

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA PLANNING COMMITTEE

TUESDAY, MAY 8, 2012

6:30 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

2 - 4 Minutes of the regular Electoral Area Planning Committee meeting held Tuesday, April 10, 2012.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

UNFINISHED BUSINESS

PLANNING

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

5 - 9 Development Permit Application No. PL2010-007 – Beaulac – 121 Kinkade Road, Area 'G'.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

10 - 16 Development Variance Permit Application No. PL2012-025 – Daniel Parker and June Parker – 1430 Reef Road, Area 'E'.

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, APRIL 10, 2012 AT 6:30 PM
IN THE RDN BOARD CHAMBERS**

Present:

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

Also in Attendance:

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

LATE DELEGATION

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

CARRIED

John Larson, re Development Permit with Variance Application No PL2011-174.

Mr. Larson provided a brief summary on the Development Permit with Variance application.

MINUTES

MOVED Director Stanhope, SECONDED Director Veenhof, that the minutes of the regular Electoral Area Planning Committee meeting held Tuesday, March 13, 2012 be adopted.

CARRIED

CORRESPONDENCE

Residents of Pylades Drive and Decourcey Drive, Area 'A', re Development Permit with Variance Application No. PL2011-174.

MOVED Director Stanhope, SECONDED Director Young, that the correspondence from the residents of Pylades Drive and Decourcey Drive be received.

CARRIED

PLANNING

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

Development Permit with Variance Application No. PL2011-163 – Gary Passey and Patricia Broster – Lot 11, District Lot 28, Newcastle District, Plan 22249 – Seaview Drive, Area ‘H’.

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

CARRIED

MOVED Director Veenhof, SECONDED Director Stanhope, that the Development Permit with Variance Application No. PL2011-163 to permit the construction of a dwelling unit subject to the conditions outlined in Schedules 1 to 4, be approved.

CARRIED

Development Permit with Variance Application No. PL2011-174 – C.A. Design – 2550 Pylades Drive, Area ‘A’.

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

CARRIED

MOVED Director McPherson, SECONDED Director Fell, that staff be directed to obtain from the Professional Engineer who prepared the April 5th, 2011 report either a revised report or a confirmation letter detailing the postal address and/or the legal description of the property covered by the report.

CARRIED

MOVED Director McPherson, SECONDED Director Fell, that Development Permit with Variance Application No. PL2011-174 to permit the construction of a dwelling unit be approved subject to the conditions outlined in Schedules 1 to 3 and that these schedules be amended to include both a requirement for re-use of the existing foundation located within the setback from the top of slope and receipt of a written report detailing the potential for mould to develop on the existing foundation and become a matter for concern in the future.

CARRIED

OTHER

Building Strata Conversion Application No. PL2011-053 – Bennett – 70 & 76 Colwell Road Area ‘C’.

MOVED Director Young, SECONDED Director Stanhope, that the request from Gary and Pamela Bennett for the Building Strata Conversion (Application No. PL2011-053) as shown on the proposed strata plan of Lot 3, Section 7, Range 4, Cranberry District, Plan VIP67928, be approved subject to the conditions being met as set out in Schedules 1 and 2.

CARRIED

Subdivision Application No. 3320 30 27850 – Request to Accept Park Land Dedication – Fern Road Consulting Ltd. – 711 Mariner Way, Area ‘G’.

MOVED Director Stanhope, SECONDED Director McPherson, that the request to accept the dedication of park land, as outlined in Schedule 1, be accepted.

CARRIED

MOVED Director Stanhope, SECONDED Director McPherson, that the summary of the Public Information Meeting held on December 14, 2011, be received.

CARRIED

Amendment Bylaw No. 500.375, 2012 – Zoning Amendment Application No. PL2011-089 – Kitching – 3519 Hallberg Road, Area 'A'.

MOVED Director McPherson, SECONDED Director Stanhope, that the summary of the Public Information meeting held on February 27, 2012, be received.

CARRIED

MOVED Director McPherson, SECONDED Director Stanhope, that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.375, 2012", be introduced and read two times.

