

DATE OF MEETING | August 13, 2018 |

AUTHORED BY | DAVE STEWART, PLANNER, CURRENT PLANNING AND
SUBDIVISION |

**SUBJECT | DEVELOPMENT PERMIT NO. DP1058 AND DEVELOPMENT
VARIANCE PERMIT NO. DVP317 – 3715 LAGOON ROAD |**

OVERVIEW

Purpose of Report

To present for Council's consideration a development permit application to allow the reconstruction of a single residential dwelling within the watercourse setback at 3715 Lagoon Road.

Concurrently, to present for Council's consideration a development variance permit application to allow the construction of a single residential dwelling with a variance to the minimum rear yard setback. |

Recommendation

That Council:

1. Issue Development Permit No. DP1058 at 3715 Lagoon Road with the following variance:
 - reduce the watercourse setback measured from the natural boundary of the ocean from 15m to 8.4m; and
2. Issue Development Variance Permit No. DVP317 at 3715 Lagoon Road with the following variance:
 - reduce the rear yard setback for a principal building from 7.5m to 1.5m. |

BACKGROUND

A development permit application, DP1058, and a development variance permit application, DVP317, were received from Williamson and Associates on behalf of Gertrude Mahlum to remove the existing dwelling on the property and allow for future reconstruction of a single residential dwelling to accommodate the proposed building footprint.

As the proposed rear yard setback variance is associated with the house design and not specifically related to the purpose of Development Permit Area No .2 - Environmentally Sensitive Areas, this variance is being considered through a concurrent development variance permit that requires neighbourhood notification.

Statutory Notification has taken place prior to the consideration of the rear yard setback variance.

Subject Property

Zoning	R1- Single Dwelling Residential
Location	The subject property is located at the end of Lagoon Road, across the lagoon from Pipers Lagoon Park.
Total Area	769m ²
Official Community Plan	Map 1 - Future Land Use Designation - Neighbourhood Map 2 - Development Permit Area No. 2 - Environmentally Sensitive Areas

The subject property includes an existing single residential dwelling and is in a residential area. The property is ocean front and located adjacent to the narrow tidal channel opening within Pipers Lagoon. The beach in front of the property slopes gently towards the ocean and includes a number of wood and plant features that act as a natural shoreline buffer. The property to the west is currently undeveloped.

The landscaped area within the watercourse setback on the subject property contains a grass lawn and concrete pathway leading to the ocean. An existing concrete seawall exists along the shoreline of the property that supports the grass lawn.

DISCUSSION

Proposed Development

The proposed development includes the demolition of an existing house located in the watercourse setback and the construction of a new dwelling located in the watercourse setback, 8.4m from the natural boundary of the ocean. The existing dwelling is located 2.1m from the side yard to the west and 8.4m from the natural boundary of the ocean, as measured from the open deck. The majority of the existing dwelling is, however, set back further from the natural boundary. The proposed 8.4m watercourse setback represents an additional intrusion into the aquatic area of 113m².

In order to mitigate any potential impact of the proposed variance, the applicant is proposing to revegetate the area with beach grass and native shrub and tree species, including the restoration of a Garry oak meadow. The applicants have agreed to remove the concrete seawall and regrade the land back to the proposed setback line. In place of a seawall, the applicants are proposing to employ a green-shores approach to protect the property from erosion using naturalized soft-shore features, as opposed to hard barriers. The proposed landscape plan, prepared by Victoria Drakeford, is inspired by the natural ecosystem within the nearby park and includes habitat areas. The proposed revegetated area exceeds the 113m² restoration area recommended by the applicants' Qualified Environmental Professional, based on the size of the proposed coastal setback intrusion, and meets the development permit guidelines.

In addition to the watercourse setback variance, the applicants are requesting a rear yard setback variance. The rear yard setback variance is requested in order to maintain the same setback as the existing house, which is non-conforming as to siting, to establish a preferred building envelope for future reconstruction. To compensate for the requested rear yard setback, the applicants are proposing the south side yard and rear yard of the property essentially be

switched; as such, the applicants are proposing to maintain a 7.5m setback from the southern property line. The 7.5m side yard will provide the property owners a large outdoor space. The 7.5m setback will be included within the Development Permit terms and conditions. The property line is shared with a vacant property to the west (3706 Polaris Drive). When that property develops, their adjacent lot line will be considered a side lot line for the property at 3706 Polaris Drive.

