

TO: Electoral Area Services Committee **MEETING:** June 12, 2018

FROM: Angela Buick
Planner **FILE:** PL2018-058

**SUBJECT: Development Variance Permit Application No. PL2018-058
796 Mariner Way – Electoral Area ‘G’
Lot 1, District Lot 181, Nanoose District, Plan 21761**

RECOMMENDATIONS

1. That the Board approve Development Variance Permit No. PL2018-058 to reduce the Interior Side Lot Line subject to the terms and conditions outlined in Attachments 2 to 4.
2. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2018-058.

SUMMARY

This development variance permit application has been submitted to recognize the siting of an existing shed by reducing the setback to the Interior Side Lot Line. Given that no negative impacts are anticipated as a result of the proposed variance, it is recommended that the Board approve the development variance permit pending the outcome of public notification and subject to the terms and conditions outlined in Attachments 2 to 4.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Aileen Herkel, the property owner, to recognize the siting of a shed that was constructed to replace an old shed in the same location. The subject property is approximately 0.1 of a hectare in area and is zoned Residential 1 Zone (RS1), Subdivision District ‘N’, pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is located south of the Strait of Georgia and is surrounded by residential lots (see Attachment 1 – Subject Property Map).

The subject property contains a dwelling unit and a shed and is serviced by community water and on-site septic system. In 2016, a development permit was issued under application PL2016-092 to address the Hazard Lands Development Permit Area for the construction of an addition to the dwelling unit. Through review of development permit PL2016-092 it was identified that a shed had been reconstructed on the property without a building permit.

The property owner is required to address the non-permitted construction of the shed before the building permit for the addition to the dwelling unit can be issued. The applicant has identified that the shed encroaches into the required 2.0 metre interior lot line setback and requests a variance to address the setback encroachment.

Proposed Development and Variance

The applicants propose 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 setback from the interior lot line from 2.0 metres to 0.9 metres for the siting of an existing shed, as measured to the outermost point of the building, as shown on Attachment 3.

Land Use Implications

The existing shed was reconstructed in approximately the same location as an original shed that had existed on the property for approximately 40 years. The reconstructed shed is similar in scale and location to the previous shed. It is not anticipated the variance will have negative land use impacts or view implications to neighbouring properties.

The applicant has requested a variance to legalize the siting of this shed in order to proceed with the building permit for the construction of the dwelling unit addition. In support of the application, the applicant retained a structural engineer and retrofitted the shed to meet the current *BC Building Code* requirements. The shed plans were referred to the RDN Building Inspection department, which advised that there were no concerns with the shed from a building code perspective.

Given that the applicant has provided sufficient rationale and the variance will not result in negative view implications for adjacent properties, the applicants have made reasonable efforts to address Board Policy B1.5.

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 Approvals and Notification Procedures Bylaw No. 1432, 2005”, property owners and tenants of parcels located within a 50.0 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.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2018-058 subject to the conditions outlined in Attachments 2 to 4.
2. To deny Development Variance Permit No. PL2018-058.

FINANCIAL IMPLICATIONS

The proposed development has no implications related to the Board 2018 – 2022 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

The proposed development has no implications for the 2016 – 2020 Board Strategic Plan.



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May 24, 2018

Reviewed by:

- J. Holm, Manager, Current Planning
- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

Attachments

1. Subject Property Map
2. Terms and Conditions of Permit
3. Proposed Site Plan and Variances

Attachment 2 Terms and Conditions of Permit

The following sets out the terms and conditions of Development Variance Permit No. PL2018-058:

Bylaw No. 500, 1987 Variance

With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as follows:

- **Section 3.4.61 - Minimum Setback Requirements** to reduce the setback from the Interior Side Lot Line from 2.0 metres to 0.9 metres as measured to the outermost point of the building.

Conditions of Approval

1. The site is developed in accordance with the Site Plan prepared by JE Anderson & Associates dated July 6, 2016 and attached as Attachment 3 and 4.
2. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

Attachment 3
Proposed Site Plan and Variances
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