BOARD OF VARIANCE MEETING
TO BE HELD IN THE BOARD ROOM OF CITY HALL,
THURSDAY, August 21st, 2008 AT 7:00 P.M.,
455 WALLACE STREET, NANAIMO, B.C.

AGENDA

1. Adoption of Minutes of the Board of Variance Meeting held 2008-July-17th.

2. ***APPEAL:*** ***BOV00456***

APPLICANT: **Ted Sorenson.**

LOCATION: **Legal Description:** LOT 9, DISTRICT LOT 53, WELLINGTON DISTRICT, PLAN VIP80309
Civic address: 6462 Peregrine Road

PURPOSE: The applicant is requesting that the required side and rear yard fence heights, as shown in the provided survey, be varied to permit the construction of a retaining wall and fence. The requested variances are as follows:

1) That the rear yard fence height be increased from 2.4 metres (7.87 feet) to a maximum of 3.27 metres (10.72 feet), as measured from grading plan grade, this represents a variance of .87 metres (2.85 feet).

2) That the (east) side yard fence height be increased from 2.4 metres (7.87 feet) to a maximum of 3.55 metres (11.64 feet), as measured from grading plan grade, this represents a variance of 1.15 metres (3.77 feet)

3) That the (west) side yard fence height be increased from 2.4 metres (7.87 feet) to a maximum of 3.05 metres (10.00 feet), as measured from grading plan grade, this represents a variance of 0.65 metres (2.13 feet).

ZONING REGULATIONS:
This property is included in the Single Family Residential Zone – (RS-1) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 6.1.9.2. - Height of Fences
The height of a fence shall not exceed 2.4 metres (7.87 ft.) in any side or year yard."

3. ***APPEAL:*** ***BOV00462***

APPLICANT: **Brent Hargreaves and Marilyn Joyce**

LOCATION: **Legal Description:** LOT A, DISTRICT LOT 55, WELLINGTON DISTRICT, PLAN 47121
Civic address: 5311 Tanya Drive

PURPOSE: The applicant is requesting that the maximum height of an accessory building be increased from 4.5 metres (14.76 feet) to 6.11 metres (20.04 feet), as shown in the supplied survey, in order to construct an accessory building. This represents a variance of 1.61 metres (5.28 feet).

ZONING REGULATIONS:
This property is included in the Rural Agricultural/Residential Zone (A-2) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 8.2.7.3 - Height of Buildings
The height of an accessory building (excluding farm buildings) shall not exceed 4.5 metres (14.76 feet)".

4. ***APPEAL:*** ***BOV00463***

APPLICANT: **Dale Longeau.**

LOCATION: **Legal Description:** LOT 27 DISTRICT LOT 51 WELLINGTON DISTRICT PLAN VIP81477
Civic Address: 4794 Ney Drive

PURPOSE: The applicant is requesting that the required side yard setback and the required height of an accessory building, as shown in the provided survey, be varied in order to permit a recently constructed accessory building. The requested variances are as follows:

1) That the side yard setback be reduced from 1.5 metres (4.92 feet) to 1.3 metres (4.26 feet), this represents a variance of 0.2 metres (0.65 feet).

2) That the height of an accessory building be increased from 4.5 metres (14.76 feet) to 4.85 metres (15.91 feet), this represents a variance of 0.35 metres (1.15 feet).

ZONING REGULATIONS:
This property is included in the Steep Slope Residential Zone – (RS-7) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 6.7.7.2. – Yard Requirements
Side yards of not less than 1.5 metres (4.9 feet) shall be provided. In the case of a corner lot, the side yard adjoining the flanking street shall not be less than 4.0 metres (13.1 feet), except where the lot area is less than 600 square metres (6'459 square feet) in which case the side yard adjoining the flanking street shall not be less than 3.0 metres (9.8 feet).

"Section 6,7,8.4 - Height of Buildings
The height of an accessory building shall not exceed 4.5 metres (14.7 feet).

5. ***APPEAL:*** ***BOV00464***

APPLICANT: **Michael Louie**

LOCATION: **Legal Description:** LOT 3 DISTRICT LOT 50 WELLINGTON DISTRICT PLAN VIP78550
Civic Address: 5263 Colbourne Drive

PURPOSE: The applicant is requesting that:

1. the required rear yard setback be reduced from 7.5 metres (24.6 feet) to 0.15 metres (0.49 feet)
2. the required east side yard setback be reduced from 1.5 metres (4.92 feet) to 0 metres (0 feet),
3. the required west side yard setback be reduced from 1.5 metres (4.92 feet) to 0 metres (0 feet)

in order to permit a recently constructed deck. This represents a rear yard variance of 7.35 metres (24.11 feet) and an east and west side yard variance of 1.5 metres (4.92 feet).

ZONING REGULATIONS:
This property is included in the Single Family Residential Zone – (RS-1) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 6.1.6.2 – Yard Requirements
Side yards of not less than 1.5 metres (4.92 feet) for each side yard shall be provided."

"Section 6.1.6.3 – Yard Requirements
A rear yard of not less than 7.5 metres (24.6 feet) shall be provided for a principle building"

6. ***APPEAL:*** ***BOV00465***

APPLICANT: **Parminder Sandhu**

LOCATION: **Legal Description:** LOT 2 SECTION 18 RANGE 4 CRANBERRY DISTRICT PLAN VIP82187
Civic Address: 2294 Dodds Road

PURPOSE: The applicant is requesting that the maximum height of a single family dwelling, as shown in the provided survey, be increased from 8.25 metres (27.06 feet) to 8.47 metres (27.78 feet) in order to permit the recent construction of a single family dwelling.

ZONING REGULATIONS:
This property is included in the Steep Slope Residential Zone – (RS-7) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 6.7.8.1 - Height of Buildings
The height of a principal building shall not exceed the maximum height shown in the following table:

Roof Pitch	Maximum Height
A flat roof (< than 4:12)	6.71 metres (22 feet)
A sloped roof (≥4:12)*	8.25 metres (27.06 feet)

** for an area of at least 80% of all roof surfaces measured in plan view.*

Attachments to each appeal include:
- application form
- certificate of title
- letter from applicant
- detailed plans
- list of properties notified

pc D. Lindsay, Manager, Planning Division, DSD
C. Nesselbeck, Acting Manager, Property Services, DSD
R. Topliffe, Supervisor, Building Inspection Division, DSD
G. Trimmer, Engineering Liaison/Support Technician, Engineering & Environmental Division, DSD
D. Stewart, Planner, DSD
ec C. Scott, Communications Officer
J. Holm, Subdivision Planner, DSD

P:\PROSPERO\PLANNING\BOARDVAR\Agendas_Minutes\2008\Notice

CITY OF NANAIMO

BOARD OF VARIANCE

***DRAFT* MINUTES OF THE MEETING OF THE BOARD OF VARIANCE HELD ON THURSDAY, 2008-JULY-17th, IN THE BOARD ROOM, CITY HALL, 455 WALLACE STREET, NANAIMO, BC**

PRESENT: Lars Apland
Jim Galloway
Dan Hooper
Jerome Howell, Chair

STAFF: David Pady

1. **CALL TO ORDER:**
The meeting was called to order at 7:00 p.m.

2. **MINUTES**
MOVED by Jim Galloway, SECONDED by Lars Apland that the minutes of the meeting held 2008-June-19th be adopted as amended.

CARRIED

3. ***APPEAL:*** ***BOV00460***

APPLICANT: **Rodney Sjostrom**

LOCATION: **Legal Description:** THAT PART OF LOT 1, SECTION 5, WELLINGTON DISTRICT, PLAN 7291 LYING TO THE SOUTH EAST OF JINGLE POT ROAD, AS SAID ROAD IS SHOWN ON SAID PLAN EXCEPT PART IN PLAN 25774
Civic address: 4078 Old Slope Way

PURPOSE: The applicant is requesting that the maximum height of a principal building be increased from 8.25 metres (27.06 feet) to 8.31 metres (27.26 feet) in order to permit a recently constructed single family dwelling. This represents a variance of .06 metres (0.20 feet).

ZONING REGULATIONS:
This property is included in the Single Family Residential Zone - (RS-1) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

6.1.7.l. The height of a principal building shall not exceed the maximum height shown in the following table:

Roof Pitch	Maximum Height
A flat roof (< 4:12) *	6.71 metres (22 feet)
A sloped roof (≥4:12)*	8.25 metres (27.06 feet)

*for an area of at least 80% of all roof surfaces measured in plan view.

DISCUSSION
Mr. Rodney Sjostrom (4078 Old Slope Way) appeared in support of the appeal.

DECISION
MOVED by Dan Hooper, SECONDED by Lars Apland that the appeal be **granted**. Approval is subject to a building permit being issued within 6 months (2009-January-17th).

CARRIED

3. ***APPEAL:*** ***BOV00461***

APPLICANT: **Sands Funeral Chapel Ltd.**

LOCATION: **Legal Description:** LOT 48, BLOCK 10, NEWCASTLE TOWNSITE, SECTION 1, NANAIMO DISTRICT, PLAN 584
Civic address: 1 Newcastle Avenue

PURPOSE: The applicant is requesting that the required front yard setback facing Stewart Avenue be reduced from 7.5 metres (24.6 feet) to 3.0 metres (9.84 feet), and that the front yard setback facing Newcastle Avenue be reduced from 6.0 metres (19.68 feet) to 3.0 metres (9.84 feet) in order to permit an addition to an existing building which is non conforming as to siting and use. This represents a variance of 4.5 metres (14.76 feet) for the Stewart Avenue frontage and a variance of 3 metres (9.84 feet) on the Newcastle Avenue frontage.

ZONING REGULATIONS:
This property is included in the Medium Density Multiple Family Residential (Suburban) Zone – (RM-5) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 7.5.6.1-Yard requirements
A front yard of not less than 6.0 metres (19.69 feet) shall be provided".

"Section 5.2.1.2 – Location and Siting of Buildings and Structures to – To Major Roads
Notwithstanding the regulations for yards within all zones of this Bylaw, or any other regulations of the Highway Act, principal or accessory buildings or structures shall not be closer than:
7.5 metres (24.6 feet) from a property line that abuts established urban arterials, urban collector roads, and provincial highways as designated in the City of Nanaimo Official Community Plan, when designation has occurred to achieve the required right-of-way width.

Please note: Section 911 (9) and (10) of the Local Government Act, which states:
"If the use and density of buildings and structures conform to a bylaw under this division… but the siting, size or dimensions of a building or structure constructed before the bylaw was adopted does not conform with the bylaw, … the building or structure … may be maintained, extended or altered … only to the extent that the repair, extension or alteration would, when completed, involve no further contravention of the bylaw than that existing at the time the repair, extension or alteration was started."

DISCUSSION
Mr. Ian Smith (1 Newcastle Avenue) and Mr. Barry Howardson (11644, 227TH Street Maple Ridge BC), appeared in support of the appeal.

DECISION
MOVED by Jim Galloway, SECONDED by Dan Hooper that the appeal be **approved**. Approval is subject to a building permit being issued within 6 months (2009-January-17th).

CARRIED

9. **ATTENDANCE**
Dorothy Rispin expressed regret that she was not able to attend the meeting held 2008-July-17th.

It was determined that all Board Members will be in attendance for the meeting to be held 2008-August-21st.

10. **ADJOURNMENT**

MOVED by Lars Apland, SECONDED by Jim Galloway that the meeting be adjourned at 7:53 p.m.

CARRIED

Jerome Howell
Chairperson, Board of Variance

Kris Sillem
Secretary, Board of Variance

ec Planning and Development Department
Building Inspection Department
Bylaw Services Department
Cam Scott, Communications Officer
BOVMINUTESJULY2008.doc

CITY OF NANAIMO
BOARD OF VARIANCE
NOTICE OF MEETING

A meeting of the Board of Variance will be held on Thursday, August 21st, 2008, at 7:00 p.m. in the Board Room of City Hall, 455 Wallace Street, Nanaimo, BC. to hear the following appeal:

APPEAL: ***BOV00456***

APPLICANT: **Ted Sorenson.**

LOCATION: **Legal Description:** LOT 9, DISTRICT LOT 53, WELLINGTON DISTRICT, PLAN VIP80309
Civic address: 6462 Peregrine Road

PURPOSE: The applicant is requesting that the required side and rear yard fence heights, as shown in the provided survey, be varied to permit the construction of a retaining wall and fence. The requested variances are as follows:

1) That the rear yard fence height be increased from 2.4 metres (7.87 feet) to a maximum of 3.27 metres (10.72 feet), as measured from grading plan grade, this represents a variance of .87 metres (2.85 feet).

2) That the (east) side yard fence height be increased from 2.4 metres (7.87 feet) to a maximum of 3.55 metres (11.64 feet), as measured from grading plan grade, this represents a variance of 1.15 metres (3.77 feet)

3) That the (west) side yard fence height be increased from 2.4 metres (7.87 feet) to a maximum of 3.05 metres (10.00 feet), as measured from grading plan grade, this represents a variance of 0.65 metres (2.13 feet).

ZONING REGULATIONS:
This property is included in the Single Family Residential Zone – (RS-1) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

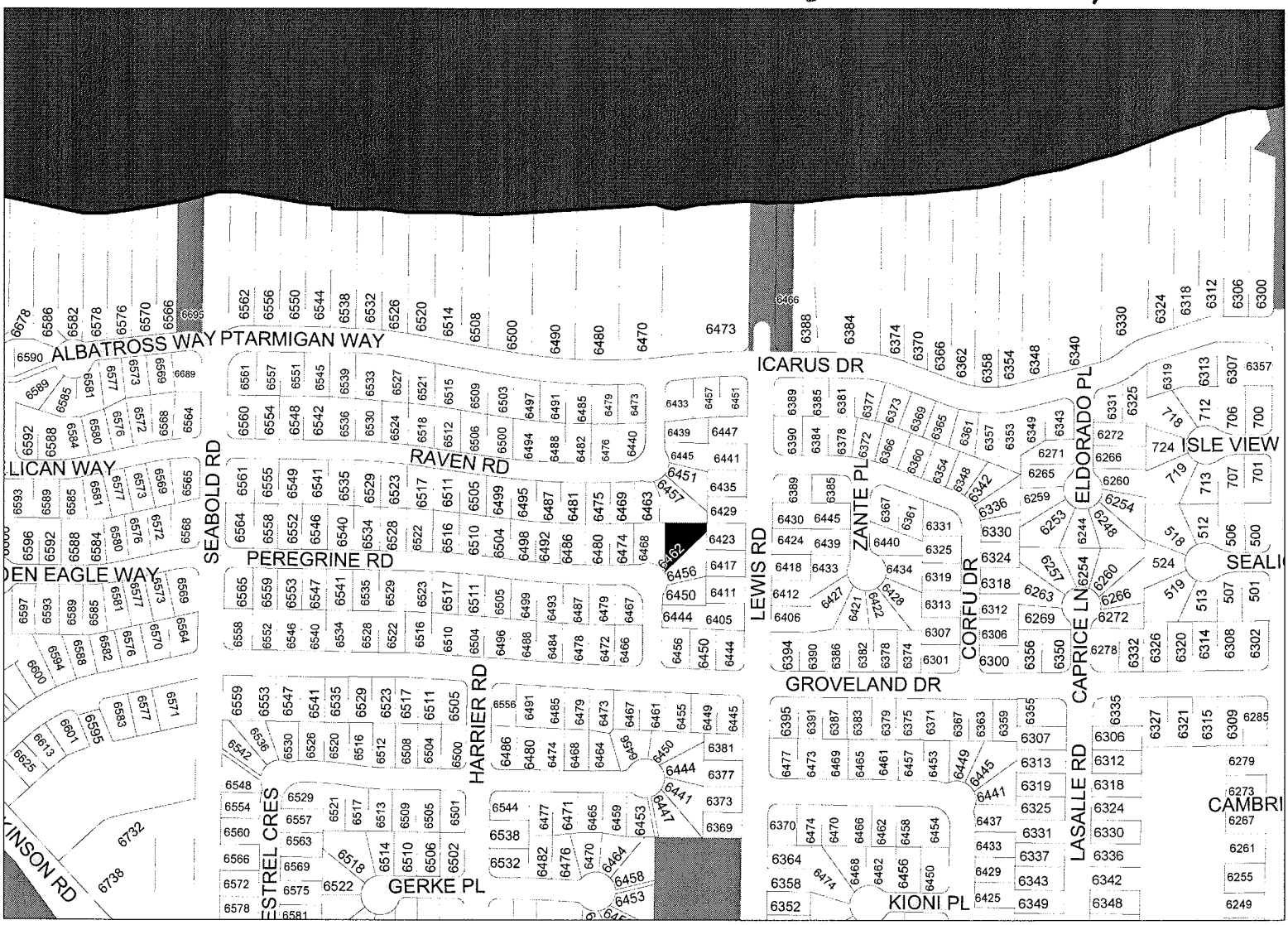
"Section 6.1.9.2. - Height of Fences
The height of a fence shall not exceed 2.4 metres (7.87 ft.) in any side or year yard."

