

DATE OF MEETING MAY 25, 2020

AUTHORED BY LAINY NOWAK, PLANNING ASSISTANT, CURRENT PLANNING

SUBJECT DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP403 – 1226 LAWLOR ROAD

OVERVIEW

Purpose of Report

To present for Council’s consideration, a development variance permit application to vary the front yard setback requirement for a mobile home within an existing mobile home park.

Recommendation

That Council issue Development Variance Permit No. DVP403 at 1226 Lawlor Road with the following variance:

- reduce the minimum required front yard setback within mobile home Lot 19 from 4.5m to 3.32m.

BACKGROUND

A development variance permit application, DVP403, was received from Keith Colton, to vary the provisions of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) to reduce the minimum front yard setback requirement for a mobile home within an existing mobile home park at 1226 Lawlor Road.

The mobile home park has been in operation for many years, prior to the amalgamation with the City, and includes a mix of mobile home lots and recreational vehicle pad areas that are existing, non-conforming.

Subject Property and Site Context

<i>Zoning</i>	R12 - Mobile Home Park Residential
<i>Location</i>	The subject property is located at the end of Lawlor Road on the west side of the Island Highway S.
<i>Lot Area</i>	7,010m ²
<i>Official Community Plan (OCP)</i>	Commercial Centre

The City issued a Building Permit (BP126062) in March 2020 to locate a mobile home within mobile home Lot 19. The applicant provided documentation to show the new mobile home was able meet the minimum setback requirements in the R12 zone. However, upon inspection of the unit, it was determined the minimum required spatial separation would not be met between the new mobile within Lot 19 and an adjacent existing mobile within Lot 18.

The BC Building Code requires the opposing wall faces for the mobile homes within Lots 18 and 19 be no closer than 3m. This is normally achieved with the minimum required side yard setback of 1.5m on either side of a line. The existing mobile within Lot 18 has a non-conforming side yard setback of less than 1.5m to an addition on the mobile. As a result, the new mobile within Lot 19 must be relocated to ensure the minimum spatial separation is met.

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

DISCUSSION

The applicant proposes a front yard setback variance within Lot 19 in order to move the mobile home closer to the internal road and meet the minimum required spatial separation from the mobile home within Lot 18. By moving the mobile home within Lot 19 forward, past the addition on the mobile home within Lot 18, the distance between opposing wall faces will exceed the minimum required spatial separation of 3m.

Proposed Variances

Front Yard Setback

The Zoning Bylaw requires a minimum front yard setback of 4.5m for mobile home lots in the R12 zone. The applicant is requesting a minimum setback of 3.32m; a proposed variance of 1.18m.

The proposed location for the mobile home within Lot 19 will meet the minimum side and rear yard setbacks, and will not negatively impact the use of Lot 18. Staff support the proposed variance.

SUMMARY POINTS

- The applicant is requesting to reduce the minimum required front yard setback from 4.5m to 3.32m for Lot 19.
- The proposed variance will allow the mobile home within Lot 19 to be relocated to ensure there is adequate spatial separation from an existing mobile home within Lot 18.
- Staff support the proposed variance.

ATTACHMENTS:

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Location Plan
ATTACHMENT C: Site Survey
ATTACHMENT D: Site Plan
ATTACHMENT E: 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

