

City of Nanaimo  
REPORT TO COUNCIL

COPY

DATE OF MEETING: 2014-JAN-13

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

RE: DEVELOPMENT VARIANCE PERMIT NO. DVP225 – 1449 PRINCESS ROYAL AVENUE

STAFF RECOMMENDATION:

That Council direct staff to proceed with the required Statutory Notification for Development Variance Permit No. DVP225 at 1449 PRINCESS ROYAL AVENUE.

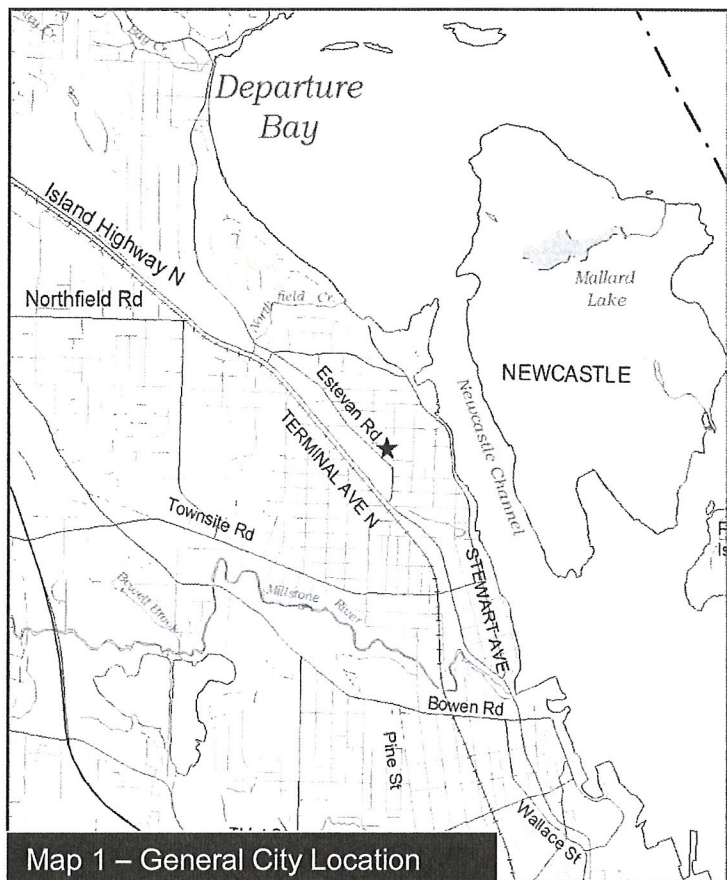
PURPOSE:

The purpose of this report is to seek Council authorization to vary the side and rear yard setback(s), and the maximum allowable height within the City of Nanaimo “ZONING BYLAW 2011 NO. 4500”, in order to permit construction of a single residential dwelling through:

- decreasing the subject property yard setbacks as follows:
  - Rear yard setback to 9.0m
  - Side yard setback(s) to 1.5m;and,
- increasing the maximum allowable building height to 10.3m.

BACKGROUND:

A development variance permit (DVP) application has been applied for by MRS. CHRISTINE WHITCOMB to vary the provisions of the City of Nanaimo “ZONING BYLAW 2011 NO. 4500”, to construct a single residential dwelling with a suite.



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

*Subject Property*

<b>Zoning</b>	R8 – Medium Density Residential
<b>Location</b>	This is a rectangular shaped lot fronting onto Princess Royal Avenue , located south of Larch Street and east of Estevan Road.
<b>Total Area</b>	459m <sup>2</sup>

The subject property is a long narrow lot and is zoned Medium Density Residential (R8). The surrounding neighbourhood includes a mixture of low to medium density housing forms. Immediately adjacent to the subject property are single residential dwellings, with two apartment buildings located nearby to the south.

