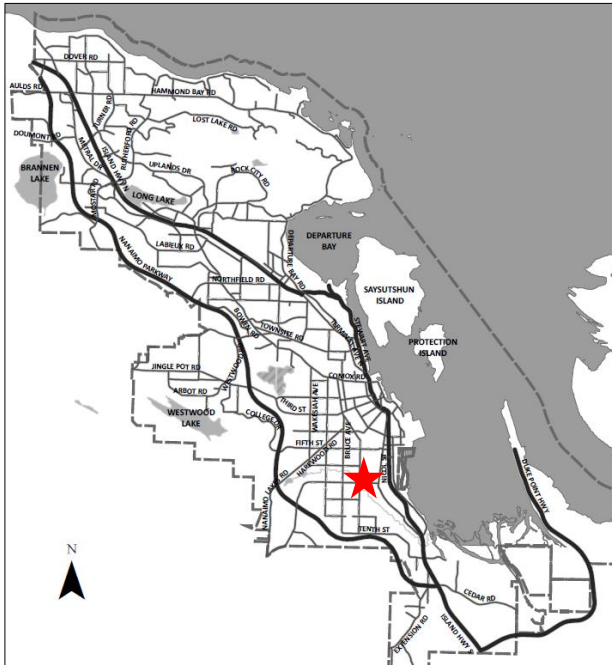


DATE OF MEETING | November 17, 2025

AUTHORED BY | VIDHI KYADA, PLANNING TECHNICIAN, CURRENT PLANNING

**SUBJECT | DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP488 –
205 SEVENTH STREET**



Proposal:

Variance to allow enclosure of an existing carport

Zoning:

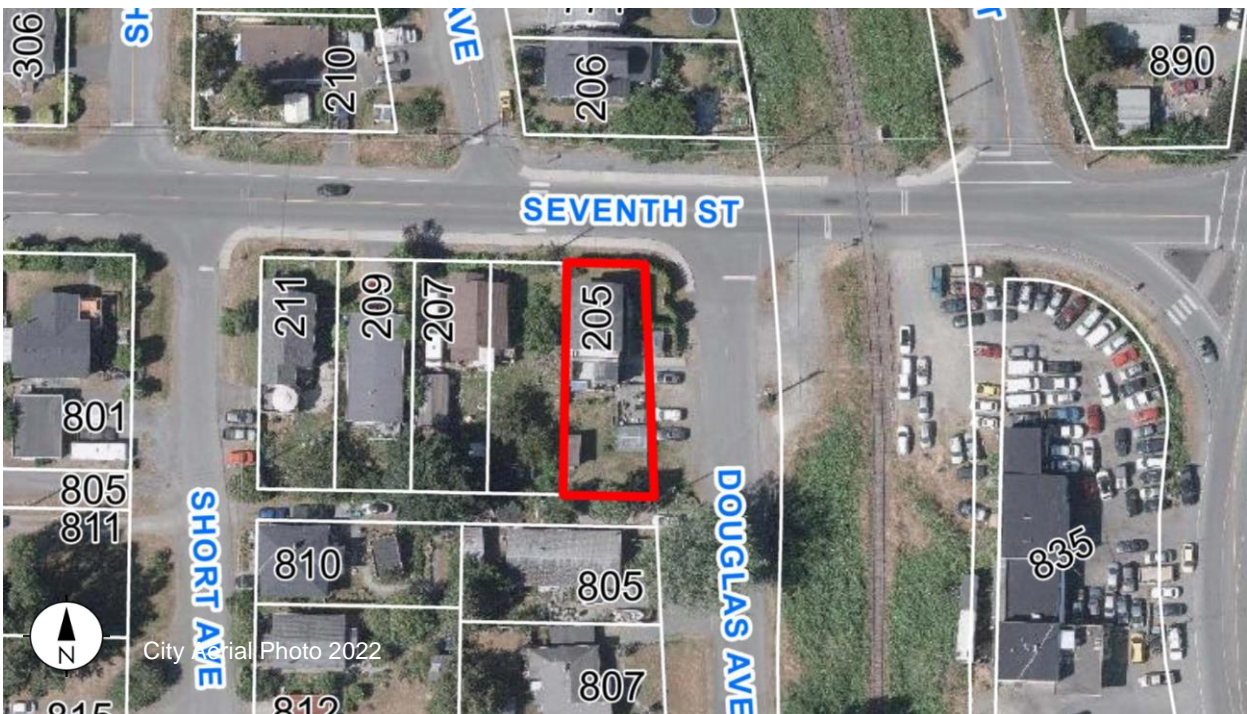
R5 – Three and Four Unit Residential

City Plan Land Use Designation:

Suburban Neighbourhood

Lot Area:

483m²



OVERVIEW

Purpose of Report

To present for Council's consideration a development variance permit application to reduce the required side yard setback to allow the enclosure of an existing non-conforming carport at 205 Seventh Street.

