

DATE OF MEETING | November 21, 2022  
 AUTHORED BY | KIRSTEN DAFOE, PLANNING ASSISTANT, CURRENT PLANNING  
 SUBJECT | DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP440  
 – 2592 DEPARTURE BAY ROAD



**Proposal:**  
 Reduce flanking side yard setback for a proposed single residential dwelling.



**Zoning:**  
 R1-Single Dwelling Residential

**City Plan Land Use Designation:**  
 Neighbourhood

**Lot Area:**  
 4,242m<sup>2</sup>



## **OVERVIEW**

### **Purpose of Report**

To present for Council’s consideration, a development variance permit application to reduce the minimum required flanking side yard setback for a proposed single residential dwelling. |

### **Recommendation**

That Council issue Development Variance Permit No. DVP440 at 2592 Departure Bay Road to reduce the minimum flanking side yard setback from 4.0m to 2.0m for a proposed single residential dwelling. |

## **BACKGROUND**

A development variance permit application, DVP440, was received from Jack Pagani to vary the provisions of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”), in order to reduce the minimum flanking side yard setback for a proposed single residential dwelling at 2592 Departure Bay Road.

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

The subject property is a large vacant lot located immediately south of an existing unconstructed road right-of-way, on the eastern side of Departure Bay road, approximately 70m from the shoreline of Departure Bay. The right-of-way functions as a utility corridor and is not anticipated to be opened for vehicular traffic. With site constraints including a steep slope with a geotechnical setback and a sewer right-of-way, the eastern half of the property is not developable. The lot was previously developed with two single residential dwellings, which were demolished in 2021. 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 applicant has proposed to construct two single detached dwellings within the western half of the property. R1-zoned lots larger than 0.4ha are permitted to have a second single residential dwelling. In order to maximize the yard area and separation between the two dwellings, one of the dwellings (House “A”) requires a reduced flanking side yard setback. A new combined driveway access from Departure Bay Road will replace the two existing accesses for improved sightlines. The subject property is within the Hazardous Slopes DPA2 and with the provision of a geotechnical report at the time of building permit application, the development would be exempt from the Development Permit requirement.

## Proposed Variance

### *Minimum Flanking Side Yard Setback*

The minimum required flanking side yard setback in the R1 zone is 4.0m. The proposed setback is 2.0m for the northernmost of the two proposed single residential dwellings; a requested variance of 2.0m. Staff support the proposed flanking side yard setback, as the siting will not negatively impact adjacent properties or the existing right-of-way. With the right-of-way being unconstructed, the flanking side yard functions like a typical side yard and provides a separation distance between the proposed dwelling and the neighbour of approximately 12.0m. In addition the applicant has provided letters of support for the proposed variance from three neighbouring properties, at 2565, 2600, and 2605 Departure Bay Road.

### **SUMMARY POINTS**

- Development Variance Permit No. DVP440 proposes a variance to reduce the minimum flanking side yard setback from 4.0m to 2.0m for a proposed a single residential dwelling.
- Staff support the proposed variance as no negative impact to the adjacent properties or the existing right-of way is anticipated.

### **ATTACHMENTS**

ATTACHMENT A: Permit Terms and Conditions  
ATTACHMENT B: Subject Property Map  
ATTACHMENT C: Site Plan

