

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

**DATE OF MEETING:** 2013-OCT-21

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

**RE:** DEVELOPMENT VARIANCE PERMIT NO. DVP214 - 3105 UPLANDS DRIVE

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**STAFF RECOMMENDATION:**

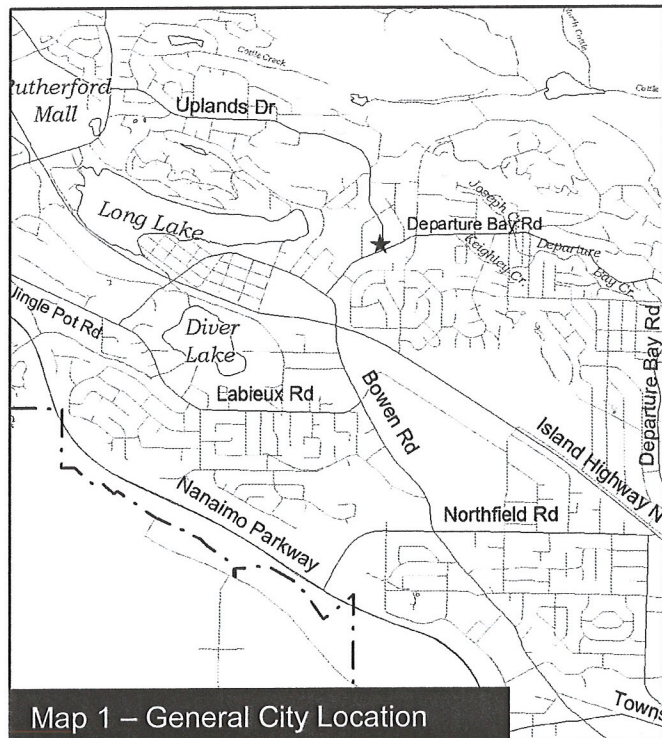
That Council direct staff to proceed with the required Statutory Notification for Development Variance Permit No. DVP214 at 3105 UPLANDS DRIVE.

**PURPOSE:**

The purpose of this report is to seek Council authorization to vary the lot depth and rear yard setback provisions of the City of Nanaimo "ZONING BYLAW 2011, NO. 4500", in order to permit a two lot subdivision.

**BACKGROUND:**

A development variance permit (DVP) application was received from Hans McLean, on behalf of Scott A and Roslyn D Beddall, to vary the provisions of the City of Nanaimo "ZONING BYLAW 2011 NO. 4500" to permit a two lot single family residential – R1 subdivision. The variances would bring the existing dwelling on proposed Lot 2 into conformity with the bylaw. Proposed Lot 2 of the subdivision includes an existing house with an open deck above a carport which is 3.14 m from the proposed rear yard property line. The required rear yard setback for the R1 zone is 7.5 m but an open deck can encroach 2.0 m into the rear yard, as such a rear yard setback variance of 2.36 m is required.



