

DATE OF MEETING | August 31, 2020

AUTHORED BY | CALEB HORN, PLANNER, CURRENT PLANNING

**SUBJECT | DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP404 – 905 HECATE STREET**

## **OVERVIEW**

### **Purpose of Report**

To present for Council’s consideration, a development variance permit application to vary the minimum front yard setback and minimum parking requirement for a proposed addition to an existing daycare building at 905 Hecate Street.

### **Recommendation**

That Council issue Development Variance Permit No. DVP404 at 905 Hecate Street with the following variances:

- to reduce the minimum front yard setback from 6.0m to 4.2m; and
- to reduce the minimum required number of parking spaces from 14 spaces to 0 spaces.

## **BACKGROUND**

A development variance permit application, DVP404, was received from Zabo Holdings Inc. to vary the provisions of “City of Nanaimo Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) and City of Nanaimo “Off-Street Parking Regulations Bylaw 2018 No. 7266” (the “Parking Bylaw”) for a proposed addition to an existing daycare building at 905 Hecate Street.

### **Subject Property and Site Context**

<i>Zoning</i>	CS1 – Community Service One; and R14 – Old City Low Density (Fourplex) Residential
<i>Location</i>	The subject property is located on the east side of Hecate Street between Pine Street and Kennedy Street.
<i>Total Lot Area</i>	1,332m <sup>2</sup>
<i>Official Community Plan (OCP) Future Land Use Designation</i>	Neighbourhood
<i>Neighbourhood Plan Land Use Designation</i>	Old City Neighbourhood Plan – Sub-Area 3 – Multi-Family Low Density designation

The subject property is split-zoned and contains an existing 277m<sup>2</sup> building occupied by the Nanaimo Innovation Academy daycare. The building was constructed in 1961 and was previously used by the Islamic Centre of Nanaimo. The property is relatively flat and flanked by Hecate Street to the west and the E&N Railway corridor to the north and east.

Surrounding land uses are primarily residential and include a 39-unit seniors' residence across Hecate Street to the west, single residential dwellings across the E&N Railway to the east, and a proposed fourplex development (DP1166) on the adjacent property to the south.

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

## **DISCUSSION**

### **Proposed Development**

The applicant is proposing to construct a 70m<sup>2</sup> addition on the northwest side of the existing building. The addition has been designed to be sympathetic with the existing building's design. The project will allow the Nanaimo Innovation Academy to expand its daycare services.

### **Proposed Variances**

#### *Minimum Front Yard Setback*

The Zoning Bylaw requires a minimum front yard setback of 6m in the CS1 zone. The applicant is proposing a front yard setback of 4.2m; a requested variance of 1.8m.

The existing building's footprint is skewed on an angle and is located entirely on the CS1 portion of the of the split-zoned property (see Attachment D). The addition is proposed to be flush with the existing building and is sited closer to the front of the lot. In order to avoid conflicts with the zone boundary, and given the siting of the existing building, the addition will project 1.8m into the permitted front yard setback. Staff have reviewed the proposed front yard setback variance and no negative impacts are anticipated.

#### *Off-Street Parking*

The Parking Bylaw requires a minimum of 2 parking spaces plus 1 space for every 30m<sup>2</sup> of gross floor area used by a daycare facility. With a total proposed floor area of 347m<sup>2</sup>, a minimum of 14 parking spaces are required on site. The applicant is proposing no parking on site; a requested variance of 14 parking spaces. In lieu of parking on site, the applicant is proposing to provide parking on the adjacent property at 885 Hecate Street, to the north.

No parking is currently provided on site and the existing situation is considered non-conforming. The Parking Bylaw stipulates that where there is an addition that increases the gross floor area by more than 10% or 100m<sup>2</sup>, whichever is lesser, the present-day minimum parking requirements must be met. In this case, the proposed addition will result in a 25% floor area increase and will trigger the Parking Bylaw minimum parking requirements. Previous uses on the subject property have utilized on-street parking and an informal parking lot at neighbouring 885 Hecate Street.

