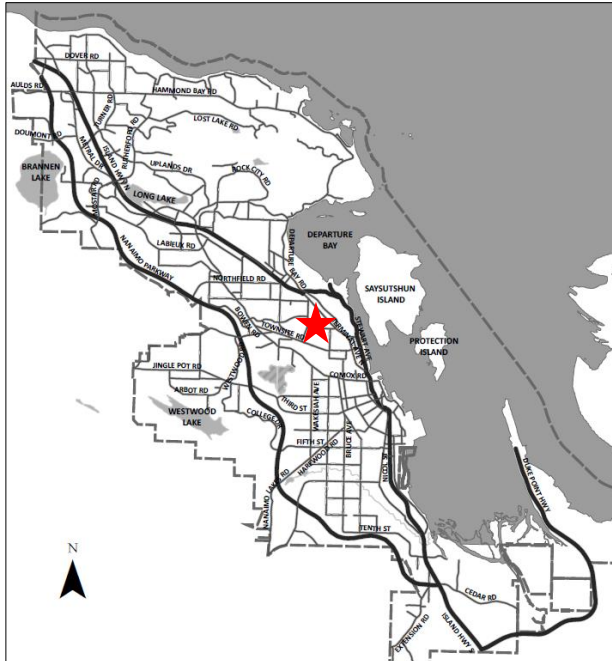


FOR: COUNCIL MEETING

MEETING DATE: October 5, 2026

DEPARTMENT: PLANNING AND DEVELOPMENT

SUBJECT: **DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP497 – 1305 WADDINGTON ROAD**



Proposal:
Flanking side yard setback variance

Zoning:
R5 – Three and Four Unit Residential

City Plan Land Use Designation:
Neighbourhood

Lot Area:
397.96m²

DVP



OVERVIEW**Purpose of Report**

To present for Council's consideration a development variance permit application to reduce the required flanking side yard setback to allow the construction of a single residential dwelling at 1305 Waddington Road.

Recommendation

That Council issue Development Variance Permit No. DVP497 for a proposed single family dwelling at 1305 Waddington Road with a variance as outlined in the "Proposed Variance" section of the Staff Report titled "Development Variance Permit Application No. DVP497 – 1305 Waddington Road" dated 2026-OCT-05.

BACKGROUND

A development variance permit application, DVP497, was received from James Tonsi on behalf of Brandon Michael Butt to reduce the required flanking side yard setback to facilitate the construction of a single residential dwelling at 1305 Waddington Road.

Subject Property and Site Context

The subject property is located at the northwest corner of the Oakley Crescent and Waddington Road intersection within the Townsite Neighborhood. The property currently consists of two narrow legal lots, each approximately 11.7m wide, and contains a single residential dwelling and a garage that straddles both lots. The surrounding neighbourhood is predominantly characterized by low-density single residential dwellings, as well as a small commercial building located approximately 115m to the northeast, the former Dufferin School property to the west, Beaufort Park to the south, and Nanaimo Regional General Hospital to the northwest. Oakley Crescent terminates at the former school property.

A Development Variance Permit (DVP00340) was approved in 2018 to reduce a flanking side yard setback from 4.0m to 2.0m to facilitate the construction of a single residential dwelling with a carriage house. The applicant did not proceed with the construction and the permit lapsed. The current application requests a slightly reduced flanking side yard setback, as the proposed dwelling has been relocated to accommodate future road dedication requirements along Waddington Road.

DISCUSSION**Proposed Development**

The applicant is proposing to remove the existing dwelling and accessory structures on Lots 1 and 2, which straddle the property line, and add a single residential dwelling on Lot 1. No development is proposed on Lot 2 at this time. Access to Lot 1 is provided from Oakley Crescent. A flanking side yard setback variance is requested in order to construct a 193m² two-storey single residential dwelling (with a single car garage) on Lot 1. Given the lot's narrow width, the required 4.0m flanking side yard setback and 1.5m side yard setback reduce the available building envelope to approximately 6.2 m in width. In order to allow a more

functional building envelope, the applicant is proposing to reduce the flanking side yard setback adjacent to Oakley Crescent.

