

DATE OF MEETING March 21, 2016

AUTHORED BY DAVID STEWART, PLANNER, PLANNING AND DESIGN

SUBJECT DEVELOPMENT VARIANCE PERMIT NO. DVP283 – 614 NOTTINGHAM DRIVE

OVERVIEW

Purpose of Report

To obtain Council authorization to relax the maximum allowable height requirement for an accessory building under construction.

Recommendation

That Council issue Development Variance Permit No. DVP283 at 614 Nottingham Drive to vary the maximum allowable height for an accessory building from 5m to 5.16m, in order to permit a detached garage.

BACKGROUND

A development variance permit application, DVP283 (Attachment A) was received from Mr. Bruce Husby, to vary the provisions of the City of Nanaimo "Zoning Bylaw 2011 No. 4500" to permit a detached garage under construction that is 0.16m over the maximum height.

The Zoning Bylaw limits accessory building height with a roof pitch of 6:12, to a maximum of 5m. The applicant is requesting the maximum allowable height be increased to 5.16m in order to permit a detached garage which is currently under construction.

The subject property is 1,009m² in area and contains a single storey single family dwelling which is situated in the flat lower portion of the Miller Farm development, located between Hammond Bay Road and the Linley Valley.

The applicant's Letter of Rationale is included as Attachment B.

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

DISCUSSION

The applicant is in the process of constructing a 96.6m² accessory building which is to be used as a garage. During the building inspection process, the applicant recently discovered the building had been constructed 0.16m over height. According to the applicant, the building was constructed over height due to a mistake made by the building contractor and surveyor. The error was discovered by a height survey prepared after framing was completed and the roof trusses were installed. The height survey is included within the development variance permit.

The applicant has spoken to the majority of the neighbours regarding the proposed variance and has submitted a letter of no objection signed by six neighbouring residences at: 606, 610 and 618 Nottingham Drive; and 3178, 3182 and 3186 Warbrick (Attachment C).

The Zoning Bylaw allows an accessory building of 7m in height where the building includes a secondary suite, or is located within the allowable setbacks of the principal building. As the garage does not meet either of these conditions, the 5m height limit applies and a height variance is required.

Given the location and design of the accessory building, Staff believes the increased height of the accessory building will not have a significant impact on neighbouring views or privacy. Staff supports the requested variance.

SUMMARY POINTS

- The applicant is requesting a height variance for an accessory building from 5m to 5.16m, to recognize a detached garage under construction; a proposed variance of 0.16m.
- A variance is requested due to an error made during construction.

ATTACHMENTS


ATTACHMENT A: Development Variance Permit DVP00283
ATTACHMENT B: Applicant's Letter of Rationale
ATTACHMENT C: Neighbours' Letter of No Objection
ATTACHMENT D: Aerial Photo

Submitted by:



B. Anderson
Manager, Planning and Design

Concurrence by:


D. Lindsay
Director, Community Development

ATTACHMENT A



DEVELOPMENT VARIANCE PERMIT NO. DVP00283

BRUCE COLLIN HUSBY

Name of Owner(s) of Land (Permittee)

Civic Address: 614 NOTTINGHAM DRIVE

1. This development variance permit is issued subject to compliance with all of the bylaws of the municipality applicable thereto, except as specifically varied by this permit.
2. This permit applies to and only to those lands within the municipality described below, and any and all building structures and other developments thereon:

Legal Description:

LOT 7, SECTION 15A, WELLINGTON DISTRICT, PLAN EPP34847

PID No. 029-226-741

3. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby varied as follows:

Section 6.6.5 permits a maximum building height for an accessory building of 5.0m for a roof pitch of 6:12 or less. A variance is hereby granted to permit an accessory building with a height of 5.16m. This represents a variance of 0.16m.

4. The permittee, as a condition of the issuance of this permit, shall develop the land described herein strictly in accordance with the following terms and conditions and provisions and in accordance with any plans and specifications attached hereto which shall form a part thereof.

Schedule A Location Plan

Schedule B Height Survey

Schedule C Building Elevations

5. If the permittee does not substantially commence the construction permitted by this permit within two years of the date of this permit, this permit shall lapse.
6. This permit prevails over the provisions of the bylaw in the event of conflict.
7. This permit is not a building permit nor does it constitute approval of any signage. Separate applications must be made for a building permit and sign permit.

AUTHORIZING RESOLUTION PASSED BY COUNCIL
THE DAY OF , .

