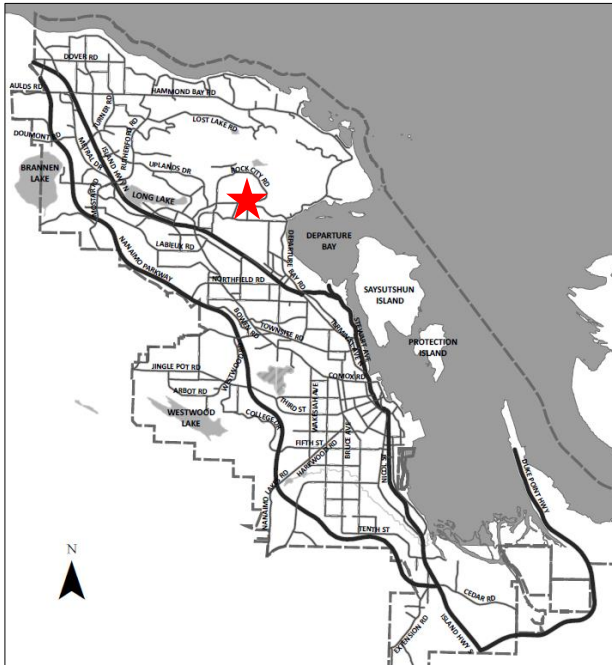


DATE OF MEETING | December 18, 2023

AUTHORED BY | PAYTON CARTER, PLANNER, CURRENT PLANNING

**SUBJECT | DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP451 –
3400 DEPARTURE BAY ROAD**



Proposal:

Variations to allow alterations to an existing dwelling.



Zoning:

R1 – Single Dwelling Residential

City Plan Land Use Designation:

Neighbourhood

Lot Area:

720.61m²



OVERVIEW

Purpose of Report

To present for Council's consideration a development variance permit application to reduce the minimum required rear yard setback for an existing dwelling and to increase the maximum allowable size for a secondary suite within the principal dwelling at 3400 Departure Bay Road.

Recommendation

That Council issue Development Variance Permit No. DVP451 to allow proposed alterations to an existing dwelling at 3400 Departure Bay Road with variances as outlined in the "Proposed Variances" section of the Staff Report dated 2023-DEC-18.

BACKGROUND

A development variance permit application, DVP451, was received from Adrian Tam Chisholm, to vary the provisions of the "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the Zoning Bylaw) to reduce the minimum required rear yard setback for an existing dwelling and to increase the maximum allowable size for a secondary suite within the principal dwelling at 3400 Departure Bay Road.

The dwelling was constructed in 1968. A Building Permit was issued in 2007 to authorize an existing suite that was constructed within the dwelling before suites were permitted in the Zoning Bylaw (2005). In 2022, the City received a bylaw complaint for illegal construction and it was determined that further alterations to the dwelling had taken place which required a Building Permit. It was also determined that the improvements extended into the existing non-conforming rear yard setback. A Stop Work Order was issued on 2022-NOV-22 and the property owner submitted a Development Variance Permit application to legalize the existing setback and allow the improvements to be completed.

Subject Property and Site Context

The subject property is located at the intersection of Departure Bay Road and Smugglers Hill Drive, within the Departure Bay Neighbourhood. The lot slopes up 4m from southeast to northwest and includes a single residential dwelling with a secondary suite. The surrounding neighbourhood area is comprised of primarily single residential dwellings.

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

DISCUSSION

Proposed Development

Multiple alterations and additions to the dwelling and secondary suite within the rear yard setback are proposed including:

- enlarging the upper floor deck and enclosing the area below for storage;
- removing the brick chimney from the south building face and replacing with a bump-out to expand the interior floor space;

- enclosing the suite entrance; and,
- enclosing the area beneath the existing overhang on the west building face.

The proposed alterations are located within the required rear yard setback and the additions cause the secondary suite to exceed the maximum allowable size.

Proposed Variances

Rear Yard Setback

The minimum required rear yard setback for a principal building in the R1 zone is 7.5m. The proposed rear yard setback is 1.82m, a requested variance of 5.68m.

Secondary Suite Size

The size of a secondary suite, where contained within the principal building, shall not exceed 40% of the habitable floor space of the principal dwelling to a maximum of 90m². The proposed secondary suite size is 93m², a requested variance of 3m².

The variances would facilitate renovations to the existing dwelling and secondary suite which are located within the required rear yard setback. The proposed additions will not encroach into the rear yard setback beyond the existing upper deck. Enclosing the secondary suite entrance will provide weather protection and address drainage issues on the west elevation. The proposed additions provide more livable space within the suite below an existing overhang. Existing structures, fencing, and vegetation screen the proposed work from the view of neighbours.

Staff support the proposed variances, which are not anticipated to negatively impact neighbouring properties. Signatures of support have been provided by neighbouring property owners at 3440 Departure Bay Road, 3113 Granite Park Road, and 3120 Smugglers Hill Drive.]

SUMMARY POINTS

- The applicant proposes to reduce the required rear yard setback for a principal building from 7.5m to 1.82m and to increase the maximum allowable size for a secondary suite located within the principal dwelling from 90m² to 93m².
- The applicant has submitted signatures of support from neighbouring property owners.
- Staff support the proposed variances.]

ATTACHMENTS

- ATTACHMENT A: Permit Terms and Conditions
- ATTACHMENT B: Subject Property Map
- ATTACHMENT C: Site Survey
- ATTACHMENT D: Building Renderings

Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Planning & 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 required rear yard setback for a principal building from 7.5m to 1.82m, as proposed.
2. *Section 6.15.2.4 Secondary Suites* – to increase the maximum allowable size for a secondary suite within the principal building from 90m² to 93m².

