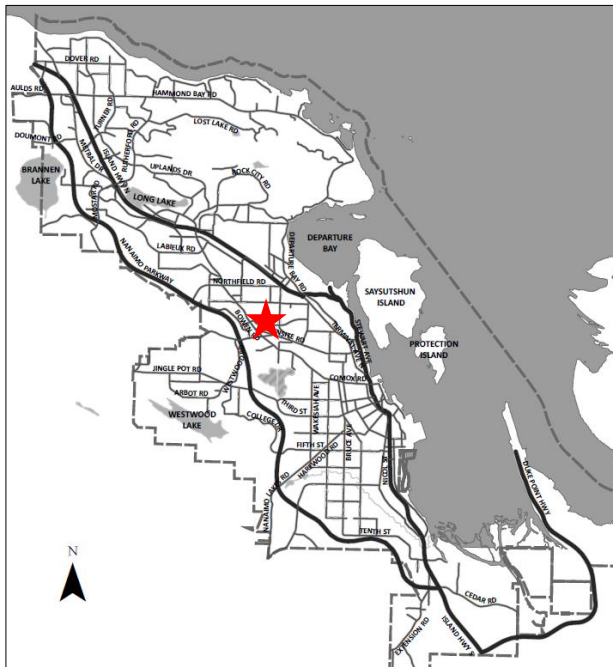


DATE OF MEETING | September 25, 2023

AUTHORED BY | KRISTINE MAYES, PLANNER, CURRENT PLANNING

SUBJECT | **DEVELOPMENT PERMIT APPLICATION NO. DP1312 – 1619 TOWNSITE ROAD**



Proposal:

To legalize the siting of an existing non-conforming building

Zoning:

COR3 – Community Corridor

City Plan Land Use Designation:

Mixed-Use Corridor

Development Permit Areas:

DPA8 – Form & Character

Lot Area:

900m²

DP



City Aerial Photo 2022

OVERVIEW

Purpose of Report

To present for Council's consideration a development permit application with variances to legalize the siting of an existing non-conforming building at 1619 Townsite Road.

Recommendation

That Council issue Development Permit No. DP1279 for an existing building at 1619 Townsite Road with variances as outlined in the "Proposed Variances" section of the Staff Report dated 2023-SEP-25.

BACKGROUND

A development permit application, DP1312, was received from Greenplan on behalf of Shoa Sadeghi Ltd., to legalize the siting of an existing non-conforming building at 1619 Townsite Road.

Subject Property and Site Context

The subject property is located in the Northfield neighbourhood. The triangular shaped lot abuts East Wellington Road to the south and Townsite Road to the north and slopes approximately 2m down to East Wellington Road. Established commercial developments, multiple family dwellings, and a school (École Quarterway Elementary) predominantly characterize the surrounding area. The subject property contains a commercial building. A building permit application submitted to rectify construction completed without the required permits, including converting a portion of the building into a residential unit, and enclosing a portion of a second storey deck, has triggered the requirement to obtain a Development Permit with variance to legalize new and existing setback encroachments for the building.

DISCUSSION

Proposed Development

Through the Building Permit (BP128365) and Development Permit review, several non-conforming features were identified including the siting for portions of the existing building and two existing covered decks which are also being addressed as part of this application.

The works have triggered the requirement to obtain a Development Permit with variances as the improvements are within the front yard setbacks. The enclosing of the open deck was completed using materials that matched the façade of the existing building. No landscape works or changes to the parking area are proposed.

Proposed Variances

Siting of a Principal Building

The minimum front yard setback in the COR3 zone is 3.0m. The proposed variances to the required 3.0m front yard setback include:

- a) A proposed front yard setback of 1.43m for a portion of the existing building along East Wellington Road (including a new second storey addition) containing an enclosed carport which is currently under a Building Permit application to be converted to a commercial unit. Staff support the variance as commercial uses are supported on the lot, and no negative impacts on adjacent neighbours or sightlines are anticipated.
- b) A proposed front yard setback is 1.22m for an existing covered entry fronting on East Wellington Road. Staff support the variance which includes the removal of the unpermitted extension to the covered entry, which encroaches into City road dedication.
- c) A proposed front yard setback is 2.73m for an existing covered entry fronting on Townsite Road. Staff support the variance as the covered entry provides weather protection, aids in wayfinding, and no negative impacts on sightlines are anticipated.