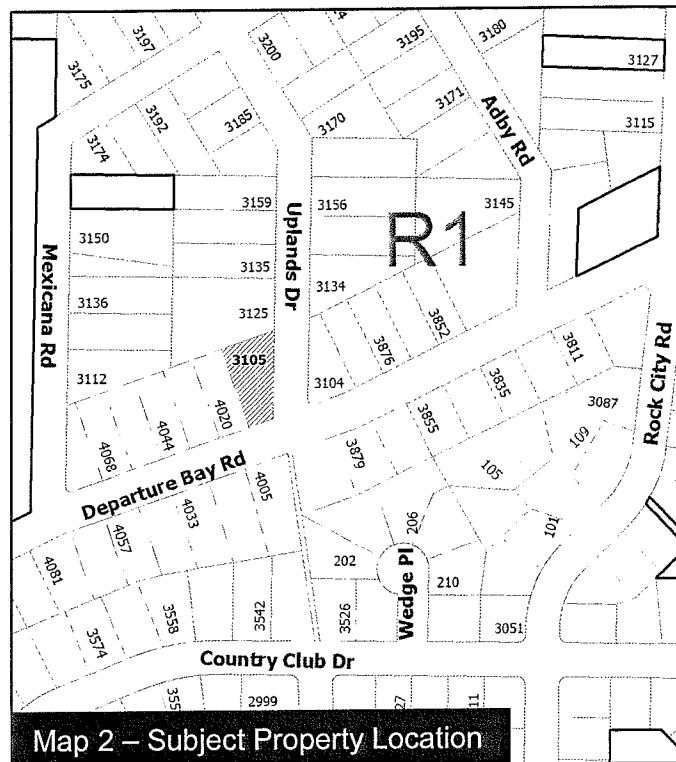
The required depth for an R1 zoned lot is 30 m. Once the required 2.5 m road dedication is taken along Uplands Drive, the proposed lot depth of Lot 1 would be 23.94 m, a lot variance of 6.06 m. The required lot depth of proposed Lot 2 would be 27.69 m, once the required road dedication of 2.75 m is taken along Uplands Drive. A lot depth variance of 2.3 m is required for Lot 2.

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

### ***Subject Property***

The subject property is located on the corner of Uplands Drive and Departure Bay Road, and is part of an established neighbourhood, which is predominantly single dwelling residential. The property is approximately 1,017.5 m<sup>2</sup> after road dedication. The subject corner property is larger than abutting properties.

The proposed Lot 2 contains an existing single residential dwelling which the applicant plans to retain. The proposed lot is 516.5 m<sup>2</sup> in site area, and as such, it exceeds the minimum required lot area within the R1 zone by 16.5 m<sup>2</sup>. The lot will continue to front on Departure Bay Road.



### **DISCUSSION:**

#### ***Proposed Development***

This applicant submitted an application to subdivide the subject property into a two lot subdivision. Both lots will have the required 15.0 m minimum road frontage. Proposed Lot 1 has a lot area of 501.0 m<sup>2</sup> and proposed Lot 2 has a lot area of 516.5 m<sup>2</sup>, both exceed the minimum lot size of 500.0 m<sup>2</sup>.

The foundation of the existing dwelling is set back 11.44 m from the proposed rear property line, thus exceeding the required 7.5 m rear yard setback. The existing deck above the carport is 3.14 m from the rear yard and requires a rear yard setback variance of 2.36 m; as an open deck is allowed to encroach up to 2.0 m into the rear yard.

As a condition of subdivision, where future road expansion along a major road may be required, a portion of property may be dedicated for road. For the subject property, a 2.5 m dedication is required along Uplands Drive and a 2.75 m dedication is required along Departure Bay Road.

The required 2.5 m road dedication reduces the depth of proposed Lot 1 to 23.94 m, as Lot 1 no longer meets the minimum required 30.0 m lot depth, a variance of 6.06 m is required. The required 2.75 m road dedication reduces the depth of proposed Lot 2 from 30.0 m to 27.69 m, a proposed variance of 2.31 m.

The site plan of the proposed lot layout, including location of existing houses, is included as Figure 1 – Site Plan.

*Applicant's Rationale – Attachment A – Letter dated July 8, 2013.*

### **Required Variances**

#### *Rear Yard Setback*

Section 7.5.1 of the City of Nanaimo ZONING BYLAW 2011, NO. 4500 requires that a rear yard setback of 7.5 m be provided for lots within the single dwelling residential – R1 zone. The existing open deck on proposed Lot 1 is 3.14 m from the proposed rear yard property line, but is allowed to encroach 2.0 m into the required rear yard, therefore a rear yard setback variance of 2.36 m is required.

#### *Lot Depth*

Section 7.4.1 of the City of Nanaimo ZONING BYLAW 2011, NO. 4500 requires a minimum lot depth of 30.0 m for lots without a lane within the R1 zone. The proposed lot depth of Lot 1 is 23.94 m, therefore a lot depth variance of 6.06 m is required. The proposed lot depth of Lot 2 is 27.69 m, a proposed variance of 2.31 m.