This Board of Variance decision shall apply to subsequent owners of the land. If you deem your property to be affected by this appeal, this meeting of the Board of Variance will be open to hear your representation.

This appeal may be inspected at the offices of the Development Services Department, 238 Franklyn Street, Nanaimo, B.C. Monday to Friday (except statutory holidays) 8:30 a.m. to 4:30 p.m. from 2008-August-08th to 2008-August-21st both inclusive.

City of Nanaimo

Location Map



BOV 00456

CITY OF NANAIMO
THE HARBOUR CITY

Application Deadline: June 27, 2008
for the Next Meeting: July 17, 2008

Board of Variance Appeal

I/we do hereby appeal to the Board of Variance under Part 26, Section 901, of the *Municipal Act* of the Province of British Columbia to:

Describe Variance: Allow retaining wall and fence to exceed 2.4m (7.87 Ft) as indicated on attached drawings

Reason for Variance: Existing grades of neighboring lots, slope of Lot 9 and requirement for fenced yards with pools conflict w/ max fence

Address of Property: 6462 Peregrine Road Nanaimo BC

Legal Description: LOT 9, Peregrine Road, DL 53 Wellington Dist Plan VIP 80309

In support of this appeal I/we attach the following information necessary to confirm the nature and extent of this appeal:

- ☐ Written explanation (point form) addressed to the Board of Variance describing the reasons why a variance is required
- ☐ Dimensioned BCLS survey - required for setback variances
- ☐ Height survey, noting building corner elevations used to determine average *natural* grade - required for height variances
- ☐ Also included is an Application Fee of $100.00 (no GST) to be submitted with this application

If this variance is required to legalize a building or structure that has already been constructed, please indicate whether or not a valid Building Permit was issued before construction began. ◷ Yes (Permit No: _____) ◷ No

Signature of Registered Owner

Ted Sorensen
Print Name of Registered Owner

5577 Sunridge Place Nanaimo
Mailing Address

H (250) 585-6857 W (250) 751-8558
Phone Number (home and work)

Signature of Agent/Option Holder

Print Name of Agent/Option Holder

Mailing Address

Phone Number (home and work)

Consent of Neighbors: 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 are the owners of property adjacent to the property of which this appeal is being made. We offer no objection whatsoever to the granting of the variance asked for in the appeal.

Owner's Name (please print)	Owner's Signature	Civic Address
KARNAIL SINGH HAYER		6456 PEREGRINE.
KIM NAGRA		6457 RAVEN RD.
[illegible] LYLE EVANS		6429 LEWIS RD & 6468 PEREGRINE RD

NOTE:
1. In order for a Variance to remain valid, a building permit must be issued within six (6) months of the appeal date. This time limit may be increased or decreased, for a given appeal, at the Board's discretion.
2. A relaxation granted by the Board of Variance applies only to the City of Nanaimo Bylaws specified - the Board does not have the authority to waive or relax any rules or requirements that involve Section 901(3) of the *Municipal Act*.

OFFICE USE

Application Checklist

- ☐ Written Rational
- ☐ Survey
- ☐ Application Fee
- ☐ Consent of Neighbors

Property is Zoned: _____
Bylaw section & requirement: _____
Comments:

g:/devplan/files/bov application form

Appeal No.: BOV 00456

Date: 08/07/25 TITLE SEARCH PRINT - VICTORIA Time: 11:07:34
Requestor: (PB65170) CITY OF NANAIMO Page: 001
TITLE - FA75630

VICTORIA LAND TITLE OFFICE TITLE NO: FA75630
FROM TITLE NO: FA10504

APPLICATION FOR REGISTRATION RECEIVED ON: 21 JUNE, 2006
ENTERED: 26 JUNE, 2006

REGISTERED OWNER IN FEE SIMPLE:
THEODORE TRACY SORENSEN, STRUCTURAL ENGINEER
MARIE THERESE NATALIE SORENSEN, TEACHER
6468 WEDGEWOOD PLACE
NANAIMO, BC
V9V 1V4
AS JOINT TENANTS

TAXATION AUTHORITY:
CITY OF NANAIMO

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 026-560-577
LOT 9 DISTRICT LOT 53 WELLINGTON DISTRICT PLAN VIP80309

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:
NATURE OF CHARGE
CHARGE NUMBER DATE TIME

EXCEPTIONS AND RESERVATIONS
M76300
REGISTERED OWNER OF CHARGE:
ESQUIMALT AND NANAIMO RAILWAY COMPANY
M76300
REMARKS: INTER ALIA
A.F.B. 9.693.7434A 108164G SECTION 172(3)
FOR ACTUAL DATE AND TIME OF REGISTRATION SEE
ORIGINAL GRANT FROM ESQUIMALT AND NANAIMO
RAILWAY COMPANY

STATUTORY BUILDING SCHEME
FA29972 2006-03-10 09:33
REMARKS: INTER ALIA

MORTGAGE
FA77253 2006-06-28 09:31
REGISTERED OWNER OF CHARGE:
ROYAL BANK OF CANADA
FA77253

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS: NONE

BOV 00456

CONTINUES ON PAGE 002

Date: 08/07/25 TITLE SEARCH PRINT - VICTORIA Time: 11:07:35
Requestor: (PB65170) CITY OF NANAIMO Page: 002
TITLE - FA75630

PENDING APPLICATIONS: NONE

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

BOV 00456

Ted Sorensen
5577 Sunridge Place
Nanaimo, BC

24 Jun 08

Board of Variance
City of Nanaimo
455 Wallace Street
Nanaimo, BC

Re: 6462 Peregrine Road, Nanaimo, BC

As discussed with the Building Department I am writing this letter to explain the reasons why the variance I have applied for is required. I have attached a copy of the site plan and elevations of the retaining wall/fences along the property lines for your information as well as the required height survey and dimensioned BCLS Survey.

- The lot at 6462 Peregrine Road is a significantly sloped lot
- I have attempted to locate and grade my proposed house and lot landscaping to suit the existing site grades as much as possible
- The covenants for the lot limit my garage floor with min and max elevations
- The city retaining wall and fence height limitations of 7.87 feet and the requirement for 5 foot fences around pools conflict due to the sloped lot
- I have stepped my site grades significantly in an attempt to meet the height requirements but find it impossible due to the existing neighboring property elevations and sloped lot
- I have therefore attempted to balance the wall/fence heights for neighboring lots and concrete slab elevations as much as possible
- The maximum fence/wall height is 9'-8" except for one location along the property line between Lot 8 and 9 where the retaining wall steps the height is approximately 11'-0".
- I have spent almost a year on the plans for this house and looked at an exhaustive number of options to attempt to minimize this issue and have not been able to find a solution that meets the city wall/fence height limits, pool fence requirements and lot covenants for controlling elevations.

Thank you for considering this application.

Ted Sorensen

BOV 00456

J.E. ANDERSON & ASSOCIATES
B.C. Land Surveyors – Consulting Engineers
Victoria–Nanaimo–Parksville, B.C.
Ph: 758–4631 Fax: 758–4660

SKETCH PLAN OF PERIMETER FENCING

File: 86518

Civic: 6462 Peregrine Road, Nanaimo, B.C.

Legal: Lot 9, District Lot 53, Wellington District, Plan VIP80309.

Dimensions are in metres and are derived from Plan VIP80309.

Scale 1:300

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

This sketch plan has been prepared in accordance with the Manual of Standard Practice and is

Certified Correct this 4th day of July, 2008.

Dany Hall

B.C.L.S.

This document is not valid unless originally signed and sealed

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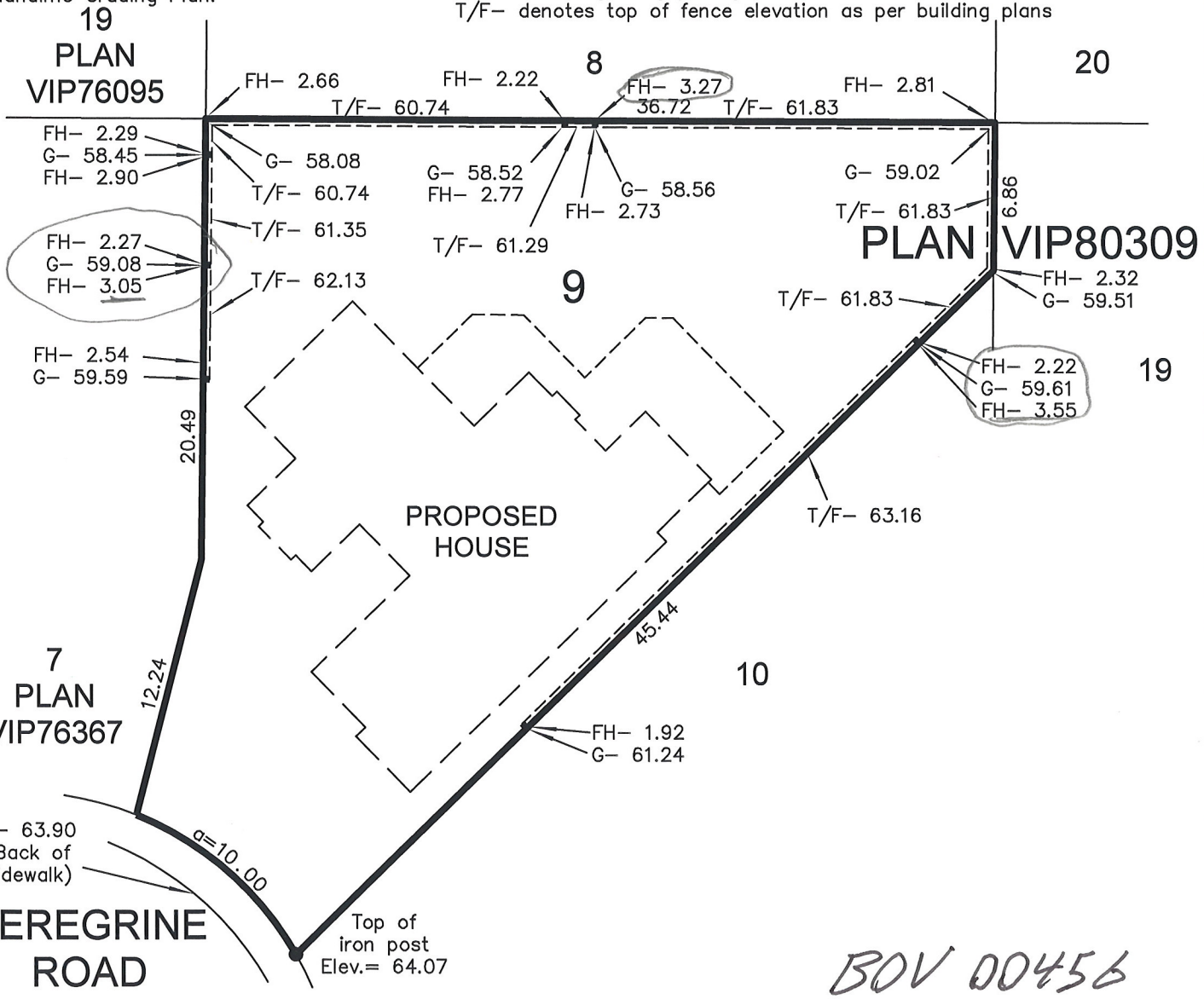
The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.

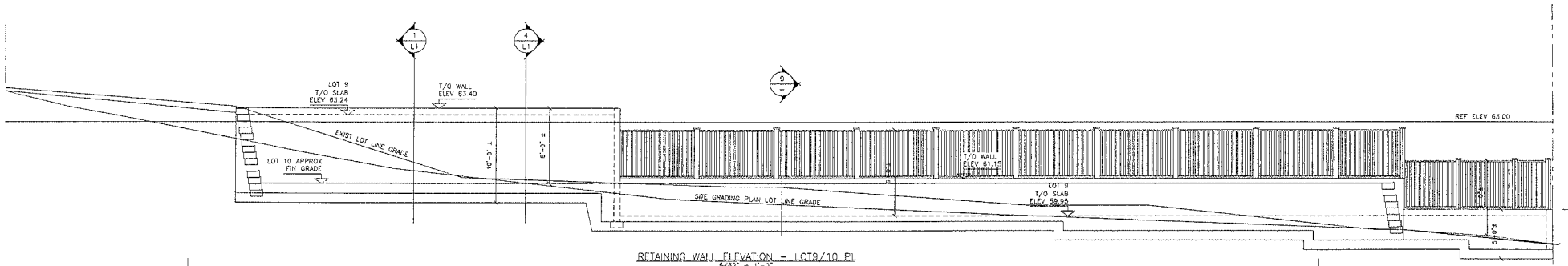
Subject to charges, legal notations, and interests shown on: Title No.FA75630 (P.I.D. 026–560–577)

Elevations are from the City of Nanaimo Grading Plan.

