

DATE OF MEETING April 3, 2017

AUTHORED BY TAMERA ROGERS, PLANNER, CURRENT PLANNING AND SUBDIVISION

SUBJECT DEVELOPMENT VARIANCE PERMIT NO. DVP305 – 4155 JINGLE POT ROAD

OVERVIEW

Purpose of Report

To present for Council's consideration, a development variance permit application to construct an oversized accessory building at 4155 Jingle Pot Road.

Recommendation

That Council issue Development Variance Permit No. DVP305 at 4155 Jingle Pot Road with the following variances:

- increase the maximum gross floor area for an accessory building from 90m² to 223m²; and,
- increase the maximum accessory building height from 4.5m to 6.92m.

BACKGROUND

A development variance permit application, DVP305, was received from Mr. Brad Jones to vary the provisions of the City of Nanaimo "Zoning Bylaw 2011 No. 4500" to construct an accessory building with variances to increase the maximum allowable gross floor area and the maximum building height.

Subject Property

<i>Zoning</i>	R1 – Single Dwelling Residential
<i>Location</i>	The subject property is located four properties east of the Boban Industrial Park
<i>Total Area</i>	1,791m ²
<i>Official Community Plan</i>	Map 1 – Future Land Use – Light Industrial

The subject property is a large L-shaped residential lot with an existing house. The property is located in an area characterized by a mixture of residential and industrial uses. A single residential lot is located directly to the west at 4151 Jingle Pot Road and several light industrial properties are located to the north, northwest, and east of the subject property.

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

DISCUSSION

Proposed Development

The proposed development is a 223m² accessory building (garage) with a height of 6.92m, located on a lot with an existing house. The accessory building is proposed to be sited in the rear portion of the lot, adjacent to industrial properties (zoned I2) and the rear yard of the residential property at 4151 Jingle Pot Road. The accessory building will be used for personal storage of the owner's boat and vehicles and will have access from Jingle Pot Road. Two existing sheds are located on the lot and have a total gross floor area of 32.8m².

The City can consider a variance to an accessory building's gross floor area up to 13% of the lot size (a maximum gross floor area of 233m² on the subject lot). As the total gross floor area of all accessory buildings on the property would exceed 13% of the lot size, the applicant is required to remove the existing sheds as a condition of approval. Once removed, the gross floor area of the proposed accessory building would be less than 13% of the lot size.

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

PROPOSED VARIANCES

Maximum Gross Floor Area for an Accessory Building

The maximum gross floor area for an accessory building is 90m². The proposed gross floor area is 223m², a proposed variance of 133m².

The proposed accessory building is sited in the rear corner of the lot adjacent to properties with industrial uses. While the siting is also adjacent to a residential property at 4151 Jingle Pot Road, this property has a significant rear yard setback of approximately 16.5m from the existing house to the property line. The accessory building is proposed to be sited with a 5m side yard setback, which exceeds the minimum required setback of 1.5m and would ensure there is approximately 21.5m of separation between the accessory building and the neighbour's house. Despite the increase in gross floor area, the building would still function as accessory to the existing principal dwelling. Additionally, the building complies with zoning requirements for lot coverage and setbacks.

Maximum Accessory Building Height

The maximum building height for an accessory building with a roof pitch less than 6:12 is 4.5m. The proposed accessory building height is 6.92m, a proposed variance of 2.42m.

A variance to the maximum accessory building height is proposed to achieve a building height that will accommodate the storage of larger items such as the owner's boat and recreational vehicle. Accessory buildings located within the permitted setbacks of the principal building are allowed a maximum height of 7m regardless of the roof pitch. To obtain the 7m permitted height, the building would have to be sited at least 7.5m from the north property line (the proposed setback is 2.13m). However, as the proposed accessory building is adjacent to Light Industrial zoned properties to the north and west and is located approximately 21.5m from the house to the south, the increased height is likely to have minimal impact on neighbouring properties.

SUMMARY POINTS

- Development Variance Permit No. DVP305 proposes a variance to the maximum accessory building gross floor area and maximum building height to accommodate the construction of an oversize accessory building.
- The proposed accessory building is adjacent to two light industrial zoned properties and a large single residential dwelling zoned property to the south, so impacts from the proposed variances would be negligible.

