

DATE OF MEETING | December 20, 2021 |

AUTHORED BY | SADIE ROBINSON, PLANNING ASSISTANT, CURRENT PLANNING |

SUBJECT | **DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP429  
– 108 HAWK POINT ROAD** |

## **OVERVIEW**

### **Purpose of Report**

To present for Council's consideration, a development variance permit application to allow an over-height principal dwelling at 108 Hawk Point Road. |

### **Recommendation**

That Council issue Development Variance Permit No. DVP429 at 108 Hawk Point Road with a variance to increase the maximum permitted height of a principal building with a roof pitch equal to or greater than 4:12 from 9m to 9.14m. |

## **BACKGROUND**

A development variance permit application, DVP429, was received from Darren Seaman and Jane Hepples to vary the provisions of the "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw") to allow an over-height principal dwelling with a secondary suite currently under construction at 108 Hawk Point Road.

The applicant obtained a building permit (BP127281) to construct a principal dwelling on the subject property. Due to a construction error, the principal dwelling was constructed 14cm (0.14m) over height from what was shown on the submitted building permit plans, which complied with all Zoning Bylaw regulations. Occupancy cannot be issued unless the height conforms to the bylaw or a variance is granted.

### **Subject Property**

<i>Zoning</i>	R10 – Steep Slope Residential
<i>Location</i>	The subject property is located on the east end of Hawk Point Road, near the Tanya Drive intersection.
<i>Total Area</i>	599.61m <sup>2</sup>
<i>Official Community Plan</i>	Map 1 - Future Land Use - Neighbourhood

The subject property slopes downward by approximately 3m from front to rear, and is within an area comprised of single residential dwellings within the Lost Lake Neighbourhood.

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

## **DISCUSSION**

### **Proposed Development**

The principal dwelling currently under construction is 323.21m<sup>2</sup> with a 4:12 roof pitch, and appears as a two-storey building from Hawk Point Road, with a walk-out basement at the rear. The principal dwelling has been constructed centrally on the property, and requires a height variance to authorize the increase in building height and allow occupancy to be granted.

### **Proposed Variances**

#### *Maximum Principal Dwelling Height*

The maximum principal building height for a roof pitch equal to or greater than 4:12 is 9m. The applicant proposes to increase the maximum allowable principal building height with a roof pitch of 4:12 to 9.14m; a proposed variance of 0.14m.

Due to the ground conditions encountered during excavation, the main floor elevation and highest roof peak were constructed higher than originally designed. The over-height portion of the dwelling makes up approximately 60% of the roof structure.

In order to meet the height requirement at this stage of construction, removal of the roof structure would be required, as well as lowering the height of the constructed upper floor walls, and subsequent reconstruction of the roof. The roof pitch of 4:12 is the lowest pitch permitted to qualify for the 9m height allowance.

Hawk Point Road is the highest elevation residential street on the north side of Linley Valley, with views of the sea to the north, with no resident views to be blocked. The property directly uphill (south) of 108 Hawk Point Road is 5341 Tanya Drive, which the City owns and uses as a water reservoir.

The increase of 0.14m is not anticipated to negatively impact the views of adjacent properties, and seven letters of support have been provided from neighbouring property owners of the following addresses: 104, 112, and 116 Hawk Point Road; 5353, 5355, and 5357 Lost Lake Road; and 5311 Tanya Drive.

## **SUMMARY POINTS**

- The applicant proposes to increase the maximum allowable principal building height with a roof pitch of 4:12 from 9m to 9.14m, a proposed variance of 0.14m.
- The principal dwelling was constructed 14cm (0.14m) over-height.
- Occupancy cannot be issued unless the height conforms to the bylaw or a variance is granted.
- Seven letters of support have been provided from neighbouring property owners.

## **ATTACHMENTS**

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

### **Submitted by:**

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Manager, Current Planning

### **Concurrence by:**

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Director, Development Approvals

Dale Lindsay  
General Manager, Development Services