

DATE OF MEETING November 20, 2017

AUTHORED BY DAVE STEWART, PLANNER, CURRENT PLANNING AND SUBDIVISION

**SUBJECT DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP328 – 24 PIRATE PLACE**

## OVERVIEW

### **Purpose of Report**

To present for Council’s consideration, a development variance permit application to allow the construction of a single residential dwelling with a variance to increase the maximum allowable building height at 24 Pirate Place.

### **Recommendation**

That Council issue Development Variance Permit No. DVP328 for 24 Pirate Place with the following variance:

- increase the maximum allowable height for a single residential dwelling with a flat roof (less than a 4:12 roof pitch) from 7m to 8.33m.

## BACKGROUND

A development variance permit application, DVP328, was received from Jonker Custom Building Ltd. on behalf of Mr. Ronan Lannuzel to vary the provisions of City of Nanaimo “Zoning Bylaw 2011 No. 4500” to allow an over-height single residential dwelling with a flat roof at 24 Pirate Place.

### **Subject Property**

|                                |  |
|--------------------------------|--|
| <i>Zoning</i>                  | R3- Island Residential   |
| <i>Location</i>                | The subject property is an interior (non-waterfront) lot on Protection Island. |
| <i>Total Area</i>              | 861m <sup>2</sup>  |
| <i>Official Community Plan</i> | Map 1 – Future Land Use - Neighbourhood  |

The subject property is a vacant forested lot at the end of a cul-de-sac. The property is bordered by single residential lots to the east and south and a forested city park to the north and east. The property located to the south, 19 Pirate Place, is owned by the same property owner. The subject property is located approximately 120m from the ocean and is not considered a view lot. The surrounding residential lots have retained much of the forest canopy, creating an urban forest environment, interspersed with single residential dwellings.

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

## **DISCUSSION**

### ***Proposed Development***

The applicants propose to construct a two-storey single residential home with a flat roof. In order to minimize site disturbance and excavation, a large portion of the home will be raised above ground using a narrow foundation and outside deck posts. The design will allow the area beneath the structure to be restored to a natural state. The design includes a flat roof to allow opportunities for a green roof or rooftop garden, and rainwater storage and collection.

The proposed dwelling includes a full lower storey with a smaller second storey above. The second storey living space is less than 40% of the size of the lower storey with an open deck on the remaining area; as such, the proposed dwelling is essentially a one and one-half storey home raised on a foundation block.

While the maximum height for a flat roof building is 7m, a peaked roof single residential dwelling may be up to 9m in height. Part of the rationale for the 2m height difference between the roof pitches is that a peaked roof will allow visual permeability on either side of the roof peak. Given that the majority of the second storey space is open deck, the proposed dwelling will allow far more visual breaks than a conventional two-storey peaked roof building.

There is no maximum perimeter wall height requirement within the R3 zone; therefore, no perimeter wall height variance is necessary.

For more information, see the Attachments.

### ***Proposed Variance***

The maximum allowable height for a single residential dwelling with a flat roof in the R3 zone is 7m. The proposed dwelling height is 8.33m; a proposed variance of 1.33m. The over-height portion of the dwelling is on the south side of the building and is stepped back 3.54m from the side lot line.

The nearest property to the west (20 Pirate Place) is 9.46m from the proposed dwelling. Given the forested nature of the surrounding lots and the distance from the lots to the ocean, the proposed dwelling will not negatively impact neighbouring views or result in overlook or privacy issues.

The applicant has contacted the neighbouring property owners and they are aware of the proposed building plans.

## **SUMMARY POINTS**

- Development Variance Permit Application No. DVP238 proposes a height variance of 1.33m for a proposed single residential dwelling on Protection Island.
- The height variance is for a portion of the second storey and will not negatively impact neighbouring views, shadowing or privacy.

