

# City of Nanaimo

## REPORT TO COUNCIL

**DATE OF MEETING:** 2014-MAR-10

**AUTHORED BY:** GARY NOBLE, DEVELOPMENT APPROVAL PLANNER  
PLANNING & DESIGN SECTION

**RE:** DEVELOPMENT VARIANCE PERMIT NO. DVP226 - 2430 JINGLE POT ROAD

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### STAFF RECOMMENDATION:

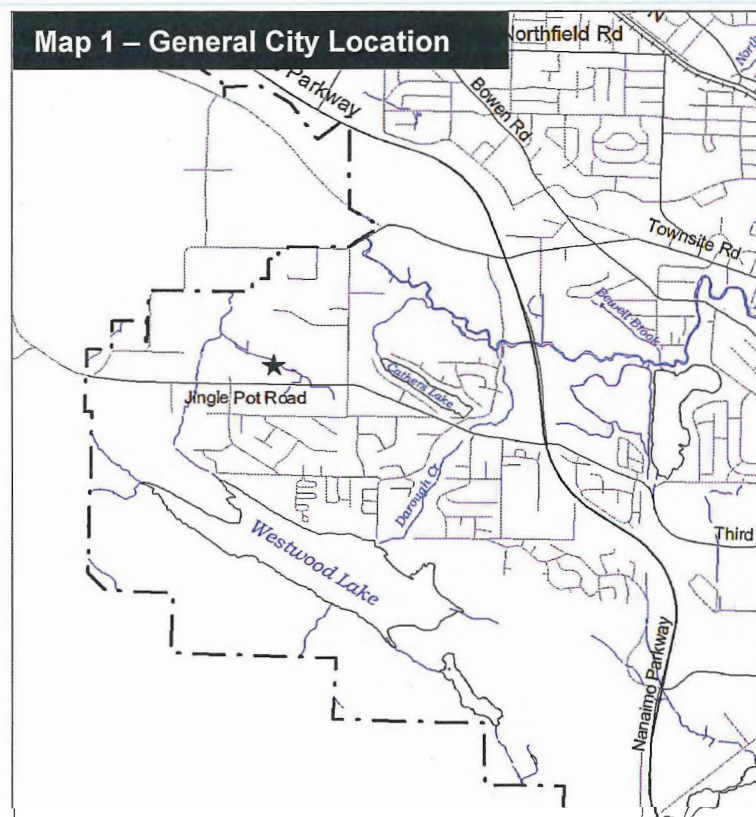
That Council issue Development Variance Permit No. DVP226 at 2430 JINGLE POT ROAD in order to allow an increase the maximum gross floor area to 100.4m<sup>2</sup> for two accessory buildings; an existing shed and new garage/shop.

### PURPOSE:

The purpose of this report is to seek Council authorization to vary the maximum gross floor area (GFA) for accessory buildings within the City of Nanaimo "ZONING BYLAW 2011 NO 4500" in order to permit two accessory buildings, an existing shed and a new garage/shop, to exceed the maximum GFA by 10.4m<sup>2</sup>.

### BACKGROUND:

A development variance permit (DVP) application was received from LIONEL CAYER and DIANE CAYER, to vary the provisions of the City of Nanaimo "ZONING BYLAW 2011 NO 4500" to retain an 11.2m<sup>2</sup> existing shed onsite.



At the Council Meeting held 2014-FEB-17, Council approved Statutory Notification for Development Variance Permit DVP226.

