

DATE OF MEETING February 25, 2019

AUTHORED BY DAVE STEWART, PLANNER, CURRENT PLANNING

**SUBJECT DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP374 – 60 BRYDEN STREET**

## OVERVIEW

### **Purpose of Report**

To present for Council's consideration, a development variance permit application to vary lot coverage, setbacks, and parking requirements in order to replace a single residential dwelling with a new single residential dwelling on an existing undersized lot at 60 Bryden Street.

### **Recommendation**

That Council issue Development Variance Permit No. DVP374 for 60 Bryden Street with the following variances:

- reduce the minimum front yard setback from 4.5m to 1.8m;
- reduce the minimum side yard setback (west side) from 1.5m to 0.91m;
- reduce the minimum rear yard setback from 7.5m to 6m;
- increase the maximum allowable lot coverage from 40% to 44%; and
- reduce the minimum of number of required off-street parking spaces from 2 to 0.

## BACKGROUND

A development variance permit application, DVP374, was received from Peter and Sandra King to vary the provisions of City of Nanaimo "Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw") and "Off-Street Parking and Regulations Bylaw 2018 No. 7266" (the "Parking Bylaw") in order to construct a new single residential dwelling on the subject property.

### **Subject Property**

<i>Zoning</i>	R8 – Medium Density Residential
<i>Location</i>	The subject property is located mid-block on the north side of Bryden Street, between Stewart Avenue and Newcastle Avenue.
<i>Total Area</i>	183m <sup>2</sup>
<i>Official Community Plan</i>	Map 1 – Future Land Use Designation – Corridor; Map 3 – Development Permit Area No. 9 – Commercial, Industrial, Institutional, Multiple Family and Mixed-Use Commercial/Residential development
<i>Newcastle + Brechin Neighbourhood Plan</i>	Map 1 – Neighbourhood Land Use – Mixed Use Corridor
<i>Relevant Design Guidelines</i>	General Development Permit Area Design Guidelines Newcastle + Brechin Residential Infill Urban Design Guidelines

The subject property is an existing undersized lot located within the Newcastle Neighbourhood on Bryden Street between Stewart Avenue and Newcastle Avenue. The lot is bordered by a single residential dwelling to the west (210 Stewart Avenue) and a vacant residentially-zoned lot at 215 Newcastle Avenue, to the east. The property at 215 Newcastle Avenue previously included a heritage home (the Woodward/Harrison residence), which was demolished in 2015 following a fire. A multiple-family apartment building is located on the opposite side of Bryden Street. The subject property is less than 70m from the Harbourfront Walkway.

An existing single-storey single residential dwelling is located on the subject property, which the applicants plan to remove and replace with a new single residential dwelling. The existing dwelling is non-conforming with respect to lot coverage and all yard setbacks. No parking is currently available onsite for the existing home.

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

## **DISCUSSION**

### **Proposed Development**

The applicant plans to demolish the existing dwelling and replace it with a new two-and-a-half storey single residential dwelling. The gross floor area of the proposed house is 229m<sup>2</sup>.

The subject property is located within the Medium Density Residential (R8) Zone, which permits single residential dwelling use; however, as the applicant is proposing to construct a single residential dwelling, the setback and height requirements within the Single Dwelling Residential (R1) Zone apply.

The existing 183m<sup>2</sup> lot was subdivided from the property located at 210 Stewart Avenue in 1912 and is non-conforming in size. The lot is approximately one-tenth of the required lot size within the R8 Zone (1,800m<sup>2</sup>) and one-third the size of the minimum lot area requirement (500m<sup>2</sup>) within the R1 Zone. The property is also smaller than the City's current required minimum lot area (325m<sup>2</sup>) within a Small Lot (R2) Zone. The required setbacks, if applied, would significantly restrict the building envelope. Variances are requested in order to allow the applicants to construct a new single residential dwelling within a more functional building envelope.

While a form and character design review is not required for a single residential dwelling, the applicant's architect followed the Residential Infill Urban Design Guidelines included within Newcastle + Brechin Neighbourhood Plan. Building elements include generous glazing on the front façade, a covered entryway, and vertical and horizontal front cladding to add visual interest. The upper storey is set back from the lower storeys in order to complement the existing streetscape and reduce the massing of the building. No height variance is requested.

## Proposed Variances

### *Minimum Front Yard Setback*

The minimum front yard setback for a single residential dwelling within the R8 Zone is 4.5m. The proposed setback is 1.8m, a proposed variance of 2.7m.

The existing single residential dwelling was constructed very close to the front lot line (less than 1m). The proposed new construction, while requiring a variance, will be set back further from the front property line than the existing dwelling.

A grass boulevard (approximately 9m) exists between the edge of the paved road and the front property line of the subject property. Given the large boulevard space, the proposed dwelling will be set back more than 10m from the street, providing adequate separation from the road.

### *Minimum Side Yard Setback*

The minimum side yard setback for a single residential dwelling within the R8 Zone is 1.5m. The proposed setback is 0.91m from the west property line, a proposed variance of 0.59m.

The subject property has a lot frontage of 9.14m. Given the small size of the property and limited lot frontage, a setback variance is requested on the west side of the lot (abutting 210 Stewart Avenue). A 3m side yard easement exists along the side yard of 210 Stewart Avenue, adjacent to the subject property. Provided the easement remains on title, the proposed dwelling will be nearly 4m from any existing or future building within 210 Stewart Avenue.