Recommendation

That Council issue Development Variance Permit No. DVP488 to allow the enclosure of an existing non-conforming carport at 205 Seventh Street with a variance as outlined in the "Proposed Variance" section of the Staff Report titled "Development Variance Permit Application No. DVP488 – 205 Seventh Street", dated 2025-NOV-17.

BACKGROUND

A development variance permit application, DVP488, was received from Daniel and Chanthaphone Dayekh to vary the provisions of "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw"), in order to reduce the minimum required side yard setback to allow the enclosure of an existing non-conforming carport to accommodate a commercial kitchen as a home-based business at 205 Seventh Street.

Subject Property and Site Context

The subject property is located at the intersection of Seventh Street and Douglas Avenue, within the Harewood neighbourhood. The property currently contains a single residential dwelling with a secondary suite. The surrounding neighbourhood includes low-density residential development, as well as railway corridor and highway industrial uses located to the east of the subject property.

A Building Permit application (BP131008) was received in June 2025 to enclose the existing carport to accommodate a commercial kitchen as a home-based business for the single family dwelling. During the building permit process, it was determined that the existing carport is encroaching into the side yard setback. As a result, a Development Variance Permit is required to allow the enclosure of the carport to commercial kitchen.

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

DISCUSSION

Proposed Development

The applicant is proposing to enclose an existing non-conforming carport to accommodate a commercial kitchen as a home-based business.

Proposed Variance

Side Yard Setback

The minimum required side yard setback in the R5 zone is 1.5m. The proposed west side yard setback is 0.8m, a requested variance of 0.7m.

The City of Nanaimo’s “Consideration of Variances Policy”, outlines considerations for evaluating Development Variance Permit applications, such as land use justification, and potential aesthetic, functional or environmental impacts. The applicant has provided following rationale demonstrating how they can address these considerations:

- The proposed variance would not increase the structure’s footprint. It would allow the continued use of the existing structure and maintain the existing setback.
- The structure does not negatively impact neighbouring properties in terms of access to light, privacy, or enjoyment of their space.
- The enclosed carport would be designed to meet current Building Code standards, including proper ventilation, fire protection, and life safety.

Staff support the proposed variance as it does not increase the footprint or height of the existing structure. The alteration is not expected to negatively impact adjacent properties, as access to the commercial kitchen is limited to Douglas Avenue. Additionally, no vents or windows are proposed facing the west side yard, preserving the privacy of the adjacent property. The use of non-combustible materials for the wall where the variance is requested further supports the proposal.

SUMMARY POINTS

- Development Variance Permit Application No. DVP488 is to reduce the required west side yard setback to allow the enclosure of an existing non-conforming carport to accommodate a commercial kitchen as a home-based business at 205 Seventh Street.
- No negative impacts to the adjacent property are anticipated as the proposed variance does not alter the existing footprint or height of the structure.
- Staff support the proposed variance.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Subject Property Map
ATTACHMENT C: Site Survey
ATTACHMENT D: Proposed Floor Plan
ATTACHMENT E: Proposed Building Elevations

Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Planning & Development

ATTACHMENT A

PERMIT TERMS AND CONDITIONS

TERMS OF PERMIT

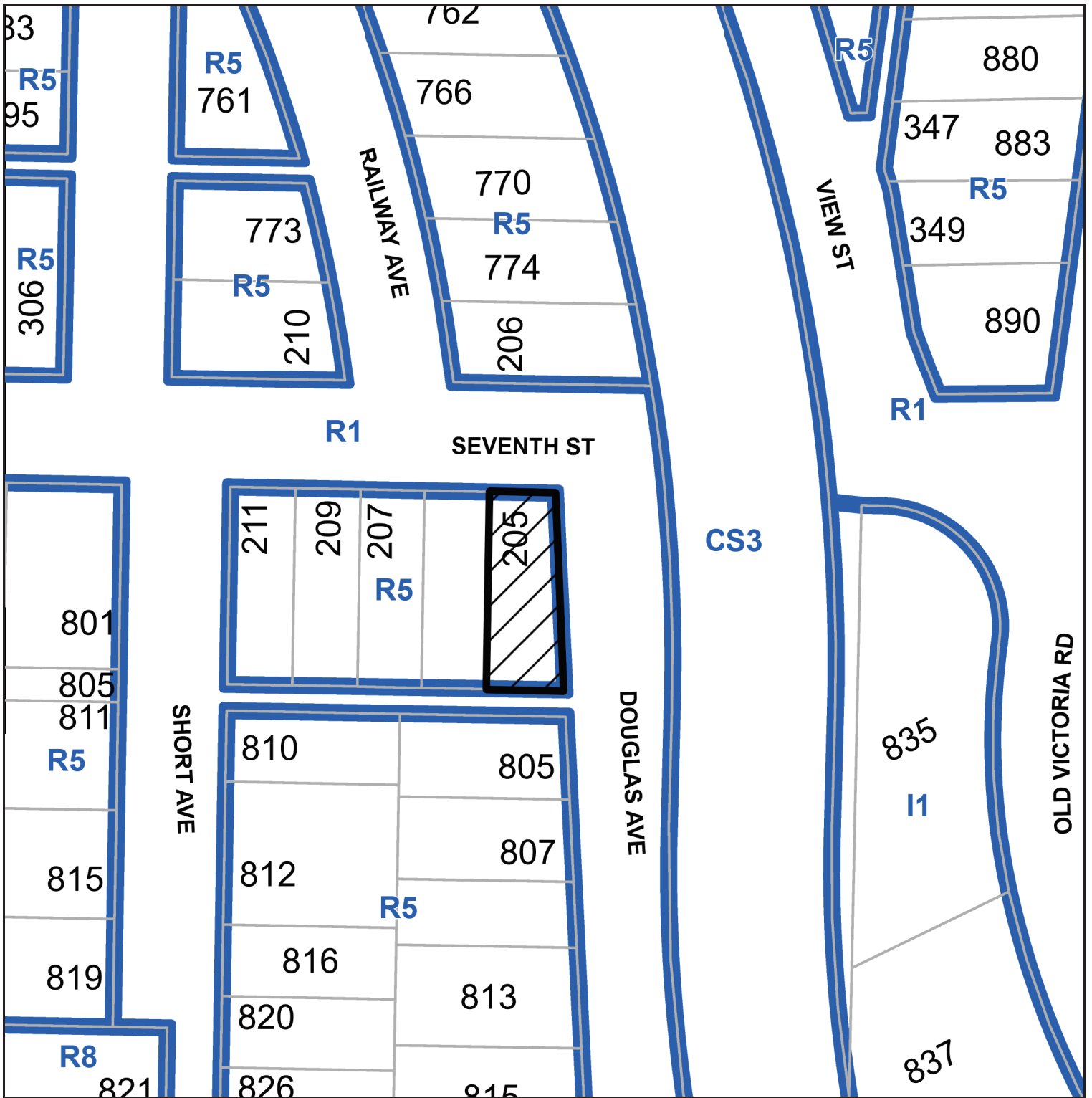
The “City of Nanaimo Bylaw Zoning 2011 No. 4500” is varied as follows:

1. *Section 7.5.1 Siting of Buildings* – to reduce the minimum required west side yard setback from 1.5m to 0.8m, as proposed.

CONDITIONS OF PERMIT

1. The subject property shall be developed in accordance with the Site Survey, prepared by Bennett Land Surveying Ltd., dated 2025-JUL-11, as shown in Attachment C.
2. The subject property shall be developed in substantial compliance with the Building Elevations, prepared by Immersive Design, dated 2025-JUN-13, as shown in Attachment E.