- Council
- Committee.....
- Open Meeting
- In-Camera Meeting
- 2014-MAR-10

*Subject Property*

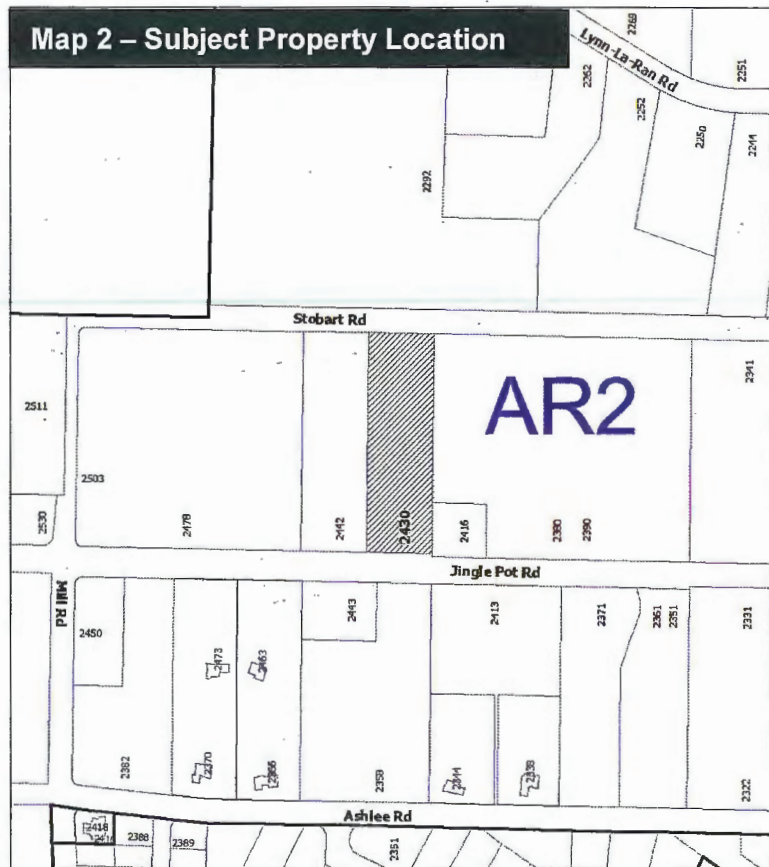
<b>Zoning</b>	AR2 – Urban Reserve
<b>Location</b>	The subject property is a through lot which abuts both Jingle Pot Road to the south and Stobart Road to the north, between Mill Road and Holland Road.
<b>Total Area</b>	1.0ha

**DISCUSSION:**

*Proposed Development*

The subject property is a large lot in a block along Jingle Pot Road, where the majority of lots are 1.0ha or larger.

The applicant has constructed a garage/shop with a gross floor area of 89.2m<sup>2</sup>, and is unable to receive occupancy unless an existing shed (11.2m<sup>2</sup> floor area) is removed, or a variance is granted. The new shop and existing shed are shown on the site plan – Attachment A. The combined floor area of the new garage/shop and the existing accessory building is 100.4m<sup>2</sup>, which exceeds the maximum GFA of 90m<sup>2</sup> for all onsite accessory buildings. The applicant notes the existing shed provides a utility onsite and does not want to remove the shed.



*Applicant's Rationale*

The Applicant's Rationale for the variance is included as Attachment B. The immediate neighbours to the east and west have also provided comment, as included in Attachment C.

*Required Variance*

The applicant is requesting that the maximum GFA for all onsite accessory buildings of 90m<sup>2</sup> be varied to 100.4m<sup>2</sup>, a proposed variance above the maximum GFA of 10.4m<sup>2</sup>.

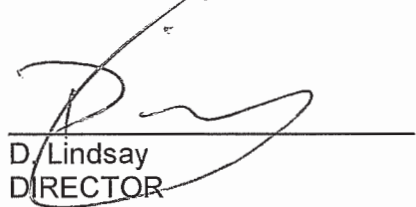
Staff supports the requested variance and recommends that Council approve this application.

Respectfully submitted,

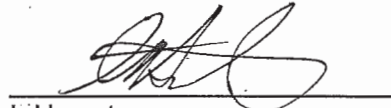


B. Anderson  
MANAGER  
PLANNING & DESIGN SECTION

Concurrence by:



D. Lindsay  
DIRECTOR  
COMMUNITY DEVELOPMENT



I. Howat  
GENERAL MANAGER  
CORPORATE SERVICES

CITY MANAGER COMMENT:

I concur with the staff recommendation.