DISCUSSION:

*Proposed Development*

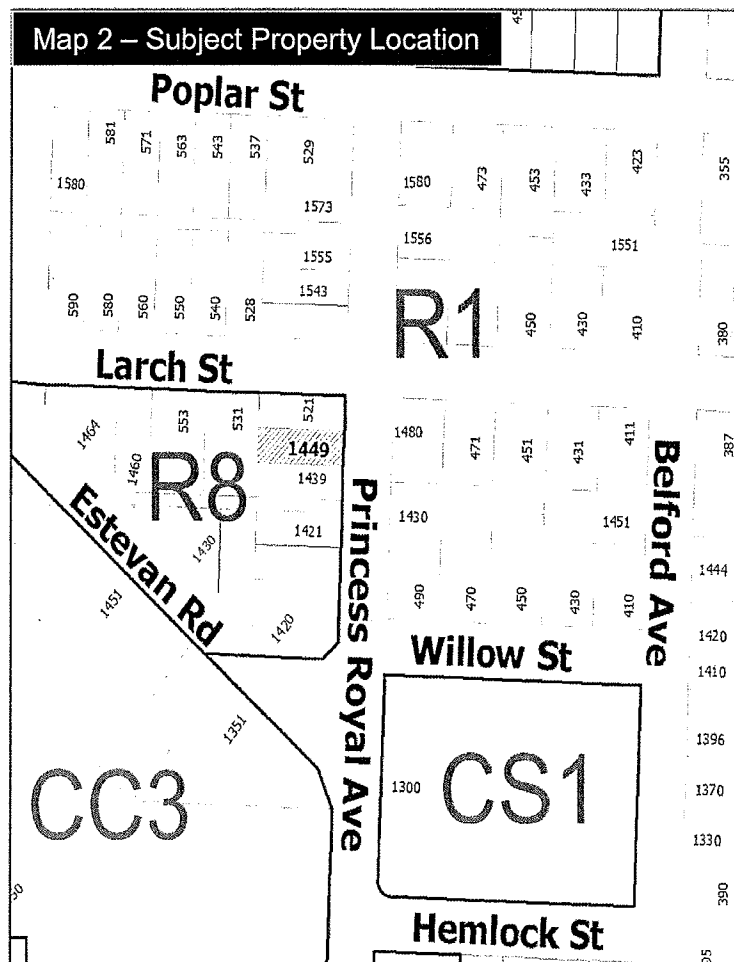
The applicant is proposing to construct a single family residential dwelling with a suite on the subject property. The applicant has retained Middleton Architecture and Design to design the proposed single family residential dwelling.

The proposed home (Figure 1-Concept Drawing) is a two and half storey modernist style, flat roof building. The upper half storey includes a small enclosed area which has access to a roof top garden space.

