

DATE OF MEETING | October 19, 2020 |

AUTHORED BY | LAINY NOWAK, PLANNER, CURRENT PLANNING |

**SUBJECT | DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP407 –
3602 OVERLOOK DRIVE |**

OVERVIEW

Purpose of Report

To present for Council’s consideration, a development variance permit application to allow the construction of a covered patio on an existing single family dwelling at 3602 Overlook Drive. |

Recommendation

That Council issue Development Variance Permit No. DVP407 at 3602 Overlook Drive with the following variance:

- reduce the minimum required front yard setback for a covered patio from 4.5m to 2.9m. |

BACKGROUND

A development variance permit application, DVP407, was received from Sunbeam Timberworks, on behalf of Owen and Roberta Carr, to vary the provisions of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw), in order to permit the construction of a covered patio at 3602 Overlook Drive.

Subject Property and Site Context:

<i>Zoning</i>	R1 – Single Dwelling Residential
<i>Location</i>	The subject property is at the corner of Hammond Bay Road and Overlook Drive
<i>Total Area</i>	600m ²
<i>Official Community Plan (OCP)</i>	Map 1 – Future Land Use Plan - Neighbourhood

The subject property has road frontage on three sides and is located above Hammond Bay Road with views of Piper’s Lagoon. Currently, there is a single family dwelling and a secondary suite within a detached accessory building (built in 2015) located on the lot. The surrounding properties are predominantly developed with single family dwellings.

A building permit for a timber frame covered patio attached to the rear of the existing single family dwelling was applied for by the applicant in 2020. Through the application review process, it was discovered the proposed structure encroaches into the front yard setback on Hammond Bay Road and a variance is required.

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

DISCUSSION

The proposed development includes the addition of a roof covering an existing patio area. The covered patio is attached to the north elevation of the existing single family dwelling. The proposed covered patio is approximately 18.7m².

There is a private driveway access easement located along the northwest property line of the subject property. The easement is registered on title in favour of the property located at 3606 Overlook Drive. The proposed covered patio and overhangs will not encroach into the easement area or Impede views of Piper's Lagoon.

Proposed Variance

Minimum Front Yard Setback

Section 7.5.1 of the Zoning Bylaw requires a minimum front yard setback of 4.5m in the R1 zone. The applicant is proposing a front yard setback of 2.9m in order to construct a covered patio. This represents a variance of 1.6m.

The purpose of the proposed development is to provide a functional outdoor space for the property owners, and to provide privacy between the neighbours at 3602 and 3606 Overlook Drive. A letter of support was submitted by the property owners at 3606 Overlook Drive, and the covered patio is not expected to impede any views. Compliance with the required setbacks is difficult to achieve due to the road frontage on three sides of the subject property.

Staff support the proposed variance as no negative impact to the adjacent properties is anticipated.

SUMMARY POINTS

- The applicant is requesting to vary the minimum required front yard setback in the R1 zone from 4.5m to 2.9m in order to construct a covered patio. This represents a variance of 1.6m.
- The covered patio will not encroach into the easement area and is not anticipated to negatively impact adjacent properties.
- Staff support the proposed variance.

ATTACHMENTS

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

Submitted by:

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Concurrence by:

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Director, Development Approvals

Dale Lindsay, General Manager
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