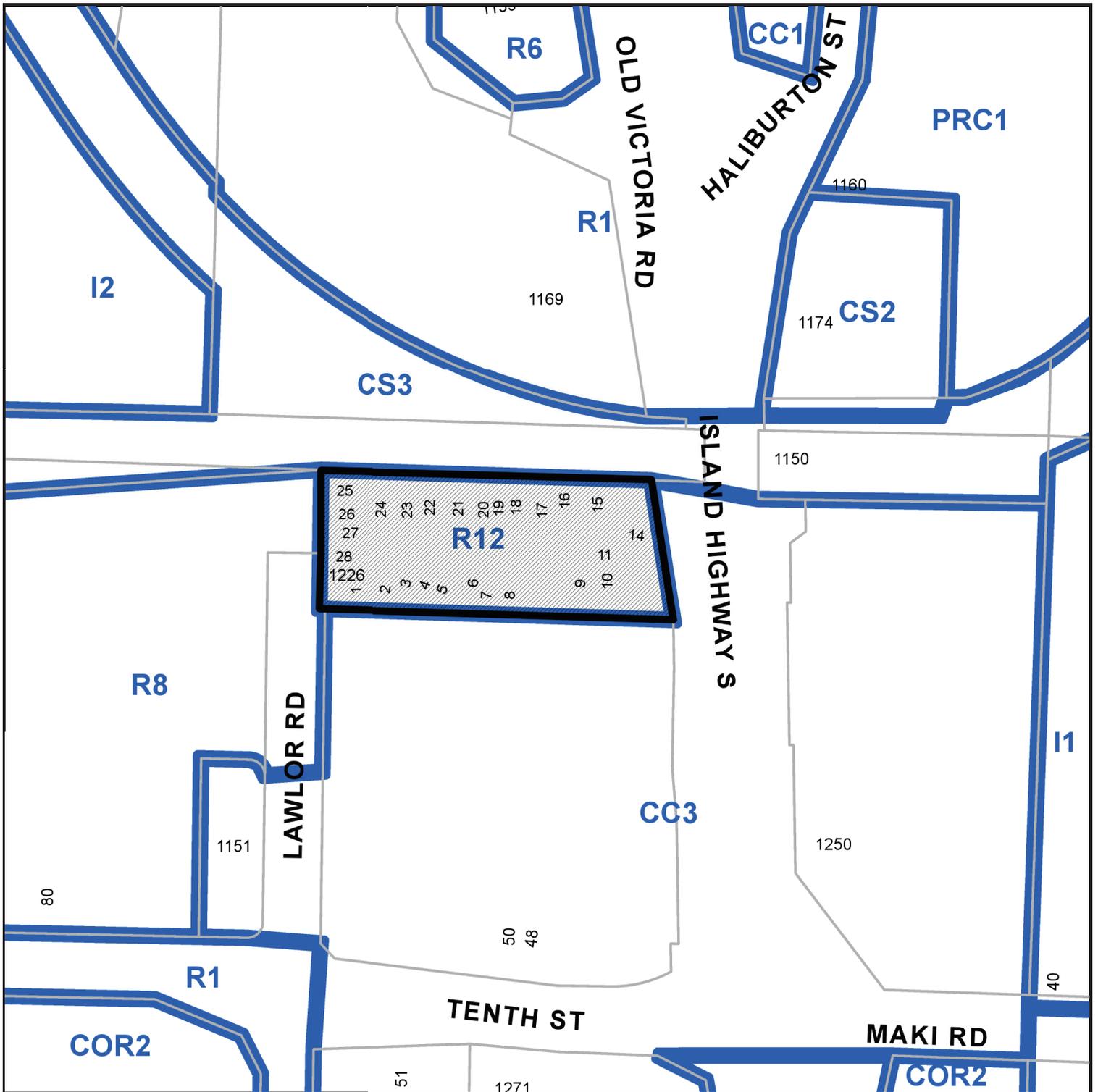
“City of Nanaimo Zoning Bylaw 2011 No. 4500” is varied as follows:

1. *Section 7.5.1 Siting of Buildings* - to reduce the minimum required front yard setback from 4.5m to 3.32m for mobile home Lot 19.

CONDITIONS OF PERMIT

1. The subject property shall be developed in accordance with the Site Plan prepared by Keith Colton, received 2020-MAY-01, as shown on Attachment D.

ATTACHMENT B
LOCATION PLAN



DEVELOPMENT VARIANCE PERMIT NO. DVP00403

CIVIC: 1226 LAWLOR ROAD

 **Subject Property**

LEGAL: THAT PART OF SECTION 29, RANGE 18 OF SECTION 7, NANAIMO DISTRICT, PLAN 630 LYING TO THE NORTH OF A STRAIGHT BOUNDARY JOINING POINTS ON THE EASTERLY AND WESTERLY BOUNDARIES OF SAID SECTION DISTANT 175 FEET AND 175 FEET RESPECTIVELY FROM THE NORTH EAST AND NORTH WEST CORNERS OF SAID SECTION AND SHOWN OUTLINED IN RED ON PLAN DEPOSITED UNDER DD 275851

