



REGIONAL  
DISTRICT  
OF NANAIMO

**REQUEST TO REMOVE COVENANT APPLICATION NO. PL2025-071  
1805 HUCKLEBERRY WAY, ELECTORAL AREA A**

**RECOMMENDATION**

That the Board approve the request to remove a Section 219 Covenant ET136697 registered as part of a frontage relaxation in relation to an 8-lot subdivision to allow the construction of a second dwelling unit with a floor area greater than 112 m<sup>2</sup>.

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received an application from Gary Schofield and Natalie Wright of Trafalgar Homes on behalf of Garvan Byrne, Jennifer Byrne, Michaela Ludvigson, and Bradley Olson to remove an existing Section 219 Covenant (ET136697) from the property title to allow the construction of a second dwelling unit with a habitable floor area greater than 112 m<sup>2</sup>. The covenant was registered on the title of the subject property in 2002 as part of a frontage relaxation in conjunction with a proposed 8 lot subdivision. The subject property, legally described as Lot 3, Section 14, Range 8, Cranberry District, Plan VIP74545, is 2.18 hectares in area and is zoned Rural Residential 2.5 (RR2.5), Subdivision District 'D', pursuant to "Regional District of Nanaimo Zoning Bylaw No. 2500, 2024". The property is surrounded by developed rural residential properties to the north and south, a large parcel within the Agricultural Land Reserve (ALR) to the east, and Huckleberry Way to the west (see Attachment 1 – Subject Property Map). The property contains a dwelling unit and is serviced by a shared well and on-site wastewater disposal system.

In conjunction with a proposed 8-lot subdivision application in 1999 that resulted in the creation of the subject property, a frontage relaxation was required for four of the proposed lots to allow access to the parcels from a new cul-de-sac road, Huckleberry Way. At the time of the subdivision, the policies outlined in "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1116, 1998" (OCP) supported a density of one dwelling unit per hectare and the Rural 4 (RU4) zone permitted two dwelling units on parcels greater than 2.0 hectares in area with no restriction on floor area. However, the "Regional District of Nanaimo Growth Management Plan Bylaw No. 985, 1995" (GMP) included policies and guidelines related to the protection of rural integrity and suggested that amending the provision for two dwelling units per parcel in rural areas should be considered during the OCP review and preparation process to permit only one dwelling unit per parcel for all new subdivisions. In support of the GMP policies related to the protection of rural integrity and as part of the frontage relaxation approval, the applicant agreed to restrict the size of the second dwelling unit to a maximum living area of 112 m<sup>2</sup>, exclusive of garages and carports, and to restrict further subdivision, including subdivision pursuant to the *Condominium Act* (now the *Strata Property Act*). This agreement was secured through the registration of a Section 219 Covenant (ET136697) concurrent with the registration of the subdivision – see Attachment 2 – Covenant ET136697.

The policies and guidelines outlined in the GMP related to restricting density to one dwelling unit per parcel were never implemented into zoning regulations for Electoral Area A and the GMP was superseded by “Reginal District of Nanaimo Regional Growth Strategy Bylaw No. 1309, 2002” (RGS) which did not contain policies to limit residential densities to one dwelling unit per parcel.

### ***Proposed Development***

The applicants have applied to remove the existing Section 219 covenant (ET136697) which restricts the size of the second dwelling unit to 112 m<sup>2</sup>, exclusive of garages and carports, to allow for the construction of a two-bedroom dwelling unit with an approximate floor area of 143 m<sup>2</sup>. The applicants have indicated that the proposed dwelling unit would support multi-generational living by providing a comfortable living space for grandparents to retire to and be actively involved in raising their grandchildren.

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

The subject property is zoned Rural Residential 2.5 (RR2.5) which permits the construction of two dwelling units and two secondary suites and prohibits subdivision below the 2.0-hectare minimum parcel size, including subdivision pursuant to the *Strata Property Act*. In addition, current OCP policy supports residential development at a density of one dwelling unit per hectare (or two dwelling units on a parcel greater than 2.0 hectares) in rural areas with no restriction on the size of the second dwelling unit. The removal of the Section 219 covenant would have no impact on the ability to further subdivide the property and would support development of the subject property consistent with that of most similarly zoned parcels in the area.

The applicants have submitted a proposed site plan, draft building plans, a copy of the Island Health sewerage system filing, and an evaluation report of the existing well prepared by ABC Water Systems, dated May 27, 2025 in support of the application. The well evaluation indicates that a brief pumping test of the well was completed and that the well is producing more than 87,215 litres/day (approximately 87 m<sup>3</sup>/day). The proposed site plan indicates that there is sufficient area to accommodate the proposed second dwelling unit despite the parcels reduced frontage – see Attachment 3- Proposed Site Plan.

Given that the applicants have provided an acceptable rationale and supporting documents for the proposed covenant removal and that removal of the covenant would allow the construction of a second dwelling unit consistent with similarly zoned and developed rural residential parcels in the area, staff recommend the application to remove Section 219 Covenant ET136697 from the title of the subject property be approved.

### **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 Strategic Plan.

### **REVIEWED BY:**

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

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File No. PL2025-071

**ATTACHMENTS:**

1. Subject Property Map
2. Covenant ET136697
3. Proposed Site Plan