

DATE OF MEETING | December 20, 2021 |

AUTHORED BY | SADIE ROBINSON, PLANNING ASSISTANT, CURRENT PLANNING |

**SUBJECT | DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP429
– 108 HAWK POINT ROAD |**

OVERVIEW

Purpose of Report

To present for Council’s consideration, a development variance permit application to allow an over-height principal dwelling at 108 Hawk Point Road. |

Recommendation

That Council issue Development Variance Permit No. DVP429 at 108 Hawk Point Road with a variance to increase the maximum permitted height of a principal building with a roof pitch equal to or greater than 4:12 from 9m to 9.14m. |

BACKGROUND

A development variance permit application, DVP429, was received from Darren Seaman and Jane Hepples to vary the provisions of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) to allow an over-height principal dwelling with a secondary suite currently under construction at 108 Hawk Point Road.

The applicant obtained a building permit (BP127281) to construct a principal dwelling on the subject property. Due to a construction error, the principal dwelling was constructed 14cm (0.14m) over height from what was shown on the submitted building permit plans, which complied with all Zoning Bylaw regulations. Occupancy cannot be issued unless the height conforms to the bylaw or a variance is granted.

Subject Property

<i>Zoning</i>	R10 – Steep Slope Residential
<i>Location</i>	The subject property is located on the east end of Hawk Point Road, near the Tanya Drive intersection.
<i>Total Area</i>	599.61m ²
<i>Official Community Plan</i>	Map 1 - Future Land Use - Neighbourhood

The subject property slopes downward by approximately 3m from front to rear, and is within an area comprised of single residential dwellings within the Lost Lake Neighbourhood.

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

DISCUSSION

Proposed Development

The principal dwelling currently under construction is 323.21m² with a 4:12 roof pitch, and appears as a two-storey building from Hawk Point Road, with a walk-out basement at the rear. The principal dwelling has been constructed centrally on the property, and requires a height variance to authorize the increase in building height and allow occupancy to be granted.

Proposed Variances

Maximum Principal Dwelling Height

The maximum principal building height for a roof pitch equal to or greater than 4:12 is 9m. The applicant proposes to increase the maximum allowable principal building height with a roof pitch of 4:12 to 9.14m; a proposed variance of 0.14m.

Due to the ground conditions encountered during excavation, the main floor elevation and highest roof peak were constructed higher than originally designed. The over-height portion of the dwelling makes up approximately 60% of the roof structure.

In order to meet the height requirement at this stage of construction, removal of the roof structure would be required, as well as lowering the height of the constructed upper floor walls, and subsequent reconstruction of the roof. The roof pitch of 4:12 is the lowest pitch permitted to qualify for the 9m height allowance.

Hawk Point Road is the highest elevation residential street on the north side of Linley Valley, with views of the sea to the north, with no resident views to be blocked. The property directly uphill (south) of 108 Hawk Point Road is 5341 Tanya Drive, which the City owns and uses as a water reservoir.

The increase of 0.14m is not anticipated to negatively impact the views of adjacent properties, and seven letters of support have been provided from neighbouring property owners of the following addresses: 104, 112, and 116 Hawk Point Road; 5353, 5355, and 5357 Lost Lake Road; and 5311 Tanya Drive.

SUMMARY POINTS

- The applicant proposes to increase the maximum allowable principal building height with a roof pitch of 4:12 from 9m to 9.14m, a proposed variance of 0.14m.
- The principal dwelling was constructed 14cm (0.14m) over-height.
- Occupancy cannot be issued unless the height conforms to the bylaw or a variance is granted.
- Seven letters of support have been provided from neighbouring property owners.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Context Map
ATTACHMENT C: Location Plan
ATTACHMENT D: Site Survey
ATTACHMENT E: Building Elevations
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 7.6.1 Size of Buildings* – to increase the maximum permitted height of a principal building with a roof pitch equal to or greater than 4:12 from 9m to 9.14m.

