Layout Approval (PLA) for the proposed subdivision was issued on July 31, 2012 by the Provincial Approving Officer.

The Agricultural Land Commission assessed the impact of the proposed subdivision against the long term goal of preserving agriculture, and concluded that the proposed Lots 1 and 2 are located in an unobtrusive area on the property and would not adversely impact existing or potential agricultural potential of surrounding lands (Resolution #370/2011).

Public Consultation Process

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

SUMMARY/CONCLUSIONS

The applicant has submitted a Development Variance Permit application to vary section 6.7.2 of Bylaw No. 1285 to vary the percentage that a lot may be reduced from 80% to 25% of the minimum lot size required in the A-1 Zone in order to facilitate the creation of two 1.0 hectare lots and a remainder. The A-1 Zone requires a minimum parcel size of 4.0 ha; the applicant proposes to create two 1.0 ha parcels including a section 946 parcel and a fee simple parcel, each containing an existing dwelling. Given that the variance would not negatively impact the use of the proposed or adjacent lots, and the applicant must comply with the section 946 requirements and the conditions of the ALC Resolution #370/2011, staff recommends the Board approve the proposed Development Variance Permit.

RECOMMENDATIONS

1. That staff be directed to complete the required notification.
2. That Development Variance Permit Application No. PL2012-058 be approved subject to the conditions outlined in Schedule 1.

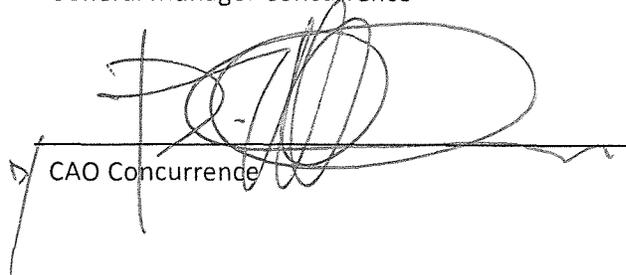


Report Writer

General Manager Concurrence



Manager Concurrence



CAO Concurrence

Schedule 1
Terms and Conditions of Development Variance Permit

The following sets out the terms and conditions of Development Variance Permit No. PL2012-058:

Bylaw No. 1285, 2002 Variance:

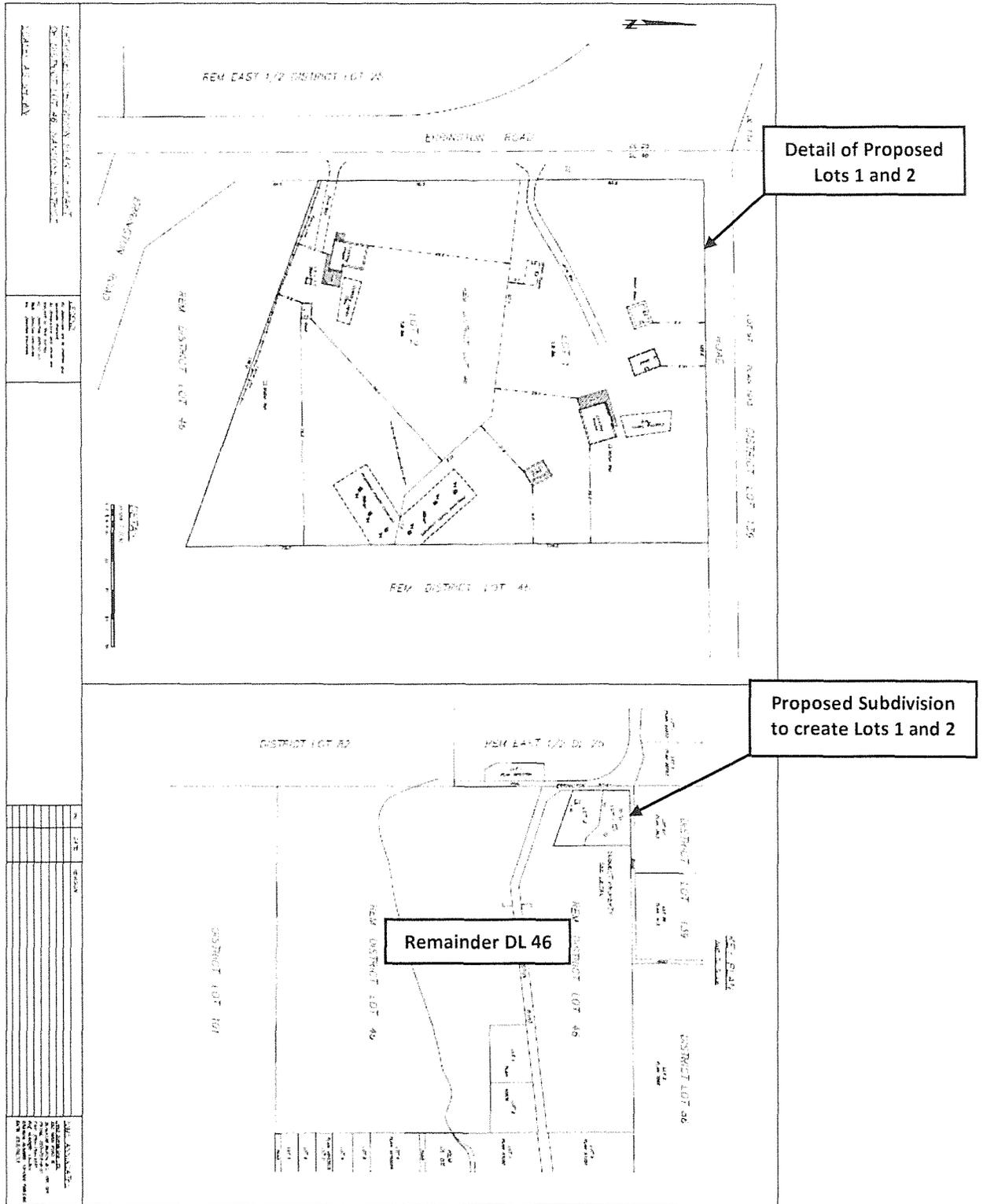
With respect to the lands, "Regional District of Nanaimo Zoning and Subdivision Bylaw No. 1285, 2002" is varied as follows:

1. **Section 6.7.2 Lots Exempt from Minimum Lot Size Requirements** to vary the percentage that a lot may be reduced in area from 80% to 25% of the minimum lot size as required in the applicable zone (A-1).

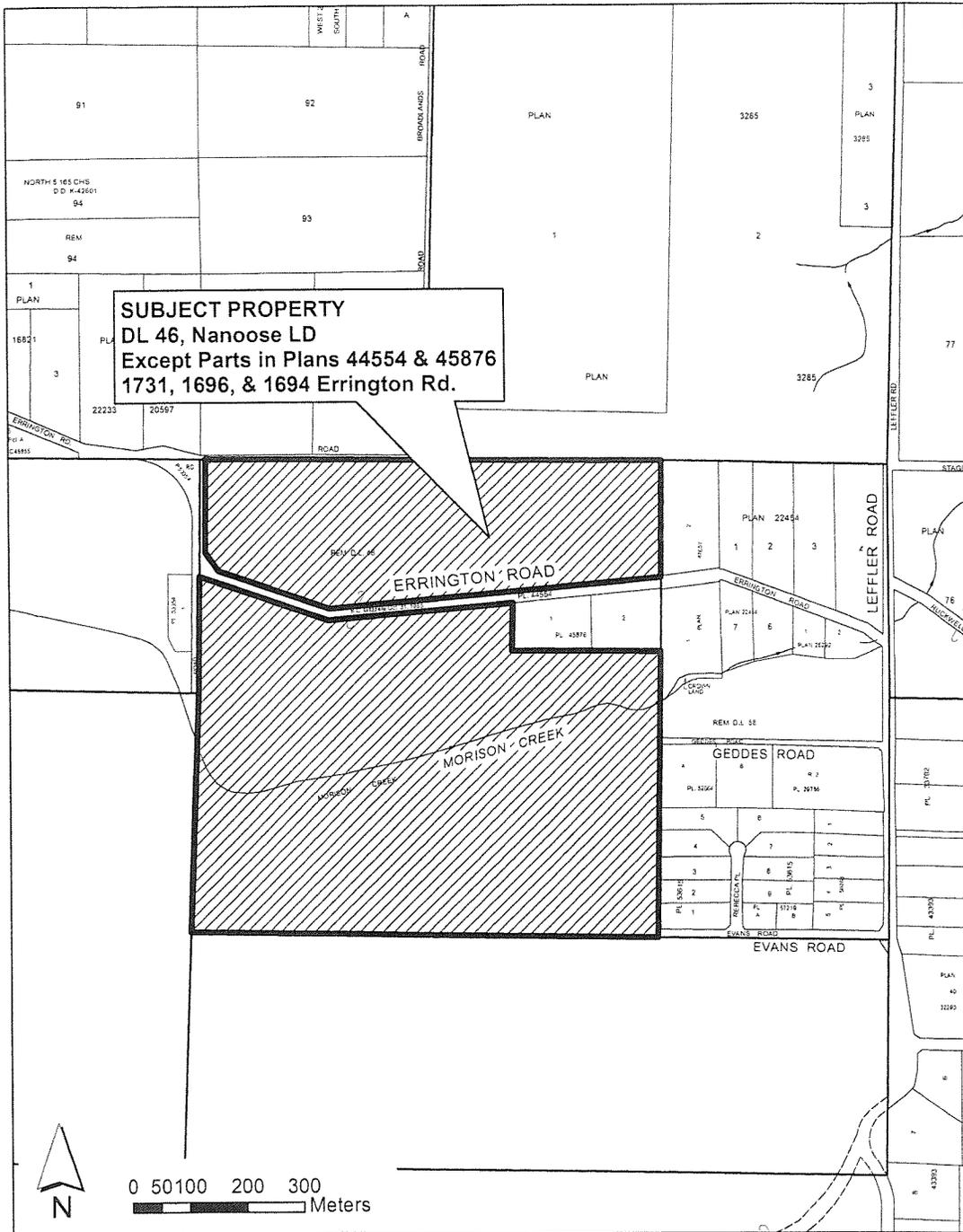
Conditions of Approval:

1. The proposed subdivision shall be generally in compliance with the survey plan prepared by Sims Associates Land Surveying Ltd. dated February 13, 2012, attached as Schedule 2.
2. The applicant shall register a section 219 Restrictive Covenant at the time of subdivision to prohibit any further subdivision of proposed Lot 1, as illustrated on the survey plan attached as Schedule 2, in accordance with the requirements of section 946 of the *Local Government Act*.
3. The applicant shall register a section 219 Restrictive Covenant at the time of subdivision in favour of the Regional District of Nanaimo to prohibit any further subdivision of the remainder and proposed Lot 2, as illustrated on the survey plan attached as Schedule 2.
4. The applicant shall register a section 219 Restrictive Covenant at the time of subdivision in favour of the Regional District of Nanaimo to restrict the number of dwelling units to one dwelling unit per lot on proposed Lots 1 and 2, as illustrated on the survey plan attached as Schedule 2.

Schedule 2 Proposed Plan of Subdivision



Attachment 1 Subject Property Map





RDN REPORT		
EAP	CAO APPROVAL	✓
COW		
AUG 30 2012		
RHD		
BOARD		

MEMORANDUM

TO: Jeremy Holm
 Manager of Current Planning

DATE: August 28, 2012

FROM: Angela Buick
 Planner

FILE: PL2012-090

SUBJECT: Development Variance Permit Application No. PL2012-090 – Barrie Cook
 Lot 35, Section 11, Range 2, Cedar District Plan 23856 – 2182 Yellow Point Road
 Electoral Area 'A'

PURPOSE

To consider an application for a Development Variance Permit to reduce the setback from the side lot line in order to legalize the siting of an existing carport/shed within the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Barrie Cook to legalize the siting of an existing carport/shed on the subject property. The property contains an existing dwelling unit and is 1,234 m² in area and is zoned Residential 2 (RS2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachment 1 for location of subject property). The property is surrounded by other residential lots zoned RS2.

The existing carport/shed does not meet the minimum setback requirement of the RS2 Zone therefore the applicant is requesting a variance to reduce the side lot line setback in order to permit the carport/shed to be retained.

Proposed Development and Variance

The applicant proposes to reduce the north side lot lines setback from 2.0 meters to 1.6 metres in order to legalize the siting of an existing carport.

ALTERNATIVES

1. To approve the Development Variance Permit No. PL2012-090 subject to the conditions outlined in Schedules 1 and 2.
2. To deny the Development Variance Permit No. PL2012-090.

LAND USE IMPLICATIONS

Development Implications

The setback of the carport/shed from the property line to the roof overhang, varies between 1.9 metres and 1.6 metres from the north side lot line. The required setback in RS2 Zone is 2.0 metres. The requested setback variance to 1.6 metres is required in order to accommodate the carport/shed (as attached in Schedule 2). The carport/shed wall and foundation are setback 2.0 metres from the property line, so the requested variance only applies to the overhang of the roofline. The other buildings on the property are in compliance with all requirements of the RS2 Zone. The applicant has provided the following rationale for the requested variance:

- The applicant was unaware that a building permit was required to construct the carport/shed. A stop work order was issued on June 21, 2012 and the applicant applied for a building permit June 22, 2012.
- The applicant assumed the setback was measured from the foundation wall and not the roof overhang, as this is what he was familiar with from another municipality.

There are no anticipated view impacts for adjacent property, and the applicant has received six letters of support from the adjacent property owners.

Public Consultation Process

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

Sustainability Implications

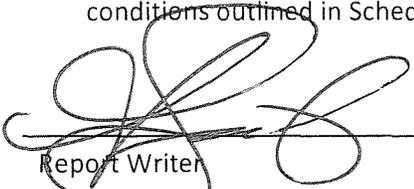
In keeping with Regional District of Nanaimo Board policy, staff have reviewed the proposed development with respect to the "Regional District of Nanaimo Sustainable Development Checklist". There were no sustainability implications identified.