### *Minimum Rear Yard Setback*

The minimum rear yard setback for a single residential dwelling within the R8 Zone is 7.5m. The proposed setback is 6m, a proposed variance of 1.5m.

The subject property has a lot depth of 20.12m. Given the small size of the property and limited lot depth, a rear yard variance setback is proposed. The applicants have chosen to request a larger front yard variance and a minimal rear yard setback variance in order to:

- maintain a view corridor within the rear yard for the properties at 210 and 220 Stewart Avenue;
- provide a larger separation between the proposed dwelling and the side yard within 220 Stewart Avenue; and
- preserve a useable yard space for the subject property occupants.

The proposed 6m rear yard setback is the same as that required within the R2 - Small Lot Zone. The zoning requirements within the R2 Zone better align with the subject property's size and dimensions.

### *Lot Coverage*

The maximum allowable lot coverage within the R8 Zone is 40%. The proposed lot coverage is 44%, a variance of 4%.

Given the small size of the subject property, a 4% lot coverage variance is requested. The existing dwelling (to be removed) on the property covers approximately 60% of the property. The proposed dwelling will be in greater conformance with the Zoning Bylaw. The smaller building footprint allows for more yard space and greater separation from neighbouring lot lines.

#### *Off-Street Parking*

The Parking Bylaw requires two parking spaces for single residential properties. The proposed parking provided is zero spaces. This represents a variance of 2 parking spaces.

Given the limited lot frontage, the applicants are requesting the parking requirement be reduced to zero in order to avoid a visual and functional impact created by a large garage entrance and driveway in front of the house. The applicants have worked with their architect to create a pedestrian-scale home to complement the historic streetscape within the Newcastle area. Parking is currently not provided onsite for the existing dwelling unit.

The applicants have advised Staff they intend to own a single vehicle that they plan to park on the boulevard of Bryden Street. Transportation Engineering Staff have reviewed the applicant's proposal and have advised that the demand for on-street parking in this location is low and there is adequate space on the street for additional parking.

The subject property is located within the 600m radius of the Downtown Mobility Hub in the Nanaimo Transportation Master Plan. The site is well serviced by transit, and the Stewart Avenue bikeway and Harbourfront walkway are located in close proximity to the site to support alternative modes of transportation.

Given the unique property size and proposed design solutions, Staff support the proposed variances.

See Attachments for more information.

#### **SUMMARY POINTS**

- Development Variance Permit Application No. DVP374 proposes variances to the front, side and rear yard setbacks, lot coverage and off-street parking requirements.
- The proposed variances would allow a more functional building envelope on an existing undersized lot.
- Bryden Street includes a large boulevard area that separates the building from the road and can accommodate on-street parking.

## **ATTACHMENTS**

ATTACHMENT A: Permit Terms and Conditions  
ATTACHMENT B: Location Plan  
ATTACHMENT C: Site Survey - Existing Dwelling  
ATTACHMENT D: Site Survey - Proposed Dwelling  
ATTACHMENT E: Building Renderings  
ATTACHMENT F: Building Elevations  
ATTACHMENT G: Aerial Photo  
ATTACHMENT H: Referral Response |

### **Submitted by:**

L. Rowett  
Manager, Current Planning |

### **Concurrence by:**

D. Lindsay  
Director, Community Planning |

# **ATTACHMENT A PERMIT TERMS AND CONDITIONS**

## **TERMS OF PERMIT**

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

1. *Section 7.5.1 Siting of Buildings and Section 7.5.7:*
  - to reduce the minimum front yard setback from 4.5m to 1.8m;
  - to reduce the minimum side yard setback (west side) from 1.5m to 0.91m; and,
  - to reduce the minimum rear yard setback from 7.5m to 6m.
2. *Section 7.6.1 Size of Buildings* - to increase the maximum Lot Coverage from 40% to 44%.

