



AGENDA BOARD OF VARIANCE MEETING

September 20, 2018, 5:30 PM
Board Room, Service and Resource Centre,
411 Dunsmuir Street, Nanaimo, BC

Pages

1. **CALL THE MEETING OF THE BOARD OF VARIANCE TO ORDER:**
2. **INTRODUCTION OF LATE ITEMS:**
3. **ADOPTION OF AGENDA:**
4. **ADOPTION OF MINUTES:**
 - a. **Minutes of the Open Board of Variance Meeting held in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2018-JUL-19, at 5:30pm.** 4 - 5
5. **PRESENTATIONS:**
 - a. **Board of Variance Application No. BOV701 - 4884 Blue Jay Trail** 6 - 14

Legal Description: Lot 3, District Lot 55, Wellington District, Plan 32002

The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 in order to permit a central air conditioning unit to be located to the side of the principal building and to vary the distance from the side lot line from 4.5m to 3.1m. This represents a variance of 1.4m.

Zoning Bylaw No. 4500 (6.5.2) requires that a heat pump or central air conditioning unit be located to the rear of a principal building and to be sited no closer than 4.5m from a side lot line.
 - b. **Board of Variance Application No. BOV702 - 34 Lebarz Road** 15 - 26

Legal Description: Lot 11, Section 2, Nanaimo District, Plan 20851

The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 in order to permit a heat pump to be located to the side of the principal building.

Zoning Bylaw No. 4500 (6.5.2) requires that a heat pump or central air conditioning unit be located to the rear of a principal building.

c. Board of Variance Application No. BOV703 - 250 Pine Street

27 - 36

Legal Description: Southerly 1/2 of Section B, of Lot 3, Block R, Section 1, Nanaimo District, Plan 584

1) In order to raise an existing non-conforming house, the applicant is requesting the following:

- a north side yard setback of 1.0m
- a south side yard setback of 1.1m

This represents variances of 0.5m and 0.4m respectively.

2) The applicant is also requesting a north side yard setback of 0.9m in order to replace an existing non-conforming accessory building. This represents a variance of 0.6m.

Zoning Bylaw No. 4500 (7.5.1) requires a minimum side yard setback of 1.5m in the R1b zone.

d. Board of Variance Application No. BOV704 - 5941 Stillwater Way

37 - 46

Legal Description: Lot 18, District Lot 14, Wellington District, Plan EPP55143

The applicant is requesting a variance to allow an eave to project 1.1m into the side yard setback for a single residential dwelling currently under construction. This represents a variance of 0.35m.

Zoning Bylaw No. 4500 (6.5.1) permits an eave to project up to 0.75m into the required side yard setback. The side yard setback in the R2 zone is 1.5m.

e. Board of Variance Application No. BOV705 - 312 Dorchester Place

47 - 62

Legal Description: Lot 14, Section 9, Range 8, Mountain District, Plan VIP82047

The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 to increase the maximum height of fence or retaining wall from 2.4m to 3.1m in order to complete an under construction retaining wall in the side yard and rear yard. This represents a variance of 0.7m.

Zoning Bylaw No. 4500 (6.10.2) permits a fence up to 2.4m in height in a side yard and a rear yard in the R10 zone.

Legal Description: Strata Lot 43, Section 5, Wellington District, Strata Plan 830 (Phase 2), together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 to reduce the side yard setback from 1.5m to 0.3m in order to construct exterior stairs along the south side of an existing single residential dwelling. This represents a variance of 1.2m.

Zoning Bylaw No. 4500 (7.5.1) requires a minimum side yard setback of 1.5m in the R1 zone.

6. ADJOURNMENT:

MINUTES
BOARD OF VARIANCE MEETING
SERVICE AND RESOURCE CENTRE BOARDROOM, 411 DUNSMUIR STREET, NANAIMO,
BC, ON THURSDAY, 2018-JUL-19 AT 5:30 P.M.

PRESENT: Members: Gregory Blundell
 Robert Irwin
 Jessica Kaman
 Ronald Nadeau

 Absent: Gerry Johnson

 Staff: David Stewart, Planner

1. CALL THE BOARD OF VARIANCE COMMITTEE MEETING TO ORDER:

The Open Board of Variance Meeting was called to order at 5:35 p.m.

2. ADOPTION OF AGENDA:

 It was moved and seconded that the Agenda be adopted. The motion carried unanimously.

3. ADOPTION OF MINUTES:

 It was moved and seconded the Minutes of the Board of Variance Meeting held 2018-FEB-15 in the Service and Resource Centre Building, Room 105, Nanaimo, BC be adopted as circulated. The motion carried unanimously.

 It was moved and seconded the Minutes of the Board of Variance Meeting held 2018-JUN-21 in the Service and Resource Centre Building, Room 105, Nanaimo, BC be adopted as circulated. The motion carried unanimously.

4. PRESENTATIONS:

(a) Appointment of Chair

 It was moved and seconded that Robert Irwin be appointed as Chair of the Board of Variance. The motion carried unanimously.

(b) Board of Variance Application No. BOV00700 – 3712 Polaris Drive

- Robert Irwin read the application requesting to vary the provisions of Zoning Bylaw No. 4500 to reduce the minimum side yard setback from 1.5m to 1.4m in order to construct a second storey and legalize the siting of an existing non-conforming single residential dwelling.
- Murray Briggs of Dogwood Mountain Homes, the applicant, spoke to the rationale for the application.

- The requested variance and rationale were discussed.

It was moved and seconded that application BOV700 for 3712 Polaris Drive to vary the provisions of the City of Nanaimo “ZONING BYLAW NO. 4500” in order reduce the side yard setback from 1.5m to 1.4m be approved. The motion carried unanimously.

5. ADJOURNMENT:

It was moved and seconded at 5:45pm that the meeting terminate. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER



COMMUNITY DEVELOPMENT

BOARD OF VARIANCE

NOTICE OF MEETING

A meeting of the Board of Variance will be held on Thursday, 2018-AUG-16 at 5:30pm in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC to hear the following appeal:

APPEAL NO: BOV00701

Applicant: JAMES NORTHRUP

Civic Address: 4884 BLUE JAY WAY

Legal Description: LOT 3, DISTRICT LOT 55, WELLINGTON DISTRICT, PLAN VIP21742

Purpose: The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 in order to permit a central air conditioning unit to the side of the principal building and to vary the distance from the side lot line from 4.5m to 3.1m. This represents a variance of 1.4m.