CONDITIONS OF PERMIT

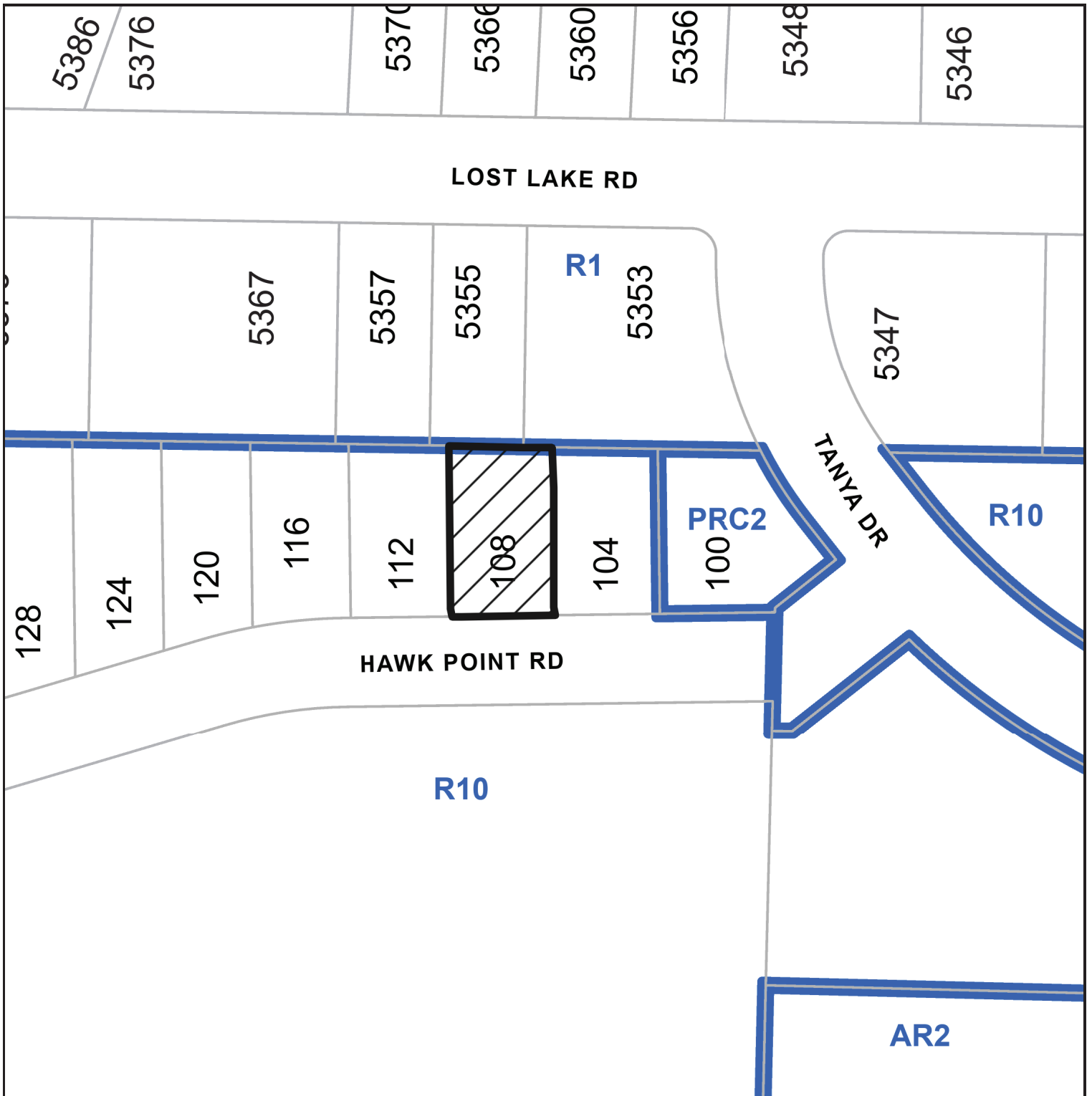
1. The subject property shall be developed generally in accordance with the Site Survey prepared by Williamson & Associates Professional Surveyors, dated 2021-OCT-22, as shown on Attachment D.