CARRIED

MOVED Director McPherson, SECONDED Director Stanhope, that the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.375, 2012", be delegated to Director McPherson or another Area Director.

CARRIED

MOVED Director McPherson, SECONDED Director Stanhope, that the conditions set out in Schedule 1 of the staff report be completed prior to Amendment Bylaw No. 500.375 being considered for adoption.

CARRIED

ADJOURNMENT

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

CARRIED

Time: 6:53 PM

CHAIRPERSON



RUN REPORT	
CAO APPROVAL <i>[Signature]</i>	
EAP	<input checked="" type="checkbox"/>
COW	<input type="checkbox"/>
APR 26 2012	
RHD	<input type="checkbox"/>
BOARD	<input type="checkbox"/>

MEMORANDUM

TO: Jeremy Holm
 Manager of Current Planning

DATE: April 23, 2012

FROM: Angela Buick
 Planner

FILE: PL2010-007

SUBJECT: Development Permit Application No. PL2010-007 – Beulac
 Lot A, District Lot 10, Newcastle District, Plan VIP85706 – 121 Kinkade Road
 Electoral Area 'G'

PURPOSE

To consider an application for Development Permit No. PL2010-007 to allow the construction of an accessory building on the subject property.

BACKGROUND

The Regional District of Nanaimo received an application on January 8, 2010, from Joe Beulac on behalf of a Timothy Delesalle to permit the construction of an accessory building. This Development Permit Application No. PL2010-007 was considered by the Electoral Area Planning Committee (EAPC) on Tuesday, February 9, 2010. Prior to the Regional Board’s consideration, the applicant withdrew the application in order to revise the proposed building and site plans. This report includes the revised building and site plans, submitted in March of 2012.

The subject property, *Attachment 1*, contains a dwelling unit and attached garage, previously approved under Development Permit No. 60830 (2008) and No. 60913 (2009). The site is bordered by the sea to the northeast, residential parcels to the southeast and Kinkade Road to the west. The property is approximately 2600 m² in size and is currently zoned Residential 2 (RS2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

The subject property is within the Hazard Lands Development Permit Area (DPA) pursuant to "Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008". The applicant is requesting approval to construct an 87 m² accessory building within the subject property. As the property is located adjacent to the sea and within the Little Qualicum River Floodplain a minimum building elevation of 3.8 metres Geodetic Survey of Canada (GSC) is required for any habitable floor area. The proposed accessory building will meet the flood construction level and comply with the height allowance as outlined in Bylaw No. 500, 1987. No fill was required to meet flood construction level in the proposed location.

ALTERNATIVES

1. To approve Development Permit Application No. PL2010-007 subject to the conditions outlined in *Schedules 1 and 2*.
2. To deny the Development Permit Application No. PL2010-007 application as submitted.

DEVELOPMENT IMPLICATIONS

In keeping with the Hazard Lands DPA guidelines, the applicant has submitted a Geotechnical Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd. and dated March 29, 2012, for the construction of an accessory building. This report states that the site is considered safe and suitable for the intended use. Furthermore, the proposed development meets the Floodplain Bylaw No. 1469 exemption provision as stated under section 16. c. for buildings not intended to be used for habitable floor area.

Staff recommends that the applicant be required to register a section 219 covenant that registers the Geotechnical Hazards Assessment report prepared by Ground Control Geotechnical Engineering Ltd. dated March 29, 2012, on the property title, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages to life and property as a result of potential geotechnical and flood hazards. In accordance with the "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006", the covenant must stipulate the following:

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

Sustainability Implications

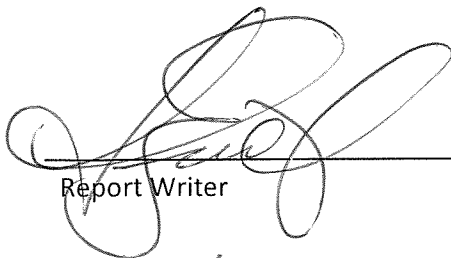
In keeping with Regional District of Nanaimo Board policy, the applicant has completed the "Sustainable Community Builder Checklist". The proposed development will occur within an existing serviced lot.