Staff support the proposed variances. |

SUMMARY POINTS

- Development Permit application No. DP1312 proposes to legalize an existing non-conforming building.
- Variances are requested to:
 - reduce the minimum required front yard setback for a principal building (abutting East Wellington Road) from 3.0m to 1.43m;
 - reduce the minimum required front yard setback for a covered entry (abutting East Wellington Road) from 3.0m to 1.22m; and,
 - reduce the minimum required front yard setback for an covered entry (abutting Townsite Road) from 3.0m to 2.73m.
- Staff support the proposed variances.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Subject Property Map
ATTACHMENT C: Site Plan
ATTACHMENT D: Building Elevations and Details |

Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services
/ Deputy CAO

ATTACHMENT A

PERMITS TERMS AND CONDITIONS

PERMIT TERMS

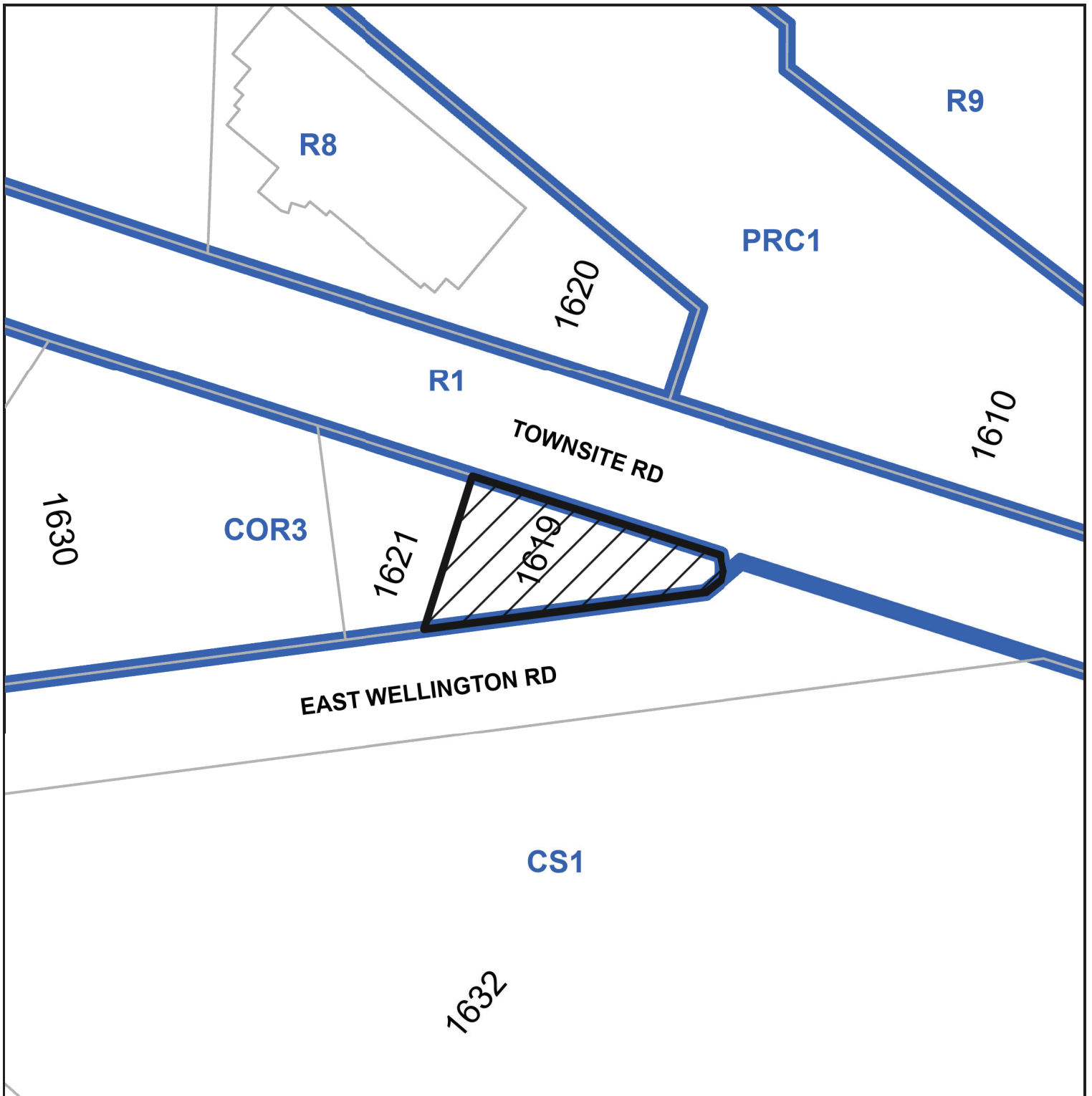
The “City of Nanaimo Zoning Bylaw 2011 No. 4500” is varied as follows:

1. *Section 9.5.3 Siting of Buildings* – to reduce the minimum required front yard setback (abutting East Wellington Road) for an existing principal building from 3.0m to 1.43m as shown on Attachment C.
2. *Section 9.5.3 Siting of Buildings* – to reduce the minimum required front yard setback (abutting East Wellington Road) for a covered entry on an existing building from 3.0m to 1.22m as shown on Attachment C.
3. *Section 9.5.3 Siting of Buildings* – to reduce the minimum required front yard setback (abutting Townsite Road) for a covered entry on an existing building from 3.0m to 2.73m as shown on Attachment C.

CONDITIONS OF PERMIT

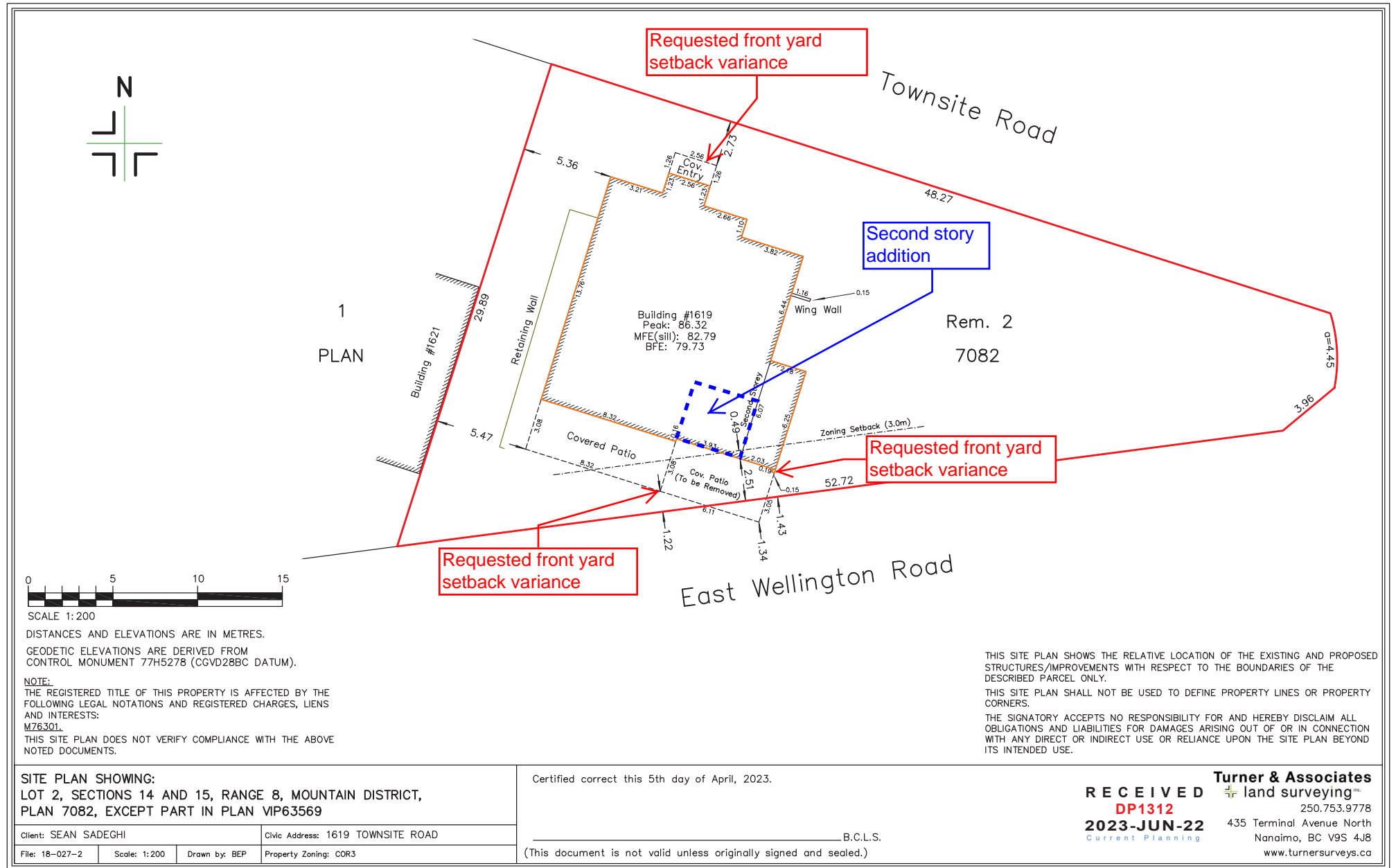
1. The subject property shall be developed in accordance with the Site Plan, prepared by Turner & Associates Land Surveying Inc., dated 2023-APR-05, as shown on Attachment C.
2. The subject property shall be developed in substantial compliance with the Building Elevations and Details, prepared by Greenplan, dated 2023-APR-26, as shown on Attachment D.
3. The existing covered patio on the south elevation facing East Wellington Road be reduced in extent as shown on the Site Plan, prepared by Turner & Associates Land Surveying Inc., dated 2023-APR-05, as shown on Attachment C.

