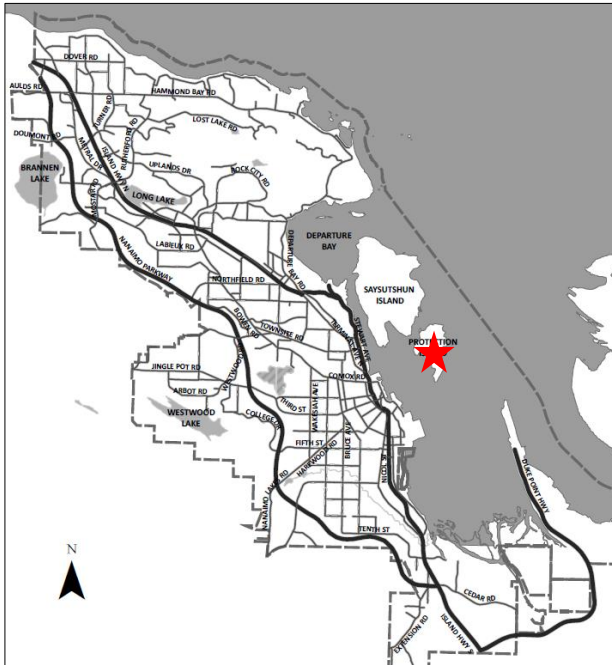


DATE OF MEETING | November 6, 2023

AUTHORED BY | ALEXA O'HANLEY, PLANNING ASSISTANT, CURRENT PLANNING

**SUBJECT | DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP456 –
113 PIRATES LANE**



Proposal:

Variance to allow an addition to an existing single residential dwelling.

Zoning:

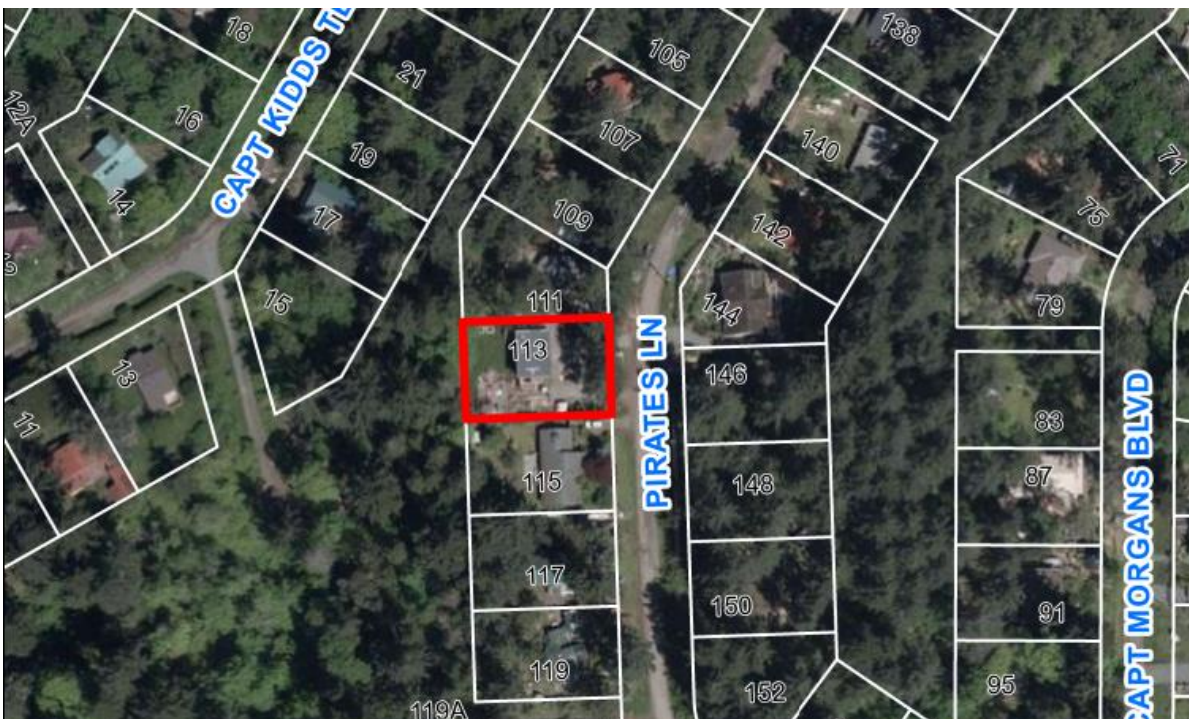
R3 – Island Residential

City Plan Land Use Designation:

Suburban Neighbourhood

Lot Area:

891.66m²



OVERVIEW

Purpose of Report

To present for Council's consideration a development variance permit application to increase the maximum allowable principal building height to allow for a proposed addition to a single residential dwelling at 113 Pirates Lane.

