
TO: Electoral Area Services Committee **DATE:** February 12, 2019
FROM: Angela Buick
Planner **FILE:** PL2018-169
SUBJECT: **Development Variance Permit Application No. PL2018-169**
1437 Madrona Drive – Electoral Area E
Lot 137, District Lot 68, Nanoose District, Plan 26680

RECOMMENDATIONS

1. That the Board approve Development Variance Permit No. PL2018-169 to reduce the setback from the top of slope of 30 percent or greater from 8.0 metres to 1.4 metres 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. PL2018-169.

SUMMARY

The applicant requests to vary the setback from the sea from 8.0 metres to 1.4 metres from the top of bank to allow the renovation of an existing dwelling unit with deck, two additions and detached garage on the subject property. The renovation is largely within the existing footprint with some expansions into the setback area (from top of the slope) that have been identified as safe through geotechnical assessments. The applicant has also demonstrated that the proposed building location is consistent with the location of the houses on the neighbouring properties and does not anticipate a negative impact to the neighbours' view of the sea. Given that this is a redevelopment of an existing dwelling unit, that the setback encroachments are deemed geotechnically safe on the property and that the variance is unlikely to result in negative view implications, it is recommended that the Board approve the variance, 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 J.E. Anderson and Associates on behalf of Francine Lussier to permit the renovation of an existing dwelling unit where an expanded covered deck from the original size and portions of the kitchen and bedroom additions are within the required setback to the sea. The subject property is approximately 0.32 hectares in area and is zoned Residential 1 (RS1), pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property is located to the northwest of Northwest Bay, southeast of Madrona Drive and adjacent to residential properties (see Attachment 1 – Subject Property Map).

The property contains a dwelling unit with deck and detached garage and is serviced by RDN community water and onsite sewage disposal.

Proposed Development and Variance

The applicant requests a variance for portions of a dwelling unit within the setback from the sea from the top of a slope 30 percent or greater. The proposed attached covered deck and kitchen and bedroom additions will be within the 8.0 metre setback. The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

- **Section 3.3.9 – Setbacks – Sea** to reduce the minimum setback from the top of slope of 30 percent or greater from 8.0 metres to 1.4 metres for the covered deck and portions of the two proposed additions.

Land Use Implications

The applicants are proposing to renovate the entire dwelling unit with deck and replace the detached garage while maintaining the existing location with additions projecting further into the setback of the top of slope. The original deck was located entirely within the setback and the applicants would like to request a variance in order to expand on the original location of the deck and increase its size south-westward to be in line with the two proposed additions that will also be projecting slightly into the setback. (see Attachment 3 – Proposed Site Plan and Variance). According to Board Policy B1.5: *Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Evaluation*, assessment of development variance permit applications requires that there is an adequate demonstration of an acceptable land use justification prior to the Board's consideration. The original building was constructed in 1987 and approved under building permit number 8624.

With respect to the justification, the applicant has provided a Geotechnical Hazard Assessment by Lewkowich Engineering Associates Ltd., dated August 22, 2018 to confirm the topographical constraints on the property. The report recommends 1H:1V inclination setback from the toe of slope up and back into the slope at the 1H:1V inclination and is reflected in the requested variance and survey plan. The geotechnical Engineer has indicated that there is more than sufficient setback to meet these criteria and confirms that the site is safe and suitable for the intended use of a dwelling unit with deck and additions within the 8 metre setback from the top of slope provided the recommendations are followed. As a condition of the development variance permit, the report will be registered on the property title as a covenant, saving the RDN harmless from all losses or damages to life or property as a result of the hazardous condition (see Attachment 2 – Terms and Conditions of Permit).

With respect to potential impacts, the applicant has evaluated the proposed building location relative to the neighbouring properties. The applicant has indicated that the proposed building projections into the setback will not affect the view of the sea for neighbouring dwellings. The applicant has provided letters of support from the two residences on either side of the subject property. Given that the applicant has provided sufficient rationale and that the proposed location is geotechnically safe and the variance is not anticipated to 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 Application and Notification Procedures Bylaw No. 1776, 2018", 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. PL2018-169 subject to the conditions outlined in Attachments 2 to 4.
2. To deny Development Variance Permit No. PL2018-169.

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.