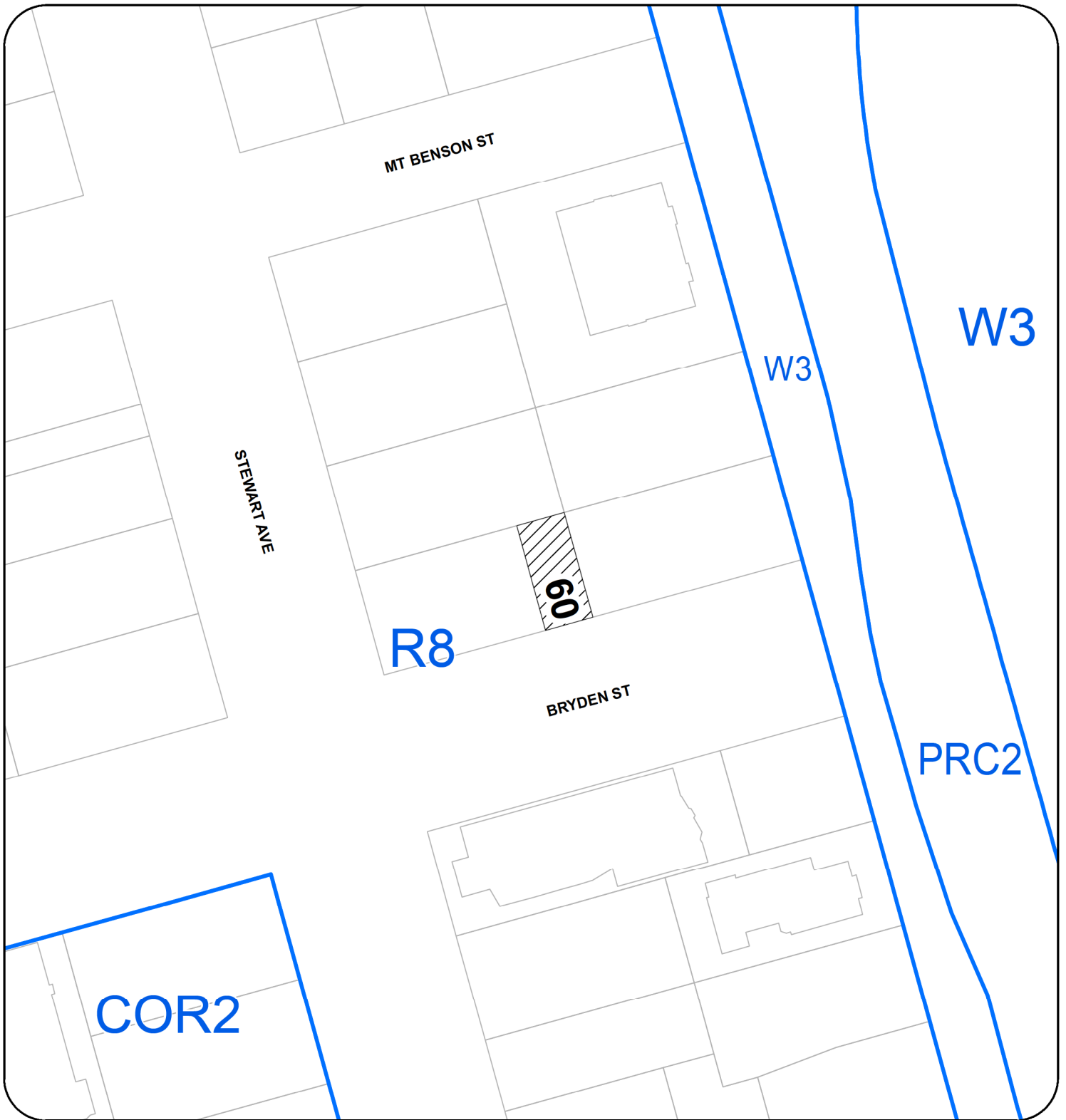
The City of Nanaimo "OFF-STREET PARKING REGULATIONS BYLAW 2018 NO. 7266" is varied as follows:

- to reduce the minimum number of required off-street parking spaces from 2 to 0 parking spaces.

## **CONDITIONS OF PERMIT**

1. The subject property shall be developed in accordance with the Site Survey – Proposed Dwelling, prepared by Williamson and Associates Professional Surveyors, dated 2018-NOV-23, as shown on Attachment D.

**ATTACHMENT B  
LOCATION PLAN**




**DEVELOPMENT VARIANCE PERMIT NO. DVP00374**

**LOCATION PLAN**

CIVIC: 60 BRYDEN STREET  
LEGAL: THE EASTERLY 30 FEET OF LOT 38,  
BLOCK 6, NEWCASTLE TOWN SITE, SECTION 1,  
NANAIMO DISTRICT, PLAN 584



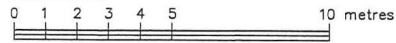
 SUBJECT PROPERTY

# ATTACHMENT C SITE SURVEY - EXISTING DWELLING

B.C. LAND SURVEYOR'S SITE PLAN OF:

**THE EASTERLY 30 FEET OF LOT 38, BLOCK 6, NEWCASTLE TOWNSITE,  
SECTION 1, NANAIMO DISTRICT, PLAN 584**

SCALE 1:150



DISTANCES AND ELEVATIONS ARE IN METRES.

**NOTES:**

CIVIC ADDRESS: 60 BRYDEN STREET, NANAIMO

LOT DIMENSIONS ARE DERIVED FROM REGISTERED PLANS.

ELEVATIONS ARE DERIVED FROM INTEGRATED SURVEY CONTROL MONUMENTS.

THIS PLAN PURPORTS TO POSITION ONLY THE ACTUAL AND / OR PROPOSED IMPROVEMENT(S) SHOWN RELATIVE TO ONLY THE BOUNDARIES SHOWN OF OR APPURTENANT TO THE SUBJECT PARCEL(S).

THIS PLAN PROVIDES NO WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE LOCATION OF ANY OTHER ACTUAL OR PROPOSED IMPROVEMENT(S) RELATIVE TO ANY BOUNDARY OF OR APPURTENANT TO THE SUBJECT PARCEL(S).

