

DATE OF MEETING | December 21, 2020 |

AUTHORED BY | LAINY STEVENSON, PLANNER, CURRENT PLANNING |

SUBJECT | DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP410 – 5455 MILDWAY ROAD |

OVERVIEW

Purpose of Report

To present for Council’s consideration, a development variance permit application to reduce the minimum required flanking side yard setback from an unconstructed road right of way at 5455 Mildmay Road. |

Recommendation

That Council issue Development Variance Permit No. DVP410 at 5455 Mildmay Road with the following variance:

- reduce the minimum required flanking side yard setback from 4.0m to 1.5m. |

BACKGROUND

A development variance permit application, DVP410, was received from Shelley and Jason Toomer to vary the provisions of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”), for a proposed single residential dwelling at 5455 Mildmay Road.

Subject Property and Site Context:

<i>Zoning</i>	R1 – Single Dwelling Residential
<i>Location</i>	The subject property is located at the corner of Avro Way and Mildmay Road, on Brannen Lake.
<i>Total Area</i>	1169m ²
<i>Official Community Plan (OCP)</i>	Map 1 – Future Land Use Plan – Neighbourhood

The subject property is a vacant lot located on Brannen Lake. The lot was created through a two-lot subdivision of 5451 Mildmay Road, which was completed in 2019 (SUB01218). The surrounding properties are predominantly developed with single residential dwellings.

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

DISCUSSION

Proposed Development

The proposed development includes a single residential dwelling with a detached garage. There is an existing unconstructed road right-of-way immediately north of the subject property. This right-of-way is currently being used by the City to occasionally access a sewer clean-out. The proposed location for the single residential dwelling will encroach into the required flanking yard setback, adjacent to the road right-of-way.

Proposed Variance

Minimum Flanking Side Yard Setback

Section 7.5.1 of the Zoning Bylaw requires a minimum flanking side yard setback of 4.0m in the R1 zone. The applicant is proposing a flanking side yard setback of 1.5m in order to construct a single residential dwelling. This represents a variance of 2.5m.

The owner has requested the setback variance in order to provide a larger building envelope for the proposed single residential dwelling within the existing lot. The proposed development will meet all other setback requirements.

Staff support the proposed variance as no negative impact to the adjacent properties or the existing right-of way is anticipated.

SUMMARY POINTS

- Development Variance Permit No. DVP410 proposes to reduce the minimum required flanking side yard setback in the R1 zone from 4.0m to 1.5m.
- No negative impact to the adjacent properties or the existing right-of way is anticipated.
- 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: Aerial Photo |

Submitted by:

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Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services