SUMMARY/CONCLUSIONS

This is an application for a Development Variance Permit to reduce the minimum setback from the side lot line in order to legalize the siting of a carport/shed on the subject property. The applicant has submitted a site plan and rationale for the requested variance in support of the application; Given that there are no anticipated view impacts as a result of this minor variance for the overhang on the carport/shed, and the applicant has received letters of support from all adjacent property owners, staff recommend that the Board approve the setback variance to the north side lot line in order to legalize the siting of the carport/shed pending outcome of public consultation.

RECOMMENDATIONS

1. That staff be directed to complete the required notification.
2. That Development Variance Permit Application No. PL2012-090 be approved subject to the conditions outlined in Schedule 1.

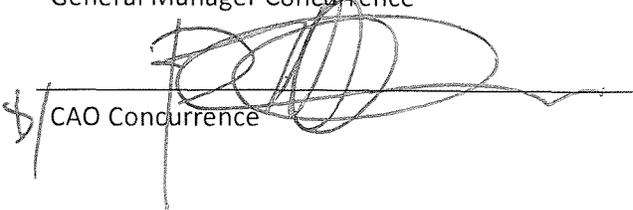


Report Writer



Manager Concurrence

General Manager Concurrence



CAO Concurrence

Schedule 1
Term and Conditions of Development Variance Permit

The following sets out the terms of Development Variance Permit No. PL2012-090:

Bylaw No. 500, 1987 Variance:

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

1. **Section 3.4.62 – Minimum Setback Requirements** to reduce the setback from the north side lot line from 2.0 metres to 1.6 metres to legalize an existing carport/shed as shown on Schedule No. 2.

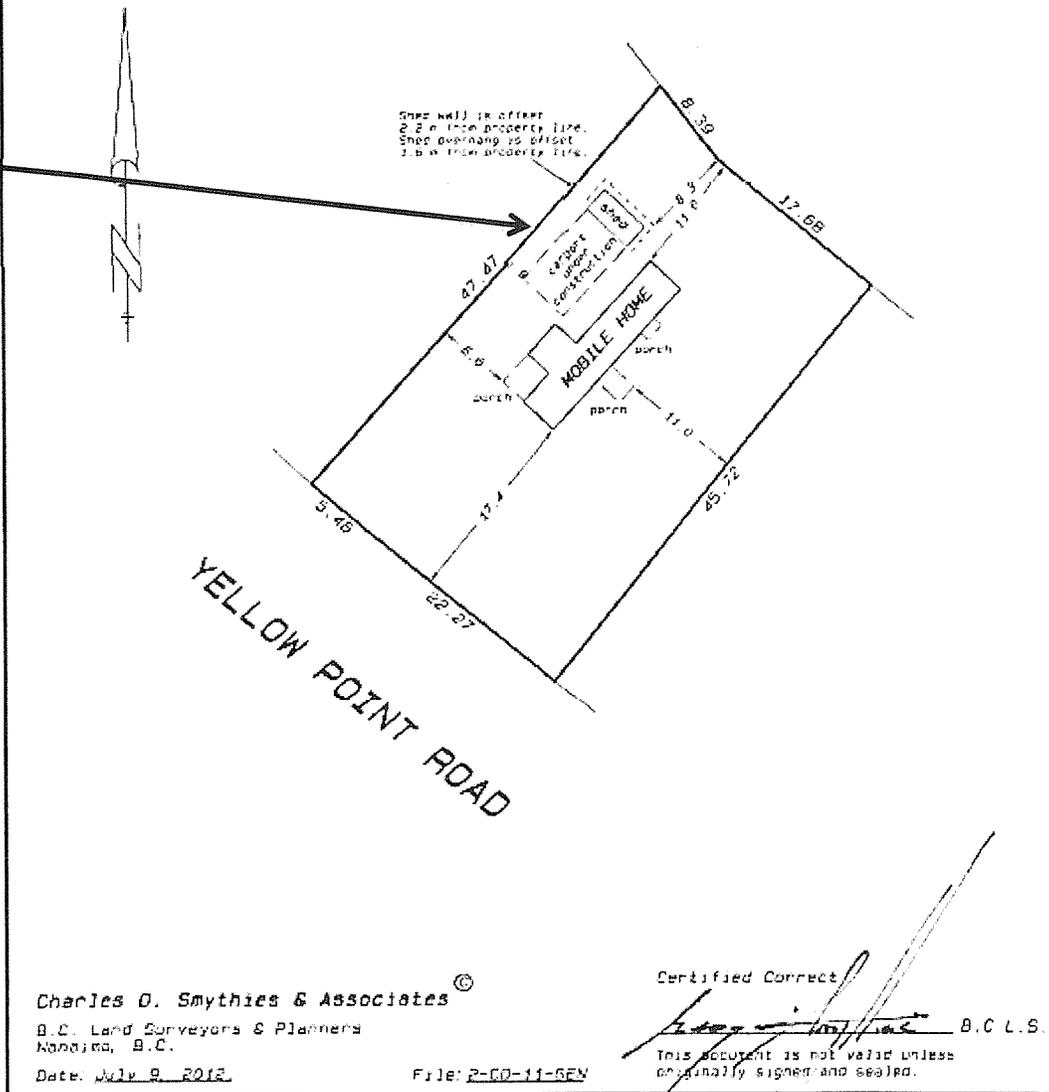
Schedule 2
Site Plan and Proposed Variances

B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION
OF BUILDINGS ON LOT 35, PLAN 23856,
SECTION 11, RANGE 2, CEDAR DISTRICT.

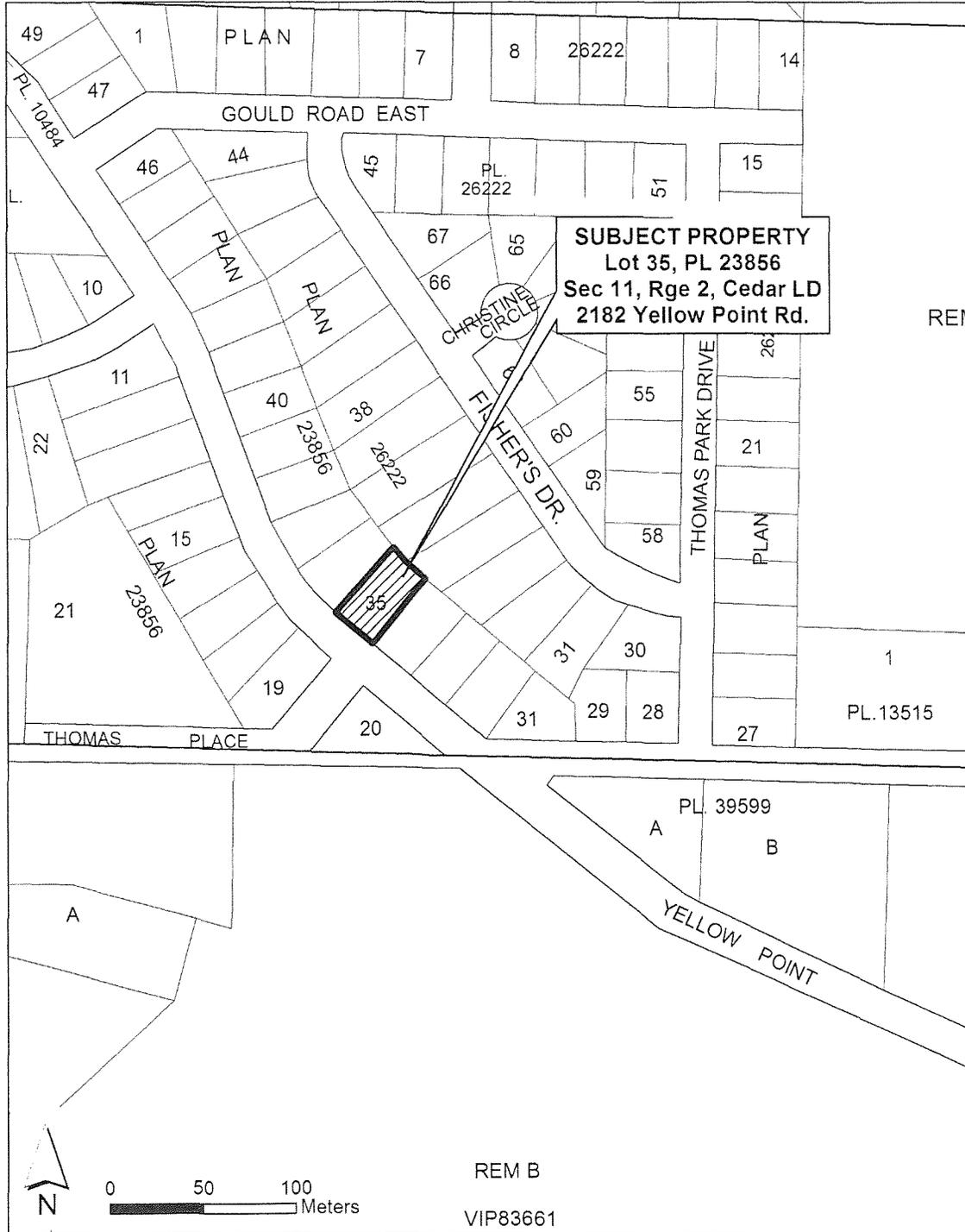
SCALE = 1:250

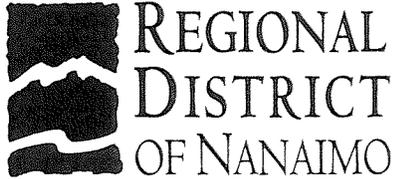
All distances are in metres.
Elevation datum, in metres, is Geodetic.

Proposed
Variance to
reduce the Side
Lot Line setback
From 2.0 metres
to 1.6 metres



Attachment 1
Location of Subject Property





RDN REPORT	
DCAO APPROVAL	
EAP	✓
COW	
SEP 04 2012	
RHD	
BOARD	

MEMORANDUM

TO: Jeremy Holm
Manager of Current Planning

DATE: August 31, 2012

FROM: Stephen Boogaards
Planner

FILE: PL2011-104

SUBJECT: Development Permit Application No. PL2011-104 – 0763634 BC Ltd.
Lot A, Section 13, Range 7, Cranberry District, Plan VIP83828
Harold Road & Schoolhouse Road
Electoral Area 'A'

PURPOSE

To consider an application for a Development Permit to permit for the construction of a covered storage unit development on a portion of the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from J.E. Anderson & Associates on behalf of 0763634 BC Ltd. in order to permit the construction of covered storage units for recreational vehicles and boats on a portion of the subject property. The subject property is approximately 5.2 hectares in area and is zoned "Schoolhouse and Harold Roads Light Industrial Comprehensive Development Zone (CD33)" pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

The property is currently undeveloped and is surrounded by heavy and light industrial land uses to the east, west and south. A residential zoned property lies to the north of the subject property.

The proposed development is subject to the following applicable Development Permit Areas (DPA) as per "Electoral Area 'A' Official Community Plan Bylaw No. 1620, 2011":

- Watercourse and Fish Habitat Protection
- South Wellington Industrial – Commercial

Proposed Development

The property is bisected by a wetland which creates a natural break between the eastern and western portions of the site. The applicant proposes to develop a covered storage facility for recreation vehicles and boats within the eastern half of the property. The applicant also proposes a caretaker's residence at the site entrance along Harold Road to the west of the wetland. The applicant intends to apply for a separate development permit at a later date for future development of the western half of the property.

ALTERNATIVES

1. To approve Development Permit Application No. PL2011-104 subject to the conditions outlined in Schedule 1.

2. To approve Development Permit Application No. PL2011-104 subject to the conditions outlined on Schedule 1 with the addition of a requirement to secure a Section 219 covenant restricting development and use on the portion of the site not considered through this development permit until such time as landscaping of that portion has been appropriately addressed in accordance with the requirements of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".
3. To deny Development Permit Application No. PL2011-104.

LAND USE IMPLICATIONS

Development Implications

The proposed covered storage includes 180 storage units within 10 shelter structures with a total floor area of 5,534 m² to be located in the northeast quadrant of the property (see Schedules 2 and 3 for site plan and building elevations). The improvements are consistent with the requirements of the South Wellington DPA Guidelines in that the character compliments the existing community and does not increase visual distraction along the highway. The proposed development is sited adjacent to the interior lot lines and is buffered with a combination of existing and proposed vegetation. Additionally since the property slopes down from the highway, there will be minimal visual impact from the proposed development when viewed from the highway.

The property was rezoned in 2008 (Zoning Amendment Application No. 3360 30 0524) to include a higher standard of landscaping and buffering than was required in the general landscaping regulations of the zoning bylaw. A landscaping plan was registered through a covenant on the title of the property to ensure that Schoolhouse Road and Harold Road receive an appropriate level of landscaping and to ensure that other property lines are buffered with existing and supplemental vegetation.

The applicant has submitted an updated landscaping plan and cost estimate in the amount of \$38,014.05 related to screening and landscaping of the eastern portion of the site, which is the portion of the site being considered through this development permit. In addition the vegetated wetland to the west of the development site, along with additional landscaping proposed near the caretakers' residence and site entrance, adequately buffers the development site from the Island Highway. With the exception of the caretakers' residence and site entrance, no development is proposed on the western portion of site through this development permit. While use of the western portion of the site would be required to be screened in accordance with Bylaw No. 500, the Board may consider as outlined in Alternative #2 requiring registration of a Section 219 covenant to restrict use of the western portion of the site until landscaping and screening have been addressed.

Environmental Implications

The wetland through the center of the property is protected by a Section 219 covenant registered on title as a condition of rezoning. Though it is not recognized as a 'fish bearing stream' subject to the Riparian Area Regulations it provides important wildlife habitat. The covenant requires a 15 metre no disturbance area adjacent to the watercourse (wetland) which is respected by this development permit.

The applicant provided an Environmental Impact Assessment report prepared by Toth and Associates Environmental Services dated March 16, 2012, which confirmed that the applicant has submitted a Section 9 Notification to the Ministry of the Environment for the proposed road access over the wetland pursuant to the *Water Act*. The Environmental Impact Assessment report also included an environmental management plan to ensure best management practices throughout site development. As a condition of development permit approval the site must be developed in accordance with the recommendations of this report.