Proposed Variances

Minimum Watercourse Setback

The required watercourse setback is 15m measured from the natural boundary of the sea. The proposed setback is 8.4m, a proposed variance of 6.6m. The purpose of the proposed variance is to recognize the siting of the existing home and allow for the reconstruction of a future home.

Staff support the proposed variance and landscaping improvements, which exceed the principle of “no net loss”, and will implement a green-shores approach to coastal restoration.

Minimum Rear Yard Setback

The required rear yard setback is 7.5m. The proposed setback is 1.5m, a proposed variance of 6m.

Staff support the proposed rear yard setback variance, as the proposed building envelope is in keeping with the existing siting of the home and the siting and orientation of the homes within the neighbourhood. The proposed building envelope reflects the siting of the existing home, lot layout, and the grading of the land.

SUMMARY POINTS

- The subject property includes two concurrent applications: Development Permit No. DP1058 proposes that the watercourse setback be reduced to 8.4m.; Development Variance Permit No. DVP317 proposes the minimum rear yard setback be reduced to 1.5m.
- The proposed landscape plan meets the development permit area guidelines and will result in “no net loss” of habitat.
- The proposed building envelope recognizes the siting of the existing home and is consistent with the siting and orientation of other homes within the neighbourhood.

ATTACHMENTS

- ATTACHMENT A: Permit Terms and Conditions (DP1058)
- ATTACHMENT B: Permit Terms and Conditions (DVP317)
- ATTACHMENT C: Location Plan
- ATTACHMENT D: Site Plan- Existing Bylaw 4500 Setbacks
- ATTACHMENT E: Site Plan- Proposed Setbacks
- ATTACHMENT F: Landscape Plan
- ATTACHMENT G: Aerial Photo

Submitted by:

L. Rowett
Manager, Current Planning and Subdivision

Concurrence by:

D. Lindsay
Director, Community Development

**ATTACHMENT A
PERMIT TERMS AND CONDITIONS (DP1058)**

CONDITIONS OF PERMIT

1. The riparian area improvements shall be completed in substantial compliance with the Landscape Plan prepared by Victoria Drakeford Landscape Architect dated 2017-OCT-28 as shown on Attachment C.
2. A landscape bond is required for 100% of the landscape estimate prepared by Victoria Drakeford., and contained in the Landscape Plan dated 2018-OCT-27 as shown on Attachment C.
3. A five-year maintenance period with two assessments per year is required. A certified letter of completion is required from the Landscape Architect at the end of the five-year maintenance period.
4. The applicant is to obtain the necessary provincial approvals for any improvements that are located within the foreshore area.