The dwelling includes extended rooftop eaves and a timber reach feature between the first and second storey, both of which will project an additional 1m on the front and flanking side yard from the foundation as permitted in the Zoning.

On 2026-JUL-06 Council amended the “*Officer Designation and Delegation of Authority Bylaw, 2022 No. 7353*” to include the designation of Servicing Officers, pursuant to Sections 513.2 and 513.3 of the *Local Government Act* and the *Local Government Act Planning and Land Use Management Regulation*. A Servicing Officer has the authority to require road dedication as a condition of Building Permit issuance. Waddington Road is classified as an Urban Collector and requires a 2.5m road dedication at the Building Permit stage to achieve the ultimate 25.0m road width. The applicant has repositioned the proposed dwelling 2.5m further from the front property line to accommodate future road widening. As the lot narrows toward the rear, the relocation results in a proposed flanking side yard setback of 1.8m, compared to the 2.0m setback approved under DVP00340. However, the general size and location of the dwelling are consistent with the previously approved plans.

Proposed Variances

Flanking Side Yard Setback

Although the subject property is zoned Three and Four Unit Residential (R5), Section 7.5.7 specifies that where the principal use is a single residential dwelling in the R5 zone, the minimum required setbacks from the property lines shall be as specified within the R1 zone. The minimum required flanking side yard setback for a single residential dwelling in the R1 zone is 4m. The proposed setback is 1.8m, a proposed variance of 2.2m.

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

- The variance is necessary to accommodate a more functional building envelope.
- The reduced setback does not impact visibility at the corner of the intersection.
- The construction of new home will provide a visual improvement to the area and contribute to the neighborhood's revitalization.

Staff support the proposed variance as the reduced flanking side yard setback is not anticipated to negatively impact adjacent properties. The variance will allow for a more functional building envelope on a narrow lot and will facilitate redevelopment of the site with a new single residential dwelling. No negative impacts are anticipated on adjacent properties, and three letters of support were received from the neighbouring properties. The proposed development is compatible with the surrounding low-density residential neighbourhood and will improve compliance with the Zoning Bylaw by replacing the existing dwelling that straddles the property line with a dwelling located entirely within Lot 1.

COMMUNICATION AND COMMUNITY ENGAGEMENT

Pursuant to Section 499 of the *Local Government Act*, notification for the proposed Development Variance Permit No. DVP497 was mailed on 2026-SEP-24 to property owners/residents within 10m of the subject property. No written submissions were received prior to the time of writing this report. |

KEY MESSAGES

- Development Variance Permit Application No. DVP497 is to reduce the required flanking side yard setback to facilitate the construction of a single residential dwelling at 1305 Waddington Road.
- No negative impacts are anticipated, and the letters of support were received from three neighbouring properties.
- 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