SUMMARY/CONCLUSIONS


This is an application for a Development Permit to allow the construction of an accessory building on the subject property located within the Hazard Lands Development Permit Area to address the DPA guidelines. The applicant has submitted a Geotechnical Hazards Assessment of the floodplain hazard, which concluded that the site is safe and suitable for the intended use. Given this evaluation staff recommends the proposed Development Permit be approved.

RECOMMENDATION

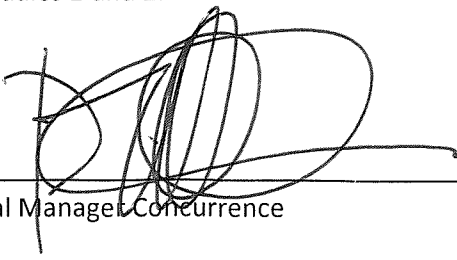
That Development Permit Application No. PL2010-007, to permit the construction of an accessory building, be approved subject to the conditions outlined in *Schedules 1 and 2*.



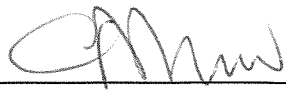
Report Writer



Manager Concurrence



General Manager Concurrence



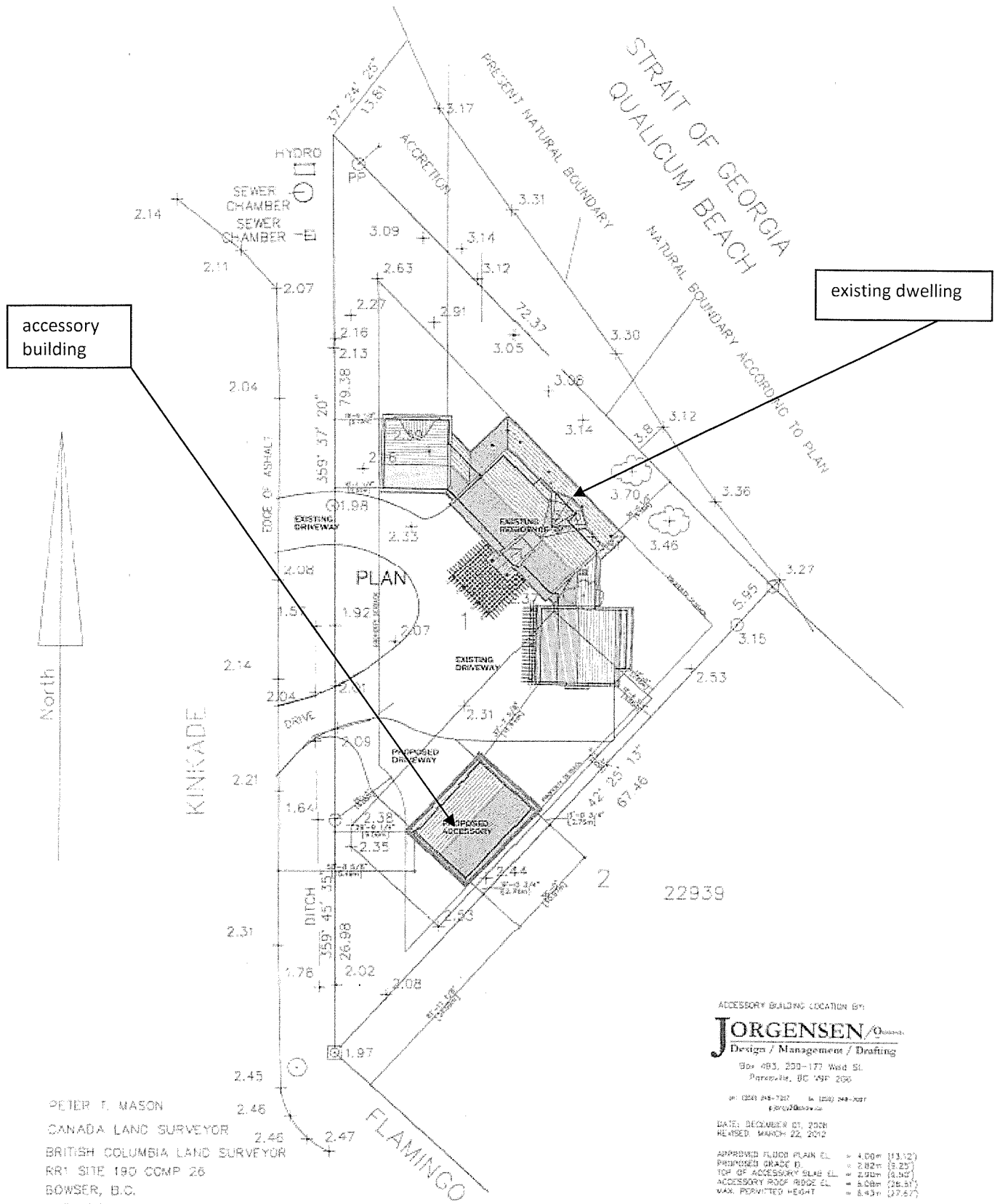
CAO Concurrence

Schedule 1
Conditions of Development Permit

Conditions of Approval

1. The accessory building shall be sited in accordance with the site plan prepared by Jorgensen Osmond Ltd., dated March 22, 2012, based on the survey prepared by Peter T. Mason BCLS attached as *Schedule 2*.
2. The accessory building shall be constructed in accordance with the Geotechnical Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd., dated March 29, 2012.
3. Staff shall withhold the issuance of this permit until the applicant, at the applicant's expense, register a section 219 covenant that registers the geotechnical Hazards Assessment report prepared by Ground Control Geotechnical Engineering Ltd., dated March 29, 2012, on the property title, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages to life and property as a result of potential geotechnical and flood hazards. In accordance with the "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006", the covenant must stipulate the following:
 - A building or that portion of a building to be used as a garage, carport, storage building shall not be used for the storage of goods damageable by floodwaters, toxic materials, or materials that may contaminate the environment.

Schedule 2 Site Plan



accessory building

existing dwelling

PETER T. MASON
CANADA LAND SURVEYOR
BRITISH COLUMBIA LAND SURVEYOR
RR1 SITE 190 COMP 26
BOWSER, B.C.
VOR 1G0
TEL: (250)357-8788

ACCESSORY BUILDING LOCATION BY:
JORGENSEN / *Orson*
Design / Management / Drafting
Box 463, 250-177 West St.
Parksville, BC V9P 2G6

