

DATE OF MEETING | December 21, 2020 |

AUTHORED BY | LAINY STEVENSON, PLANNER, CURRENT PLANNING |

SUBJECT | DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP410 – 5455 MILD MAY ROAD |

OVERVIEW

Purpose of Report

To present for Council’s consideration, a development variance permit application to reduce the minimum required flanking side yard setback from an unconstructed road right of way at 5455 Mildmay Road. |

Recommendation

That Council issue Development Variance Permit No. DVP410 at 5455 Mildmay Road with the following variance:

- reduce the minimum required flanking side yard setback from 4.0m to 1.5m. |

BACKGROUND

A development variance permit application, DVP410, was received from Shelley and Jason Toomer to vary the provisions of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”), for a proposed single residential dwelling at 5455 Mildmay Road.

Subject Property and Site Context:

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|--------------------------------------|--|
| <i>Zoning</i> | R1 – Single Dwelling Residential |
| <i>Location</i> | The subject property is located at the corner of Avro Way and Mildmay Road, on Brannen Lake. |
| <i>Total Area</i> | 1169m ² |
| <i>Official Community Plan (OCP)</i> | Map 1 – Future Land Use Plan – Neighbourhood |

The subject property is a vacant lot located on Brannen Lake. The lot was created through a two-lot subdivision of 5451 Mildmay Road, which was completed in 2019 (SUB01218). The surrounding properties are predominantly developed with single residential dwellings.

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

DISCUSSION

Proposed Development

The proposed development includes a single residential dwelling with a detached garage. There is an existing unconstructed road right-of-way immediately north of the subject property. This right-of-way is currently being used by the City to occasionally access a sewer clean-out. The proposed location for the single residential dwelling will encroach into the required flanking yard setback, adjacent to the road right-of-way.

Proposed Variance

Minimum Flanking Side Yard Setback

Section 7.5.1 of the Zoning Bylaw requires a minimum flanking side yard setback of 4.0m in the R1 zone. The applicant is proposing a flanking side yard setback of 1.5m in order to construct a single residential dwelling. This represents a variance of 2.5m.

The owner has requested the setback variance in order to provide a larger building envelope for the proposed single residential dwelling within the existing lot. The proposed development will meet all other setback requirements.

Staff support the proposed variance as no negative impact to the adjacent properties or the existing right-of way is anticipated.

SUMMARY POINTS

- Development Variance Permit No. DVP410 proposes to reduce the minimum required flanking side yard setback in the R1 zone from 4.0m to 1.5m.
- No negative impact to the adjacent properties or the existing right-of way is anticipated.
- Staff support the proposed variance.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Context Map
ATTACHMENT C: Location Plan
ATTACHMENT D: Site Survey
ATTACHMENT E: Aerial Photo |

Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services

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* - to reduce the minimum required flanking side yard setback from 4.0m to 1.5m for a proposed single residential dwelling.

CONDITIONS OF PERMIT

1. The subject property shall be developed in accordance with the Site Survey prepared by McElhanney Associates Land Surveying Ltd., dated 2020-APR-03, as shown on Attachment D.

