CITY OF NANAIMO
THE HARBOUR CITY

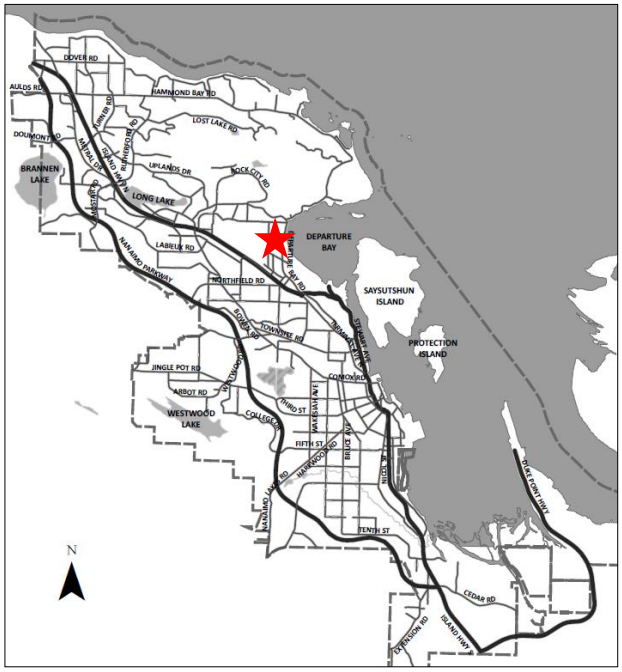
Staff Report for Decision

File Number: DVP00464

DATE OF MEETING July 8, 2024

AUTHORED BY KIRSTEN DAFOE, PLANNING ASSISTANT, CURRENT PLANNING

SUBJECT **DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP464 – 1610 LOAT STREET**



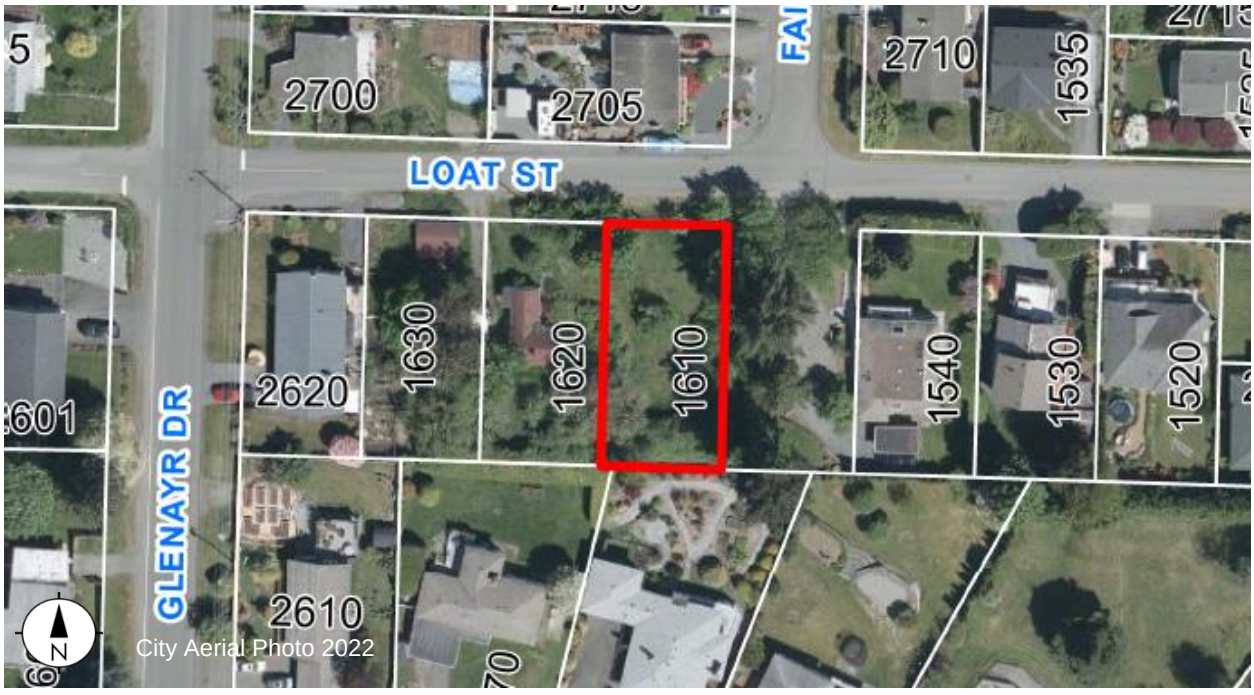
Proposal:
Variance to allow a proposed single residential dwelling and accessory building.