Angela Buick
abuick@rdn.bc.ca
January 29, 2019

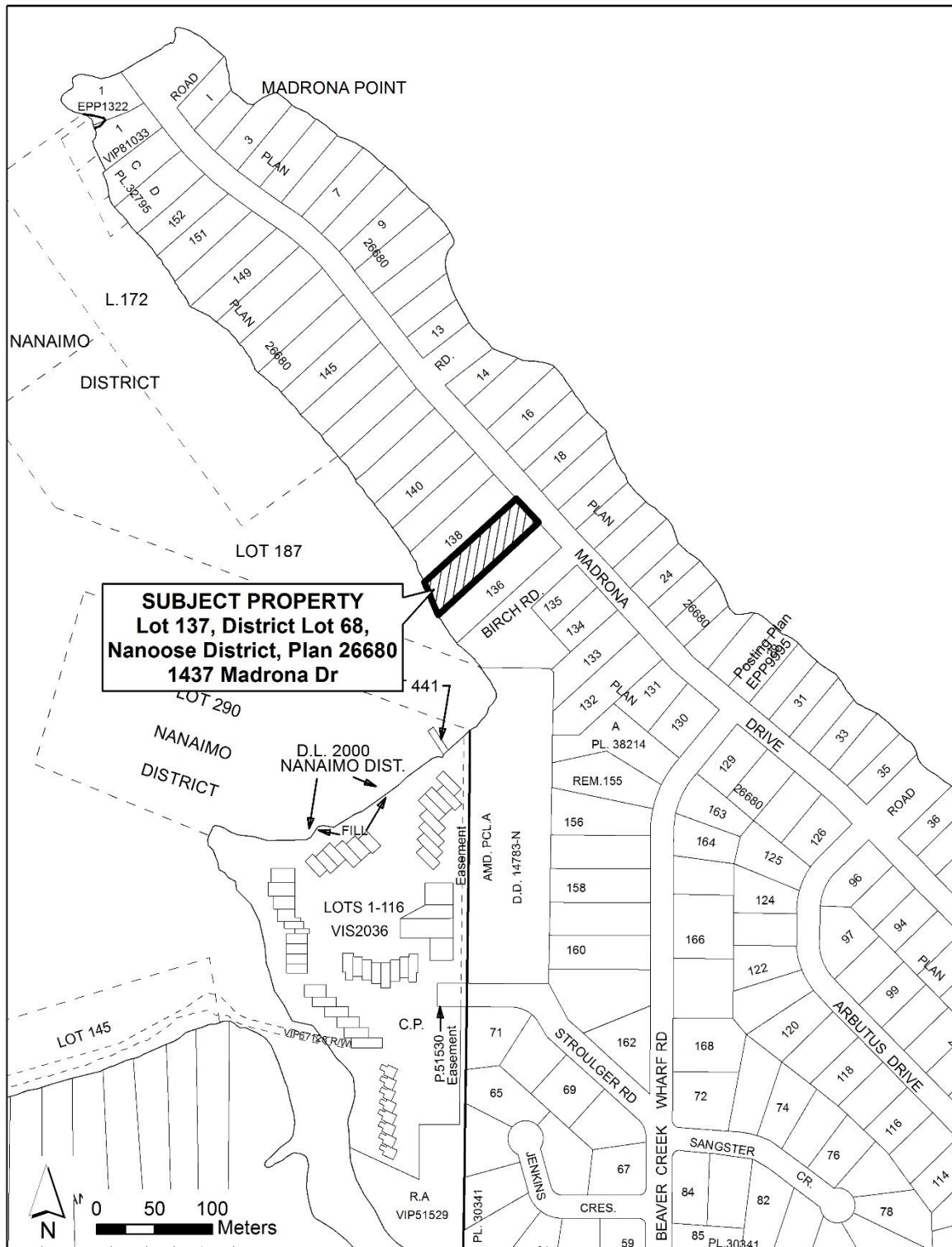
Reviewed by:

- P. Thompson, 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. PL2018-169:

Bylaw No. 500, 1987 Variance

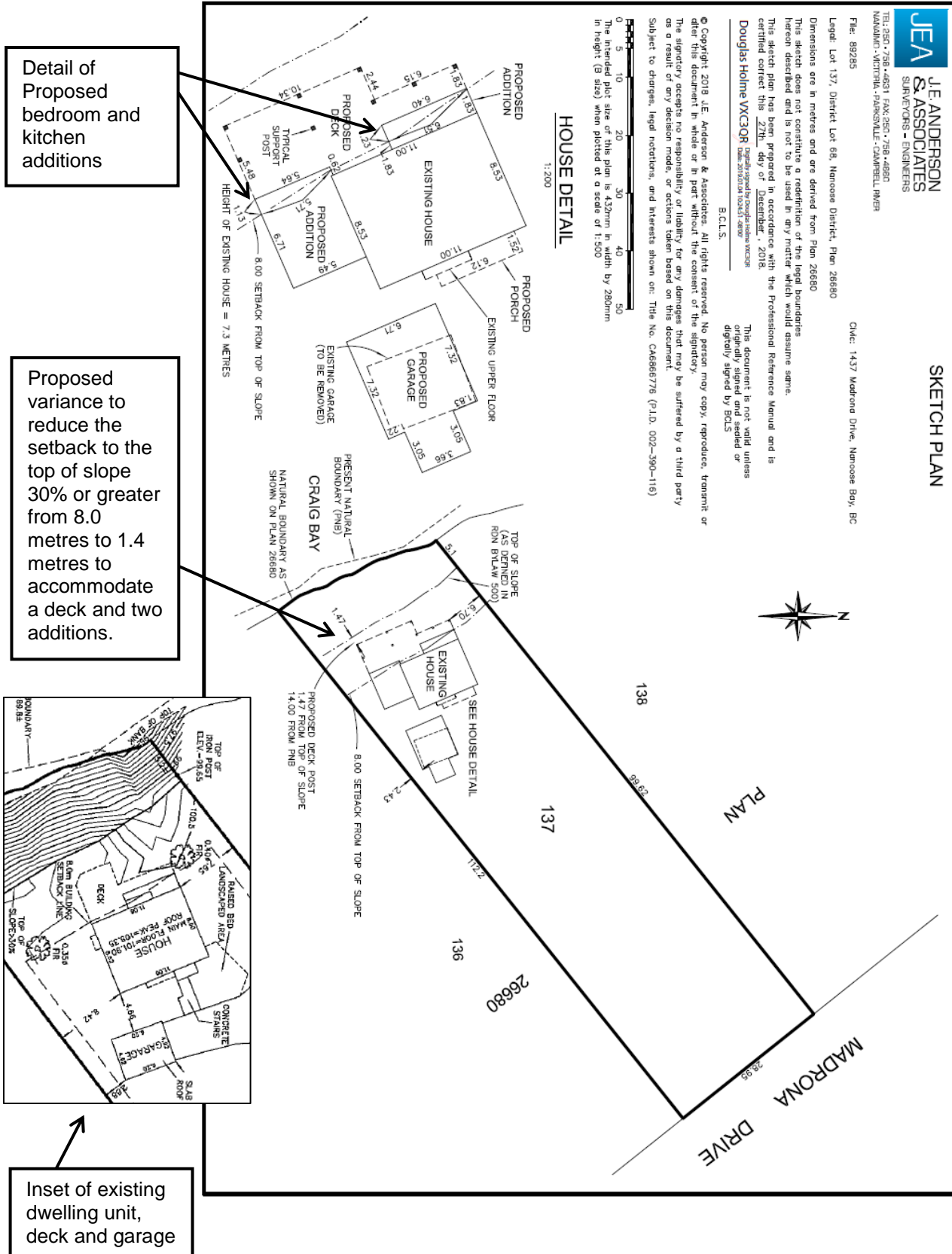
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as follows:

1. Section 3.3.9 – Setbacks – Sea to reduce the minimum setback from the top of slope of 30 percent or greater from 8.0 metres to 1.4 metres for the covered deck and a portion of two additions to the dwelling unit.