ATTACHMENT B CONTEXT MAP



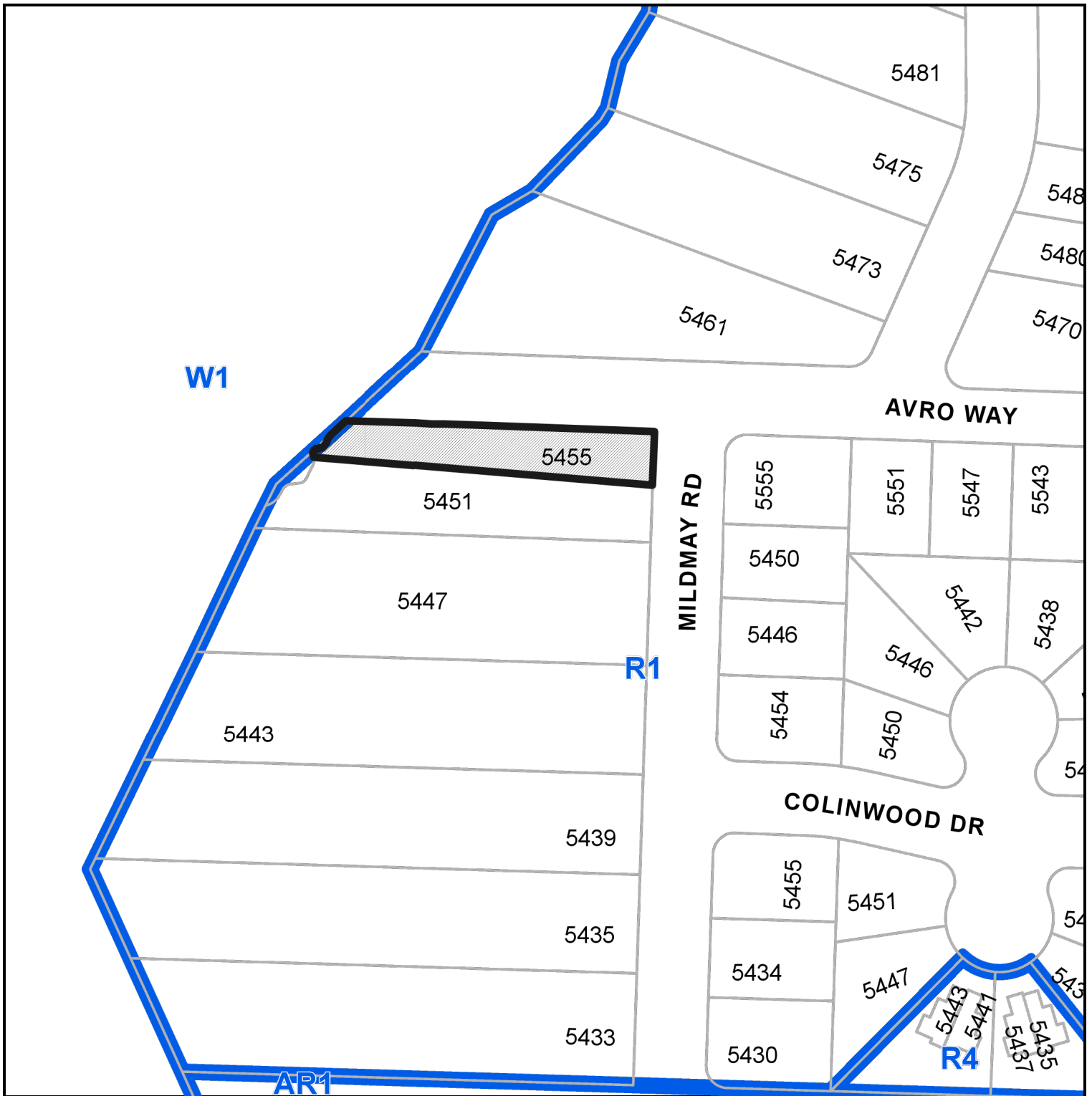
DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP00410

