

City of Nanaimo  
REPORT TO COUNCIL

FILE COPY

DATE OF MEETING: 2013-NOV-18

AUTHORED BY: DAVE STEWART, PLANNER, PLANNING & DESIGN SECTION

RE: DEVELOPMENT VARIANCE PERMIT NO. DVP221 – 5101 RUTHERFORD ROAD

STAFF RECOMMENDATION:

That Council issue Development Variance Permit No. DVP221 at 5101 Rutherford Road.

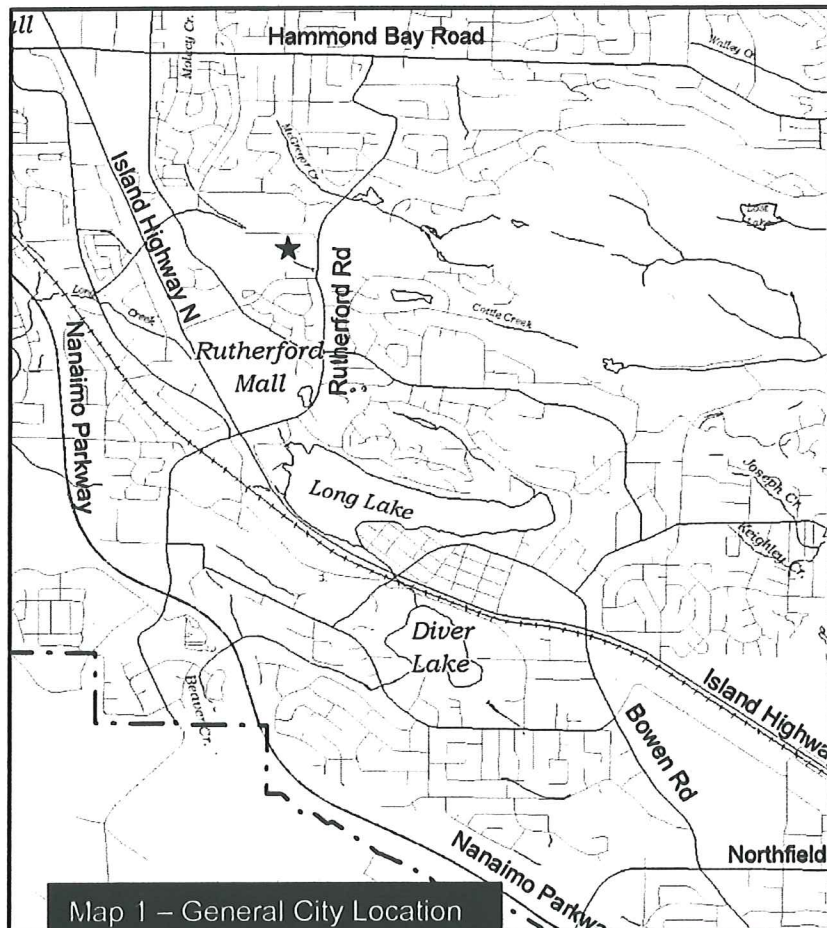
PURPOSE:

The purpose of this report is to seek Council authorization to vary the lot depth requirement for a number of lots within the proposed subdivision, which is to be located at 5101 Rutherford Road.

BACKGROUND:

A Development Variance Permit (DVP) application has been prepared by Insight Holdings Ltd., on behalf of School District 68, to vary the provisions of the City of Nanaimo "ZONING BYLAW 2011 NO. 4500", in order to permit a 34-lot, small lot subdivision. The project is a continuation of the City's partnership with School District 68 on implementing the land exchange project.

At the Council Meeting (Committee of the Whole) held 2013-NOV-04, Council approved Statutory Notification for DVP221. Statutory Notification must take place prior to Council's consideration for the approval of the variances.



