

DATE OF MEETING | December 2, 2019 |

AUTHORED BY | LAINY NOWAK, PLANNING ASSISTANT, CURRENT PLANNING |

SUBJECT | **DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP398 – 5485 GODFREY ROAD** |

OVERVIEW

Purpose of Report

To present for Council’s consideration, a development variance permit application to legalize the construction of an existing accessory building at 5485 Godfrey Road. |

Recommendation

That Council issue Development Variance Permit No. DVP398 at 5485 Godfrey Road with the following variance:

- increase the maximum gross floor area for all accessory buildings from 90m² to 119m². |

BACKGROUND

A development variance permit application, DVP398, was received from Harry Law to vary the provisions of “City of Nanaimo Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) to legalize the construction of an accessory building with a variance to increase the maximum allowable gross floor area for all accessory buildings located within the subject property at 5485 Godfrey Road.

Subject Property

<i>Zoning</i>	R1 – Single Dwelling Residential
<i>Location</i>	The subject property is located adjacent to the roundabout joining Godfrey Road, Grace Place, and Big Bear Ridge.
<i>Total Area</i>	1,151m ²
<i>Official Community Plan</i>	Map 1 – Future Land Use – Neighbourhood

The subject property is a large residential lot with an existing house. There are single family dwellings on the properties located immediately to the north, east, and south of the subject property. The neighbourhood is characterized by low-density residential uses.

A Building Permit (BP123078) for an accessory building (garage) with a proposed gross floor area of approximately 60m² was issued on 2017-MAY-08 for the subject property. At the time of application, it was understood only one existing accessory building was located on the subject property, with a total gross floor area of approximately 30m². However, through the building inspection process, it was discovered that in addition to the new garage, there were actually three existing accessory buildings located on the subject property.

A subsequent site survey confirmed the combination of all accessory buildings on the property exceed the maximum allowable combined accessory building floor area and a variance is required to legalize and allow the completion of the new accessory building.

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

DISCUSSION

Proposed Development

The development includes a 60m² accessory building (garage) with a height of 5.64m. The accessory building is sited on the north side of the existing dwelling with access from Godfrey Road. An existing workshop with a covered porch, gazebo, and a small shed are located on the lot and have a total gross floor area of roughly 59m². The existing accessory buildings and the new garage have a combined proposed gross floor area of approximately 119m².

Proposed Variances

Maximum Gross Floor Area for Accessory Buildings

The maximum gross floor area of all accessory buildings permitted on an R1-zoned lot is not to exceed 13% of the lot size, or a gross floor area of 90m², whichever is lesser. The proposed gross floor area of all accessory buildings on the subject property is approximately 119m²; which is approximately 10% of the lot size. A variance of 29m² is requested.

Despite the increase in allowable total gross floor area, the proposed building would still function as accessory to the existing principal dwelling. Additionally, the building complies with zoning requirements for lot coverage and setbacks. No negative impact on neighbouring properties is anticipated.

SUMMARY POINTS

- Development Variance Permit No. DVP398 proposes a variance to increase the total allowable gross floor area for accessory buildings on an R1-zoned lot to legalize and allow the completion of a new accessory building under construction on the subject property.
- The new accessory building meets all lot coverage and setback requirements; as such, no negative impact on neighbouring properties is anticipated.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Location Plan
ATTACHMENT C: Site Survey
ATTACHMENT D: Aerial Photo |

Submitted by:

