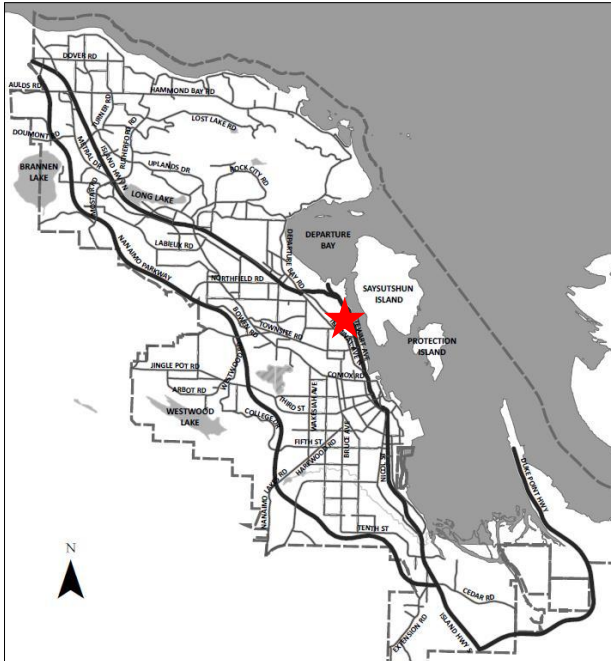


FOR: COUNCIL MEETING

MEETING DATE: July 27, 2026

DEPARTMENT: PLANNING AND DEVELOPMENT

SUBJECT: **DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP495 – 1451
BELFORD AVENUE**



Proposal:

Variance to allow an open deck addition to an existing dwelling unit

Zoning:

R5 – Three and Four Unit Residential

City Plan Land Use Designation:

Suburban Neighbourhood

Lot Area:

831m²

DVP



OVERVIEW**Purpose of Report**

To present for Council's consideration a development variance permit application to reduce the required north side yard setback to allow construction of an open deck at 1451 Belford Avenue.

Recommendation

That Council issue Development Variance Permit No. DVP495 for a proposed open deck at 1451 Belford Avenue with a variance as outlined in the "Proposed Variance" section of the Staff Report titled "Development Variance Permit Application No. DVP495 – 1451 Belford Avenue", dated 2026-JUL-27.

BACKGROUND

A development variance permit application, DVP495, was received from Spencer Rispin to reduce the required side yard setback to facilitate the construction of an open deck on the north side of an existing single residential dwelling.

Subject Property and Site Context

The subject property is located on Belford Avenue between Larch Street and Willow Street within the Brechin Hill Neighbourhood. The property currently contains a single residential dwelling and accessory structures and slopes down approximately 4.5m from west to east. The surrounding neighbourhood includes low-density single residential dwellings, as well as Barney Moriez Park, Terminal Park Shopping Centre, and Generations Church.

DISCUSSION**Proposed Development**

The applicant is proposing to construct a 35.38m² L-shaped open deck on the second storey of the existing dwelling, extending along the north and west sides of the building.

Proposed Variance*Side Yard Setback*

The minimum required side yard setback in the R5 zone is 1.5m. The proposed north side yard setback is 0.1m, a requested variance of 1.4m.

The "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw") permits open decks to project into the front, flanking side, and rear yard setbacks. However, open decks are not permitted to project into a side yard setback. As such, the applicant has requested a variance to facilitate the construction of a deck extending from the second floor of the existing dwelling, providing additional outdoor amenity space and views toward Departure Bay.

Referrals to City departments have been undertaken and the Building Department has advised that the deck must be of non-combustible construction, as it is located within 1.2m of the property line.

The City of Nanaimo's *Consideration of Variances Policy* outlines considerations for evaluating Development Variance Permit applications such as land use justification, and potential aesthetic, functional, or environmental impacts. Staff note that the proposed open deck may result in privacy, shadowing, or overlook impacts on adjacent properties.

The applicant has provided the following rationale demonstrating how they can address these considerations:

- The proposed location of the deck in the side yard will not obstruct views from the neighbouring properties.
- The deck will be constructed using fire-resistant materials.

Four letters of support were received from the neighbouring properties, including a letter from 411 Larch Street, which is directly adjacent to the subject property.

Staff support the proposed variance as the proposed open deck would provide additional outdoor amenity space without resulting in inappropriate development of the site. The variance is required to facilitate the construction of a 35.38m² open deck attached to an existing single residential dwelling and does not alter the subject property's residential use or character of the neighbourhood. No negative impacts are anticipated on adjacent properties or views from neighbouring lots given the sloping topography; and the letter of support was received from the immediate neighbouring property at 411 Larch Street in support of the application.

