

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2014-JUN-23

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

RE: DEVELOPMENT VARIANCE PERMIT NO. DVP234 - 2558 NADELY CRESCENT

STAFF RECOMMENDATION:

That Council issue Development Variance Permit No. DVP234 at 2558 NADELY CRESCENT in order to permit a height variance for the accessory building that contains a secondary suite to increase the maximum height to 5.73m.

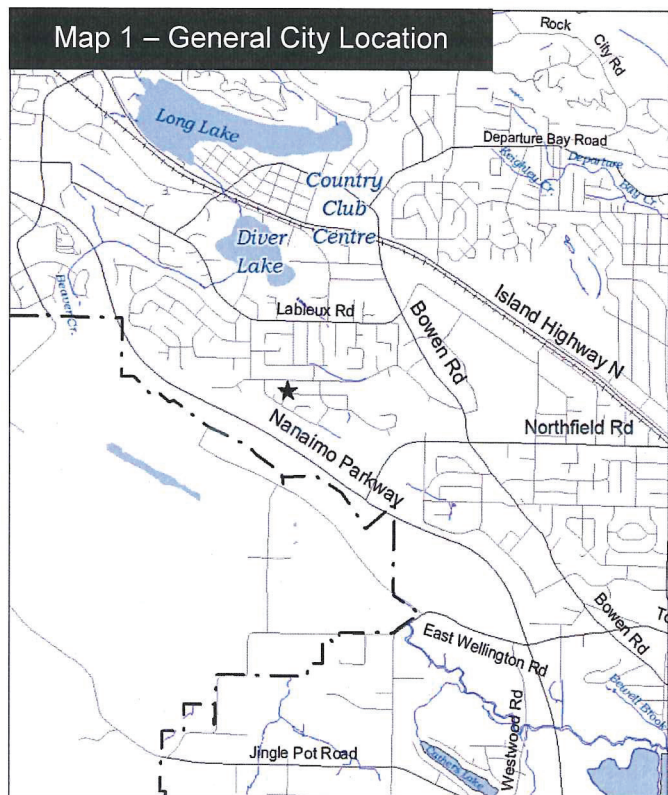
PURPOSE:

The purpose of this report is to seek Council authorization to vary the maximum height for an accessory building that contains a secondary suite in order to permit an over height accessory building that is currently under construction.

BACKGROUND:

A Development Variance Permit (DVP) application has been received from ISLAND RED CEDAR CONSTRUCTION LTD, on behalf of WILLIAM MACEY and SARAH LYNNE MACEY, to permit a height variance for the accessory building that contains a secondary suite.

The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" requires accessory buildings with an 8:12 roof pitch or greater to be a maximum of 5.5m in height. The applicant is requesting to vary the height of the accessory building from 5.5m to 5.73m, a proposed variance of 0.23m.



- Council
- Committee.....
- Open Meeting
- In-Camera Meeting

Meeting Date: 2014 Jun 23

Subject Property

Zoning	R1 – Single Dwelling Residential
OCP	The subject property is designated Neighbourhood.
Location	The subject property is located on Nadely Crescent, off of Rosstown Road via Mountain Vista Crescent.
Total Area	1,052m ²

The subject property is located within the Wellington Neighbourhood area, in a low density residential neighborhood with lot sizes ranging from 600m² to 900m².

DISCUSSION:

Proposed Development

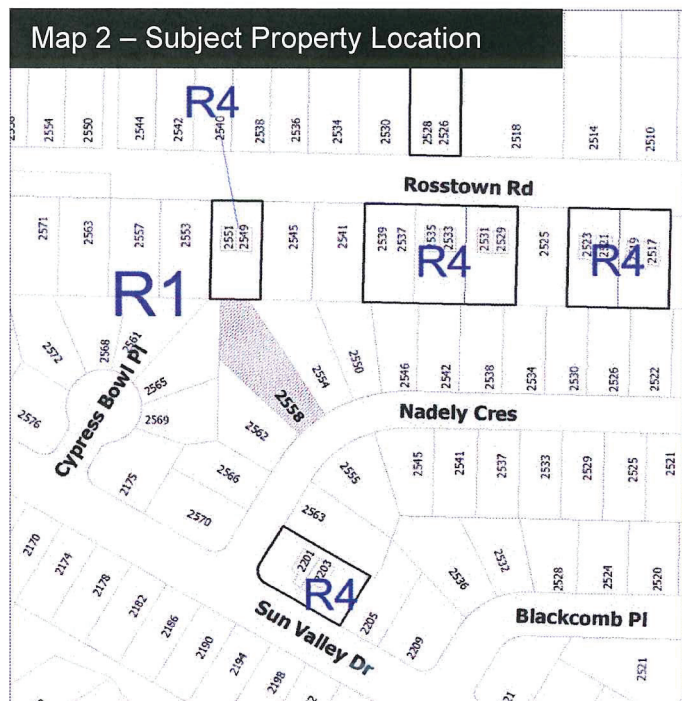
The applicant is requesting to vary the maximum height requirement for an accessory building with a secondary suite from 5.5m to 5.73m, a proposed variance of 0.23m. The City of Nanaimo “ZONING BYLAW 2011 NO. 4500” permits accessory buildings to be up to 7.0m in height if the building is located within the principal building setbacks or, if it has a roof pitch of 6:12 or greater and contains a secondary suite within the roof structure. In this case, neither of these options apply; thus, the permitted height is 5.5m.