As a condition of the rezoning in 2008 the applicant agreed to compensate for approximately 400m² of habitat lost to the stream crossing by maintaining and protecting habitat elsewhere on the property. The proposed compensation includes increasing the watercourse setbacks by an equivalent amount east of the wetland. The compensation area is illustrated in Schedule 2.

The applicant has also submitted a Groundwater Impact Assessment by EBA Engineering Consultants Ltd. dated January 2007 and an updated by Waterline Resources Inc. dated April 10, 2012 to address the development permit guidelines. The report by Waterline Resources Inc. confirmed that an existing well on the property can provide the minimum required yield as per the zoning bylaw with an acceptable level of impact to the aquifer. The report recommended a short term pump test and long-term performance monitoring of the well. As a condition of approval the applicant will be required to provide confirmation of water quality and to register a Section 219 covenant to ensure these recommendations are met.

A Drainage Report dated November 23, 2011 by J.E. Anderson & Associates submitted in support of this application confirms that the proposed development will not result in a net increase in peak rain water run-off from the site onto adjoining lands. The report recommends measures to protect the aquifer which have been incorporated into development plans. The watercourse setback area will provide bio-filtration and gravel aisles between buildings and bioswales will further maximize opportunities for infiltration as recommended by the biologist. The parking area will be paved as required in the zoning bylaw.

Sustainability Implications

As condition of the original rezoning and to meet the Development Permit Guidelines the following sustainability considerations were included in the proposed development of the site:

- compensation for habitat lost through the road crossing;
- use of gravel in areas not designated for parking and storage to encourage infiltration;
- compliance with an environmental management plan for construction;
- bioswales provided between buildings and watercourse setback to provide bio-filtration.

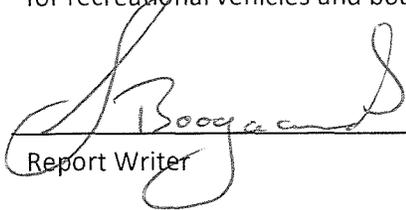
SUMMARY/CONCLUSIONS

This application is for a Development Permit to permit the development of covered storage units for recreational vehicles and boats with a caretaker's residence and landscaping improvements. The property was rezoned in 2008 and a covenant was registered on the property title that included landscaping requirements to be met in addition to the zoning requirements. The applicant proposes incremental implementation of landscaping as the site develops with successive phases in accordance with the zoning and covenant requirements. An existing vegetated wetland along with supplemental landscaping in the area of the site entrance and caretaker's residence will provide a suitable buffer to screen the proposed development within the eastern portion of the site from the highway. Additional landscaping will be required at the time of development of the western portion of the site.

To address the guidelines, the applicant has provided a drainage report, environmental assessment, groundwater assessment and landscaping plan for the development site. Given that the proposed development meets the covenant requirements and the development permit guidelines, staff recommends the Board approve the proposed Development Permit subject to the conditions outlined in Schedule 1.

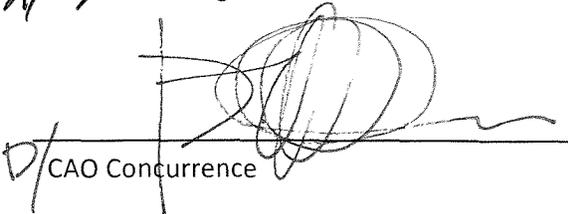
RECOMMENDATION

That Development Permit Application No. PL2011-104 to permit construction of covered storage units for recreational vehicles and boats be approved subject to the conditions outlined in Schedule 1.


Report Writer


General Manager Concurrence


Manager Concurrence


D/ CAO Concurrence

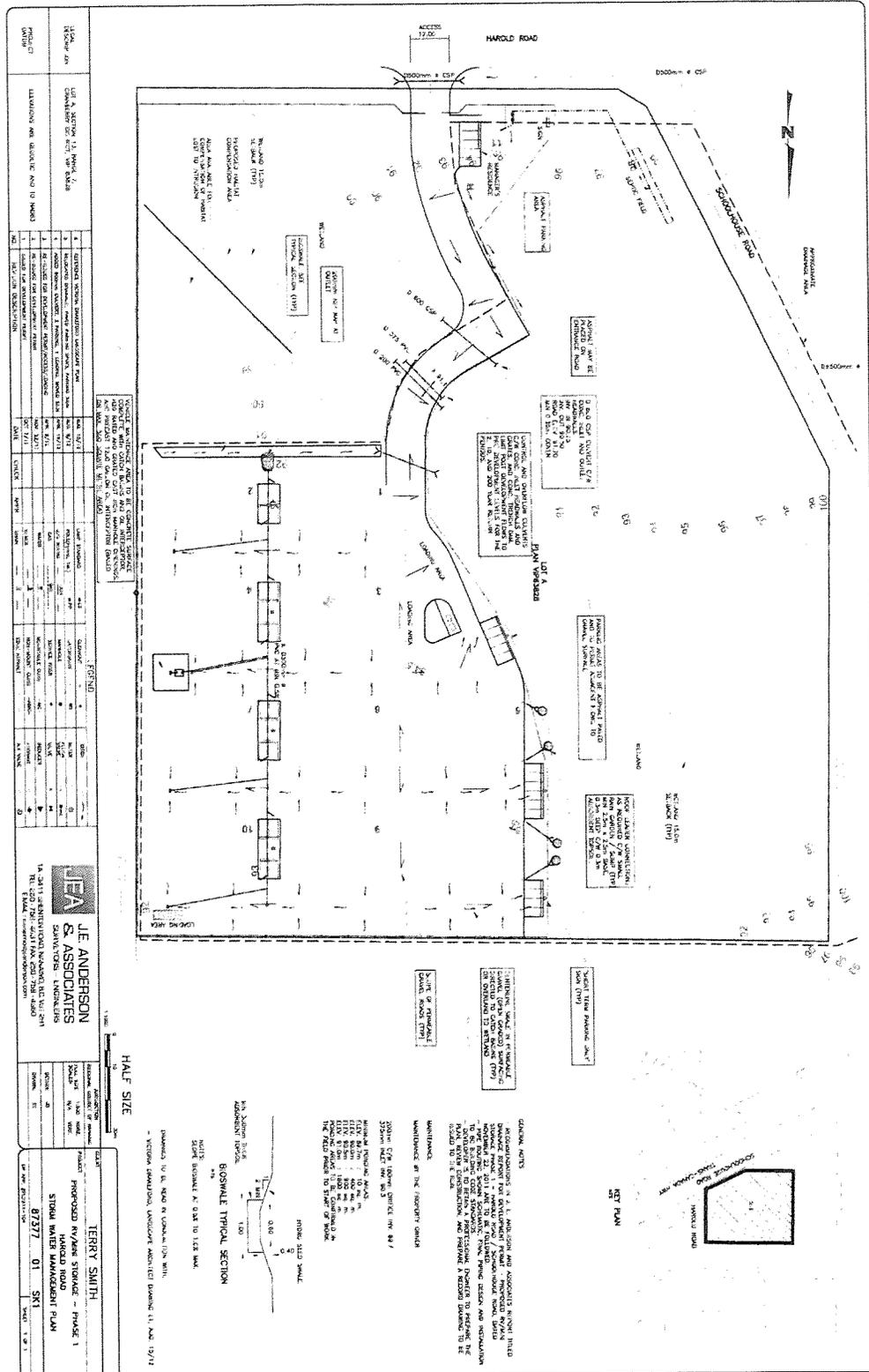
Schedule 1
Conditions of Development Permit

The following sets out the terms and conditions of Development Permit Application No. PL2011-104:

Conditions of Approval

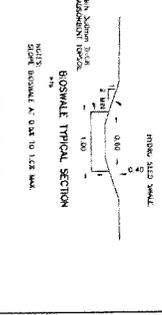
1. The site shall be developed in accordance with the site plan prepared by J.E. Anderson & Associates dated August 15, 2012, attached as Schedule 2.
2. The proposed covered storage unit buildings shall be constructed in general compliance with the building elevations attached as Schedule 3.
3. The landscaping works shall be completed and maintained in substantial compliance with the landscaping plan prepared by Victoria Drakeford dated August 15, 2012, outlined in Schedule 4. The applicant is to provide a security deposit in the amount of \$38,014.05 for landscaping improvements in accordance with the landscaping plan attached as Schedule 4.
4. The applicant shall develop the subject property in accordance with the recommendations established in the drainage report prepared by J.E. Anderson & Associates dated November 23, 2011.
5. The applicant shall develop the subject property in accordance with the recommendations established in Riparian Area Assessment reports prepared by Toth and Associates Environmental Services dated March 28, 2006, and as amended March 6, 2012, and August 9, 2012.
6. The applicant shall develop the subject property in accordance with the recommendations established in the Groundwater Impact Assessment Reports prepared by EBA Engineering Consultants Ltd. dated January 2007 and Groundwater Assessment Update(s) prepared by Waterline Resources Inc. dated April 10, 2012 and August 10, 2012.
7. Staff shall withhold the issuance of this permit until the applicant, at the applicant's expense, registers a Section 219 covenant that ensures that the use of land is in accordance with the Groundwater Impact Assessment Reports prepared by EBA Engineering Consultants Ltd. dated January 2007, Groundwater Assessment Update(s) prepared by Waterline Resources Inc. dated April 10, 2012 and August 10, 2012, the Drainage Report prepared by J.E. Anderson & Associates dated November 23, 2011, and includes a maintenance schedule for the oil water separator.

Schedule 2 Proposed Site Plan



NO.	DESCRIPTION	DATE	BY	CHKD.	APP.
1	PRELIMINARY SITE PLAN	08/21/11	JERRY SMITH		
2	REVISED SITE PLAN	08/21/11	JERRY SMITH		
3	REVISED SITE PLAN	08/21/11	JERRY SMITH		
4	REVISED SITE PLAN	08/21/11	JERRY SMITH		
5	REVISED SITE PLAN	08/21/11	JERRY SMITH		
6	REVISED SITE PLAN	08/21/11	JERRY SMITH		
7	REVISED SITE PLAN	08/21/11	JERRY SMITH		
8	REVISED SITE PLAN	08/21/11	JERRY SMITH		
9	REVISED SITE PLAN	08/21/11	JERRY SMITH		
10	REVISED SITE PLAN	08/21/11	JERRY SMITH		

HALF SIZE
 DRAWING TO BE MADE IN CONFORM WITH
 - VICTORIA CONSTRUCTION, UNIFORM PRACTICE DRAWING 11, AUG. 1973



GENERAL NOTES
 1. RECONSTRUCTION OF A 1.5 METER AND ADJACENT RIGHT FIELD ROADWAY FOR ROADWAY / IMPROVEMENT ROAD DATA
 2. EXISTING ROADWAY SHALL BE REMOVED AND REPLACED WITH ASPHALT. EXISTING ROADWAY SHALL BE REMOVED AT ANY TIME.
 3. EXISTING ROADWAY SHALL BE REMOVED AND REPLACED WITH ASPHALT. EXISTING ROADWAY SHALL BE REMOVED AT ANY TIME.
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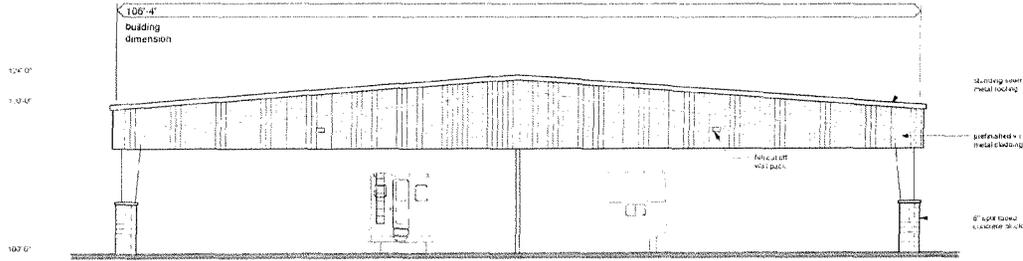
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 10. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE VICTORIA CONSTRUCTION, UNIFORM PRACTICE DRAWING 11, AUG. 1973.

NOTES
 1. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND NO OBVIOUS OBSTRUCTIONS TO THE PROPOSED DEVELOPMENT.
 2. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND NO OBVIOUS OBSTRUCTIONS TO THE PROPOSED DEVELOPMENT.
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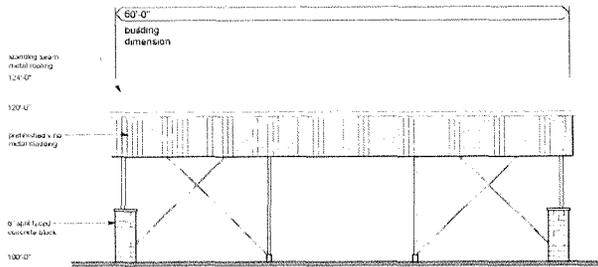
JEAN ANDERSON ASSOCIATES
 14-2811-1400 (INDUSTRIAL) HAROLD RD, TEL: 250-724-1400
 TEL: 250-724-1400 FAX: 250-724-1400
 14-2811-1400 (INDUSTRIAL) HAROLD RD, TEL: 250-724-1400
 TEL: 250-724-1400 FAX: 250-724-1400

JERRY SMITH
 PROPOSED PAVEMENT STORAGE - PHASE 1
 STORM WATER MANAGEMENT PLAN
 07/27/11 01 SK1
 SHEET 1 OF 1

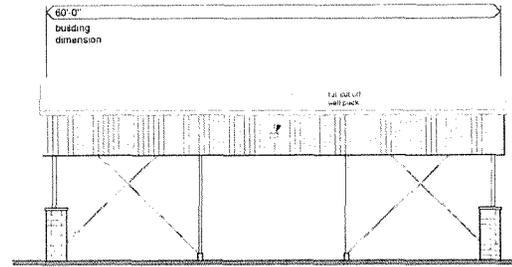
Schedule 3
 Building Elevations



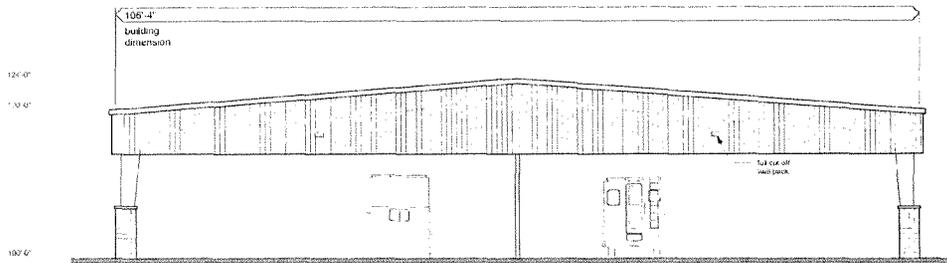
front elevation
 scale: 1/8" = 1'-0"



side elevation - bldgs. 3-10 shown, bldgs. 1 & 2 similar
 scale: 1/8" = 1'-0"



side elevation - bldgs. 3-10 shown, bldgs. 1 & 2 similar
 scale: 1/8" = 1'-0"



rear elevation
 scale: 1/8" = 1'-0"

CONTRACTOR TO VERIFY ALL LEVELS, SURFACE DIMENSIONS, LOCATION OF BUILDING ON SITE AND LOCATION OF ALL SERVICES PRIOR TO CONSTRUCTION. ALL WORK TO BE DONE IN ACCORDANCE WITH THE B.C. BUILDING CODE CURRENT EDITION AND ALL LOCAL BUILDING BYLAWS.