Recommendation

That Council issue Development Variance Permit No. DVP456 for a proposed addition to a single residential dwelling at 113 Pirates Lane with a variance as outlined in the "Proposed Variance" section of the Staff Report dated 2023-NOV-06.

BACKGROUND

A development variance permit application, DVP456, was received from David MacDonald, to vary the provisions of the "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the Zoning Bylaw) to allow the construction of an addition to a single residential dwelling at 113 Pirates Lane.

The existing dwelling was constructed in accordance with Building Permit No. BP125494 in 2021 and complied with all Zoning Bylaw regulations. The applicant is now proposing to build an addition. The addition includes a rooftop deck with a guardrail which requires a height variance. Also, the expanded footprint of the dwelling would result in a new calculation of the average natural grade (based on the outermost building corners), causing the existing portion of the building to be slightly over-height. The proposed variance would address both the guardrail and the overall building height in order to permit the issuance of a building permit.

Subject Property and Site Context

The subject property is located on Pirates Lane on Protection Island within an area comprised of primarily single residential dwellings and backs onto the City-owned Pirates Park. The property contains an existing single residential dwelling (constructed in 2021) and an accessory structure. The subject property slopes approximately 4m from the rear to the front of the property.

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

DISCUSSION

Proposed Development

The applicant is proposing to construct an addition to an existing single residential dwelling, with a rooftop deck exclusively on the addition portion. As a result of the rooftop deck being occupied, guardrails are required by the BC Building Code (BCBC). The applicant intends to install 1.07m tall 'Frameless Glass Railings' which are transparent, non-intrusive, and meet BCBC requirements. The proposed building height of the addition, excluding the guardrails, will comply with the Zoning Bylaw regulations.

The existing building was constructed with a 6.76m building height which complied with all Zoning Bylaw regulations. However, due to the proposed addition, the maximum allowable building height calculation must be revised to include the addition. As a result, a portion of the building height (the roof peak) would exceed the maximum allowable height by 0.49m. By allowing the height variance for the safety guardrail, the principal building height of the existing residential dwelling will be compliant upon completion.

Proposed Variance

Principal Building Height

The maximum height of a principal building with a flat roof (<4:12 roof pitch) in the R3 zone is 7.0m. The proposed maximum height of the principal building is 7.73m, a requested variance of 0.73m.

The requested variance would allow the use of a rooftop deck with a safety guardrail on the proposed addition and ensure that the dwelling will be compliant upon completion.

The variance of 0.73m is not anticipated to negatively impact the views of surrounding properties. The proposed guardrails are transparent, and the majority of the building would be under the maximum height. Nearby residences are well separated by Pirates Lane, adjacent park, and required building setbacks. Mature trees along the front property line further screens this development from the surrounding properties.

Staff support the proposed variance. |

SUMMARY POINTS

- The applicant proposes to increase the maximum allowable principal building height from 7.0m to 7.73m, a proposed variance of 0.73m.
- The principal residential dwelling was constructed in compliance with the Zoning Bylaw regulations but would be over-height with the proposed addition.
- The proposed variance will address the safety guardrails and the overall height of the dwelling.
- Staff support the proposed variance. |

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Subject Property Map
ATTACHMENT C: Site Survey
ATTACHMENT D: Elevations |

Submitted by:

Lainya Rowett
Manager, Current Planning |

Concurrence by:

Jeremy Holm
Director, Planning & Development |

ATTACHMENT A PERMIT TERMS AND CONDITIONS

TERMS OF PERMIT

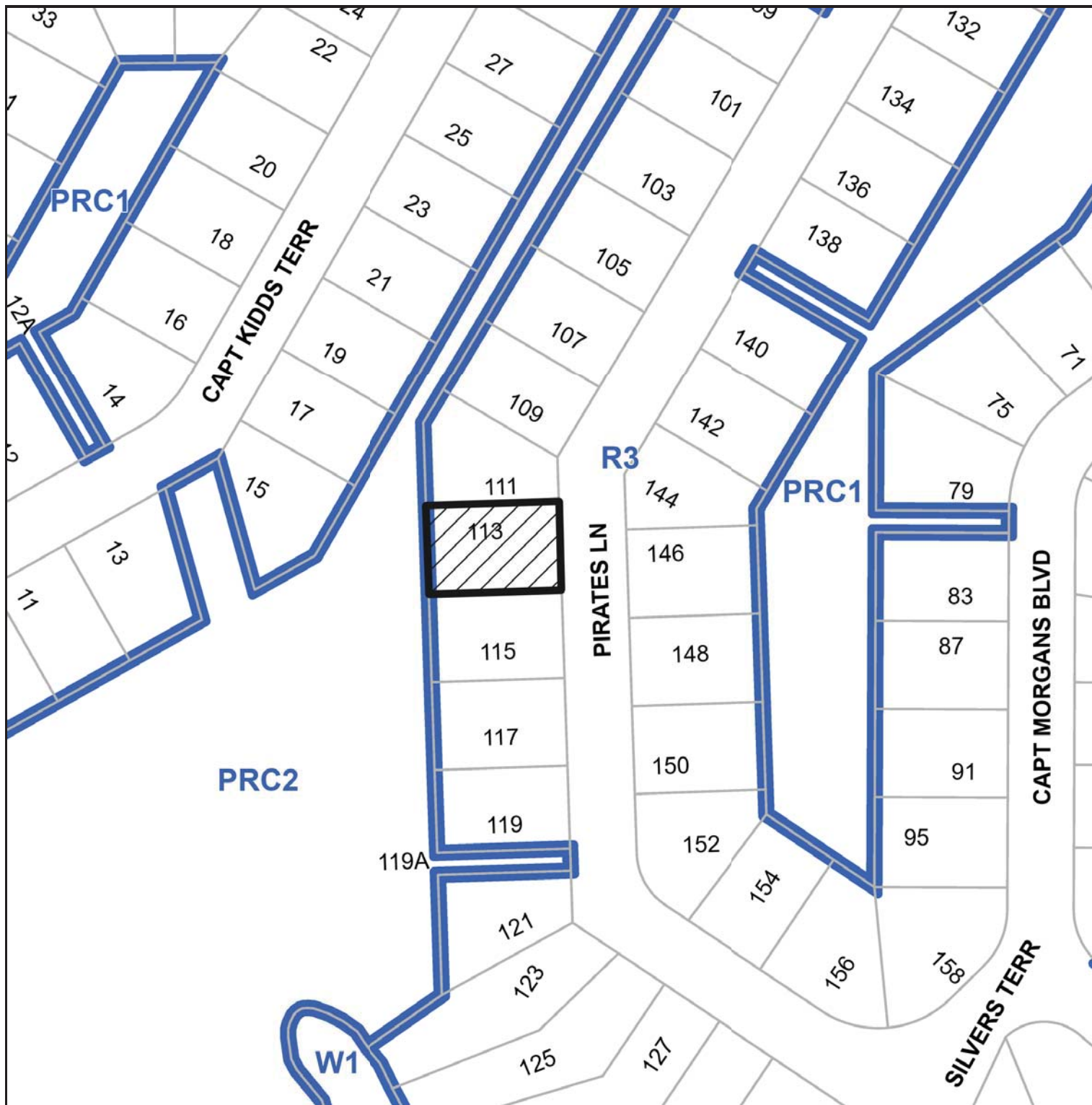
The “City of Nanaimo Zoning Bylaw 2011 No. 4500” is varied as follows:

1. *Section 7.6.1 Size of Buildings* – to increase the maximum allowable height for a principal building from 7.0m to 7.73m.