**ATTACHMENT B
PERMIT TERMS AND CONDITIONS (DVP317)**

TERMS OF PERMIT

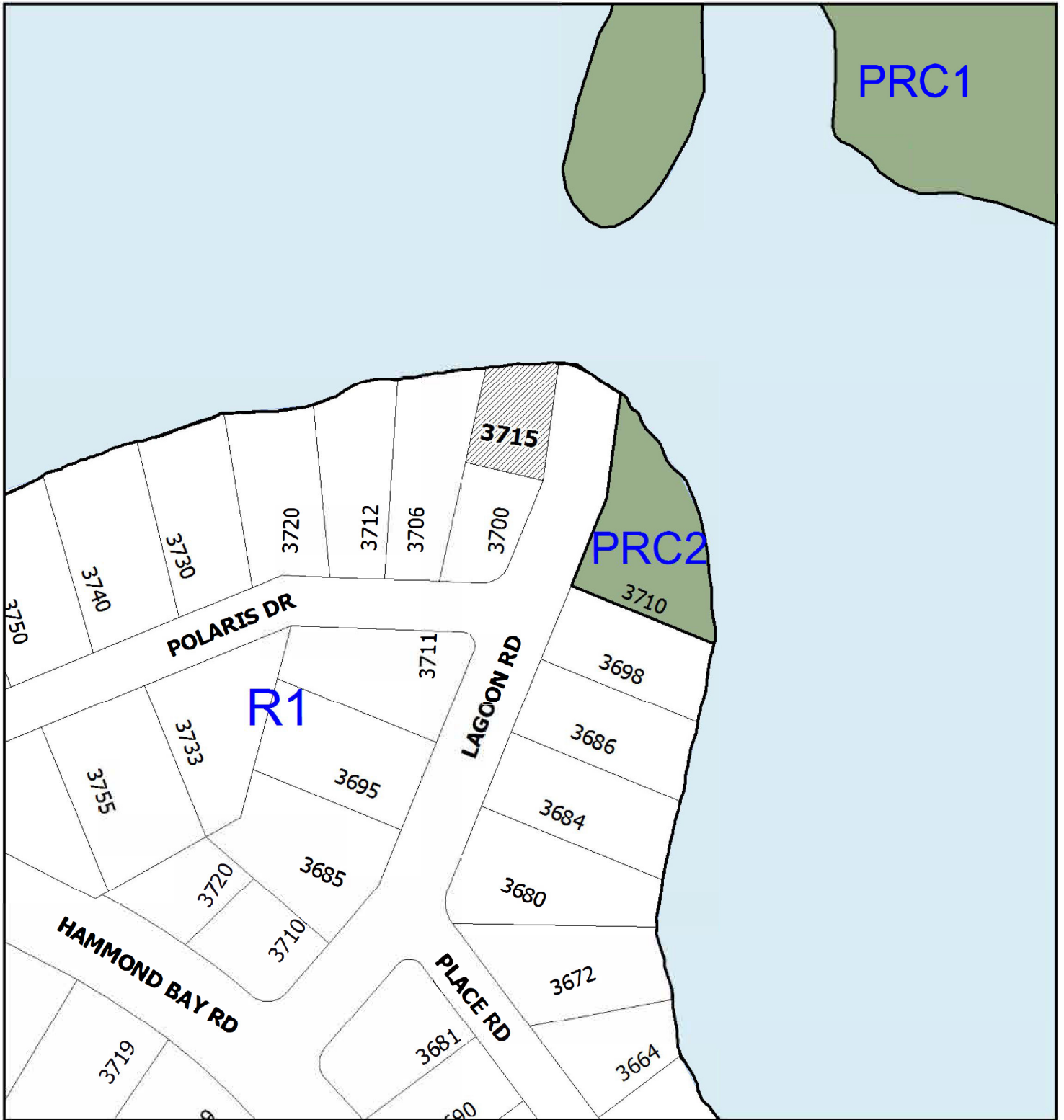
The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is varied as follows:

1. *Section 7.5.1 Siting of Buildings* – to reduce the minimum rear yard setback in the R1 Zone from 7.5m to 1.5m for a single residential dwelling

CONDITIONS OF PERMIT

1. The subject property shall be developed in accordance with the proposed building envelope and setbacks shown on the site survey prepared by Williamson and Associates, dated 2015-SEP-24, as shown on Attachment E.

