

DATE OF MEETING | December 5, 2022

AUTHORED BY | KRISTINE MAYES, PLANNER, CURRENT PLANNING

**SUBJECT**                      **DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP441  
– 133 PIRATES LANE**



**Proposal:**

Variances to allow the construction of a carriage house and the siting of an existing heat pump.

**DVP**

**Zoning:**

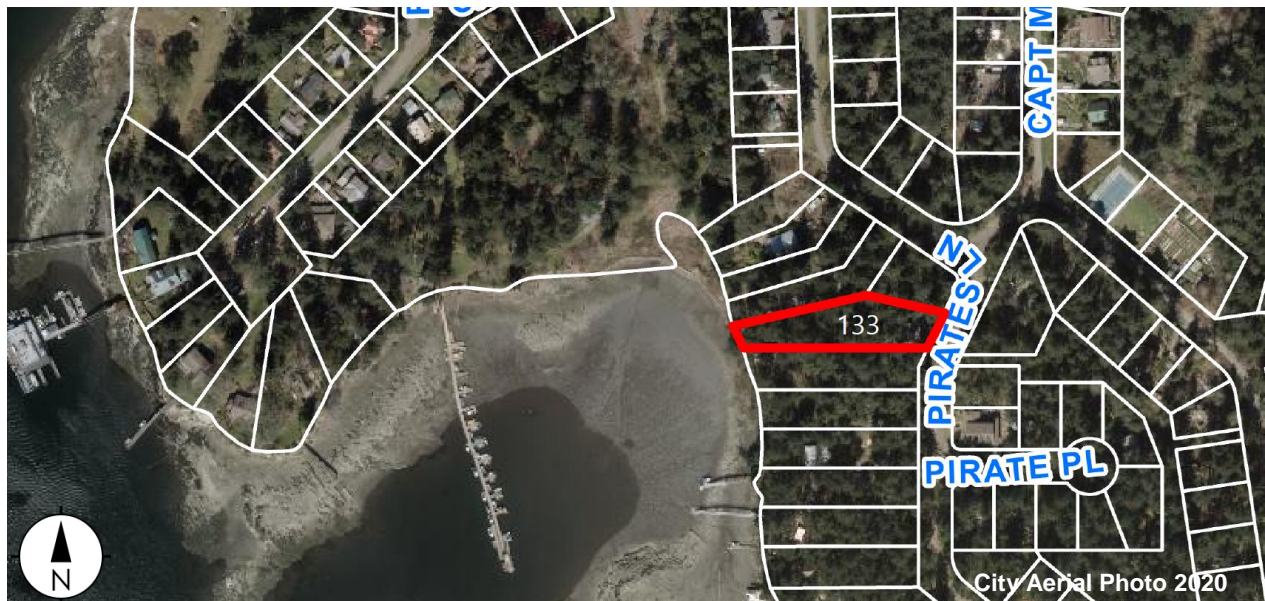
R3 – Island Residential

**City Plan Land Use Designation:**

Suburban Neighbourhood

**Lot Area:**

2,420m<sup>2</sup>



## **OVERVIEW**

### **Purpose of Report**

To present for Council's consideration, a development variance permit application to allow the construction of a carriage house and the siting of an existing heat pump.

### **Recommendation**

That Council issue Development Variance Permit No. DVP441 at 133 Pirates Lane to allow the construction of a carriage house and make lawful the siting of an existing heat pump with variances outlined in the "Proposed Variances" section of the staff report dated 2022-DEC-05.

## **BACKGROUND**

A development variance permit application, DVP441, was received from Richard Gafney, to vary the provisions of the "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the Zoning Bylaw) and "Off-Street Parking Regulations Bylaw 2018 No. 7266" to allow the construction of a carriage house. The applicant is requesting variances to:

- reduce the front and north side yard setbacks;
- reduce the distance between a principal building and accessory building containing a secondary suite;
- increase the maximum height of an accessory building; and,
- reduce the number of required parking spaces in order to allow the construction of a proposed detached garage/workshop with secondary suite above (carriage house).

A variance is also requested to reduce the north side yard setback for an existing heat pump, which was not previously shown on the building plans at the time of issuance for the principal dwelling.

### ***Subject Property & Site Context***

The subject property is located just south of the intersection of Pirates Lane and Silvers Terrace on Protection Island. The property contains a single residential dwelling (constructed in 2011) and accessory structures located prominently atop one of the highest points on the island (20m above sea level). There is also an existing woodshed with non-conforming siting that is not being considered as part of this application.

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

## **DISCUSSION**

### **Proposed Development**

The applicant is proposing to construct a detached garage/workshop with secondary suite above (carriage house) to be used as an office and guest quarters; and to allow the siting of an existing

non-conforming heat pump. A number of variances are requested in order to permit the siting and height of the proposed carriage house.

