



## COMMUNITY SAFETY & DEVELOPMENT

### MINUTES OF THE MEETING OF THE BOARD OF VARIANCE HELD IN THE BOARDROOM, 455 WALLACE STREET, NANAIMO, BC ON TUESDAY, 2013-MAR-26 COMMENCING AT 5:30 P.M.

---

**PRESENT:**   Members:   Mr. Tim Wait - Chair  
                                  Mr. Allan Dick  
                                  Mr. Mark Dobbs

                  Regrets:   Ms. Janet Cowling  
                                  Mr. Amarjit Minhas

                  Staff:       Mr. Dave Stewart, Planner, Planning & Design Section  
                                  Ms. Penny Masse, Planning Clerk, Planning & Design Section

**1.    CALL THE MEETING TO ORDER:**

The regular meeting was called to order at 5:29 p.m.

**2.    ADOPTION OF MINUTES:**

It was moved and seconded that the Minutes of the meeting of the Board of Variance held on Thursday, 2013-FEB-21 be adopted. The motion carried unanimously.

**3.    APPLICATIONS:**

**APPEAL NO.:**                   **BOV620**

**Applicant:**                   Mr. and Mrs. Brad and Susan Conners

**Civic address:**           1284 College Drive

**Legal Description:**       LOT 18, SECTION 9, RANGE 8, MOUNTAIN DISTRICT, PLAN  
VIP82047

**Purpose:**                   The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 in order to permit a recently constructed single residential dwelling to remain at a height of 9.13m. The applicant is requesting that the maximum height of a single family dwelling be increased from 9m to 9.13m. This represents a height variance of 0.13m.

**Zoning Regulations:** Steep Slope Residential - R10. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

*7.6.1 - The maximum height permitted for a principle building with a sloped roof (roof pitch  $\geq$  4:12) is 9m.*

**Local Government Act:** The property is considered legal-conforming and, as such; Local Government Act, Section 911 - Non-conforming Uses and Siting, does not apply.

**Discussion:** Mr. and Mrs. Brad and Susan Conners were in attendance for their appeal.

There were three submissions received in regard to this application. One submission from Mr. and Mrs. Bryan and Dawn Portman and two from the applicants; they are attached as "Attachment A – Submissions for Board of Variance Application No. BOV620".

**Decision:** It was moved and seconded that the variance request be **approved**. The motion carried unanimously.

The variance request was deemed to be a hardship.

**4. OTHER BUSINESS:**

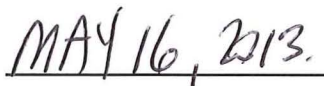
The Board reviewed and made amendments to a letter to Council regarding heat pump regulations (attached as "Attachment B – Letter to Council Regarding Heat Pumps"). This letter was included in the agenda for the Council meeting of 2013-APR-08.

**5. ADJOURNMENT:**

It was moved and seconded at 6:37 p.m. that the meeting terminate. The motion carried unanimously.



CHAIR  
CERTIFIED CORRECT



DATE:

**Attachment A**

**Submissions**

**For**

**Board of Variance  
Application No. BOV620**

*(1284 College Drive)*

## Penny Masse

---

**From:** Dawn Portmar  
**Sent:** Sunday, March 24, 2013 11:39 PM  
**To:** David Stewart; Penny Masse  
**Cc:** Dawn Portman; Bryan PORTMAN  
**Subject:** Board of variance appeal no. BOV620 - meeting March 26th @ 5:30 pm  
**Attachments:** variance letter with no photos.docx

Please find enclosed a response for appeal no. BOV620, civic address of 1284 College Drive. As neighbours we are requesting this appeal be denied.  
The letter also includes 4 photos.

Please confirm your receipt of this letter and photos.

We are unable to attend the meeting on Tuesday, March 26 at 5:30 pm due to work and family commitments.  
Do you require anything else from us prior to this meeting?

**\*\*4 photos to follow in another email\*\***

Bryan & Dawn Portman



March 22, 2013

City of Nanaimo  
Community Safety & Development

Attention: Members of the Board of Variance

RE: Variance application for over-height property (Appeal No. BOV620)

Please accept this letter to have the Variance DENIED. As the owners Nanaimo, BC, we are the neighbors to property 1284 College Drive and we are writing this letter to inform the Board of our concerns with this appeal. We do not support this appeal and do not believe this property suffered any hardship caused by the zoning bylaw. This is an established neighborhood where hundreds of homes have been successfully built within the zoning requirements. We also believe that errors/misjudgments created by the owners of 1284 College Drive does not meet the requirement of a hardship to the owner involved in adjusting the over-height property for the following reasons.