FH– denotes fence height above grading plan grade
G– denotes grading plan grade
T/F– denotes top of fence elevation as per building plans

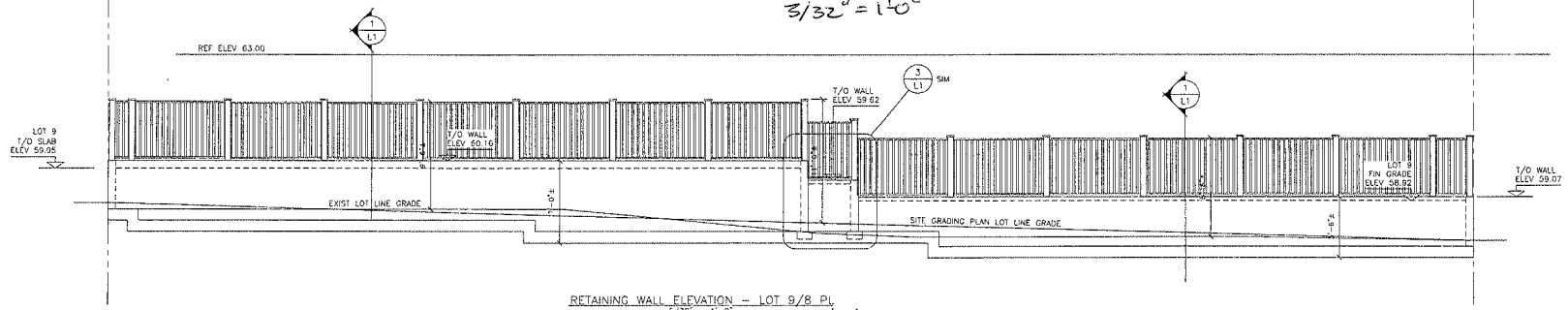


BCV 00456



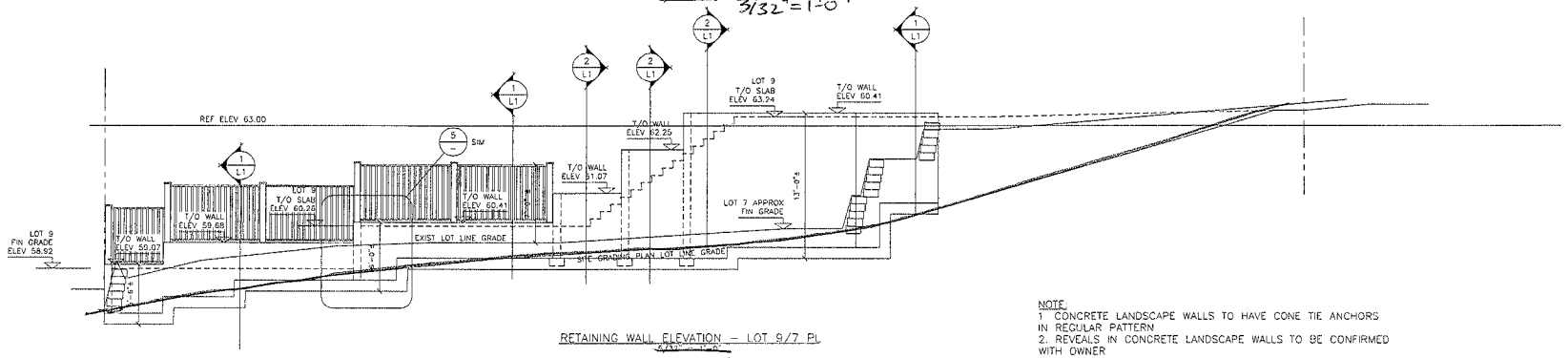
RETAINING WALL ELEVATION – LOT9/10 PL

3/32" = 1'-0"



RETAINING WALL ELEVATION – LOT 9/8 PL

3/32" = 1'-0"



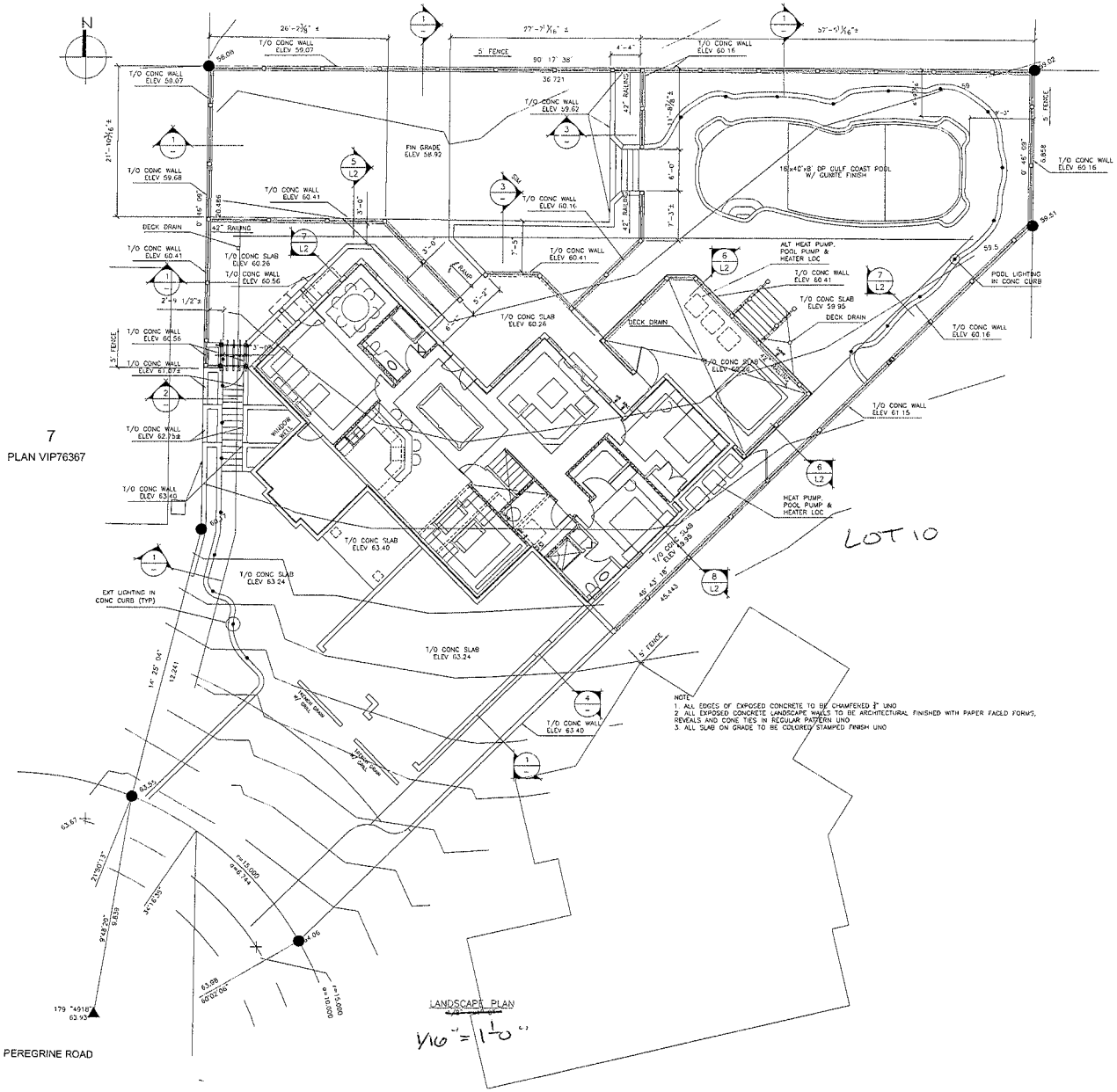
RETAINING WALL ELEVATION – LOT 9/7 PL

3/32" = 1'-0"

NOTE:
1. CONCRETE LANDSCAPE WALLS TO HAVE CONE TIE ANCHORS IN REGULAR PATTERN
2. REVEALS IN CONCRETE LANDSCAPE WALLS TO BE CONFIRMED WITH OWNER
3. CONCRETE LANDSCAPE WALLS TO BE SAND BLAST FINISH

B011 00456

LOT 8



7
PLAN VIP76367

LOT 10

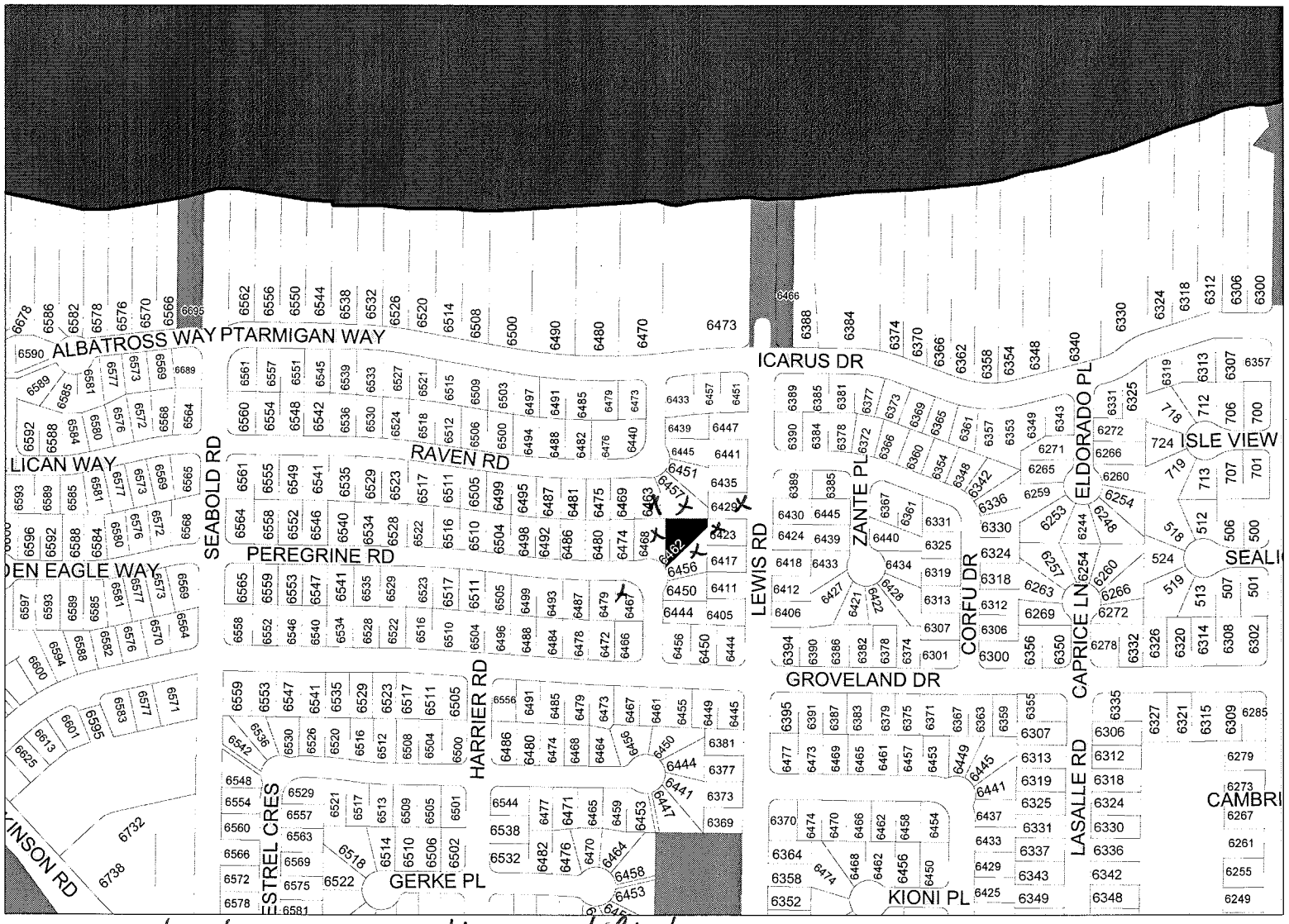
NOTE
1. ALL EDGES OF EXPOSED CONCRETE TO BE CHAMFERED ¾" UNO
2. ALL EXPOSED CONCRETE LANDSCAPE WALLS TO BE ARCHITECTURAL FINISHED WITH PAPER FACED FORMS, REVEALS AND CONE TIES IN REGULAR PATTERN UNO
3. ALL SLAB ON GRADE TO BE COLORED STAMPED FINISH UNO

LANDSCAPE PLAN
1/16" = 1'-0"

BOV100456

City of Nanaimo

Notification Map



X = indicates properties notified

BOV 00456

RE: 6463 RAVEN ROAD
MCCOURT OWEN COLUMBA
MCCOURT SUBITHRA DELLA
6463 RAVEN ROAD
NANAIMO BC V9V 1V7

RE: 6429 LEWIS ROAD
MONTEIRO MANUEL LUIS
MONTEIRO KARI LEE
6429 LEWIS ROAD
NANAIMO BC V9V 1P5

RE: 6468 PEREGRINE ROAD
EVANS LYLE CRADOCK
EVANS KAREN DIANE
6468 PEREGRINE ROAD
NANAIMO BC V9V 1V5

RE: 6467 PEREGRINE ROAD
GOEBEL BRADLEY GRANT
GOEBEL SANDRA LYNN
6467 PEREGRINE ROAD
NANAIMO BC V9V 1V5

RE: 6457 RAVEN ROAD
NAGRA KALVINDER
NAGRA KANWALJIT K
6457 RAVEN ROAD
NANAIMO BC V9V 1V7

RE: 6462 PEREGRINE ROAD
SORENSEN THEODORE TRACY
SORENSEN MARIE THERESE NATALIE
6468 WEDGEWOOD PLACE
NANAIMO BC V9V 1V4

RE: 6456 PEREGRINE ROAD
HAYER KARNAIL SINGH
HAYER CHERANJEET KAUR
6602 KESTREL CRESCENT
NANAIMO BC V9V 1V9

RE: 6423 LEWIS ROAD
RICEMAN JONATHAN
RICEMAN JACQUELINE MARIE
3714 MALLARD PLACE
NANOOSE BAY BC V9P 9H1

CITY OF NANAIMO
BOARD OF VARIANCE
NOTICE OF MEETING

A meeting of the Board of Variance will be held on Thursday, August 21st, 2008, at 7:00 p.m. in the Board Room of City Hall, 455 Wallace Street, Nanaimo, BC. to hear the following appeal:

APPEAL: ***BOV00462***

APPLICANT: **Brent Hargreaves and Marilyn Joyce**

LOCATION: **Legal Description:** LOT A, DISTRICT LOT 55, WELLINGTON DISTRICT, PLAN 47121
Civic address: 5311 Tanya Drive

PURPOSE: The applicant is requesting that the maximum height of an accessory building be increased from 4.5 metres (14.76 feet) to 6.11 metres (20.04 feet), as shown in the supplied survey, in order to construct an accessory building. This represents a variance of 1.61 metres (5.28 feet).

ZONING REGULATIONS:
This property is included in the Rural Agricultural/Residential Zone (A-2) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 8.2.7.3 - Height of Buildings
The height of an accessory building (excluding farm buildings) shall not exceed 4.5 metres (14.76 feet)".

This Board of Variance decision shall apply to subsequent owners of the land. If you deem your property to be affected by this appeal, this meeting of the Board of Variance will be open to hear your representation.

This appeal may be inspected at the offices of the Development Services Department, 238 Franklyn Street, Nanaimo, B.C. Monday to Friday (except statutory holidays) 8:30 a.m. to 4:30 p.m. from 2008-August-08th to 2008-August-21st both inclusive.

City of Nanaimo

Location Map

BOV 00462

CITY OF NANAIMO
THE HARBOUR CITY

Application Deadline: _____
for the Next Meeting: _____

Board of Variance Appeal

I/we do hereby appeal to the Board of Variance under Part 26, Section 901, of the *Municipal Act* of the Province of British Columbia to:

Describe Variance: REQUEST height variance of two (2) meters
ADDITIONAL HEIGHT REQUIRED TO KEEP GARAGE "ACCESSIBLE" TO HOUSE

Reason for Variance: ROCK BLUFF FALLS AWAY QUICKLY (LOWERING NATURAL GRADE)

Address of Property: 5311 TANYA DRIVE

Legal Description: LOT A, PLAN 47120 WELLINGTON DISTRICT

In support of this appeal I/we attach the following information necessary to confirm the nature and extent of this appeal:

- ☐ Written explanation (point form) addressed to the Board of Variance describing the reasons why a variance is required
- ☐ Dimensioned BCLS survey - required for setback variances
- ☐ Height survey, noting building corner elevations used to determine average *natural* grade - required for height variances
- ☐ Also included is an Application Fee of $100.00 (no GST) to be submitted with this application

If this variance is required to legalize a building or structure that has already been constructed, please indicate whether or not a valid Building Permit was issued before construction began. ◷ Yes (Permit No: _____) ◷ No

[signature] [signature]	
Signature of Registered Owner	Signature of Agent/Option Holder
BRENT HARGREAVES Marilyn Joyce	
Print Name of Registered Owner	Print Name of Agent/Option Holder
5311 TANYA DRIVE, NANAIMO, B.C.	
Mailing Address	Mailing Address
V9T 5W2 250-758 1752 (Home) 250-616-6003 (work)	
Phone Number (home and work)	Phone Number (home and work)

Consent of Neighbors: 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 are the owners of property adjacent to the property of which this appeal is being made. We offer no objection whatsoever to the granting of the variance asked for in the appeal.

Owner's Name (please print)	Owner's Signature	Civic Address
W. I. MATHISON	W. I. Mathison	5330 TANYA DRIVE
VICKI ADAMSON	V. Adamson	5291 TANYA DR. NANAIMO
Lianne Raynor	L Raynor	5280 TANYA DR. NANAIMO

NOTE:
1. In order for a Variance to remain valid, a building permit must be issued within six (6) months of the appeal date. This time limit may be increased or decreased, for a given appeal, at the Board's discretion.
2. A relaxation granted by the Board of Variance applies only to the City of Nanaimo Bylaws specified - the Board does not have the authority to waive or relax any rules or requirements that involve Section 901(3) of the *Municipal Act*.

