

DATE OF MEETING July 26, 2021

AUTHORED BY SADIE ROBINSON, PLANNING ASSISTANT, CURRENT PLANNING

SUBJECT **DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP420 – 4176 WELLESLEY AVENUE**

## **OVERVIEW**

### **Purpose of Report**

To present for Council’s consideration, a development variance permit application to reduce the minimum required front yard setback to allow a proposed dwelling on proposed Lot C.

### **Recommendation**

That Council issue Development Variance Permit No. DVP420 for proposed Lot C (Lot 1, Block 7, Section 5, Wellington District, Plan 318 and Lot 5, Section 5, Wellington District, Plan EPP82222, to be consolidated) with the following variance:

- To reduce the minimum required front yard setback from 4.5m to 2m for a proposed dwelling.

## **BACKGROUND**

A development variance permit application, DVP420, was received from Michael McKillican to vary the provisions of “City of Nanaimo Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) to reduce the minimum required front yard setback from 4.5m to 2m to construct a single residential dwelling on proposed Lot C. The property owner owns 4176 Wellesley, which consists of two legal parcels, with an existing dwelling on the easterly lot, and the westerly lot (Lot 1) largely vacant. The subject site (proposed Lot C) is made up of Lot 1 and Lot 5, a portion of 4176A Wellesley Avenue that was a part of the former Loudon Walkway currently in the disposition process for Council’s consideration on the same agenda this evening. The applicant is purchasing Lot 5 to consolidate with existing Lot 1 to create a buildable site on proposed Lot C.

There are some existing structures within 4176 Wellesley Avenue that encroach onto the subject site and will be removed to ensure compliance with the required side yard setbacks. The applicant also proposes to remove the existing driveway for 4176 Wellesley Avenue from the proposed Lot C, to be relocated outside of the watercourse setback. The subject site is located adjacent to Long Lake in an area characterized by single family homes.

### **Subject Property and Site Context**

<i>Zoning</i>	R1 – Single Residential Dwelling
<i>Location</i>	The subject site is located between Wellesley Avenue and the Loudon Walkway, adjacent to Long Lake.
<i>Total Area</i>	323.3m <sup>2</sup> (proposed)
<i>Official Community Plan</i>	Map 1 – Future Land Use – Neighbourhood

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

## **DISCUSSION**

### **Proposed Development**

The applicant proposes to construct a single storey, 81.9m<sup>2</sup> (882ft<sup>2</sup>) single family dwelling with a green roof on proposed Lot C with parking located on the west side of the proposed dwelling.

### **Proposed Variance**

#### *Minimum Required Front Yard Setback*

The minimum required front yard setback for a single residential dwelling in the R1 zone is 4.5m. The applicant proposes to construct a single residential dwelling with a front yard setback of 2m. This represents a variance of 2.5m.

Lot 1 is an existing undersized parcel, at approximately 163m<sup>2</sup>. Despite consolidation with Lot 5, proposed Lot C remains relatively small (323.3m<sup>2</sup>) when compared to neighbouring properties. However, the consolidation of Lots 1 and 5 will make the subject site more conforming to the minimum lot size requirements of the Zoning Bylaw. There is no opportunity to push the building further back from the street without reducing the area of the dwelling, as there is a required watercourse setback (riparian leave strip) from Long Lake that occupies the rear third of the property; the remaining lot area outside of the riparian leave strip is 214.3m<sup>2</sup>. A statutory right-of-way (SRW) to protect sewer infrastructure further restricts the building envelope on the western portion of the property. The subject site is constrained and a variance is required to provide a more functional building envelope.

The applicant has demonstrated a sufficient building envelope and adequate parking outside of the required SRW and riparian leave strip for the proposed modestly-sized 81.9m<sup>2</sup> (882ft<sup>2</sup>) rancher.

The proposed building site is approximately 2.5m below grade of Wellesley Avenue, and the low-pitch roof should allow for views over the roofline. Furthermore, the boulevard between Wellesley Avenue and the subject site provides adequate separation from the street, and the proposed dwelling will meet all other zoning requirements.

