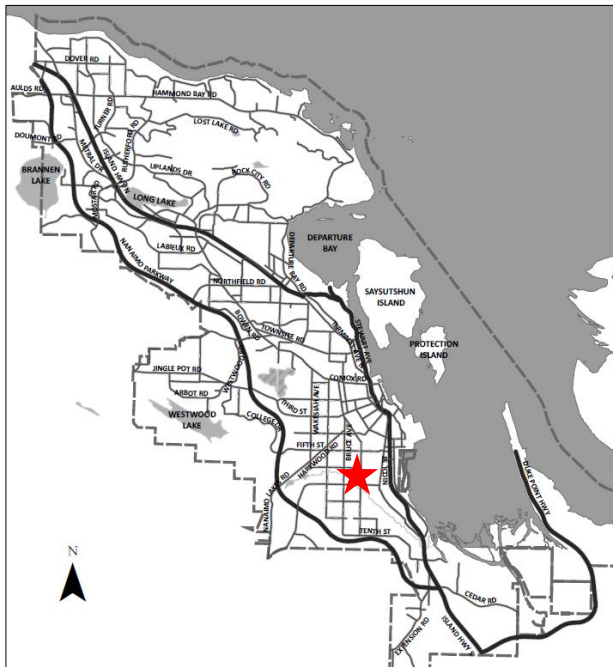


DATE OF MEETING | December 1, 2025

AUTHORED BY | LAINYA ROWETT, MANAGER, CURRENT PLANNING

SUBJECT | **DEVELOPMENT VARIANCE PERMIT APPLICATION NO.
DVP00489 – 707 HAMILTON AVENUE**



Proposal:

Addition to existing detached garage to accommodate a secondary suite.

DVP

Zoning:

R5 – Three and Four Unit Residential

City Plan Land Use Designation:

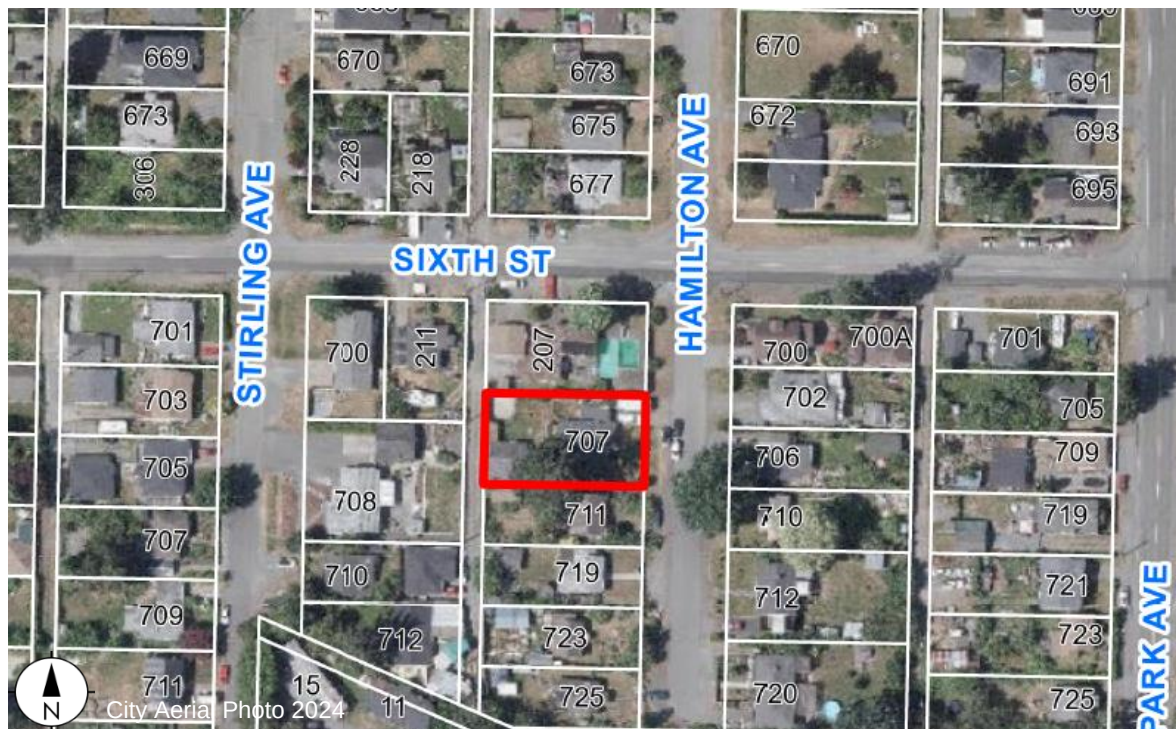
Suburban Neighbourhood

Development Permit Areas:

N/A

Lot Area:

811.78m²



OVERVIEW

Purpose of Report

To present for Council's consideration a development variance permit application for a proposed addition to an existing detached garage at 707 Hamilton Avenue.

Recommendation

That Council issue Development Variance Permit No. DVP489 for a proposed addition to an existing detached garage at 707 Hamilton Avenue with variances as outlined in the "Proposed Variances" section of the Staff Report dated 2025-DEC-01.

BACKGROUND

A development variance permit application, DVP489, was received from Stephen Paul, on behalf of Daphne Hollins and Agnes Hollins, for a proposed addition to an existing detached garage to accommodate a secondary suite at 707 Hamilton Avenue.

Subject Property and Site Context

The subject property is located in the Harewood Neighbourhood on Hamilton Avenue just south of Sixth Street. The property has driveway access from Hamilton Avenue and borders a lane along the rear property line. The surrounding neighbourhood consists primarily of low density residential uses and a mobile home park approximately 50m to the south, at the terminus of the lane and Hamilton Avenue.

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

DISCUSSION

Proposed Development

The applicant is proposing to construct a second storey addition to the existing detached garage in the rear yard of the single family dwelling. The addition is intended to accommodate a secondary suite with parking provided in the garage below, and access maintained from the lane. The total proposed gross floor area with the addition is 101.72m².

A secondary suite may be located within an accessory building on this property provided that the building complies with the regulations set out in sub-sections 6.6 and 6.15 of the "City of Nanaimo Zoning Bylaw 2011 No. 4500" ("Zoning Bylaw"). A building permit application was received for the proposed construction and through the review process it was determined that variances are required to allow the addition as proposed, and as outlined in the following section.

Proposed Variances

Accessory Building Height

The maximum permitted height is 4.5m for an accessory building in the R5 zone, where the second storey floor area is greater than 80% of the first storey floor area. The proposed building height is 6.8m, a requested variance of 2.3m.

The maximum permitted height for an accessory building varies depending on roof pitch, building setbacks and size, and whether the building contains a secondary suite. In accordance with subsection 6.6.5.1 of the Zoning Bylaw, the height of an accessory building containing a secondary suite within the second storey, may be increased from 4.5m to 7m where:

- a) The roof pitch is 6:12 or greater and the total floor area (with a ceiling height of at least 2.1m) of the second storey is no greater than 80% of the total floor area of the first storey;
OR
- b) The building is located outside of the required yard setbacks for a principal dwelling.

The applicant has advised that it is not practical to meet the bylaw requirements with the existing building for the following reasons:

- Re-using an existing building which meets the minimum required setbacks for an accessory building but is within the principal building setbacks.
- Offsetting the second storey to reduce the floor area is not practical given the structural upgrades that would be required.
- The existing structure is adequate to support a full second storey within the same footprint.

The applicant also noted that the roof pitch has been reduced as much as possible (to 3:12 pitch) to minimize the height variance request while ensuring the design of the building complements the surrounding residential building forms.

Gross Floor Area

In accordance with subsection 6.6.6 of the Zoning Bylaw, the total gross floor area permitted for all accessory buildings on the subject property is 100m². The proposed total gross floor area is up to 102m², a requested variance of 2m².

The applicant has requested the variance to allow a full second storey addition to utilize the building more effectively and design the addition in a way that can be supported by the existing structure within the same footprint. The portion of the building to be used as a secondary suite will not exceed the maximum permitted size (100m²) for a secondary suite as a result of the addition.

