

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2015-OCT-05

AUTHORED BY: DAVE STEWART, PLANNER, PLANNING & DESIGN SECTION

RE: DEVELOPMENT VARIANCE PERMIT NO. DVP00265 – 1455 BOUNDARY CRESCENT

STAFF RECOMMENDATION:

That Council issue Development Variance Permit No. DVP265 at 1455 BOUNDARY CRESCENT to vary the maximum allowable building height for an accessory building to 4.84m.

PURPOSE:

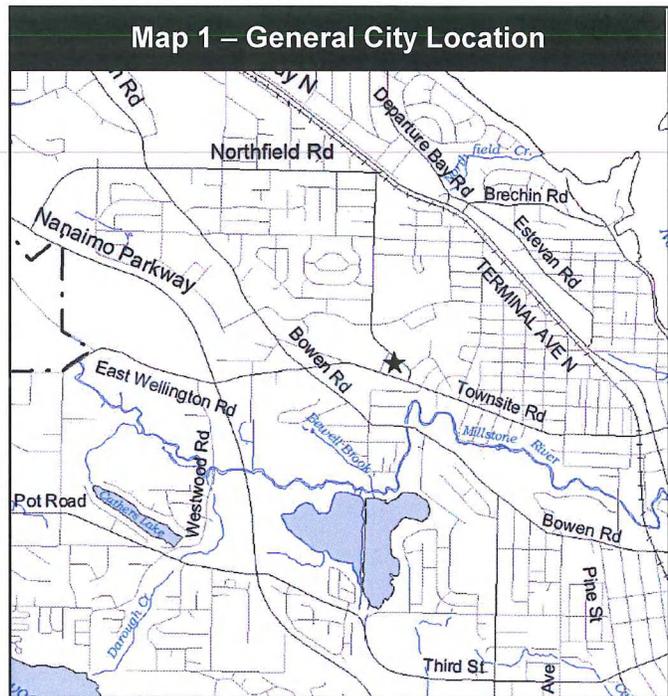
The purpose of this report is to seek Council authorization to vary the required building height for a recently constructed accessory building.

BACKGROUND:

A development variance permit (DVP) application was received from GORDON JAMES MACKAY, to vary the provisions of the City of Nanaimo "ZONING BYLAW 2011 NO. 4500" to permit a recently constructed over height accessory building.

The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" allows a maximum height of 4.5m for an accessory building where the roof pitch is less than 6:12. The applicant is requesting the following variance:

- to increase the proposed building height from 4.50m to 4.84m, a proposed variance of 0.34m.



A copy of the applicant's Letter of Rationale is included as Schedule A.

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

- Council
- Committee.....
- Open Meeting
- In-Camera Meeting

Meeting Date: 2015-OCT-05

Subject Property

Zoning	Single Dwelling Residential – R1
OCP	The subject property is designated Neighbourhood.
Neighbourhood Plan	Map 1 – Future Land Use Plan – Neighbourhood; Map 3 – Development Permit Area No. 9 – Commercial, Industrial, Institutional, Multi-family and Mixed Commercial/Residential development.
Location	The subject property is located on Boundary Crescent near the Graham Crescent intersection. The property is accessed from a rear lane which connects to Boundary Crescent and Townsite Road.
Total Area	866m ²

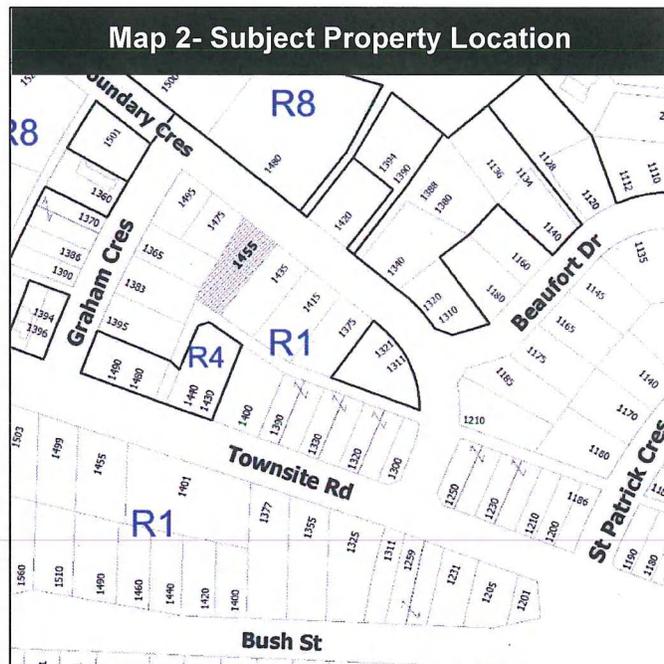
The subject property is a narrow irregular shaped lot that reduces in width from the front (21.34m) to the back adjacent to the lane (14.77m). The 866m² lot includes an existing single residential dwelling. Like other homes in the area, the property has access from both Boundary Crescent to the front and the laneway to the rear.

