

DATE OF MEETING | September 21, 2021 |

AUTHORED BY | CALEB HORN, PLANNER, CURRENT PLANNING |

**SUBJECT | DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP424 –  
147 SWANSON ROAD |**

## **OVERVIEW**

### **Purpose of Report**

To present for Council’s consideration, a development variance permit application to increase the maximum permitted floor area for all accessory buildings on an existing lot. |

### **Recommendation**

That Council issue Development Variance Permit No. DVP424 at 147 Swanson Road to increase the maximum permitted Gross Floor Area for all accessory buildings on the lot from 90.0m<sup>2</sup> to 563.4m<sup>2</sup>. |

## **BACKGROUND**

A development variance permit application, DVP424, was received from Blair and Deborah Yarocki to vary the provisions of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) to increase the maximum permitted floor area to allow existing accessory buildings to be retained at 147 Swanson Road.

### ***Subject Property and Site Context***

<i>Zoning</i>	AR2 – Urban Reserve
<i>Location</i>	The subject property is located on the east side of Swanson Road, south of its intersection with East Wellington Road.
<i>Lot Area</i>	0.8ha
<i>Official Community Plan</i>	Urban Reserve

The subject property currently contains two single residential dwellings and four accessory buildings. The surrounding properties are primarily large agricultural residential lots similar to the subject property, many with two single residential dwellings, as permitted by the zoning.

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

## **DISCUSSION**

### **Proposed Development**

The applicants recently acquired the subject property, containing two single residential dwellings and four accessory buildings. The existing accessory buildings include three structures

originally built prior to 2011, and a detached secondary suite installed between 2014 and 2015. No new development is proposed as part of this application.

The Zoning Bylaw restricts the maximum Gross Floor Area (GFA) of all accessory buildings on a lot in the AR2 zone to 13% of the lot size or 90.0m<sup>2</sup>, whichever is lesser. In this case, 90.0m<sup>2</sup> is lesser; therefore, the applicants are requesting a variance to permit a maximum accessory building GFA of 563.4m<sup>2</sup>; a proposed variance of 473.4m<sup>2</sup>.

Under the previous land use bylaw, “City of Nanaimo Zoning Bylaw 1993 No. 4000” (“Zoning Bylaw 4000”, repealed 2011-AUG-08), the subject property was zoned A-1 – Rural Agricultural/Residential, which did not regulate a maximum floor area for accessory buildings in agricultural zones. The current Zoning Bylaw, adopted in 2011, introduced the maximum GFA for accessory buildings in agricultural zones except where an accessory building is used for agricultural purposes. In this case, no agricultural use is occurring on the property.

At the time of Zoning Bylaw adoption in 2011, the subject property is known to have had four accessory buildings with a total floor area of 342.8m<sup>2</sup>, which was permitted by the previous bylaw. Since that time, a number of changes to the accessory buildings have occurred. A table summarizing the previously existing accessory buildings and the changes since 2011 is shown below.

<b>Accessory Building</b>	<b>2011 GFA</b>	<b>Change since 2011</b>	<b>Current GFA</b>
<i>Shed in the north of the property</i>	72.6m <sup>2</sup>	None	72.6m <sup>2</sup>
<i>Shed in the centre of the property</i>	29.0m <sup>2</sup>	Removed entire 29.0m <sup>2</sup>	n/a
<i>Detached garage in the southwest corner of the property</i>	77.4m <sup>2</sup>	Expanded by 160.8m <sup>2</sup>	238.2m <sup>2</sup>
<i>Workshop in the south of the property</i>	163.8m <sup>2</sup>	None	163.8m <sup>2</sup>
<i>Detached secondary suite in the northeast corner of the property</i>	n/a	Added with an area of 88.8m <sup>2</sup>	88.8m <sup>2</sup>
<i>Total</i>	342.8m <sup>2</sup>	Net increase of 222.6m <sup>2</sup>	563.4m <sup>2</sup>

The above-noted changes occurred without any permit approvals prior to the current owners acquiring the property. The existing floor areas of the original accessory buildings are protected as existing non-conforming structures, but the protection does not apply to any of the additions or expansions that occurred after adoption of the Zoning Bylaw.

