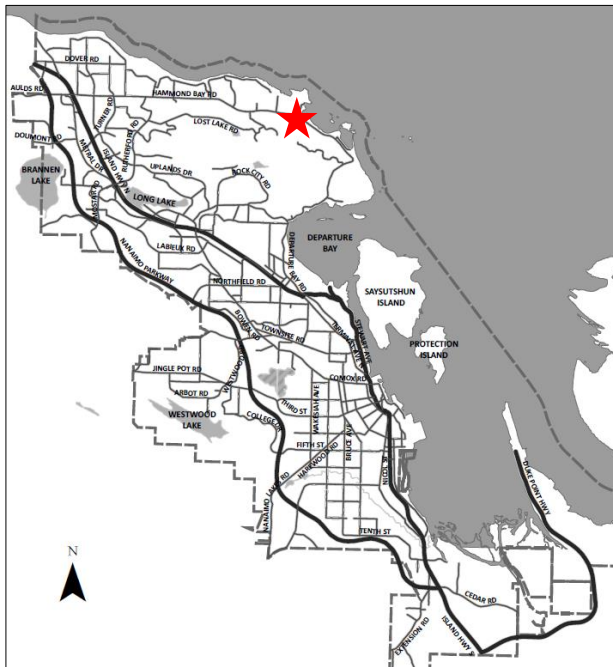


DATE OF MEETING July 21, 2025

AUTHORED BY PAYTON CARTER, PLANNER, CURRENT PLANNING

**SUBJECT DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP480 –
3974 HAMMOND BAY ROAD**



Proposal:

Side yard setback variance

Zoning:

R5 – Three and Four Unit Residential

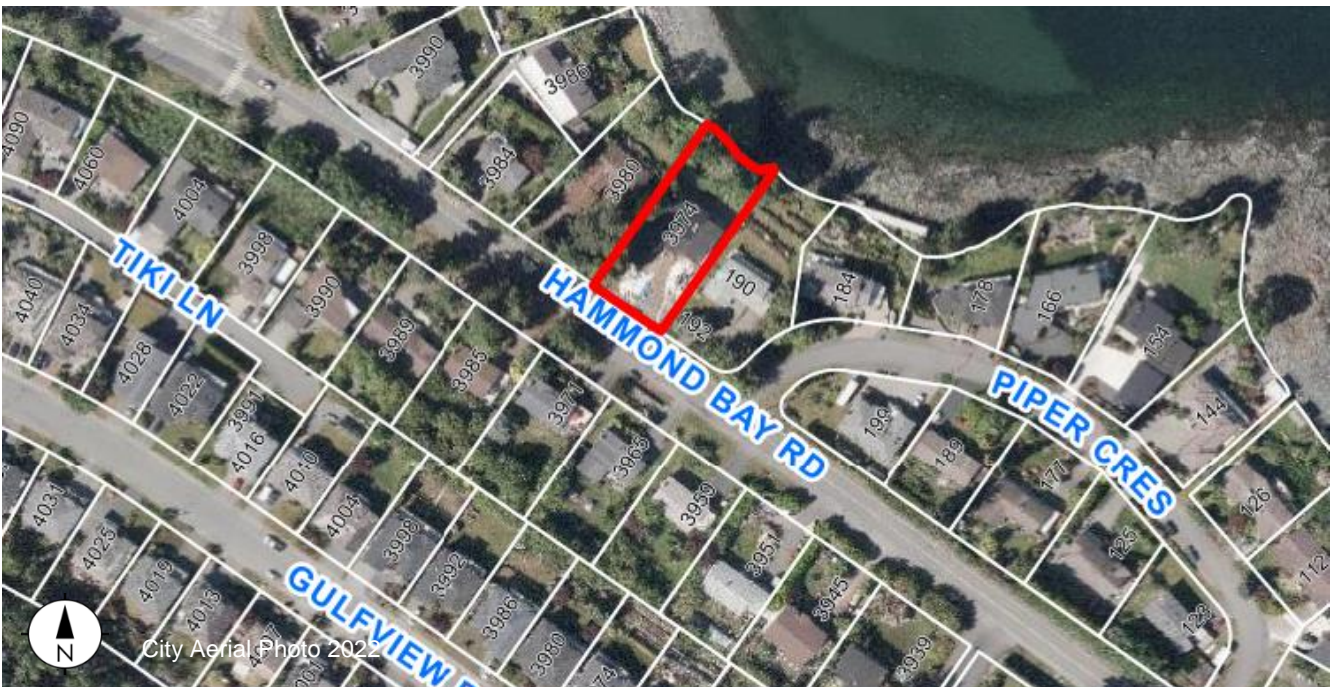
City Plan Land Use Designation:

Suburban Neighbourhood

Lot Area:

1,409m²

DVP



OVERVIEW

Purpose of Report

To present for Council's consideration a development variance permit application to reduce the required side yard setback for an exterior staircase at 3974 Hammond Bay Road.

Recommendation

That Council issue Development Variance Permit No. DVP480 for an exterior staircase at 3974 Hammond Bay Road with a variance as outlined in the "Proposed Variance" section of the Staff Report dated 2025-JUL-21.

BACKGROUND

A development variance permit application, DVP480, was received from Kenneth and Norleen Rutland to vary the provisions of "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw"), in order to reduce the minimum required setback for a prefabricated exterior staircase at 3974 Hammond Bay Road.

Subject Property and Site Context

The subject property is a waterfront lot located southeast of Morningside Park, within the Hammond Bay neighbourhood. The surrounding neighbourhood includes low-density residential development, as well as the Greater Nanaimo Pollution Control Centre, Ecole Hammond Bay Elementary, and City parkland.

A Building Permit (BP129243) was issued in 2023 for a new single-family dwelling, and through the course of regular inspections, it was determined that a staircase had been constructed within the side yard setback. The exterior staircase has since been removed.

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

DISCUSSION

Proposed Development

The applicant is proposing to reinstall the prefabricated exterior staircase on the east side of the dwelling to facilitate exterior access to the open deck above. The staircase includes a landing, which is supported by posts within the required geotechnical setback. It was confirmed in the geotechnical report provided that the posts are acceptable within the setback. No encroachment into the environmental leave strip area is proposed.

Proposed Variance

Side Yard Setback

The minimum required side yard setback in the R5 zone is 1.5m. The proposed side yard setback is 1.1m, a requested variance of 0.4m.

The applicant has requested the variance to avoid encroachment into the required geotechnical setback, leave strip area, and a known archeological site.

The staircase is powder-coated aluminum and is non-combustible. No negative impacts to the adjacent property are anticipated and a letter of support from the neighbouring property to the east was submitted in support of the application. Staff support the proposed variance.

SUMMARY POINTS

- Development Variance Permit Application No. DVP480 is to reduce the required side yard setback for an outdoor staircase at 3974 Hammond Bay Road.
- No negative impacts to the adjacent property are anticipated and a letter of support from the neighbouring property was submitted in support of the application.
- Staff support the proposed variance.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Subject Property Map
ATTACHMENT C: Site Survey
ATTACHMENT D: Site Photos

Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Planning & Development