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**TO:** Electoral Area Services Committee      **MEETING:** July 10, 2018

**FROM:** Angela Buick  
Planner      **FILE:** PL2018-008

**SUBJECT:** Development Variance Permit Application No. PL2018-008  
2798 Sunset Terrace – Electoral Area ‘H’  
Strata Lot 244, District Lot 251, Alberni District, Strata Plan VIS5160  
Together with an Interest in the Common Property in Proportion to the Unit  
Entitlements

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## **RECOMMENDATIONS**

1. That the Board approve Development Variance Permit No. PL2018-008 to increase the maximum permitted floor area for a recreational residence 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. PL2018-008.

## **SUMMARY**

This is an application to allow the construction of a recreational residence on the subject property with a variance to increase the maximum permitted main floor area from 70 m<sup>2</sup> to 104 m<sup>2</sup>. The applicant also proposes to decrease the maximum permitted floor area of an upper or lower loft from 35 m<sup>2</sup> to 0 m<sup>2</sup> and to decrease the maximum permitted deck and porch area from 40 m<sup>2</sup> to 5 m<sup>2</sup>. Given that there are no negative impacts anticipated as a result of the proposed variances, 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 owners David and Mary Paquin to permit the construction of a recreational residence on the subject property. The subject property is approximately 0.150 hectares in area and is zoned Horne Lake Comprehensive Development Zone 9 (CD9) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is located on the east side of Horne Lake and is surrounded by developed recreational properties to the north and south, Sunset Terrace to the east and Horne Lake to the west (see Attachment 1 – Subject Property Map).

The property slopes steeply down from Sunset Road toward Horne Lake and currently contains a recreational residence, which is proposed to be demolished.

### ***Proposed Development and Variance***

The proposed development includes the construction of a new recreational residence. The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

- **Section 3.4.107.2 - Maximum Number and Size of Buildings Structures and Uses - Floor Area c) i)** to increase the maximum permitted floor area for a single-story cabin from 70 m<sup>2</sup> to 104 m<sup>2</sup>.
- **Section 3.4.107.6 – Other Regulations xi)** to decrease the maximum permitted floor area of an upper or lower loft from 35 m<sup>2</sup> to 0 m<sup>2</sup>.
- **Section 3.4.107.6 – Other Regulations xiii)** to decrease the floor area for porches and decks from 40 m<sup>2</sup> to 5 m<sup>2</sup>.

The Horne Lake strata owners have indicated to the Horne Lake Strata Council their general support for increases to the main floor area of recreational residences by combining the permitted loft floor area and main floor area, which is consistent with this application.

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

The CD9 zone permits a recreational residence with a maximum 70 m<sup>2</sup> of main floor area and an additional 35 m<sup>2</sup> of upper or lower loft floor area. The total permitted floor area of a recreational residence in the CD9 zone is 105 m<sup>2</sup>. The CD9 zone also limits the combined footprint of a recreational residence and deck to a maximum area of 110 m<sup>2</sup>, which can consist of up to 70 m<sup>2</sup> for the recreational residence main floor and up to 40 m<sup>2</sup> for an attached porch or deck. The limitations on floor area and footprint in the CD9 zone were originally intended to limit the scale of recreational residences, reinforce the recreational use of the properties, and protect the environment and water quality of Horne Lake.

The applicant proposes a single-story recreational residence with an increase in the permitted main floor area from 70 m<sup>2</sup> to 104 m<sup>2</sup>. The proposal includes a reduction to the permitted upper or lower loft floor area from 35 m<sup>2</sup> to 0 m<sup>2</sup> in order to limit the total floor area and ensure consistency with the original intent of the CD9 zone. The applicant is also proposing to reduce the maximum area of attached porches and decks from 40 m<sup>2</sup> to 5 m<sup>2</sup> to limit the maximum combined footprint for the recreational residence and porch/deck to 109 m<sup>2</sup>. Provided the terms and conditions of the permit are met, the proposal is in keeping with the spirit and intent of the CD9 zone (see Attachment 2 – Terms and Conditions of Permit).

