

DATE OF MEETING | November 19, 2018 |

AUTHORED BY | MADELEINE KOCH, PLANNER, CURRENT PLANNING |

SUBJECT | DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP364 - 4822 WHALLEY WAY |

OVERVIEW

Purpose of Report

To present for Council’s consideration, a development variance permit application to allow a setback variance for a garage fronting on Whalley Way. |

Recommendation

That Council issue Development Variance Permit No. DVP364 at 4822 Whalley Way with the following variance:

- reduce the minimum front yard setback for garage doors facing a street from 6m to 4.37m. |

BACKGROUND

A development variance permit application, DVP364, was received from Alair Homes on behalf of Darren Adams to vary the provisions of City of Nanaimo “Zoning Bylaw 2011 No. 4500” for a proposed dwelling to allow the garage door facing the street to be located within the front yard setback.

Subject Property

<i>Zoning</i>	R10 - Steep Slope Residential
<i>Location</i>	The subject property is located on Whalley Way, off Ney Drive.
<i>Total area</i>	730m ²
<i>Official Community Plan (OCP)</i>	Map 1 – Future Land Use - Neighbourhood

The subject property is currently vacant, contains rocky knolls, and backs onto a steep forested slope. A public walkway borders the north property line.

Statutory notification has taken place prior to Council’s consideration of the proposed variance.

DISCUSSION

Proposed Development

The proposed development is a single family dwelling with an attached garage. A variance has been requested to allow the garage to be constructed with a portion located 4.37m from Whalley Way.

Proposed Variance

Siting of Buildings

All garage doors facing a street on a single residential dwelling must be set back at least 6m. The proposed garage door setback is 4.37m at its nearest point, a proposed variance of 1.63m.

Due to the angle of the front lot line, only part of the proposed garage will encroach into the 6m setback (the southern portion of the garage door meets the 6m setback). Part of the intent for requiring a 6m setback for garages is to accommodate parked vehicles in the driveway. If the variance is granted, the driveway could still accommodate some off-street parking.

Because each lot on Ney Drive and Whalley Way is increasingly stepped back, the proposed garage location is generally consistent with the layout of dwellings on adjacent properties.

In order to meet the setback requirements, the house would have to be irregularly shaped and additional measures would be required to work around the rock knoll in the rear yard. Locating the house and garage in accordance with the variance proposal would allow for a more practical building envelope and greater separation from the public walkway on the north side.

Given the lot configuration and topography, the requested variance would accommodate a practical building envelope without negatively impacting the neighbouring lots.

See Attachments for more information.

SUMMARY POINTS

- Development Variance Permit No. DVP364 proposes a variance to allow a garage door facing Whalley Way from 6m to 4.37m.
- The building envelope is constrained by rocky topography and an irregular lot shape.
- The variance is only needed for a portion of the garage door facing the street.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Location Plan
ATTACHMENT C: Site Plan
ATTACHMENT D: Aerial Photo

Submitted by:

L. Rowett
Manager, Current Planning

Concurrence by:

D. Lindsay
Director, Community Development

ATTACHMENT A PERMIT TERMS AND CONDITIONS

TERMS OF PERMIT

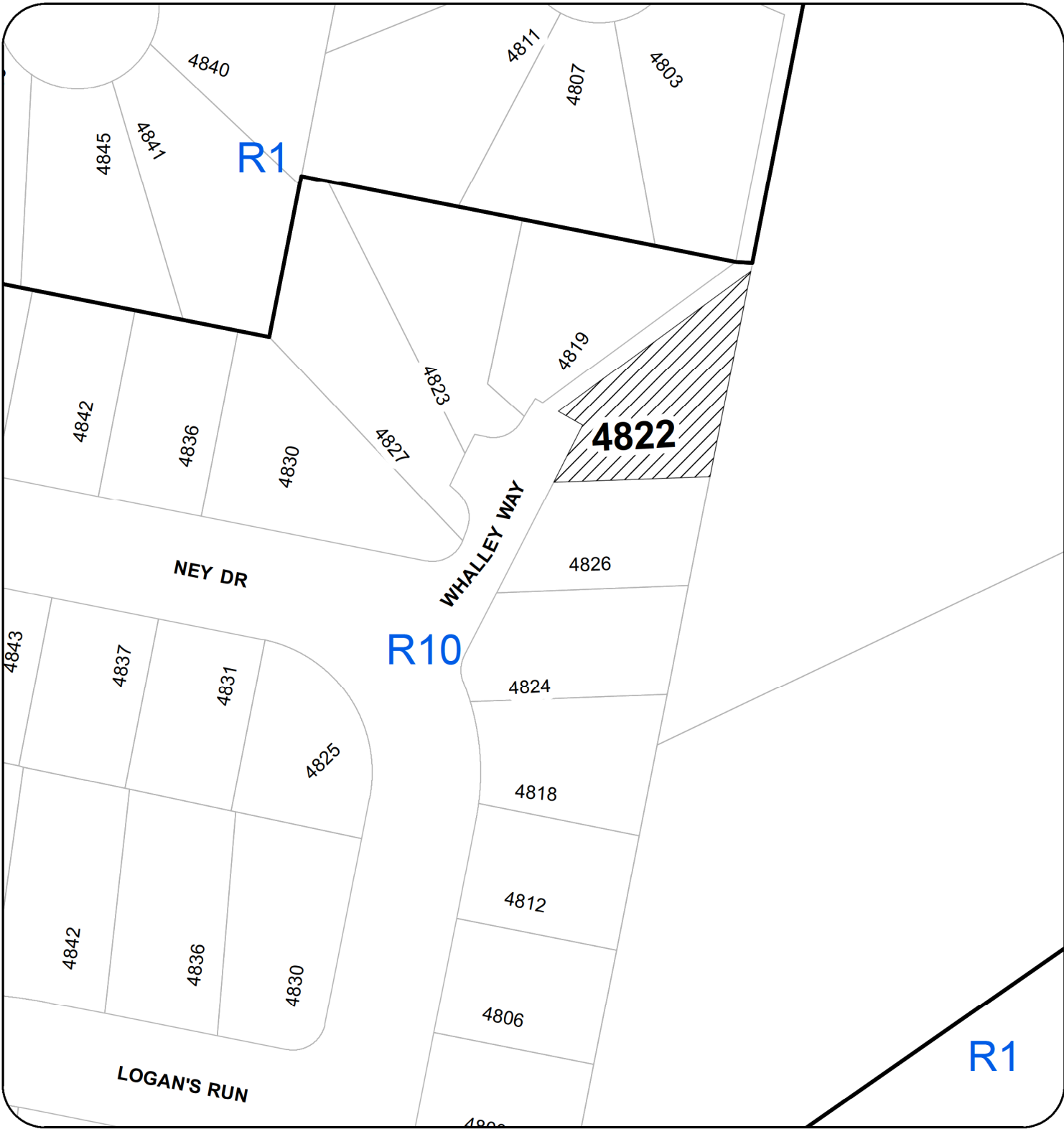
The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is varied as follows:

1. *Sections 7.5.1 and 7.5.3 Siting of Buildings* – to reduce the minimum required front yard setback for garage doors facing a street from 6 m to 4.37m.

CONDITIONS OF PERMIT

1. The subject property shall be developed in accordance with the Site Plan prepared by Turner Land Surveying received 2018-NOV-02, as shown on Attachment B.


**ATTACHMENT B
LOCATION PLAN**



DEVELOPMENT VARIANCE PERMIT NO. DVP00364

LOCATION PLAN

Civic: 4822 WHALLEY WAY
Legal Description: LOT 9, DISTRICT LOT 51
WELLINGTON DISTRICT, PLAN VIP81477

 Subject Property



ATTACHMENT C

SITE PLAN

HOMES

SITE PLAN SHOWING PROPOSED BUILDING LOCA
 LOT 9, DISTRICT LOT 51,
 WELLINGTON DISTRICT, PLAN VIP81477.

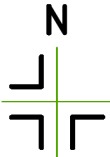
Civic Address: 4822 WHALLEY WAY, NANAIMO

File: 18-087

Scale: 1:200

Drawn by: DRW

PROPOSED BUILDING HEIGHT CALCULATION	
Average of grading plan elevations	48.82
Average finished grade	_____
Maximum building height (R1 Zone)	_____
Maximum building elevation	_____
Proposed roof peak elevation	_____
Proposed main floor	_____
MBFE	47.05
Proposed MBFE	_____

