

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA PLANNING COMMITTEE

TUESDAY, JULY 10, 2012

6:30 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

- 3-4 Minutes of the regular Electoral Area Planning Committee meeting held Tuesday, June 12, 2012.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

UNFINISHED BUSINESS

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

- 5-13 Development Permit Application No. PL2012-068 – Barwil Builders Ltd. – 822 Mariner Way, Electoral Area ‘G’.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

- 14-21 Development Variance Permit Application No. PL2012-064 – Fern Road Consulting – 3477 Schooner Road, Electoral Area ‘E’.

- 22-27 Development Variance Permit Application No. PL2012-073 – David West – 1340 Tyler Road, Electoral Area ‘F’.

OTHER

- 28-35 Amendment Bylaw No. 500.378, 2012 – Zoning Amendment Application No. PL2012-014 – Carey Development Ltd. – 1244 & 1250 Allgard Road, Electoral Area ‘G’.

- 36-43 Amendment Bylaw No. 500.376, 2012 – Zoning Amendment Application No. PL2012-070 – Karen Kenyon, Jean-Luc Roy – Collingwood Drive, Electoral Area ‘E’.

44-47 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'.

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, JUNE 12, 2012 AT 6:30 PM
IN THE RDN BOARD CHAMBERS

Present:

Director G. Holme	Chairperson
Alternate	
Director J. McLeod	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:

P. Thorkelsson	Gen. Mgr., Strategic and Community Development
J. Holm	Mgr., Current Planning
N. Hewitt	Recording Secretary

Regrets:

Director A. McPherson	Electoral Area A
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LATE DELEGATIONS

MOVED Director Stanhope, SECONDED Director Fell, that the following delegation be permitted to address the Committee.

CARRIED

Lucky Phillips, Tove Kilburn, Steve Toth, Ken Tanguay, re Development Permit with Variance Application No. PL2012-028 – Ken Tanguay – 594 Wain Road, Area 'G'.

Mr. Tanguay spoke on behalf of the application and spoke in support of approving Development Permit with Variance Application No. PL2012-028.

MINUTES

MOVED Director Veenhof, SECONDED Director Fell, that the minutes of the regular Electoral Area Planning Committee meeting held on Tuesday, May 8, 2012 be adopted.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. PL2012-061 – Robert & Norma Pain – 925 Mistaken Place, Area 'G'.

MOVED Director Stanhope, SECONDED Director Young, that Development Permit Application No. PL2012-061 to permit the construction of an addition (a sunroom) to the existing dwelling unit be approved subject to the conditions outlined in Schedules 1 to 3.

CARRIED

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

Development Permit with Variance Application No. PL2012-028 – Ken Tanguay – 594 Wain Road, Area 'G'.

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

CARRIED

MOVED Director Stanhope, SECONDED Director Fell, that Development Permit with Variance Application No. PL2012 -028 to permit additions to the existing dwelling unit be approved subject to the conditions outlined in Schedules 1 to 5.

CARRIED

Development Permit with Variance Application No. PL2012-049 – McIntosh – 891 Fisherman Circle, Area 'G'.

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

CARRIED

MOVED Director Stanhope, SECONDED Director Young, that Development Permit with Variance Application No. PL2012-049 to permit the construction of an engineered rock retaining wall be approved subject to the conditions outlined in Schedule 1.

CARRIED

OTHER

Request to Accept Cash in Lieu of Park Dedication – Ryvers & Son Home (Builders) Inc., 6620 Island Highway West and Adjacent Property to the North, Area 'H'.

MOVED Director Veenhof, SECONDED Director Fell, that the request to pay 5% cash-in-lieu of park land dedication in conjunction with Subdivision Application No. PL2011-087 be accepted.

CARRIED

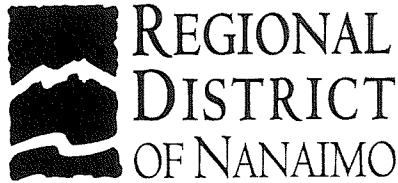
ADJOURNMENT

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

CARRIED

Time: 6:46 PM

CHAIRPERSON



RDN REPORT	
CAO APPROVAL <i>OK</i>	
EAP	✓ July 10/12
COW	
JUN 29 2012	
RHD	
BOARD	

MEMORANDUM

TO: Jeremy Holm
Manager of Current Planning

DATE: June 22, 2012

FROM: Kim Farris
Planner

FILE: PL2012-068

SUBJECT: Development Permit Application No. PL2012-068 – Barwil Builders Ltd.
Lot 14, District Lot 181, Nanoose District, Plan 15551 – 822 Mariner Way
Electoral Area ‘G’

PURPOSE

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

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Barwil Builders Ltd., on behalf of Janis Milligan and Andrew Taylor, to permit the construction of a deck onto an existing dwelling unit. The subject property is approximately 0.1 ha in area and is zoned Residential 1 (RS-1) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (see Attachment 1 for subject property map).

The subject property contains a dwelling unit, detached garage and shed, and is bordered by residential zoned properties. The property is located within the Englishman River and Strait of Georgia Floodplains.

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”.

Proposed Development

The applicant is proposing to construct a deck onto the northeast side of the existing residential dwelling (see Schedules 2 and 3 for site plan and elevation drawings). The proposed deck will be approximately 12.5 m² in floor area and 1.0 metre in height.

The entire property is located within the Englishman River and Strait of Georgia Floodplains based on the 1 in 200 year flood event. The elevation at the subject site is estimated to be 3.4 metre Geodetic (above sea level) and the Strait of Georgia 200 year flood level is 4.1 metre Geodetic. The finished deck is approximately 1.0 metres above ground surface which establishes a finished floor elevation of 4.4 metre Geodetic (0.3 metres above the projected flood water elevation).

ALTERNATIVES

1. To approve the Development Permit Application No. PL2012-068 subject to the conditions outlined in Schedules 1 to 4.
2. To deny the Development Permit Application No. PL2012-068.

LAND USE IMPLICATIONS

Development Implications

The applicant submitted a Geotechnical Floodplain Hazard Assessment report prepared by Lewkowich Engineering Associates Ltd. dated May 18, 2012, to satisfy the Hazard Lands DPA guidelines. The report states that in the event of a 200 year flood, the ground surface, garage, shed and the footings of existing buildings would be inundated with floodwater. Further, the report states that the main floor of the residence and the proposed deck are predicted to be above the 200-year design flood. Therefore, the engineer concludes that the property is safe and suitable for the proposed development provided the recommendations in the report are followed and that flooding issues would not have a detrimental impact on the environment or adjacent properties.

The proposed deck will meet the required minimum setbacks and lot coverage as per the Residential 1 zoning pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

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 deck will not have a detrimental impact on the natural environment.

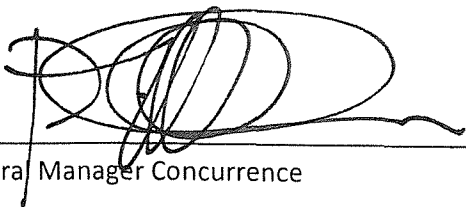
SUMMARY/CONCLUSION


This is an application for a Development Permit to permit the construction of a deck to an existing dwelling unit within the Hazard Lands Development Permit Area. In staff's assessment, this proposal is consistent with the applicable Development Permit Area guidelines, and staff recommend that the Board approve the Development Permit.


RECOMMENDATION

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*.


Report Writer


General Manager Concurrence


Manager Concurrence


CAO Concurrence

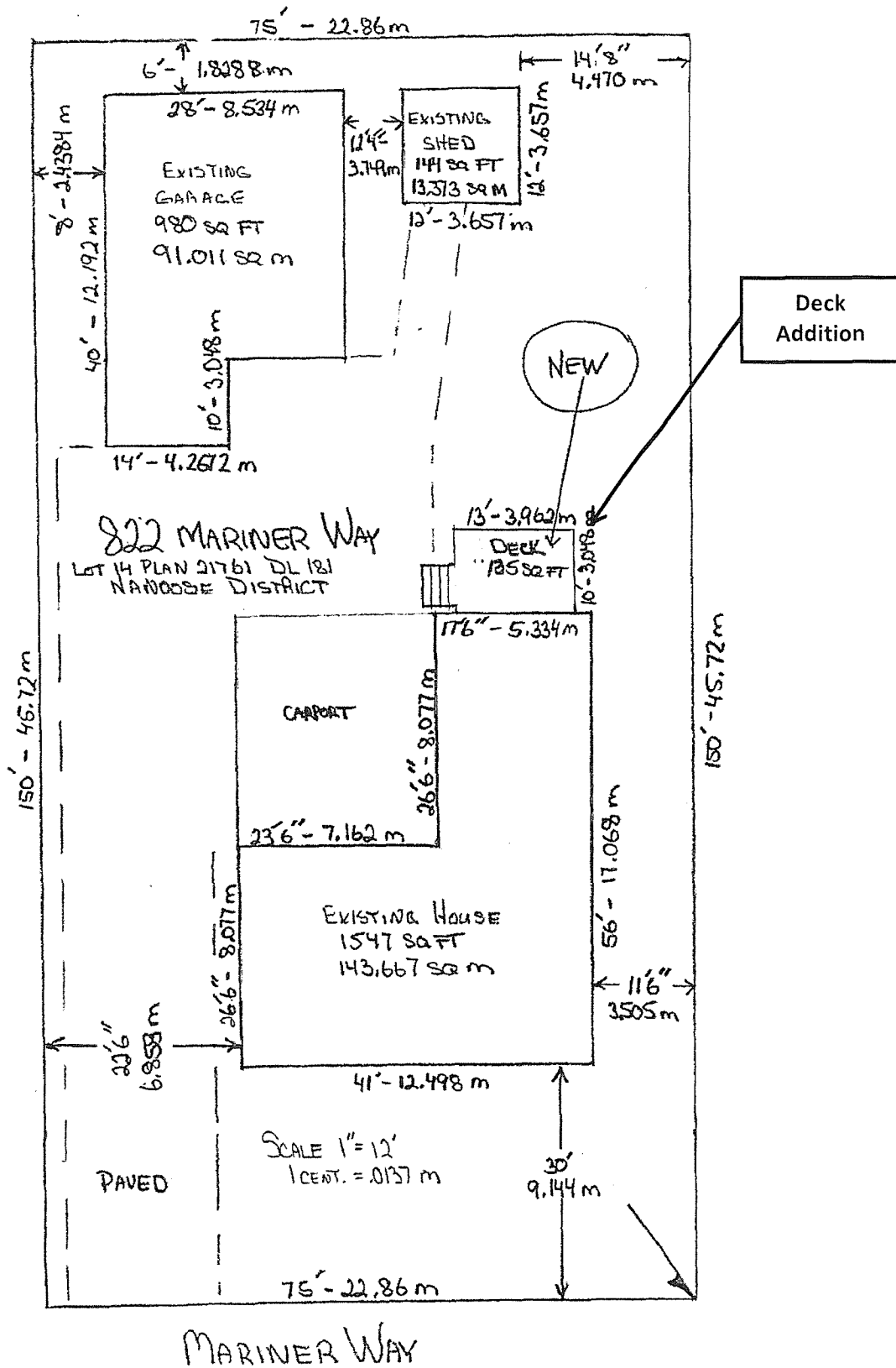
Schedule 1
Conditions of Development Permit

The following sets out the terms and conditions of Development Permit No. PL2012-068:

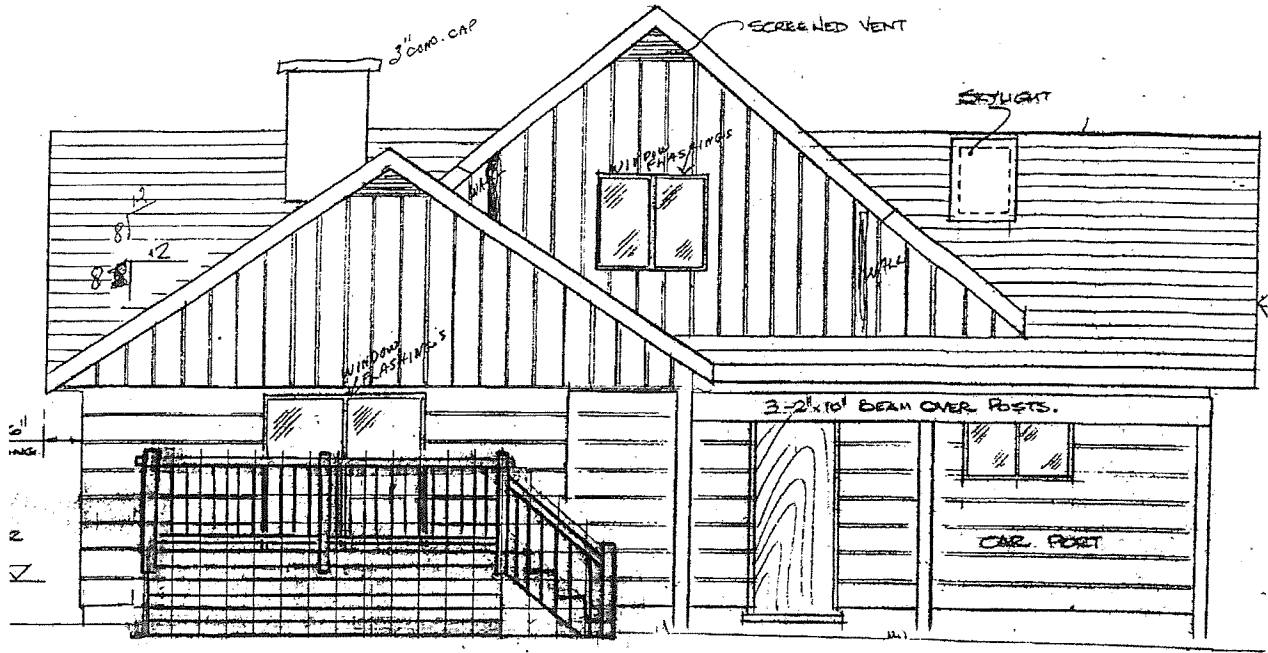
Conditions of Approval

1. The deck shall be sited in accordance with the site plan, attached as *Schedule 2*.
2. The deck shall be constructed in general accordance with the building elevation drawings, attached as *Schedule 3*.
3. The lands shall be developed in accordance with the Geotechnical Floodplain Hazard Assessment report prepared by Lewkowich Engineering Associates Ltd. dated May 18, 2012, attached as *Schedule 4*.

