

DATE OF MEETING MAY 25, 2020

AUTHORED BY LAINY NOWAK, PLANNING ASSISTANT, CURRENT PLANNING

**SUBJECT DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP403 –  
1226 LAWLOR ROAD**

## **OVERVIEW**

### **Purpose of Report**

To present for Council's consideration, a development variance permit application to vary the front yard setback requirement for a mobile home within an existing mobile home park.

### **Recommendation**

That Council issue Development Variance Permit No. DVP403 at 1226 Lawlor Road with the following variance:

- reduce the minimum required front yard setback within mobile home Lot 19 from 4.5m to 3.32m.

## **BACKGROUND**

A development variance permit application, DVP403, was received from Keith Colton, to vary the provisions of the "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw") to reduce the minimum front yard setback requirement for a mobile home within an existing mobile home park at 1226 Lawlor Road.

The mobile home park has been in operation for many years, prior to the amalgamation with the City, and includes a mix of mobile home lots and recreational vehicle pad areas that are existing, non-conforming.

### **Subject Property and Site Context**

<i>Zoning</i>	R12 - Mobile Home Park Residential
<i>Location</i>	The subject property is located at the end of Lawlor Road on the west side of the Island Highway S.
<i>Lot Area</i>	7,010m <sup>2</sup>
<i>Official Community Plan (OCP)</i>	Commercial Centre

The City issued a Building Permit (BP126062) in March 2020 to locate a mobile home within mobile home Lot 19. The applicant provided documentation to show the new mobile home was able meet the minimum setback requirements in the R12 zone. However, upon inspection of the unit, it was determined the minimum required spatial separation would not be met between the new mobile within Lot 19 and an adjacent existing mobile within Lot 18.

The BC Building Code requires the opposing wall faces for the mobile homes within Lots 18 and 19 be no closer than 3m. This is normally achieved with the minimum required side yard setback of 1.5m on either side of a line. The existing mobile within Lot 18 has a non-conforming side yard setback of less than 1.5m to an addition on the mobile. As a result, the new mobile within Lot 19 must be relocated to ensure the minimum spatial separation is met.

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

## **DISCUSSION**

The applicant proposes a front yard setback variance within Lot 19 in order to move the mobile home closer to the internal road and meet the minimum required spatial separation from the mobile home within Lot 18. By moving the mobile home within Lot 19 forward, past the addition on the mobile home within Lot 18, the distance between opposing wall faces will exceed the minimum required spatial separation of 3m.

### **Proposed Variances**

#### *Front Yard Setback*

The Zoning Bylaw requires a minimum front yard setback of 4.5m for mobile home lots in the R12 zone. The applicant is requesting a minimum setback of 3.32m; a proposed variance of 1.18m.

The proposed location for the mobile home within Lot 19 will meet the minimum side and rear yard setbacks, and will not negatively impact the use of Lot 18. Staff support the proposed variance.

## **SUMMARY POINTS**

- The applicant is requesting to reduce the minimum required front yard setback from 4.5m to 3.32m for Lot 19.
- The proposed variance will allow the mobile home within Lot 19 to be relocated to ensure there is adequate spatial separation from an existing mobile home within Lot 18.
- Staff support the proposed variance.

**ATTACHMENTS:**

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

**Submitted by:**

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Manager, Current Planning

**Concurrence by:**

Jeremy Holm  
Director, Development Approvals

Dale Lindsay  
General Manager, Development Services