ATTACHMENT C SITE SURVEY

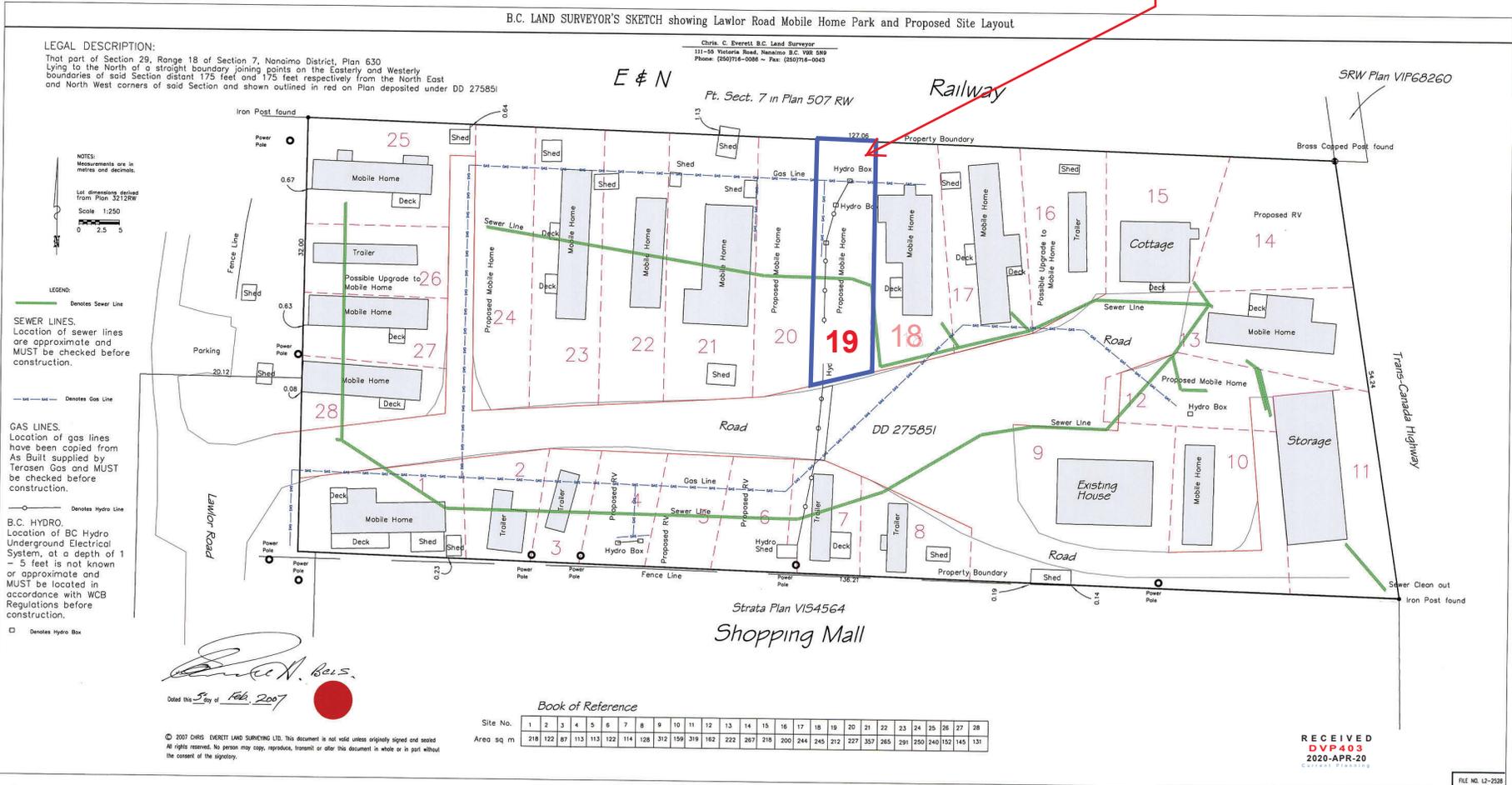
Mobile Home
Lot 19

B.C. LAND SURVEYOR'S SKETCH showing Lawlor Road Mobile Home Park and Proposed Site Layout

LEGAL DESCRIPTION:

That part of Section 29, Range 18 of Section 7, Nanaimo District, Plan 630 lying to the North of a straight boundary joining points on the Easterly and Westerly boundaries of said Section distant 175 feet and 175 feet respectively from the North East and North West corners of said Section and shown outlined in red on Plan deposited under DD 275851

Chris. C. Everett B.C. Land Surveyor
111-59 Victoria Road, Nanaimo, B.C. V9B 5R9
Phone: (250)718-0088 - Fax: (250)718-0083



NOTES:
Measurements are in metres and decimals.
Lot dimensions derived from Plan 3212RW
Scale 1:250
0 2.5 5

LEGEND:
Denotes Sewer Line
SEWER LINES.
Location of sewer lines are approximate and MUST be checked before construction.
Denotes Gas Line
GAS LINES.
Location of gas lines have been copied from As Built supplied by Terosen Gas and MUST be checked before construction.
Denotes Hydro Line
B.C. HYDRO.
Location of BC Hydro Underground Electrical System, at a depth of 1 - 5 feet is not known or approximate and MUST be located in accordance with WCB Regulations before construction.
Denotes Hydro Box

