

DATE OF MEETING August 8, 2016

AUTHORED BY DAVE STEWART, ACTING MANAGER, CURRENT PLANNING

SUBJECT **DEVELOPMENT VARIANCE PERMIT NO. DVP291 – 1643 KING JOHN WAY**

OVERVIEW

Purpose of Report

To present Council with a development variance permit application for a perimeter wall height variance at 1643 King John Way.

Recommendation

That Council issue Development Variance Permit No. DVP291 at 1643 King John Way to allow two perimeter wall height variances for a single residential dwelling, as follows:

- increase the maximum allowable perimeter wall height (front elevation) from 7.32m to 9m; and,
- increase the maximum allowable perimeter wall height (south side elevation) from 9.14m to 11.75m.

BACKGROUND

A development variance permit application, DVP291, was received from GUD Group (Xinmai Li) on behalf of JXLCO Development Corporation Ltd., to vary the provisions of the City of Nanaimo “Zoning Bylaw 2011 No. 4500” to construct a single residential dwelling with an over-height perimeter wall on the front and south side elevations.

Zoning	R1 – Single Dwelling Residential
Location	The subject property is located on the east side of King John Way, two lots north of the intersection of King John Way and Sherwood Drive.
Lot Area	1093m ²
Official Community Plan	Map 1 – Future Land Use Plan – Neighbourhood; Map 3 – Development Permit Area No. 9 – Commercial, Industrial, Institutional, Multiple Family and Mixed Commercial/Residential Development (Departure Bay Neighbourhood Plan)

In the Single Dwelling Residential (R1) zone, the maximum allowable height of a front wall face is 7.32m as measured from the finished grade to the top of the wall. The applicant is requesting to increase the height of the front wall face to 9m. This represents a perimeter wall height variance of 1.68m on the front wall face.

In addition, the proposed dwelling includes a wall face height of 11.75m on the south side yard elevation. The side and rear wall face may be increased in height to 9.14m, provided the width of the wall face over 7.32m in height does not exceed 7.32m. The over-height wall face does not exceed the 7.32m width limitation. The proposed perimeter wall height variance on the south side elevation is 2.61m.

The subject property is a 1,093m² vacant lot located on the upslope side of a residential street within an established low density residential neighbourhood. According to the City of Nanaimo contour mapping, the natural grade on the lot steadily rises approximately 25m along the 46m depth, for an average slope of 54% along the depth of the property. The property is surrounded by existing single residential dwellings on all sides, ranging from one to three-storeys in height on the front elevations. An aerial photo showing the location of the subject property is included as Attachment B.

DISCUSSION

The applicant is planning to construct a single residential dwelling with an over-height perimeter wall within the front and south side yard elevations, within an established neighbourhood. The front elevation includes three storeys above an open deck supported by the finished grade below, and is accessed from a stairway connecting the driveway to a raised front entryway. Finished grade is measured from the top of the stairway and open deck. The front massing of the building is broken up through the inclusion of open decks, a mixture of horizontal and vertical architectural elements, and by recessing approximately 50% of the upper storey by 2.4m. The purpose of the perimeter wall height regulation is to avoid blank wall faces, and to limit the overall scale and massing of single residential dwellings.

A perimeter wall height variance is required for the south side elevation due to an exposed lower wall face on the basement elevation which exceeds the size needed to be considered a localized depression.

The applicant has submitted a height survey that confirms the height of the proposed dwelling does not exceed the maximum allowable height of 7m for a building with a flat roof. A shadow study was also prepared to determine the effect the proposed dwelling may have on neighbouring residences. The shadow study, building elevations and cross sections of all sides of the proposed dwelling are included within the development variance permit (Attachment A).

The Applicant's Letter of Rationale is included as Attachment B.

Proposed Variances

Maximum Perimeter Wall Height (Front Elevation)

The maximum perimeter wall height is 7.32m. The requested perimeter wall height is 9m, a requested variance of 1.68m.

Maximum Perimeter Wall Height (Side Elevation - South)

The maximum perimeter wall height on a wall face over 7.32m in height and not exceeding 7.32m in width is 9.14m. The requested perimeter wall height is 11.75m, a requested variance of 2.61m.

