

**City of Nanaimo**  
**REPORT TO COUNCIL**

DATE OF MEETING: 2013-FEB-18

AUTHORED BY: D. STEWART, PLANNER, PLANNING & DESIGN SECTION

RE: REZONING APPLICATION NO. RA305 – 433 MILTON STREET

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**STAFF RECOMMENDATION:**

That Council receive the report pertaining to "ZONING AMENDMENT BYLAW 2013 NO. 4500.035".

**PURPOSE:**

The purpose of this report is to present an application to rezone the property located at 433 Milton Street from Old City Low Density (Fourplex) Residential (R14) to Comprehensive Development District Zone Ten (CD10) in order to allow for a two-lot, four-unit subdivision.

**NANAIMO ADVISORY PLANNING COMMITTEE (APC):**

At its meeting of 2012-DEC-18, the APC recommended that Council approve the application.

**BACKGROUND:**

***Subject Property and Surrounding Area***

A rezoning application has been submitted by Mr. Dan Eddy, on behalf of Mr. Frank McBurney, to rezone the property located at 433 Milton Street from Old City Low Density (Fourplex) Residential (R14) to Comprehensive Development District Zone Ten (CD10) in order to allow for a two-lot, four-unit subdivision.

The subject property is located in a low density, residential portion of Nanaimo's Old City Neighbourhood (Attachment A). Lots within the Old City neighbourhood are typically comprised of properties with a lot area of 430 m<sup>2</sup> (4,628 ft<sup>2</sup>) and a frontage of 10.06 m (33 ft). Many of those lots have since been consolidated. Today, there remains a mix of 10 m (33 ft) and 20 m (66 ft) wide lots throughout the neighbourhood.

The proposed lot is accessed by an existing lane and slopes gradually down from the laneway towards Milton Street. The total lot area of the subject property is 872 m<sup>2</sup> (9,386 ft<sup>2</sup>) with a road frontage of 20.11 m (65.98 ft). There is currently a single residential dwelling on the south-east portion of the lot, which the owner intends to retain, due to its heritage values.

**Official Community Plan (OCP)**

The property falls within the Neighbourhood designation, according to “Map ‘1’ – Future Land Use” of the Official Community Plan (OCP). The Neighbourhood designation encourages a mix of low density residential uses with a two to four storey building form. Residential densities from 10 to 50 units per hectare are permitted within the Neighbourhood designation. The proposed four-unit development has a density of 45 units per hectare.

The property is also included within the Old City Neighbourhood Concept Plan area and is located within Sub-Area 3 (low-density, multiple family) designation of the Old City Neighbourhood Plan. The Sub-Area 3 designation supports a density of up to four units per lot.

It is Staff’s opinion that the proposed Comprehensive Development zone is consistent with the direction provided by the OCP and the Old City Neighbourhood Concept Plan.

**Proposed Development**

The applicant is proposing to rezone the property to Comprehensive Development District Zone Ten (CD10) in order to subdivide the subject property. The applicant plans to construct two detached dwelling units on proposed Lot 2, while retaining the existing single residential dwelling on the remainder lot (Lot 1), as shown on the attached site plan (Attachment B). The applicant proposes to construct a detached secondary suite behind the existing dwelling on Lot 1, as shown on attached concept elevation drawing (Attachment C). The proposed two-unit development on Lot 2 will consist of two nearly identical single residential dwellings (Attachment D) fronting on Milton Street but accessed from the lane. The units will be stacked in such a manner that the second unit, closest to the lane, will be located immediately behind the unit abutting Milton Street, as shown on the attached cross section (Attachment E).

