

Development Permit with Variances

Permit No: DP000371

Applicant: Darcy Beaveridge

Registered Owner: Todd and Jodi Carter

Subject Property: 360 Arbutus Avenue **Folio: 09662-000**

Description of Land:

Parcel Identifier: 000-296-449

Legal Description: Lot 1, Section 9, Ranges 6 and 7, Comaiken District, Plan 34591

Proposal: **Development Permit with Variance (DPA-3 Environmental) for drainage and landscaping works within the watercourse setback and structural alterations to an existing deck within the setback.**

Conditions of Permit:

1. This permit is issued subject to compliance with all relevant District of North Cowichan bylaws, except as specifically varied or supplemented by this Permit.
2. This permit applies to the lands described above, and any buildings, structures, and other development thereon (hereinafter called 'the Lands').

Authorized Works

3. Authorization for works within Development Permit Area 3 (Environmental Protection) is limited to structural alterations to the decks and stormwater management and landscaping works.
4. Construction of, or alteration to, beach stairs, gazebo, concrete pad, dock, and mooring bay are not permitted within Development Permit Area 3 (Environmental Protection).
5. The Lands and building which are subject to this Permit shall be developed strictly in accordance with the terms and conditions of this Permit and in accordance with the following schedules:

Schedule 1 – Deck Alteration Plans 05-07-2024

Schedule 2 – Landscaping Plans 03-2025

Schedule 3 – Landscaping Security Estimate

Schedule 4 – Drainage Plans 02-03-2024

Schedule 5 – Environmental & Marine Biophysical Assessment 01-2024

Schedule 6 – Geotechnical Drainage Assessment 18-12-2023

Schedule 7 – Drainage Design Review Memo 29-04-2025

6. Pursuant to Section 490 (1) of the *Local Government Act* this permit varies Section 13 (1)(a) of Zoning Bylaw 1997, No. 2950 by reducing the setback from the natural boundary of the sea to allow drainage works, landscaping, and structural alterations to an existing deck within the 7.5-metre setback per Schedules 1, 2 & 4.
7. Written authorization from municipal staff is required prior to any deviations to the requirements of this permit.
8. Pursuant to Section 504(1) of the *Local Government Act*, this permit will lapse two years from the date of the Development Permit approval unless construction, in accordance with the terms and conditions of this permit, has substantially started.
9. This permit is not a building permit.
10. Further to Condition 7, construction is substantially started when a valid building permit for the development has been issued and shall not have lapsed; and excavation or construction works associated with the development hereby approved must have commenced to the satisfaction of the Director of Planning and Building.
11. Development must occur strictly in compliance with the environmental protection, erosion and sediment control measures outlined in Schedule 5.
12. Security as authorized by Section 502 of the *Local Government Act* is required to ensure that any conditions with respect to landscaping are satisfied or to ensure that no conditions of the Permit are being breached resulting in an unsafe condition of the Land.
13. Security provided by the Permit holder in the amount of \$30,269.80 is required prior to building permit issuance to ensure the landscaping and site features is installed and maintained, with 25% of the security to be held for 12 months upon written confirmation from the professional responsible of substantial completion as per the Municipality's Landscaping Policy.
14. Where the District of North Cowichan considers that:
 - a) *A condition in the Permit with respect to landscaping has not been satisfied, or*
 - b) *where, as a result of the contravention of a condition in a Permit, an unsafe condition has resulted.*

The District of North Cowichan may undertake and complete the works required to satisfy the landscaping condition or carry out any construction required to correct the unsafe condition, at the cost of the Permit holder, and may apply the security in payment of the cost of the works with any excess to be returned to the Permit holder.

15. Where the development authorized by this Permit has lapsed prior to commencement of any work pursuant to this Permit, the security shall be returned to the Permit holder.
16. An inspection of the site by Planning and Building Department staff will take place prior to the issuance of an Occupancy Permit to ensure that the development is complete in accordance with the approved Development Permit plans. The applicant is responsible for contacting the Planning and Building Department to arrange the inspection at least three weeks prior to applying for an Occupancy Permit. Additional site inspections by Planning and Building Department staff may occur during the construction phase of the project.
17. Section 13 of the *Heritage Conservation Act* protects heritage sites and heritage objects (which may also be referred to as archaeological sites or objects). This permit does not authorize the alteration of any such site or object. The permit holder is responsible for ensuring compliance with the *Heritage Conservation Act*, including taking any steps required to determine whether or not a heritage site or object is present on the subject property. Under section 36 of the *Heritage Conservation Act*, it is an offence to alter heritage site or heritage object without first obtaining a permit to do so from the Province of British Columbia.

Date of Development Permit with Variance Approval/ Issue by Council or its Delegate:

This permit was originally approved by Council and issued .

This permit expires on .

The Corporation of the District of North Cowichan

Amanda J. Young, MCIP RPP
Director, Planning and Building