ATTACHMENT C
LOCATION PLAN



DEVELOPMENT VARIANCE PERMIT NO. DVP00317

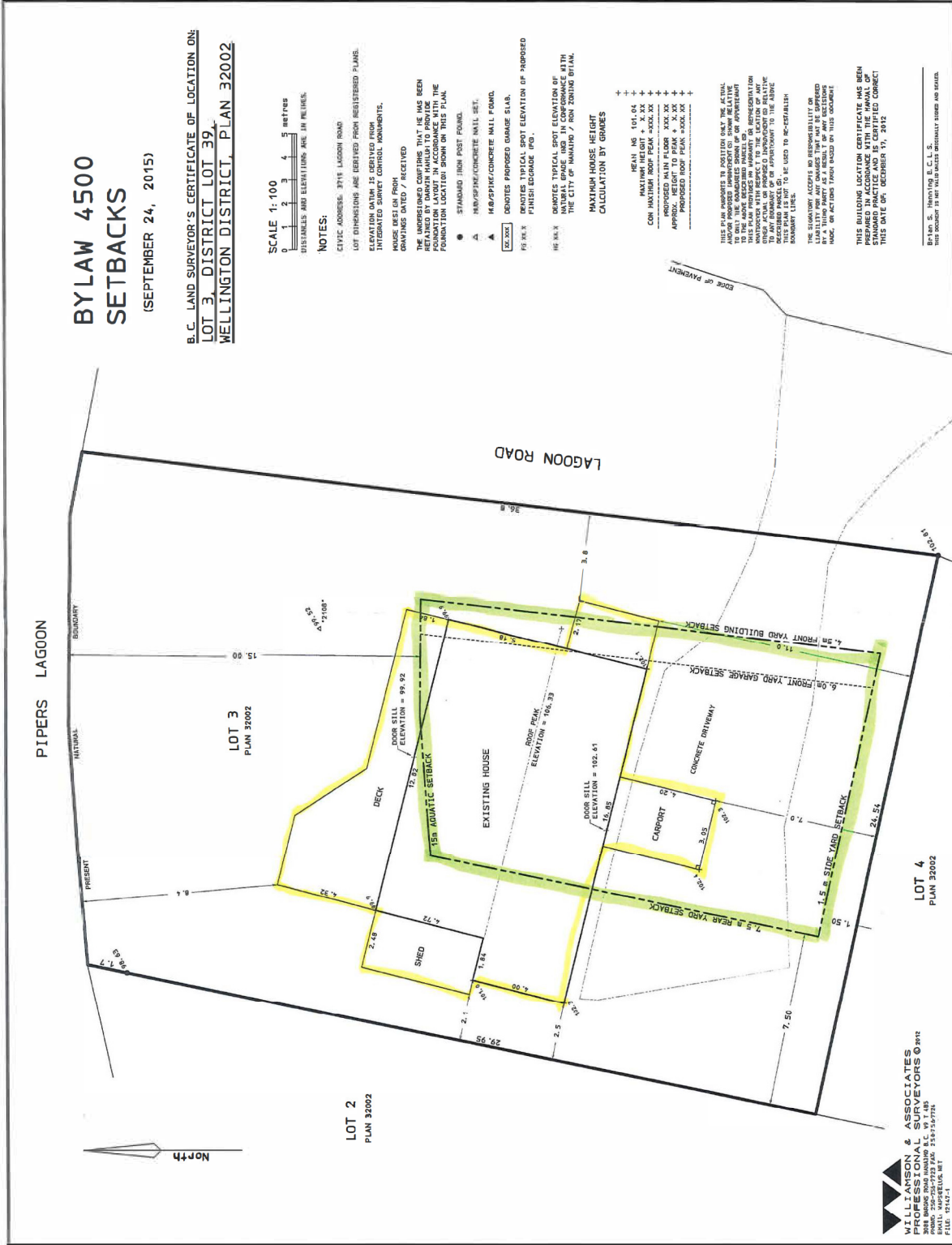
LOCATION PLAN

Civic: 3715 Lagoon Road
Lot 3, District Lot 39,
Wellington District, Plan 32002



 **Subject Property**

**ATTACHMENT D
SITE PLAN
(Existing Bylaw 4500 Setbacks)**



**BYLAW 4500
SETBACKS**

(SEPTEMBER 24, 2015)

**B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION ON:
LOT 3, DISTRICT LOT 39,
WELLINGTON DISTRICT, PLAN 32002**

SCALE 1:100
DISTANCES AND ELEVATIONS ARE IN METRES

NOTES:

- 1. CIVIC ADDRESS: 3715 LAGOON ROAD
- 2. LOT DIMENSIONS ARE DERIVED FROM REGISTERED PLANS.
- 3. ELEVATION DATA IS DERIVED FROM INTEGRATED SURVEY CONTROL MONUMENTS.
- 4. HOUSE DESIGN / RECEIVED
- 5. THE UNDERSIGNED CONFIRMS THAT HE HAS BEEN RETAINED BY OWNER IN ORDER TO PROVIDE THE FOUNDATION LOCATION SHOWN ON THIS PLAN.
- 6. STANDARD IRON POST FOUND.
- 7. HDPE/PPR/CONCRETE WALL SET.
- 8. HDPE/PPR/CONCRETE WALL FOUND.
- 9. DENOTES PROPOSED GARAGE SLAB.
- 10. DENOTES TYPICAL SPOT ELEVATION OF PROPOSED FINISH GRADE (FG).
- 11. DENOTES TYPICAL SPOT ELEVATION OF EXISTING NATURAL GRADE (NG) IN CONFORMANCE WITH THE CITY OF VANCOUVER / ZONING BYLAW.