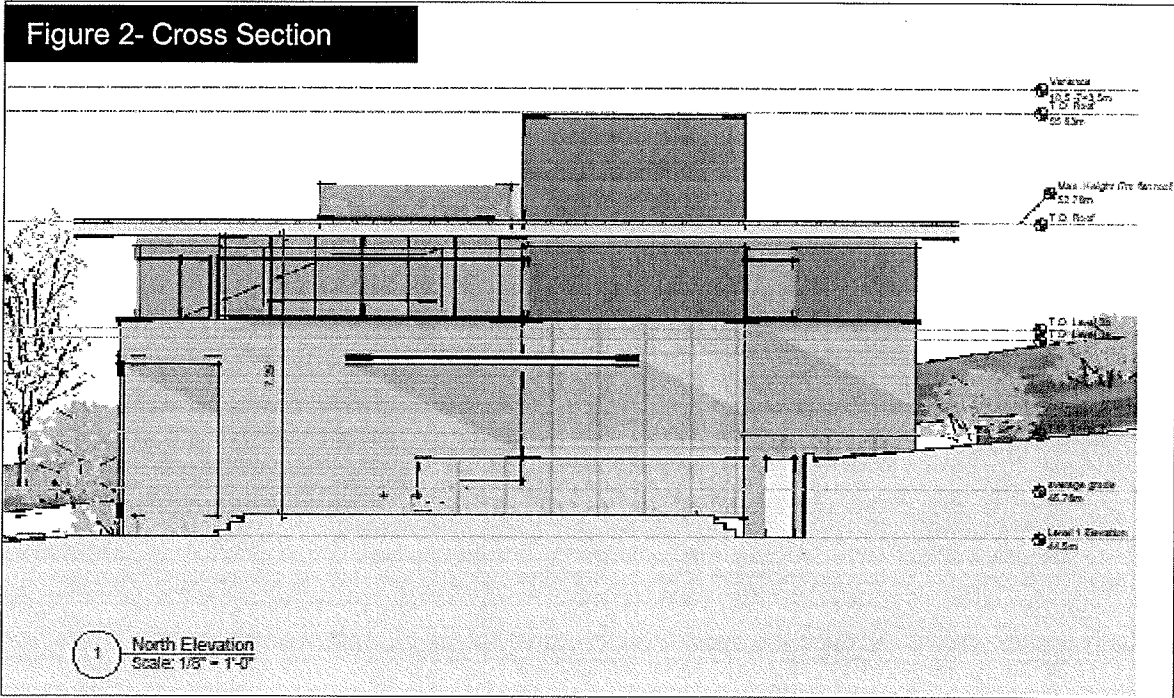
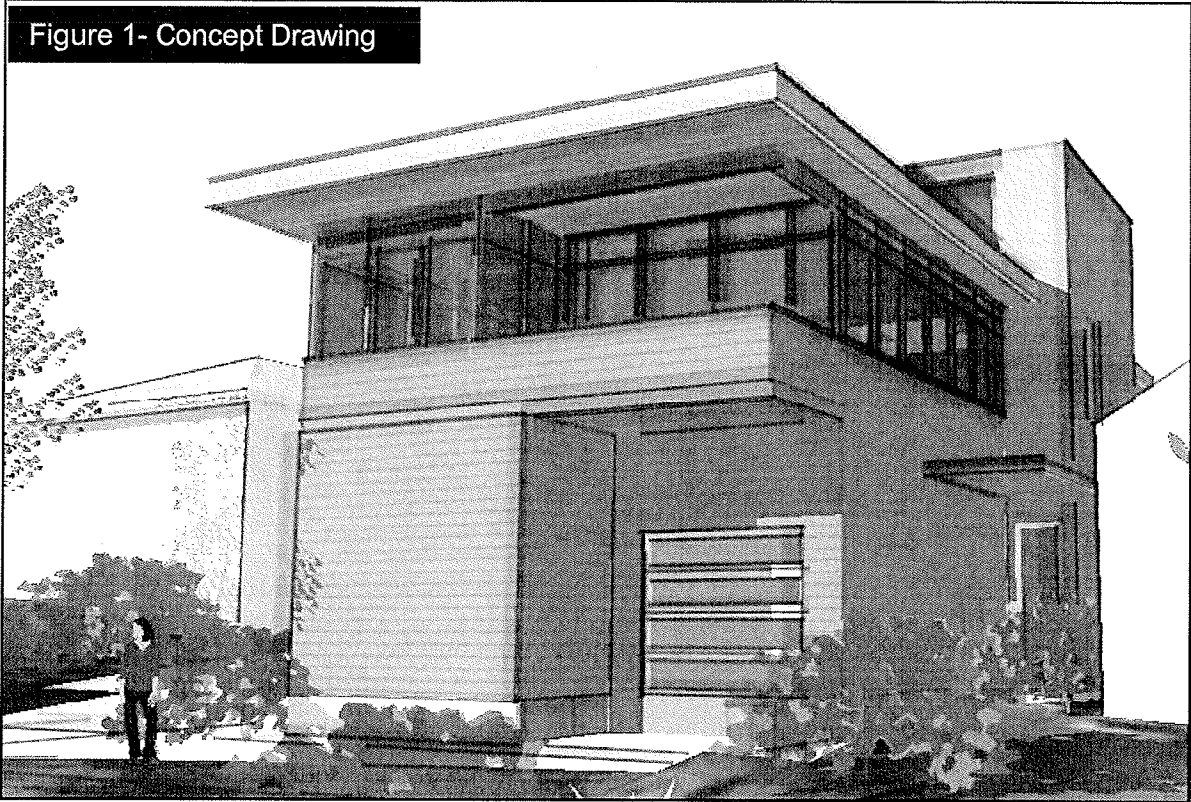
Section 7.6.4 of Zoning Bylaw 4500 states “where a single family residential dwelling exists within an R8 zone, the maximum allowable size of the single residential dwelling shall not exceed the allowable height, lot coverage and perimeter wall height which is permitted within the R1/R1a zone”.