COMMUNICATION AND COMMUNITY ENGAGEMENT

Pursuant to Section 499 of the *Local Government Act*, notification for the proposed Development Variance Permit No. DVP495 was mailed on 2026-JUL-09 to property owners/residents within 10m of the subject property. No written submissions were received prior to the time of writing the report. |

KEY MESSAGES

- Development Variance Permit Application No. DVP495 is to reduce required north side yard setback to allow construction of an open deck at 1451 Belford Avenue.
- No negative impacts are anticipated, and the letter of support was received from some of the immediate neighbouring property in support of the application.
- Staff support the proposed variance. |

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions

ATTACHMENT B: Subject Property Map

ATTACHMENT C: Survey Plan

ATTACHMENT D: Building Elevations |

Authored by:

Vidhi Kyada
Planner I, Current Planning

Concurrence by:

Lainya Rowett
Manager, Current Planning

Jeremy Holm
Director, Planning and Development

ATTACHMENT A

PERMIT TERMS AND CONDITIONS

TERMS OF PERMIT

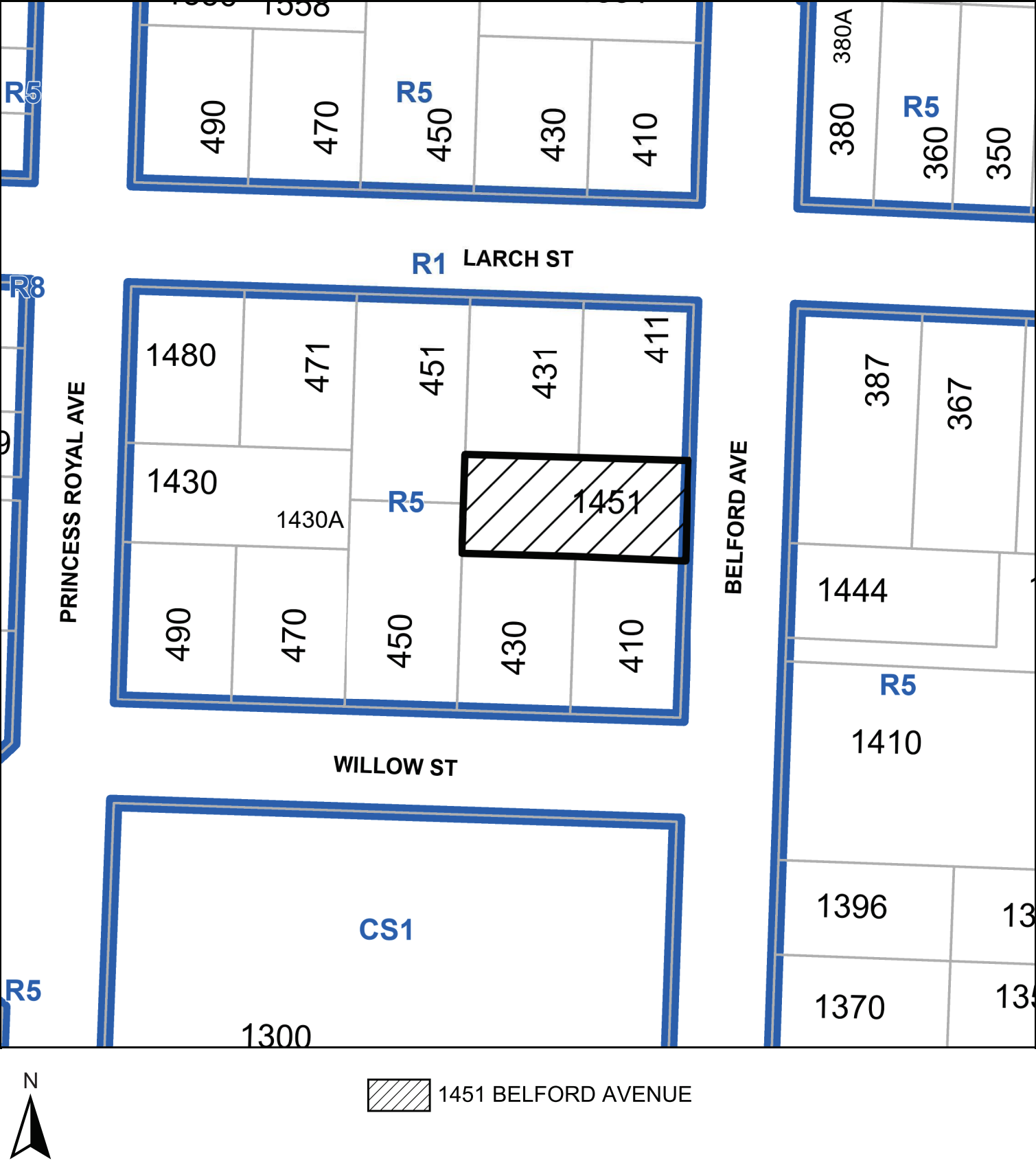
The “City of Nanaimo Bylaw Zoning 2011 No. 4500” is varied as follows:

1. *Section 7.5.1 Siting of Buildings* – to reduce the minimum required north side yard setback from 1.5m to 0.1m, as proposed.

CONDITIONS OF PERMIT

1. The subject property shall be developed in accordance with the Site Survey, prepared by Bennett Land Surveying Ltd., dated 2022-APR-21, as shown in Attachment C.

ATTACHMENT B
SUBJECT PROPERTY MAP



B. C. LAND SURVEYOR'S CERTIFICATE OF LOCATION
OF BUILDINGS ON LOT 6, PLAN 10848,
SECTION 1, NANAIMO DISTRICT.

All distances are in metres.

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B. C. L. S.

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ATTACHMENT D BUILDING ELEVATIONS