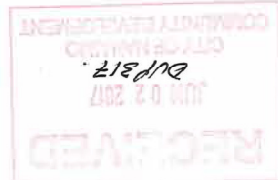
**MAXIMUM HOUSE HEIGHT
CALCULATION BY GRABES**

ROOF HEIGHT	14.61	+
MAXIMUM HEIGHT	14.61	+
CON MAXIMUM ROOF PEAK	100.00	+
PROPOSED MAIN FLOOR	100.00	+
APPROX. HEIGHT TO PEAK	114.61	+

THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE ACTUAL AND/OR PROPOSED DIMENSIONS OR SHOWS THE LATITUDE TO THE ABOVE DESCRIBED PARCELS OR INTERSECTION THEREOF. THE SURVEYOR'S RESPONSIBILITY IS TO THE ACCURACY OF THE INFORMATION PROVIDED IN THIS PLAN. THE SURVEYOR DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION OR DATA PROVIDED TO ANY OTHER PARTY BY ANY OTHER PARTY. THE SURVEYOR ACCEPTS NO RESPONSIBILITY OR LIABILITY FOR ANY DAMAGES THAT MAY BE SUFFERED BY ANY PARTY AS A RESULT OF THE INFORMATION PROVIDED IN THIS PLAN. THE SURVEYOR'S WORK IS MADE ON A "FIDELITY" BASIS BY THIS OCCASION.

THIS BUILDING LOCATION CERTIFICATE HAS BEEN PREPARED IN ACCORDANCE WITH THE CITY OF VANCOUVER STANDARD PRACTICE AND IS DATED FOR CONTRACT THIS DATE OR, DECEMBER 19, 2012.

WILLIAMSON & ASSOCIATES
LAND SURVEYORS
2080 BRIDGE ROAD VANCOUVER B.C. V1Y 1V1
PHONE: 604.275.5721
FAX: 604.275.5721
FILE: 0147-1

