

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2015-OCT-19

AUTHORED BY: DEAN MOUSSEAU, MANAGER, ENGINEERING & SUBDIVISION

RE: DEVELOPMENT VARIANCE PERMIT NO. DVP00246 – 154 WESTWOOD ROAD

STAFF RECOMMENDATION:

That Council issue Development Variance Permit No. DVP00246 at 154 WESTWOOD ROAD to vary the provisions of the City of Nanaimo "BUILDING BYLAW 2003 NO. 5693" in order to remove the requirement to complete works and services along Westwood Road.

PURPOSE:

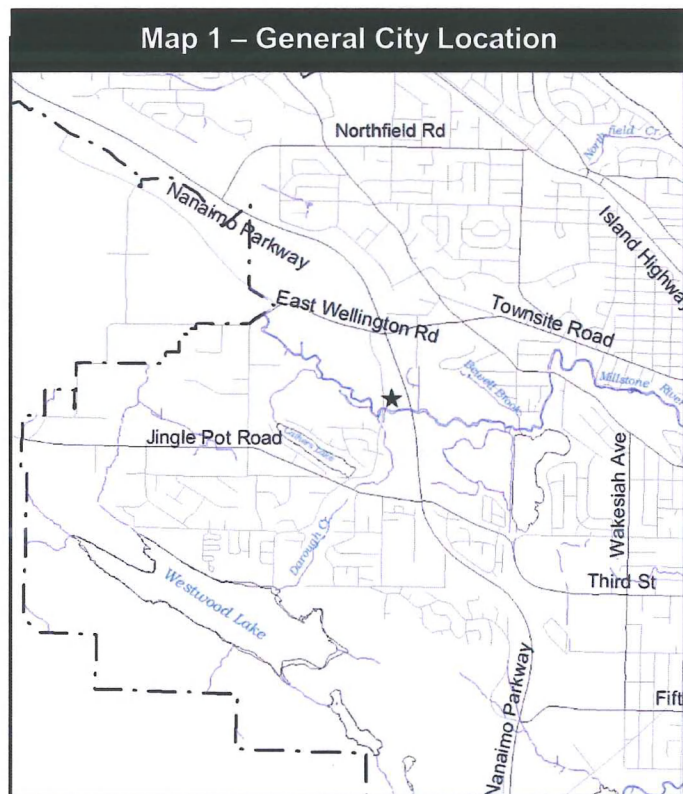
The purpose of this report is to seek Council authorization to vary the required works & services along Westwood Road.

BACKGROUND:

A development variance permit application was received from MR. BOB BUSCH, on behalf of BRITISH COLUMBIA SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS to vary the provisions of the City of Nanaimo "BUILDING BYLAW 2003 NO. 5693" in order to remove the requirement to complete works and services along Westwood Road.

Section 24 of the City of Nanaimo "BUILDING BYLAW 2003 NO. 5693" identifies the required works and services related to development for which a building permit is required.

A Statutory Notification has taken place prior to Council's consideration of the variances.



- Council
- Committee.....
- Open Meeting
- In-Camera Meeting

Meeting Date: 2015-OCT-19

Subject Property

Zoning	AR1 - Rural Resource
OCP	Resource Protection
Location	Located south of East Wellington Road and north of Cathers Drive
Total Area	4.7 ha

DISCUSSION:

Proposed Development

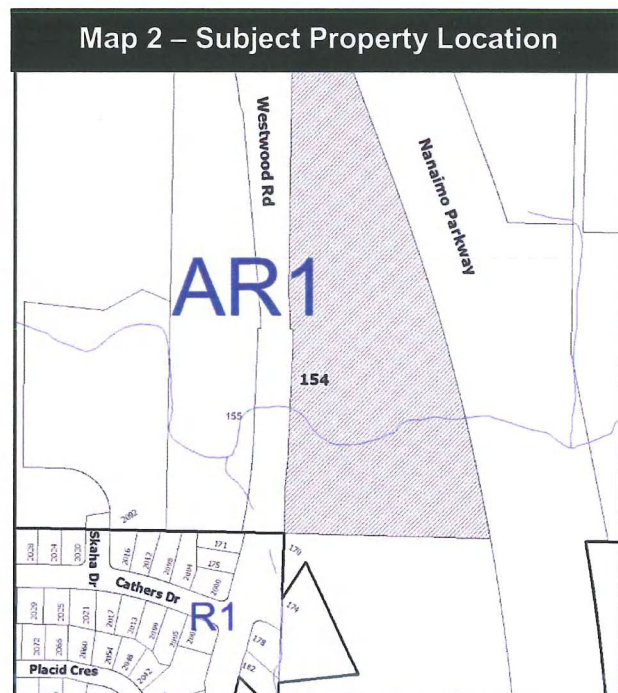
The subject property, located at 154 Westwood Road, is a large 4.7 ha piece of property on the west side of the Nanaimo Parkway.