CONTRACT NO. 200-0. THESE PLANS ARE THE PROPERTY OF DELINEA DESIGN CONSULTANTS LTD. TO BE USED ONLY FOR THE PROJECT SHOWN. UNAUTHORIZED REPRODUCTION OR USE IN ANY MANNER IS NOT PERMISSIBLE.



4378 COLUMBIAN ROAD LADYSMITH BC V9J 1G2
 will melville john fox
 designer 250.245.3804

REVISIONS
 issued for d.p. 29 JUNE 2009

PROJECT
Proposed RV / Mini Storage

Harold Rd / Schoolhouse Rd
 Nanaimo, B. C.
 JOHN MELVILLE
 d1125.07.09

SCALE
 as noted

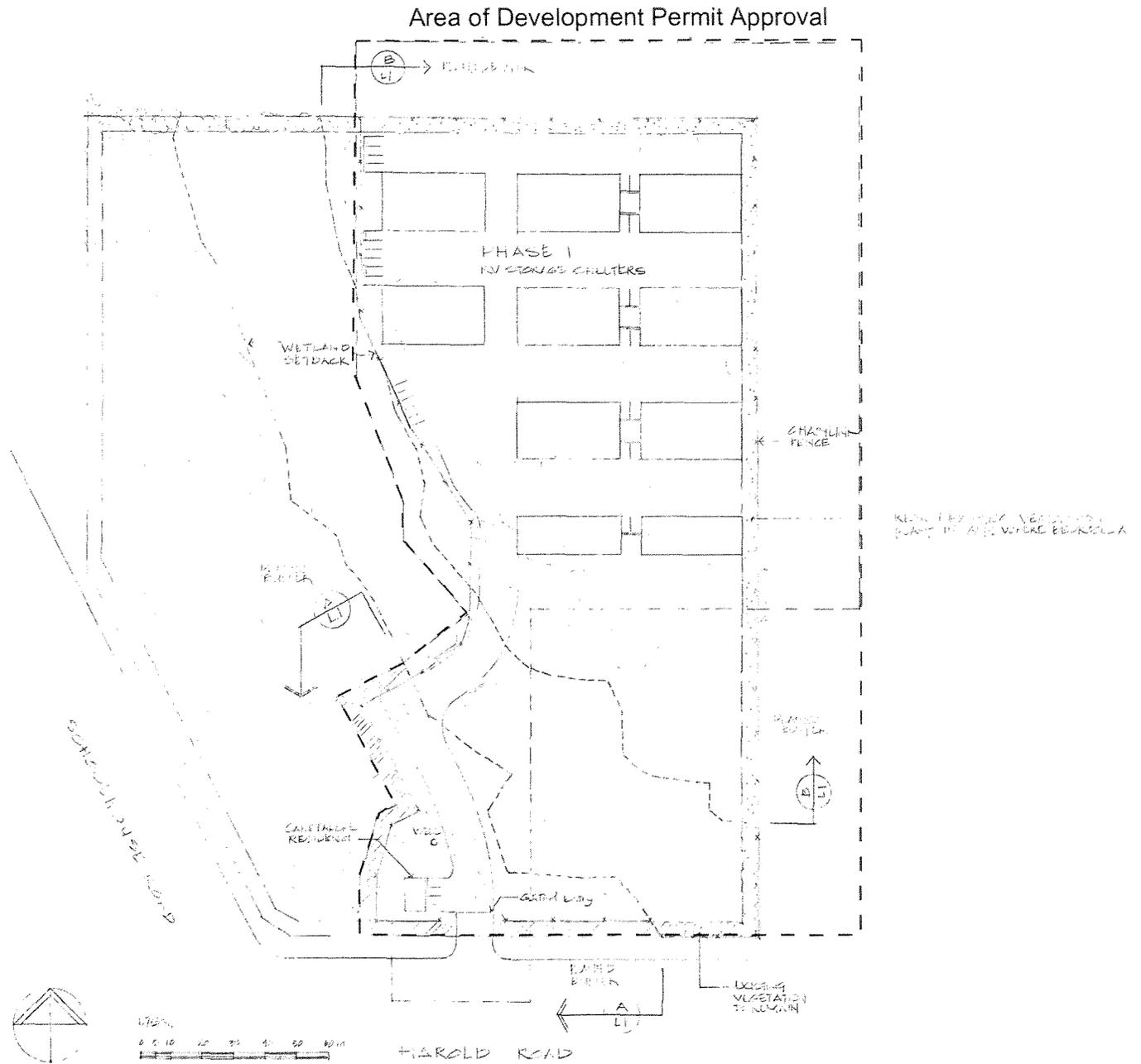
DRAWN BY
 S.S.

DRAWING TITLE
 typical building elevations

DATE

PR4

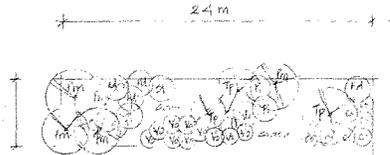
Schedule 4 Landscaping Plan (Page 2 of 3)



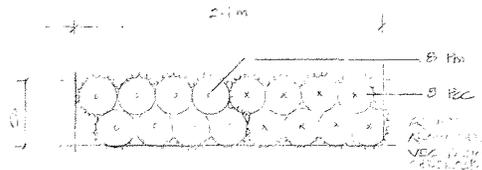
Schedule 4
 Landscaping Plan (Page 3 of 3)

PLANT LIST

Key	Area A/ Section	Area A Total sq. ft.	Area B/ Section	Area B Total sq. ft.	Botanical Name	Common Name	Plt Size
Evergreen Trees							
Pcc		6	166		Pinus contorta contorta	Lodgepole Pine	1 yr seedlings
Pm	2	40			Pseudotsuga menziesii	Douglas Fir	3m ft
Pm			6	166	Pseudotsuga menziesii	Douglas Fir	1 yr seedlings
Tr	3	24			Thuja plicata	Western Red Cedar	2m ft
Shrubs planted at 1 shrub per sq.m. over 25% of the area							
Cs	9	72			Cornus alabonifera	Red-twigged dogwood	#3
Hs	4	32			Holodiscus discolor	Ocean spray	2.5m B+B
Pl	4	32			Philadelphus lewisii	Mock Orange	#5
Sl	3	24			Salix lucida ssp lasiandra	Pacific Willow	#5
Vb	10	80			Vaccinium ovatum	Evergreen Huckleberry	#5
Hydroseeding							
					Perennial Ryegrass	85%	
					Creeping Fescue	10%	
					Slender Creeping Red Fescue	10%	
					Hard Fescue	10%	



TYPICAL LAYOUT
 HAROLD ROAD



TYPICAL LAYOUT
 W. N. E BUFFER AREAS

AREA B - MAINTAIN EXISTING VEGETATION PLANT IN PLACE

LANDSCAPE SPECIFICATIONS

GENERAL

- REFERENCES for all Landscape work
 1. BCSLA/BCNTA Landscape Standards, Latest Edition. The Landscape Contractor shall make him/herself aware of all prevailing standards referenced therein and execute work accordingly as it will govern all landscape preparations, execution and deficiencies.
- SITE CONDITIONS
 Locations of all existing utilities are to be verified prior to installation of landscape. Refer to Civil engineering drawings (by others) and "Call First" Line at 1 800 474 6886.
- SITE REVIEW MEETING
 Landscape Contractor to provide seven days notice to landscape Architect prior to commencement of landscape site work to allow for site meeting and drawing review, especially regarding possible building, overhead orange, orders, and non-conforming site conditions.
- GRADING
 - It shall be the responsibility of the General Contractor to establish all sub-grades to allow for the levels, profiles and contours required on the landscape drawings.
 - Remove and dispose to approved off-site disposal area all debris, building materials, contaminated subsoil, visible invasive plants and anything else that may interfere with proper growth and development of planted, finished landscape.
 - The sub-grade shall be scarified to a minimum depth of 150mm immediately before placing growing medium or drainage material.
 - Grade transitions of sub-grade shall be smooth and even, such that ponding cannot occur on sub-grade surface.
 - Grade the sub-grade elevations to within the tolerances given below:
 - Rough grades to follow the depths below finished grades: 100mm for meadow areas, and 300mm for shrub and groundcover areas.
 - Rough grades to be stepped a minimum of 2% from buildings, unless otherwise specified.

GROWING MEDIUM

- All topsoil, imported or on-site soil, shall be tested and modified as required. When bidding a contractor must test the proposed soil and include the required modifications in the price for the work. Current soil analysis reports must be done and signed by a pre-approved analytical laboratory. A copy of the soil analysis must be sent to the Consultants office.
- Growing medium shall be placed at the following depths: 100mm (4") for lawn area, 300 mm (12") for ornamental grasses and groundcovers and 450 mm (18") for shrubs, 300 mm (12") on sides and bottoms of root balls of trees.

PLANTING

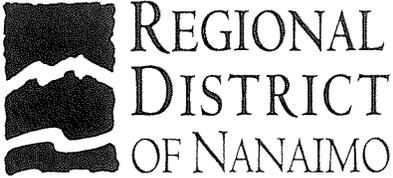
- All plants and planting to be to BCSLA/BCNTA Standards, latest edition.
- Cut all cords and peel back or cut away B&B backing, and trunk wrap.
- All trees and shrubs shall have a 1 1/2" high watering saucer formed around the top of the root ball to direct irrigation and rainwater into the root ball.
- All newly planted areas will be mulched with 2" minimum depth of bark mulch.
- The Landscape Contractor shall leave the work areas clean, tidy and safe on a daily basis.
- All plant materials shall be guaranteed in writing to the owner for one year against death due to unhealthy supply and/or improper installation conditions and/or wrong selection of species or variety of plants. One year period begins at date of landscape Contractor's final invoice.

IRRIGATION

- The irrigation system is to be a high efficiency drip irrigation system designed by Irrigation Contractor. All work to conform to the BC Plumbing Code as amended to installation date. All workmanship is to be to Irrigation Industry Association of BC (IIBC) Standards, latest edition.
- All points of connection to domestic water supply to be protected by a backflow prevention device that complies with the Plumbing Code.
- Select and size all irrigation equipment such that flow velocities do not exceed 5 fps (1.5m/sec).
- Pipe of 1" to be Class 180 PVC. Smaller sizes to be Class 200 PVC. All fittings to the Scribed 40 PVC.
- All crossings under pavement to be sleeved in SDR 35 pipe.
- Bury mains min. 450 mm (18") and laterals min 300 mm (12"). Bed pipe w/ min. 100mm (4") sand under, to sides and above.
- Balance branched circuits to minimize critical circuit lengths and ensure even sprinkler performance.
- Consult with Landscape Architect prior to designing zones in order to place plants with similar water requirements in the same zone.
- Supply/install commercial grade valves in lockable boxes. Do not install boxes within areas of high aesthetic attention such as feature planting beds, feature paving, etc. Ensure all boxes are level with surrounding grade.
- All sprinklers within a circuit to have matched precipitation rates and have integral check valves to prevent low-head drainage. Space sprinklers for head-to-head coverage.
- Provide as-built drawings and operations manual to Owner and review system with Owner prior to acceptance of project.

CURBS

- All landscaping abutting parking or other vehicle access areas on site shall be protected by a permanent curb a minimum of 15cm in height to protect landscaping as required in GO Zone 33.



CAO APPROVAL	
EAP	<input checked="" type="checkbox"/>
COW	<input type="checkbox"/>
SEP 04 2012	
RHD	<input type="checkbox"/>
BOARD	<input type="checkbox"/>

MEMORANDUM

TO: Jeremy Holm, Manager, Current Planning DATE: August 31, 2012

FROM: Lainya Rowett, Senior Planner FILES: PL2011-070

SUBJECT: Zoning Amendment Application No. PL2011-070 – Bylaw No. 500.372 – 639582 BC Ltd. Lot A, District Lot 28, Nanoose District, Plan VIP60624 - 1395 Island Highway West Electoral Area 'G'

PURPOSE

To consider an application to amend the zoning of the subject property in order to increase the maximum permitted Floor Area Ratio to allow an addition to an existing commercial building.

BACKGROUND

The Regional District of Nanaimo has received a zoning amendment application from Carsten Jensen Architect on behalf of 639582 BC Ltd. for the property located at 1395 Island Highway West in Electoral Area 'G'. The applicant proposes to increase the maximum permitted Floor Area Ratio (FAR) from 0.1 to 0.2 in order to allow an addition to the existing commercial building (Central Builders Supply Parksville). The property, approximately 1.9 ha in area, is legally described as Lot A, District Lot 28, Nanoose District, Plan VIP60624 and is zoned Commercial 3 (CM3), Subdivision District 'Q' in accordance with the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachment 1 for location of subject property). The property is surrounded by the Island Highway West to the south; Sumar Lane to the north; a church to the east; and developed residential lots to the north and west.