Chris C. Everett
Dated this 3rd day of Feb. 2007

Book of Reference

Site No.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28
Area sq m	218	122	87	113	113	122	114	128	312	159	319	162	222	287	218	200	244	245	212	227	357	263	291	250	240	152	145	131

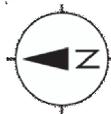
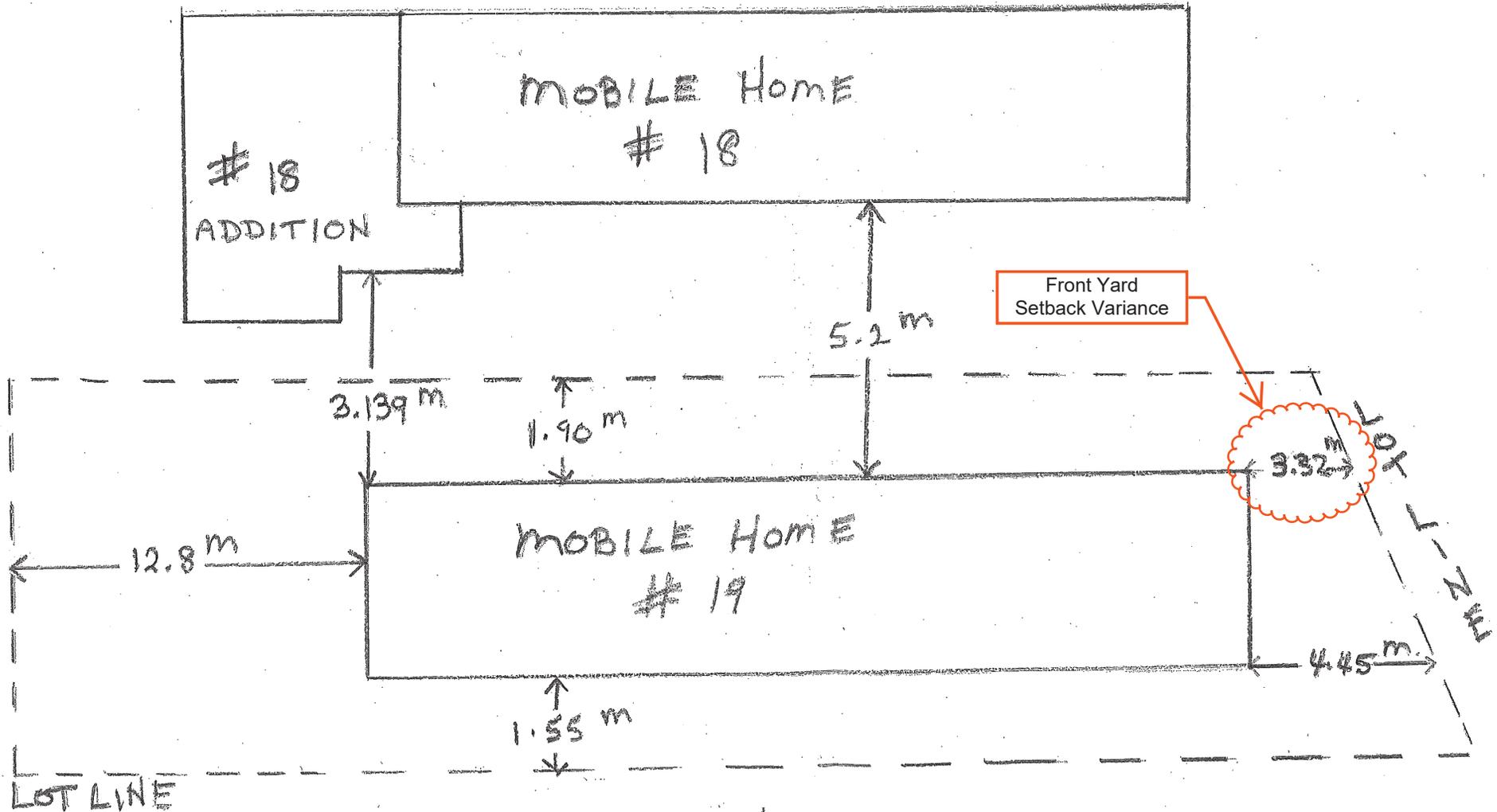
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DVP403
2020-APR-20