#### **Submitted by:**

Lainya Rowett  
Manager, Current Planning

#### **Concurrence by:**

Jeremy Holm  
Director, Development Approvals

Dale Lindsay  
General Manager, Development Services  
/ Deputy CAO

# **ATTACHMENT A PERMIT TERMS AND CONDITIONS**

## **TERMS OF PERMIT**

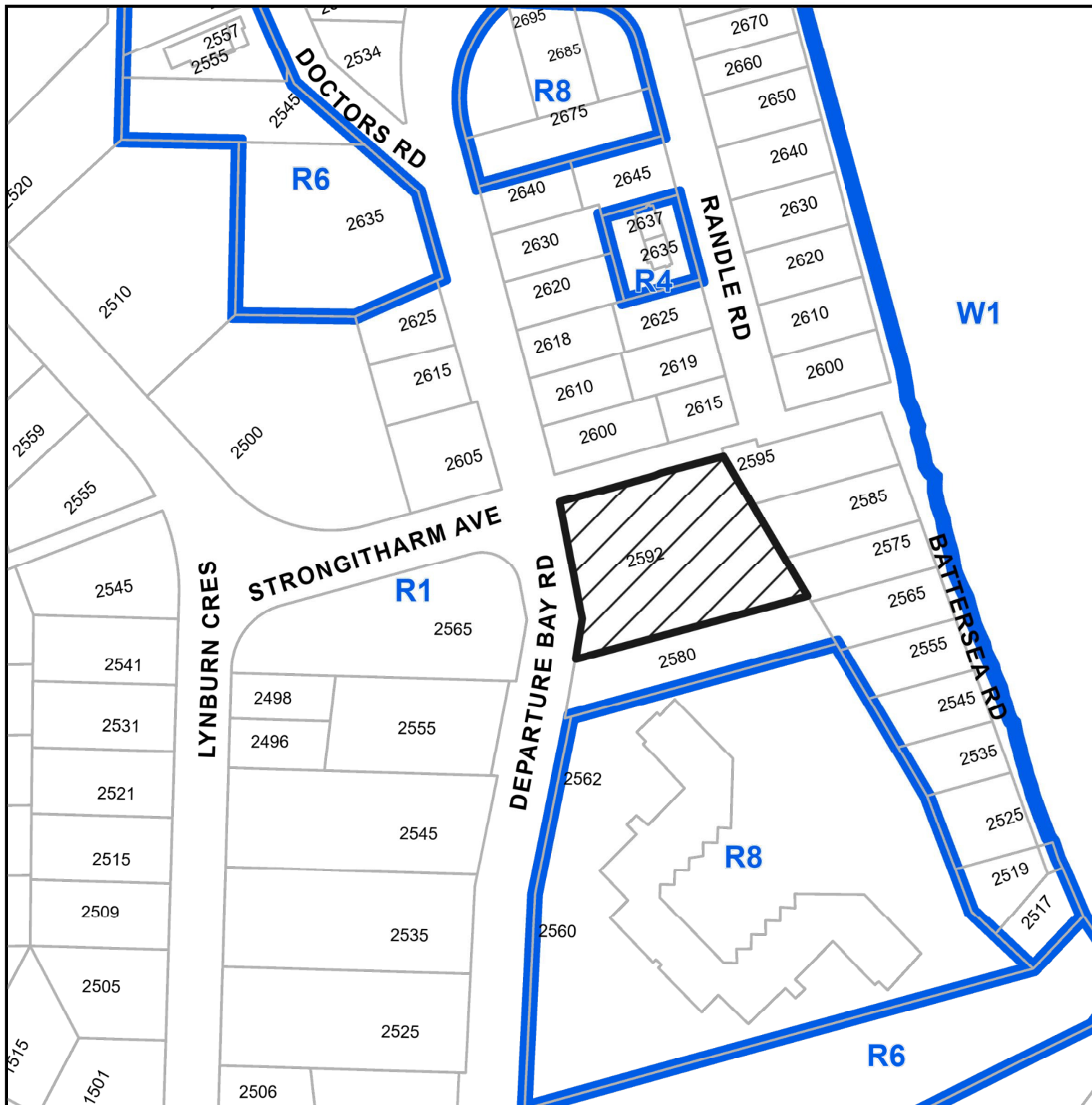
The “City of Nanaimo Bylaw Zoning Bylaw 2011 No. 4500” is varied as follows:

1. *Section 7.5.1 Siting of Buildings* – to reduce the minimum required flanking side yard setback from 4.0m to 2.0m for a proposed single residential dwelling.

## **CONDITIONS OF PERMIT**

1. The subject property shall be developed in accordance with the Site Plan, prepared by Turner & Associates Land Surveying Inc., dated 2022-OCT-10, as shown in Attachment C.