SUMMARY POINTS

- The applicant is requesting a perimeter wall height variance from 7.32m to 9m on the front elevation, and from 9.14m to 11.75m on the south side yard elevation, for proposed variances of 1.68m and 2.61m, respectively.
- A variance is requested due to the steep slope of the property and the unique building design.

ATTACHMENTS

ATTACHMENT A: Development Variance Permit DVP00291

ATTACHMENT B: Letter of Rationale

ATTACHMENT C: Aerial Photo

Submitted by:

Concurrence by:



D. Stewart
Acting Manager, Current Planning



D. Lindsay
Director, Community Development



DEVELOPMENT VARIANCE PERMIT NO. DVP00291

JXLCO DEVELOPMENT CORPORATION LTD
Name of Owner(s) of Land (Permittee)

Civic Address: 1643 KING JOHN WAY

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 8, SECTION 2, WELLINGTON DISTRICT, PLAN 23306

PID No. 003-077-039

3. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby varied as follows:
 - *Maximum Perimeter Wall Height – Front Elevation*
Section 7.6.1 allows a maximum perimeter wall height of 7.32m. The perimeter wall height is 9.0m, a variance of 1.68m.
 - *Maximum Perimeter Wall Height – South Side Elevation*
Section 7.6.6 allows a maximum perimeter wall height of 9.14m where the width of the wall face does not exceed 7.32m and is offset by a minimum of 0.61m from any adjacent wall over 7.32m in height. The perimeter wall height is 11.75m, a variance of 2.61m.
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 & Development Data
Schedule C Front Perimeter Wall
Schedule D South Elevation Perimeter Wall
Schedule E Context and Perimeter Wall Height in 3D

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.

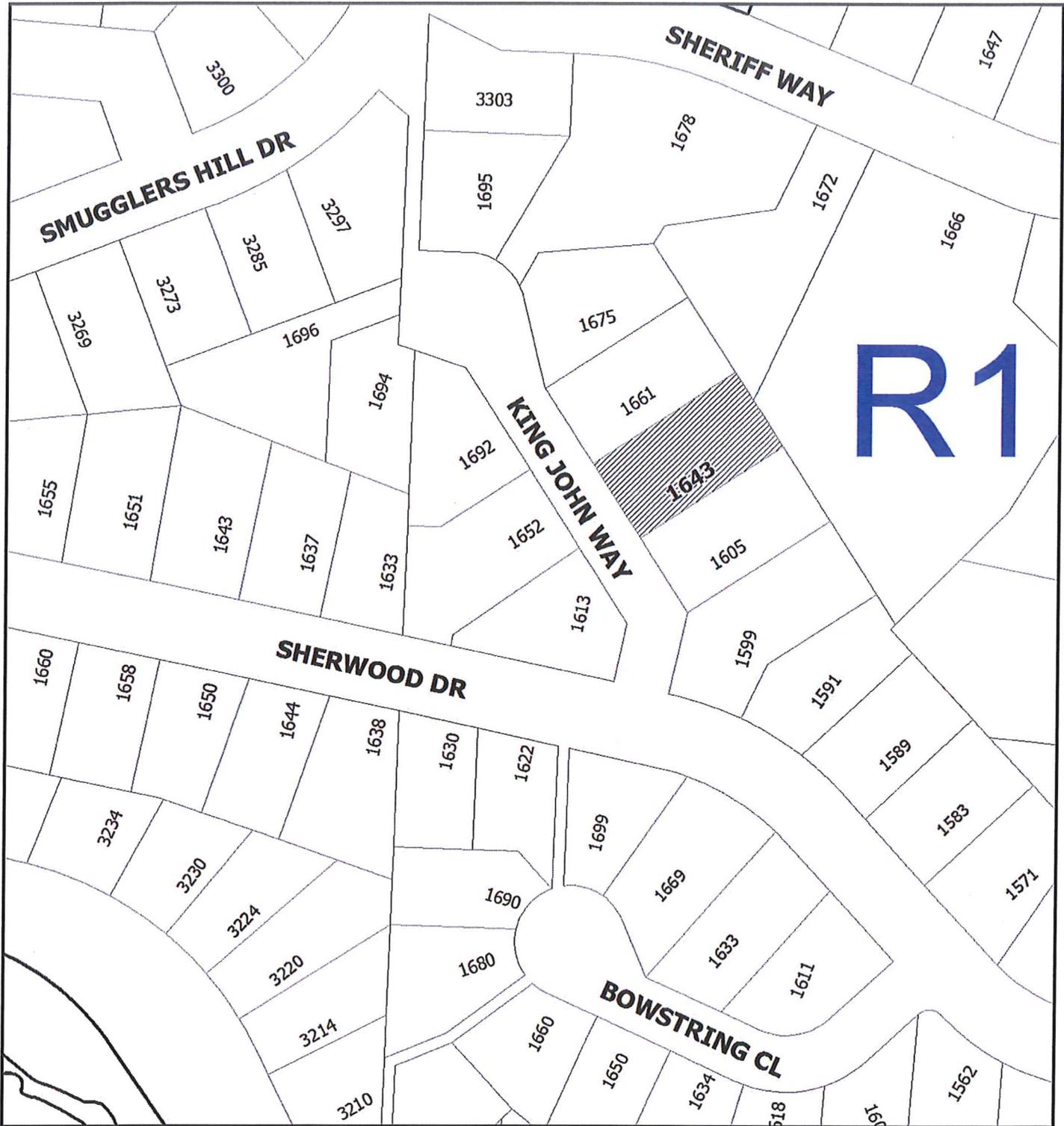
AUTHORIZING RESOLUTION PASSED BY COUNCIL
THE 8th DAY OF AUGUST, 2016.

