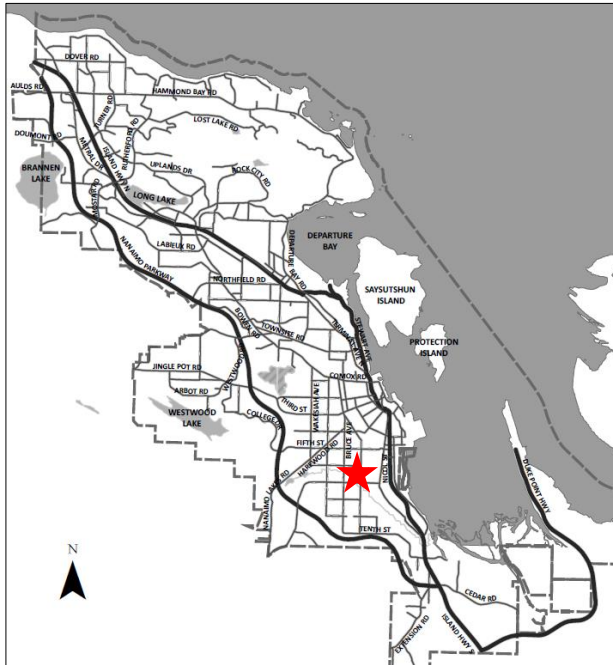


DATE OF MEETING | December 1, 2025

AUTHORED BY | LAINYA ROWETT, MANAGER, CURRENT PLANNING

**SUBJECT | DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP00489 – 707 HAMILTON AVENUE**



**Proposal:**

Addition to existing detached garage to accommodate a secondary suite.



**Zoning:**

R5 – Three and Four Unit Residential

**City Plan Land Use Designation:**

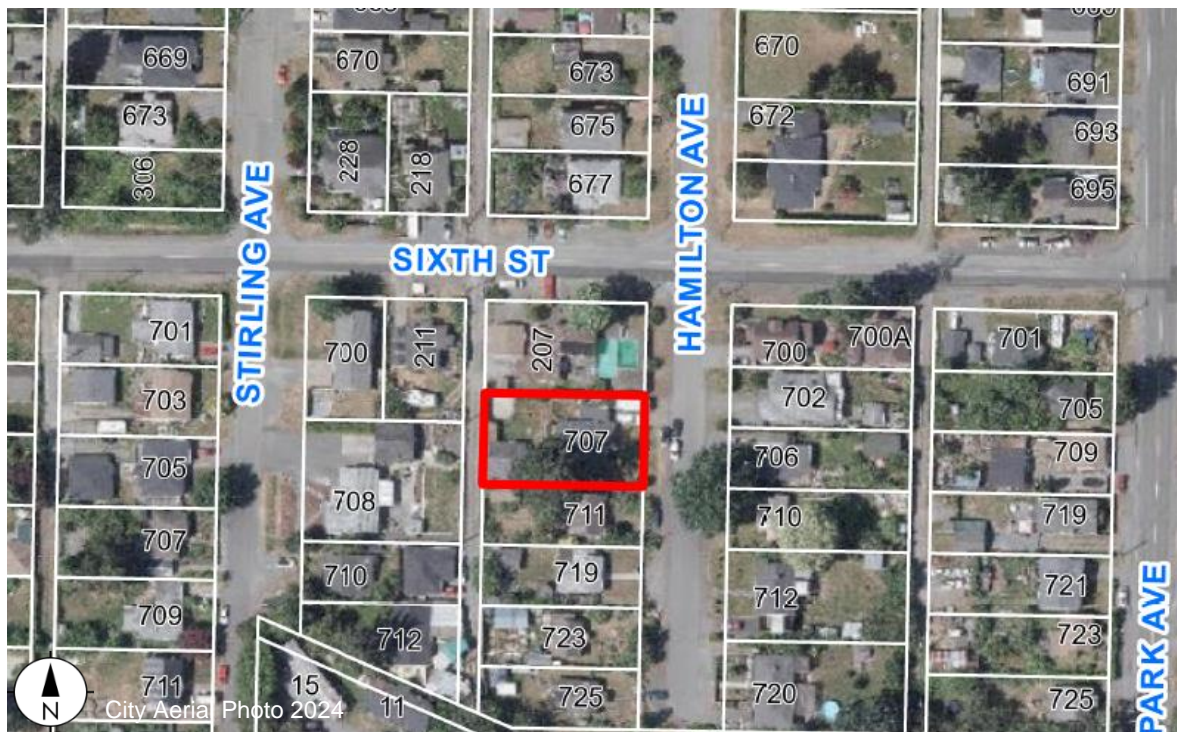
Suburban Neighbourhood

**Development Permit Areas:**

N/A

**Lot Area:**

811.78m<sup>2</sup>



## **OVERVIEW**

### **Purpose of Report**

To present for Council's consideration a development variance permit application for a proposed addition to an existing detached garage at 707 Hamilton Avenue.