The accessory building is currently under construction and the roof system is in place. The applicant advises the request for a variance is due to:

- Miscalculating building height during construction
- Increasing the grade of the property for drainage, resulting in a finished grade 0.31m higher than natural grade
- Receiving a truss system 5 inches higher than specified

The truss manufacturer has advised that altering the truss system to bring the building into conformity is not an option.

A copy of the applicant’s Letter of Rationale is included (Schedule A).



Required Variances

Section 6.6.5 of the City of Nanaimo "ZONING BYLAW 2011 NO. 4500" requires accessory buildings with an 8:12 roof pitch or greater to be a maximum of 5.5m in height. The applicant is requesting to vary the maximum allowable accessory building height from 5.5m to 5.73m, a proposed variance of 0.23m.

STAFF COMMENT

It is Staff's opinion that the proposed variance to the height of the accessory building will not result in an obstruction to any neighbourhood views or negatively impact neighbourhood privacy.

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-JUN-12
Prospero attachment: DVP00234
TS/lb/gn*



Monday, May 26, 2014

Regarding the Development Variance Application for:

2558 Nadely Crescent, Nanaimo.

A carriage house is under construction at the above address, being built by Sean Smith of Island Red Cedar Construction Ltd.

The site in question has drainage issues, meaning that it is a damp area that sits on top of clay and retains water very readily. Lewkowich Engineering Geotech Assc. Ltd. was hired due to a covenant that is attached to the property, due to mining. While on site the drainage issues were discussed and the Geotech was happy with the plans made by Island Red Cedar Construction Ltd. to alleviate the problem.

Island Red Cedar Construction Ltd. plans to put in a custom drainage field to help take much of the sitting water away. Along with this field they will also be bringing the grade of the property up with a layer of sand to aid with drainage as well as new topsoil. The property is a low point for the backyards surrounding it and these steps will help to improve the drainage of not only this property but also the neighboring ones.

Due to the fact that the grade of the property will be raised, Island Red Cedar Construction Ltd. had to raise the height of the foundation walls to keep them 8" above final grade, conforming to the BC Building Code.

Island Red Cedar Construction Ltd. had Turner Land Surveying

Island Red Cedar Construction Ltd.
1211-A Bush St.
Nanaimo, Bc
Telephone: 250-668-6234 Email: sean@islandredcedar.com



Inc. pin the corners of the building before forming the foundation to make sure that the property setbacks weren't encroached upon and at that time there was also a reference pin placed inside the foundation walls to aid in determining the final height of the building.

There may have been a miscommunication at this time or the pin may have moved somewhat because at the time of pinning, the final height was calculated and the building was to be under height.

The issue of the building being over height has been further exacerbated by the fact that the truss supplier, Slegg Truss, delivered trusses with a heel height 5" taller than what was originally specified, further raising the overall height of the building. This was not confirmed until the truss heights were checked, after the surveyors confirmed the building height from original grade.

Slegg Truss has been contacted in regards to cutting the top of the trusses down, to allow the building to conform to the height regulations, and has stated that doing so would not be advisable due to the type of truss being used. Cutting down the peak of the truss would not allow the truss to perform as designed according to Slegg Truss.

It would appear that the building is now a total of roughly 8" over height from the original grade.

The carriage house is the shortest house in the neighborhood and well over 150' away from it's nearest neighbor. It isn't blocking

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any neighboring house views as there aren't any views to be had such as ocean, mountain, pasture or otherwise. The impact of the carriage house on the neighborhood is minimal as it's location, at the back of the property, has it hidden almost entirely from view from the road.

Island Red Cedar Construction Ltd. plans on bringing up the overall grade of the property by approximately one foot. If the height of the carriage house were to be taken from the final grade height it would end up approximately 4" under the maximum allowable height.

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B.C. Land Surveyor's Building Location Certificate on:

Lot 29, Section 18, Range 6, Mountain District, Plan VIP53920.

P.I.D. 017-708-702

Civic Address: 2558 Nadely Crescent

This document was prepared for municipal and mortgage purposes and is for the exclusive use of our client, Linda Macey.

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.