- In past 3 years there have been numerous homes built in this particular R10 zone. A large percentage of them have required some sort of blasting or chipping to be done and based on past minutes from previous Board meetings, none have had issues with staying under the 9 m height limit. All of these homes have ridges, similar to the buildings on 1284 College Drive.
- The over-height ridge elevation faces west and features a beautiful view of Mount Benson and the valley. As this property is on the highest part of the mountain, we believe the owners of this property have attempted to maximize their view from this property and have attempted to build their home to maximum of the zoning regulations. Thus, they created the probability and possibility of the over-height issue. We acknowledge that due to the natural height of the rock foundation, 1284 College Drive will naturally be higher than any property built on 1290 and 1294 College Drive. This over-height preserves views for the property owner in the future and increases the value of their property effectively decreasing the value of our home because of the reduction in sunlight to our property. This overage also increases homeowners view of the valley and possibly towards the ocean as evident in the amount and size of windows on the west side of their home when compared with the east side of home.
- The home on 1284 is to the west of our property and because of the overage in height allowance, we will see a large reduction of sunlight to our backyard in the afternoons/evenings. We are a young family that includes a 4 year old and 7 year old who both spend a large amount of time outside in the safety of our backyard. A 5-inch overage results in a substantial decrease of sunlight by the shadow cast by this property. At some points in the year...more prevalent in summer (when children are outside and the gardens are growing) this 5-inch overage can account for a decrease of sunlight of 45 minutes in most of our backyard. This is based off of a shadow creating 3 times the size of the overage and a 15-degree rate of the sun setting.

Therefore we in no way believe that this is a minor variance. Our back yard is already suffering from the increased shadow of the building.

- Due to the increased height of 1284 College Drive the back yard of 1284 was required to be built up at approximately 3 feet higher than our back yard with dirt piled on top of rocks from the blasting. This dirt will wash into our yard, as we are lower, it has already starting to crater through the rocks. We believe the height of the home is for the benefit of the owners in order to improve their view. They would not have been required such a substantial build up of their backyard if they did not increase the height of their home.
- This bylaw and height restriction was in effect prior to the commencement of their building. This bylaw is in effect to protect all properties in this zone. We do not believe that the homeowner of 1284 College Drive can claim a hardship due to the cost of complying with the bylaw after the building was built. If the homeowner had any concerns with the zoning bylaws it would be prudent to apply for the permit/variance prior to building. 1284 College Drive owner approached me and stated that the overage was a mistake on his part. The owner did not state that the blaster/builder/contractor made the errors. This owner has been on site every day ensuring every facet of the building is done correctly and accurately (which we commend). But an error on their behalf should not create a hardship for our property
- Please remember that two of the three ridges on the property are in compliance, therefore there would have been no further costs associated to blasting. This home could also have been built just a few inches closer to the front of the property alleviating any possible zoning issues. A reputable designer and builder with several years experience should have experience in building on rock, there should have been checks and balances to ensure zoning regulations are followed. We do not believe that a mistake constitutes a hardship.
- Currently there are at least a minimum 6 empty lots in the immediate vicinity including; 4 lots directly across from 1284 College Drive and two lots directly to the west of the property in question. We are also concerned that a variance approval will set a precedent and hardship to be claimed is too much money spent on blasting and too much money to deconstruct and reconstruct.

In conclusion, we are requesting that the variance should not be granted. The homeowners of 1284 College Drive may state that they used reputable builders and contractors, that they hired a blasting company with many years of experience and that there will be too many costs associated with construction and reconstruction. All of these points are mute if they did not try to build their home to the maximum height allowances of the zoning regulations. They clearly knew that they were trying to stay within the boundaries of the bylaws and their mistake should not create a hardship for our family. We simply request that the board please take into full account that an important factor in assessing the impact on a families quality of life as well as the loss of enjoyment in gardening and other outside activities for children in areas that suffer from increased shadowing should have equivalent merit to financial hardship.

Bryan, Dawn, Tessa, Tate PORTMAN  
COLLEGE DRIVE, NANAIMO, BC

## Penny Masse

---

**From:** Dawn Portman  
**Sent:** Sunday, March 24, 2013 11:40 PM  
**To:** David Stewart; Penny Masse  
**Cc:** Dawn Portman; Bryan PORTMAN  
**Subject:** Fwd: photos for appeal no. BOV620 (to go with letter in previous email)

Begin forwarded message:

**From:** Dawn Portman  
**Subject:** photos for appeal no. BOV620 (to go with letter in previous email)  
**Date:** 24 March, 2013 11:36:30 PM PDT  
**To:** Dawn Portman



View of the area affected by the shadowing of the ridge in question. Looking west towards 1284 College Drive

