

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2013-OCT-7

AUTHORED BY: DAVE STEWART, PLANNER
PLANNING & DESIGN SECTION

RE: DEVELOPMENT VARIANCE PERMIT NO. DVP216 – 1844 MEREDITH ROAD

STAFF RECOMMENDATION:

That Council issue Development Variance Permit No. DVP216 at 1844 MEREDITH ROAD.

PURPOSE:

The purpose of this report is to seek Council authorization to vary the lot depth and rear and front yard setback provisions of the City of Nanaimo "ZONING BYLAW 2011 NO. 4500", in order to permit a 3 lot subdivision.

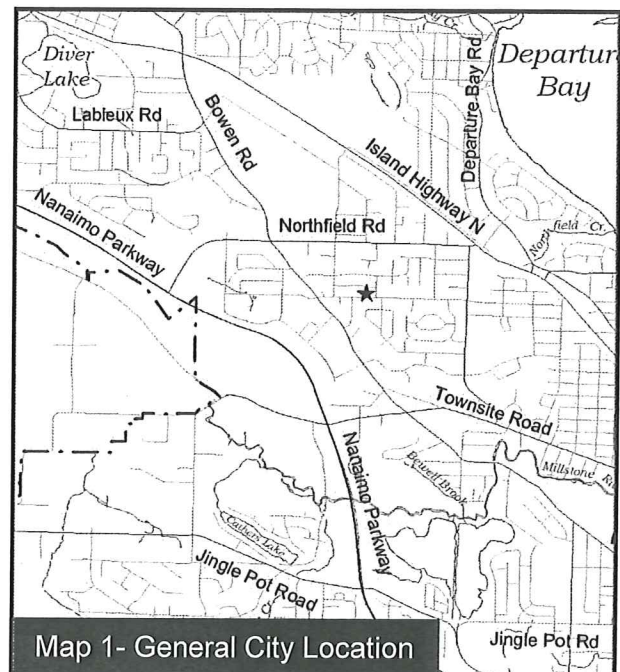
BACKGROUND:

A Development Variance Permit (DVP) application was received from KEITH BROWN ASSOCIATES LTD. (Mr. Keith Brown), on behalf of KAUR MINHAS, to vary the provisions of the City of Nanaimo "ZONING BYLAW 2011 NO. 4500" to permit a 3 lot Single Dwelling Residential - Small Lot (R2) subdivision. The variances would bring the existing dwelling on proposed Lot 3 into conformity with the bylaw. Lot 3 of the proposed subdivision includes an existing house with a covered patio which is 3.78 m from the proposed rear yard property line. The required rear yard setback for the R2 zone is 6 m, as such a rear yard setback variance of 2.22 m is required.

The required depth for an R2 zoned lot is 28 m, once the required 2.5 m road dedication is taken along Meredith Road, the proposed lot depth for Lot 3 will be 25.5 m. A lot depth variance of 2.5 m is required.

Once the road dedication is taken, the existing carport will be 4.37 m from the front property line. The required front for a carport within the R2 zone is 6 m. To accommodate the existing carport once dedication is taken, a front yard setback variance of 1.63 m will be required.

At the Council Meeting held 2013-SEP-23, Council approved Statutory Notification for Development Variance Permit DVP00216. Statutory Notification must take place prior to Council's consideration for the approval of the variance.



Subject Property

The subject property is located in a low density residential neighbourhood. The predominately Single Dwelling Residential neighbourhood is roughly bordered by Northfield Road to the north; Bowen Road to the west; Dufferin Crescent and the hospital to the south; and, the Island Highway to the east. The existing lot is a through lot fronting on both Meredith Road to the south and Evergreen Way to the north. The property is approximately 1,216 m² in lot area and is larger than the majority of other lots within the area.

The proposed Lot 3 contains the existing single residential dwelling; which the applicant plans to retain. The proposed lot is 507.9 m² in site area and as such exceeds the minimum required lot area within the R2 zone by 182.9 m². The lot will continue to front on Meredith Road.