As noted in the applicants letter (Attachment F), the current R14 zoning allows for the proposed four-unit development; however, a rezoning is required to allow for the proposed two-lot subdivision. The proposed lots do not meet the minimum required lot size and frontage requirements within the existing R14 zone. The following table compares the existing lot size and frontage requirements for the R14 zone with the proposed CD 10 zone:

	<b>R14 Required Lot Area</b>	<b>CD10 Proposed Lot Area</b>	<b>Proposed Lot Area Reduction</b>	<b>R14 Required Lot Frontage</b>	<b>CD10 Proposed Lot Frontage</b>	<b>Proposed Frontage Reduction</b>
<b>Proposed Lot 1</b>	750 m <sup>2</sup> (8,073 ft <sup>2</sup> )	443.6 m <sup>2</sup> (4,775 ft <sup>2</sup> )	306.4 m <sup>2</sup> (3,298 ft <sup>2</sup> )	15 m (49.2 ft)	10.38 m (34.06 ft)	4.62 m (15.14 ft)
<b>Proposed Lot 2</b>	750 m <sup>2</sup> (8,073 ft <sup>2</sup> )	428.9 m <sup>2</sup> (4,617 ft <sup>2</sup> )	321.1 m <sup>2</sup> (3,452 ft <sup>2</sup> )	15 m (49.2 ft)	9.73 m (31.92 ft)	5.27 m (17.28 ft)



The proposed lot area and frontage reductions will have no affect on the permitted density or use of the lot, but will make separate fee-simple ownership of the two proposed lots possible. As the proposed rezoning is to a Comprehensive Development zone, the permitted lot size, frontage, use and density of the lot will be as shown on the site plan provided (Attachment B).

While construction of the four-unit development is possible under the existing zone and the units could be sold separately through a building strata; this form of strata subdivision would require substantial upgrades to the existing single residential dwelling in order to ensure the dwelling is constructed to current building code standards. Due to the age of the existing house, it is clear that the required upgrades would be so costly and difficult as to necessitate a complete tear down on the home. It is the opinion of the applicant that the house has both economic and neighbourhood value and should be retained. Both the applicant and Staff agree that the only way to retain the existing home and allow for the new units to be constructed and sold is through rezoning.

**Community Contribution**

As outlined in Section 7.3 of the OCP, in exchange for value conferred on land through a rezoning, the applicant should provide a community contribution. Typically, the City receives a community contribution of \$1,000 per new housing unit proposed. However, as the proposed rezoning does not actually increase the permitted density on the lot, no community contribution will be required as part of this rezoning.

Respectfully submitted,

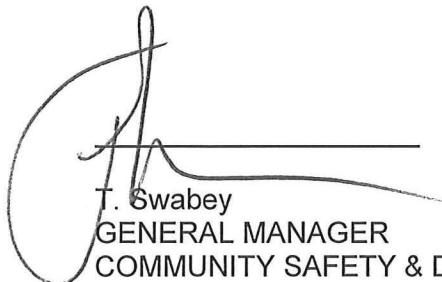


B. Anderson, MCIP  
MANAGER  
PLANNING & DESIGN SECTION

Concurrence by:



A. Tucker, MCIP  
DIRECTOR  
PLANNING



T. Swabey  
GENERAL MANAGER  
COMMUNITY SAFETY & DEVELOPMENT

CITY MANAGER COMMENT:

I concur with the staff recommendation.