The applicants were not aware of the non-conforming status of the accessory buildings when they acquired the property. The construction that previously occurred without a permit consists of the detached garage expansion and the installation of a detached secondary suite. The applicants have requested the accessory building GFA variance in order to allow the existing non-conforming buildings to remain (subject to building permit requirements) and continue utilizing the detached secondary suite for the current tenant, and continue utilizing the detached garage with additional bays as constructed.

## Proposed Variance

### *Accessory Building Maximum Floor Area*

A variance to increase the maximum permitted Gross Floor Area for all accessory buildings on the lot from 90.0m<sup>2</sup> to 563.4m<sup>2</sup> is requested (a variance of 473.4m<sup>2</sup>). The variance request would bring the accessory structures on the property into compliance with the Zoning Bylaw. While the Zoning Bylaw regulates accessory buildings up to a maximum of 90.0m<sup>2</sup> or 13% of the lot size, whichever is lesser, in this case the total floor area of all accessory buildings represents only 5.9% of the lot area.

The accessory buildings are set back a considerable distance from the street (ranging from approximately 30m to 75m away from the front property line) and do not present a visual impact on the property's frontage. Signatures in support of the variance request were received from four immediate neighbours. No negative impacts are anticipated and Staff support the proposed variance. Building permit applications for the unpermitted portions of the accessory structures will be required as a condition of this Development Variance Permit.

### **SUMMARY POINTS**

- Development Variance Permit Application No. DVP424 proposes to increase the maximum combined Gross Floor Area for all accessory buildings on the lot from 90m<sup>2</sup> to 563.4m<sup>2</sup>.
- The variance request would bring the accessory structures on the property into compliance with the Zoning Bylaw.
- No negative impacts are anticipated and Staff support the proposed variance

### **ATTACHMENTS**

ATTACHMENT A: Permit Terms and Conditions  
ATTACHMENT B: Context Map  
ATTACHMENT C: Location Plan  
ATTACHMENT D: Site Survey  
ATTACHMENT E: Accessory Building Images  
ATTACHMENT F: 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 Accessory Uses - Buildings and Structures* – to increase the maximum permitted Gross Floor Area combined for all accessory buildings on the lot from 90.0m<sup>2</sup> to 563.4m<sup>2</sup>.

### CONDITIONS OF PERMIT

1. The accessory buildings on the subject property shall be developed in accordance with locations shown on the Site Plan, prepared by Turner & Associates Land Surveying, received 2021-AUG-11, as shown on Attachment D.
2. A building permit application shall be submitted for the “Secondary Modular Home” and “Detached Garage” addition (as labelled on Attachment D) within three months of the approval date of this permit, and a Notice on Title is to be registered for the completed works that cannot be inspected.

