

January 30, 2020

City of Nanaimo  
Community Development Department  
411 Dunsmuir St.  
Nanaimo, BC V9R 5J6

Attn: Planning Department

**Re: Variance rationale for 178 Bryden Street, Nanaimo, BC**

Hello:

We are submitting this Variance Rationale on behalf of our Client who owns the house at 178 Bryden Street in Nanaimo BC. We have prepared the following report addressing the objectives of the above-mentioned project. We are requesting a variance of 6.05m for the rear yard setback.

**Project Site Description**

The property in question is located at 178 Bryden Street in Nanaimo, BC. The property forms the corner lot and is located at the North-East intersection of Bryden Street and Vancouver Avenue.

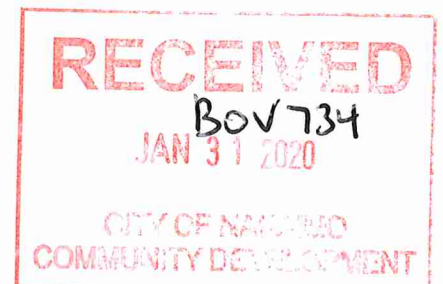
This lot houses a two-storey single family dwelling the house built in the 1930's and would be described as a 'Heritage House' in common lexicon. The house has a Building Area of The house fronts Bryden Street and flanks Vancouver Avenue. The house is serviced by a short driveway with access off of Vancouver Ave. The lot is home to established trees and planting, and the rear of the house is bounded with a wood fence and more plantings.

Finishing off the rear yard is an existing semi-enclosed rear deck with a roof. The deck area is deck is 23.6m<sup>2</sup> and is what we will be addressing in this Variance rational. Details will be provided below. Photos of the existing house, as well as a site plan showing existing and required setback are provided at the end of this letter in the appendix.

**Zoning**

The property is currently Zoned R-8 – Medium Density Residential as per the NanaimoMap zoning layer. As per Part 7 – Residential of the Nanaimo Zoning Bylaw 4500 the following information is listed.

	Required	Existing Condition
<b>Lot Dimensions</b>		
Min. Lot Size	1,800m <sup>2</sup>	572m <sup>2</sup>
Min. Frontage	15m	21.34m
Min. Depth	30m	26.81m
Coverage	40% max.	32.3%



( 228.8m<sup>2</sup>)                      (184.96m<sup>2</sup>)

**Setbacks**

Front Yard	6m	4.81m
Side Yard	3m	2.36m
Flanking Yard	4m	6.09m
Rear Yard	10.5m	8.19m (house) 4.45m (deck)

**Proposed Project Description**

The Client currently has an existing covered deck in place in the rear yard of the property. As per the above Zoning section, the existing house is non-conforming to the current zoning. The R8 zoning for this area does not account for the existing housing stock in the neighbourhood. As such, the current zoning setbacks do not currently accommodate the existing house nor the existing deck.

The deck to the rear of the house in need of replacement, as it has outlived its useful life and is starting to deteriorate. The deck currently is an elevated deck approx. 1.22m higher than the rear yard level and flush with the main floor. The deck is a semi-enclosed structure with operable screens installed. Topping the existing deck is a low slope shed roof spanning from the house to a small overhang in the rear yard. I have attached photos of the house and deck that have been procured from Google Earth Street view.

The property owner is looking to rebuild the deck within the existing rear yard encroachment. Part of this rebuild will include replacing the deck roof with a new deck accessed off the second floor. The deck structure will be standard wood framing with a vinyl deck membrane. The new guardrails will be pre-manufactured aluminum with glazed in-fill guards. New stairs will be proposed, also fitting into the existing rear yard encroachment line. This will provide some useful outdoor space accessed off the upper floor, and providing another egress route from the upper floor of the house.

**Hardships**

As per the variance rationale, I will now review the hardships involved in this rational. This house pre-dates and files that the City of Nanaimo has on file for this property. As such, it can be noted that this property has been in place for over 40 years since amalgamation of that area with the Regional District of Nanaimo. The yard, the deck, the plantings and use house have all been in use together for decades. The house and yard are designed around the rear deck. There is a framed double door in the rear of the house for access to the deck.

It is noted on the attached site plan that there is space on the Flanking Side Yard that compiles with the setback requirements of the properties. This space, while accommodating the driveway and the chimney is significantly smaller than the existing deck size at the rear of the building, being 12.4m<sup>2</sup> vs the existing 23.6m<sup>2</sup>. This would display a case of lack of amenity.



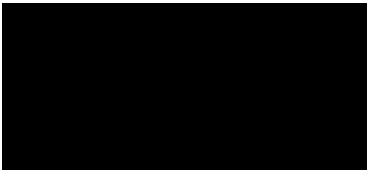
In this side yard there is no existing door. This would be a construction hardship. Since the building is from the 1930s, construction is more complicated than with current construction methods. The exterior finish is cementitious stucco, and the interior finish is lathe and plaster. The age of the materials also opens up the issue of materials abatement. This adds substantial increased cost and complexity to adding a door in this area. The area of the house on the flanking street also does not suit itself to having a door and deck access in this location. This would be detrimental to the owners use of their existing indoor floor area.

In this area on the flanking street there is significant mature trees and landscaping in this area. This provides a hardship to the owners, as the replacement of such landscaping is extremely difficult, as the replacement of such large planting is either expensive, or takes a considerable time.

Finally, providing a deck in the flanking street setback moves the private deck area from a fenced rear yard to the frontage facing Vancouver Avenue. This would prove to be a considerable loss of privacy as a deck in this location would be considerably closer to the street than the current location. The existing rear deck is set back 9.5m from Vancouver Ave, with mature planting and a fence to provide a privacy buffer from the road. A deck in the flanking street would be only 4m from the property line, and require considerable landscaping and fencing to provide a privacy buffer.

In closing, the owners of this property are requesting a variance of 6.05m to allow the construction of a replacement deck at the rear of their existing house. This deck would cover the same footprint as the existing in place deck.

If you have any additional questions please do not hesitate to reach out.



Yours truly,

Kyle Riley, Architectural Technologist, AIBC

