



**DEVELOPMENT VARIANCE PERMIT APPLICATION NO. PL2025-040
2099 BRAMLEY ROAD, ELECTORAL AREA C**

Please note: Recommendation #2 has been fulfilled.

RECOMMENDATIONS

1. That the Board approve Development Variance Permit No. PL2025-040 to reduce the minimum setback requirement to allow for the expansion of the existing water reservoir 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. PL2025-040.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Newcastle Engineering on behalf of the City of Nanaimo to permit the expansion of the existing water reservoir. The subject property, legally described as Lot A, Sections 12 and 13, Range 1, Cranberry District, Plan VIP85538, is approximately 4.13 hectares in area and is zoned Resource Management 4 (RM4), Subdivision District 'V', pursuant to "Regional District of Nanaimo Zoning Bylaw No. 2500, 2024". The property is situated west of Bramley Road, bordered by residentially zoned properties to the north and east, with Resource Management lands to the south and west (see Attachment 1 – Subject Property Map).

The property contains an existing water reservoir and is serviced by a well and onsite wastewater disposal.

This application was previously presented at the May 8, 2025, Electoral Area Services Committee (EASC) meeting and was scheduled for consideration at the May 27, 2025, Board meeting. However, due to the high volume of delegations attending for a separate application, it was not considered at that time.

The application was then rescheduled for the June 10, 2025, Board meeting but was removed from the agenda as the applicant was unable to attend and speak to their application.

As a result, the application is returning to the EASC for further consideration. Notification will be re-issued prior to the application being brought forward for final consideration at the July 22, 2025, Board meeting.

Proposed Development and Variance

The proposed development involves expanding the existing water reservoir. To accommodate this expansion, the applicant is requesting a variance to reduce the required all lot line setback from 20 metres to 13.35 metres for a portion of the reservoir expansion that will encroach within the setback. The applicant proposes to vary the following regulations from the "Regional District of Nanaimo Zoning Bylaw No. 2500, 2024":

- **Section 4.33(d)(ii) – Minimum Setback Requirements – All lot lines** to reduce the minimum All lot line setback from 20.0 m to 13.35 m for a portion of the water reservoir.

Land Use Implications

The City of Nanaimo is proposing to expand the existing water reservoir on the subject property. The property is zoned Resource Management 4 (RM4), which requires a 20-metre setback for all buildings and structures. The intent of the 20-metre setback in the RM4 zone is to provide a buffer between typical RM4 uses—such as resource extraction and primary processing—which can be loud and disruptive to neighboring properties. While the proposed water reservoir is not associated with these activities, it does not meet the 20-metre setback requirement as it is proposed to be located 13.35 metres from the property line, thus requiring a variance.

The water reservoir is classified as an unattended public utility, which is permitted in all zones pursuant to Section 4.1(k) of Bylaw 2500. However, while the use is permitted, all buildings and structures must still comply with the setback requirements outlined in the zoning regulations, resulting in the need for a variance.

“Board Policy B1.5 Development Variance Permit and Development Permit with Variance” (Policy B1.5) for the evaluation of development variance permit applications requires that there is 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 variance request.

The letter explains that the reservoir expansion will provide significant benefits to residents of Electoral Area C and surrounding communities. The required volume of water was determined based on the necessary storage capacity for the serviced population and cannot be reduced without impacting service needs. As a result, the encroachment into the setback is unavoidable.

Additionally, the property contains extensive sub-surface bedrock and shale, requiring excavation. The proposed reservoir location was previously excavated and backfilled during the construction of the original reservoir. This area was pre-blasted to accommodate future construction to prevent the need for disruptive rock excavation near the active reservoir.

Given that the variance is not anticipated to result in negative implications for adjacent property owners, and the applicant has made reasonable efforts to address Policy B1.5, it is recommended that the variance request be approved subject to the terms and conditions outlined in Attachment 2 – Draft 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, 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 for the 2023 – 2026 Board Strategic Plan.

STRATEGIC PLAN ALIGNMENT

The proposed development has been reviewed and has no implications for the 2023 – 2026 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