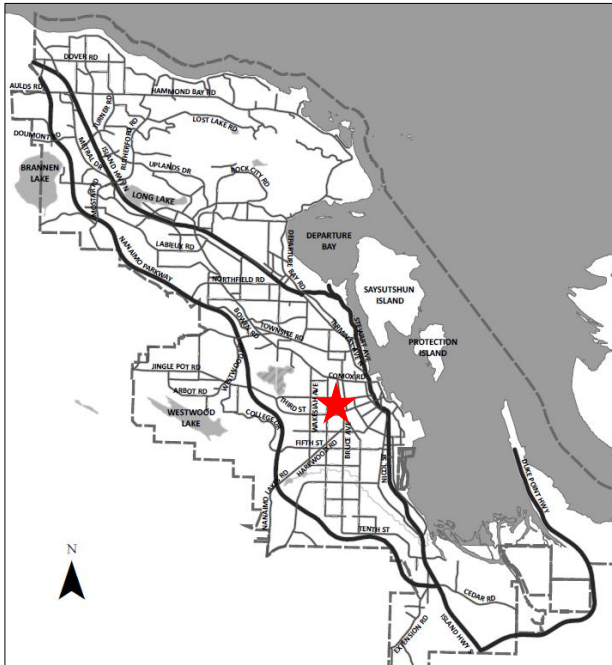


DATE OF MEETING | January 20, 2025 |

AUTHORED BY | PAYTON CARTER, PLANNER, CURRENT PLANNING |

SUBJECT | **DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP469 – 395 CHESTERLEA AVENUE**



Proposal:

Variance to allow an addition to an existing accessory building

Zoning:

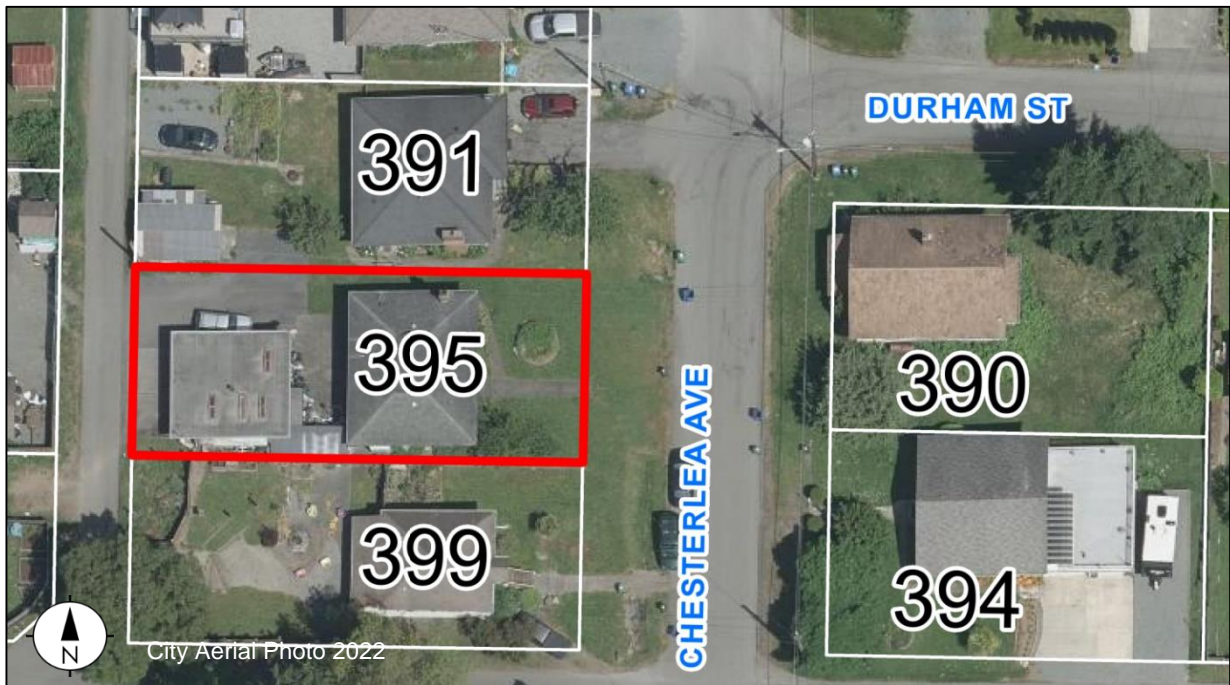
R5 – Three and Four Unit Residential

City Plan Land Use Designation:

Suburban Neighbourhood

Lot Area:

557m²



OVERVIEW

Purpose of Report

To present for Council's consideration a development variance permit application for a proposed second storey addition to an existing accessory building at 395 Chesterlea Avenue.

Recommendation

That Council issue Development Variance Permit No. DVP469 for a second storey addition to an existing accessory building at 395 Chesterlea Avenue with variances as outlined in the "Proposed Variances" section of the Staff Report dated 2025-JAN-20.

BACKGROUND

A development variance permit application, DVP469, was received from Star4Life Build Reno Inc., on behalf of Nehzat Javadi-Noghondar to vary the provisions of the "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw"), in order to reduce the minimum required side yard setback for an existing non-conforming detached garage to allow a proposed second storey addition at 395 Chesterlea Avenue.

Subject Property and Site Context

The subject property is located on the west side of Chesterlea Avenue, within the Harewood Neighbourhood, and is accessed by a lane at the rear of the site. The property is currently developed with a single-family dwelling fronting Chesterlea Avenue, constructed in 1971 and an accessory garage constructed in 1976. The surrounding neighbourhood is primarily characterized by low-density residential development and some local serving commercial businesses.

Building permits were issued for the existing single-family dwelling and detached garage in the 1970s, showing the garage siting in compliance with the required setbacks. In 2024, the City received Building Permit application (BP130196) to convert the garage into a carriage house. A survey provided with the building permit application confirmed that the existing garage extended into the side yard setback and a variance is required to allow the second storey addition within the side yard setback.

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

DISCUSSION

Proposed Development

The applicant proposes to convert the existing non-conforming accessory building (detached garage) into a detached secondary suite and add a second storey to facilitate three bedrooms. The existing accessory building was constructed with a building permit, BP012336, however, the structure is located within the required side yard setback under the current Zoning Bylaw. The total floor area for the detached secondary suite will be 93m², which is below the maximum permitted 100m². The addition of a second storey will increase non-conforming floor area and

result in a roof overhang that projects into the required setbacks. As such, a variance is required to allow the second storey addition as proposed.

Proposed Variances

Side Yard Setback

The minimum required side yard setback for an accessory building in the R5 zone is 1.5m. The proposed side yard setback is 1.42m, a requested variance of 0.08m.

Side Yard Projection

The maximum permitted projection into the required side yard setback for eaves is 0.75m. The proposed projection into the south side yard setback is 0.81m, a requested variance of 0.06m.

The applicant has requested the variance to allow a second storey addition to the existing accessory building to facilitate the conversion to a detached secondary suite. Staff support the proposed variances, which are minor encroachments. The location of the variance is adjacent to an existing fenced rear yard for the neighbouring residential property. The proposed improvements do not include any windows on the south elevation and is not anticipated to negatively impact neighbouring properties. The proposed design is residential in character and adheres to the existing aesthetic of the neighbourhood.

SUMMARY POINTS

- Development Variance Permit Application No. DVP469 is to allow an addition to an existing non-conforming accessory building, to be converted into a detached secondary suite.
- Variances are requested to reduce the side yard setback from 1.5m to 1.42m and increase the maximum allowable side yard projection for eaves from 0.75m to 0.81m.
- Staff support the proposed variances.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Subject Property Map
ATTACHMENT C: Site Survey
ATTACHMENT D: Existing Building Elevations
ATTACHMENT E: Proposed Building Elevations

Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Planning & Development