Respectfully submitted,

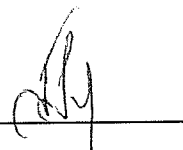


B. Anderson, MCIP  
MANAGER  
PLANNING & DESIGN SECTION

Concurrence by:



A. Tucker, MCIP  
DIRECTOR  
PLANNING

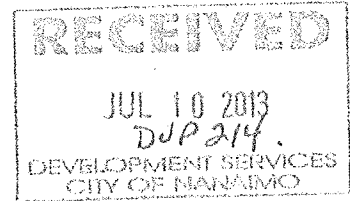


T. Seward  
ACTING GENERAL MANAGER  
COMMUNITY SAFETY & DEVELOPMENT

### **CITY MANAGER COMMENT:**

I concur with the staff recommendation.

*Drafted: 2013-OCT-10  
Prospero attachment: DVP00214  
GN/lb*



08 July 2013

Planning Department  
City of Nanaimo  
455 Wallace Street  
Nanaimo, B.C.  
V9R 5J6

Dear Sirs:

**Re. Development Variance Permit Application-3105 Uplands Drive**

Please find enclosed an application for a Development Variance Permit for the above noted property.

The owners of this property wish to subdivide the rear (Northern) portion of this property, in order to create two lots fronting Uplands Drive. In order to accommodate this, required 3 variances to be approved in order to allow a two-lot subdivision to occur.

Existing Lot A – Lot Depth

Existing Lot A –Rear of house to lot line

Proposed Lot 1 – Lot Depth

The subject parcel is an odd shape corner lot at the corner of Uplands Drive and Departure Bay Rd. Due to the age of the existing dwelling the current lot setbacks are non-conforming with today's' standards.

Although the layouts of the proposed lots do not meet the depth requirement within current zoning, the frontage of both of these lots make up for that area due to its shape.

The configuration on the lot of the existing dwelling provided excess land that is not being utilized to its full potential. The total size of this lot is 1017.5 square meters which when subdivided into two lots fully meets the size requirement within R1 zoning.

The parcel is located in an established family neighbourhood, is on multiple bus routes and is within walking distance to schools.

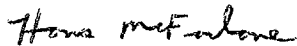
By having these variances approved would allow the potential subdivision of this parcel, following the OCP by creating higher density and community development.

The following documentation is submitted in support of this application:

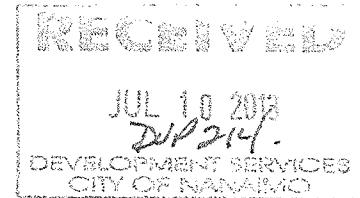
- Completed Development Variance Permit application form
- Application Fee-\$500
- Appointment of Agent form
- Certificate of Title
- Survey indicating existing house, requested variances and proposed lots

We look forward to working with you through this application process, and  
Thank you for your consideration.

Sincerely,



Hans McFarlane  
(250)885-4267



**SITE PLAN SHOWING PROPOSED SUBDIVISION LINE ON:**

**LOT 7, SECTION 5, WELLINGTON DISTRICT, PLAN 10047.**

SCALE 1:400 DISTANCES ARE IN METRES.

LOT DIMENSIONS ARE DERIVED FROM REGISTERED PLANS.