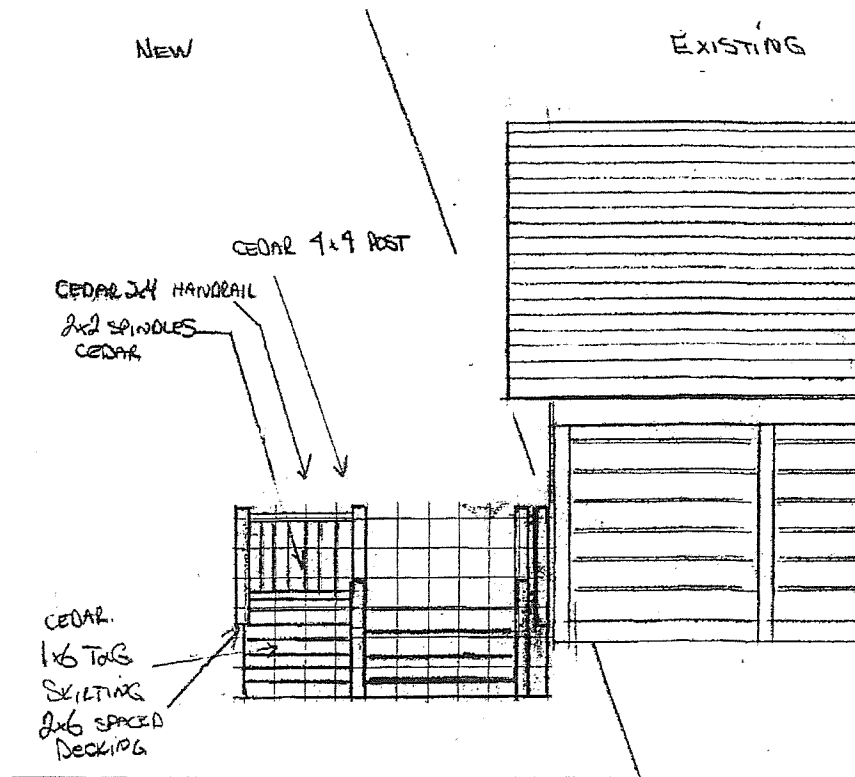
Schedule 2
Site Plan



Schedule 3
Building Elevations



SCALE 1/4" = 1'



Schedule 4
Geotechnical Floodplain Hazard Assessment



Lewkowich Engineering Associates Ltd.

geotechnical • health, safety & environmental • materials testing

GEOTECHNICAL REPORT

Barwil Builders Ltd.

File: F0026.01

P.O.Box 294

Parksville, BC,

May 18, 2012

V9P 2G4

ATTENTION: Mr. Wilford Hillman

PROJECT: 822 MARINER WAY, PARKSVILLE, B.C.

SUBJECT: GEOTECHNICAL FLOODPLAIN HAZARD ASSESSMENT

1. Introduction:

As requested, Lewkowich Engineering Associates Ltd. (LEA) carried out a site visit on May 18, 2012 at the above noted project and reviewed the property conditions. The purpose of the visit was to assess floodplain hazard conditions and determine depth to suitable bearing soils. This letter outlines the site conditions and our conclusions regarding floodplain and suitable bearing issues for a new deck (approximately 1.0m in height and 12m² in size) to the rear of the existing residence.

2. Site Conditions

The subject property is located on the south side of Mariner Way in Parksville, BC. The property is located within the floodplain of the Strait of Georgia. A single family residence, garage and shed are currently located on the property. The lot is flat and approximately 220m from the Englishman River and approximately 100m from the ocean.

3. Discussion and Recommendation:

- a. Detailed survey information was not available at the time of preparing this report. The site elevation was estimated based on neighbouring property and floodplain maps. The elevation at the subject site was estimated to be 3.4m Geodetic (mean sea level). The Strait of Georgia 200 year Flood Level is 4.1m above Geodetic. This means the maximum 200 year flood level would cover the ground surface, the existing building's foots and the proposed deck's footings. This results in a projected flood water elevation of 0.7m above the current ground surface and the finished grade of existing garage. The finished deck is approximately 1.0m

Client: Mr. Wilford Hillman
Project: 822 Mariner Way, Parksville, BC
File: F0026.01
Date: May 18, 2012
Page: 2 of 3



above ground surface which match with the elevation of the finished floor elevation of the existing residence. This elevation is approximately 4.4m Geodetic, about 0.3m above the projected flood water elevation.

- b. Therefore, in the event of the 200-year design flood, based on the estimated site elevation, we expect the entire property would be inundated with floodwater. This includes the ground surface, garage, shed, and the footings of existing buildings. The main floor of the residence and the proposed deck are predicted to be above the 200-year design flood. It is expected that the floodwater would be relatively quiescent, and would raise and lower without producing substantial flows that would erode soils around and/or under structures. In addition, the granular nature of the site soils would likely facilitate the drainage of floodwater from the property.
- c. Temporary flood protection measures, such as sand bag protection to reduce floodwater intrusion into the garage and shed could be employed to reduce the potential of flood damages.
- d. The site soils in the area of the proposed addition were probed to determine the depth to adequate bearing. The area is comprised of a 150mm thick layer of organic based soils over a compact to dense sand and gravel substrate to a refusal depth of 0.6m. LEA considers the depth to suitable bearing as 0.6m and the founding material consisting of a well graded sand and gravel capable of support proposed deck post footing pressures up to a maximum of 90kPa.
- e. Where localized disturbance has occurred due to construction activity, footing subgrades shall be stripped of any disturbed or excessively loose soils. Settlements should then be within the ranges considered "Normal" and "Tolerable" for typical wood frame deck. These ranges are usually taken as being 20mm to 25mm total, and 10mm to 15mm differential between typical column spacing

Client: Mr. Wilford Hillman
Project: 822 Marinet Way, Parksville, BC
File: F0026.01
Date: May 18, 2012
Page: 3 of 3



f. It is LEA's opinion that the property is safe and suitable for the proposed development. Provided our recommendations are followed, flooding issues would not have a detrimental impact on the environment or adjacent properties.

4. Closure

Lewkovich Engineering Associates Ltd. appreciates the opportunity to be of service on this project. If you have any comments, or if we can be of further service, please contact us at your convenience.

Respectfully Submitted,
Lewkovich Engineering Associates Ltd.

A handwritten signature in black ink that reads "M. Ren".

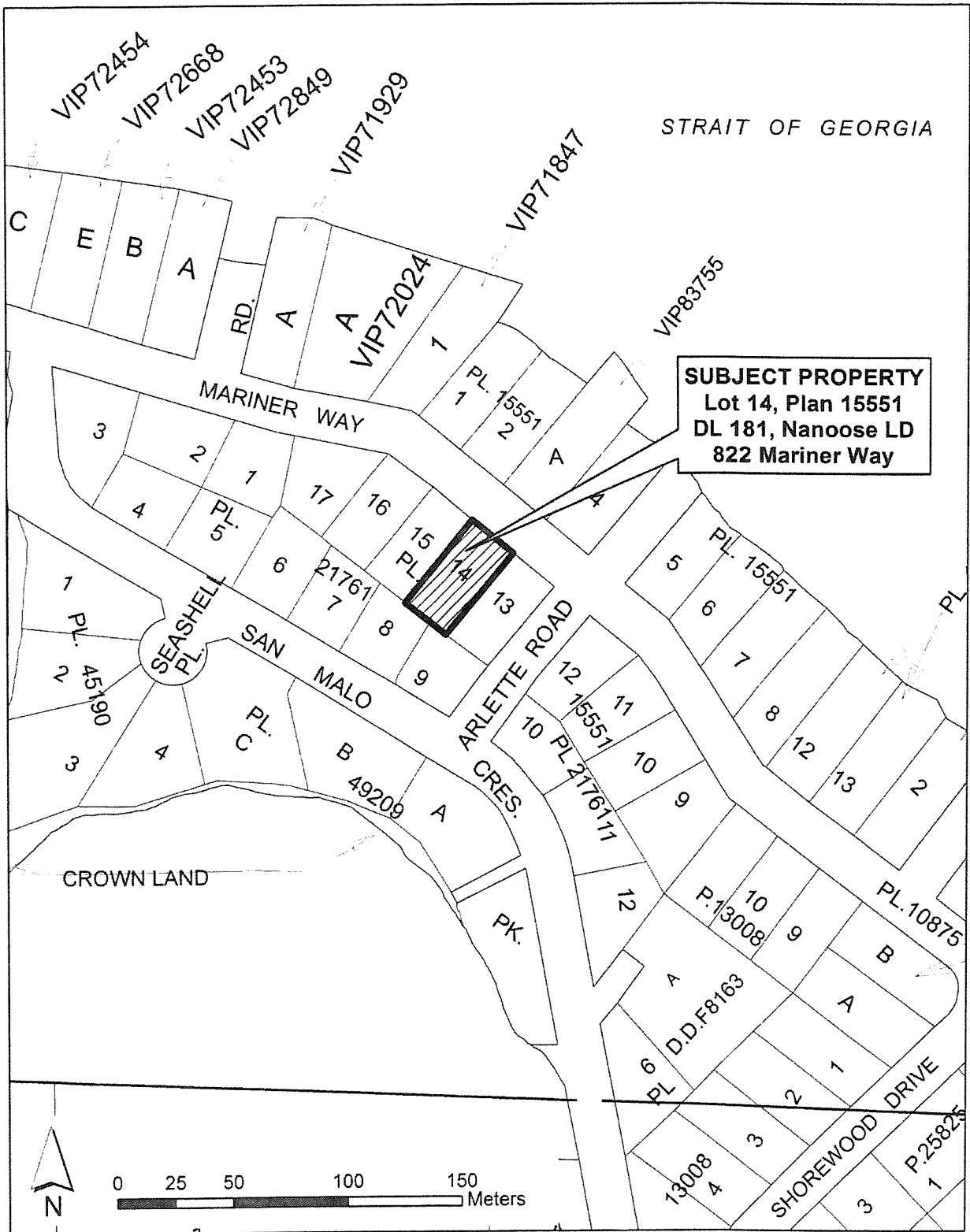
Matthew Ren, M.Sc.



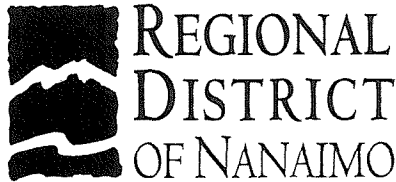
Chris Hudec, M.A.Sc., P.Eng.
Project Engineer

Lewkovich Engineering Associates Ltd.

Attachment 1
Subject Property Map



BCGS MAPSHEET: 92F.039.2.3



RDN REPORT	
CAO APPROVAL <i>CS</i>	
EAP	<input checked="" type="checkbox"/>
COW	<input checked="" type="checkbox"/>
JUN 29 2012	
RHD	<input type="checkbox"/>
BOARD	<input type="checkbox"/>

MEMORANDUM

TO: Jeremy Holm
Manager of Current Planning

DATE: June 27, 2012

FROM: Robert Stover
Planning Technician

FILE: PL2012-064

SUBJECT: Development Variance Permit Application No. PL2012-064 - Fern Road Consulting
Lot 72, District Lot 78, Nanoose District, Plan 15983
3477 Schooner Road
Electoral Area 'E'

PURPOSE

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

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Fern Road Consulting on behalf of Sandra Schulz and Ernest Chapman in order to permit the construction of a dwelling unit and accessory building on the subject property.

The subject property is approximately 0.118 hectares in area and is zoned Residential 1 (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". (Bylaw No. 500) The subject property is irregularly shaped, and is bracketed by Schooner Road to the west, an unconstructed road right-of-way to the north, Schooner Cove to the east, and residentially zoned properties to the south (see Attachment No. 1 for subject property map). The subject property features steep topography, with a change in grade of approximately 16.0 metres over the approximately 40.0 metre width of the property sloping towards the ocean.

LAND USE IMPLICATIONS

Proposed Development and Variances

The applicant is proposing to construct a two-storey dwelling unit and an accessory building on the subject property (see *Schedule 3*). Bylaw No. 500 states that on parcels adjacent to or containing a coastal watercourse, no building or structure shall be constructed, moved, or extended within 8.0 metres horizontal distance inland from the top of a slope of 30% or greater; or within 15.0 metres horizontal distance from the natural boundary, whichever is greater. In this case, the 8.0 metres horizontal distance inland from top of slope is the more restrictive of the two requirements. The required coastal setback effectively bisects the property. The topography of the lot, in concert with the aforementioned setback to the sea, creates considerable limitations on the buildable site area, and also creates challenges to meeting the 8.0 metre height restriction of the RS1 zone.

To achieve a practical building envelope for the proposed dwelling unit and accessory building, the applicants are requesting the following variances:

- 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;
- to vary the maximum permitted height from 6.0 metres to 7.4 metres for a proposed accessory building (see Schedules 2 and 3).

ALTERNATIVES

1. To approve Development Variance Permit Application No. PL2012-064 subject to the conditions outlined in Schedules 1 and 2.
2. To deny the Development Variance Permit Application No. PL2012-064.

DEVELOPMENT IMPLICATIONS

The applicant is requesting variances to increase the maximum permitted building height, and to reduce the setback to the sea for a proposed dwelling unit and accessory building. The locations of the proposed structures are shown on Schedule 2, and elevation drawings are shown on Schedule 3. The applicant has supplied a Geotechnical Hazards Assessment report and Environmental Assessment report in support of the application. The professional's reports submitted by the applicant make recommendations with respect to setbacks from a small stand of Garry oak trees on the property, as well as proximity to the natural boundary of the Schooner Cove. The applicant is proposing to site the house in keeping with these recommendations. The applicant has also supplied letters of support for a number of neighbouring property owners in support of the application, as the proposed structures will have minimal sight line impacts for surrounding property owners.

Staff are of the opinion that the applicant has supplied sufficient rationale for requesting the variances, given the limitations that the topography of lot creates for siting a dwelling unit and accessory building in accordance with the height and setback provisions of Bylaw No. 500.

Public Consultation Process

If Electoral Area Planning Committee supports alternative one, 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/CONCLUSION

This is an application for a Development Variance Permit to 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 (see Schedules 2 and 3). The applicant has submitted a site plan, elevation drawings of the proposed structures, and letters of support from neighbouring property owners in support of the application. Staff are of the opinion that the justification provided by the applicant for requesting the variances is consistent with Board Policy No. B1.5 for the evaluation of Development Variance Permit applications.