## **ATTACHMENTS**

ATTACHMENT A: Permit Terms and Conditions

ATTACHMENT B: Location Plan

ATTACHMENT C: Site Survey

ATTACHMENT D: Building Elevations

ATTACHMENT E: Aerial Photo

### **Submitted by:**

L. Rowett, Manager  
Current Planning and Subdivision

### **Concurrence by:**

D. Lindsay, Director  
Current Planning and Subdivision

# **ATTACHMENT A PERMIT TERMS AND CONDITIONS**

## **TERMS OF PERMIT**

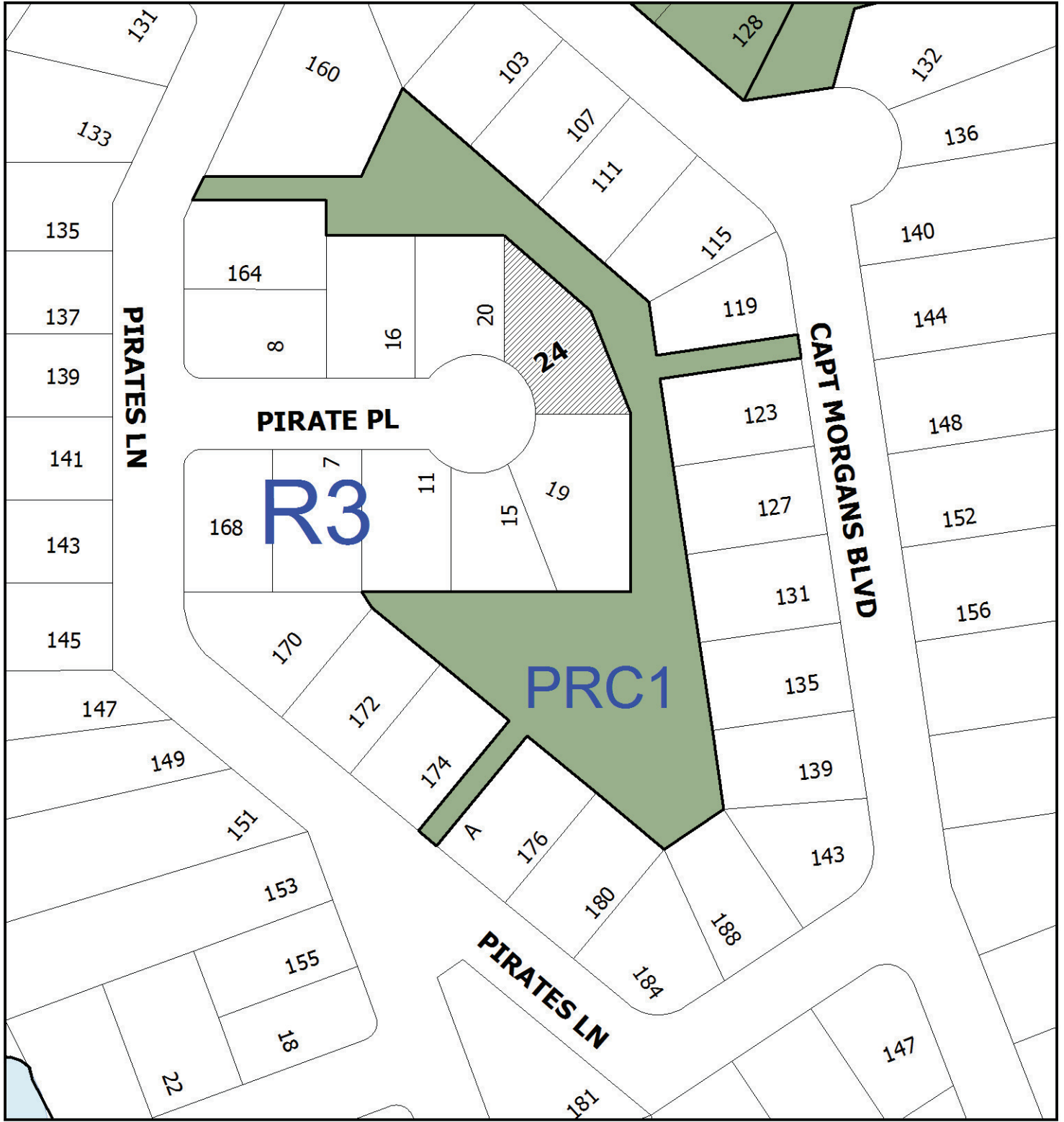
The City of Nanaimo “ZONING BYLAW 2011 NO. 4500” is varied as follows:

1. *Section 7.6.1 Size of Buildings* – to increase the maximum allowable height for a principal building with a flat roof (less than 4:12 pitch), from 7m to 8.33m.

## **CONDITIONS OF PERMIT**

1. The proposed accessory building shall be located in accordance with the survey plan prepared by Harbour City Land Surveying Ltd., dated 2017-NOV-02, as shown on Attachment C.