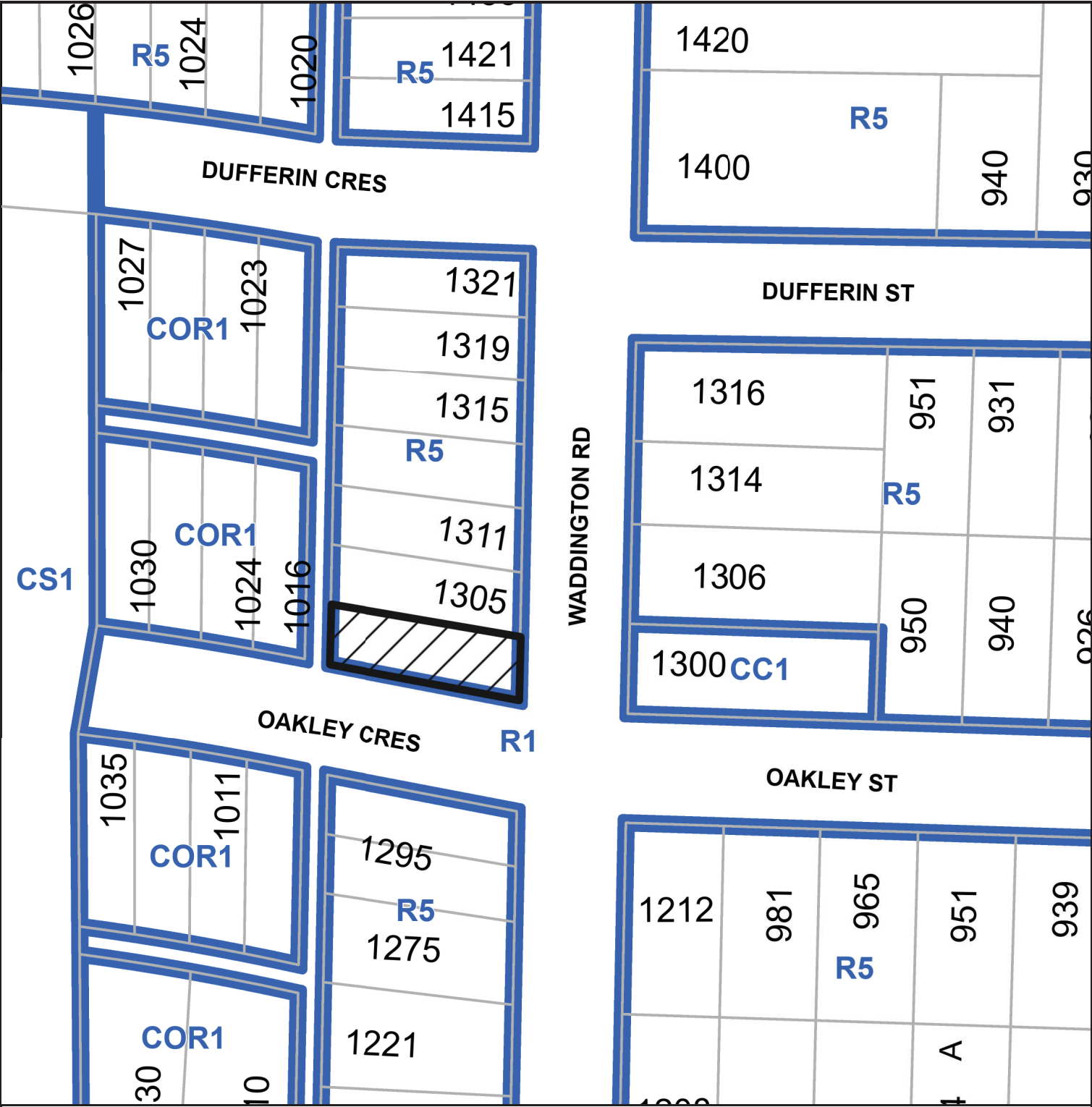
The “City of Nanaimo Bylaw Zoning 2011 No. 4500” is varied as follows:

1. *Section 7.5.1 Siting of Buildings* – to reduce the minimum required flanking side yard setback along Oakley Crescent from 4.0m to 1.8m, for a single residential dwelling.

CONDITIONS OF PERMIT

1. The subject property shall be developed in accordance with the Site Survey, prepared by Harbour City Land Surveying Ltd., dated 2026-SEP-14, as shown in Attachment C.

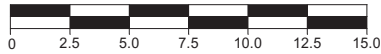
ATTACHMENT B
SUBJECT PROPERTY MAP



 1305 WADDINGTON ROAD

ATTACHMENT C SURVEY PLAN

B.C. LAND SURVEYOR'S CERTIFICATE OF PROPOSED LOCATION ON:
LOT 1, BLOCK 18, DISTRICT LOT 97G, NEWCASTLE RESERVE
SECTION 1, NANAIMO DISTRICT, PLAN 1712.



