

# City of Nanaimo

## REPORT TO COUNCIL

**DATE OF MEETING:** 2015-OCT-19

**AUTHORED BY:** BRIAN ZUREK, SUBDIVISION PLANNER, ENGINEERING & SUBDIVISION

**RE:** DEVELOPMENT VARIANCE PERMIT NO. DVP268 - 445 HILLCREST AVENUE

**STAFF RECOMMENDATION:**

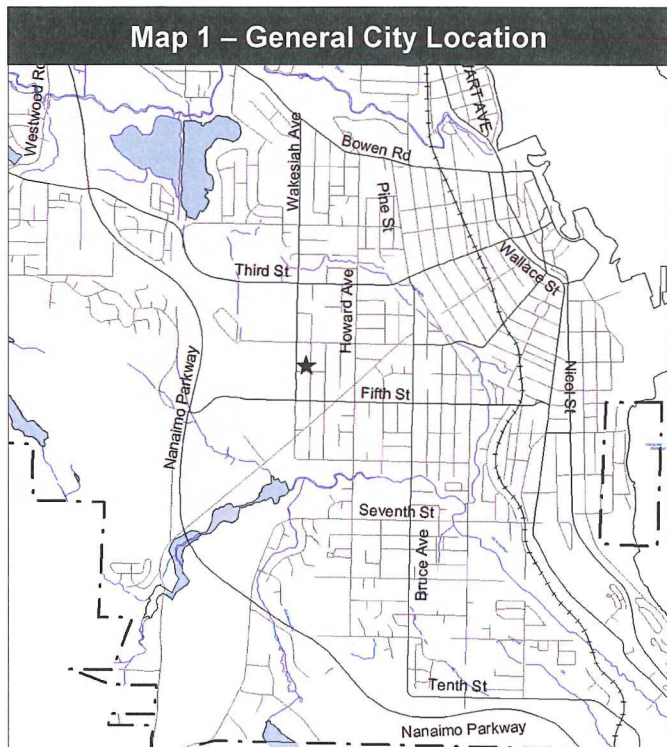
That Council deny Development Variance Permit No. DVP00268 at 445 HILLCREST AVENUE to permit a vehicle access off a frontage road for a residential parcel serviced by a lane.

**PURPOSE:**

The purpose of this report is to seek Council authorization to vary the provision of the Parking Bylaw that requires, where a lane exists, vehicle access from the lane.

**BACKGROUND:**

A development variance permit application was received from SATGUR DEVELOPMENT INC., on behalf of NICHOLAS SADHRA, JAGDISH SINGH SADHRA, and KAMLESH KAUR SADHRA, to vary the provision of the City of Nanaimo "DEVELOPMENT PARKING REGULATIONS BYLAW 2005 NO. 7013" (Parking Bylaw) that restricts vehicle access to the subject property from the existing lane.



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

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
Meeting Date: 2015.OCT.19

**Subject Property**

Zoning	R1 - Single Dwelling Residential
Location	The Harewood property is located in a residential area between Fourth and Fifth Streets, and in close proximity to Vancouver Island University.
Total Area	604m <sup>2</sup>
Official Community Plan (OCP)	Map 1 – Future Land Use Plan – Corridor; Map 3 – Development Permit Area DPA No. 9 – Commercial, Industrial, Institutional, Multiple Family and Mixed Commercial/Residential Development

