



DEVELOPMENT VARIANCE PERMIT NO. DVP00261

**LAURA MCINTOSH
CLAYTON MCINTOSH**
Name of Owner(s) of Land (Permittee)

Civic Address: 1464 ESTEVAN ROAD

1. This development variance permit is issued subject to compliance with all of the bylaws of the municipality applicable thereto, except as specifically varied by this permit.
2. This permit applies to and only to those lands within the municipality described below, and any and all building structures and other developments thereon:

Legal Description:

LOT 11, BLOCK 8, NEWCASTLE RESERVE, SECTION 1, NANAIMO DISTRICT, PLAN 1972

PID No. 006-617-140

3. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby varied as follows:

Section 7.5.4. – Siting of Buildings

- *Front Yard Setback*

Notwithstanding Subsection 7.5.1, where a property abuts a major road, an additional 2.5m front yard setback is required when the dedication to achieve the required road right-of-way width has not occurred to facilitate the widening of a major road.

The proposed building is sited 3.5m from Estevan Road. The required siting is 8.5m, a 5.0m variance.

4. The permittee, as a condition of the issuance of this permit, shall develop the land described herein strictly in accordance with the following terms and conditions and provisions and in accordance with any plans and specifications attached hereto which shall form a part thereof.

Schedule A Location Plan

Schedule B Site Plan

Schedule C Applicant's Letter of Rationale

5. If the permittee does not substantially commence the construction permitted by this permit within two years of the date of this permit, this permit shall lapse.
6. This permit prevails over the provisions of the bylaw in the event of conflict.
7. This permit is not a building permit nor does it constitute approval of any signage. Separate applications must be made for a building permit and sign permit.

AUTHORIZING RESOLUTION PASSED BY COUNCIL
THE 17TH DAY OF AUGUST, 2015.