There is an existing commercial building (Central Builders Supply Parksville) on the property and areas for outdoor storage, landscaping, and parking, as approved through previous Development Permits No. 76 and No. 76a in 1994 and 1995 respectively. The subject property is designated within the following applicable Development Permit Areas (DPA) pursuant to the "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008":

- Multi Residential, Intensive Residential, Industrial and Commercial Form and Character; and Environmentally Sensitive Features – Aquifer Protection.

The applicant intends to submit a development permit application that would proceed concurrently with the rezoning should Amendment Bylaw No. 500.372, 2012 receive third reading.

Proposed Development

The applicant proposes to enclose a portion of the existing outdoor storage area through an addition to the existing building but the increased floor area (1,286 m²) would result in a total Floor Area Ratio (FAR) that exceeds the FAR permitted in the CM3 Zone. The applicant proposes to increase the maximum allowable FAR from 0.1 to 0.2 to allow the building addition for the outdoor sales/storage use only.

ALTERNATIVES

1. To approve the proposed Amendment Bylaw No. 500.372, 2012 to amend the existing Commercial 3 (CM3) Zone for the subject property for first and second reading subject to the conditions outlined in Schedule 1.
2. To deny the proposed Amendment Bylaw No. 500.372, 2012 as submitted.

LAND USE IMPLICATIONS

Official Community Plan Implications

The subject property is located within the Urban Containment Boundary and is designated Commercial in the "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008." The OCP supports the existing commercial use, which will be maintained with an increase in the Floor Area Ratio (FAR). Therefore, the proposed zoning amendment complies with the OCP.

In recognition of the potential increase in the value of the property that could result from this zoning amendment, the applicant has offered to provide a community amenity contribution consisting of off-site landscaping within a portion of the Sumar Lane right-of-way along the northern property boundary (see Schedule 4 Landscaping Plan). Given that the proposed amendment would not facilitate further expansion of the existing retail use than already permitted in the zoning bylaw, or change the permitted uses of the site, the scale of the development is limited. Therefore, the proposed amenity is an appropriate contribution relative the scale of development. The amenity contribution will be secured prior to consideration of adoption as outlined in Schedule 1 Conditions of Approval.

Zoning Implications

The existing floor area (1,812 m²) represents a maximum FAR of 0.1 as permitted in the CM3 Zone. The proposed addition (1,286 m²) would result in a total floor area of 3,098 m² and an FAR of 0.2, which exceeds the bylaw allowance. The applicant proposes to retain the existing commercial use with a site-specific amendment to the CM3 Zone to permit an additional FAR of 0.1 for "outdoor sales" use within a building or structure only, up to a total maximum FAR of 0.2 for the property (see Attachment 2 for proposed Zoning Amendment Bylaw No. 500.372, 2012). All other requirements of the CM3 Zone such as permitted uses, building height, setbacks, and parcel coverage will apply to the development.

The CM3 Zone permits both "retail store" use and "outdoor sales" use on this property as there is sufficient site area, with community water and sewer, to support both uses. Despite the increased floor area for the outdoor sales/storage use, the addition will not expand the areas currently used for outdoor storage and retail sales; the maximum permitted floor area for a "retail store" as defined in Bylaw No. 500, 1987 is 2,000 m². Instead, the addition will enclose a portion of the existing outdoor storage area within a building in accordance with the bylaw definition of "outdoor sales".

Development Implications

The existing building is used for retail sales of hardware and building supplies and has a garden centre located on the east side. Bulk supplies are stored outdoors on the north and west sides of the building. The applicant wishes to enclose a portion of the outdoor storage area to improve the aesthetics of the storage yard, provide weather protection for more sensitive products and provide a covered area where contractors can pick up bulk materials. Other more durable materials such as lumber will continue to be stored outside.

The proposed addition (1,286 m²) will be located entirely behind the existing building (north side) and will resemble the existing main floor elevation and building height, so it will not be visible from the Island Highway West (see Schedule 2 for site plan). The proposed addition will be partially visible from the rear property line but the design of the addition, which incorporates steel siding with a wood or steel roof and skylights, will be well integrated with the existing building (see Schedule 3 for building elevations). The addition will be well screened by existing fencing and landscaping around the perimeter of the property, and the roofline will consist of a sloped asphalt shingle roof to resemble the character of the surrounding residential neighborhood and minimize any visual intrusion. The proposed development will enhance the site utilization in the following ways:

- The outdoor storage piles at the rear of the existing building will be contained in the proposed addition, while an organized service yard will be maintained outdoors along the west side of the site;
- Contractor vehicles will be able to load bulk materials within the proposed addition and drive through the building in order to minimize reversing movements;
- The existing outdoor loading area will be relocated from the parking area at the front of the site to the service yard behind a 2.4 m high chain link fence with hedge slats (artificial branches). This separation will enhance public safety and ensure the loading area is properly screened; and
- Seven additional parking spaces will be provided in place of the relocated loading area to comply with original DP (No. 76) and the zoning bylaw requirement. A total of 98 parking spaces and 2 loading spaces will be provided.

The applicant proposes to retain and augment existing landscaping to further screen the site. The provision of landscaping and securities will be addressed through a separate development permit application. In general terms, the existing landscaping (trees and shrubs) and fencing (chain link fence with hedge slats) will be maintained around the perimeter of the site, with additional planting along the west and north properties lines where there has been some plant loss over the years since DP No. 76 was approved (see Schedule 4 for Landscaping Plan). Staff also noted some materials on display within the setback area along the highway frontage (Island Highway West) which are not permitted. As a condition of approval, the applicant will be required to remove any structures or material displays in the setback area in order to comply with the requirements of Development Permit No. 76 and the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Schedule 1).

As noted earlier, the applicant proposes to provide additional off-site landscaping within a portion of the Sumar Lane right-of-way along the northern property boundary as a community amenity contribution. This planting will further screen the proposed development and enhance the site aesthetics as well as improve the landscaping treatment along the streetscape. Planting will generally include a hedge and groundcover in addition to the existing trees to be retained within the right-of-way (see Schedule 4). The proposed landscaping improvements will require a separate permit from the Ministry of Transportation & Infrastructure; existing utilities within the right-of-way will need to be considered in reviewing the landscaping proposal.

Environmental Implications

The applicant completed a Site Profile Form in accordance with section 40 of the *Environmental Management Act* and confirmed that the site is not contaminated by hazardous wastes or substances. A hydrogeological assessment prepared by Waterline Resources Inc. dated August 23, 2010 noted the storage and handling of potentially hazardous chemicals on site related to the retail of building supplies (e.g. paint, pesticides, etc). The report confirmed that the proposed addition represents a low risk of

adverse impact to the underlying aquifer or to nearby surface water resources. To ensure this risk is properly managed the assessment recommends:

- Underground storage tanks should not be used at the site;
- A spill prevention, response and management plan should be created and implemented, with measures to limit or prevent potential contaminants from entering into the rainwater management system through the storm drains.

The applicant will be required to submit a management plan prepared by a qualified professional prior to construction of the proposed addition and to register a section 219 restrictive covenant on the property title to ensure the site is developed in accordance with the recommendations made by Waterline (see Conditions of Approval in Schedule 1).

Site Servicing Implications

The existing development is serviced by RDN sanitary sewer (French Creek) and a community water system (EPCOR). The applicant's Engineer (Park City) provided a site servicing report which confirmed that these systems are adequately sized for the proposed building addition. Park City has advised that the site is predominantly impervious and the proposed development will not result in additional impervious area as it will be constructed on existing pavement. With no increase in impervious area, there will be no additional runoff from the site, and therefore no impacts on the existing storm sewer system in Sumar Lane or downstream. There are currently several catch basins throughout the site; however, the Engineer recommends the installation of an oil/water separator to ensure no harmful chemicals enter the storm system. This improvement will be required prior to construction of the proposed addition (see Schedule 1).

The applicant has confirmed that water supply is not needed for the proposed building addition as it will not have sprinklers or plumbing. To address fire protection, the addition will be separated from the existing retail store by a concrete, fire-rated wall. The Parksville Fire Department has reviewed this proposal and advised that it does not have any concerns.

Inter-governmental Implications

The Ministry of Transportation and Infrastructure (MOTI) has reviewed the proposed development and advised that it does not have any concerns as the proposal will not change the use of the site or the existing access to the site from the Island Highway West and Sumar Lane (to the west). The applicant will be required to obtain a permit from MOTI for the proposed landscaping within the Sumar Lane right-of-way (see Schedule 1).

Sustainability Implications

Staff have reviewed the proposed zoning amendment and identified the following sustainability implications:

- A rainwater harvesting system will be installed on the roof of the building addition to collect water for landscaping irrigation;
- Native plantings will be maintained and augmented within a buffer around the perimeter of the site.

Public Consultation Implications

A Public Information Meeting (PIM) was held on June 29, 2011, and twenty people attended this meeting in addition to the applicants and RDN staff (see Attachment 3 for Summary of PIM Minutes). In response to comments received at the PIM, the applicant revised the site plan to relocate the outdoor

loading area from the north end of the yard to the centre of the site (see Schedule 2 for detail of the site plan). The applicant also amended the building plans to ensure that the roof overhang of the proposed addition meets the setback requirements of the bylaw; and to accommodate a slightly higher interior ceiling within the building addition (approximately 0.6 m higher than previously illustrated at the PIM). The overall building height remains the same and is within the bylaw allowance. The result is a shortened roof overhang which exposes more of the wall face on the rear (north) side of the building addition. Despite this change the site aesthetics will be significantly improved by the enclosure of a portion of the storage yard; the use of high quality building design, including a residential character roofline on the addition; and the additional landscaping proposed within the Sumar Lane right-of-way which will further screen the building addition. If the proposed Amendment Bylaw receives first and second reading the proposal will proceed to public hearing.

SUMMARY/CONCLUSIONS

The applicant proposes a site-specific amendment to the Commercial 3 (CM3) Zone in Bylaw No. 500, 1987 to increase the maximum Floor Area Ratio (FAR) from 0.1 to 0.2 in order to permit a building addition (1,286 m²), for outdoor sales use within a building or structure only, on the subject property. The existing commercial building is used for retail sales of hardware and building supplies. The proposed addition would enclose a portion of the existing outdoor storage area at the rear side of the existing building. The applicant has submitted a site plan, building elevations, landscaping plan and cost estimate, hydrogeological assessment and site servicing report in support of this application. The proposed construction and landscaping improvements will require a development permit, which the applicant intends to pursue if the amendment bylaw receives third reading. Given that the proposed amendment would not expand the existing areas for outdoor storage and retail sales, and the site improvements would enhance the aesthetics and utilization of the site, staff recommends that the proposed Zoning Amendment Bylaw No. 500.372, 2012 receive first and second reading and proceed to public hearing.

RECOMMENDATIONS

1. That Zoning Amendment Application No. PL2011-070 to amend the existing Commercial 3 (CM3) zoning of the subject property to permit an additional FAR of 0.1 for "outdoor sales" use (within a building) only, up to a total maximum Floor Area Ratio (FAR) of 0.2 for the property, be approved subject to the conditions outlined in Schedule 1.
2. That "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.372, 2012" be introduced and read two times.
3. That the public hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.372, 2012" be delegated to Director Stanhope or another Area Director.