DVP

Zoning:
R1 – Single Dwelling Residential

City Plan Land Use Designation:
Suburban Neighbourhood

Lot Area:
673m^2



OVERVIEW

Purpose of Report

To present for Council's consideration a development variance permit application for a proposed single residential dwelling and accessory building at 1610 Loat Street.

Recommendation

That Council issue Development Variance Permit No. DVP464 for a single residential dwelling and accessory building at 1610 Loat Street with variances outlined as in the "Proposed Variances" section of the Staff Report dated 2024-JUL-08.

BACKGROUND

A development permit application, DVP464, was received from Elizabeth and Ron Williams, to vary the provisions of the "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw"), in order to reduce the minimum front yard and flanking side yard setbacks for a proposed single residential dwelling and accessory building at 1610 Loat Street.

Subject Property and Site Context

The subject property is located on the southwest corner of Loat Street and Fairbanks Street, approximately 300m west of Departure Bay Road. The property is currently vacant. The east lot line of the property abuts a 20m wide unimproved road dedication. There are no plans to develop this road dedication as a through road. A statutory right-of-way for City sanitary sewer diagonally crosses the southwest corner of the property.

The surrounding neighbourhood is predominantly developed with single residential dwellings. Commercial and multi-family development and parks are located east of the property near Departure Bay.

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

DISCUSSION

Proposed Development

The applicant proposes to construct a two-storey single residential dwelling with a detached two-car garage. A partially covered second storey deck for the dwelling is proposed to project over the front yard. Driveway access is proposed from Loat Street to extend along the west side of the property, crossing a portion of the sewer statutory right-of-way to access the garage at the rear of the site.

Proposed Variances

Minimum Front Yard Setback

Where the principal is in the R5 zone is a single residential dwelling, the minimum required setbacks shall be in accordance with the R1 zone. The minimum required front yard setback for the proposed single residential dwelling is 4.5m. The proposed setback for the projecting second storey deck is 2.5m, a requested variance of 2.0m.

Minimum Flanking Side Yard Setback

The minimum required flanking side yard setback for the proposed single residential dwelling and accessory building (detached garage) is 4.0m. The proposed flanking side yard setback for both buildings is 1.5m, a requested variance of 2.5m.

The applicant has provided the following rationale in support of the variance request:

- The flanking side yard setback and the sewer statutory right-of-way at the rear of the property are design constraints which narrow the building envelope.
- The proposed detached garage location supports vehicle maneuvering within the property and allows the retention of the mature trees within the undeveloped road dedication.
- The existing dwelling at neighbouring 1540 Loat Street is also located within the 4.0m flanking side yard setback from the undeveloped road.

Staff support the proposed variances and note that the proposed siting will not negatively impact adjacent properties or the undeveloped road dedication. The proposed flanking side yard setback would function like a typical side yard and provide a separation distance of approximately 21.5m between the proposed buildings and the neighbouring property line of 1540 Loat Street. The retention of trees within the undeveloped road dedication provides some vegetative screening between the proposed dwelling and adjacent residence. Furthermore, with the primary views from the projecting second storey deck being to the northeast, impacts on privacy of neighbours are mitigated by the width of the road intersection separating properties. The proposed variances will also allow the owners to achieve their desired flexible outdoor living space while accommodating a functional driveway access.

