



**DEVELOPMENT VARIANCE PERMIT APPLICATION NO. PL2021-168
3046 HILLVIEW ROAD, ELECTORAL AREA E**

RECOMMENDATIONS

1. That the Board approve Development Variance Permit No. PL2021-168 to reduce the minimum front lot line setback from 8.0 metres to 4.0 metres to permit the construction of a detached garage and retaining wall subject to the terms and conditions outlined in Attachment 2.
2. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2021-168.

BACKGROUND

The Regional District of Nanaimo (RDN) has received a Development Variance Permit Application from Mathew Patterson to reduce the minimum front lot line setback requirement from 8.0 metres to 4.0 metres to permit the construction of a detached garage and a retaining wall on the subject property. The subject property, legally described as Lot 17, District Lot 117, Nanoose District, Plan 10367, is approximately 0.18 hectares in area and is zoned Residential 1 (RS1), Subdivision District 'F', pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property is bound to the north by Hillview Road, to the east and west of other residential parcels, and to the south by Resource Management zoned lands (see Attachment 1 – Subject Property Map).

The property contains an existing dwelling and is serviced by an onsite well and sewage disposal system.

Proposed Development and Variance

The proposed development includes the construction of a detached garage and a lock-block retaining wall to be located behind the proposed garage. Due to the steep topography of the subject property and the location of the existing septic field, a variance is required to reduce the front lot line setback from 8.0 metres to 4.0 metres to avoid encroachment into the septic field and allow reasonable access to the proposed garage. The applicant proposes to vary the following regulations from the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987":

- **Section 3.4.61 – Minimum Setback Requirements** to reduce the minimum front lot line setback from 8.0 metres to 4.0 metres.

Land Use Implications

The proposed accessory building will require a variance to the 8.0-metre front lot line setback. In support of the application, the applicant has provided approval from the Ministry of Transportation and Infrastructure (MOTI) as is required for the construction of a building within 4.5 metres of a highway right-of-way. "RDN Board Policy B1.5

Development Variance Permit, Development Permit with Variance, and Floodplain 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 demonstrated that the property has a limited buildable area due to the relatively small parcel size, the existing location of the dwelling, the natural steep topography of the parcel, the location of the existing driveway, and the location of the existing septic field. Locating the proposed garage to the east of the driveway would block views of the ocean from neighbouring parcels and would require significant land alteration as well as the removal of several mature fruit trees and garden. Due to the steep topography and the location of the septic field south of the proposed accessory building, a 4.14-metre-tall lock-block retaining wall is proposed to retain the earth between the septic field and the proposed garage location. The proposed garage and retaining wall location will not reduce the public parking space available on the shoulder of Hillview Road (see Attachment 2 – Draft Development Variance Permit).

The applicant has provided a Geotechnical Assessment prepared by Lewkowich Engineering Associates Ltd., dated June 13, 2022, which states that the from a geotechnical point of view, and provided the recommendations in the Geotechnical Assessment are followed, the land is considered safe for a detached garage of conventional construction methods. The Geotechnical Assessment provides recommendations for site preparation, excavation and construction of the detached garage and retaining wall. Drainage requirements for any wall construction are to be reviewed by a geotechnical engineer prior to construction. Construction of the retaining wall is to be reviewed by a geotechnical and/or structural engineer prior to construction.

Given that the applicant has provided sufficient rationale and made reasonable efforts to address Policy B1.5 guidelines, the variance is not anticipated to result in negative implications for adjacent property owners (see Attachment 2 – Draft Development Variance Permit).

Intergovernmental Implications

The applicant has provided an approved permit to reduce building setback from a public highway to construct the garage within 4.0 metres from Hillview Road. MOTI Permit No. 2021-06122, granted November 29, 2021.

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-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.

FINANCIAL IMPLICATIONS

The proposed development has been reviewed and has no implications related to the Board 2022 – 2026 Financial Plan.

STRATEGIC PLAN ALIGNMENT

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

REVIEWED BY:

P. Thompson, Manager, Current Planning
L. Grant, General Manager, Planning and Development
D. Holmes, Chief Administrative Officer

ATTACHMENTS:

1. Subject Property Map
2. Draft Development Variance Permit