

**City of Nanaimo**  
**REPORT TO COUNCIL**

DATE OF MEETING: 2012-AUG-13

AUTHORED BY: S. HERRERA, PLANNER, PLANNING & DESIGN SECTION

RE: REZONING APPLICATION NO. RA299 – 2022 LATIMER ROAD

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STAFF RECOMMENDATION:

That Council:

1. receive the report pertaining to “ZONING AMENDMENT BYLAW 2012 NO. 4500.028”; and
2. direct Staff to secure the community contribution and a covenant for general building design, prior to adoption of the bylaw, should Council support the bylaw at Third Reading.

PURPOSE:

The purpose of this report is to provide Council with background information regarding a new rezoning application for 2022 Latimer Road to facilitate a three-lot subdivision. The associated Zoning Bylaw 4500 amendment is being considered for First and Second Readings this evening.

BACKGROUND:

***Subject Property and Surrounding Area***

The subject property is located on the northwest corner of the Spencer Road and Latimer Road intersection (Location Plan – Attachment A). The existing parcel is approximately 1,307m<sup>2</sup>, and is occupied by a single dwelling. The majority of lots in the surrounding area are single dwelling lots, with a variety of lot sizes. Across the street to the east are two small lots zoned R2. Forest Park Elementary School is located 20m west of the subject property.

***Official Community Plan (OCP)***

The property falls within the ‘Neighbourhood’ designation, according to Map ‘1’ of the Official Community Plan (OCP). The relevant policies of the OCP are as follows:

- Development in ‘Neighbourhoods’ will be characterized by a mix of low density residential uses; densities from 10 to 50 units per hectare; and two to four storey building forms.
- The infill of residential lots is encouraged and will be designed to complement existing neighbourhood character including the ground-oriented nature of existing housing.
- Development of a mix of residential options for all demographic categories and levels of affordability across the city.

The proposed rezoning equates to a density of 23 units per hectare, which falls within the ‘Neighbourhood’ density range, as noted above. Staff is of the opinion that the proposed rezoning complies with the intent of the OCP.

**Proposed Development**

The applicant, Mr. Paul Minhas (on behalf of Jagats Holdings Ltd.), proposes to rezone part of the subject property from Single Dwelling Residential (R1) to Single Dwelling Residential - Small Lot (R2) in order to facilitate a three-lot subdivision (Lot Layout - Attachment B). All the proposed lots meet the applicable minimum zone requirements. The subdivision is proposed as follows:

LOT A	LOT B	LOT C
R2 zone	R2 zone	R1 zone (existing zone)
328m <sup>2</sup>	463m <sup>2</sup>	516m <sup>2</sup>
Create new lot	Create lot for existing house	Create new lot

**General Building Design**

Proposed Lot A is proposed with the minimum R2 lot frontage of 10m; therefore, an appropriately scaled home needs to be built on the lot. In order to ensure that the facade of the future home is not dominated by a large garage door, Staff recommends, as a condition of rezoning, that a covenant be secured to restrict any garage attached to the principal building to be restricted to a single car garage only.

**Development Variance Permit (DVP) Application**

The existing house is proposed on Lot B, which according to the survey provided would need a variance for the rear yard setback of 0.1 metres. The process for varying the setback requirements of the Zoning Bylaw is through a Development Variance Permit (DVP) application. A rezoning application relates to a change in zoning, principally to a change in land use and density; whereas a DVP application is requested when a development is unable to meet the specific regulations contained within the zone.

Council should take note that the DVP application process is a separate process and further consideration by Council would be required. As such, Staff has recommended to the applicant that the application for the DVP be submitted after Third Reading of the rezoning bylaw, should Council choose to support the bylaw. DVP applications require notification to neighbouring properties, which in this case means there would be back to back notification, first for the public hearing associated with this rezoning application, and second for the DVP application associated with the rear yard setback variance.

**Roadworks**

In anticipation of questions related to road improvements, the following comments are provided for Council's information. A preliminary assessment of the roadworks associated with this development has been conducted; however, only through the Design Stage Acceptance (DSA) process can the final requirements be determined:

*Latimer Road*

- no further widening is required, although existing asphalt may need to be replaced where it may currently be failing; and
- Latimer Road already has concrete curb, gutter and sidewalk.

*Spencer Road*

- may include some road widening; and
- replacement of asphalt sidewalk with concrete curb, gutter and sidewalk.

**Community Contribution**

As outlined in Section 7.3 of the OCP, in exchange for value conferred on land through a rezoning, the applicant should provide a community contribution. In response to Council's policy, the applicant is proposing a monetary contribution of \$3,000 towards the City of Nanaimo's Affordable Housing Legacy Fund. Staff supports this community contribution proposal and recommends that this item be secured as a condition of rezoning.