As the applicant is choosing to construct a single family residential dwelling in an R8 zone, the height of the building is restricted to the same height as other single residential dwellings within the R1 zone. The maximum allowable height for the R8 zone is 14.0m. As noted above, Section 7.6.4 of the zoning bylaw limits maximum allowable height to that of the R1 zone, which is 7.0m for a flat roof building (<4:12 pitch). The proposed dwelling will have a height of 10.3m, and as such, a height variance of 3.3m is requested.

The applicant is requesting the additional height to allow access to the green roof area and to provide a glass enclosed area which is open to the living space below and will assist in heating the home through passive solar energy.

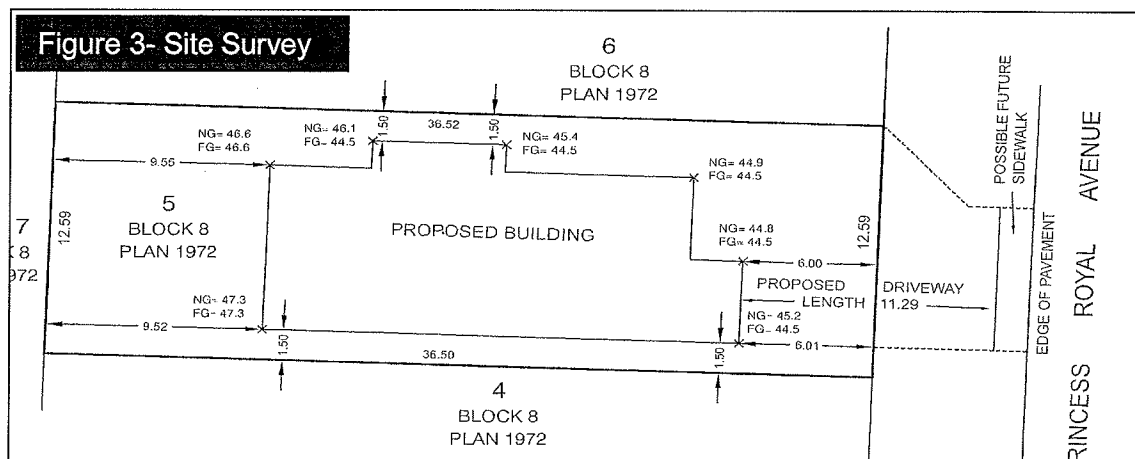


While a stairwell access to a green roof is permitted to exceed the allowable height requirements, a variance is required to accommodate the enclosed area. The majority of the building is below the 7.0m height requirement (Figure 2 – Cross Section).



While the height of a single residential dwelling within an R8 zone is restricted to R1 requirements; the siting for a single residential dwelling in the R8 zone is required to meet R8 zone setbacks. The R8 zone requires a 3.0m side yard and a 10.5m rear yard setback (comparatively the R1 zone only requires a 1.5m side yard and 7.5m rear yard setback). The R8 setbacks are more restrictive as they are anticipating a multiple family dwelling as opposed to a single residential dwelling building form.