ATTACHMENT B CONTEXT MAP



108 HAWK POINT ROAD

ATTACHMENT C
LOCATION PLAN



DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP00429



Subject Property

CIVIC: 108 HAWK POINT ROAD

LEGAL: LOT 6 DISTRICT LOT 50 WELLINGTON DISTRICT PLAN EPP73176

ATTACHMENT D SITE SURVEY

B.C. LAND SURVEYOR'S CERTIFICATE OF EXISTING HOUSE LOCATION ON:

LOT 6, DISTRICT LOT 50, WELLINGTON DISTRICT, PLAN EPP73176

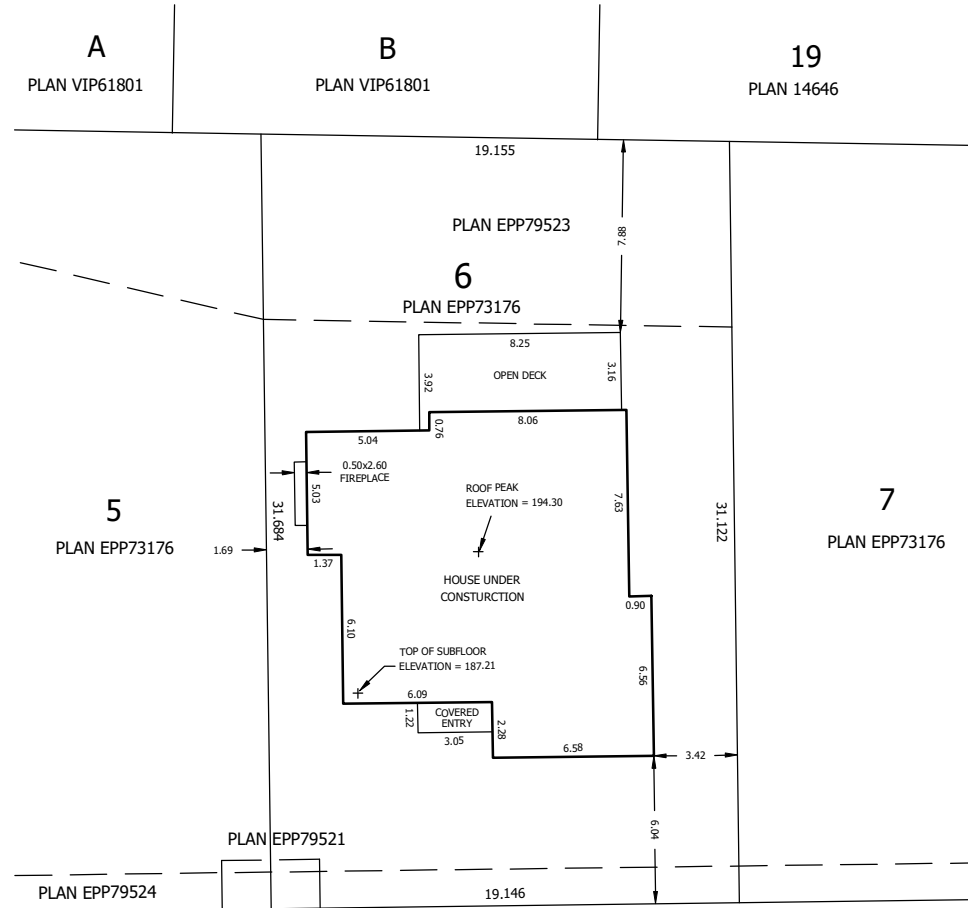


NOTES:

CIVIC ADDRESS: 108 HAWK POINT ROAD

LOT DIMENSIONS ARE DERIVED FROM REGISTERED PLANS.