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

THE INTENDED PLOT SIZE OF THIS PLAN IS 356 mm IN WIDTH BY 216 mm IN HEIGHT (LEGAL SIZE) WHEN PLOTTED AT A SCALE OF 1:250.

LOT DIMENSIONS ARE DERIVED FROM FIELD SURVEY.

CIVIC ADDRESS: 1305 WADDINGTON ROAD, NANAIMO.

PID: 006-988-431 ZONING: R5.

HOUSE DESIGN FROM COASTAL CONCEPTS DESIGN.
DRAWINGS DATES AUGUST 31, 2026.

ELEVATION DATUM IS DERIVED FROM OBSERVATION
TO GEODETIC MONUMENT 77H5282.
MONUMENT ELEVATION = 68.304.

FG 71.1 DENOTES TYPICAL SPOT ELEVATION OF PROPOSED FINISHED GRADE (FG) IN CONFORMANCE WITH THE CITY OF NANAIMO ZONING BYLAW.

NG 70.7 DENOTES TYPICAL SPOT ELEVATION OF NATURAL GRADE (NG) IN CONFORMANCE WITH THE CITY OF NANAIMO ZONING BYLAW.

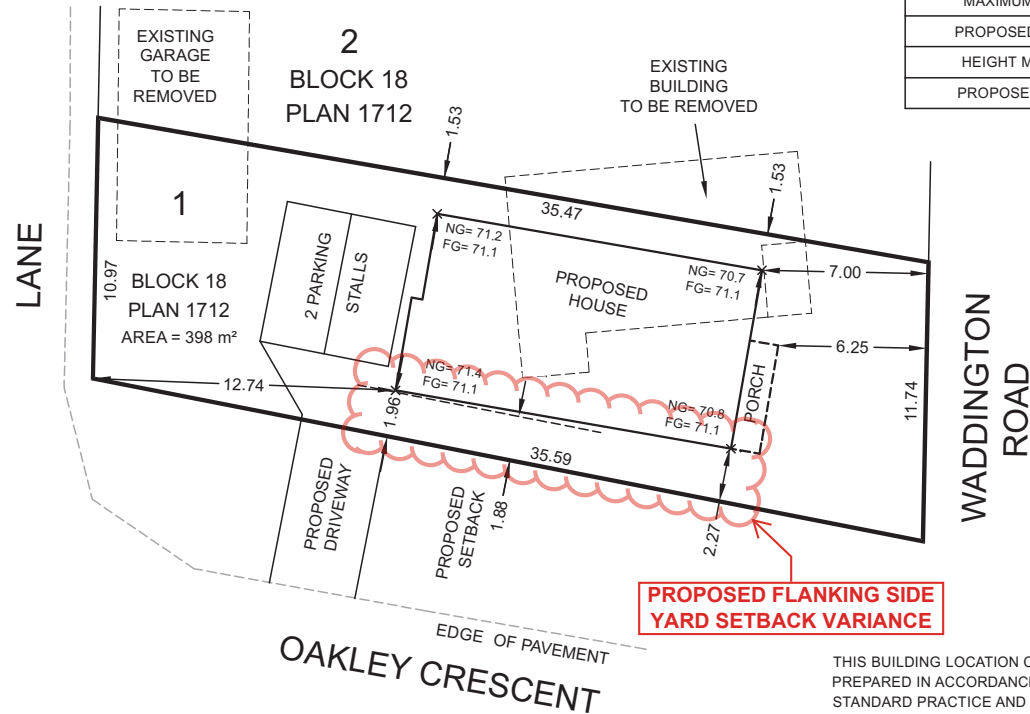
THIS PLAN PURPORTS TO POSITION ONLY THE ACTUAL AND/OR PROPOSED IMPROVEMENT(S) SHOWN RELATIVE TO ONLY THE BOUNDARIES SHOWN OF OR APPURTENANT TO THE ABOVE DESCRIBED PARCEL(S).
THIS PLAN PROVIDES NO WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE LOCATION OF ANY OTHER ACTUAL OR PROPOSED IMPROVEMENT(S) RELATIVE TO ANY BOUNDARY OF OR APPURTENANT TO THE ABOVE DESCRIBED PARCEL(S).
THIS PLAN IS NOT TO BE USED TO RE-ESTABLISH BOUNDARY LINES.