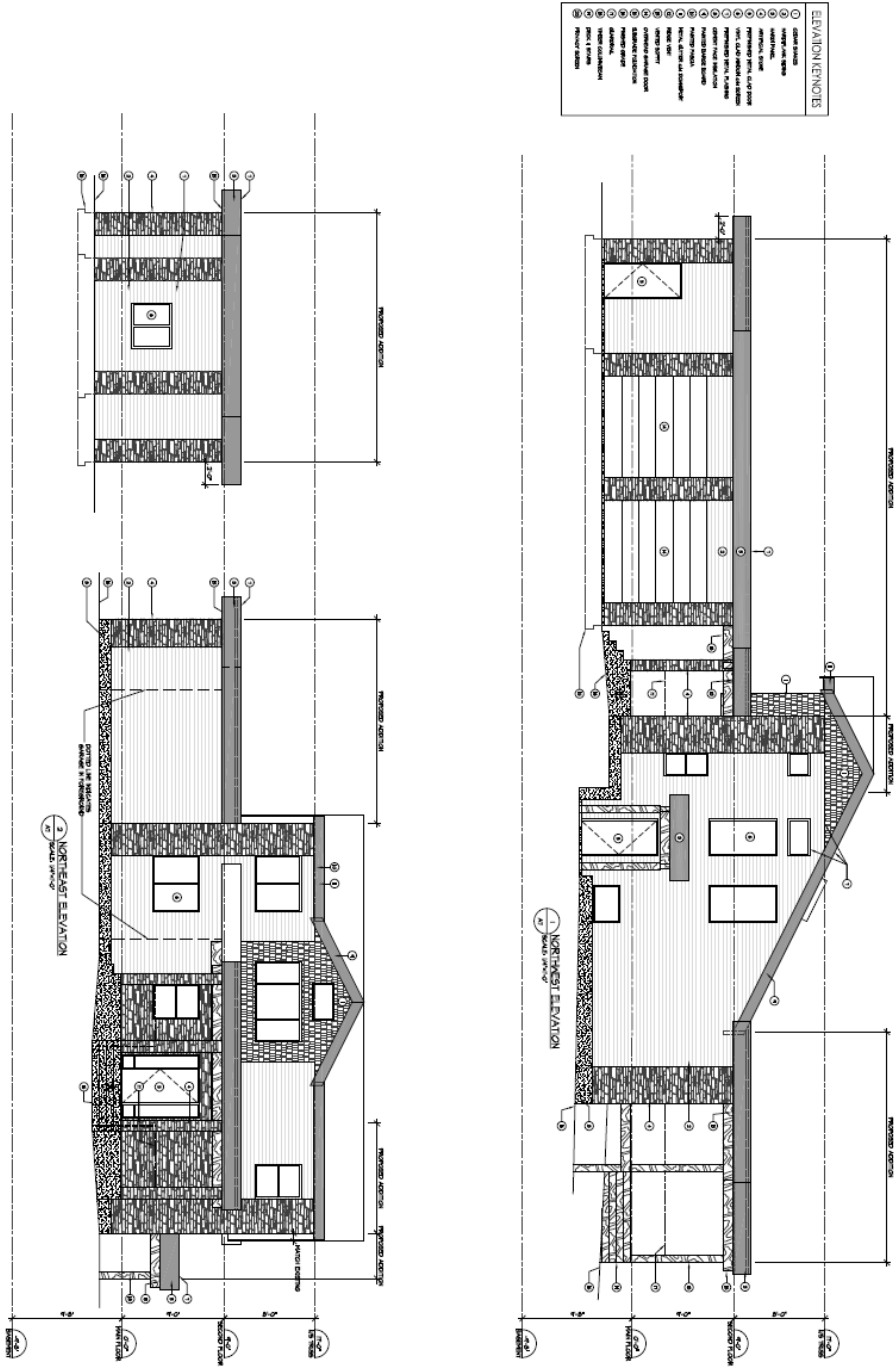
Conditions of Approval

1. The site is developed in accordance with the Survey Plan prepared by J.E. Anderson & Associates dated December 27, 2018 and attached as Attachment 3.
2. The proposed development is in substantial compliance with the plans and elevations prepared by Sirius Design & Drafting, dated September 24, 2018 and attached as Attachment 4.
3. The subject property shall be developed in accordance with the recommendations contained in the Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd. dated August 22, 2018.
4. The issuance of this permit shall be withheld until the applicant, at the applicant's expense, registers a Section 219 Covenant on the property title containing the Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd. dated August 22, 2018, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential hazard.
5. 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



Attachment 4
Building Elevations (Page 1 of 2)



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| Scale | AS NOTED |
| Drawn | P.L. |
| Project No. | 10080 |
| Date | SEP 24/18 |

