

DATE OF MEETING | November 4, 2019 |

AUTHORED BY | LAINY NOWAK, PLANNING ASSISTANT, CURRENT PLANNING |

**SUBJECT | DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP390 –  
1074 OLD VICTORIA ROAD |**

## **OVERVIEW**

### **Purpose of Report**

To present for Council's consideration, a development variance permit application to vary the front yard and flanking side yard setback requirements for mobile home pad areas in an existing mobile home park.

### **Recommendation**

That Council issue Development Variance Permit No. DVP390 at 1074 Old Victoria Road with the following variances:

- reduce the front yard setback from 4.5m to 1.5m on the southern boundary of mobile home pad areas 14, 15, and 16;
- reduce the front yard setback from 4.5m to 3.5m on the northern boundary of mobile home pad area 14; and
- reduce the flanking side yard setback from 3.0m to 1.5m for mobile home pad area 16.

## **BACKGROUND**

A development variance permit application, DVP390, was received from Christopher Falardeau, to vary the provisions of the "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw") to reduce the minimum setback requirements for three mobile homes within an existing mobile home park in order to legalize the non-conforming siting of the existing mobile homes.

The Chase River Mobile Home Park has been in operation for over 50 years and is characterized by its irregular lot shape. The park was previously part of the Regional District of Nanaimo before the City of Nanaimo expanded their boundaries in 1975. There are currently thirteen mobile home units within the park.

In 2016, a development variance permit (DVP280) was approved for the property to vary the mobile home park front yard setback from 6m to 0m in order to relocate and legalize the siting of seven mobile home pad areas. Prior to the variance approval, many of these mobile home units were encroaching onto the City road right-of-way on Old Victoria Road and were considered non-conforming as to siting.

### Subject Property

<i>Zoning</i>	R12 - Mobile Home Park Residential
<i>Location</i>	The subject property is an existing mobile home park with frontages on both Old Victoria Road and the Island Highway.
<i>Lot Area</i>	6,333m <sup>2</sup>
<i>Official Community Plan</i>	Neighbourhood

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

### DISCUSSION

The applicant is requesting a variance to the front yard and flanking side yard setbacks for three mobile home pad areas in order to legalize the siting of existing non-conforming mobile homes and establish functional building envelopes for any future replacements of these units. The pad areas for units 14, 15, and 16 have two front yards as defined by the Zoning Bylaw. The internal roadway is located on either side of pad areas 14 and 15, and curves around pad area 16, which creates a flanking side yard.

The Zoning Bylaw requires a pad area front yard setback of 4.5m from the road, and a pad area flanking side yard setback of 3m between any public or private road on which a mobile home is located. The applicant plans to replace and relocate the older, existing mobile homes. As the mobile homes are non-conforming as to siting, a variance is necessary in order to replace or relocate them.

### Proposed Variances

#### *Front and Flanking Side Yard Setback*

The applicant is requesting to reduce the front yard setback from the road from 4.5m to 1.5m on the southern boundary of mobile home pad areas 14, 15, and 16; reduce the front yard setback from the road from 4.5m to 3.5m on the northern boundary of mobile home pad area 14; and reduce the flanking side yard setback from the road from 3.0m to 1.5m for mobile home pad area 16, as shown in the following table:

Mobile Home Pad Area Number	Front Yard (southern) - Pad Area	Front Yard (northern) - Pad Area	Flanking Side Yard – Pad Area
14	1.5m	3.5m	N/A
15	1.5m	N/A	N/A
16	1.5m	N/A	1.5m

Although the mobile home park is located adjacent to the Island Highway, there is adequate separation and buffering by the internal private road and existing vegetation. The proposed variances ensure a minimum right-of-way width of 6m exists between the edge of the pad area and the property line adjacent to the highway.

Despite the irregular parcel shape and age of the mobile home park, the proposed variances will establish functional building envelopes and ensure a minimum width for the internal road. Staff support the proposed variances.

### **SUMMARY POINTS**

- The applicant is requesting a front yard setback variance from the road along the southern pad area boundary for Units 14, 15, and 16 from 4.5m to 1.5m, and along the northern pad area boundary for Unit 14 from 4.5m to 3.5m.
- The applicant is also requesting a flanking side yard setback variance from the road along the western pad area boundary for Unit 16, from 3m to 1.5m.
- A variance is requested in order to legalize the siting of existing non-conforming mobile homes and establish functional building envelopes for any future replacements of these units.