Corporate Officer

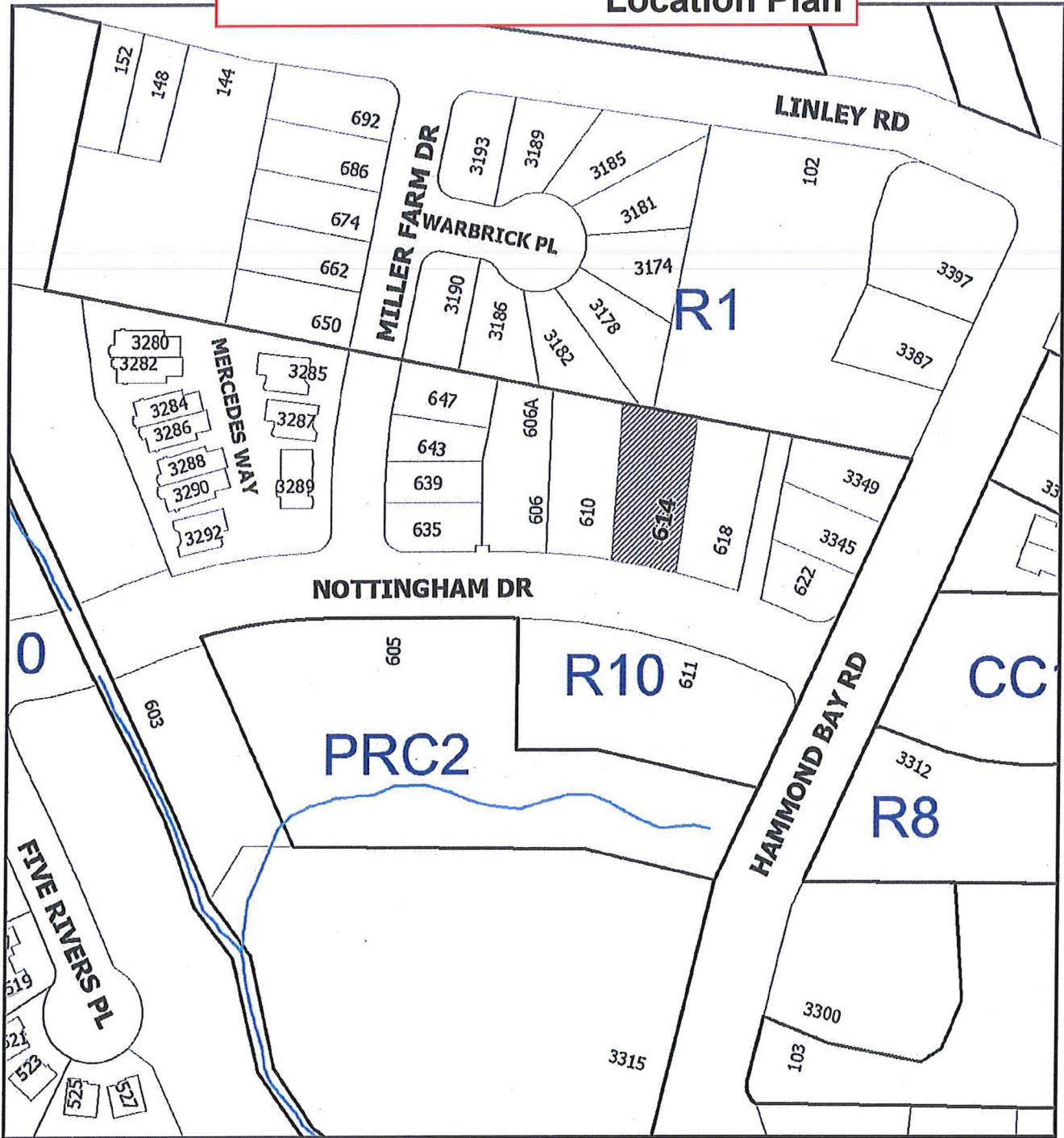
Date

DS/in
Prospero attachment: DVP00283

Development Variance Permit DVP00283
614 Nottingham Drive

Schedule A

Location Plan



