

DATE OF MEETING October 2, 2017

AUTHORED BY TAMERA ROGERS, PLANNER, CURRENT PLANNING AND SUBDIVISION

SUBJECT **DEVELOPMENT VARIANCE PERMIT NO. DVP326 – 3604 HAMMOND BAY ROAD**

## OVERVIEW

### **Purpose of Report**

To present for Council’s consideration, a development variance permit application to allow an existing carport located within the side yard setback to be converted into a garage at 3604 Hammond Bay Road.

### **Recommendation**

That Council issue Development Variance Permit No. DVP326 at 3604 Hammond Bay Road with the following variance:

- reduce the east side yard setback for a principal building from 1.5m to 1.4m.

## BACKGROUND

A development variance permit application, DVP326, was received from Mr. Mel Huggins and Ms. Kate Labou to vary the provisions of the City of Nanaimo “Zoning Bylaw 2011 No. 4500” to allow an existing carport located within the side yard setback to be converted into a garage at 3604 Hammond Bay Road.

### **Subject Property**

|                                |  |
|--------------------------------|--|
| <i>Zoning</i>                  | R1 – Single Dwelling Residential   |
| <i>Location</i>                | The subject property is located on the east side of Hammond Bay Road near Pipers Lagoon Park, four properties north of the Chinook Road intersection |
| <i>Total Lot Area</i>          | 998m <sup>2</sup>  |
| <i>Official Community Plan</i> | Map 1 – Future Land Use - Neighbourhood  |

The subject property is located in an existing single dwelling residential neighbourhood on the ocean side of Hammond Bay Road. The subject property is lower than Hammond Bay Road and the property immediately to the east at 3602 Hammond Bay Road.

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

## **DISCUSSION**

### **Proposed Development**

The applicant proposes to convert an existing carport into a garage. As the siting of the existing carport is non-conforming, a variance is required to the side yard setback in order to enclose it as a garage.

The subject property is lower than the property to the east at 3602 Hammond Bay Road and a side yard fence separates the properties. As such, visibility of the garage from the property to the east will be limited. See Attachment E for context photos. Staff received a letter of support for the variance from the adjacent property owners at 3602 Hammond Bay Road.

For more information, see the attachments.

## **PROPOSED VARIANCES**

### **Minimum Side Yard Setback**

The minimum east side yard setback is 1.5m. The proposed side yard setback is 1.4m, a proposed variance of 0.1m.

As the subject property is lower than the property to the east and a fence separates the properties, visibility of the enclosed garage from the neighbouring property will be limited. The enclosure of the carport will not result in any change to the building footprint.

## **SUMMARY POINTS**

- Development Variance Permit No. DVP326 proposes a variance to the east side yard setback to allow the conversion of an existing carport into a garage.
- Visibility of the garage from the property to the east will be limited due to site topography and a side yard fence.