Respectfully submitted,

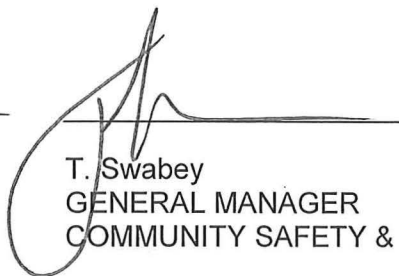


B. Anderson  
MANAGER  
PLANNING & DESIGN

Concurrence by:



A. Tucker  
DIRECTOR  
PLANNING

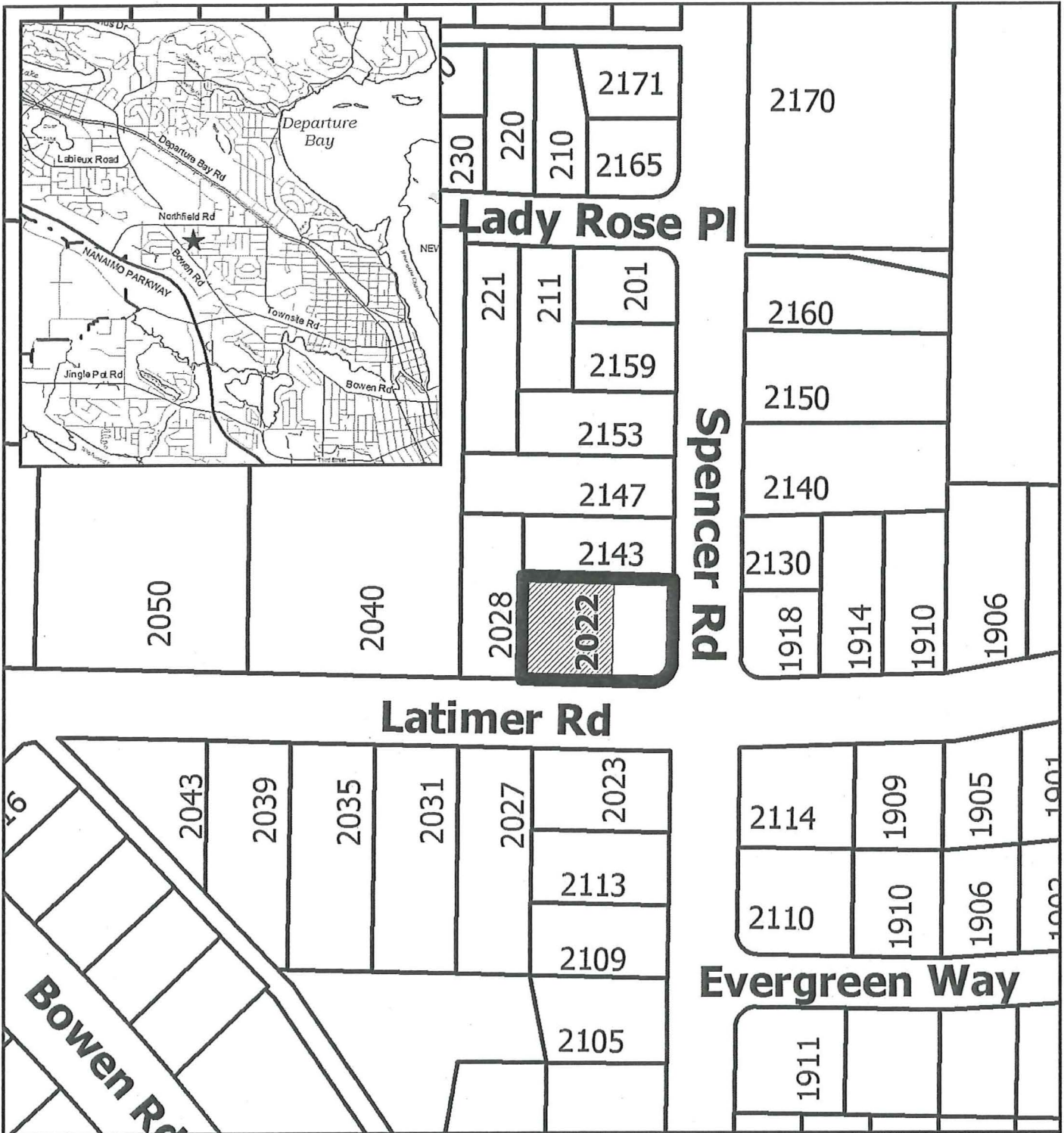


T. Swabey  
GENERAL MANAGER  
COMMUNITY SAFETY & DEVELOPMENT

CITY MANAGER COMMENT:

I concur with the staff recommendation.

