

DATE OF MEETING | January 13, 2020 |

AUTHORED BY | SADIE ROBINSON, PLANNING ASSISTANT, CURRENT PLANNING |

SUBJECT | DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP399 – 3951 JINGLE POT ROAD |

OVERVIEW

Purpose of Report

To present for Council’s consideration, a development variance permit application to reduce the minimum required rear yard setback to legalize the construction of an existing single residential dwelling at 3951 Jingle Pot Road. |

Recommendation

That Council issue Development Variance Permit No. DVP399 at 3951 Jingle Pot Road with the following variance:

- reduce the minimum rear yard setback requirement for the principle dwelling from 7.5m to 5.1m. |

BACKGROUND

A development variance permit application, DVP399, was received from Navtej Saroya to vary the provisions of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) to reduce the minimum required rear yard setback from 7.5m to 5.1m to legalize construction of an existing single residential dwelling at 3951 Jingle Pot Road.

Subject Property and Site Context

<i>Zoning</i>	R1 – Single Dwelling Residential
<i>Location</i>	The subject property is located on the west side of Jingle Pot Road, approximately 178m southwest of its intersection with Biggs Road.
<i>Total Lot Area</i>	538m ²
<i>Official Community Plan</i>	Map 1 – Future Land Use – Neighbourhood

The subject property is a new residential lot resulting from a recent subdivision. The surrounding area is primarily characterized by a combination of vacant lots and early construction of single residential dwellings.

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

DISCUSSION

Proposed Development

The property owner obtained a building permit (BP125368) to construct a new residential dwelling with a secondary suite on the subject property. Through the building inspection process, it was identified there was an error in the building permit issuance as the lane was misinterpreted to be the front lot line, requiring a 4.5m setback, when in fact it abuts the rear lot line and requires a 7.5m setback. The rear yard setback was therefore not met for the dwelling under construction. The property owner then applied for a development variance permit in order to legalize the partially constructed residence and allow construction to complete.

Proposed Variances

The Zoning Bylaw requires a minimum rear yard setback of 7.5m in the R1 zone. The proposed rear yard setback is 5.1 meters; a variance of 2.4 meters. The requested variance will allow the applicant to complete construction of the existing dwelling in its current location. All other setbacks and zoning requirements will be met.

The proposed addition is not anticipated to negatively impact adjacent properties. Staff have received letters in support of the proposed variance from the owners of adjacent properties at 3927, 3933, 3939 and 3945 Jingle Pot Road, and 3713, 3715 and 3729 Delia Terrace.

Staff support the proposed variance.

SUMMARY POINTS

- Development Variance Permit Application No. DVP399 proposes a variance to reduce the rear yard setback requirement from 7.5m to 5.1m to legalize an existing single residential dwelling that is under construction.
- The requested setback variance is not anticipated to negatively impact adjacent properties.
- Staff support the proposed variance.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Location Plan
ATTACHMENT C: Site Survey
ATTACHMENT D: Aerial Photo

Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services

ATTACHMENT A PERMIT TERMS AND CONDITIONS

TERMS OF PERMIT

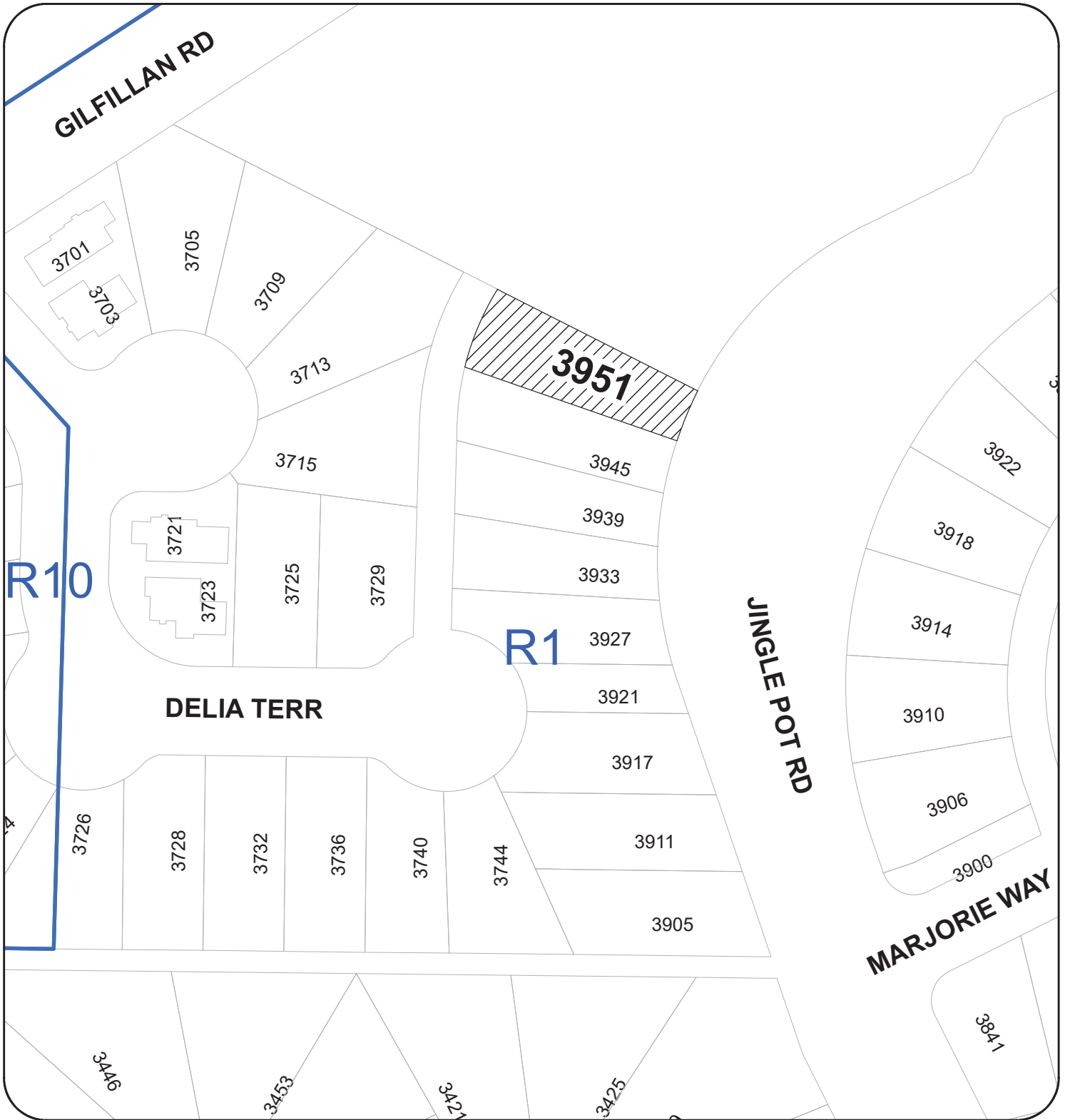
The “City of Nanaimo Zoning Bylaw 2011 No. 4500” is varied as follows:

1. *Section 7.5.1 – Siting of Buildings* – to reduce the minimum required rear yard setback from 7.5m to 5.1m for the principle dwelling at 3951 Jingle Pot Road.

CONDITIONS OF PERMIT

1. The subject property shall be developed in accordance with the Site Survey prepared by T.G. Hoyt, B.C. Land Surveyor, dated 2019-NOV-01, as shown on Attachment C.

