

DATE OF MEETING December 4, 2017

AUTHORED BY TAMERA ROGERS, PLANNER, CURRENT PLANNING AND SUBDIVISION

SUBJECT **DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP332 – 139 WILDLIFE PLACE**

OVERVIEW

Purpose of Report

To present for Council’s consideration, a development variance permit application to allow a roof addition to be constructed within the rear yard setback to cover an existing patio at 139 Wildlife Place.

Recommendation

That Council issue Development Variance Permit No. DVP332 at 139 Wildlife Place with the following variance:

- reduce the minimum rear yard setback from 7.5m to 6.2m.

BACKGROUND

A development variance permit application, DVP332, was received from Ms. Pei Wei Hsu to vary the provisions of the City of Nanaimo “Zoning Bylaw 2011 No. 4500” to allow a roof to be constructed within the rear yard setback to cover an existing patio at 139 Wildlife Place.

Subject Property

<i>Zoning</i>	R1 – Single Dwelling Residential
<i>Location</i>	The subject property is located midblock, four lots south of the Wordsworth Gate Way and Wildlife Place intersection.
<i>Total Lot Area</i>	736m ²
<i>Official Community Plan</i>	Map 1 – Future Land Use - Neighbourhood

The subject property is located in the Buttertubs subdivision, a single dwelling residential neighbourhood. The surrounding lots, including the subject property, are primarily flat and of a similar size.

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

DISCUSSION

Proposed Development

The proposed development is a roof addition to the principal dwelling to cover the existing patio in the rear yard. The roof would provide weather protection and shade for the patio space.

The existing patio is 4m deep and 6m wide. If constructed to meet the 7.5m rear setback requirement, the roof would not provide practical patio coverage. The owners are requesting a variance to allow the proposed roof to cover the entire patio space. The roof would replace a pergola structure that currently covers the patio area.

The property owner has discussed the variance proposal with the adjacent property owners at 135 and 143 Wildlife Place and 140 and 144 Bird Sanctuary Drive and has received their signatures in support of the proposed variance.

Proposed Variances

Minimum Required Rear Yard Setback

The minimum required rear yard setback is 7.5m. The proposed setback is 6.2m, a proposed variance of 1.3m.

The proposed variance will allow a practical area of roof coverage for the existing patio. Existing trees and shrubs will provide a level of visual buffer from the adjacent property to the west. The roof addition also has a substantial side yard setback from the properties to the north and south (10m and 6.84m, respectively). The proposed roof addition is not anticipated to affect the use and enjoyment of the neighbouring properties.

See attachments for more information.

SUMMARY POINTS

- Development Variance Permit Application No. DVP332 proposes a variance to reduce the rear yard setback to allow a roof addition to cover an existing patio.
- A letter of support was received with signatures from the adjacent property owners.
- The requested setback variance is not anticipated to negatively impact adjacent properties.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Location Plan
ATTACHMENT C: Site Survey
ATTACHMENT D: Building Elevations
ATTACHMENT E: Context Photos
ATTACHMENT F: Aerial Photo

Submitted by:

L. Rowett
Manager, Current Planning and Subdivision

Concurrence by:

D. Lindsay
Director, Community Development

ATTACHMENT A PERMIT TERMS AND CONDITIONS

TERMS OF PERMIT

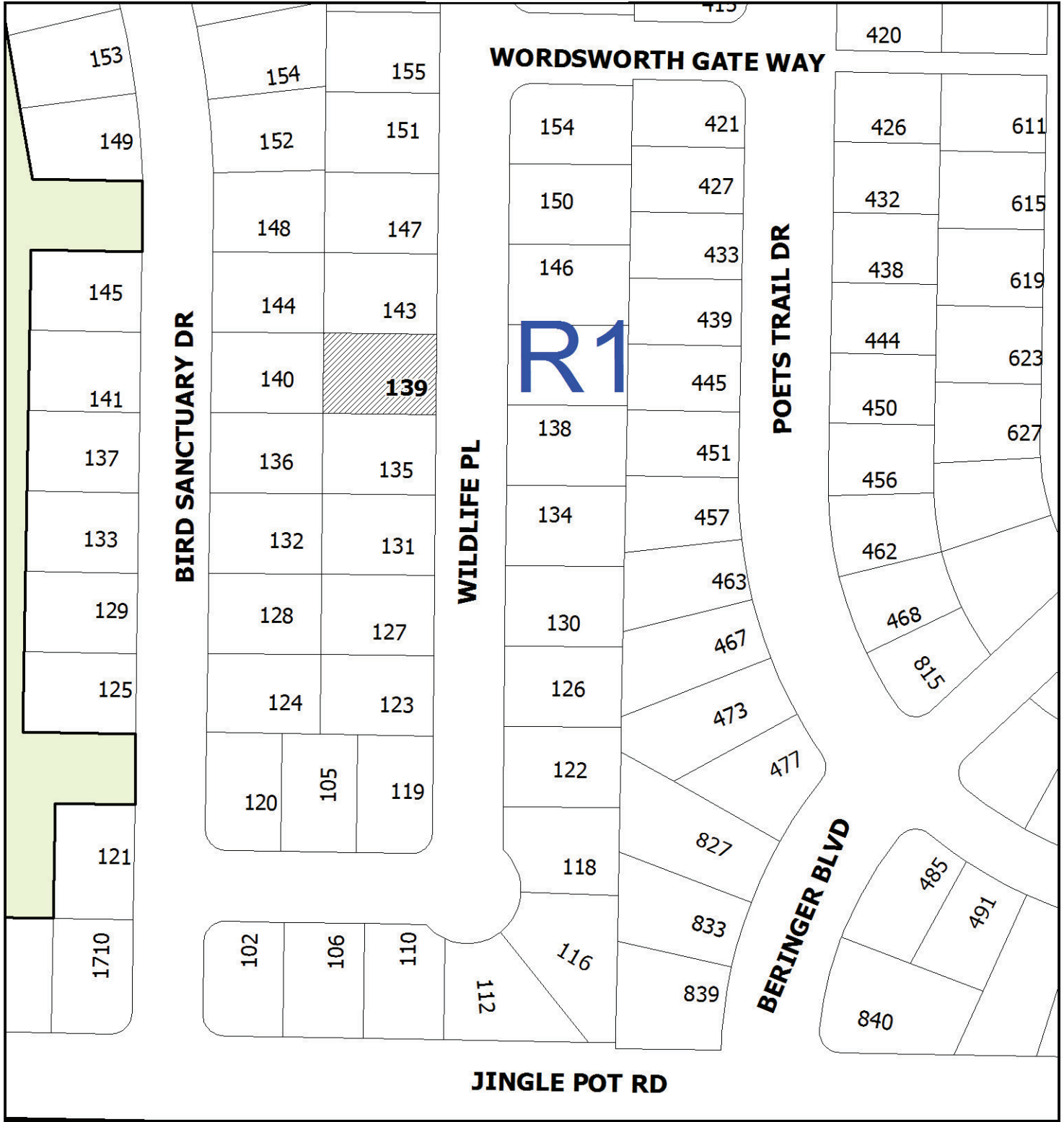
The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is varied as follows:

1. *Section 7.5.1 Siting of Buildings* – to reduce the minimum rear yard setback from 7.5m to 6.2m to allow the construction of a covered rear patio.

CONDITIONS OF PERMIT

1. The subject property shall be developed in accordance with the site survey prepared by J.E. Anderson & Associates, dated 2017-SEP-13, as shown on Attachment C.
2. A covered patio area shall be constructed in general accordance with the elevations prepared by Sea Swan Ent., received 2017-AUG-01, as shown on Attachment D.

ATTACHMENT B
LOCATION PLAN



DEVELOPMENT VARIANCE PERMIT NO. DVP00332



LOCATION PLAN

 **Subject Property**

Civic: 139 Wildlife Place
Lot 76, Section 1, Naniamo District,
Plan 29761



**J.E. ANDERSON
& ASSOCIATES**
SURVEYORS - ENGINEERS

ATTACHMENT C

SITE SURVEY

SKETCH PLAN

TEL: 250-758-4631 FAX: 250-758-4660
NANAIMO - VICTORIA - PARKSVILLE - CAMPBELL RIVER

File: 88999

Civic: 139 Wildlife Place, Nanaimo, B.C.

Legal: Lot 76, Section 1, Nanaimo District, Plan 29761.

Dimensions are in metres and are derived from Plan 29761.

This sketch does not constitute a redefinition of the legal boundaries hereon described and is not to be used in any matter which would assume same.