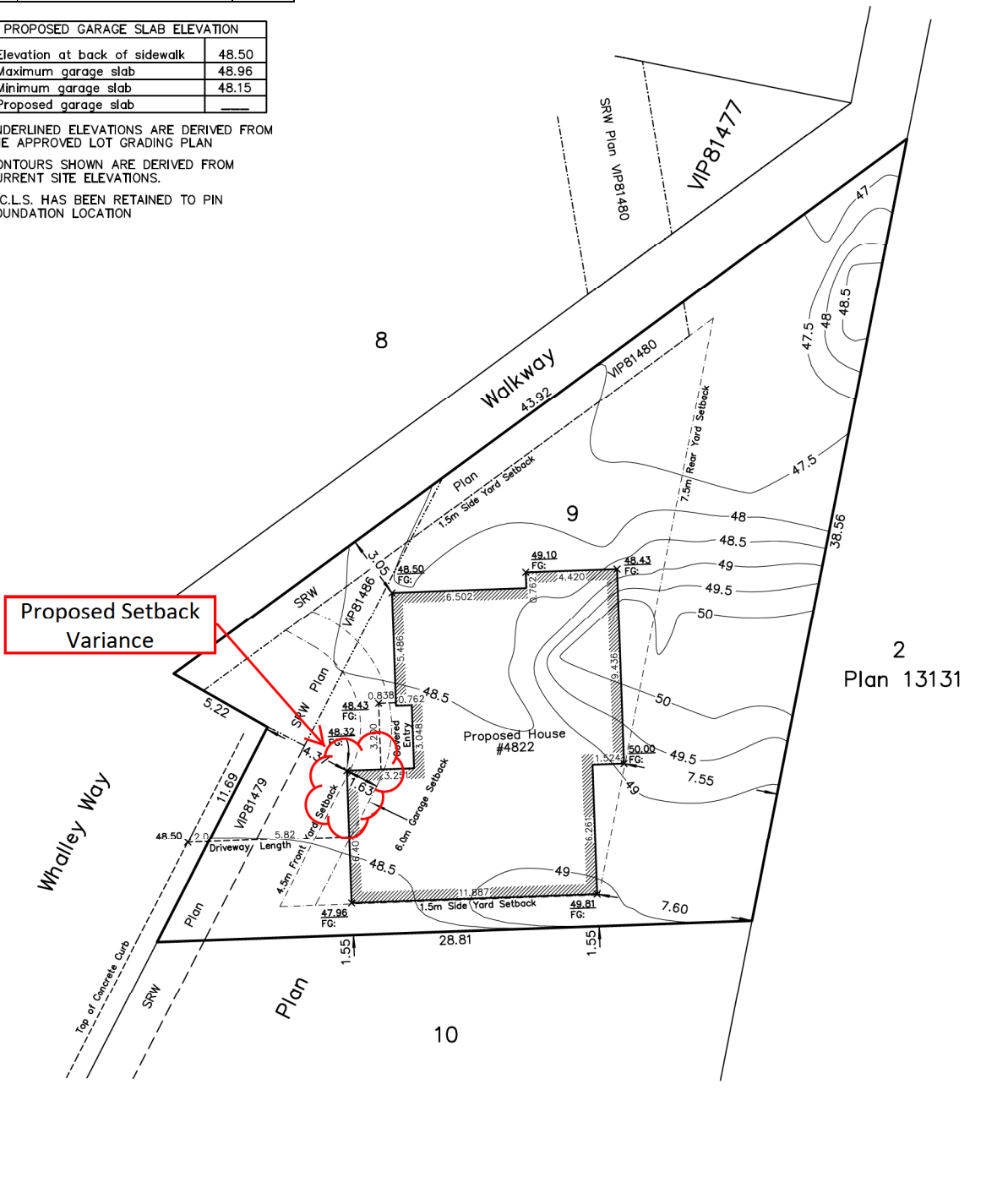


PROPOSED GARAGE SLAB ELEVATION	
Elevation at back of sidewalk	48.50
Maximum garage slab	48.96
Minimum garage slab	48.15
Proposed garage slab	_____

UNDERLINED ELEVATIONS ARE DERIVED FROM THE APPROVED LOT GRADING PLAN

CONTOURS SHOWN ARE DERIVED FROM CURRENT SITE ELEVATIONS.

B.C.L.S. HAS BEEN RETAINED TO PIN FOUNDATION LOCATION



Proposed Setback Variance

NOTE:
 THIS PROPERTY IS AFFECTED BY THE FOLLOWING REGISTERED DOCUMENTS:
 M76300, R16592, FA94683,
 FA94690, FA94692, FA94709.

DISTANCES AND ELEVATIONS ARE IN METRES.
 GEODETIC ELEVATIONS ARE DERIVED FROM CONTROL MONUMENT 98SG061 (CVD28BC DATUM).

Turner + land surveying™
 250.753.9778
 605 Comox Road
 Nanaimo, BC V9R 3J4
 www.turnersurveyors.ca

Certified correct this 20th day of September, 2018.

RECEIVED
DVP 364
2018-NOV-02
 CURRENT PLANNING

B.C.L.S.

(This document is not valid unless originally signed and sealed.)

**ATTACHMENT D
AERIAL PHOTO**



DEVELOPMENT VARIANCE PERMIT NO. DVP00364