

DATE OF MEETING May 7, 2018

AUTHORED BY DAVE STEWART, PLANNER, CURRENT PLANNING AND
SUBDIVISION

SUBJECT DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP346 –
2340 WILD DOVE ROAD

OVERVIEW

Purpose of Report

To present for Council's consideration, a development variance permit application to reduce the rear yard setback to legalize the siting of an existing open deck and allow the construction of an addition to the existing deck at 2340 Wild Dove Road.

Recommendation

That Council issue Development Variance Permit No. DVP346 for 2340 Wild Dove Road with the following variance:

- reduce the minimum required rear yard setback from 5.5m to 3.6m for an open deck.

BACKGROUND

A development variance permit application, DVP346, was received from Kim Johansen to vary the provisions of City of Nanaimo "Zoning Bylaw 2011 No. 4500" to allow an addition to an open deck 3.6m from the rear property line at 2340 Wild Dove Road.

Subject Property

<i>Zoning</i>	R1- Single Dwelling Residential
<i>Location</i>	The subject property is located on the northeast corner of Wild Dove Road and Starlight Trail.
<i>Total Area</i>	1,089m ²
<i>Official Community Plan</i>	Neighbourhood

The subject property is located within an established low-density residential neighbourhood south of Diver Lake. The property is a large corner lot with an existing single residential dwelling located on the northern portion of the property. The existing dwelling is non-conforming in siting with respect to the rear yard setback and includes an existing open deck within the rear yard.

DISCUSSION

Proposed Development

The applicant proposes to construct an addition (7.9m² in area) to an existing non-conforming open deck in order to connect the deck to the side of the house. The proposed open deck

addition will be located on the south side of the dwelling where there is currently a Juliette-style railing in place, and will not encroach any further into the rear yard setback than the existing deck. The width of the deck addition will not exceed 1.52m, and only a small portion (2.9m²) of the addition will encroach into the setback area to align with the width of the existing deck.

The existing dwelling is sited 5.94m from the rear property line, and the required rear yard setback for a dwelling is 7.5m; therefore, the dwelling is non-conforming in siting with respect to the rear yard setback. An existing open deck is also non-conforming in siting as it is located 3.6m from the rear lot line. Although the proposed deck addition encroaches into the rear yard, the majority of the deck will be located within the side yard, which functions like a rear yard.

Proposed Variances

Minimum Required Rear Yard Setback

The minimum required setback is 7.5m, but an open deck may project up to 2m into the rear yard setback. Therefore, the required setback is 5.5m. The proposed rear yard setback is 3.6m, a proposed variance of 1.9m.

The proposed variance represents a minor deck addition within the setback area and will recognize the existing open deck while providing functional access to the primary yard area. The rear lot line functions like a side lot line, which typically only requires a 1.5m setback. The proposed addition will align with the existing deck with a 3.6m setback from the property line.

SUMMARY POINTS

- Development Variance Permit No. DVP346 proposes a variance to reduce the rear yard setback to allow an addition to an existing open deck.
- The subject property includes an existing single residential dwelling which is non-conforming as to siting.
- The proposed deck is a 1.52m-wide addition and would not encroach any further into the rear yard setback than the existing open deck.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Location Plan
ATTACHMENT C: Site Survey
ATTACHMENT D: Aerial Photo

Submitted by:

L. Rowett
Manager, Current Planning and Subdivision

Concurrence by:

D. Lindsay
Director, Community Development