

DATE OF MEETING | October 7, 2019 |

AUTHORED BY | SADIE ROBINSON, PLANNING ASSISTANT, CURRENT PLANNING |

SUBJECT | **DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP394 – 4680 BATES ROAD** |

OVERVIEW

Purpose of Report

To present for Council’s consideration, a development variance permit application to allow an over-height accessory building at 4680 Bates Road. |

Recommendation

That Council issue Development Variance Permit No. DVP394 at 4680 Bates Road with the following variance:

- increase the maximum accessory building height for a roof pitch less than 6:12 from 4.5m to 4.6m.]

BACKGROUND

A development variance permit application, DVP394, was received from Mr. Boyd Boyle to vary the provisions of “City of Nanaimo Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) to allow an over-height accessory building at 4680 Bates Road.

The applicant obtained a building permit (BP125566) to construct a detached garage on the subject property. The garage was constructed 10cm over height from what was shown in the submitted plans, which complied with all Zoning Bylaw regulations. Final approval cannot be given by the Building Inspections Section until the height conforms to the bylaw or a variance is granted.

Subject Property

<i>Zoning</i>	R1 – Single Dwelling Residential
<i>Location</i>	The subject property is located at the corner of Cardena Road and Bates Road.
<i>Total Area</i>	1020m ²
<i>Official Community Plan</i>	Map 1 - Future Land Use - Neighbourhood

The subject property is relatively flat in a mixed single dwelling residential, industrial and corridor-zoned neighbourhood off Wellington Road.

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

DISCUSSION

Proposed Development

The already-constructed development is a one-storey, 132m² accessory building with a flat low-slope roof pitch to be used as a garage. The accessory building has been constructed to the rear of the property and requires a height variance to allow final approval to be granted by the Building Section.

Proposed Variance

Maximum Accessory Building Height

The maximum accessory building height for a roof pitch less than 6:12 is 4.5m. The proposed accessory building height is 4.6m, a proposed variance of 0.1m.

The Zoning Bylaw allows accessory buildings with an 8:12 roof pitch or greater to be up to 5.5m in height, or if the accessory building is located within the principal building setbacks, up to 7m in height regardless of roof pitch. Because the owner has selected a nearly flat roof pitch (1/4:12), a variance is required to accommodate the additional height.

The 4.6m accessory building height is not anticipated to negatively impact adjacent properties and five letters of support have been provided from neighbouring properties for this application.

SUMMARY POINTS

- Development Variance Permit Application No. DVP394 proposes a variance to increase the maximum accessory building height to allow final building approval to be granted for a recently constructed accessory building.
- The requested height variance is not anticipated to negatively impact adjacent properties.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Location Plan
ATTACHMENT C: Site Survey
ATTACHMENT D: Building Elevations
ATTACHMENT E: Context Photo
ATTACHMENT F: Aerial Photo

Submitted by:

L. Rowett
Manager, Current Planning

Concurrence by:

J. Holm
Director, Development Approvals

D. Lindsay
General Manager, Development Services

**ATTACHMENT A
PERMIT TERMS AND CONDITIONS**

TERMS OF PERMIT

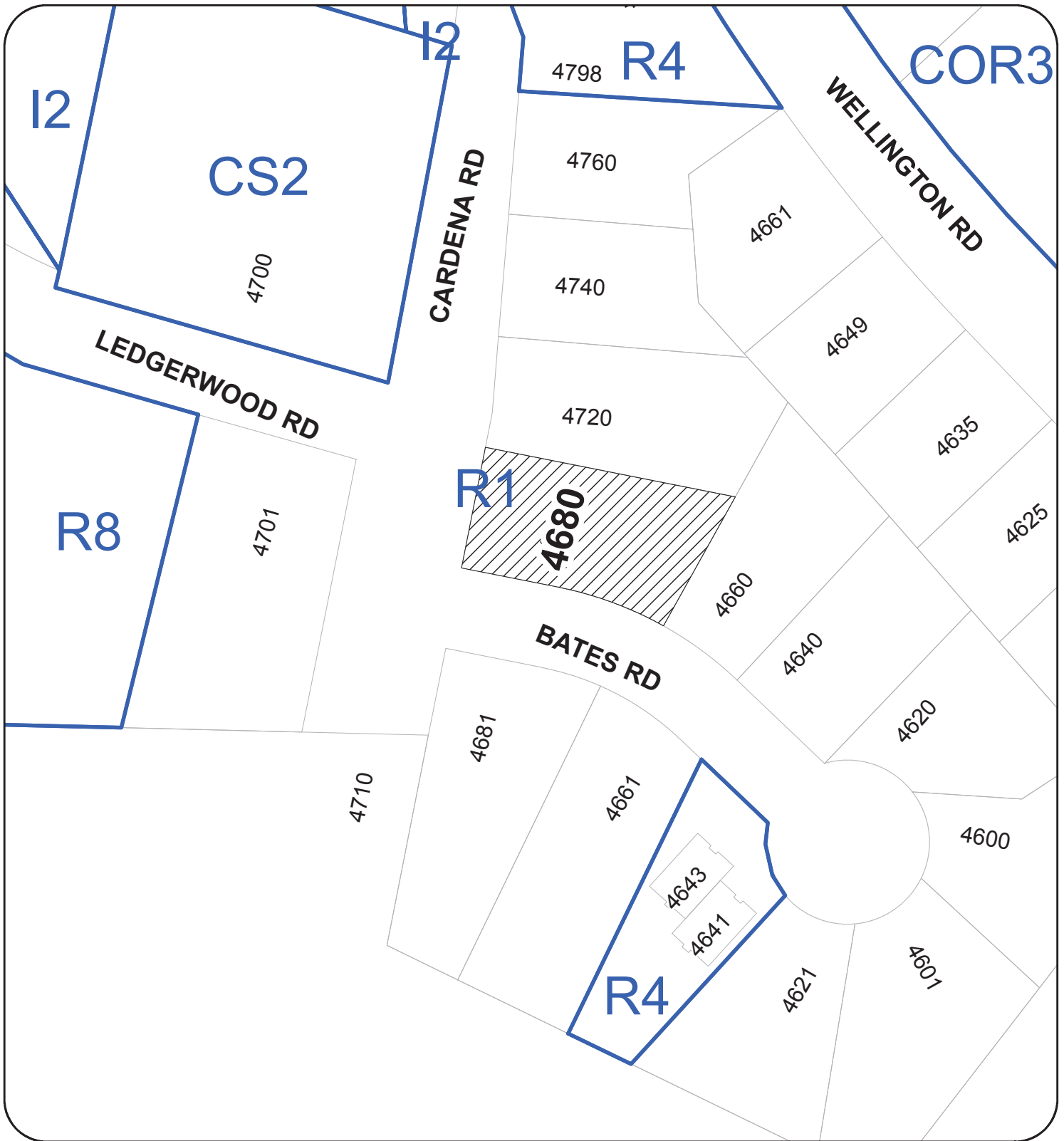
The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is varied as follows:

1. *Section 6.6.5 Accessory Building Height* – to increase the maximum permitted accessory building height from 4.5m to 4.6m for a roof pitch less than 6:12.

CONDITIONS OF PERMIT

1. The subject property is developed in accordance with the Site Survey prepared by Charles O. Smythies & Associates., dated 2019-JUL-22, as shown on Attachment C.
2. The existing accessory building is constructed generally in accordance with the Building Elevations., received 2019-SEP-06, as shown on Attachment D.