The applicant has provided four letters of support from neighbours at 4104, 4134, and 4177 Wellesley Avenue and 4200 Victoria Avenue/2851 101st Street.

Staff support the proposed variance.

### **SUMMARY POINTS**

- Development Variance Permit No. DVP420 proposes a variance to reduce the minimum required front yard setback from 4.5m to 2m to provide a more functional building envelope for a proposed single residential dwelling.
- The applicant has made efforts to mitigate potential impacts to neighbours.
- Letters have been provided in support of the application.

### **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

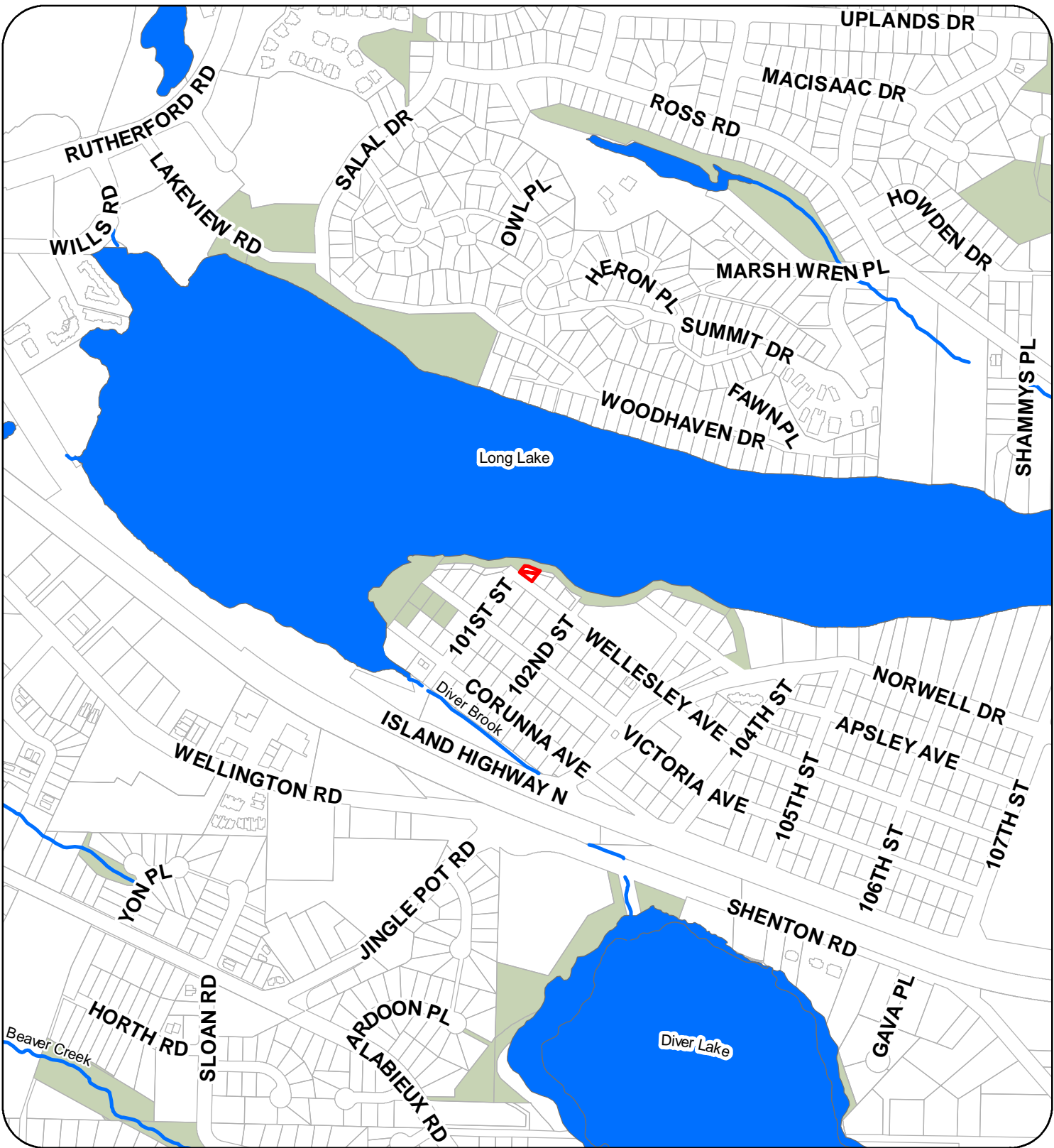
The “City of Nanaimo Zoning Bylaw 2011 No. 4500” is varied as follows:


1. *Section 7.5.1 Siting of Buildings* – To reduce the minimum required front yard setback from 4.5m to 2m for a proposed single residential dwelling.

