

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA SERVICES COMMITTEE

TUESDAY, NOVEMBER 22, 2016

3:00 PM

(RDN Board Chambers)

This meeting will be recorded

A D D E N D U M

PAGES

DELEGATIONS

- 2 **Brock Williamson**, re Development Permit with Variance Application No. PL2016-166 – Andover Road, Electoral Area 'E'.

COMMUNICATIONS/CORRESPONDENCE

- 3-10 **Anne and Ted Kuzminski**, re Development Permit with Variance Application No. PL2016-166 – Andover Road, Electoral Area 'E'.

NEW BUSINESS

Sleepy Hollow

Director Fell advised that the following motion would be substituted for the motions related to this item on the regular meeting agenda:

That staff be directed to prepare a report outlining options for completion of the Sleepy Hollow building strata subdivision in approximate accordance with the layout proposed in 1997 and outline any necessary amendments to RDN bylaws required to enable the development to proceed.

Delegation: Brock Williamson, re Development Permit with Variance Application No. PL2016-166 – Andover Road, Electoral Area 'E'.

Summary: Comments on application and site plan.

November 13, 2016

6572 Golden Eagle Way
Nanaimo, BC. V9V1P8

To: Planning Department – RDN and electoral board
Kristy Marks
Jeremy Holm

C: Ken Tanquay
Brock Williamson

Subject: Notice of Development Permit with Variance

Re: Request for Development Permit with Variance - Lot 56, Andover Rd. Nanoose

This lot is considered a hardship lot to build on due to the difficult elevations, the height restrictions and the watercourse setback regulations that are in place. To comply with the existing required setbacks have been challenging.

Over the past eighteen months we have worked with the following to come up with an acceptable design:

- Structure Designs – Ken Tanguay.
- Toth and Associates Environmental Services - Steve Toth.
- J.E. Anderson & Associates – Dave Wallace.
- RDN Planning Department.

We are requesting two set back variances that are deemed necessary to be able to proceed with building on this lot and this request has been modified, the house footprint and adjoining decks space has been reduced by over 500 sq. feet and is being presented for a second time. We have worked with the RDN staff and had their support in the initial application.

1. 3.4.31 –Maximum Number and Size of Buildings and Structures

This is a request to reduce the setback from the front property line from 8 metres to 5 metres for a portion of the dwelling unit. This is same request as was first presented. The intent is to be able to fit the house on the buildable portion of the lot and be close to street level elevation.

Fairwinds and the neighbour adjoining the side of the property affected by the variance have supported this request for a variance. Letters of support are attached.

Also, we contacted the neighbours within a 50 metre radius and none had any issues or concerns about this variance request.

2. 3.3.8- Setbacks-Watercourses, excluding the Sea

This variance request has been modified.

The first variance applications request was to reduce the setback from the top of the slope adjacent to the pond from 9 metres to 5.83 metres due to an aerial intrusion from a deck attached to the proposed dwelling. That intrusion totaled 19.180 square metres. A letter from one neighbor on Lot 57 resulted in the previous request being denied.

The plans have been revised this variance request has been adjusted accordingly. The request is for an aerial intrusion into the watercourse set back of 2.53 metres for a total of 7.087 sq. metres. This is a reduction from 19.180 sq. metres from the initial request.

We also are in agreement with the suggestion from the RDN planning department to exchange this area of intrusion and offset this with area closer to the watercourse. Toth and associates environmental were contacted in regards to this exchange and stated in their opinion the compensation area represented a higher quality riparian habitat than the terrestrial habitat that was lost due to the aerial deck intrusion.

- Since the last meeting we have worked with Structure Designs and have reduced the house plans by over 500 sq. ft. to shift some of the deck and footprint out of the setback area. Because of the watercourse setback the deck is the primary outdoor space of the proposed dwelling and it is the upper floor deck that intrudes into the setback area, not the lower floor footprint.
- We have contacted the owners of Lot 57 on several occasions to discuss their objection to the first setback variance request and did meet with Zolton Pataky on November 5th, 2016 to talk to him in person and present him with the revised plans. He stated that he had no issues with setback request 3.4.31. He said his concern with the setback into the watercourse area was more of an issue with house being higher than his house with the aerial intrusion of the deck also being higher than his property. We did point out that the house and deck would still be about 22 ft. from the property line and that we would be willing to add extra plant screening along the side of the lot. He was non-committal as to whether he would support our request.
- When Steve Toth did the environmental report, he pointed out that Lot 57 (owned by the Pataky's who objected to our first variance request) would be non-compliant with the current regulations if they were applying today. The house and deck structure are both within the 9 metre setback from the watercourse.
- On November 12th, 2016, we did canvas the other neighbours within a 50 metre radius and all indicated that they had no issues with our proposed variance request.

We have made every effort to plan and design a structure that will enhance the area and fit in with the surrounding area. The deck, that intrudes aerially into the setback is the primary outdoor space of the

planned residence and is key to the planned residence. We will be out of the country and unable to attend the December meeting but do request that RDN and the electoral board consider and approve this request.

Sincerely,

Anne and Ted Kuzminski
Owners Lot 56
Nanoose Bay
250-390-3062

Figure 1. Drainage network, setbacks and features on Lot 56, Andover Rd





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