

DATE OF MEETING [June 21, 2021]

AUTHORED BY [SADIE ROBINSON, PLANNING ASSISTANT, CURRENT PLANNING]

SUBJECT [DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP421 – 5524 CLIFFSIDE ROAD]

## **OVERVIEW**

### **Purpose of Report**

To present for Council’s consideration, a development variance permit application to increase the maximum allowable building height and perimeter wall height for a proposed dwelling at 5524 Cliffside Road.

### **Recommendation**

That Council issue Development Variance Permit No. DVP421 at 5524 Cliffside Road with the following variances:

- to increase the maximum allowable height for a proposed dwelling with a flat roof from 7m to 9m; and
- to increase the perimeter wall height from 7.32m to 9.30m on the east and west elevations, and increase the perimeter wall height from 9.14 to 9.50m on the south elevation.

## **BACKGROUND**

A development variance permit application, DVP421, was received from Michel and Robin Brulotte to vary the provisions of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) to increase the maximum permitted building height and perimeter wall height for a proposed single residential dwelling at 5524 Cliffside Road. The subject property is a vacant lot with mature trees that is located in an area characterized by single family homes. The buildable area has 17% slope, and there is a 9m-high cliff running through the middle of the lot.

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

<i>Zoning</i>	R1 – Single Residential Dwelling
<i>Location</i>	The subject property is located on the north side of Cliffside Road between Altavista Drive and Smokey Crescent.
<i>Total Area</i>	3,651m <sup>2</sup>
<i>Official Community Plan</i>	Map 1 – Future Land Use – Neighbourhood

Statutory notification has taken place prior to Council’s consideration of the proposed variances.

## **DISCUSSION**

### **Proposed Development**

The applicant proposes to construct a two-storey 332.6m<sup>2</sup> (3,580 ft<sup>2</sup>) single family dwelling with a small daylight basement that is necessitated by the steeply sloping rock topography of the site. A detached garage is also proposed that does not require variances.

The proposed siting was selected to minimize the impact of the built form on the natural landscape of the site and the wish to maximize the views to the water and mountains from the house. The proposed dwelling will be located in the southeasterly portion of the lot, nearest the existing panhandle access. The development is designed to maintain the natural lot surface and minimize excavation to the greatest extent possible, while minimizing the impact on the natural environment of the site by retaining as many trees as practical on the lot. The upper level of the home is accessed via a bridge. The built form steps down the sloping site. The building uses a flat roof, which reduces the vertical extent of the building.

### **Proposed Variances**

#### *Building Height*

The maximum permitted height for a single residential dwelling with a flat roof (< 4:12 pitch) is 7m. The applicant proposes to construct a single residential dwelling with a flat roof up to 9m in height. This represents a variance of 2m.

Despite siting the house on the most practical area of the property, the natural grade varies by approximately 3m at the location of the proposed dwelling. Due to the lower natural grade on one side, this skews the average grade to be lower, which reduces the overall height permitted on the higher portion of the property. This limits the ability to achieve two storeys in the area with the highest natural grade.

The applicant has provided a Shadow Study (Attachment G) that considered the potential impacts of the proposed development on neighbouring properties. The study included 13 surrounding properties and concluded that when comparing a house with compliant height to the proposed house with height variances, there was a negligible difference as a result of the variances, especially with the building separation (approximately 17m-70m) between existing residences and the proposed dwelling. The applicant has also provided three letters of support from neighbours at 5577 Sunridge Place, 5567 Lost Lake Road, and 5530 Cliffside Road.

The subject property is relatively large when compared to neighbouring properties, allowing for increased setbacks on the west (18.63m), north (21.67m), and east (18.39m) sides. The dwelling is proposed to be set back 3.6m from the nearest property (south), which exceeds the minimum required 1.5m side yard setback. The nearest dwelling (south) is approximately 17m from the proposed dwelling, and the second nearest dwelling (east) is approximately 34m from the proposed dwelling.

The main floor of the proposed dwelling is approximately 12m higher than the adjacent properties to the north, approximately 16m higher than the properties to the west, and there are mature trees on neighbouring properties to the north screening the lower houses from view.

The proposed dwelling is of comparable height with the two adjacent properties fronting on Cliffside Road.

Tree removal is minimized by building primarily on the steeply sloping exposed bedrock. The proposed dwelling meets all other bylaw requirements, including lot coverage and setbacks. While the zoning permits a 40% lot coverage, the proposed development (including detached garage) has a combined lot coverage of approximately 6%. The applicant has made an effort to minimize impacts on neighbours and the natural environment by opting for a more compact building form and size that is comparable to other homes in the neighbourhood. Despite the request for additional building height, the proposed dwelling is well separated and screened by trees from homes on the north side, and would appear as a single storey from Cliffside Road.

#### *Perimeter Wall Height*

The Zoning Bylaw permits a maximum perimeter wall height up to 7.32m, except on rear and internal side yard elevations where a perimeter wall height of 9.14m is permitted when the wall face does not exceed 7.32m in width. The applicant proposes to vary the perimeter wall height from 7.32m to 9.30m on the east and west side elevations, and to vary the perimeter wall height from 9.14 to 9.50m on the south side elevation. This represents a variance of 1.98m on the east and west elevations, and 0.36m on the south elevation.

Due to the steeply sloping building site, the perimeter wall height increases as it extends toward the area where natural grade is lowest. The applicant proposes to maintain the two-storey structure with a gradual stepping down the terrain, rather than bringing more fill onsite to increase the finished grade.

The proposed dwelling is well separated from neighbouring properties, and there are mature trees to the north of the property that help maintain privacy, and minimize the impact of shadowing and overlook on surrounding properties. The architect has made an effort to break up building massing, while creating an architecturally significant design based on the unique characteristics of the site.

Staff support the proposed variances.

#### **SUMMARY POINTS**

- Development Variance Permit No. DVP421 proposes a variance to increase the maximum allowable building height for a flat roof, and the maximum allowable perimeter wall height on the east, west, and south elevations to accommodate a dwelling on a steeply sloping lot.
- The proposed dwelling meets lot coverage and setback requirements.
- Letters have been provided in support of the application.

## **ATTACHMENTS**

ATTACHMENT A: Permit Terms and Conditions  
ATTACHMENT B: Context Map  
ATTACHMENT C: Location Plan  
ATTACHMENT D: Survey Plan  
ATTACHMENT E: Building Elevations  
ATTACHMENT F: Perspective Views  
ATTACHMENT G: Shadow Study Images  
ATTACHMENT H: Aerial Photo

### **Submitted by:**

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### **Concurrence by:**

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