

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2014-MAR-24

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

RE: DEVELOPMENT VARIANCE PERMIT NO. DVP228 – 3500 HILLSIDE AVENUE

STAFF RECOMMENDATION:

That Council issue Development Variance Permit No. DVP228 at 3500 HILLSIDE AVENUE in order to create a more usable building envelope for proposed Lot 9 by reducing a portion of the rear yard setback to 1.5m.

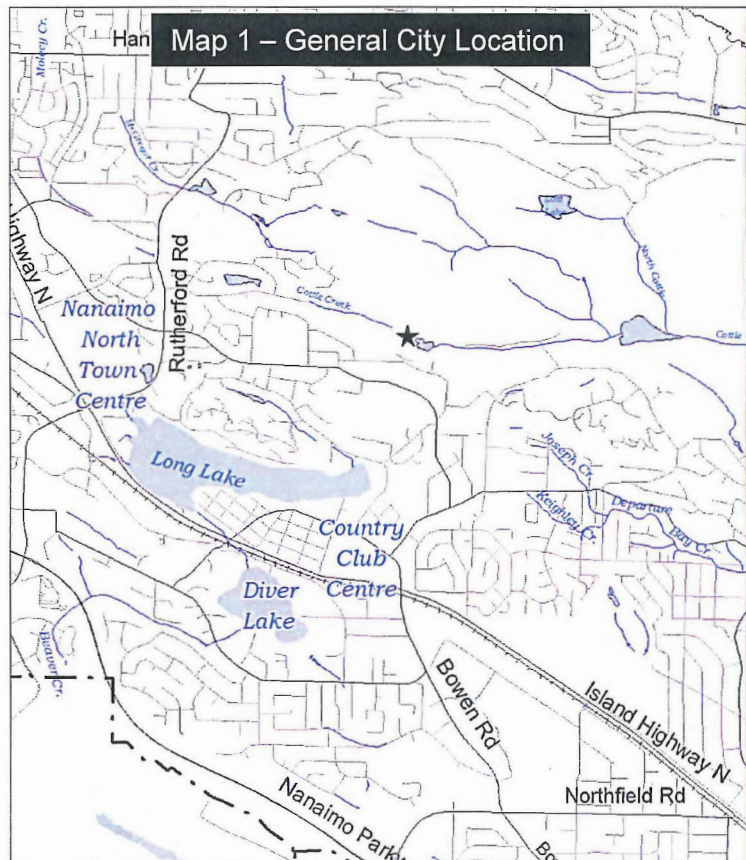
PURPOSE:

The purpose of this report is to obtain Council authorization to vary a portion of the rear yard setback, for proposed Lot 9.

BACKGROUND:

A Development Variance Permit application was received from WILLIAMSON & ASSOCIATES PROFESSIONAL SURVEYORS (Mr. Brian Henning) on behalf of and Mr. Bruce Monro, Ms. Rachel Monro, Mr. Blair McDaniel and Ms. Allison McDaniel, to vary the provisions of the City of Nanaimo "ZONING BYLAW 2011 NO. 4500", to reduce the required rear yard setback for proposed Lot 9 within the subdivision to permit a more usable building envelope.

At the Council Meeting held 2014-MAR-13, Council approved Statutory Notification for Development Variance Permit DVP228.



Council
 Committee.....
 Open Meeting
 In-Camera Meeting
Meeting Date: 2014-MAR-24

Subject Property

Zoning	R1 – Single Dwelling Residential
Location	The requested variance is for proposed Lot 9 of 3500 Hillside Avenue. The proposed lot abuts recently rezoned park area which includes a significant wetland.
Total Area	Parent Property (3500 Hillside) – 7.0ha Proposed Lot 9 - 625.8m ²