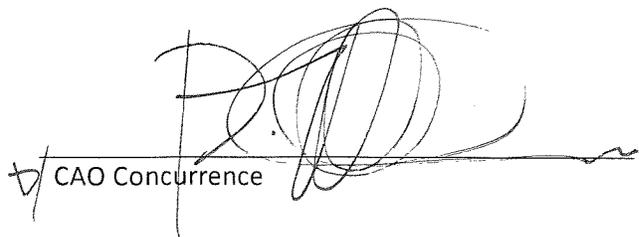
Report Writer



General Manager Concurrence



Manager Concurrence



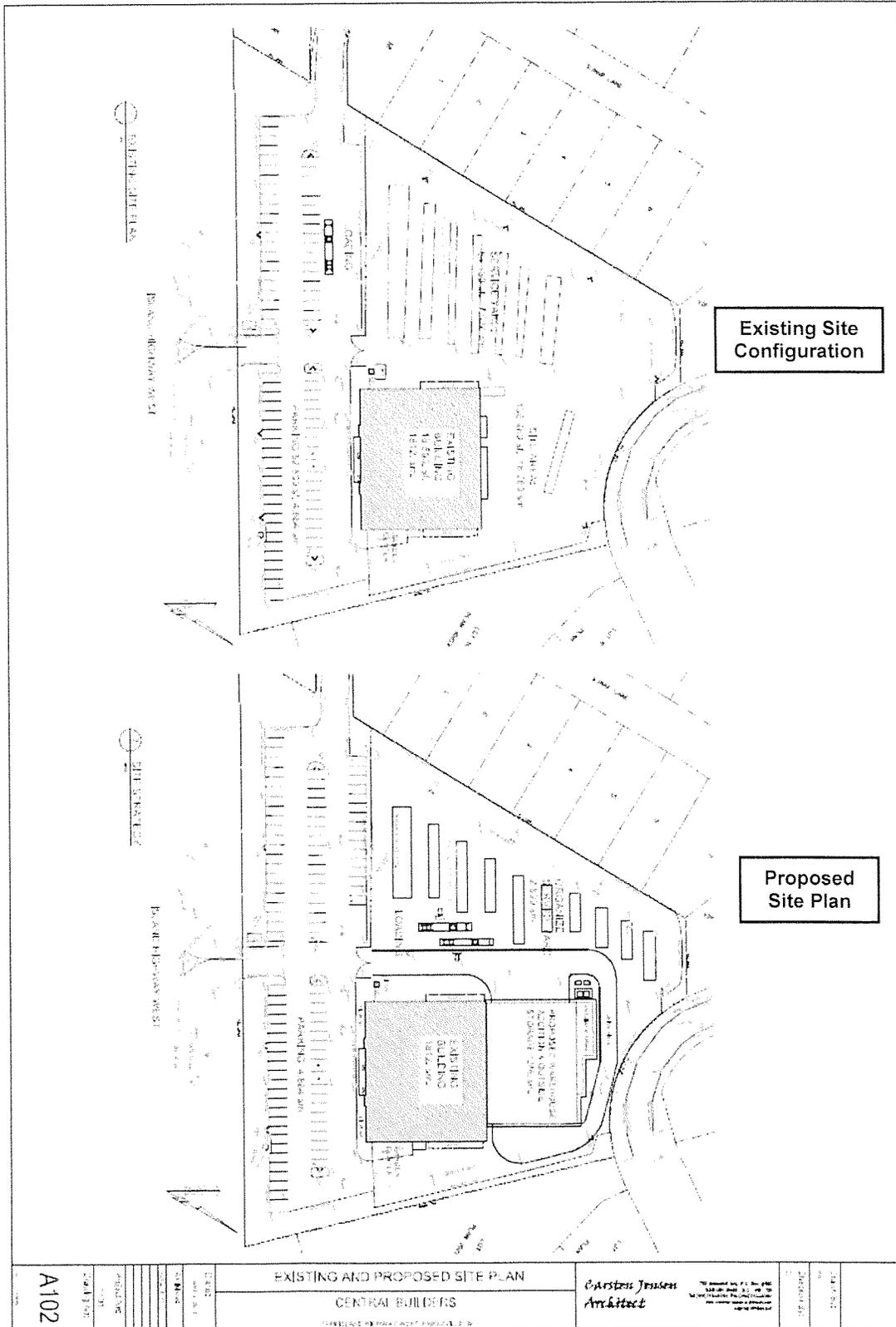
CAO Concurrence

Schedule 1
Conditions of Approval for Zoning Amendment Application

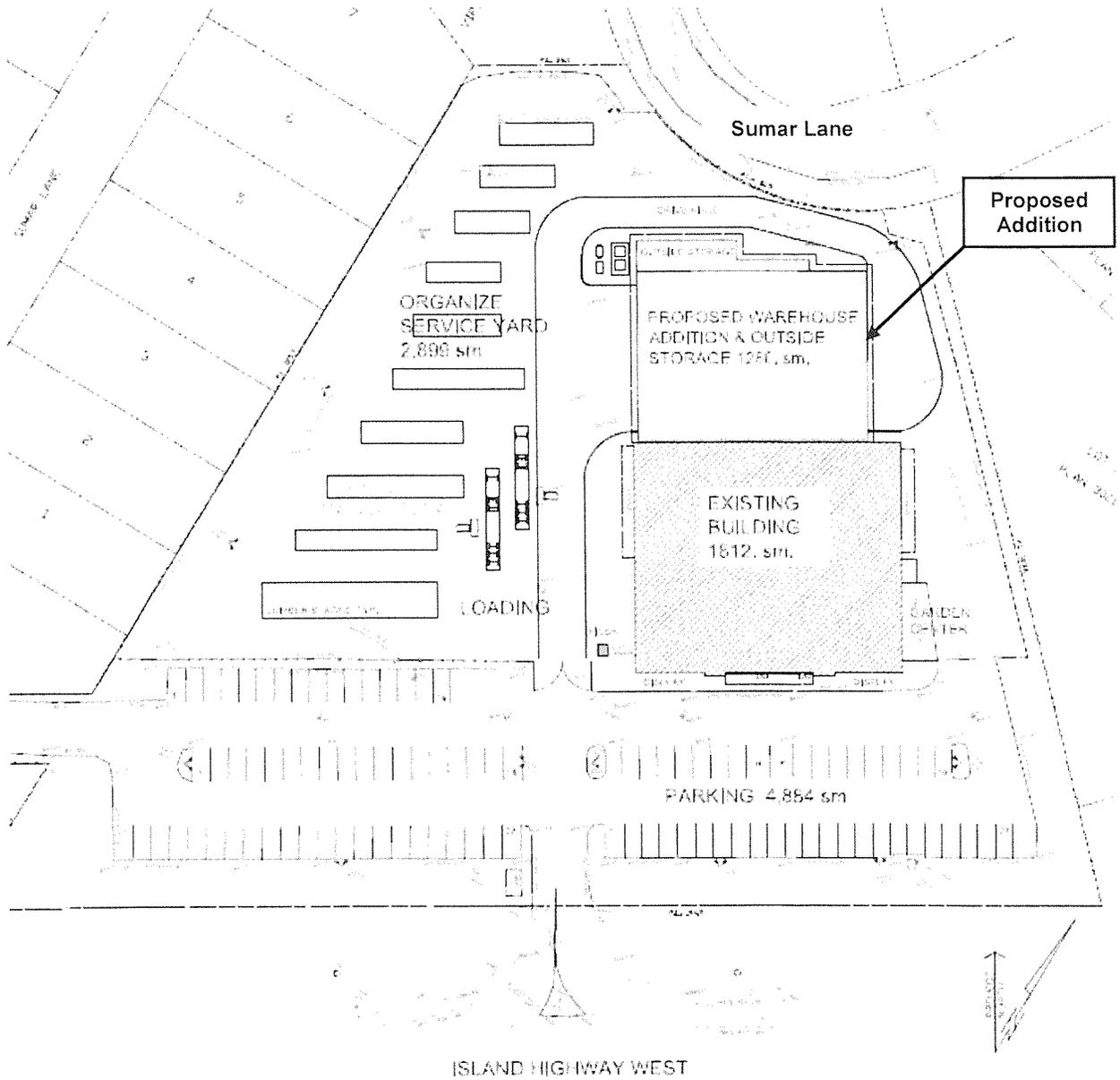
The following is required prior to the Amendment Bylaw No. 500.372, 2012 being considered for adoption:

1. The proposed building addition shall be sited in accordance with the site plan prepared by Carsten Jensen Architect Inc. dated May 3, 2012 and revised on August 28, 2012 and attached as Schedule 2.
2. The proposed building addition shall be constructed in accordance with the elevation drawings prepared by Carsten Jensen Architect Inc. dated March 22, 2011, and revised on April 21, 2011, and attached as Schedule 3.
3. The applicant shall provide landscaping improvements as a community amenity contribution within Sumar Lane right-of-way along the northern property boundary in general compliance with the Landscaping Plan prepared by Macdonald Gray dated April 16, 2012 and attached as Schedule 4. The landscaping improvements shall be secured prior to adoption.
4. The applicant shall remove any structures or materials on display within the setback area along the highway frontage (Island Highway West) to comply with the requirements of Development Permit No. 76 and the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".
5. The applicant shall register a section 219 restrictive covenant on the property title containing the hydrogeological assessment prepared by Waterline Resources Inc. dated August 23, 2010 to ensure the site is developed in accordance with the recommendations of this report. The covenant shall also require the applicant to submit a spill prevention, response and management plan at the building permit stage with measures to limit or prevent potential contaminants from entering into the rainwater management system and to ensure there are no negative downstream impacts of run-off from the subject property. This plan shall be prepared by a qualified professional to the satisfaction of the General Manager of Strategic and Community Development.
6. Prior to issuance of a building permit application, the applicant shall install or secure an oil/water separator in accordance with the recommendations contained in the letter from Parks City Engineering dated June 26, 2012.

Schedule 2
 Proposed Site Plan (Page 1 of 2)

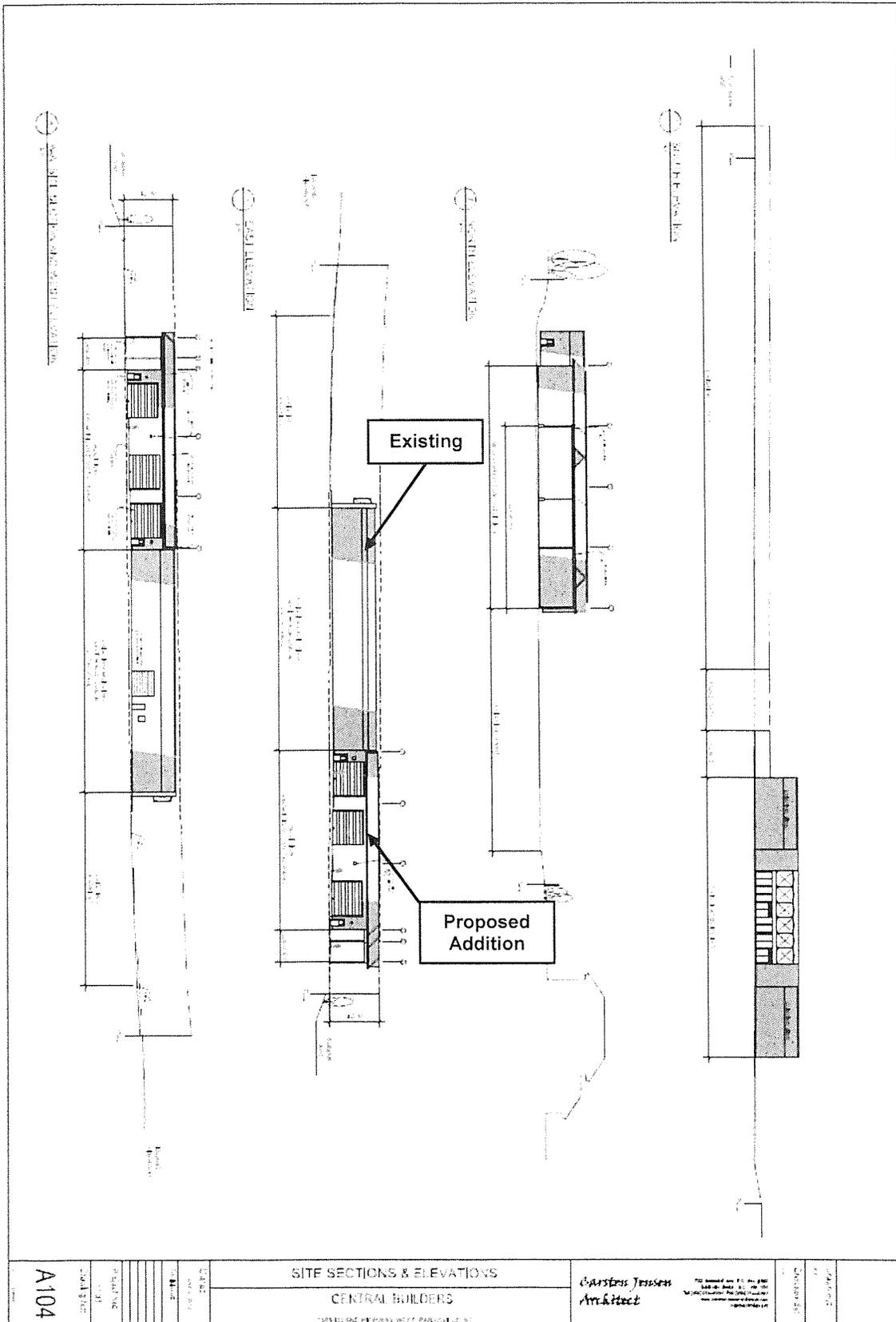


Schedule 2
Proposed Site Plan – Detail (Page 2 of 2)