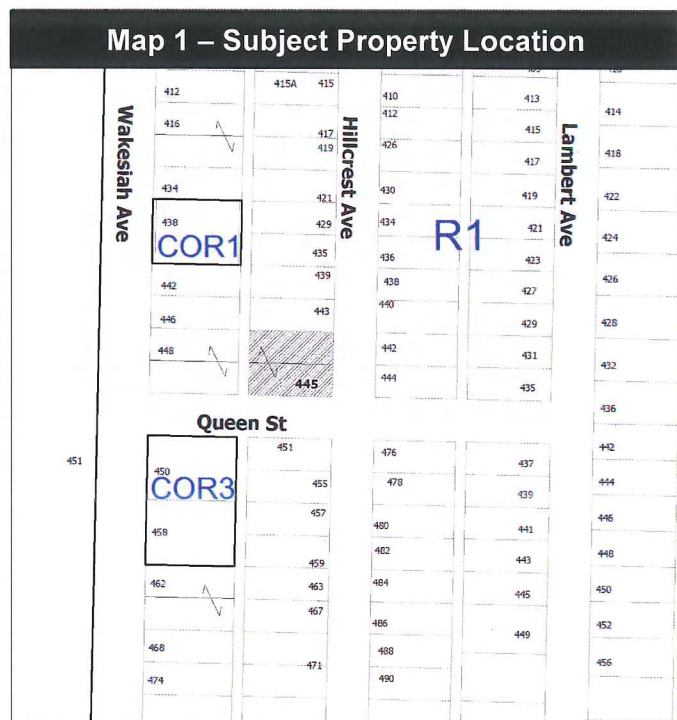
**DISCUSSION:**

**Proposed Development**

The applicant applied for the development variance in support of his application for a residential building permit (BP121107). The proposed building location is shown in Attachment A. The permit has not been issued by staff because the design of the proposed dwelling required access off Hillcrest Avenue which contravenes paragraph 15.3 of the Parking Bylaw: *where a lot is serviced by a lane, vehicle access shall be from the lane.*

The applicant has an active Preliminary Layout Acceptance (PLA) for a proposed boundary adjustment (SUB01072) of the adjacent residential parcels at the corner of Queen Street and Hillcrest Avenue (Attachment B). Instead of one dwelling and one secondary suite permitted on each residential parcel, the boundary adjustment would permit three residential units and one secondary suite. The proposed subdivision would allow the owners to construct two residential units (duplex density) on the corner lot.

Typically, the parking demand from a detached duplex is greater than that of a single residential dwelling and a secondary suite. Additional density often results in increased demand for on-street parking.



The supply of on-street parking is reduced by the construction of vehicle accesses. Therefore, if vehicle access can be located off a lane, the entire frontage of a parcel can be utilized for on-street parking—increasing the available parking supply to meet the demand.

In addition to the bylaw provision, there are a number of policy documents that direct vehicle accesses onto lanes and off public roads. Firstly, the Official Community Plan (OCP) suggests evaluating the local context, including lot and lane configurations, in evaluating redevelopment proposals in residential neighbourhoods. The subject property is located in a neighbourhood in transition to mixed use and residential corridor developments. Neighbourhood development densities are increasing, resulting in both more pedestrian traffic on local roads, and a greater demand for off-street vehicle parking. The historic grid-pattern of roads and lanes in the Harewood neighbourhood has resulted in single residential dwellings with lane access and with access off residential streets; however, the frontage of parcels in the neighbourhood is at least 15m. The applicant's proposed subdivision would result in one lot with a frontage of 11.55m. Providing a vehicle access off this reduced frontage would further limit the supply of on-street parking.

This is contrary to the intent behind the provision in the Zoning Bylaw that permits reduced lot frontages (to 10m) for a residential parcel located on a lane. With a vehicle access off a lane, the entire frontage of a parcel may support on-street vehicle parking.

Additionally, if a parcel frontage is not be bisected by a driveway, pedestrian safety is improved by reducing the potential for vehicle-pedestrian conflicts.

Secondly, the Harewood Neighbourhood Plan suggests that laneways should provide access to adjacent developments.

Thirdly, the City of Nanaimo Traffic and Highway Installation Guidelines (Guideline 14: Access) state that driveways should be provide access to a parcel from the least busy public roadway. The lane is the least busy public roadway adjacent to 445 Hillcrest Avenue.

Finally, Nanaimo Transportation Master Plan also notes that as density increases—especially in residential neighbourhoods with typical lot-frontages of less than 16m—the use of lanes is encouraged to maintain on-street vehicle parking.

Separately, the City of Nanaimo will be upgrading the water infrastructure in the lane adjacent to the subject property. The project is included in the Capital Plan for 2018. The lane will be resurfaced as part of the service upgrade.