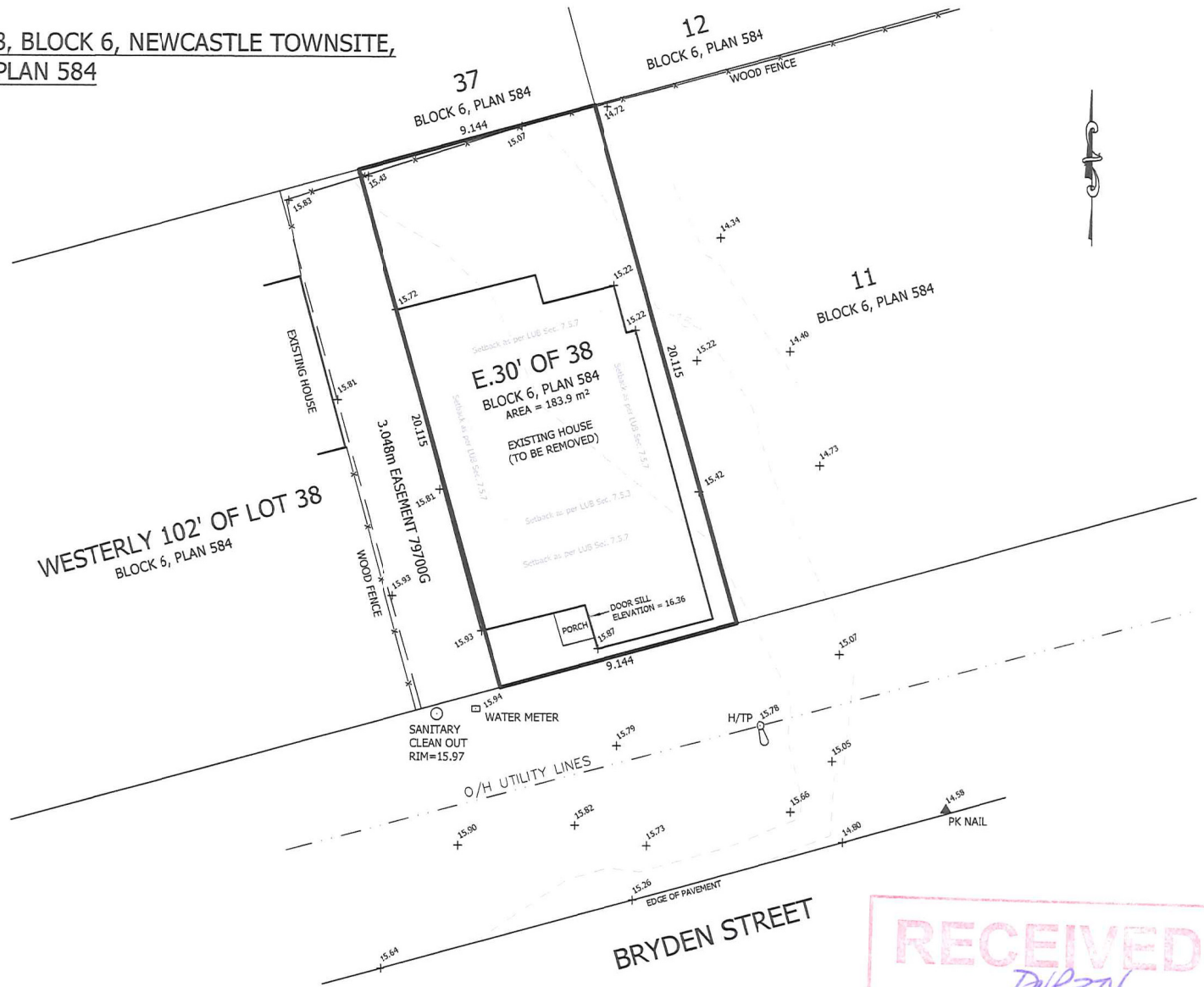
FIELD SURVEY COMPLETED OCTOBER 2, 2018.

LAND USE ZONING: R8

SETBACKS SHOWN TO BE CONFIRMED BY THE CITY OF NANAIMO PLANNING DEPARTMENT.

**LEGEND:**

- + 12.34 SPOT ELEVATION.
- H/TP HYDRO AND TEL POLE.
- LAMP STANDARD.
- - - CONTOURS (0.5 METRE INTERVAL)



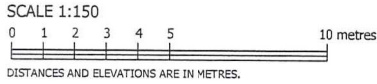
**WILLIAMSON & ASSOCIATES**  
**PROFESSIONAL SURVEYORS** © 2018  
 3088 BARONS ROAD NANAIMO B.C. V9T 4B5  
 PHONE: 250-756-7723 FAX: 250-756-7724  
 EMAIL: WAPS@WIBLS.CA  
 FILE: 18105-1 SITE PLAN (BASE PLAN 16098)

