

DATE OF MEETING November 19, 2018

AUTHORED BY MADELEINE KOCH, PLANNER, CURRENT PLANNING

SUBJECT DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP364 -  
4822 WHALLEY WAY

## **OVERVIEW**

### **Purpose of Report**

To present for Council's consideration, a development variance permit application to allow a setback variance for a garage fronting on Whalley Way.

### **Recommendation**

That Council issue Development Variance Permit No. DVP364 at 4822 Whalley Way with the following variance:

- reduce the minimum front yard setback for garage doors facing a street from 6m to 4.37m.

## **BACKGROUND**

A development variance permit application, DVP364, was received from Alair Homes on behalf of Darren Adams to vary the provisions of City of Nanaimo "Zoning Bylaw 2011 No. 4500" for a proposed dwelling to allow the garage door facing the street to be located within the front yard setback.

### **Subject Property**

<i>Zoning</i>	R10 - Steep Slope Residential
<i>Location</i>	The subject property is located on Whalley Way, off Ney Drive.
<i>Total area</i>	730m <sup>2</sup>
<i>Official Community Plan (OCP)</i>	Map 1 – Future Land Use - Neighbourhood

The subject property is currently vacant, contains rocky knolls, and backs onto a steep forested slope. A public walkway borders the north property line.

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

## **DISCUSSION**

### **Proposed Development**

The proposed development is a single family dwelling with an attached garage. A variance has been requested to allow the garage to be constructed with a portion located 4.37m from Whalley Way.

## Proposed Variance

### *Siting of Buildings*

All garage doors facing a street on a single residential dwelling must be set back at least 6m. The proposed garage door setback is 4.37m at its nearest point, a proposed variance of 1.63m.

Due to the angle of the front lot line, only part of the proposed garage will encroach into the 6m setback (the southern portion of the garage door meets the 6m setback). Part of the intent for requiring a 6m setback for garages is to accommodate parked vehicles in the driveway. If the variance is granted, the driveway could still accommodate some off-street parking.

Because each lot on Ney Drive and Whalley Way is increasingly stepped back, the proposed garage location is generally consistent with the layout of dwellings on adjacent properties.

In order to meet the setback requirements, the house would have to be irregularly shaped and additional measures would be required to work around the rock knoll in the rear yard. Locating the house and garage in accordance with the variance proposal would allow for a more practical building envelope and greater separation from the public walkway on the north side.

Given the lot configuration and topography, the requested variance would accommodate a practical building envelope without negatively impacting the neighbouring lots.

See Attachments for more information.

### **SUMMARY POINTS**

- Development Variance Permit No. DVP364 proposes a variance to allow a garage door facing Whalley Way from 6m to 4.37m.
- The building envelope is constrained by rocky topography and an irregular lot shape.
- The variance is only needed for a portion of the garage door facing the street.

### **ATTACHMENTS**

ATTACHMENT A: Permit Terms and Conditions  
ATTACHMENT B: Location Plan  
ATTACHMENT C: Site Plan  
ATTACHMENT D: Aerial Photo

### **Submitted by:**

L. Rowett  
Manager, Current Planning

### **Concurrence by:**

D. Lindsay  
Director, Community Development