# ATTACHMENT B CONTEXT MAP

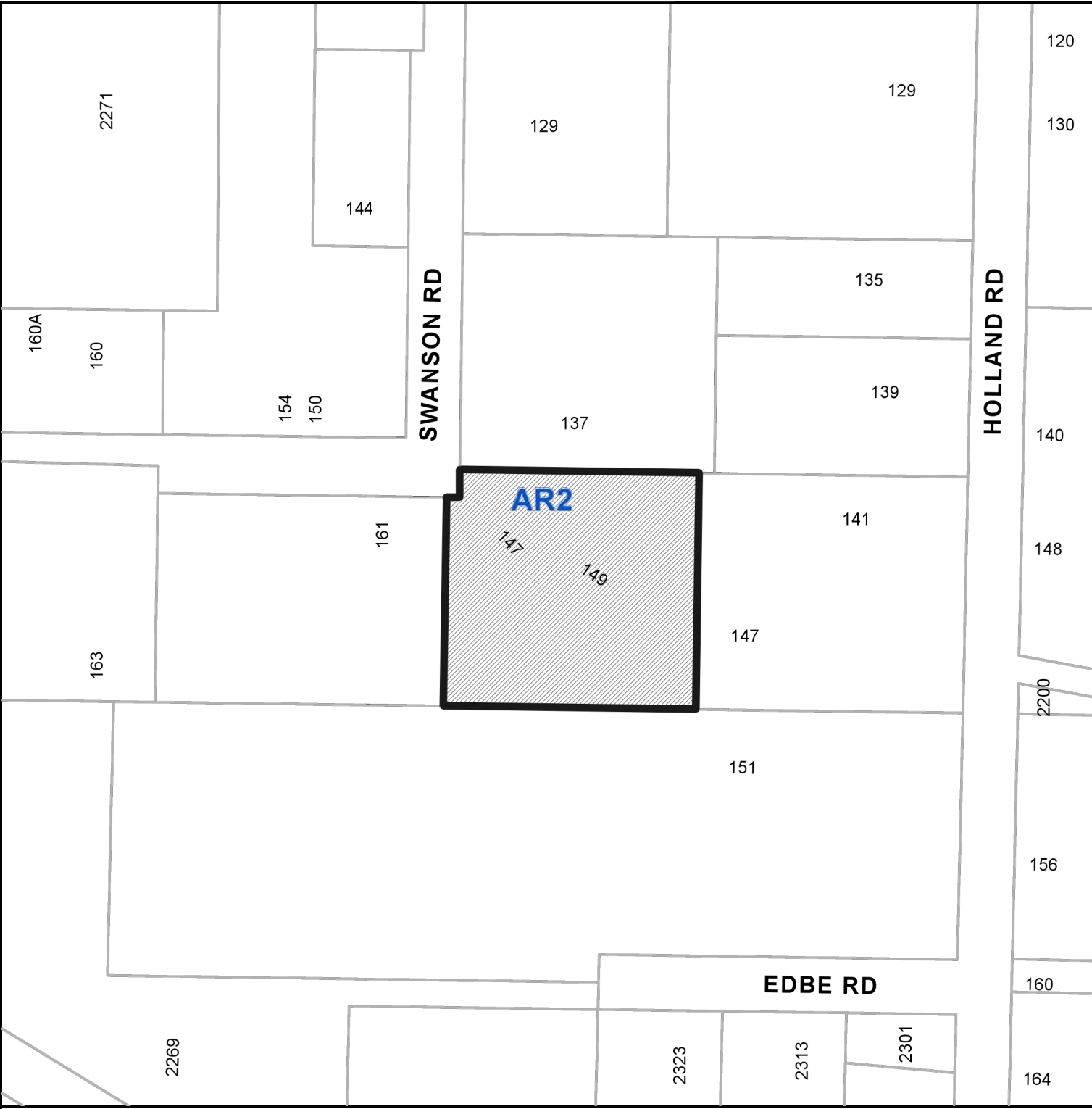


N



147 SWANSON ROAD

**ATTACHMENT C  
LOCATION PLAN**



**Subject Property**

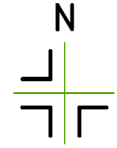
**DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP00424**

CIVIC: 147 SWANSON ROAD  
LEGAL: LOT A, SECTION 14, RANGE 6, MOUNTAIN DISTRICT, PLAN 38877  
EXCEPT THAT PART IN PLAN VIP70915