The applicant's rationale in support of the application is included as Attachment C.

### ***Required Variances***

- *Off-Street Parking Dimensions and Design*

Paragraph 15.3 of the "DEVELOPMENT PARKING REGULATIONS BYLAW 2005 NO. 7013" requires that where lots are serviced by a lane, vehicle access shall be from the lane. The applicant proposes to relax that portion of the Parking Bylaw to allow vehicle access from Hillcrest Avenue.

Staff opposes the requested variance and recommends that Council does not support this application.

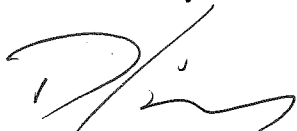
Respectfully submitted,



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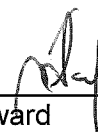
B. Anderson  
MANAGER  
PLANNING & DESIGN SECTION

Concurrence by:



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D. Lindsay  
DIRECTOR  
COMMUNITY DEVELOPMENT



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T. Seward  
ACTING GENERAL MANAGER  
COMMUNITY DEVELOPMENT &  
PROTECTIVE SERVICES

CITY MANAGER COMMENT:

I concur with the staff recommendation.

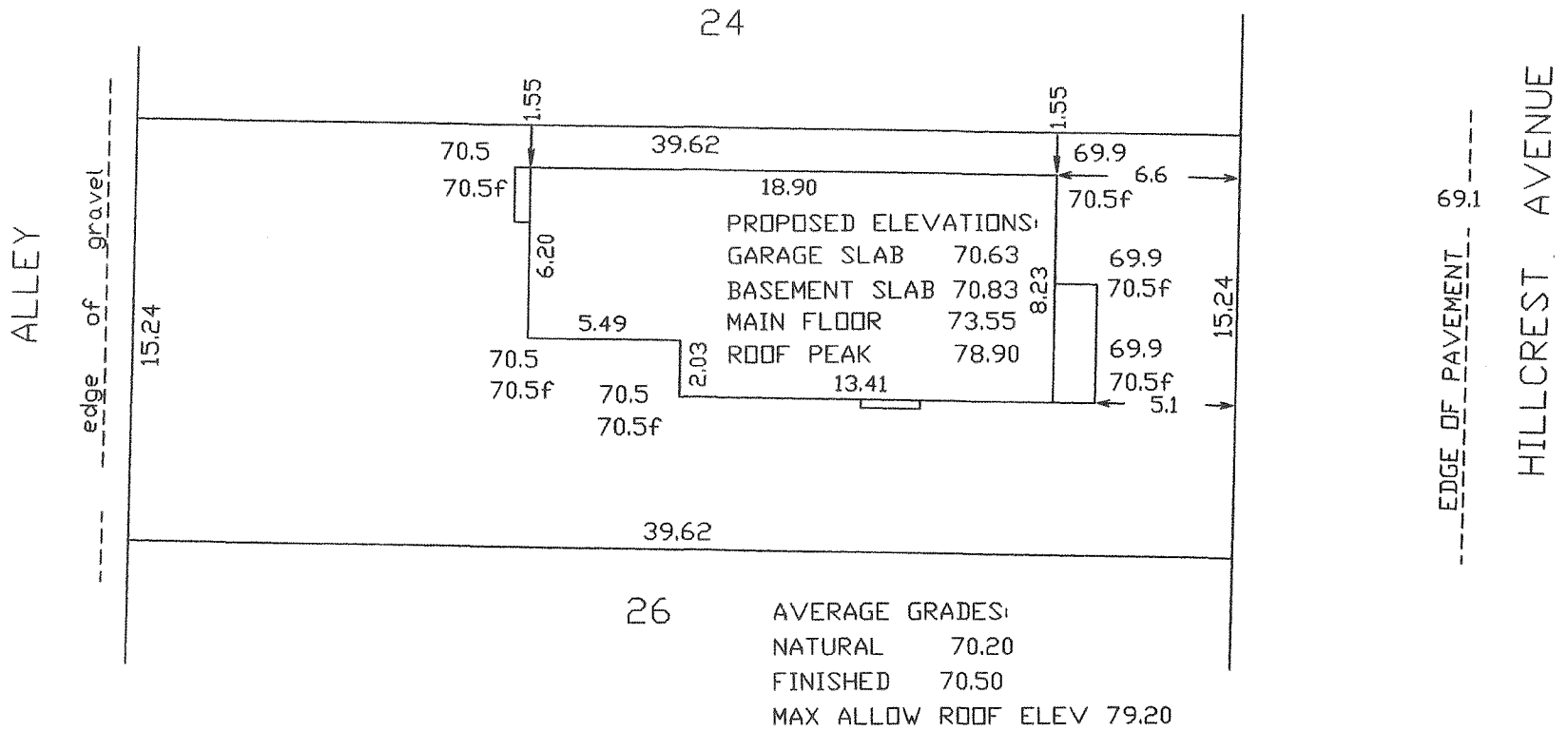
*Drafted: 2015-OCT-06  
Prospero attachment: DVP00268  
BZ/lm*

