

DATE OF MEETING | March 5, 2018 |

AUTHORED BY | TAMERA ROGERS, PLANNER, CURRENT PLANNING & SUBDIVISION |

SUBJECT | DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP339 – 383 HILLCREST AVENUE |

OVERVIEW

Purpose of Report

To present for Council’s consideration, a development variance permit application to allow an accessory building with a secondary suite to be located within the side yard setback at 383 Hillcrest Avenue. |

Recommendation

That Council issue Development Variance Permit No. DVP339 at 383 Hillcrest Avenue with the following variance:

- reduce the north side yard setback for an accessory building with a secondary suite from 1.5m to 1.44m. |

BACKGROUND

A development variance permit application, DVP339, was received from Mr. Norm Maybin on behalf of Ms. Candice Gutierrez to vary the provisions of City of Nanaimo “Zoning Bylaw 2011 No. 4500” to allow an accessory building with a secondary suite (carriage house) within the north side yard setback at 383 Hillcrest Avenue.

In May 2017, the applicant obtained a building permit (BP123104) to construct a carriage house on the subject property. While the site survey completed prior to the pouring of the foundation noted no setback variance requirement, the location survey provided at final inspection indicated a side yard setback variance was needed. Building occupancy cannot be granted until the projection into the side yard setback is resolved.

Subject Property

<i>Zoning</i>	R1 – Single Dwelling Residential
<i>Location</i>	The subject property is located on the west side of Hillcrest Avenue, three lots north of the Hillcrest/Fourth Street intersection.
<i>Total Lot Area</i>	668m ²
<i>Official Community Plan</i>	Map 1 – Future Land Use - Corridor

The subject property is located within an existing single residential dwelling neighbourhood, one block east of Nanaimo District Secondary School. The carriage house is accessed by the lane.

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

DISCUSSION

Proposed Development

The proposed development is a one-storey, 72m² carriage house currently under construction. The carriage house is sited in the northwest corner of the property adjacent to the lane. Based on the final location survey, the carriage house projects 0.06m into the north side yard setback.

For more information, see the Attachments.

Proposed Variances

Minimum Side Yard Setback

The minimum side yard setback is 1.5m. The proposed side yard setback is 1.44m, a proposed variance of 0.06m.

The location of the carriage house is adjacent the rear yard of the property to the north at 379 Hillcrest Avenue. The reduction to the side yard setback is not anticipated to negatively impact views or the use or privacy of the adjacent property. Staff support the proposed variance. A letter of support was also received from the property owner at 379 Hillcrest Avenue.

SUMMARY POINTS

- Development Variance Permit No. DVP339 proposes a variance to reduce the minimum side yard setback to legalize the siting of a carriage house, which is currently under construction.
- If the development variance permit is approved, building occupancy can be granted for the carriage house.
- The reduction to the side yard setback is not anticipated to negatively impact views or the privacy of the adjacent property.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Location Plan
ATTACHMENT C: Site Survey
ATTACHMENT D: 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 7.5.1 Siting of Buildings* – to reduce the minimum side yard setback (north) for an accessory building with a secondary suite from 1.5m to 1.44m.

CONDITIONS OF PERMIT

1. The subject property shall be developed in accordance with the Site Survey prepared by McElhanney Associates Land Surveying Ltd. dated 2018-FEB-08, as shown on Attachment C.

ATTACHMENT B
LOCATION PLAN

FOSTER ST

WAKESIAH AVE

HILLCREST AVE



FOURTH ST

DEVELOPMENT VARIANCE PERMIT NO. DVP00339



LOCATION PLAN

 Subject Property

Civic: 383 Hillcrest Avenue
Lot 18, Section 1, Nanaimo District, Plan 5910

ATTACHMENT C SITE SURVEY

B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION OF BUILDING(S) ON LOT 18, SECTION 1, NANAIMO DISTRICT, PLAN 5910

P.I.D. 005-940-885



ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF
THE INTENDED PLOT SIZE OF THIS PLAN IS 432 mm IN
WIDTH BY 280 mm IN HEIGHT (B-SIZE) WHEN PLOTTED AT
A SCALE OF 1:250

CIVIC ADDRESS:
383 HILLCREST ROAD
NANAIMO, B.C.