CONDITIONS OF PERMIT

1. The subject property shall be developed in accordance with the Site Survey, prepared by J.E. Anderson & Associates, dated 2023-SEP-07, as shown on Attachment C.
2. The dwelling addition shall be constructed substantially in compliance with the Building Elevations, prepared by David MacDonald, dated September 2023, as shown on Attachment D.

ATTACHMENT B SUBJECT PROPERTY MAP



 113 Pirates Lane



TEL: 250 - 758 - 4631 FAX: 250 - 758 - 4660
NANAIMO - VICTORIA - PARKSVILLE - CAMPBELL RIVER

File: 89485

Civic: 113 Pirates Lane, Protection Island, Nanaimo, B.C.

Legal: Lot 237, Douglas Island (also known as Protection Island), Nanaimo District, Plan 14111.

Dimensions are in metres and are derived from Plan VIP84993

This sketch does not constitute a redefinition of the legal boundaries hereon described and is not to be used in any matter which would assume same.

This building location certificate has been prepared in accordance with the Professional Reference Manual and is certified correct this 7th day of September, 2023.

Douglas Holme HKUD5F Digitally signed by Douglas Holme HKUD5F
Date: 2023.09.07 08:37:19 -0700

This document is not valid unless originally signed and sealed or digitally signed by BCLS

B.C.L.S.

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The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decision made, or actions taken based on this document.

Subject to charges, legal notations, and interests shown on: Title No. CA9741592 (P.I.D. 004-326-881)