RECEIVED  
DUP 374  
NOV 20 2018  
CITY OF NANAIMO  
COMMUNITY DEVELOPMENT



# ATTACHMENT D SITE SURVEY - PROPOSED DWELLING

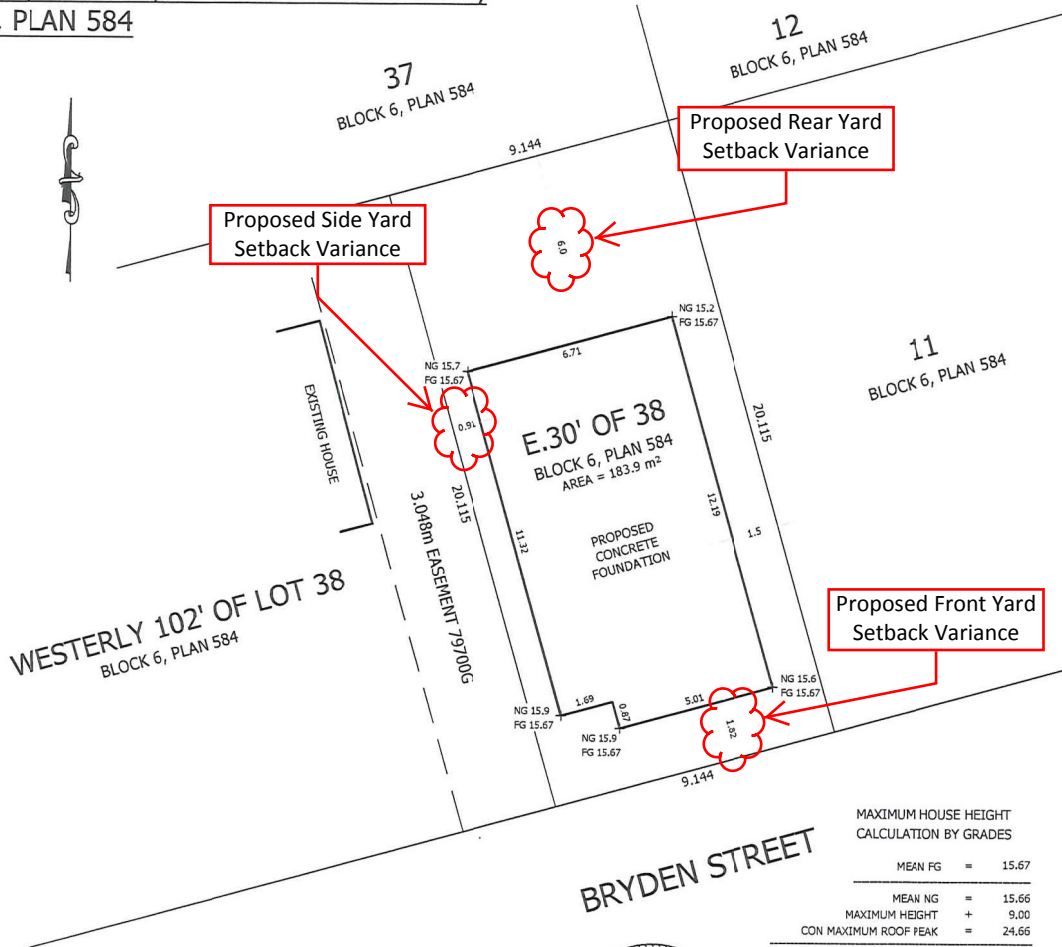
B.C. LAND SURVEYOR'S CERTIFICATE OF PROPOSED HOUSE LOCATION ON:  
**THE EASTERLY 30 FEET OF LOT 38, BLOCK 6, NEWCASTLE TOWNSITE,  
 SECTION 1, NANAIMO DISTRICT, PLAN 584**



- NOTES:
- CIVIC ADDRESS: 60 BRYDEN STREET
  - LOT DIMENSIONS ARE DERIVED FROM REGISTERED PLANS.
  - ELEVATION DATUM IS DERIVED FROM INTEGRATED SURVEY CONTROL MONUMENTS.
  - HOUSE DESIGN FROM ELIZABETH MacKENZIE ARCHITECT, DRAWINGS DATED / RECEIVED NOV. 23/18.
  - THE UNDERSIGNED CONFIRMS THAT HE HAS BEEN RETAINED BY DR. PETER KING AND MS. SANDRA KING TO PROVIDE FOUNDATION LAYOUT IN ACCORDANCE WITH THE FOUNDATION LOCATION SHOWN ON THIS PLAN.
  - NG 15.9 DENOTES TYPICAL SPOT ELEVATION OF NATURAL GRADE (NG) IN CONFORMANCE WITH THE CITY OF NANAIMO / RDN ZONING BYLAW.
  - FG 15.67 DENOTES TYPICAL SPOT ELEVATION OF PROPOSED FINISHED GRADE (FG).

THIS PLAN PURPORTS TO POSITION ONLY THE ACTUAL AND/OR PROPOSED IMPROVEMENT(S) SHOWN RELATIVE TO ONLY THE BOUNDARIES SHOWN OF OR APPURTENANT TO THE ABOVE DESCRIBED PARCEL(S).  
 THIS PLAN PROVIDES NO WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE LOCATION OF ANY OTHER ACTUAL OR PROPOSED IMPROVEMENT(S) RELATIVE TO ANY BOUNDARY OF OR APPURTENANT TO THE ABOVE DESCRIBED PARCEL(S).  
 THIS PLAN IS NOT TO BE USED TO RE-ESTABLISH BOUNDARY LINES.