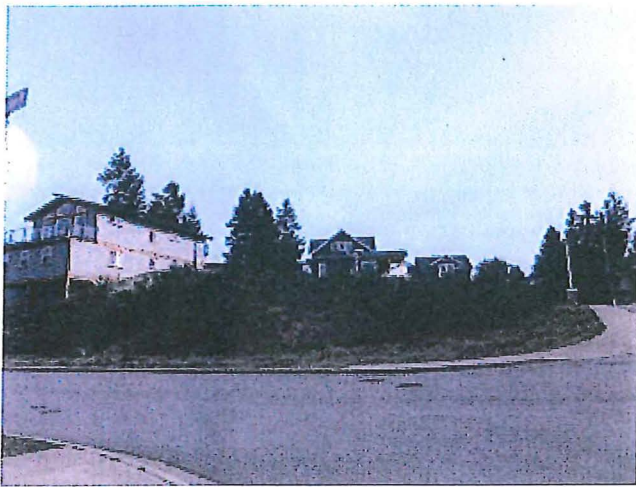


Mid day shadowing, only to increase as sun moves to the west to set.





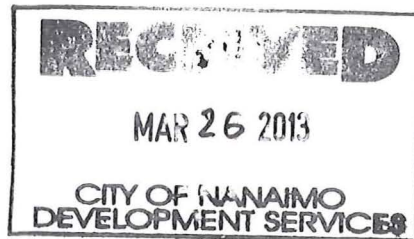
View of the 3 ridges on 1284 College Drive. Bigger windows on west side of home for better view compared to fewer and smaller windows on east side of home (as shown in first photo).



1284 College Drive in background, photo shows most recently build home in same R10 zone. Foundation of this home is build right into mountain, no problem with ridge over-height for this property which also involved lots of blasting and chipping.

March 26, 2013

City Of Nanaimo



Attention: Committee members, Board of Variance (Appeal No BOV620) 1284 College Dr

Re: Response to complaint letter from Brian and Dawn Portman

—Although we share the same general topography with the recently developed properties, blasting and chipping included, our situation is unique by one error causing considerable hardship with bylaw compliance. We fully intended to build a compliant home and blasted extensively as such.

—We were sincerely of the mind that our home was within the allowable building height. We could have changed the house roof pitch to 7.5/12 as we did with the Garage when our height issue was identified. **The height of either floor would not have changed with the reduction of the roof pitch.** Our west facing second floor windows have a bottom of sill height of more than six feet off the second story floor. These are ambient light windows with a slight top of mountain view due to the rise of the living room ceiling to just under the west wall upper floor windows. Our main floor elevation is approximately 12" above the natural rock elevation at the North west corner of the house (Positive drainage away from home) and we have a code recommended 24" under joist clearance in our crawl space at the same corner. Our homes natural position near the top of the hill will only preserve south west Benson views across the street when buildout comes on the vacant lots to the west. We do not have ocean views to the North, or back side of our home, as the neighbours behind maintain a fully treed back yard that blocks any ocean view from both first and second floor. Our east facing upper floor windows are ambient light high wall windows as well (7ft above floor).

—We are sensitive to our neighbours sun light reduction, but any two story home on our lot would have a considerable effect on their afternoon back yard sun. When we purchased our lot in (March 2012) the blackberries were growing over their west fence and encroaching into their property. The portion of their back yard suitable for growing has now increased due to our clean-up of the property line. It appears the Portman's had made no attempt to control the blackberries Mr Portman's issues with our home and yard started this winter with the storms. His old 6 ft cedar fence on the west side was either held up or in the lee of the massive blackberry bush when the considerable Benson winds blow. When the winter winds came, their very old unmaintained and unstable fence with rotten posts fell down over a period of 4 months. The shadow casting study is without supporting documentation from a methodology of study standpoint so I am unable to speak to it's accuracy.

—The rock fill in our back yard covers a natural shallow swale drawing to the centre of the back property, combined with the set back and inward terracing from the property line, silting, if any, will naturally travel into our property. Further more, the soil has settled throughout the winter and is solid, unmoving, and stable. Track packing in multiple layers with the excavator is an industry acceptable manner of fill stabilization and any small cavities are on my property.

—We never intended to disregard any City bylaws, as such, our hardship is considerable. We hired professionals, from the designer to the surveyor and builder. Our intention all along was to build a



home that would compliment our neighbourhood, as has been demonstrated by changing the garage roof pitch and lowering the building. The designer and the surveyor both had the plans while discussing our height issues. The city approved our plans (Drawing A3 west elevation sketch). We relied on the professionals we hired and paid them for their services. I am acting as my own general contractor, when I approached Mr Portman I took responsibility for the error made on my behalf.