The City of Nanaimo's "Consideration of Variances Policy" outlines considerations for evaluating Development Variance Permit applications, such as potential aesthetic, functional, or environmental impacts. The applicant has provided the following rationale to address these considerations:

- The proposed variances would allow greater utilization of the property and would not alter the existing building footprint, lot coverage, or setbacks.

- No tree removal is required to accommodate the addition.
- The proposed addition would not negatively impact neighbouring properties in terms of sightlines, lane access, or existing services.
- Required parking for the secondary suite and principal dwelling will be accommodated onsite.
- The directly affected neighbours on both sides have submitted letters of support.

Staff support the proposed variances as they would allow the re-use of an existing building to provide livable space without negatively impacting adjacent properties. The building is partially screened from the nearest dwelling (approximately 11m away) by existing trees and well separated from other dwellings (approximately 15m-23m) by the lane and rear yard setbacks. Furthermore, the design of the building is complementary to the character of the surrounding residential dwellings.

SUMMARY POINTS

- Development Variance Permit Application No. DVP489 is for a proposed addition to an existing detached garage at 707 Hamilton Avenue.
- Variances are requested for accessory building height and gross floor area to allow a secondary suite within the proposed addition.
- Staff support the proposed variances which will not result in negative impacts to neighbouring properties.

ATTACHMENTS

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

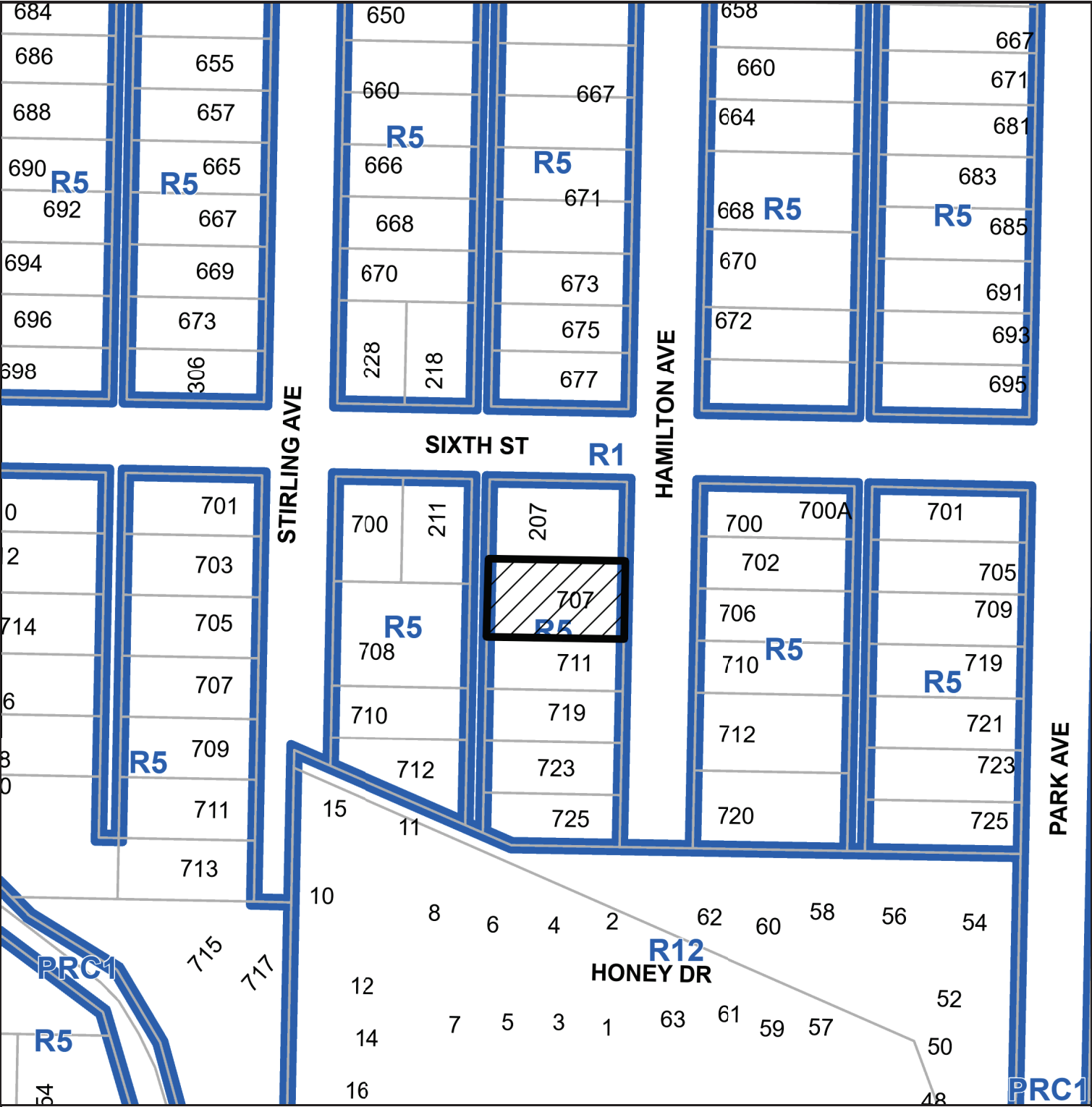
The “City of Nanaimo Bylaw Zoning 2011 No. 4500” is varied as follows:

1. *Sections 6.6.5 & 6.6.5.1 Accessory Building Height* – to increase the maximum permitted height of an accessory building containing a secondary suite, as proposed, from 4.5m to 6.8m.
2. *Section 6.6.6 Accessory Building Gross Floor Area* – to increase the maximum permitted total gross floor area of all accessory buildings on the lot from 100m² to 102m².

CONDITIONS OF PERMIT

1. The subject property shall be developed in accordance with the Site Survey, prepared by Bennett Land Surveying Ltd., dated 2025-APR-09, 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-NOV-04, as shown in Attachment D.

ATTACHMENT B
SUBJECT PROPERTY MAP



 707 HAMILTON AVENUE

ATTACHMENT C SITE SURVEY

SITE PLAN OF AMENDED LOT 9 (DD 50953N), BLOCK 6, SECTION 1, NANAIMO DISTRICT, PLAN 1352.

SHOWING LOCATION OF EXISTING BUILDINGS AND FEATURES THEREON.

CITY OF NANAIMO
CIVIC ADDRESS: 707 HAMILTON AVENUE
PID: 001-665-855
ZONE: R5
PARCEL AREA: m² OR ha
CLIENT: STEPHEN PAUL

SCALE 1:200



ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.



Avg Nat Grade 40.78 m
 Avg Fin. Grade 40.62 m
 Max Permitted Bldg. 4.50 m
 Max Roof Peak Elev. 45.12 m
 Proposed Roof Peak Elev. 47.42
 Existing Gar. Slab Elev. 40.67 m

LEGEND

X 40.10
 X - DENOTES SPOT ELEVATION OF 40.10m (TYPICAL)

ELEVATIONS ARE GEODETIC AND DERIVED FROM CONTROL MONUMENT 77H5269
 PUBLISHED ELEVATION = 44.861m

PROPERTY DIMENSIONS SHOWN ARE DERIVED FROM: PLAN 1352.

