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**TO:** Electoral Area Services Committee      **DATE:** September 8, 2020  
**FROM:** Stephen Boogaards  
Planner      **FILE:** PL2020-078  
**SUBJECT:** **Development Variance Permit Application No. PL2020-078**  
**650 Martindale Road, Electoral Area G**

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## **RECOMMENDATIONS**

1. That the Board approve Development Variance Permit No. PL2020-078 to reduce the lot line setback from 8.0 metres to 2.0 metres for an unenclosed storage shed subject to the terms and conditions outlined in Schedules 1 to 3 of Attachment 2.
2. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2020-078.

## **SUMMARY**

The applicants have applied for a development variance permit to construct an accessory building within the required setback to an interior lot line. Due to the location of the existing buildings, septic field, and the Englishman River floodplain, the applicants have demonstrated that the variance is necessary for the construction of the accessory building without affecting the septic disposal area or encroaching into setbacks to the river. As the applicants have provided a suitable justification and no negative implications are anticipated from the variance, it is recommended that the Board approve the development variance permit pending the outcome of public notification and subject to the terms and conditions outlined in Schedules 1 to 3 of the draft development variance permit included as Attachment 2.

## **BACKGROUND**

The Regional District of Nanaimo (RDN) has received an application from Dale and Peggy Green to permit the construction of an unenclosed accessory building on the subject property. The subject property is legally described as Lot 9, District Lot 128, Nanoose District, Plan 20938, is approximately 4,896 m<sup>2</sup> in area and is zoned Rural 1 Zone (RU1), pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property is located to the west of the Englishman River and is within the mapped floodplain (see Attachment 1 – Subject Property Map).

The property contains an existing dwelling unit, accessory building and septic field. The setback was varied in 2001 from 8.0 metres to 2.0 metres to accommodate an agricultural building at the time (Development Variance Permit No. 0104). The setback for the dwelling was varied in 2004 from 8.0 metres to 4.0 metres to accommodate adequate distances between the septic field and

the Englishman River (Development Variance Permit No. 90325). Conditions of approval for the permit included the retention of the existing vegetation along the southern property line.

### ***Proposed Development and Variance***

The proposed accessory building will have no walls and will be used for the storage of firewood and equipment. The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

- **Section 3.4.81 – Minimum Setback Requirements** to reduce the minimum setback from 8.0 metres to 2.0 metres.

### ***Land Use Implications***

The proposed accessory building will require a variance to the 8.0 metre interior lot line setback. “RDN Board Policy B1.5 Development Variance Permit, Development Permit with Variance and Flood Exemption Application Evaluation” (Policy B1.5) requires that an applicant demonstrate that a variance is necessary and to provide an acceptable land use justification. With respect to this requirement, the applicant has identified that the property has limited building areas due to the river, existing buildings and the septic field. The applicants have also consulted with the neighbouring property owners and have provided letters of support with the application.

The applicant’s justification demonstrates that the proposed location of the accessory building considers the constraints on the property. West of the dwelling is the existing septic field being used by the dwelling unit. East of the dwelling is the Englishman River and a 30.0 metre setback to the natural boundary of the river. As the building has no walls and has no habitable areas, RDN Floodplain Management Bylaw No. 1469, 2006 would not apply to the building. However, situating the building away from flood waters would reduce the possibility of damage to the building or adding to debris carried by floodwaters.

The justification also considers the relatively smaller size of the lot for a rural zoned property. If the lot was 4,000 m<sup>2</sup>, the setback in the RU1 zone would be reduced to 2.0 metres, whereas the property size is 4,896 m<sup>2</sup>. Given the considerations of access, well location, building configuration and lot size, the applicant has provided sufficient rationale and has made reasonable efforts to address Policy B1.5 guidelines.

### ***Public Consultation Implications***

Pending the Electoral Area Services Committee’s recommendation and pursuant to the *Local Government Act* and the “Regional District of Nanaimo Development Application and Notification Procedures Bylaw No. 1776, 2018”, property owners and tenants of parcels located within a 50.0 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board’s consideration of the application.

## **ALTERNATIVES**

1. To approve Development Variance Permit No. PL2020-078 subject to the conditions outlined in Schedules 1 to 3 of Attachment 2.
2. To deny Development Variance Permit No. PL2020-078.