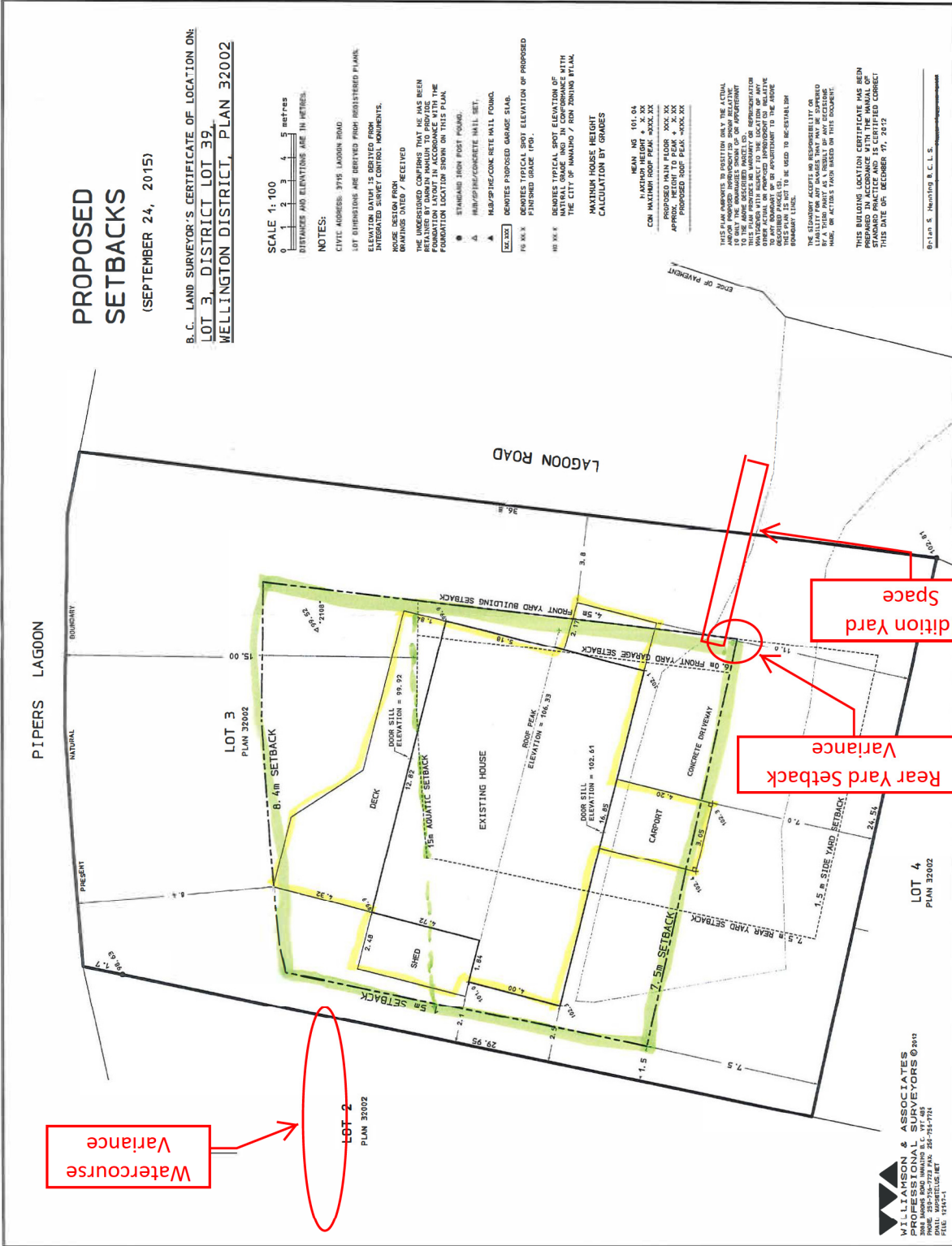


ATTACHMENT E SITE PLAN (Proposed Setbacks)

PROPOSED SETBACKS

(SEPTEMBER 24, 2015)

B. C. LAND SURVEYOR'S CERTIFICATE OF LOCATION ON:
**LOT 3, DISTRICT LOT 39,
WELLINGTON DISTRICT, PLAN 32002**



SCALE 1: 100
0 1 2 3 4 5 metres

- NOTES:
- CIVIC ADDRESS: 3715 LAGOON ROAD
 - LOT DIMENSIONS ARE DERIVED FROM REGISTERED PLANS.
 - ELEVATION DATA IS DERIVED FROM INTEGRATED SURVEY CONTROL MONUMENTS.
 - HOUSE DESIGN FROM DRAWINGS DATED / RECEIVED
 - THE UNDERSIGNED CONFIRMS THAT HE HAS BEEN RETAINED BY JONAS HANAU TO PREPARE THIS SITE PLAN AND THAT HE HAS CONDUCTED THE FOUNDATION LOCATION SHOWN ON THIS PLAN.
 - STANDARD IRON FOOT FOUND.
 - REINFORCED CONCRETE WALL SET.
 - REINFORCED CONCRETE MULL SET.
 - HUB/SP/MEGACORE MULL FOUND.
 - DEVELOPER PROPOSED GARAGE SLAB.
 - FINISH GRADE (FG).
 - TYPICAL SPOT ELEVATION OF PROPOSED FINISHED GRADE (FG).
 - CONCRETE TYPICAL SPOT ELEVATION OF NATURAL GRADE AND IN CONFORMANCE WITH THE CITY OF NANAIMO / IRON ZONING BYLAW.
 - MAXIMUM HOUSE HEIGHT CALCULATION BY GRADES

FINISH GRADE (FG) 105.04
MAXIMUM HOUSE HEIGHT 8.5 X
CON MAXIMUM ROOF PEAK 100X.XX
PROPOSED MAIN FLOOR 100X.XX
APPROX. HEIGHT TO PEAK 8.2 X
PROPOSED GARAGE PEAK 100.00
PROPOSED GARAGE PEAK 8.2 X

THIS PLAN IS SUBJECT TO REGULATION BY THE ACTUAL AMOUNT PROPOSED IMPROVEMENTS SHOWN RELATIVE TO THE ABOVE DESCRIBED PARCELS. THE SURVEYOR'S LIABILITY IS LIMITED TO THE ACCURACY OF THE INFORMATION PROVIDED AND DOES NOT EXTEND TO THE DESIGN OR CONSTRUCTION OF ANY WORKS SHOWN HEREON. THE SURVEYOR'S LIABILITY IS LIMITED TO THE ACCURACY OF THE INFORMATION PROVIDED AND DOES NOT EXTEND TO THE DESIGN OR CONSTRUCTION OF ANY WORKS SHOWN HEREON. THE SURVEYOR'S LIABILITY IS LIMITED TO THE ACCURACY OF THE INFORMATION PROVIDED AND DOES NOT EXTEND TO THE DESIGN OR CONSTRUCTION OF ANY WORKS SHOWN HEREON.

THIS BUILDING LOCATION CERTIFICATE HAS BEEN PREPARED IN ACCORDANCE WITH THE BC BUILDING ACT AND STANDARDS PRACTICE AND IS CERTIFIED CORRECT THIS DATE OF: DECEMBER 17, 2012

William S. Houshig & C. L. S.