CIVIC ADDRESS: 3105 UPLANDS DRIVE, NANAIMO

PID: 001-163-655, ZONING: R1

**LEGEND**

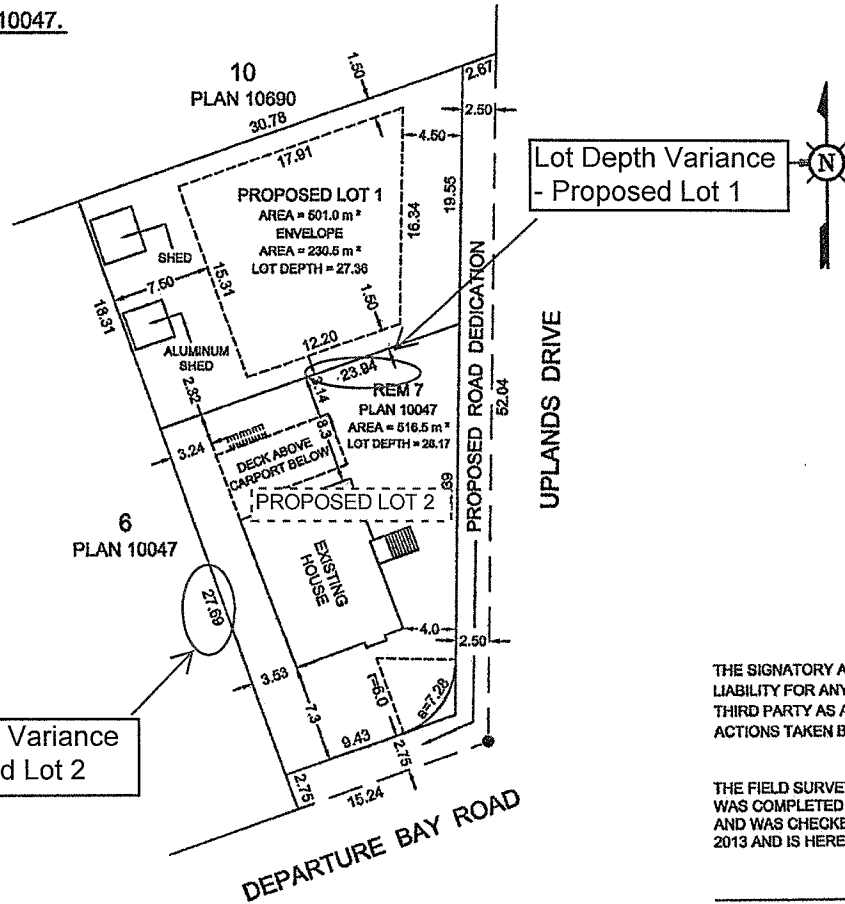
- DENOTES STANDARD IRON POST FOUND.

THIS PLAN PURPORTS TO POSITION ONLY THE ACTUAL AND/OR PROPOSED IMPROVEMENT(S) SHOWN RELATIVE TO ONLY THE BOUNDARIES SHOWN OF OR APPURTENANT TO THE ABOVE DESCRIBED PARCEL(S). THIS PLAN PROVIDES NO WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE LOCATION OF ANY OTHER ACTUAL OR PROPOSED IMPROVEMENT(S) RELATIVE TO ANY BOUNDARY OF OR APPURTENANT TO THE ABOVE DESCRIBED PARCEL(S). THIS PLAN IS NOT TO BE USED TO RE-ESTABLISH BOUNDARY LINES.

Harbour City Land Surveying Ltd.  
1825 LATIMER ROAD  
NANAIMO BC V9S 6H2  
PHONE: 250-758-4180

DRAWING: 13044-PROPOSED- SUBDIVISION.DWG  
LAYOUT: 1

Lot Depth Variance  
- Proposed Lot 2



THE SIGNATORY ACCEPTS NO RESPONSIBILITY OR LIABILITY FOR ANY DAMAGES THAT MAY BE SUFFERED BY A THIRD PARTY AS A RESULT OF ANY DECISIONS MADE, OR ACTIONS TAKEN BASED ON THIS DOCUMENT.

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED ON THE 26TH DAY OF JUNE, 2012 AND WAS CHECKED ON THE 28TH DAY OF JUNE, 2013 AND IS HEREBY CERTIFIED CORRECT.

ANDRE MCNICOLL,

BCLS