Harbour City Land Surveying Ltd.
1825 LATIMER ROAD © 2026
NANAIMO BC V9S 5H2
PHONE: 250-758-4180
DRAWING: 17080 HS SEP 14 2026.DWG
BASE DRAWING: 17080 BASEPLAN.DWG
LAYOUT: 1

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 PARCEL MAY BE SUBJECT TO REGISTERED CHARGES, INTERESTS AND LEGAL NOTATIONS AS SHOWN ON TITLE NO: FB281557.

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



MAXIMUM HOUSE HEIGHT CALCULATION	
MEAN FG	71.10
MEAN FLG/NG	71.03
MAXIMUM HEIGHT PER BYLAW	9.0
MAXIMUM ROOF PEAK	80.03
PROPOSED MAIN FLOOR	71.28
HEIGHT MAIN TO PEAK	8.53
PROPOSED ROOF PEAK	79.81

**PROPOSED FLANKING SIDE
YARD SETBACK VARIANCE**

THIS BUILDING LOCATION CERTIFICATE HAS BEEN PREPARED IN ACCORDANCE WITH THE MANUAL OF STANDARD PRACTICE AND IS CERTIFIED CORRECT THIS DATE OF September 14, 2026.

Height and Variance Survey

André McNicoll

2026-09-14

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

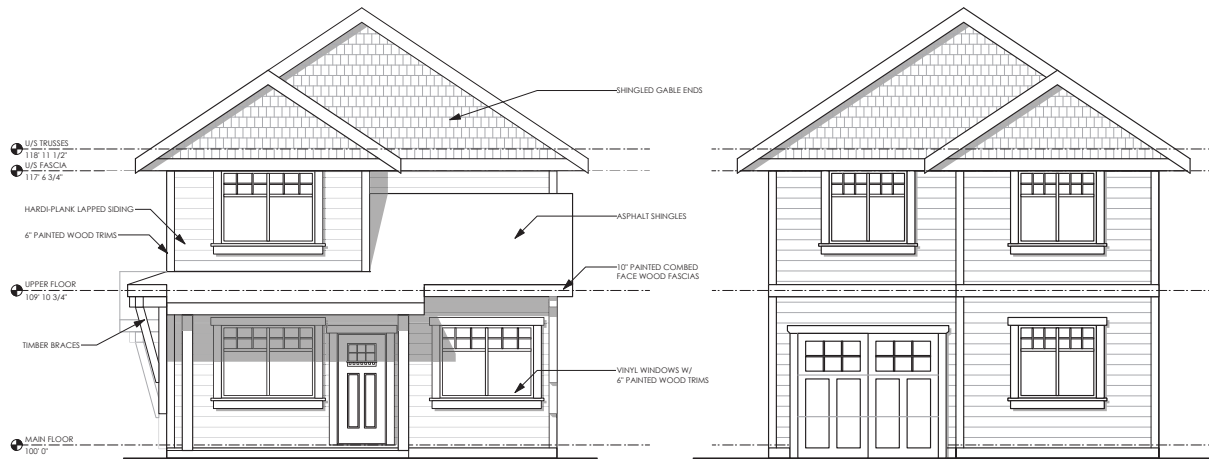
RECEIVED
DVP497
2026-SEP-14
Current Planning

