

DATE OF MEETING June 12, 2017

AUTHORED BY TAMERA ROGERS, PLANNER, CURRENT PLANNING AND SUBDIVISION

SUBJECT DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP302 – 731 CHESTNUT STREET

OVERVIEW

Purpose of Report

To present for Council's consideration a development variance permit application to allow the construction of a carriage house and to vary the east side yard setback to allow a second storey open deck at 731 Chestnut Street.

Recommendation

That Council issue Development Variance Permit No. DVP302 at 731 Chestnut Street with the following variances:

- reduce the minimum lot size required to allow a secondary suite in an accessory building from 800m² to 592m²; and,
- reduce the east side yard setback from 1.5m to 0.5m for a second storey open deck on the existing single residential dwelling.

BACKGROUND

A development variance permit application, DVP302, was received from Mr. David Moore to vary the provisions of the City of Nanaimo "Zoning Bylaw 2011 No. 4500" to build a secondary suite in an accessory building and to construct a second storey open deck in the side yard setback at 731 Chestnut Street.

Statutory notification for the proposed development variance permit was previously delivered on 2017-JAN-26. In response to neighbourhood concerns about the proposed variances, the application was put on hold while the applicant revised the carriage house and deck design. The carriage house was revised from a two-storey to a one-storey form and is proposed to be sited closer to the west property line. The deck design was modified to reduce the encroachment into the side yard setback. A second notification was required and completed based on the revised proposal.

Subject Property

<i>Zoning</i>	R1 – Single Dwelling Residential
<i>Location</i>	The subject property is located midway between Estevan Road and Brierley Hill on the double frontage block of Chestnut Street and Maple Street
<i>Total Area</i>	592m ²
<i>Official Community Plan</i>	Map 1 - Future Land Use Designation – Neighbourhood

The subject property is located in the only double frontage block in the neighbourhood. The existing single residential dwelling fronts onto Chestnut Street, similar to most houses on the block. Neighbouring properties consist of single residential dwellings, and the property immediately across Maple Street contains a recently completed carriage house.

Statutory notification has taken place prior to the consideration of the variances.

DISCUSSION

Proposed Development

Accessory Building with Secondary Suite (Carriage House)

The City of Nanaimo “Zoning Bylaw 2011 No. 4500” allows accessory buildings on R1 zoned properties with a total gross floor area limited to the lesser of 13% of the lot size or 90m². In order to construct an accessory building that includes a secondary suite (carriage house), the lot would need to meet one of the following requirements: be a corner lot, have lane access, or be at least 800m² in size. As the lot does not meet any of these requirements, the applicant is requesting a variance to reduce the minimum lot size required to permit a carriage house in order to build a one-storey, 76.9m² carriage house fronting Maple Street.

The subject property is located within the Neighbourhood designation of the Newcastle + Brechin Neighbourhood Plan. Policy 2.14 in the Neighbourhood designation states: “The double frontage block between Chestnut Street and Maple Street is unique, and is encouraged to develop in a manner that maximizes the use of existing roads and infrastructure with buildings fronting on both streets”. The existing house fronts onto Chestnut Street and the carriage house is proposed to front onto Maple Street ensuring street presence on both property frontages. The applicant has included a conceptual elevation of the proposed carriage house from Maple Street (Attachment D). A parking space for the future tenant will be provided to the east side of the proposed carriage house.

The applicant originally proposed a two-storey carriage house but amended the plans to address residents’ concerns about maintaining neighbourhood character and preserving privacy and views; as a result, the carriage house was revised to a one-storey form.

The proposed design meets the following Newcastle + Brechin Neighbourhood Plan design guidelines for the building massing of carriage houses:

- Massing, footprints and building height should complement existing neighbourhood patterns and forms;
- Coach house height should not exceed two storeys;
- The principal house should generally be higher than the coach house;
- 6:12 is typically recommended for sloped portions of the building mass; and,
- 6.0 metres is the recommended minimum separation between the principal house and the coach house.