### **Recommendation**

That Council issue Development Variance Permit No. DVP489 for a proposed addition to an existing detached garage at 707 Hamilton Avenue with variances as outlined in the "Proposed Variances" section of the Staff Report dated 2025-DEC-01.

## **BACKGROUND**

A development variance permit application, DVP489, was received from Stephen Paul, on behalf of Daphne Hollins and Agnes Hollins, for a proposed addition to an existing detached garage to accommodate a secondary suite at 707 Hamilton Avenue.

### **Subject Property and Site Context**

The subject property is located in the Harewood Neighbourhood on Hamilton Avenue just south of Sixth Street. The property has driveway access from Hamilton Avenue and borders a lane along the rear property line. The surrounding neighbourhood consists primarily of low density residential uses and a mobile home park approximately 50m to the south, at the terminus of the lane and Hamilton Avenue.

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

## **DISCUSSION**

### **Proposed Development**

The applicant is proposing to construct a second storey addition to the existing detached garage in the rear yard of the single family dwelling. The addition is intended to accommodate a secondary suite with parking provided in the garage below, and access maintained from the lane. The total proposed gross floor area with the addition is 101.72m<sup>2</sup>.

A secondary suite may be located within an accessory building on this property provided that the building complies with the regulations set out in sub-sections 6.6 and 6.15 of the "City of Nanaimo Zoning Bylaw 2011 No. 4500" ("Zoning Bylaw"). A building permit application was received for the proposed construction and through the review process it was determined that variances are required to allow the addition as proposed, and as outlined in the following section.

## Proposed Variances

### *Accessory Building Height*

The maximum permitted height is 4.5m for an accessory building in the R5 zone, where the second storey floor area is greater than 80% of the first storey floor area. The proposed building height is 6.8m, a requested variance of 2.3m.

The maximum permitted height for an accessory building varies depending on roof pitch, building setbacks and size, and whether the building contains a secondary suite. In accordance with subsection 6.6.5.1 of the Zoning Bylaw, the height of an accessory building containing a secondary suite within the second storey, may be increased from 4.5m to 7m where:

- a) The roof pitch is 6:12 or greater and the total floor area (with a ceiling height of at least 2.1m) of the second storey is no greater than 80% of the total floor area of the first storey;  
OR
- b) The building is located outside of the required yard setbacks for a principal dwelling.

The applicant has advised that it is not practical to meet the bylaw requirements with the existing building for the following reasons:

- Re-using an existing building which meets the minimum required setbacks for an accessory building but is within the principal building setbacks.
- Offsetting the second storey to reduce the floor area is not practical given the structural upgrades that would be required.
- The existing structure is adequate to support a full second storey within the same footprint.

The applicant also noted that the roof pitch has been reduced as much as possible (to 3:12 pitch) to minimize the height variance request while ensuring the design of the building complements the surrounding residential building forms.

### *Gross Floor Area*

In accordance with subsection 6.6.6 of the Zoning Bylaw, the total gross floor area permitted for all accessory buildings on the subject property is 100m<sup>2</sup>. The proposed total gross floor area is up to 102m<sup>2</sup>, a requested variance of 2m<sup>2</sup>.

The applicant has requested the variance to allow a full second storey addition to utilize the building more effectively and design the addition in a way that can be supported by the existing structure within the same footprint. The portion of the building to be used as a secondary suite will not exceed the maximum permitted size (100m<sup>2</sup>) for a secondary suite as a result of the addition.

The City of Nanaimo's "Consideration of Variances Policy" outlines considerations for evaluating Development Variance Permit applications, such as potential aesthetic, functional, or environmental impacts. The applicant has provided the following rationale to address these considerations:

- The proposed variances would allow greater utilization of the property and would not alter the existing building footprint, lot coverage, or setbacks.

- No tree removal is required to accommodate the addition.
- The proposed addition would not negatively impact neighbouring properties in terms of sightlines, lane access, or existing services.
- Required parking for the secondary suite and principal dwelling will be accommodated onsite.
- The directly affected neighbours on both sides have submitted letters of support.

Staff support the proposed variances as they would allow the re-use of an existing building to provide livable space without negatively impacting adjacent properties. The building is partially screened from the nearest dwelling (approximately 11m away) by existing trees and well separated from other dwellings (approximately 15m-23m) by the lane and rear yard setbacks. Furthermore, the design of the building is complementary to the character of the surrounding residential dwellings. |

### **SUMMARY POINTS**

- Development Variance Permit Application No. DVP489 is for a proposed addition to an existing detached garage at 707 Hamilton Avenue.
- Variances are requested for accessory building height and gross floor area to allow a secondary suite within the proposed addition.
- Staff support the proposed variances which will not result in negative impacts to neighbouring properties. |

### **ATTACHMENTS**

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

#### **Submitted by:**

Lainya Rowett  
Manager, Current Planning |

#### **Concurrence by:**

Jeremy Holm  
Director, Planning & Development |