ATTACHMENT B  
LOCATION PLAN



DEVELOPMENT VARIANCE PERMIT NO. DVP00328



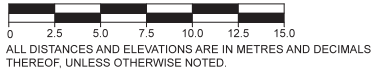
**LOCATION PLAN**

 **Subject Property**

Civic: 24 Pirate Place  
Lot 268, Douglas Island (Also known as Protection Island),  
Nanaimo District, Plan 14111

## ATTACHMENT C SITE SURVEY

**B.C. LAND SURVEYOR'S CERTIFICATE OF PROPOSED LOCATION ON:  
LOT 268, DOUGLAS ISLAND, (ALSO KNOWN AS PROTECTION ISLAND), NANAIMO DISTRICT, PLAN 14111.**



ALL DISTANCES AND ELEVATIONS ARE IN METRES AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.

THE INTENDED PLOT SIZE OF THIS PLAN IS 356 mm IN WIDTH BY 216 mm IN HEIGHT (LEGAL SIZE) WHEN PLOTTED AT A SCALE OF 1:250.

LOT DIMENSIONS ARE DERIVED FROM REGISTERED PLANS.

CIVIC ADDRESS: 24 PIRATE PLACE, NANAIMO.

PID: 004-340-302 ZONING: R-3.

**LEGEND:**

◆ DENOTES LEGAL POST SET.

HOUSE DESIGN FROM IAN NIAMATH ARCHITECTURE.

ELEVATION DATUM IS LOCAL AND IS DERIVED FROM THE ELEVATION OF A SPIKE IN THE ROAD. SPIKE= 30.48.

FG 29.6 DENOTES TYPICAL SPOT ELEVATION OF PROPOSED FINISHED GRADE (FG) IN CONFORMANCE WITH THE CITY OF NANAIMO ZONING BYLAW.

NG 29.6 DENOTES TYPICAL SPOT ELEVATION OF NATURAL GRADE (NG) IN CONFORMANCE WITH THE CITY OF NANAIMO ZONING BYLAW.

THIS PLAN PURPORTS TO POSITION ONLY THE ACTUAL AND/OR PROPOSED IMPROVEMENT(S) SHOWN RELATIVE TO ONLY THE BOUNDARIES SHOWN OF OR APPURTENANT TO THE ABOVE DESCRIBED PARCEL(S). THIS PLAN PROVIDES NO WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE LOCATION OF ANY OTHER ACTUAL OR PROPOSED IMPROVEMENT(S) RELATIVE TO ANY BOUNDARY OF OR APPURTENANT TO THE ABOVE DESCRIBED PARCEL(S). THIS PLAN IS NOT TO BE USED TO RE-ESTABLISH BOUNDARY LINES.

**Harbour City Land Surveying Ltd.**  
1825 LATIMER ROAD © 2017  
NANAIMO BC V9S 5H2  
PHONE: 250-758-4180

DRAWING: 14049-HS-REV2.DWG  
LAYOUT: 1

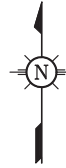
267  
PLAN 14111

268  
PLAN 14111  
AREA= 861 m<sup>2</sup>

PARK

PIRATE PLACE

269  
PLAN 14111



| MAXIMUM HOUSE HEIGHT CALCULATION |       |
|----------------------------------|-------|
| MEAN FG                          | 31.07 |
| MEAN NG                          | 31.07 |
| MAXIMUM HEIGHT PER BYLAW         | 7.0   |
| MAXIMUM ROOF PEAK                | 38.07 |
| PROPOSED MAIN FLOOR              | 32.91 |
| HEIGHT MAIN TO PEAK              | 6.34  |
| PROPOSED ROOF PEAK               | 39.25 |
| VARIANCE REQUIRED                | 1.33  |

THE UNDERSIGNED CONFIRMS THAT HE HAS BEEN RETAINED BY RONAN LANNUZEL TO PROVIDE FOUNDATION LAYOUT IN ACCORDANCE WITH THE FOUNDATION LOCATION SHOWN ON THIS PLAN.

THIS PARCEL MAY BE SUBJECT TO REGISTERED CHARGES, INTERESTS AND LEGAL NOTATIONS AS SHOWN ON TITLE NO. CA4198386.

THIS PLAN DOES NOT PURPORT TO VERIFY COMPLIANCE WITH THE RESTRICTIONS THEREIN.

THE SIGNATORY ACCEPTS NO RESPONSIBILITY OR LIABILITY FOR ANY DAMAGES THAT MAY BE SUFFERED BY A THIRD PARTY AS A RESULT OF ANY DECISIONS MADE, OR ACTIONS TAKEN BASED ON THIS DOCUMENT.

THIS BUILDING LOCATION CERTIFICATE HAS BEEN PREPARED IN ACCORDANCE WITH THE MANUAL OF STANDARD PRACTICE AND IS CERTIFIED CORRECT THIS DATE OF : NOVEMBER 2, 2017.

