

DATE OF MEETING March 7, 2022

AUTHORED BY MATTHEW REMPEL, PLANNING ASSISTANT, CURRENT PLANNING

SUBJECT **DEVELOPMENT PERMIT APPLICATION NO. DP1258 AND DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP431 – 3123 ROBIN HOOD DRIVE**

OVERVIEW

Purpose of Report

To present for Council's consideration a development permit application to allow a driveway access and site servicing improvements within the required watercourse setback, and to concurrently present for Council's consideration a development variance permit application to reduce the minimum lot depth requirement in order to facilitate a two-lot subdivision at 3123 Robin Hood Drive.

Recommendation

That Council

1. issue Development Permit No. DP1258 at 3123 Robin Hood Drive with a variance to reduce the minimum required watercourse setback from 7.5m to 0m for the proposed driveway access and site servicing improvements; and,
2. issue Development Variance Permit No. DVP431 at 3123 Robin Hood Drive with a variance to reduce the minimum lot depth requirement from 30m to 29.6m for proposed Lots A and B.

BACKGROUND

A development permit application (DP1258) and a concurrent development variance permit application (DVP431) were received from Herold Engineering on behalf of Piotr Walenciak and Samantha Sparrow, to facilitate a proposed two-lot subdivision with variances to the watercourse setback and minimum lot depth requirements.

As the proposed lot depth variance associated with the subdivision is not directly related to the purpose of Development Permit Area No.1 – Watercourses, the minimum lot depth variance is being considered through a concurrent development variance permit.

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

Subject Property and Site Context

<i>Zoning</i>	R1 – Single Dwelling Residential
<i>Location</i>	The subject property is a though lot fronting both Jestors Way and Robin Hood Drive.
<i>Total Area</i>	1,627.4m ²
<i>Official Community Plan (OCP)</i>	Map 1 – Future Land Use Plans – Neighbourhood Map 3 – Development Permit Area No. 1 – Watercourses

The subject property contains an existing single family dwelling and is bounded by single residential properties with Robin Hood Drive to the southwest and Jestors Way to the northeast. A small, non-fish-bearing, ditched watercourse runs from west to east following Jestors Way along the property’s northeastern frontage. The watercourse originates in Linley Valley Park where it traverses southeast towards a small wetland located in Jestors Way Park. The wetland is drained during high water levels into a ditched watercourse southeast through Jestors Way Park entering a culvert under Jestors Way; which abuts the subject property.

DISCUSSION

Proposed Development

The applicant is proposing to subdivide the subject property into two fee-simple lots while retaining the existing single residential dwelling within proposed Lot A. The applicant is seeking a variance to allow the servicing and driveway access for the new proposed lot within the watercourse setback. These improvements consist of a 4m wide concrete driveway, water and sanitary sewer connections and storm drain culvert under the driveway. Furthermore, in order to facilitate the subdivision, a development variance permit is required to reduce the minimum lot depth requirement for the proposed lots. The requested variances are conditions of the issued preliminary layout approval (PLA) for subdivision application SUB01397 and are required prior to subdivision approval.

Proposed Variances

Minimum Watercourse Setback

The required watercourse setback is 7.5m as measured from the top of bank. The proposed setback is 0m to allow the driveway and servicing to cross the ditch. The proposed driveway and servicing will affect a total of 67.5m² of the watercourse setback area. No other development will occur within the watercourse setback and the applicant has demonstrated that a new dwelling within the proposed Lot B can be accommodated outside of the watercourse setback.

A Qualified Environmental Professional (QEP) assessed the subject property and the proposed development and determined that the ditched watercourse is seasonal and does not support fish and is not connected to any fish-bearing watercourse; it forms part of the municipal storm water system. The QEP concluded that culverting the ditched watercourse for a driveway as proposed will not result in riparian habitat loss as none currently exists in this

location; however the QEP also recommended re-vegetation within the watercourse setback including the following measures:

- *Invasive Species Removal:* Invasive Himalayan blackberry thickets in the watercourse setback area will be removed while minimizing the removal of existing native plants and shrubs; and,
- *Riparian Vegetation Planting:* Riparian vegetation will be restored with native shrubs along the watercourse (66m² restoration area).

These recommendations are included as conditions of the development permit.

Minimum Lot Depth Requirement

The minimum lot depth required in the R1 zone is 30m. The applicant is requesting to reduce the minimum lot depth from 30m to 29.6m; a proposed variance of 0.4m for proposed Lots A and B.