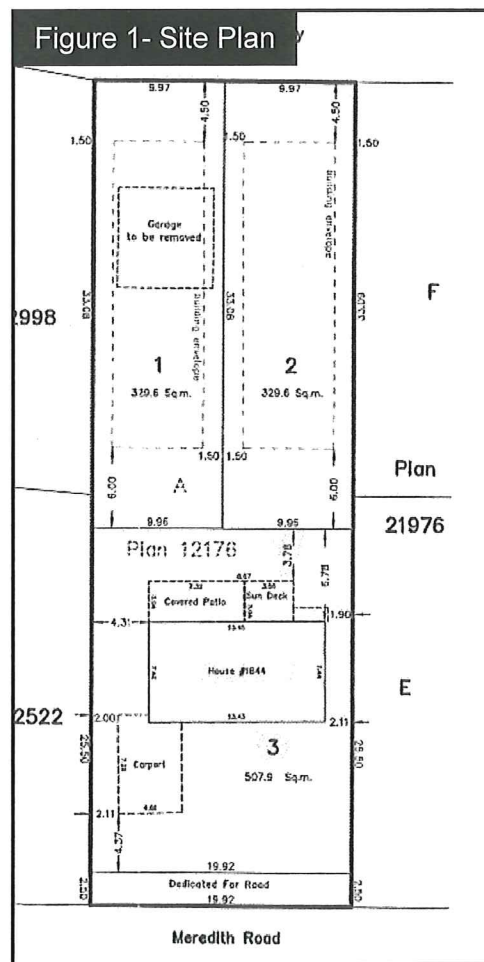
The subject property was recently rezoned on 2013-May-13, from Single Dwelling Residential (R1) to Single Dwelling Residential - Small Lot (R2) in order to permit the proposed 3 lot subdivision. The requested setback and lot depth variances were anticipated within the rezoning application. As part of the rezoning, a 2.5 m road dedication was taken which has resulted in the need for the lot depth variance.

DISCUSSION:

Proposed Development

The applicant has submitted an application to subdivide the subject property into a 3 lot small lot subdivision. The proposed Lots 1 and 2 are each 329.6 m² in site area and front on Evergreen Way. Both lots will have a frontage of 9.97 m, which is less than the 10 m frontage required but is within the range that can be varied by the City's subdivision approving officer. The approving officer supports the proposed 0.03 m frontage reduction for each lot. The proposed Lot 3 contains the existing single residential dwelling; which the applicant plans to retain. The proposed lot is 507.9 m² in site area and will continue to front on Meredith Road.

While the foundation of the existing dwelling is setback 6.78 m from the proposed rear property line, thus meeting the required 6 m rear yard setback; the existing covered patio is 3.78 m from the rear yard and requires a rear yard setback variance of 2.22 m. While an open deck may encroach an additional 2 m into the required rear yard setback, no such relaxation is provided for a covered patio.



As a condition of subdivision, where future road expansion along a major road may be required, a portion of the subject property may be dedicated for road. For the subject property, a 2.5 m dedication is required along the Meredith Road frontage. The required 2.5 m road dedication

reduces the depth of proposed Lot 3 from 28 m to 25.5 m. As Lot 3 no longer meets the minimum required 28 m lot depth, a lot depth variance of 2.5 m is required. A site plan of the proposed lot layout including the location of the existing house is included as 'Figure 1- Site Plan'. In order to recognize the siting of the existing carport and accommodate the required road dedication, a front yard setback of 1.63 m is required.

Applicant's Rationale

The applicant's Letters of Rationale are included as Attachments A and B.

Required Variances

Section 7.5.1 of the City Of Nanaimo "ZONING BYLAW 2011 NO. 4500" requires that a rear yard setback of 6 m be provided for lots within the Single Dwelling Residential - Small Lot (R2) zone. The existing covered patio on proposed Lot 3 is 3.78 m from the proposed rear yard lot line, therefore a rear yard setback variance of 2.22 m is required.

Section 7.5.1 of the City Of Nanaimo "ZONING BYLAW 2011 NO. 4500" also requires a front yard setback of 6 m be provided for all garage and carports within the R2 zone. The existing carport on proposed Lot 3 is 4.37 m away from the proposed front yard line. A front yard setback variance of 1.63 m is required.

Section 7.4.1 of the City of Nanaimo "ZONING BYLAW 2011 NO. 4500" requires a minimum lot depth of 28 m for lots without a lane within the R2 zone. The proposed lot depth for Lot 3 is 25.5 m, therefore a lot depth variance of 2.5 m is required.

STAFF COMMENT

All of the requested variances relate to Lot 3, the largest lot within the proposed three lot subdivision. The front yard setback and lot depth variances are required entirely due to the 2.5m road dedication which was taken as a condition of subdivision. If road dedication wasn't taken the proposed lot depth and front yard setback would conform to the existing zoning regulations.

Through the rezoning application which was adopted on 2013-MAY-13, the entire subject property was rezoned to the small lot zone (R2) including Lot 3 which actually meets the minimum lot area requirements for a standard Single Dwelling Residential (R1) lot. As noted in the rezoning Staff Report, Lot 3 was included in the R2 rezoning area in order to reduce the required rear yard setback from 7.5 m to 6 m so as to minimize the required rear yard setback variance. The existing house itself meets the required rear yard setback, however a variance is required for the covered patio. It should be noted an open deck is permitted to encroach up to 2m within the required rear yard setback and an open (uncovered) on grade patio is permitted anywhere on the property; however, as the rear yard setback for a covered patio is 6 m a 2.22m variance is required.