**Andre  
McNicoll  
FD1VLK**

Digitally signed by Andre  
McNicoll FD1VLK  
DN: c=CA, cn=Andre  
McNicoll FD1VLK, o=BC  
Land Surveyors, ou=Verify ID  
# www.juricon.com/  
OU=FD1VLK  
Date: 2017.11.03 08:26:04  
+0700

ANDRÉ MCNICOLL B.C.L.S.  
THIS DOCUMENT IS INVALID UNLESS DIGITALLY SIGNED.

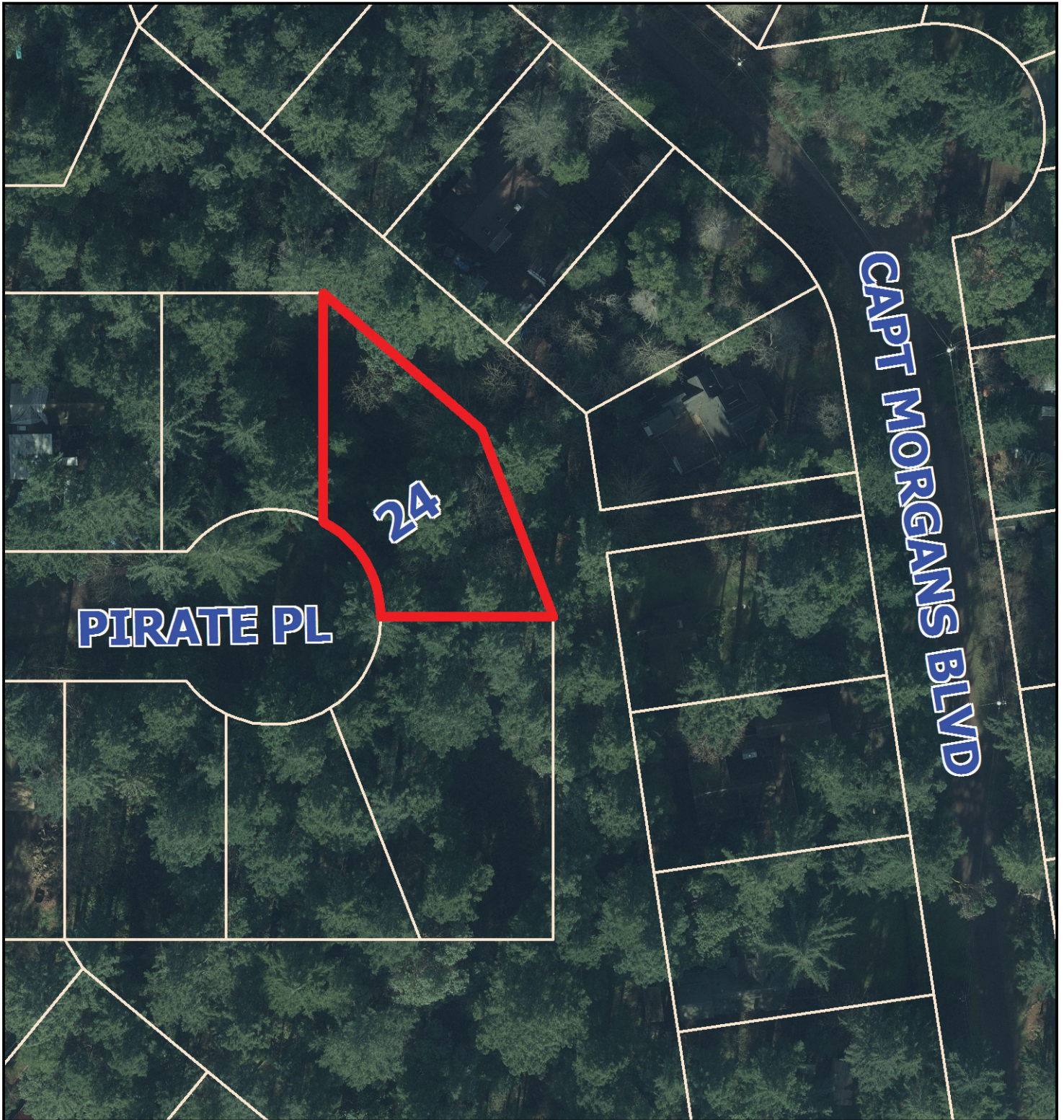
RECEIVED  
DVP 328  
2017-NOV-03  
British Columbia Land Surveyors Association







ATTACHMENT E  
AERIAL PHOTO



DEVELOPMENT VARIANCE PERMIT NO. DVP00328