ATTACHMENT B
LOCATION PLAN



DEVELOPMENT VARIANCE PERMIT NO. DVP00394

LOCATION PLAN

Civic: 4680 BATES ROAD
Legal Description: LOT 10, SECTION 5
WELLINGTON DISTRICT, PLAN 26060



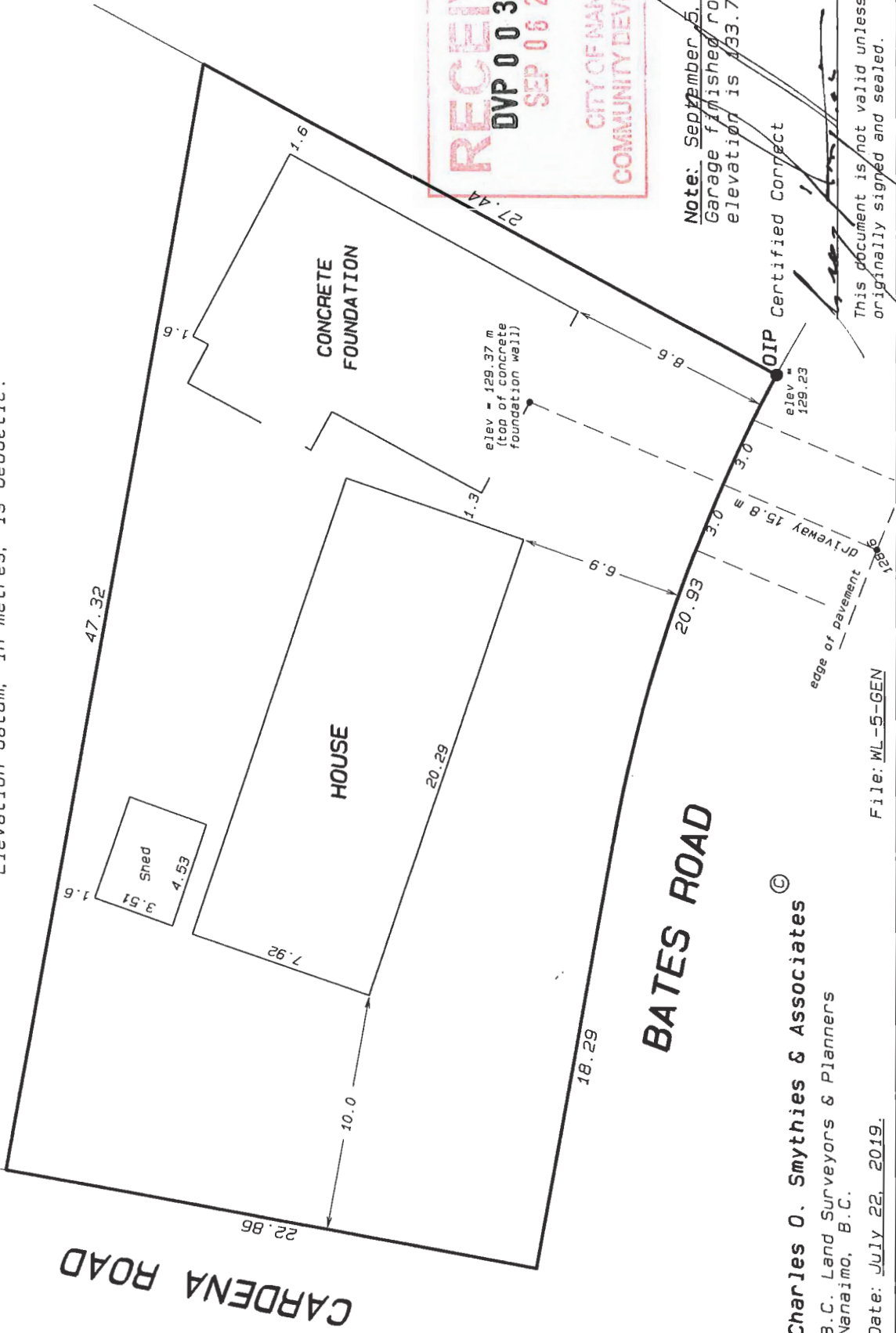
SUBJECT PROPERTY

ATTACHMENT C
SITE SURVEY

**B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION
OF HOUSE, SHED AND NEW FOUNDATION ON LOT 10,
PLAN 26060, SECTION 5, WELLINGTON DISTRICT.**

SCALE = 1:250

All distances are in metres.
Elevation datum, in metres, is Geodetic.