ATTACHMENT B
SUBJECT PROPERTY MAP

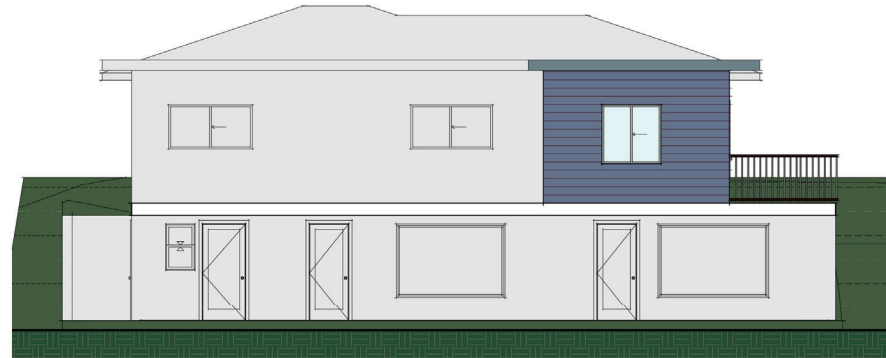


1619 TOWNSITE ROAD

ATTACHMENT C SITE PLAN



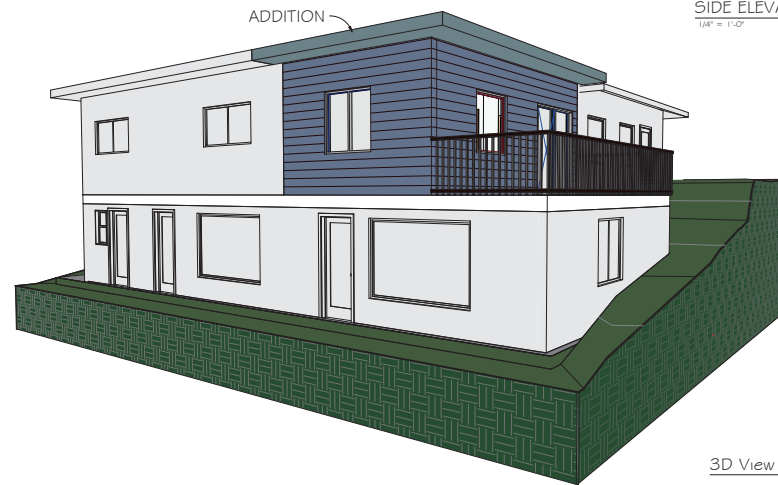
ATTACHMENT D BUILDING ELEVATIONS AND DETAILS



REAR ELEVATION BOV
1/4" = 1'-0"



SIDE ELEVATION BOV
1/4" = 1'-0"



3D View 1

RECEIVED
DP1312
2023-MAY-26

Revisions

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1619 TOWNSITE ROAD
BOV APPLICATION

Greenplan
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Nanaimo, B.C.
(250) 722-3456
www.greenplan.ca
info@greenplan.ca

Designed Designer	Drawn Author	Checked Checker
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Date 14/02/2023

Project 11149

Drawing # 21149-0426-42

Scale 1/4" = 1'-0"

Sheet Title BOV APPLICATION

Sheet # A5