Corporate Officer

Date

GN/tr/ln
Prospero attachment: DVP00291

SCHEDULE A



DEVELOPMENT VARIANCE PERMIT NO. DVP00291



LOCATION PLAN

Civic: 1643 King John Way
Lot 8, Section 2, Wellington District,
Plan 23306

 **Subject Property**

Site Plan and Development Data

KING JOHN WAY HOUSE



Building Setback Permitted under Current Bylaw

1, The existing regulation section 7.6.6 :
 Notwithstanding Subsection 7.6.1, the maximum perimeter wall height may be increased on rear and internal side yard elevations to a maximum of 9.14m, provided:

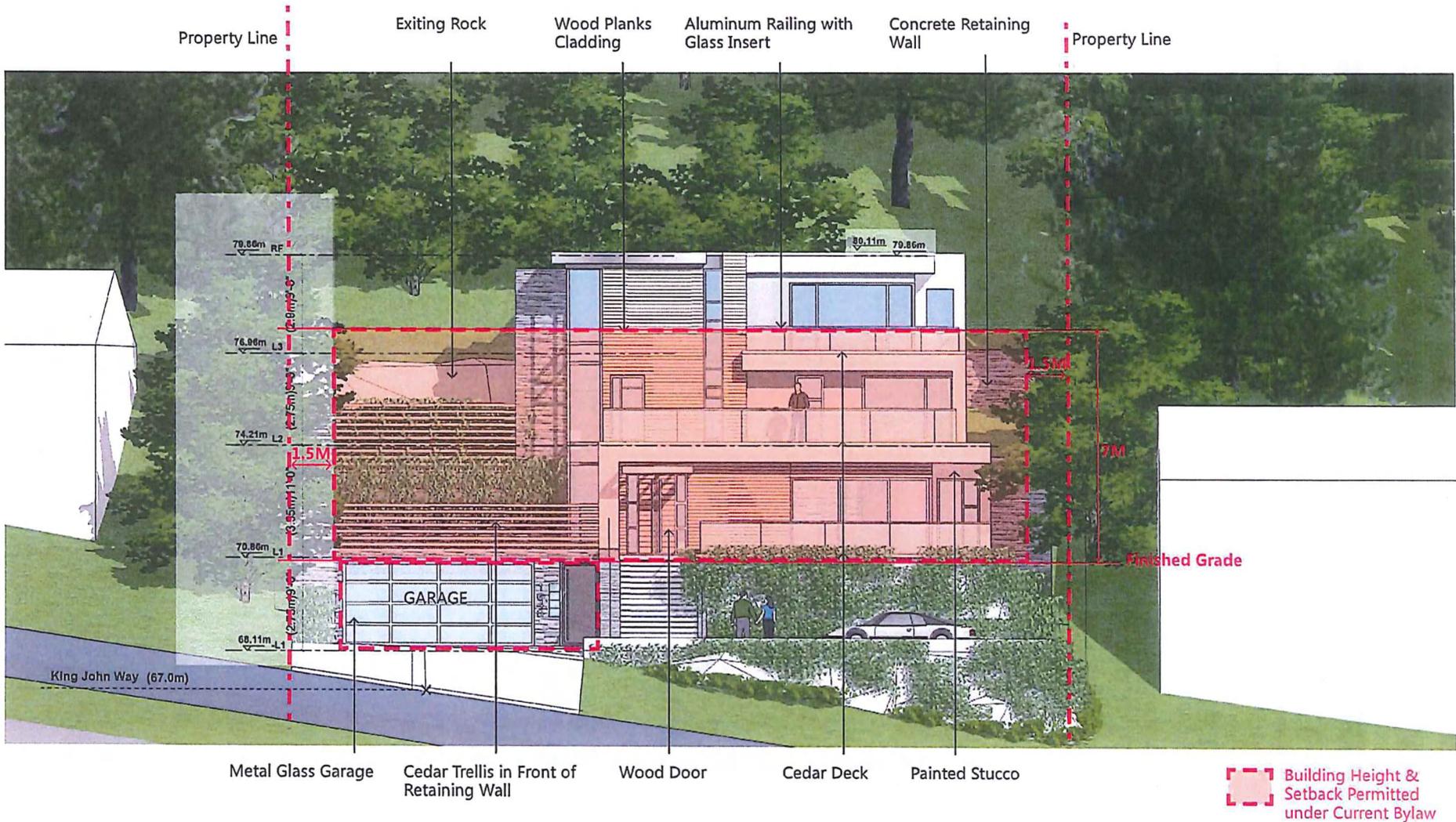
- (a) Any rear wall face over 7.32m in height is a minimum of 10m from the rear property line;
- (b) No wall face over 7.32m in height shall exceed 7.32m in width and must be offset by a minimum of 0.61m from any adjacent wall over 7.32m in height;

2, The proposed variances is to allow maximum perimeter wall height of 9.14m on front yard elevation.

Land Area	11775	SF
Zoning	R1	
F.A.R.	0.36	
Total Building Area	4236.7	SF
	Basement	1086.9 SF
	Level 1	1343.7 SF
	Level 2	944.2 SF
	Level 3	861.9 SF