The proposed lots meet or exceed all other zoning requirements, including minimum lot frontage and lot size (500m²). The proposed lot depth variances will not negatively impact the functionality of the parcels for their intended residential use. Despite the reduced depth, the lots will have adequate building envelopes to construct new dwellings in accordance with the R1 zone, and will be consistent with other residential development in the neighbourhood. Proposed Lot A is 813.4m² in area and Lot B is 813.5m² in area (627.8m² excluding the 7.5m watercourse setback).

These variances, to facilitate subdivision of the subject property, will allow a modest infill in an existing neighbourhood. The Neighbourhood designation within the Official Community Plan (OCP) supports a mix of low-density residential uses, including infill development of this nature. The proposed subdivision is consistent with Neighbourhood policies in the OCP, which support a residential density of 10 to 50 units per hectare (uph). The proposed two-lot subdivision would achieve a unit density of 12 uph if the subdivision was approved. The proposed variance is not anticipated to negatively impact neighbouring properties.

Staff support the proposed variances.

SUMMARY POINTS

- Development Permit No. DP1258 proposes to permit the construction of a driveway access and site servicing improvements within the 7.5m watercourse setback for proposed Lot B for a proposed subdivision at 3123 Robin Hood Drive.
- A concurrent Development Variance Permit No. DVP431 proposes a variance to reduce the minimum required lot depth from 30m to 29.6m for both Lots A and B.
- The watercourse is a drainage ditch and does not support fish habitat but will be enhanced with native vegetation.
- Staff support the proposed variances.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Context Plan
ATTACHMENT C: Location Plan
ATTACHMENT D: Proposed Subdivision Plan
ATTACHMENT E: Re-vegetation Plan
ATTACHMENT F: Aerial Photo

Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
Deputy CAO / General Manager,
Development Services

ATTACHMENT A

PERMIT TERMS AND CONDITIONS

TERMS OF PERMIT

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

1. *Section 6.3.2 Location and Siting of Buildings and Structures to Watercourses* – to reduce the minimum watercourse setback from 7.5m to 0m to allow the proposed driveway and servicing improvements for proposed Lot B.

CONDITIONS OF PERMIT

1. The subject property shall be developed in accordance with the Proposed Subdivision Plan prepared by Turner & Associates dated 2022-FEB-23.
2. The subject property shall be developed in accordance with the recommendations contained in the Watercourse Determination Impact and Assessment Report prepared by Aquaparian Environmental Consulting Ltd. dated 2021-DEC-15.
3. A landscape bond is required for 100% of the landscape estimate prepared by Aquaparian Environmental Consulting Ltd. dated 2021-DEC-15 to be held for 3 year maintenance period. A certified letter of completion is required from the Qualified Environmental Professional at the end of the 3 year maintenance period.

TERMS OF PERMIT

The "City of Nanaimo Bylaw 2011 No. 4500" is varied as follows:

1. *Section 7.4.1 Lot Size and Dimensions* – to reduce the minimum required lot depth from 30.0m to 29.6m for both proposed Lots A and B