8.01m

—The ridges on our home are each at a different elevations. As stated in my report to the BOV the second lowest ridge (7.52 m to top of floor) was accidentally factored as the top ridge (overall height, actual: ~~8.1m~~) We subtracted 7.52m from max building height of 232.35m, this made a top of main floor elevation of 224.83m, we then lowered the floor another 0.36m to 224.47m.

—The hardship is considerable in the consequences after removing the 5" of roof. Atlas Truss describes a 16" wide flat spot at the peak with strapping and blocking to connect the I joists over the ridge beam. This is a framing issue and the framer who constructed the LVL/I Joisted roof with four LVL valleys has moved on and is not available for some time. (Considering his knowledge of the roof it is important) We would require an engineers design for the truss fix, two competent carpenters for 3-4 days. Removal and re-install of the roofing materials, redesign and placement of the fascia materials. Insulation is partially complete today and my drywaller is standing by for one more day. If I put him off again I will be forced to find another or wait for more than a month to keep him. Changing the roof profile would have a negative effect on the look of the house and garage, thereby reducing the houses curb appeal and future sale prospects considerably. We have no intention of selling the home, we intend to occupy the home. We are in a defined term vacation rental with our last day May 31. Finding competent tradesmen for such a fix is a hardship. The largest issue is the torch on membrane required to blend into the asphalt shingles. Speaking with, All The Way Roofing (my contractor) he could apply a torch on membrane to the fix. This is not a preferred repair.

**—Our warranty for the roof would be null and void based on the compromised integrity of the original shingled roof design.**

**—We as owner builders have signed an agreement with the Home Owners Protection Office of BC (HPO) to provide warranty like coverage to the home for 10 years. This coverage extends to any owner of the home within 10 years of construction. Should we decide to sell within that 10 years we are liable for the roofs integrity. The roof warranty is the basis for our protection.**

—In conclusion to the complaint:

As the Portman's stated: "They clearly knew that they were trying to stay within the boundaries of the bylaw", this is true. We retained professional services throughout and in no way intended to be non-compliant. We understand our neighbours concerns with loss of sunlight but the 5" of extra roof will not significantly reduce the sun in their large back yard. The entire remainder of our home is compliant and a visual asset to the neighbourhood with our many other neighbours complimenting our home and garage. Our hardships are several and significant. From time, cost, accommodations, intent, visual damage to our design, damage to the neighbourhood's pleasant variety of homes, roof integrity, and lastly, warranty loss.

Brad and Susan Connors



**Brad Connors, Northwest Wire Rope**

**From:** "Dan Pretty"  
**Date:** October-08-12 4:12 PM  
**To:** "Brad Connors"  
**Subject:** FW: Brad Connors

DOES CITY B.O.V  
 HAVE THESE?  
 P 1-8 ①

**From:**  
**To:**  
**Subject:** RE: Brad Connors  
**Date:** Wed, 3 Oct 2012 09:01:08 -0700

LETTER FROM J.E. ANDERSON

Dan,

In order to present this to the City we need to show that the peak of roof is at or below the maximum allowable based on their grading plan. If you were to drop the garage slab by 0.04m and the roof pitch is 7.5:12 it would come in at the maximum. That would leave no margin for error in the framing or truss manufacturing. Our completed survey during construction must show the actual peak of roof as constructed. Please advise.

Thanks, Dale

**From:** Dan Pretty  
**Sent:** October 2, 2012 2:16 PM  
**To:**  
**Subject:** RE: Brad Connors

Hi Dale I have reviewed your information and compared to mine. What I have come up with is as follows:

House: Average grading 223.35 m  
 Grade at NW corner of house ( highest point of lot) 223.75m  
 Main floor level .15 m above grade at NW corner 223.9 m  
 Maximum height peak of roof as per your drawing 232.35m  
 Height of roof ridge as per drawings  
 Main floor to ridge 7.52 m  $223.9 + 7.52 = 231.42$  m  
 Height above Average grading  $231.42 - 223.35 = 8.07$  m  
 or .93 m less than maximum allowed

Carriage House

Average grading grade 222.16m  
 Actual garage floor level .15m above average southside grading 221.69m  
 Actual height garage floor to ridge 8.0m  
 Floor height to average grading  $222.16 - 221.69 = .47$  m  
 Maximum peak of roof 229.16m  
 Proposed peak of roof  $8.0\text{m} - .47\text{m} = 7.53\text{m}$  above grade 229.69m  
 Overheight  $229.69 - 229.16 = .53\text{m}$

I guess the only solution for the resulting overheight in the garage/carriage house would be to reduce the roof slope: from 9/12 to

7.5/12 with a resulting height reduction of .49m. Would that be close enough?