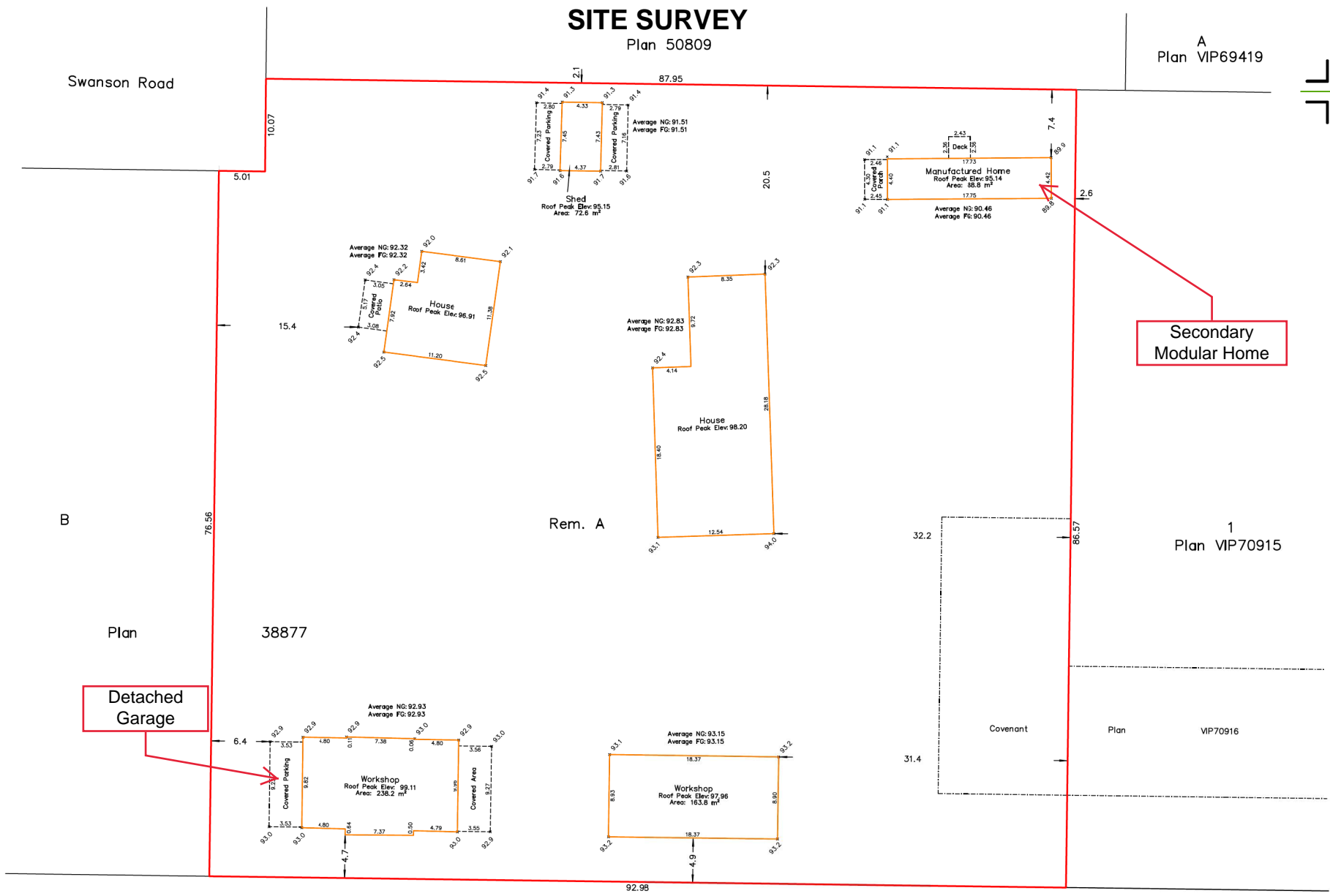
# ATTACHMENT D SITE SURVEY

Plan 50809

A  
Plan VIP69419



Swanson Road



Secondary  
Modular Home

Detached  
Garage

B

Rem. A

1  
Plan VIP70915

Plan 38877

Covenant

Plan VIP70916

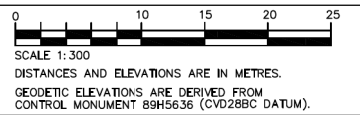
Rem. N. 5 Chains of E. 20 Chains of Sec. 13 Range 6

**NOTE:**  
THE REGISTERED TITLE OF THIS PROPERTY IS AFFECTED BY THE FOLLOWING LEGAL NOTATIONS AND REGISTERED CHARGES, LIENS AND INTERESTS:  
M76300 & F249104.  
THIS SITE PLAN DOES NOT VERIFY COMPLIANCE WITH THE ABOVE NOTED DOCUMENTS.

THIS SITE PLAN SHOWS THE RELATIVE LOCATION OF THE EXISTING AND PROPOSED STRUCTURES/IMPROVEMENTS WITH RESPECT TO THE BOUNDARIES OF THE DESCRIBED PARCEL ONLY.  
THIS SITE PLAN SHALL NOT BE USED TO DEFINE PROPERTY LINES OR PROPERTY CORNERS.  
THE SIGNATORY ACCEPTS NO RESPONSIBILITY FOR AND HEREBY DISCLAIMS ALL OBLIGATIONS AND LIABILITIES FOR DAMAGES ARISING OUT OF OR IN CONNECTION WITH ANY DIRECT OR INDIRECT USE OR RELIANCE UPON THE SITE PLAN BEYOND ITS INTENDED USE.