CLIENT: NORM MAYBIN

NOTE:

PARCEL DIMENSIONS ARE DERIVED FROM FIELD SURVEY
OFFSETS TO PROPERTY LINE FROM BUILDING ARE FROM FOUNDATION

DATE OF FIELD SURVEY: JANUARY 30, 2018

TITLE SUBJECT TO: NONE

LEGEND: DENOTES EXISTING FENCE

THIS PLAN IS PREPARED SOLELY FOR A LIMITED CONTRACTUAL USE BETWEEN
McELHANNAY 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.

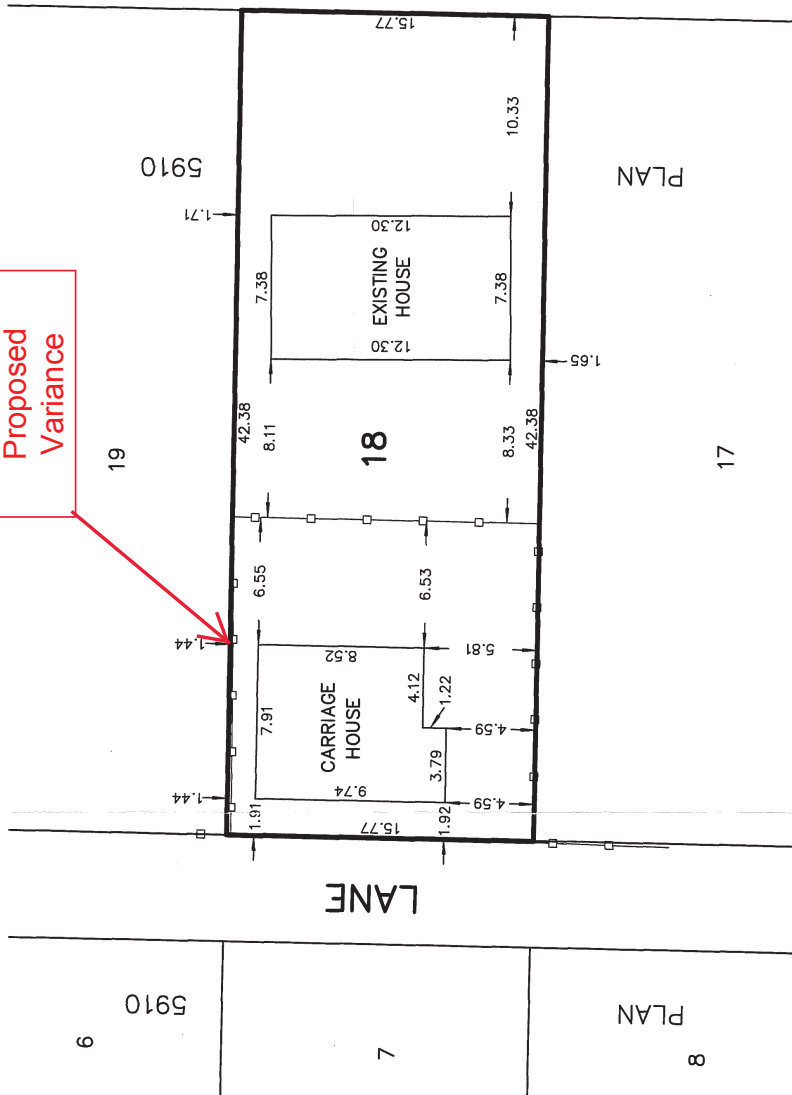
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CONSENT OF THE SIGNATORY.

McElhannay
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LAND SURVEYING LTD.

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Canada V9S 3Y3
Tel: 250 716 3336

OUR FILE NO.: 2232-00375-00
DWG NO.: 00375-0-V-1-BLC.dwg

**Proposed
Variance**



CERTIFIED CORRECT THIS 8th DAY OF FEBRUARY, 2018
Digitally signed by Tyson Quockstister
RPCUG1
DN: cn=Tyson Quockstister, o=RPCUG1,
ou=Tyson Quockstister, email=tyson@tysonquockstister.com,
www.url=http://www.tysonquockstister.com, c=CA
Date: 2018.02.08 11:27:48 -0800

Tyson Quockstister
RPCUG1

THIS LOCATION CERTIFICATE IS BASED ON LAND
TITLE AND SURVEY AUTHORITY RECORDS AND
FIELD SURVEY. UNREGISTERED INTERESTS HAVE
NOT BEEN INCLUDED OR CONSIDERED.

TYSON QUOCKSISTER, BCLS

THIS DOCUMENT IS NOT VALID UNLESS DIGITALLY SIGNED

ATTACHMENT D
AERIAL PHOTO



DEVELOPMENT VARIANCE PERMIT NO. DVP00339