

TO: Electoral Area Services Committee **DATE:** October 2, 2018
FROM: Greg Keller
Senior Planner **FILE:** PL2018-117
SUBJECT: Development Variance Permit Application No. PL2018-117
1035 Shayla Road – Electoral Area H
Lot 11, Block 360, Alberni District, Plan 35982

RECOMMENDATIONS

1. That the Board approve Development Variance Permit No. PL2018-117 to increase the accessory building floor area to permit the construction of an additional accessory building subject to the terms and conditions outlined in Attachments 2 and 3.
2. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2018-117.

SUMMARY

This is an application to increase the maximum accessory building floor area to permit the construction of an additional accessory building. 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 and 3.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Fern Road Consulting Ltd. on behalf of Willy and Barbary Rycquart to increase the maximum accessory building floor area to permit the construction of a prefabricated steel accessory building. The subject property is approximately 8.1 hectares in area and is zoned Rural 1 (RU1), Subdivision District 'B', pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" The property is located between Turnbull and Shayla Roads and is surrounded by other RU1 zoned rural properties (see Attachment 1 – Subject Property Map).

The property contains two dwelling units and a number of accessory buildings and is serviced by onsite water and wastewater disposal.

Proposed Development and Variance

The proposed development includes the construction of a 278 square metre accessory building. The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

- **Section 3.4.81 – Maximum Number and Size of Buildings and Structures** to increase the maximum combined accessory building floor area from 400 m² to 550 m² to accommodate the construction of an additional accessory building.

Land Use Implications

The subject property is currently developed with two dwelling units and four accessory buildings. The proposal is to remove one of the existing accessory buildings and construct an additional accessory building that is 278 square metres in floor area. The accessory buildings that are proposed to remain total 236.6 square metres of floor area. Therefore, if approved, there would be 515.6 square metres of accessory building floor area. The applicant has requested an additional 34.6 square metres of permitted accessory building floor as a buffer to accommodate extended overhangs and/or a covered porch that has yet to be determined.

The applicant indicates that the proposed prefabricated metal accessory building is required to support their hobby of restoring vintage Seabee aircraft for their personal enjoyment. The applicant indicates that the proposed accessory building must be large enough to accommodate the parts and necessary machinery and equipment required to restore the aircraft. While a final building design has not been provided, the applicant has submitted a photograph showing the type of prefabricated metal building that is proposed.

“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 this case, the applicant has provided a comprehensive land use justification and has also submitted a letter of support from the adjacent property owner. In summary, the applicant has provided the following land use justification in support of this application:

- The subject property is 8.1 hectares and would allow for over 20,000 square metres of parcel coverage based on current zoning and of that only two percent of the parcel coverage is permitted to be accessory building floor area.
- If the property was successfully rezoned for a 2.0 hectares minimum parcel size as supported by the Electoral Area H Official Community Plan, the subject property could be subdivided into three to four lots allowing a total of 1,200 square metres to 1,600 square metres of overall accessory building floor area.
- The proposed accessory building would not be seen from adjacent roads.
- The extent of the requested variance is reduced by the removal of an existing accessory building which has a floor area of approximately 102 m².

- Due to topography and the location of the well and septic field, it is not possible to construct an addition to the dwelling unit to accommodate the proposed use.

The requested variance is being recommended in recognition of the large size and rural context of the subject property as well as there being no discernable impacts associated with the proposed accessory building. The variance requested is specific to the current parcel and proposed site plan. If the subject property were rezoned and subdivided in the future, each parcel created would be limited to the maximum accessory building floor area in the applicable zone at that time.

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 Policy B1.5 guidelines.

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. PL2018-117 subject to the conditions outlined in Attachments 2 to 3.
2. To deny Development Variance Permit No. PL2018-117.