SUMMARY POINTS

- Development Variance Permit Application No. DVP464 is to allow a single residential dwelling and accessory building with variances to reduce the minimum front yard setback from 4.5m to 2.5m and to reduce the minimum flanking side yard setback from 4.0m to 1.5m.
- Staff support the proposed variances, as no negative impact to the adjacent properties or the existing road dedication is anticipated.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Subject Property Map
ATTACHMENT C: Site Survey Plan
ATTACHMENT D: Proposed Building Renderings

Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Planning & Development

ATTACHMENT A
PERMIT TERMS AND CONDITIONS

TERMS OF PERMIT

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

1. *Sections 7.5.1 and 7.5.7 Siting of Buildings* – to reduce the minimum required front yard setback from 4.5m to 2.5m for a proposed single residential dwelling.

2. *Sections 6.6.4, 7.5.1, and 7.5.7 Siting of Buildings* – to reduce the minimum required flanking side yard setback from 4.0m to 1.5m for a proposed single residential dwelling and accessory building.

CONDITIONS OF PERMIT

1. The subject property shall be developed in accordance with the Site Survey Plan, prepared by Harbour City Land Surveying Ltd., dated 2024-MAR-19, as shown in Attachment C.

ATTACHMENT B
SUBJECT PROPERTY MAP

ATTACHMENT C
SITE SURVEY PLAN

B.C. LAND SURVEYOR'S CERTIFICATE OF PROPOSED LOCATION ON:
LOT 4, BLOCK 9, SECTION 1, WELLINGTON DISTRICT, PLAN 414.

0 2.5 5.0 7.5 10.0 12.5 15.0

ALL DISTANCES AND ELEVATIONS ARE IN METRES AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.

THE INTENDED PLOT SIZE OF THIS PLAN IS 432 mm IN WIDTH BY 279 mm IN HEIGHT (B SIZE)
WHEN PLOTTED AT A SCALE OF 1:250.

LOT DIMENSIONS ARE DERIVED FROM FIELD MEASUREMENTS.

CIVIC ADDRESS: 1610 LOAT STREET, NANAIMO.

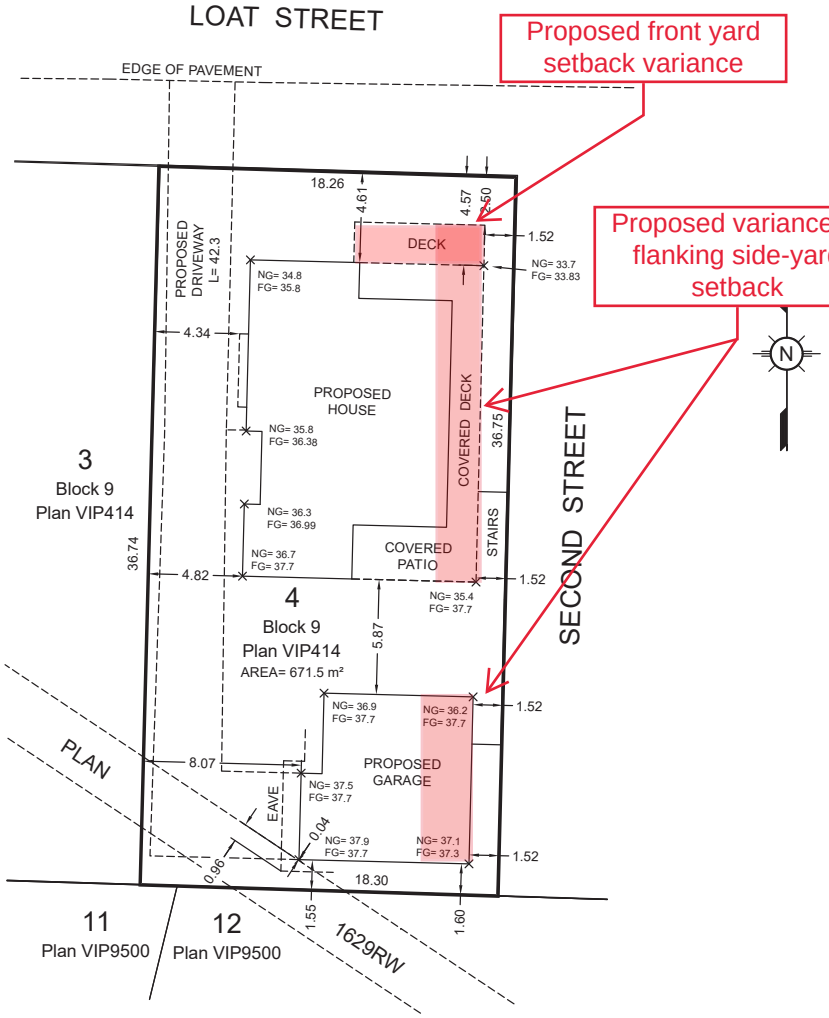
PID: 009-078-576 ZONING: R1.