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5455 MILD MAY ROAD

ATTACHMENT C LOCATION PLAN



DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP00410

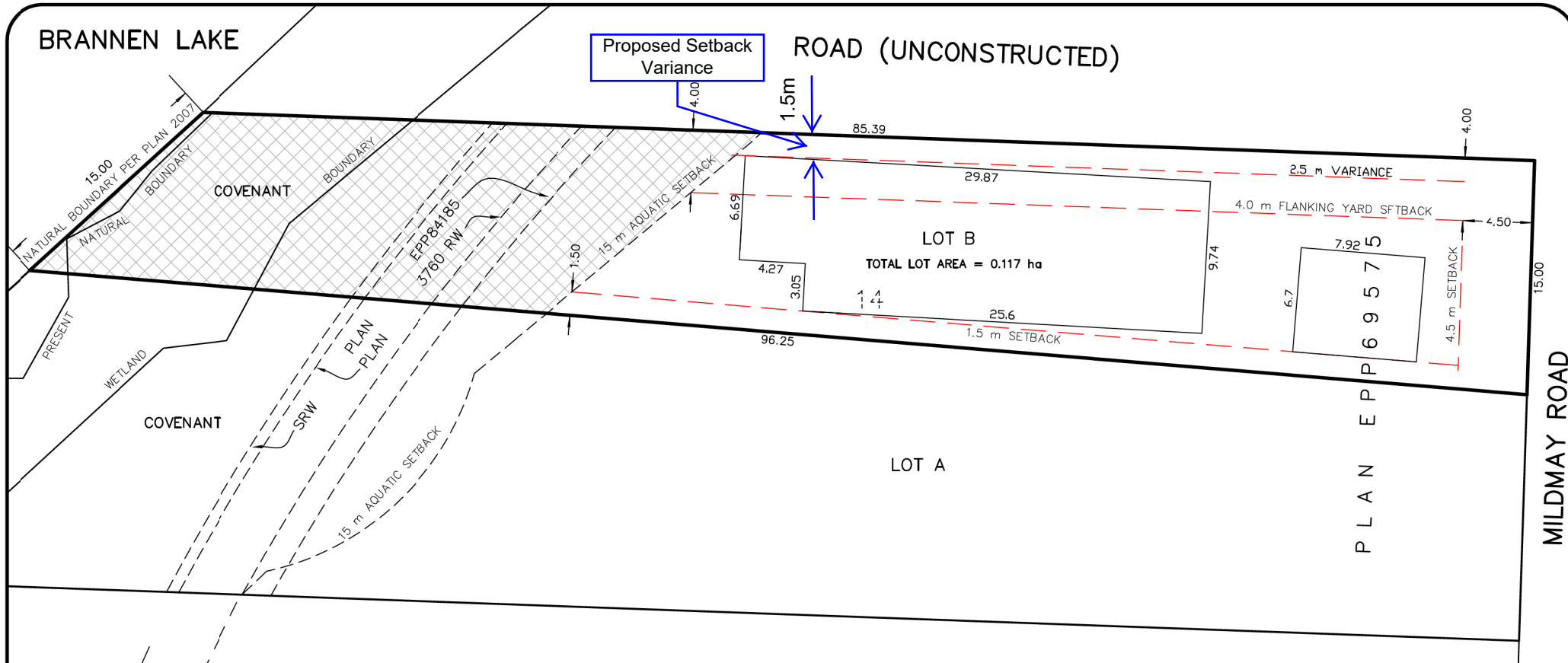


Subject Property

CIVIC: 5455 MILD MAY ROAD

LEGAL: LOT B, SECTION 16, WELLINGTON DISTRICT, PLAN EPP69575

ATTACHMENT D SITE SURVEY



13



ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF
THE INTENDED PLOT SIZE OF THIS PLAN IS 432 mm IN
WIDTH BY 280 mm IN HEIGHT (B-SIZE) WHEN PLOTTED AT
A SCALE OF 1:250