PH: (250) 248-7227 FAX: (250) 248-7027
PJORG@2010.com

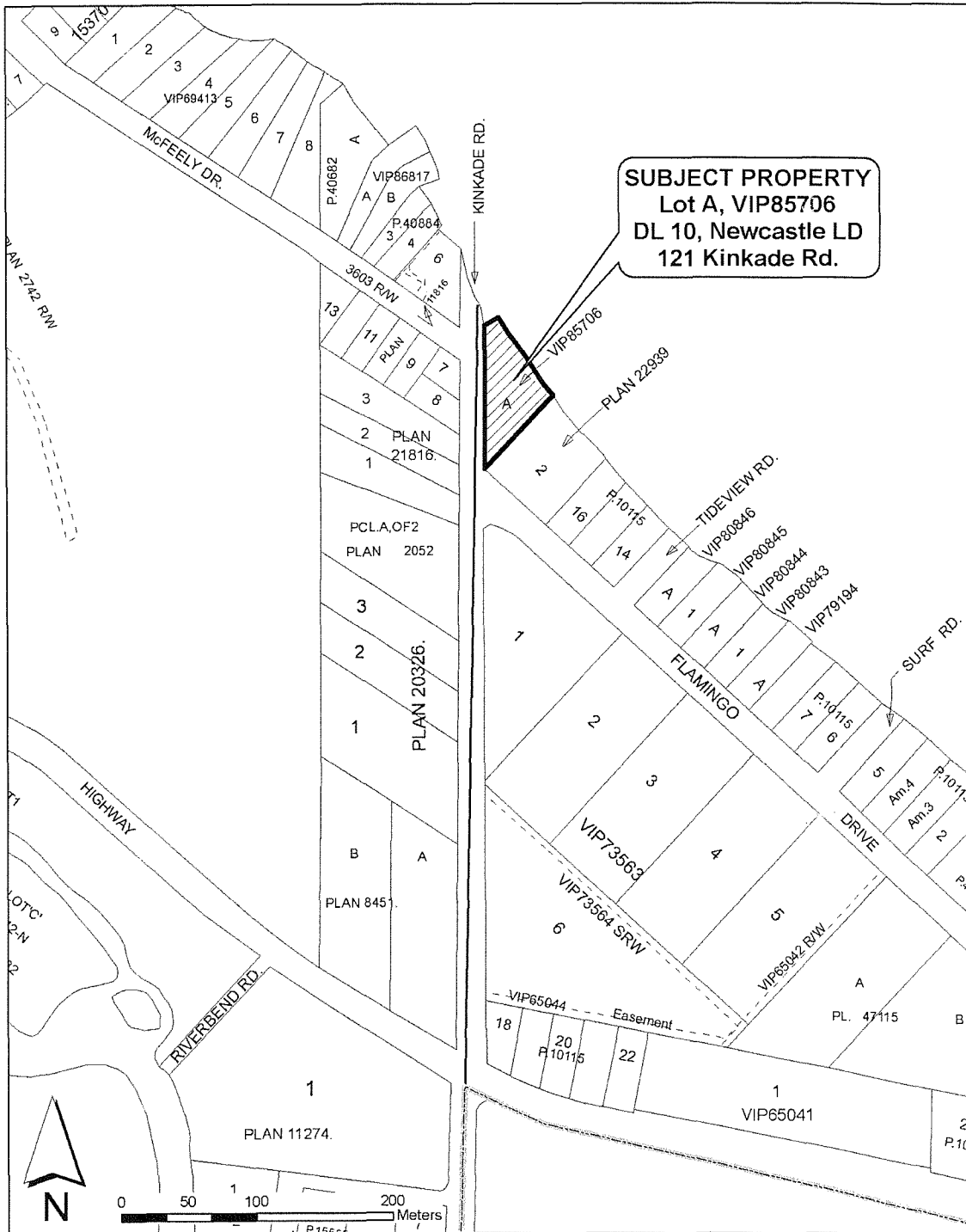
DATE: DECEMBER 01, 2010
REVISED: MARCH 22, 2012

APPROVED FLOOD PLAN EL = 4.00m (13.12)
FINISHED GRADE EL = 2.82m (9.25)
TOP OF ACCESSORY SLAB EL = 2.90m (9.50)
ACCESSORY ROOF RIDGE EL = 5.00m (16.41)
MAX. PROPOSED HEIGHT = 8.43m (27.67)

ISSUED FOR PERMITS

SCALE: 1 : 400

Attachment 1
Location of Subject Property





RDN REPORT	
CAO APPROVAL <i>CW</i>	
EAP	<input checked="" type="checkbox"/>
COW	<input type="checkbox"/>
APR 26 2012	
RHD	<input type="checkbox"/>
BOARD	<input type="checkbox"/>

MEMORANDUM

TO: Jeremy Holm
Manager of Current Planning

DATE: April 23, 2012

FROM: Angela Buick
Planner

FILE: PL2012-025

SUBJECT: Development Variance Permit Application No. PL2012-025
Daniel Parker and June Parker
Lot 10, Block F, District Lot 38, Plan 11313, Nanoose District - 1430 Reef Road
Electoral Area 'E'

PURPOSE

To consider an application for a Development Variance Permit to reduce the minimum setback requirement for a deck as part of the construction of a new single family dwelling unit within the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Daniel and June Parker to permit the construction of a new dwelling unit with a deck that encroaches into the setback area. The subject property is approximately 0.24 ha in area and is zoned Residential 1 (RS1) and within Subdivision District 'N' 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 bordered by Reef Road to the southwest, residential zoned property to the north, the Salish Sea to the northwest and a dedicated road (lane) to the northeast. Currently, the subject property contains a cabin which the applicants propose to demolish in order to build a dwelling unit with a deck.

