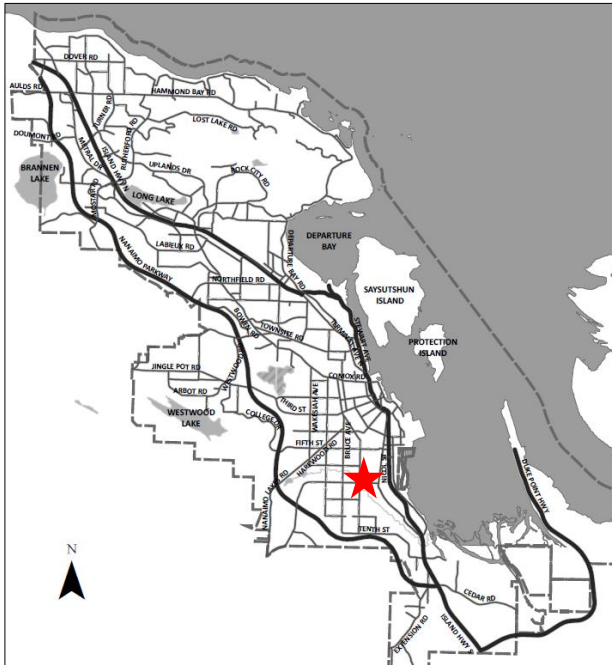


DATE OF MEETING | November 17, 2025

AUTHORED BY | VIDHI KYADA, PLANNING TECHNICIAN, CURRENT PLANNING

**SUBJECT | DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP488 –
205 SEVENTH STREET**



Proposal:

Variance to allow enclosure of an existing carport

Zoning:

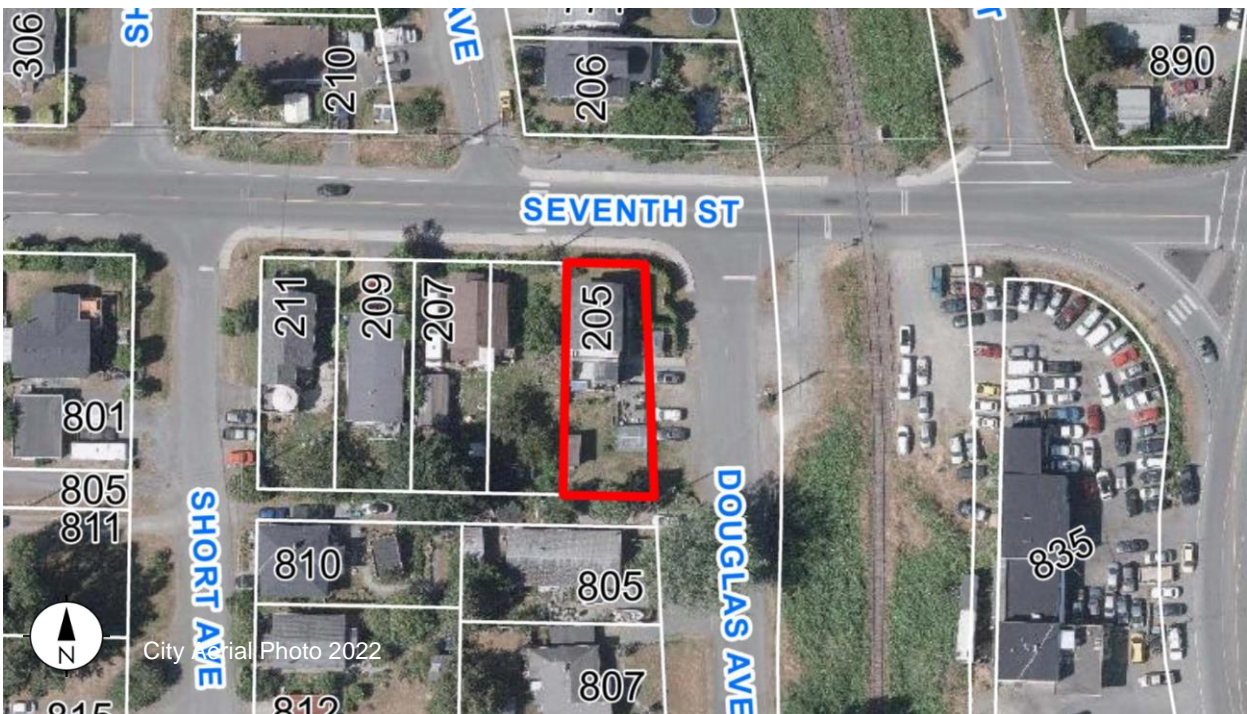
R5 – Three and Four Unit Residential

City Plan Land Use Designation:

Suburban Neighbourhood

Lot Area:

483m²



OVERVIEW

Purpose of Report

To present for Council's consideration a development variance permit application to reduce the required side yard setback to allow the enclosure of an existing non-conforming carport at 205 Seventh Street.

Recommendation

That Council issue Development Variance Permit No. DVP488 to allow the enclosure of an existing non-conforming carport at 205 Seventh Street with a variance as outlined in the "Proposed Variance" section of the Staff Report titled "Development Variance Permit Application No. DVP488 – 205 Seventh Street", dated 2025-NOV-17.

BACKGROUND

A development variance permit application, DVP488, was received from Daniel and Chanthaphone Dayekh to vary the provisions of "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw"), in order to reduce the minimum required side yard setback to allow the enclosure of an existing non-conforming carport to accommodate a commercial kitchen as a home-based business at 205 Seventh Street.

Subject Property and Site Context

The subject property is located at the intersection of Seventh Street and Douglas Avenue, within the Harewood neighbourhood. The property currently contains a single residential dwelling with a secondary suite. The surrounding neighbourhood includes low-density residential development, as well as railway corridor and highway industrial uses located to the east of the subject property.

A Building Permit application (BP131008) was received in June 2025 to enclose the existing carport to accommodate a commercial kitchen as a home-based business for the single family dwelling. During the building permit process, it was determined that the existing carport is encroaching into the side yard setback. As a result, a Development Variance Permit is required to allow the enclosure of the carport to commercial kitchen.

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

DISCUSSION

Proposed Development

The applicant is proposing to enclose an existing non-conforming carport to accommodate a commercial kitchen as a home-based business.

Proposed Variance

Side Yard Setback

The minimum required side yard setback in the R5 zone is 1.5m. The proposed west side yard setback is 0.8m, a requested variance of 0.7m.

The City of Nanaimo's "Consideration of Variances Policy", outlines considerations for evaluating Development Variance Permit applications, such as land use justification, and potential aesthetic, functional or environmental impacts. The applicant has provided following rationale demonstrating how they can address these considerations:

- The proposed variance would not increase the structure's footprint. It would allow the continued use of the existing structure and maintain the existing setback.
- The structure does not negatively impact neighbouring properties in terms of access to light, privacy, or enjoyment of their space.
- The enclosed carport would be designed to meet current Building Code standards, including proper ventilation, fire protection, and life safety.

Staff support the proposed variance as it does not increase the footprint or height of the existing structure. The alteration is not expected to negatively impact adjacent properties, as access to the commercial kitchen is limited to Douglas Avenue. Additionally, no vents or windows are proposed facing the west side yard, preserving the privacy of the adjacent property. The use of non-combustible materials for the wall where the variance is requested further supports the proposal.

SUMMARY POINTS

- Development Variance Permit Application No. DVP488 is to reduce the required west side yard setback to allow the enclosure of an existing non-conforming carport to accommodate a commercial kitchen as a home-based business at 205 Seventh Street.
- No negative impacts to the adjacent property are anticipated as the proposed variance does not alter the existing footprint or height of the structure.
- Staff support the proposed variance.

ATTACHMENTS

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

Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Planning & Development