LEGAL DESCRIPTION:
LOT B, SECTION 16, WELLINGTON DISTRICT, PLAN EPP69575

PID: 030-734-592

ZONING: CITY OF NANAIMO BYLAW 4500, ZONE R1 SINGLE DWELLING RESIDENTIAL

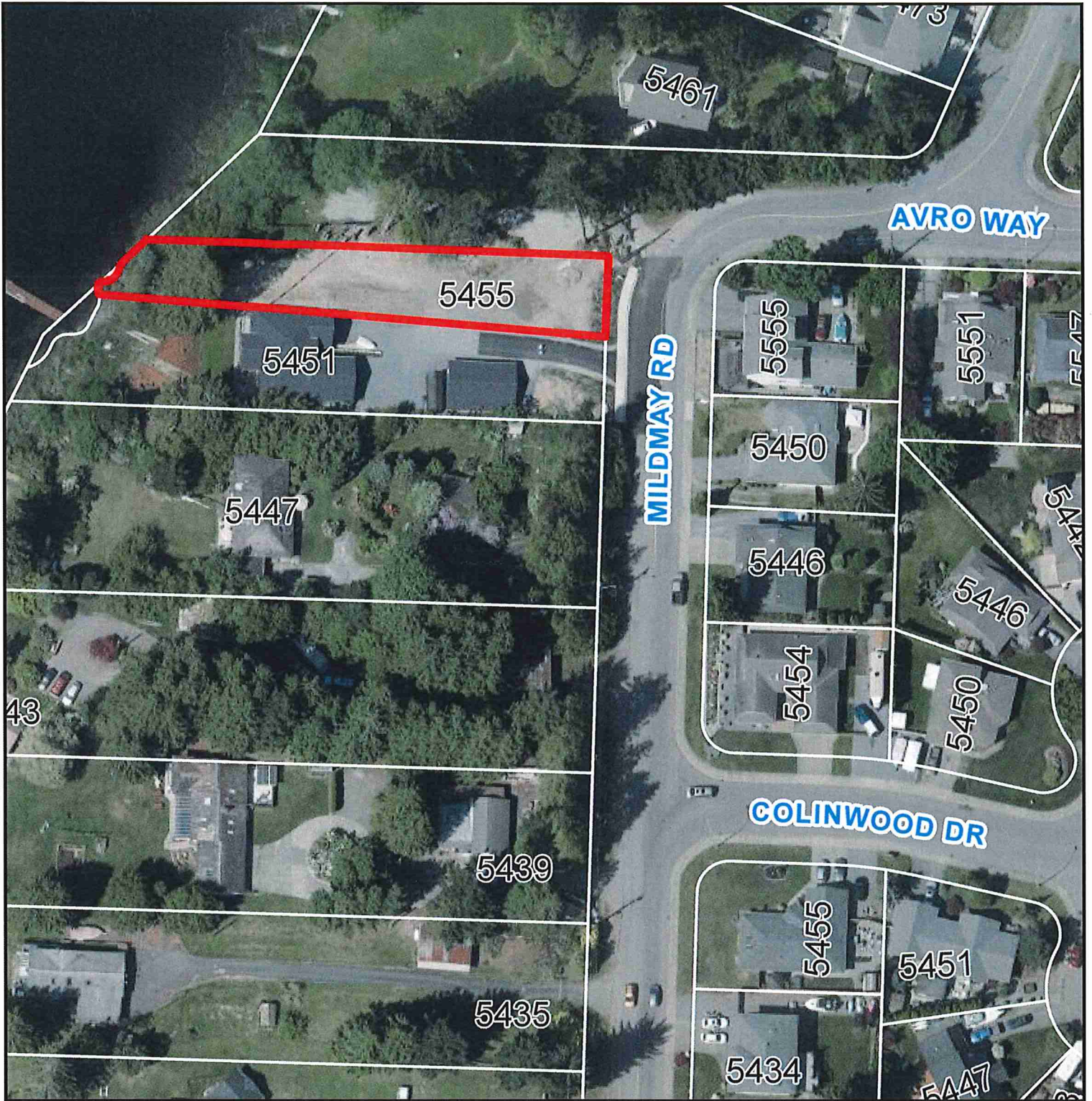
PARCEL DIMENSIONS ARE IN METERS AND ARE DERIVED FROM FIELD SURVEYS AND LAND TITLE
AND SURVEY AUTHORITY RECORDS BEING PLAN EPP69575, 3760RW, 19988, AND VP58997

RECEIVED
DVP 410
2020-SEP-22
Current Planning

| | |
|---|---------------|
|  McElhanney McElhanney Associates Land Surveying Ltd. SUITE 1 - 1351 ESTEVAN ROAD PH (250) 716-3336 NANAIMO, BC V9S 3Y3 | |
| SHELLEY TOOMER Client | |
| LOT B 5455 MILDMAY ROAD, NANAIMO, BC Title | |
| Date: | APRIL 3, 2020 |
| Scale: | AS SHOWN |
| Drawn: | TQ |
| Checked: | TQ |
| MCSL Project No. 2232-00236-00 Drawing No. 00236-0-V-6 SK | |

Plotted: April 03, 2020, 17:12:46

ATTACHMENT E
AERIAL PHOTO



DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP00410

 5455 MILDMAY ROAD