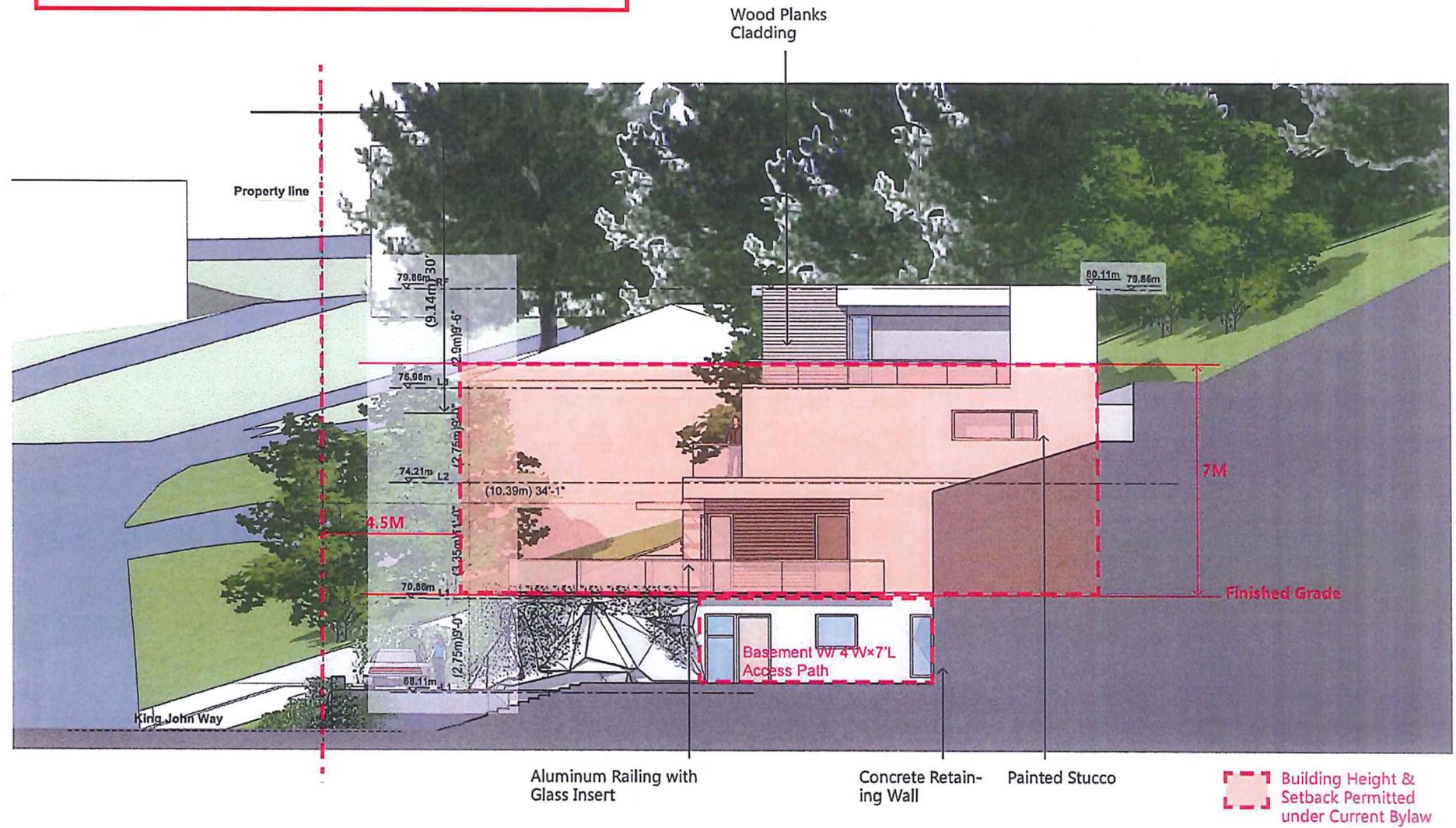
Development Variance Permit DVP00292
 3855 Gulfview Drive
Schedule C
Front Perimeter Wall

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Development Variance Permit DVP00292
3855 Gulfview Drive
Schedule D
South Elevation Perimeter Wall

