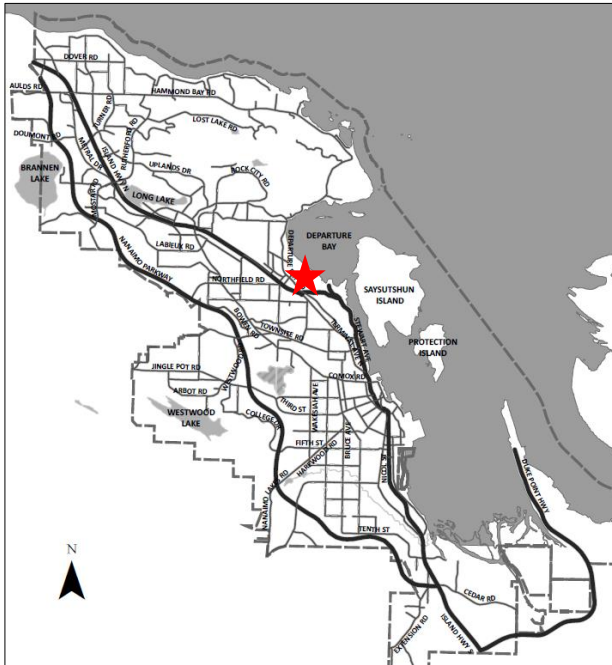


DATE OF MEETING | September 9, 2024

AUTHORED BY | KIRSTEN DAFOE, PLANNING ASSISTANT, CURRENT PLANNING

**SUBJECT | DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP465 –  
124 HAIDA TRAIL**



**Proposal:**

Variance to allow a proposed addition to an existing dwelling



**Zoning:**

R1 – Single Dwelling Residential

**City Plan Land Use Designation:**

Suburban Residential

**Lot Area:**

1,041m<sup>2</sup>



## **OVERVIEW**

### **Purpose of Report**

To present for Council's consideration a development variance permit application for a proposed addition to an existing dwelling at 124 Haida Trail. ]

### **Recommendation**

That Council issue Development Variance Permit No. DVP465 for a residential addition at 124 Haida Trail with a variance as outlined in the "Proposed Variance" section of the Staff Report dated 2024-SEP-09.]

## **BACKGROUND**

A development variance permit application, DVP466, was received from Jacob Vienneau Contracting, on behalf of Ping Hui, to vary the provisions of the "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw"), in order to reduce the minimum rear yard setback for a proposed addition to an existing dwelling at 124 Haida Trail.

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

The subject property is located on the west side of Haida Trail, which is a short cul-de-sac south of Maquinna Crescent in the Cilaire neighbourhood. The lot slopes downwards to the east, with an elevation change of approximately 5m from west to east. The lot is developed with a single residential dwelling built in 1967. There is an in-ground swimming pool located in the backyard and an existing open deck in the approximate location of the proposed addition. A building permit application (BP130025) submitted to rectify construction completed without the required permits has triggered the requirement to obtain a Development Variance Permit to legalize the new encroachment setback of the construction.

The surrounding neighbourhood is predominantly developed with single residential dwellings.

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

## **DISCUSSION**

### **Proposed Development**

The applicant proposes to construct a residential addition to the existing dwelling in the approximate location of an existing open deck. The proposed two-storey addition will be approximately 6.5m x 5.0m and will contain a laundry room and indoor storage on the lower floor and a covered deck with access from the existing dwelling on the upper floor.

## Proposed Variance

### *Minimum Rear Yard Setback*

Where the principal use in the R5 zone is a single residential dwelling, the minimum required setback shall be in accordance with the R1 zone. The minimum required rear yard setback for the existing single residential dwelling and proposed addition is 7.5m. The proposed rear yard setback is 6.4m, a requested variance of 1.1m. The proposed addition complies with all other required setbacks.

The applicant has provided the following rationale in support of the variance request.

- The proposed location for the covered deck allows for convenient access from the existing dwelling's interior living space.
- Due to the irregular shape of the property and the locations of the existing home and pool, the available buildable footprint outside of the rear yard setback is confined.
- Adjacent properties have large backyards, which allow for wide separation distance between neighbours and the proposed addition.
- The proposed addition will not cause shading on adjacent properties.
- Due to the proposed location for the addition and the sloping nature of the surrounding neighbourhood the proposed addition will not impede views. Adjacent properties to the west are approximately 2.0m higher than the proposed addition and the covered deck is no taller than the existing dwelling.

Staff support the proposed variance and note that the proposed siting and scale of the proposed addition will not negatively impact adjacent properties. Only a small portion of the proposed addition encroaches into the required setback. The proposed variance will allow the owners to create covered outdoor living space in the location of the existing open deck. |

### **SUMMARY POINTS**

- Development Variance Permit Application No. DVP465 is to allow an addition to an existing single residential dwelling.
- A variance is requested to reduce the minimum required rear yard setback from 7.5m to 6.4m.
- Staff support the proposed variance as no negative impact to the adjacent properties is anticipated. |

### **ATTACHMENTS**

ATTACHMENT A: Permit Terms and Conditions  
ATTACHMENT B: Subject Property Map  
ATTACHMENT C: Site Survey  
ATTACHMENT D: Building Elevations  
ATTACHMENT E: Building Renderings |

#### **Submitted by:**

Lainya Rowett  
Manager, Current Planning

#### **Concurrence by:**

Jeremy Holm  
Director, Planning & Development