ELEVATION DATUM IS DERIVED FROM INTEGRATED SURVEY CONTROL MONUMENTS.



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.

THIS PARCEL MAY BE SUBJECT TO REGISTERED CHARGES & PERMITS:

- EASEMENT R82632, R82633, EK55955, EK55956, CA7138048;
- COVENANTS CA7138026, CA7138029, CA7138032, CA7138039, CA7138049;
- STATUTORY RIGHT OF WAYS EK108105, EK108106, EK112819, EK112820, CA6517764, CA6734893, CA6734894, CA7138073, CA7138075;
- STATUTORY BUILDING SCHEME CA8268479;

THIS PLAN DOES NOT PURPORT TO VERIFY COMPLIANCE WITH THE RESTRICTIONS THEREIN.

THIS BUILDING LOCATION CERTIFICATE HAS BEEN PREPARED IN ACCORDANCE WITH THE PROFESSIONAL REFERENCE MANUAL & IS CERTIFIED CORRECT THIS DATE OF: OCTOBER 22, 2021.

Tyler Hansen
VFRTQ3

Digitally signed by Tyler Hansen VFRTQ3
DN: cn=Tyler Hansen VFRTQ3, ou=BC Land Surveyors, ou=Verify ID at www.juricert.com, email=tyler.hansen@vfvtq3.com, c=CA
Date: 2021.10.22 09:55:53 -0700

Tyler J. Hansen B.C.L.S.
THIS DOCUMENT IS NOT VALID UNLESS DIGITALLY SIGNED.

RECEIVED
DVP429
2021-NOV-12
Current Planning

WILLIAMSON & ASSOCIATES
PROFESSIONAL SURVEYORS © 2021
3088 BARONS ROAD NANAIMO B.C. V9T 4B5
PHONE: 250-756-7723 FAX: 250-756-7724
EMAIL: WAPS@VIBCLS.CA
FILE: 19002-4 CERT (BASE PLAN 06128)

HAWK POINT ROAD

187.11
155 "CN 4521" ▲

ATTACHMENT E BUILDING ELEVATIONS



SHAWN SWANSON
610 HAMILTON AVENUE
NANAIMO, BC, V1T 2V1
(250) 613-8800
EMAIL: shawn.swanson@shw.ca

REVISIONS

NO.	DESCRIPTION

SWANSON HOUSE PLANS RESERVES THEIR COMMON LAW COPYRIGHT AND OTHER PROPERTY RIGHTS IN THESE PLANS. THESE PLANS ARE NOT TO BE REPRODUCED, CHANGED, OR COPIED IN ANY MANNER WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION AND CONSENT OF SWANSON HOUSE PLANS. NONE ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY WITHOUT OBTAINING SAID PERMISSION AND CONSENT.