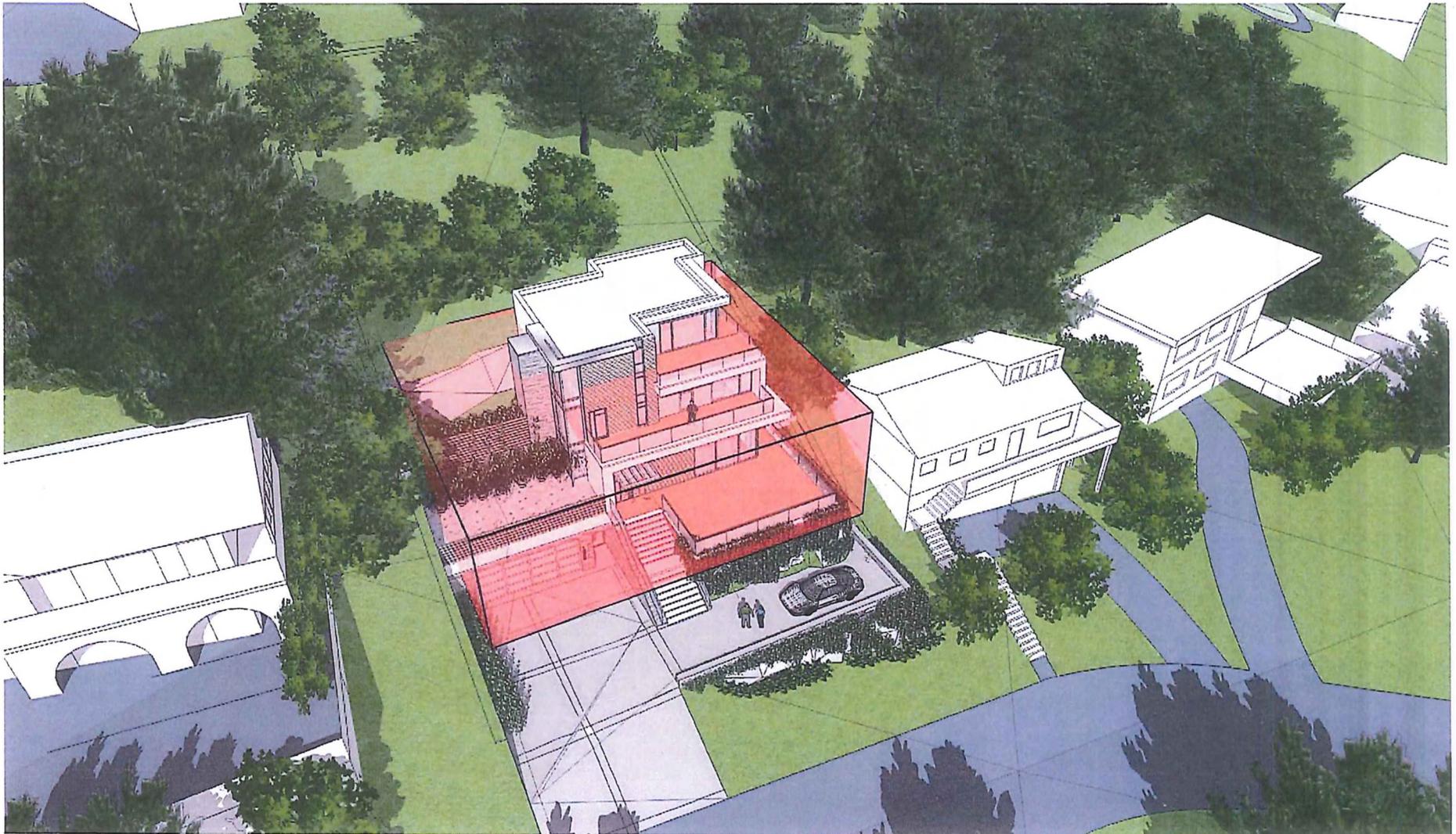
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 Building Height & Setback Permitted under Current Bylaw

Context and Perimeter Wall Height in 3D

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ATTACHMENT B

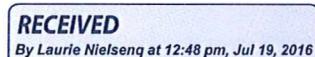
1643 King John Way Variance Rationale

The property is 11,775sf and located on 1643 King John Way. The site is facing southwest with a steep slope about 26m elevation drop from north-east to south-west. King John Way is the only street access. There has never been a house nor structure built on site.

The current owner is requesting to build a three-storey west-coast style house with a basement. The house massing steps back from King John Way providing large terrace on each level.

The architect uses wood planks, wood soffit and stone cladding on exterior to provide some natural and warm touch. The building will have large windows facing south taking in consideration that there won't be much natural light coming from hill side.

The height of the proposed building is about 2'-0" (0.61m) below the maximum allowable roof elevation which is 7m measuring from average finished grades. No continuous wall face exceeds 7.32 in height. The absolute building height measured from ground level to top of parapet is no more than 9.14m.