### **ATTACHMENTS**

ATTACHMENT A: Permit Terms and Conditions  
ATTACHMENT B: Location Plan  
ATTACHMENT C: Site Survey and Detail  
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**

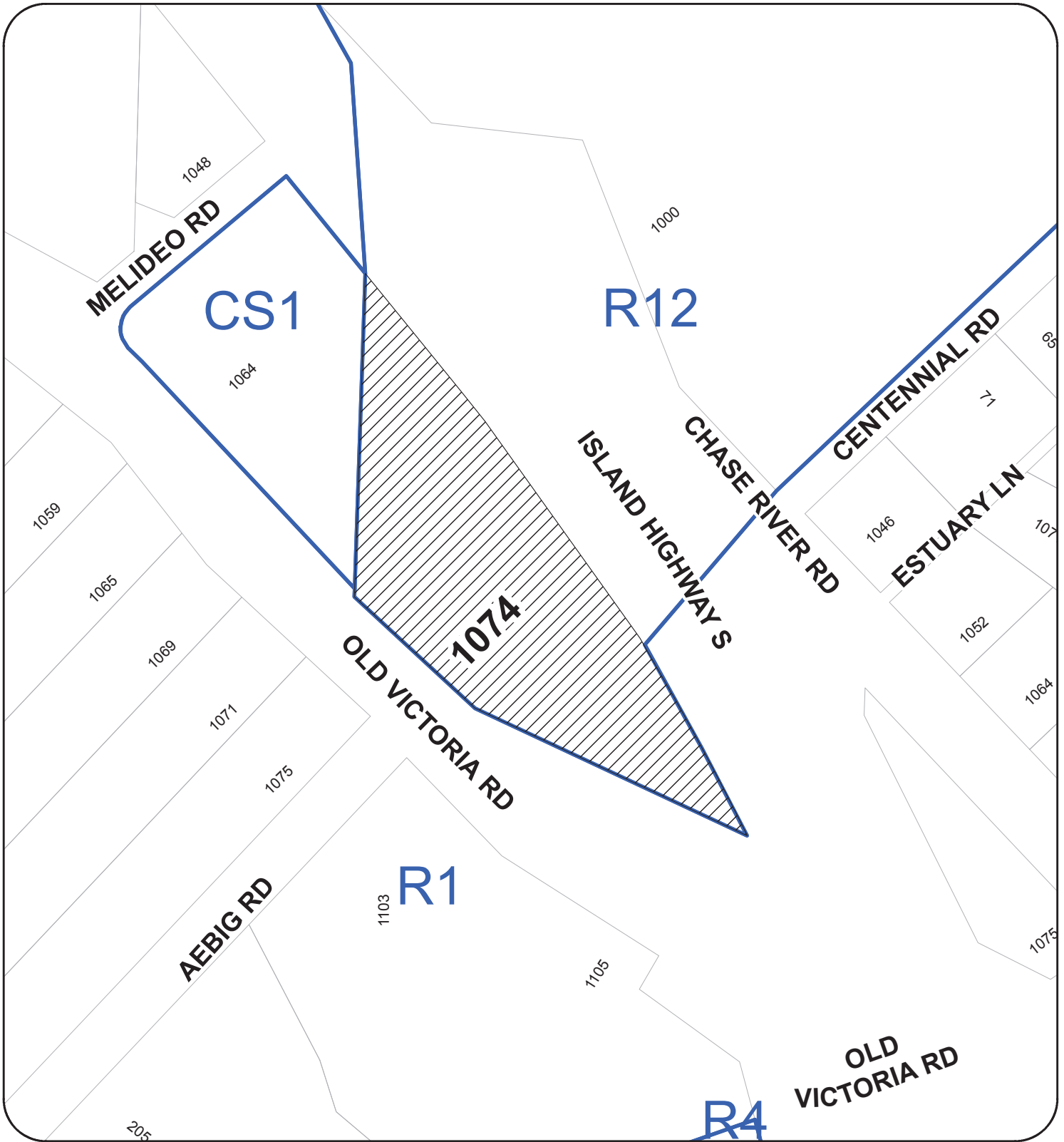
The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is varied as follows:

1. *Section 7.5.1 Siting of Buildings* - to reduce the front yard setback from 4.5m:
  - to 1.5m along the southern pad area boundary for mobile home pad area 14, 15 and 16; and,
  - to 3.5m along the northern pad area boundary for mobile home pad area 14.
2. *Section 7.5.1 Siting of Buildings* - to reduce the flanking side yard setback from 3.0m to 1.5m for mobile home pad area 16.

## **CONDITIONS OF PERMIT**

1. The subject property shall be developed in accordance with the Site Survey prepared by Harbour City Land Surveying Ltd., dated 2019-SEP-23, as shown on Attachment C.