## **FINANCIAL IMPLICATIONS**

The proposed development has been reviewed and has no implications related to the Board 2020– 2023 Financial Plan.

## **STRATEGIC PLAN IMPLICATIONS**

The proposed development has been reviewed and has no implications for the 2019 – 2022 Board Strategic Plan.



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Stephen Boogaards  
sboogaards@rdn.bc.ca  
August 18, 2020

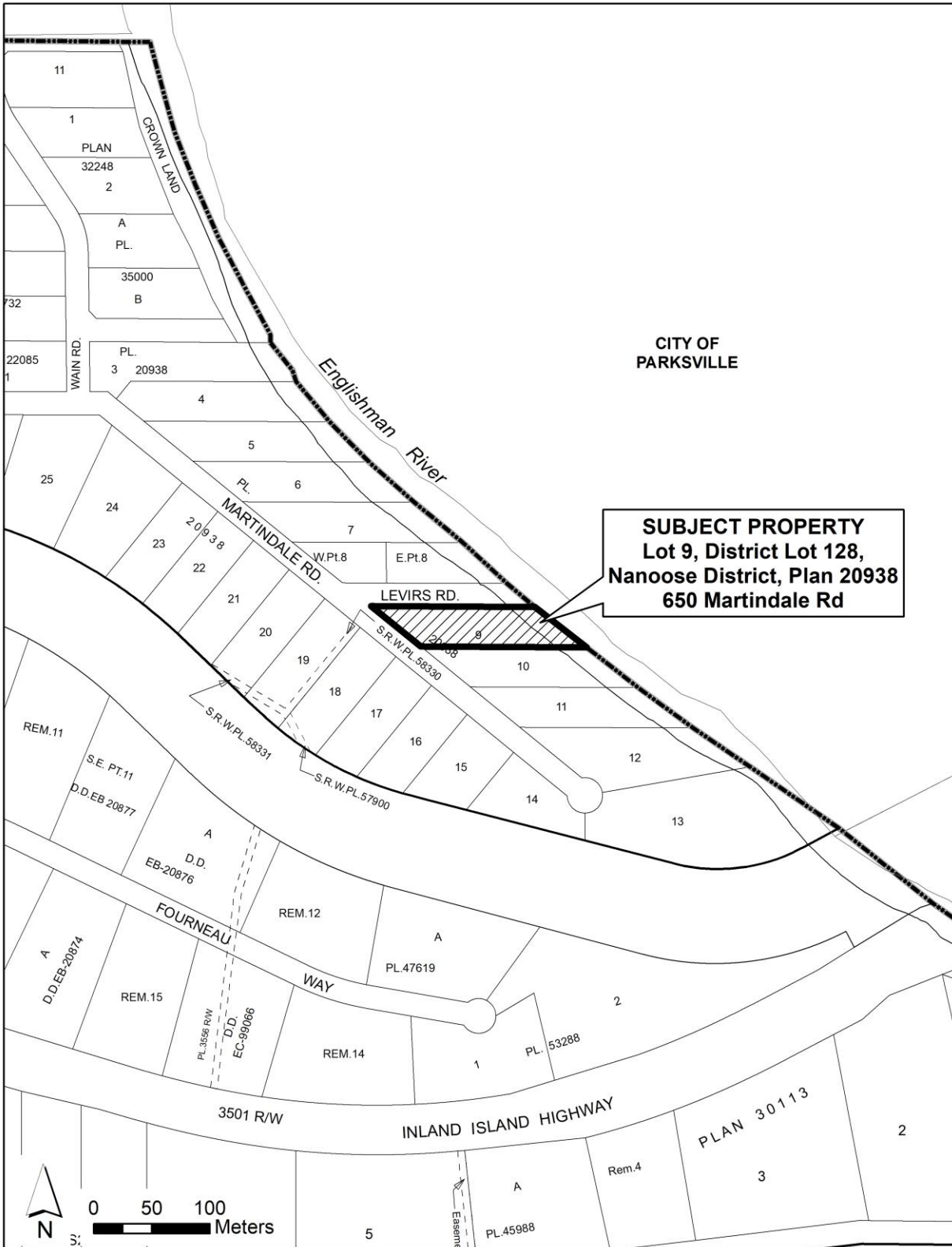
### Reviewed by:

