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**TO:** Electoral Area Services Committee      **DATE:** July 9, 2019

**FROM:** Stephen Boogaards  
Planner      **FILE:** PL2019-072

**SUBJECT:** Development Permit with Variance Application No. PL2019-072  
585 Wain Road – Electoral Area G  
Lot 6, District Lot 128, Nanoose District, Plan 31732

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## **RECOMMENDATIONS**

1. That the Board approve Development Permit with Variance No. PL2019-072 to permit the construction of an addition to the dwelling unit and the accessory building subject to the terms and conditions outlined in Attachment 2.
2. That the Board direct staff to complete the required notification for Development Permit with Variance No. PL2019-072.

## **SUMMARY**

The applicants have applied for a development permit with variance to construct an addition onto the dwelling unit and onto an existing accessory building. Due to the current configuration of the dwelling, accessory building and driveway, an addition for a garage and carport would be situated within the side yard setback to the property line. A variance would permit the functional use of the development as a garage and carport. For a rural lot, the property is also relatively small and narrow. Given the location of the property within the Englishman River floodplain, the applicant has also provided a Geohazard Assessment to provide recommendations to ensure the development is protect from flood hazards. As the applicant has provided a suitable justification and no negative implications are anticipated from the variance, it is recommended that the Board approve the development permit with variance pending the outcome of public notification and subject to the terms and conditions outlined in Schedules 1 to 3 of the draft development permit with variance included as Attachment 2.

## **BACKGROUND**

The Regional District of Nanaimo (RDN) has received an application from Stephen Ingleton on behalf of David Boehr and Sharon Groenendyk to permit the contruction of an addition to the dwelling unit and an accessory building. The subject property is approximately 4,694 m<sup>2</sup> in area and is zoned Rural 1 (RU1) Zone, pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is located adjacent to other residential properties and is within the mapped Englishman River floodplain (see Attachment 1 – Subject Property Map).

The property contains a dwelling unit and garage and is serviced by a well and onsite sewage disposal. The existing garage is located 2.0 metres from the southern property line, and was approved through Development Variance Permit No. 118 in 1991.

The proposed development is subject to the Hazard Lands Development Permit Area (DPA) as per the “Regional District of Nanaimo Electoral Area G Official Community Plan Bylaw No. 1540, 2008”.

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

The proposed development includes the construction of a bedroom addition and carport addition onto the dwelling, and for an addition to the existing garage. The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

1. **Section 3.4.81 – Minimum Setback Requirements** to reduce the required setback from 8.0 metres to 2.3 metres for the attached carport.
2. **Section 3.4.81 – Minimum Setback Requirements** to reduce the required setback from 8.0 metres to 1.9 metres for the addition to the existing garage.

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

The proposed carport addition to the dwelling unit and addition onto the accessory building will require a variance to the 8.0 metre side yard lot line setback. “RDN Board Policy B1.5 Development Variance Permit, Development Permit with Variance and Flood Exemption Application Evaluation” requires that an applicant demonstrate that a variance is necessary and to provide an acceptable land use justification. With respect to this requirement, the applicant has identified that the location of the existing accessory building was previously approved in 1991 and that both additions would permit more efficient use of the property in terms of access, heating and use of the building space. The proposal also takes into consideration the location of the existing well and water lines to the dwelling. Due to the angle of the existing accessory building, an addition would be within 1.9 metres to the property line rather than 2.0 metres approved for the existing building.

The applicant’s justification demonstrates that the proposed location of the accessory building and carport additions consider the current configuration of the dwelling and driveway for the functional vehicle access compared with other locations on the property. The justification also considers the relatively smaller size of the lot for a rural property, which was a consideration in the variance issued in 1991. If the lot was 4,000 m<sup>2</sup>, the setback in the RU1 zone would be reduced to 2.0 metres, whereas the property size is 4,694 m<sup>2</sup>. Given the considerations of access, well location, building configuration and lot size, the applicant has provided sufficient rationale and has made reasonable efforts to address Policy B1.5 guidelines.