## **ATTACHMENTS**

ATTACHMENT A: Permit Terms and Conditions

ATTACHMENT B: Location Plan

ATTACHMENT C: Site Survey

ATTACHMENT D: Elevations

ATTACHMENT E: Context Photos

ATTACHMENT F: Aerial Photo

### **Submitted by:**

L. Rowett  
Manager, Current Planning and Subdivision

### **Concurrence by:**

D. Lindsay  
Director, Community Development

# **ATTACHMENT A PERMIT TERMS AND CONDITIONS**

## **TERMS OF PERMIT**

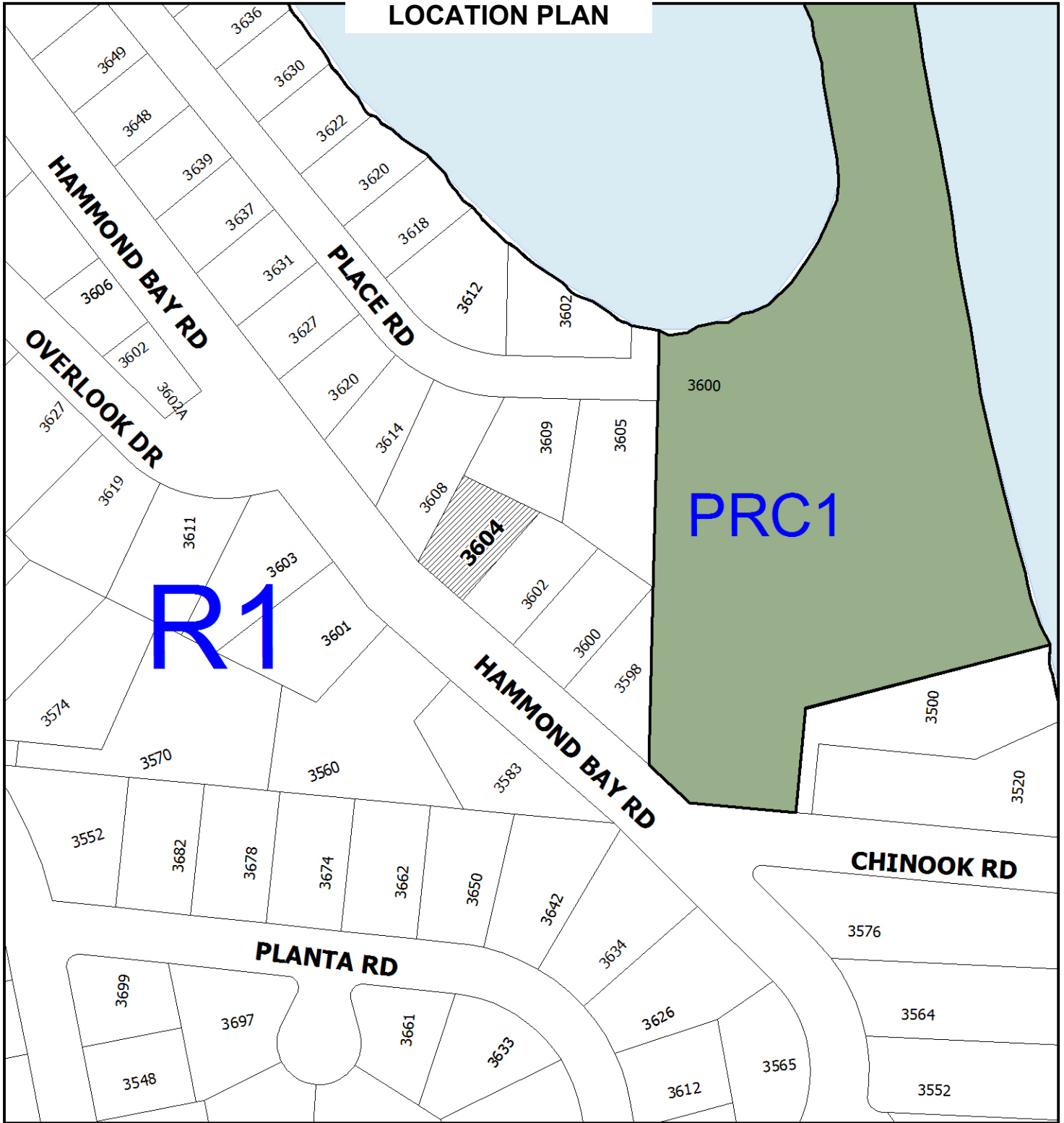
The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is varied as follows:

1. *Section 7.5.1 Siting of Buildings* – to reduce the minimum side yard setback (east) for a principal building from 1.5m to 1.4m.

## **CONDITIONS OF PERMIT**

1. The subject property shall be developed in accordance with the Site Survey prepared by Charles O. Smythies and Associates dated 2017-JUN-20, as shown on Attachment C.
2. The subject property shall be developed generally in accordance with the elevations prepared by Greenplan dated 2017-JUN-22, as shown on Attachment D.

**ATTACHMENT B  
LOCATION PLAN**



**R1**

**PRC1**

**3604**



DEVELOPMENT VARIANCE PERMIT NO. DVP00326

**LOCATION PLAN**

Civic: 3604 Hammond Bay Road  
Lot 1, District Lot 39, Wellington District,  
Plan 28954

