

DATE OF MEETING March 21, 2016

AUTHORED BY DAVID STEWART, PLANNER, PLANNING AND DESIGN

SUBJECT **DEVELOPMENT VARIANCE PERMIT NO. DVP280 – 1074 OLD VICTORIA ROAD**

OVERVIEW

Purpose of Report

To obtain Council authorization to relax the mobile home park front yard setback from the Old Victoria Road frontage and the mobile home pad front yard setback for an existing mobile home park.

Recommendation

That Council issue Development Variance Permit No. DVP280 at 1074 Old Victoria Road to vary the required mobile home park front yard setback along the Old Victoria Road frontage to 0m, and to vary the front yard individual mobile home pad setbacks as follows:

Mobile Home Pad Area Number	Front Yard Setback-Pad Area
1	1.3m
2	0.7m
3	3.5m
4	3.5m
5	3.5m
6	3.5m
7	No Variance

BACKGROUND

A development variance permit application, DVP280 (Attachment A) was received from Mr. Christopher Falardeau, to vary the provisions of the City of Nanaimo "Zoning Bylaw 2011 No. 4500" to permit a front yard setback variance from the Old Victoria Road frontage for seven separate mobile homes within an existing mobile home park.

The Zoning Bylaw requires a front yard setback of 6m for the entire mobile home park property. In addition, the bylaw also includes a 4.5m front yard setback for individual mobile home pad areas.

The subject property is an existing mobile home park with frontages on both Old Victoria Road and the Island Highway. A number of the existing mobile homes located adjacent to the Old Victoria Road frontage encroach onto the City road right-of-way and are considered non-conforming as to siting.

Statutory Notification has taken place prior to Council's consideration of the variance.

DISCUSSION

The applicant is requesting the front yard property line setback for Old Victoria Road be reduced from 6m to 0m. While the variance request is for 0m, the applicant plans to locate the mobile homes on Pad Areas 4 to 7, 2m from the property line. As the required variance applies to the entire property line, a variance of 0m is required to accommodate mobile homes on Pad Areas 1 to 3. The applicant is also requesting the mobile home pad area front yard setback be reduced from 4.5m to 1.3m (for Pad Area 1); to 0.7m (for Pad Area 2); and to 3.5m (for Pad Areas 3 to 6). No mobile home pad area setback variance is required or requested for the mobile home on Pad Area 7.

The purpose of the proposed variance request is to relocate and legalize the siting of seven mobile home pad areas which are non-conforming as to siting. All but one of the seven mobile homes subject to the proposed variance currently encroach on the City road right-of-way. The applicant plans to replace and relocate the older mobile homes and remove any that may be encroaching on the City boulevard. As the mobile homes are non-conforming as to siting, a variance is necessary in order to replace or relocate them.

The property line adjacent to Old Victoria Road is separated from the road by a large undeveloped boulevard which exceeds 22m in width in some areas. The boulevard area between Lots 1 and 3 is between 22m and 8m in width. While the proposed variance will permit mobile homes to be located on the property line, the homes will not be closer than 8m to the edge of the pavement.

SUMMARY POINTS

- The applicant is requesting front yard setback variance along the Old Victoria Road frontage from 6m to 0m.
- A mobile home pad area variance from 4.5m to 1.3m is required for Pad Area 1; and 4.5m to 0.7m for Pad Area 2; and, 4.5m to 3.5m for Pad Areas 3 to 6.
- A variance is requested in order to legalize and relocate seven different existing mobile homes which are non-conforming as to siting.

ATTACHMENTS

ATTACHMENT A: Development Variance Permit DVP00280

ATTACHMENT B: Applicant's Letter of Rationale

ATTACHMENT C: Aerial Photo

Submitted by:



B. Anderson
Manager, Planning and Design

Concurrence by:



D. Lindsay
Director, Community Development



DEVELOPMENT VARIANCE PERMIT NO. DVP00280

CHRISTOPHER RANDY ARTHUR FALARDEAU
Name of Owner(s) of Land (Permittee)

1074 OLD VICTORIA ROAD
Civic Address

1. This development variance permit is issued subject to compliance with all of the bylaws of the municipality applicable thereto, except as specifically varied by this permit.
2. This permit applies to and only to those lands within the municipality described below, and any and all building structures and other developments thereon:

Legal Description:

LOT B, SECTION 1, NANAIMO DISTRICT, PLAN 630 EXCEPT PARTS IN PLANS 3212 RW AND 956 RW

PID No. 000-659-959

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

Section 7.5.1. requires a front yard setback of 6m for the entire mobile home park, and 4.5m from the front yard of the mobile home pad areas. The front yard setback for the Old Victoria Road frontage has been varied to 0m. The mobile home pad area setbacks for pad areas 1 to 7 has been varied as follows:

<i>Mobile Home Pad Area Number</i>	<i>Front Yard Setback – Pad Area</i>
1	1.3m
2	0.7m
3	3.5m
4	3.5m
5	3.5m
6	3.5m
7	No Variance

4. The permittee, as a condition of the issuance of this permit, shall develop the land described herein strictly in accordance with the following terms and conditions and provisions and in accordance with any plans and specifications attached hereto which shall form a part thereof.