RECOMMENDATION

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.



Report Writer

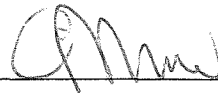


A/

General Manager Concurrence



Manager Concurrence



CAO Concurrence

Schedule No. 1
Terms of Development Variance Permit

Bylaw No. 500, 1987 – Variance

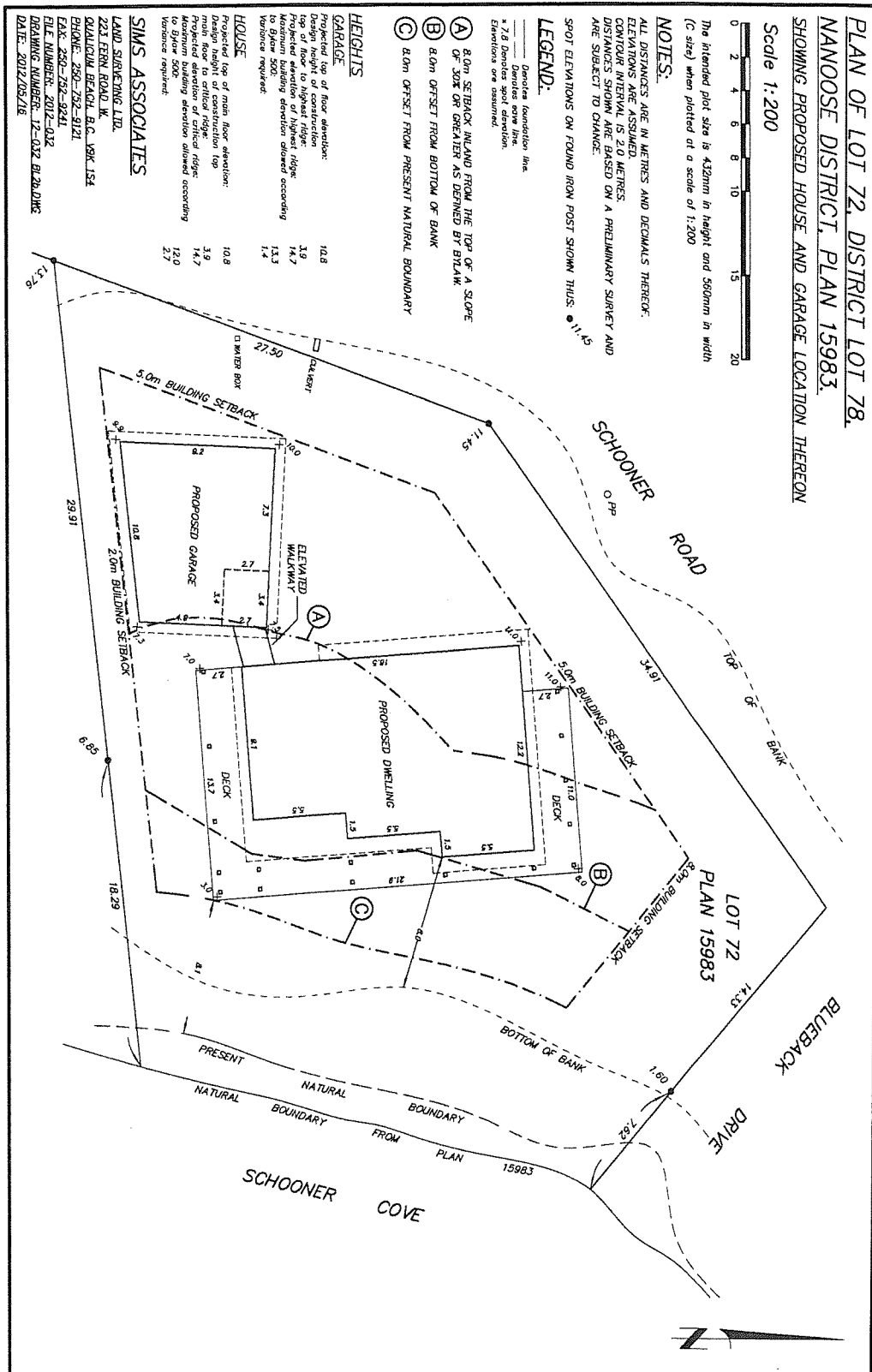
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” is varied as follows:

1. **Section 3.3 9 b) ii) Setbacks - Sea** is requested to be varied by reducing 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 as shown on Schedule 2;
2. **Section 3.4.61 Dwelling Unit Height** is requested to be varied by increasing the maximum permitted height from 8.0 metres to 10.7 metres for a proposed dwelling unit as shown on Schedule 3;
3. **Section 3.4.61 Accessory Building Height** is requested to be varied by increasing the maximum permitted height from 6.0 metres to 7.4 metres for a proposed accessory building as shown on Schedule 3.

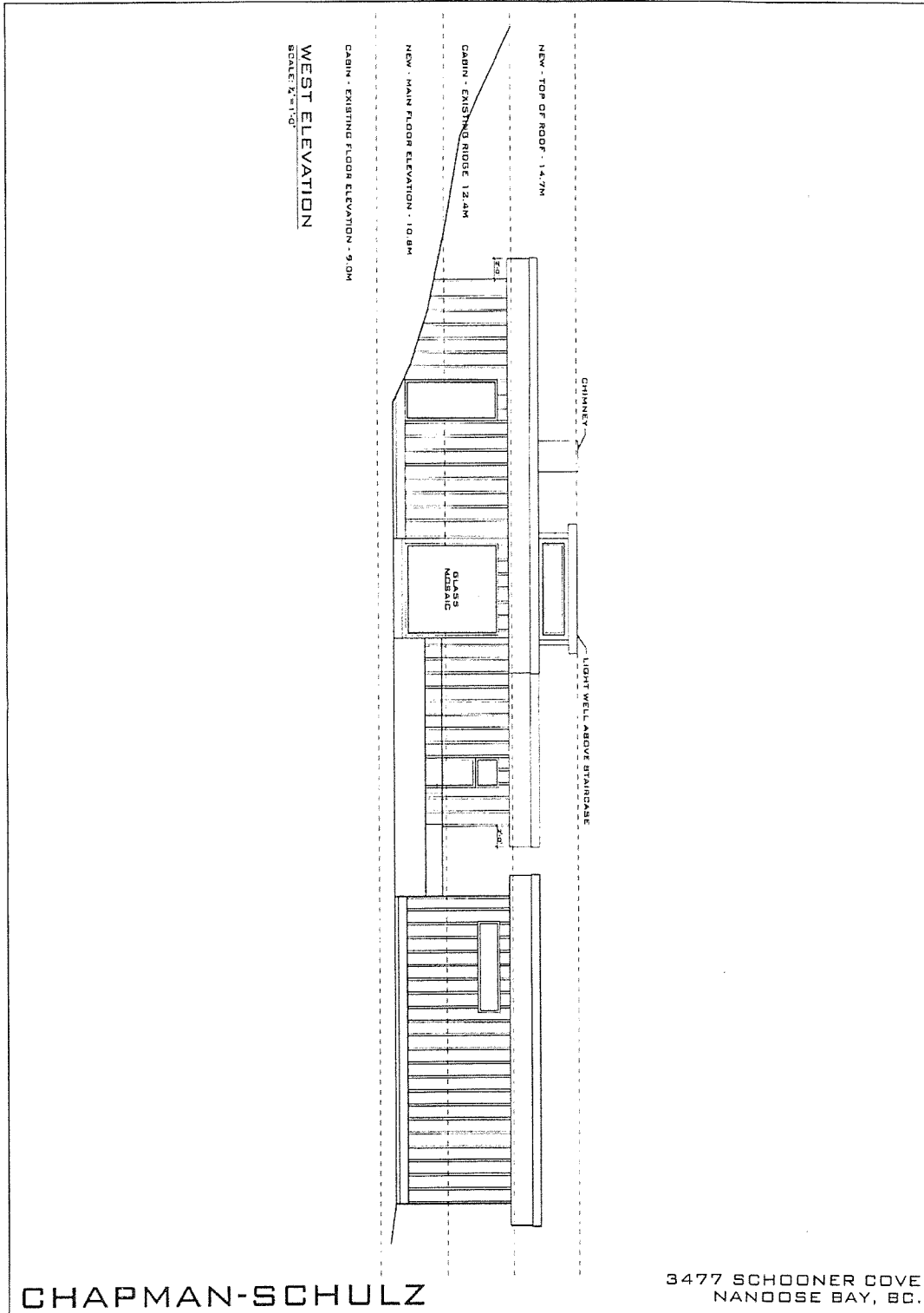
Conditions of Approval

1. The proposed dwelling unit and accessory building shall be sited in accordance with the site plan prepared by Sims Associates and dated May 16, 2012 attached as Schedule No. 2.
2. The proposed dwelling unit and accessory building shall be constructed in accordance with the elevation drawings prepared by Giesbrecht Designs Incorporated and dated January 20, 2012 attached as Schedule No. 3.

