

**City of Nanaimo
REPORT TO COUNCIL**

DATE OF MEETING: 2013-NOV-4

AUTHORED BY: DAVE STEWART, PLANNER
PLANNING & DESIGN SECTION

RE: DEVELOPMENT VARIANCE PERMIT NO. DVP221 – 5101 RUTHERFORD ROAD

STAFF RECOMMENDATION:

That Council direct Staff to proceed with the required Statutory Notification for Development Variance Permit No. DVP221 at 5101 RUTHERFORD ROAD.

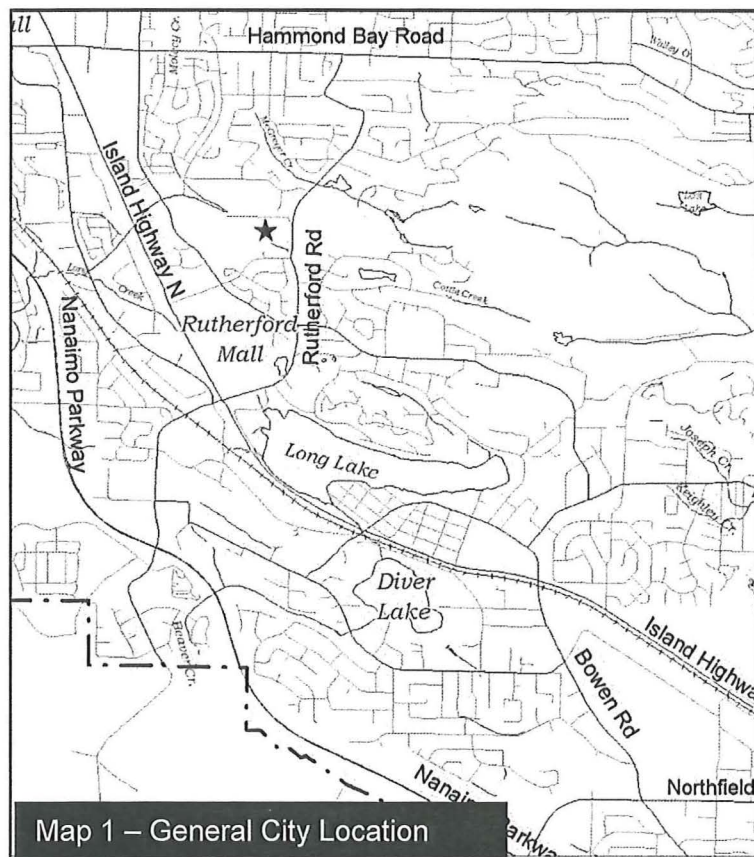
PURPOSE:

The purpose of this report is to seek Council authorization to vary the lot depth requirement for a number of lots within the proposed subdivision which is to be located at 5101 Rutherford Road.

BACKGROUND:

A development variance permit application has been prepared by INSIGHT HOLDINGS LTD., on behalf of SCHOOL DISTRICT 68 to vary the provisions of the City of Nanaimo "ZONING BYLAW 2011 NO. 4500", in order to permit a 34 lot, small lot subdivision. The project is a continuation of the City's partnership with School District 68 on implementing the land exchange project.

A Statutory Notification must take place prior to Council's consideration of the approval of the variance.

