


Attachment 2
Draft Development Permit with Variances

 <p>REGIONAL DISTRICT OF NANAIMO</p>	<p style="text-align: right;">PLANNING AND DEVELOPMENT</p> <p style="text-align: right;">6300 Hammond Bay Road, Nanaimo, BC V9T 6N2 250-390-6510 or 1-877-607-4111 <u>www.rdn.bc.ca</u></p> <p style="text-align: right;">DEVELOPMENT PERMIT WITH VARIANCE NO. PL2022-085</p>
--	---

To: ("Permittee") Kenneth Oliver Springer and Martine Alicia Caroline Wolff Von Wulfing

Mailing Address: 982 Perez Drive, Victoria, BC, V8Y 3G2

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

Legal Description: Strata Lot 245, District Lot 251, Alberni District, Strata Plan VIS5160 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Show on Form V ("Lands")

Civic Address: 2794 Sunset Terrace **P.I.D.:** 025-247-956

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. Provisions of Section 502 of the *Local Government Act*, to provide security for landscaping in the amount of two thousand one hundred and fifty two dollars (\$2,152) ("Deposit"), applies to this development.
9. This permit prevails over the provisions of the bylaw in the event of conflict.
10. 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.
11. This permit is not a building permit.

Authorizing Resolution to issue passed by the Board this XXth day of Month, 20XX.

Schedule 1 Terms & Conditions of Permit

The following sets out the terms and conditions of Development Permit with Variance No. PL2022-085:

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 3.4.107.4 Minimum Setback Requirements – to reduce the minimum setback from the interior side lot line from 1.5 metres to 0.7 metres for portions of the existing retaining walls.
2. Section 3.4.107.4 Minimum Setback Requirements – to reduce the minimum setback from the interior side lot line from 1.5 metres to 0.0 metres for an existing storage shed.

Conditions of Approval

1. The Lands are developed:
 - a. In accordance with the Site Plan prepared by Bruce Lewis Land Surveying Inc., dated September 23, 2019, and attached as Schedule 2.
 - b. In accordance with the recommendations contained in the Lakeshore Riparian Enhancement Plan prepared by Tributary Environmental Consulting Inc., dated April 7, 2022.
 - c. In accordance with the Riparian Enhancement Plan prepared by Tributary Environmental Consulting Inc., dated April 7, 2022.
2. The Permittee shall provide confirmation in the form of a report prepared by a Qualified Environmental Professional (QEP), to the satisfaction of the General Manager of Planning and Development (the "General Manager"), that development of the subject property has occurred in accordance with the QEP's recommendations, prior to landscape security deposit review and following the QEP's recommended maintenance period of two years.
3. The applicant shall provide a landscaping security deposit (Deposit) in the amount of \$2,152 prior to issuance of this permit.
4. The RDN shall return the Deposit to the Permittee on the following terms if:
 - a. the Permittee provides to the General Manager written confirmation, to the General Manager's satisfaction, that the plantings have been maintained in accordance with the recommendations of the Lakeshore Riparian Enhancement Plan; and
 - b. following a site visit conducted by RDN staff, the General Manager is satisfied that the plantings have been maintained for two years in accordance with the recommendations of the Lakeshore Riparian Enhancement Plan.

**Schedule 2
Site Plan with Variances**

B.C. LAND SURVEYOR'S BUILDING LOCATION CERTIFICATE

LEGAL: STRATA LOT 245, DISTRICT LOT 251, ALBERNI DISTRICT, STRATA PLAN VIS5160

TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V

PID: 025-247-956

Owner: SPRINGER/WOLFF VON WULFING

I have inspected the landscape rock walls located at 2794 Sunset Terrace and hereby certify that the said structure(s) are situate with respect to nearby boundaries as shown on the sketch below. This document is prepared for mortgage or municipal inspection purposes only and shall not be used to define property lines or property corners.

The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any unauthorized use of this document.

PROPERTY LIES WITHIN THE NANAIMO REGIONAL DISTRICT

Field survey the 12th day of August, 2019.
Dated this 23rd day of September, 2019.

Bruce V Lewis, BCLS ©

This document is not valid unless digitally signed or originally signed and sealed. All rights reserved. No person may copy, reproduce, transmit or alter this document in whole or part without the consent of the signatory.