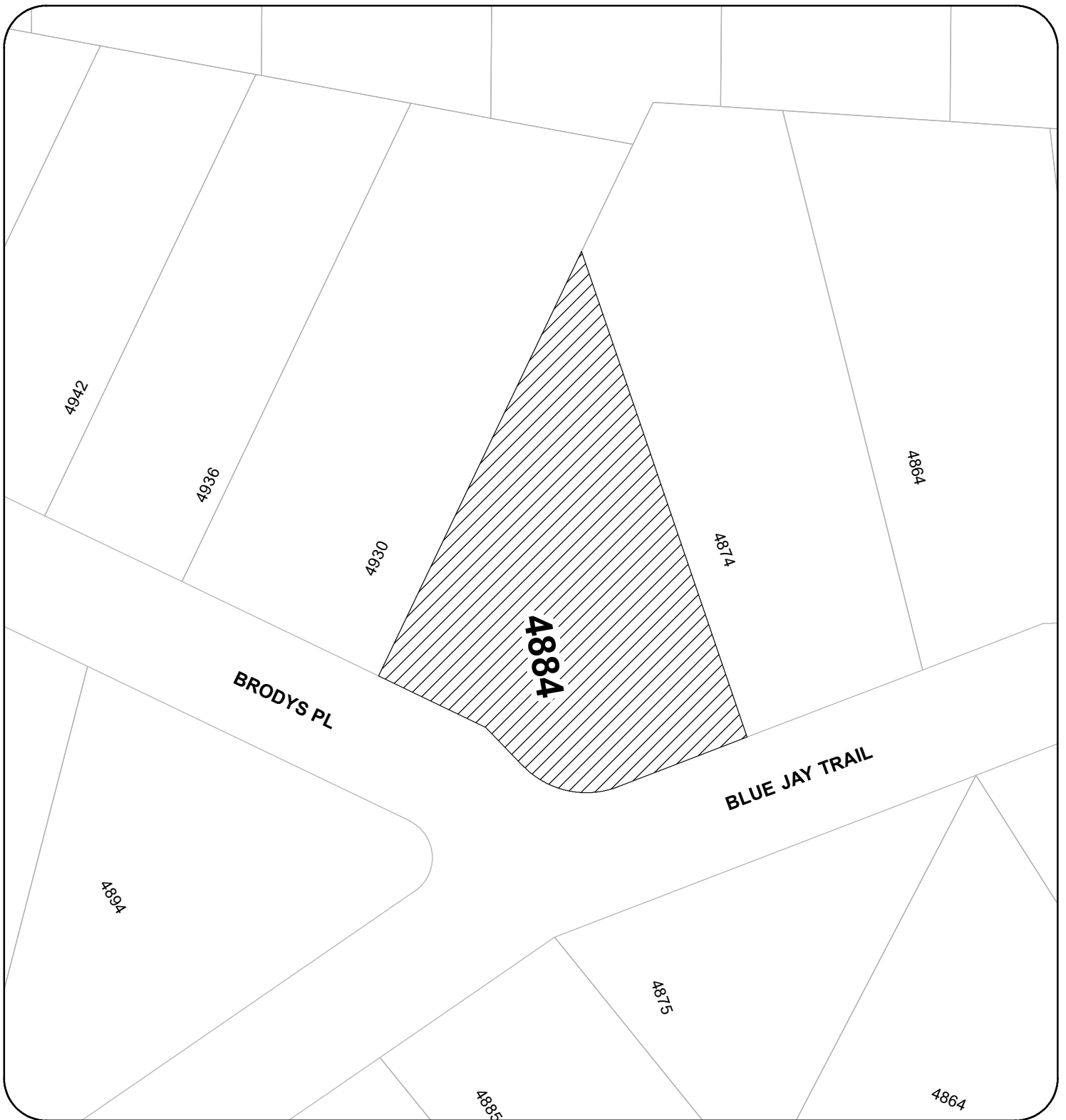
Zoning Regulations: Single Family Residential – R1. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

"Section 6.5.2 – Projections into Yards

Where the principal use of the property is a single residential dwelling or duplex, heat pumps and central air conditioning units must be located to the rear of a principal building and shall not be located closer than 4.5m from the side lot lines or closer than 3m from the rear property lines."

The Board of Variance decision will apply to subsequent owners of the land. If you deem your property to be affected by this appeal, please feel free to attend this meeting. Anyone wishing to address this appeal will be afforded the opportunity to be heard at the Board of Variance meeting. This application may be reviewed with Staff at the Community Safety & Development offices, 411 Dunsmuir Street, Nanaimo, BC, or by calling 250-755-4460 (x4344), during normal business hours, Monday to Friday, excluding statutory holidays, from 2018-AUG-03 to 2018-AUG-16, inclusive. Questions or comments can also be sent by email to: planning@nanaimo.ca

LOCATION PLAN



BOARD OF VARIANCE NO. BOV00701

LOCATION PLAN



Civic: 4884 Blue Jay Trail
Legal Description: LOT 3, DISTRICT LOT 55,
WELLINGTON DISTRICT, PLAN 21742



Subject Property

B.C. Land Surveyor's Building Location Certificate on:

Lot 3, District Lot 55,

Wellington District, Plan 21742.

P.I.D. 000-559-806

Civic Address: 4884 Blue Jay Trail, Nanaimo

This document was prepared for municipal and mortgage purposes and is for the exclusive use of our client, Harbour Point Homes.

This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above.