*Drafted: 2012-JUL-26  
Prospero: RA299  
SH/pm*



REZONING APPLICATION NO. RA299

### LOCATION PLAN

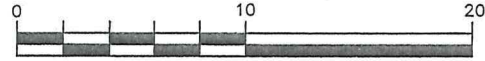
Civic: 2022 Latimer Road



-  Subject Property
-  Portion to be Rezoned

Plan showing proposed subdivision of:  
Lot 4, Section 17, Range 7,  
Mountain District, Plan 48434.

Civic Address: 2022 Latimer Road

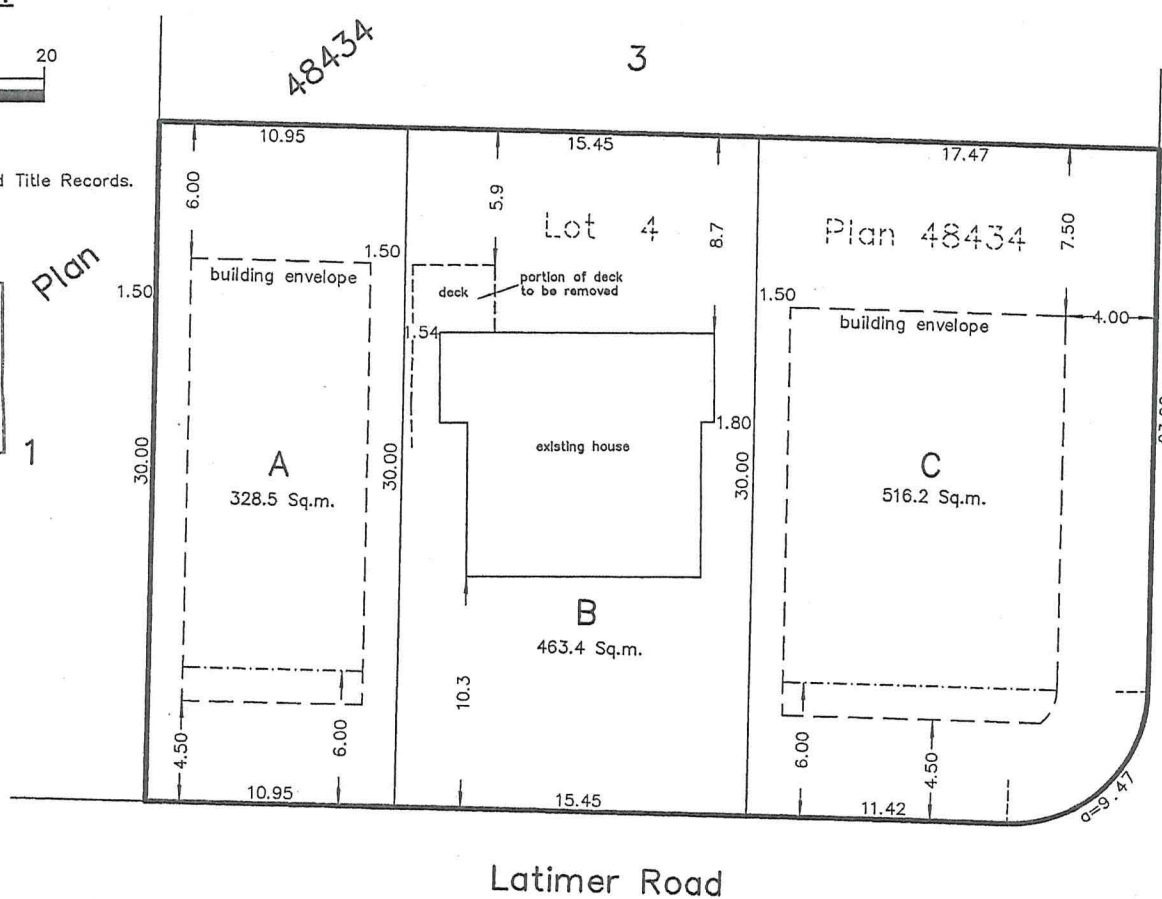
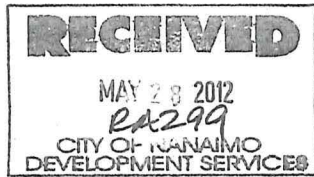


Scale 1:250

Distances shown are in metres.

Lot dimensions are derived from existing Land Title Records.

Dated this 24th day of May, 2012.



Spencer Road

Latimer Road

Turner Land Surveying Inc  
 605 Comox Road  
 Nanaimo, B.C.  
 V9R 3J4  
 250-753-9778  
 File: RT-94 D