

2021-June-03

City of Nanaimo  
Current Planning  
455 Wallace Street  
Nanaimo, BC, V9R 5J6



**Attention: City of Nanaimo - Board of Variance Committee**

Dear Members of the Board of Variance

**Re: Board of Variance Application, 33 Maki Road, Nanaimo**

Further to review of the City of Nanaimo Board of Variance (BOV) application forms and checklists, we have prepared an application package that includes the following information:

Summary Letter, including rationale for proposed variance  
Application form, agent letter, checklist and fees  
Plan of current office and warehouse use and proposed office expansion  
Air photo of property and surrounding properties  
Title search  
Company search

**Property Description**

The property is 0.53 ha (1.3 acres), has a legal description of Lot 1 Plan VIP16950 Section 2 Land District 32. The PID is 004-099-290. The property is approximately 200m east of the east of the TransCanada Highway intersection at 10<sup>th</sup> and Maki Road, in South Nanaimo.

**Current Use and Proposed Expansion**

Parkland Corporation (Parkland) has owned the property for over 20 years and has operated the warehouse and accessory office use since purchasing the property. Parkland has seven staff working in the office and one staff working in the warehouse. They are proposing to add eight staff to the office. Currently Parkland leases space on Boban Drive in Nanaimo and has four office staff working out of that facility and two supervisors who work at both the Maki Road and Boban Drive offices. Parkland wishes to consolidate their office functions into the property they own on Maki Road, allowing staff to work more closely together, while continuing to support their warehouse use on the property.

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The building on site is 11,244 ft.<sup>2</sup>, which includes a warehouse that is 9277 ft.<sup>2</sup>, plus an office that is accessory to the warehouse, totalling 1967 ft.<sup>2</sup>. The owner is requesting that the existing accessory office be expanded into the warehouse space, which would increase the office space from 1967 ft.<sup>2</sup> to 3976 ft.<sup>2</sup>, to accommodate the increased demand for office space that the company is experiencing.

The variance being requested is to increase the accessory office space by 2009 ft.<sup>2</sup>, within the existing building, by expanding into the warehouse space.

### **Zoning Requirements**

The property is zoned Residential 1 (R1) and the OCP designation is Neighbourhood. Prior to the OCP being changed in 2008 and the zoning bylaw being changed in 2011, industrial uses consistent with the current Parkland uses were permitted on the property. The change to residential zoning in 2011 resulted in the property being designated as legal non-conforming, meaning that the use was conforming under the previous zoning, but not under the current zoning.

As the property is now designated as legal non-conforming, the existing warehouse/office use can continue to function, however changes such as increasing the accessory office space cannot take place unless a variance is granted. With one exception, the Local Government Act (LGA) legislation (Sections 528 and 530) does not allow expansion of a non-conforming use or any increase in the degree of activity attributable to the non-conforming use. The only exception to these sections is where a structural alteration or addition is permitted by a Board of Variance, under section 542(1) based on a demonstrated hardship. If a variance is granted, the city can approve expansion of floor area dedicated to accessory office, as requested in this application.

### **Review with City Planning Staff**

Prior to making application to the Board of Variance, multiple discussions took place between Parkland representatives and city planning staff. Unfortunately no mechanism was identified that could allow for expansion of this accessory office, other than applying to the Board of Variance. The owners are not asking for expansion of the facility outside of the existing building footprint or to introduce different uses into the building, however they wish to repurpose their space to address the need for more office space. If the variance was granted, the owners will review parking and building code requirements that were identified by city staff.

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## Neighbourhood Impact

The building at 33 Maki Rd. is in an area that has a mixture of commercial, industrial and residential zoning and uses. The following properties/uses are located to the north of the site: 20 Maki Rd. is a large residential property that is substantially covered by a wetland, 30 Maki Rd. is a Petrol Pass cardlock facility that is zoned R1, 40 Maki Rd. is Supreme Self Storage that is zoned industrial and at 1250 Island Highway South is Rona, that is zoned commercial. To the west and south, at 39 Maki Rd. is the Chevron Commercial Cardlock, that is zoned R1. To the east is 27 Maki Rd., which is zoned R1 and R12 and is substantially covered by a wetland.

Given that the property at 33 Maki Rd. is in an area of mixed uses noted above, there is very little impact on the surrounding neighbourhood. The property also has a tree cover to the east and south which provides a buffer to surrounding property owners.


## Proposed Variances and Hardship

The property owner is seeking a variance to the zoning bylaw to allow the existing accessory office to be increased in size by 2009 ft.<sup>2</sup>, into space that is currently used as warehouse. The proposed expanded accessory office would be entirely within the building and not visible from outside of the building. If approved, the variance will allow the property owner to better utilize the floor space, while continuing to use the building as a warehouse, supported by the accessory office.

The hardship for this property, is that when the zoning bylaw was changed in 2011, the building was designated as legal non-conforming and will not allow for expansion of the accessory office without a variance. The owner's hardship is that without a variance, they have no option to repurpose a portion of their building to accessory office to accommodate the increased demand for office space. Without the increased office space, part of the office staff will have to continue to be located elsewhere in Nanaimo, which is an unproductive use of staff resources.

Please advise if any additional information is required regarding the variance proposed in this BOV application.

Yours truly,

  
Toby Seward

Seward Development Inc.

cc Parkland Corporation

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