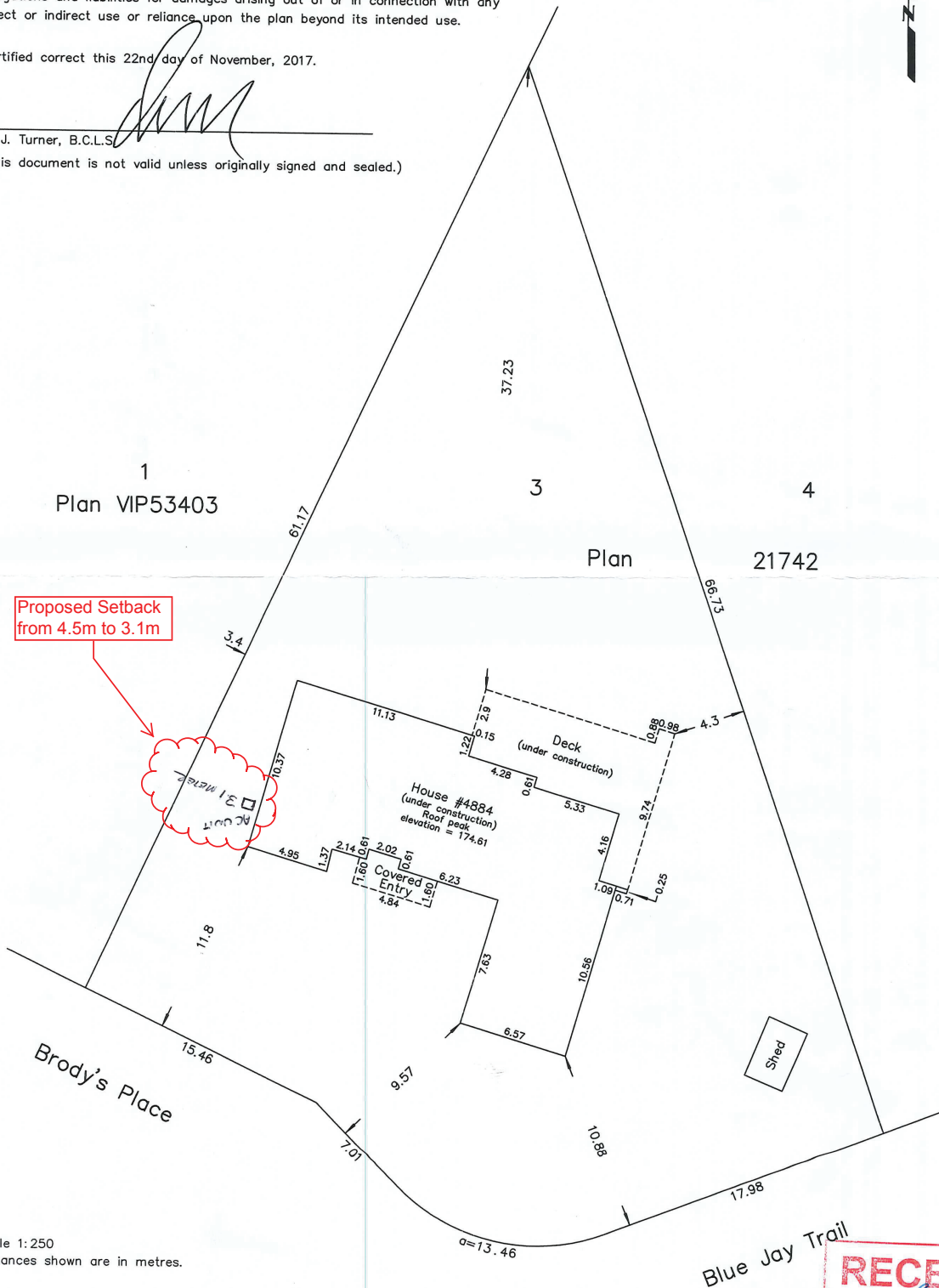
This document shall not be used to define property lines or property corners.

Turner Land Surveying Inc. accepts no responsibility for and hereby disclaim all obligations and liabilities for damages arising out of or in connection with any direct or indirect use or reliance upon the plan beyond its intended use.

Certified correct this 22nd day of November, 2017.

R. J. Turner, B.C.L.S.

(This document is not valid unless originally signed and sealed.)



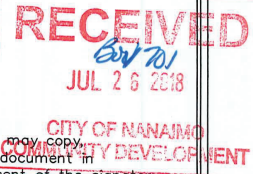
Scale 1:250
Distances shown are in metres.

Turner Land Surveying Inc
605 Comox Road
Nanaimo, B.C.
V9R 3J4
250-753-9778
File: 17-129

Note:

This property is affected by the following registered documents:
M76300, 334387G & C7003.

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AERIAL PHOTO



BOARD OF VARIANCE APPLICATION NO. BOV00701

City of Nanaimo
4884 Blue Jay Trail
July 26, 2018

Re: Variance Rationale Letter. Air conditioner was roughed in on side yard and doesn't meet side yard set backs.

To whom it may concern,

We purchased the house in September 2017 and completely rebuilt the house. The air conditioner was roughed in on the side of the house during the remodel. The building inspector noted this on final inspection and said it had to be relocated to the rear of the yard. The problem with doing this now is the basement is completely finished and the line set for the unit is installed above the mechanical components. So in order for this to happen drywall needs to be removed, the mechanical system needs to be removed, the electrical needs to be relocated, and line set for unit needs to be relocated.

During the course of construction the inspector was on site many times and this was never noted. The line set needed to be installed prior to framing inspection, paper and flashing inspection, and insulation inspection. If it was noted at any of those times this issue could have been addressed. I've attached copies of the inspection reports as well to show that this was never noted until final.

The unit that was installed is the quietest unit you can buy. I've also attached the specs of the unit.

Regarding the side yard setbacks I am asking for a 1.4 meter variance to allow the ac unit to remain in its location. The distance from the ac unit to the property line is 3.1 meters and the distance from the ac unit to the neighbours house is 6.2 meters. Where the compressor is on the AC unit it is 4 meters from the property line. Please see attached survey and pictures.

Please feel free to contact me with any questions,

Thank you,

[Redacted Signature]

Owner 4884 Blue Jay Trail



FIND A DEALER



WHATEVER
IT TAKES.®

Heating & Cooling Systems

Home : Air Conditioners : Evolution® Variable-Speed Air Conditioner

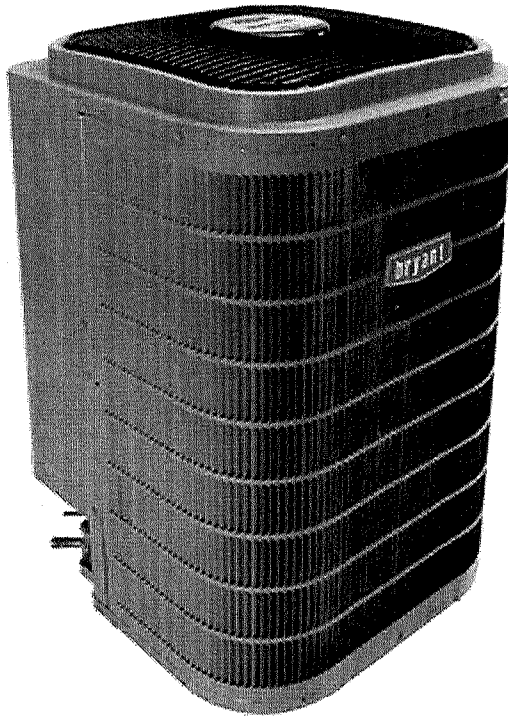
RECEIVED

BoV 701

JUL 26 2018

CITY OF NANAIMO
COMMUNITY DEVELOPMENT

Evolution® Variable-Speed Air
Conditioner



Model 189BNV ★★★★★ (23)