CONDITIONS OF PERMIT

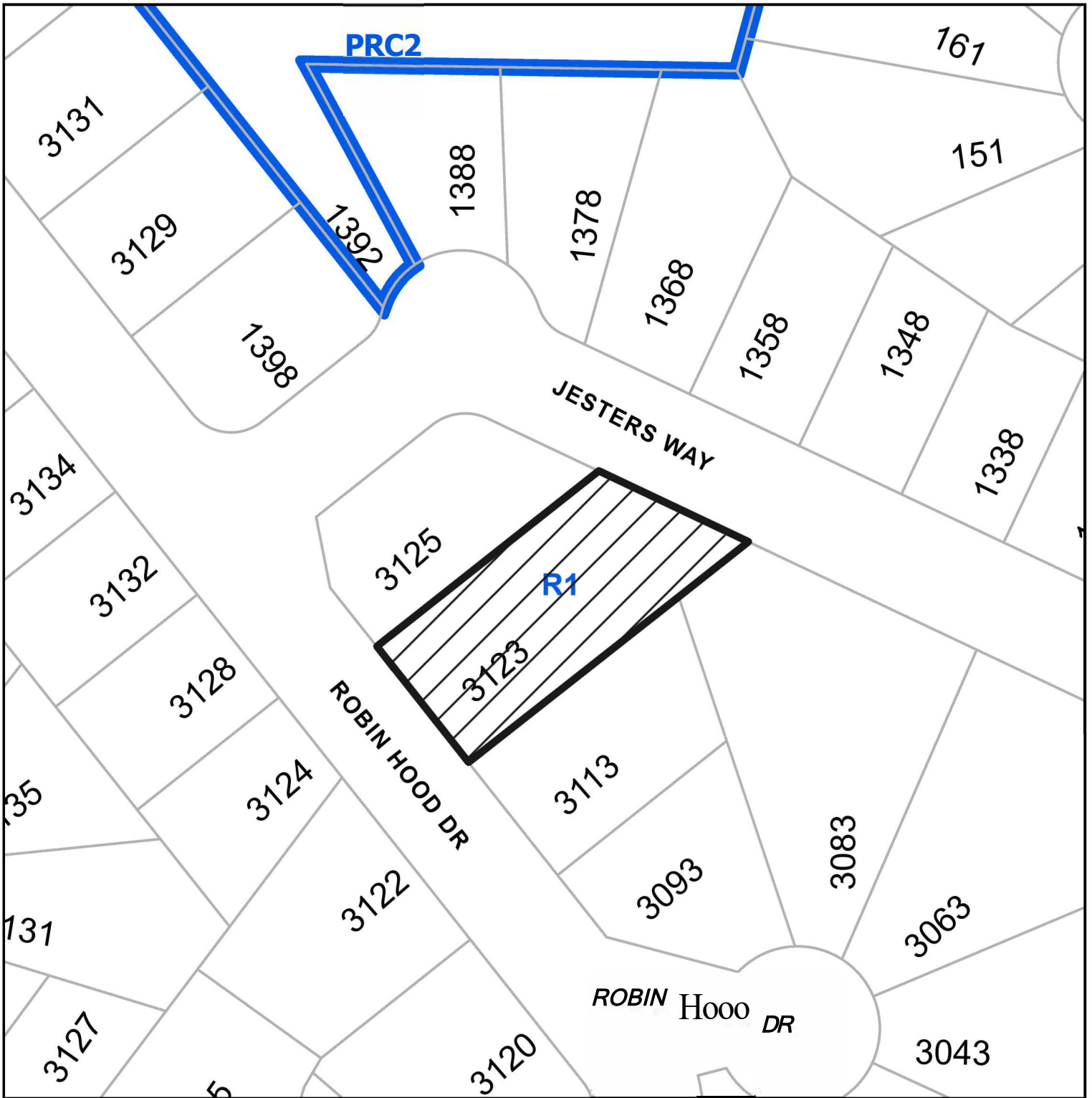
1. The subject property shall be developed in accordance with the Proposed Subdivision Plan, prepared by Turner & Associates Land Surveying Inc., dated 2022-FEB-23, as shown in Attachment D.