Given the property’s location within the Englishman River floodplain and the Hazard Lands DPA, the applicant has also submitted a Geohazard Assessment by Base Geotechnical Inc., dated June 14, 2019. The assessment reviewed conditions on the property and provided recommendations to ensure that the proposed construction would be safe for its intended use. The assessment identified that although it is within the floodplain, it is topographically higher than the Flood Construction Level (FCL), due to its location on a historic gravel bar. After

consideration of the impact of climate change on peak flows in the river, the assessment determines that an additional 0.5 metres will be required in addition to the mapped FCL of 12.25 metres Geodetic Survey of Canada datum (GSC) to protect minimum floor elevations and other vulnerable portions of structure. An FCL of 12.75 metres GSC would provide level of safety of 10% in 50 years which is equivalent to the 1 in 500 year flood.

The underside of the floor joists for the dwelling are 13.27 metres GSC and the garage slab is 13.10 metres GSC, which would comply with the minimum FCL identified in the assessment. Given the location within the mapped floodplain, as a condition of the development permit with variance, the assessment 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 Schedule 1 – Terms and 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 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 Permit with Variance No. PL2019-072 subject to the terms and conditions outlined in Schedules 1 to 3 of Attachment 2.
2. To deny Development Permit with Variance No. PL2019-072.

### **FINANCIAL IMPLICATIONS**

The proposed development 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 2019 – 2022 Board Strategic Plan.



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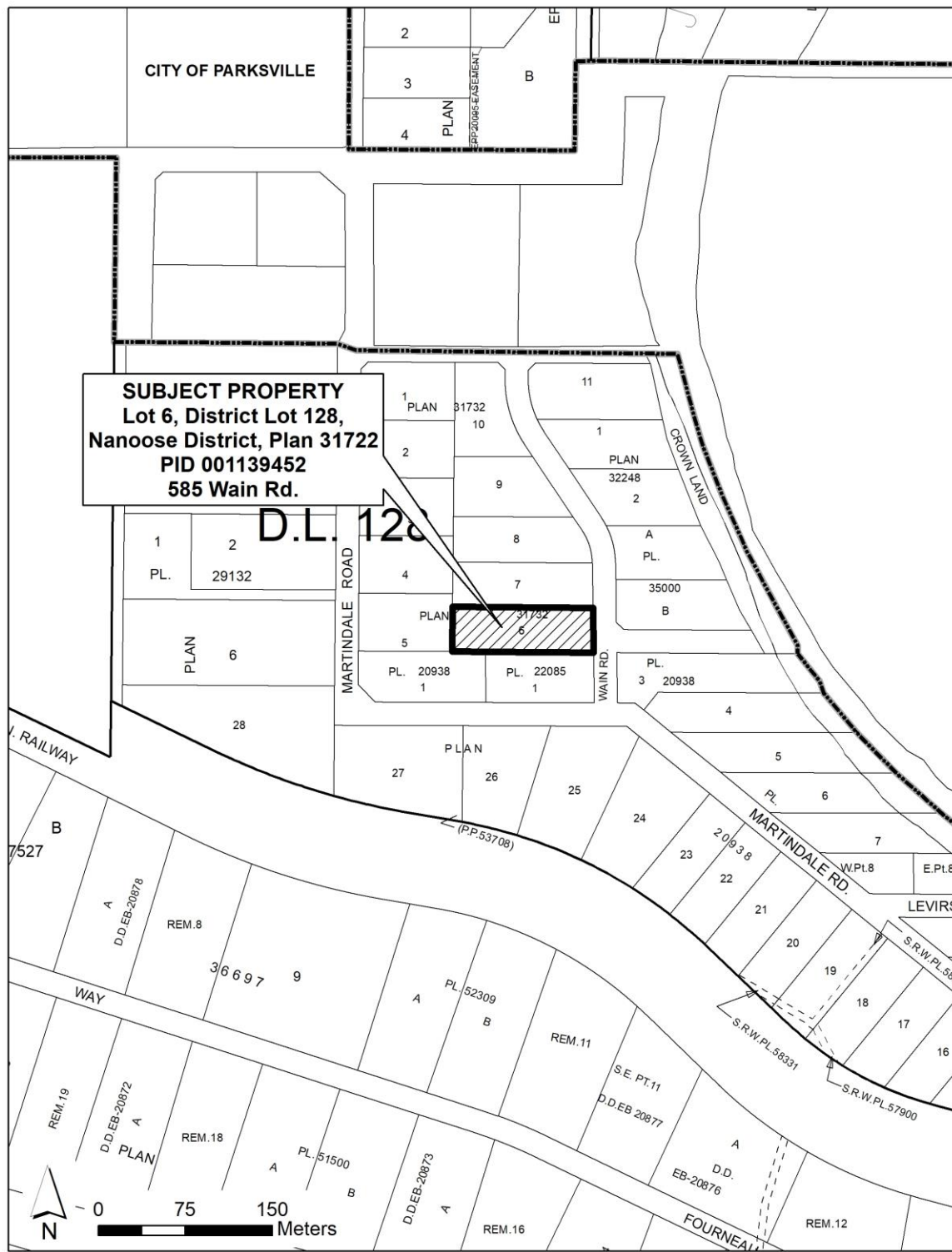
Stephen Boogaards  
sboogaards@rdn.bc.ca  
June 20, 2019