Schedule A Location Plan

Schedule B Site Plan

5. If the permittee does not substantially commence the construction permitted by this permit within two years of the date of this permit, this permit shall lapse.
6. This permit prevails over the provisions of the bylaw in the event of conflict.
7. This permit is not a building permit nor does it constitute approval of any signage. Separate applications must be made for a building permit and sign permit.

AUTHORIZING RESOLUTION PASSED BY COUNCIL
THE DAY OF

Corporate Officer

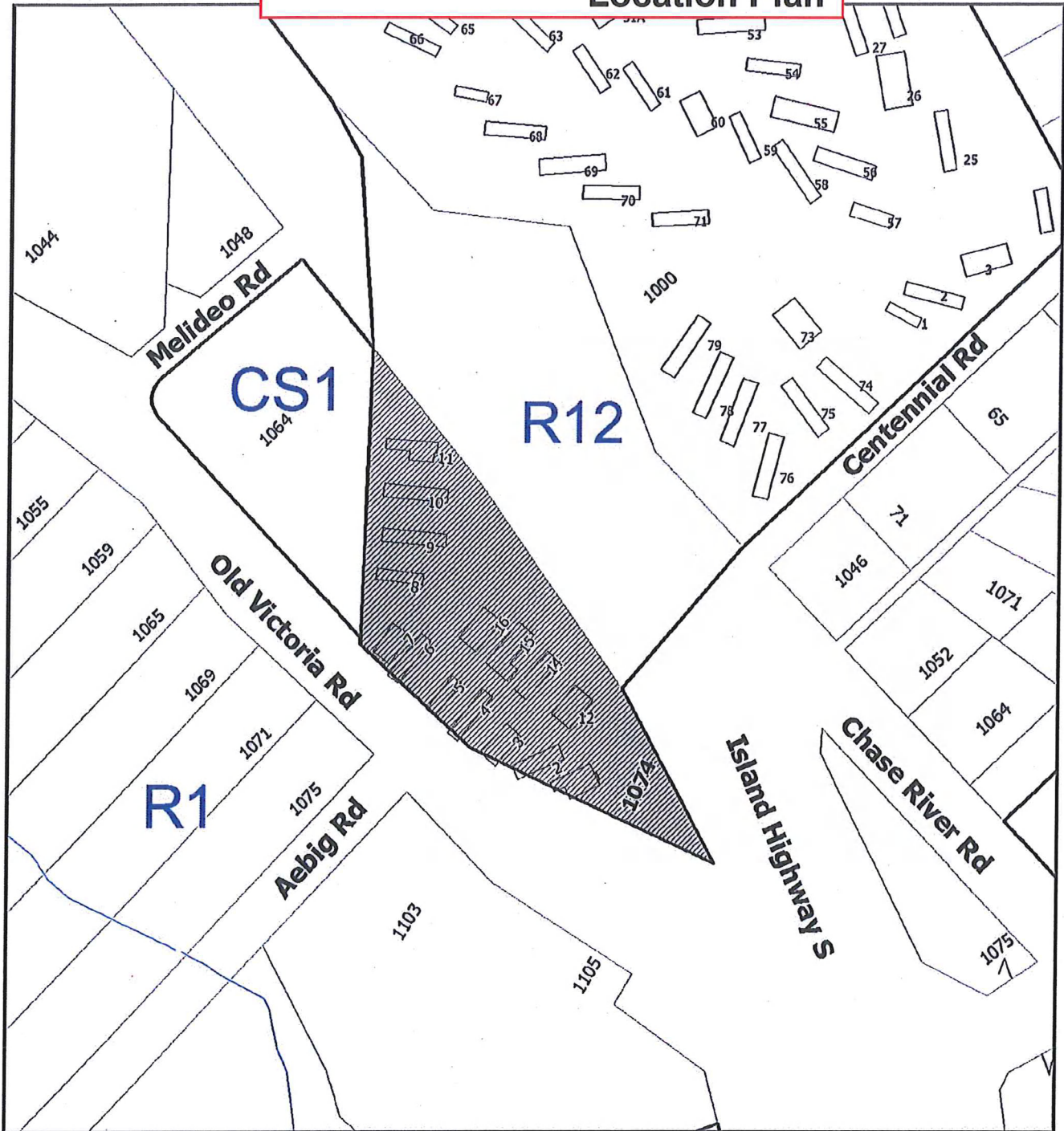
Date

DS/ln