Taking Comfort and Quiet to Whole New Level

Small but powerful, this unique air conditioner uses inverter technology and a rotary compressor to deliver variable-speed comfort control. That translates to highly efficient, low-stage cooling that can operate down to 25% capacity for ultra-quiet operation. What's more, it can provide exceptional dehumidification and comfort.

FIND YOUR BRYANT DEALER

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Specifications

[Documents](#)

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EFFICIENCY MANAGEMENT

Energy Efficiency Up to 19 SEER & up to 13 EER

ENERGY STAR® Meets ENERGY STAR® guidelines for high efficiency in select sizes

Cooling stages 5-stages for variable-speed operation

COMFORT MANAGEMENT

Cooling Best levels of Bryant cooling control to minimize temperature fluctuation

Dehumidification Optimal humidity management through low stage operation when managed by Evolution Connex control

SOUND

Quiet levels 56 dB during low stage operating condition **AeroQuiet System IITM design** Pressure equalizer valve, compressor sound blanket; quiet mount split post compressor grommets, forward-swept fan blade

Startup Soft start and smooth ramp up

CONVENIENCES

Notifications Maintenance reminders and service notices through the advanced system diagnostics of the Evolution Connex control

TECHNOLOGY

Compressor 5-stage rotary with 25-100% capacity range

Control Inverter driven compressor and fan motor managed by Evolution Connex control

Refrigerant Puron® refrigerant

Compatibility Designed for best efficiencies when part of Evolution system but compatible with 2-stage thermostats and suitable indoor products for 2-stage operation and step up to full Evolution system at later time

Protections High and low pressure switches; filter drier

Capacity 2-4 tons

AESTHETICS

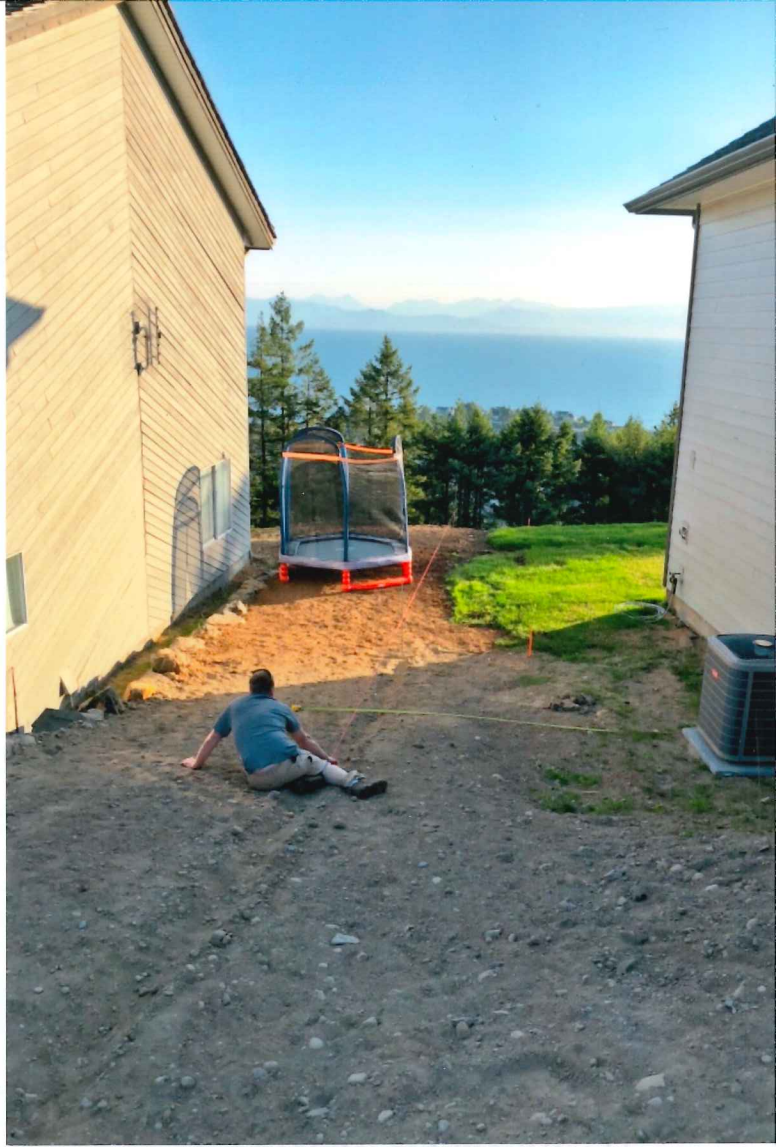
Design Attractive DuraGuard™ Plus system

Construction Durable, sheet metal construction

Paint Baked-on, complete outer coverage, powder paint

*Bryant reserves the right to discontinue or change any specification or design without prior notice or obligation.

Video & Images





COMMUNITY DEVELOPMENT

BOARD OF VARIANCE

NOTICE OF MEETING

A meeting of the Board of Variance will be held on Thursday, 2018-AUG-16 at 5:30pm in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC to hear the following appeal:

APPEAL NO: BOV00702

Applicant: MICHAEL FRAJMAN

Civic Address: 34 LEBARZ ROAD

Legal Description: LOT 11, SECTION 2, NANAIMO DISTRICT, PLAN 20851

Purpose: The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 in order to permit a central air conditioning unit to the side of the principal building.

Zoning Regulations: Single Family Residential – R1. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

"Section 6.5.2 – Projections into Yards

Where the principal use of the property is a single residential dwelling or duplex, heat pumps and central air conditioning units must be located to the rear of a principal building and shall not be located closer than 4.5m from the side lot lines or closer than 3m from the rear property lines."