The subject property is located within the Agricultural Land Reserve (ALR). The Agricultural Land Commission (ALC) has given approval for the animal shelter use.

DP908 was approved for the development of an animal shelter 2015-JUL-28. The building permit for this project was approved 2015-AUG-15.

Works and Services

The City of Nanaimo “BUILDING BYLAW 2003 NO. 5693” requires frontage works and services for a development of this scale. Required frontage works can vary depending on the classification of the road and the existing conditions, however, typical works and services include curb, gutter, sidewalk, ornamental street lighting and repaving to the centre of the road.



Westwood Road fronting the property is two lanes and classified as a major road (minor collector) and was constructed by the Ministry of Transportation as part of the construction of the Nanaimo Parkway in 1996. Ministry road construction standards exceed City standards with regard to road base depths and asphalt thickness. The road is in good condition and is constructed to an appropriate standard to accommodate the anticipated traffic volumes.

Proposed Variance

The applicant is requesting that Council authorize a development variance permit in order to vary the City of Nanaimo “BUILDING BYLAW 2003 NO. 5693”. The requested variance is to eliminate works and services requirements for the portion of the subject property that fronts onto Westwood Road. The variance, if authorized, will allow for development of the SPCA Animal Shelter without any alterations to the existing road.

The applicant's rationale for the requested variance (Schedule A) is based on a hardship that would be created for the non-profit organization due to the substantial cost of the works and services normally required. The applicant highlights that they have requested funding from the City of Nanaimo and if required to undertake the works and services they would have to request further financial support.

Council Policy

Council has a policy regarding variance and development variance permits. The policy, which was adopted in 1989, states that all applications for a development variance permit applicable to works and service charges under the City bylaw be denied.

Although this policy has been adopted, Council is still required to consider all applications.

STAFF COMMENT:

Works and services associated with new development and redevelopment is a major source of road construction and improvements within Nanaimo. The works and services are completed to the City's standards unless there is some technical reason why the works cannot be completed (i.e. offsite conditions do not permit construction or construction would result in an improvement that would be out of place with the surrounding standards).

As per Council's policy, there have been a limited amount of development variance permit requests or approvals for works and services in recent years. Examples where works and services have been relaxed include 645 Wakesiah Avenue (Nanaimo Water Reservoir No.1) and 530 Fifth Street (Harewood Mall).

The City has recently approved a development permit (DP908) for the subject property.

Staff support the requested variance and recommend Council approve this application.

Respectfully submitted,

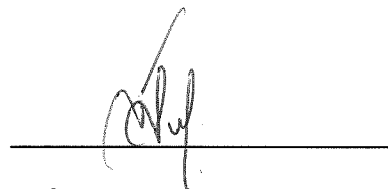


B.Anderson
MANAGER
PLANNING & DESIGN SECTION

Concurrence by:



D. Lindsay
DIRECTOR
COMMUNITY DEVELOPMENT



T. Seward
ACTING GENERAL MANAGER
COMMUNITY DEVELOPMENT &
PROTECTIVE SERVICES

Applicant's Rationale

BCSPCA

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VARIANCE RATIONALE

The BC SPCA is hereby applying for a variance in the City Building Control Bylaw for Frontage Works and Services.

The BC SPCA has to move from its current location on Labieux Road due to the City requirement for the land for future roadworks. This has placed the SPCA in an undue hardship situation as the City could not renew our lease due to the future roadworks.