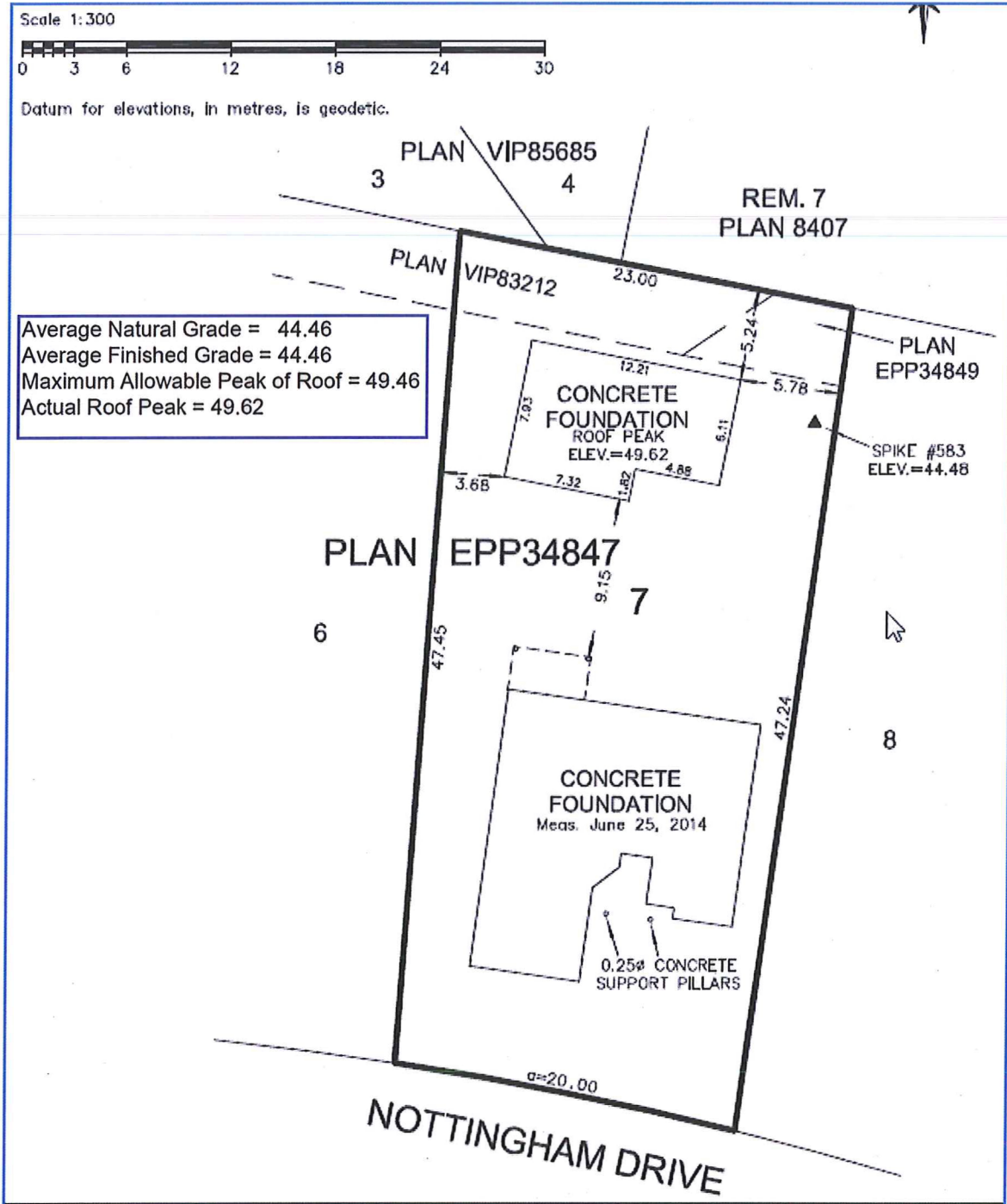
DEVELOPMENT VARIANCE PERMIT NO. DVP00283

LOCATION PLAN

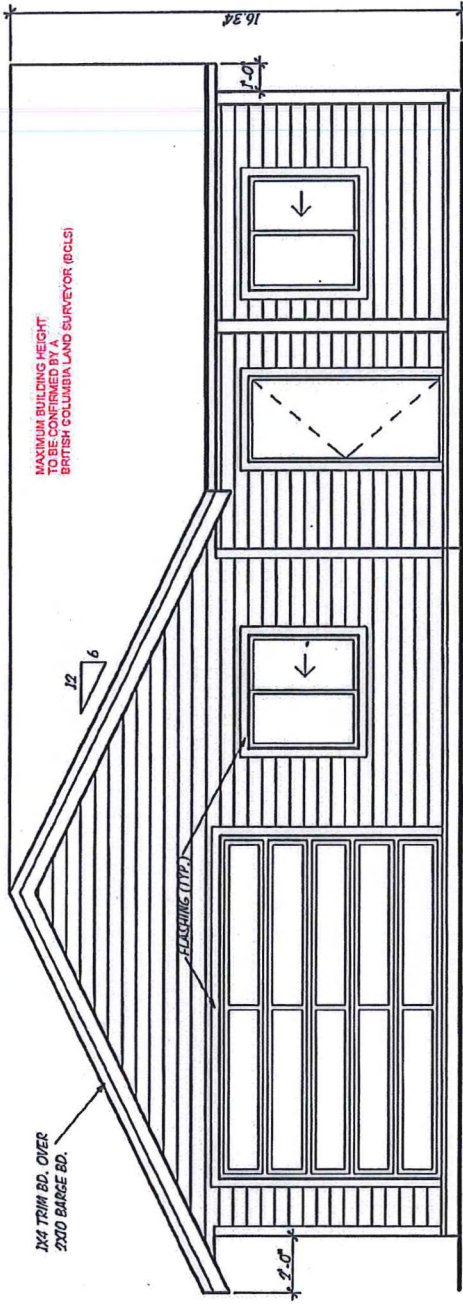
Civic: 614 Nottingham Drive
Lot 7, Section 15A,
Wellington District, Plan EPP34847