- P. Thompson, Manager, Current Planning
- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer


### Attachments:

1. Subject Property Map
2. Draft Development Variance Permit PL2020-078

### Attachment 1 Subject Property Map



**Attachment 2  
Draft Development Variance Permit**

 <p><b>REGIONAL DISTRICT OF NANAIMO</b></p>	<p><b>STRATEGIC &amp; COMMUNITY DEVELOPMENT</b></p> <p><b>6300 Hammond Bay Road, Nanaimo, BC V9T 6N2</b> <b>250-390-6510 or 1-877-607-4111</b> <b><a href="http://www.rdn.bc.ca">www.rdn.bc.ca</a></b></p> <p><b>DEVELOPMENT VARIANCE PERMIT NO. PL2020-078</b></p>
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**To:** (“Permittee”) Dale Thomas Green and Peggy Sandra Green

**Mailing Address:** 650 Martindale Road  
Parksville, BC V9P 1R8

1. Except as varied or supplemented by this permit, the development variance permit is issued subject to compliance with all applicable bylaws and provincial and federal statutes and regulations.
2. This development variance permit applies only to those lands within the Regional District of Nanaimo described below, and all buildings, structures and other development thereon:

**Legal Description:** Lot 9, District Lot 128, Nanoose District, Plan 20938 (“Lands”)

**Civic Address:** 650 Martindale Road **P.I.D.:** 003-478-262

3. The Lands shall be developed strictly in accordance with the terms and conditions of this permit.
4. The Permittee, as a condition of issuance of this permit, agrees to comply with the conditions of Schedule 1, which is attached to and forms part of this permit.
5. The Permittee, as a condition of issuance of this permit, agrees to develop the Lands in substantial compliance with the plans and specifications included in Schedules 2 and 3, which are attached to and form part of this permit.
6. With respect to the Lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as outlined in Schedules 1 and 2, which are attached to and form part of this permit.
7. Subject to the terms of the permit, if the Permittee does not substantially start construction with respect to which the permit was issued within two years after the date it is issued, the permit shall lapse in accordance with Section 504 of the *Local Government Act*.
8. This permit prevails over the provisions of the bylaw in the event of conflict.
9. The RDN shall file the notice in the Land Title Office at Victoria under Section 503 of the *Local Government Act*, and upon such filing the terms of this permit or any amendment hereto shall be binding upon all persons who acquire an interest in the Lands affected by this permit.
10. This permit is not a building permit.

Authorizing Resolution to issue passed by the Board this XX<sup>th</sup> day of Month, 20XX.

## **Schedule 1 Terms and Conditions of Permit**

The following sets out the terms and conditions of Development Variance Permit No. PL2020-078:

### Bylaw No. 500, 1987 Variance

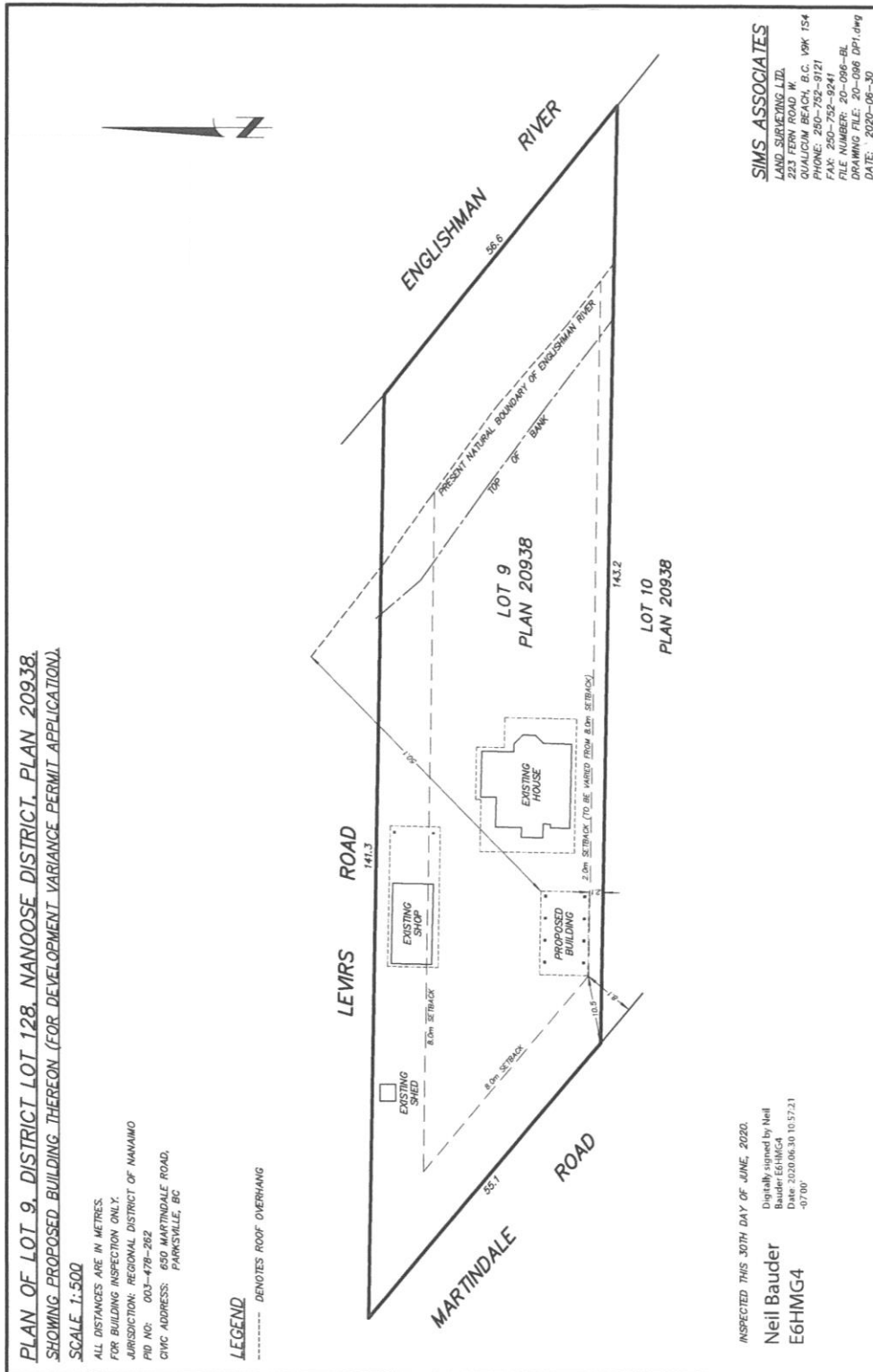
With respect to the Lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as follows:

**Section 3.4.81 – Minimum Setback Requirements** to reduce the minimum setback from 8.0 metres to 2.0 metres.

### Conditions of Approval

1. The Lands are developed:
  - a. in accordance with the Survey Plan prepared by Sims Associates Land Surveying Ltd, dated June 30, 2020, and attached as Schedule 2.
  - b. in general compliance with the plans and elevations dated November 20, 2019, and attached as Schedule 3.
2. The property owner shall obtain other necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

**Schedule 2  
 Survey Plan with Variance (Page 1 of 2)**



**PLAN OF LOT 9, DISTRICT LOT 128, NANOOSE DISTRICT, PLAN 20938,  
 SHOWING PROPOSED BUILDING THEREON (FOR DEVELOPMENT VARIANCE PERMIT APPLICATION).  
 SCALE 1:500**