ATTACHMENTS

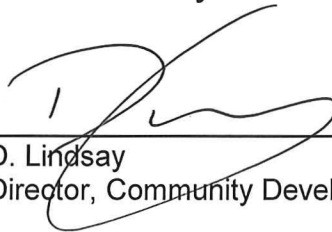
ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Location Plan
ATTACHMENT C: Site Survey
ATTACHMENT D: Building Elevations
ATTACHMENT E: Letter of Rationale
ATTACHMENT F: Aerial Photo

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

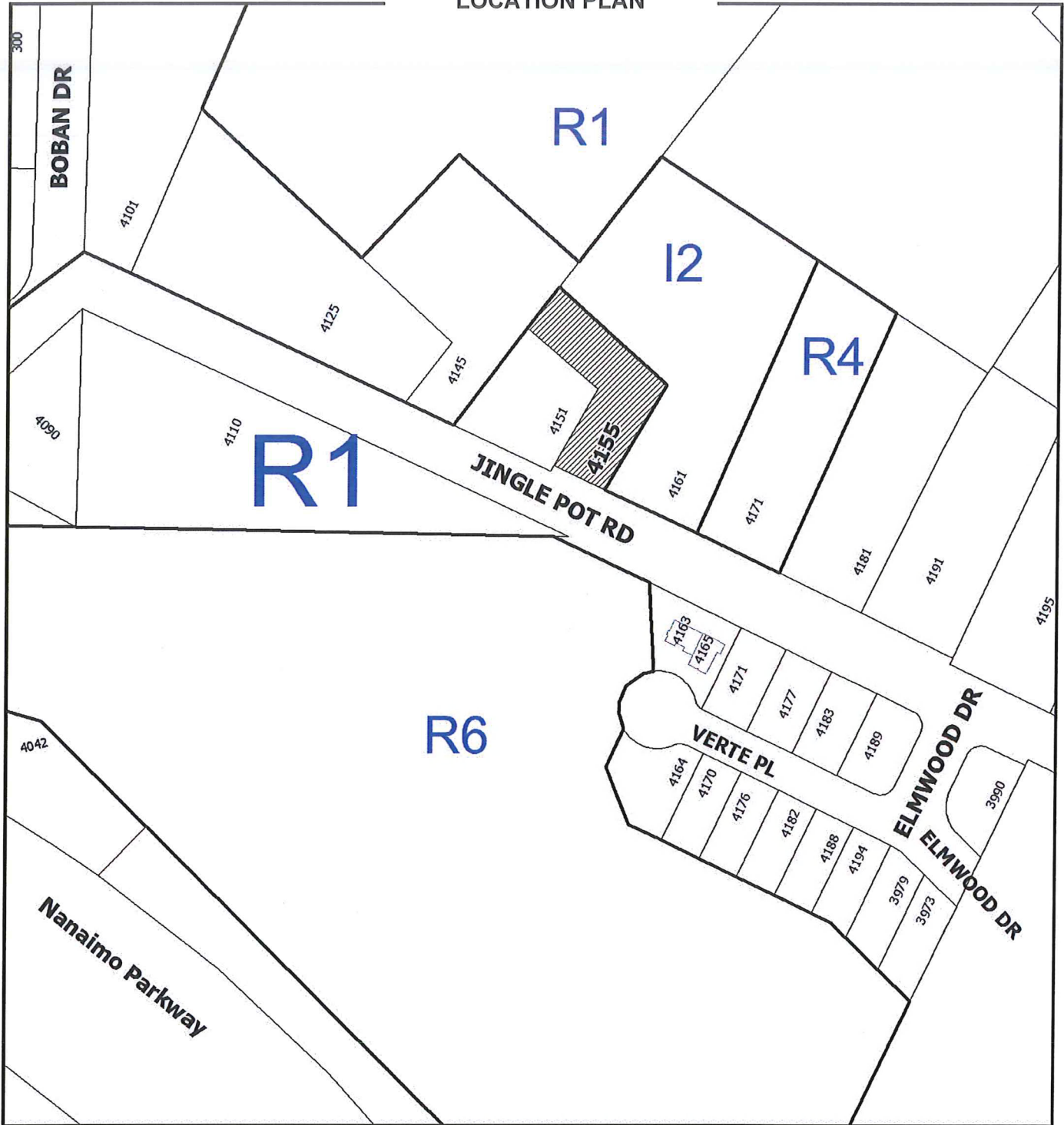
The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is varied as follows:

1. *Section 6.6.5* – increase the maximum height for an accessory building with a roof pitch less than 6:12 from 4.5m to 6.92m.
2. *Section 6.6.6* – increase the maximum gross floor area for an accessory building from 90m² to 223m².