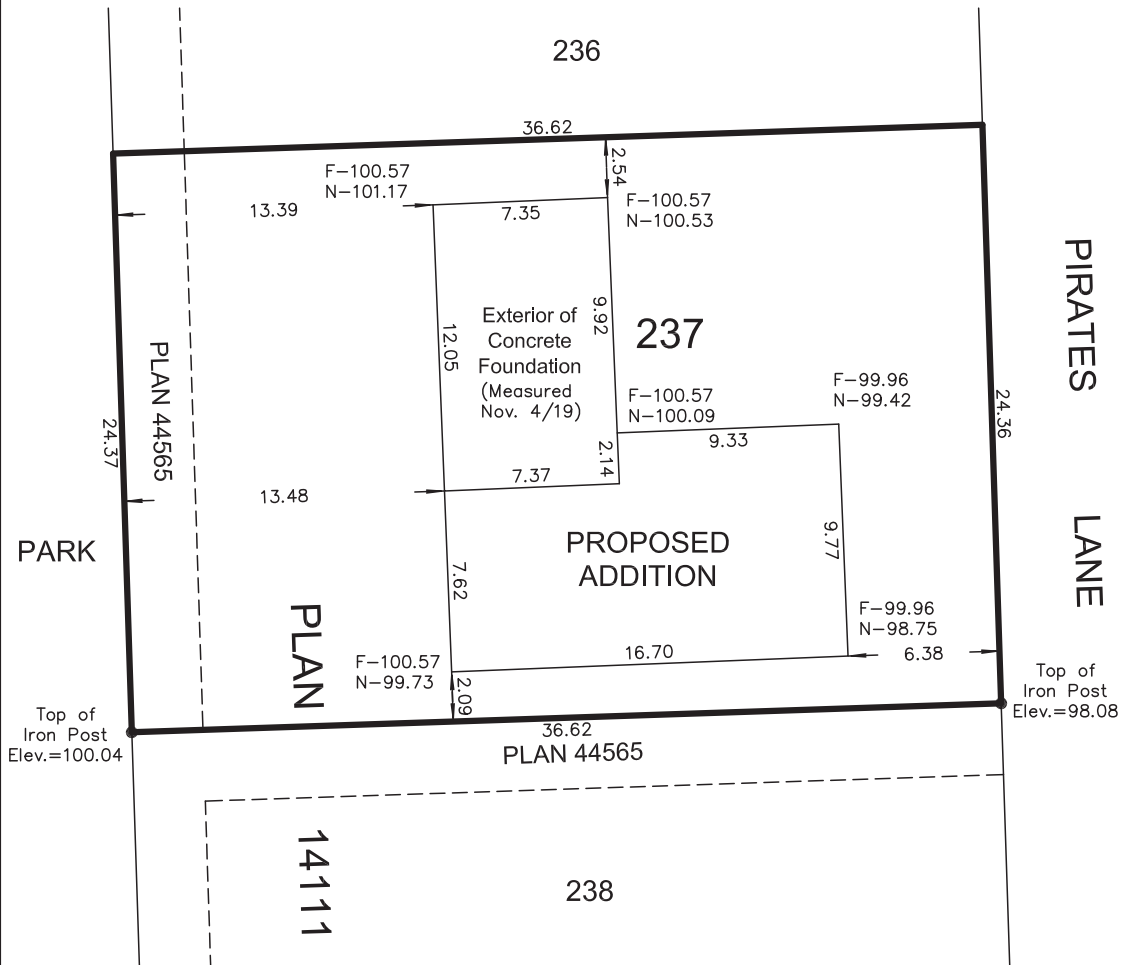
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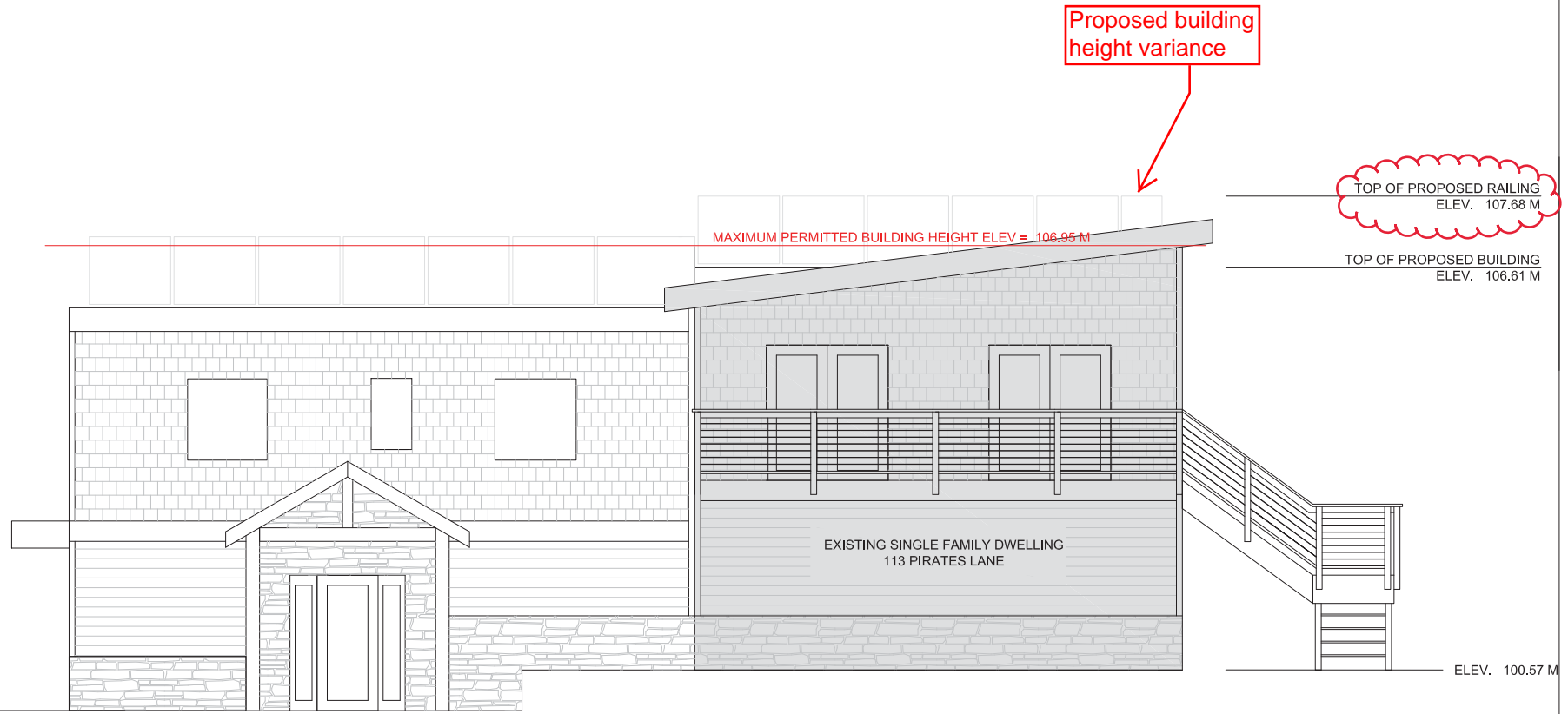
Datum for elevations, in metres, is assumed