Second Storey Deck

The applicant is also requesting a variance to the east side yard setback to allow a portion of a second storey open deck to be located 0.5m from the property line. Presently, there is an existing set of stairs and landing that provide access to a second storey entrance on the east side of the house. The stairs and landing currently have non-conforming siting. As servicing for the proposed carriage house will need to extend along this property line, the existing stairs must be removed. Instead of replacing the stairs, the property owner wishes to build a second storey open deck on the front building face with a portion that wraps around the corner of the house to provide access to the existing second storey door. As the house is sited at the minimum side yard setback, a reduction to the side yard setback is necessary to allow for a passable width to the door.

The applicant's Letter of Rationale is included as Attachment E.

PROPOSED VARIANCES

Minimum Lot Size for a Secondary Suite in an Accessory Building

The minimum lot size required to allow a secondary suite in an accessory building is 800m². The applicant proposes to reduce the minimum required lot size to 592m² to allow the construction of a carriage house.

Staff supports this proposed variance as the subject property double fronts Chestnut Street and Maple Street, and meets the intent of the infill policies in the Newcastle + Brechin Neighbourhood Plan.

Minimum Side Yard Setback (East)

The required minimum side yard setback is 1.5m. The proposed side yard setback is 0.5m, a proposed variance of 1m.

The open deck is primarily located toward the front of the building and the majority of the structure is located outside of the setback area. No privacy or view implications are anticipated with the construction of the second storey open deck on the existing single family dwelling. Other homes nearby have similar decks on the front of the buildings to take advantage of view opportunities.

SUMMARY POINTS

- Development Variance Permit No. DVP302 proposes to vary the minimum lot size required to allow a secondary suite in an accessory building.
- This application also proposes to vary the east side yard setback to permit the construction of a second storey open deck that provides access to the second storey entrance on the existing house.
- The proposed variance to allow a carriage house on the subject property meets the policies and design guidelines of the Newcastle + Brechin Neighbourhood Plan.

ATTACHMENTS

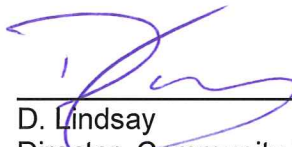
ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Location Plan
ATTACHMENT C: Site Survey
ATTACHMENT D: Conceptual Elevations
ATTACHMENT E: Letter of Rationale
ATTACHMENT F: Aerial Photo