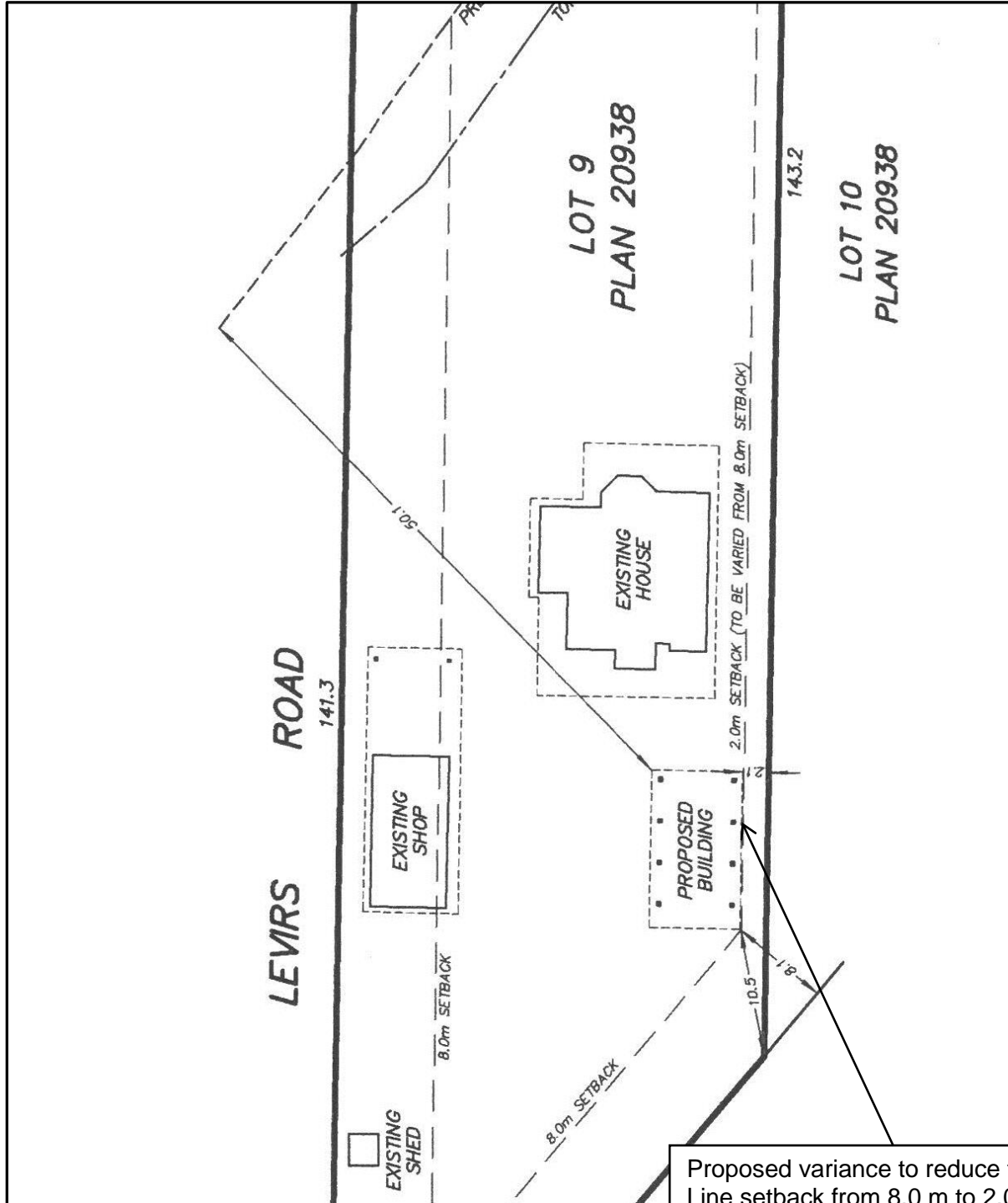
ALL DISTANCES ARE IN METRES.  
 FOR BUILDING INSPECTION ONLY.  
 JURISDICTION: REGIONAL DISTRICT OF NANAIMO  
 PID NO: 003-478-262  
 CIVIC ADDRESS: 650 MARTINDALE ROAD,  
 PARKSVILLE, BC

**LEGEND**  
 ----- DENOTES ROOF OVERHANG

INSPECTED THIS 30TH DAY OF JUNE, 2020.  
 Neil Bauder  
 E6HMG4  
 Digitally signed by Neil Bauder  
 Date: 2020.06.30 10:57:21 -07'00'

**SIMS ASSOCIATES**  
 LAND SURVEYING LTD.  
 223 FERN ROAD, W.  
 QUALICUM BEACH, B.C. V8K 1S4  
 PHONE: 250-752-9121  
 FAX: 250-752-9241  
 FILE NUMBER: 20-096-BL  
 DRAWING FILE: 20-096 DPL.dwg  
 DATE: 2020-06-30

**Schedule 2**  
**Survey Plan with Variance (Page 2 of 2)**





### Schedule 3 Building Plans and Elevations