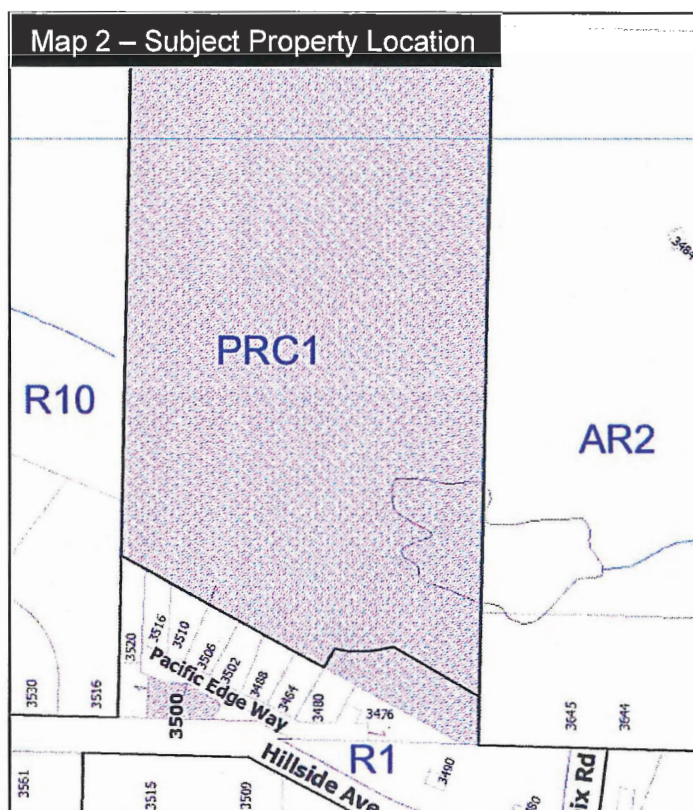
The subject property is located on the southern boundary of the Linley Valley. The surrounding neighbourhood includes a mixture of low density housing forms to the south; large rural lots to the east and west; and, vacant undeveloped land to the north.

The City currently has an active subdivision application for the subject property to create 15 bare land strata lots with the remainder of the property being dedicated as parkland and transferred to the City. The park area includes a wetland with a required leave strip around it. The proposed 6.79ha park area is located immediately to the north of proposed Lot 9, which is the subject of the variance application.

DISCUSSION:

On 2013-JUN-24, Council adopted Official Community Plan (OCP) Amendment Bylaw 6500.020 in order to re-designate a portion of the subject property from Urban Reserve to Neighbourhood. The property was then rezoned (4500.040) from Steep Slope Residential (R10) and Urban Reserve (AR2) to Single Dwelling Residential (R1) and Parks, Recreation and Culture One (PRC-1) in order to facilitate subdivision of a portion of the land, and to zone the remaining portion as park. The area subject to the proposed variance (Lot 9) was re-designated from Urban Reserve to Neighbourhood within the OCP and rezoned to Single Dwelling Residential (R1).

Through the rezoning and OCP amendment process, the park area boundary was established based on the location of the wetland leave strip.



Proposed Development

The applicant has submitted a subdivision application for a 15 lot bare land strata subdivision within the developable portion of the subject property. The bare land strata lots will be accessed from Pacific Edge Way, a private strata road. The proposed subdivision lot lay out is included below as 'Figure 1 - Subdivision Plan'. Phase 1 of the subdivision, which has established 8 strata lots, is now complete. The applicant has since applied to amend the strata to add the remaining lots, including Lot 9.