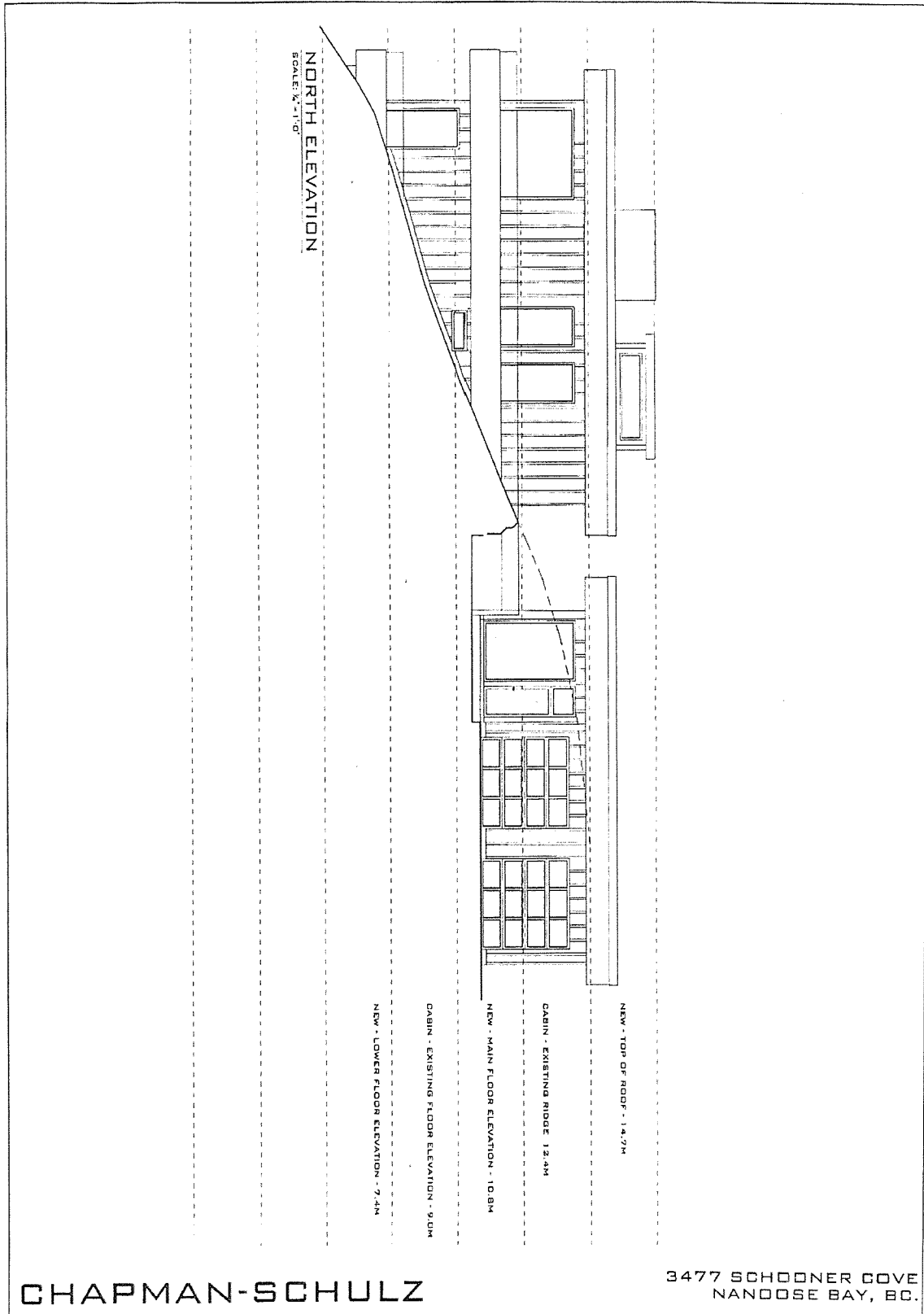
Schedule No. 2
Site Plan - Detail



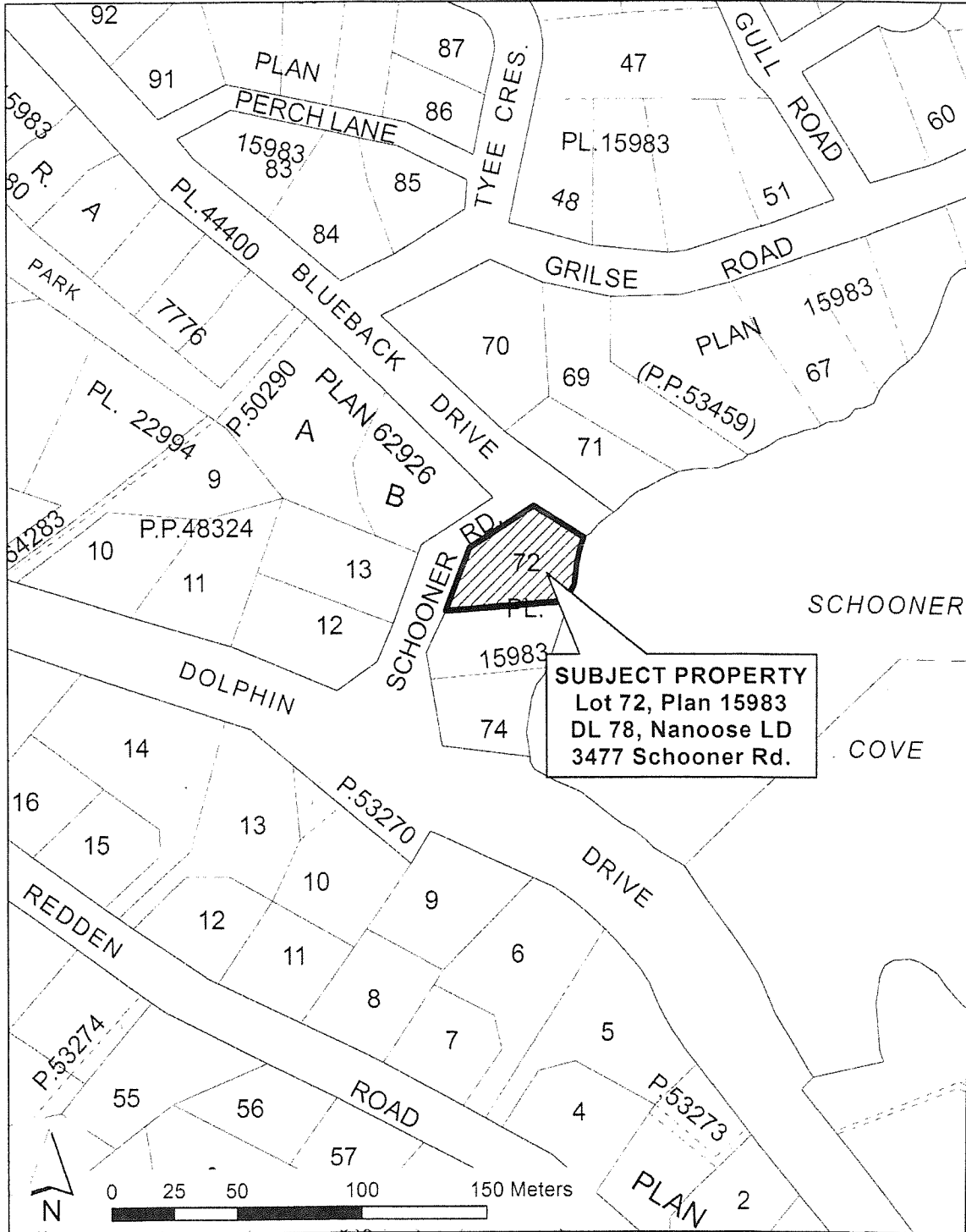
Schedule No. 3
Elevation Drawings (Page 1 of 2)



Schedule No. 3
Elevation Drawings (Page 2 of 2)



**Attachment No. 1
Location of Subject Property**



BCGS Map Sheet No 92F.030.3.4



RDN REPORT		[Signature]
CAO APPROVAL		
EAP	✓	
COW		
JUN 29 2012		
RHD		
BOARD		

MEMORANDUM

TO: Jeremy Holm
Manager of Current Planning

DATE: June 25, 2012

FROM: Robert Stover
Planning Technician

FILE: PL2012-073

SUBJECT: Development Variance Permit Application No. PL2012-073 – David West
Lot 15, District Lot 140, Nanoose District, Plan 22868 – 1340 Tyler Road
Electoral Area ‘F’

PURPOSE

To consider an application for a Development Variance Permit to legalize the siting of, and permit additions to an existing non-conforming dwelling unit and accessory building, and to allow for the construction of a new proposed garage on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from David West to vary the required setback and lot coverage provisions of the R-2 zone to legalize the siting of, and permit additions to an existing non-conforming dwelling unit and accessory building. The applicant is also proposing to construct a new accessory building in accordance with setbacks to replace an existing non-conforming garage as shown on Schedule 2.

The subject property is approximately 0.178 ha in area and is zoned Rural Residential 2 (R-2) pursuant to “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” (Bylaw No. 1285). The subject property is located at the corner of Tyler Road and Grafton Avenue, and is surrounded by R-2 zoned lots of similar size to the east and west, and larger agricultural lots to the north and south (see Attachment 1 for location of subject property).

The R-2 zone does not include specific provisions for accessory building floor area, but does permit a maximum total lot coverage of 25%. The existing shop and dwelling unit were constructed prior to April 1, 2011, the date on which the subject property was included in the Building Inspection service area. As such, construction of these structures did not require building permits. The existing dwelling unit and shop do not meet current minimum lot line setback requirements, and exceed the maximum permitted lot coverage. Current lot coverage on the property is approximately 28%.

Proposed Variances

The applicant is requesting the following variances to “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” in order to legalize the siting of an existing dwelling unit and accessory building, to accommodate additions to these structures, and to allow for the construction of a new accessory building:

- **Section 4.14.3 d) – Maximum Lot Coverage** is requested to be varied by increasing the maximum permitted lot coverage from 25% to 36.2% to accommodate additions to an existing non-conforming dwelling unit and accessory building, as shown on Schedule 2.

- **Section 4.14.3 f) Minimum Setback From i) Front and Exterior Side Lot Line** is requested to be varied by relaxing the minimum setback from the exterior side lot line from 4.5 metres to 1.30 metres to legalize the siting of, and permit additions to an existing non-conforming dwelling unit and accessory building as shown on Schedule 2.
- **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 1.05 metres to legalize the siting of an existing non-conforming accessory building as shown on Schedule 2.
- **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 east property line from 2.0 metres to 1.92 metres to legalize the siting of an existing non-conforming accessory building as shown on Schedule 2.

ALTERNATIVES

1. To approve the Development Variance Permit Application No. PL2012-073 subject to the conditions outlined in Schedule No. 1 to 2.
2. To deny the Development Variance Permit Application No. PL2012-073.

LAND USE IMPLICATIONS

Development Implications

The subject property contains a dwelling unit and accessory building that are both non-conforming with respect to siting. The existing structures also exceed the maximum permitted lot coverage allowance of 25%; current lot coverage is approximately 28%. The applicant is proposing to construct additions to these structures, and to replace a non-conforming accessory building with a structure that conforms to zoning setbacks. In order to recognize the existing buildings and achieve these additions, the applicant is requesting a variance to the maximum permitted lot coverage from 25% to 36.2%.

While the proposed additions to existing buildings do not encroach any further into the required setbacks than the existing structural roof lines, the applicant is proposing setback variances to the siting of existing buildings. The applicant is also proposing to remove an existing non-conforming accessory building from the property, and rebuild it in accordance with the R-2 zoning setback requirements (as shown on Schedule 2). If the variances are approved, siting of the proposed additions and existing structures must comply with the site plan prepared by JE Anderson & Associates and dated June 21st, 2012 as stated in Schedule 1.

The applicant has provided the following rationale for the requested variances:

- The property is much smaller than the 1.0 hectare minimum parcel size in the R-2 zone, making adhering to lot coverage and setbacks a challenge on a property of this size.
- Additional floor space for the dwelling unit is necessary to accommodate the applicant's growing family.
- The proposed addition to the dwelling unit will include a reduction of the roof overhang into the 4.5 metre setback along Tyler Road, thereby reducing the non-conformity of the home.
- The proposed variance will allow for the removal and replacement of a non-conforming accessory building adjacent to neighbouring lot 14.

Given the rural location of the subject property and that there are no anticipated view impacts related to the requested variances, staff recommend that the Board support the relaxation to lot line setbacks and lot coverage pending outcome of public consultation.

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 note that the reuse of the existing structures will allow for material and energy efficiencies that would not be achieved were the applicants to undertake new construction.

Inter-governmental Implications

Staff referred the proposal to the Ministry of Transportation and Infrastructure (MOTI) for comment. No concerns were identified MOTI staff. The applicant is to apply to MOTI for a setback reduction permit for the structures and proposed works as a condition of approval.

SUMMARY/CONCLUSIONS

This is an application for a Development Variance Permit to vary the minimum lot line setbacks and lot coverage provisions of the R-2 zone in order to legalize the siting of an existing dwelling unit and accessory building, and to allow for additions to these structures. The applicant is also proposing to remove an existing non-conforming accessory building and replace it with a conforming accessory building as shown on Schedule 2.

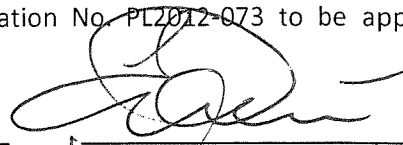
The applicant has submitted a site plan and rationale for the requested variances in support of the application. As the Ministry of Transportation & Infrastructure has not identified any concerns with respect to the proposal, and the existing structures were constructed within the yard setbacks prior to the requirement for building permits, staff recommend that the Board support the proposed variances 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. PL2012-073 to be approved subject to the conditions outlined in Schedules No. 1 to 2.




Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

Schedule No. 1
Conditions of Development Variance Permit

The following sets out the terms of Development Variance Permit No. PL2012-073:

Variances:

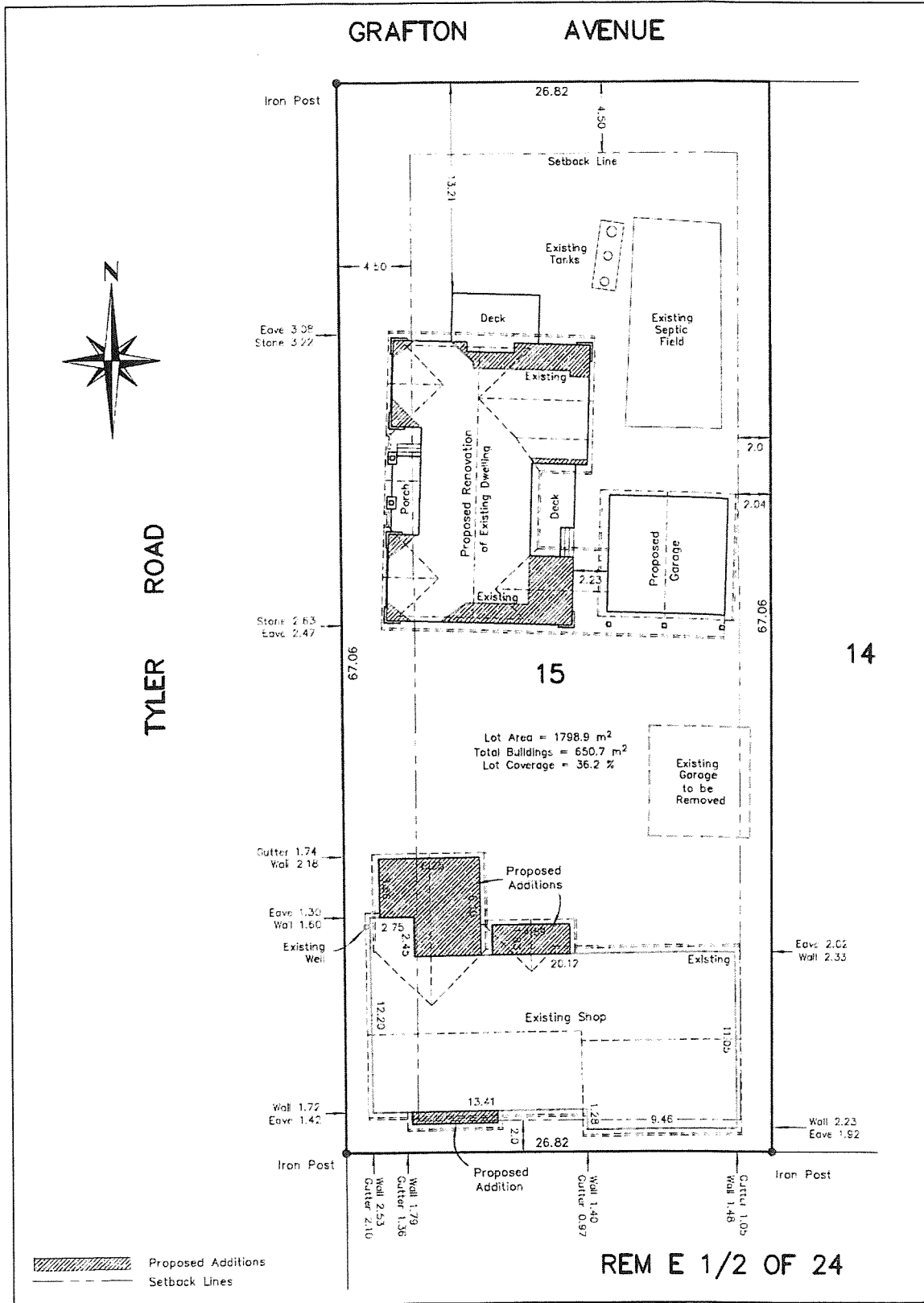
With respect to the lands, "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" is requested to be varied as follows:

1. **Section 4.14.3 d) – Maximum Lot Coverage** is requested to be varied by increasing the maximum permitted lot coverage from 25% to 36.2 % to accommodate additions to an existing non-conforming dwelling unit and accessory building, as shown on Schedule 2.
2. **Section 4.14.3 f) Minimum Setback from i) Front and Exterior Side Lot Line** is requested to be varied by relaxing the minimum setback from the exterior side lot line from 4.5 metres to 1.30 metres to legalize the siting of, and permit additions to an existing non-conforming dwelling unit and accessory building as shown on Schedule 2.
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 1.05 metres to legalize the siting of an existing non-conforming accessory building as shown on Schedule 2.
4. **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 east property line from 2.0 metres to 1.92 metres to legalize the siting of an existing non-conforming accessory building as shown on Schedule 2.