With respect to the height of the recreational residence, the CD9 zone permits a maximum height of 6.1 metres however, a structure may be up to 8.0 metres in height where the difference in height between 8.0 metres and 6.1 metres arises from the construction of raised foundations or other construction which does not enclose habitable or occupiable storage space. Provided the raised foundation meets this requirement, the proposed recreational residence is permitted to be up to 8.0 meters in height under the provisions of the CD9 zone.

“Board Policy B1.5 Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Evaluation” (Policy B1.5) for 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 the application and to address this policy the applicant has provided a letter of rationale for the requested variances. The applicant has also provided a survey site plan and building elevations (see Attachment 3 – Proposed Site Plan and Variances, and Attachment 4 – Building Elevations).

With respect to the applicant's proposal to combine the floor area permitted for a two-story cabin to allow a single-story cabin with a maximum total floor area of 109 m<sup>2</sup>, the applicants have indicated that a single-story building provides greater access to all areas of the cabin for a family member with mobility impairment and supports planning for future age-related mobility issues. The proposed single-story cabin façade has been designed to be in keeping with the natural elements of the area that includes post and beam log construction materials and does not impose on neighbouring properties or impede views to Horne Lake.

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

### ***Environmental Implications***

The applicant has retained a Qualified Environmental Professional (QEP) to complete a Watercourse Assessment for Horne Lake Strata Lot 244 to determine if the drainage course on the property constitutes a "watercourse" as defined by Bylaw 500, and also if the watercourse is subject to the Fish Habitat Development Permit Area and the Riparian Areas Regulation (RAR). The assessment determined that the ditch does not meet the Bylaw 500 definition of a watercourse as it has poorly defined banks that are less than 0.6 metres in height and is expected to contain water less than 6 months of the year. The assessment also determined that the drainage and building construction works proposed on the subject property would not trigger the requirement for the Riparian Areas Regulation review (RAR) given that the proposed instream works are subject to approval under the *Water Sustainability Act*, and there is no development proposed within the previously determined 1.5 metre Stream Side Protection and Enhancement Area (SPEA) for the drainage course, or within the 15 metre SPEA of Horne Lake, which were established through previously issued development permits.

It is recommended that the applicant be required to follow the recommendations of the Watercourse Assessment as a condition of this development variance permit (see Attachment 2 – Conditions of 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 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 and will have an opportunity to comment on the application prior to the Board's consideration of approval.

## **ALTERNATIVES**

1. To approve Development Variance Permit No. PL2018-008 subject to the conditions outlined in Attachments 2 to 4.

2. To deny Development Variance Permit No. PL2018-008.

### **FINANCIAL IMPLICATIONS**

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

### **STRATEGIC PLAN IMPLICATIONS**

Staff have reviewed the proposed development and note that the proposal has no implications for the 2016 – 2020 Board Strategic Plan.



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Angela Buick  
abuick@rdn.bc.ca  
June 21, 2018