## CONDITIONS OF PERMIT

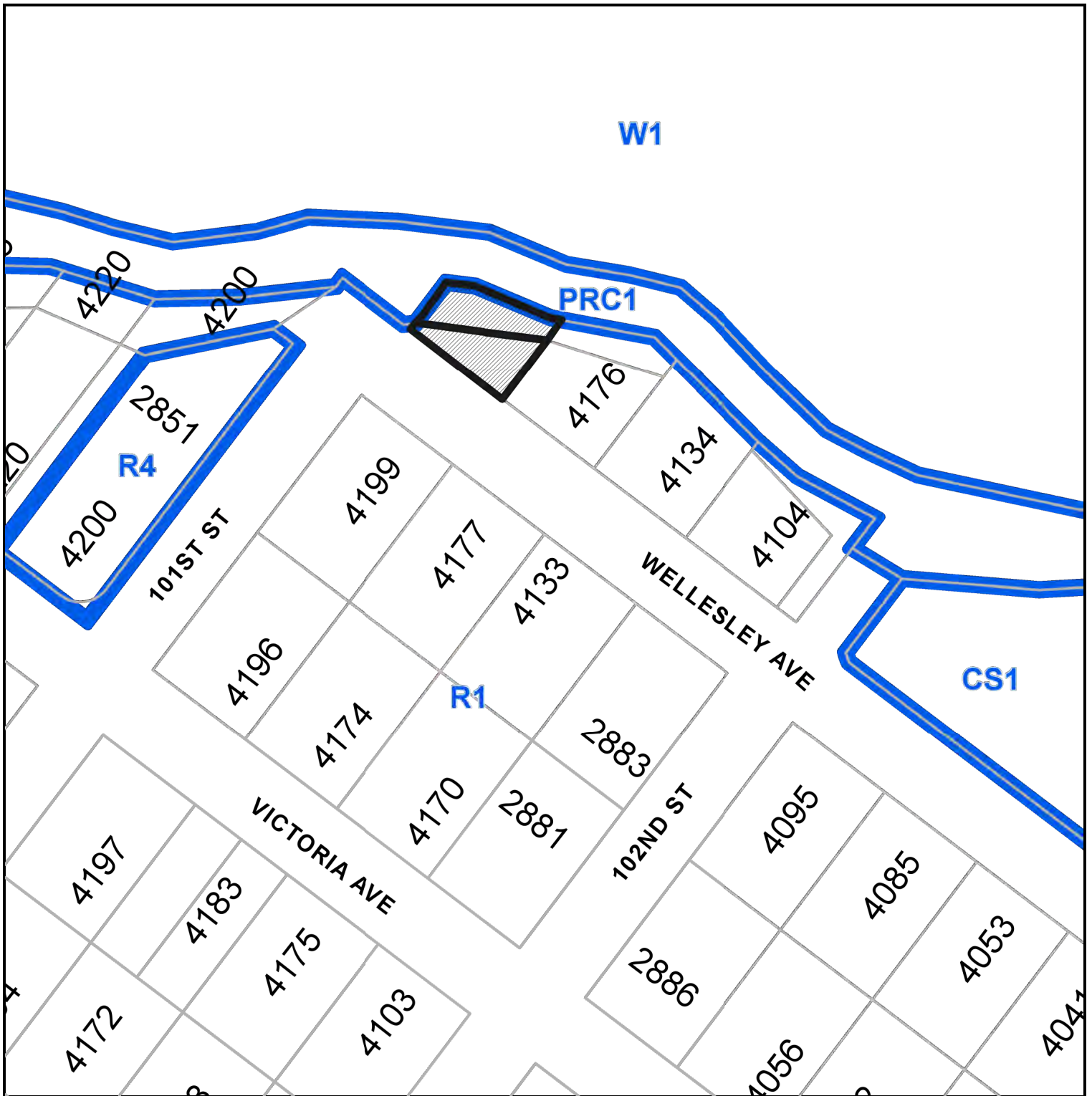
1. The subject property shall be developed in accordance with the Site Survey prepared by Tyler Hansen of Williamson & Associates Professional Surveyors, dated 2021-JUN-24, as shown on Attachment D.