CLIENT:
DARREN SEAMAN

CIVIC ADDRESS:
108 HAWK POINT ROAD
NANAIMO, BC

LEGAL ADDRESS:
LOT 6, DISTRICT LOT 50,
WELLINGTON DISTRICT,
PLAN EPP73176

ZONING:
R10 - STEEP SLOPE
RESIDENTIAL

LOT SIZE:
599.61m² = 6454.14sf

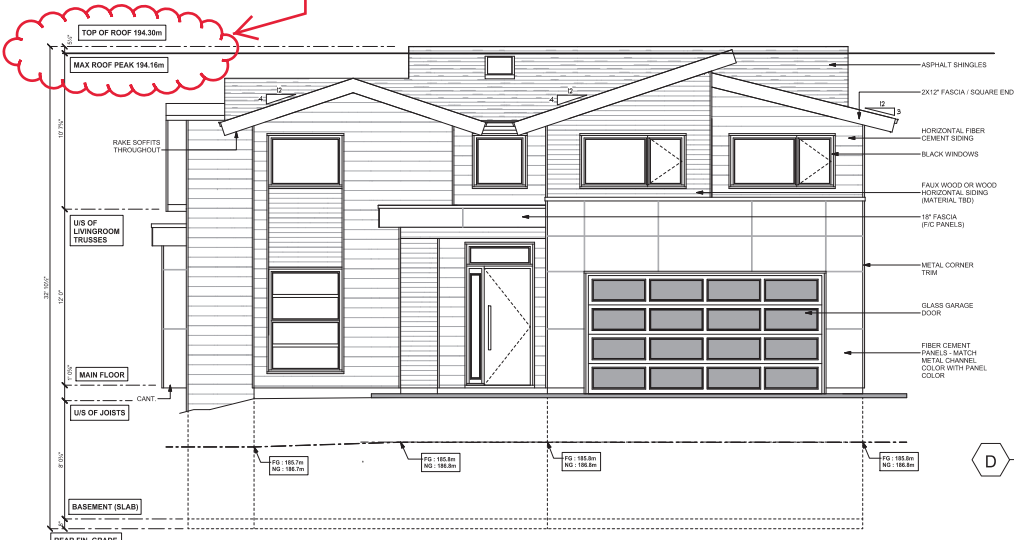
SQUARE FOOTAGES

UPPER	1298 SqFt
MAIN	1240 SqFt
BASEMENT	351 SqFt
SUITE	590 SqFt
TOTAL LIVING	3479 SqFt
GARAGE	452 SqFt
MAIN DECK	320 SqFt
UPPER DECK	57 SqFt
CRAWL & UNDER HEIGHT	298 SqFt

PROJECT NO.	SHP-2021
DRAWN BY	SHAWN SWANSON
APPROVED BY	CLIENT / BUILDER
DATE	NOVEMBER 22, 2021
SCALE	1/4" = 1'-0" U.S.C.
TITLE	FRONT ELEVATION REAR ELEVATION ROOF PLAN
SHEET NUMBER	

1
RECEIVED
DVP429
2021-NOV-22

Proposed Building Height Variance



FRONT ELEVATION

Proposed Building Height Variance



REAR ELEVATION



**ROOF PLAN
SUPPLIER TO VERIFY**



SHAWN SWANSON
616 HAMILTON AVENUE
NANAIMO, BC V1Y 0Y1
250.719.8800
EMAIL: shawn.swanson@shawn.ca

REVISIONS

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DRAWN BY SHAWN SWANSON
APPROVED BY CLIENT / BUILDER
DATE NOVEMBER 22 - 2021
SCALE 1/4" = 1'-0" U.N.C.