RECEIVED
DVP 00394
SEP 06 2019
CITY OF NANAIMO
COMMUNITY DEVELOPMENT

Note: September 5, 2019.
Garage finished roof peak elevation is 133.76 m.

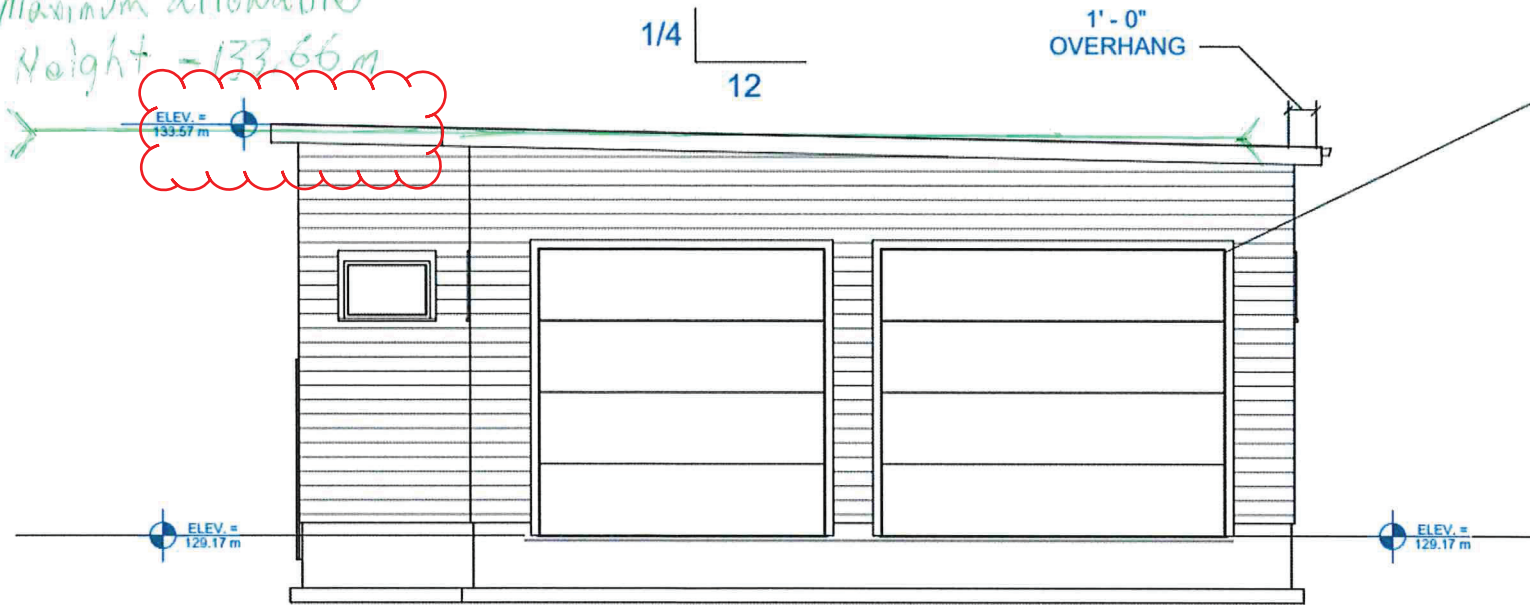
OIP Certified Correct
elev = 129.23
This document is not valid unless originally signed and sealed.
Charles O. Smythies & Associates B.C.L.S.

Charles O. Smythies & Associates ©
B.C. Land Surveyors & Planners
Nanaimo, B.C.
Date: July 22, 2019.