The Board of Variance decision will apply to subsequent owners of the land. If you deem your property to be affected by this appeal, please feel free to attend this meeting. Anyone wishing to address this appeal will be afforded the opportunity to be heard at the Board of Variance meeting. This application may be reviewed with Staff at the Community Safety & Development offices, 411 Dunsmuir Street, Nanaimo, BC, or by calling 250-755-4460 (x4344), during normal business hours, Monday to Friday, excluding statutory holidays, from 2018-AUG-03 to 2018-AUG-16, inclusive. Questions or comments can also be sent by email to: planning@nanaimo.ca

LOCATION PLAN



BOARD OF VARIANCE NO. BOV00702

LOCATION PLAN



Subject Property

Civic: 34 Lebarz Road

Legal Description: LOT A, (DD D52276), SECTION 2,
NANAIMO DISTRICT AND SECTION 17, RANGE 4,
CRANBERRY DISTRICT, PLAN 20851

Site Plan showing proposed building and retaining wall location on:
 Lot 11, Section 2,
 Nanaimo District, Plan 20851.

Client: Stan Frajman

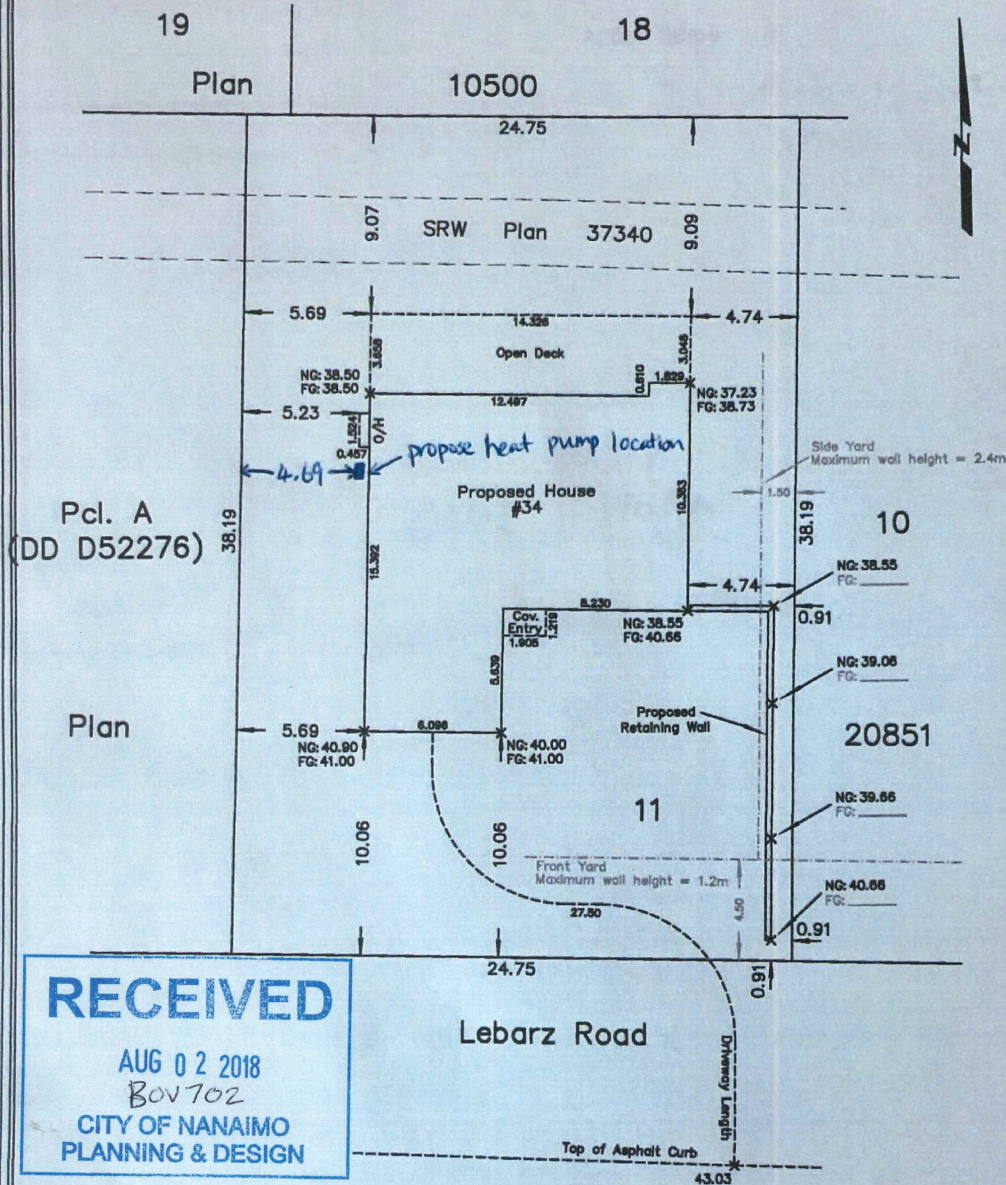
Chic Address: 34 Lebarz Road, Nanaimo

File: 17-077

Date: January 30th, 2018

Scale: 1:250

Drawn by: DRW



RECEIVED

AUG 02 2018

BOV 702

CITY OF NANAIMO
 PLANNING & DESIGN

Proposed Building Height

Average natural grade = 39.04

Average finished grade = 39.98

Allowable building height = 9.00

Maximum building elevation = 48.04

Proposed roof peak elevation = 46.39

Proposed main floor = 41.46

Proposed garage slab = 41.00

Maximum garage slab = 47.72

Minimum garage slab = 38.53

B.C.L.S. has been retained to pin foundation location.

Note:

Wall height is measured from natural grade (NG) or finished grade (FG), whichever is lower, to the highest part of the wall.

Distances and elevations are in metres.
 Geodetic elevations are derived from control monument 79H9381 (CVD28BC Datum).