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

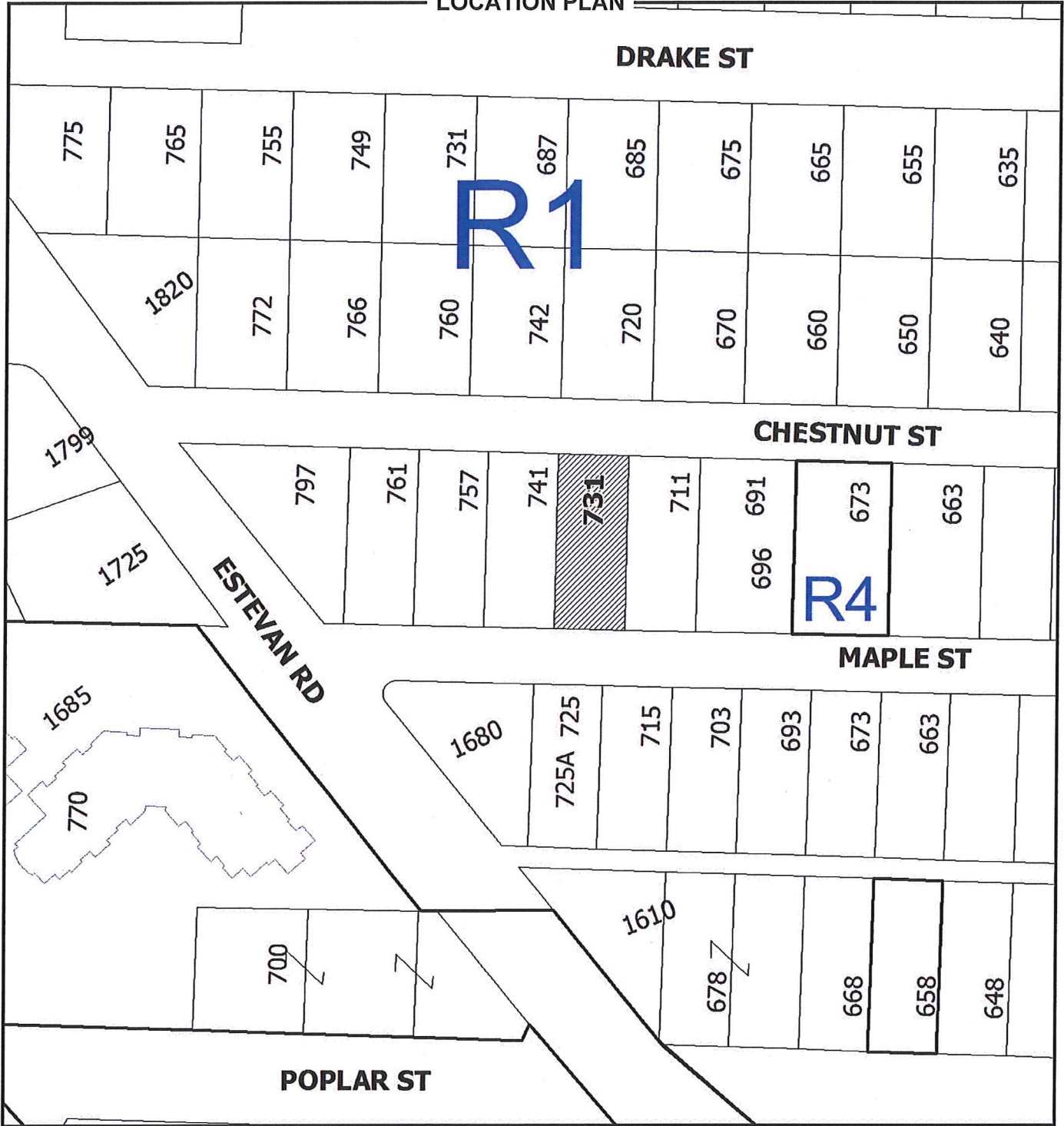
The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is varied as follows:

1. *Section 6.15.3.1 Secondary Suites* – to reduce the minimum lot size for a secondary suite in an accessory building from 800m². to 592m².
2. *Section 7.5.1 Siting of Buildings* – to reduce the minimum east side yard setback from 1.5m to 0.5m for a portion of the proposed second storey deck.

CONDITIONS OF PERMIT

1. The subject property shall be developed in accordance with the Site Survey prepared by Charles O. Smythies & Associates Ltd, dated 2017-MAY-09 as shown on Attachment C.
2. The proposed carriage house shall be developed generally in accordance with the elevations dated 2017-APR-26 as shown on Attachment D.

