

PROPERTY DESCRIPTION:

Civic address: 2565 KETTLE RIDGE WAY, NANAIMO BC.

Legal Description PID 031-245-668

Lot: 26 Plan: GPP 86322 Block: District Lot: 207 Section: Township:

Current Zoning: R51 OCP designation:

Current land use: VACANT LAND WITH SFR IN PERMITS PROCESS

Surrounding land uses: RESIDENTIAL

Current method of sewerage disposal: Community Sewer Septic Tank Other

Current method of water supply: Community Water Well Other

Any restrictive covenants registered on the subject property: Yes (if yes, provide details) No

Any registered easements or rights-of-ways over the subject property: Yes (if yes, provide details) No

Does the subject property possess a legal road access: Yes No (if no, provide details)

Agricultural Land Reserve: Yes No Riparian Area: Yes No

Environmentally Sensitive: Yes No MoT Approval: Yes No

(required for setbacks within 4.5 metres of a road reserve)

DEVELOPMENT INFORMATION:

Provide a description of the proposed development (please attach as a separate sheet, as required):

IN GROUND POOL FOR SINGLE FAMILY HOME

REQUESTED VARIANCE(S):

List all requested variances to the regulations in bylaws of the Regional District. Each variance should be marked on the applicable drawings. A variance cannot be considered where use or density would be affected.

1. Bylaw (Include No.): 2459 Section: 11.1.6 bi
Proposed variance: Vary front setback for a pool from 7.5m to ~~2.9m~~ 3.2 metres

2. Bylaw (Include No.): _____ Section: _____
Proposed variance: _____

SUPPORTING RATIONALE:

All new development should meet the Regional District's applicable bylaw standards. A variance is considered only as a last resort. An application for a development variance permit should meet most, if not all, of the following criteria, in order to be considered for approval (please attach as a separate sheet, as required).

1. The variance should not defeat the intent of the bylaw standard or significantly depart from the planning principle or objective intended by the bylaw. Please elaborate how the requested variance meets this criteria:

PLEASE SEE ATTACHED SHEET FOR THESE
ITEMS.

2. The variance should not adversely affect adjacent or nearby properties or public lands. Please elaborate how the requested variance meets this criteria:

3. The variance should be considered as a unique solution to an unusual situation or set of circumstances. Please elaborate how the requested variance meets this criteria:

4. The variance represents the best solution for the proposed development after all other options have been considered. Please elaborate how the requested variance meets this criteria:

5. The variance should not negatively affect the natural site characteristics or environmental qualities of the property. Please elaborate how the requested variance meets this criteria:

1. The intent of the bylaw in this instance is subverted by the fact that the "front yard" is usually considered the yard where the property is addressed and entered from. In this case that interpretation is reversed and therefore by obtaining this variance we would be achieving the intent of the bylaw not defeating.

2. The requested variance relates to an in-ground pool. Therefore, there would be no impact on the adjacent properties site lines or otherwise.

3. The unusual situation in this instance is that both front and back property lines are adjacent to two separate streets with the "front yard" designation being given to the western yard space. The western yard space is adjacent Workman place that is located 11m below the proposed elevation of the pool. The residence is addressed and entered from the upper roadway Kettle Ridge way.

4. The properties in the Kettle Ridge development boast some of the most spectacular views in the valley with the presumed intention of having pools and entertaining areas on the view side (west side) of the property. The unusual instance of having this side of the property deemed to be the "front yard" along with the challenging topography and an easement running through the street side yard (back yard) make this variance the only solution.

5. The property is currently not in a natural state. After the Kettle Ridge development was completed, the property was left ready to build with primarily exposed rocks and gravels with only a few weeds and grasses taking root in the interim.