Turner & land surveying

250.753.9778

605 Comox Road

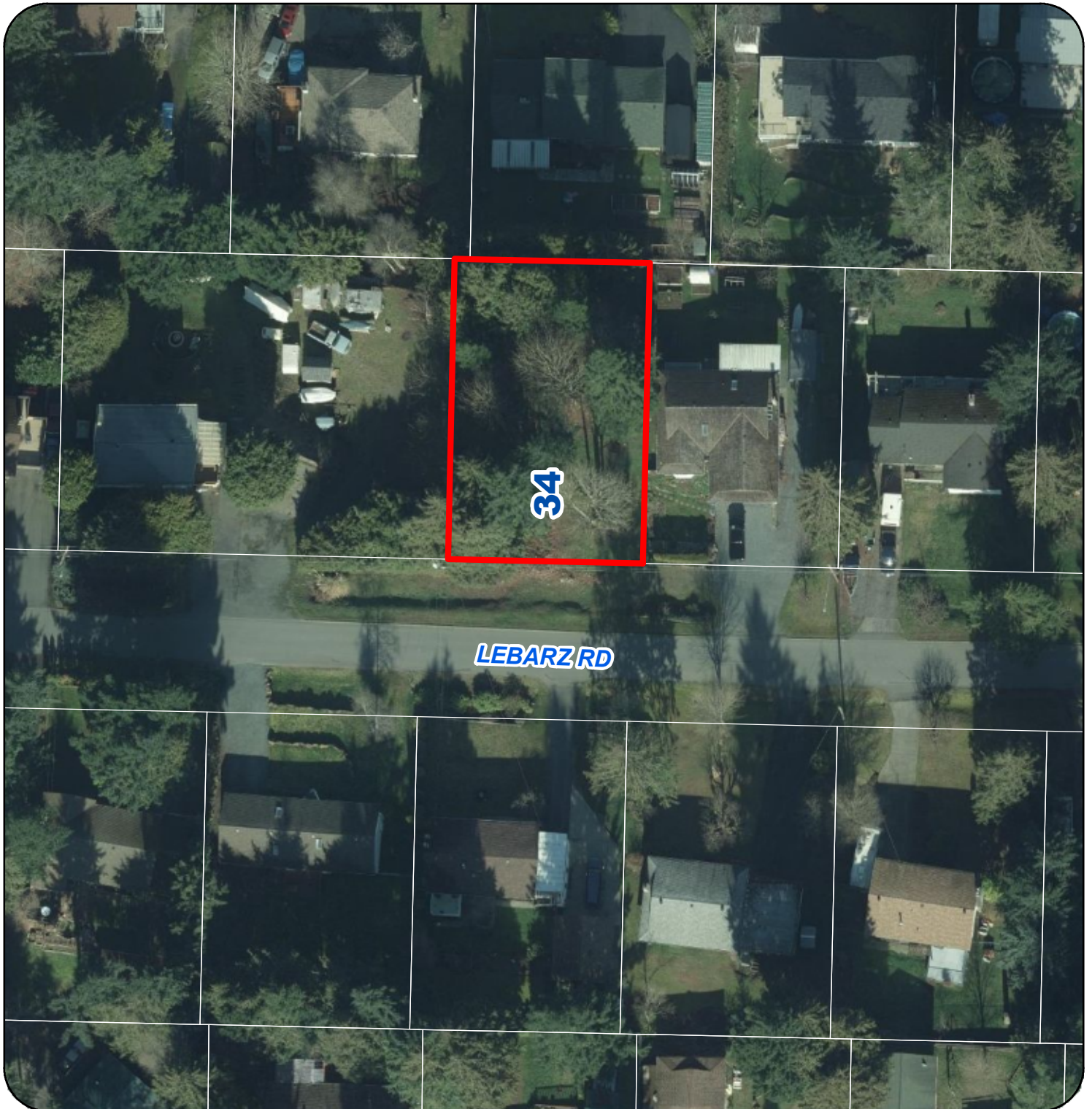
Nanaimo, BC V9R 3J4

Certified correct this 30th day of January, 2017.

B.C.L.S.

(This document is not valid unless originally signed and sealed.)

AERIAL PHOTO



BOARD OF VARIANCE APPLICATION NO. BOV00702

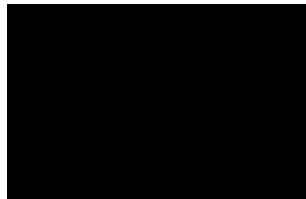
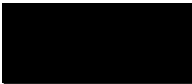
Variance rationale letter, Board of variance

To whom it may concern:

We are applying for a BOV to install a heat pump on the side of our house as opposed to the rear as per bylaw. We are unable to put the heat pump at the north side rear due to our large double sundeck spanning the entire width of the house. Other locations in the back yard would block driveway access and entryway access. The east side also has a sundeck walkway spanning the entire width as well. The most suitable location for us would be to install the heat pump on the west side of the building. The adjacent property is owned by my family and they have in writing approved the proposed location as it is no burden to them.

Thank you for your attention to this matter. We look forward to your response.

Sincerely



July 27, 2018.



July 25/18

To Whom It May Concern,

We, [REDACTED], who live at 36 Lebarz Rd., which is the direct adjacent neighbour to 34 Lebarz Rd., owned by [REDACTED] who is applying for a variance to allow for a heat pump to be installed on the west side of their home that is currently being built.

We have reviewed the location that [REDACTED] of 34 Lebarz Rd wish to locate their new heat pump and find no reason to oppose it. There is enough land separating our properties that we feel it will not affect us.

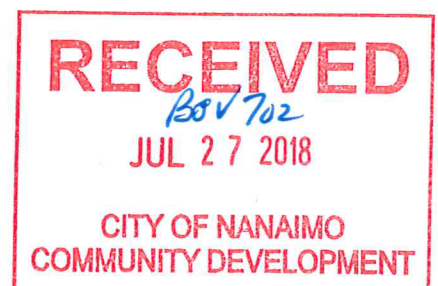
Sincerely,

[REDACTED]

36 Lebarz Rd.

[REDACTED]

[REDACTED]





bryansmechanical@gmail.com
www.bryansmechanical.com
2122 Northfield Road, Nanaimo, BC V9S 3B9
Office (250)758-0738

August 1, 2018

City of Nanaimo
455 Wallace Street
Nanaimo BC V9R 5J6

To whom it may concern:

**Re: Installation of Air Conditioning Unit ("ACU")
at 34 Lebarz Road, Nanaimo, BC, V9X 1A9**

We request permission to install the ACU on the side of the house is due to the fact that we cannot install under the twelve foot sundeck located at the back.