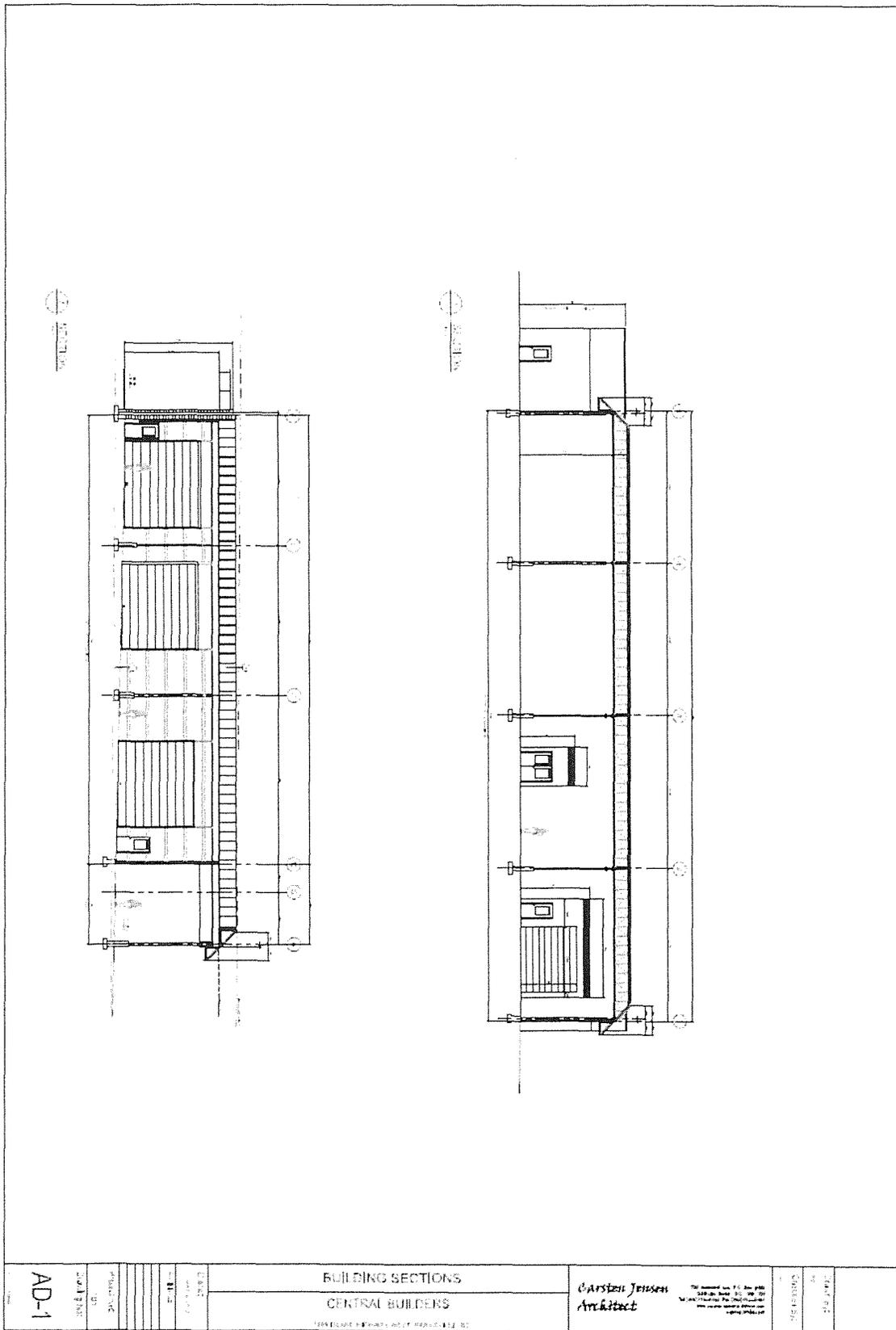


2 SITE STRATEGY
12/12

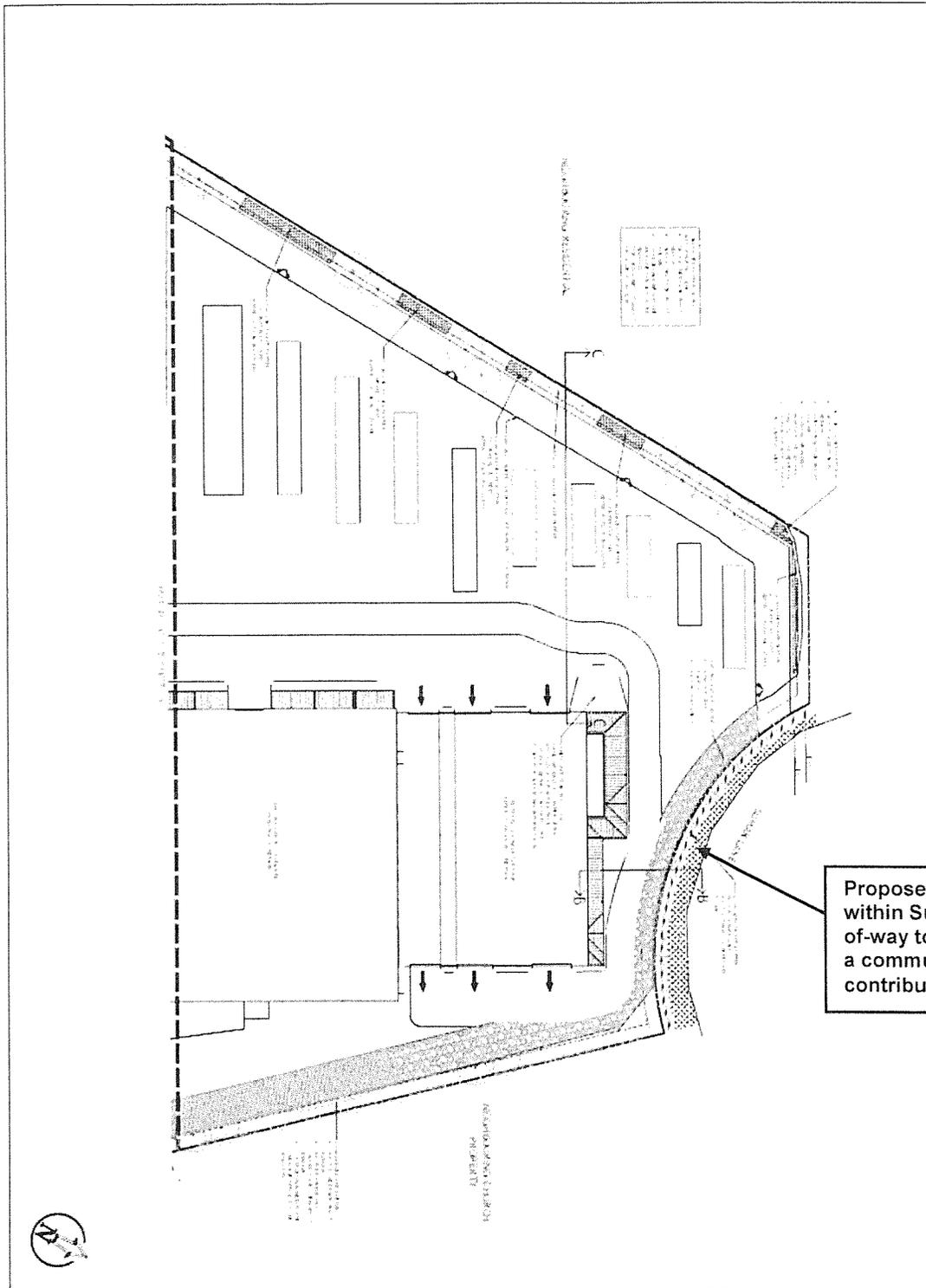
Schedule 3
 Building Elevations (Page 1 of 2)



Schedule 3
 Building Elevations – Detail of Proposed Addition (Page 2 of 2)



Schedule 4
 Landscaping Plan (Page 2 of 2)



Proposed landscaping within Sumar Lane right-of-way to be provided as a community amenity contribution.

NO.	DATE	BY	REVISION

PLANTING PLAN

Scale: 1/8" = 1'-0"

Drawn: []

Checked: []

Approved: []

DATE: []

PROJECT: []

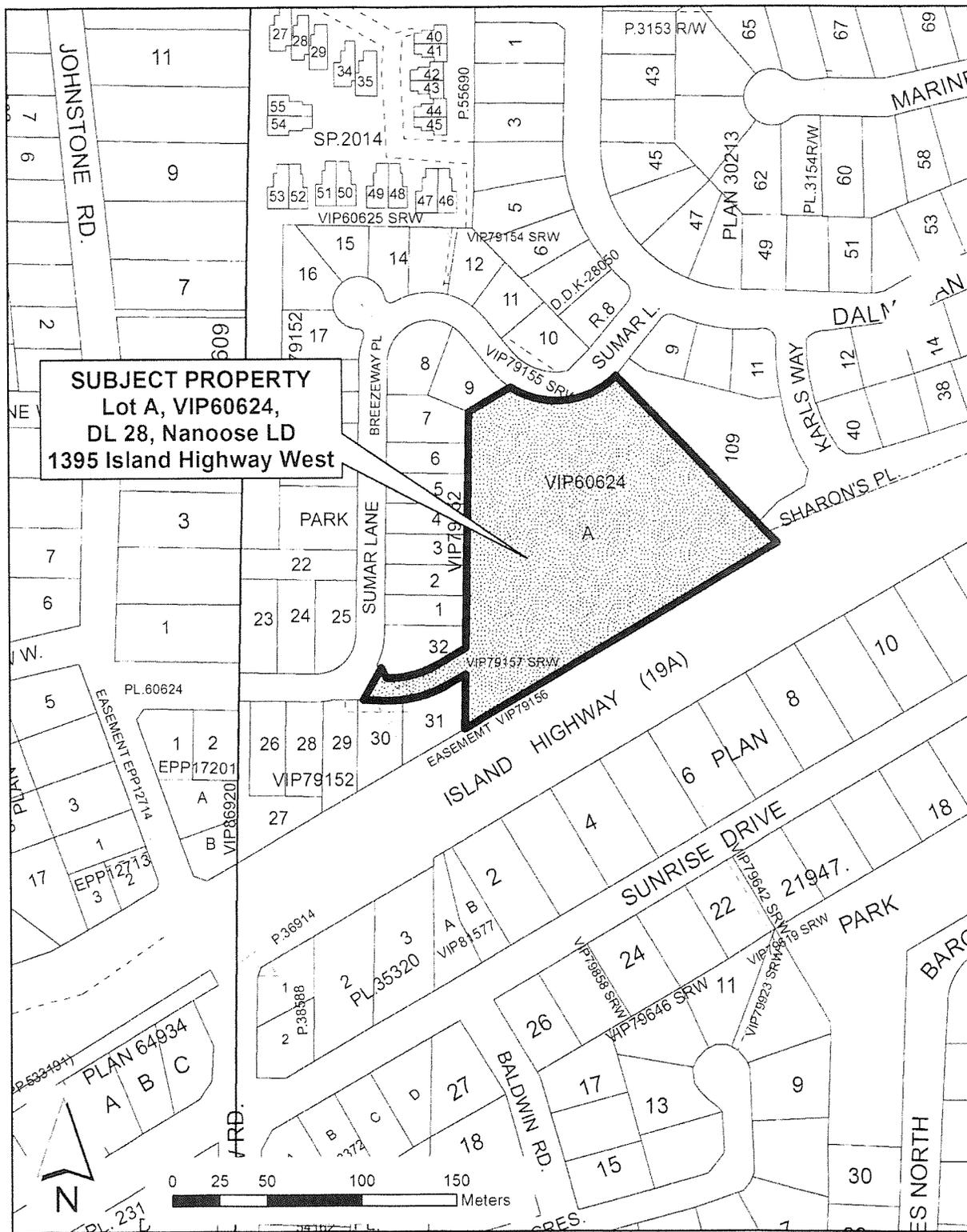
NO. OF SHEETS: 5

CURRENT SHEET: L4 OF 5

Central Builders Storage Addition
 Central Builders Parkville
 Regional District of Nanaimo



Attachment 1 Location of Subject Property



BCGS MAPSHEET: 92F.039.1.3

Attachment 2
Proposed Amendment Bylaw No. 500.372, 2012
REGIONAL DISTRICT OF NANAIMO
Bylaw No. 500.372
A Bylaw to Amend "Regional District of Nanaimo
Land Use and Subdivision Bylaw No. 500, 1987"

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

- A. This Bylaw may be cited as "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.372, 2012".
- B. "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", is hereby amended as follows:
 - 1. Under **Part 3 Land Use Regulations, Section 3.4.13** by adding the following provision after "Parcel Coverage" in subsection "Maximum Number and Size of Buildings and Structures":

Notwithstanding the Floor Area Ratio noted in this zone, an additional FAR of 0.1 is permitted for outdoor sales within a building or structure, up to a total maximum FAR of 0.2 for the property legally described as Lot A, District Lot 28, Nanoose District, Plan VIP60624.

Introduced and read two times this ____ day of _____ 201__.

Public Hearing held this ____ day of _____ 201__.

Read a third time this ____ day of _____ 201__.

Approved by the Minister of Transportation and Infrastructure pursuant to the *Transportation Act* this ____ day of _____ 201__.

Adopted this ____ day of _____ 201__.

Chairperson

Corporate Officer

**Attachment 3
Minutes of a Public Information Meeting**

**Held at the Errington War Memorial Hall, 1390 Errington Road
Wednesday, June 29, 2011 at 6:30 PM**

Note: This summary of the meeting is not verbatim recording of the proceedings, but is intended to summarize the comments of those in attendance at the Public Information Meeting.

There were twenty members of the public in attendance at the meeting.

Present for the Regional District:

Joe Stanhope, Chairperson and Director Electoral Area 'G'

Dale Lindsay, Manager of Current Planning, Regional District of Nanaimo

Kristy Marks, Planner, Regional District of Nanaimo

Present for the Applicant:

Carsten Jensen, Agent

Nick Martin & Rick Fisher, Applicants

The meeting was brought to order at 6:30 pm and the Chairperson introduced staff and the project consultant, and explained the course of events for the meeting.

Staff then provided a brief summary of the proposed rezoning and explained the application process.

The Chairperson invited the applicants to give a presentation of their proposal.

The applicants' agent, Carsten Jensen, provided an explanation of parcel coverage and floor area ratio (FAR) and the proposed increase in FAR from 0.1 to 0.2. He also discussed the proposed landscaping, including the replacement of landscaping along the west property line as per the original development permit which was approved for this site and new planting in the area outside of the fence along the north lot boundary to improve the view from Sumar Lane. He described how the design of the proposed building addition reflects the character of the homes to the north of the property along Sumar Lane.

Following the presentation, the Chairperson invited questions and comments from the audience.

Otmar Summerer, 1450 Sumar Lane, asked if the proposed building addition would be insulated or if it would generate additional noise on the property.

Carsten Jensen (agent) advised that the building materials will insulate noise, and that the building will contain some of the materials which are currently stored outside on the property.

Ton Van Wageningen asked about the storage of lumber in the proposed building addition and what materials will be stored in the building.

Rick Fisher said that lumber would continue to be stored outside but other weather sensitive materials such as insulation materials would be stored inside the proposed building addition.

Barry Peterson, Sumar Lane said he had no problem with the proposed building addition as the existing/proposed hedge will help screen the development. However, he did request that the developer eliminate the use of any back-up beepers and replace these with videos cameras.

Rick Fisher said the beepers are required in accordance with Workers Compensation Board (WCB) regulations, but the developer could confirm with WCB if there is alternative to the beepers.

Graham Avers, Dalmation Drive said that trucks are idling on site at 6:30am. The fumes come into his house through his air circulation system. The truck idling generates noise for lengthy periods of time.

Rick Fisher said he would look into this.

Jan Schultz, 1499 Sumar Lane asked if the truck movements would change and whether the trucks would go behind the building.

Rick Fisher confirmed the truck movements would remain the same.

Jan Schultz, 1499 Sumar Lane asked that there be less honking of truck horns or quieter horns used. She said the proposal looks good, but there is too much noise as the trucks honk their air horns 12 times when they leave.

Otmar Summerer, 1450 Sumar Lane asked about the turning radius of the trucks.

Carsten Jensen explained that the proposed site plan should restrict to fewer trucks, and there should be less large trucks.

Cary Johnson, Sumar Lane asked if the use will be retail or wholesale.

Jan Schultz, 1499 Sumar Lane asked what materials will be in the lean-to; would it be lumber and insulation and not a hang-out area for staff? She said the radio noise (from calling in supplies) is loud.

Rick Fisher advised that the materials under the lean-to will be building supplies.

Barry Peterson, Sumar Lane asked when construction would start.

Kristy Marks, Planner said the earliest would be in the fall.

Jan Schultz, 1499 Sumar Lane and asked if the proposed building addition is the only new floor proposed.

Carsten Jensen confirmed that the proposed rezoning is to increase the floor area ratio to allow for the building addition only.