**ATTACHMENT B
SUBJECT PROPERTY MAP**



 205 SEVENTH STREET

ATTACHMENT C SITE SURVEY

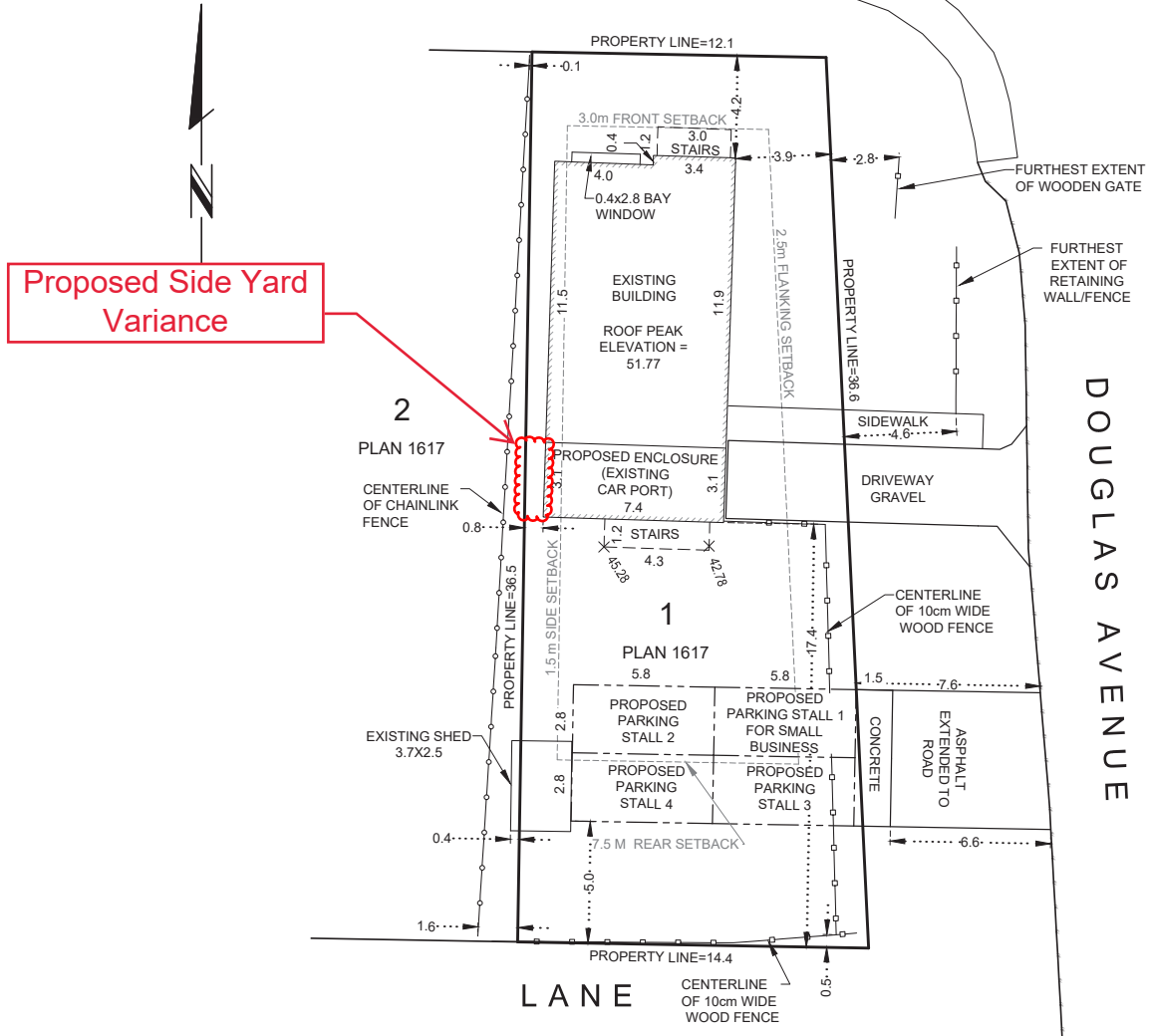
SITE PLAN OF LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 1617.

SHOWING LOCATION OF EXISTING BUILDINGS AND FEATURES THEREON.

CITY OF NANAIMO
CIVIC ADDRESS: 205 SEVENTH STREET
PID:007-170-467
ZONE: R5
PARCEL AREA: 483.4 m²
CLIENT: DAYEKH, DANIEL

SCALE 1:200

ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.



