

DATE OF MEETING June 19, 2017

AUTHORED BY TAMERA ROGERS, PLANNER, CURRENT PLANNING AND SUBDIVISION

SUBJECT DEVELOPMENT VARIANCE PERMIT NO. DVP311 – 5792 BRADBURY ROAD

OVERVIEW

Purpose of Report

To present for Council's consideration, a development variance permit application to legalize the gross floor area of an existing oversized accessory building at 5792 Bradbury Road.

Recommendation

That Council issue Development Variance Permit No. DVP311 at 5792 Bradbury Road with the following variance:

- increase the maximum allowable gross floor area for the existing accessory building from 90m² to 171m².

BACKGROUND

A development variance permit application, DVP311, was received from Ian and Deborah Darby to vary the provisions of the City of Nanaimo "Zoning Bylaw 2011 No. 4500" to increase the maximum allowable accessory building gross floor area to legalize the size of an existing oversized accessory building.

A Stop Work Order was issued on 2017-FEB-15 due to work being undertaken without a building permit to convert a portion of the existing garage into a secondary suite. The existing garage has a gross floor area of 171m² and was originally constructed without a building permit. In order to issue a building permit to allow the owners to install a 90m² secondary suite within the accessory building, a development variance permit is required to legalize the size of the building. In addition, to allow the secondary suite, the building permit will require that the existing garage to be brought into substantial compliance with the BC Building Code. The owners have been in contact with the Building Inspections Staff regarding the requirements to complete this project.

Subject Property

<i>Zoning</i>	R1 – Single Dwelling Residential
<i>Location</i>	The subject property is located six properties east of the Bradbury/Rutherford Road intersection
<i>Total Lot Area</i>	2,709m ²
<i>Official Community Plan</i>	Map 1 – Future Land Use – Neighbourhood

The subject property is a large residential panhandle lot located in an area primarily characterized by single dwelling residential uses. The lot slopes downward south to north from Bradbury Road. There is an existing house on the property as well as an existing detached garage, which is the subject of this development variance permit application.

Statutory Notification has taken place prior to Council's consideration of the variance.

DISCUSSION

Proposed Development

The proposed development includes an existing one-storey, 5.18m high accessory building (garage) with a gross floor area of 171m². The building is sited in the northwest corner of the lot, with a side yard setback of 6.6m and 6.8m from the adjacent side property lines. The owners want to convert a portion of the building into a 90m² secondary suite, which is the maximum size permitted under the Zoning Bylaw. The rest of the accessory building will remain as a garage.

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

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 171m², a proposed variance of 81m².

The existing accessory building has been in its current location since at least 1996. The existing building complies with the zoning requirements for height, lot coverage and setbacks. No expansion of the building footprint is proposed; the variance would simply legalize the existing floor area in order to allow the owners to pursue a building permit for a secondary suite within the accessory building.

The variance is not anticipated to negatively impact views or privacy of surrounding properties as the existing building is located in the middle of the panhandle lot, it is not visible from the road given the down slope, and it is well separated from neighbouring residences (greater than 6m from the nearest lot line).

SUMMARY POINTS

- Development Variance Permit No. DVP311 proposes a variance to increase the maximum accessory building gross floor area to legalize the size of an existing accessory building, built without a building permit, in order to allow a portion of the building to be converted to a secondary suite.
- If the development variance permit is approved, a building permit will also be required to bring the existing building substantially into compliance with the BC Building Code.
- No expansion of the existing building footprint is proposed so the variance is not anticipated to impact neighbouring properties. Staff supports the proposed variance.

ATTACHMENTS

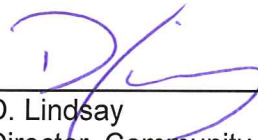
ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Location Plan
ATTACHMENT C: Site Survey
ATTACHMENT D: Letter of Rationale
ATTACHMENT E: Accessory Building Photos
ATTACHMENT F: Aerial Photo