Proposed Development and Variance

In order to accommodate the location of the proposed single dwelling unit and attached deck, the applicants proposed to; vary the following regulation from the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987":

Section 3.4.61 – Minimum Setback Requirements:

- To reduce the setback from an Other Lot Line from 5.0 metres to 4.5 metres for the siting of a deck as part of a proposed dwelling unit.

ALTERNATIVES

1. To approve the Development Variance Permit Application No. PL2012-025 subject to the conditions outlined in *Schedule 1*.
2. To deny the Development Variance Permit Application No. PL2012-025.

LAND USE IMPLICATIONS

Development Implications

The applicants have requested the variance to accommodate reasonable living space within the dwelling unit while at the same time, providing wheelchair access approximately 1.5 metres wide from one end of the deck to the other.

The proposed deck borders a portion of dedicated road (lane) that is used as an access to the sea (see *Schedule 2*). The minimum setback requirement for Other Lot Line is 5.0 metres. The deck would encroach into this setback approximately 0.5 metres, but will not encroach into the Ministry of Transportation and Infrastructures (MOTI) required setback from the road of 4.5 metres. The MOTI has confirmed they have no issues with the proposed variance. The applicants have provided a British Columbia Land Survey outlining the location of the dwelling unit and attached deck is attached as *Schedule 2*. They have also submitted seven letters of support from all the surrounding neighbours.

The applicants have provided the following rationale for the requested setback variance:

- To provide wheelchair access on the deck as they plan to live at this location into their senior years;
- The applicants have narrowed the living space within the dwelling unit as much as possible for comfortable living.

Public Consultation Process

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

Sustainability Implications

In keeping with Regional District of Nanaimo Board policy, staff have reviewed the proposed development with respect to the "Regional District of Nanaimo Sustainable Development Checklist", and identified that the proposed deck supports 'aging in place', as the applicants are implementing wheelchair access for their senior years.

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 of the subject property will receive a direct notice of the proposal, and will have an opportunity to comment on the proposed variance, prior to the Board's consideration of the application.

SUMMARY/CONCLUSIONS

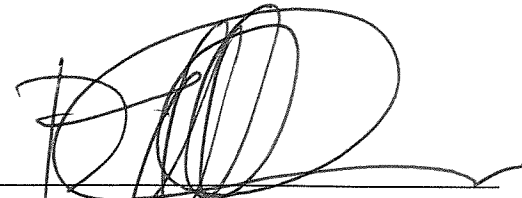
This is an application for a development variance permit to reduce the minimum setback requirement in the RS1 zone for a deck as part of the construction of a proposed dwelling unit. The applicants have submitted a site plan (*Schedule 2*), and letters from neighbouring property owners in support of the application. Given that, the proposed location of the house and deck would not negatively impact the use of the subject property or adjacent properties, staff recommend the Board approve the proposed Development Variance Permit No. PL2012-025 pending the outcome of public consultation.

RECOMMENDATIONS


1. That staff be directed to complete the required notification; and
2. That Development Variance Permit Application No. PL2012-025 to reduce the minimum required setback for a proposed deck from the Other Lot Line be approved subject to the conditions outlined in *Schedule 1*.