LEGEND

✕ 45.28
- DENOTES SPOT ELEVATION OF 45.28m (TYPICAL)

ELEVATIONS ARE GEODETIC (CGVD28) AND DERIVED FROM CONTROL MONUMENT 90H6380 PUBLISHED ELEVATION = 40.782M

PROPERTY DIMENSIONS SHOWN ARE DERIVED FROM: FIELD SURVEY.

OFFSETS TO PROPERTY LINES ARE NOT TO BE USED TO DEFINE BOUNDARIES.

REFER TO CURRENT CERTIFICATE(S) OF TITLE FOR ADDITIONAL, EXISTING OR PENDING CHARGES.

THIS PLAN SHOWS THE LOCATION OF VISIBLE FEATURES ONLY, AND DOES NOT INDICATE BURIED SERVICES THAT MAY EXIST ON OR AROUND THE SUBJECT SITE.

BUILDING LOCATION BASED ON SURVEY TIES TO VISIBLE EXTERIOR SURFACES UNLESS OTHERWISE NOTED.

NOTE:

THIS PLAN HAS BEEN PREPARED FOR MORTGAGE AND OR MUNICIPAL PURPOSES ONLY AND IS FOR THE EXCLUSIVE USE OF OUR CLIENT.

ALL RIGHTS RESERVED. NO PERSON MAY COPY, REPRODUCE, TRANSMIT OR ALTER THIS DOCUMENT IN WHOLE OR IN PART WITHOUT THE CONSENT OF BENNETT LAND SURVEYING LTD.

BENNETT LAND SURVEYING LTD. 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.

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Digitally signed by
Todd Jordan
Mackenzie -- BCLS -
ABCLS

FIELD SURVEY COMPLETED ON THE 11TH DAY OF JULY, 2025.

THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED OR DIGITALLY CERTIFIED.

v2025-10-08

ATTACHMENT D PROPOSED FLOOR PLAN



THIS DESIGN IS NOT TO BE REPRODUCED, COPIED OR REUSED WITHOUT THE WRITTEN APPROVAL OF IMMERSIVE DESIGN INC. THIS DESIGN IS TO BE UTILIZED ONLY FOR THE SITE INTENDED AND DESIGNATED ON THE DRAWINGS. IMMERSIVE DESIGN INC. NOR THE DESIGNER/DRAFTSMAN ACCEPT ANY RESPONSIBILITY FOR THE FOLLOWING CONFORMITY OF PLANS TO THE SITE, ERRORS AND OMISSIONS, VARIOUS ENGINEERING REQUIREMENTS. ANY HOUSE BUILT FROM THESE PLANS, INFORMATION PROVIDED ON EXISTING BUILDINGS OR SITE. THESE PLANS ARE NOT TO BE REPRODUCED, COPIED OR REUSED WITHOUT THE WRITTEN APPROVAL OF IMMERSIVE DESIGN INC.

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Project Name:
Existing Carport to
Proposed Commercial
Kitchen
205 - Seventh Street,
Nanaimo, British Columbia

Spatial Separation, Fire
Separation, Existing &
Proposed Floor Plan

Scale: AS NOTED Drawing No.
Drawn by: cjm
Date: 06/13/25
File #: 2025-0067
A2

Assemblies Suffix Designation

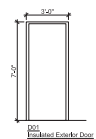
Assembly letter suffix designation indicates the fire resistance rating required for the fire separator. Refer to assembly description for specific rating information.

A	45 minutes fire resistance rating
B	1 hour fire resistance rating
C	1.5 hour fire resistance rating
D	2 hour fire resistance rating
E	3 hour fire resistance rating
F	4 hour fire resistance rating
S	0 hour fire resistance rating

Wall Assemblies

Note: Provide a continuous polyethylene foam gasket under exterior stud bottom flange. Bottom track to be 1/8" sealed to the concrete slab. Use a continuous sealant bead on the gasket side of the track/slab interface.