Barry Peterson, Sumar Lane asked if the landscape buffer could be installed first prior to construction, and if the developer could look into quieter back-up beepers.

Rick Fisher said he would look into whether or not the landscaping could be completed prior to construction.

Nick Martin explained that contractors call in orders to the store early in the morning, but he would look into starting the trucks at 7am.

Ian L., store manager, said there may be issues in the winter with idling trucks but it is less busy in winter.

Dorothy and Ken Dodds, said there is a large pothole at the corner of Sumar Lane and Johnstone Road, and asked if anything could be done to fix it.

The Chairperson explained that the Ministry of Transportation and Infrastructure is responsible for the road conditions.

Jan Schultz, 1499 Sumar Lane asked about the possibility of donating park in the neighborhood.

Marian Summer, Sumar Lane asked if the landscaping will be maintained.

Nick Martin confirmed the landscaping would be maintained through a regular contract.

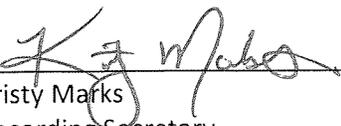
The Chairperson asked if there were any other questions or comments.

The Chairperson asked a second time if there were any other questions or comments.

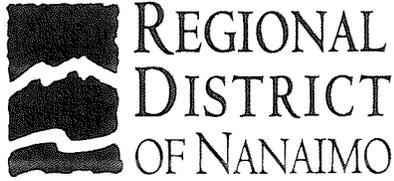
The Chairperson asked a final time if there were any other questions or comments.

Being none, the Chairperson thanked those in attendance and announced that the Public Information Meeting was closed.

The meeting concluded at 7:02pm.



Kristy Marks
Recording Secretary



RDN REPORT	
CAO APPROVAL <i>[Signature]</i>	
EAP	<i>[Signature]</i>
COW	
AUG 31 2012	
RHD	
BOARD	

MEMORANDUM

TO: Jeremy Holm
Manager of Current Planning

DATE: August 29, 2012

FROM: Angela Buick
Planner

FILE: PL2012-081

SUBJECT: Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement - Stevens Lot 3, Section 11, Range 4, Mountain District, Plan 31326 – 2956 & 2962 Ridgeway Road Electoral Area 'C'

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 'C'.

BACKGROUND

The Regional District of Nanaimo (RDN) has received a request to relax the minimum 10% perimeter frontage requirement in conjunction with a two lot subdivision.

The parent parcel, has a lot area of 2.0 hectares, and was rezoned in May 2012 through Amendment Application PL2010-123 from Rural 1 Subdivision District 'D' (2.0 ha minimum parcel size) to Rural 1 Subdivision District 'F' (1.0 ha minimum parcel size) in order to facilitate the proposed subdivision (see Attachment 1 for location of subject property). The subject property currently contains two dwelling units. The surrounding land uses are rural residential.

The applicant proposes to subdivide the subject property into proposed lot A with an area of 1.20 ha and lot B at .80 ha parcel (see Schedule 1 for proposed subdivision layout). The proposed lots average 1.0 ha in area, with the smallest parcel being 80% of the bylaw required parcel size, as such, the proposed subdivision meets the parcel size averaging provisions of Part 4.3.4) of the Subdivision Regulations of Bylaw 500, 1987.

Proposed Development

The perimeter frontage of proposed lot A is 6%, which does not meet the minimum 10% perimeter frontage requirement pursuant to Section 944 of the *Local Government Act*.

ALTERNATIVES

1. To approve the request for relaxation of the minimum 10% perimeter frontage requirement.
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 and the remainder lot, there is sufficient site area to support the permitted uses.

Inter-governmental Implications

The Ministry of Transportation and Infrastructure has indicated that they have no concerns with respect to access and have issued Preliminary Layout Approval (PLA) for the proposed subdivision.

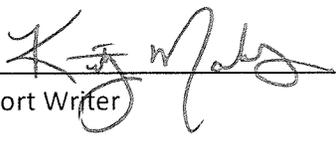
SUMMARY/CONCLUSIONS

The applicant proposes a two lot subdivision for the subject property and has requested a relaxation of the minimum 10% frontage requirement for lot A. Despite the reduced frontage, the proposed lot area will be able to accommodate the rural uses permitted by the zoning bylaw. Ministry staff indicated that they have no concerns with the request to relax the frontage of proposed lot A from the required 37.4 metres to 22.2 metres.

Given that there is no concern with the lot configuration or the current access to the existing home on proposed lot A, and there is sufficient buildable site area for the intended uses, staff recommends approval of the relaxation of the minimum 10% perimeter frontage for proposed lot A.

RECOMMENDATIONS

That the request to relax the minimum 10% perimeter frontage requirement for proposed lot A in conjunction with a subdivision application, be approved.

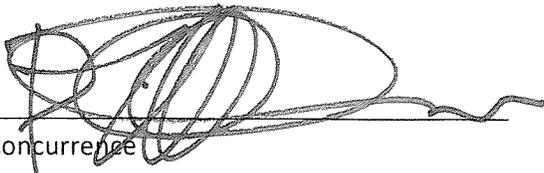
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Report Writer

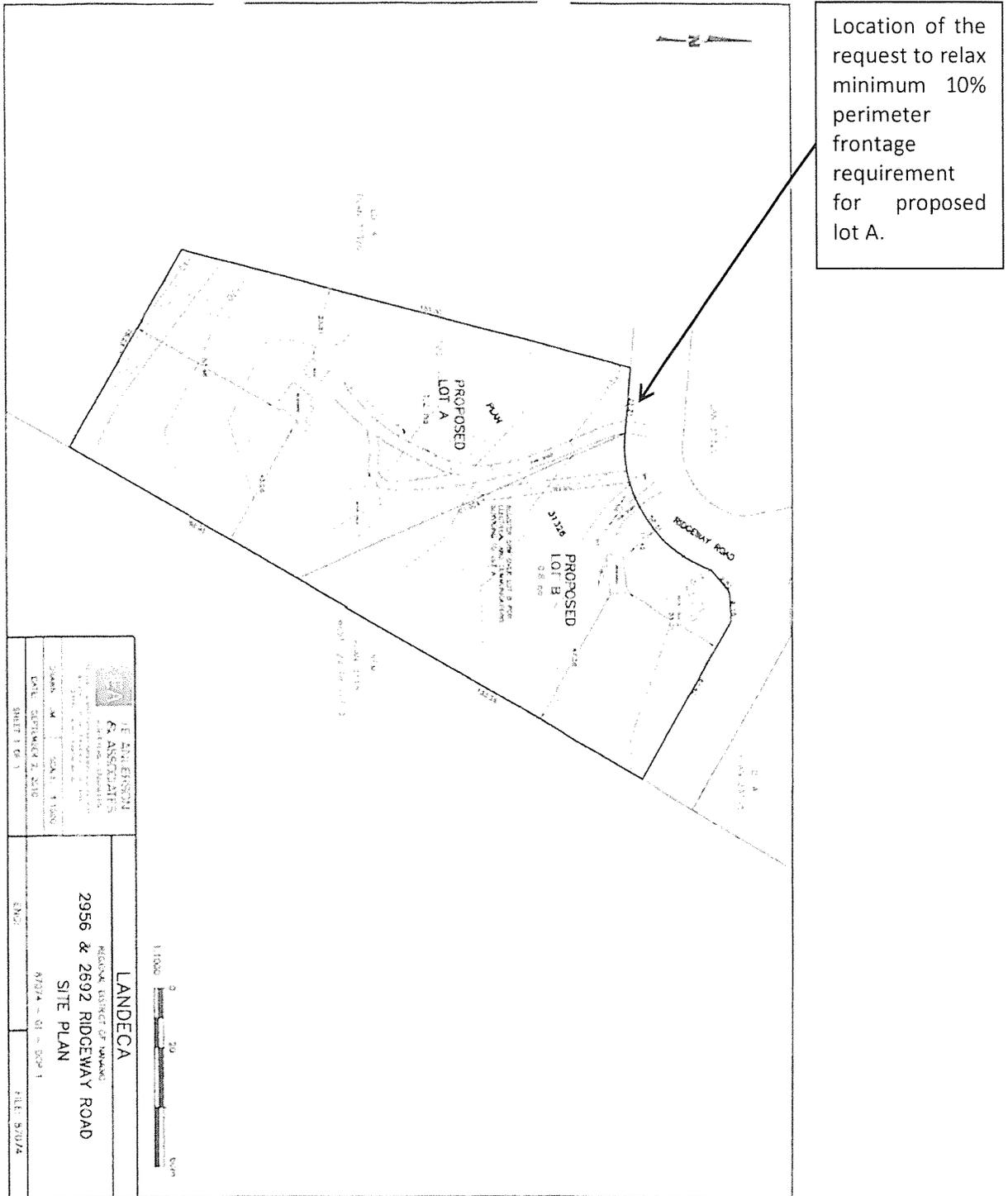
General Manager Concurrence

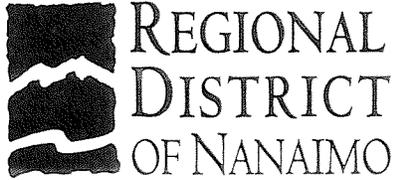


Manager Concurrence


D/. _____
CAO Concurrence

Schedule 1
 Plan of Proposed Subdivision





RDN REPORT	
CAO APPROVAL ✓	
EAP	✓
COW	
AUG 30 2012	
RHD	
BOARD	

MEMORANDUM

TO: Jeremy Holm
Manager of Current Planning

DATE: August 21, 2012

FROM: Kim Farris
Planner

FILE: PL2012-048

SUBJECT: Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement - Deas Lot A, District Lot 19, Newcastle District, Plan 8196, Except Parts in Plans VIP65473 and VIP74554 - Leon Road Electoral Area 'G'

PURPOSE

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

BACKGROUND

The Regional District of Nanaimo (RDN) has received a request to relax the minimum 10% perimeter frontage requirement in conjunction with a nine lot subdivision (Application No. PL2012-048) from Fern Road Consulting on behalf of James Kimberly Deas and James Ryan Deas. The subject property was recently rezoned (Zoning Amendment Application No. PL2011-178) from Residential 1 Subdivision District 'K' (RS1K) to Residential 1, Subdivision District 'N' (RS1N) in order to reduce the minimum parcel size from 4000 m², with or without community water or community sewer, to 1600 m², with community water to facilitate the subdivision.

The parent parcel has a lot area of 1.74 ha and is zoned Residential 1 (RS1), Subdivision District 'N' (1600 m² minimum parcel size with community water) 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 an existing dwelling unit and accessory buildings which will be removed prior to final subdivision approval. The surrounding land uses are rural and residential.

Proposed Development

The applicant is proposing to subdivide the parent parcel into nine fee simple lots and intends to continue to use them for residential purposes (see Schedule 1 for Proposed Plan of Subdivision). All proposed lots will meet the minimum parcel size and will be serviced by community water and septic disposal systems.

Minimum 10% Perimeter Frontage Requirement

Proposed Lots 4 to 7, inclusive, as shown on the submitted plan of subdivision, do not meet the minimum 10% perimeter frontage requirement pursuant to section 944 of the *Local Government Act*. These lots are located at the end of a cul-de-sac. The width of the panhandles for proposed Lots 5 and 6 exceed the Zoning Bylaw requirement in Section 4.5.3 b) of 6.0 metres for a panhandle where there is no subdivision potential. The applicant has requested to reduce the frontage requirements as follows:

<i>Proposed Lot No.</i>	<i>Required Frontage</i>	<i>Proposed Frontage</i>	<i>% Perimeter</i>
4	17.2 m	10.4 m	6.0
5	23.5 m	8.3 m	3.5
6	23.9 m	7.6 m	3.1
7	17.3 m	14.2	8.1

ALTERNATIVES

1. To approve the request for relaxation of the minimum 10% perimeter frontage requirement for proposed Lots 4 to 7, inclusive.
2. To deny the request for relaxation of the minimum 10% perimeter frontage requirement.

LAND USE IMPLICATIONS***Development Implications***

Despite the reduced frontages for proposed Lots 4 to 7, the lot configurations will provide adequate access and sufficient site area to support the permitted uses.

Inter-governmental Implications

The Ministry of Transportation and Infrastructure has indicated that they have no concerns with respect to the reduced frontages and have issued Preliminary Layout Approval (PLA) for the proposed subdivision.

Sustainability Implications

In keeping with Regional District of Nanaimo Board policy, staff have reviewed the proposed development with respect to the "Regional District of Nanaimo Sustainable Development Checklist" and note that the proposed subdivision will facilitate infill development where community water is available.

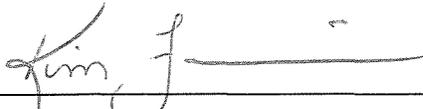
SUMMARY/CONCLUSIONS

The applicant has requested the relaxation of the minimum 10% perimeter frontage requirement for four lots within a proposed subdivision of the subject property. Despite the reduced frontages, Lots 4 to 7 will be able to accommodate the proposed residential uses permitted in the zoning. Ministry staff indicated that they have no objection to the request for relaxation of the frontages for these parcels.

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

RECOMMENDATION

That the request to relax the minimum 10% perimeter frontage requirement for proposed Lots 4 to 7, inclusive, be approved.

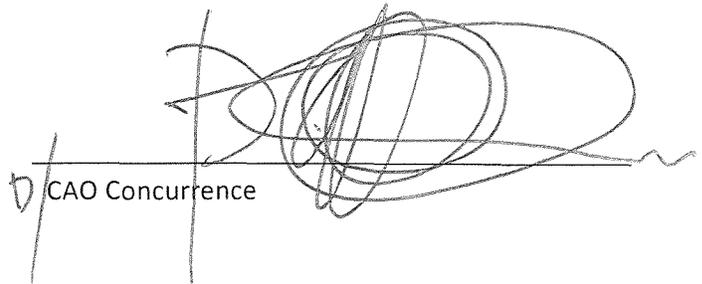


Report Writer

General Manager Concurrence



Manager Concurrence



D/ _____
CAO Concurrence

Attachment 1 Location of Subject Property