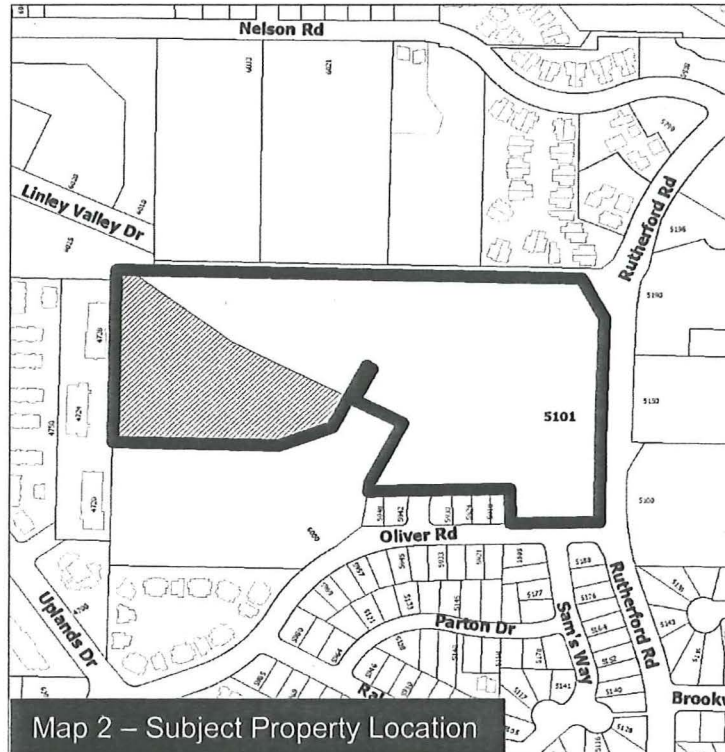


Subject Property

The subject property is located immediately to the north of Oliver Woods Community Centre and between Rutherford Road to the east, and existing and proposed multiple family housing to the west. (see 'Map 1 – General City Location' and 'Map 2 – Subject Property Location').

The subject property has a total lot area of 8.4 ha. Approximately 6.0 ha will be transferred from the School District to the City for parkland and future road dedication. The existing wetland and riparian area boundary are included within the proposed park portion of the site.

On 2013-OCT-28 the proposed park area was rezoned through Zoning Amendment Bylaw 4500.045 (RA317) for use as a nature park. The remaining 2.4 ha was also rezoned through the same bylaw, from Single Dwelling Residential (R1) to Single Dwelling Residential – Small Lot (R2) Zone to support a 34 lot, small lot subdivision. The proposed development site is located within the southwest portion of the site (as shown within the shaded area of 'Map 2 – Subject Property Location'), abutting Oliver Woods Community Centre.



DISCUSSION:

Proposed Development

As part of the School District/City land exchange the School District plans to retain the 2.4 ha parcel as a development site. The school district has entered into a preliminary agreement with Insight Holdings, to develop the site for a 34 lot, small lot, single dwelling residential subdivision.

The proposed subdivision will be accessed from Linley Valley Drive to the northwest. Proposed lot sizes range from 599 m² to 328 m². The proposed lots will be located between the wetland area to the north and northeast, and Oliver Woods Park to the south. In order to ensure the required 15 m aquatic buffer area for the wetland is included entirely within the proposed park area, the depths of the proposed lots have been reduced. Of the proposed lots, 22 out of 34 will require lot depth variances. All of the proposed lots exceed the minimum required lot area and frontage requirements for the R2 Zone, and in Staff's opinion include a workable building envelope. The proposed subdivision layout is identified in Attachment A.

Required Variances

Zoning Bylaw 4500 requires a lot depth of 28 m for R2 zoned lots which do not abut a laneway. The applicant is requesting the following lot depth variances as shown within the following table:

Lot Number	Proposed Lot Depth (m)	Variance Required (m)
1	24.2	3.8
3	27.9	0.1
4	27.0	1.0
5	26.4	1.6
6	26.3	1.7
7	26.4	1.6
8	26.1	1.9
9	25.5	2.5
10	25.4	2.6
11	26.8	1.2
12	27.2	0.8
13	27.8	0.2
14	27.9	0.1
16	27.6	0.4
17	24.5	3.5
18	24.1	3.9
19	25.8	2.2
26	25.1	2.9
27	25.5	2.5
29	24.8	3.2
31	25.3	2.7
32	27.2	0.8

Respectfully submitted,




B. Anderson, MCIP
MANAGER
PLANNING & DESIGN SECTION

Concurrence by:



A. Tucker, MCIP
DIRECTOR
PLANNING



T. Seward
ACTING GENERAL MANAGER
COMMUNITY SAFETY & DEVELOPMENT

CITY MANAGER COMMENT:

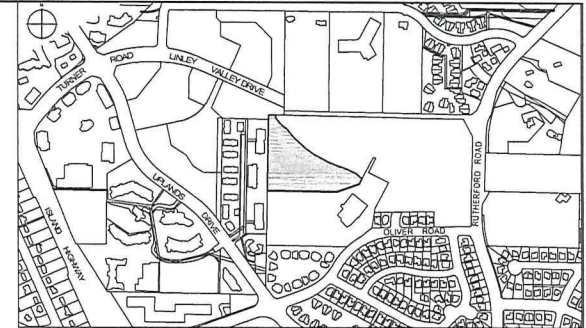
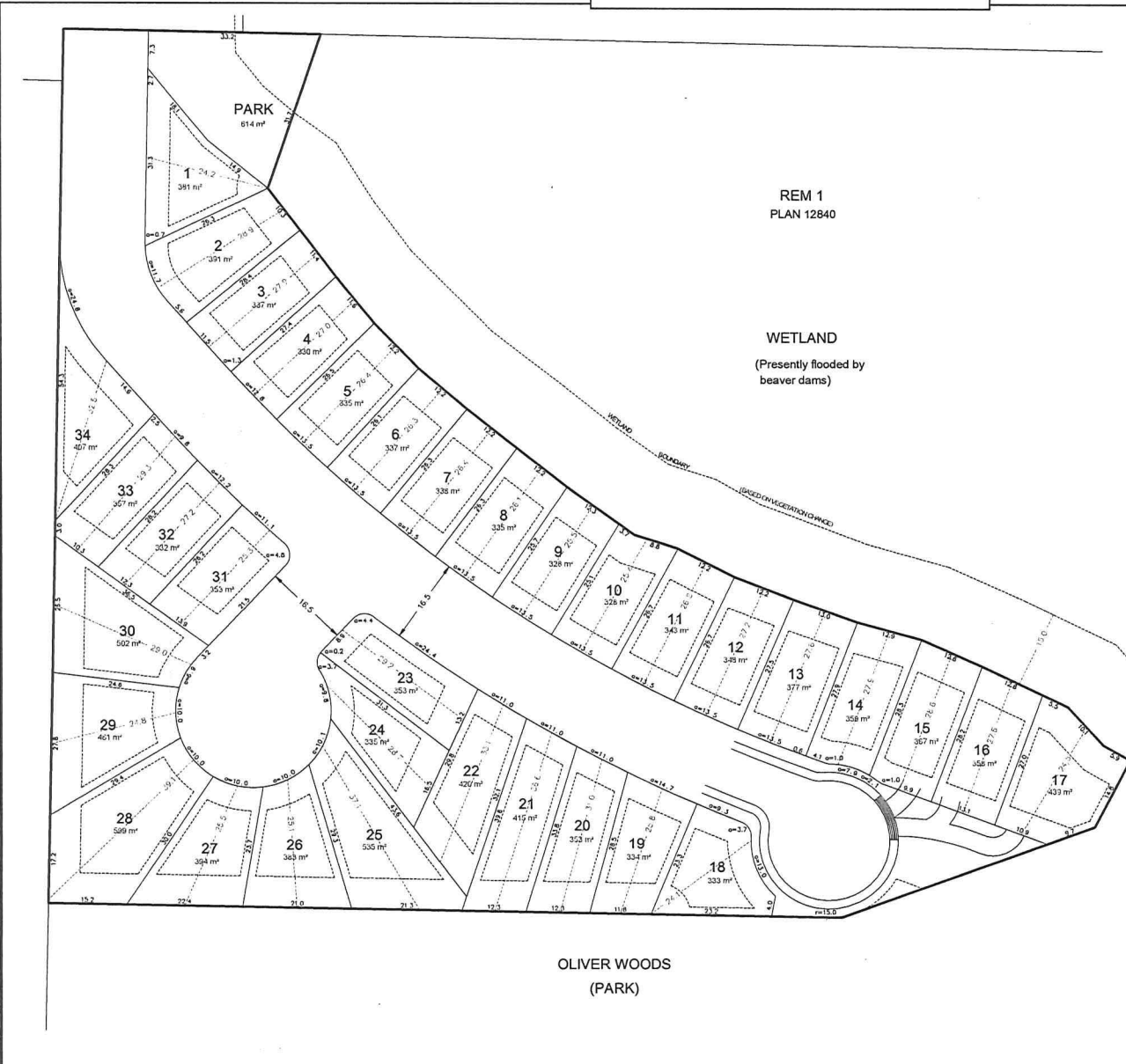
I concur with the Staff recommendation.

DS/lb

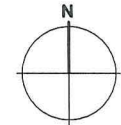
Drafted: 2013-OCT-18

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ATTACHMENT A



KEY PLAN
N.T.S.



SITE STATISTICS
 PROPOSED ZONE: R2
 DEVELOPMENT VARIANCE
 LOT DEPTH REQUIRED 28m
 LOT DEPTH PROPOSED 24m

PROJECT: OLIVER WOODS
 SMALL LOTS
 CLIENT: INSIGHT
 HOLDINGS LTD.

DRAWING: DEVELOPMENT LAYOUT
 DATE: MAY 10/13
 SCALE: 1:400
 DRAWN: CH
 FILE: 12135-3
 SHEET: 1 OF 1

REVISIONS
 MAY 10/13 FIRST ISSUE
 JUNE 07/13 AMEND TO 10M FRONTAGE
 OCT. 18/13 ADD PARK AT NORTH END
 OCT. 23/13 ADDED LOT DEPTHS

WILLIAMSON & ASSOCIATES
 PROFESSIONAL SURVEYORS
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OLIVER WOODS
 (PARK)