



**DEVELOPMENT VARIANCE PERMIT APPLICATION NO. PL2022-140
2860 WILDBERRY ROAD, ELECTORAL AREA A – REVISED**

RECOMMENDATIONS

1. That the Board approve Development Variance Permit No. PL2022-140 to increase the maximum building height to 9.3 metres to accommodate a detached shop currently under construction subject to the terms and conditions outlined in Attachment 2.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Craig Strawson to permit the continued construction of a detached shop and permit to receive final building inspection. The subject property, legally described as Lot 14, Section 4, Ranges 6 and 7, Cedar District, Plan 22613, is approximately 1.0 hectare in area and is zoned Rural 4 Zone (RU4), Subdivision District 'D', pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (Bylaw No. 500). The property is bound to the northeast by Twin Oaks Drive, to the southwest by Wildberry Road and to the east and west by rural residential lands (see Attachment 1 – Subject Property Map).

The property contains an existing dwelling unit, detached garage, and detached shop building currently under construction and is serviced by a well and an onsite wastewater system.

The Board, at its regular meeting held November 22, 2022, passed the following motion:

22-653

It was moved and seconded that Development Variance Permit Application No. PL2022-140 be referred back to staff to address community concerns.

Proposed Development and Variance

The proposed development includes the construction of a detached shop. The applicant proposes to vary the following regulations from Bylaw No. 500:

- **Section 3.4.84 – Maximum Number and Size of Buildings and Structures** to increase the maximum building height from 9.0 metres to 9.3 metres for a detached accessory building.

Land Use Implications

The proposed shop building is currently under construction. A variance to increase the maximum height of the building from 9.0 metres to 9.3 metres is requested due to topographic constraints and pre-engineered design

errors that were encountered during construction. There were two separate factors which led to the proposed shop building being constructed over the maximum allowable height:

1. During the construction of the proposed shop, the applicant encountered irregular topography and an elevation range of approximately 3.0 metres between the existing driveway and the location of the shop. Structural fill was placed below the shop slab to create a level surface for the concrete pad. Because building height under Bylaw No. 500 is measured from the lowest point of natural grade to the highest ridge, the topography and placement of structural fill increased the height of the building by 0.18 metres.
2. The proposed building is a pre-engineered building which once constructed, was found to be 0.12 metres taller than was shown on the design drawings.

The combination of the above factors contributed to the proposed shop building being a total of 0.3 metres over height. At the time the building permit was issued, the site plan showed the proposed building height to be within the maximum height allowance; however, the building was found to be over height at the time of final building inspection when the survey was requested to confirm height and setbacks.

As a result of the Development Variance Permit (DVP) notification to owners and tenants within 100 metres of the subject property, the RDN received 7 letters of concern from neighbours of the subject property. At the November 22, 2022, Board Meeting, the Board considered the written submissions and delegations to the Board on the application and carried the motion that DVP Application No. PL2022-140 be referred back to staff to address community concerns.

To address the community's concerns over visual impacts of the proposed shop building on neighbouring properties, the applicant proposes to plant 100 one-to-two-gallon laurel trees along the Wildberry Road; four-foot-tall cedar trees along the driveway, and 50 one-to-two-gallon laurel trees in the areas surrounding the proposed shop building. Additionally, the applicant proposes to plant various grasses and boxwood plants along the edge of the filled area and in front of the dwelling unit as well as plant various shrub species and hydro seed the fill that has been placed for the construction and grading of the building. The proposed landscaping will be required as a condition of approval for the proposed variance. A significant portion of the subject property is forested and is anticipated to remain as such.

To address additional concerns that the proposed shop may be used as a home based business, the applicant has confirmed the proposed use of the building will be for personal use only and will not be for a home based business. Provided the applicant landscapes the subject property in accordance with the proposed landscaping plan (see Attachment 2 – Schedule 4), it is anticipated any negative visual impacts of the proposed shop building on neighbouring properties and views from Wildberry Road will be mitigated.

"Board Policy B1.5 Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Evaluation" (Policy B1.5) for the evaluation of DVP applications requires an adequate demonstration of an acceptable land use justification prior to the Board's consideration. In support of this application, the applicant has provided a letter of rationale for the proposed variance and has made a reasonable effort to address community concerns regarding visual impacts to neighbouring properties and Policy B1.5.

Intergovernmental Implications

There are no intergovernmental implications associated with this application.

Public Consultation Implications

The Electoral Area Services Committee's recommendation and pursuant to the *Local Government Act* and the "Regional District of Nanaimo Development Application, Notification, Procedures and Fees Bylaw No. 1845, 2022", property owners and tenants of parcels located within a 100-metre radius of the subject property received a direct notice of the proposal on October 7, 2022, and were provided an opportunity to comment on the proposed variance prior to the Board's consideration of the application. No further opportunity for public comment on the proposed variance has been provided after November 22, 2022.

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

K. Fowler, Acting General Manager, Development & Emergency Services

D. Holmes, Chief Administrative Officer

ATTACHMENTS:

1. Subject Property Map
2. Draft Development Variance Permit