Prospero attachment: DVP00280

Development Variance Permit DVP00280
1074 Old Victoria Road

Schedule A

Location Plan



DEVELOPMENT VARIANCE PERMIT NO. DVP00280

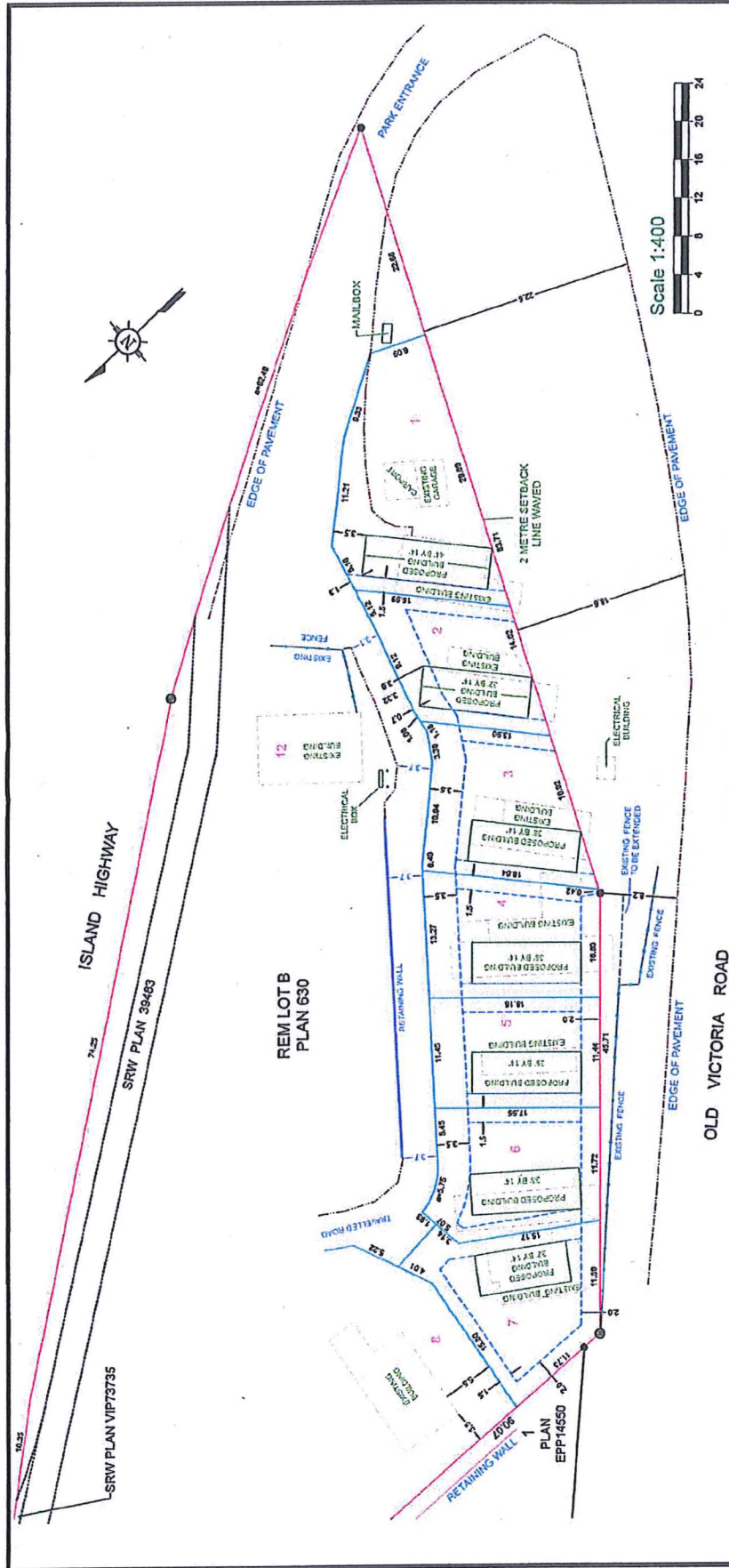
LOCATION PLAN

Civic: 1074 Old Victoria Road
Lot B, Section 1, Nanaimo District, Plan 630,
Except Parts in Plans 3212 RW and 956 RW

 **Subject Property**

Schedule B
Site Plan

Development Variance Permit DVP00280
1074 Old Victoria Road



NOTES:
ALL DISTANCES ARE IN METRES.
LOT ALIGNMENT, DIMENSIONS AND AREAS ARE DERIVED FROM REGISTERED LEGAL PLANS.
FIELD SURVEY PERFORMED IN JANUARY 2016.