The subject property has a lot width of less than 13.0m, as such, if the 3.0m required setbacks are met, less than 7.0m of building width remains. In order to accommodate the proposed structure (Figure 3 - Site Survey) the applicant is requesting the side yard setbacks be reduced from 3.0m to 1.5m to match the side yard setbacks within the R1 zone.



Given the small property size, the applicant is also requesting a rear yard setback variance. The required rear yard within the R8 zone is 10.5m, therefore the proposed building is to be located 9.5m from the rear property line, however the applicant is requesting an additional area of 0.5m to leave some room for flexibility. The additional 0.5m will allow the applicant to move the building further back on the site if desired, and as such, a rear yard variance of 1.5m is being requested. As the proposed siting of the home is still 2.0m further from the rear yard than required within the R1 zone, it is not anticipated that the requested variance will have a negative impact on the adjacent neighbour's privacy or quality of life.

The Applicant's Rationale is included as Attachment A.

#### Required Variance

Section 7.5.1 of the City of Nanaimo "ZONING BYLAW 2011 NO. 4500" requires a 3.0m side yard setback and a 10.5m rear yard setback within the Medium Density Residential (R8) zone. The applicant is requesting the side yard setback (both sides) be reduced to 1.5m and the rear yard be reduced to 9.0m, a proposed variance of 1.5m to the side and rear yard setbacks is required.

Section 7.6 of the City of Nanaimo "ZONING BYLAW 2011 NO. 4500" requires a maximum allowable building height for a flat roof (< 4:12 pitch) single family residential dwelling of 7m. The proposed dwelling will have a height of 10.3m, a proposed variance of 3.3m is required.

Respectfully submitted,



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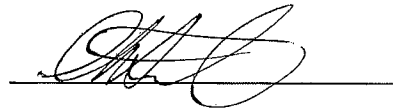
B. Anderson  
MANAGER  
PLANNING & DESIGN SECTION

Concurrence by:



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D. Lindsay  
DIRECTOR  
COMMUNITY DEVELOPMENT



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I. Howat  
GENERAL MANAGER  
CORPORATE SERVICES

CITY MANAGER COMMENT:

I concur with the staff recommendation.

DS/lb

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## ATTACHMENT A

### Purpose of Proposed Variances at 1449 Princess Royal Avenue

The lot is 41.3 feet wide, and is R8 zoned (multifamily). The lot is far too small and narrow for R8 structure setbacks, therefore we are building an R1 structure (single family) with an additional suite. We are requesting a variance on the side setbacks to be adjusted to R1 setbacks of 1.5 meters, from the current R8 setbacks of 3 meters. We are requesting that the south side of the structure be 1.5 meters from the property line for the full length of the building, and the north side setbacks be adjusted to 1.5 meters for just a portion, where the stairwell juts out. All other single family homes in the area have these same R1 setbacks of 1.5 meters, and all properties in this small R8 zoned area are in fact single family homes. We are simply requesting that this very narrow lot be allowed to have the same side setbacks as all other single family homes in the area.

We are requesting a small height variance to accommodate a stairwell up to a green roof area, as well as a glassed in area. This glassed in area will not be additional living space, but will be a glassed in area that is open to the living space below. This glassed in area adjacent to the stairwell and rooftop greenspace will allow the southern sunlight to be captured by the concrete wall on the northern face of the structure, and will further allow the home to be heated via solar energy. The height variance that we are requesting be made available to this R1 structure is not excessive in comparison to any other home in the area, nor is it anywhere near the allowable height of any R8 structure for which this lot is already zoned. In addition, the lot is at the very top of the hill in this area, and will not be a view obstruction for any of the neighbouring homes.

We feel that the side yard variances are simply variances that fall in line with the setbacks of all other single family homes in the area. The height variance requested is not excessive, nor is it 'floorspace' - But it will allow us to build our home to include this solar green design concept, which is in line with other green design concepts that we are considering for our home.