# ATTACHMENT A

## PLAN OF PROPOSED HOUSE LOCATION ON LOT 25, BLOCK 2, SECTION 1, NANAIMO DISTRICT, PLAN 1325

NATURAL GRADE HAS BEEN DETERMINED  
ACCORDING TO CITY ZONING BYLAWS

SCALE 1:250  
MEASUREMENTS ARE IN METRES  
ELEVATIONS ARE GEODETIC



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

**RECEIVED**  
OCT 02 2015  
CITY OF NANAIMO  
ENGINEERING & SUBDIVISION

HOUSE LOCATION TO BE PINNED  
PRIOR TO FOUNDATION FORMING  
FB 364/72  
115

Certified Correct

This 2nd day of October, 2015.

B. C. L. S.

# ATTACHMENT B

PLAN OF PROPOSED SUBDIVISION OF LOTS 25, & 26,  
BLOCK 2, SECTION 1, NANAIMO DISTRICT, PLAN 1325

SCALE 1:250  
DISTANCES ARE IN METRES

**RENEWAL**  
**CITY OF NANAIMO**  
**PRELIMINARY LAYOUT**  
**ACCEPTANCE**

**CITY OF NANAIMO**  
**PRELIMINARY LAYOUT**  
**ACCEPTANCE**

2015-MAY-26  
24 *Tom Mearns*

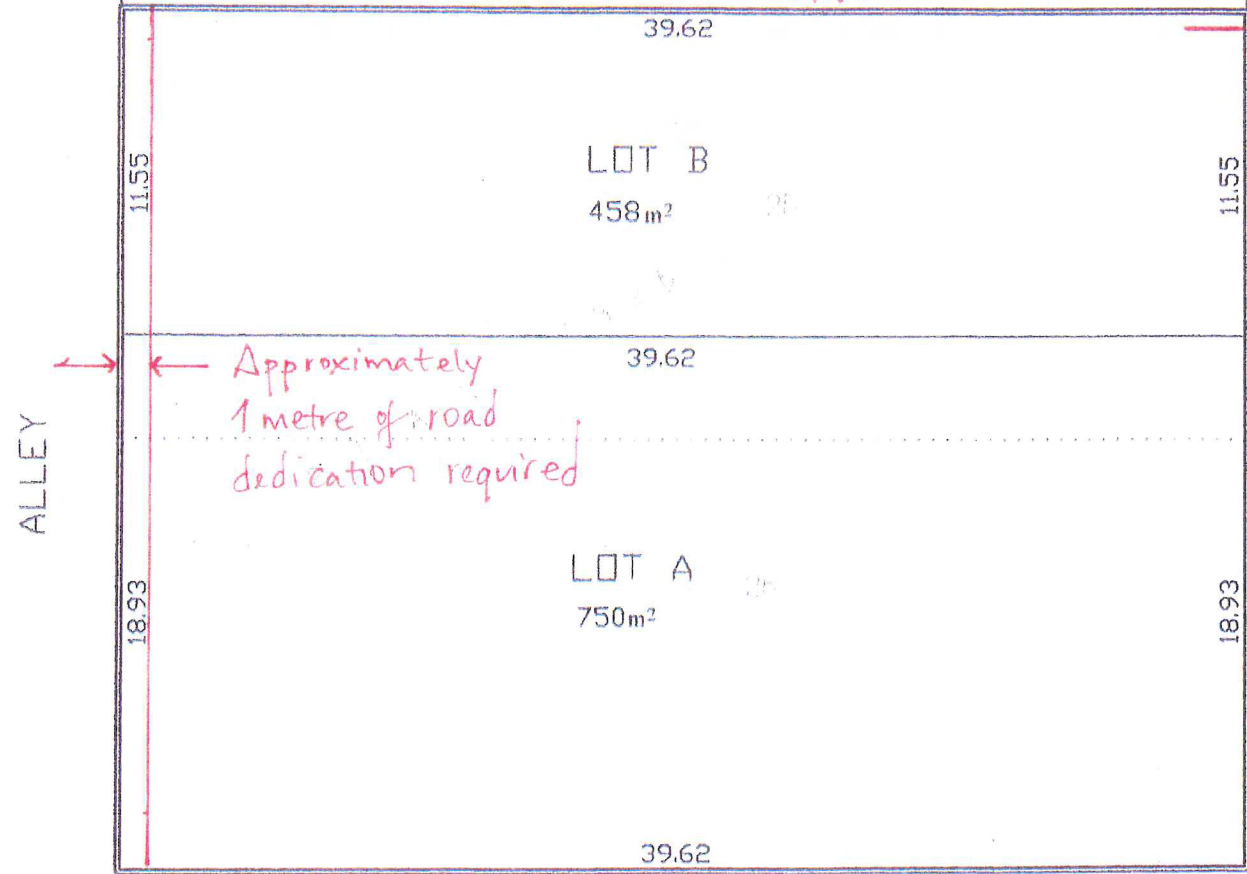
2014-MAY-26 *[Signature]*  
Date Approved

2016-MAY-26  
Expiry Date

2015-MAY-26  
Expiry Date

APR 16 2014  
SUB01072

NANAIMO  
ENGINEERING DIVISION



ALLEY

HILLCREST AVENUE

QUEEN STREET

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

FB 362/116

Certified Correct  
This 14th day of April, 2014.  
*[Signature]*  
B. C. L. S.



**SATGUR**  
Licensed Builder

# ATTACHMENT C

Oct 07, 2015

DVP 00268

City of Nanaimo

455 Wallace St

Nanaimo, BC V9R 5J6

**Attn:** Brian Zurek

Dear, Mr Zurek

**Subject:** DVP 00268 445 Hillcrest Ave

**LEGAL Description:** LOT 25 and 26 Block 2 Section 1 Nanaimo district, PLAN 1325

### Variance Rationale

I am requesting a variance for access.