# ATTACHMENT B SUBJECT PROPERTY MAP



**DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP00440**

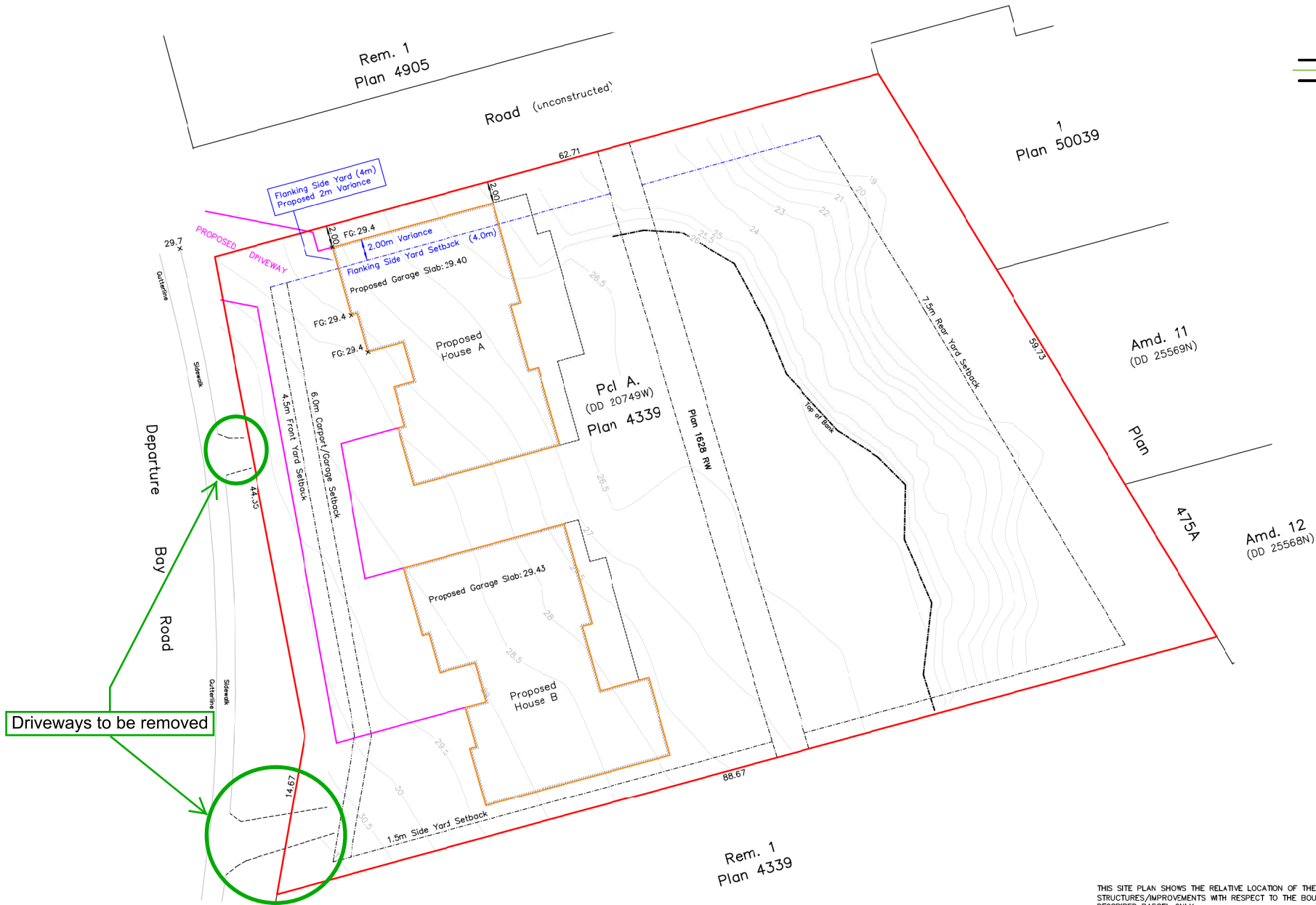
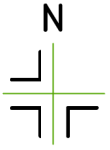


**Subject Property**

CIVIC: 2592 DEPARTURE BAY ROAD

LEGAL: PARCEL A (DD 20749W) OF LOT 1, SECTION 1, NANAIMO DISTRICT,  
PLAN 4339

# ATTACHMENT C SITE PLAN

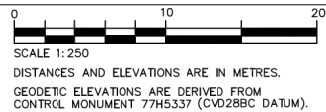


**NOTE:**  
THE REGISTERED TITLE OF THIS PROPERTY IS AFFECTED BY THE FOLLOWING LEGAL NOTATIONS AND REGISTERED CHARGES, LIENS AND INTERESTS:  
M26301-3045480  
THIS SITE PLAN DOES NOT VERIFY COMPLIANCE WITH THE ABOVE NOTED DOCUMENTS.

THIS SITE PLAN SHOWS THE RELATIVE LOCATION OF THE EXISTING AND PROPOSED STRUCTURES/IMPROVEMENTS WITH RESPECT TO THE BOUNDARIES OF THE DESCRIBED PARCEL ONLY.  
THIS SITE PLAN SHALL NOT BE USED TO DEFINE PROPERTY LINES OR PROPERTY CORNERS.  
THE SIGNATORY ACCEPTS NO RESPONSIBILITY FOR AND HEREBY DISCLAIMS ALL OBLIGATIONS AND LIABILITIES FOR DAMAGES ARISING OUT OF OR IN CONNECTION WITH ANY DIRECT OR INDIRECT USE OR RELIANCE UPON THE SITE PLAN BEYOND ITS INTENDED USE.

SITE PLAN SHOWING PROPOSED BUILDINGS ON:  
PARCEL A (DD 20749W) OF LOT 1, SECTION 1,  
NANAIMO DISTRICT, PLAN 4339.

Client: P.S.M. MANAGEMENT  
Civic Address: 2592 DEPARTURE BAY ROAD, NANAIMO  
File: 18-001-A Scale: 1:250 Drawn by: BRW Property Zoning: R1



Certified correct this 10th day of October, 2022.  
Digitally signed by Ryan  
Turner YNBXB2  
Date: 2022.10.18 13:01:34  
-0700'  
B.C.L.S.  
(This document is not valid unless originally signed and sealed.)

**RECEIVED**  
**DVP440**  
**2022-OCT-18**  
Current Planning

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