FINANCIAL IMPLICATIONS

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

STRATEGIC PLAN IMPLICATIONS

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



Greg Keller
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September 19, 2018

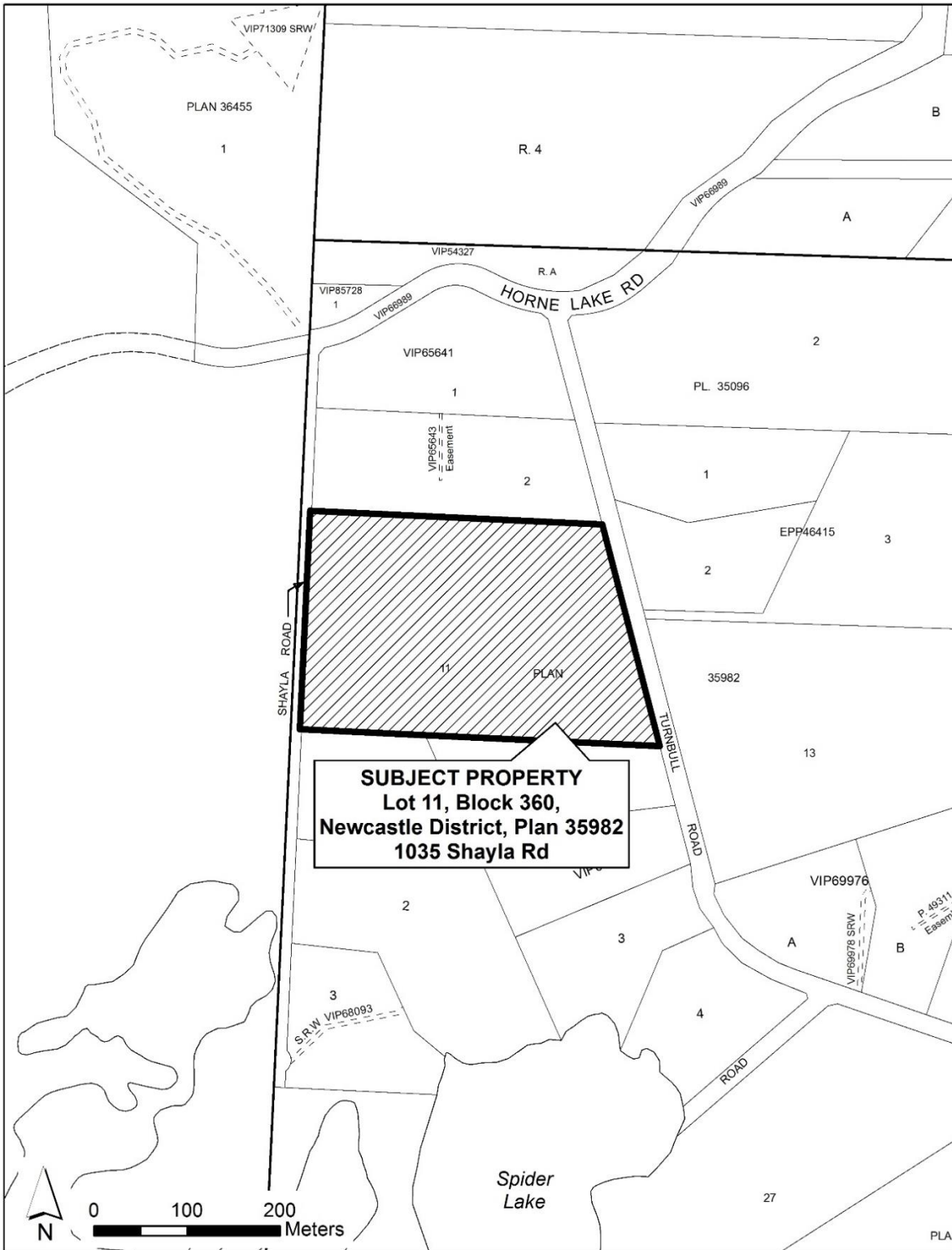
Reviewed by:

- J. Holm, Manager, Current Planning
- G. Garbutt, A/Chief Administrative Officer

Attachments

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

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. PL2018-117:

Bylaw No. 500, 1987 Variance

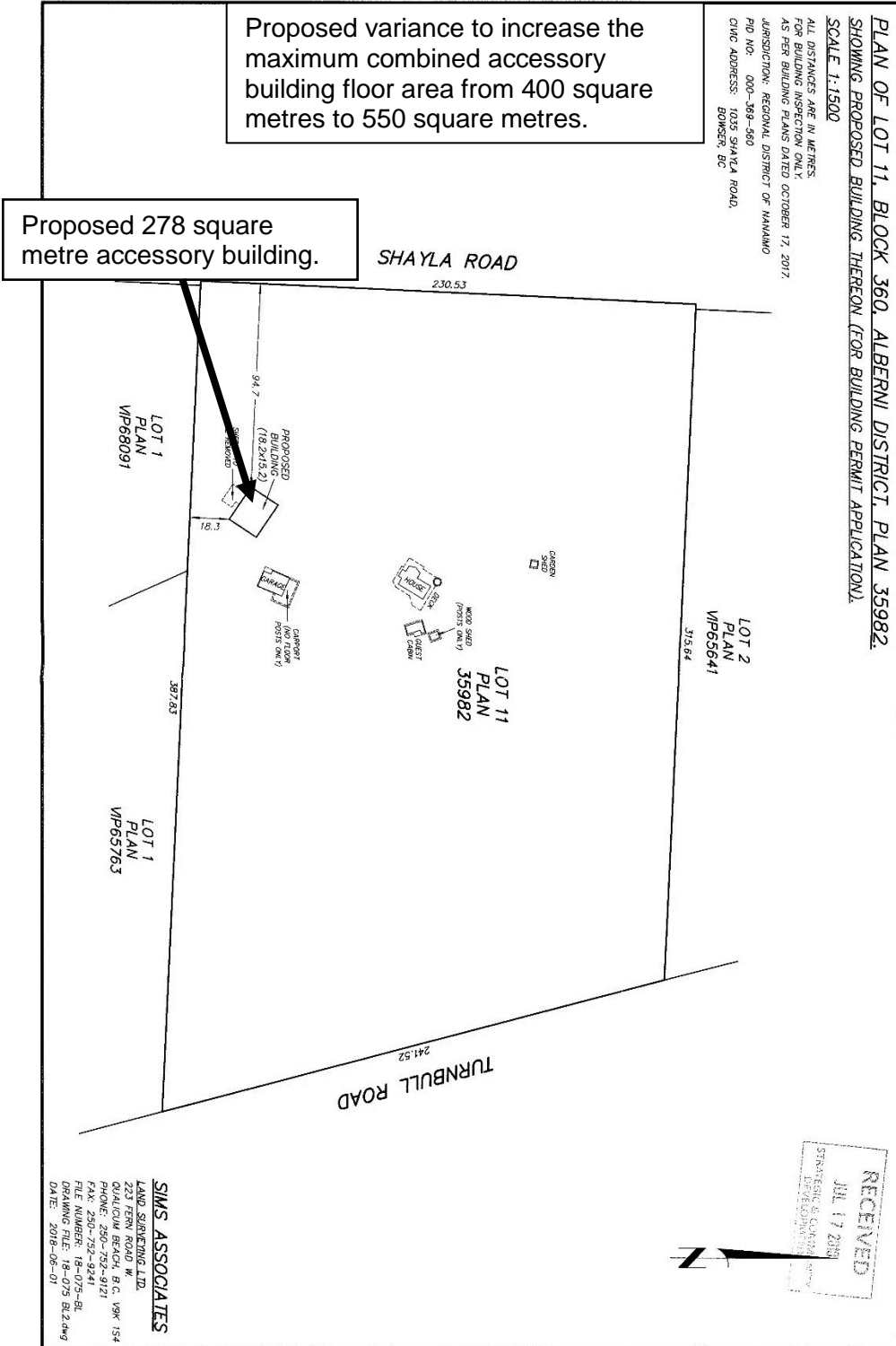
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as follows:

1. **Section 3.4.81 – Maximum Number and Size of Buildings and Structures** to increase the maximum combined accessory building floor area from 400 m² to 550 m² to accommodate the construction of an additional accessory building.