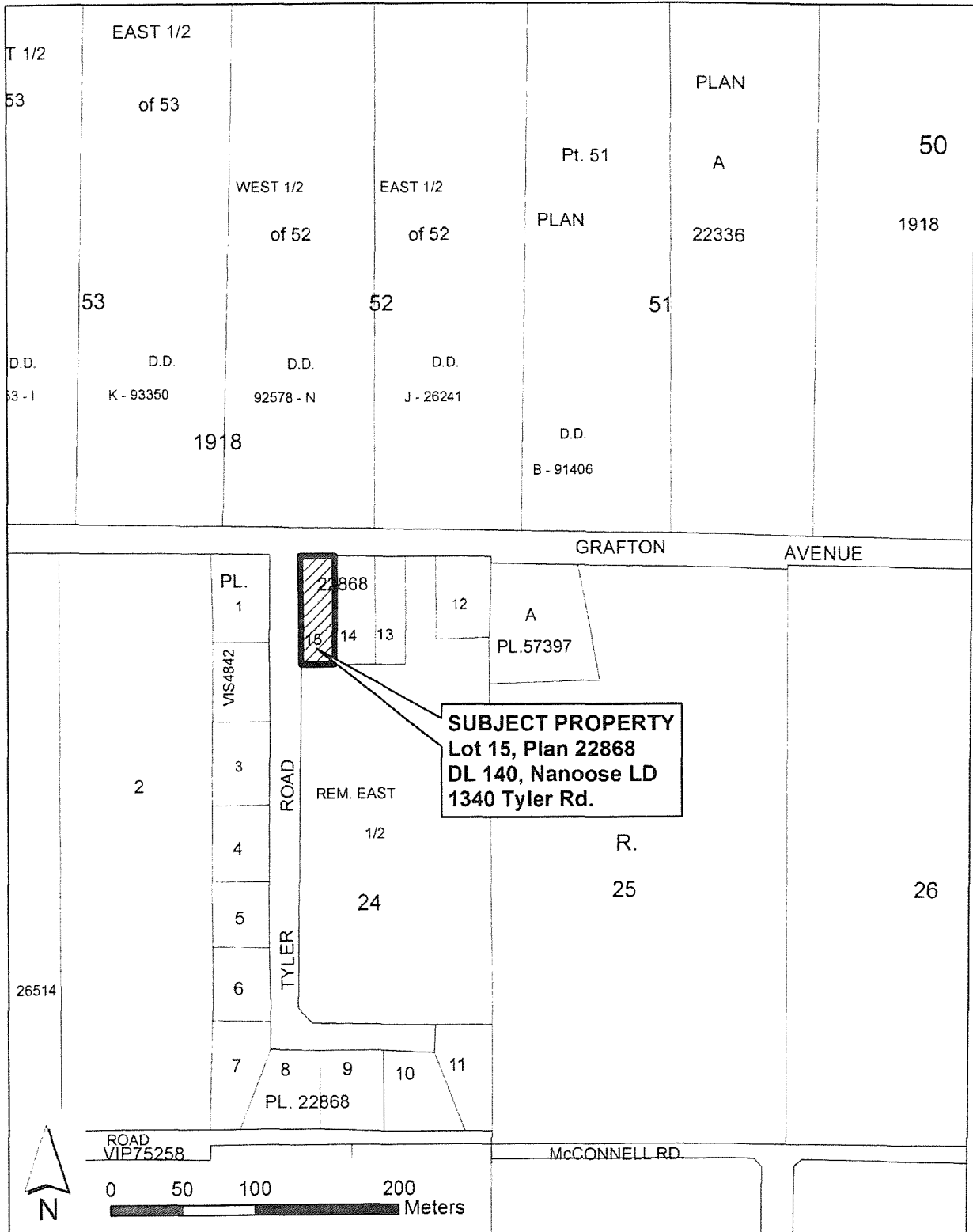
Conditions of Approval:

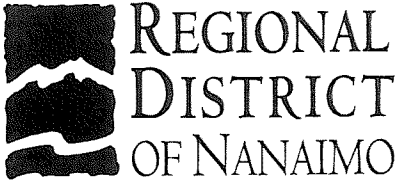
1. The dwelling unit, accessory building, and additions thereto shall be sited in accordance with the site plan prepared by JE Anderson & Associates and dated June 21, 2012, attached as Schedule 2.
2. The applicant shall be required to obtain permit approval from the Ministry of Transportation and Infrastructure for setback relaxations for the structures within 4.5 metres of Tyler Road.
3. The applicant shall be required to remove the existing non-conforming accessory building (labeled as garage on the site plan) prior to construction of the proposed works as shown on Schedule 2.
4. The applicant shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building regulations.

Schedule No. 2
Site Plan



**Attachment No. 1
Location of Subject Property**





CAC APPROVAL	
EAP	✓
COW	
JUN 29 2012	
RHD	
BOARD	

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: June 28, 2012

FROM: Kim Farris
Planner

FILES: PL2012-014

SUBJECT: Amendment Bylaw No. 500.378, 2012
Zoning Amendment Application No. PL2012-014 – Carey Development Ltd.
Lot A, District Lot 76, Newcastle District, Plan VIP74503
1244 & 1250 Allgard Road - Electoral Area 'G'

PURPOSE

To consider an application to amend the existing zoning for a portion of the subject property located at 1244 and 1250 Allgard Road, in Electoral Area 'G', to permit a permanent, second dwelling on the subject property.

BACKGROUND

The Regional District of Nanaimo has received a Zoning Amendment Application from Carey Development Ltd., on behalf of Terry and Linda Budzak, to construct a second dwelling unit on the subject property located at 1244 and 1250 Allgard Road, in Electoral Area 'G' (see Attachment 1 for location of subject property).

The subject property is approximately 7.06 ha in area and is split zoned Rural 1 (RU1), Subdivision District 'D' and Residential 6 (RS6), Subdivision District 'D', in accordance with the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property is located within the Agricultural Land Reserve and is bound by rural residential to the east and west, Little Qualicum River to the south, and Allgard Road to the northeast. Surrounding properties are also included in the Agricultural Land Reserve (ALR).

Currently there is a one occupied single family dwelling unit on the subject property. A mobile home was located on the Residential 6 zoned portion of the property but has been recently removed.

Proposed Development

The applicant proposes to amend the existing Residential 6 to Rural 1 to permit a second dwelling unit on the subject property. Further, the applicants wish to rezone the property to reflect the existing use of the property. As the property is located within the ALR, a non-farm use application to the Agricultural Land Commission (ALC) is required as the ALC restricts the second dwelling unit to either a mobile home or secondary suite. The applicant received approval from the ALC for a second single family dwelling unit subject to a number of conditions in which one stated that the subject property must be rezoned from Residential 6 to Rural 1.

ALTERNATIVES

1. To approve the proposed "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.378, 2012", for first and second reading and to proceed to Public Hearing.
2. To not approve the proposed Amendment Bylaw No. 500.378, 2012, as submitted.

LAND USE IMPLICATIONS

Official Community Plan (OCP)

The subject property is designated 'Rural' pursuant to the "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008". The OCP policies for this designation support the placement of a second dwelling unit provided that approval must first be obtained from the Agricultural Land Commission. An OCP amendment is therefore not required.

Zoning Implications

The subject property is currently split zoned RS 6 (to the north) and RU1 (to the south). The RS6 zone permits mobile home park use, while the RU1 zone permits agriculture, aquaculture, home based business, produce stand, residential use, and silviculture uses. The RS6 zone permits one mobile home unit per 1.0 ha with a total of two mobile homes for the subject property. The Rural 1 zone permits two dwelling units on a parcel having an area greater than 2.0 ha. Amending the zoning to RU1 for the entire subject property would limit the density to a maximum of two dwelling units. Rezoning the Residential 6 portion of the subject property to Rural 1 would more accurately reflect the existing use of the property.

Inter-Governmental Implications

In addition to the one residence per parcel of land that the ALC permits on ALR land, a secondary suite for residential purposes that is wholly contained within a single family dwelling unit and one manufactured home for use by a member of the owner's immediate family is permitted on the parcel unless otherwise prohibited by a local government bylaw (Section 3(1)(b) of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*). As the property owners are proposing to build a second single family dwelling unit that is neither a secondary suite nor a mobile home, a non-farm use application was required. The ALC approved the non-farm use application to construct a second permanent dwelling unit on the subject property on October 26, 2011 subject to the following conditions being met:

- Rezoning the 2.6 ha of the property from Residential 6 to Rural 1;
- Removal of all concrete mobile home pads;
- The second residence would not exceed 2,000 square feet and be in close proximity to the existing permanent residence.

The Ministry of Transportation and Infrastructure (MoTI) has reviewed the proposed Zoning Amendment Application and confirmed that it does not have any concerns provided that all buildings or structures are to meet or exceed the minimum 4.5 metres setback limitations from the boundary of Allgard Road; and no additional drainage flow is directed to the roadway ditch system. The Vancouver Island Health Authority (VIHA) has also reviewed the proposed application and advised that it does not have any concerns.

Public Consultation Implications

A Public Information Meeting (PIM) was waived for this application as the intent of the rezoning amendment is to decrease density and accurately reflect the land use. If the proposed Amendment Bylaw receives first and second reading, a public hearing will be required to be held as part of the zoning amendment process.

Sustainability Implications

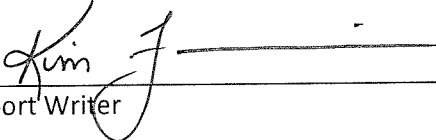
In keeping with Regional District of Nanaimo Board policy, staff reviewed the proposed development with respect to the "Regional District of Nanaimo Sustainable Development Checklist" and note that the proposed development will utilize the existing well and sewer systems. Further, the zoning amendment would decrease the permitted number of dwelling units on the property and therefore reduce the amount of services that would have otherwise been required.

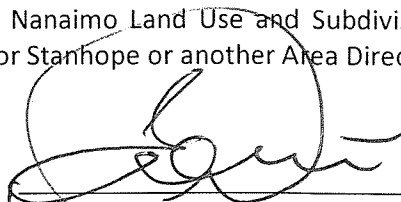
SUMMARY/CONCLUSIONS


The applicant proposes to amend Bylaw No. 500, 1987 to rezone a portion of a split-zoned property, located along Allgard Road in Electoral Area 'G', in order to permit the construction of a second dwelling unit on the subject parcel which is located within the Agricultural Land Reserve (see Attachment 2 for Proposed Zoning Amendment Bylaw No. 500.378, 2012). Given that the proposed amendment complies with the OCP policies and is consistent with the surrounding land uses, staff recommends that the proposed Zoning Amendment Bylaw No. 500.378, 2012 receives first and second reading and proceed to public hearing.

RECOMMENDATIONS

1. 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.
2. That the "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.378, 2012", be introduced and read two times.
3. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.378, 2012", be delegated to Director Stanhope or another Area Director.

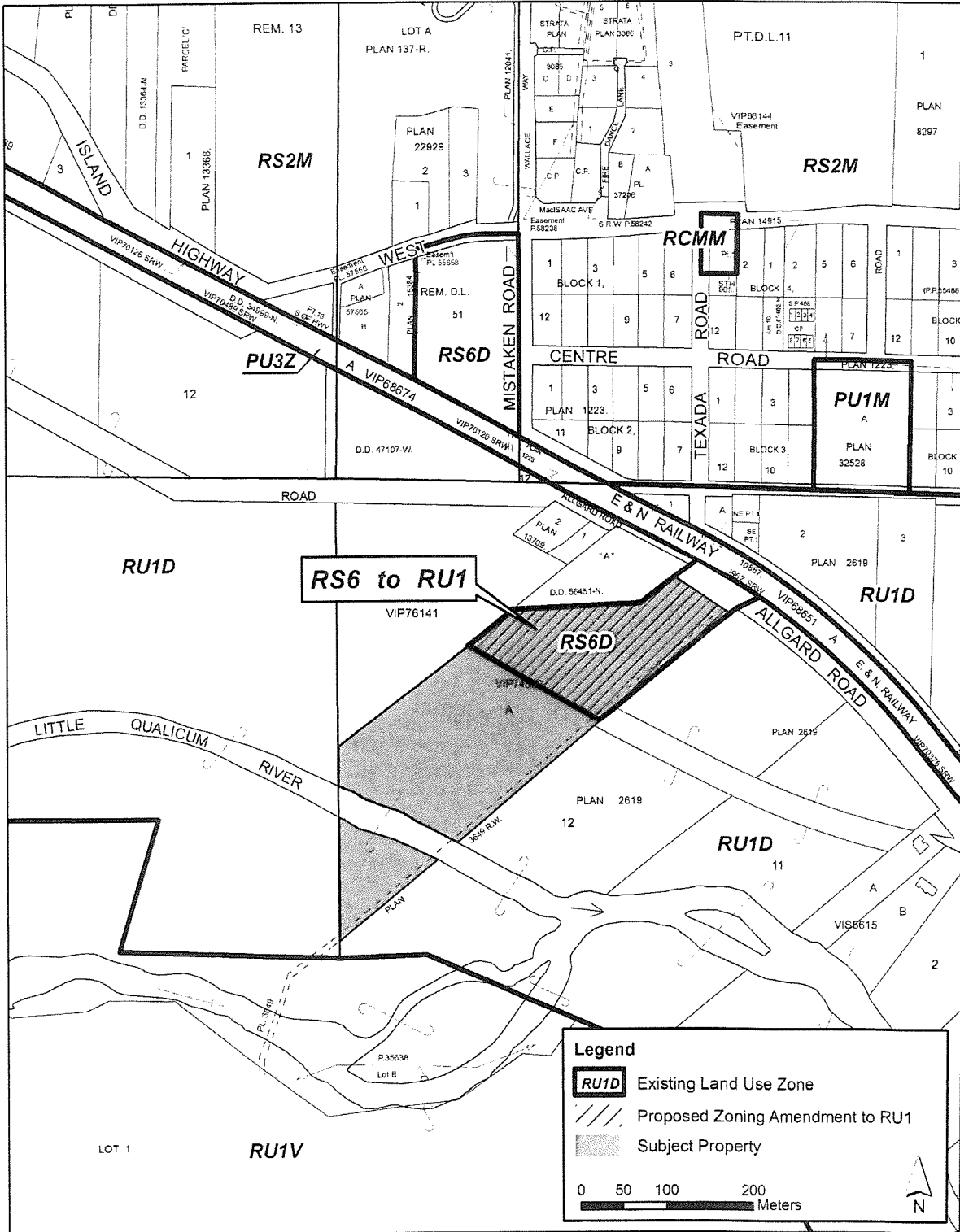

Report Writer


A General Manager Concurrence


Manager Concurrence


CAO Concurrence

Schedule 1
Current Zoning





J.E. ANDERSON & ASSOCIATES
SURVEYORS - ENGINEERS

TEL 250 758 4601 FAX 250 758 4680
NANAIMO VICTORIA PARKSVILLE

File: B722B

**SKETCH PLAN OF
PROPOSED SUBDIVISION**

Civic: 1244 Allgard Road, Quilicum Beach, B.C.



Legal: Lot A, District Lot 76, Newcastle District, Plan VP74503

Dimensions are in metres and are derived from Plan VP74503.

This sketch does not constitute a redefinition of the legal boundaries hereon described and is not to be used in any matter which would assume same.

This sketch plan has been prepared in accordance with the Manual of Standard Practice and is certified correct this 3rd day of February, 2012.