**SITE PLAN SHOWING BUILDINGS SITUATED ON:  
LOT A, SECTION 14, RANGE 6, MOUNTAIN DISTRICT,  
PLAN 38877, EXCEPT THAT PART IN PLAN VP70915.**

Client: DEBORAH YAROCKI	Civic Address: 147 SWANSON ROAD
File: 20-147	Scale: 1:300
Drawn by: DRW	Property Zoning: AR2



Certified correct this 20th day of November, 2020.  
Brody Phillips  
954A28  
283  
(This document is not valid unless originally signed and sealed.)

Digitally signed by Brody Phillips 954A28  
Date: 2021.08.04 13:27:17 -0700

B.C.L.S.

**LEGEND**  
x<sup>90°</sup> DENOTES SPOT ELEVATION  
NG: DENOTES NATURAL GRADE  
FG: DENOTES FINISHED GRADE

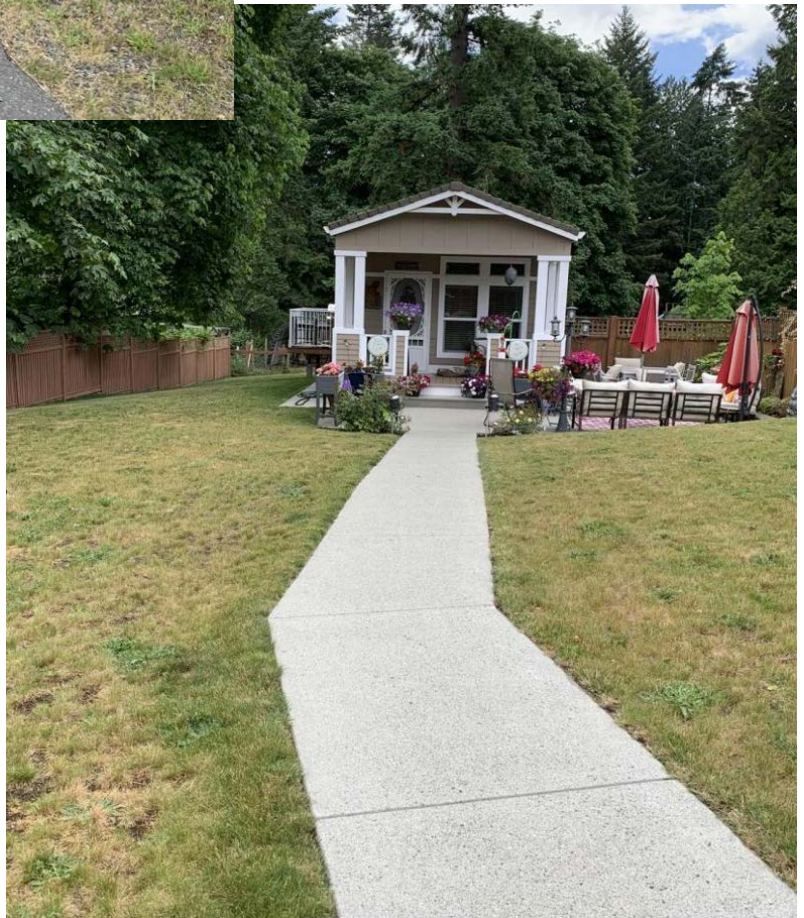
**RECEIVED**  
**DVP424**  
**2021-AUG-11**  
Current Planning

**Turner & Associates**  
land surveying  
250.753.9778  
435 Terminal Avenue North  
Nanaimo, BC V9S 4J8  
www.turnersurveys.ca