ATTACHMENT B
LOCATION PLAN



DEVELOPMENT VARIANCE PERMIT NO. DVP000399

LOCATION PLAN

CIVIC: 3951 JINGLE POT ROAD

LEGAL: LOT 13, SECTION 5, WELLINGTON DISTRICT, PLAN EPP84286

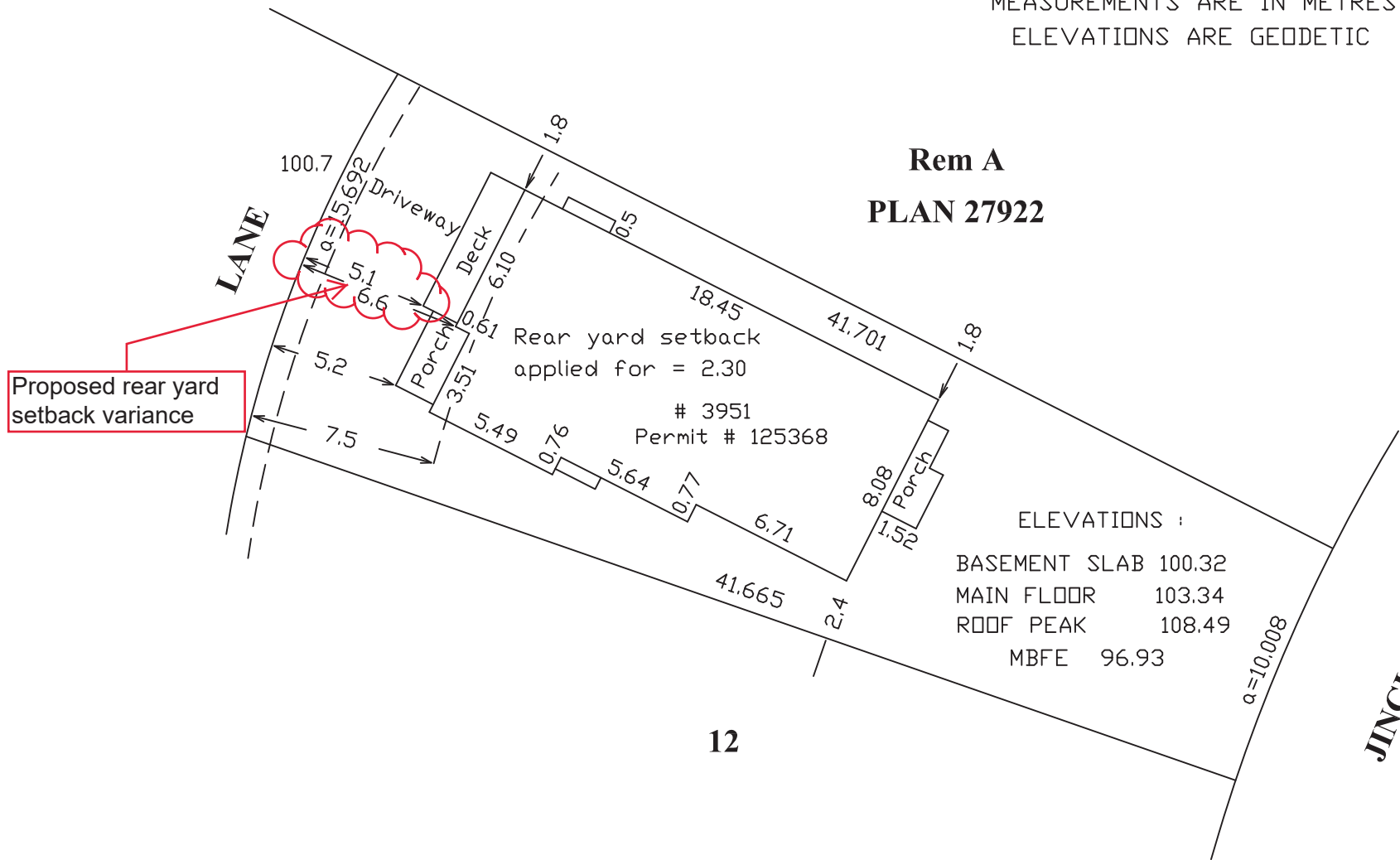


SUBJECT PROPERTY

**PLAN SHOWING LOCATION OF HOUSE ON
WELLINGTON DISTRICT, PLAN EPP84286**

**ATTACHMENT C
SITE SURVEY**

SCALE 1:250
MEASUREMENTS ARE IN METRES
ELEVATIONS ARE GEODETIC



Proposed rear yard setback variance

ELEVATIONS :
BASEMENT SLAB 100.32
MAIN FLOOR 103.34
ROOF PEAK 108.49
MBFE 96.93

RECEIVED
DVP 399
2019-NOV-05
Current Planning

This 1st day of November, 2019.

T.G. Hoyt
B.C. Land Surveyor
2275 Godfrey Road
Nanaimo, B.C.
V9X 1E7
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FB 378/41
Not valid unless originally signed and sealed.

B. C. L. S.

ATTACHMENT D
AERIAL PHOTO



DEVELOPMENT VARIANCE PERMIT NO. DVP000399



 3951 JINGLE POT ROAD