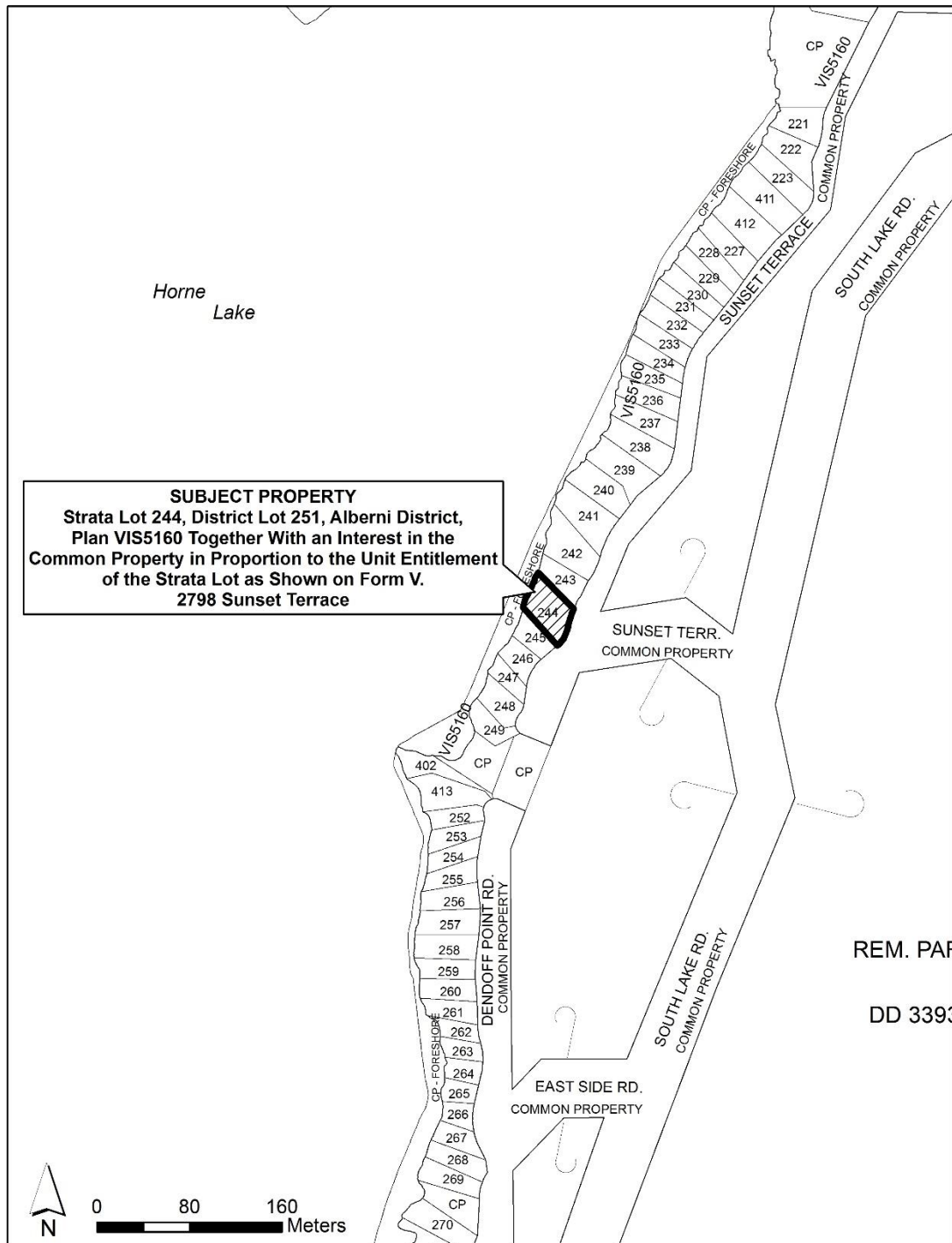
Reviewed by:

- 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
4. Building Elevations

**Attachment 1**  
**Subject Property Map**



## **Attachment 2**

### **Terms and Conditions of Permit**

The following sets out the terms and conditions of Development Variance Permit No. PL2018-008:

#### Bylaw No. 500, 1987 Variances

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

1. **Section 3.4.107.2 – Maximum Number and Size of Buildings Structures and Uses c) i)** to increase the maximum cabin floor area from 70 m<sup>2</sup> to 104 m<sup>2</sup>.
2. **Section 3.4.107.6 – Other Regulations xi)** to decrease the maximum permitted floor area for an upper or lower loft from 35 m<sup>2</sup> to 0 m<sup>2</sup>.
3. **Section 3.4.107.6 – Other Regulations xiii)** to decrease the floor area used for porches and decks from 40 m<sup>2</sup> to 5 m<sup>2</sup>.