ATTACHMENT B
LOCATION PLAN



DEVELOPMENT VARIANCE PERMIT NO. DVP00302



LOCATION PLAN

Civic: 731 Chestnut Street
Lot 3, Section 1,
Nanaimo District, Plan 6131

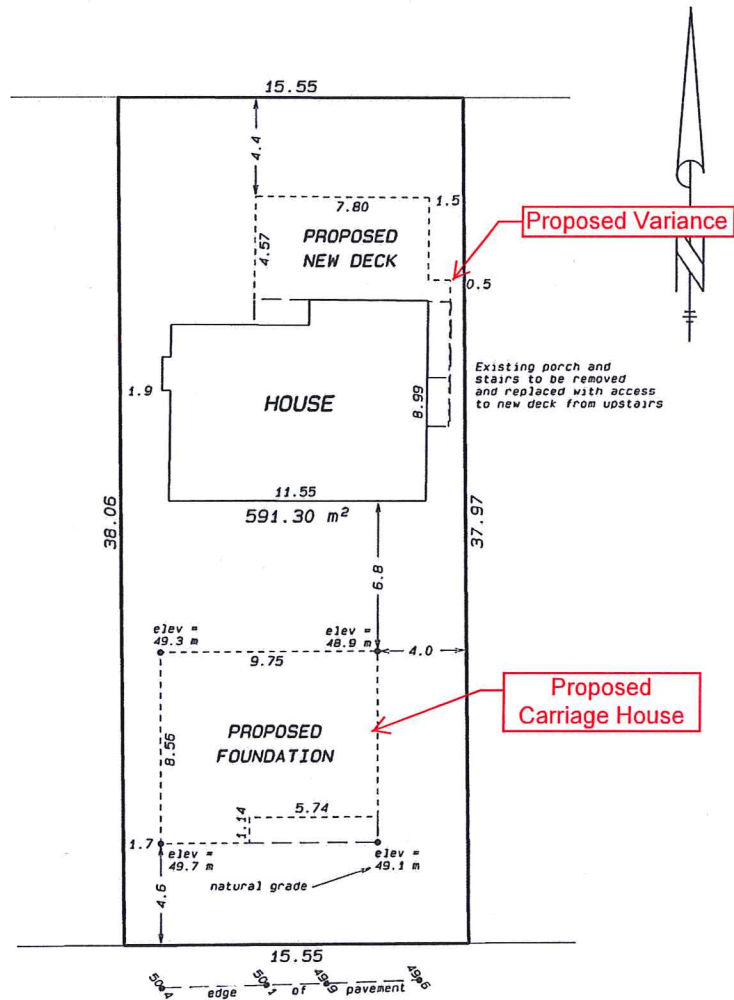


Subject Property

ATTACHMENT C
SITE SURVEY
B.C. LAND SURVEYORS & PLANNERS CERTIFICATE OF LOCATION
OF HOUSE ON LOT 3, PLAN 6131,
SECTION 1, NANAIMO DISTRICT.

SCALE = 1:250
 All distances are in metres.
 Elevation datum, in metres, is Geodetic.

CHESTNUT STREET



MAPLE STREET

Charles D. Smythies & Associates ©

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

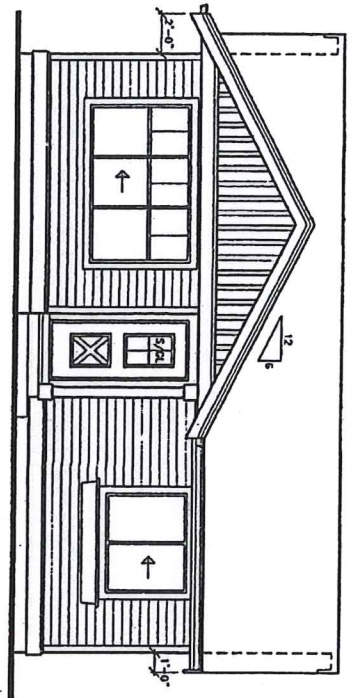
Date: May 9, 2017.

File: 5-NM-1-11

Certified Correct

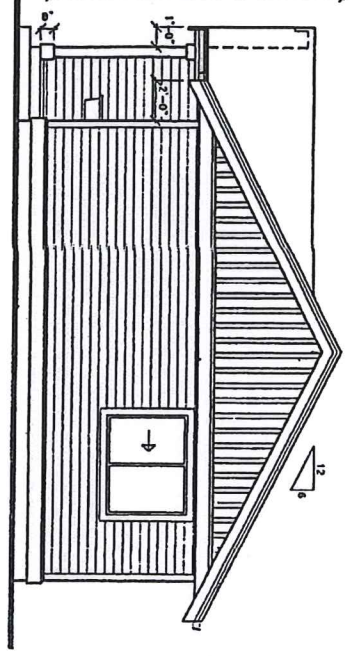
[Signature] B.C.L.S.
 This document is not valid unless
 originally signed and sealed.