Drafted: 2013-FEB-06  
Prospero: RA305  
DS/pm

Attachment A



REZONING APPLICATION NO. RA305

**LOCATION PLAN**

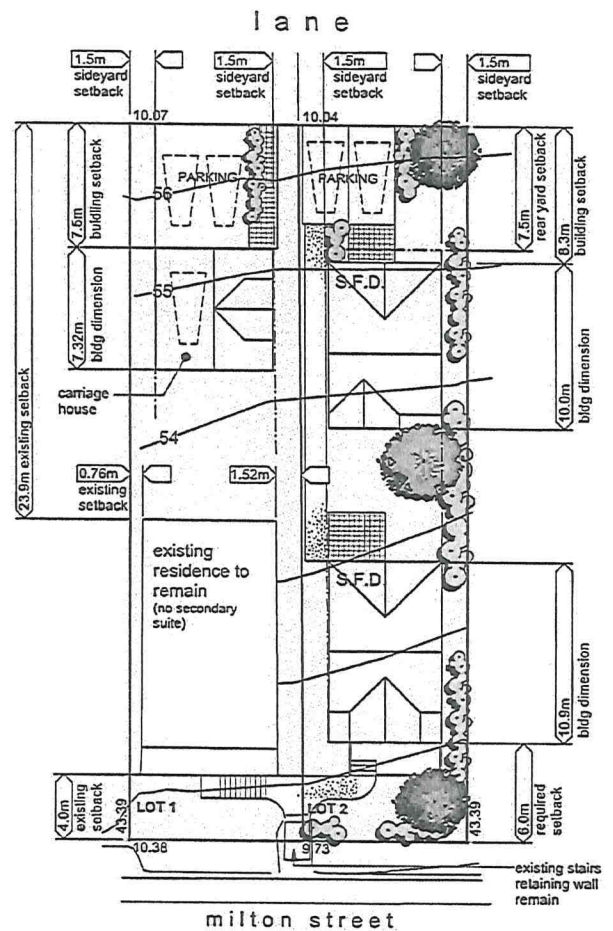
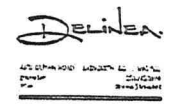
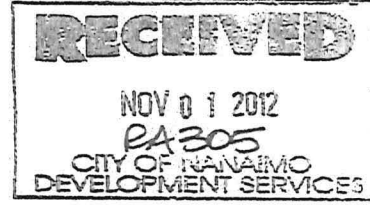
Civic: 433 Milton Street

 **Subject Property**





# Attachment B



**proposed site plan**  
scale: 1:250

**PROJECT DATA:**

**LEGAL DESCRIPTION:**  
SECTION A, LOT 16, BLOCK H, SECTION 1,  
NANAIMO DISTRICT, PLAN 584

**CIVIC ADDRESS:**  
433 MILTON STREET, NANAIMO, BC

**PROPOSED LOT AREAS:**  
LOT 1 443.6 SQ.M  
LOT 2 428.9 SQ.M

**PROPOSED LAND USE:**  
LOT 1 - EXISTING SINGLE FAMILY DWELLING TO  
REMAIN, NEW CARRIAGE HOUSE ON LANE  
LOT 2 - TWO NEW SINGLE FAMILY DWELLINGS

**EXISTING ZONING:**  
R14- OLD CITY LOW DENSITY  
(FOURPLEX) RESIDENTIAL

**PROPOSED ZONING:**  
COMPREHENSIVE DEVELOPMENT

**DENSITY:**  
LOTS 1 & 2 - 2 UNITS PER LOT

**LOT COVERAGE:**  
LOTS 1 & 2 - PROPOSED MAX.: 40%

**PARKING REQUIRED:**  
LOT 1 - 2 SPACES FOR SINGLE FAMILY  
1 SPACE FOR CARRIAGE HOUSE  
LOT 2 - 1 SPACE PER UNIT = 2 SPACES

**PARKING PROVIDED:**  
LOT 1 - 3 SPACES  
LOT 2 - 2 SPACES

proposed residential development  
433 milton street  
nanaimo b.c.  
client:

DRAWING TITLE  
proposed site plan

SCALE  
AS SHOWN

DRAWN BY  
S.M. / S.W.

CHECKED BY  
S.M. / S.W.