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

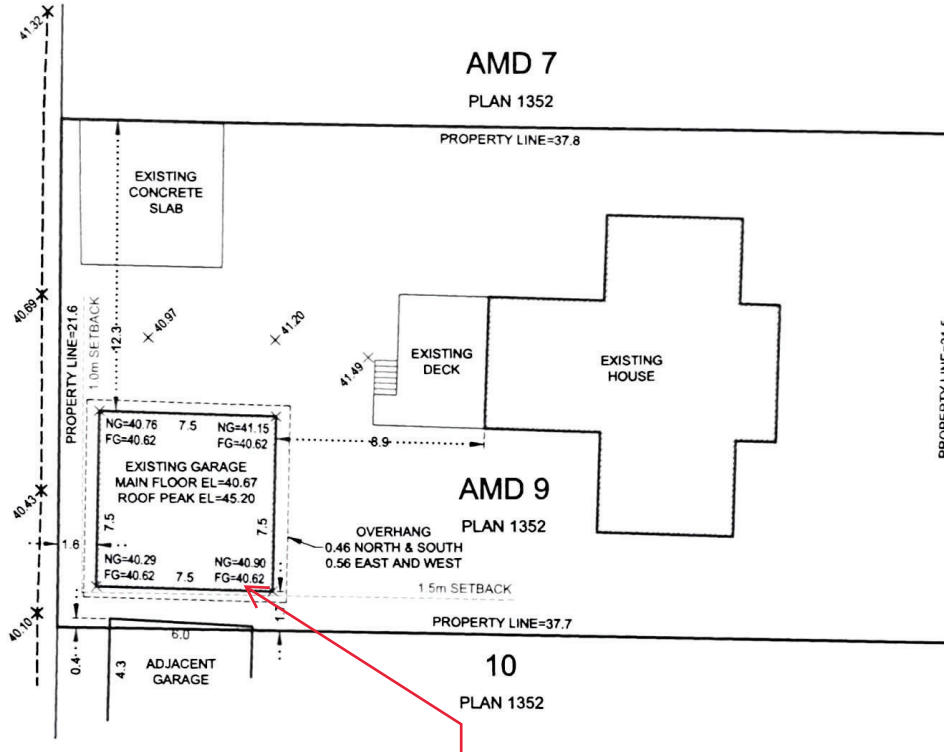
REFER TO CURRENT CERTIFICATE(S) OF TITLE FOR ADDITIONAL, EXISTING OR PENDING CHARGES.

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.

REVISED

LANE



HAMILTON AVENUE

bennett

LAND SURVEYING LTD.
 BC LAND SURVEYORS
 2336 - UNIT B DELINEA PLACE
 NANAIMO, BC
 V9T 5L9
 TEL 250-754-5518
 www.bennettsurveys.com



v2025-04-09

BUILDING AND HEIGHT CALCULATIONS

Average Natural Grade (NG)	40.78 m
Average Finished Grade (FG)	40.62 m
Maximum Permitted Building Height	7.00 m
Maximum Roof Peak Elevation	47.62 m
Proposed Roof Peak Elevation	47.53 m
Existing Garage Slab Elevation	40.67 m

NOTE:

THIS PLAN HAS BEEN PREPARED FOR PRELIMINARY 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.

CERTIFIED CORRECT



Digitally signed by Danu
 Kane Van Der Mark –
 BCLS - ABCLS
 Date: 2025.04.09 10:26:01
 -07'00'

FIELD SURVEY COMPLETED ON THE 1st DAY OF APRIL, 2025.

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

O:\JOBS\2025\111071.00-707-HAMILTON-AVE-NANAIMO\111071.00-DRAWINGS\111071.00-TOPOGRAPHIC ASBUILT\111071.00 2025-04-09.DWG

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 2025-NOV-05
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ATTACHMENT D BUILDING ELEVATIONS

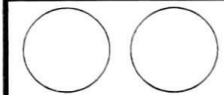
Page 1 of 2



**NALTD
DESIGN.**
6315 Sycamore St.
Powell River, BC V8A 4K9
Canada

CONSULTANTS

RENO



CLIENT:
STEPHEN PAUL
DAPHNE HOLLINS

CLIENT JOB SITE:

707 HAMILTON AV.
NANAIMO
B.C.
V9R 4G7

AREA:	FOOTAGE:
BASEMENT	N/A
MAIN FLOOR	576 SQ FT
DECKS	180 SQ FT
UPPER FLOOR	576 SQ FT
GARAGE	NA

DATE	DESCRIPTION
November 4, 2025	

PROJECT NO:	NALTD#-45
MODEL FILE:	
DRAWN BY:	LEONARDUS F. ZAGWYN
CHK'D BY:	
COPYRIGHT	NALTD DESIGN

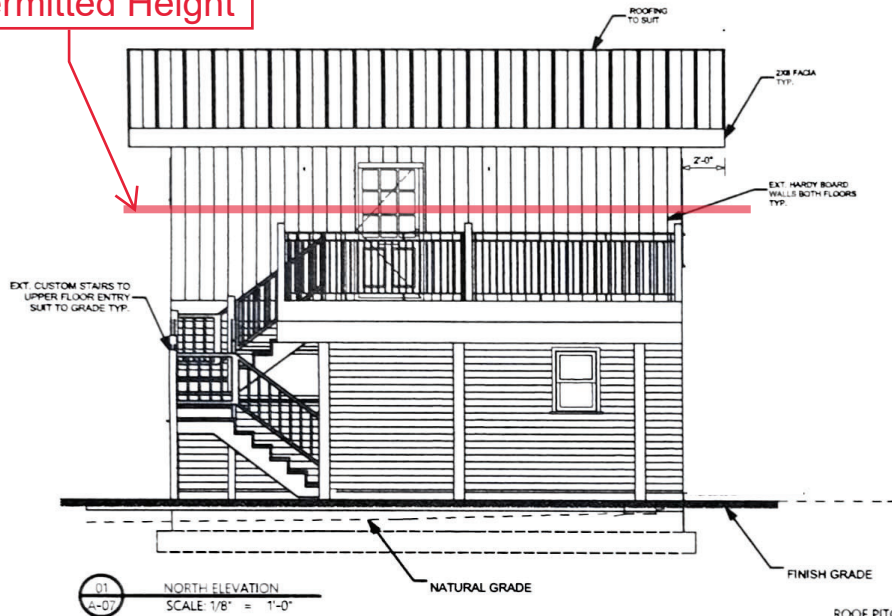
SHEET TITLE
ELEVATIONS

A-07

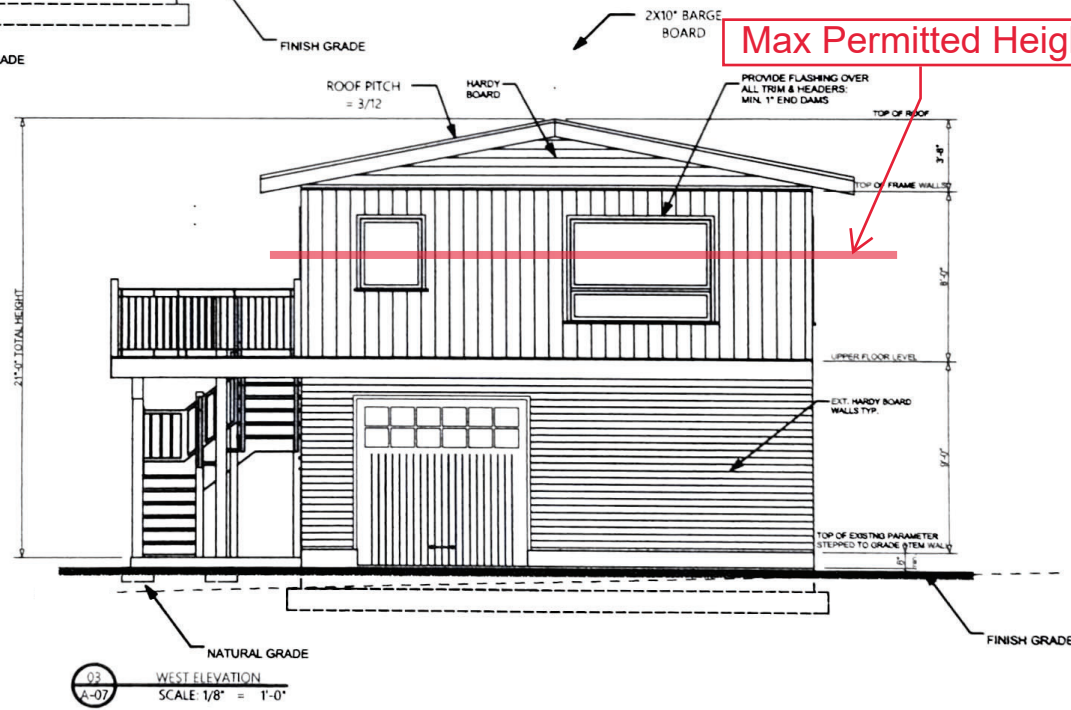
SHEET 29 OF 37

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Max Permitted Height

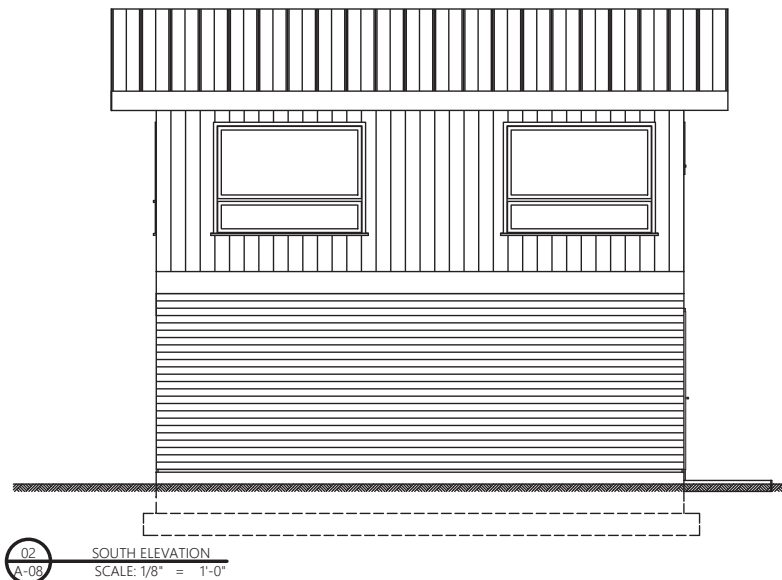
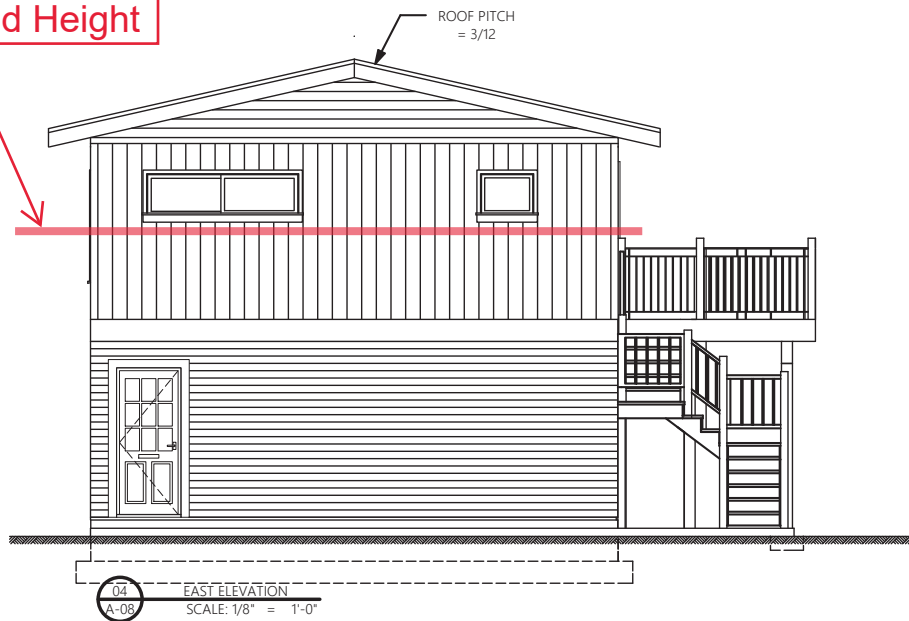


* HEIGHT VARIANCE
ORIGINAL HEIGHT 47.53m
NEW (REVISED) 47.42m



(Facing the lane)

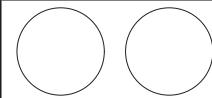
Max Permitted Height



**NALTD
DESIGN.**
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Powell River, BC V8A 4K9
Canada

CONSULTANTS

RENO



CLIENT:
STEPHEN PAUL
DAPHNE HOLLINS

CLIENT JOB SITE:

707 HAMILTON AV.
NANAIMO
B.C.
V9R 4G7

AREA:	FOOTAGE:
BASEMENT	N/A
MAIN FLOOR	576 SQ FT
DECKS	160 SQ FT
UPPER FLOOR	576 SQ FT
GARAGE	NA

DATE	DESCRIPTION
MARK	November 4, 2025

PROJECT NO:	NALTD#-45
MODEL FILE:	
DRAWN BY:	LEONARDUS F. ZAGWYN
CHK'D BY:	
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SHEET TITLE
ELEVATIONS

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