LEGEND:

× DENOTES ELEVATION AT HOUSE CORNER;
FG DENOTES FINISHED GRADE;
NG DENOTES NATURAL GRADE;
L DENOTES LENGTH.

ELEVATION DATUM IS DERIVED FROM OBSERVATION TO GEODETIC MONUMENT 3479.
MONUMENT ELEVATION = 30.957 (CVD28BC).

HOUSE DESIGN FROM MIDDLETON ARCHITECT.



MAXIMUM HOUSE HEIGHT CALCULATION	
MBFE	UNKNOWN
BUILDING SCHEME	N/A
MEAN FG	36.40
MEAN NG	35.45
MAXIMUM HEIGHT	7.0
MAXIMUM ROOF PEAK	42.45
PROPOSED LOWER FLOOR	34.65
HEIGHT UPPER FLOOR	37.70
HEIGHT UPPER TO PEAK	4.28
PROPOSED ROOF PEAK	41.98

MAXIMUM GARAGE HEIGHT CALCULATION	
MBFE	UNKNOWN
BUILDING SCHEME	N/A
MEAN FG	37.62
MEAN NG	37.12
MAXIMUM HEIGHT	4.5
MAXIMUM ROOF PEAK	41.62
HEIGHT OF SLAB	37.70
HEIGHT SLAB TO PEAK	3.85
PROPOSED ROOF PEAK	41.55

MAX. GARAGE SLAB ELEVATION PER CITY OF NANAIMO GUIDELINES FOR SINGLE FAMILY ACCESS	
EDGE OF PAVEMENT ELEVATION	34.01
MAXIMUM RECOMMENDED RISE	7.65
MAX. GARAGE SLAB ELEVATION	41.66
PROPOSED SLAB ELEVATION	37.70

THE UNDERSIGNED CONFIRMS THAT HE HAS BEEN RETAINED BY RON WILLIAMS TO PROVIDE FOUNDATION LAYOUT IN ACCORDANCE WITH THE FOUNDATION LOCATION SHOWN ON THIS PLAN.

THIS PARCEL MAY BE SUBJECT TO REGISTERED CHARGES, INTERESTS AND LEGAL NOTATIONS AS SHOWN ON TITLE NO: CB250425.

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

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 BUILDING LOCATION CERTIFICATE HAS BEEN PREPARED IN ACCORDANCE WITH THE MANUAL OF STANDARD PRACTICE AND IS CERTIFIED CORRECT THIS DATE OF : March 19, 2024.

Andre McNicoll SJDMHH

Digitally signed by Andre McNicoll SJDMHH
Date: 2024.03.19 09:27:23 -07'00'

ANDRÉ MCNICOLL B.C.L.S.
THIS DOCUMENT IS INVALID UNLESS DIGITALLY SIGNED.

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 REESTABLISH BOUNDARY LINES.

Harbour City Land Surveying Ltd.
1825 LATIMER ROAD
NANAIMO BC V9S 5H2
PHONE: 250-758-4180

DRAWING: 23030 HS.DWG
BASE PLAN: 23030 BASE PLAN.DWG
LAYOUT: 3

ATTACHMENT D
PROPOSED BUILDING RENDERINGS

Client

Williams Residence

Date	Revision/Issue
2023 12 26	Schematic Design
2024 01 18	Design Development
2024 02 15	Building Permit (Preliminary)

Middleton
Architect
553 Larch Street, Nanaimo B.C.
Canada, V9S-2G2
nemiddle@telus .net
Mobile: 250 713 7697

Seal

Project

Proposed Residence at
1610 Loat Street
Nanaimo BC

Sheet Title

Cover

Sheet Number

A 0.1