#### Conditions of Approval

1. The site is developed in accordance with the site plan prepared by Bruce Lewis of Bruce Lewis Surveying Inc. and dated June 12, 2018 and attached as Attachment 3.
2. The proposed recreational residence is to be in general compliance with the plans and elevations as prepared by Streamline Design Ltd. and dated October 25, 2017 and attached as Attachment 4. The foundation design is to be consistent with the CD9 zoning requirements.
3. The site is developed in accordance with the Watercourse Assessment for Horne Lake Strata Lot 244 written by EDI Environmental Dynamics Inc. and Dated June 12, 2018.
4. 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

#### SKETCH PLAN TO ACCOMPANY BUILDING PERMIT APPLICATION FOR: STRATA LOT 244, DISTRICT LOT 251, ALBERNI DISTRICT, STRATA PLAN VIS5160.

JUNE 12, 2018.

##### LEGEND

PID 025-247-948

Grid bearings are derived from G.P.S. observations, to derive local astronomic bearings subtract  $1^{\circ}17'34''$ , and are referred to the meridian through the Rock Post No 07.

- - denotes - Standard Iron Post
- CP - denotes - Common Property
- D.P. - denotes - Development Permit
- OD - denotes - Overall Distance
- P.N.B. - denotes - Present Natural Boundary
- denotes - Top of Bank

SCALE = 1 : 250

5 0 5 10 15 20  
All distances are in metres and decimals thereof unless otherwise stated.

NOTE: GRIDLINE ELEVATIONS ARE REFERENCED TO GRIDLINE SURVEYS OF CANADA.  
CURRENT ELEVATION DATUM WITH AN ELEVATION OF 126.443 METRES. ELEVATIONS ARE ESTABLISHED BY A COMBINATION OF TOPOMETRIC LEVELING AND WATER LEVEL TRANSFERS.