ATTACHMENT D CONCEPTUAL ELEVATIONS

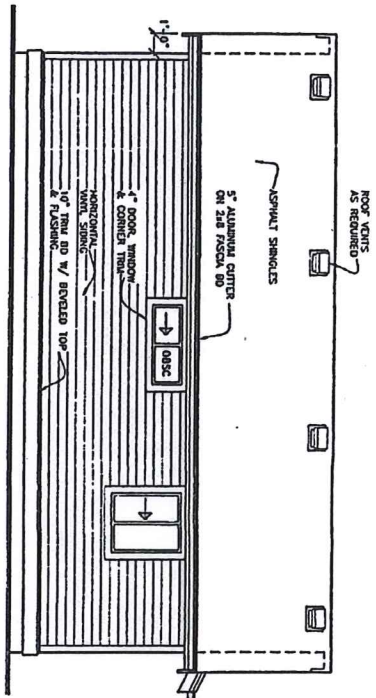


FRONT ELEVATION

UPPER MOUSE
MAIN CLG
MAIN FLOOR
CRAWLSPACE

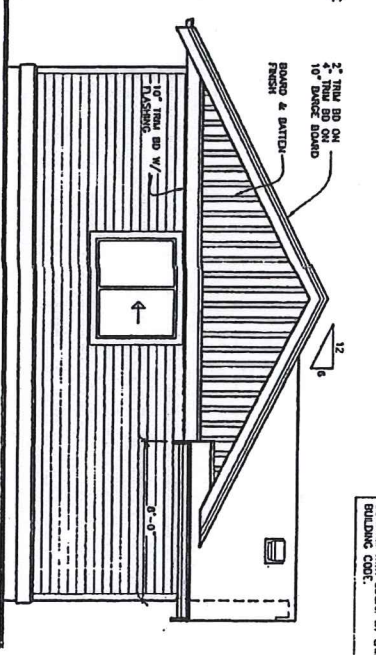


RIGHT ELEVATION



REAR ELEVATION

UPPER MOUSE
MAIN CLG
MAIN FLOOR
CRAWLSPACE



LEFT ELEVATION

NOTE:
GLASS AREA MAY NEED TO BE
REDUCED DUE TO LIMITING DISTANCE
CONTROL WITH LOCAL BY LAWS &
BUILDING CODE.

RECEIVED
DVP00302
 2017-APR-26
 Current Planning & Subdivision

ATTACHMENT E
LETTER OF RATIONALE

1 of 5

David Moore
731 Chestnut St.
Nanaimo, B.C. V9S 2L1

May 15, 2017

City Of Nanaimo
411 Dunsmuir St.
Nanaimo, B.C. V9R 5J6

RECEIVED
DVP00302
2017-MAY-15
Current Planning & Subdivision

RE: Variance Request – 731 Chestnut St. – Carriage House and Side Yard Setback

Dear Sir or Madam:

This letter is requesting a variance to permit a carriage house at the above named address. The original letter for the subject request was provided to the City of Nanaimo Community Development Department (“planning”) on December 8, 2016.

A. Carriage House Variance Request

The subject property lot is 592 m². I have been informed by planning that the minimum lot size for a carriage house is 800m², however, the subject property has frontage on both Chestnut and Maple Streets.

The Newcastle and Brechin Neighbourhood Plan at page 25 provides as follows: “the double frontage block between Chestnut Street and Maple Street is unique and is encouraged to develop in a manner that maximizes the use of existing roads and infrastructures with buildings fronting on both streets and in this area variances are supported to allow for a carriage house providing it fronts the alternate street.”

As consistent with the above, the proposed carriage house will face Maple Street and will not exceed 13% of the lot size (76.9m² or 828 ft²). I respectfully request support for a variance allowing the construction of a carriage house for my very unique property.