 **Subject Property**

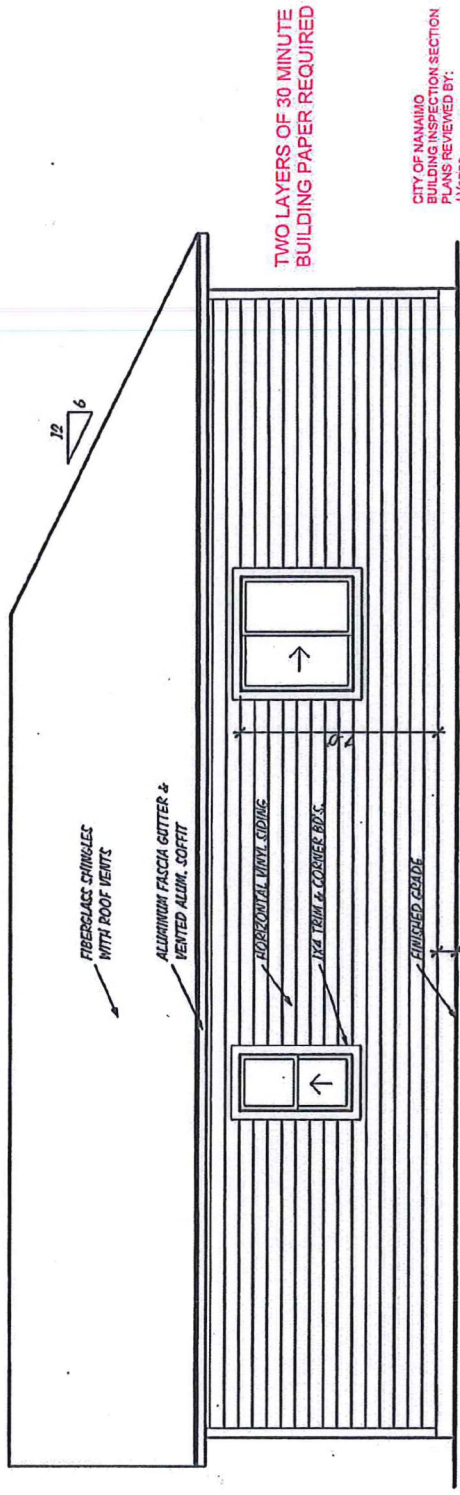
Height Survey



Development Variance Permit DVP00283
 614 Nottingham Drive
Schedule C
Building Elevations



FRONT ELEVATION



REAR ELEVATION

CITY OF NANAIMO
 BUILDING INSPECTION SECTION
 PLANS REVIEWED BY:
 J.Vesna

ATTACHMENT B

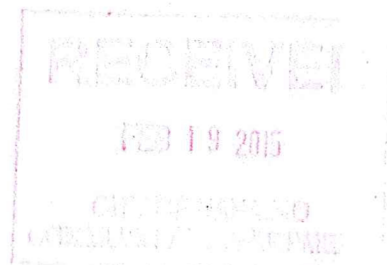
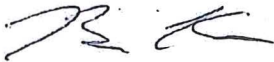
To the city of Nanaimo

Bruce Husby
614 Nottingham Dr
Nanaimo B.C

I am applying for a variance due to the building contractor and surveyer making a mistake regarding the building height.

This mistake was unbeknown to me up until my final survey was done resulting in the garage roof peaks been 6 inches too high.

Bruce Husby



ATTACHMENT C

Dear Neighbors

Bruce Husby
614 Nottingham Dr
Nanaimo B.C
November 18/2016

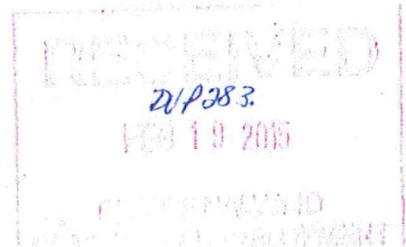
As a fellow resident in the neighborhood, I hereby request you to sign and acknowledge that you except the fact that my newly constructed garage at 614 Nottingham Drive was mistakenly built by the contractor 6 inches higher then the building code for the city of Nanaimo,

For this reason the city requested that I submit this form with my application for a variance.

Your signature is greatly appreciated.

RICHARD BARNARD
Richard : Andrew Schwartz
dun : Andrew Schwartz

Linel Kinsky
JULIE GERLOCK
Shelley Winy
Allan McRae



ATTACHMENT D

Aerial Photo



DEVELOPMENT VARIANCE PERMIT NO. DVP00283