CONDITIONS OF PERMIT

1. The subject property shall be developed in accordance with the site survey prepared by Turner Land Surveying dated 2016-DEC-05, as shown on Attachment C.
2. The subject property shall be developed generally in accordance with the elevations prepared by J. A. Kipp, received 2017-FEB-15, as shown on Attachment D.
3. All existing accessory buildings must be removed prior to the issuance of a building permit for the proposed accessory building.

ATTACHMENT B
LOCATION PLAN



DEVELOPMENT VARIANCE PERMIT NO. DVP00305

LOCATION PLAN

Civic: 4155 Jingle Pot Road
Lot A, Section 5, Wellington District,
Plan 37845 Except Part in Plan VIP70870



**Subject
Property**

ATTACHMENT C SITE SURVEY

Site Plan showing:
Lot A, Section 5, Wellington District, Plan
Except Part In Plan VIP70870.

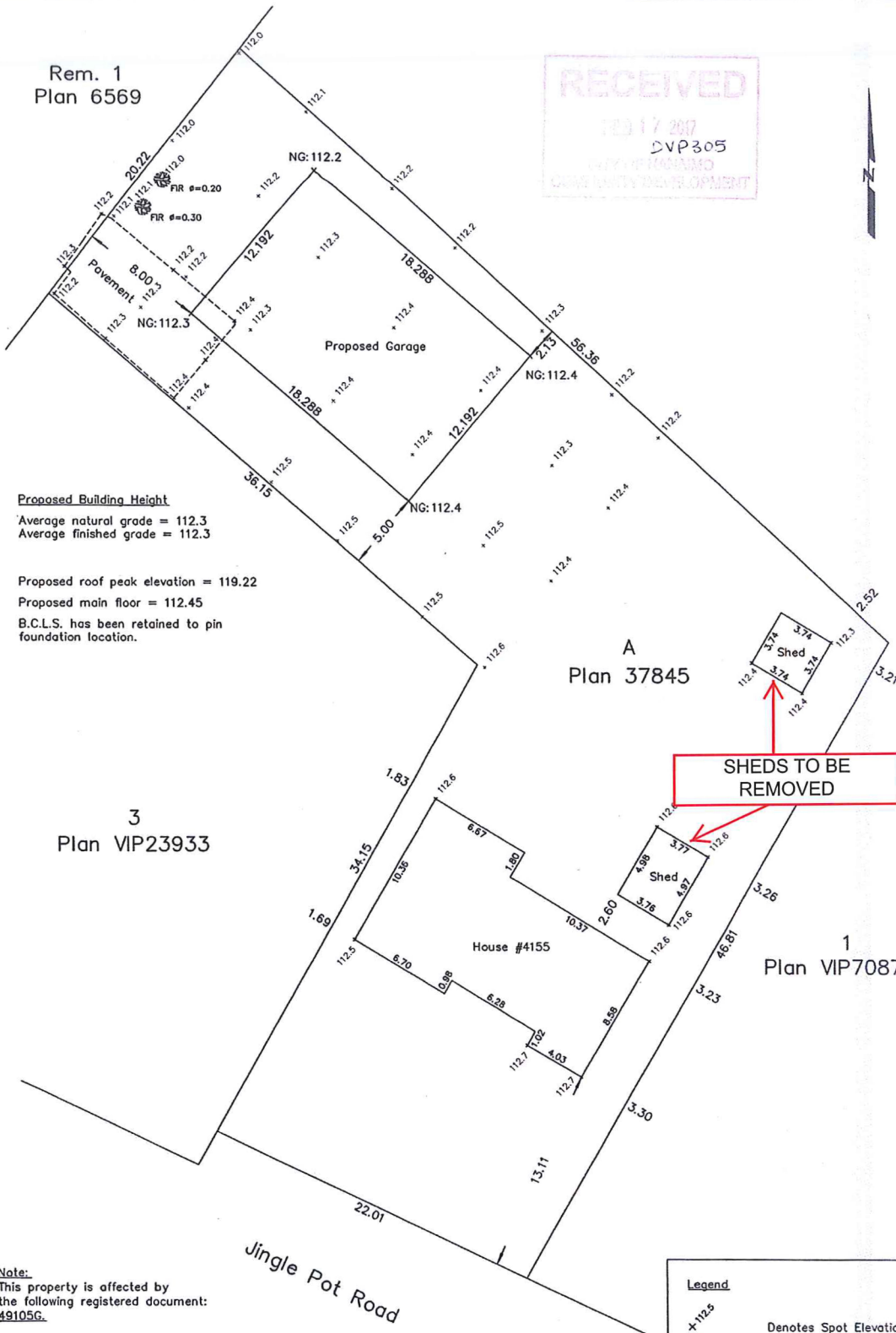
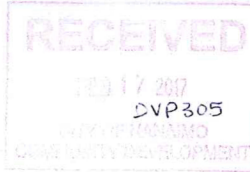
Jingle Pot Road, Nanaimo