This sketch plan has been prepared in accordance with the Professional Reference Manual and is certified correct this 13th day of September, 2017.


B.C.L.S.

This document is not valid unless originally signed and sealed or digitally signed by BCLS

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The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decision made, or actions taken based on this document.

Subject to charges, legal notations, and interests shown on: Title No. CA4826834 (P.I.D. 001-347-713)

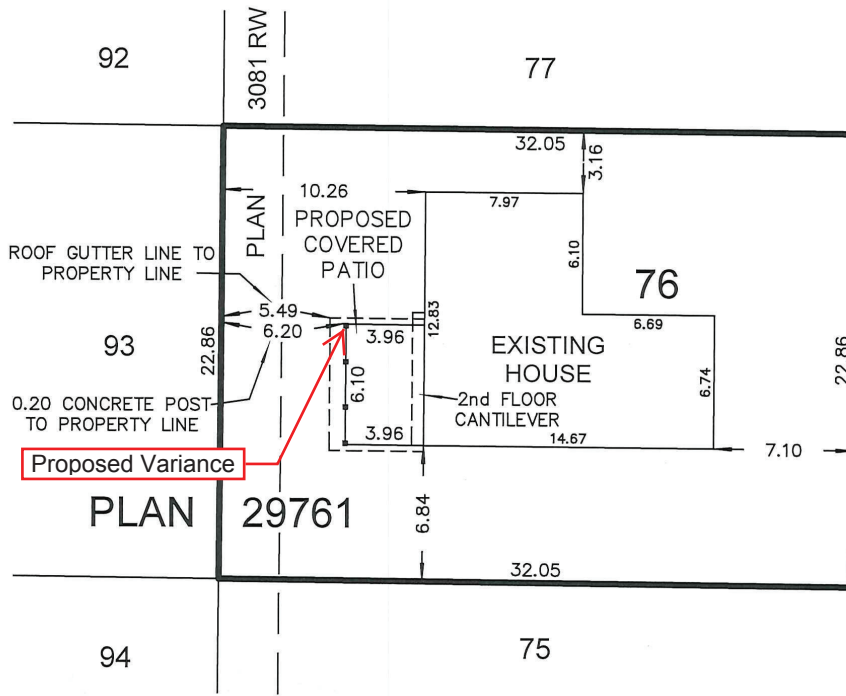
Scale 1:300



Datum for elevations, in metres, is geodetic

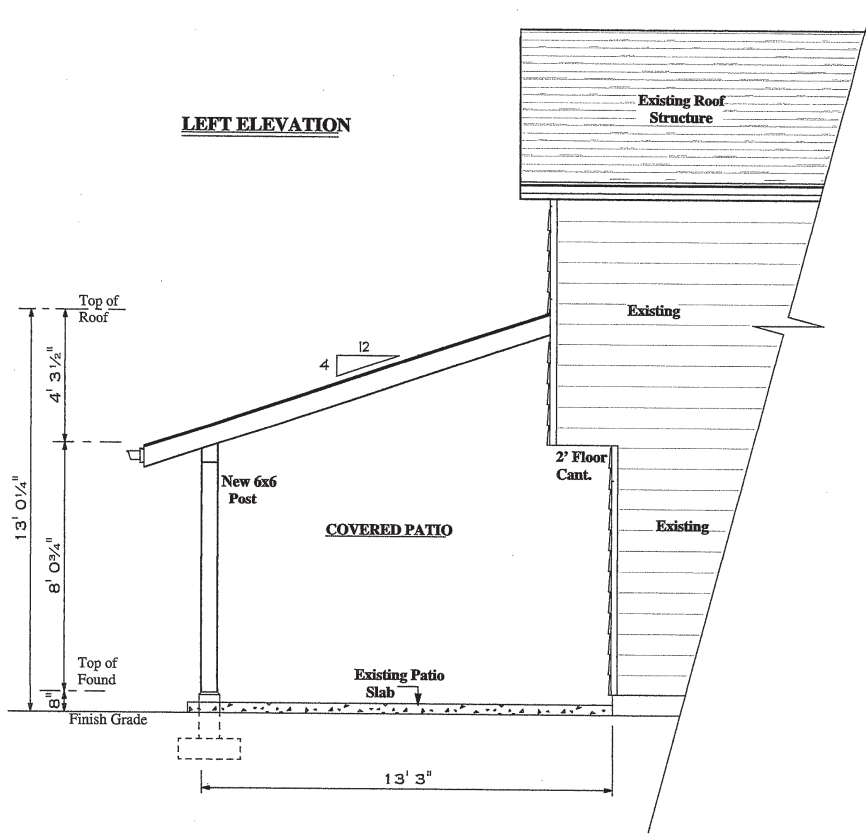
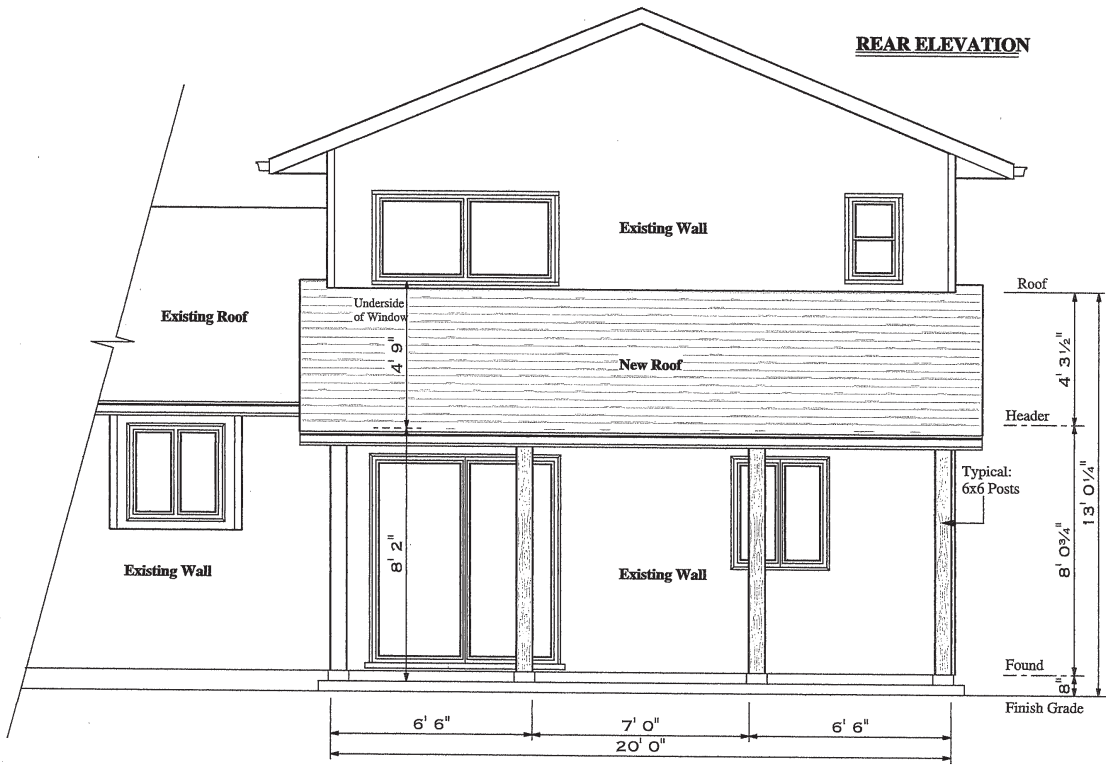
VARIANCE REQUEST

Minimum rear yard setback to concrete posts = 7.50
Proposed rear yard setback to concrete posts = 6.20
Variance request = 1.30



WILDLIFE PLACE

ATTACHMENT D BUILDING ELEVATIONS



Client: **WALTERS RESIDENCE**
139 WILDLIFE PLACE
NANAIMO, BC

Drawing is the sole property of
See Suan Ent. and may not be
reproduced without authorization
1-250-756-4233

Plans have been drawn by See Suan Ent. It is the sole
responsibility of the Builder / Contractor to verify all
dimensions, details, quantities etc. and meet all municipal
and BC Building Codes 2012 + 2014 Energy Efficiency

SCALE: 1/4" = 1'0"	DATE: AUG. 01/2017	PAGE NO.
DRAWN BY: IAN	PLAN # DECK-265	1 of 3
REVISED:		

**ATTACHMENT E
CONTEXT PHOTOS**

CONTEXT PHOTOS
(DVP332)



ATTACHMENT F
AERIAL PHOTO



DEVELOPMENT VARIANCE PERMIT NO. DVP00332