



REGIONAL  
DISTRICT  
OF NANAIMO

**DEVELOPMENT VARIANCE PERMIT APPLICATION NO. PL2023-114  
416 GROVEHILL ROAD, ELECTORAL AREA H**

**RECOMMENDATION**

That the Board approve Development Variance Permit No. PL2023-114 to increase the permitted parcel depth of Lot A in relation to subdivision application No. PL2022-102, and subject to the terms and conditions outlined in Attachment 2.

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received an application from Adam Brash on behalf of Ronald and Shirley Hall for a parcel depth variance for a proposed 2-lot subdivision (PL2022-102). The subject property, legally described as Lot 1 District Lot 81 Newcastle District Plan EPP81110, is approximately 5.0 hectares in area and is zoned Rural 1 (RU1), Subdivision District 'D', pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (Bylaw No. 500). The property abuts Redwing Road to the south, the E&N Railway to the north, Grovehill Road to the east, and farmlands within the Agricultural Land Reserve to the south and southwest. An undeveloped road dedication which extends east of Whistler Road bisects the subject property between Lots A and B of the proposed subdivision (see Attachment 1 – Subject Property Map).

The property contains two existing dwellings, a horse shelter, barn, and shop on proposed Lot B and is serviced by a well and onsite wastewater disposal. There are no existing buildings or structures located on proposed Lot A.

The proposed subdivision satisfies the exemption criteria of the Aquifer Protection, Farmland Protection, and the Freshwater and Fish Habitat Development Permit Area (DPA) regulations. The watercourse located on Lot B does not meet the definition of a watercourse in Bylaw No. 500 and is not applicable to the Riparian Area Protection Regulations as it is not connected to fish habitat.

***Proposed Development and Variance***

The proposed development includes a 2-lot subdivision and future construction for a new dwelling unit on Lot A subject to subdivision and building permit approval. The subject property is bisected by an undeveloped road right of way which was gazetted prior to the adoption of Bylaw No. 500. The applicant proposes to separate the portion of the property segregated by the gazetted road dedication (Lot A). The narrow shape of Lot A results in a parcel depth of 45% of the perimeter of the parcel. Bylaw No. 500 subdivision regulations require that the depth of a parcel not exceed 40% of the length of the perimeter. Since the depth of Lot A exceeds 40% of the parcel perimeter, a variance is requested to permit subdivision to create the new parcel. The applicant proposes to vary the following regulations from the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987":

- **4.5.1 – Parcel Shape and Dimensions** to increase the maximum parcel depth from 40% to 45% of the length of the perimeter of the parcel.

The applicant has requested the parcel depth variance as follows:

Proposed Lot	Perimeter (m)	Maximum Parcel Depth (m)	Proposed Parcel Depth (m)	Proposed Parcel Depth as a % of the parcel perimeter
A	590.03 m	236.01 m	263.78	45%

***Land Use Implications***

The applicant’s proposal will not comply with the maximum parcel depth requirements in Bylaw No. 500 for proposed Lot A. Proposed Lot B meets the maximum parcel depth requirement. Both proposed lots comply with the minimum 10% parcel frontage requirements (see Schedule 2 of Attachment 2 – Development Permit with Variance). The parcel depth requirement ensures that each lot created has sufficient access, buildable areas, and space for the permitted uses. Proposed Lot A meets the exemption requirement for minimum lot size for a parcel that is physically separated by a highway (the undeveloped road right-of-way) which was dedicated prior to the adoption of Bylaw No. 500. Lot A would not have otherwise met the minimum parcel size requirement for subdivision.

Board Policy B1.5 – “Development Variance Permit, and Development Permit with Variance Application Evaluation” (Policy B1.5) requires a demonstration of a land use justification or rationale to address why the proposal cannot comply with the regulations and how the proposal can provide for efficient land use. The applicant has provided a land use justification that due to the location of the dedicated road right-of-way; the shape of Lot A is not able to be configured in any other way. The existing triangular shape of Lot A necessitates a parcel depth variance in order to be separated from the parent parcel. The applicant has demonstrated that there are no DPAs affected by the proposed subdivision and that adequate servicing and access are available for both lots. To satisfy the exemption criteria of the Freshwater and Fish Habitat DPA, the applicants have provided an assessment of surface drainage features prepared by Toth and Associates Environmental Services, dated January 18, 2019. The pond and ditch on the subject property and the roadside ditch are not known to be connected to fish habitat.

Due to the limited size of Lot A, it is likely that residential use will be the primary use of the Lot A. While agriculture is a permitted use, larger scale agriculture operations and the keeping of livestock would be limited due to the size of the parcel. Lot B maintains sufficient area for agriculture and the keeping of livestock (see Attachment 2 – Draft Development Variance Permit).

Given that the applicants have provided sufficient rationale, and the variance is 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 Ministry of Transportation and Infrastructure (MOTI) has issued Preliminary Layout Review (PLR) for the proposed subdivision. As a condition of approval, the applicant is required to demonstrate adequate water supply, suitable in-ground septic disposal and access. A well has been installed on-site and the applicant has confirmed adequate sewerage disposal and access to the site for Lot A from Grovehill Road.

The application was referred to the Dashwood Fire Hall. The Fire Chief requested that if a new residence is built, that it follows FireSmart building and landscape practices and that access into the property accommodates a Fire Engine. These recommendations have been included in the Subdivision Review Report provided to MOTI and are included as conditions of approval.

### ***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, Notification Procedures and Fees Bylaw No. 1845, 2022.", property owners and tenants of parcels located within a 100-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 2024-2028 Financial Plan.

### **STRATEGIC PLAN ALIGNMENT**

The proposed development has been reviewed and the proposal is in keeping with the 2023-2026 Board Strategic Plan. The Plan's "Planning and Managing for Growth" Strategic Focus Area states that the goal is to plan for and manage growth in our region to meet the needs of our communities within the means of the environment and to improve quality of life. The proposed subdivision plan demonstrates that the plan of subdivision meets the zoning requirements of Bylaw No. 500 and provides adequate developable area for the proposed residential use of Lot A and the residential and agricultural use of Lot B.

### **REVIEWED BY:**

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

### **ATTACHMENTS:**

1. Attachment 1 - Subject Property Map PL2023-114
2. Attachment 2 - Draft Development Variance Permit PL2023-114