This document is not valid unless originally signed and sealed

B.C.L.S.

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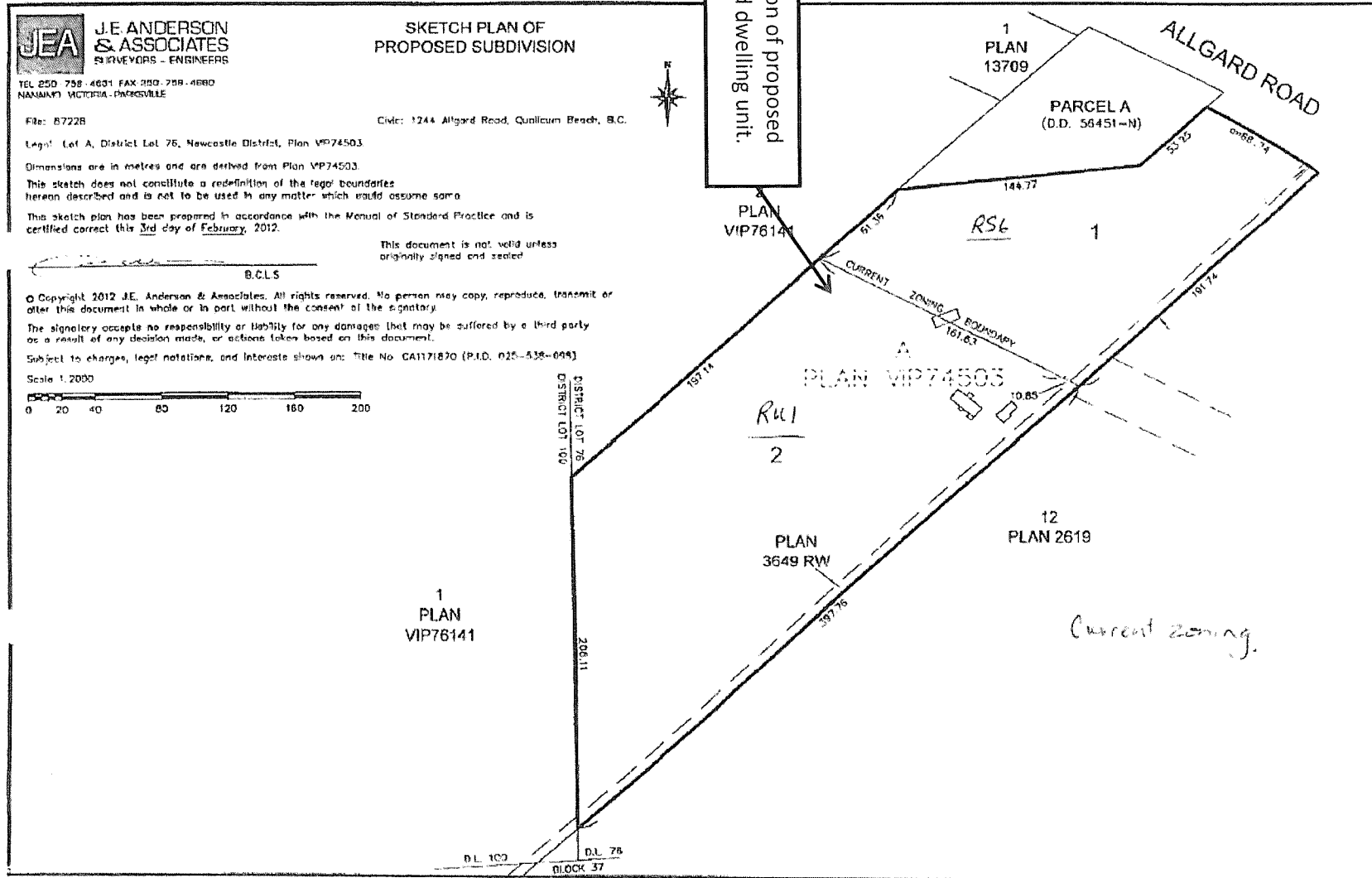
The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decision made, or actions taken based on this document.

Subject to charges, legal notations, and interests shown on Title No. CA1171870 (P.I.D. 025-538-694)

Scale 1:2000



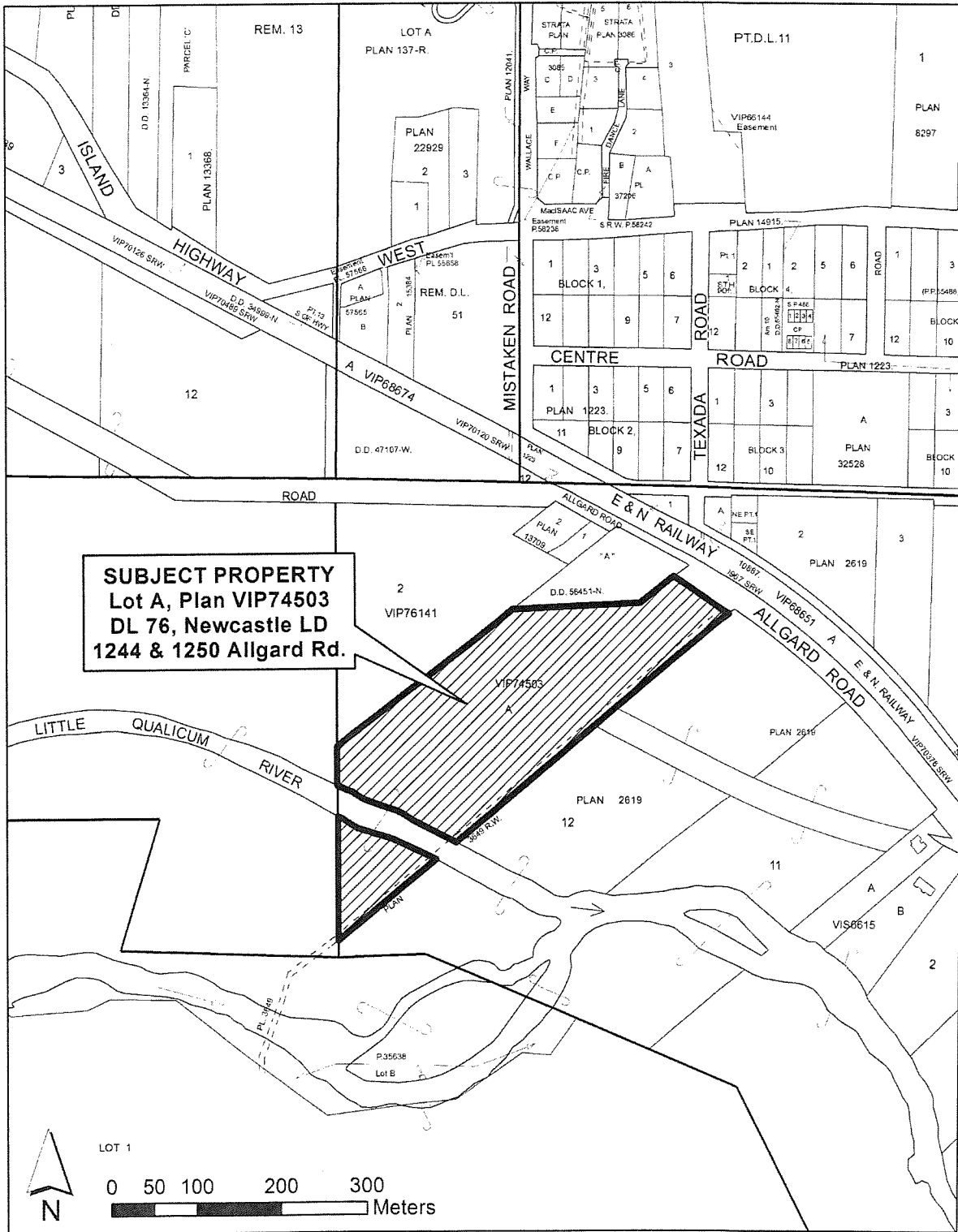
Location of proposed second dwelling unit.



Schedule 2
Site Plan

Current zoning.

Attachment 1 Location of Subject Property



BCGS Map Sheet No 92F.038.3.2

Attachment 2
Proposed Amendment Bylaw No. 500.378, 2012

REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 500.378, 2012

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:

1. This Bylaw may be cited as "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.378, 2012".
2. The "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is hereby amended as follows:

(1) By rezoning the lands shown on the attached Schedule '1' and legally described as

Lot A, District Lot 76, Newcastle District, Plan VIP74503

From Residential 6 (RS6), Subdivision District 'D' to Rural 1 (RU1), Subdivision District 'D'.

Introduced and read two times this ____ day of _____ 2012.

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

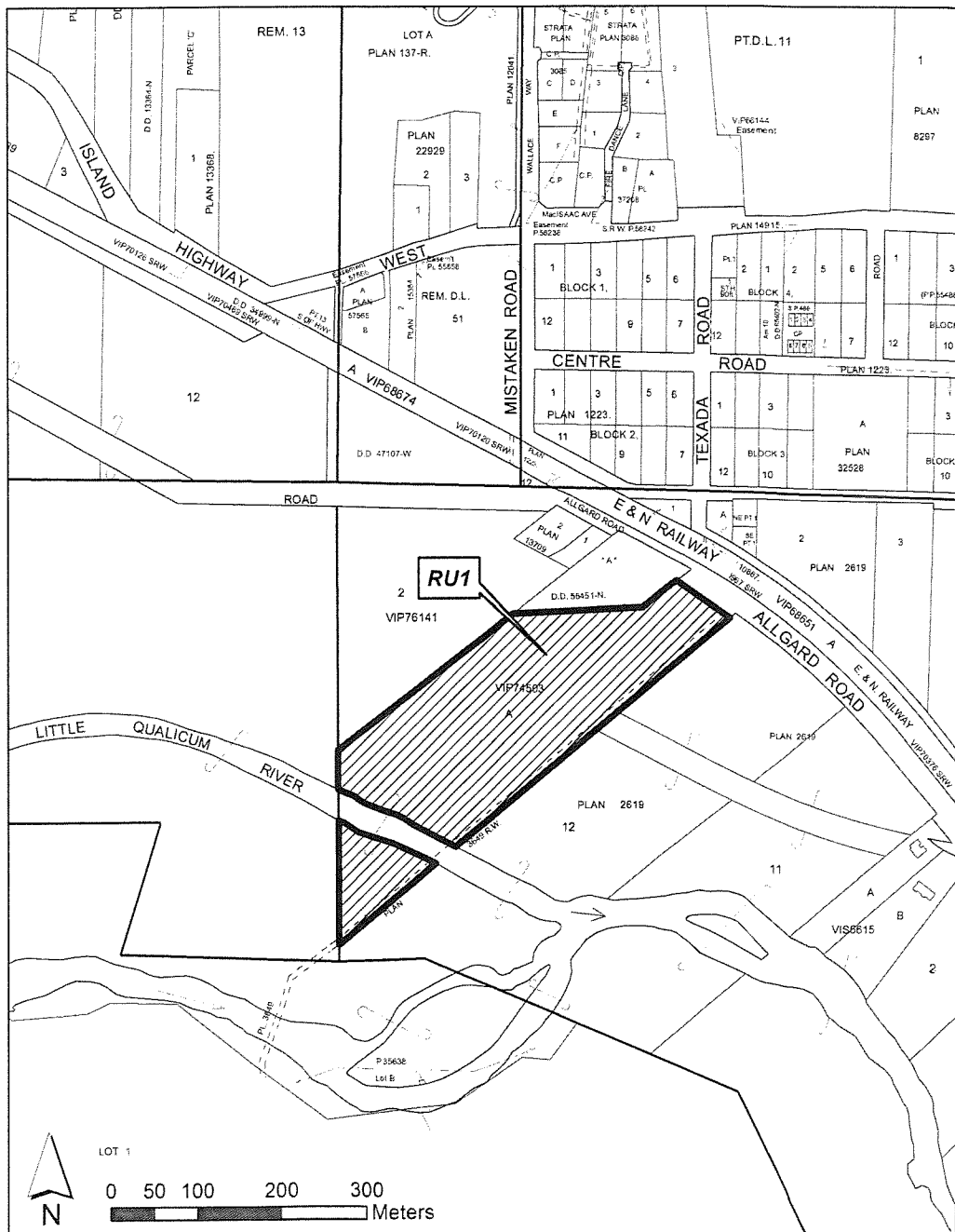
Manager, Administrative Services

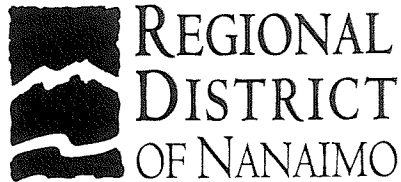
Schedule '1' to accompany "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.378, 2012."

Chairperson

Manger, Administrative Services

Schedule '1' Map





RDN REPORT	
CAO APPROVAL <i>CAW</i>	
EAP	<i>J</i>
COW	
JUN 29 2012	
RHD	
BOARD	

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: June 26, 2012

FROM: Lainya Rowett
Senior Planner

FILES: PL2012-070

SUBJECT: Zoning Amendment Application No. PL2012-070 – Bylaw No. 500.376
Karen Kenyon – Jean-Luc Roy
Lot 9, District Lot 8, Nanoose District, Plan 51142 – Collingwood Drive
Electoral Area ‘E’

PURPOSE

To consider an application to rezone a portion of a split-zoned property in order to facilitate the future development of a single residential dwelling.

BACKGROUND

The Regional District of Nanaimo has received a Zoning Amendment Application from Karen Kenyon on behalf of Jean-Luc Roy to rezone the subject property to permit the development of a single residential dwelling unit. The property is 1,226 m² in area and is located along Collingwood Drive in Nanoose (see Attachment 1 for subject property map). The property is currently split-zoned Residential 1 (RS1) Zone, Subdivision District ‘P’ and Recreation 1 (RC1) Zone, Subdivision District ‘Z’, in accordance with the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (see Schedule 1 for existing property zoning). The property is vacant and is surrounded by residential zoned parcels to the north, south and west across Collingwood Drive and Fairwinds Golf Course to the east.

The property owner (Jean Luc Roy) purchased the lot in 2007. When Mr. Roy decided to sell the property, a prospective buyer inquired about a building permit and discovered the property is split-zoned. The General Regulations Section 3.1.5 of Zoning Bylaw No. 500, 1987 require that the zoning boundary be used to determine setbacks for building purposes:

“Where a parcel is divided by a zone boundary, the areas created by such division shall be deemed to be separate parcels for the purpose of determining parcel coverage, setbacks, minimum site area and floor area ratio of this Bylaw.”