ATTACHMENT B  
LOCATION PLAN



DEVELOPMENT VARIANCE PERMIT NO. DVP00390

LOCATION PLAN

Civic: 1074 OLD VICTORIA ROAD

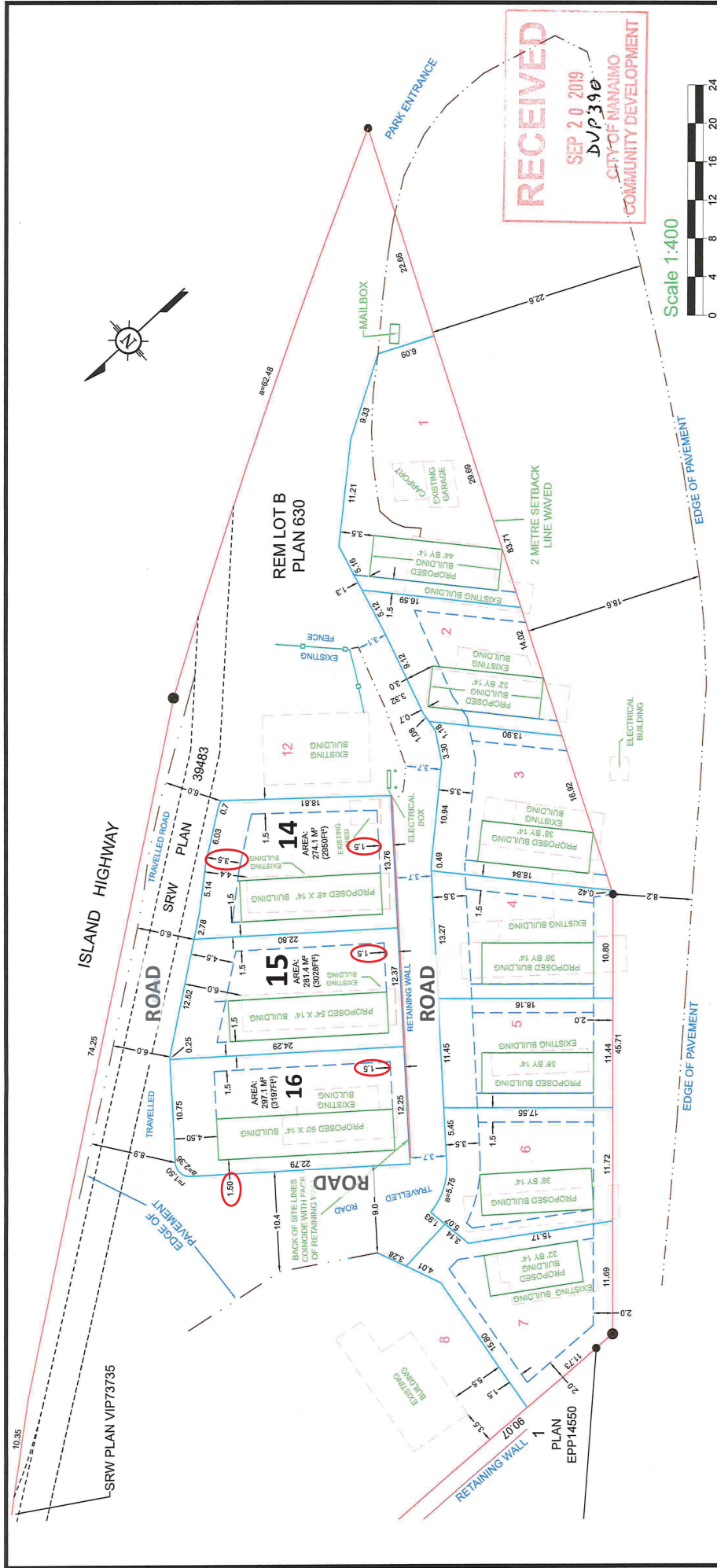
Legal Description: LOT B, SECTION 1, NANAIMO DISTRICT  
PLAN 630 EXCEPT PARTS IN PLANS 3212 RW AND 956 RW

N



SUBJECT PROPERTY

**ATTACHMENT C  
SITE SURVEY AND DETAIL**



**RECEIVED**  
SEP 20 2019  
DUP 390  
CITY OF NANAIMO  
COMMUNITY DEVELOPMENT

**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

**NOTES:**

ALL DISTANCES ARE IN METRES.  
LOT ALIGNMENT, DIMENSIONS AND AREAS ARE DERIVED FROM REGISTERED LEGAL PLANS.  
FIELD SURVEY PERFORMED IN SEPTEMBER, 2019.