W0	Typical Exterior Wall • Exterior Finish (Concrete Siding Match to Existing) • 1/2" Type X Gypsum Board • 2x6 Wood Studs (Max. Spacing of 16" Center for Fire Rating) • Seal Bead (1/8") • 6 Mil Poly Vapor Retarder (Continuous) • 5/8" Type X Gypsum Board
W1A	SIFF SEPARATION WALLS W/ 45 MIN FIRE RATING • 1/2" Type X GWB • 2x6 Wood Studs @ 16" O.C. • 1/2" Fibreglass Distribution • Rigid Foam Insulation (one side only) @ 16" O.C. @ 24" O.C. • 6 Mil Poly Vapor Retarder (Continuous) • 1/2" Type X Gypsum Board



Ceiling Assemblies

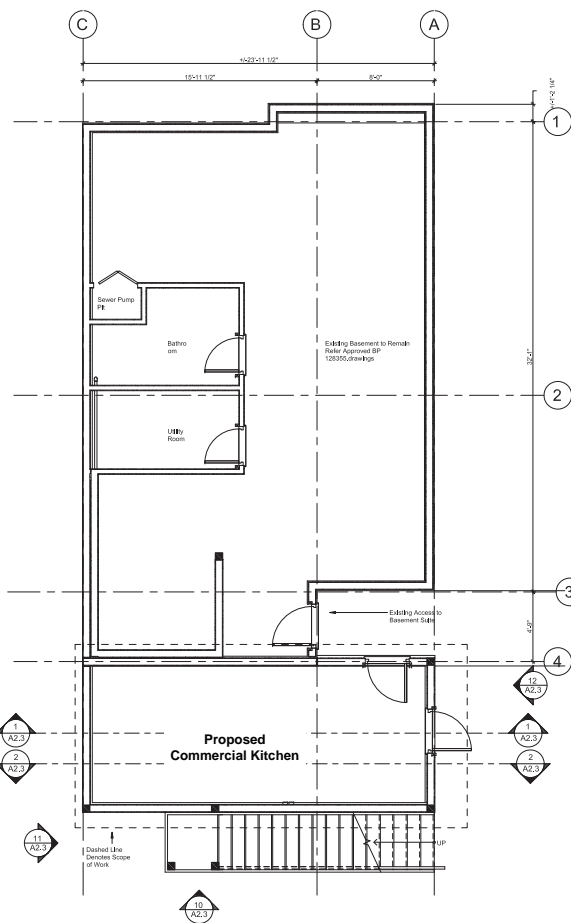
C1	Gypsum Ceiling 45 min F.R.B. • Rigid Channel 1 layer 25 ga. Rigid Channel Spaced 16" O.C. • Acoustic Panel 1 layer 5/8" (1.58 mm) Steeldeck Equipment System Panel
----	--

Kitchen Equipment Details

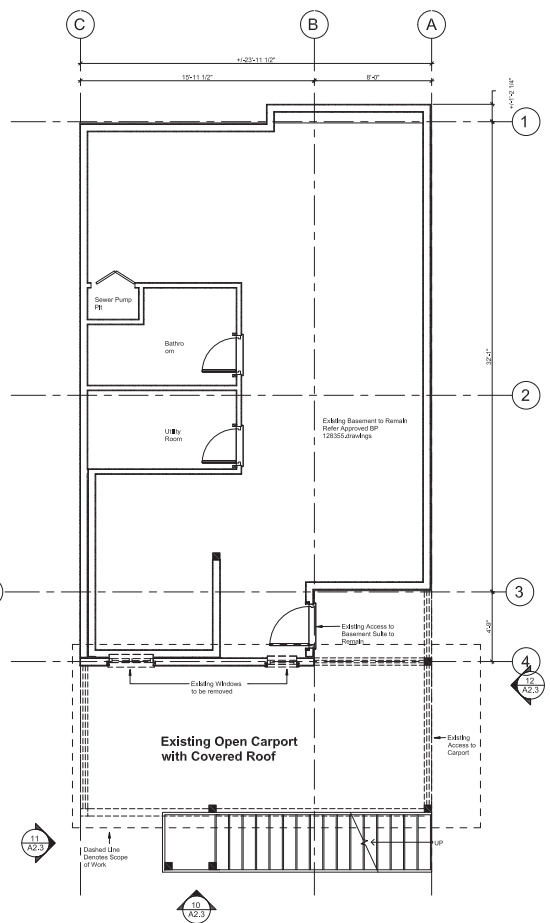
Equipment Dimensions:

- Sinks: 24" x 16" x 2"
- Tallies: 24" x 6 1/2" x 2 1/2"
- Freezers: 24" x 16" x 2 1/2"
- Range: 24" x 24" x 7"
- Stoves: 24" x 16" x 4 1/2"
- Sinks: 32" x 24" x 2"
- Stove: 36" x 14" x 3 1/2"
- Kitchen Hood 24" wide, 6" Duct. Refer to Manufacturer Spec Sheet