# ATTACHMENT B CONTEXT MAP



 THE WESTERLY LOTS OF 4176 and 4178 WELLESLEY AVENUE

ATTACHMENT C  
LOCATION PLAN



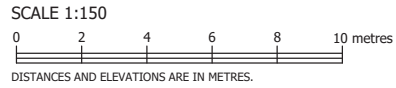
**DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP00420**

 **Subject Property**

CIVIC: THE WESTERLY LOTS OF 4176 and 4176A WELLESLEY AVENUE  
LEGAL: LOT 1, BLOCK 7, SECTION 5, WELLINGTON DISTRICT, PLAN 318 & LOT  
5, SECTION 5, WELLINGTON DISTRICT, PLAN EPP82222

# ATTACHMENT D SITE SURVEY

B.C. LAND SURVEYOR'S SITE PLAN OF CONCEPTUAL BUILDING LOCATION FOR DEVELOPMENT VARIANCE PERMIT ON:  
**PROPOSED LOT C (BEING A CONSOLIDATION OF  
 LOT 5, SECTION 5, WELLINGTON DISTRICT, PLAN EPP82222 AND  
 LOT 1, BLOCK 7, SECTION 5, WELLINGTON DISTRICT, PLAN 318).**



**NOTES:**

CURRENT ZONING: R1

CONTOURS ARE DERIVED FROM 2009 CITY OF NANAIMO LIDAR SURVEY.

LOT ALIGNMENT IS DERIVED FROM REGISTERED PLANS.

THIS PARCEL MAY BE SUBJECT TO REGISTERED CHARGES & PERMITS:

- EASEMENT CA7181605;
- STATUTORY RIGHT OF WAYS CA7181609 AND CA7181610;
- COVENANT CA7181615;

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

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).

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.

ZONING SETBACKS SHOWN ARE BASED ON INTERPRETATION OF CITY ZONING BYLAW AND SHOULD BE CONFIRMED.

PROPOSED LOT C AREA: 323.3m<sup>2</sup>  
 PROPOSED LOT C AREA EXCLUDING WATERCOURSE LEAVESTRIP: 214.3m<sup>2</sup>  
 CONCEPTUAL DWELLING LOT COVERAGE: ±82m<sup>2</sup> (±25%)  
 PROPOSED VARIANCE (FRONT SETBACK): 2.00m

THIS SITE PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE PROFESSIONAL REFERENCE MANUAL & IS CERTIFIED CORRECT  
 THIS DATE OF: JUNE 24, 2021