Since my initial letter of December 8, 2016 provided to planning, I have experienced significant difficulties including such struggles and increased costs incurred as a result of my attempts to accommodate various neighbours in my neighbourhood and at the same time plan to construct a carriage house that is of some value to my own personal requirements and needs.

Further to the above, I have now changed my site plans in three (3) separate instances while simultaneously incurring cost directly associated with each change in attempt to accommodate. The building plans for the subject carriage house have been changed from the original 2-storey dwelling to a ranch style while incurring expense in all attempts to avoid any disruption or interference whatsoever with any neighbours’ view from Maple Street.

1

I respectfully submit that I have attempted to make every reasonable effort to mitigate any impact on my neighbours in the area and to absolutely avoid any interference or inconvenience to them. I have extensively discussed the carriage house plans with my neighbours and have made every effort to address their concerns, including modifying the design and siting to address concerns about views, privacy and maintaining neighbourhood character.

B. Side Yard Setback Variance Request

I am also requesting a side yard setback variance to ~~0.05m~~

D.M
0.5 M

Currently there are stairs which are non-conforming in siting, but provide access to the second story side door on the east side of the existing main structure home. I request allowance to remove those stairs and replace them with a second story deck that would run from the side door.

Further, servicing, such as water line and sewer, run along the east property line. Should the above carriage house variance be approved, the current stairs would require removal for future servicing access and to facilitate any necessary future repairs that may be required.

Again, as with the above carriage house variance request, I have attempted to address neighbor concerns including views, privacy and maintaining neighbourhood character and have modified the deck design to limit the amount of encroachment into the setback.

Please find attached photos which are labeled to better understand my situation:

Photo:

1. View from kitchen window on the east side of property where balcony is being requested.
2. View from kitchen where proposed deck would be.
3. View from front of subject property.
4. View looking up Chestnut St. Each house has a deck that looks down on the next.
5. View on east side of subject property where variance is requested for balcony.
6. View of east side of subject property.
7. View from front lawn of subject property.
8. View from driveway looking up at east side of subject property.
9. View from driveway facing the east side of subject property.
10. View from backyard of subject property facing Maple Street.
11. View from backyard of subject property facing Maple Street.

I submit the foregoing in support of my application for: (A) Carriage House Variance and (B) Side Yard Setback Variance and that my variance requests be allowed accordingly and receive favourable consideration on the basis of the above and further and other information, documentation and submissions, as may be provided, in support of my application for two variances.

Thank you for your attention to this matter.

Sincerely,

David Moore
Property Owner
731 Chestnut St.
Nanaimo, B.C.

/attch.

A handwritten signature in black ink, appearing to read "David Moore", written over a horizontal line.