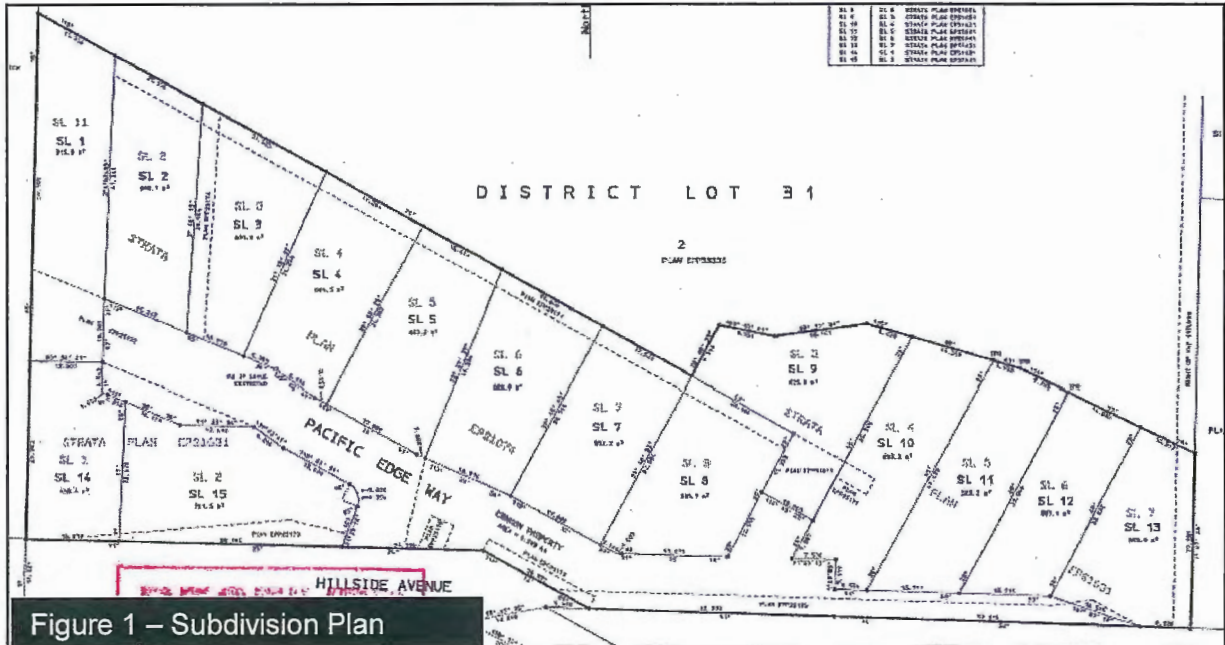


Figure 1 – Subdivision Plan

The rear property line for Lot 9 follows the leave strip boundary for the adjacent wetland. Rather than a typical straight rear yard property line, the property line includes two changes in direction which significantly reduces the lot depth for the western portion of the property. As shown in 'Figure 2 - Site Survey' by applying the required 7.5m rear yard setback to the entire rear property line, little room on the property is left to construct a dwelling. The proposed variance request, as shown on Figure 2, is to retain the 7.5m rear yard setback from the portion of the rear lot line farthest from the front lot line, but reduce the remaining setback area from 7.5m to 1.5m. The proposed 1.5m rear yard setback is the same as the required setback for a side yard; as such, the applicant is requesting the western portion of the rear property line be treated as a side yard for the purpose of setbacks.