CONDITIONS OF PERMIT

1. The subject property shall be developed in accordance with the Site Survey, prepared by Turner & Associates Land Surveying, dated 2023-MAR-28 as shown on Attachment C.

ATTACHMENT B
SUBJECT PROPERTY MAP



 3400 Departure Bay Road

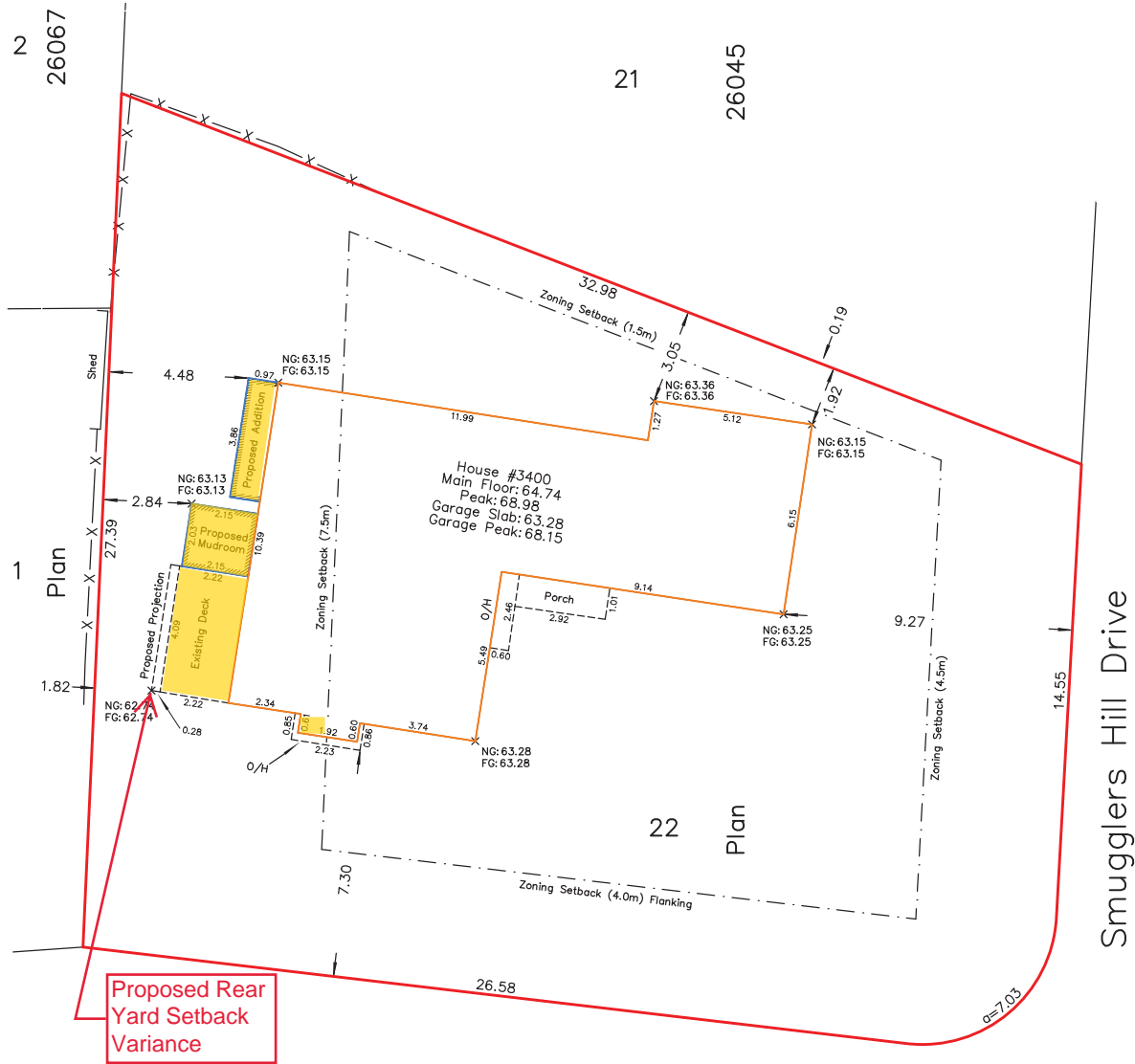
SITE PLAN SHOWING PROPOSED BUILDING LOC
 LOT 22, SECTION 15,
 WELLINGTON DISTRICT, PLAN 20645

ATTACHMENT C SITE SURVEY

TAM
 00 DEPARTURE BAY ROAD
 File: 19-010-22 Scale: 1:150 Drawn by: BEP Property Zoning: R1

EXISTING BUILDING HEIGHT CALCULATION	
Average natural grade	63.15
Average finished grade	63.15
Maximum building height (R1 Zone)	9.00
Maximum building elevation	72.15

DENSITY CALCULATION	
Lot Area	721.1 m ²
Lot Coverage	20.8%



Proposed Areas of Alteration

SCALE 1:150

DISTANCES AND ELEVATIONS ARE IN METRES.
 GEODETIC ELEVATIONS ARE DERIVED FROM CONTROL MONUMENT 79H9318 (CGVD28BC DATUM).
NOTE:
 THE REGISTERED TITLE OF THIS PROPERTY IS AFFECTED BY THE FOLLOWING LEGAL NOTATIONS AND REGISTERED CHARGES, LIENS AND INTERESTS:
 M76300_388664G.
 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.

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

Certified correct this 28th day of March, 2023.
 Digitally signed by
 Brody Phillips 954A28
 Date: 2023.04.05
 12:02:34 -07'00'
 B.C.L.S.
 (This document is not valid unless originally signed and sealed.)

RECEIVED
DVP451
2023-JUL-31
 Current Planning

**ATTACHMENT D
BUILDING RENDERINGS**