R.J. Turner Land Surveying inc. accept no responsibility for and hereby disclaim all obligations and liabilities for damages arising out of or in connection with any direct or indirect use or reliance upon the plan beyond it's intended use.



Certified correct this 13th day of May, 2014.

R. J. Turner, B.C.L.S.

(This document is not valid unless originally signed and sealed.)

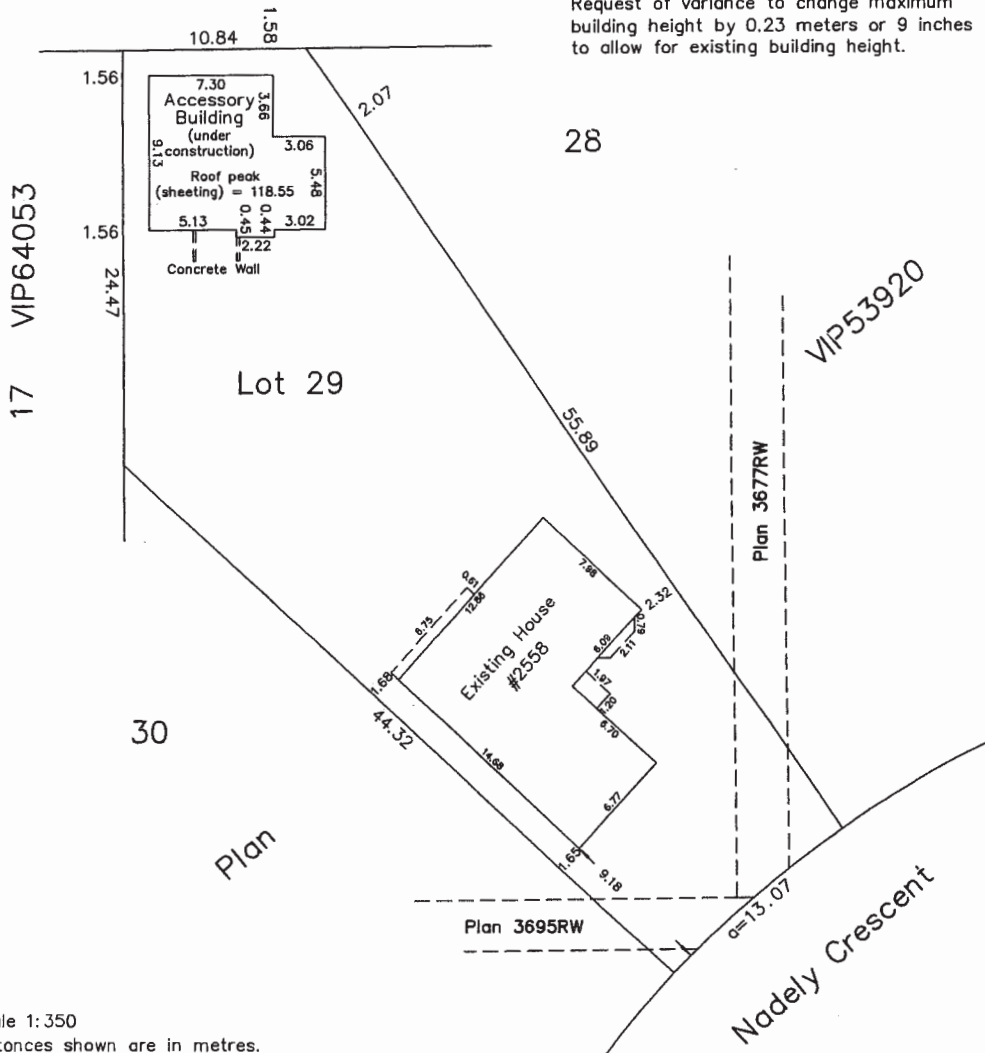
Proposed Building Height

Average natural grade = 112.87
 Average finished grade = 113.18
 Allowable building height = 5.50 [8:12 roof pitch]
 Maximum building elevation = 118.37

Proposed Variance

Current existing building height = 118.6
 Maximum building elevation allowance = 118.37
 Request of variance to change maximum building height by 0.23 meters or 9 inches to allow for existing building height.

Strata Plan 893



Scale 1:350
 Distances shown are in metres.

Turner Land Surveying Inc
 605 Comox Road
 Nanaimo, B.C.
 V9R 3J4
 250-753-9778
 File: 13-074

017-708-702

Note:
 This property is affected by the following registered documents:
 CA2349326, EB80976,
 EF24195 & M76301.

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Development Variance Permit No. DVP000234 Schedule B
 2558 Nadely Crescent
 HEIGHT SURVEY

Development Variance Permit No. DVP000234 Schedule D
2558 Nadely Crescent

ILLUSTRATION OF PROPOSED
HEIGHT VARIANCE

0.23m
OVER HEIGHT

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