Watercourse Variance

Rear Yard Setback

Addition Yard Space



WILLIAMSON & ASSOCIATES
PROFESSIONAL SURVEYORS © 2015
3085 HANAU ROAD NANAIMO B.C. V1T 4B5
EMAIL: WMSUR@CIS.MET FILE: 1511-1

ATTACHMENT F LANDSCAPE PLAN

DESIGN RATIONALE

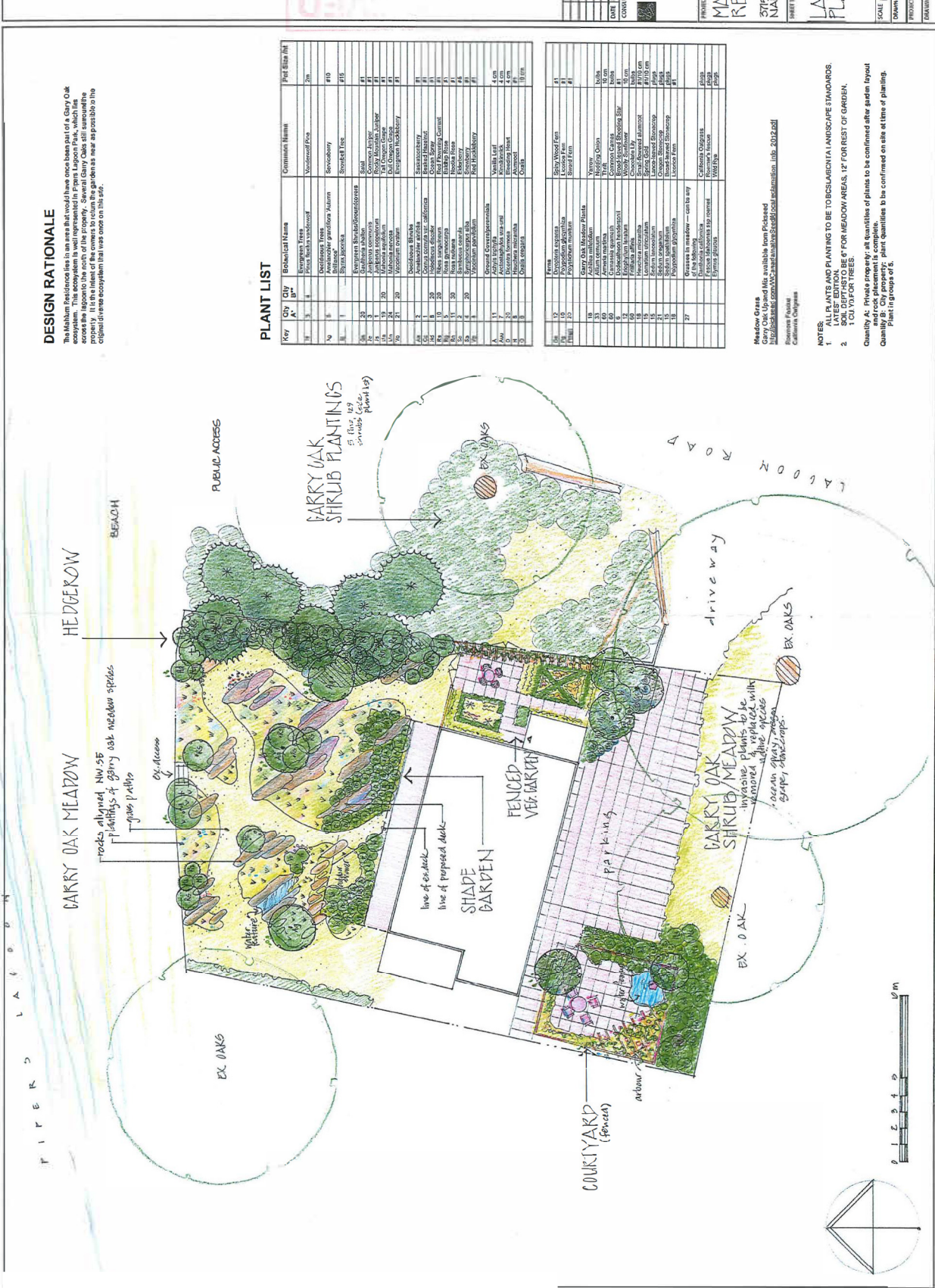
The Mahlum Residence lies in an area that would have once been part of a Garry Oak ecosystem. This ecosystem is well represented in Pipers Lagoon Park, which lies adjacent to the property. It is in the interest of the owner to return the garden as near as possible to the original diverse ecosystem that was once on this site.