TITLE LEFT ELEVATION
RIGHT ELEVATION

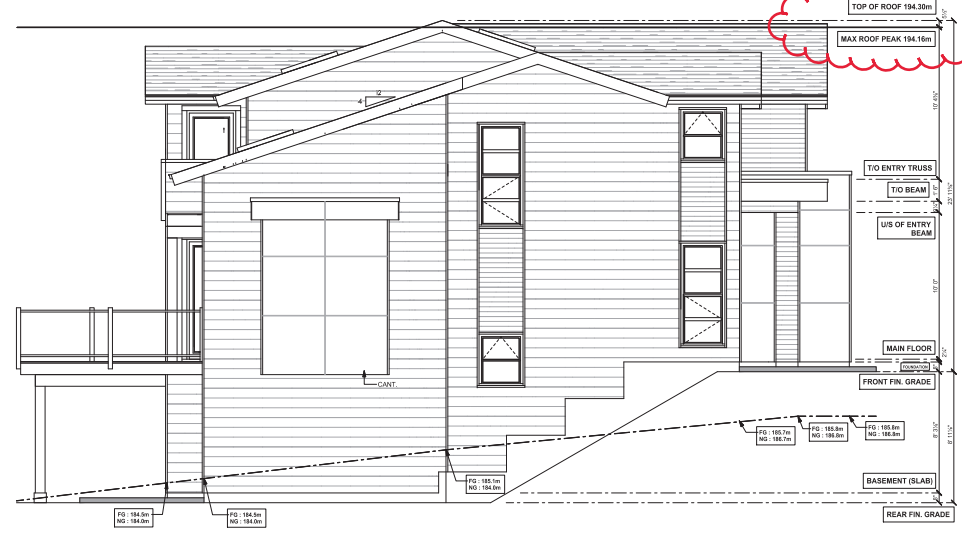
SHEET NUMBER

2

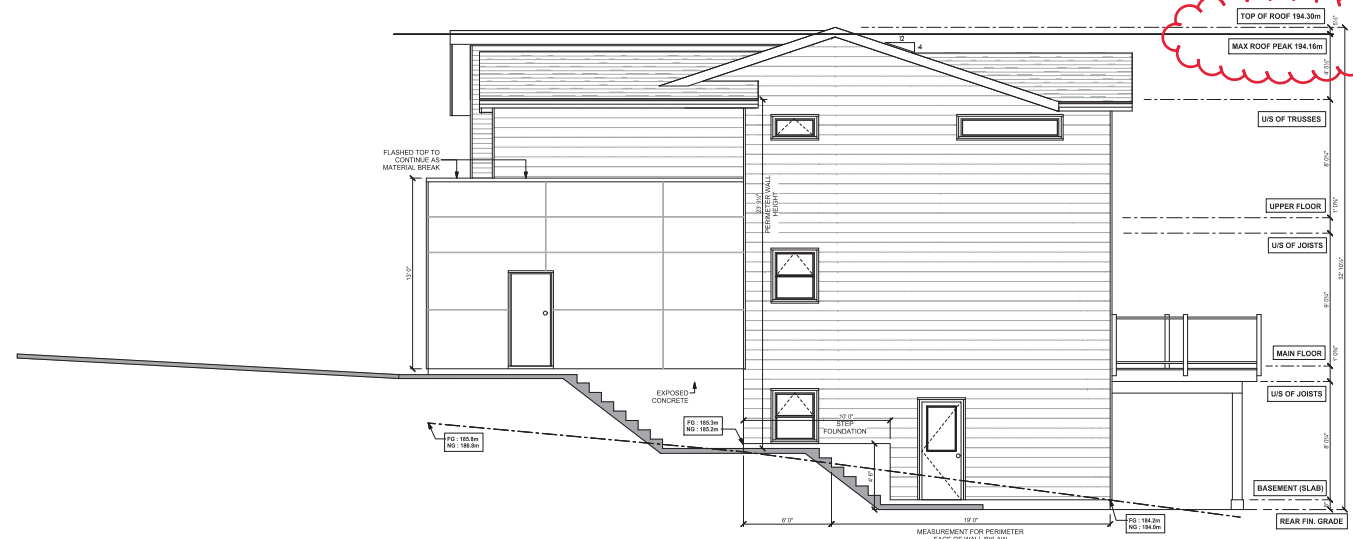
RECEIVED
DVP429
2021-NOV-22

Proposed Building Height Variance

Proposed Building Height Variance



LEFT ELEVATION



RIGHT ELEVATION

GROSS FLOOR AREA CALCULATIONS		
LOT AREA :	(599.61m2)	6454 SqFt
55% ALLOWABLE :		3549 SqFt
UPPER FLOOR :	1298	SqFt
MAIN FLOOR :	1240	SqFt
BASEMENT :	424	SqFt
SUITE :	590	SqFt
GARAGE :	452	SqFt
TOTAL	4004	SqFt
- (42m2) GARAGE	(-452)	SqFt
- (1.5m) CEILING (STAIRS)	(-73)	SqFt
- FP BUMPOUT	(-14)	SqFt
NEW TOTAL	3465	SqFt
GFA COVERAGE %	53.68	%

**ATTACHMENT F
AERIAL PHOTO**



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 108 HAWK POINT ROAD