Lainya Rowett
Manager, Current Planning |

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services |

**ATTACHMENT A
PERMIT TERMS AND CONDITIONS**

TERMS OF PERMIT

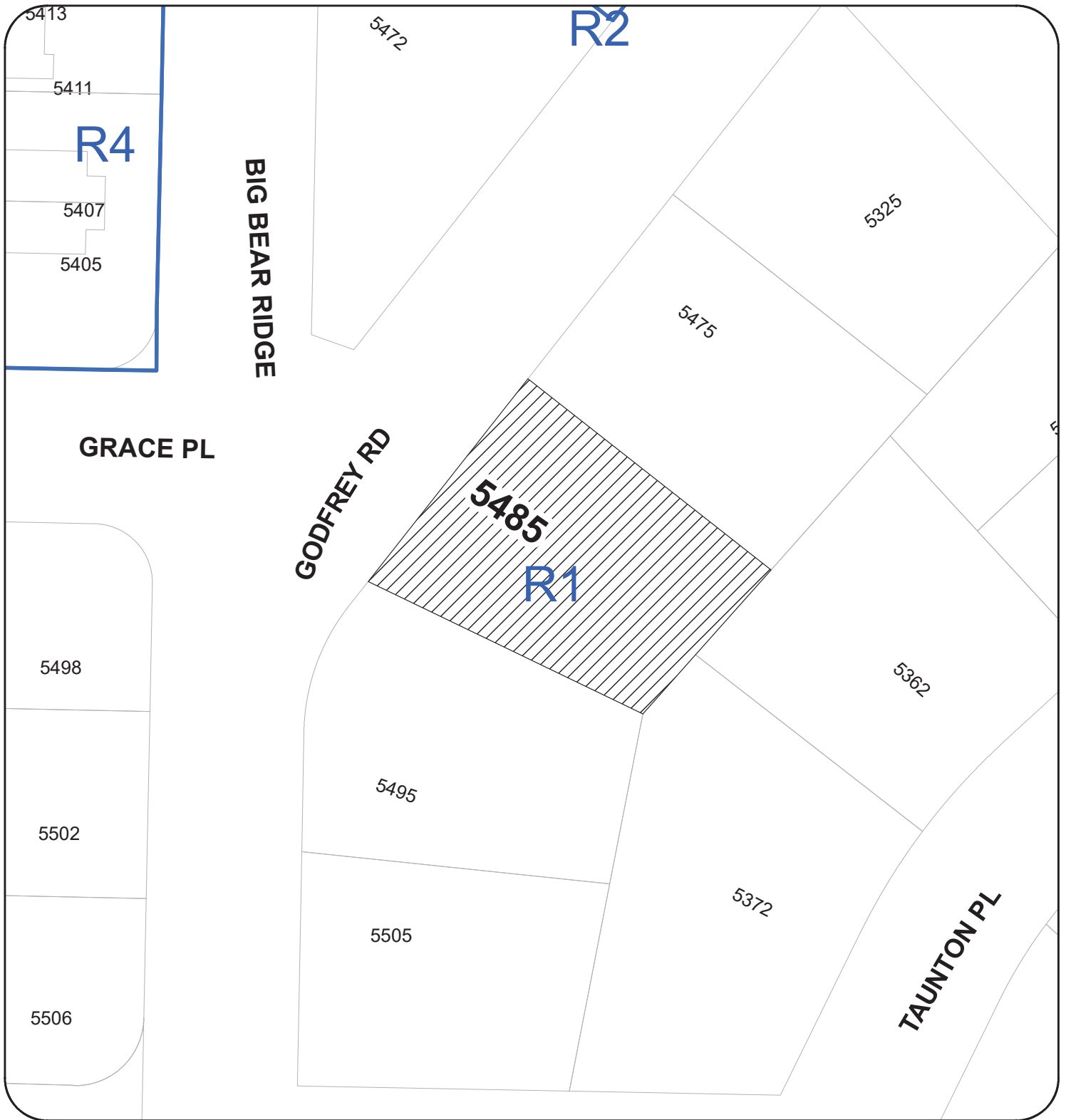
The "City of Nanaimo ZONING BYLAW 2011 NO. 4500" is varied as follows:

1. *Section 6.6.6 Maximum Gross Floor Area* – to increase the maximum gross floor area for all accessory buildings on the subject property from 90m² to 119m².

CONDITIONS OF PERMIT

1. The subject property shall be developed in accordance with the Site Survey prepared by Turner & Associates Land Surveying Inc., dated 2019-SEP-07, as shown on Attachment C.