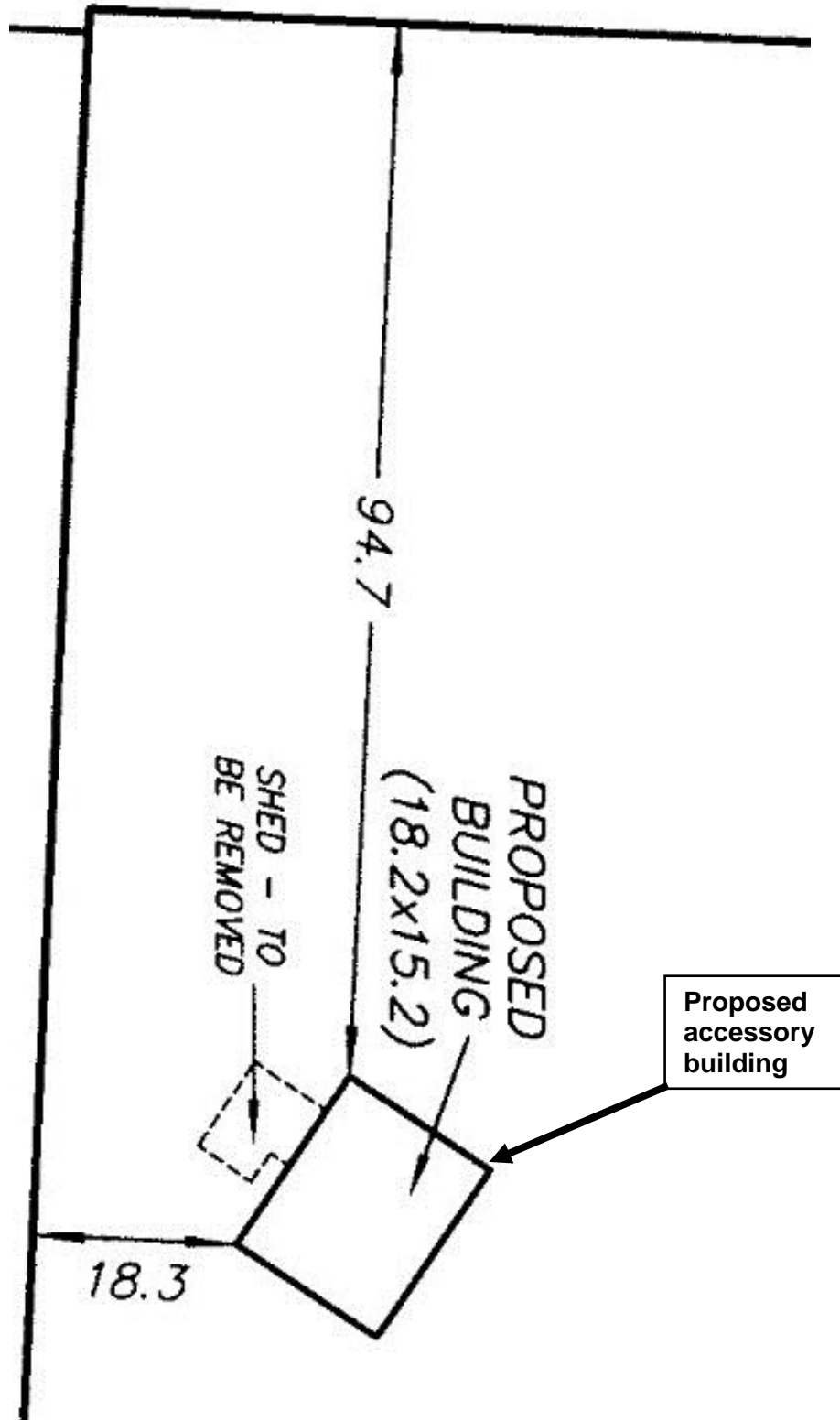
Conditions of Approval

1. The site is developed in accordance with the Survey Plan prepared by Sims Associates, dated June 1, 2018 and attached as Attachment 3.
2. The proposed development is in general compliance with conceptual building elevation prepared by attached as Attachment 4.
3. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

**Attachment 3 (Page 1 of 2)
 Proposed Site Plan and Variances**



Attachment 3 (Page 2 of 2)
Proposed Site Plan and Variances – Enlarged for Convenience



**Attachment 4
Conceptual Building Elevation**