**Background:**

This is an established older neighbourhood and this development will complement the existing homes on the street. All the homes between 4<sup>th</sup> street and Queen have access onto Hillcrest Ave, as we are requesting.

Prior to the current bylaw 4500, neighbourhoods with lanes and street access had a choice of access points. On this section of Hillcrest they all choose Hillcrest, which allows future flexibility to allow the lane to give way to shops, lane way homes or to create a traditional rear yard.

We are hoping to have this grandfathered for this lot, which will not change the character of the street.

Further on or about March 30 2015 conversations were held to confirm access could remain on hillcrest which staff had confirmed. This was what plans and surveys were based off and submitted for building permit in late July 2015.



# SATGUR

Licensed Builder

It has also been brought the staffs attention that access off streets has been provided for without a dvp application on over a dozen times on newly constructed homes within the last couple of years.

(Emailed list attached below) Sept 16 2015

This is a small list;

364 Geogria	sfd
628 Geogria	sfd
7 <sup>th</sup> and Geogria	duplex
151 and 153 Doric Ave	sfd
653 and 651 Lambert	sfd
674 and 678 Windchester	sfd
540 and 542 Nova	duplex
489 7 <sup>th</sup>	sfd
16, 18, 22 View St	sfd

Sincerely,

Gur Minhas