Lot dimensions are derived from Plan VIS5160

SCALE = 1 : 300

10 0 10 20
All distances are in metres and decimals thereof unless otherwise stated

LEGEND

- DENOTES - TOP OF ROCK WALL
- DENOTES - FOOT OF ROCK WALL
- DENOTES - ROCK WALL >1.0 HIGH

SL 245 PLAN VIS5160

(NON FINANCIAL CHARGES)

COVENANT ET8225

COVENANT ET8226

EASEMENT ET8227

COVENANT ET8229

SRW ET8641

NOTE: CHARGES MAY AFFECT THE
POSITIONING OF STRUCTURES ON PROPERTY

ELEVATIONS

MAIN FLOOR 127.70 M.

ROOF PEAK 132.94 M.

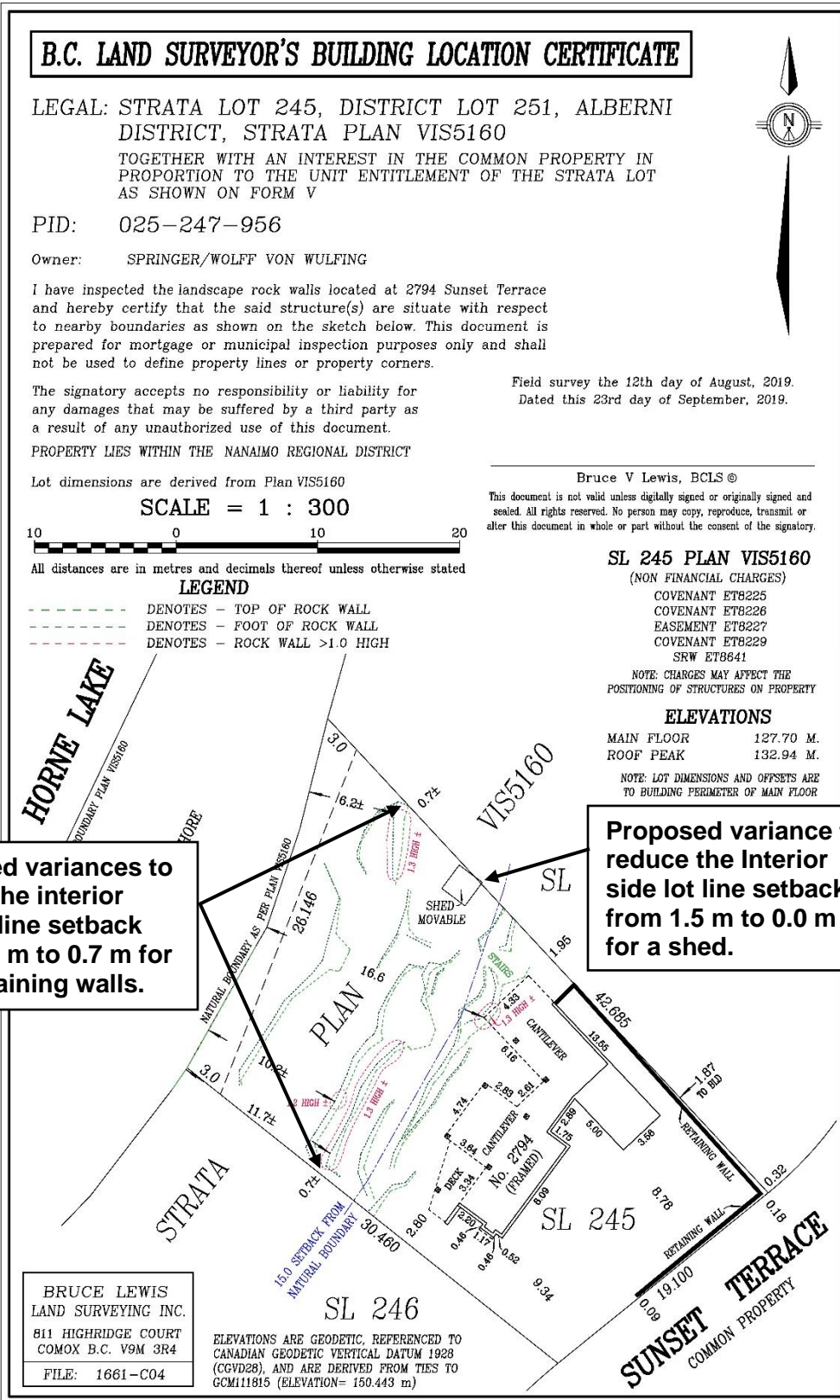
NOTE: LOT DIMENSIONS AND OFFSETS ARE
TO BUILDING PERIMETER OF MAIN FLOOR

**Proposed variances to
reduce the interior
side lot line setback
from 1.5 m to 0.7 m for
rock retaining walls.**

**Proposed variance to
reduce the Interior
side lot line setback
from 1.5 m to 0.0 m
for a shed.**

BRUCE LEWIS
LAND SURVEYING INC.
811 HIGHRIDGE COURT
COMOX B.C. V9M 3R4
FILE: 1661-C04

ELEVATIONS ARE GEODETIC, REFERENCED TO
CANADIAN GEODETIC VERTICAL DATUM 1928
(CGVD28), AND ARE DERIVED FROM TIES TO
GCM111815 (ELEVATION= 150.443 m)