PLANT LIST

Key	Qty	City	Botanical Name	Common Name	Plant Size (H)
1	3	A	Swampy Fern	Macaranga Fera	2m
2	1	1	Deciduous tree	Sterculia	#10
3	1	1	Bottlebrush	Sterculia	#15
4	1	1	Shrub	Sterculia	#15
5	1	1	Shrub	Sterculia	#15
6	1	1	Shrub	Sterculia	#15
7	1	1	Shrub	Sterculia	#15
8	1	1	Shrub	Sterculia	#15
9	1	1	Shrub	Sterculia	#15
10	1	1	Shrub	Sterculia	#15
11	1	1	Shrub	Sterculia	#15
12	1	1	Shrub	Sterculia	#15
13	1	1	Shrub	Sterculia	#15
14	1	1	Shrub	Sterculia	#15
15	1	1	Shrub	Sterculia	#15
16	1	1	Shrub	Sterculia	#15
17	1	1	Shrub	Sterculia	#15
18	1	1	Shrub	Sterculia	#15
19	1	1	Shrub	Sterculia	#15
20	1	1	Shrub	Sterculia	#15
21	1	1	Shrub	Sterculia	#15
22	1	1	Shrub	Sterculia	#15
23	1	1	Shrub	Sterculia	#15
24	1	1	Shrub	Sterculia	#15
25	1	1	Shrub	Sterculia	#15
26	1	1	Shrub	Sterculia	#15
27	1	1	Shrub	Sterculia	#15

Key	Qty	City	Botanical Name	Common Name	Plant Size (H)
28	1	1	Shrub	Sterculia	#15
29	1	1	Shrub	Sterculia	#15
30	1	1	Shrub	Sterculia	#15
31	1	1	Shrub	Sterculia	#15
32	1	1	Shrub	Sterculia	#15
33	1	1	Shrub	Sterculia	#15
34	1	1	Shrub	Sterculia	#15
35	1	1	Shrub	Sterculia	#15
36	1	1	Shrub	Sterculia	#15
37	1	1	Shrub	Sterculia	#15
38	1	1	Shrub	Sterculia	#15
39	1	1	Shrub	Sterculia	#15
40	1	1	Shrub	Sterculia	#15
41	1	1	Shrub	Sterculia	#15
42	1	1	Shrub	Sterculia	#15
43	1	1	Shrub	Sterculia	#15
44	1	1	Shrub	Sterculia	#15
45	1	1	Shrub	Sterculia	#15
46	1	1	Shrub	Sterculia	#15
47	1	1	Shrub	Sterculia	#15
48	1	1	Shrub	Sterculia	#15
49	1	1	Shrub	Sterculia	#15
50	1	1	Shrub	Sterculia	#15
51	1	1	Shrub	Sterculia	#15
52	1	1	Shrub	Sterculia	#15
53	1	1	Shrub	Sterculia	#15
54	1	1	Shrub	Sterculia	#15
55	1	1	Shrub	Sterculia	#15
56	1	1	Shrub	Sterculia	#15
57	1	1	Shrub	Sterculia	#15

- Meadow Grass**
Garry Oak Upland Me available from Pleasant
Landscape Services Ltd. 2012-2013
Customized Design
- NOTES:**
1. ALL PLANTS AND PLANTING TO BE TO BC/LANTRIA LANDSCAPE STANDARDS.
2. SOIL DEPTH TO BE 4" FOR MEADOW AREAS, 12" FOR REST OF GARDEN.
3. 1 CM 1/3 FOR TREES.
Quantity A: Private property; all quantities of plants to be confirmed after garden layout and root placement is complete.
Plant quantities to be confirmed on site at time of planting.
Plant in groups of 5.



LIVED
DATE 2017
REVISION 212

DATE	REV	DESCRIPTION

MAHLUM RESIDENCE
3715 LAGOON ROAD
NANAIMO BC
V9T 1R7
250-714-8338
www.billytrick.com

LANDSCAPE ARCHITECT
BILLY TRICK
250-714-8338
www.billytrick.com

PROJECT: MAHLUM RESIDENCE
SCALE: 1:500
DATE: 2017
DESIGNER: VJP
CHECKED: MHL
DRAWING NUMBER: L17

ATTACHMENT G
AERIAL PHOTO



DEVELOPMENT VARIANCE PERMIT NO. DVP00317