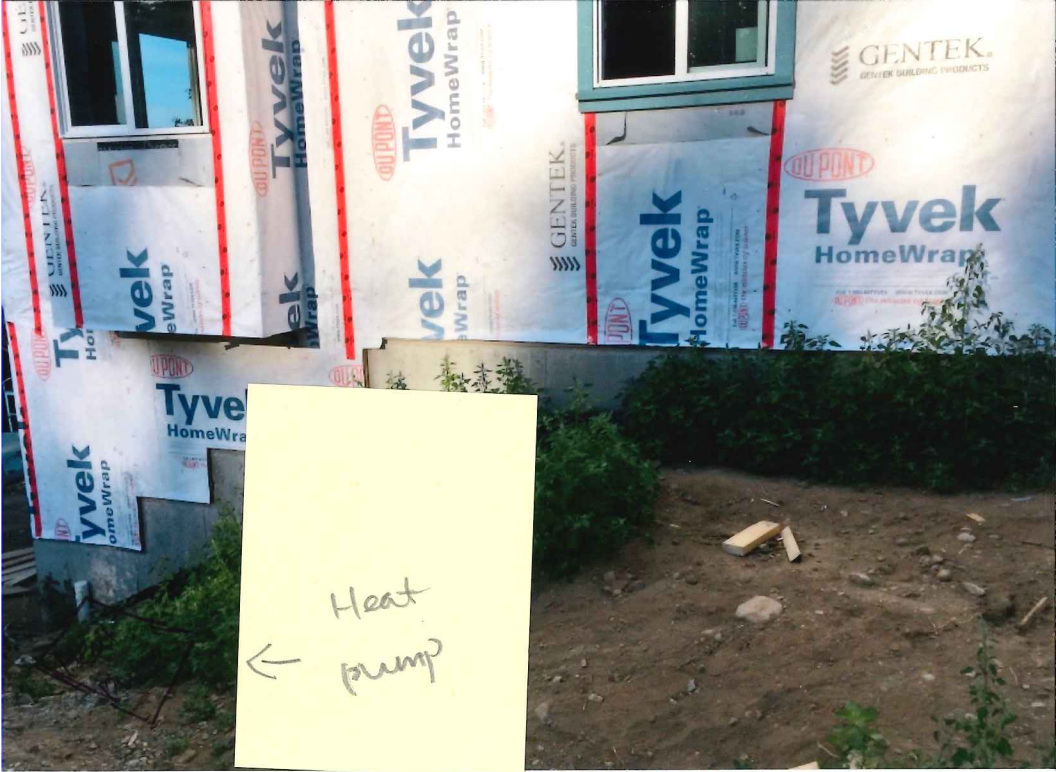
The neighbours have been consulted, their consent has been given regarding the location of the ACU, and a copy of the consent is attached as well as a copy of the plan.

Regards,


Bryan's Mechanical Ltd.











RECEIVED
MAY 10 2011



COMMUNITY DEVELOPMENT

BOARD OF VARIANCE

NOTICE OF MEETING

A meeting of the Board of Variance will be held on Thursday, 2018-AUG-16 at 5:30pm in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC to hear the following appeal:

APPEAL NO: BOV00703

Applicant: KEENE ANDERSON (GREENPLAN)

Civic Address: 250 PINE STREET

Legal Description: SOUTHERLY 1/2 OF SECTION B, OF LOT 3, BLOCK R, SECTION 1, PLAN 584, NANAIMO DISTRICT

Purpose: Zoning Bylaw No. 4500 requires a minimum side yard setback of 1.5m in the R1b zone. The applicant is requesting a north side yard setback of 1.0m and a south side yard setback of 1.1m in order to raise an existing non-conforming house. This represents a variance of 0.5m. The applicant is also requesting a north side yard setback of 0.9m to replace an existing non-conforming accessory building. This represents a variance of 0.6m.

Zoning Regulations: Single Family Residential – R1b. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

Section 7.5.1 – Siting of Buildings

A minimum side yard setback of 1.5m is required for the principal building.

Section 6.6.4 – Accessory Buildings

An accessory building shall not be permitted within the front yard, side yard or flanking side yard setback requirements, as established for buildings within the applicable zone.

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.

The Board of Variance decision will apply to subsequent owners of the land. If you deem your property to be affected by this appeal, please feel free to attend this meeting. Anyone wishing to address this appeal will be afforded the opportunity to be heard at the Board of Variance meeting. This application may be reviewed with Staff at the Community Safety & Development offices, 411

Dunsmuir Street, Nanaimo, BC, or by calling 250-755-4460 (x4344), during normal business hours, Monday to Friday, excluding statutory holidays, from 2018-AUG-03 to 2018-AUG-16, inclusive. Questions or comments can also be sent by email to: planning@nanaimo.ca