HARBOUR CITY LAND SURVEYING LTD.
1825 LATIMER ROAD
NANAIMO BC V9S 5H2
PHONE: 250-756-7180
EMAIL: ANDRE@HCLSLD.COM

PROJECT: 1074 OLD VICTORIA ROAD, NANAIMO
CLIENT: CHRIS FALARDEAU

SCALE: 1:400 DRAWN BY: AM DWG NO: 15048-DEV-PERMIT-DWG
DATE: FEBRUARY 9, 2016 SHEET 1 OF 1 REV. 0

- LEGEND:**
- DENOTES LEGAL POST FOUND.
 - DENOTES CAPPED POST FOUND.
 - DENOTES NON STANDARD LEGAL POST FOUND.
 - DENOTES PROPOSED LOT LINE
 - DENOTES PROPOSED SETBACK
 - DENOTES PROPOSED BUILDING
 - DENOTES EXISTING BUILDING
 - DENOTES EXISTING PROPERTY LINE
 - DENOTES EXISTING FENCE
 - DENOTES EDGE OF PAVEMENT

SITE STATISTICS

PARENT PROPERTY	CIVIC ADDRESS	ZONING
LOT B, PLAN 630, EXCEPT PARTS IN PLANS 3522SRV AND 958RV	1074 OLD VICTORIA ROAD	R12
DEVELOPMENT VARIANCE PERMIT		

The field survey represented by this plan was completed on the 1st day of February, 2016 and was checked on the 10th day of February, 2016 and is hereby certified correct.

Andre McNicoll
Andre McNicoll
BCLS

ATTACHMENT B

February 10th, 2016

Chase River Mobile Home Park
1074 Old Victoria Road
Nanaimo BC V9R 6L7

To: Development Variance Permit Department
Applicant: Chris Falardeau (owner)

History

This small mobile home park has 15 units and was purchased with this in mind for the cash flow reasons. When the park was purchased just over 11 years ago, there were drug dealings in 2 of the mobiles and yet another was a grow operation. Upon commencing management of the park I was able to remove the 3 undesirable tenants and commence cleaning up the park. Now we have improved the stability of the park for the residence. Any new units moving in must also have or be upgraded to include peak roof and vinyl siding etc. This new direction for the park has made a dramatic improvement not only for the park but for the surrounding area and properties. You don't have to go far in the community to find someone with good comments about the changes.

Intentions

My goal is to continue to clean up the park and make it a recognized area in community for all of the right reasons. This has been a continual improvement for the quality of life for my tenants. I intend to continue with the improvements. Such improvements include planting more desirable trees, keeping more clean and green areas, eventual re paving the site driveways and roads, repair, and replace fencing the area, etc... Intentions are to replace 5 of the 7 homes on the Old Victoria side of the property. Attached drawing show all existing and proposed placements. These replacements would be within 2 years with most taking place in 2016.

Explanation for Extension of non-conforming uses.

- This is a non-compliant park therefore none of the existing units will have the clearances required by the city. Most residents have been living here for 10 - 20 years plus, and 2 have called Chase River Mobile Home Park home for 43 years now.
- I am seeking to take the existing homes along Old Victoria Road and move them inward away from the road. Currently most of the homes are right on the property line or over the line on to city property. All though we may not have space to completely comply with city clearance to property lines we will improve the current clearances in some cases by 10 feet.

Chase River Mobile Home Park
1074 Old Victoria Road
Nanaimo BC V9R 6L7

Describe Variance:

- Small lot size
- Unusual shape
- Current back distance to lot line is 0 meters. Proposing increase 2 meters
- Current side clearances 1 meter to increase to the required 1.5 meters on all lots
- Current front clearances vary and with replacements will be the same or better than current.

Reason for Variance:

- Removal of old rotting mobile homes is a must
- Want to replace old homes with new upgraded modular park models
- Working to upgrade entire park
- If we cannot replace mobiles as they become unliveable, the park will become an eye sore to the community.
- New park rules for anyone moving on must have peak roof and vinyl siding
- It would be a hardship if condemned or non liveable homes had to be removed and we could not replace them. The revenues would not sustain the park and we would have to sell or shut it down. This would displace many long time residence.

Variance Request:

- Accommodate relocation setbacks to move new home locations off city property to Chase River MHP property
- Vary set back allowance along Old Victoria road to 2 meter for lot #4 – 7
- Vary set back to property line for lot #1-3
- Request Licence of Occupation for property between Old Victoria Road and Lots 1 – 3 to park entrance. Chase River MHP has maintained this land for 11 years or more, cutting grass, picking up trash, cutting and trimming dangerous large trees.

Sincerely,

Chris Falardeau
Owner/Manager
Chase River Mobile Home Park aka trailer park

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ATTACHMENT C

Aerial Photo



DEVELOPMENT VARIANCE PERMIT NO. DVP00280