**WILLIAMSON & ASSOCIATES**  
 PROFESSIONAL SURVEYORS © 2018  
 3088 BARONS ROAD NANAIMO B.C. V9T 4B5  
 PHONE: 250-756-7723 FAX: 250-756-7724  
 EMAIL: WAPS@VIBCLS.CA  
 FILE: 18105-2 HEIGHT PLAN (BASE PLAN 16080)



VARIANCES REQUIRED	
(R1 ZONING, SEC 7.5.7)	
<b>WESTERLY SIDE YARD</b>	
CITY ALLOWABLE SIDE YARD (SEC 7.5.1) = 1.50m	PROPOSED SIDE YARD = 0.91m
VARIANCE REQUIRED = 0.59m	
<b>FRONT YARD</b>	
CITY ALLOWABLE FRONT YARD (SEC 7.5.1) = 4.50m	PROPOSED FRONT YARD = 1.82m
VARIANCE REQUIRED = 2.68m	
<b>REAR YARD</b>	
CITY ALLOWABLE REAR YARD (SEC 7.5.1) = 7.50m	PROPOSED REAR YARD = 6.00m
VARIANCE REQUIRED = 1.50m	
<b>LOT COVERAGE</b>	
CITY ALLOWABLE COVERAGE (SEC 7.6.1) = 40%	PROPOSED COVERAGE = 44%
VARIANCE REQUIRED = 4%	

THE SIGNATORY ACCEPTS NO RESPONSIBILITY OR LIABILITY FOR ANY DAMAGES THAT MAY BE SUFFERED BY A THIRD PARTY AS A RESULT OF ANY DECISIONS MADE, OR ACTIONS TAKEN BASED ON THIS DOCUMENT.

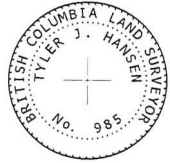
THIS PARCEL MAY BE SUBJECT TO REGISTERED CHARGES & PERMITS:  
 - NONE.

THIS PLAN DOES NOT PURPORT TO VERIFY COMPLIANCE WITH THE RESTRICTIONS THEREIN.

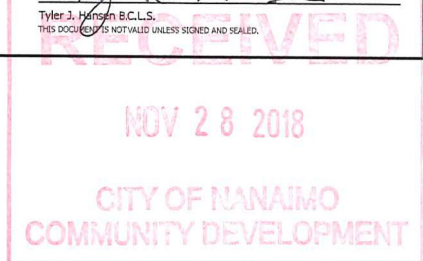
THIS BUILDING LOCATION CERTIFICATE HAS BEEN PREPARED IN ACCORDANCE WITH THE MANUAL OF STANDARD PRACTICE AND IS CERTIFIED CORRECT THIS DATE OF: NOVEMBER 23, 2018.

MAXIMUM HOUSE HEIGHT  
 CALCULATION BY GRADES

	MEAN FG = 15.67
MEAN NG	= 15.66
MAXIMUM HEIGHT	+ 9.00
CON MAXIMUM ROOF PEAK	= 24.66
PROPOSED BASEMENT SLAB	= 12.93
APPROX. HEIGHT TO MAIN	+ 2.84
PROPOSED MAIN FLOOR	= 15.77
APPROX. HEIGHT TO SECOND	+ 3.08
PROPOSED SECOND FLOOR	= 18.85
APPROX. HEIGHT TO LOFT	+ 2.65
PROPOSED LOFT FLOOR	= 21.50
APPROX. HEIGHT TO PEAK	+ 3.16
PROPOSED ROOF PEAK	= 24.66



*Tyler Hansen*  
 Tyler J. Hansen B.C.L.S.  
 THIS DOCUMENT IS NOT VALID UNLESS SIGNED AND SEALED.



# ATTACHMENT E BUILDING RENDERINGS

## 60 BRYDEN STREET



1 SOUTH WEST CORNER



2 SOUTH EAST CORNER



3 NORTH EAST CORNER



4 AERIAL VIEW

**NOTES:**  
 1. Drawings and Specifications, as Instruments of Service, are the Property of the Architects with reserve copyright. No reproduction may be made without the permission of the Architects and where made must bear their name.  
 2. The party responsible for construction shall verify all dimensions and other data from the drawings with control of the site. Any discrepancies shall be reported to the Architects immediately.  
 3. The Drawings not to be used for construction purposes until signed & sealed or specifically issued for that purpose.

No.	Revision/ Issue/ Printing	Date
1	FOR DVP	18-11-26

Consultant / Consultant Seal:  
 \_\_\_\_\_  
 \_\_\_\_\_  
**ELIZABETH MacKENZIE ARCHITECT**  
 4610 Shepherd Drive  
 Vancouver, BC, V6R 1C8  
 Tel: 604.731.9127 email: emack@elw.ca