File: WL-5-GEN

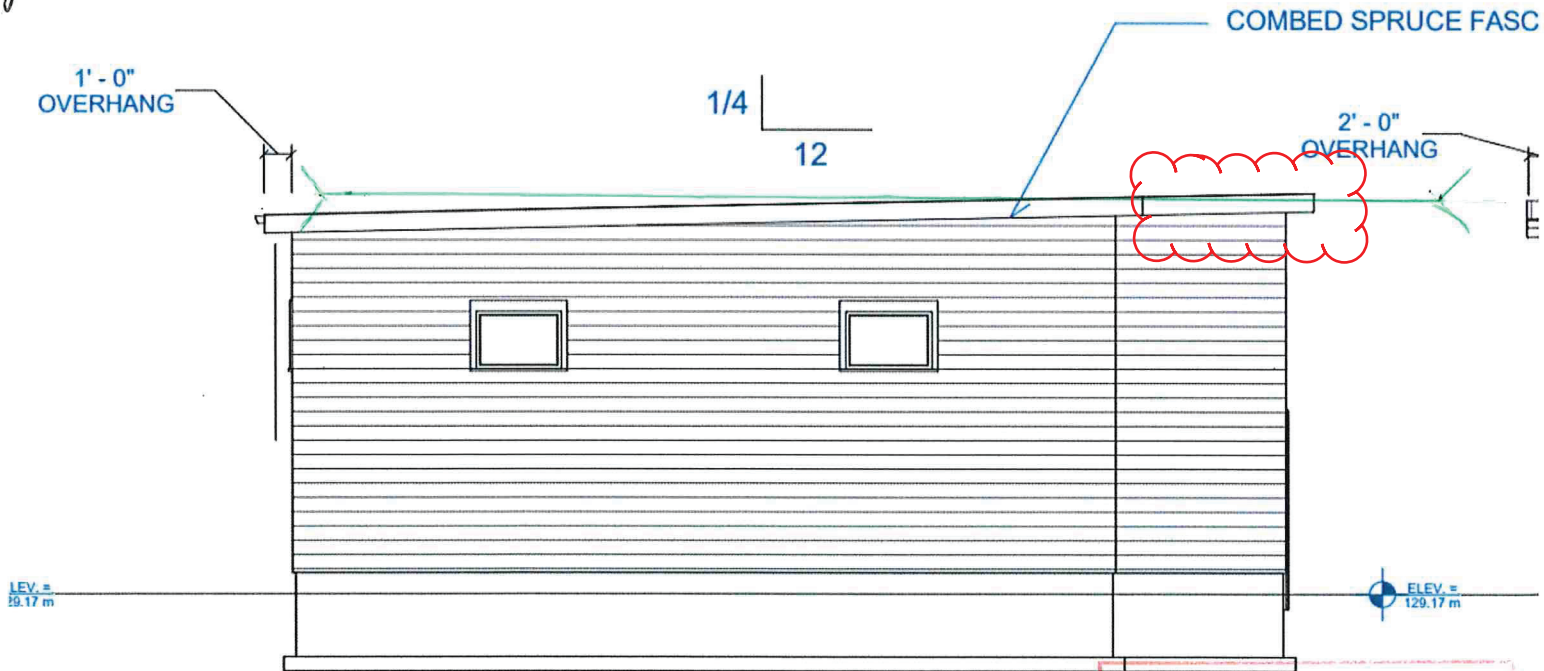
ATTACHMENT D
BUILDING ELEVATIONS

Maximum allowable
Height - 133.66 m



FRONT ELEVATION

Maximum allowable
Height - 133.66 m
Garage finished roof
peak elevation - 133.76 m