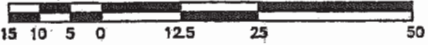
*Drafted: 2014-FEB-27  
Prospero attachment: DVP00226  
GN/b*

**B.C. LAND SURVEYOR'S SITE PLAN  
OF LOT B, SECTION 12, RANGE 6, MOUNTAIN DISTRICT,  
PLAN 47212.**

BCGS 92F.020

PID 011-894-318

SCALE 1:750



ALL DISTANCES ARE IN METRES UNLESS OTHERWISE NOTED

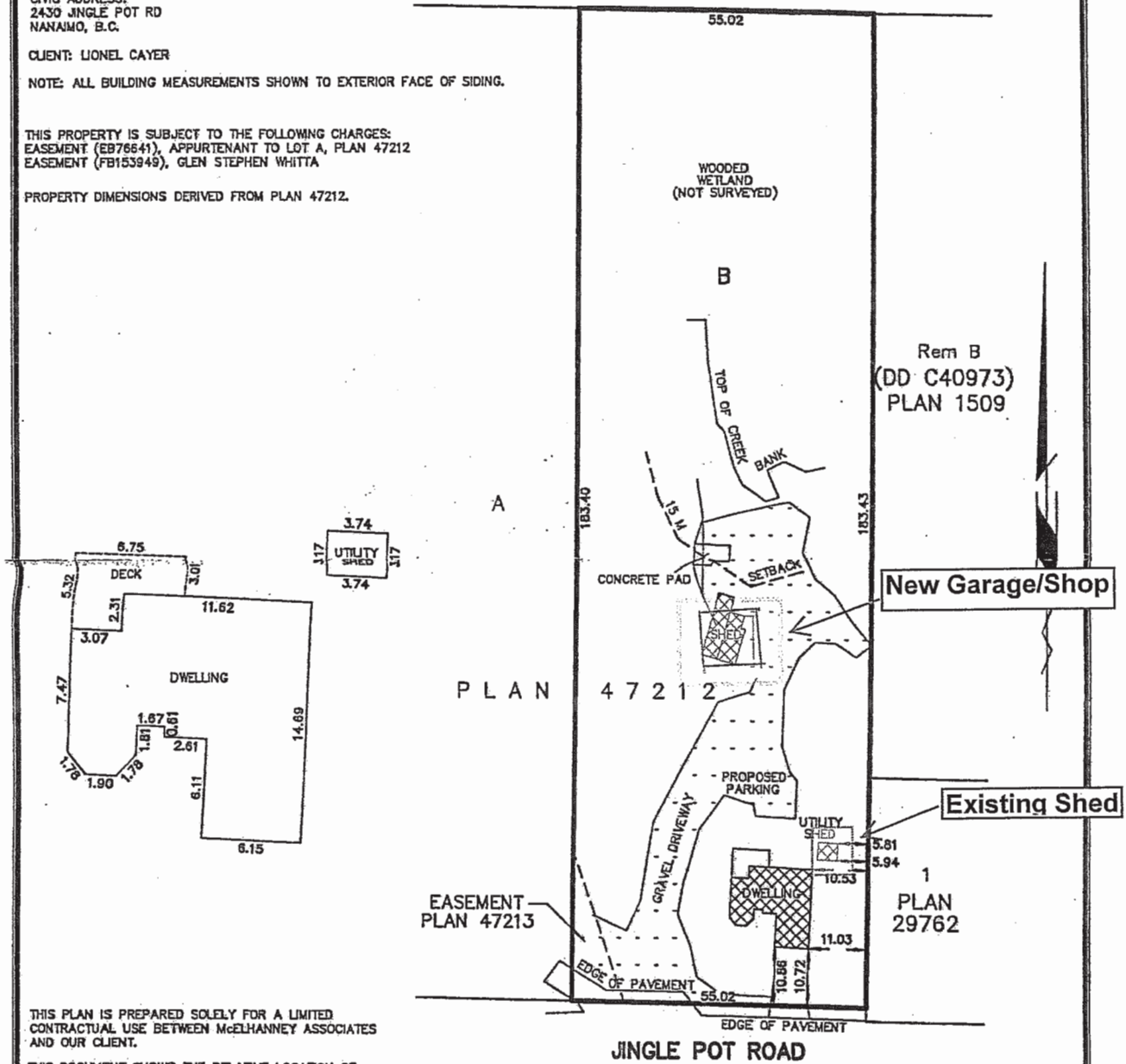
CIVIC ADDRESS:  
2430 JINGLE POT RD  
NANAIMO, B.C.