1:250

Date: December 5th, 2016

Drawn by: DRW

Rem. 1
Plan 6569



Proposed Building Height

Average natural grade = 112.3
Average finished grade = 112.3

Proposed roof peak elevation = 119.22
Proposed main floor = 112.45
B.C.L.S. has been retained to pin foundation location.

3
Plan VIP23933

A
Plan 37845

SHEDS TO BE REMOVED

1
Plan VIP70870

Note:
This property is affected by the following registered document:
49105G.

Distances and elevations are in metres.
Geodetic elevations are derived from control monument 89H5634.

Legend

- +112.5 Denotes Spot Elevation
- ☼ Denotes Coniferous Tree
- φ Denotes Tree Trunk Diameter

Turner & land surveying

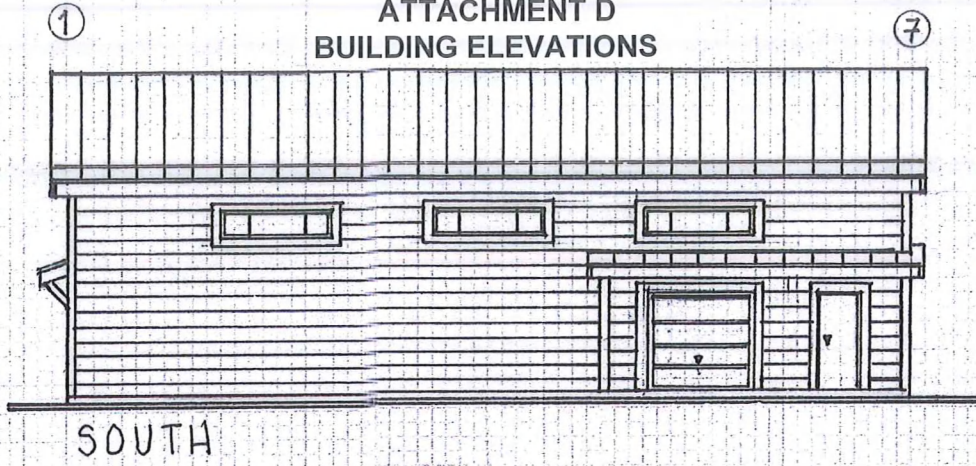
250.753.9778
605 Comox Road
Nanaimo, BC V9R 3J4

Certified correct this 8th day of January, 2016.

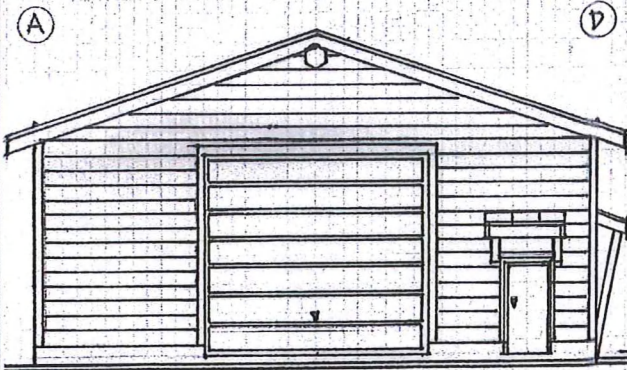
B.C.L.S.