ATTACHMENT B
LOCATION PLAN



DEVELOPMENT VARIANCE PERMIT NO. DVP000398

LOCATION PLAN

CIVIC: 5485 GODFREY ROAD

LEGAL: LOT 41, SECTION 4, RANGE 4, WELLINGTON DISTRICT, PLAN 21691



SUBJECT PROPERTY

**ATTACHMENT C
SITE SURVEY**

**B.C. LAND SURVEYOR'S BUILDING LOCATION CERTIFICATE ON:
LOT 41, SECTION 4, RANGE 4,
WELLINGTON DISTRICT, PLAN 21691.**

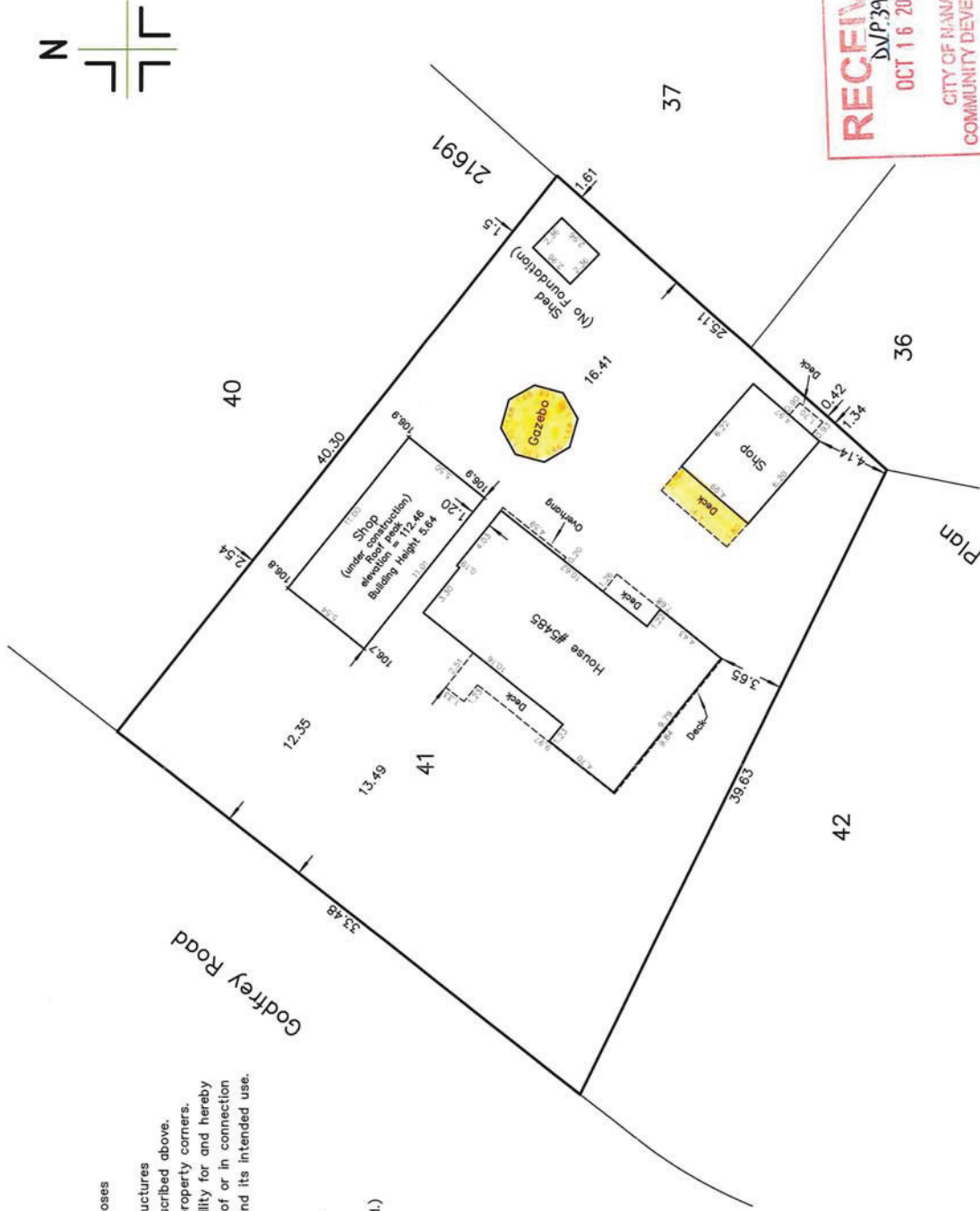
P.I.D. 003-450-813
Civic Address: 5485 GODFREY ROAD, NANAIMO

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

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. Turner & Associates Land Surveying Inc. accepts 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 its intended use. Certified correct this 6th day of September, 2019.

Matthew Schnurch Digitally signed by Matthew
KAHJN6 Schnurch KAHJN6
Date: 2019.09.17 15:03:45 -07'00'

Matthew D. Schnurch, B.C.L.S.
(This document is not valid unless originally signed and sealed.)



NOTE:
THIS PROPERTY IS AFFECTED BY
THE FOLLOWING REGISTERED DOCUMENT:
E84515.

SCALE 1:250
DISTANCES AND ELEVATIONS SHOWN ARE IN METRES.
ELEVATIONS ARE GEODETIC.

Turner & Associates
land surveying™
435 Terminal Avenue North
Nanaimo, B.C.
V9S 4J8
250-753-9778
www.turnersurveys.ca
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ATTACHMENT D
AERIAL PHOTO



DEVELOPMENT VARIANCE PERMIT NO. DVP000398



 5485 GODFREY ROAD