Given the location of the existing zoning boundary within the centre of the property, the required setbacks significantly restrict the building envelope.

When the Recreation 1 (RC1) Zone was first adopted in this area (Amendment Bylaw No. 500.40, 1988) it did not include the portion that extends through the subject property from the golf course to Collingwood Drive (see Schedule 1 for existing property zoning). In 1989, the golf course plan changed and the zoning boundary was amended (Bylaw No. 500.66, 1989) to its current alignment with the intent to provide access from Collingwood Drive to the golf course. This was identified by a legal survey

(Plan 48585) and registered on title. At that time, the subject property (Lot 9, Plan 51142) did not legally exist. The Collingwood Drive subdivision (Plan 51142) which created Lot 9 was later registered in 1990. The zoning boundary, however, was never amended to reflect the new legal boundary of the subject property. As a result, the property was created as a split-zoned parcel.

Proposed Development

The applicant proposes to rezone a portion of the subject property from Recreation 1 (RC1) Zone to Residential 1 (RS1) Zone in order to align the zoning boundary with the legal boundary of the property to eliminate the split-zoning and facilitate the future development of a single residential dwelling.

ALTERNATIVES

1. To approve the proposed Amendment Bylaw No. 500.376, 2012 to rezone a portion of the subject property from Recreation 1 (RC1) Zone to Residential 1 (RS1) Zone for first and second reading.
2. To not approve the proposed Amendment Bylaw No. 500.376, 2012 as submitted.

LAND USE IMPLICATIONS

Official Community Plan Implications

The subject property is designated as “Fairwinds” pursuant to the “Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005”, which encourages a mix of compatible residential, commercial, and public uses within the urban containment boundary. The proposed zoning amendment complies with the OCP policies.

Zoning Implications

The subject property is currently split-zoned RS1(P) and RC1(Z). The RS1 Zone permits residential use and home based business use, while the RC1 Zone permits campground, outdoor recreation and residential uses. Both of these zones permit a maximum of one dwelling unit per parcel. The proposed Amendment Bylaw would not increase the permitted density, but instead expand the existing RS1 zoning over the entire parcel and continue to permit only one dwelling unit on the property (see Attachment 2 for Proposed Zoning Amendment Bylaw No. 500.376, 2012). The proposed zoning is, therefore, consistent with the zoning of surrounding residential lots.

Furthermore, staff consulted with Fairwinds who advised that they do not require access to Collingwood Drive through the subject property, and they have no concerns with the proposed zoning amendment. The property slopes moderately on the east side down to the golf course, so this was not identified as a preferable access location.

Inter-Governmental Implications

The Ministry of Transportation and Infrastructure (MOTI) has reviewed the proposed Zoning Amendment Application and confirmed that it does not have any concerns.

Development Implications

Given the location of the existing zoning boundary within the centre of the property, the setbacks that are required from the zoning boundary and the property lines make it impractical to build a viable residence on the lot that would conform to other homes in the area. Instead, by eliminating the split-zoning, a residence could be developed within the required setbacks and provide an adequate building envelope.

Public Consultation Implications

A Public Information Meeting (PIM) was waived for this application as the existing zoning permits residential use and the applicant is not changing the general intent of the land use. If the proposed amendment bylaw receives first and second reading the proposal will proceed to public hearing.

Sustainability Implications


In considering the sustainability implications of the proposed zoning amendment, staff identified that the proposed amendment would support infill development within the urban containment boundary.

SUMMARY/CONCLUSIONS

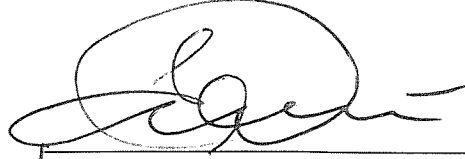
The applicant proposes to amend Bylaw No. 500, 1987 to rezone a portion of a split-zoned property, located along Collingwood Drive in Nanoose, in order to facilitate the future development of a single residential dwelling (see Attachment 2 for Proposed Zoning Amendment Bylaw No. 500.376, 2012). Given that the proposed amendment complies with the OCP policies and is consistent with the surrounding land uses, staff recommends that the proposed Zoning Amendment Bylaw No. 500.376, 2012 receives first and second reading and proceed to public hearing.

RECOMMENDATIONS


1. That Zoning Amendment Application No. PL2012-070 to rezone a portion of the subject property from Recreation 1 (RC1) Zone to Residential 1 (RS1) Zone be approved.
2. That "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.376, 2012" be introduced and read two times.
3. That the public hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.376, 2012" be delegated to Director Holme or another Area Director.




Report Writer



A/ General Manager Concurrence

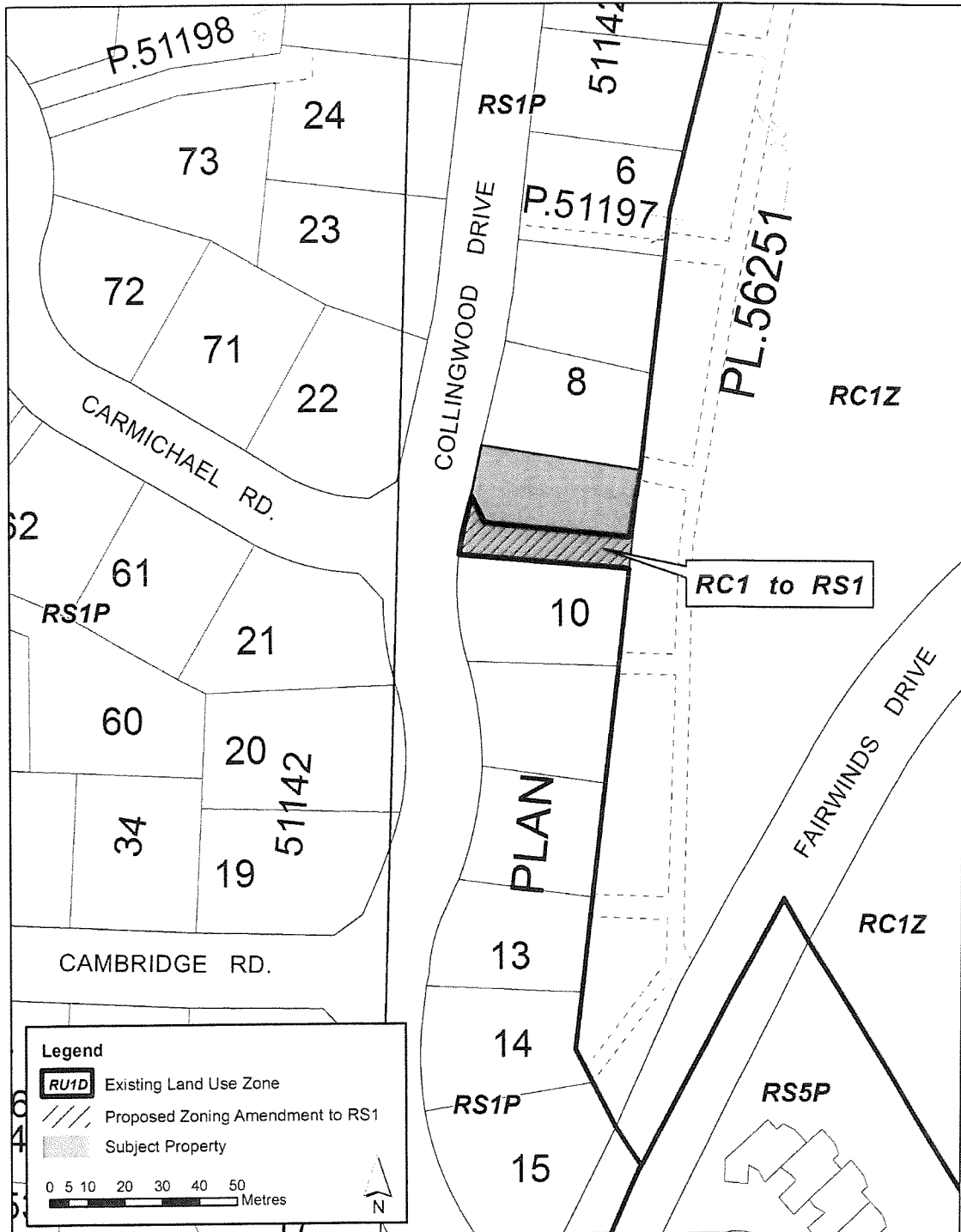


for Manager Concurrence



CAO Concurrence

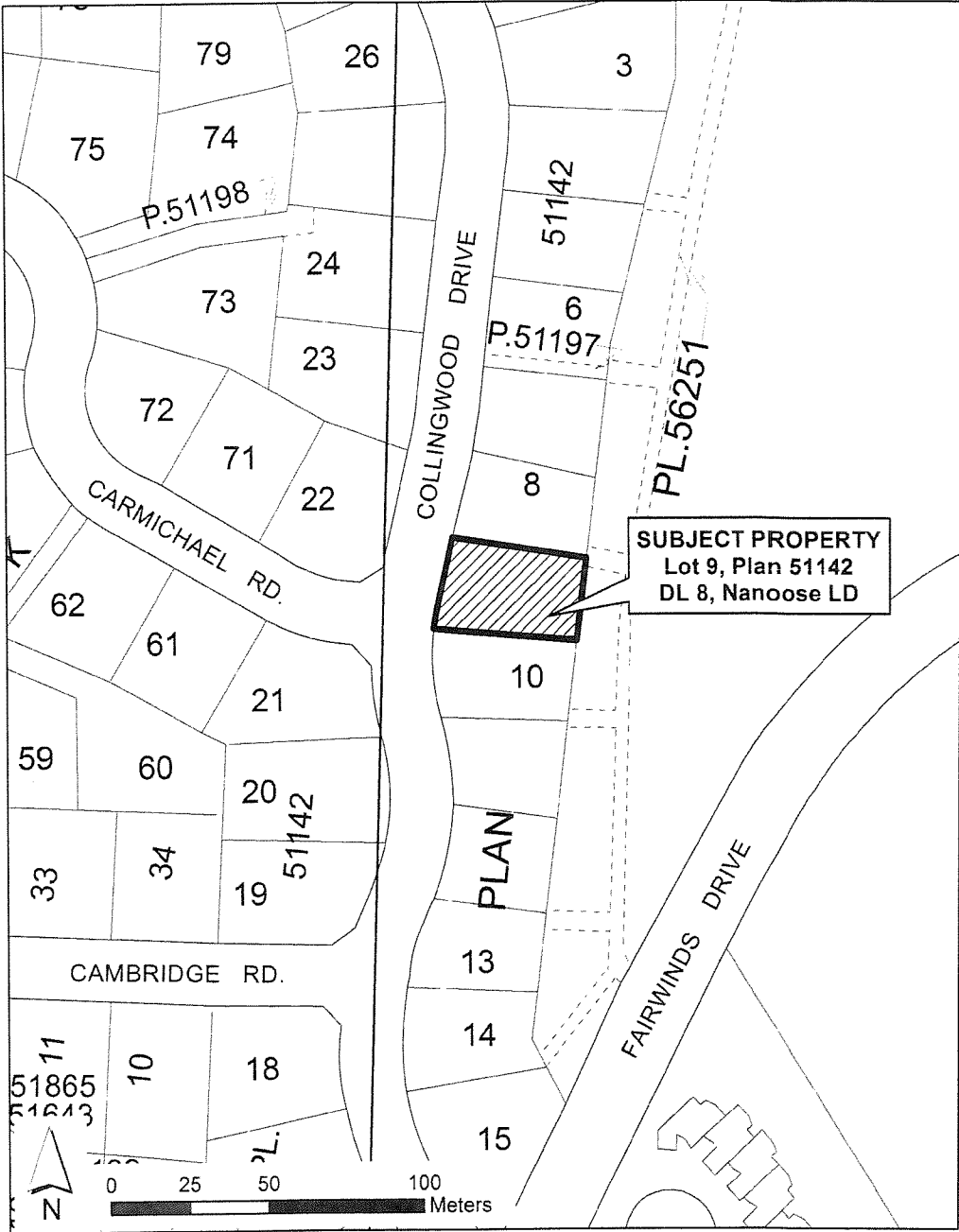
Schedule 1
 Existing Zoning



BCGS Map Sheet No 92F.030.3.4

E

Attachment 1
Location of Subject Property



BCGS Map Sheet No 92F.030.3.4

Attachment 2
Proposed Amendment Bylaw No. 500.376, 2012
REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 500.376
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. 500.376, 2012".
- B. "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.376, 2012", is hereby amended as follows:
 - 1. By rezoning the lands shown on the attached Schedule '1' and legally described as:

Lot 9, District Lot 8, Nanoose District, Plan 51142

from Residential 1 (RS1) Zone, Subdivision District 'P' and Recreation 1 (RC1) Zone, Subdivision District 'Z' to Residential 1 (RS1) Zone, Subdivision District 'P'.