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

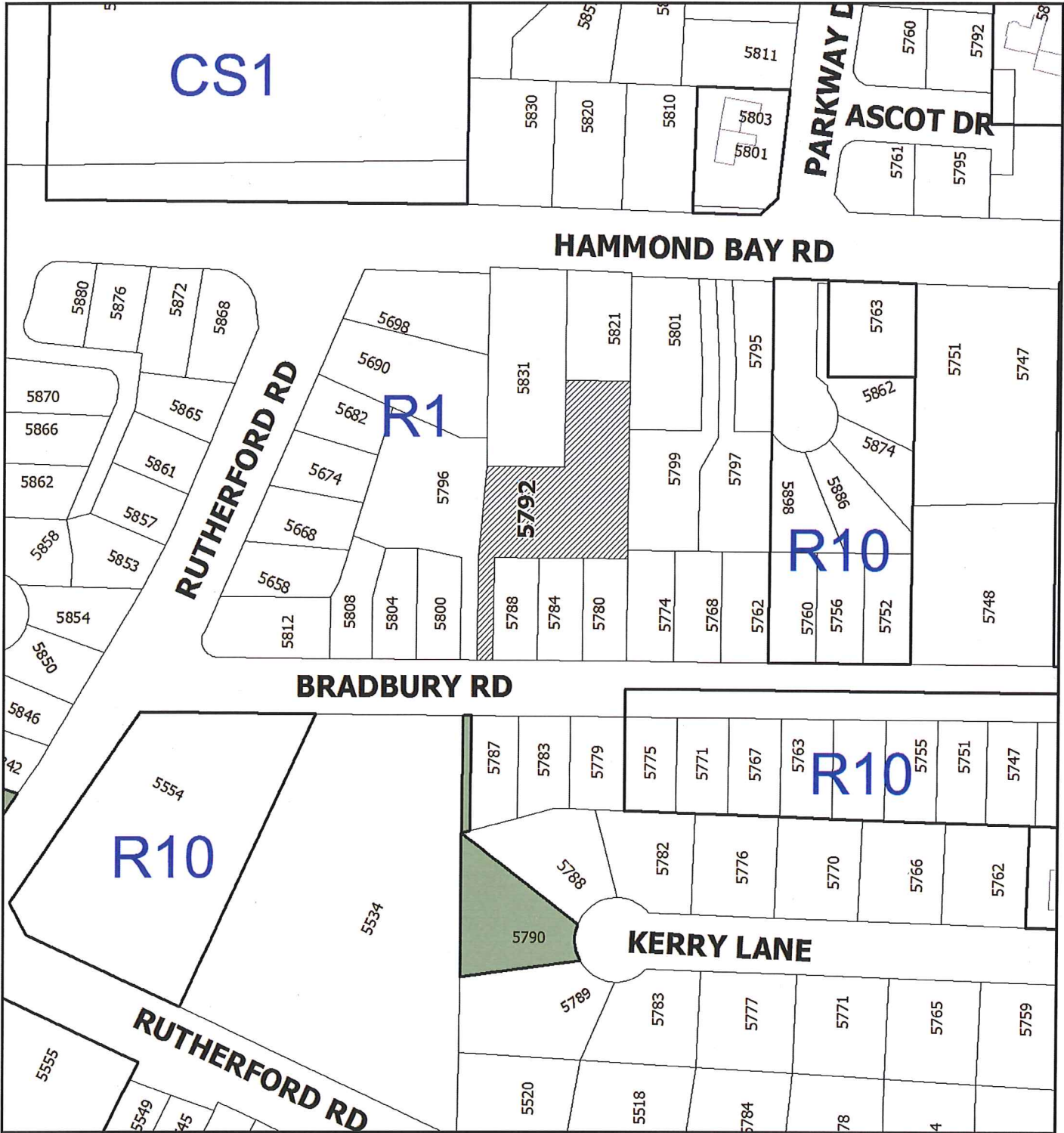
The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is varied as follows:

1. *Section 6.6.6* – increase the maximum permitted gross floor area for the existing accessory building from 90m² to 171m².

CONDITIONS OF PERMIT

1. The applicant is to obtain the necessary building permits for the proposed development.

ATTACHMENT B
LOCATION PLAN



DEVELOPMENT VARIANCE PERMIT NO. DVP00311

LOCATION PLAN

Civic: 5792 Bradbury Road
Lot 9, District Lot 38, Wellington District,
Plan VIP77284



Subject Properties

ATTACHMENT C
SITE SURVEY

B.C. LAND SURVEYOR'S Sketch showing Natural Grades

Chris. C. Everett B.C. Land Surveyor
111-55 Victoria Road, Nanaimo B.C. V9R 5N9
Phone: (250)716-0086 ~ Fax: (250)716-0043

LEGAL DESCRIPTION:

Lot 9, DL 38, Wellington District, Plan VIP77284

NOTES:

Measurements are in metres and decimals.