OFFICE USE

Application Checklist

- ☐ Written Rational
- ☐ Survey
- ☐ Application Fee
- ☐ Consent of Neighbors

Property is Zoned: _____
Bylaw section & requirement: _____
Comments:

g:/devplan/files/bov application form

Appeal No.: BOV 00462

Date: 08/07/24 TITLE SEARCH PRINT - VICTORIA Time: 12:52:52
Requestor: (PB65170) CITY OF NANAIMO Page: 001
TITLE - CA158191

VICTORIA LAND TITLE OFFICE TITLE NO: CA158191
FROM TITLE NO: EB88823

APPLICATION FOR REGISTRATION RECEIVED ON: 22 DECEMBER, 2005
ENTERED: 09 JANUARY, 2006

REGISTERED OWNER IN FEE SIMPLE:
NORRIS BRENT HARGREAVES, RESEARCH SCIENTIST
MARILYN JUDITH JOYCE, MARINE MAMMAL RESEARCHER
5311 TANYA DRIVE
NANAIMO, BC
V9T 5W2
AS JOINT TENANTS

TAXATION AUTHORITY:
CITY OF NANAIMO

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 011-769-173
LOT A, DISTRICT LOT 55, WELLINGTON DISTRICT, PLAN 47121

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:
NATURE OF CHARGE
CHARGE NUMBER DATE TIME

EXCEPTIONS AND RESERVATIONS
M76300
REGISTERED OWNER OF CHARGE:
ESQUIMALT AND NANAIMO RAILWAY COMPANY
M76300
REMARKS: AFB 9.693.7434A DD 92665N SECTION 172(3) 245076G
FOR ACTUAL DATE AND TIME OF REGISTRATION
SEE ORIGINAL GRANT FROM E & N RAILWAY COMPANY

RIGHT OF WAY
334387G 1966-12-05 11:04
REGISTERED OWNER OF CHARGE:
CITY OF NANAIMO
EW164408
REMARKS: INTER ALIA

RIGHT OF WAY
G41869 1978-05-17 08:59
REGISTERED OWNER OF CHARGE:
CITY OF NANAIMO
G41869
REMARKS: INTER ALIA

MORTGAGE
CA158192 2005-12-22 11:13
REGISTERED OWNER OF CHARGE:
ISLAND SAVINGS CREDIT UNION

BOV 00462

CONTINUES ON PAGE 002

Date: 08/07/24 TITLE SEARCH PRINT - VICTORIA Time: 12:52:52
Requestor: (PB65170) CITY OF NANAIMO Page: 002
TITLE - CA158191

INCORPORATION NO. FI 029
CA158192

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS: NONE

PENDING APPLICATIONS: NONE

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

BOV 00462

APPEAL TO BOARD OF VARIANCE

Date: June 21, 2008

To: Nanaimo Board of Variance

From: Brent Hargreaves and Marilyn Joyce
5311 Tanya Drive
Nanaimo, B.C.

Subject: Relaxation of Rural Agricultural/Residential Zone (A-2) Section 8.2.7.3

We are the registered owners of the property at 5311 Tanya Drive, Nanaimo, B.C. We are requesting a Variance of Zoning A-2, Section 8.2.7.3 (Accessory Building Height) to allow an increase in the height of the proposed garage/workshop by a maximum of two (2) meters.

The only permanent building that currently exists on our 5 acre property is the residential home that we live in. This house was built in 1989 and Brent has lived in this home continuously since then. Marilyn joined Brent in this house in 2004, along with her handicapped father (John Dent) and daughter (Emma). We want to build a new building on this property that will be used as a garage for our vehicles and boat, and as a small workshop for woodworking and art studio for creating pottery when we both retire in 2012. A detailed rational for this request is provided in pages three through six.

SUMMARY OF VARIANCE REQUEST

The design and placement of the garage has been chosen to achieve reasonable vehicle access and mobility-restricted (handicap) access for Mr. Dent. This is achieved by making the entries of the new garage level with the existing grade and locating the garage within reasonable proximity to the house. The design height of the new garage is the minimum height required to allow for storage and maintenance of our vehicles and recreational boat.

Undue hardship is created by the steep slope of the property which limits the options for garage placement, and also by a decommissioned City of Nanaimo water tower foundation, which is above the natural grade. These are extenuating factors that neighbours in our area do not have to contend with. The complexity and cost of removing this water tower foundation is prohibitive for us, and removal would also result in extensive modification or destruction of the surrounding natural environment.

We have consulted with our neighbours and all agree that they would not be affected by our proposed garage. All our neighbour live on 5+ acre lots, and because the building site is situated in the centre of our propriety, no neighbour will even be able to see the new garage.

BOV 00462

We believe the proposed development (detached garage/workshop for personal use only) is appropriate and complies fully with the permitted uses for a Rural Agricultural/Residential (A2) zone. The maximum 2 meter height variance we are requesting requires only a minor relaxation of the applicable A-2 zoning regulations. This height variance would not defeat the intent of the Bylaw, or disrupt the basic harmony with the other developments within our zone. We are requesting this height variance to achieve handicap accessibility, adapt our new building to the steep slope of our property, and work around the prior existence of a decommissioned City of Nanaimo water tower foundation on our property.

DETAILED ASSESSMENT OF VARIANCE REQUEST

901(2b) Undue Hardship resulting from Bylaw or Section 911(5) Compliance

Our primary concern and objective is to situate the garage to provide mobility-assisted (walker/wheelchair) access, in close enough proximity to the house and at the existing grade, for Marilyn's handicap father and to make the garage functional and accessible for both of us. The very steep slope and the existence of the City of Nanaimo water tower foundation (decommissioned) restrict our ability to adjust the foundation heights to achieve compliance with the Rural Agricultural/Residential Zone A-2 Condition 8.2.3.2. These two factors create an undue hardship as follows:

- Our existing house is located at the top of a very steep hill. This location is solid rock, which had to be blasted down 3 meters to level the footings for our house. The land slopes away very steeply from the house on three sides (west, north and east). Our property has the highest elevation in the north end of Nanaimo, and the only practical building location for the new garage within reasonable proximity to the house is at the top of the hill, on solid rock. None of our surrounding neighbours have building sites that are this steep, difficult or expensive to build on creating undue hardship to develop this site.

- Building a garage that is detached from the house and complies with the A2 zoning height restriction of 14.76 feet for an accessory buildings would result in undue hardship due to reduced accessibility. Full compliance with this Bylaw could be achieved by excavating the foundation of the new garage down 6 feet from the current slope of the land at the proposed location. However, this would result in the garage floor being 6 feet lower than the existing foundation slab for the old water tower which is only 15 feet away. Lowering the garage foundation would also result in a total height difference of more than 10 feet between the garage floor and main entry to our house, which is only 50 feet away from the proposed garage location. Marilyn's father (John) is currently 86 years old and is officially designated as handicapped due to mobility problems. Lowering the foundation of the garage by 6 feet to meet the 14.76 foot height restriction in the Bylaw will result in very steep inclines at both the vehicle entry side to the garage, and also between the garage and the house entry. These steep inclines would make the new garage inaccessible for John who currently uses a walker but has to use a wheelchair at times due to his variable condition. Brent and Marilyn also intend to live in this house as long as they can after retirement. They want the new garage to be built at a height that ensures adequate accessibility between the house and garage if they also need to use a wheelchair or walker in the future due to declining health.

- If the new garage was attached to our existing house then no height Variance would be required. The allowable height of a garage attached to the house would then be 9 meters (29.53 feet), which is more than the height of the proposed garage. However, it is not practical to attach the proposed garage directly to our house due to the very steep natural slope of the land surrounding the house. A level entry into a garage if it was attached to the house would require a foundation for the garage with walls either 15 or 20 feet high if it was attached to either the east or west side of the house, and in either case the north

foundation wall of the garage would need to be over 25 feet high. This would be a hardship for us because this would be much more expensive, and also would spoil the appearance of the house and garage. This option also would not be ascetically pleasing to us, and would be a hardship because this would greatly diminish our enjoyment of the current natural park-like setting of our property. Attaching the garage to the house, requiring very high concrete walls on three sides, would also be a substantial financial hardship for us as this would substantially reduce the re-sale value of both the existing house and the new garage.

- The current A-2 zoning designation for our property limits the height of an accessory building to 4.5 meters. If our new garage is limited to this height then the garage door height must be reduced from 9 feet to 7 feet tall, which will prevent us from storing our existing boat and boat trailer in the garage. This is a severe financial hardship for us as our boat has an inflatable hull that will deteriorate rapidly if this boat must be stored outside, exposed to the sun and weather. It would also require all repairs and required maintenance to our boat to be done outdoors, which is a physical hardship for us when this must be done in bad weather. This height restriction is undue hardship because our neighbours are not restricted to a building height of 14.76 for their garages, which can be attached directly to their houses due to the less steep natural slope of their land.

- Meeting the 14.76 foot height restriction for our garage under the current A2 zoning is an undue hardship because of the building constraints imposed by the former use of our property by the City of Nanaimo. A municipal water tower was formerly built by the City on our property just a short distance from the current site of our house. This water tower was abandoned by the City many years before Brent purchased this property. However, the City did not remove the concrete foundation for this water tower. This concrete slab foundation is circular in shape, 22 feet in diameter, 4 feet deep, and very heavily reinforced with steel. It is located just 50 feet from our house, and only 15 feet from the proposed location of our new garage. The City originally chose this location for the water tower because our property has the highest natural elevation in the north end of Nanaimo. However, by not removing the concrete foundation slab when the City abandoned the water tower, this greatly restricts where the new garage can now be located. The construction of the water tower by the City also resulted in major alteration of the natural slope of our property at the top of the hill where our house is now located, which artificially increases the current calculated height of our proposed garage. This is because the current slope is now steeper at the location proposed for our garage, than the natural slope would be if the water tower not been constructed by the City.

- The existence of this water tower foundation is an undue hardship because:
  a) It was built and then abandoned by the City prior to our purchase of this property;
  b) None of our neighbours have a similar man-made structure that constrains or limits where they can build a garage or accessory building on their properties;
  c) It is unreasonable to require us to remove the old water tower foundation; the cost would be prohibitive and an extreme financial hardship for us due the size of the structure and the extensive steel re-enforcement of the concrete slab; and
  d) The location and construction of the water tower foundation increased the steepness of the land where we want to build the garage, which now effectively prevents us

BOV 00462

from being able to comply with the Bylaw that restricts the height of the garage that we are permitted to build as an accessory building.

Section 901(2)(c)(i) Appropriateness of development

- We believe the proposed garage is an appropriate development of this site. Building a garage large enough for one vehicle and a small (18 foot) recreational boat stored on a boat trailer does not seem to be an inappropriate development on our 5-acre property.
- Currently the only permanent building on this property is our single-family house.
- There is no garage attached to our house, and there are no other permanent detached or accessory buildings on this property.
- Three temporary (cloth covered) vehicle shelters have been used in succession over the past 10 years to cover one of our vehicles. There currently is no shelter available for our second vehicle or for our boat and boat trailer.

Section 901(2)(c)(i.1) Affect on Natural Environment

- We think the requested variance will not adversely affect the natural environment. We live on this five acre property because we highly value the natural environment.
- We have previously done little to change the natural environment of this property, and have not developed any of this five acre property except for the construction of our house.
- We have both been employed as professional biologists for the past 25 years. We have carefully chosen the proposed location of the garage to minimize the disturbance of the natural environment.
- If the requested height Variance is approved, the finished height of the garage will still be lower than our existing house.
- We have also carefully chosen the location of the garage to minimize the removal or alteration of the natural rock ridges, trees and other vegetation on this property.

Section 901(2)(c)(ii) Affect on the Use or Enjoyment of Adjacent Lands

- We are certain that the requested height Variance will not adversely affect the use or enjoyment of the adjacent lands.
- We have spoken with all our adjacent neighbours and all have signed this Variance Appeal, confirming that they have no objections to us building the proposed garage.
- After the brief (60 day) construction period our proposed garage will not result in any additional increase in noise, dust, safety concerns, etc. which might affect the use or enjoyment of the adjacent lands.
- The construction of our proposed garage and pottery studio will not destroy or have any affect on the views from adjacent properties. Due to the natural high elevation of the proposed building site for the garage, even if the requested 2-meter height Variance is approved, no portion of our garage will be visible from the house, front yard or back yard of any of our adjacent neighbours.
- Our existing house and the proposed site of the new garage are both located near the middle of our 5-acre property. All sides of the proposed garage would be at least 130 feet from the property lines of all adjacent properties.
- All of our adjacent neighbours have properties that are also at least 5 acres in size, and the distance from our proposed garage site to the house of our closest neighbour is more than 400 feet.

- The location of our proposed garage is also at least 120 feet higher than the elevation of the all the houses of our adjacent neighbours, due to the natural steep slope of our property. Our new garage will be visible only from the west side. The adjacent property on this side is a 5-acre property that is owned by the City of Nanaimo. This property has a large (1 million gallon) municipal water tower that was recently constructed by the City of Nanaimo. This adjacent City of Nanaimo property on the west side of our property is fully fenced and is not accessible to the public.

Section 901(2)(c)(iii) Affect Permitted Uses and Densities

- The height Variance we are requesting for our garage does not vary the permitted uses or densities under the applicable Bylaw. The proposed detached garage/workshop is for personal use (single family dwelling) and the garage has no living accommodations or toilet facilities.

Section 901(2)(c)(iv) Defeating the Intent of the Bylaw

- We believe the maximum 2 meter height Variance we are requesting represents only a minor relaxation of the applicable A-2 zoning regulations, and does not defeat the intent of the Bylaw or disrupt the basic harmony with the other developments within our zone. The relaxation of the height restriction is necessary so the new garage can to be located to allow handicap accessibility, accommodate building on a steep slope area, and work around the prior existence of a decommissioned City of Nanaimo water tower foundation on our building site.

Thank you for your consideration of our Appeal.

Respectfully,

Brent Hargreaves

June 21, 2008
Date

Marilyn Joyce

June 23, 2008
Date

BOV 00462

B. C. LAND SURVEYOR'S CERTIFICATE OF PROPOSED LOCATION ON:

LOT A, PLAN 47121, DISTRICT LOT 55, WELLINGTON DISTRICT.

SCALE 1: 1000

0 10 20 30 40 50 metres

DISTANCES AND ELEVATIONS ARE IN METRES.

NOTES:

CIVIC ADDRESS: 5311 TANYA DRIVE

LOT DIMENSIONS ARE DERIVED FROM REGISTERED PLANS.

ELEVATION DATUM IS ASSUMED AND DERIVED FROM MONUMENT 83H6073.
ELEVATION = 30.48 m.