**HARBOUR CITY LAND SURVEYING LTD.**  
1825 LATIMER ROAD  
NANAIMO, BC V9S 5H2  
PHONE: 250-758-4760  
EMAIL: ANDREMCNICOLL99@GMAIL.COM

**PROJECT:** 1074 OLD VICTORIA ROAD, NANAIMO  
**CLIENT:** CHRIS FALARDEAU  
**SIZE:** B  
**DRAWN BY:** AM  
**DWG NO.:** 15049-DEV-PERMIT-2.DWG

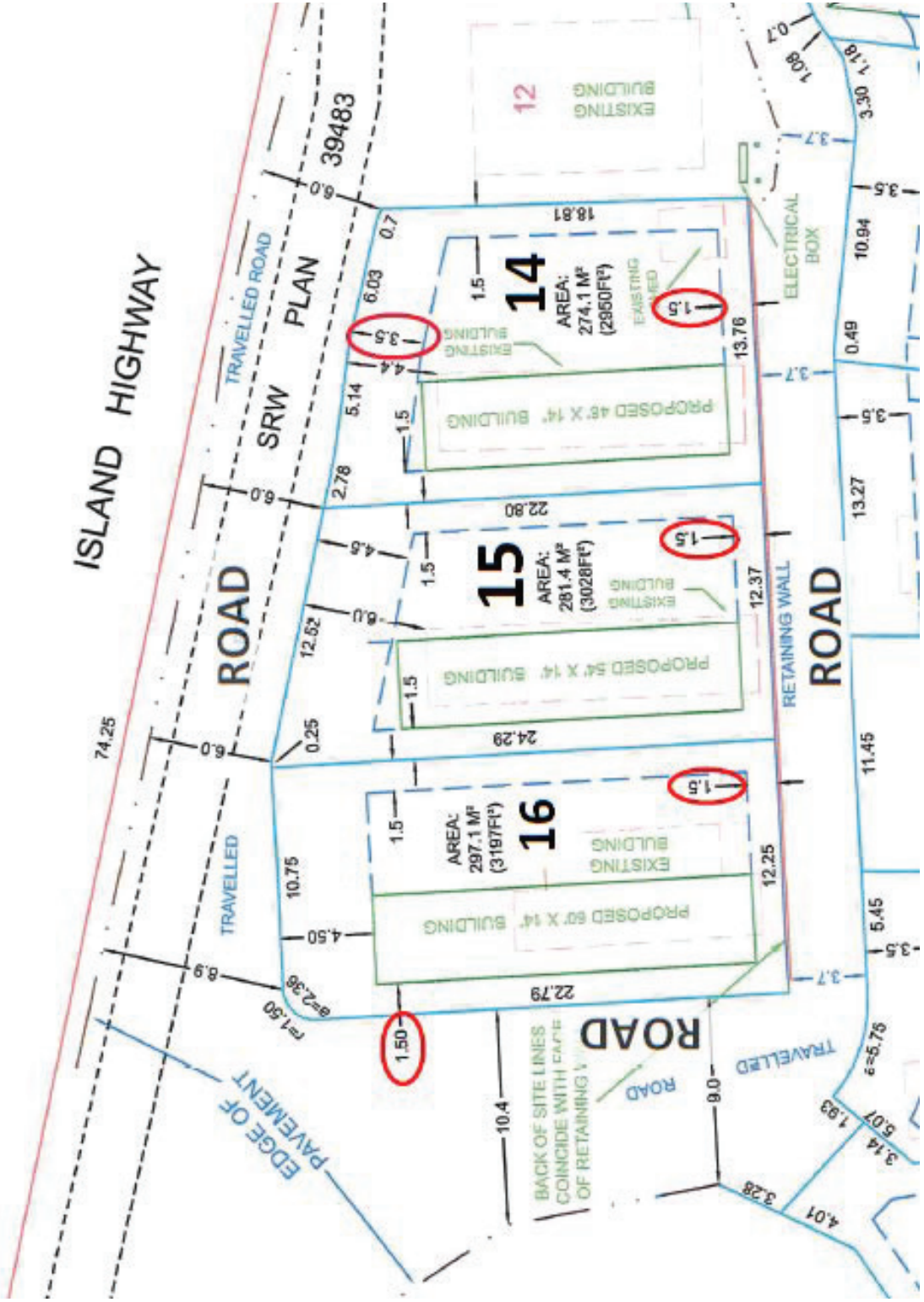
**SITE STATISTICS**

PARENT PROPERTY	CIVIC ADDRESS	ZONING
LOT B, PLAN 630, EXCEPT PARTS IN PLANS 3212RW AND 956RW	1074 OLD VICTORIA ROAD	R12
DEVELOPMENT VARIANCE PERMIT		