Dan

**From:**  
**To:**  
**Subject:** Brad Connors  
**Date:** Tue, 2 Oct 2012 08:43:27 -0700

As discussed.  
 Dale Wilson



**J.E. ANDERSON  
& ASSOCIATES**  
SURVEYORS - ENGINEERS

TEL: 250-758-4631 FAX: 250-758-4680  
NANAIMO • VICTORIA • PARKSVILLE

File: 87649

Civic: 1284 College Drive, Nanaimo, B.C.

Legal: Lot 18, Section 9, Range 8, Mountain District, Plan VP82047.

Dimensions are in metres and are derived from Plan VP82047.

This sketch does not constitute a redefinition of the legal boundaries hereon described and is not to be used in any matter which would assume same.

This sketch plan has been prepared in accordance with the Professional Reference Manual and is certified correct this 19th day of September, 2012.

This document is not valid unless  
originally signed and sealed

B.C.L.S.

© Copyright 2012 J.E. Anderson & Associates. All rights reserved. No person may copy, reproduce, transmit or alter this document in whole or in part without the consent of the signatory.

The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decision made, or actions taken based on this document.

Subject to charges, legal notations, and interests shown on: Title No. CA2481398 (P.I.D. 026-867-109)

Scale 1:400



Elevations are from the City of Nanaimo grading plan

F- denotes finished grade as per building plans  
G- denotes grading plan

## HOUSE

Average grading  
grade = 223.35  
Maximum peak of  
roof = 232.35

Proposed main floor = 224.43  
Proposed upper floor = 227.50  
Proposed peak of roof = 232.60

CARRIAGE  
HOUSE

Average grading  
grade = 222.16  
Maximum peak of  
roof = 229.16

Proposed garage  
slab = 221.99  
Proposed upper  
floor = 225.01  
Proposed peak of  
roof = 230.02  
Minimum basement floor  
elev. = 219.08  
Maximum driveway  
rise = 2.75

MAF  
232.35

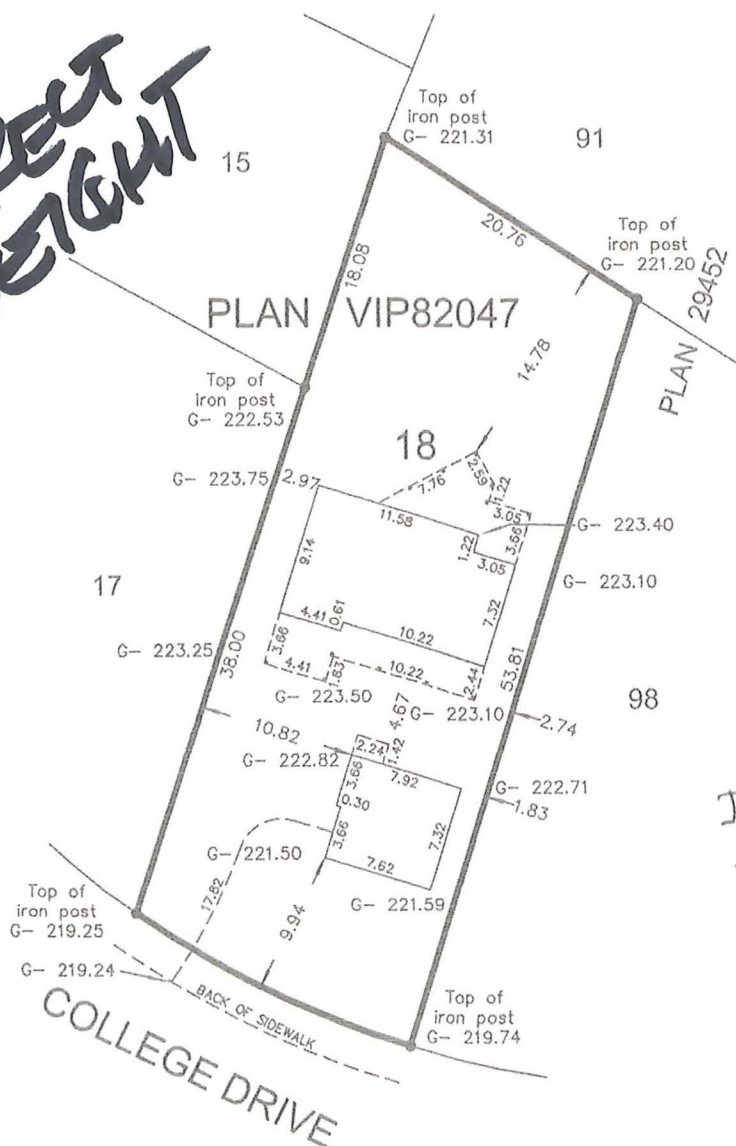
PROPOSED  
232.60  
224.43

8.17  
HOUSE.  
HEIGHT  
DESIGN

ACTUAL  
8.01

TE. ANDERSON AND ASSOC  
DALE EVANS  
758 - 4631

**CORRECT HEIGHT**





ADJUSTED PITCH.