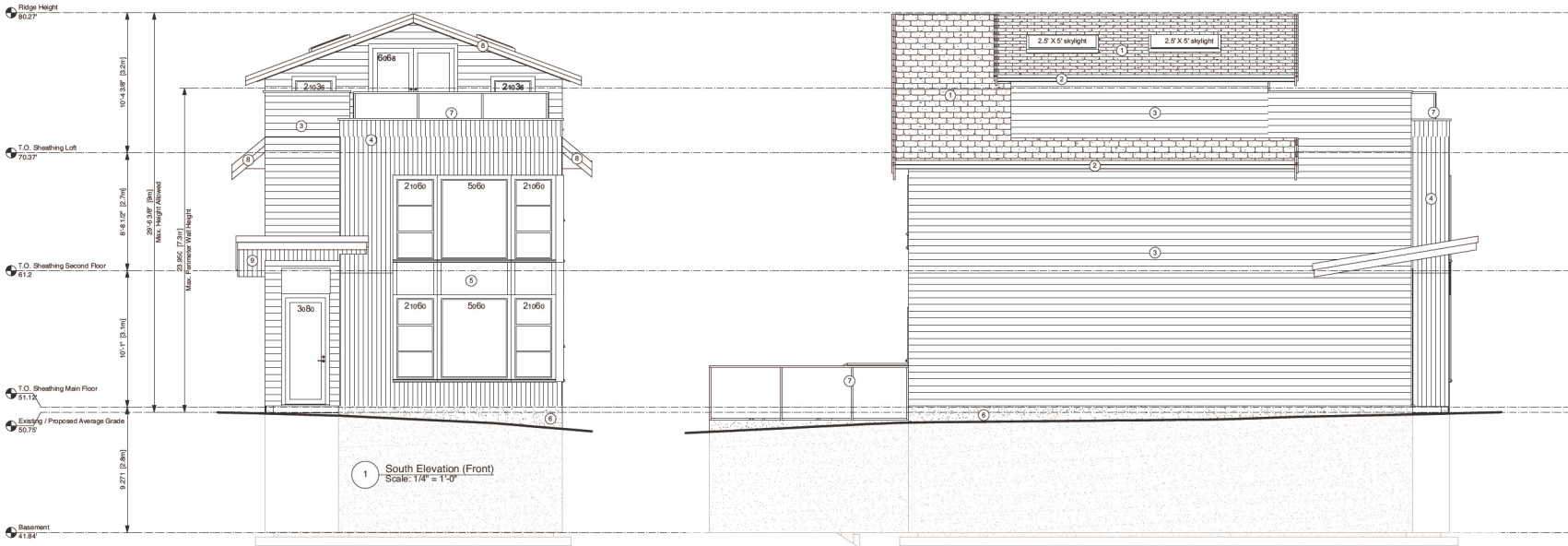
**New Home**  
**King Residence**  
 AT  
 60 Bryden St., Nanaimo, BC

Project: \_\_\_\_\_  
 Cover Page  
 Sheet Title: \_\_\_\_\_  
 Checked By: EM  
 Drawn By: JS  
 Scale: Not To Scale  
 Date: October 15/18

A0.0

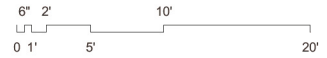
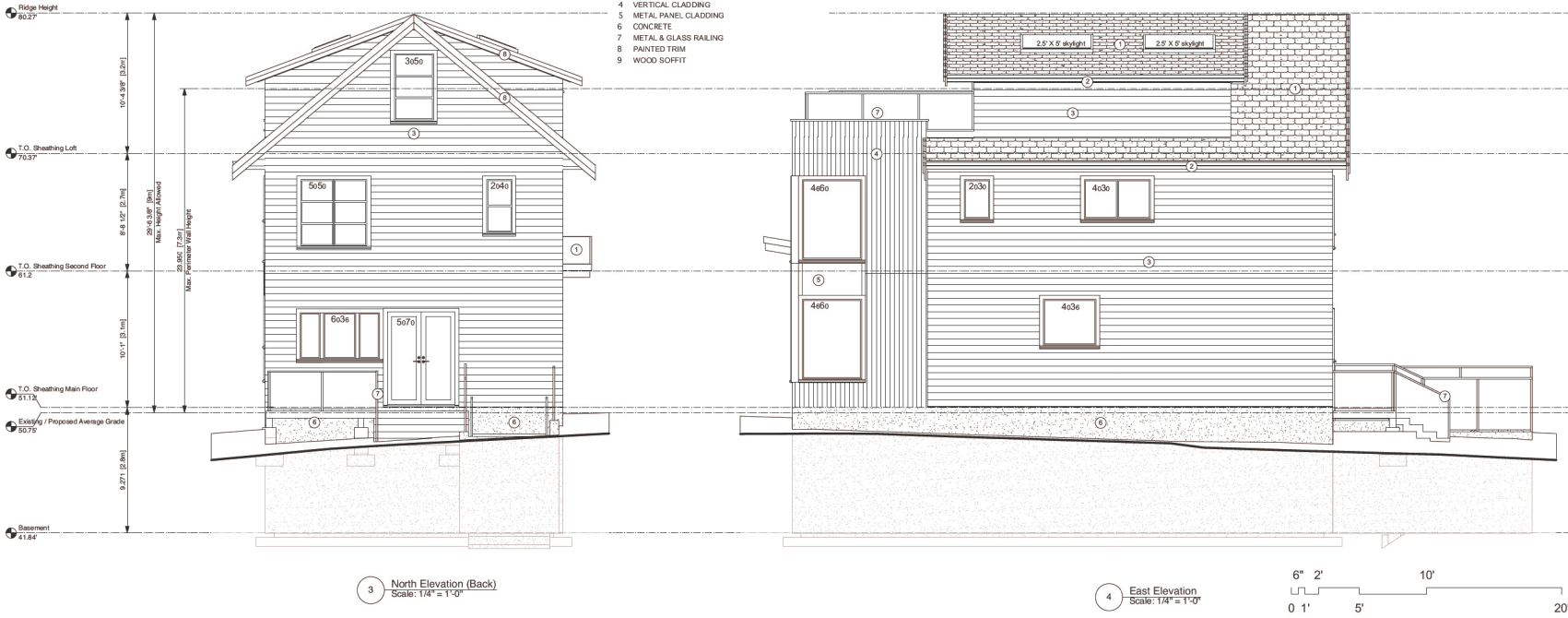