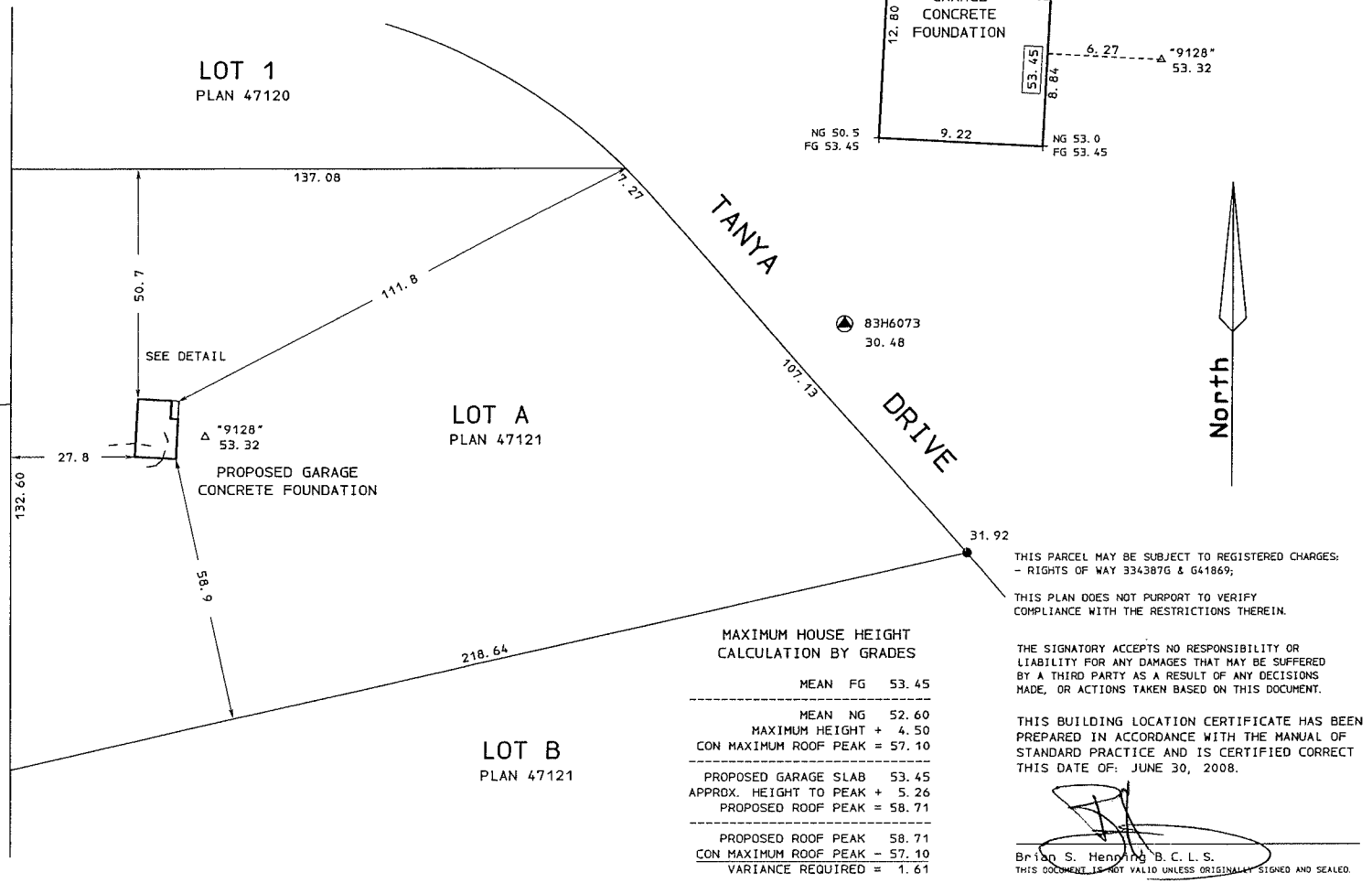
GARAGE DESIGN FROM R.W. (Bob) WALL LTD. DRAWINGS DATED / RECEIVED JUNE 27/08.

THE UNDERSIGNED CONFIRMS THAT HE HAS BEEN RETAINED BY R.W. (Bob) WALL LTD. TO PROVIDE FOUNDATION LAYOUT IN ACCORDANCE WITH THE FOUNDATION LOCATION SHOWN ON THIS PLAN.

- ● STANDARD IRON POST FOUND.
- △ HUB/SPIKE/CONCRETE NAIL SET.
- [53.45] DENOTES PROPOSED GARAGE SLAB.
- FG 53.32 DENOTES TYPICAL SPOT ELEVATION OF PROPOSED FINISHED GRADE (FG) IN CONFORMANCE WITH THE CITY OF NANAIMO ZONING BYLAW.
- NG 53.0 DENOTES TYPICAL SPOT ELEVATION OF NATURAL GRADE (NG) IN CONFORMANCE WITH THE CITY OF NANAIMO ZONING BYLAW.

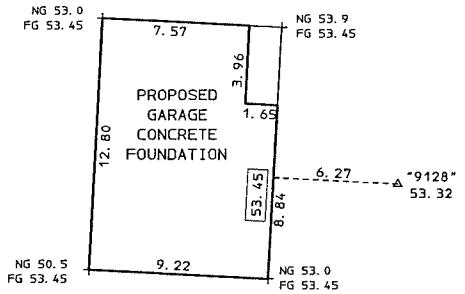
THIS PLAN PURPORTS TO POSITION ONLY THE ACTUAL AND/OR PROPOSED IMPROVEMENT(S) SHOWN RELATIVE TO ONLY THE BOUNDARIES SHOWN OF OR APPURTENANT TO THE ABOVE DESCRIBED PARCEL(S). THIS PLAN PROVIDES NO WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE LOCATION OF ANY OTHER ACTUAL OR PROPOSED IMPROVEMENT(S) RELATIVE TO ANY BOUNDARY OF OR APPURTENANT TO THE ABOVE DESCRIBED PARCEL(S). THIS PLAN IS NOT TO BE USED TO RE-ESTABLISH BOUNDARY LINES.

DL 50



DETAIL

SCALE 1: 250



MAXIMUM HOUSE HEIGHT CALCULATION BY GRADES

MEAN FG	53.45
MEAN NG	52.60
MAXIMUM HEIGHT +	4.50
CON MAXIMUM ROOF PEAK =	57.10
PROPOSED GARAGE SLAB	53.45
APPROX. HEIGHT TO PEAK +	5.26
PROPOSED ROOF PEAK =	58.71
PROPOSED ROOF PEAK	58.71
CON MAXIMUM ROOF PEAK -	57.10
VARIANCE REQUIRED =	1.61

THIS PARCEL MAY BE SUBJECT TO REGISTERED CHARGES:
- RIGHTS OF WAY 334387G & G41869;

THIS PLAN DOES NOT PURPORT TO VERIFY COMPLIANCE WITH THE RESTRICTIONS THEREIN.

THE SIGNATORY ACCEPTS NO RESPONSIBILITY OR LIABILITY FOR ANY DAMAGES THAT MAY BE SUFFERED BY A THIRD PARTY AS A RESULT OF ANY DECISIONS MADE, OR ACTIONS TAKEN BASED ON THIS DOCUMENT.

THIS BUILDING LOCATION CERTIFICATE HAS BEEN PREPARED IN ACCORDANCE WITH THE MANUAL OF STANDARD PRACTICE AND IS CERTIFIED CORRECT THIS DATE OF: JUNE 30, 2008.

Brian S. Henning B. C. L. S.
THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED.

WILLIAMSON & ASSOCIATES
PROFESSIONAL SURVEYORS © 2008
3088 BARONS ROAD NANAIMO B.C. V9T 4B5
PHONE: 250-756-7723 FAX: 250-756-7724
EMAIL: WAPS@TELUS.NET
FILE: 08147-1

29400 1121

CITY OF NANAIMO
THE HARBOUR CITY
BUILDING INSPECTION DIVISION

APPOINTMENT OF AGENT

(PLEASE PRINT)

Building Permit No. :_____

I/We, the registered owners of the property having a civic address of 5311 TANYA DRIVE, NANAIMO, B.C.,

legally described as LOT A PLAN 47120 WELLINGTON DISTRICT,

in the Province of British Columbia, hereby appoint (Name): BOB WALL

(Company Name): R.W. (BOB) WALL LTD.

My/Our agent with authority to endorse on my/our behalf, applications, documents and/or permits, other than documents to be registered in the Land Title Office, pertaining to the construction of a building, structure, or other improvement in, on, over or under the aforementioned property and to represent me/us in all discussions with the City of Nanaimo and it/s employees regarding the construction of the building, structure or improvement.

The owner accepts and understands that during construction he/she has the overall responsibility for assuring the building conforms to the requirements of the *BC Building Code*. The process of assessing conformity to the requirements during construction is the responsibility of the registered professionals for complex (Part 3 *BC Building Code*) buildings, and the designer/builder for standard (Part 9 *BC Building Code*) buildings. The City of Nanaimo is responsible for the monitoring of the process to assure a reasonable level of code conformance for public safety, accessibility and health only.

In consideration of the granting of a Building Permit, I/we agree to release, indemnify and keep indemnified the City of Nanaimo, its Council members, employees and agents from and against losses, damages, costs, fees, and expenses of whatever kind which I/we or any other person, partnership or corporation or our respective heirs, successors, administrators or assigns may have or incur in consequence of or incidental to the granting of this Permit or any inspection, failure to inspect, certification approval, enforcement or failure to enforce "BUILDING BYLAW 2003 NO. 5693" or the *BC Building Code*, in effect and I/we agree that the City of Nanaimo owes me/us no duty of care in respect of these matters.

I/We have read the foregoing and understand it.

_____ Marilyn Joyce Date: 23 JUNE 2008
Owner (SIGNATURE) (PRINT NAME)

_____ BRENT HARGREAVES Date: 23 JUNE 2008
Owner (SIGNATURE) (PRINT NAME)

If owner is a Corporation or Limited Company:

_____
(COMPANY NAME)

_____) Corporate Seal
Authorized Signatory)

_____)
Authorized Signatory)

g:/dsdsytem/external forms/building/appointment of agent.doc

BOV 00462

City of Nanaimo

Notification Map

X = indicates properties notified

BOV 00462

RE: 5701 VANDERNEUK ROAD
MOUNT BENSON DEVELOPMENTS INC
6936 DICKINSON ROAD
LANTZVILLE BC V0R 2H0

RE: 5280 TANYA DRIVE
RAYNOR LIANNE R
RAYNOR WALLACE K
5280 TANYA DRIVE
NANAIMO BC V9T 5W2

RE: 5341 TANYA DRIVE
CITY OF NANAIMO
LAND DIVISION
238 FRANKLYN STREET
NANAIMO BC V9R 2X4

RE: 5330 TANYA DRIVE
MATHISON CHERYL A
MATHISON WILLIAM I
5330 TANYA DRIVE
NANAIMO BC V9T 5W2

RE: 5320 TANYA DRIVE
WALACH PATRICIA ANNE
5 7371 MINORU BOULEVARD
RICHMOND BC V6Y 1Z3

RE: 5311 TANYA DRIVE
HARGREAVES NORRIS BRENT
JOYCE MARILYN JUDITH
5311 TANYA DRIVE
NANAIMO BC V9T 5W2

RE: 5291 TANYA DRIVE
ADAMSON VICTORIA A
5291 TANYA DRIVE
NANAIMO BC V9T 5W2

RE: 5300 TANYA DRIVE
DUE EVAN
PO BOX 8500
OTTAWA ON K1G 3H9

CITY OF NANAIMO
BOARD OF VARIANCE
NOTICE OF MEETING

A meeting of the Board of Variance will be held on Thursday, August 21st, 2008, at 7:00 p.m. in the Board Room of City Hall, 455 Wallace Street, Nanaimo, BC. to hear the following appeal:

APPEAL: ***BOV00463***

APPLICANT: **Dale Longeau.**

LOCATION: **Legal Description:** LOT 27 DISTRICT LOT 51 WELLINGTON DISTRICT PLAN VIP81477
Civic Address: 4794 Ney Drive

PURPOSE: The applicant is requesting that the required side yard setback and the required height of an accessory building, as shown in the provided survey, be varied in order to permit a recently constructed accessory building. The requested variances are as follows:

1) That the side yard setback be reduced from 1.5 metres (4.92 feet) to 1.3 metres (4.26 feet), this represents a variance of 0.2 metres (0.65 feet).

2) That the height of an accessory building be increased from 4.5 metres (14.76 feet) to 4.85 metres (15.91 feet), this represents a variance of 0.35 metres (1.15 feet).

ZONING REGULATIONS:
This property is included in the Steep Slope Residential Zone – (RS-7) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 6.7.7.2. – Yard Requirements
Side yards of not less than 1.5 metres (4.9 feet) shall be provided. In the case of a corner lot, the side yard adjoining the flanking street shall not be less than 4.0 metres (13.1 feet), except where the lot area is less than 600 square metres (6'459 square feet) in which case the side yard adjoining the flanking street shall not be less than 3.0 metres (9.8 feet).

"Section 6,7,8.4 - Height of Buildings
The height of an accessory building shall not exceed 4.5 metres (14.7 feet).

This Board of Variance decision shall apply to subsequent owners of the land. If you deem your property to be affected by this appeal, this meeting of the Board of Variance will be open to hear your representation.

This appeal may be inspected at the offices of the Development Services Department, 238 Franklyn Street, Nanaimo, B.C. Monday to Friday (except statutory holidays) 8:30 a.m. to 4:30 p.m. from 2008-August-08th to 2008-August-21st both inclusive.

City of Nanaimo

Location Map

BOV 00463

CITY OF NANAIMO
THE HARBOUR CITY

Application Deadline: AUGUST 1 2008
for the Next Meeting: AUGUST 21 2008

Board of Variance Appeal

I/we do hereby appeal to the Board of Variance under Part 26, Section 901, of the *Municipal Act* of the Province of British Columbia to:

Describe Variance: Setback Variance & Height Variance for (14'x16') detatched workshop.

Reason for Variance: NEED VARIANCE FOR WORKSHOP. VARIANCE FOR HOUSE WAS APPROVED OCT. 29/07. ASSUMED WORKSHOP WAS INCLUDED AS BOTH ARE ON THE SAME BUILDING PERMIT.

Address of Property: 4794 Ney Drive Nanaimo B.C. V9V-1W6

Legal Description: -Lt 27, DL 51, LD 58 PLN VIP81477

In support of this appeal I/we attach the following information necessary to confirm the nature and extent of this appeal:

- ☑ Written explanation (point form) addressed to the Board of Variance describing the reasons why a variance is required
- ☑ Dimensioned BCLS survey - required for setback variances
- ☑ Height survey, noting building corner elevations used to determine average *natural* grade - required for height variances
- ☑ Also included is an Application Fee of $100.00 (no GST) to be submitted with this application

If this variance is required to legalize a building or structure that has already been constructed, please indicate whether or not a valid Building Permit was issued before construction began. ☒ Yes (Permit No: BP112071) ☐ No

C. Longeau
Signature of Registered Owner

Dale Longeau Cheryl Longeau
Print Name of Registered Owner

4794 Ney Dr. Nanaimo B.C. V9V-1W6
Mailing Address

250-760-0660, 250 713-2041
Phone Number (home and work)

Signature of Agent/Option Holder

Print Name of Agent/Option Holder

Mailing Address

Phone Number (home and work)

Consent of Neighbors: 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 are the owners of property adjacent to the property of which this appeal is being made. We offer no objection whatsoever to the granting of the variance asked for in the appeal.

Owner's Name (please print)	Owner's Signature	Civic Address
ELDON WIEBE		4872 LOGAN'S RUN NAN. B.C.
[illegible]		4870 Logan's Run Nan. B.C.
Logan Holloff	Logan Holloff	4873 Logan's Run Nan. B.C.

NOTE:
1. In order for a Variance to remain valid, a building permit must be issued within six (6) months of the appeal date. This time limit may be increased or decreased, for a given appeal, at the Board's discretion.
2. A relaxation granted by the Board of Variance applies only to the City of Nanaimo Bylaws specified - the Board does not have the authority to waive or relax any rules or requirements that involve Section 901(3) of the *Municipal Act*.