J.E. ANDERSON  
& ASSOCIATES  
SURVEYORS - ENGINEERS

TEL: 250-758-4631 FAX: 250-758-4660  
NANAIMO - VICTORIA - PARKSVILLE

SKETCH PLAN

OCT 2012

3

File: 87649

Civic: 1284 College Drive, Nanaimo, B.C.

Legal: Lot 18, Section 9, Range 8, Mountain District, Plan VP82047.

Dimensions are in metres and are derived from Plan VP82047.

This sketch does not constitute a redefinition of the legal boundaries hereon described and is not to be used in any matter which would assume same.

This sketch plan has been prepared in accordance with the Professional Reference Manual and is certified correct this 9th day of October, 2012.

This document is not valid unless originally signed and sealed

B.C.L.S.

© Copyright 2012 J.E. Anderson & Associates. All rights reserved. No person may copy, reproduce, transmit or alter this document in whole or in part without the consent of the signatory.

The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decision made, or actions taken based on this document.

Subject to charges, legal notations, and interests shown on: Title No. CA2481398 (P.I.D. 026-867-109)

Scale 1:400



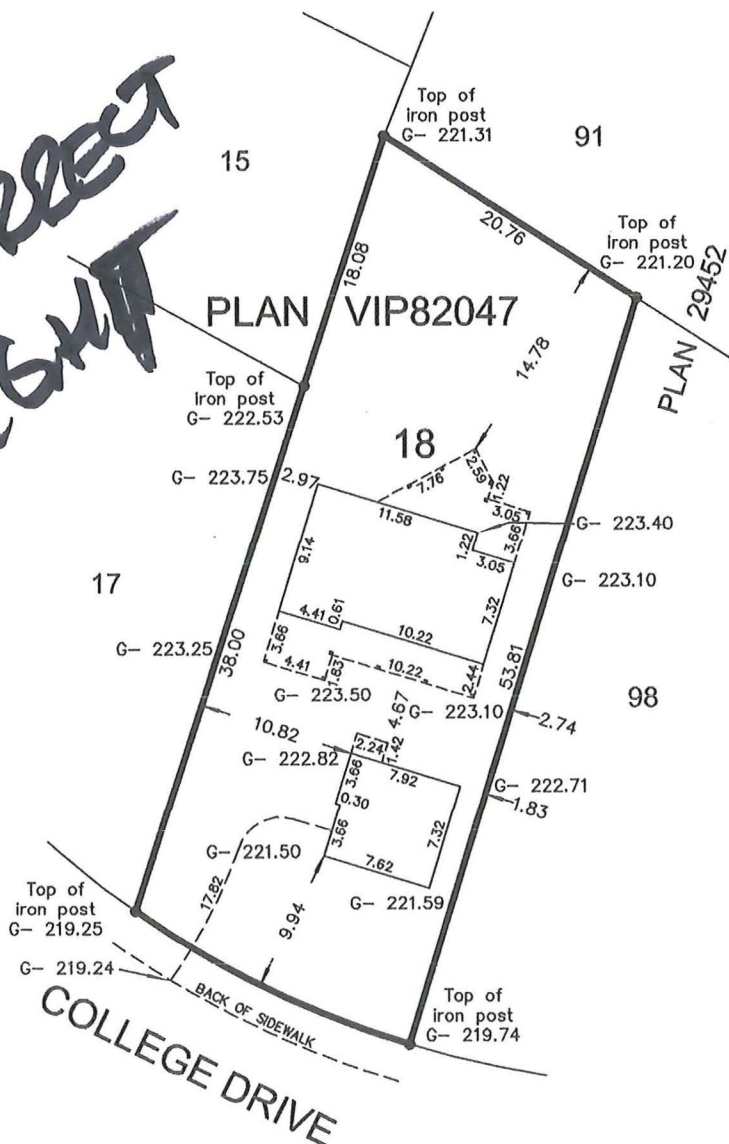
Elevations are from the City of Nanaimo grading plan

F- denotes finished grade as per building plans  
G- denotes grading plan



OCT 9/12

INCORRECT HEIGHT



HOUSE

Average grading grade = 223.35  
Maximum peak of roof = 232.35

Proposed main floor = 223.90  
Proposed peak of roof = 231.42

FLOOR -

CARRIAGE HOUSE

Average grading grade = 222.16  
Maximum peak of roof = 229.16

Proposed garage slab = 221.59  
Proposed peak of roof = 229.00  
Minimum basement floor elev. = 219.08  
Maximum driveway rise = 2.75

MAX  
232.35

PROPOSED  
231.42  
223.90

7.52  
HOUSE  
HEIGHT.  
(INCORRECT)

PAGE 2 : See ORIGINAL APPLICATION

Board of Variance Application. March 2013

④

1284 College Drive, Nanaimo: Owners, Brad and Susan Connors

Main House exceeds allowable building height by approximately 5 inches (130mm).