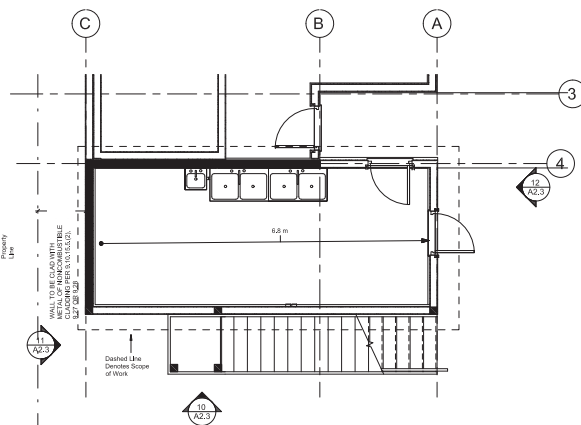
45 MIN FIRE SEPARATION
W/ FRP 45MINSTC 43
• TYPEX GWB
• 2x4/2x6 STUDS @ 16" O.C.
• RIGID FOAM INSULATION ONE SIDE
• TYPEX GWB



Proposed New Kitchen Floor Plan
1/4" = 1'-0"
TRUE NORTH



Existing Basement Floor Plan
1/4" = 1'-0"
TRUE NORTH



Spatial Separation Floor Plan
1/4" = 1'-0"
TRUE NORTH

ATTACHMENT E PROPOSED BUILDING ELEVATIONS



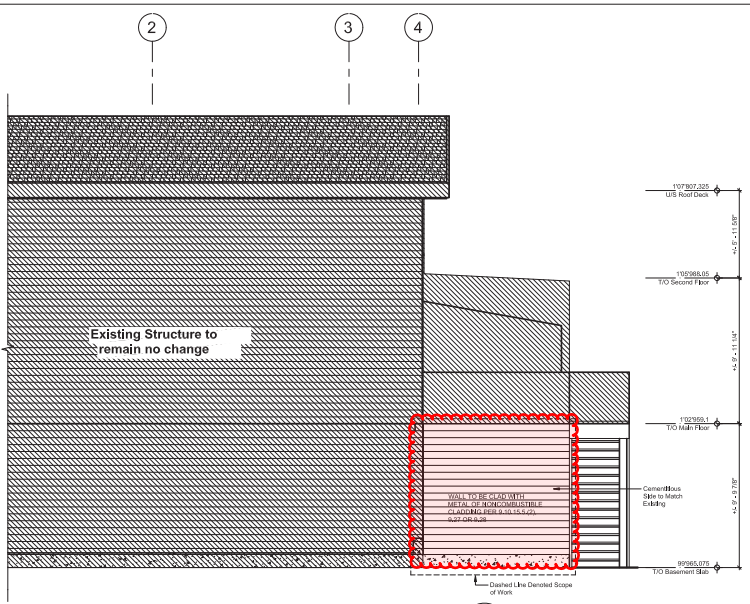
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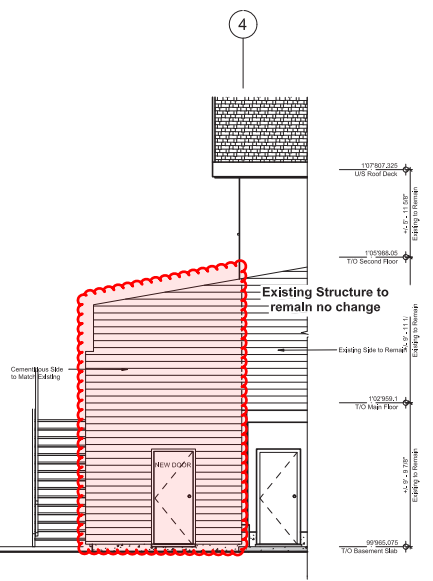
Project Name:
Existing Carport to
Proposed Commercial
Kitchen
205 - Seventh Street,
Nanaimo, British Columbia

