

City of Nanaimo
REPORT TO COUNCIL

COPY

DATE OF MEETING: 2013-DEC-16

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

RE: DEVELOPMENT VARIANCE PERMIT NO. DVP223 - 210 WOODHAVEN DRIVE

STAFF RECOMMENDATION:

That Council direct Staff to proceed with the required Statutory Notification for Development Variance Permit No. DVP223 at 210 WOODHAVEN DRIVE.

PURPOSE:

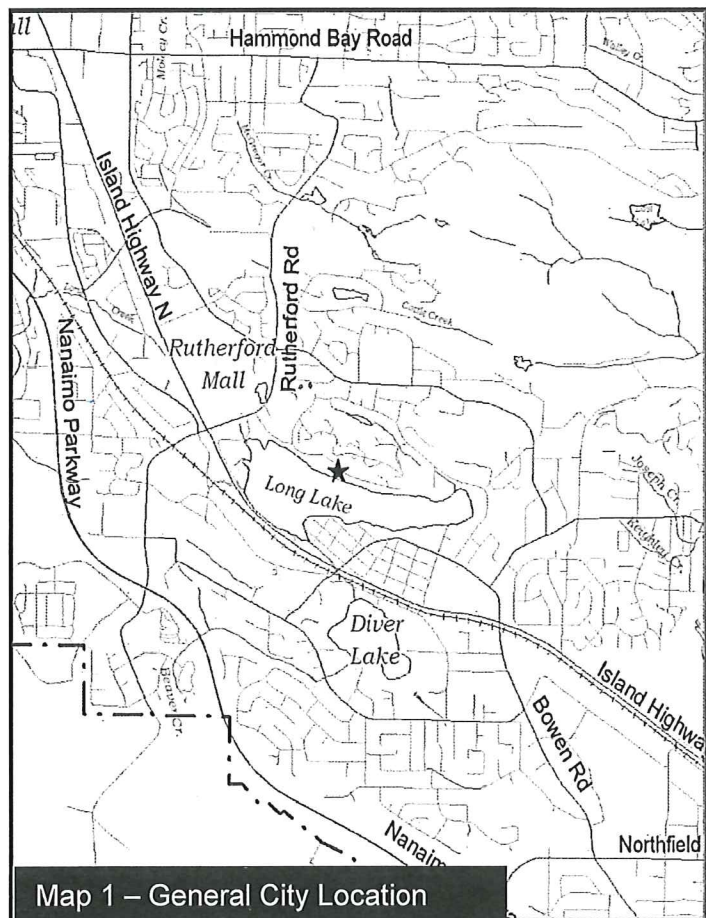
The purpose of this report is to seek Council authorization to vary the maximum allowable height of a perimeter wall within the City of Nanaimo "ZONING BYLAW 2011 NO. 4500", in order to permit the construction of a single family dwelling (SFD), through increasing the allowable perimeter wall heights as follows:

- Rear (south) Wall Face to 16.3m
- Right (west) Wall Face to 10.23m
- Left (east) Wall Face to 15.7m

BACKGROUND:

A development variance permit (DVP) application was received from MR. MIKE TESTINI to vary the provisions of the City of Nanaimo "ZONING BYLAW 2011 NO. 4500", to permit the construction of an SFD with over-height perimeter walls on the rear and both side yard elevations.

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



Subject Property

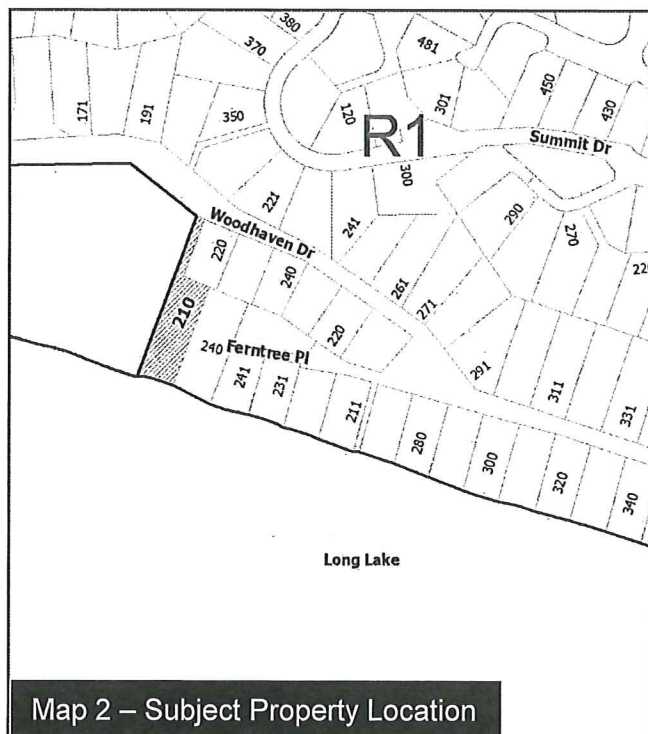
Zoning	R1 – Single Family Residential
Location	This is a steeply sloping bare land strata subdivision (Long Lake Heights) lot on the northern shore of Long Lake, adjacent to City park land to the west. Woodhaven Road access is through a 30m long x 4m wide panhandle.
Total Area	1,051m ²