### **Proposed Variances**

The applicant has provided the following rationale in support of the proposed variances:

- the proposed location for the carriage house minimizes disturbance of land, mature trees, and vegetation;
- given the steep slope at the rear of the dwelling it would be difficult to access an alternate building site at the rear with equipment and materials;
- construction of the proposed building within the required setbacks would require moving the existing onsite sewerage system and extending the driveway;
- topographical constraints impact the ability to connect the new building to the onsite sewerage system without requiring the installation of an upslope pump; and,
- Protection Island is very walkable and most vehicles on the island are golf carts, which are smaller than traditional vehicles.

#### *Minimum Required Front Yard Setback*

The minimum required front yard setback for an accessory building in the R3 zone is 6.0m. The applicant proposes a front yard setback (abutting Pirates Lane) of 2.16m for the carriage house, a proposed variance of 3.84m. Staff support the proposed variance given the constraints for building siting, the proposed location will not obstruct vehicle or pedestrian visibility, and as future road widening on Protection Island is not anticipated.

#### *Minimum Required Side Yard Setback*

The minimum required side yard setback for accessory buildings in the R3 zone is 1.5m. The minimum required side yard setback for heat pumps is also 1.5m. The applicant proposes to reduce the minimum required (north) side yard setback abutting a vacant lot (131 Pirates Lane) from 1.5m to 0.9m for a proposed carriage house, a proposed variance of 0.6m. Additionally, the applicant is proposing a variance for an existing heat pump from 1.5m to 1.2m, a proposed variance of 0.3m.

Staff support the proposed side yard setback variance for a carriage house which is requested for a small upper deck structure for the provision of private open space.

Staff support the proposed side yard setback variance for the heat pump as the request is relatively minor in nature.

#### *Minimum Required Distance Between a Principal Building & Carriage House*

The minimum required distance between the dwelling unit and the proposed accessory building containing a secondary suite is 3.0m (1.2m where the accessory building does not contain a residential use). The applicant proposes a building separation of 1.93m, a proposed variance of 1.07m. Staff support the proposed setback variance as only the decks and stairs, which form part of the buildings, are within the required 3.0m setback. The setback between the foundations is proposed to be 3.0m.

#### *Maximum Height of an Accessory Building*

The maximum height of an accessory building with an 8:12 roof pitch is 5.5m. Where a secondary suite is contained within the roof structure and is located outside the required setback, this height may be increased to 7.0m in accordance with Section 6.6.5.1(a)(b) of the Zoning Bylaw. The proposed carriage house does not meet these requirements as the building is proposed to be located within the setbacks and as the secondary suite is not located completely within in the roof structure. The applicant proposes to increase the maximum permitted height of an accessory building from 5.5m to 6.78m, a proposed variance of 1.28m. Staff support the proposed height variance as the portion of the building with the secondary suite is only 45m<sup>2</sup> in area (50% of the maximum 90m<sup>2</sup> which could be permitted on the lot) and is keeping in scale with the two-storey dwelling on the lot.

#### *Required Number of Parking Spaces*

The total number of required parking spaces for a single residential dwelling and a secondary suite is three parking spaces. Currently two spaces are located on the property. Following the construction of the detached garage/workshop with secondary suite above, two parking spaces are proposed where three would be required – representing a variance of one parking space. Staff support the proposed parking space variance as the subject property is located on Protection Island, which does not have a car ferry service.

The applicant has provided a letters of support from the neighbouring property owners at 129 Pirates Lane and 135 Pirates Lane as well as across the road at 160 Pirates Lane.

In consideration of the forgoing, Staff support the proposed variances, as the development is limited to the developed portion of the site, thereby limiting site disturbance.

#### **SUMMARY POINTS**

- Development Variance Permit No. DVP441 proposes the construction of a carriage house with the variances to:
  1. reduce the front yard setback from 6.0m to 2.16m;
  2. reduce the north side yard setback from 1.5m to 0.9m;
  3. reduce the distance between a principal building and accessory building containing a secondary suite from 3.0m to 1.93m;
  4. increase the maximum height of an accessory building with an 8:12 roof pitch from 5.5m to 6.78m;
  5. reduce the required number of parking spaces from 3 to 2 to facilitate the construction of a carriage house; and
  6. reduce the north side yard setback from 1.5m to 1.2m for an existing heat pump.
- Staff support the proposed variances.

## **ATTACHMENTS**

ATTACHMENT A: Permit Terms and Conditions  
ATTACHMENT B: Subject Property Map  
ATTACHMENT C: Site Survey  
ATTACHMENT D: Building Section  
ATTACHMENT E: Site Photos

### **Submitted by:**

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### **Concurrence by:**

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