Average natural grade = 99.95
Average finished grade = 100.37
Maximum peak of roof = 106.95

Existing house peak of roof = 107.44
Proposed addition peak of roof = 106.61
Proposed addition top of rooftop railing = 107.68



ATTACHMENT D BUILDING ELEVATIONS AND DETAILS



○ NORTH BUILDING ELEVATION

RECEIVED
DVP456
2023-SEP-07
Current Planning

BUILDING ELEVATIONS 1 OF 4	
DESIGNED BY:	DAVID MACDONALD
DATE:	SEPTEMBER 2023
SHEET:	DVP-02

**113 PIRATES LANE
NANAIMO, BC
V9R 6R1**

Proposed building height variance

TOP OF PROPOSED RAILING
ELEV. 107.68 M

TOP OF PROPOSED BUILDING
ELEV. 106.61 M

ELEV. 100.57 M

MAXIMUM PERMITTED BUILDING HEIGHT ELEV = 106.95 M

TOP OF PROPOSED RAILING
ELEV. 107.07 M

TOP OF PROPOSED BUILDING
ELEV. 106.00 M

ELEV. 99.96 M

○ SOUTH BUILDING ELEVATION

RECEIVED
DVP456
2023-SEP-07
Current Planning

BUILDING ELEVATIONS 2 OF 4	
DESIGNED BY:	DAVID MACDONALD
DATE:	SEPTEMBER 2023
SHEET:	DVP-03

113 PIRATES LANE
NANAIMO, BC
V9R 6R1

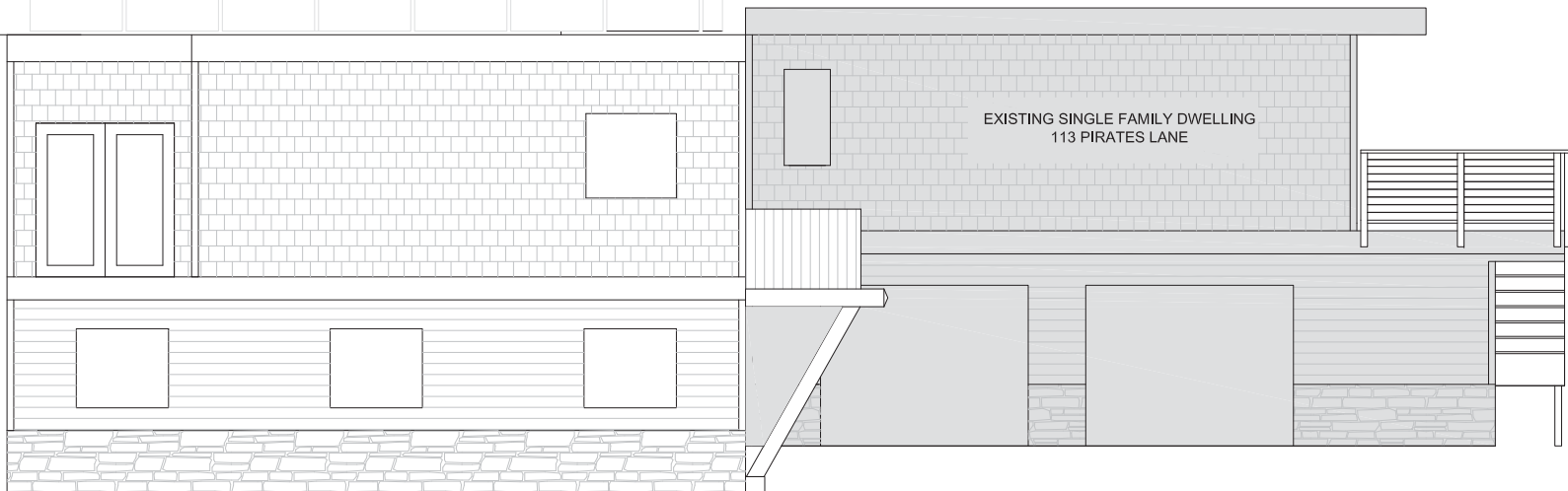
Proposed building height variance

TOP OF PROPOSED RAILING
ELEV. 107.07 M

MAXIMUM PERMITTED BUILDING HEIGHT ELEV = 106.95 M

PROPOSED TOP OF BUILDING
ELEV. 106.00 M

ELEV. 99.96 M



EXISTING SINGLE FAMILY DWELLING
113 PIRATES LANE

○ EAST BUILDING ELEVATION

RECEIVED
DVP456
2023-SEP-07
Current Planning

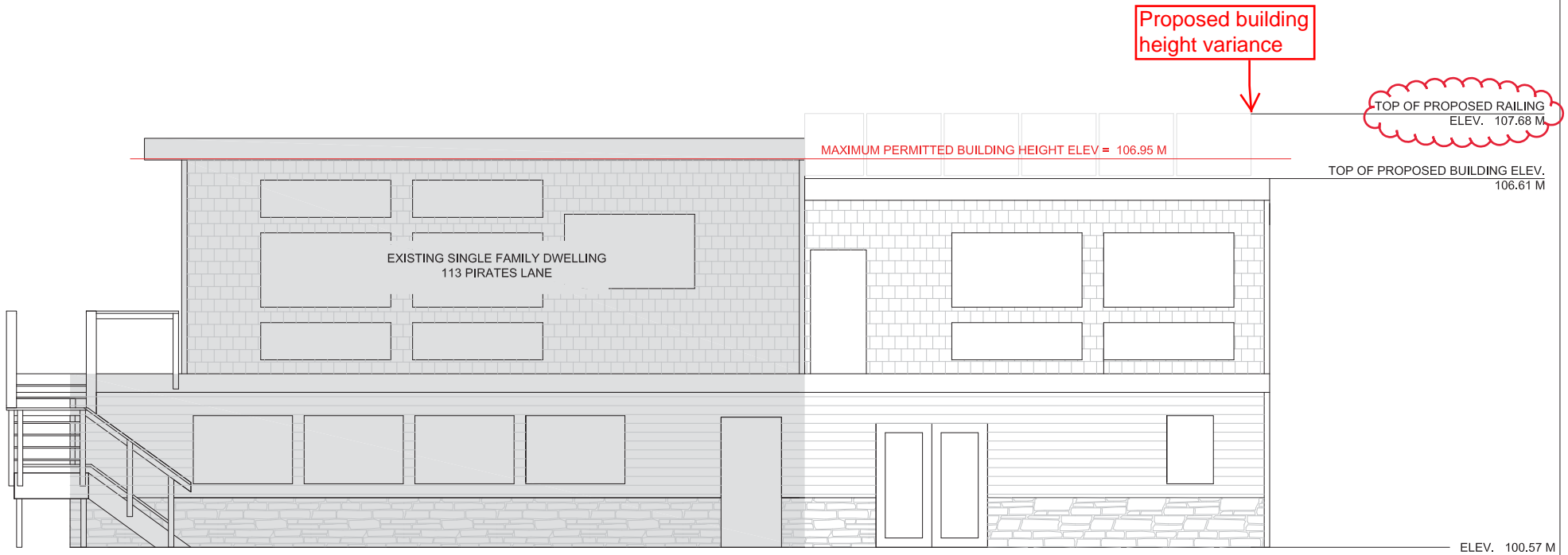
BUILDING ELEVATIONS
3 OF 4

113 PIRATES LANE
NANAIMO, BC
V9R 6R1

DESIGNED BY: DAVID MACDONALD

DATE: SEPTEMBER 2023

SHEET: DVP-04



WEST BUILDING ELEVATION

RECEIVED
DVP456
2023-SEP-07
 Current Planning

BUILDING ELEVATIONS 4 OF 4	
DESIGNED BY:	DAVID MACDONALD
DATE:	SEPTEMBER 2023
SHEET:	DVP-05

113 PIRATES LANE
NANAIMO, BC
V9R 6R1