Elevations are in Metres Geodetic

Elevations to natural grade

Shown thus 100.3

Elevations to finished grade

shown thus 100.4

Average Nat Grade = 94.0

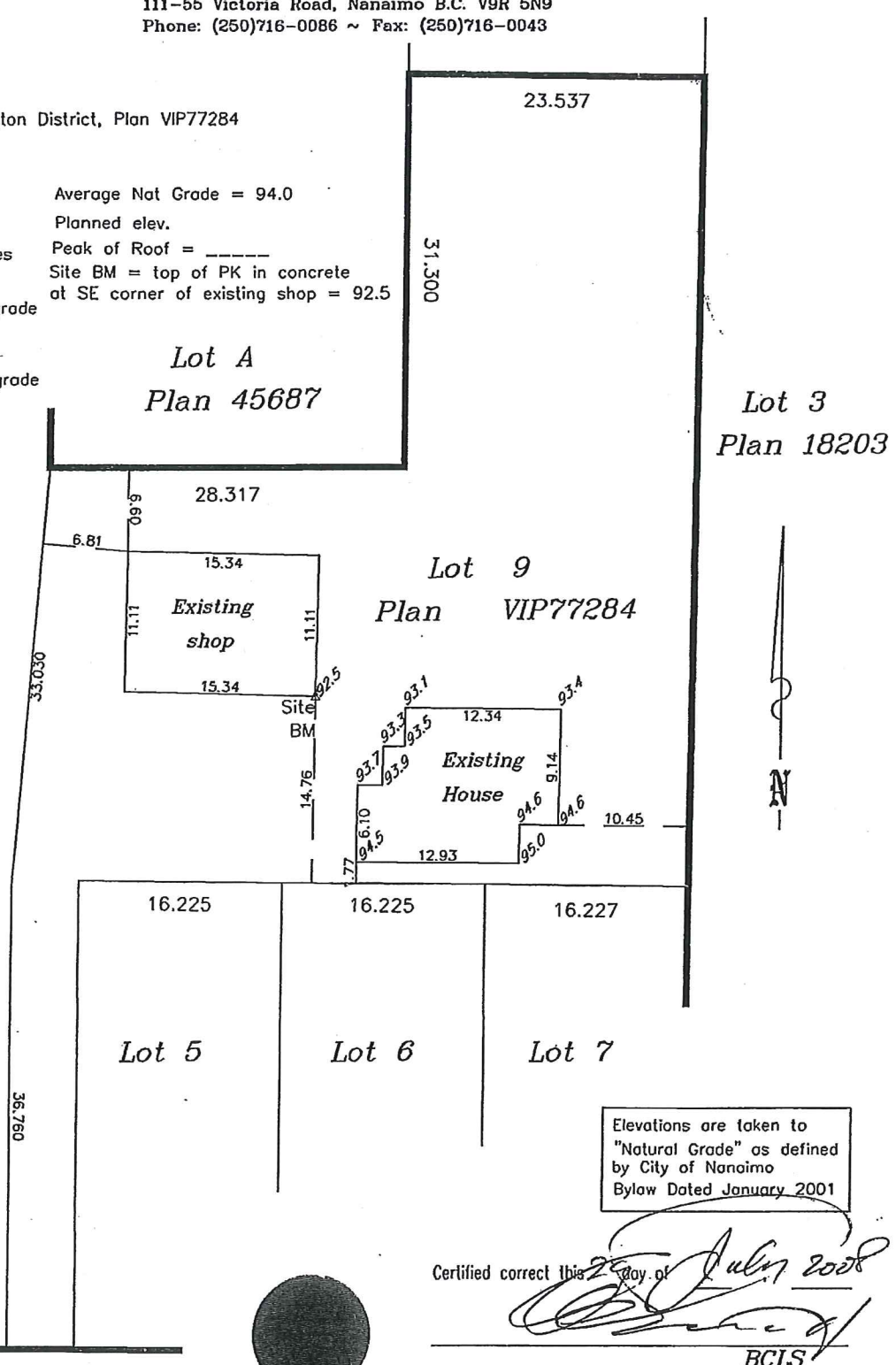
Planned elev.

Peak of Roof = _____

Site BM = top of PK in concrete
at SE corner of existing shop = 92.5

Lot dimensions derived from Plan VIP77284

Scale 1:500



RECEIVED
DVP00311
2017-MAY-29
Current Planning & Subdivision

Elevations are taken to "Natural Grade" as defined by City of Nanaimo Bylaw Dated January 2001

Certified correct this 29 day of July 2008

[Signature]
BCLS

Bradbury Road

FILE NO. CE_____

ATTACHMENT D
LETTER OF RATIONALE

Ian and Deborah Darby
5792 Bradbury Road,
Nanaimo, B.C V9T 6R2

We are applying for a variance on the garage of 5792 Bradbury Road, to become a carriage home.