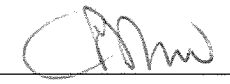
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

Schedule 1
Conditions of Development Variance Permit

The following sets out the terms and conditions of Development Variance Permit No. PL2012-025:

Bylaw No. 500, 1987 - Variances

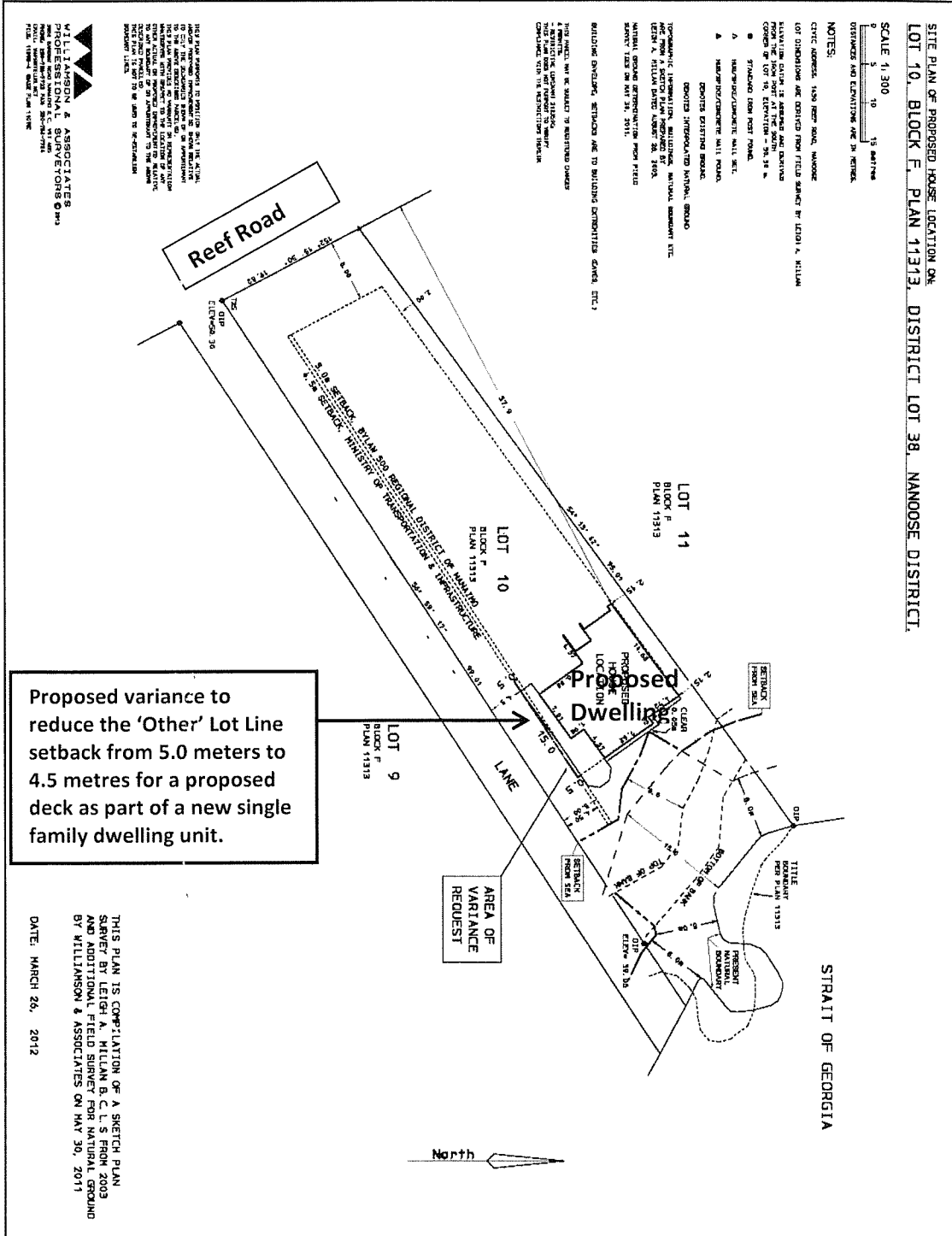
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

1. **Section 3.4.61 Residential 1 - Minimum Setback Requirements** by reducing the minimum setback requirement from an Other Lot Line from 5.0 metres to 4.5 metres for the siting of a deck as part of a proposed dwelling unit as shown on Schedule 2.