ATTACHMENT B CONTEXT MAP



 3123 ROBIN HOOD DRIVE

ATTACHMENT C
LOCATION MAP



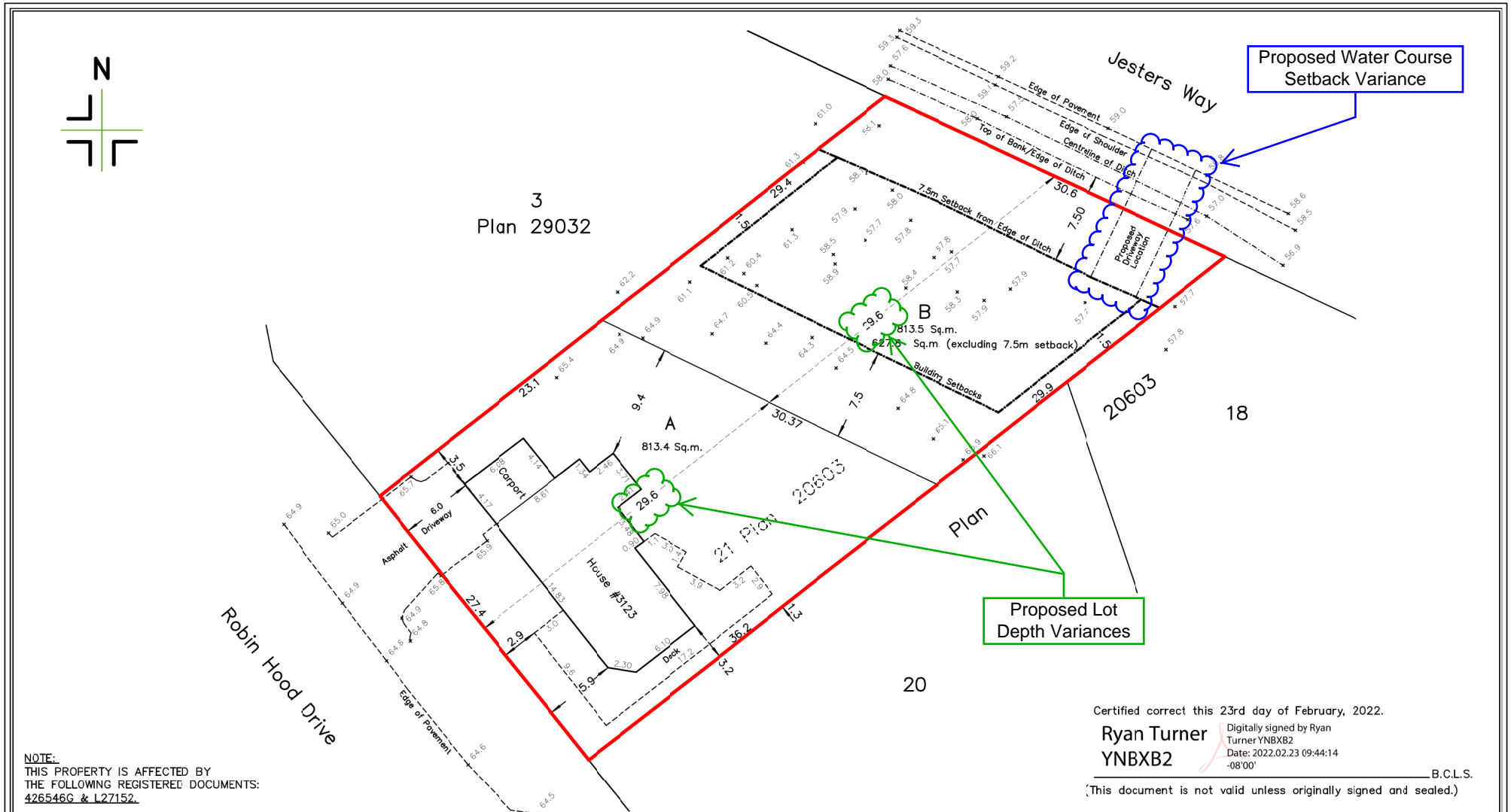
DEVELOPMENT PERMIT APPLICATION NO. DP001258
DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP00431



CIVIC: 3123 ROBIN HOOD DRIVE
LEGAL: LOT 21, SECTION 9, WELLINGTON DISTRICT, PLAN 20603

 Subject Property

ATTACHMENT D PROPOSED SUBDIVISION PLAN



NOTE:
THIS PROPERTY IS AFFECTED BY
THE FOLLOWING REGISTERED DOCUMENTS:
426546G & L27152.

Certified correct this 23rd day of February, 2022.
Ryan Turner Digitally signed by Ryan Turner YNBXB2
 YNBXB2 Date: 2022.02.23 09:44:14 -08'00'
 (This document is not valid unless originally signed and sealed.)

**SITE PLAN SHOWING PROPOSED SUBDIVISION OF:
LOT 21, SECTION 9,
WELLINGTON DISTRICT, PLAN 20603.**



SCALE 1:300
 DISTANCES AND ELEVATIONS ARE IN METRES.
 GEODETIC ELEVATIONS ARE DERIVED FROM
 CONTROL MONUMENT 79H9361 (CVD28BC DATUM).

DATE	REVISION #	DESCRIPTION
November 8, 2019	First Issue	
March 19, 2020	1	Revise Dividing Line Proposed Driveway Location
July 15, 2020	2	Show lot depths & area of Lot B exclusive of 7.5m setback
November 16, 2021	3	Change proposed driveway location
February 23, 2022	4	Revise notation for banks/slopes

Client: PIOTR WALENCIAK	Civic Address: 3123 ROBIN HOOD DRIVE, NANAIMO			
File: 19-163_REV4	Scale: 1:300	Drawn by: DRW	Property Zoning: R1	Date: February 23, 2022

Turner & Associates
 land surveying™
 250.753.9778
 435 Terminal Avenue North
 Nanaimo, BC V9S 4J8
 www.turnersurveys.ca

RECEIVED
DVP431
 2022-FEB-23
 Content Planning

ATTACHMENT E RE-VEGETATION PLAN

Driveway impact area: 9m x 7.5m = 67.5m² vegetation removal.

Restoration:

Remove Himalayan blackberry & roots along ditch and replace with native shrub species 3m x 22m = 66m².

Spacing: shrubs 0.75m on centre = 85 shrubs; # 1 pot (1-Gal); plant same species in clusters of 3 or 6. Space Oceanspray 10m apart.