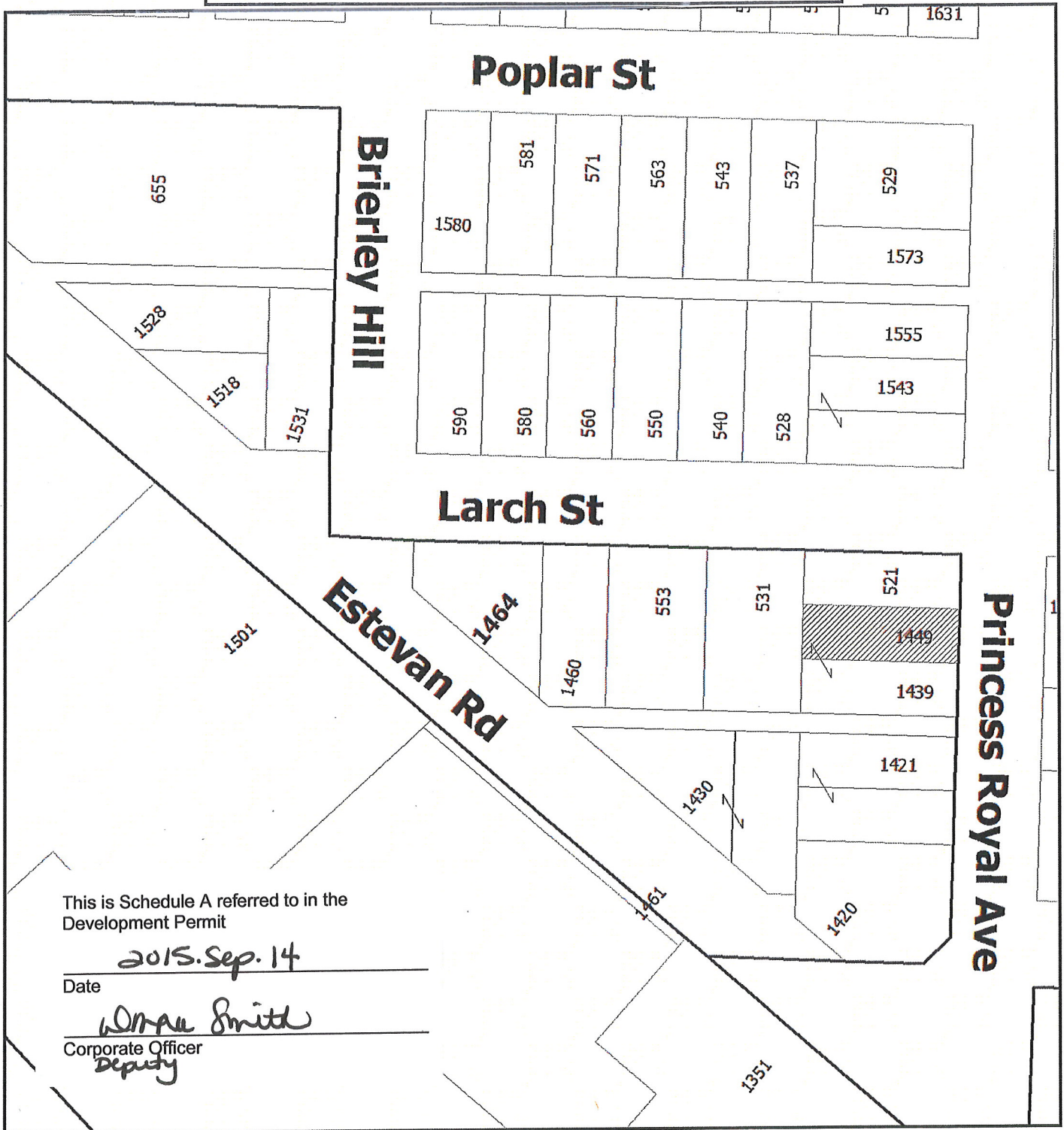
Olivia Smith
Dep. Corporate Officer

2015 Sep. 14
Date

GN/in

Prospero attachment: DVP00261

LOCATION PLAN



This is Schedule A referred to in the
Development Permit


Date 2015. Sep. 14

W. M. Smith
Corporate Officer
Deputy

DEVELOPMENT VARIANCE PERMIT NO. DVP00261

LOCATION PLAN

Civic: 1464 Estevan Road
Lot 11, Block 8, Newcastle Reserve,
Section 1, Nanaimo District, Plan 1972

 Subject
Property

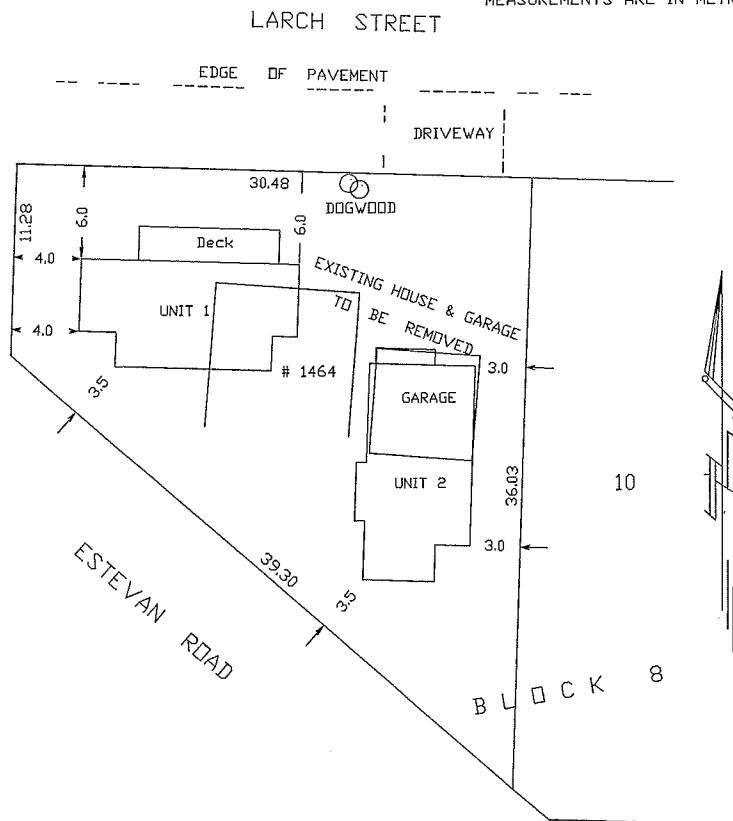
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Schedule B