A 15m watercourse setback area is included within the subject property area. Like the majority of neighbouring strata lots in the neighbourhood, the property slopes dramatically downward from the street (Woodhaven Drive) to the lake. The subject property is currently vacant.

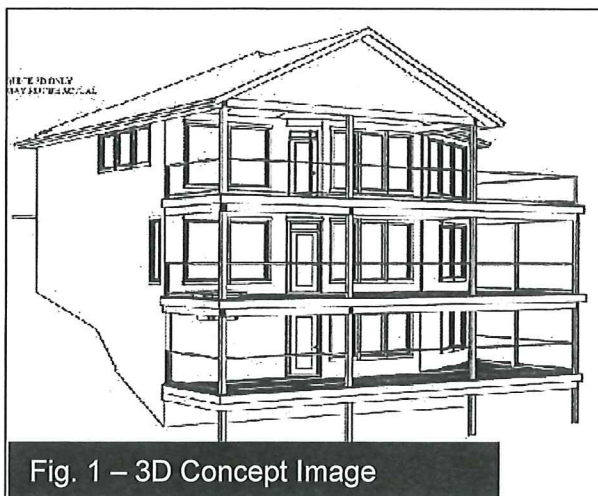
DISCUSSION:

Proposed Development

The applicant plans to construct an SFD on the subject property. The proposed home will be a single storey from the front and slope down to 3+ storeys on the rear. Each floor will have a covered deck on the rear elevation. A rendering of the proposed dwelling unit as viewed from the rear elevation is shown below as 'Figure 1 - Concept Image'.



Due to the steep sloping nature of the lot, the applicant is proposing to support the deck, and a portion of the dwelling unit itself, on posts. The actual rear wall face of the liveable area within the dwelling is 9.6m, as measured from the under-storey of the lower floor to the top of the wall plate. This portion of the wall face is offset by a bay window shaped projection in the middle, which runs throughout the length of the face. A post unit then drops down another 6.7m to the finished grade. As this area is supported by posts, it is essentially open space. As perimeter walls are measured from finished grade to the top of the wall plate, the total height of the rear perimeter wall is 16.3m. The rear yard elevation is shown on the next page as 'Figure 2 - Rear Yard Elevation'.



