

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

**DATE OF MEETING:** 2013-SEP-23

**AUTHORED BY:** GARY NOBLE, PLANNER.  
PLANNING & DESIGN SECTION

**RE:** DEVELOPMENT VARIANCE PERMIT NO. DVP213 – 610 MILLER FARM DRIVE

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**STAFF RECOMMENDATION:**

That Council direct Staff to proceed with Statutory Notification for Development Variance Permit No. DVP213 at 610 Miller Farm Drive.

**PURPOSE:**

The purpose of this report is to seek Council authorization to vary the provisions of "ZONING BYLAW 2011 NO. 4500", in order to vary the height calculation for 11 proposed residential lots.

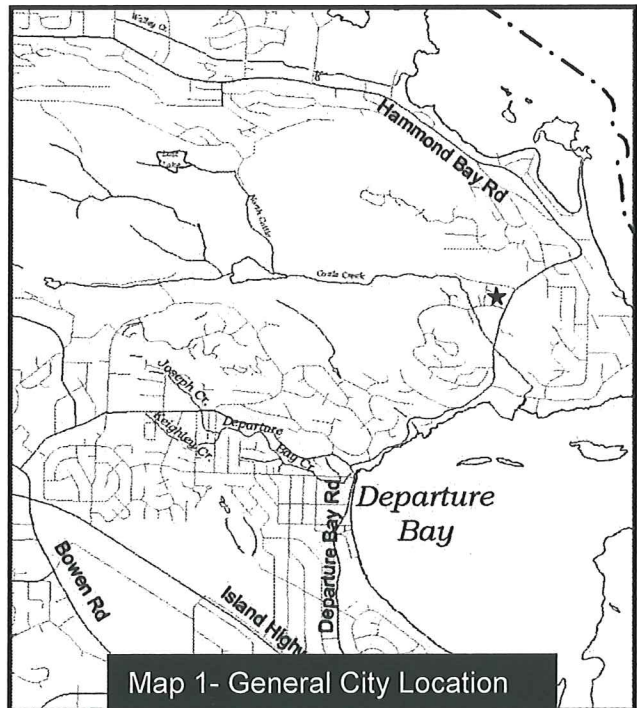
**BACKGROUND:**

A Development Variance Permit (DVP) application was received from Mr. Ron Smith, on behalf of NOTTINGHAM PROPERTIES, to vary the provisions of the City of Nanaimo "ZONING BYLAW 2011 NO. 4500" to permit the construction of a two-storey housing form, with height measured from 0.3 m above the fronting existing sidewalk grade.

Statutory Notification must take place prior to Council's consideration for approval of the variance.

*Subject Property*

The subject property, located at 610 Miller Farm Drive is a vacant parcel with a total area of 0.77 ha and is zoned R10-Steep Slope Residential. The intent is to subdivide the land mass into 11 Single Family Dwelling (SFD) lots.

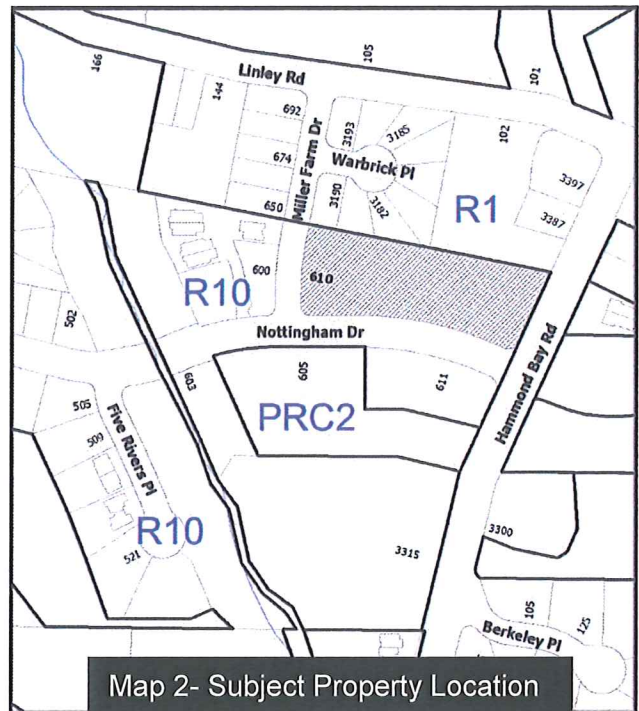


Map 1- General City Location

The surrounding area is residential with a phased construction, multi-family development (5 units in 3 two-storey buildings, completed) across the street – 610 Miller Drive. A residential (SFD) subdivision abuts the north property line, with a park and future fire hall site across the street at 611 and 605 Nottingham Drive.

The subject property grade is lower than the constructed public sidewalk grade on the abutting public right-of-ways: Miller Farm Drive, Nottingham Drive and Hammond Bay Road. The applicant is in the process of elevating the existing grade with structural fill to create future lots with a finished grade of 0.3 m above the existing sidewalk grade.

Building height for SFDs is calculated, in this situation, based on average natural grade. The height calculation limits building forms to one-storey and would require removal of structural fill to allow construction of two-storey SFDs. The applicant wants to have each lot ready for construction without site manipulation, and with site conditions which encourage a two-storey built form. The submitted site grading plan and roof height variance table identifies the proposed height variance and this concept plan will become part of the future approved subdivision.



**DISCUSSION**

*Required Variances*

Section 5 – Definitions of the City’s Zoning Bylaw requires the height of each SFD of the proposed 11 lots be based on average natural grade. The height variance is to be calculated 0.3 m above the sidewalk grade. The following table identifies the height calculation methodology and the required height variances for each lot.

ROOF HEIGHT VARIANCE TABLE					
LOT No.	STRUCTURAL FILL/DG PAD ELEVATION	MAXIMUM ALLOWABLE TOP OF ROOF ELEV.	DESIGN GRADE (BACK OF S/W PWS 0.3m)	DESIGN GRADE MAXIMUM TOP OF ROOF ELEVATION	VARIANCE REQUESTED (DIFFERENCE)
1	43.45m	52.45m	44.76m	53.76m	1.31m
2	43.47m	52.47m	44.78m	53.78m	1.31m
3	43.60m	52.60m	44.87m	53.87m	1.27m
4	43.79m	52.79m	44.98m	53.98m	1.19m
5	43.62m	52.62m	44.88m	53.88m	1.26m
6	43.47m	52.47m	44.79m	53.79m	1.32m
7	43.51m	52.51m	44.83m	53.83m	1.32m
8	44.15m	53.15m	45.02m	54.02m	0.87m
9	44.45m	53.45m	45.92m	54.92m	1.47m
10	44.59m	53.59m	46.04m	55.04m	1.45m
11	45.02m	54.02m	46.15m	55.15m	1.13m

DESIGN GRADE AT BACK OF SIDEWALK IS AT CENTER OF LOT

Respectfully submitted,



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B. Anderson, MCIP  
MANAGER  
PLANNING & DESIGN SECTION

Concurrence by:



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A. Tucker, MCIP  
DIRECTOR  
PLANNING



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Toby Seward  
ACTING GENERAL MANAGER  
COMMUNITY SAFETY & DEVELOPMENT

CITY MANAGER COMMENT:

I concur with the staff recommendation.

GN/lb