In order to provide the daycare with adequate outdoor play space on site, the applicant is proposing to provide for all the required parking off site and formalize the parking area at 885 Hecate Street. The property at 885 Hecate is owned by the Island Corridor Foundation and contains a section of the E&N Railway adjacent to the intersection of Hecate Street and Kennedy Street. The Parking Bylaw allows for off-site parking where the parking is secured by

a Section 219 covenant, but in this case, the Island Corridor Foundation is unable to register a third-party covenant on the railway property, so a variance is being sought instead.

As a condition of this development variance permit, the applicant will be required to enter into a lease agreement with the Island Corridor Foundation to provide parking at 885 Hecate Street. Should the lease agreement ever be cancelled, the applicant will be required to provide parking on site. The Island Corridor Foundation has provided a letter indicating its willingness to enter into a lease agreement with the Nanaimo Innovation Academy. Parking spaces at 885 Hecate Street will be sited to ensure no conflict with the active railway corridor.

Given the transitory nature of parking for daycares, and given the existing non-conforming status of the subject property, no negative impacts are anticipated.

Staff support the proposed variances.

### **SUMMARY POINTS**

- Development Variance Permit No. DVP404 proposes variances to reduce the minimum front yard setback from 6.0m to 4.2m and to reduce the minimum number of parking spaces from 14 spaces to 0 spaces at 905 Hecate Street.
- As a condition of this development variance permit, parking will be provided at 885 Hecate Street, adjacent to the subject property.
- No negative impacts are anticipated and Staff support the proposed variances.

### **ATTACHMENTS**

ATTACHMENT A: Permit Terms and Conditions  
ATTACHMENT B: Context Map  
ATTACHMENT C: Location Plan  
ATTACHMENT D: Proposed Site Plan  
ATTACHMENT E: Proposed Building Renderings  
ATTACHMENT F: 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 14.5.1 – Siting of Buildings* – to reduce the minimum required front yard setback for the proposed addition from 6m to 4.2m.

The City of Nanaimo “Off-Street Parking Regulations Bylaw 2018 No. 7266” is varied as follows:

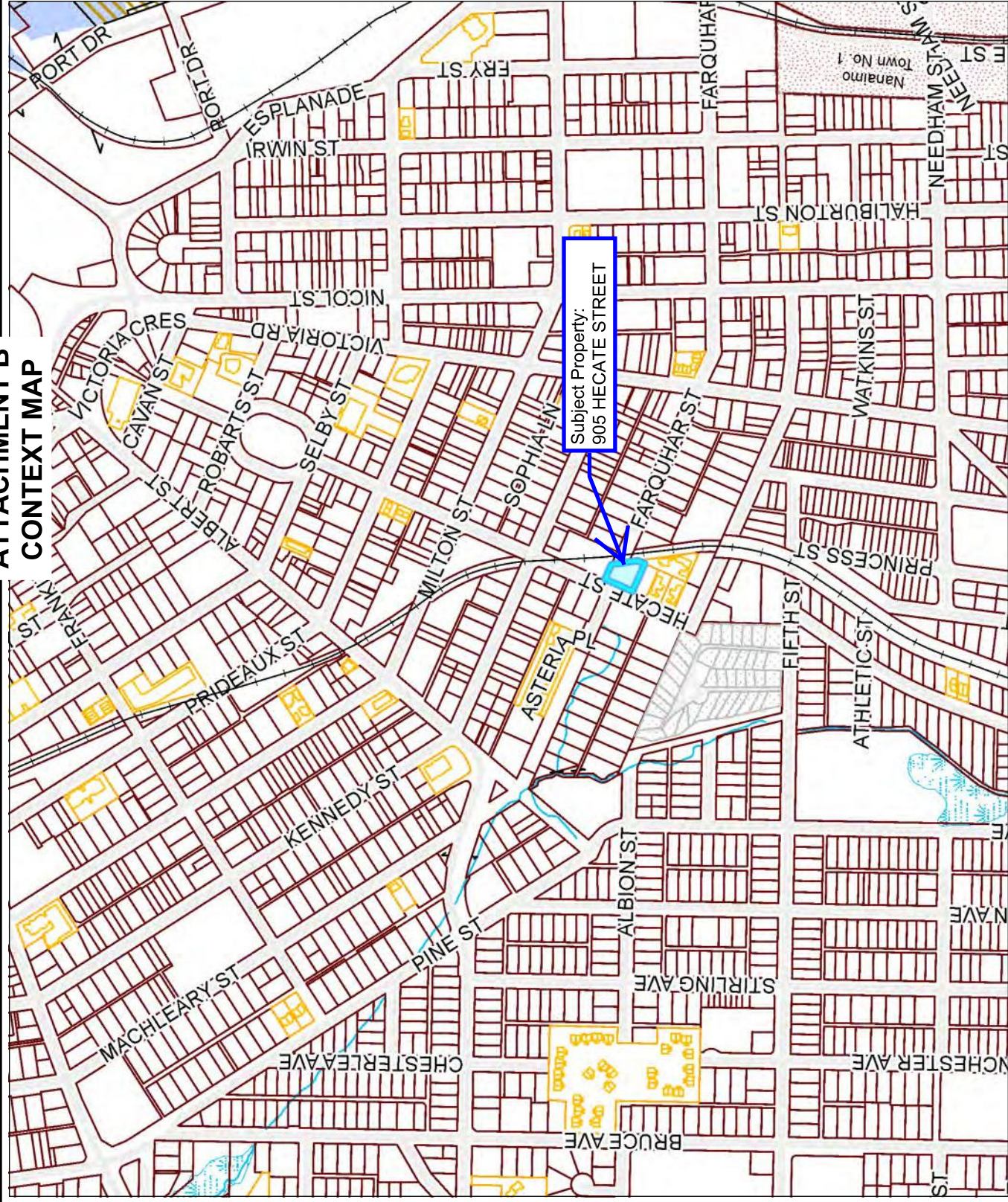
1. *Section 7.2 – All Other Uses Parking Table* – to reduce the minimum required number of off-street parking spaces provided on-site from 14 to 0.

## **CONDITIONS OF PERMIT**

1. The subject property shall be developed generally in accordance with the proposed Site Plan prepared by M2 Architecture Inc., received 2020-JUL-01, as shown on Attachment D.
2. Required off-street parking is to be provided on the neighbouring property with a legal description of Lot A, Section 1, Nanaimo District, Plan VIP66252 (885 Hecate Street) and shall be secured through a lease agreement between both property owners.
3. Should access to the parking at 885 Hecate Street become unavailable for the use at 905 Hecate Street, the required parking shall be provided on-site at the subject property.

# ATTACHMENT B CONTEXT MAP

- Legend**
- Railways Overview
  - Parcel Hooks
  - Mobile Homes
  - Airspace Parcels
  - Water Lease
  - Strata Buildings
  - Strata Lots
  - Bare Land Strata
  - Strata Parcels
  - Land Parcels
  - Roads
  - Political Boundaries
  - City
  - Indian Reserve
  - Rivers
  - Streams
  - Lakes
  - Ponds
  - Rivers
  - Wetlands