SITE PLAN

SITE PLAN ON LOT 11, BLOCK 8, NEWCASTLE RESERVE,
SECTION 1, NANAIMO DISTRICT, PLAN 1972

SCALE 1:250
MEASUREMENTS ARE IN METRES



T.G. Hoyt
B.C. Land Surveyor
2275 Godfrey Road
Nanaimo, B.C.
V9X 1E7
250-753-2921

FB 366/59

Certified Correct
This 24th day of July, 2015.

B. C. L. S.

LANE

RECEIVED
By Planning & Design Section at 10:56 am, Jul 27, 2015

This is Schedule B referred to in the
Development Permit

2015. Sep. 14
Date

Orna Smith
Corporate Officer
Deputy

1464 Estevan Variance Rationale Letter

Background:

This small corner lot (720sm) is bounded by Estevan Road, Brierly Hill, Larch Street, and a multifamily zoned property that currently has a single family home. This dilapidated single family home is scheduled for demolition. The structure is positioned approximately 1.8m from the Estevan property line.

Purpose:

The applicant is requesting a variance for the front metre setback on Estevan Road to enable the development of a 'Separated Residential Duplex' that is more appropriate for the zoning bylaws and the Newcastle Brechin Neighbourhood Plan.

Zoning Regulations:

Nanaimo Zoning Bylaw 4500 - R8 Medium Density Residential - Section 7.5.1 Siting of Buildings - a Front yard of 6m must be provided.

City Engineering:

Estevan road is designated as a 'major collector' that requires a 25m R.O.W.. As such, the engineering department is suggesting a 2.5m road dedication to facilitate this road widening. The current road dedication, which is intended to widen Estevan road to 25meters is not in keeping with the Urban Design Guidelines. These guidelines, recommend two lanes of vehicular traffic bounded by parallel parking with a 20meter right of way (page 83 Newcastle + Brechin Neighbourhood Plan). This pedestrian oriented 'High Street' is supported by the Brechin community and if the road dedication is pursued, it will further the undue hardship to this site and create adverse effects for the Neighbourhood Plan.

Form and Character:

- The form and character of the proposed buildings are in keeping with the nearby homes with small gabled roofs however these units are part of a transition between the busy urban condition along Estevan Street and the smaller intimate scale of the Brechin residential community.
- The proposed development will position a 'Separated Residential Duplex' that capture the water views without compromising the adjacent residential property view.
- Vehicle access is restricted to one single driveway on Larch Street.
- The upper yard will be raised to the levels of the pedestrian side walk along Estevan to create a stronger connection to the street and sidewalk.
- The close proximity of the proposed buildings to Estevan road helps to define the urban edge which is keeping with the High Street concept outlined in the Newcastle + Brechin Neighbourhood Plan.

Conclusion:

Due to the specific location and size of the property, the 6 metre front yard building setback and 2.5m road dedication, will create an unfair and unduly onerous condition for the development. This undue hardship is unique to this property and with this regard, we are requesting a set back relaxation along Estevan Road that will enable the proposed development.

This request will;

- a) Result in a more appropriate development that is in keeping with the Newcastle Brechin Neighbourhood Plan.
- b) Will facilitate a larger foot print for better placement of two residential dwellings.
- c) Result in a more appropriate development that is in keeping with the intent of the zoning bylaw as a R8 multifamily site.

Where road dedication is required but not taken an additional 2.5m setback is required. As such along Estevan Road, a variance from 8.5meter (6m + 2.5m) to 3.5meter as shown on the plan is requested.

This is Schedule C referred to in the
Development Permit

2015. Sep. 14
Date

Donna Smith
Corporate Officer
Deputy