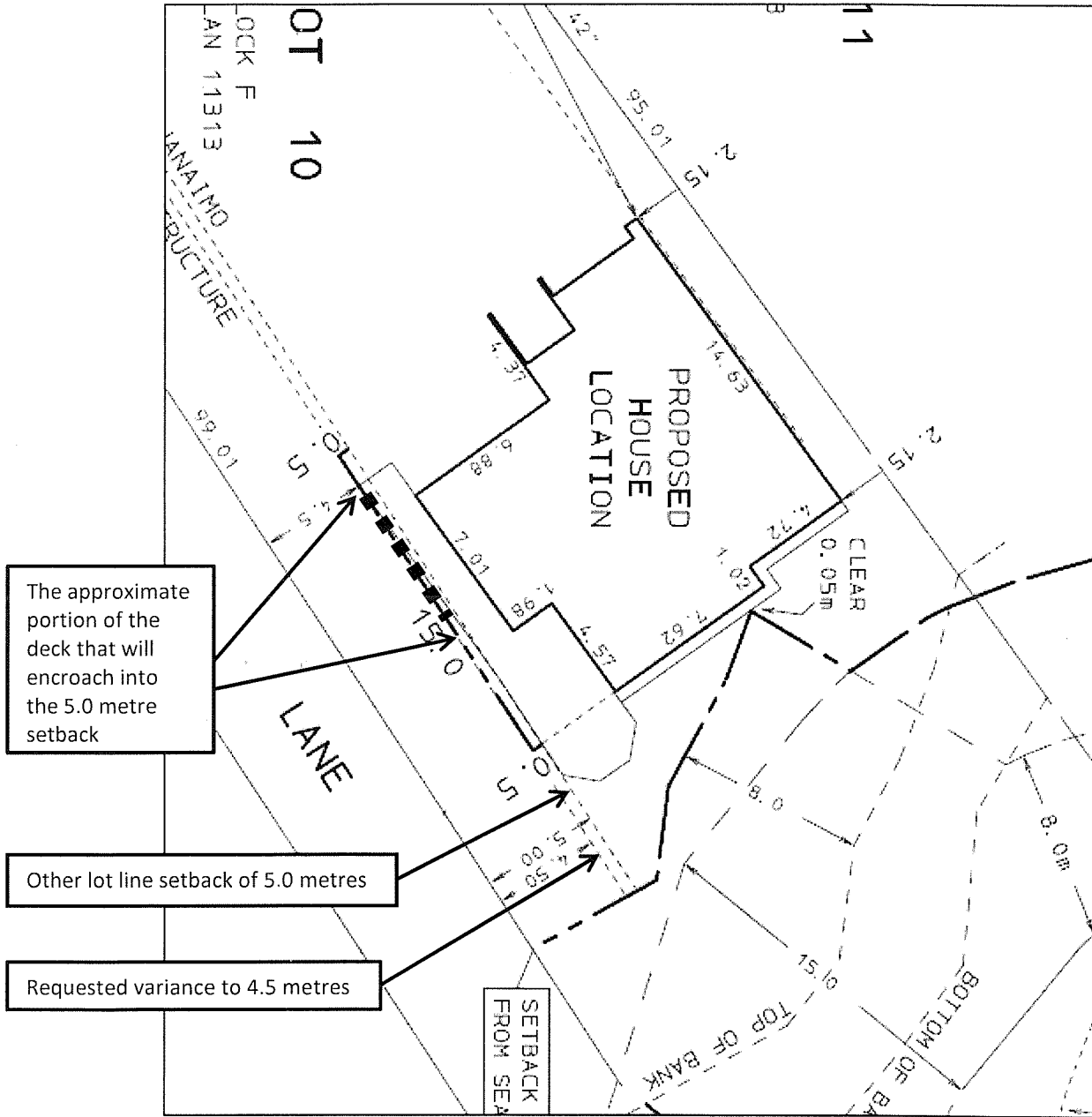
Conditions of Approval

1. The dwelling unit and deck shall be sited in accordance with the site plan prepared by Williamson & Associates Professional Surveyors, dated March 26, 2012, attached as *Schedule 2*.

Schedule 2 Site Plan - Detail (Page 1 of 2)



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



Attachment 1
Location of Subject Property