Building Section and
Details

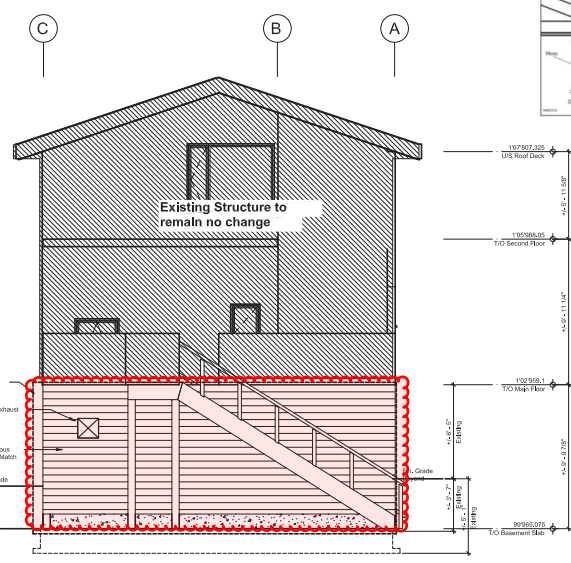
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Drawn by: CJM	A4
Date: 06/13/25	
File #: 2025-0067	



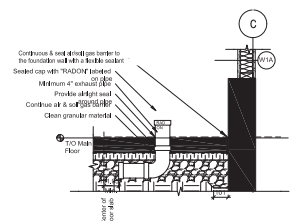
11 West Elevation
1/4" = 1'-0"



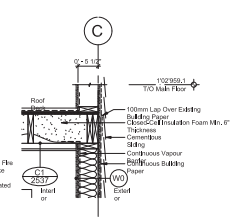
12 East Elevation
1/4" = 1'-0"



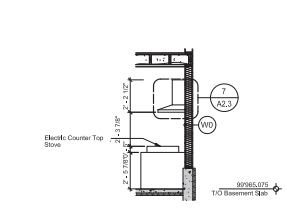
10 South Elevation
1/4" = 1'-0"



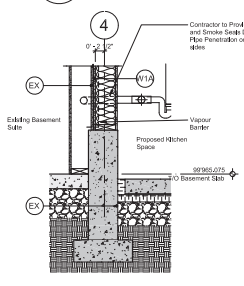
9 Radon Protection Rough-in
3/4" = 1'-0"



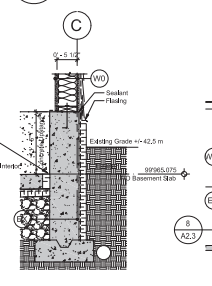
6 Section Detail
3/4" = 1'-0"



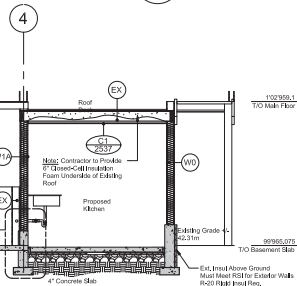
4 Wall Section
1/4" = 1'-0"



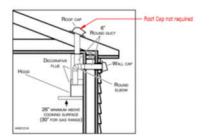
8 Section Detail
3/4" = 1'-0"



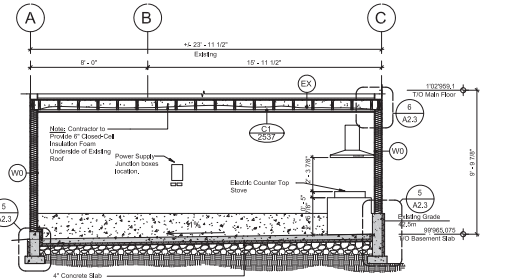
5 Section Detail
3/4" = 1'-0"



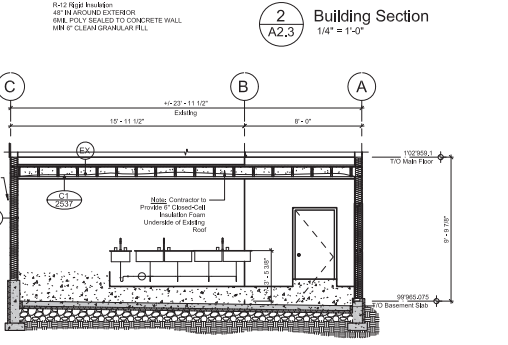
3 Building Section
1/4" = 1'-0"



7 Hood Detail
12" = 1'-0"



2 Building Section
1/4" = 1'-0"



1 Building Section
1/4" = 1'-0"