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

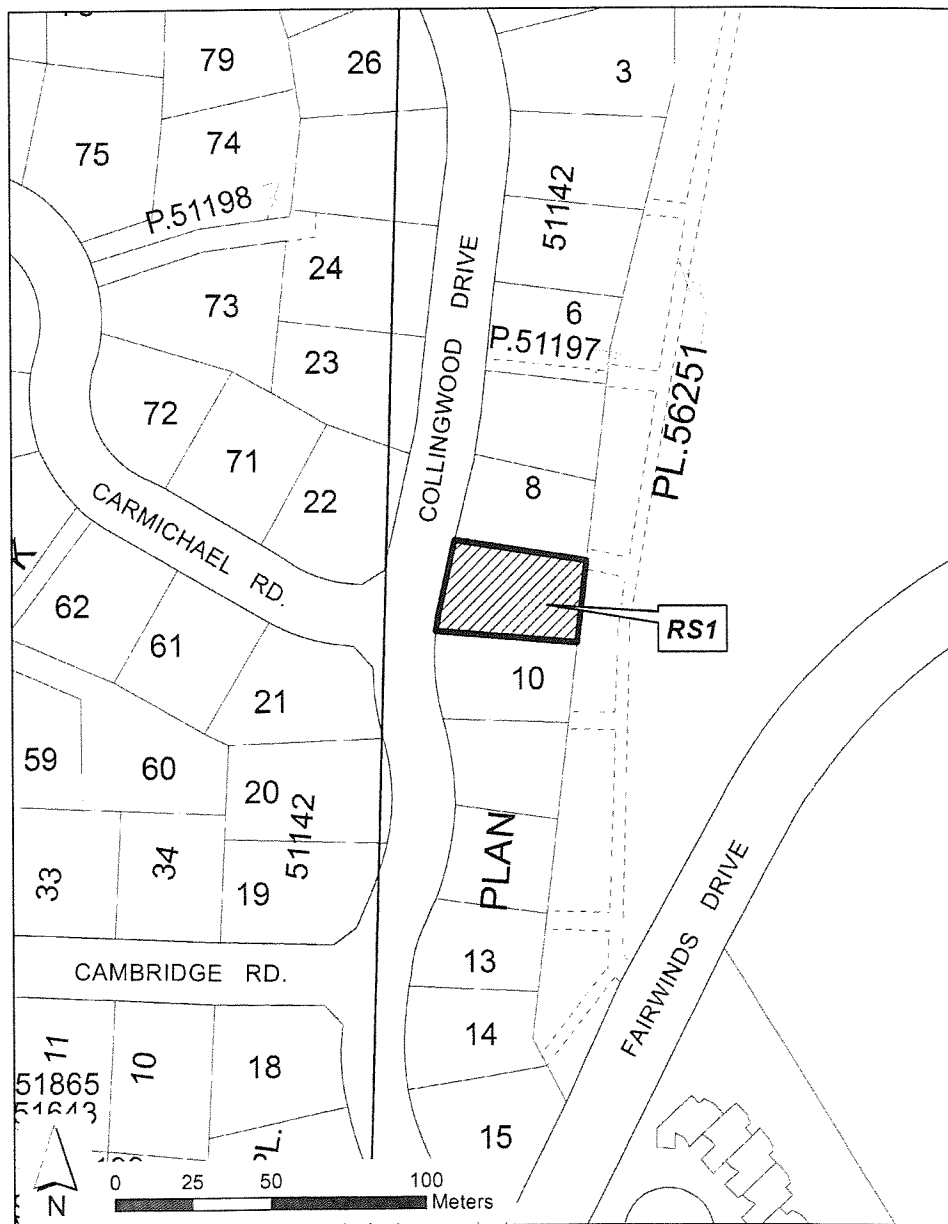
Mgr., Administrative Services

Schedule '1' to accompany "Regional District of Nanaimo
Land Use and Subdivision Amendment Bylaw No. 500.376,
2012."

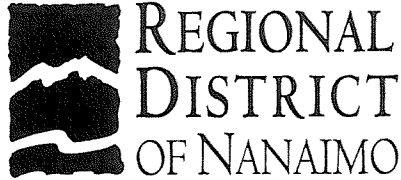
Chairperson

Mgr., Administrative Services

Schedule '1' map



BCGS Map Sheet No 92F.030.3.4



CAD APPROVAL		LN
EAP	<input checked="" type="checkbox"/>	
COW	<input type="checkbox"/>	
JUN 29 2012		
RHD	<input type="checkbox"/>	
BOARD	<input type="checkbox"/>	

MEMORANDUM

TO: Jeremy Holm
Manager of Current Planning

DATE: June 27, 2012

FROM: Angela Buick
Planner

FILE: PL2012-047

SUBJECT: Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement Subdivision Application No. PL2012-047 - J.E. Anderson & Associates Lot 21, District Lot 39, Nanoose District, Plan 32599, Except Those Parts in Plans 43085 and VIP55692 - 2032 Rocking Horse Place Electoral Area 'E'

PURPOSE

To consider a request to relax the minimum 10% perimeter frontage requirement in conjunction with a two-lot Section 946 subdivision application on a parcel located in Electoral Area 'E'.

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 Section 946 subdivision from J.E. Anderson & Associates on behalf of Jonathon A. Jones.

The parent parcel, has a lot area of 4.4 hectares, and is split zoned Rural 1 (RU1) and Recreation 1 (RC1), both zone boundaries are within Subdivision District 'D' (2.0 ha minimum parcel size with or without community services) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachment 1 for location of subject property). The subject property currently contains a dwelling unit, agricultural building and riding ring. The surrounding land uses are rural residential.

The applicant proposes to subdivide the subject property into proposed Lot A with an area of 1.09 ha and 3.2 ha remainder parcel (see Schedule 1 for proposed subdivision layout). The proposed lot areas will satisfy the minimum parcel size requirements of Bylaw No. 500, 1987, including the required minimum 1.0 ha lot area for Section 946 parcel. The parcels are proposed to be served by individual private wells and septic disposal systems

Minimum 10% Perimeter Frontage Requirement

Both the frontages of Lot A (6.1 metres) and remainder parcel (78.63 metres), do not meet the minimum 10% perimeter frontage requirement pursuant to Section 944 of the *Local Government Act*. However, as there is no further subdivision potential of proposed Lot A, the width of the panhandle will meet the RDN Bylaw requirements of 6.0 metres to ensure adequate site access. The lot frontage for the Remainder Lot on Rocking Horse Place is currently used as the main access point for the subject parcel. In addition on Rocking Horse Place road frontage, the remainder parcel will retain an existing panhandle access of 6.1 metres which fronts onto Saddle Drive.

ALTERNATIVES

1. To approve the request for relaxation of the minimum 10% perimeter frontage requirement in conjunction with a Section 946 subdivision application.
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.

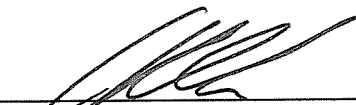
SUMMARY/CONCLUSIONS

The applicant proposes a two lot Section 946 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 permitted rural and residential uses in the zoning. Ministry staff indicated that they have no concerns with the request to relax the frontage of proposed Lot A from the required 43.4 metres to 6.1 metres, which reflects the width of this existing panhandle.

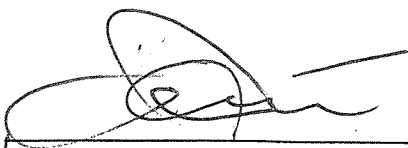
Given that there is no concern with the panhandle configuration or the existing access on the Remainder Lot, and there is sufficient buildable site area for the intended uses, staff recommends approval of the relaxation of the minimum 10% perimeter frontage for proposed Lot A.

RECOMMENDATION


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.



for Report Writer



A General Manager Concurrence

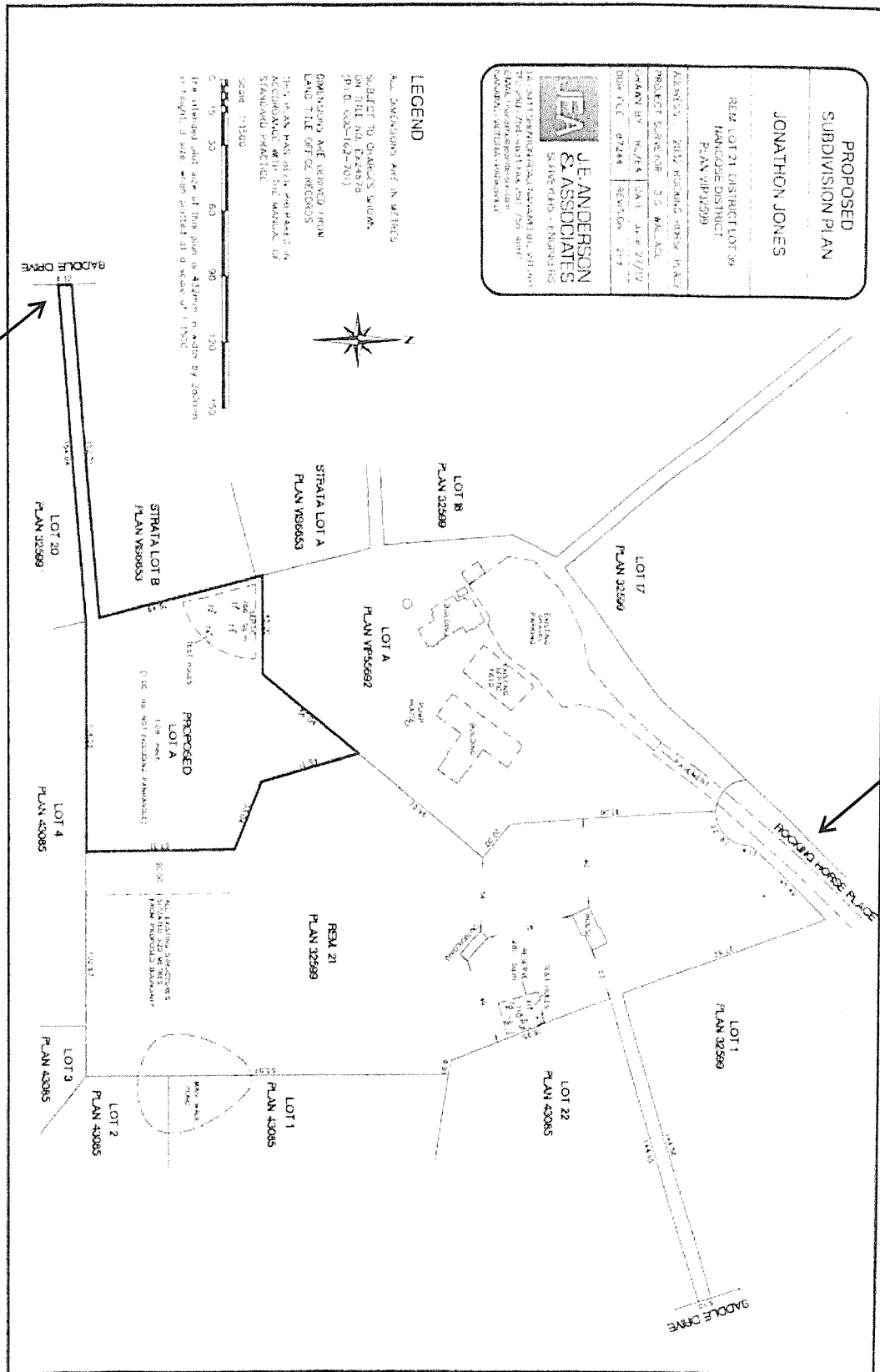


Manager Concurrence



CAO Concurrence

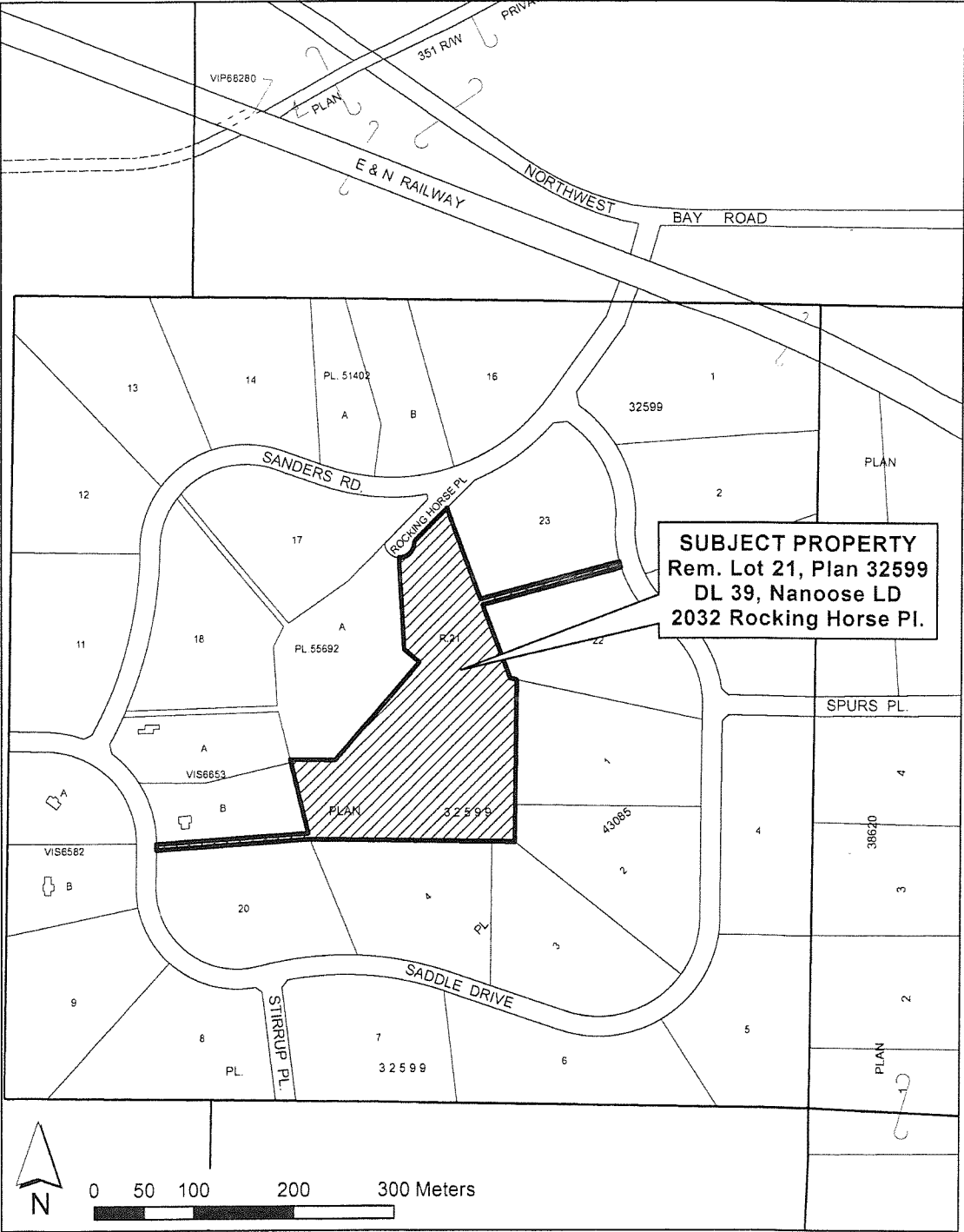
Schedule 1 Plan of Proposed Subdivision



Location of the request to relax minimum 10% perimeter frontage requirement for proposed Lot A.

Location of the request to relax minimum 10% perimeter frontage requirement for remainder parcel.

**Attachment 1
Location of Subject Property**



BCGS Map Sheet No 92F.029.4.4