**Consent of Neighbours:** We the undersigned have been advised of the appeal and have examined the provided information and are familiar with the nature and extent of the appeal.

We offer no objection whatsoever to granting of the variance asked for in this appeal.

Owners Name (Please Print)

Signature

Civic Address

Joanne Campbell 1271 Selkirk Dr. Nanaimo BC.

V9R 5Z5

SUSANNA PARRY S.P. 1260 College Dr. NANAIMO

V9R 5Z5

Ken Nylén 1351 College Dr. Nanaimo V9R 1M5

Robin Humphrey 1243 Okanagan Pl, Nanaimo, V9R 5Z5

Bunniace Armstrong B.A. 308 dorchester pl

Harsharan Singh General, H.S. General 311 dorchester PL.

Helen Eng Helen Eng 1277 Selkirk Dr. Nan. V9R 5Z5



## SUPPORT OF NEIGHBOURS

# BOARD OF VARIANCE APPLICATION BOV620

## LOCATION MAP

CIVIC: 1284 COLLEGE DRIVE

LEGAL: LOT 18, SECTION 9, RANGE 8,  
MOUNTAIN DISTRICT, PLAN VIP82047



# MAILING LIST

APPLICANT

RE: 1291 COLLEGE DRIVE  
WHITTAKER TODD JOHN ✓  
WHITTAKER JESSICA MAY  
1650 COLLEGE DRIVE  
NANAIMO BC V9R 5K4

RE: COLLEGE DRIVE  
PORTMAN BRYAN  
PORTMAN JENNIFER  
COLLEGE DRIVE  
NANAIMO BC

RE: 1284 COLLEGE DRIVE  
CONNERS BRADLEY MARSHALL ✓  
CONNERS SUSAN LOUISE  
1611 BOWSTRING CLOSE  
NANAIMO BC V9T 1H5

6

RE: 1351 COLLEGE DRIVE  
NYLEN KENNETH FREDERICK  
WALKER STACEY ERIN ✓  
1351 COLLEGE DRIVE  
NANAIMO BC V9R 1M5

RE: 1279 COLLEGE DRIVE  
MIKET MILIVOJ JOSIP ✓  
1279 COLLEGE DRIVE  
NANAIMO BC V9R 6A8

1284 College  
VARIANCE  
APPLICATION

RE: 1271 COLLEGE DRIVE  
GROVUM BARRY C ✓  
GROVUM CHERYL L  
1271 COLLEGE DRIVE  
NANAIMO BC V9R 5Z5

RE: 1300 LANGARA DRIVE  
BOWMAN DAVID M ✓  
BOWMAN MURIELLE M  
1300 LANGARA DRIVE  
NANAIMO BC V9R 6A8

RE: 1243 OKANAGAN PLACE  
HUMPHREY ROBIN MARY ✓  
1243 OKANAGAN PLACE  
NANAIMO BC V9R 5Z5

RE: 312 DORCHESTER PLACE  
MALHOTRA HARPAL KAUR ✓  
MALHOTRA INDER PAUL SINGH  
312 DORCHESTER PLACE  
NANAIMO BC V9R 1M5

RE: 1241 OKANAGAN PLACE  
PENNELL ELIZABETH M ✓  
PENNELL WILLIAM M  
1239 OKANAGAN PLACE  
NANAIMO BC V9R 5Z5

RE: 318 DORCHESTER PLACE  
TEAROE BRENT LAWRENCE ✓  
FANG ANGELA WU  
1247 SELKIRK DRIVE  
NANAIMO BC V9R 5Z5

RE: 1239 OKANAGAN PLACE  
PENNELL ELIZABETH M ✓  
PENNELL WILLIAM M  
1239 OKANAGAN PLACE  
NANAIMO BC V9R 5Z5

RE: 1298 COLLEGE DRIVE  
0846337 BC LTD  
68 14 ERSKINE LANE  
VICTORIA BC V8Z 7J7

FARIBORZ ✓

RE: 1268 COLLEGE DRIVE  
KERSTING CHARLOTTE ✓  
1268 COLLEGE DRIVE  
NANAIMO BC V9R 5Z5

RE: 1290 COLLEGE DRIVE  
0846337 BC LTD  
68 14 ERSKINE LANE  
VICTORIA BC V8Z 7J7

FARIBORZ ✓



**susan brad conners**

---

**From:** "Fariborz Sahba"  
**To:** "susan brad conners"  
**Sent:** February-25-13 8:30 PM  
**Subject:** 1284 College Drive