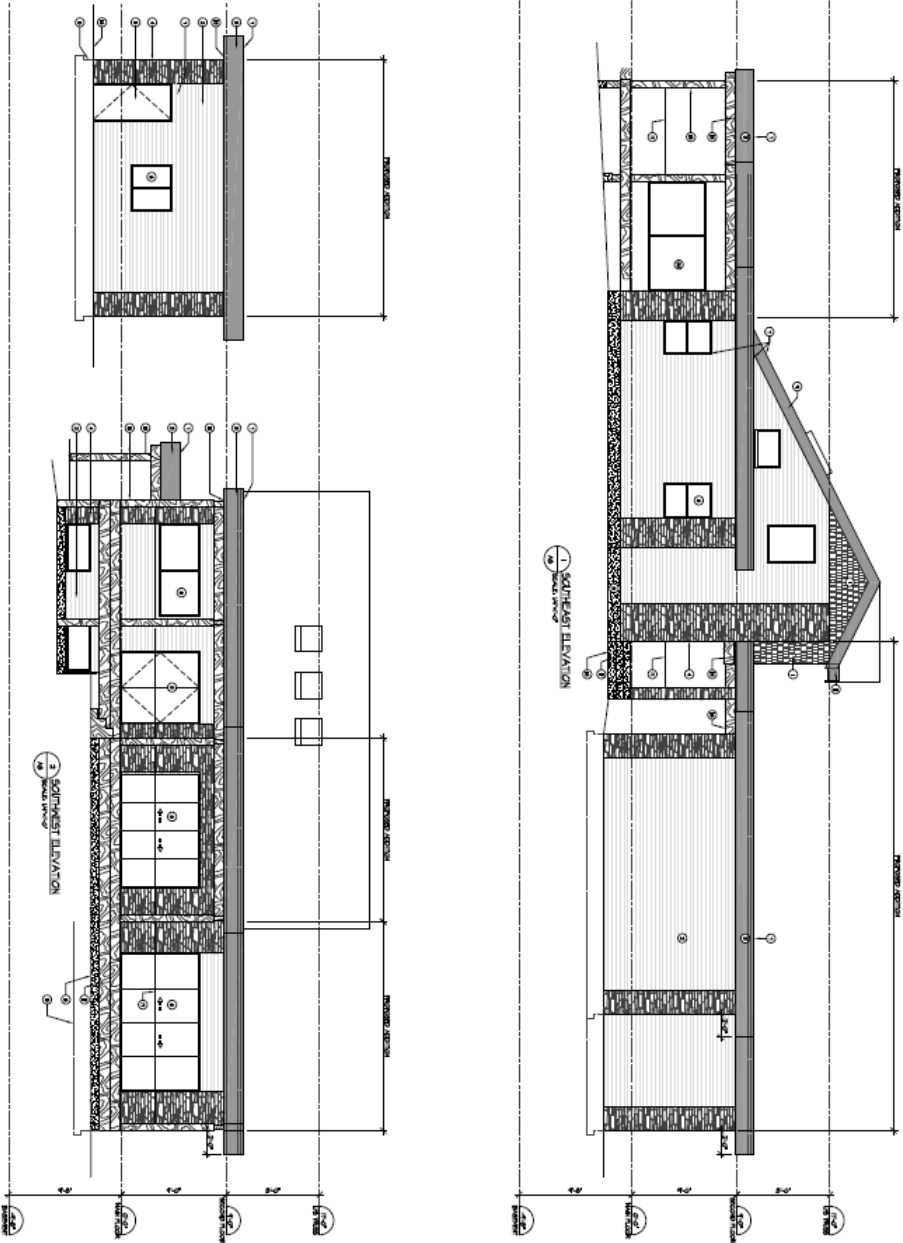
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| Drawing Title | ELEVATIONS |
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| Project | LUSSIER RESIDENCE ADDITIONS & RENOVATION 1437 MADRONA DRIVE, NANOOSE BAY, B.C. |
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Attachment 4
Building Elevations (Page 2 of 2)

| ELEVATION KEYNOTES | |
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|-------------|-----------|
| Scale | AS NOTED |
| Drawn | P.L. |
| Project No. | 18000 |
| Date | SEP 24/18 |
| Site | |

Working Title
ELEVATIONS

Project
LUSSIER RESIDENCE
ADDITIONS & RENOVATION
1437 MADRONA DRIVE, NANOOSE BAY, B.C.