OFFICE USE

Application Checklist

- ☐ Written Rational
- ☐ Survey
- ☐ Application Fee
- ☐ Consent of Neighbors

Property is Zoned: _____
Bylaw section & requirement: _____
Comments:

g:/devplan/files/bov application form

Appeal No.: BOV 00463

Date: 08/08/06 TITLE SEARCH PRINT - VICTORIA Time: 11:46:45
Requestor: (PL86956) CITY OF NANAIMO Page: 001
TITLE - FB17276

VICTORIA LAND TITLE OFFICE TITLE NO: FB17276
FROM TITLE NO: FA94678

APPLICATION FOR REGISTRATION RECEIVED ON: 23 FEBRUARY, 2007
ENTERED: 26 FEBRUARY, 2007

REGISTERED OWNER IN FEE SIMPLE:
DALE RAYMOND LONGEAU, CARPENTER
CHERYL CHRISTINE LONGEAU, EDUCATION ASSISTANT
910 SECOND AVENUE
BOX 688
PILOT BUTTE, SK
S0G 3Z0
AS JOINT TENANTS

TAXATION AUTHORITY:
CITY OF NANAIMO

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 026-771-233
LOT 27 DISTRICT LOT 51 WELLINGTON DISTRICT PLAN VIP81477

LEGAL NOTATIONS:

HERETO IS ANNEXED RESTRICTIVE COVENANT EJ80270 OVER
LOT 1, PLAN VIP61613

HERETO IS ANNEXED EASEMENT EK129296 OVER STRATA LOT 7, STRATA PLAN
VIS4083

CHARGES, LIENS AND INTERESTS:
NATURE OF CHARGE
CHARGE NUMBER DATE TIME

EXCEPTIONS AND RESERVATIONS
M76300
REGISTERED OWNER OF CHARGE:
ESQUIMALT AND NANAIMO RAILWAY COMPANY
M76300
REMARKS: AFB 9.693.7434A
FOR ACTUAL DATE AND TIME OF REGISTRATION SEE
ORIGINAL GRANT FROM E AND N RAILWAY COMPANY

UNDERSURFACE RIGHTS
R16592 1986-02-28 12:06
REMARKS: INTER ALIA
PURSUANT TO MINERAL LAND TAX ACT, SBC 1979,
CHAPTER 260 AND AMENDMENTS THERETO, MINERALS
(EXCEPT GOLD, COAL, SILVER, COAL OIL, IRON AND
FIRECLAY) HEREIN AND THE RIGHT TO WORK, WIN OR
CARRY AWAY SAME, FORFEITED AND VESTED IN CROWN
PART

STATUTORY BUILDING SCHEME

CONTINUES ON PAGE 002

Date: 08/08/06 TITLE SEARCH PRINT - VICTORIA Time: 11:46:45
Requestor: (PL86956) CITY OF NANAIMO Page: 002
TITLE - FB17276

FA94683 2006-08-02 14:54
REMARKS: INTER ALIA

COVENANT
FA94686 2006-08-02 14:55
REGISTERED OWNER OF CHARGE:
CITY OF NANAIMO
FA94686
REMARKS: INTER ALIA

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS: NONE

PENDING APPLICATIONS: NONE

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

B. C. LAND SURVEYOR'S CERTIFICATE OF LOCATION ON:

LOT 27 PLAN VIP81477, DISTRICT LOT 51, WELLINGTON DISTRICT.

SCALE 1: 250

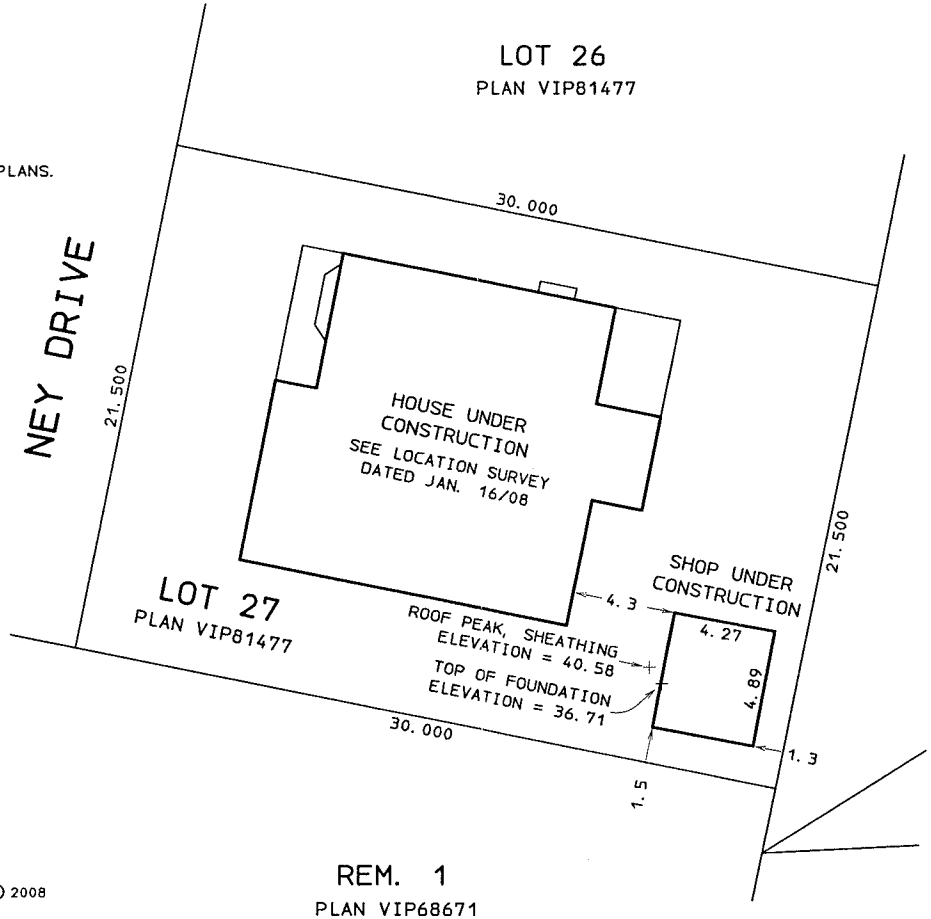
0 2 4 6 8 10 15 metres

DISTANCES AND ELEVATIONS ARE IN METRES.

LOT DIMENSIONS ARE DERIVED FROM REGISTERED PLANS.
CIVIC ADDRESS: 4794 NEY DRIVE

NOTES:

ELEVATION DATUM IS DERIVED FROM AS CONSTRUCTED RECORDS ON FILE AT THE CITY OF NANAIMO ENGINEERING DEPARTMENT.



North

SETBACK VARIANCE CALCULATION

MIN. REAR YARD SETBACK	1.5
ACTUAL REAR YARD SETBACK	1.3
VARIANCE REQUIRED =	0.2

HEIGHT VARIANCE CALCULATION

SHOP ROOF PEAK, TOP OF SHEATHING	40.58
SHINGLE ALLOWANCE +	0.05
CON MAXIMUM ROOF PEAK -	40.28
VARIANCE REQUIRED =	0.35

THIS PLAN PURPORTS TO POSITION ONLY THE ACTUAL AND/OR PROPOSED IMPROVEMENT(S) SHOWN RELATIVE TO ONLY THE BOUNDARIES SHOWN OF OR APPURTENANT TO THE ABOVE DESCRIBED PARCEL(S).
THIS PLAN PROVIDES NO WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE LOCATION OF ANY OTHER ACTUAL OR PROPOSED IMPROVEMENT(S) RELATIVE TO ANY BOUNDARY OF OR APPURTENANT TO THE ABOVE DESCRIBED PARCEL(S).
THIS PLAN IS NOT TO BE USED TO RE-ESTABLISH BOUNDARY LINES.

THIS PARCEL MAY BE SUBJECT TO REGISTERED CHARGES:
- STATUTORY BUILDING SCHEME FA94683
- COVENANT FA94686

THIS PLAN DOES NOT PURPORT TO VERIFY COMPLIANCE WITH THE RESTRICTIONS THEREIN.

THE SIGNATORY ACCEPTS NO RESPONSIBILITY OR LIABILITY FOR ANY DAMAGES THAT MAY BE SUFFERED BY A THIRD PARTY AS A RESULT OF ANY DECISIONS MADE, OR ACTIONS TAKEN BASED ON THIS DOCUMENT.

THIS BUILDING LOCATION CERTIFICATE HAS BEEN PREPARED IN ACCORDANCE WITH THE MANUAL OF STANDARD PRACTICE AND IS CERTIFIED CORRECT THIS DATE OF: JULY 9. 2008.

Brock E. J. Williamson B. C. L. S.
THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED.

WILLIAMSON & ASSOCIATES
PROFESSIONAL SURVEYORS © 2008
3088 BARONS ROAD NANAIMO B. C. V9T 4B5
PHONE: 250-756-7723 FAX: 250-756-7724
EMAIL: WAPS@TELUS.NET
FILE: 07162-5

BD11 00463

City of Nanaimo

Notification Map

x = indicates properties notified

BOV 00463

Re: Lot 27 4794 Ney Drive

-Financial hardship as workshop is almost finished. At present it is ready for roofing and siding.

-May 29th 2008 Building official gave the OK to pour slab.

-Went a head not realizing that the shop wasn't included on the already approved variance, even though it was on the same permit.

-Oct.29 2007 Board of variance approved height increase of (0.6m).

-**Need height variance of 0.35m** for workshop

-This is needed to keep the proper drainage around both buildings

-Also there seems to be a discrepancy on the setback of the workshop at the rear of the property of (0.2m).

- It appears after talking with the surveyors that the legal lot pins on the south side of the lot are not accurate. This would explain this .

-Need (0.2m) for rear yard setback

-South side and rear of property is undeveloped. There is no legal lots.

-We are trying to keep the house and workshop to look balanced with each other as per building permit

RE: 4680 HAMMOND BAY ROAD
JESSE'S ENTERPRISES LTD
2345 DEPARTURE BAY ROAD
NANAIMO BC V9S 3V9

RE: 4830 LOGAN'S RUN
KHAKH SUKHMINDER SINGH
KHAKH RASHPAL KAUR
1332 THALIA PLACE
NANAIMO BC V9R 7E1

RE: 4800 NEY DRIVE
PARK JONG KI
PARK AE JA
4838 SHORECLIFF POINT
NANAIMO BC V9V 1T2

RE: 4793 NEY DRIVE
HOLLETT DUGAN JOSEPH RENNIE
HOLLETT JANICE LEE
7115 EBY ROAD
LANTZVILLE BC V0R 2H0

RE: 4811 MCGUFFIE ROAD
TUCKER DIANNE S
TUCKER WINSTON J
4811 MCGUFFIE ROAD
NANAIMO BC V9T 5B3

RE: 4781 MCGUFFIE ROAD
GORDON DAVID ALLEN
8707 STRATHEARN DRIVE
EDMONTON AB T6C 4C8

RE: 4670 HAMMOND BAY ROAD
JESSE'S ENTERPRISES LTD
2345 DEPARTURE BAY ROAD
NANAIMO BC V9S 3V9

CITY OF NANAIMO
BOARD OF VARIANCE
NOTICE OF MEETING

A meeting of the Board of Variance will be held on Thursday, August 21st, 2008, at 7:00 p.m. in the Board Room of City Hall, 455 Wallace Street, Nanaimo, BC. to hear the following appeal:

APPEAL: ***BOV00464***

APPLICANT: **Michael Louie**

LOCATION: **Legal Description:** LOT 3 DISTRICT LOT 50 WELLINGTON DISTRICT PLAN VIP78550
Civic Address: 5263 Colbourne Drive

PURPOSE: The applicant is requesting that:

1. the required rear yard setback be reduced from 7.5 metres (24.6 feet) to 0.15 metres (0.49 feet)
2. the required east side yard setback be reduced from 1.5 metres (4.92 feet) to 0 metres (0 feet),
3. the required west side yard setback be reduced from 1.5 metres (4.92 feet) to 0 metres (0 feet)

in order to permit a recently constructed deck. This represents a rear yard variance of 7.35 metres (24.11 feet) and an east and west side yard variance of 1.5 metres (4.92 feet).

ZONING REGULATIONS:
This property is included in the Single Family Residential Zone – (RS-1) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 6.1.6.2 – Yard Requirements
Side yards of not less than 1.5 metres (4.92 feet) for each side yard shall be provided."

"Section 6.1.6.3 – Yard Requirements
A rear yard of not less than 7.5 metres (24.6 feet) shall be provided for a principle building"

This Board of Variance decision shall apply to subsequent owners of the land. If you deem your property to be affected by this appeal, this meeting of the Board of Variance will be open to hear your representation.

This appeal may be inspected at the offices of the Development Services Department, 238 Franklyn Street, Nanaimo, B.C. Monday to Friday (except statutory holidays) 8:30 a.m. to 4:30 p.m. from 2008-August-08th to 2008-August-21st both inclusive.

City of Nanaimo

Location Map.

BOV000464

CITY OF NANAIMO
THE HARBOUR CITY

Application Deadline: FRIDAY Aug 1ST
for the Next Meeting: Thursday, Aug 21

Board of Variance Appeal

I/we do hereby appeal to the Board of Variance under Part 26, Section 901, of the *Municipal Act* of the Province of British Columbia to:

Describe Variance: We are applying for a variance in regards to the rear, and side setback and height restriction of our deck

Reason for Variance: Our deck at 5263 Colbourne Dr., constructed in June of this year, by a professional contractor, who unbeknown to us, did not respect the city rear, & side seatbacks and height restrictions.

Address of Property: 5263 colbourne dr

Legal Description: Single family dwelling

In support of this appeal I/we attach the following information necessary to confirm the nature and extent of this appeal:

- ☐ Written explanation (point form) addressed to the Board of Variance describing the reasons why a variance is required
- ☐ Dimensioned BCLS survey - required for setback variances
- ☐ Height survey, noting building corner elevations used to determine average *natural* grade - required for height variances
- ☐ Also included is an Application Fee of $100.00 (no GST) to be submitted with this application

If this variance is required to legalize a building or structure that has already been constructed, please indicate whether or not a valid Building Permit was issued before construction began. ◷ Yes (Permit No: NO) ◷ No

M Jaine
Signature of Registered Owner

Mike Jaine Marcy Boudreau
Print Name of Registered Owner

5263 colbourne dr
Mailing Address

(250) 729 7815
Phone Number (home and work)

Signature of Agent/Option Holder

Print Name of Agent/Option Holder

Mailing Address

Phone Number (home and work)

Consent of Neighbors: 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 are the owners of property adjacent to the property of which this appeal is being made. We offer no objection whatsoever to the granting of the variance asked for in the appeal.

Owner's Name (please print)	Owner's Signature	Civic Address
Gunnar Myhrer	G M	5276 Colbourne Drive, Nanaimo
Andrew Reynolds	A Reynolds	5269 colbourne Drive
BRIAN DUGARD	BD	5257 COLBOURNE DR

NOTE:
1. In order for a Variance to remain valid, a building permit must be issued within six (6) months of the appeal date. This time limit may be increased or decreased, for a given appeal, at the Board's discretion.
2. A relaxation granted by the Board of Variance applies only to the City of Nanaimo Bylaws specified - the Board does not have the authority to waive or relax any rules or requirements that involve Section 901(3) of the *Municipal Act*.

OFFICE USE

Application Checklist

- ☑ Written Rational
- ☑ Survey
- ☑ Application Fee
- ☑ Consent of Neighbors

Property is Zoned: RS-1
Bylaw section & requirement:
Comments:

g:/devplan/files/bov application form

Appeal No.: 464

Date: 08/08/05 TITLE SEARCH PRINT - VICTORIA Time: 11:57:00
Requestor: (PL86956) CITY OF NANAIMO Page: 001
TITLE - CA211663

VICTORIA LAND TITLE OFFICE TITLE NO: CA211663
FROM TITLE NO: EX30590

APPLICATION FOR REGISTRATION RECEIVED ON: 05 MAY, 2006
ENTERED: 11 MAY, 2006

REGISTERED OWNER IN FEE SIMPLE:
MICHAEL LOUIE, PROFESSIONAL DRIVER
MARCY ANN BOUDREAU, TEACHER
5263 COLBOURNE DRIVE
NANAIMO, BC
V9T 6R6
AS JOINT TENANTS

TAXATION AUTHORITY:
CITY OF NANAIMO

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 026-251-035
LOT 3 DISTRICT LOT 50 WELLINGTON DISTRICT PLAN VIP78550

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:
NATURE OF CHARGE
CHARGE NUMBER DATE TIME

EXCEPTIONS AND RESERVATIONS
M76300
REGISTERED OWNER OF CHARGE:
ESQUIMALT AND NANAIMO RAILWAY COMPANY
M76300
REMARKS: AFB 9.693.7434A
FOR ACTUAL DATE AND TIME OF REGISTRATION SEE
ORIGINAL GRANT FROM E & N RAILWAY COMPANY

COVENANT
EX30601 2005-03-22 14:39
REGISTERED OWNER OF CHARGE:
CITY OF NANAIMO
EX30601
REMARKS: INTER ALIA

STATUTORY BUILDING SCHEME
EX30607 2005-03-22 14:39
REMARKS: INTER ALIA

MORTGAGE
CA379441 2007-02-16 08:56
REGISTERED OWNER OF CHARGE:
CIBC MORTGAGES INC.
INCORPORATION NO. A33457
CA379441

BoV00464

CONTINUES ON PAGE 002

Date: 08/08/05 TITLE SEARCH PRINT - VICTORIA Time: 11:57:00
Requestor: (PL86956) CITY OF NANAIMO Page: 002
TITLE - CA211663

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS: NONE

PENDING APPLICATIONS: NONE

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

Bo/00464

Friday, August 1, 2008

Attention Variance Board Members:

We would first like to thank you all in advance for considering our variance application. We are Mike and Marcy Louie, who reside at 5263 Colbourne Drive, due to the high volume of large commercial vehicles on our road on a daily basis, over the past two years we became increasingly worried about our children's safety on and around our road. This concern prompted us to explore the idea of finishing our backyard and therefore providing a safe alternative place for our children to play.