1:7,500

381.0 Meters

190.5

0

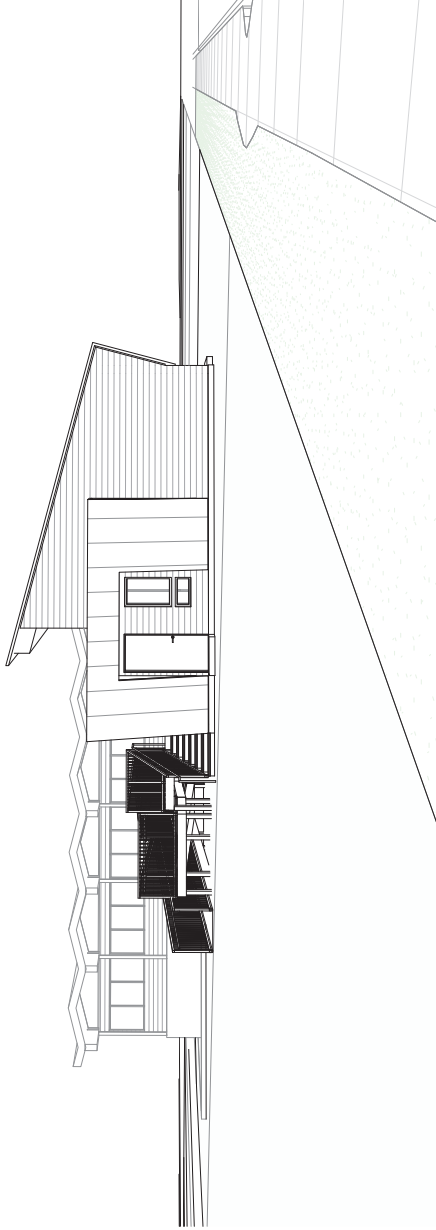
381.0

The City of Nanaimo does not warrant or guarantee the accuracy or completeness of the information. You are encouraged to verify the accuracy of the information against copies of actual plans. If there is a conflict between this information and information contained in any other records of the City of Nanaimo or documents that may be prepared by or delivered to the City of Nanaimo, the City of Nanaimo reserves the right to rely in all cases upon the record which it considers to be the most accurate and complete.

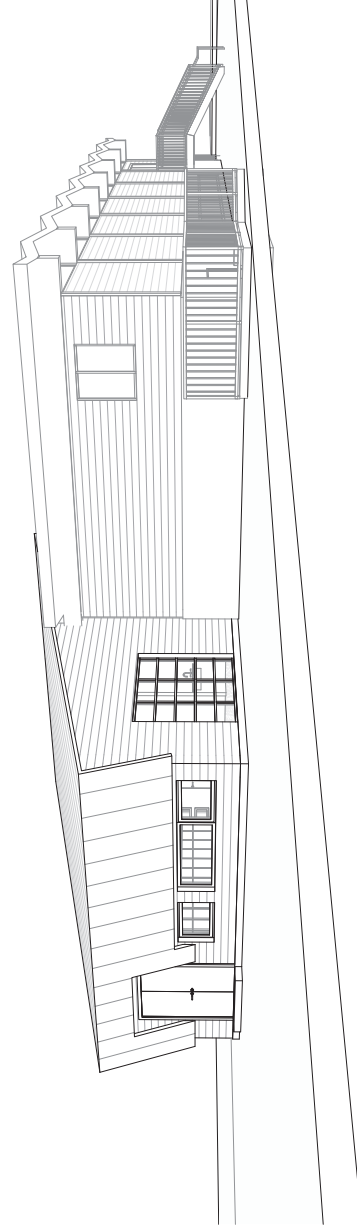




# ATTACHMENT E PROPOSED BUILDING RENDERINGS



View From Hecate Street Looking South East



View From Hecate Street Looking North



106, 2903 West 141<sup>st</sup> Avenue  
Vancouver, BC, V6N 3C5



CONSULTANT:



petit design studio  
2020, 1925 NELSON STREET  
VANCOUVER, BC, V6J 1N3  
PH: 604 534 1882  
e: contact@petitdesign.com

No.	Description	Date
1	Issued for BP Application	May 11, 2020
2	BP Updates	June 15, 2020

NIA - New Addition

address:

905 Hecate Street  
Nanaimo, BC

phase:

Building Permit Application

sheet title:

Perspectives

scale:

ASIS / July 1, 2020

sheet no.:

a 5.1

RECEIVED  
CITY OF NANAIMO  
2020-JUL-13  
Current Planning





## Delegation Request

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### **Delegation's Information:**

Keely Freeman, Zabo Holdings, has requested an appearance before Council.

City: Nanaimo

Province: BC

### **Delegation Details:**

The requested date is August 31, 2020.

The requested meeting is:  
Council

Bringing a presentation: No

Details of the Presentation:

To answer question about development variance permit application and give a brief reason as to why we have applied for one.