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

ATTACHMENT D BUILDING ELEVATIONS

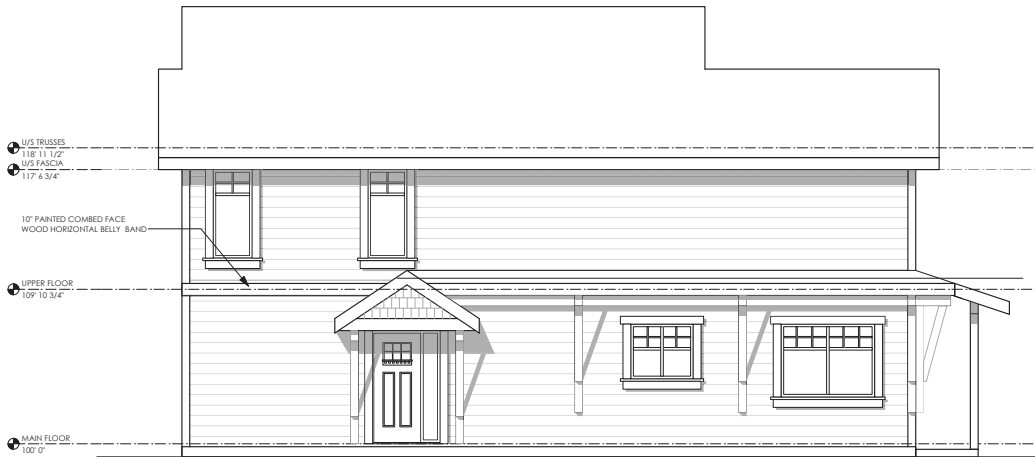
REVISIONS / ISSUE:
19 May 2026

For Variance

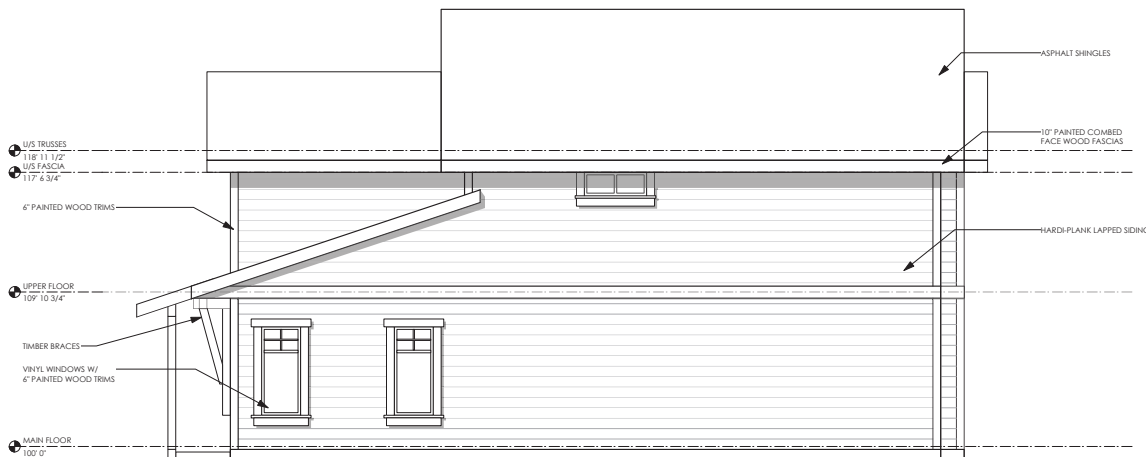


3 Front Elevation
PR2 3/16" = 1'-0"

4 Rear Elevation
PR2 3/16" = 1'-0"



5 South Elevation
PR2 3/16" = 1'-0"



6 North Elevation
PR2 3/16" = 1'-0"

RECEIVED
DVP497
2026-JUL-10
Current Planning

Coastal Concepts
DESIGN | DRAFTING

1772 Harvest Place Nanaimo BC V9X 1X4
samantha@coastalconceptsdrafting.ca 250.714.3032

PROJECT NAME:

Proposed Residence
1305 Waddington Road
Nanaimo, BC

DRAWING NAME

Proposed Plans & Elevations

DRAWN BY

S.W.

SCALE

As Noted

DATE

As Noted Above

ISSUED FOR:

Variance

DRAWING NUMBER

PR2