



**DEVELOPMENT VARIANCE PERMIT APPLICATION NO. PL2025-038  
1358 MADRONA DRIVE, ELECTORAL AREA E**

Please note: Recommendation #2 has been fulfilled.

**RECOMMENDATIONS**

1. That the Board approve Development Variance Permit No. PL2025-038 to reduce the setback from the sea to allow the renovation of and addition to an existing dwelling unit 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. PL2025-038.

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received an application from C.A. Design on behalf of Daniel and Shelly Cave to permit the renovation of and addition to an existing dwelling unit. The subject property, legally described as Lot 8, District Lot 68, Nanoose District, Plan 26680 is approximately 0.2 hectares in area and is zoned Residential 1 (RS1), Subdivision District 'N', pursuant to "Regional District of Nanaimo Zoning Bylaw No. 2500, 2024" (Bylaw 2500). The property is surrounded by developed residential lots to the north and south, Madrona Drive to the southwest and the Strait of Georgia to the northeast (see Attachment 1 – Subject Property Map). The property contains an existing dwelling unit with attached garage and is serviced by community water and an on-site wastewater disposal system.

A portion of the dwelling unit is within the Coastal Flood Hazard Development Permit Area; however, as the proposed renovation is exempt from the Regional District of Nanaimo Flood Hazard Mitigation Bylaw 1872, 2023", a development permit is not required for the proposed renovation.

***Proposed Development and Variance***

The proposed development includes the renovation of and addition to an existing dwelling unit within the setback to the sea. At the time the dwelling unit was constructed in 1976 it exceeded the required minimum setback from the sea of 25 feet (approximately 7.62 metres) as per the zoning bylaw at the time, "The Regional District of Nanaimo Zoning By-law No. 53, 1973" (Bylaw 53). As bylaw 2500 requires a minimum setback of 15 metres from the natural boundary from the sea in Electoral Area E, the existing dwelling unit would now be considered legal non-conforming.

To allow a minor renovation to the existing dwelling unit within the setback, the applicant proposes to vary the following regulations from the "Regional District of Nanaimo Zoning Bylaw No. 2500, 2024":

- **Section 3.10(b)(ii) – Setbacks - Sea** to reduce the setback from the natural boundary of the sea from 15.0 metres to 11.0 metres for a dwelling unit.

### ***Land Use Implications***

The proposed renovation within the setback to the sea includes a minor addition to the existing deck to square off one corner and an alteration to an existing bump out on the dwelling unit to allow the corners of the bump out to be squared off rather than octagonal in shape. The renovation to the bump out will increase the distance of the dwelling unit wall from the sea and will not result in any increase in floor area to the portion of the dwelling unit within the setback. Instead, the floor area is proposed to be reconfigured and reduced. Approximately 2.47 m<sup>2</sup> of floor area will be removed from within the setback and 1.01 m<sup>2</sup> of floor area will be added. A second storey deck will also be removed, further reducing the current encroachment. The applicant is also proposing a renovation and addition to the front of the dwelling unit, outside the setback to the sea, to convert the existing attached garage to a gym and office space and the existing gym to an attached garage, complete a small addition to the front entrance and enclose an open breezeway between the dwelling and current garage.

The applicant has provided a survey, site plan, and building plans indicating the areas of the proposed renovation and addition to the existing dwelling unit as part of the application. The proposed site plan is shown on Schedule 2 and existing and proposed building elevations are shown on Schedule 3 of Attachment 2 – Draft Development Variance Permit.

As a portion of the dwelling unit is within the coastal floodplain, the applicant has submitted a Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd., June 10, 2025 (Assessment) to address “Regional District of Nanaimo Flood Hazard Mitigation Bylaw No. 1872, 2023” (Bylaw 1872) and the reduced setback to the sea. The Assessment establishes a coastal Flood Construction Level (FCL) of 7.01 metres CGVD2013 and notes that most of the property is at an elevation of 7.5 metres before it begins to decline where the existing dwelling unit is constructed. The main floor elevation of the dwelling unit is at 7.79 metres CGVD2013. The Assessment confirms that while the existing dwelling unit is within the 15-metre setback to the sea, it is surrounded by erosion resistant bedrock formation and that as the renovation does not substantially modify the building footprint, they have no concern with the existing setback from the Present Natural Boundary (PNB). It is recommended that the applicant be required to ensure development of the property is in accordance with the Assessment (see Attachment 2, Schedule 1 – Terms and Conditions of Permit). Registration of the Assessment on the property title will likely be a requirement of the building permit application.

Bylaw 1872 establishes exemption criteria for scenarios where the bylaw does not apply. In this case, the bylaw does not apply to additions to an existing building or structure to a maximum of 25 percent of the ground floor area that was existing on February 11, 1992, if the number of dwelling units is not increased, there is no further encroachment into the setback, and no additional habitable area is constructed below the elevation of the lowest habitable area of the existing building. As the dwelling unit was constructed under a building permit in 1976, there is no further encroachment into the setback, no additional habitable area is proposed below the elevation of the lowest floor, and the total ground floor area at that time was approximately 146 m<sup>2</sup>, the applicant is permitted to complete an addition of up to 36.5 m<sup>2</sup>. In this case, the only increase in habitable floor area within the coastal floodplain is to a portion of the garage that is proposed to be converted to gym space. Approximately 10.5 m<sup>2</sup> of the garage to gym conversion, or 7% of the habitable floor area of the dwelling that existed in 1992, is located within the mapped floodplain. This is well under the maximum permitted 25% or 36.5 m<sup>2</sup> of additional habitable area that is permitted. Therefore, the proposed renovation and additions meet the exemption criteria from Bylaw 1872.

“Board Policy B1.5 Development Variance Permit and Development Permit with Variance Application Evaluation” (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 indicated the following:

- The dwelling unit was constructed in 1976 and at the time conformed to the minimum setback from the sea of 25 feet (7.62 metres) required by the zoning bylaw. Since the time of the construction, the setback has been increased rendering the dwelling unit legally non-conforming.
- The proposed renovations do not increase the building’s encroachment into the current setback and instead the encroachment into the current setback will be reduced and moved further away from the sea. This results in an improvement in relation to the current setback requirement.
- The current setback requirement imposes unreasonable constraints on the ability of the owners to make practical and modest improvements while maintaining the existing home.
- Every effort has been taken to minimize the scope of the variance, and the renovation has been designed to respect both existing built form and the current setback requirements to the greatest extent possible.
- The proposed renovation will enhance the visual appeal of the home. The redesign improves the architectural quality of the existing structure, and the reduced seaward projection will improve view corridors for neighbouring properties. Letters of support from adjacent property owners have been provided.
- The renovations will enhance the livability and functionality of the dwelling for the owners without negatively affecting neighbouring properties or infrastructure.
- The proposed renovation will not adversely impact the environment. All work will occur within an already disturbed area that currently consists of hardscape surfaces and shifting the dwelling farther from the shoreline will support environmental stewardship goals.

The applicant has submitted letters of support from owners of four of the adjacent properties expressing support for the application and confirming they have no concerns with the proposed variance.

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.

### ***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 no implications related to the Board 2025-2029 Financial 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