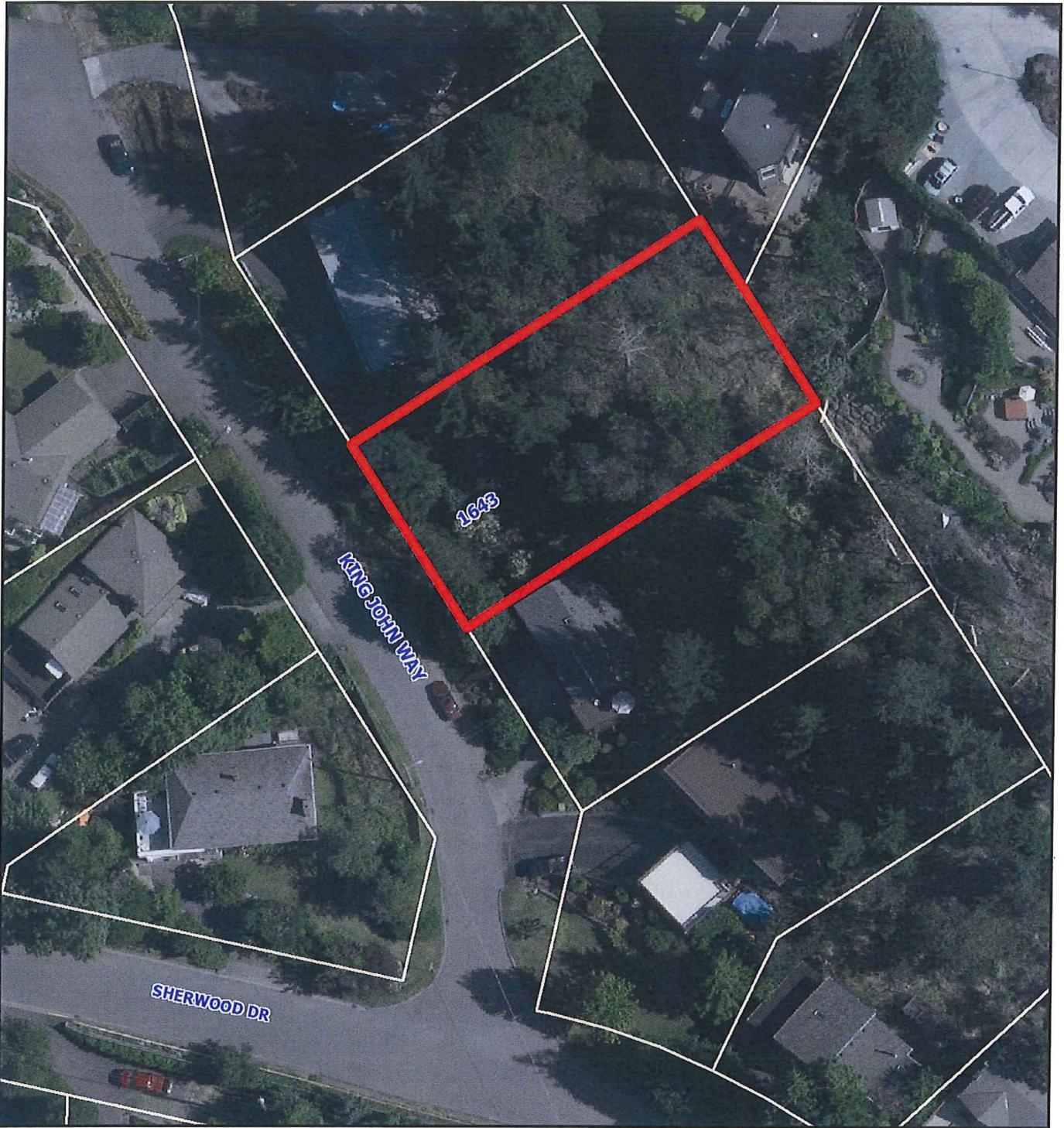


The requested variance is to allow maximum 9.14m on front yard at this particular steep sloping site, and 4 feet wide and 6 feet 6 inches deep below grade pathway along the east side of house for the basement access. The building front façade sets back from property line along King John Way approximate 10.35m with a landscaping deck on grade. The 3rd level where master bedroom located has been pushed back 8' from 2nd level to minimize the building impact looking up from the street and neighboring houses. Shadow analysis has also been carried out to prove no cast of shadows to neighboring windows during a year. After this house is completed, it would improve the existing site condition and curb appeal in the neighborhood.

Thank you for your consideration of this variance.

ATTACHMENT C

Aerial Photo



DEVELOPMENT VARIANCE PERMIT NO. DVP00291