City of Nanaimo  
Board of Variance



Dear Sirs/Madams

I am the president and director of the company "846337 BC Ltd" which owns lots 16 and 17 College drive. I understand Connors family who are constructing their house at 1284 College Drive, Nanaimo by mistake have built their structure 5" too tall, and currently seeking a variance. I write to inform you we have no objection to this matter and request the City to approve this variance.

please inform if you require any further clarification

Regards

Fariborz Sahba

M.Arch.- MAIBC

[www.sahbaarchitect.com](http://www.sahbaarchitect.com)

#68 14 Erskine Lane Victoria B.C. V8Z 7J7  
+1 250 361 2147

---

**From:** susan brad conners  
**Sent:** Sunday, February 24, 2013 4:28 PM  
**To:** Fariborz Sahba  
**Subject:** 1284 College Drive

Hello Fariborz,

I hope this email finds you in good health. The reason for this correspondence is our need for a height variance on our home at 1284 College Drive, Nanaimo. Through an oversight while establishing allowable building height, we have built our home 5" too tall.

We are seeking a variance with the City of Nanaimo. Our designer, surveyor and contractor are all providing letters of support outlining any oversights. As I am sure you are aware, as a neighbouring property owner, the City will contact you and notify you of our intentions to seek a variance. Our home is at lock up, roughed in with electrical and plumbing, and shingles are installed.

We are seeking your support for the variance, this was an oversight and an honest error on our part.

If you will support our application; would you be so kind to email a short note to me with attention to the City of Nanaimo: Board of Variance, stating you are not opposed to the application.

I have attached a photo of our home looking east, from the North east property boundary of your lot next door.

I must submit my application by Feb 28/ 2013 for the next meeting in March, but I would like to submit earlier on Feb 27 th.

We have the support of the all the neighbours I have spoken with already and I would be most grateful if you could support our application.

If you have any questions, please contact me, either by email or phone.

Best Regards

Brad and Susan Connors 250-758-1537

25/02/2013

## **Attachment B**

### **Letter to Mayor and Council (Heat Pump Regulations)**



## BOARD OF VARIANCE

2013-MAR-28

**Dear Mayor and Council:**

On behalf of the Board of Variance (BOV), I am writing to respectfully request that Council reconsider the Zoning Bylaw regulations regarding the siting and placement of heat pumps. In November of 2010, Council adopted Zoning Amendment Bylaw 4000.399 which required all heat pumps be located to the rear of a principal building and be set back 4.5m from the side lot lines and 3m from the rear property line. These requirements were subsequently carried forward into the current Zoning Bylaw 4500.

Since the adoption of the existing heat pump regulation in 2010, the BOV has considered 51 different variance applications, 11 of which related to the siting of heat pumps. Heat pump variance applications have represented over 20% of BOV applications considered since 2010. Of the 11 applications considered, 9 were approved and 2 were denied. As the installation of a heat pump does not require a building permit, or any other City review, the heat pump was already installed in the majority of heat pump variances reviewed by the BOV.

When considering whether or not to approve or deny a variance application, the BOV is asked to consider whether undue hardship would be caused to the applicant if the zoning bylaw regulations were to be complied with. While the existence of undue hardship varies by lot, it is our experience, based on the heat pump applications reviewed by the BOV to date, that in the majority of cases requiring the heat pump to be located in the rear yard does create a hardship for the property owners. In many cases, due to conditions such as steeply sloping rear yards, existing no-build covenants and the presence of existing window wells, vents, decks and other features, property owners are not able to locate a heat pump in their rear yard. On most single residential dwellings, furnace rooms are located closer to the side yard and, as such, heat pump installers find it far cheaper and easier to install a heat pump to the side of a dwelling rather than the rear.

As a Board, we believe the number of heat pump variance applications received by the City may indicate that the existing regulations are problematic for Nanaimo residents to comply with and, as such, may need to be further reviewed. The BOV requests that Council direct Staff to review the existing heat pump regulations.

Thank you for your time in considering our request.

Sincerely,

Tim Wait, Chair  
**Board of Variance**

DS/pm

cc:

Board of Variance

Andrew Tucker, Director of Planning

Bruce Anderson, Manager, Planning & Design

Dave Stewart, Planner, Planning & Design

Jill Collinson, Planning Assistant, Planning & Design

G:\Devplan\Files\Admin\0360\20\B01\BOV Correspondence\2013Mar28 Request to Cncl Heat Pump Regs.docx

---

**\*\*Please note: this is the only copy of this correspondence you will receive, if you require an original, please contact the sender.\*\***