**ATTACHMENT E  
ACCESSORY BUILDING IMAGES**

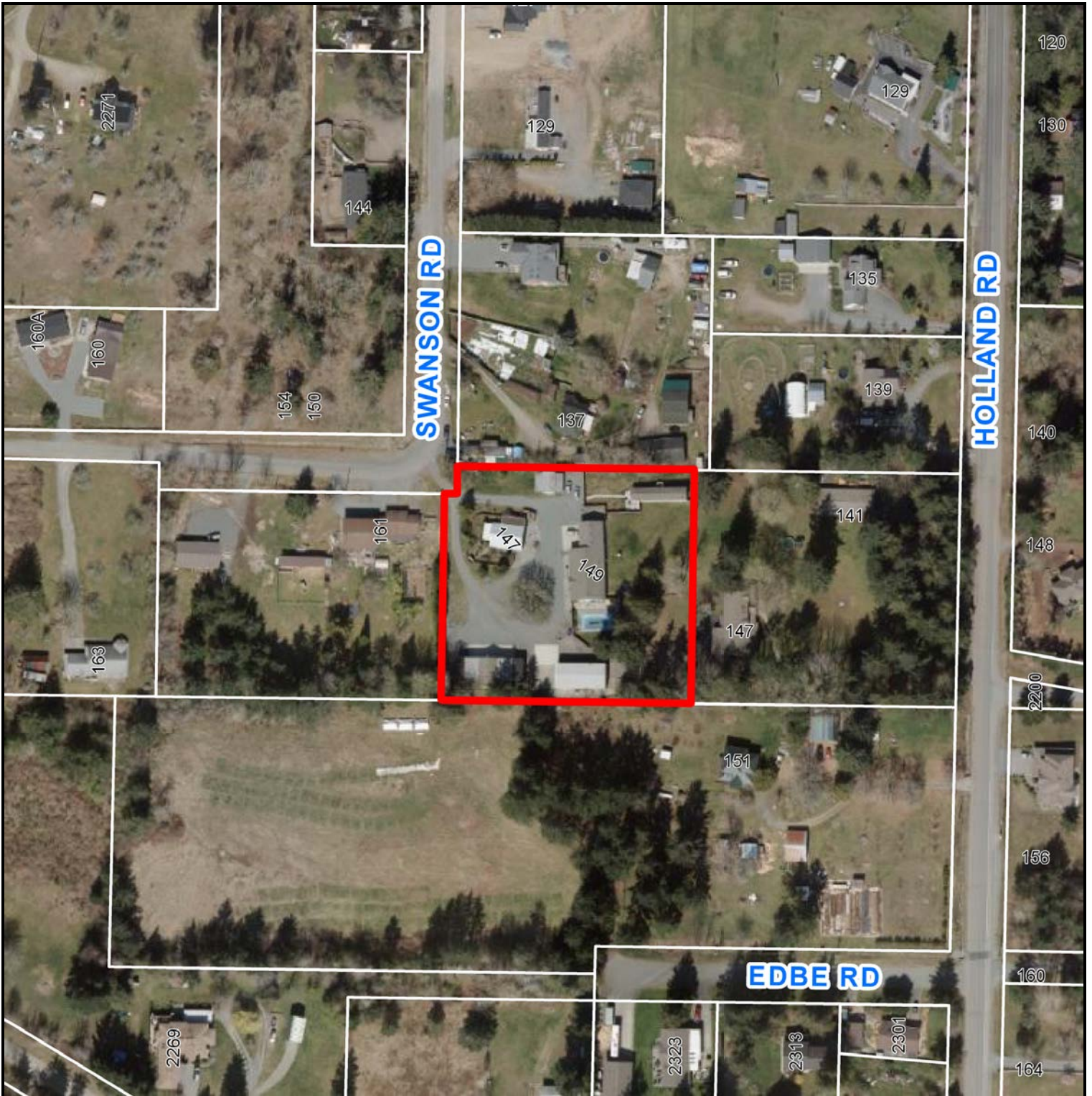


Detached Garage



Secondary Modular Home

**ATTACHMENT F  
AERIAL PHOTO**



**DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP00424**

 147 SWANSON ROAD

## Delegation Request

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### **Delegation's Information:**

Blair & Deborah Yarocki have requested an appearance before Council.

City: Nanaimo

Province: BC

### **Delegation Details:**

The requested date is September 21, 2021.

The requested meeting is:  
Council

Bringing a presentation: Yes

Details of the Presentation: We will be reading our Variance Rationale letter that was submitted with our original application to the City Planning Development department.