

DATE OF MEETING | September 21, 2021 |

AUTHORED BY | CALEB HORN, PLANNER, CURRENT PLANNING |

SUBJECT | **DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP424 –
147 SWANSON ROAD** |

OVERVIEW

Purpose of Report

To present for Council's consideration, a development variance permit application to increase the maximum permitted floor area for all accessory buildings on an existing lot. |

Recommendation

That Council issue Development Variance Permit No. DVP424 at 147 Swanson Road to increase the maximum permitted Gross Floor Area for all accessory buildings on the lot from 90.0m² to 563.4m². |

BACKGROUND

A development variance permit application, DVP424, was received from Blair and Deborah Yarocki to vary the provisions of the "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw") to increase the maximum permitted floor area to allow existing accessory buildings to be retained at 147 Swanson Road.

Subject Property and Site Context

<i>Zoning</i>	AR2 – Urban Reserve
<i>Location</i>	The subject property is located on the east side of Swanson Road, south of its intersection with East Wellington Road.
<i>Lot Area</i>	0.8ha
<i>Official Community Plan</i>	Urban Reserve

The subject property currently contains two single residential dwellings and four accessory buildings. The surrounding properties are primarily large agricultural residential lots similar to the subject property, many with two single residential dwellings, as permitted by the zoning.

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

DISCUSSION

Proposed Development

The applicants recently acquired the subject property, containing two single residential dwellings and four accessory buildings. The existing accessory buildings include three structures

originally built prior to 2011, and a detached secondary suite installed between 2014 and 2015. No new development is proposed as part of this application.

The Zoning Bylaw restricts the maximum Gross Floor Area (GFA) of all accessory buildings on a lot in the AR2 zone to 13% of the lot size or 90.0m², whichever is lesser. In this case, 90.0m² is lesser; therefore, the applicants are requesting a variance to permit a maximum accessory building GFA of 563.4m²; a proposed variance of 473.4m².

Under the previous land use bylaw, “City of Nanaimo Zoning Bylaw 1993 No. 4000” (“Zoning Bylaw 4000”, repealed 2011-AUG-08), the subject property was zoned A-1 – Rural Agricultural/Residential, which did not regulate a maximum floor area for accessory buildings in agricultural zones. The current Zoning Bylaw, adopted in 2011, introduced the maximum GFA for accessory buildings in agricultural zones except where an accessory building is used for agricultural purposes. In this case, no agricultural use is occurring on the property.

At the time of Zoning Bylaw adoption in 2011, the subject property is known to have had four accessory buildings with a total floor area of 342.8m², which was permitted by the previous bylaw. Since that time, a number of changes to the accessory buildings have occurred. A table summarizing the previously existing accessory buildings and the changes since 2011 is shown below.

Accessory Building	2011 GFA	Change since 2011	Current GFA
<i>Shed in the north of the property</i>	72.6m ²	None	72.6m ²
<i>Shed in the centre of the property</i>	29.0m ²	Removed entire 29.0m ²	n/a
<i>Detached garage in the southwest corner of the property</i>	77.4m ²	Expanded by 160.8m ²	238.2m ²
<i>Workshop in the south of the property</i>	163.8m ²	None	163.8m ²
<i>Detached secondary suite in the northeast corner of the property</i>	n/a	Added with an area of 88.8m ²	88.8m ²
<i>Total</i>	342.8m ²	Net increase of 222.6m ²	563.4m ²

The above-noted changes occurred without any permit approvals prior to the current owners acquiring the property. The existing floor areas of the original accessory buildings are protected as existing non-conforming structures, but the protection does not apply to any of the additions or expansions that occurred after adoption of the Zoning Bylaw.

The applicants were not aware of the non-conforming status of the accessory buildings when they acquired the property. The construction that previously occurred without a permit consists of the detached garage expansion and the installation of a detached secondary suite. The applicants have requested the accessory building GFA variance in order to allow the existing non-conforming buildings to remain (subject to building permit requirements) and continue utilizing the detached secondary suite for the current tenant, and continue utilizing the detached garage with additional bays as constructed.

Proposed Variance

Accessory Building Maximum Floor Area

A variance to increase the maximum permitted Gross Floor Area for all accessory buildings on the lot from 90.0m² to 563.4m² is requested (a variance of 473.4m²). The variance request would bring the accessory structures on the property into compliance with the Zoning Bylaw. While the Zoning Bylaw regulates accessory buildings up to a maximum of 90.0m² or 13% of the lot size, whichever is lesser, in this case the total floor area of all accessory buildings represents only 5.9% of the lot area.

The accessory buildings are set back a considerable distance from the street (ranging from approximately 30m to 75m away from the front property line) and do not present a visual impact on the property's frontage. Signatures in support of the variance request were received from four immediate neighbours. No negative impacts are anticipated and Staff support the proposed variance. Building permit applications for the unpermitted portions of the accessory structures will be required as a condition of this Development Variance Permit.

SUMMARY POINTS

- Development Variance Permit Application No. DVP424 proposes to increase the maximum combined Gross Floor Area for all accessory buildings on the lot from 90m² to 563.4m².
- The variance request would bring the accessory structures on the property into compliance with the Zoning Bylaw.
- No negative impacts are anticipated and Staff support the proposed variance

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Context Map
ATTACHMENT C: Location Plan
ATTACHMENT D: Site Survey
ATTACHMENT E: Accessory Building Images
ATTACHMENT F: Aerial Photo

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