FILE NO. U2-2528

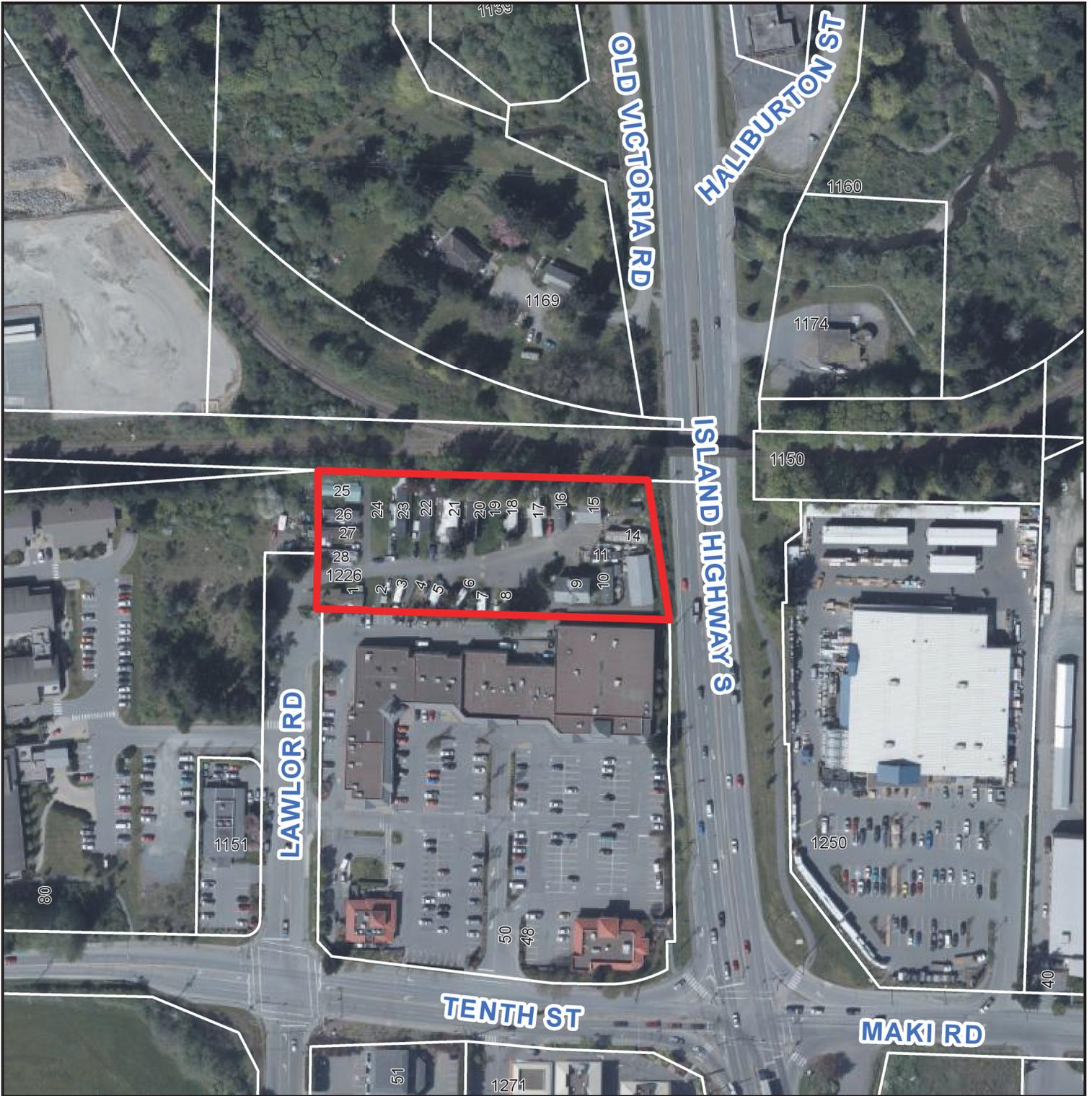
ATTACHMENT D
SITE PLAN

SITE PLAN MOBILE FRONT VARIANCE
LOT 19 1226 LAWLOR RD. NANAIMO. BC



RECEIVED
DVP403
2020-MAY-01
Current Planning

ATTACHMENT E
AERIAL PHOTO



DEVELOPMENT VARIANCE PERMIT NO. DP00403

 1226 LAWLOR ROAD

Delegation Request

Delegation's Information:

Keith Colton has requested an appearance before Council.

City: Nanaimo

Province: BC

Delegation Details:

The requested date is May 25, 2020.

The requested meeting is:
Council

Bringing a presentation: Yes

Details of the Presentation:

Explain the reason for the variance and show what the new variance set backs are.