

DATE OF MEETING | August 31, 2020

AUTHORED BY | CALEB HORN, PLANNER, CURRENT PLANNING

SUBJECT | DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP404 – 905 HECATE STREET

OVERVIEW

Purpose of Report

To present for Council’s consideration, a development variance permit application to vary the minimum front yard setback and minimum parking requirement for a proposed addition to an existing daycare building at 905 Hecate Street.

Recommendation

That Council issue Development Variance Permit No. DVP404 at 905 Hecate Street with the following variances:

- to reduce the minimum front yard setback from 6.0m to 4.2m; and
- to reduce the minimum required number of parking spaces from 14 spaces to 0 spaces.

BACKGROUND

A development variance permit application, DVP404, was received from Zabo Holdings Inc. to vary the provisions of “City of Nanaimo Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) and City of Nanaimo “Off-Street Parking Regulations Bylaw 2018 No. 7266” (the “Parking Bylaw”) for a proposed addition to an existing daycare building at 905 Hecate Street.

Subject Property and Site Context

<i>Zoning</i>	CS1 – Community Service One; and R14 – Old City Low Density (Fourplex) Residential
<i>Location</i>	The subject property is located on the east side of Hecate Street between Pine Street and Kennedy Street.
<i>Total Lot Area</i>	1,332m ²
<i>Official Community Plan (OCP) Future Land Use Designation</i>	Neighbourhood
<i>Neighbourhood Plan Land Use Designation</i>	Old City Neighbourhood Plan – Sub-Area 3 – Multi-Family Low Density designation

The subject property is split-zoned and contains an existing 277m² building occupied by the Nanaimo Innovation Academy daycare. The building was constructed in 1961 and was previously used by the Islamic Centre of Nanaimo. The property is relatively flat and flanked by Hecate Street to the west and the E&N Railway corridor to the north and east.

Surrounding land uses are primarily residential and include a 39-unit seniors' residence across Hecate Street to the west, single residential dwellings across the E&N Railway to the east, and a proposed fourplex development (DP1166) on the adjacent property 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 70m² addition on the northwest side of the existing building. The addition has been designed to be sympathetic with the existing building's design. The project will allow the Nanaimo Innovation Academy to expand its daycare services.

Proposed Variances

Minimum Front Yard Setback

The Zoning Bylaw requires a minimum front yard setback of 6m in the CS1 zone. The applicant is proposing a front yard setback of 4.2m; a requested variance of 1.8m.

The existing building's footprint is skewed on an angle and is located entirely on the CS1 portion of the of the split-zoned property (see Attachment D). The addition is proposed to be flush with the existing building and is sited closer to the front of the lot. In order to avoid conflicts with the zone boundary, and given the siting of the existing building, the addition will project 1.8m into the permitted front yard setback. Staff have reviewed the proposed front yard setback variance and no negative impacts are anticipated.

Off-Street Parking

The Parking Bylaw requires a minimum of 2 parking spaces plus 1 space for every 30m² of gross floor area used by a daycare facility. With a total proposed floor area of 347m², a minimum of 14 parking spaces are required on site. The applicant is proposing no parking on site; a requested variance of 14 parking spaces. In lieu of parking on site, the applicant is proposing to provide parking on the adjacent property at 885 Hecate Street, to the north.

No parking is currently provided on site and the existing situation is considered non-conforming. The Parking Bylaw stipulates that where there is an addition that increases the gross floor area by more than 10% or 100m², whichever is lesser, the present-day minimum parking requirements must be met. In this case, the proposed addition will result in a 25% floor area increase and will trigger the Parking Bylaw minimum parking requirements. Previous uses on the subject property have utilized on-street parking and an informal parking lot at neighbouring 885 Hecate Street.

In order to provide the daycare with adequate outdoor play space on site, the applicant is proposing to provide for all the required parking off site and formalize the parking area at 885 Hecate Street. The property at 885 Hecate is owned by the Island Corridor Foundation and contains a section of the E&N Railway adjacent to the intersection of Hecate Street and Kennedy Street. The Parking Bylaw allows for off-site parking where the parking is secured by

a Section 219 covenant, but in this case, the Island Corridor Foundation is unable to register a third-party covenant on the railway property, so a variance is being sought instead.

As a condition of this development variance permit, the applicant will be required to enter into a lease agreement with the Island Corridor Foundation to provide parking at 885 Hecate Street. Should the lease agreement ever be cancelled, the applicant will be required to provide parking on site. The Island Corridor Foundation has provided a letter indicating its willingness to enter into a lease agreement with the Nanaimo Innovation Academy. Parking spaces at 885 Hecate Street will be sited to ensure no conflict with the active railway corridor.

Given the transitory nature of parking for daycares, and given the existing non-conforming status of the subject property, no negative impacts are anticipated.

Staff support the proposed variances.

SUMMARY POINTS

- Development Variance Permit No. DVP404 proposes variances to reduce the minimum front yard setback from 6.0m to 4.2m and to reduce the minimum number of parking spaces from 14 spaces to 0 spaces at 905 Hecate Street.
- As a condition of this development variance permit, parking will be provided at 885 Hecate Street, adjacent to the subject property.
- No negative impacts are anticipated and Staff support the proposed variances.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Context Map
ATTACHMENT C: Location Plan
ATTACHMENT D: Proposed Site Plan
ATTACHMENT E: Proposed Building Renderings
ATTACHMENT F: Aerial Photo

Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services