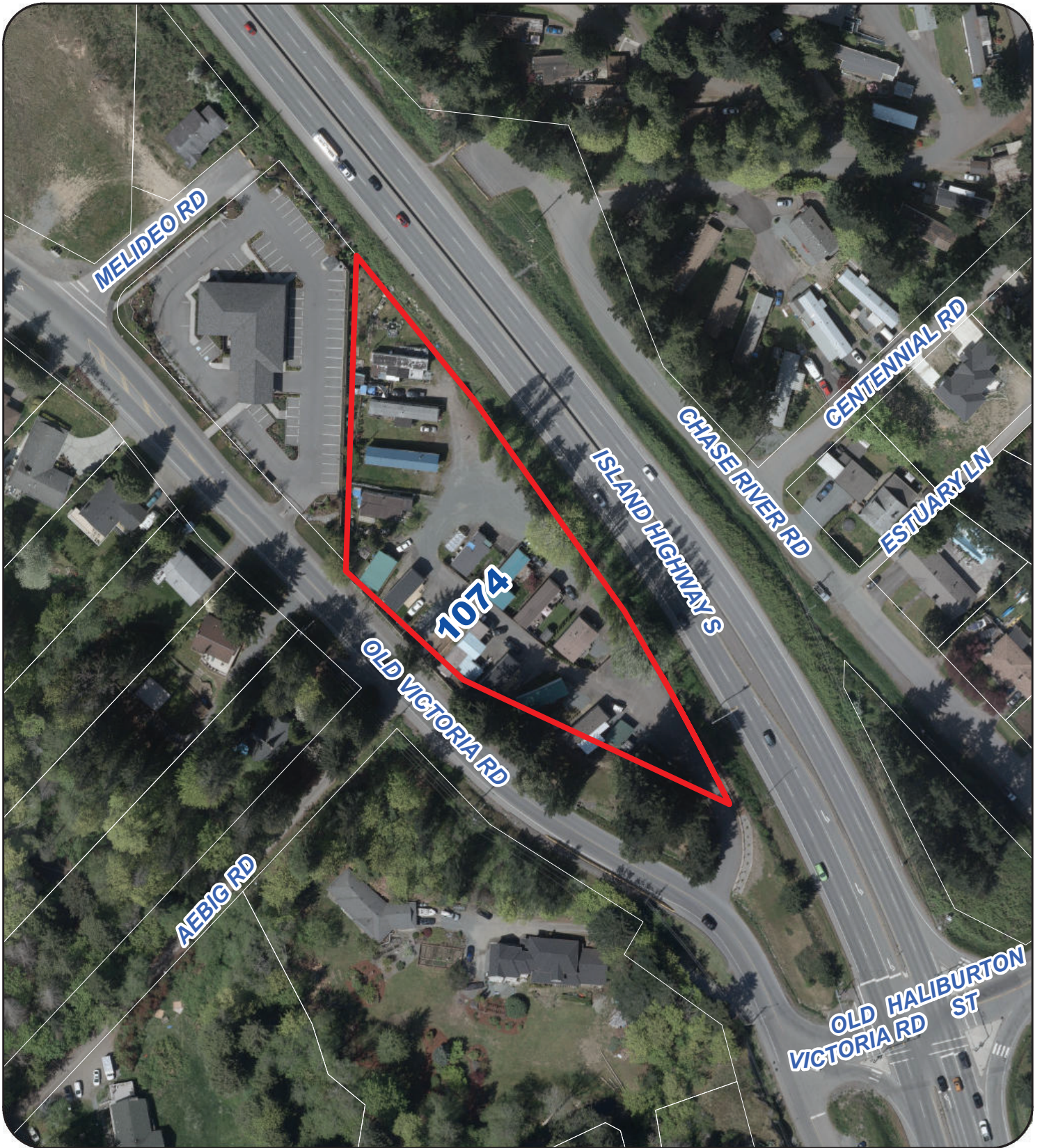
The field survey represented by this plan was completed on the 21th day of September, 2019 and was checked on the 23rd day of September, 2019 and is hereby certified correct.

*Andre McNicoll*  
Andre McNicoll,  
R.C.L.S.

Scale 1:400  
DATE: SEPTEMBER 23, 2019.  
SHEET 1 OF 1  
REV. 1



ATTACHMENT D  
AERIAL PHOTO



DEVELOPMENT VARIANCE PERMIT NO. DVP00390

 SUBJECT PROPERTY