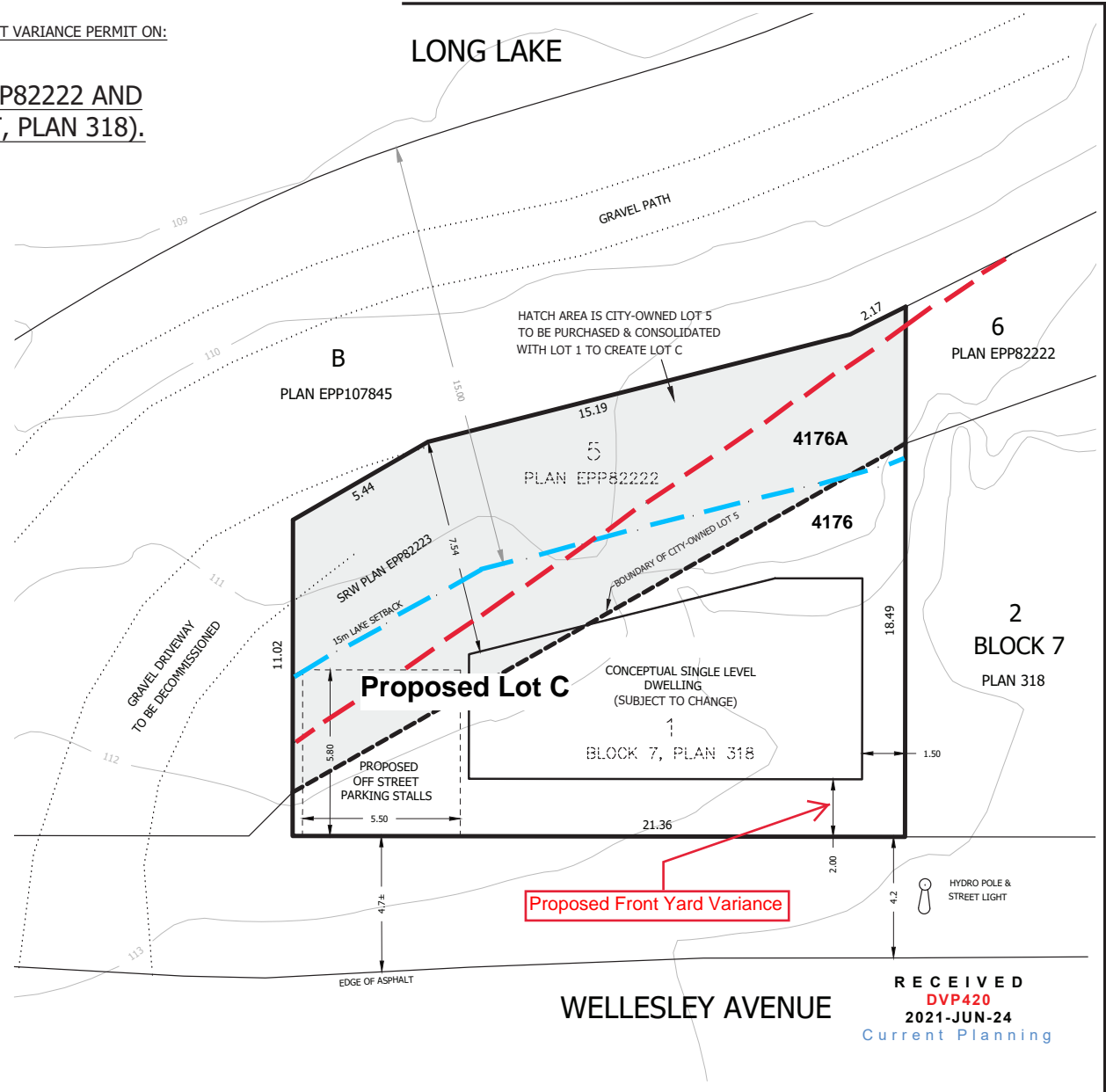
**Tyler Hansen**  
**VFRTQ3**

Digitally signed by Tyler Hansen VFRTQ3  
 DN: c=CA, cn=Tyler Hansen VFRTQ3,  
 o=BC Land Surveyor, ou=Verify ID at  
 www.juricert.com/LKUP.cfm?id=VFRTQ3  
 Date: 2021.06.24 08:46:12 -0700

Tyler J. Hansen B.C.L.S.  
 THIS DOCUMENT IS NOT VALID UNLESS DIGITALLY SIGNED.

**WILLIAMSON & ASSOCIATES**  
**PROFESSIONAL SURVEYORS** © 2021

3088 BARONS ROAD NANAIMO B.C. V9T 4B5  
 PHONE: 250-756-7723 FAX: 250-756-7724  
 EMAIL: WAPS@VIBCLS.CA  
 FILE: 21011-1 SITE REV 2 (BASE PLAN 17078)



**RECEIVED**  
**DVP420**  
**2021-JUN-24**  
 Current Planning

- 15m Riparian Leave Strip
- Statutory Right of Way

**ATTACHMENT E  
AERIAL PHOTO**



**DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP00420**



THE WESTERLY LOTS OF 4176 and 4176A WELLESLEY AVENUE