# ATTACHMENT F BUILDING ELEVATIONS



### EXTERIOR FINISHES

- 1 DUROID ASPHALT SHINGLE
- 2 ALUMINUM GUTTER
- 3 HORIZONTAL CLADDING
- 4 VERTICAL CLADDING
- 5 METAL PANEL CLADDING
- 6 CONCRETE
- 7 METAL & GLASS RAILING
- 8 PAINTED TRIM
- 9 WOOD SOFFIT



**NOTES:**  
 1. Drawings and Specifications, as Instruments of Service, are the Property of the Architects who reserve copyright. No reproduction may be made without the permission of the Architects and when made must bear their names.  
 2. The party responsible for construction shall verify all dimensions and other data from the drawings with condition of the site. Any discrepancies shall be reported to the Architects immediately.  
 3. This Drawing is not to be used for construction purposes until signed & sealed or specifically issued for that purpose.

1	FOR DVP	18-11-22
No.	Revision / Issue Printing	Date

Consultant / Consultant Seal

**ELIZABETH MacKENZIE ARCHITECT**  
 4883 Commercial Drive  
 Vancouver, B.C. V6R 1E8  
 tel: 604.751.9157 email: emack@shaw.ca

**New Home King Residence**  
 AT  
 60 Bryden St., Nanaimo, BC

Project  
**Elevations**  
**RECEIVED**  
**DVP 374**  
 2018-NOV-28  
 Current Printing

Sheet Title  
 Checked By: EM  
 Drawn By: JS  
 Scale: 1/4" = 1'-0"  
 Date: October 15/18

A3.1



ATTACHMENT G  
AERIAL PHOTO




N



**DEVELOPMENT VARIANCE PERMIT NO. DVP00374**

**LEGEND**

 SUBJECT PROPERTIES

## ATTACHMENT H REFERRAL RESPONSE

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**From:** Warren Jaques <[newcastleneighbours@gmail.com](mailto:newcastleneighbours@gmail.com)>  
**Sent:** Sunday, February 17, 2019 5:03 PM  
**To:** Planning Referrals <[Planning.Referrals@nanaimo.ca](mailto:Planning.Referrals@nanaimo.ca)>  
**Cc:** Caleb Horn <[Caleb.Horn@nanaimo.ca](mailto:Caleb.Horn@nanaimo.ca)>; David Stewart <[David.Stewart@nanaimo.ca](mailto:David.Stewart@nanaimo.ca)>  
**Subject:** SUSPECT: Re: Referral Request - 60 BRYDEN STREET  
**Importance:** Low

I regret the delay in responding to your request regarding the above noted property. I trust that our response can make it into Council's Addendum package.

The NNA Executive and Board recently reviewed this request and it was decided, given the small size of the property, to consider all five variances as a whole package. After considering several factors, from the neighborhood's point of view, the main concern is the parking issue. We believe it is unacceptable to build a brand new home and not provide at least one (1) parking spot. We would not like to see such a precedent set in our area. As well, this is a high traffic area, with the Seawall just around the corner. Everyone is well aware of the many activities in Maffeo-Sutton Park over the Spring/Summer/Fall seasons. We believe the direct variances with both neighbours should be settled between them and the City.

In summary, we would accept a variance of 1 parking spot as being a minimum standard in this particular case.

Lee-Anne Stark, VP & Treasurer, Newcastle Neighbourhood Association

On 1/30/2019 2:12 PM, Planning Referrals wrote:

Hello,

The City of Nanaimo has received a development permit application for the property at 60 Bryden St (DVP00374). The property is located within the Newcastle Neighbourhood Association's area.

Please review the attached information. This information is also available on What's Building at:

<https://www.nanaimo.ca/WhatsBuilding/Folder/DVP00374>

The development variance permit application is currently under review and you are

welcome to provide comments at your earliest convenience by **2019-FEB-13**.

If you have any questions about this application, please do not hesitate to contact me,  
or David Stewart

Thank you,

Lainy Nowak  
Planning Assistant, Current Planning Section  
***Community Development Department***  
(250) 755-4460 ext. 4220



Delegation Request

Peter and Sandy King have requested an appearance before Council.

The requested date is February 25, 2019.

The requested meeting is:  
Council

Presenter's Information:

City: Nanaimo

Province: BC

Bringing a presentation: No

Details of Presentation:

To provide details of our request for Development Variance Permit No. DVP374 – 60 Bryden Street.

### Delegation Request

Scott Mack, Vic Sweett and Jill Sweett have requested an appearance before Council.

The requested date is February 25, 2019.

The requested meeting is:  
Council

Presenter's Information:

City: Nanaimo

Province: BC

Bringing a presentation: Yes

Details of Presentation:

How 60 Bryden Street will impact 210 Stewart Avenue in an adverse way if variances are allowed under application number DVP00374. Desired outcome: That DVP00374 at 60 Bryden Street not be approved.