It is already a pre-existing building of about 1600sq ft. We would like to use 968sq Ft. max as a secondary dwelling.

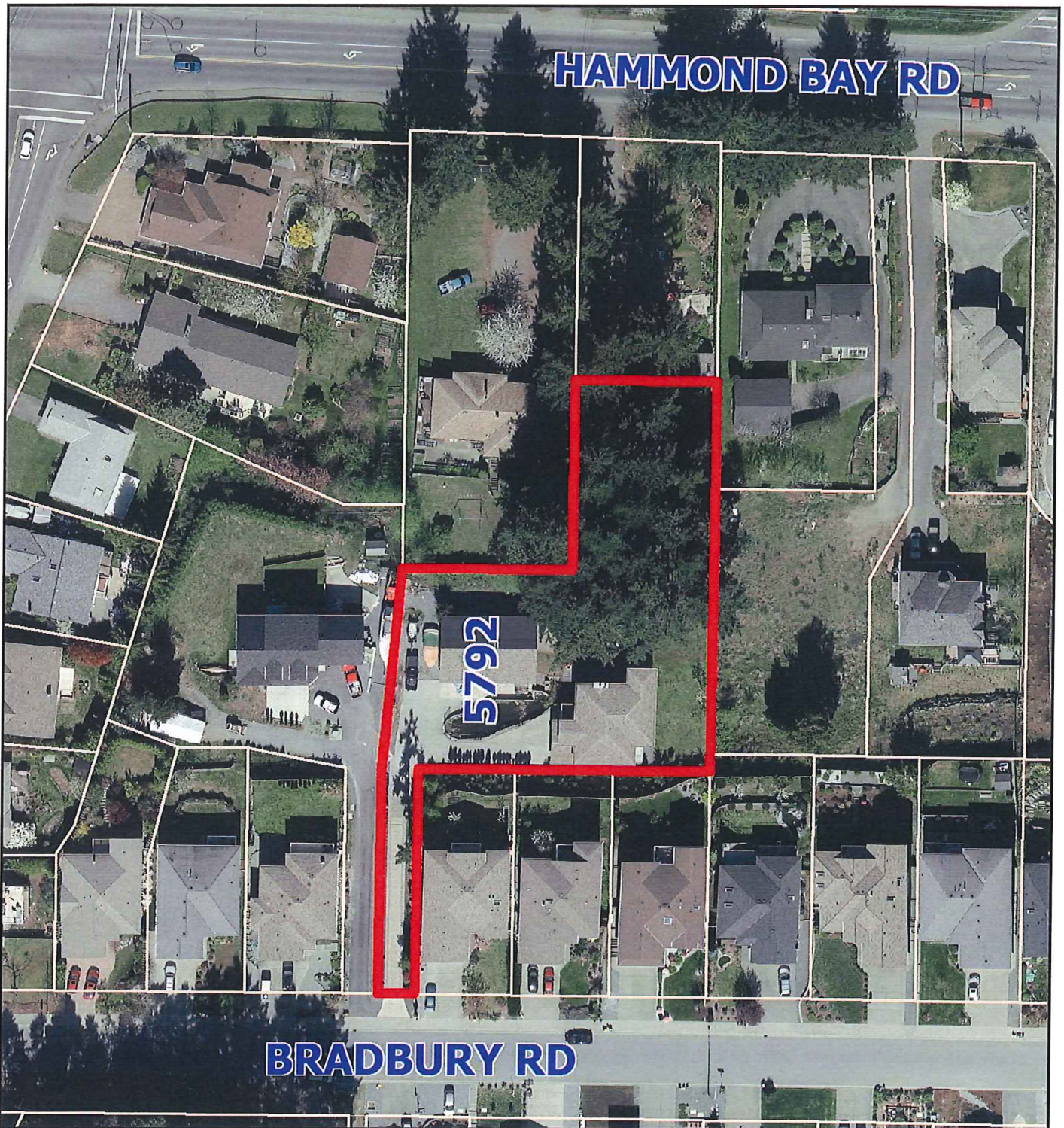
For now, we would like to use it as a rental suite, but the plan is to get it set up for our parents as they are getting on and may need some assistance, plus our children, if something were to happen they would have somewhere to go without invasion from their parents. Therefore, we would like a variance, we just want to have a place to help family and friends out when they need some help. Thank you



ATTACHMENT E
ACCESSORY BUILDING PHOTOS



ATTACHMENT F
AERIAL PHOTO



DEVELOPMENT VARIANCE PERMIT NO. DVP00311