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

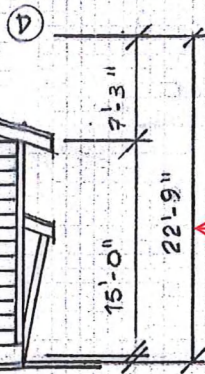
ATTACHMENT D
BUILDING ELEVATIONS



SOUTH



WEST

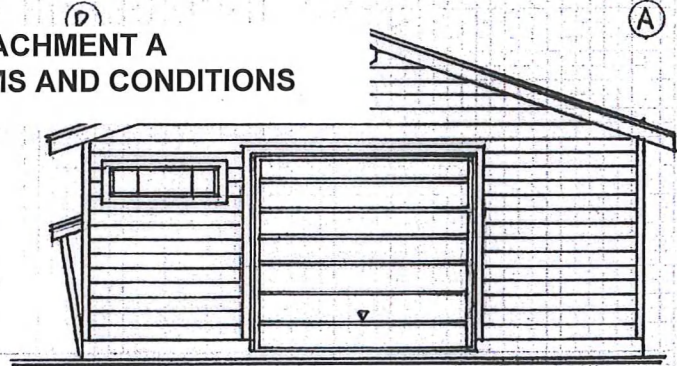


ELEVATIONS RELATION TO PROJECT NORTH

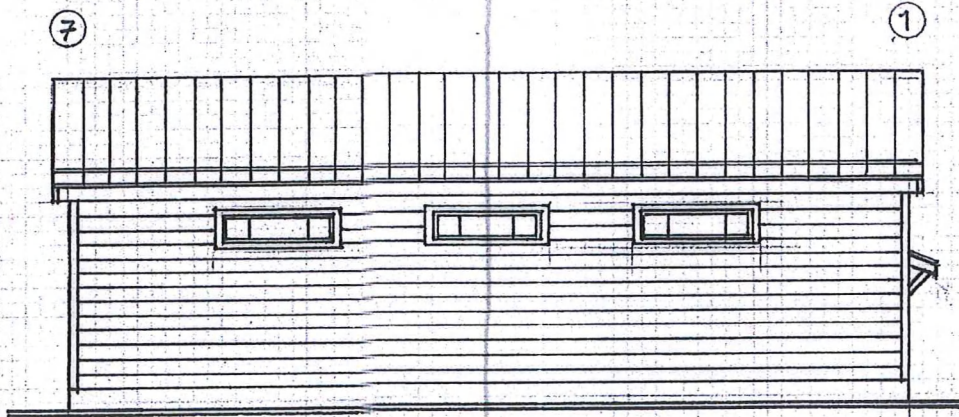
SCALE 0 2 4 8 FT
1 3

Proposed Height Variance

ATTACHMENT A
PERMIT TERMS AND CONDITIONS



EAST



NORTH

RECEIVED
DVP00305
2017-FEB-15
Current Planning & Subdivision

J. A. Kipp
Sheet 4 of 4
Project 17-01-01

ATTACHMENT E
LETTER OF RATIONALE

B&M JONES PROJECT 4155 Jingle Pot Road

Construction of accessory building

DVP Design Rationale

The family are long time residence of the area and our family owns much of the surrounding lands on three sides of our RS1 lot. As the owners, we are requesting a variance for size of our proposed accessory building and a height variance.

Presently this site and zoning supports the construction of an accessory building. This is consistent with the OCP objectives and Neighbourhood Guidelines. Our home is the existing residence on the site with two small sheds that are not on permanent foundation and are to be removed to accommodate the new construction.

The reason for requesting the relaxations for the size are family assets that require storage and work shop area. The main items of concern for storage are antique and recreational vehicles and 24' boat, which require indoor storage. Because of the nature of the surrounding recognized industrial uses, the assets require constant attention when stored outdoors.