In May of this year, we met with Fuller Landscaping to explore ideas for our backyard. The vision we had for our backyard included a safe place for our children and other children in the neighborhood to play. The plan included a concrete aggregate pad on grade level as well as a wooden deck flush with the aggregate slab.

After multiple consultations with Fuller Landscaping, and also hiring a structural engineer from Herold Engineering in consultation with Fuller Landscaping to design our deck, we started construction in the beginning of June of this year. We felt confident in Fuller Landscaping that they would complete our backyard with our vision at the forefront as well as abiding by all city restrictions and bylaws.

Fuller Landscaping completed our backyard at the end of June, which was also the exact same time when we received a letter from the city stating that a permit was not taking out for the project and that the rear and side setback for the deck were did not conform to city bylaws. Needless to say, we were devastated and frustrated with our contractor, as we both have no experience or background in the construction, and had felt abandoned.

Immediately after receiving the letter, we went to the Development Service Department to discuss what was our next step. It was suggested to us that we apply for a variance regarding our deck, which included us getting all dimensional BCLS surveys for rear, side and height elevations. We also took the liberty of discussing the construction of our deck with all of our neighbors, ensuring that every one of them had no objections or concerns with our deck and, all their written consents are attached.

In closing, we are asking the board, to grant us our variance request, allowing our deck to remain in place, so we can provide a safe place for our children and other neighbor children to play.

Sincerely,

Mike and Marcy Louie

BOV00464

J.E. ANDERSON & ASSOCIATES
B.C. Land Surveyors – Consulting Engineers
Victoria – Nanaimo – Parksville, B.C.
Ph: 758-4631 Fax: 758-4660

B.C. LAND SURVEYORS BUILDING LOCATION CERTIFICATE

File: 86606

Civic: 5263 Colbourne Drive, Nanaimo, B.C.

Legal: Lot 3, District Lot 50, Wellington District, Plan VIP78550.

Dimensions are in metres and are derived from Plan VIP78550.

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

This building location certificate has been prepared in accordance with the Manual of Standard Practice and is Certified Correct this 3rd day of July, 2008.

B.C.L.S.

This document is not valid unless originally signed and sealed

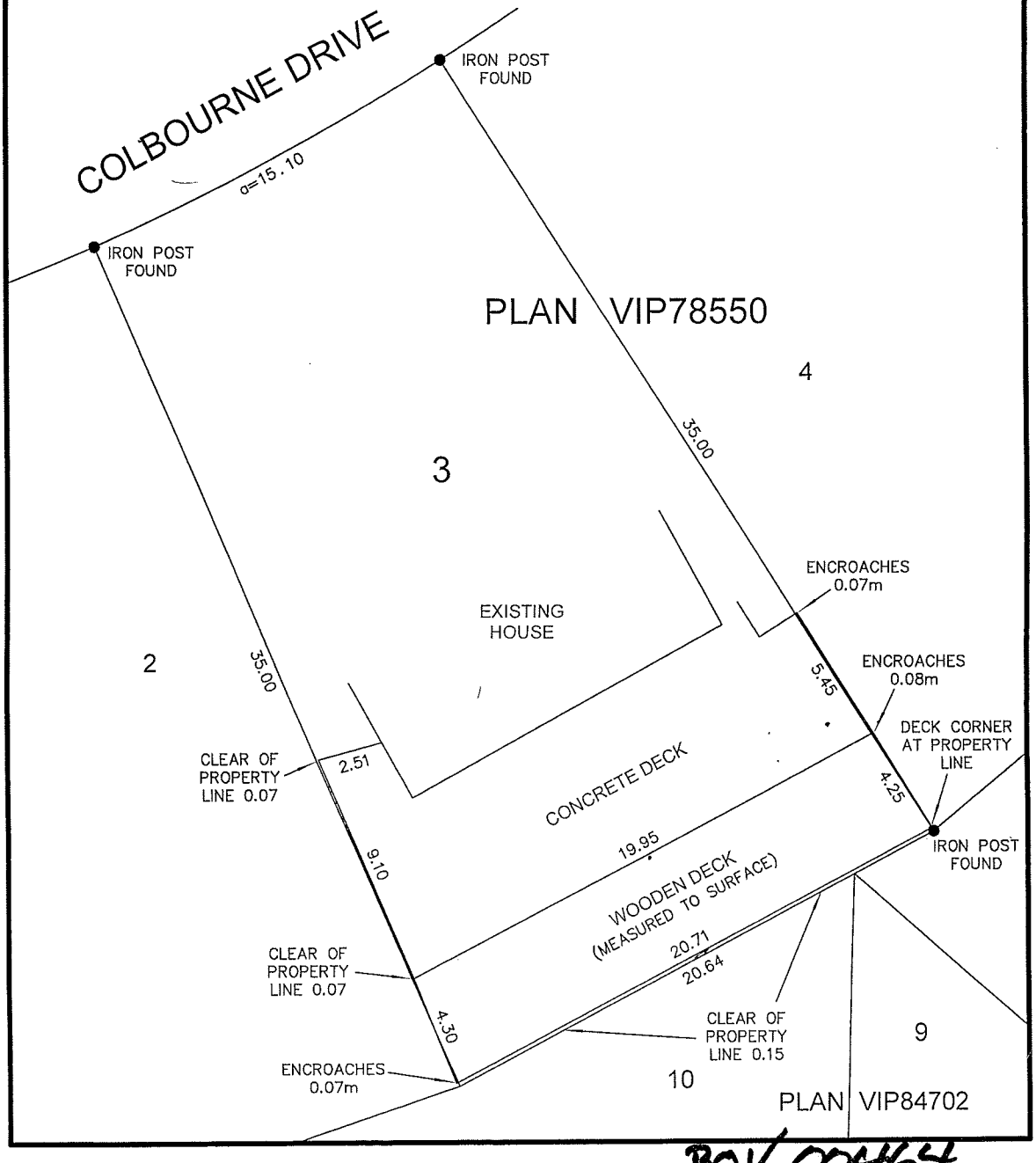
© Copyright 2008 J.E. Anderson & Associates. All rights reserved. No person may copy, reproduce transmit or alter this document in whole or in part without the consent of the signatory.

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

Subject to charges, legal notations, and interests shown on: Title No.CA211663 (P.I.D. 026-251-035)

Scale 1:200

0 2 4 8 12 16 20



BOV 004464

Attention Board of Variance
Re: 5263 Colbourne Drive Variance Application

Consent of Neighbors:

We the undersigned have been advised of the appeal and have examined the provided information and are familiar with the nature o and extent of the appeal. We are owners of property and adjacent to the property of which this appeal is being made. We offer no objection whatsoever to the granting of the variance asked for in the appeal.

Owner's Name	Owner's Signature	Civic Address
LES VENABLES		5275 colbourne
Eliah Kim		5222 Cougar Trail Rd.
Teri Ferguson		5228 Cougar Trail Rd
John DALE		5223 Cougar Trail RD
BOB Milka		5211 COUGAR TRAIL.
LIVIA KEDING		5217 COUGAR TRAIL
Jody Lum		5205 COUGAR TRAIL
Randy Husband		5264 colbourne

BOV 00464

City of Nanaimo

Notification Map

x = properties notified

BOV004464

RE: 5275 COLBOURNE DRIVE
VINCENT ANN PATRICIA
VENABLES LESLIE ALLEN
5275 COLBOURNE DRIVE
NANAIMO BC V9T 6R6

RE: 5145 OWLSTONE PLACE
MOUNT BENSON DEVELOPMENTS INC
6936 DICKINSON ROAD
LANTZVILLE BC V0R 2H0

RE: 5269 COLBOURNE DRIVE
REYNOLDS ANDREW JAMES
5269 COLBOURNE DRIVE
NANAIMO BC V9T 6R6

RE: 5141 OWLSTONE PLACE
MOUNT BENSON DEVELOPMENTS INC
6936 DICKINSON ROAD
LANTZVILLE BC V0R 2H0

RE: 5257 COLBOURNE DRIVE
DUGARO BRIAN LUCIANO
6641 DOVER ROAD
NANAIMO BC V9V 1A6

RE: 5276 COLBOURNE DRIVE
MYHRER GUNNAR VINCENT
MYHRER LISA DAWN
5276 COLBOURNE DRIVE
NANAIMO BC V9T 6R6

RE: 5264 COLBOURNE DRIVE
HUSBAND RANDAL GLEN
CLAMPETT-HUSBAND SUSANNE MAE
5264 COLBOURNE DRIVE
NANAIMO BC V9T 6R6

RE: 5210 COUGAR TRAIL ROAD
MOUNT BENSON DEVELOPMENTS INC
6936 DICKINSON ROAD
LANTZVILLE BC V0R 2H0

RE: 5149 OWLSTONE PLACE
MOUNT BENSON DEVELOPMENTS INC
6936 DICKINSON ROAD
LANTZVILLE BC V0R 2H0

BOV004664

RE: 5275 COLBOURNE DRIVE
VINCENT ANN PATRICIA
VENABLES LESLIE ALLEN
5275 COLBOURNE DRIVE
NANAIMO BC V9T 6R6

RE: 5145 OWLSTONE PLACE
MOUNT BENSON DEVELOPMENTS INC
6936 DICKINSON ROAD
LANTZVILLE BC V0R 2H0

RE: 5269 COLBOURNE DRIVE
REYNOLDS ANDREW JAMES
5269 COLBOURNE DRIVE
NANAIMO BC V9T 6R6

RE: 5141 OWLSTONE PLACE
MOUNT BENSON DEVELOPMENTS INC
6936 DICKINSON ROAD
LANTZVILLE BC V0R 2H0

RE: 5257 COLBOURNE DRIVE
DUGARO BRIAN LUCIANO
6641 DOVER ROAD
NANAIMO BC V9V 1A6

RE: 5276 COLBOURNE DRIVE
MYHRER GUNNAR VINCENT
MYHRER LISA DAWN
5276 COLBOURNE DRIVE
NANAIMO BC V9T 6R6

RE: 5264 COLBOURNE DRIVE
HUSBAND RANDAL GLEN
CLAMPETT-HUSBAND SUSANNE MAE
5264 COLBOURNE DRIVE
NANAIMO BC V9T 6R6

RE: 5210 COUGAR TRAIL ROAD
MOUNT BENSON DEVELOPMENTS INC
6936 DICKINSON ROAD
LANTZVILLE BC V0R 2H0

RE: 5149 OWLSTONE PLACE
MOUNT BENSON DEVELOPMENTS INC
6936 DICKINSON ROAD
LANTZVILLE BC V0R 2H0

BOV004464

CITY OF NANAIMO
BOARD OF VARIANCE
NOTICE OF MEETING

A meeting of the Board of Variance will be held on Thursday, August 21st, 2008, at 7:00 p.m. in the Board Room of City Hall, 455 Wallace Street, Nanaimo, BC. to hear the following appeal:

APPEAL: ***BOV00465***

APPLICANT: **Parminder Sandhu**

LOCATION: **Legal Description:** LOT 2 SECTION 18 RANGE 4 CRANBERRY DISTRICT PLAN VIP82187
Civic Address: 2294 Dodds Road

PURPOSE: The applicant is requesting that the maximum height of a single family dwelling, as shown in the provided survey, be increased from 8.25 metres (27.06 feet) to 8.47 metres (27.78 feet) in order to permit the recent construction of a single family dwelling.

ZONING REGULATIONS:
This property is included in the Steep Slope Residential Zone – (RS-7) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 6.7.8.1 - Height of Buildings
The height of a principal building shall not exceed the maximum height shown in the following table:

Roof Pitch	Maximum Height
A flat roof (< than 4:12)	6.71 metres (22 feet)
A sloped roof (≥4:12)*	8.25 metres (27.06 feet)

** for an area of at least 80% of all roof surfaces measured in plan view.*

This Board of Variance decision shall apply to subsequent owners of the land. If you deem your property to be affected by this appeal, this meeting of the Board of Variance will be open to hear your representation.

This appeal may be inspected at the offices of the Development Services Department, 238 Franklyn Street, Nanaimo, B.C. Monday to Friday (except statutory holidays) 8:30 a.m. to 4:30 p.m. from 2008-August-08th to 2008-August-21st both inclusive.

City of Nanaimo

location map.

BOV00465

CITY OF NANAIMO
THE HARBOUR CITY

Application Deadline: Aug 1st 2008
for the Next Meeting: Aug 21st 2008

Board of Variance Appeal

I/we do hereby appeal to the Board of Variance under Part 26, Section 901, of the *Municipal Act* of the Province of British Columbia to:

Describe Variance: House is constructed - Roof is finished - Survey indicates peak of roof is 8½ inches (0.22 mt) over permitted elevation.

Reason for Variance: Builders incorrectly set elevation of main floor by measurement from lower basement - Appears to be exactly 1 foot error

Address of Property: ~~Lot~~ 2294 Dodds Road Nanaimo

Legal Description: Lot 2, Section 18, Range 4 Cranberry District Pl. VIP82187

In support of this appeal I/we attach the following information necessary to confirm the nature and extent of this appeal:

- ☑ Written explanation (point form) addressed to the Board of Variance describing the reasons why a variance is required
- ☐ Dimensioned BCLS survey - required for setback variances
- ☐ Height survey, noting building corner elevations used to determine average *natural* grade - required for height variances
- ☐ Also included is an Application Fee of $100.00 (no GST) to be submitted with this application

If this variance is required to legalize a building or structure that has already been constructed, please indicate whether or not a valid Building Permit was issued before construction began. ◷ Yes (Permit No: 111797) ◷ No

Paminder S Sandhu	
Signature of Registered Owner	Signature of Agent/Option Holder
Parminder Singh Sandhu	Chris C Everett.
Print Name of Registered Owner	Print Name of Agent/Option Holder
9376 124 St Surrey BC. V3V 4S3	111-65 Victoria Road
Mailing Address	Mailing Address
604 583 1003 604 889 5407	Nanaimo
Phone Number (home and work)	Phone Number (home and work)
	250 716 0086 751 8750

Consent of Neighbors: 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 are the owners of property adjacent to the property of which this appeal is being made. We offer no objection whatsoever to the granting of the variance asked for in the appeal.

Owner's Name (please print)	Owner's Signature	Civic Address
Parminder Sandhu	P SANDHU	2300 Dodds Road
Christine Blouin	P SANDHU	2273 Kingsford Place Dodds Road.
*	*	

NOTE:
1. In order for a Variance to remain valid, a building permit must be issued within six (6) months of the appeal date. This time limit may be increased or decreased, for a given appeal, at the Board's discretion.
2. A relaxation granted by the Board of Variance applies only to the City of Nanaimo Bylaws specified - the Board does not have the authority to waive or relax any rules or requirements that involve Section 901(3) of the *Municipal Act*.

