

DATE OF MEETING | May 25, 2020 |

AUTHORED BY | CALEB HORN, PLANNER, CURRENT PLANNING |

SUBJECT | **DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP402 –
236 HALIBURTON STREET** |

OVERVIEW

Purpose of Report

To present for Council's consideration a development variance permit application to vary the maximum front yard setback requirement for a proposed single residential dwelling. |

Recommendation

That Council issue Development Variance Permit No. DVP402 at 236 Haliburton Street with the following variance:

- increase the maximum allowable front yard setback from 7.5m to 15m for a proposed single residential dwelling.

BACKGROUND

A development variance permit application, DVP402, was received from Jeanette Levi to vary the provisions of "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw") to vary the maximum front yard setback for a proposed single residential dwelling at 236 Haliburton Street.

Subject Property and Site Context

<i>Zoning</i>	CC1 – Local Service Centre
<i>Location</i>	The subject property is located at the northwest corner of Haliburton Street and Farquhar Street, approximately 40m east of Nicol Street.
<i>Lot Area</i>	769m ²
<i>Official Community Plan Future Land Use Designation</i>	Neighbourhood
<i>Neighbourhood Plan Land Use Designation</i>	South End Neighbourhood Plan – Neighbourhood designation

The subject property is currently vacant and previously contained a house and a commercial store that were demolished in 2014. The property slopes downhill approximately 4m from a lane on the west side to Haliburton Street on the east side.

There are a variety of surrounding land uses, including a 45-unit multi-family residential building across the lane to the west, single residential dwellings to the north, the former Princess Royal Elementary School across Haliburton Street to the east, industrial uses across the intersection

to the southeast, and single residential dwellings and a motel across Farquhar Street to the south.

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

DISCUSSION

Proposed Development

The applicant is proposing to construct a two-storey single residential dwelling with a secondary suite on the western portion of the subject property. The front door will face Farquhar Street to the south, while the driveway access will be from the lane to the west. The eastern portion of the lot, facing Haliburton Street, will be utilized as an outdoor space where the applicant intends to install a garden. The property line abutting Haliburton Street will be considered the front lot line for the purposes of calculating setbacks.

Proposed Variance

Maximum Front Yard Setback

The Zoning Bylaw requires a minimum front yard setback of 4.5m and a maximum front yard setback of 7.5m in the CC1 zone. The applicant is proposing a front yard setback of 15m; a requested variance of 7.5m.

The subject property retains the CC1 commercial zoning from when the site hosted a commercial retail store. Under the CC1 zoning, there is no requirement to provide commercial space and a single residential dwelling is a permitted use. The maximum front yard setback in the CC1 zone is meant to ensure that commercial spaces interact with the public street frontage. There is no maximum front yard setback in residential zones, and none of the surrounding single residential dwellings on Haliburton or Farquhar Streets require maximum front yard setbacks, as they are not in the CC1 zone. Despite being a residential project, the CC1's siting requirements will apply to the proposed structure at 236 Haliburton Street.

The applicant has requested to vary the front yard setback and increase the setback to 15m in order to maximize outdoor yard area and provide sufficient space for the proposed garden on the exposed east-facing side of the site. Additionally, siting the proposed house on the higher side of the property will take advantage of ocean views from the new building. No negative impacts are anticipated and the home's front door facing Farquhar Street will fit the streetscape on the opposite side of the street where there is a single residential dwelling facing Farquhar. Large windows on the east elevation of the proposed dwelling, along with two decks, a patio, and a garden will provide a residential street presence along the Haliburton Street frontage.

Staff support the proposed variance.

SUMMARY POINTS

- Development Variance Permit Application No. DVP402 proposes a variance to increase the maximum allowable front yard setback from 7.5m to 15m at 236 Haliburton Street.
- The variance will allow the applicant to construct a new single residential dwelling, while maximizing outdoor yard space.
- No negative impacts are anticipated and Staff support the proposed variance.

ATTACHMENTS

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

Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services