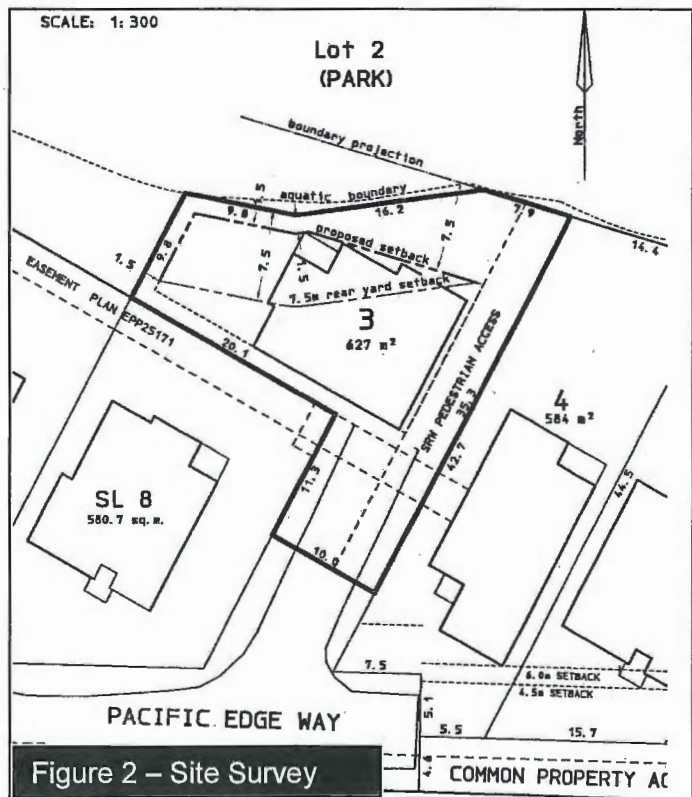


Figure 2 – Site Survey

The intent of the required 7.5m rear yard setback is to provide a back yard space for residences and a privacy buffer between neighbours. Given that the rear yard for the subject area borders a protected wetland within a park area, it is Staff's opinion that the proposed variance request will not negatively impact neighbourhood privacy or defeat the intent of the Zoning Bylaw.

A copy of the applicant's Letter of Rationale is included as Schedule A.

Required Variance

Section 7.5.1 of the City of Nanaimo "ZONING BYLAW 2011 NO. 4500" requires a 7.5m rear setback within the Single Dwelling Residential (R1) zone. The applicant is requesting a portion of the rear yard setback be reduced to 1.5m (as shown in Figure 2), a proposed variance of 6m.

Respectfully submitted,



B. Anderson
MANAGER
PLANNING & DESIGN SECTION

Concurrence by:



D. Lindsay
DIRECTOR
COMMUNITY DEVELOPMENT



I. Howat
GENERAL MANAGER
CORPORATE SERVICES

CITY MANAGER COMMENT:

I concur with the staff recommendation.



**WILLIAMSON & ASSOCIATES
PROFESSIONAL SURVEYORS**

3088 BARONS ROAD, NANAIMO B.C. V9T 4B5
PHONE: (250) 756-7723 FACSIMILE (250) 756-7724
email: waps@telus.net

February 4, 2014

Our File No.: 10077
Your File No.: SUB

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

ATTENTION: Planning Department

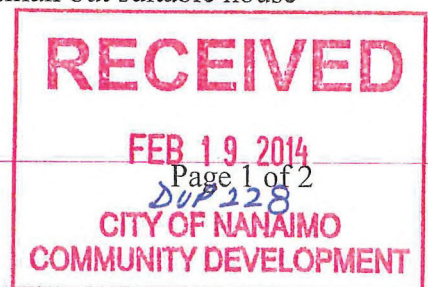
**Re: 3500 Hillside Avenue;
- DVP for future Lot 9, Plan EPS1632;**

Please find enclosed a development variance permit application with respect to future Lot 9, Plan EPS1632. This variance application was discussed at a meeting with Kris Sillem and Bruce Anderson as part of the rezoning and park dedication files on the property.

Overview: when the rezoning, subdivision and Park dedication were being discussed and developed between City staff and the writer there was a belief that the bylaw setbacks were actually what are being proposed and applied for at this time. Once it was found that the bylaw setbacks are as shown on the site plan there were two options discussed, one was to apply for a DVP the other was to include some of the aquatic area into the proposed lot (out to the boundary projection line of the site plan). It was agreed that a DVP would be applied for to support the preserving and protecting the aquatic areas by transferring it all as Park.

Rational: To create a reasonable building site area given the zoning setbacks, we request that a portion of the rear property boundaries be designated side yards. A traditional lot would likely be rectangular in shape using the boundary projection line and therefore the lot would include some aquatic area. We wish to use this projection line as the basis for the rear yard setback but dedicate the aquatic area. The aquatic boundary was recently fenced to City standards.

Summary: The lot layout and proposed building envelop have formed part of the negotiations and agreements throughout the OCP amendment, rezoning and subdivision applications and processes. The DVP is consistent with the agreements to date and with the requested setbacks will allow for a single family home site for a small but suitable house to be constructed with reasonable yard areas.



Should you have questions or concerns please give me a call.

Yours truly,
Williamson & Associates Professional Surveyors



Brian S. Henning, B.C.L.S.

BSH/

cc: Blair McDaniel
Bruce Munro
Stu Hopewell