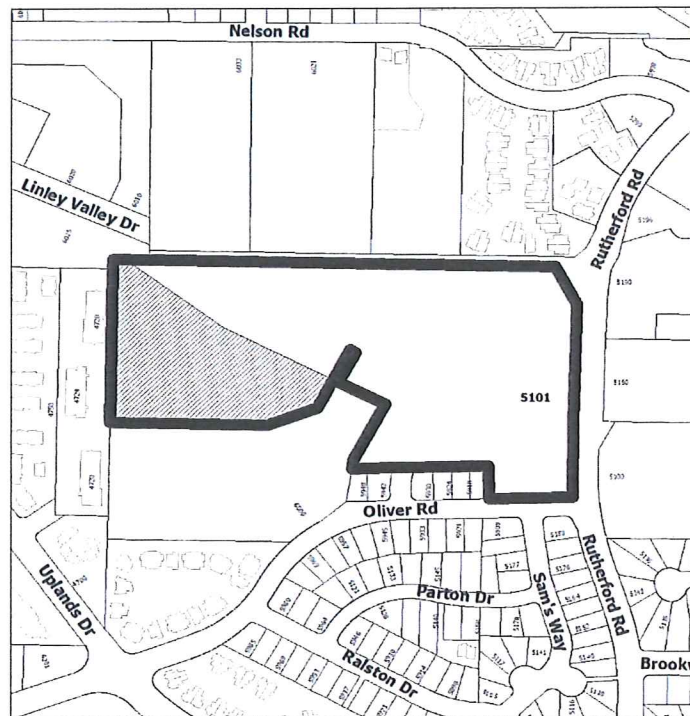
Map 1 – General City Location

**Subject Property**

The subject property is located immediately to the north of Oliver Woods Community Centre and between Rutherford Road to the east, and existing and proposed multiple family housing to the west (see 'Map 1 – General City Location' and 'Map 2 – Subject Property Location').

The subject property has a total lot area of 8.4 ha. Approximately 6.0 ha will be transferred from the School District to the City for parkland and future road dedication. The existing wetland and riparian area boundary are included within the proposed park portion of the site.

On 2013-OCT-28 the proposed park area was rezoned through Zoning Amendment Bylaw 4500.045 (RA317) for use as a nature park. The remaining 2.4 ha was also rezoned through the same bylaw, from Single Dwelling Residential (R1) to Single Dwelling Residential – Small Lot (R2) Zone to support a 34-lot, small lot subdivision. The proposed development site is located within the southwest portion of the site (as shown within the shaded area of 'Map 2 – Subject Property Location'), abutting Oliver Woods Community Centre.



**DISCUSSION:**

**Proposed Development**

As part of the School District / City land exchange, the School District plans to retain the 2.4 ha parcel as a development site. The school district has entered into a preliminary agreement with Insight Holdings to develop the site for a 34-lot, small lot, single dwelling residential subdivision.

The proposed subdivision will be accessed from Linley Valley Drive to the northwest. Proposed lot sizes range from 599m<sup>2</sup> to 328m<sup>2</sup>. The proposed lots will be located between the wetland area to the north and northeast, and Oliver Woods Park to the south. In order to ensure the required 15m aquatic buffer area for the wetland is included entirely within the proposed park area, the depths of the proposed lots have been reduced. Of the proposed lots, 22 out of 34 will require lot depth variances. All of the proposed lots exceed the minimum required lot area and frontage requirements for the R2 zone and in Staff's opinion include a workable building envelope. The proposed subdivision layout is identified in Attachment A.

**Required Variances**

Zoning Bylaw 4500 requires a lot depth of 28m for R2 zoned lots which do not abut a laneway. The applicant is requesting the following lot depth variances, as shown within the following table:

Lot Number	Proposed Lot Depth (m)	Variance Required (m)
1	24.2	3.8
3	27.9	0.1
4	27.0	1.0
5	26.4	1.6
6	26.3	1.7
7	26.4	1.6
8	26.1	1.9
9	25.5	2.5
10	25.4	2.6
11	26.8	1.2
12	27.2	0.8
13	27.8	0.2
14	27.9	0.1
16	27.6	0.4
17	24.5	3.5
18	24.1	3.9
19	25.8	2.2
26	25.1	2.9
27	25.5	2.5
29	24.8	3.2
31	25.3	2.7
32	27.2	0.8

**Staff Comment**

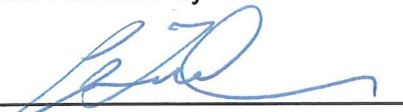
Staff has worked with the applicant to ensure the proposed lots include a workable building envelope while protecting the entire wetland setback area within the proposed park. Staff supports the requested variances and recommends that Council approve this application.

Respectfully submitted,

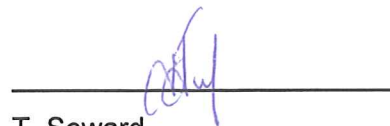


B. Anderson, MCIP  
MANAGER  
PLANNING & DESIGN SECTION

Concurrence by:



A. Tucker, MCIP  
DIRECTOR  
PLANNING



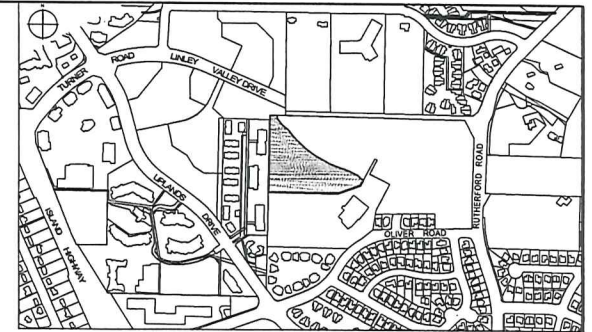
T. Seward  
ACTING GENERAL MANAGER  
COMMUNITY SAFETY & DEVELOPMENT

**CITY MANAGER COMMENT:**

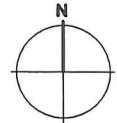
I concur with the Staff recommendation.



