



REGIONAL
DISTRICT
OF NANAIMO

**DEVELOPMENT VARIANCE PERMIT APPLICATION NO. PL2023-075
1021 SURFSIDE DRIVE, ELECTORAL AREA G**

RECOMMENDATIONS

1. That the Board approve Development Variance Permit No. PL2023-075 to reduce the minimum setback requirements for the interior side yard lot line from 2.0 metres to 1.0 metre; the other lot lines setback from 5.0 metres to 1.2 metres; and the front lot line setback from 8.0 metres to 6.8 metres for an addition and renovation to an existing dwelling, 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. PL2023-075.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Tim Rann on behalf of Sandy Steinwender and Barry Orr to permit the renovation and addition to an existing dwelling unit. The subject property; legally described as Lot 11, Block 1, District Lot 9, Newcastle District, Plan 15370, is approximately 0.07 hectares in area and is zoned Residential 2 (RS2), Subdivision District 'M', pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (Bylaw No. 500). The property is located in a residential neighbourhood and is bound to the north by Surfside Drive, west of a public beach access, and south of the Strait of Georgia. The property is a waterfront parcel located to the northeast of the Little Qualicum River Estuary Regional Conservation Area and approximately 450 metres from the mainstem of Little Qualicum River (see Attachment 1 – Subject Property Map).

The existing dwelling was constructed in 1966, prior to the adoption of Bylaw No. 500. The siting of the existing dwelling does not conform to setback requirements in the RS2 zone as per Bylaw No. 500. The existing dwelling is located within the interior side lot line setback to the west, the other lot lines setback to the east, and the front lot line setback to the south. The dwelling is not located within the setback to the sea. The building permit was issued for the proposed construction, and it was later identified after issuance of the permit that new construction was being proposed within the interior side lot line, other lot line, and front lot line setbacks for the second storey addition and alteration to the existing roofline; and for an addition to the existing walls for exterior insulation that was not identified during the time of the planning review. At this time, the proposed additions within the setbacks have not been constructed.

The property contains an existing dwelling, carport, and shed and is serviced by Surfside Properties Water Service and an onsite wastewater disposal system.

Proposed Development and Variance

The proposed development includes an addition to a sunroom at the rear of the dwelling as well a second storey addition. The proposed development includes a renovation of the existing dwelling for the addition of a second storey and sloping roof, addition of new windows; removal of hazardous materials; plumbing; heating; insulation for improved energy efficiency; and new exterior finishes. A redesign of the existing flat roofline to a steeper pitch is for the purpose of modernizing the appearance of the dwelling to match the existing form and character in the neighbourhood. The proposed changes to the roofline and second storey addition, and installation of exterior insulation, require new construction within the interior, other, and front lot line setbacks. The applicant proposes to vary the following regulations from Bylaw No. 500.

- **Section 3.4.62 – Minimum Setback Requirements** to reduce the minimum setback requirement for the interior side lot line from 2.0 m to 1.0 m to accommodate new exterior insulation and a second storey addition.
- **Section 3.4.62 – Minimum Setback Requirements** to reduce the minimum setback requirement for the other lot lines setback from 5.0 m to 1.2 m to accommodate new exterior insulation and a second storey addition.
- **Section 3.4.62 – Minimum Setback Requirements** to reduce the minimum setback requirement for the front lot line from 8.0 m to 6.8 m to accommodate new exterior insulation and a second storey addition.

Land Use Implications

The proposed renovation and addition to the dwelling is currently under construction. A variance to reduce the minimum setback requirement to the interior side lot line from 2.0 metres to 1.0 metre is requested for new exterior insulation and a second storey addition; and variances to the other lot lines setback from 5.0 metres to 1.2 metres, and the front lot line setback from 8.0 metres to 6.8 metres for new exterior insulation and an alteration to the existing roofline are requested. The alterations to the roofline and the additional exterior insulation will allow for better energy efficiency and a more modernized design consistent with the form and character of other dwellings in the neighbourhood. The proposed dwelling is approximately 6 metres in height which is below the 8-metre height maximum in the RS2 zone, and is located north of the Little Qualicum River Estuary Regional Conservation Area where no dwellings are located southwest of the property; therefore, it is not anticipated that the proposed construction will impact views from neighbouring properties.

The proposed addition to the dwelling meets the General Flood Construction Level (FCL) Exemption criteria in the “Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006” (Floodplain Bylaw) for a minor addition to an existing dwelling up to a maximum of 25 percent of the existing non-conforming floor area that existed on February 11, 1992. The applicant provided a BC Land Survey confirming the proposed addition meets the exemption criteria in the Floodplain Bylaw.

The subject property is located within the Hazard Lands and Marine Coast Development Permit Areas (DPA). The land in the Marine Coast DPA was previously altered. The proposed construction to the dwelling is outside of the Marine Coast DPA, and the applicant has installed silt fencing and hay bales along the Marine Coast DPA boundary to ensure that there is no disturbance or silt migration into the DPA during construction of the dwelling. The proposed construction meets the exemption criteria for the Hazard Lands DPA for construction of a building in accordance with the Floodplain Bylaw where there is no proposed land alteration, placement of fill, or modification of land within the floodplain outside of the building footprint beyond minor soil disturbance resulting from normal construction practices.

The applicant considered a revision to the building plans to move the existing western wall, which does not currently comply with the interior side yard lot line setback, to comply with the 2-metre setback requirement; however, the revision would have resulted in the wall of the dwelling not aligning with the existing carport and would have impeded the function of the existing path adjacent to the dwelling. The applicant has demonstrated that they have considered design solutions and options to reduce the requested variances and that there are considerable site and regulatory constraints which hinder the development opportunities on site. With consideration of the adjacent Marine Coast DPA; proposed improvements for insulation and better energy efficiency of the dwelling; restrictions of the Floodplain Bylaw; and site constraints due to size of the parcel in relation to setback requirement; the requested variances are considered acceptable and have adequately justified a land use rationale in accordance with “Board Policy B1.5 Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Evaluation” (Policy B1.5) (see Attachment 2 – Draft Development Variance Permit). Given that the applicants have provided sufficient rationale, and the variances are not anticipated to result in negative implications for adjacent property owners, the applicants have made reasonable efforts to address Policy B1.5.

Intergovernmental Implications

The proposed construction is located within the 4.5-metre Ministry of Transportation and Infrastructure (MOTI) road right-of-way setback. The proposed new construction requires approval from MOTI for a setback permit for which the applicant has applied to MOTI for the required setback permit. Approval from MOTI is a condition prior to issuance of this Development Variance Permit.

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. 1845, 2022", property owners and tenants of parcels located within a 100.0 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.

FINANCIAL IMPLICATIONS

The proposed development has been reviewed and has no implications related to the Board 2023 – 2027 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, Development and Emergency Services
D. Holmes, Chief Administrative Officer

ATTACHMENTS:

1. Subject Property Map
2. Draft Development Variance Permit

Author:
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File No. PL2023-075