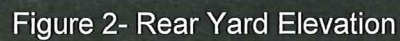


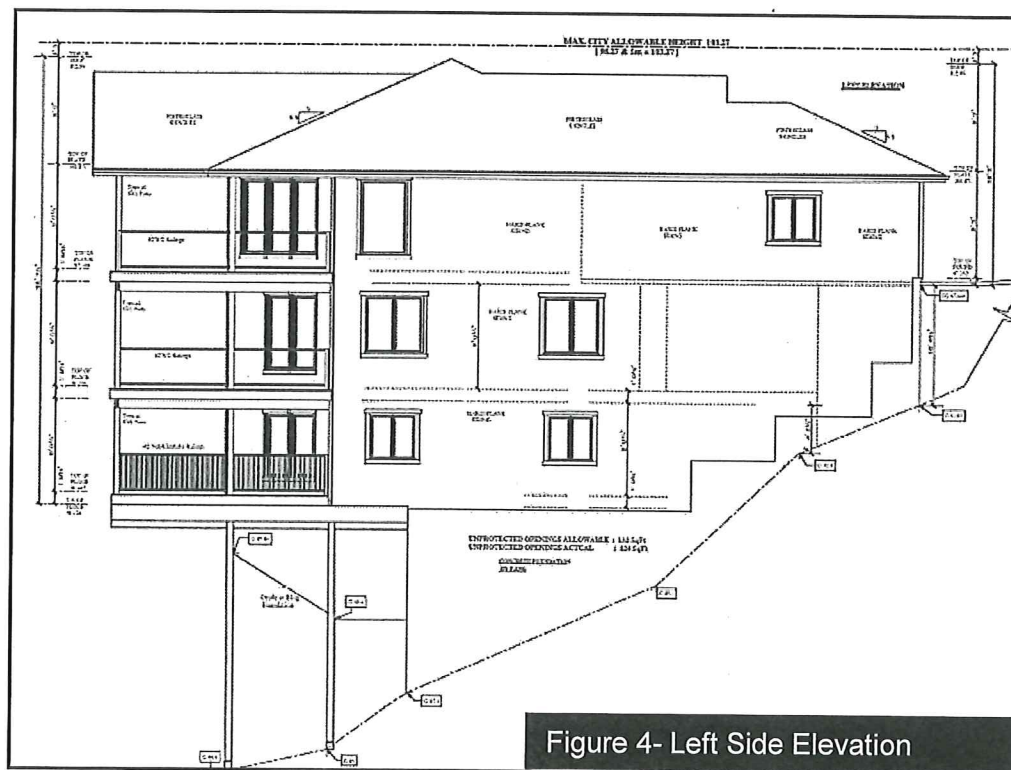
Figure 3 – Right Side Elevation

The subject property is included in the Single Dwelling Residential (R1) zone. The maximum allowable perimeter wall height within the R1 zone is 7.32m. The wall may be increased to 9.14m on side and rear yard elevations provided that:

- Any rear yard wall face over 7.32m in height is a minimum of 10m from the rear property line;
- No wall face over 7.32m in height shall exceed 7.32m in width and must be offset by a minimum of 0.61m from any adjacent wall over 7.32m in height; and
- Any eave or gable end associated with a wall face over 7.32m in height must not exceed 8.53m in width and must be offset by at least 0.61m from any adjacent eave or gable end which is associated with any adjacent wall face over 7.32m in height.

The proposed single family residential dwelling meets the above conditions on the rear and right side elevations, but not on the left side elevation; as such, the maximum allowable perimeter wall height for the rear and right side (as viewed from the street) wall is 9.14m and 7.32m for the left side wall.

Finally, much of the left/east side wall will be supported by an above-grade foundation wall and the deck pillars. Given the pillars and foundation wall are included in the calculation of perimeter wall height, the proposed wall height from finished grade to the top of the wall plate is 15.7m. As the left side elevation remains over the 7.32m perimeter wall height for more than 7.32m in width, and does not include any offsets or projections, the maximum allowable wall height for this elevation is only 7.32m. The left side elevation borders an existing SFD located at 240 Ferntree Place. The left/east side wall elevation is shown below as 'Figure 4 - Left Side Elevation'.



Required Variances

- *Perimeter Wall Height*

Section 7.6.1 of the City of Nanaimo "ZONING BYLAW 2011 NO. 4500" requires a perimeter wall height of 7.32m.

Notwithstanding Section 7.6.1, the maximum perimeter wall height may be increased on rear and internal side yard elevations to a maximum of 9.14m, provided:

- (a) any rear wall face over 7.32m in height is a minimum of 10m from the rear property line;
- (b) no wall face over 7.32m in height shall exceed 7.32m in width and must be offset by a minimum of 0.61m from any adjacent wall over 7.32m in height; and
- (c) any eave or gable end associated with a wall face over 7.32m in height must not exceed 8.53m in width and must be offset by at least 0.61m from any adjacent eave or gable end which is associated with any adjacent wall face over 7.32m in height.

The following chart summarizes the allowable perimeter wall height within the Zoning Bylaw and the proposed wall height and variance for the rear and side yard elevations on the proposed single residential dwelling:

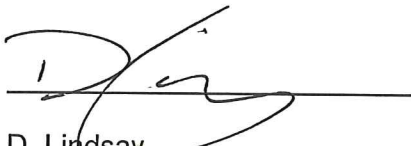
Wall Face	Zoning Bylaw Requirement	Proposed Wall Height	Variance Required
Rear (south) Side	9.14m	16.30m	7.16m
Right (west) Side	9.14m	10.23m	1.09m
Left (east) Side	7.32m	15.7m	8.38m

Respectfully submitted,



B. Anderson, MCIP, RPP
MANAGER
PLANNING & DESIGN SECTION

Concurrence by:



D. Lindsay
DIRECTOR, MCIP, RPP
COMMUNITY DEVELOPMENT



I. Howat
GENERAL MANAGER
CORPORATE SERVICES

CITY MANAGER COMMENT:

I concur with the staff recommendation.