# ATTACHMENT A



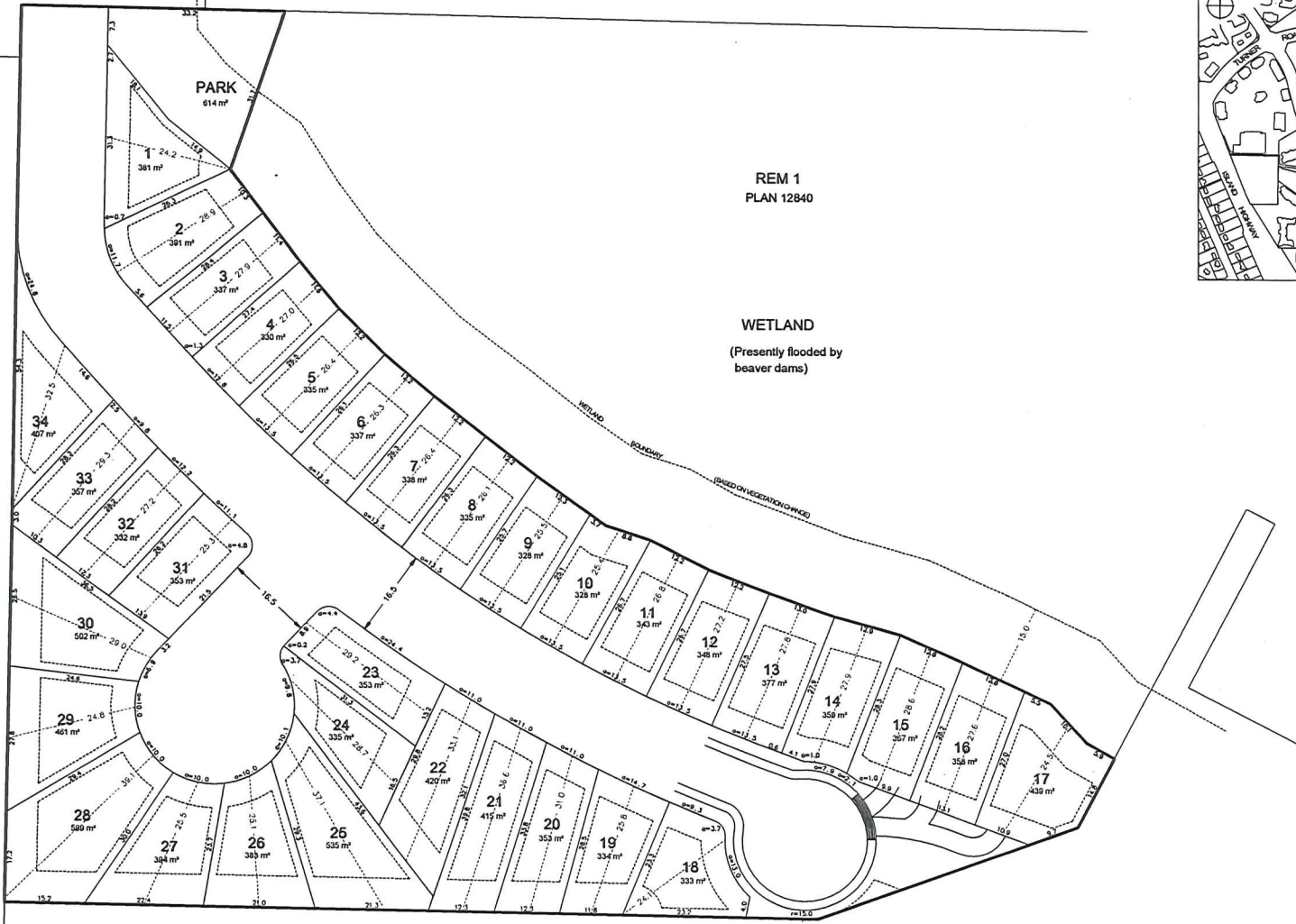
KEY PLAN  
N.T.S.



REM 1  
PLAN 12840

WETLAND  
(Presently flooded by  
beaver dams)

SITE STATISTICS  
PROPOSED ZONE: R2  
DEVELOPMENT VARIANCE  
LOT DEPTH REQUIRED 28m  
LOT DEPTH PROPOSED 24m



OLIVER WOODS  
(PARK)

REVISIONS	
MAY 10/13	FIRST ISSUE
APR 07/13	AMEND TO 10M FRONTAGE
OCT. 18/13	ADD PARK AT NORTH END
OCT. 23/13	ADDED LOT DEPTHS

PROJECT: OLIVER WOODS  
SMALL LOTS  
CLIENT: INSIGHT  
HOLDINGS LTD.

DRAWING: DEVELOPMENT LAYOUT

DATE: MAY 10/13  
SCALE: 1:400  
DRAWN: CH  
FILE: 12135-3  
SHEET: 1 OF 1

**WILLIAMSON & ASSOCIATES**  
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