CLIENT: LIONEL CAYER

NOTE: ALL BUILDING MEASUREMENTS SHOWN TO EXTERIOR FACE OF SIDING.

THIS PROPERTY IS SUBJECT TO THE FOLLOWING CHARGES:  
EASEMENT (EB76641), APPURTENANT TO LOT A, PLAN 47212  
EASEMENT (FB153949), GLEN STEPHEN WHITTA

PROPERTY DIMENSIONS DERIVED FROM PLAN 47212.



THIS PLAN IS PREPARED SOLELY FOR A LIMITED CONTRACTUAL USE BETWEEN McELHANNEY ASSOCIATES AND OUR CLIENT.

THIS DOCUMENT SHOWS THE RELATIVE LOCATION OF THE SURVEYED STRUCTURES AND FEATURES WITH RESPECT TO THE BOUNDARIES OF THE PARCEL DESCRIBED ABOVE. THIS DOCUMENT SHALL NOT BE USED TO DEFINE PROPERTY LINES OR PROPERTY CORNERS.

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.

**McElhanney**  
SUITE 1 - 1351 ESTEVAN ROAD  
NANAIMO, B.C.  
V9S 3Y3

250.716.3338 (P)  
250.716.3339 (F)

OUR FILE NO. 2232-96201-1

© 2010 COPYRIGHT RESTRICTION THIS PLAN IS THE EXCLUSIVE PROPERTY OF McELHANNEY ASSOCIATES AND MAY NOT BE ALTERED OR REPRODUCED WITHOUT WRITTEN CONSENT OF SAME.

Forms part of approved plans - not to be removed

CERTIFIED CORRECT ON THE 01 DAY OF OCTOBER 2010.

*Brian O. Wardrop*

BRIAN O. WARDROP, BCLS

## ATTACHMENT B

### Variance application Rationale

#### 2430 Jingle Pot Road

Re: Accessory building square footage more than allowed by city bylaws.

I would like to request a variance to my property that would allow me to keep a small shed adjacent to our home. The total square footage of the 2 accessory buildings on my property is 1062 of which 942 square feet is a shop/garage and 120 square feet is a garden shed. The bylaws allow for 968 square feet total for all buildings, therefore this puts me over by 94 square feet. I've been given the option of reducing the size of the garden shed to 2'x10' or removing it altogether. I live on 2.5 acres and have ample room for these buildings. The garden shed makes it very convenient to store lawn mower, garden supplies, bicycles, etc. The garage is 120' away from the home where the garden shed is adjacent. I also have all of the lawn irrigation control valves located on the back wall of the garden shed. I have spoken with my neighbours and they have no problems if the shed remains. I have enclosed a signed letter from each neighbour.

Regards  
Lionel Cayer



ATTACHMENT C

January 26<sup>th</sup>, 2014

Variance application for 2430 Jingle pot Road

My name is David Rempel and I live adjacent to Lionel Cayer at 2416 Jingle Pot Road. I am aware that Mr. Cayer is applying for a variance to his property that would allow him to keep a 10' x 12' foot utility shed. I am also aware the keeping this shed would exceed the allowable limits as set out in the bylaws. Please consider his application to keep this shed.

Regards

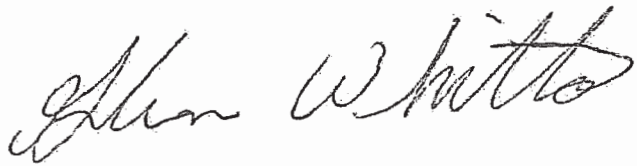
A handwritten signature in black ink, appearing to read 'D. Rempel', with a long horizontal flourish extending to the right.