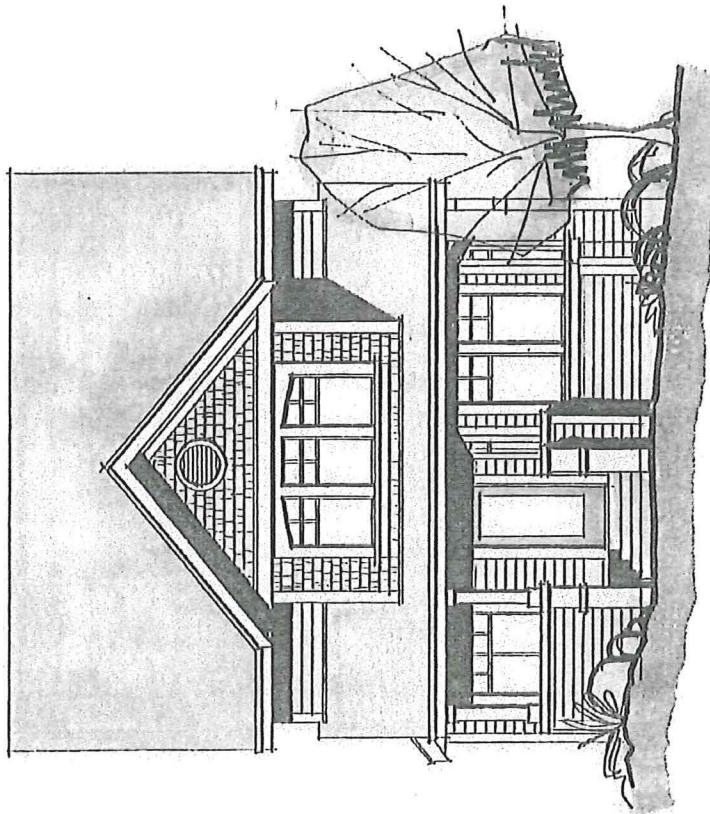
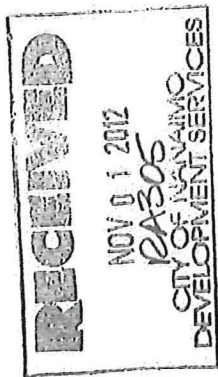
DATE  
15 OCT 12

Delinea Inc. is a registered professional engineering firm under the Engineering Act of the Province of British Columbia. The firm is not responsible for the accuracy of the information provided in this drawing. The user of this drawing is advised to verify the accuracy of the information provided in this drawing. The user of this drawing is advised to verify the accuracy of the information provided in this drawing.

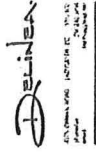
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PR1

Attachment C



milton street elevation  
scale: not to scale



client:  
proposed residential development  
433 milton street  
nauramo b.c.

DATE: 22 NOV 11  
BY: DEINEA  
PROJECT NO.:  
SHEET NO.:  
SCALE:  
PROJECT NO.: 1127-2711  
SHEET NO.:  
DATE: 22 NOV 11

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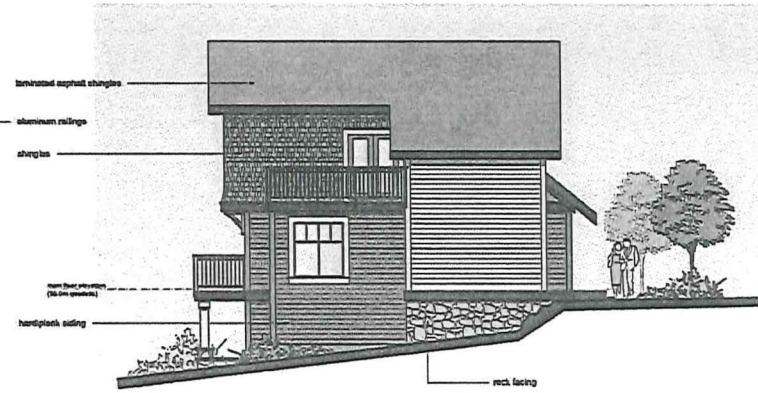
# Attachment D



4375 ORISKANY ROAD, LADYSMITH BC - V0S 1K2  
 Phone: 250.210.2211  
 email: delinea@delinea.net



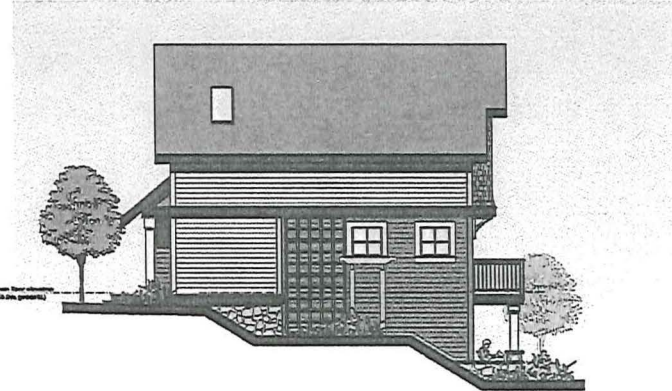
north east elevation - milton street



north west elevation



south west elevation - lane



south east elevation

proposed residential development  
 433 milton street  
 nanaimo b.c.

