

DATE OF MEETING June 20, 2022

AUTHORED BY MATTHEW REMPEL, PLANNING ASSISTANT, CURRENT PLANNING

**SUBJECT DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP433  
– 5601 HAMMOND BAY ROAD**

## **OVERVIEW**

### **Purpose of Report**

To present for Council’s consideration, a development variance permit application to reduce the minimum lot depth and rear yard setback requirements for a proposed two-lot subdivision at 5601 Hammond Bay Road.

### **Recommendation**

That Council issue Development Variance Permit No. DVP433 at 5601 Hammond Bay Road with the following variances for proposed Lot 2:

- reduce the minimum lot depth requirement from 30.0m to 26.72m; and,
- reduce the minimum rear yard setback from 7.5m to 1.7m.

## **BACKGROUND**

A development variance permit application, DVP433, was received from Williamson & Associates Professional Surveyors on behalf of Sally Christiansson-Tannar, to vary the provisions of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) to reduce the minimum lot depth requirement and minimum rear yard setback for a proposed two-lot subdivision. These variances will allow the applicant to subdivide the property while retaining the existing single residential dwelling and clustering the remaining density on a portion of the parcel that is most practical for future development.

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

<i>Zoning</i>	R10 – Steep Slope Residential
<i>Location</i>	The subject property is located at the corner of Norasea Road and Hammond Bay Road
<i>Total Lot Area</i>	6,875m <sup>2</sup>
<i>Official Community Plan (OCP)</i>	Map 1 – Future Land Use – Neighbourhood Map 3 – Steep Slope Development Area

The subject property is a through lot fronting Bradbury Road (unconstructed) to the south and Hammond Bay Road to the north. The southern portion of the lot is characterized by a steep 20 - 30% grade that gradually flattens towards Hammond Bay Road. The lot currently contains two single residential dwellings of which one will be removed. The surrounding land uses are predominately single residential dwelling lots.

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

## **DISCUSSION**

### **Proposed Development**

The applicant was issued a Preliminary Layout Approval (PLA) to subdivide the subject property into two fee-simple lots with Lot 1 hooked across the extension of Norton Road and Lot 2 fronting Norton Road. As a condition of the subdivision application (SUB01404), a lot depth variance and rear yard setback variance are required to retain the dwelling within proposed Lot 2 and maximize the remaining density within Lot 1 for a future multi-family development. Based on the lot area of proposed Lot 1, a maximum of nine units is permitted within the maximum density (16 units per hectare) of the R10 zone. The southern portion of Lot 1 is steeply sloped and heavily treed, and is not practical for development, therefore future development would be clustered on the northern portion of Lot 1 where the property is partially cleared and is not as topographically constrained. The applicant proposes to distribute eight of the nine units within the northern portion of proposed Lot 1 that abuts Hammond Bay Road and retain the existing dwelling within Lot 2.

### **Proposed Variances**

#### *Minimum Lot Depth Requirement*

The minimum lot depth required in the R10 zone is 30m. The applicant proposes to reduce the minimum lot depth requirement for proposed Lot 2 from 30m to 26.72m a variance of 3.28m. The proposed lot configuration meets or exceeds all other zoning requirements, including minimum lot frontage and lot area. The proposed lot depth variance will not negatively impact the residential use of the parcel.

#### *Minimum Required Rear Yard Setback*

The minimum required rear yard setback for a single residential dwelling in the R10 zone is 7.50m. The proposed rear yard setback is 1.70m, a variance of 5.80m. Through the subdivision, a *Land Title Act* Section 219 covenant will be registered on the southern portion of Lot 1 to retain this area as future green space (undisturbed) for the multi-family development; and to ensure that the spatial separation requirements for the existing dwelling on Lot 2 will meet BC Building Code. The variance is not anticipated to negatively impact surrounding properties as the reduced rear yard setback is adjacent a portion of proposed Lot 1 that will be retained as green space and will remain undeveloped.

The proposed lot configuration with these variances enables the development to achieve the maximum number of units permitted by zoning for Lot 1 (eight units) and Lot 2 (one existing dwelling unit), with adequate building envelopes; and to cluster the units within the most developable portion of the site which is consistent with the intent of the R10 zoning.

Facilitating the proposed subdivision of the subject property will also allow infill in an existing neighbourhood in accordance with the Neighbourhood policies in the Official Community Plan (OCP), with density concentrated on flatter portions of the site while steep slope areas remain undeveloped.

Staff support the proposed variances.

### **SUMMARY POINTS**

- Development Variance Permit Application No. DVP433 proposes a variance to reduce the minimum lot depth requirement and rear yard setback for a proposed two-lot subdivision of the subject property.
- The proposed variances are required to cluster the permitted density within the portion of the lot that has the least topographical constraints and most viable for development.
- Despite the reduced lot depth and rear yard setback, the proposed lots will exceed other requirements of the R10 zone and provide adequate building envelopes for the intended residential use.

### **ATTACHMENTS**

ATTACHMENT A: Permit Terms and Conditions  
ATTACHMENT B: Context Map  
ATTACHMENT C: Location Plan  
ATTACHMENT D: Proposed Subdivision Plan  
ATTACHMENT E: Aerial Photo

**Submitted by:**

Lainya Rowett  
Manager, Current Planning

**Concurrence by:**

Jeremy Holm  
Director, Development Approvals

Dale Lindsay  
General Manager, Development Services  
/ Deputy CAO