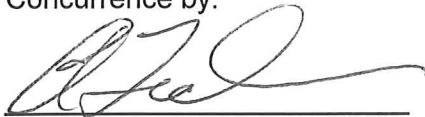
Given that all three variances are requested in order to accommodate an existing house within a subdivision which was contemplated through a recently adopted rezoning application, Staff supports the requested variances and recommends that Council approve this application.

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-SEP-26
Prospero Attachment: DVP216
DS/lb*

ATTACHMENT A

KEITH BROWN ASSOCIATES LTD.
5102 Somerset Drive Nanaimo, BC V9T 2K6
Tel. 250-758-6033 Cel. 250-741-4776
keithbrown@shaw.ca

August 21, 2013

File No. 912.12

City of Nanaimo
411 Dunsmiur Street
Nanaimo, BC V9R 0E4

Attention: Ms. Sheila Herrera, Planner

Dear Ms. Herrera:

SUBJECT: LOT A, SECTION 17, RANGE 8, MOUNTAIN DISTRICT, PLAN 12176.

Please note the enclosed documentation in support of the owner's application for a Development Variance Permit (DVP) for the subject property.

1. Completed DVP application for 1844 Meredith Road.
2. Copy of owner's letter acknowledging agent for DVP application.
3. Application Fee Cheque (\$500.) payable to the City of Nanaimo.
4. Copy of the current Title search for the property.
5. Copy of the BC Land Surveyor's 3 lot subdivision Preliminary Layout Application (PLA) Plan for the parent parcel noted above.

For reference purposed this application is a follow up to the previous rezoning of the property from R1 to R2 Zone to permit the subdivision into smaller lots. Proposed Lot 3 contains the existing dwelling fronting onto Meredith Road which is the subject of this DVP.

The thrust of the DVP application for proposed Lot 3 is to seek relaxation of the proposed rear yard setback from 6.0 m. to 3.78 m. This pending relaxation has been discussed with both the City of Nanaimo's planning and subdivision staff in advance of the earlier rezoning application process.

Please advise if you require any further clarification in support of this application.

Yours truly,



R.K. Brown,
Consultant Planner

Enc.

cc. B.K. Minhas, owner

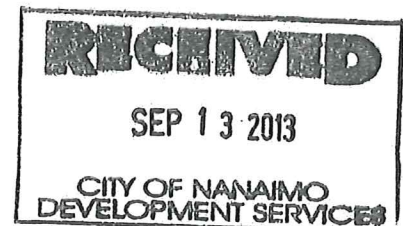
ATTACHMENT B

KEITH BROWN ASSOCIATES LTD.
5102 Somerset Drive Nanaimo, BC V9T 2K6
Tel. 250-758-6033 Cel. 250-741-4776
keithbrown@shaw.ca

September 10, 2013

File No. 912.12

City of Nanaimo
411 Dunsmuir Street
Nanaimo, BC V9R 0E4



ATTENTION: Mr. Dave Stewart, Planner

Dear Sir:

**SUBJECT: DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP00216;
1844 MEREDITH ROAD, NANAIMO, BC.**

From the outset and prior to purchasing the subject property we met with Kris Sillem, Manager of Subdivision Approvals to discuss the need to seek setback relaxations. The purpose was to ensure that through the subdivision and zoning processes three lots would gain approval.

The result of the discussions was to proceed with all three lots for rezoning to the smaller lot sizes permitted in the Single Dwelling Residential Small Lot Zone (R2). Proposed Lot 3 contains the existing dwelling and the reasoning was that while a DVP would be required it would be less complicated to process. Therefore, in support of the pending DVP application we submit the following:

- That the Development Permit Application DVP00216 be amended to include the depth requirements of the R2 Zone be reduced from 28.0 m. to 25.5 m. for proposed Lot 3. The rationale for this variance is premised on the City's requirements for the dedication of future road widening of 2.5 m. fronting Meredith Road.

In summary the City Council is encouraging the additional development of smaller lots throughout the City and is supportive of design flexibility relating to subdivision in-fill projects.

We trust the foregoing will now complete the DVP process.

Yours truly,

A handwritten signature in dark ink, appearing to read "R.K. Brown".

R.K. Brown,
Consultant Planner

cc. B.K. Minhas, owner
Gur Minhas, contractor