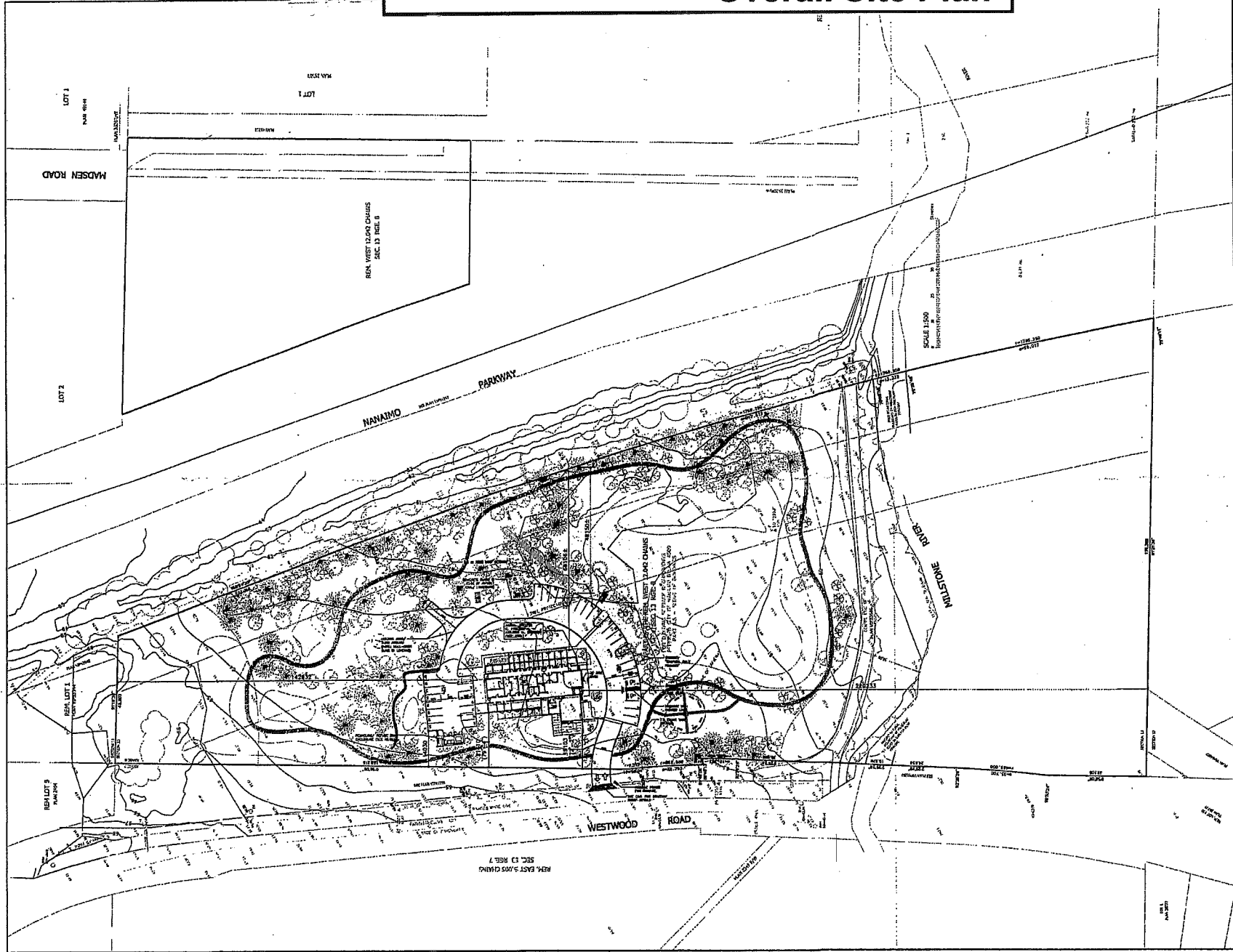
As a not for profit organization, the move to a new location and building of a new animal shelter represents a large expenditure of donor dollars. A capital campaign feasibility study in 2013 revealed that it would be unrealistic to expect a significant volume of donations from local citizens for a new shelter. A large portion of the \$2.7MM budget must therefore come from limited internal SPCA reserves.

It is estimated that offsite works would add another \$300,000 to the project cost, an additional sum that simply is not available to the SPCA.

The SPCA has requested funding from the City already, and would have to request more if required to undertake the works and services.

Finally, the site on Westwood Road is surrounded by ALR lands with limited development potential. Therefore the works and services would not be in keeping with the semirural cross section. Offsite improvements might actually detract from the utility and character of the site, potentially creating issues of light trespass, ongoing maintenance costs, etc.

Overall Site Plan



88-27 ENGINE STREET
PORTLAND, O.R.
REG. NO. 12487-3333
12/22/2009 (last registration)
2220 N. W. 10TH AVE.
PORTLAND, O.R. 97228
PHONE: 503.253.2888
FAX: 503.253.2889



2014-09-29

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Revised/Issued/Cancelled. This plan and design is not to be used for any other project without the written consent of the architect. All dimensions are in meters unless otherwise specified.

No.	Date	Revised/Issued/Cancelled

Project:
NANAIMO SPCA
154 WESTWOOD ROAD, NANAIMO B.C.

Sheet No.:
A2.01

As prepared and dated by SPCA:
City of Nanaimo Planning & Design
Overall Site Plan
Scale: 1:500

Date	By	Checked