January 26<sup>th</sup>, 2014

Variance application for 2430 Jingle pot Road

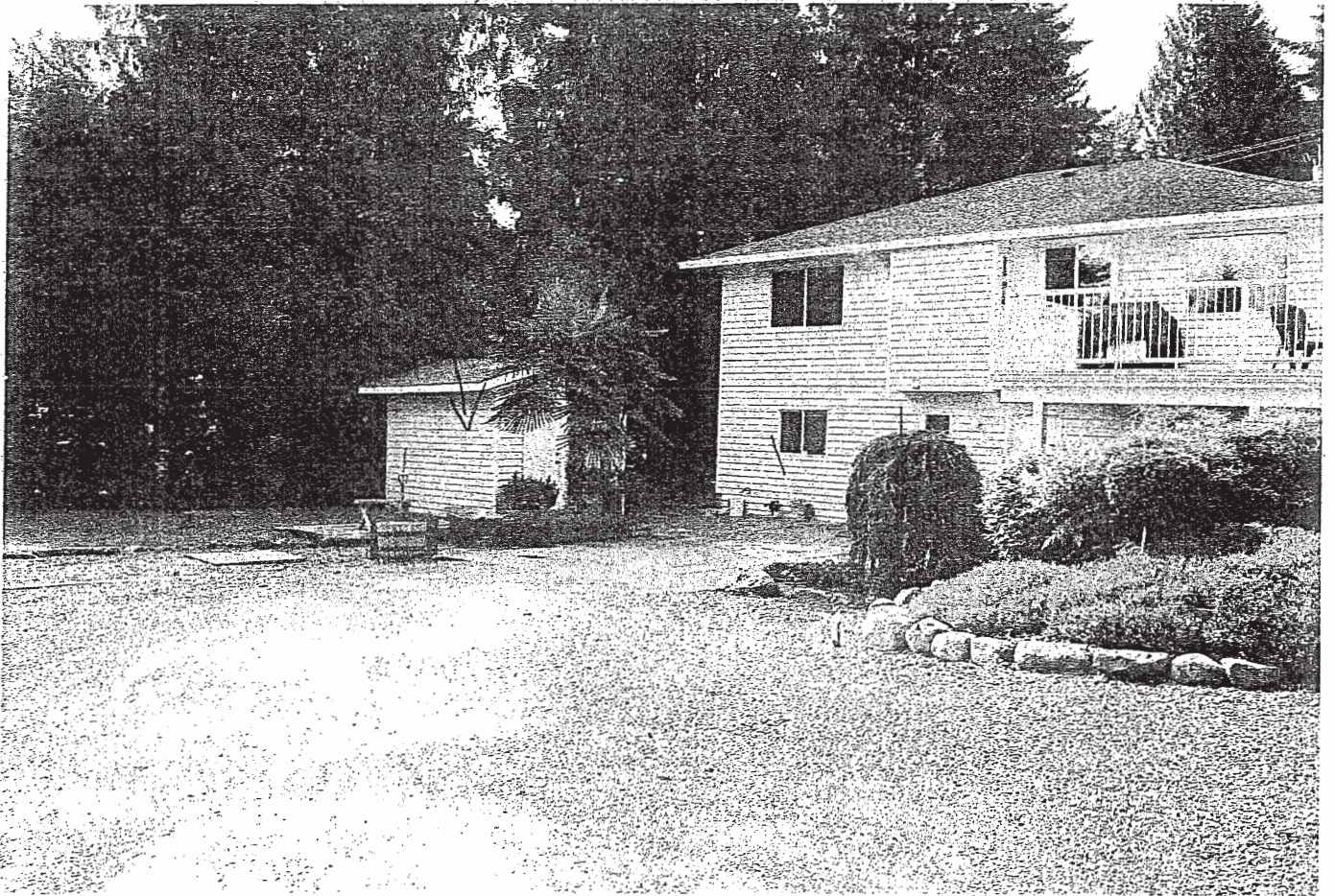
My name is Glen Whitta and I live adjacent to Lionel Cayer at 2442 Jingle Pot Road. I am aware that Mr. Cayer is applying for a variance to his property that would allow him to keep a 10' x 12' foot utility shed. I am also aware the keeping this shed would exceed the allowable limits as set out in the bylaws. Please consider his application to keep this shed.

Regards

A handwritten signature in cursive script that reads "Glen Whitta". The signature is written in dark ink and is positioned in the middle of the page.

ATTACHMENT D

10x12 shed  
/







*Garage / Shop in Backyard*