LEGEND

- - - - - DENOTES - TOP OF ROCK WALL
- - - - - DENOTES - FOOT OF ROCK WALL
- . - . - DENOTES - ROCK WALL >1.0 HIGH

ELEVATIONS

MAIN FLOOR	127.70 M.
ROOF PEAK	132.94 M.

NOTE: CHARGES MAY AFFECT THE POSITIONING OF STRUCTURES ON PROPERTY

NOTE: LOT DIMENSIONS AND OFFSETS ARE TO BUILDING PERIMETER OF MAIN FLOOR

Proposed variances to reduce the interior lot line setback from 1.5 m to 0.7 m for retaining walls.

Proposed variance to reduce the Interior side lot line setback from 1.5 m to 0.0 m for a shed.

BRUCE LEWIS LAND SURVEYING INC.
 811 HIGHRIDGE COURT
 COMOX B.C. V9M 3R4
 FILE: 1661-C04

ELEVATIONS ARE GEODETIC, REFERENCED TO CANADIAN GEODETIC VERTICAL DATUM 1928 (CGVD28), AND ARE DERIVED FROM TIES TO GCM111815 (ELEVATION= 150.443 m)

Schedule 3
Riparian Enhancement Plan
(Page 2 of 2)

Plantings completed
prior to March 22, 2022.

Table 3. Planting completed to date.

Type	Species	Number
Trees	red alder	1
	arbutus	3
	western redcedar	30
	Leyland cypress	11
	Douglas-fir	6
	shore pine	3
	coast redwood	1
	Pacific yew	1
	Oregon grape	2
Shrubs	salal	8
	willow	1
Groundcover	swordfern	44
Total		111

Additional plantings required – completed November 2022

Table 4. Planting specifications.

Type	Common Name	Botanical Name	#	Stock Size	Planting Notes
Trees	Douglas-fir	<i>Pseudotsuga menziesii</i>	3	≥1.5 m (7-gal)	Full sun, dry sites, mid slope
	Shore Pine	<i>Pinus contorta v. contorta</i>	7	≥1.5 m (7-gal)	Full sun, dry & moist sites, lower to mid slope
	Pacific Dogwood	<i>Cornus nuttallii</i>	3	≥1.5 m (7-gal)	Full sun, dry sites, mid slope
Shrubs	Snowberry	<i>Symphoricarpos albus</i>	9	2-gal	Part shade, moist sites
	Ocean Spray	<i>Holodiscus discolor</i>	9	2-gal	Full sun, dry sites
	Saskatoon	<i>Amelanchier alnifolia</i>	9	2-gal	Full sun, dry sites
	Red Flowering Currant	<i>Ribes sanguineum</i>	9	2-gal	Full sun, dry sites
	Mock Orange	<i>Philadelphus lewisii</i>	6	2-gal	Full sun, dry sites
Shoreline Trees	Shore pine	<i>Pinus contorta v. contorta</i>	6	2-gal	Shoreline (upper)
	Red alder	<i>Alnus rubra</i>	6	2-gal	Shoreline (upper)
Shoreline Shrubs	Scouler's Willow	<i>Salix scouleriana</i>	12	1-gal	Shoreline (even distribution)
	Nootka Rose	<i>Rosa nutkana</i>	12	1-gal	Shoreline (upper)
	Sitka Willow	<i>Salix sitchensis</i>	12	1-gal	Shoreline (lower)
	Hardhack	<i>Spirea douglasii</i>	10	1-gal	Shoreline (lower)
	Red Osier Dogwood	<i>Cornus stolonifera</i>	10	1-gal	Shoreline (part shade, lower)
	Sword fern	<i>Polystichum munitum</i>	~~~ optional ~~~		Rock walls, shade, moist sites
Groundcover	Kinnikinnick	<i>Arctostaphylos uva-ursi</i>	~~~ optional ~~~		Rock walls, full sun, dry sites
	Woolly Sunflower	<i>Eriophyllum lanatum</i>	~~~ optional ~~~		Rock walls, full sun, dry sites
Total			123		