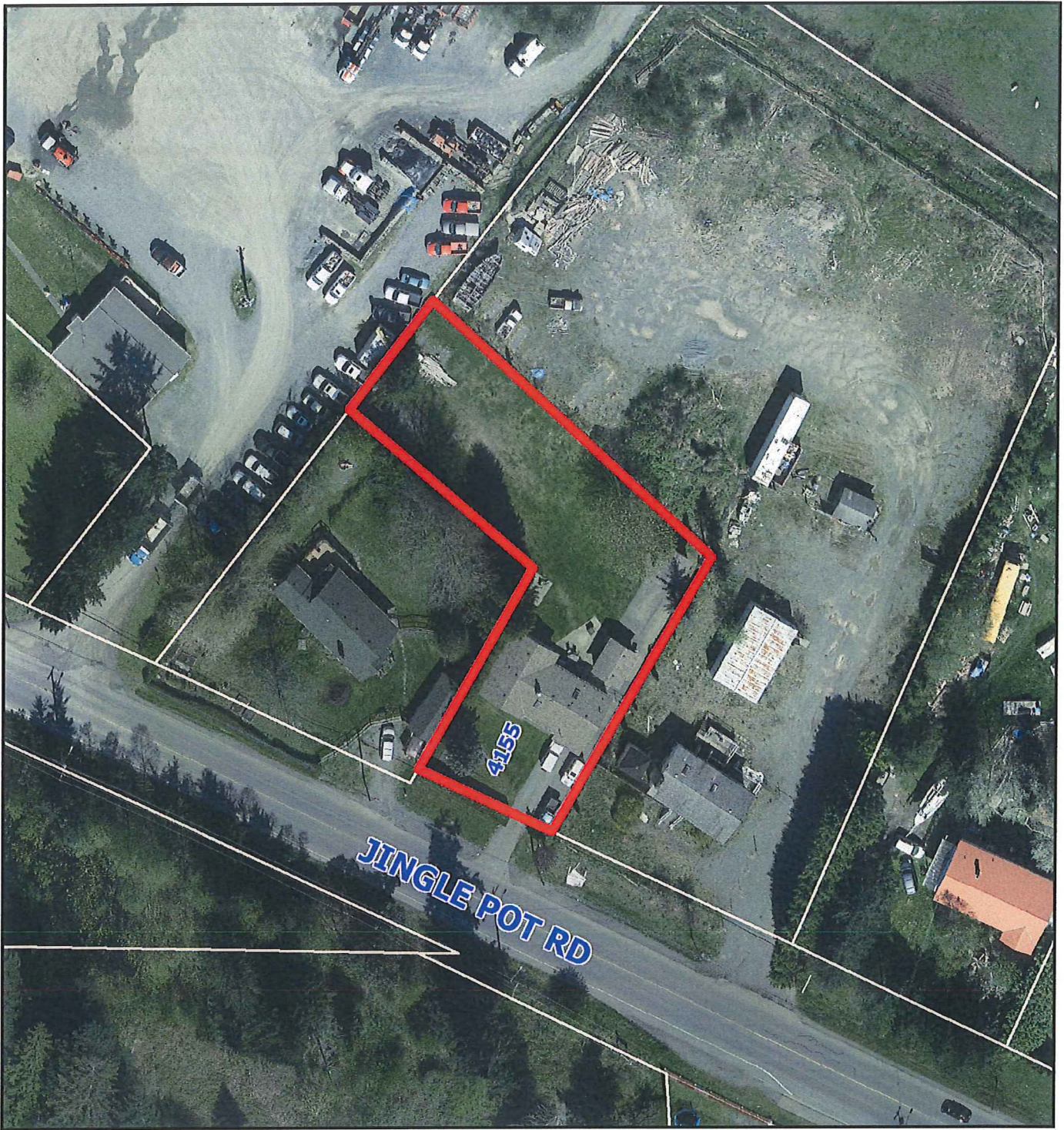
Regarding the height variance, it is technically needed because the lot is irregular L shaped and the setback determinations create an issue. That being which is the recognized rear yard. The requested location on the site allows for accessory building to be constructed with the least impact on the neighbouring RS1 lot by moving away from their lot line. Further, the location is a visual and sound separation from the surrounding historical uses. The reason for height variance is because of the lot setback designations. We have always viewed the rear lot line to be the north-west edge of our property, and that is how the design and location were chosen. The city staff unfortunately identify the north lot line to be the rear yard. This determination is the reason for the height variance, which would not be required if the north-west line was determined to be the rear yard.

With consideration for the variances requested, the location benefits to the neighbours and long term desire of the land owners we hope that staff and council agree with the requests and grant the variances as requested and required.

Thank you for your consideration.

Brad & Melanie Jones

ATTACHMENT F
AERIAL PHOTO



DEVELOPMENT VARIANCE PERMIT NO. DVP00305