 **Subject  
Property**

ATTACHMENT C

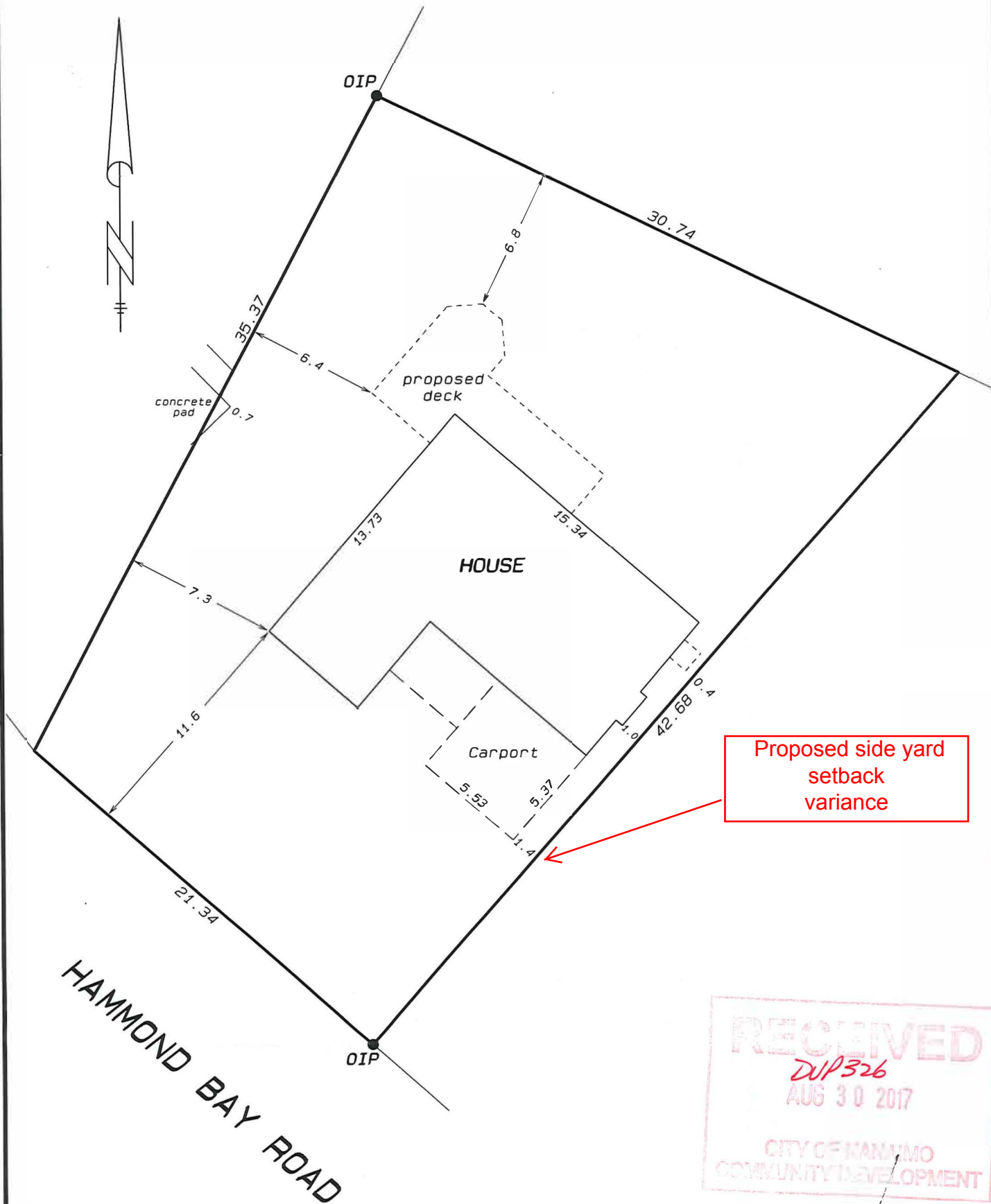
SITE SURVEY

B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION

OF HOUSE ON LOT 1, PLAN 28954,  
DISTRICT LOT 39, WELLINGTON DISTRICT.

SCALE = 1: 250

All distances are in metres.



Proposed side yard setback variance

RECEIVED  
 DUP 326  
 AUG 30 2017  
 CITY OF NANAIMO  
 COMMUNITY DEVELOPMENT

Charles O. Smythies & Associates ©

B.C. Land Surveyors & Planners  
Nanaimo, B.C.

Date: June 20, 2017.

File: WL-39-GEN

Certified Correct

*[Signature]* B.C.L.S.  
 This document is not valid unless originally signed and sealed.





**ATTACHMENT E  
CONTEXT PHOTOS**





ATTACHMENT F  
AERIAL PHOTO



DEVELOPMENT VARIANCE PERMIT NO. DVP00326