OFFICE USE

Application Checklist

- ☐ Written Rational
- ☐ Survey
- ☐ Application Fee
- ☐ Consent of Neighbors

Property is Zoned: _____
Bylaw section & requirement: _____
Comments:

g:/devplan/files/bov application form

Appeal No.: BOV00465

Date: 08/08/05 TITLE SEARCH PRINT - VICTORIA Time: 11:55:55
Requestor: (PL86956) CITY OF NANAIMO Page: 001
TITLE - FA138147

SECTION 98 LAND TITLE ACT

VICTORIA LAND TITLE OFFICE TITLE NO: FA138147
FROM TITLE NO: FA107612

APPLICATION FOR REGISTRATION RECEIVED ON: 23 NOVEMBER, 2006
ENTERED: 13 DECEMBER, 2006

REGISTERED OWNER IN FEE SIMPLE:
PARMINDER SINGH SANDHU, SELF-EMPLOYED
C/O 9376 - 124TH STREET
SURREY, BC
V3V 4S3
AS TO AN UNDIVIDED 25/100 INTEREST

INDERPREET KAUR SANDHU, BUILDING MAINTENANCE WORKER
C/O 9376 - 124TH STREET
SURREY, BC
V3V 4S3
AS TO AN UNDIVIDED 25/100 INTEREST

AMANDEEP SINGH JOHAL, BUSINESSMAN
C/O 9376 - 124TH STREET
SURREY, BC
V3V 4S3
AS TO AN UNDIVIDED 25/100 INTEREST

HARVINDER SINGH PUREWAL, TRUCK OPERATOR
C/O 9376 - 124TH STREET
SURREY, BC
V3V 4S3
AS TO AN UNDIVIDED 25/100 INTEREST

TAXATION AUTHORITY:
CITY OF NANAIMO

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 026-913-909
LOT 2 SECTION 18 RANGE 4 CRANBERRY DISTRICT PLAN VIP82187

LEGAL NOTATIONS:

LAND HEREIN WITHIN BUILDING SCHEME, SEE DD 376818I

CHARGES, LIENS AND INTERESTS:
NATURE OF CHARGE
CHARGE NUMBER DATE TIME

UNDERSURFACE RIGHTS
M76301
REGISTERED OWNER OF CHARGE:
HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA
M76301
REMARKS: AFB 38.83.D32014 DD 41284N

BOV00465

CONTINUES ON PAGE 002

Date: 08/08/05 TITLE SEARCH PRINT - VICTORIA Time: 11:55:56
Requestor: (PL86956) CITY OF NANAIMO Page: 002
TITLE - FA138147

INTER ALIA SECTION 172(3)

RESTRICTIVE COVENANT
364925G 1968-08-30 00:00
REMARKS: DD 18499W, INTER ALIA

STATUTORY RIGHT OF WAY
EC108162 1989-10-18 11:48
REGISTERED OWNER OF CHARGE:
CITY OF NANAIMO
EC108162
REMARKS: INTER ALIA

STATUTORY RIGHT OF WAY
FA47795 2006-04-24 11:04
REGISTERED OWNER OF CHARGE:
BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
FA47795
REMARKS: INTER ALIA

STATUTORY BUILDING SCHEME
FA138172 2006-11-23 13:38
REMARKS: INTER ALIA

COVENANT
FA138173 2006-11-23 13:39
REGISTERED OWNER OF CHARGE:
CITY OF NANAIMO
FA138173
REMARKS: INTER ALIA

MORTGAGE
FB56927 2007-06-06 09:47
REGISTERED OWNER OF CHARGE:
CANADIAN WESTERN BANK
FB56927
REMARKS: INTER ALIA

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS: NONE

PENDING APPLICATIONS: NONE

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

BoV00464

Chris C Everett BCLS, CLS
111 - 55 Victoria Road
Nanaimo BC
V9R 5N9

Phone 250 716 0086
Fax 250 716 0043
Email ceverett@telus.net

July 25th 2008

Building Department
City of Nanaimo
Nanaimo

Dear sirs

Reference: Lot 2 Section 18 Range 4 Cranberry District Plan VIP82187
2294 Dodds Road Nanaimo - BOARD OF VARIANCE APPEAL

Find attached an application to the Board of variance to allow a variance on the height requirement for the house constructed on the above noted site.

The location, garage slab and lower basement were correctly set by the surveyor as per the permit requirements but when constructing the walls an error of one foot appears to have been made by the builders. This was not detected until the surveyor completed the final check on the elevation of the roof. The peak of the roof was 0.22 (8") above the permitted elevation.

The only home that is affected with respect to view is 2273 Kingsford place across the road and the occupants of this have indicated they have no objections to an appeal being granted.

The home next door (is not affected at all but would not sign the form until the developer had completed some additional landscaping). All the other adjacent buildings are still owned by Parmnder Sandhu (the developer)

Chris C Everett BCLS
(Agent for Parminder Sandhu)

BoV00465

B.C. LAND SURVEYOR'S CERTIFICATE as to BUILDING LOCATION

Chris Everett Land Surveying Ltd.
111–55 Victoria Road, Nanaimo B.C. V9R 5N9
Phone: (250)716–0086 ~ Fax: (250)716–0043

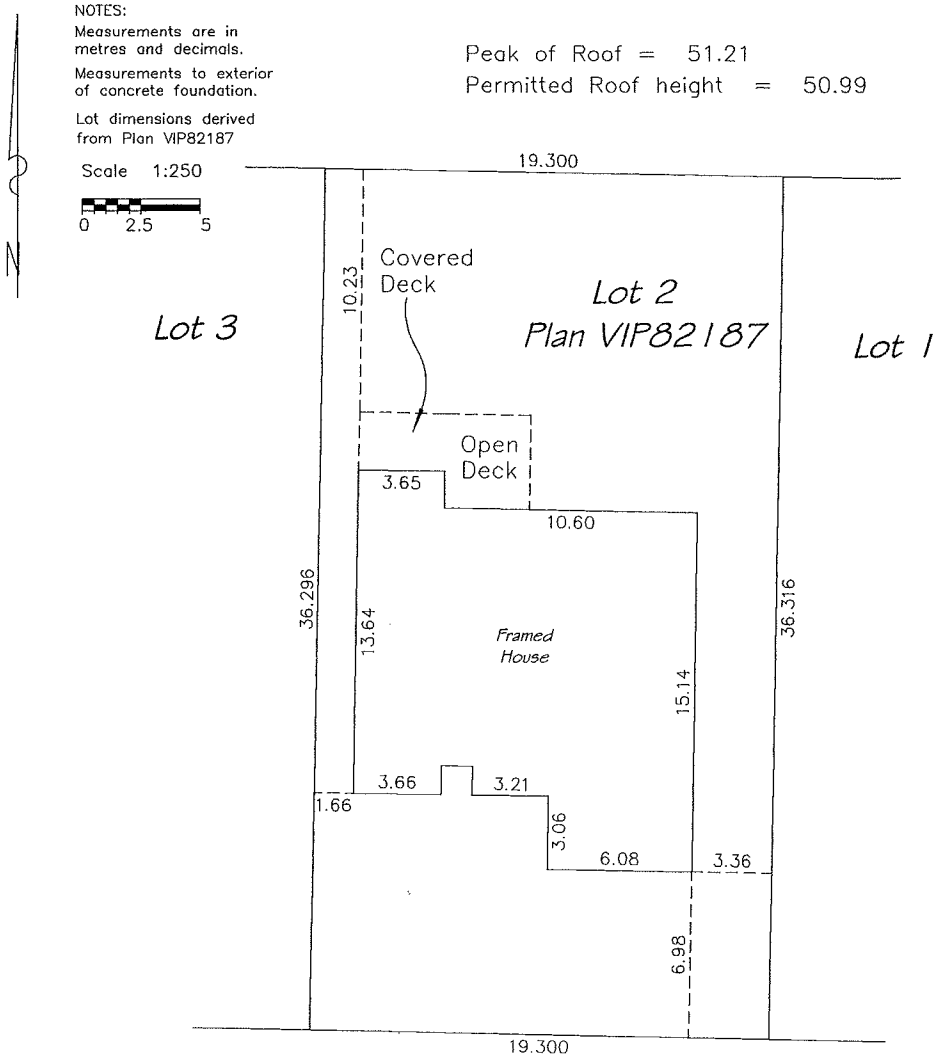
LEGAL DESCRIPTION: Lot 2, Section 18, Range 4, Cranberry District, Plan VIP82187
CIVIC ADDRESS: 2294 Dodds Road, Nanaimo, British Columbia
PID: 026–913–909

I, CHRISTOPHER CHARLES EVERETT, British Columbia Land Surveyor do hereby certify that:

1) I certify that the foundation walls of the improvements shown are entirely within the boundaries of the property with plan distances and approximate side, front, and rear yard clearances as shown on the sketch below.
2) This sketch does not constitute a redefinition of the legal boundaries hereon described and is not to be used in any manner which would assume that the boundaries have been redefined.
3) This survey was completed on 22nd May 2008

NOTES:
Measurements are in metres and decimals.
Measurements to exterior of concrete foundation.
Lot dimensions derived from Plan VIP82187

Peak of Roof = 51.21
Permitted Roof height = 50.99



Dodds Road

This building location certificate has been prepared in accordance with the Manual of Standard Practice and is certified correct this 27 day of May, 2008

BCLS

© 2008 CHRIS EVERETT LAND SURVEYING LTD. This document is not valid unless originally signed and sealed
All rights reserved. No person may copy, reproduce, transmit or alter this document in whole or in part without the consent of the signatory.

FILE NO. L3–wexf2C

BoV00465

AUTHORIZATION AND APPOINTMENT OF AGENT

NOTE: In cases where the parcels being subdivided are owned by more than one person, or where the applicant is someone other than the Owner, the Agent must obtain the written authorization of all the Owners to file any application.

This is to confirm that the Owner,

Name Parminder Sandhu

hereby appoints:

Name Chris. C. Everett.

Address 55 Victoria Road.

Nanaimo V9R 5H9

Phone 250 716 0086 Fax 250 716 0043 Email ceverett@telus.net

_____, as Agent.

The Agent is authorized to:

Board of Variance Application

- ☐ ~~tender this application for Preliminary Layout Acceptance of the subdivision;~~
- ☑ tender this application ~~for Final Approval of the subdivision;~~ PS

The Owner's signature, by its Authorized Signatories (Owner(s) please sign here):

PARMINDER S SANDHU

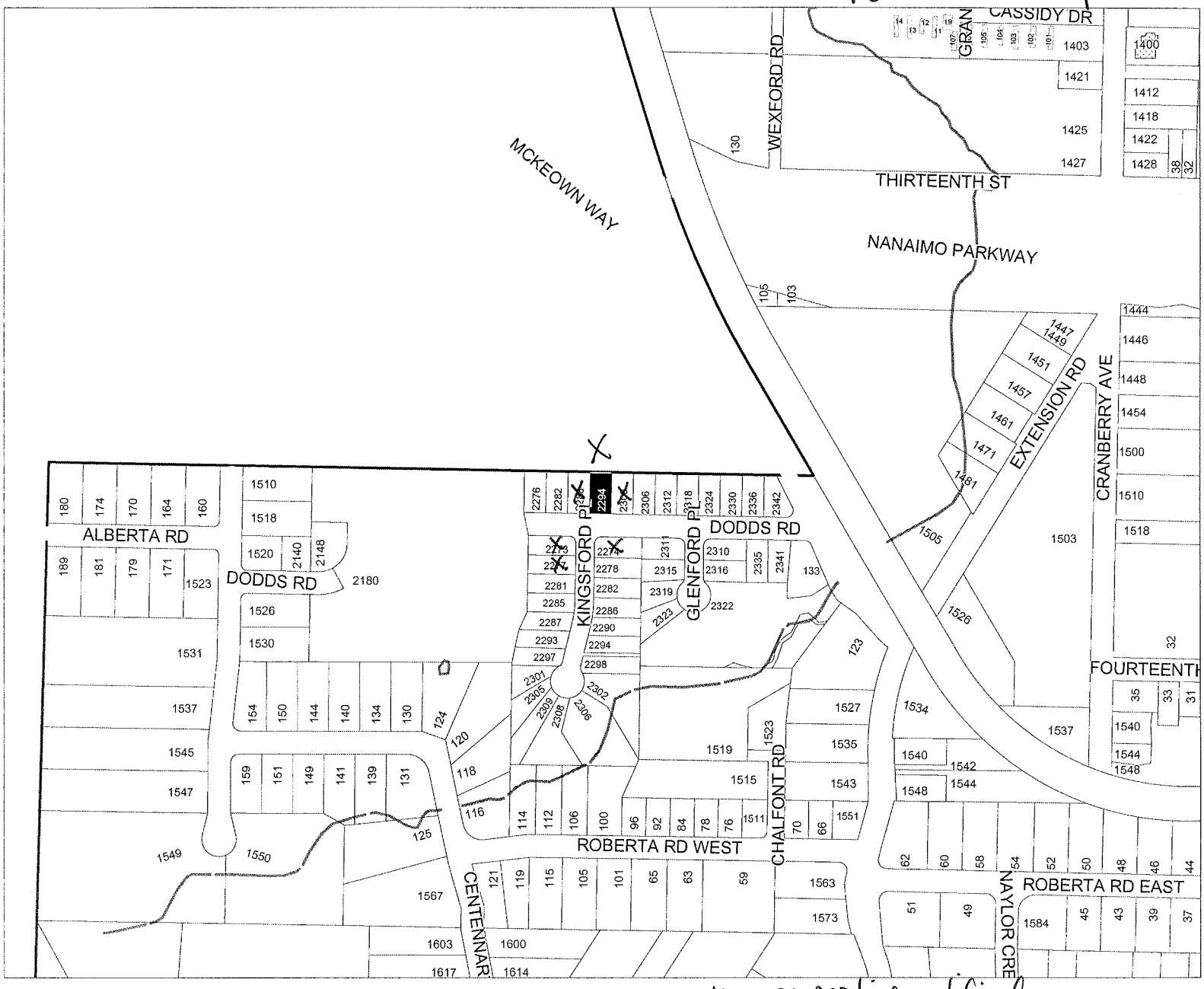
EXECUTION DATE: 23 July 2008

Please be sure the application is complete.
Incomplete applications will not be accepted for processing.
Staff are available to meet with the Owner at a Pre-application Meeting to assist with the preparation of an application.

BOV00465

City of Nanaimo

Notification map.



BOV00465

RE: 2300 DODDS ROAD
JOHAL AMANDEEP SINGH
PUREWAL HARVINDER SINGH
9376 124TH STREET
SURREY BC V3V 4S3

Island Timberlands GP Ltd.
c/o Island Timberlands
4th floor - 65 Front St.
Nanaimo, BC
V9R 5H9

RE: 2300 DODDS ROAD
SANDHU PARMINDER SINGH
SANDHU INDERPREET KAUR
9376 124TH STREET
SURREY BC V3V 4S3

RE: 2288 DODDS ROAD
ROTHER SUSAN MARGARET
2288 DODDS ROAD
NANAIMO BC V9X 1A1

RE: 2273 KINGSFORD PLACE
EVERETT CHRISTOPHER CHARLES
BLOUIN CHRISTINE
2273 KINGSFORD PLACE
NANAIMO BC V9X 1Y3

RE: 2277 KINGSFORD PLACE
VAN WIEREN DEVELOPMENTS LTD
20295 93B AVENUE
LANGLEY BC V1M 1Y7

RE: 2274 KINGSFORD PLACE
JOHAL AMANDEEP SINGH
PUREWAL HARVINDER SINGH
9376 124TH STREET
SURREY BC V3V 4S3

RE: 2274 KINGSFORD PLACE
SANDHU PARMINDER SINGH
SANDHU INDERPREET KAUR
9376 124TH STREET
SURREY BC V3V 4S3

BOV00465