REAR ELEVATION

SPATIAL CALCULATION: REAR

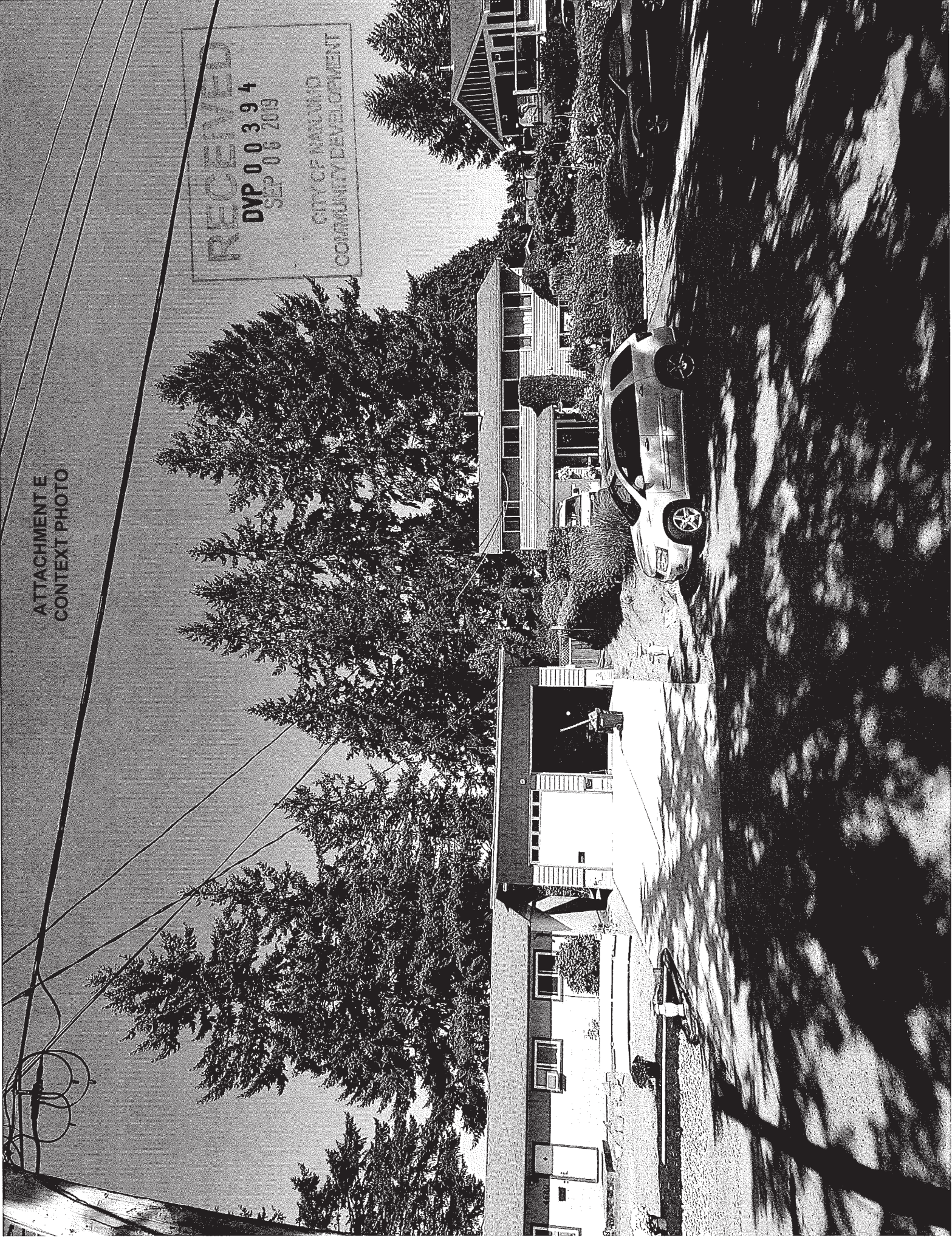
Area of exterior wall = 33.724 m (a)
Area of all openings on the wall = 1.115 m (b)

Calculations: 100 X (b) 111.5 divided by (a) 33.724



ATTACHMENT E
CONTEXT PHOTO

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ATTACHMENT F
AERIAL PHOTO



DEVELOPMENT VARIANCE PERMIT NO. DVP00394

 SUBJECT PROPERTY