Land uses in the immediate vicinity are predominately low density residential, with some higher density residential and commercial uses located further north on Boundary Crescent. The Nanaimo Regional General Hospital (NRGH) is approximately 300m north of the subject property.

Board of Variance

A variance application to permit the over height accessory building was previously considered by the Board of Variance (BOV). During its 2015-JUN-18 meeting, the BOV denied the height variance application as it believed a hardship did not exist to support the variance.

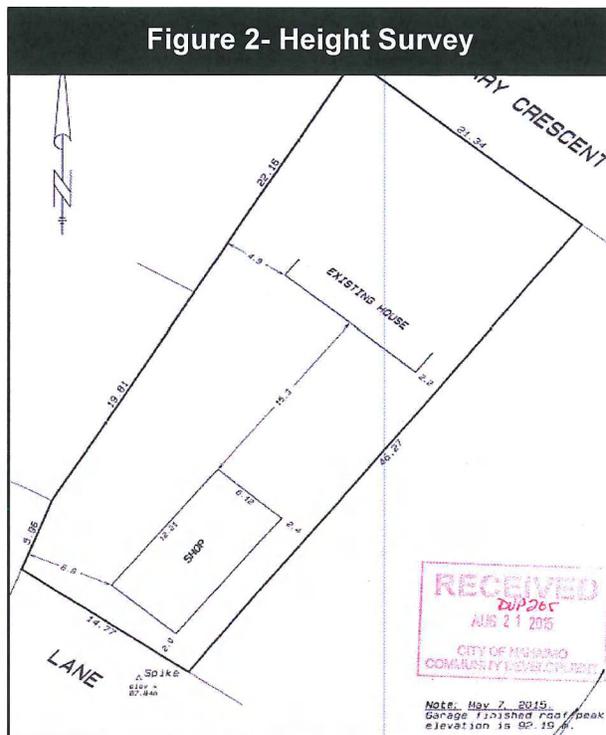
As a requirement of the *Local Government Act*, in order to approve a zoning variance application the BOV must find the Zoning Bylaw has caused a unique and undue hardship to the applicant. No such hardship consideration is required for a DVP application. While the current DVP application is for the same variance request as the previous BOV application; and, the BOV was required to evaluate the application based on separate criteria than a DVP, the application is not considered an appeal of the BOV decision, but rather a separate application.



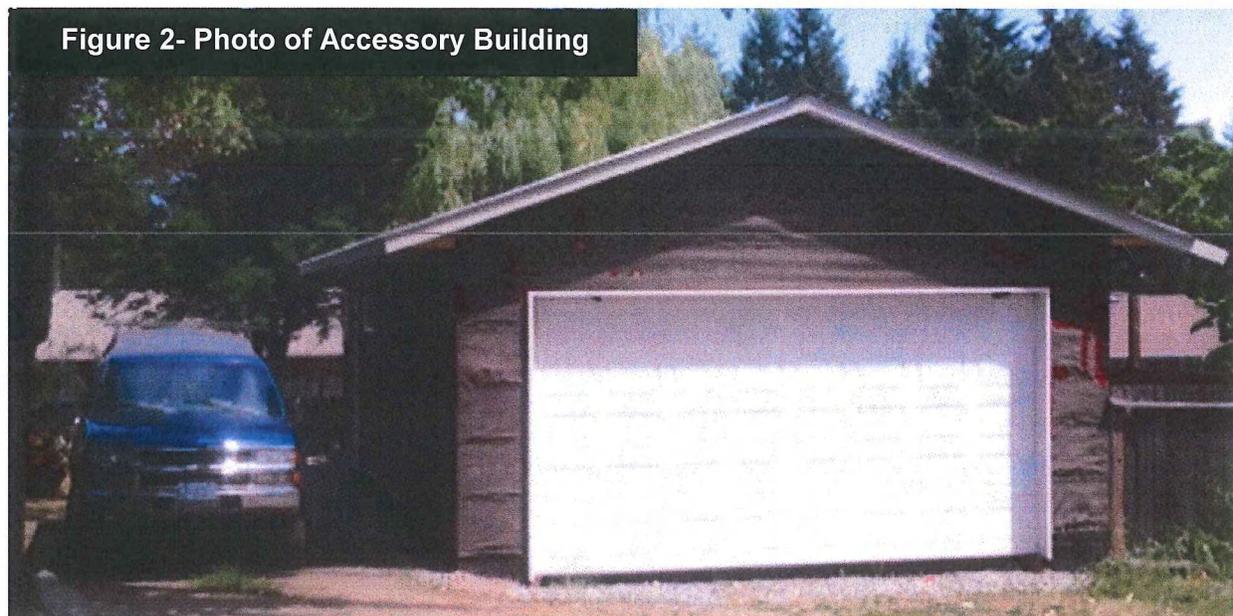
DISCUSSION:

Proposed Development

The applicant is seeking a height variance for an accessory building which was recently constructed with a building permit. The accessory building is located within the rear of the property and will be used as a detached garage. As a requirement of the building permit, a height survey showed the accessory building would be 4.4m in height and therefore 0.1m less than the maximum allowable height. Following the completion of the framing, a second survey was required. The second survey noted that the garage was constructed 0.44m higher than that shown on the original survey and is now 0.34m over height. The second height survey is included as 'Figure 1-Height Survey'.