1/11



3/11



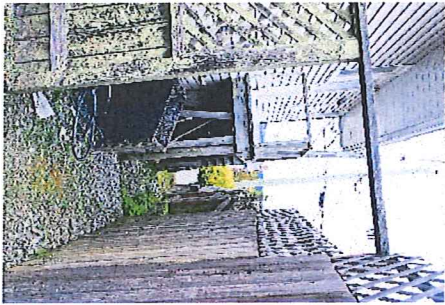
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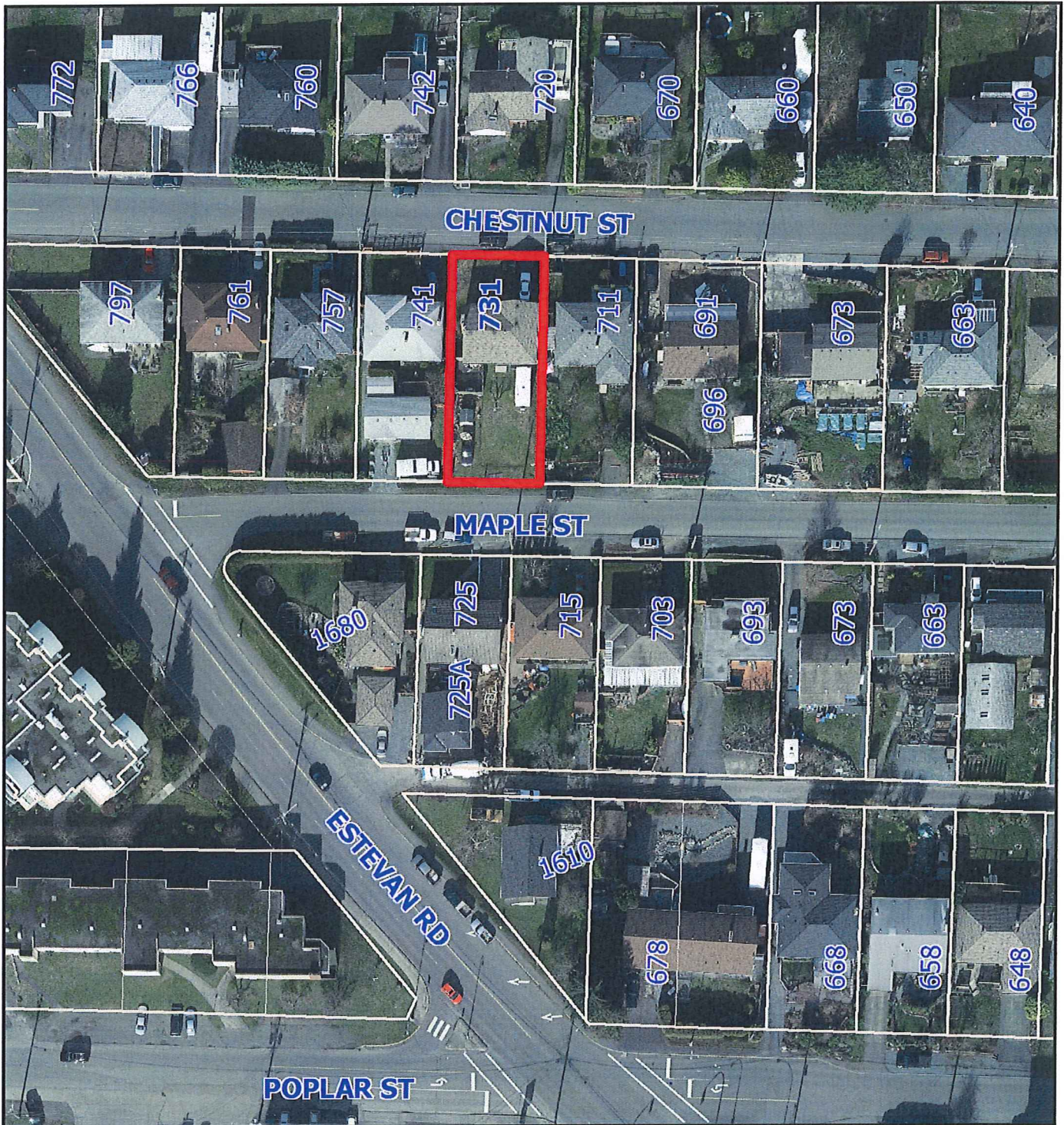


10/11



11/11

ATTACHMENT F
AERIAL PHOTO



DEVELOPMENT VARIANCE PERMIT NO. DVP00302



Jessica Vanderhoef

From: Dave Marshall
Sent: Tuesday, June 06, 2017 11:02 AM
To: Tamera Rogers
Subject: Re: File Number: DVP00302 (731 Chestnut Street)

Hello,

I would like to add my objection to this application regarding the *“reduce the side yard setback for the second storey open deck on the existing single residential dwelling from 1.5m to 0.5m.”* aspect. In my view, that is far too close to the neighbouring property and also sets a dangerous precedence if allowed.

Thank you for your consideration in this matter,
Dave Marshall