DRAWING TITLE:  
 exterior elevations

SCALE:  
 as noted

DESIGNED BY:  
 S.W. / C.M.

DRAWN BY:  
 S.W. / C.M.

DATE:  
 01/23/27.11

ISSUED:  
 issued for rezoning 31 JUN 13

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**lot 2 PR5**

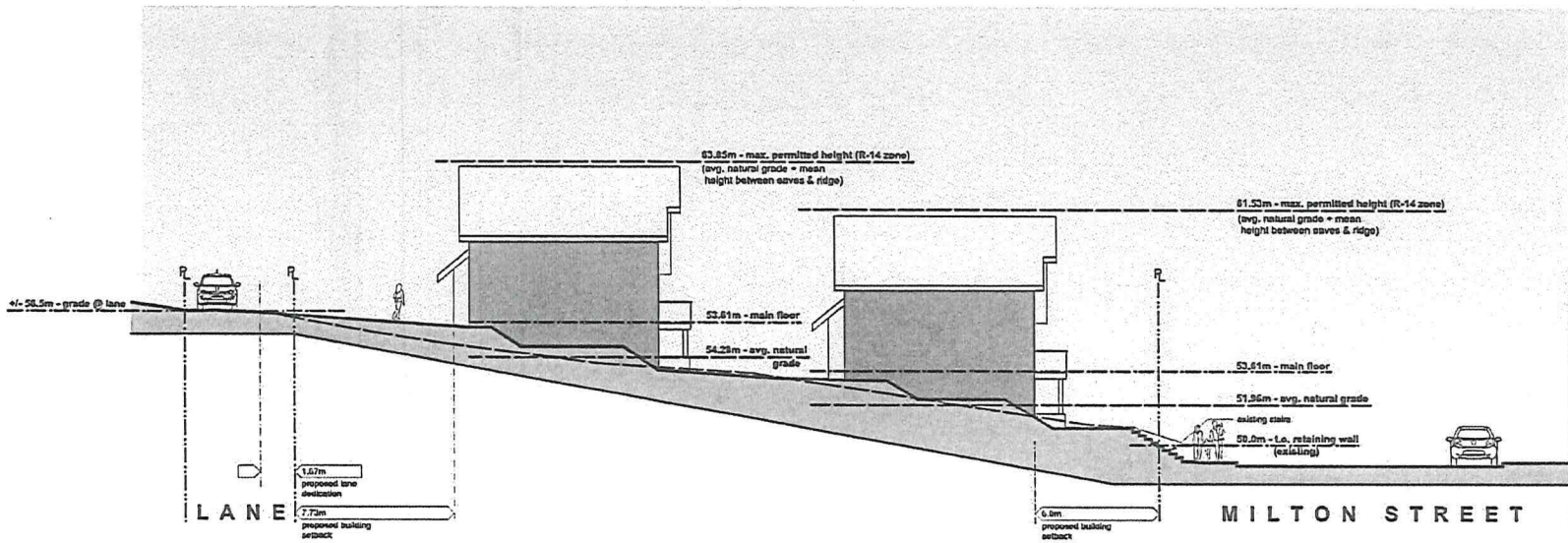


# Attachment E



431 ORRMAN ROAD LANSINGTON BC V4G 1G2  
 phone: 250.245.3865  
 fax: 250.245.3866

proposed residential development  
 433 million street  
 nanaimo b.c.



site section - LOT 2  
 scale: 1:100

DRAWING TITLE:  
 site section - lot 2

SCALE:  
 as noted

DRAWN BY:  
 S.W.

NUMBER:  
 01237.27.11

ISSUED:  
 issued for rezoning 30 JAN/13

CONTRACTOR TO VERIFY ALL LINES, SPACES, DIMENSIONS AND LOCATIONS AND TO VERIFY ALL INFORMATION AND TO BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. ALL WORK TO BE DONE IN ACCORDANCE WITH THE A.C. STANDARD PLAN, CANADIAN BUILDING AND FIRE CODES, BRITISH COLUMBIA REGULATIONS AND THE PROPERTY SURVEYING ACT. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

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**lot 2 PR6**