The applicant notes in his letter of rationale that the height increase was a result of the type of roofing materials used and the grading of the land, including a 1.2m drop from the southern end of the garage to the northern end. The garage was constructed with a low slope roof and will not result in a loss of view or shadowing for adjacent property owners. While the accessory building is over height, it is Staff's opinion that the overall look and scale of the building is consistent with other accessory buildings in the area. A photo of the accessory building under construction is included as Figure 2 - Photo of Accessory Building.



Required Variances

Section 6.6.5 – Accessory Uses and Structures- requires a maximum height of 4.5m where the roof pitch is less than 6:12.

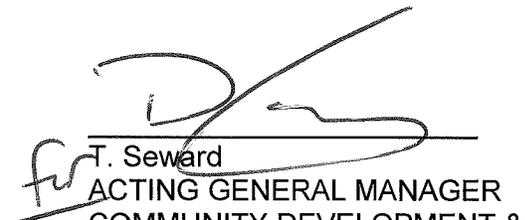
Respectfully submitted,



B. Anderson
MANAGER
PLANNING & DESIGN SECTION

Concurrence by:



D. Lindsay
DIRECTOR
COMMUNITY DEVELOPMENT

T. Seward
ACTING GENERAL MANAGER
COMMUNITY DEVELOPMENT &
PROTECTIVE SERVICES

CITY MANAGER COMMENT:

I concur with the staff recommendation.

*Drafted: 2015-SEP-15
Prospero attachment: DVP265
DS/ln*

SCHEDULE A

Rationale letter for application of Development Variance for building permit #118453

Garage construction at 1455 Boundary Cres, Nanaimo, BC, V9S4N9

This application for a Development Variance Permit is due to the garage structure, that I have constructed at the rear of our property, which came in approximately 13 inches overheight, according to a height survey. The building framing was constructed according to the plans submitted, which were passed, for the building permit. The area bylaw states that the building was allowed to be 14 feet 9 inches in total height at the mean elevation of the property. The submitted plans depict a construction height of 13 feet 6 inches above grade at the southern end of the building, being the alley access end. Due to the type of roofing material, and ridge capping, the building total height came in at 14 feet even, above grade, a little over the predicted total height. Due to the slope of the land where the garage was constructed, there was a drop of almost 4 feet in elevation from the southern alley end of the garage, to the opposite northern end.

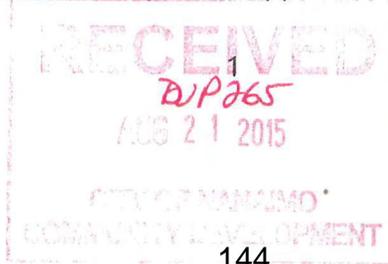
Attempts were made, even with the guidance of the surveyor, to keep the structure as low as possible, and still be able to maintain a level rear-lane access into the garage, with enough door clearance to be able to drive a full sized pickup truck into the garage. A low slope roof was engineered, and I installed an 8 foot high garage door so my 7 foot 2 inch tall truck would clear safely.

Now that the structure has been built, it would be an extremely costly endeavor for me to try and remove the height from this building. Either by re-engineering the trusses to have them cut back to a semi-flat roof, which would also entail a different type of roofing material, or, to have the walls cut shorter, which means I would not be able to bring in a normal sized truck. There are three other garages in my rear alley. Two that are equally as high, and one that is obviously higher. See attached pictures.

I received 120 yards of free fill from a friend, and have raised my yard around the garage so that I have level entry alongside the garage from the alley (see pictures #1 & 4). This works well with my immediate neighbour to the east, since he had also raised that adjoining area of his yard (see picture #2). This worked out well to the west side, since that property was considerably higher than ours, and was backed by a 4 foot high concrete retaining wall.

This building does not appear to be blocking any form of neighbouring views, or sunlight, and the houses to the west and south are much higher than the garage. I have recently learned from my neighbour, two doors south down the alley, that he has applied to the city to build a carriage house at the rear of his property. His construction will be considerably higher than our building. Especially since his property is already about 4 feet higher.

Please grant this height variance so I may renew my permit, and finish this project.



Gordon James Mackay
GORDON JAMES MACKAY
AUG 21 - 2015