Species & Number:



Oceanspray (*Holodiscus discolor*) 3



Nootka rose (*Rosa nutkana*) 41



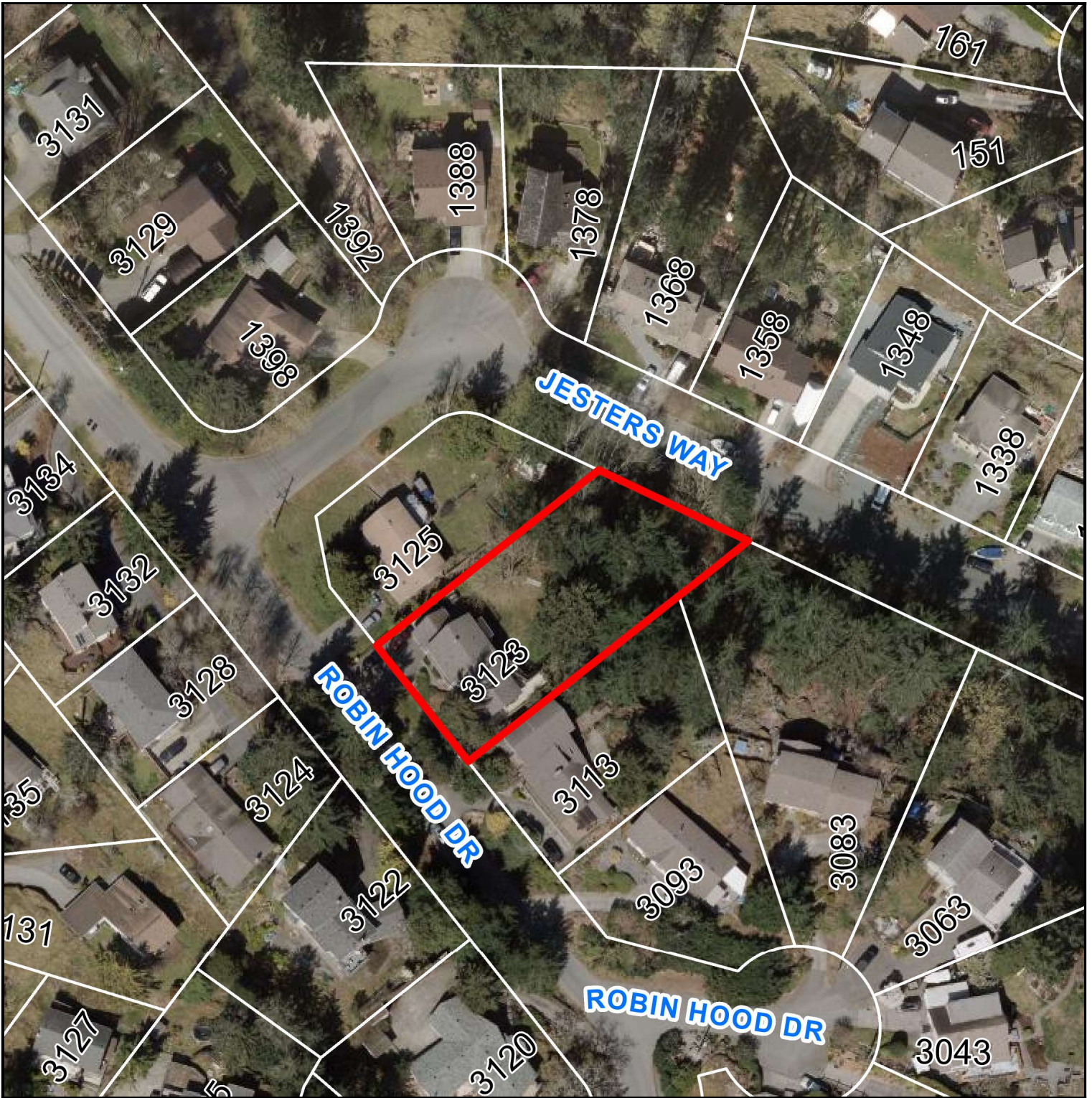
Snowberry (*Symphoricarpos albus*) 41

Maintenance:


- Pocket plant with planting medium
- Water immediately and as necessary through summer season'
- Maintain during growing season for 3 year period – weed removal, irrigate and replace dead plants April 1st - September 30th.



ATTACHMENT F
AERIAL PHOTO



DEVELOPMENT PERMIT APPLICATION NO. DP001258

 3123 ROBIN HOOD DRIVE