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. Draft Development Permit with Variance



**Attachment 2**  
**Draft Development Permit with Variance**

 <p><b>REGIONAL DISTRICT OF NANAIMO</b></p>	<p><b>STRATEGIC &amp; COMMUNITY DEVELOPMENT</b></p> <p><b>6300 Hammond Bay Road, Nanaimo, BC V9T 6N2</b> <b>250-390-6510 or 1-877-607-4111</b> <a href="http://www.rdn.bc.ca">www.rdn.bc.ca</a></p> <p><b>DEVELOPMENT PERMIT with VARIANCE NO. PL2019-072</b></p>
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**To:** ("Permittee") David Richard Boehr and Sharon Leslie Groenendyk

**Mailing Address:** c/o Stephen Ingleton  
PO Box 248  
Qualicum Beach, BC V9K 1S8

1. Except as varied or supplemented by this permit, the development permit with variance is issued subject to compliance with all applicable bylaws and provincial and federal statutes and regulations.
2. This development permit with variance applies only to those lands within the Regional District of Nanaimo described below, and all buildings, structures and other development thereon:

**Legal Description:** Lot 6, Distric Lot 128, Nanoose District, Plan 31732 ("the Lands")

**Civic Address:** 585 Wain Road **P.I.D.:** 001-139-452

3. The Lands shall be developed strictly in accordance with the terms and conditions of this permit.
4. The Permittee as a condition of issuance of this permit agrees to comply with the terms and conditions of Schedule 1, which is attached to and forms part of this permit.
5. The Permittee as a condition of issuance of this permit agrees to develop the Lands, in substantial compliance with the plans and specifications included in Schedules 2 and 3, which are attached to and form part of this permit.
6. With respect to the Lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as outlined in Schedules 1 to 3, which are attached to and form part of this permit.
7. Subject to the terms of the permit, if the holder of the permit does not substantially start construction with respect to which the permit was issued within two years after the date it is issued, the permit shall lapse in accordance with Section 504 of the *Local Government Act*.
8. This permit prevails over the provisions of the bylaw in the event of conflict.
9. Notice of this permit shall be filed in the Land Title Office at Victoria under Section 503 of the *Local Government Act*, and upon such filing, the terms of this permit or any amendment hereto shall be binding upon all persons who acquire an interest in the Lands affected by this permit.
10. This permit is not a building permit.

Authorizing Resolution to issue passed by the Board this XX<sup>th</sup> day of Month, 20XX.

## **Schedule 1**

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

The following sets out the terms and conditions of Development Permit with Variance No. PL2019-072:

#### 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 3.4.81 – Minimum Setback Requirements** to reduce the required setback from 8.0 metres to 2.3 metres for the attached carport.
2. **Section 3.4.81 – Minimum Setback Requirements** to reduce the required setback from 8.0 metres to 1.9 metres for the addition to the existing garage.

#### Conditions of Approval

1. The site is developed in accordance with the Site Plan prepared by Base Engineering and Oceanside Geomatics Land Surveying Ltd. dated May 30, 2019 and attached as Schedule 2.
2. The proposed development is in general compliance with the plans and elevations prepared by CAD Prints – Precision Drafting Services dated March 29, 2019 and attached as Schedule 3.
3. The subject property shall be developed in accordance with the recommendations contained in the Geohazard Assessment prepared by Base Geotechnical Inc. dated June 14, 2019.
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 Geohazard Assessment prepared by Base Geotechnical Inc., dated June 14, 2019 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.

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