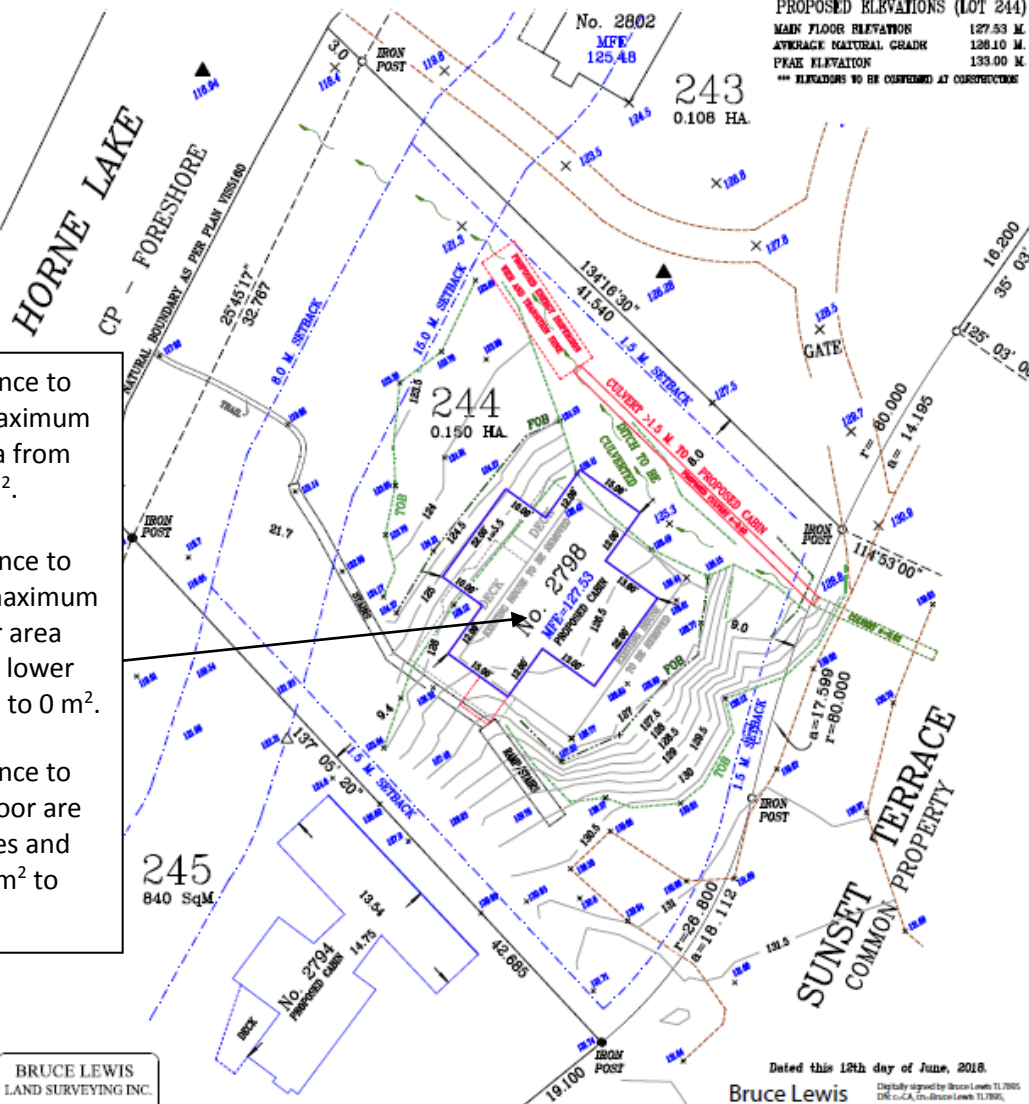
##### GENERAL NOTES

- 1) ALL PROPOSED IMPROVEMENTS MUST BE CLEAR OF ZONING AND APPROVED D.P. SETBACKS - INCLUSIVE OF RAVES, CHIMNEYS, DECKS, STEPS, ETC.
- 2) SEPTIC HOLDING TANK MUST BE GREATER THAN 15 METRES FROM THE NATURAL BOUNDARY AND WITHIN ZONING SETBACKS
- 3) MAIN FLOOR ELEVATION MUST BE CONFIRMED PRIOR TO CONSTRUCTION.
- 4) ALL PROPOSED IMPROVEMENTS WITHIN THE DP ZONE MUST BE INDICATED (INCLUSIVE OF PARKING, ACCESS, PATHS, DECKS & PATIOS).
- 5) PROPOSED BUILDING SETBACK INFORMATION MAY VARY UPON LOCAL SURVEY.
- 6) ELEVATIONS ARE GEODETIC AND HAVE BEEN ESTABLISHED BY INCOMMERCIAL OBSERVATIONS, DIFFERENTIAL LEVELING AND WATER LEVEL TRANSFERS.
- 7) ELEVATIONS ARE REFERENCED TO GEODETIC SURVEYS OF CANADA, CONTROL MONUMENT 84C022 (150.443) AND ARE IN METRES AND DECIMALS THEREOF
- 8) SITE INFORMATION PROVIDED FROM P.B. 22, 2000 SURVEY.

OWNERS: David & Mary Paquet

##### PROPOSED ELEVATIONS (LOT 244)

MAIN FLOOR ELEVATION 127.53 M  
AVERAGE NATURAL GRADE 126.10 M  
PAVE ELEVATION 133.00 M  
\*\*\* ELEVATIONS TO BE CONFIRMED AT CONSTRUCTION



1. Proposed variance to increase the maximum cabin floor area from 70 m<sup>2</sup> to 104 m<sup>2</sup>.
2. Proposed variance to decrease the maximum permitted floor area for an upper or lower loft from 35 m<sup>2</sup> to 0 m<sup>2</sup>.
3. Proposed variance to decrease the floor area used for porches and decks from 40 m<sup>2</sup> to 5 m<sup>2</sup>.

BRUCE LEWIS  
LAND SURVEYING INC.  
811 HIGHLAND COURT  
COMOX B.C. V9M 3R4  
FILE: 1871-A01

This application lies within the  
Nanaimo Regional District.

Dated this 12th day of June, 2018.  
Bruce Lewis  
TL7895  
Digitally signed by Bruce Lewis TL7895  
DN: c=CA, cn=Bruce Lewis TL7895,  
o=BC Land Surveyors, ou=Survey ID at  
www.bcland.com, email=bruce@bcland.com,  
id=TL7895  
Bruce V Lewis, BCLS®

Attachment 4  
Building Elevations