LOCATION PLAN



BOARD OF VARIANCE NO. BOV00703

LOCATION PLAN



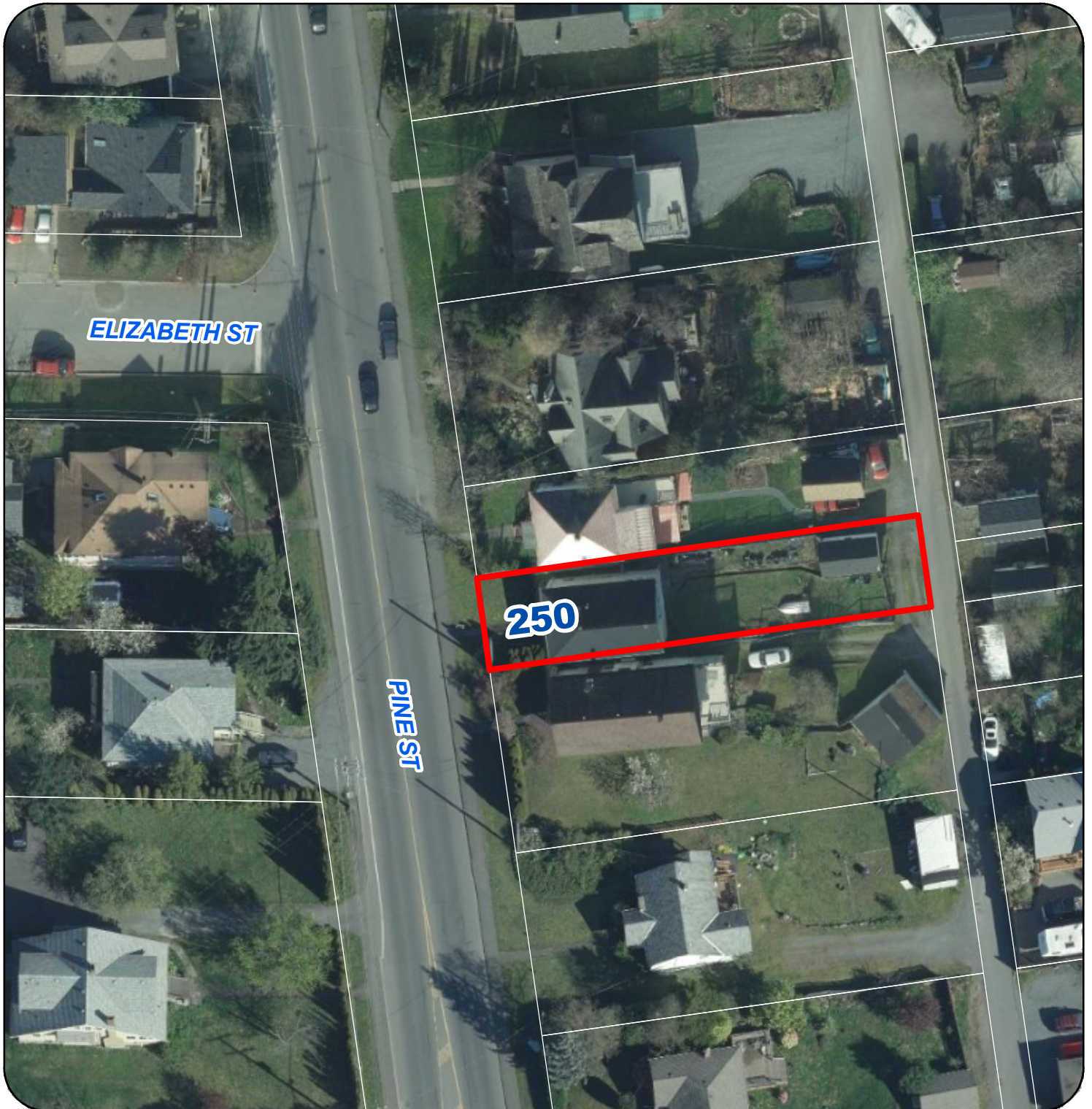
Civic: 250 Pine Street
Legal Description: THE SOUTHERLY 1/2
OF SECTION B, OF LOT 3, BLOCK R,
SECTION 1, NANAIMO DISTRICT, PLAN 584



Subject Property

RECEIVED
Box 703
JUL 27 2018

AERIAL PHOTO



BOARD OF VARIANCE APPLICATION NO. BOV00703



**City of Nanaimo
Board of Variance**

250 Pine Street
Southerly 1/2 of Section B, of Lot 3, Block R,
Section 1, Plan 584, Nanaimo District

Board of Variance

Please accept this letter and the attached supporting material as a request for variances to Side Yard (1.5 M.) Setbacks as specified in the City of Nanaimo R1B zoning designation. This application addresses two separate buildings – a residence and an accessory building.

Residence

The issue arises on the north and south side lot line of the above noted lot where the residence does not meet current zoning setbacks and the proposed addition further projects into the Side Yard Setback. We are hereby requesting a variance of 0.5 M. on the north Side Yard Setback and a variance of 0.4 M. on the south Side Yard Setback.

The homeowners, [REDACTED], purchased the home at 250 Pine Street with the hopes of doing some modifications to help with the flow and function of the home as well as to create a rental suite in the basement. The need for a variance came to light during a discussion when it was realized that the basement ceiling height (6'-7") would not meet current BC Building Code (min. 6'-10 11/16" [2.1 M.]) and the building would need to be raised. Since the existing building has a solid foundation, decisions were made to rebuild on existing foundation walls (which have been confirmed by BCLS survey to not meet existing setback requirements). While the original building is likely legal non-conforming due to the date of the original construction, it is our intent to seek a variance to ensure all construction is conforming on site.

Prior to addressing the undue hardship aspects of this application, I bring to your attention a unique development situation relative to the old homes that were created on Pine Street near the subject property. While side yard setbacks generally also serve to keep homes separated to reduce the prospect of spreading house fires, to meet the existing setbacks would actually make fire separation concerns worse. Review of the attached survey illustrates that the home on the subject property was perfectly placed relative to the adjacent homes to ensure exterior walls were parallel and offset from the neighbor. Unfortunately, all three of these homes appear to have either ignored the existing survey lot lines or were operating on faulty lot lines that have since been corrected. Subsequently, our plans to add an addition to the rear of the home & flush with its south face puts the addition in the side setback, thereby necessitating this variance appeal, despite having no new spatial separation concerns (fire spread) due to past history of parallel home construction on the street.

The homeowner seeks a cost efficient, simple and functional addition to the home and the ideal layout is to continue the extension of the east wall into the rear yard for a distance of 1.27 M. This will bring us to within 1.1 M. of the side property line. The hardship is due to the unfortunate placement of the original home and the circumstances that a more cost effective and efficient addition placement extends into setback non-compliance territory.



www.greenplan.ca
(250) 722-3456
FAX: (250) 722-3453
EMAIL: jack@greenplan.ca
1655 Cedar Road, Nanaimo, B.C. V9X 1L4

Accessory Use

The issue arises on the north side lot line of the above noted lot where the existing accessory building does not meet current zoning setbacks of 1.5m. We are thus hereby requesting a variance of 0.6 M. on the north Side Yard Setback to allow the building to remain 0.9 M. from the north side property line.

The subject property is from an old Plan within the City of Nanaimo and the property was developed prior to existing zoning bylaws being in place. There is an old accessory building at the rear of the lot accessed off a lane that the homeowners, [REDACTED], will welcome the opportunity to upgrade for accessory purposes on the land. The accessory building has a solid foundation wall supporting the old structure and as the remaining yard is heavily developed as hardscape surfacing, (see attached photo), the owners will prefer to rebuild on the existing foundation.

The accessory building will be raised by 0.46 M. to improve the opportunities for vehicle parking within the building as accessed off the lane. As such, we believe the building location is currently Legal non-conforming as per the zoning bylaw due to the date of construction but since we are raising it slightly, some non-conformance will arise. Subsequently, we seek the support of the Board of Variance to legalize the placement of a new revised structure over the existing foundation.

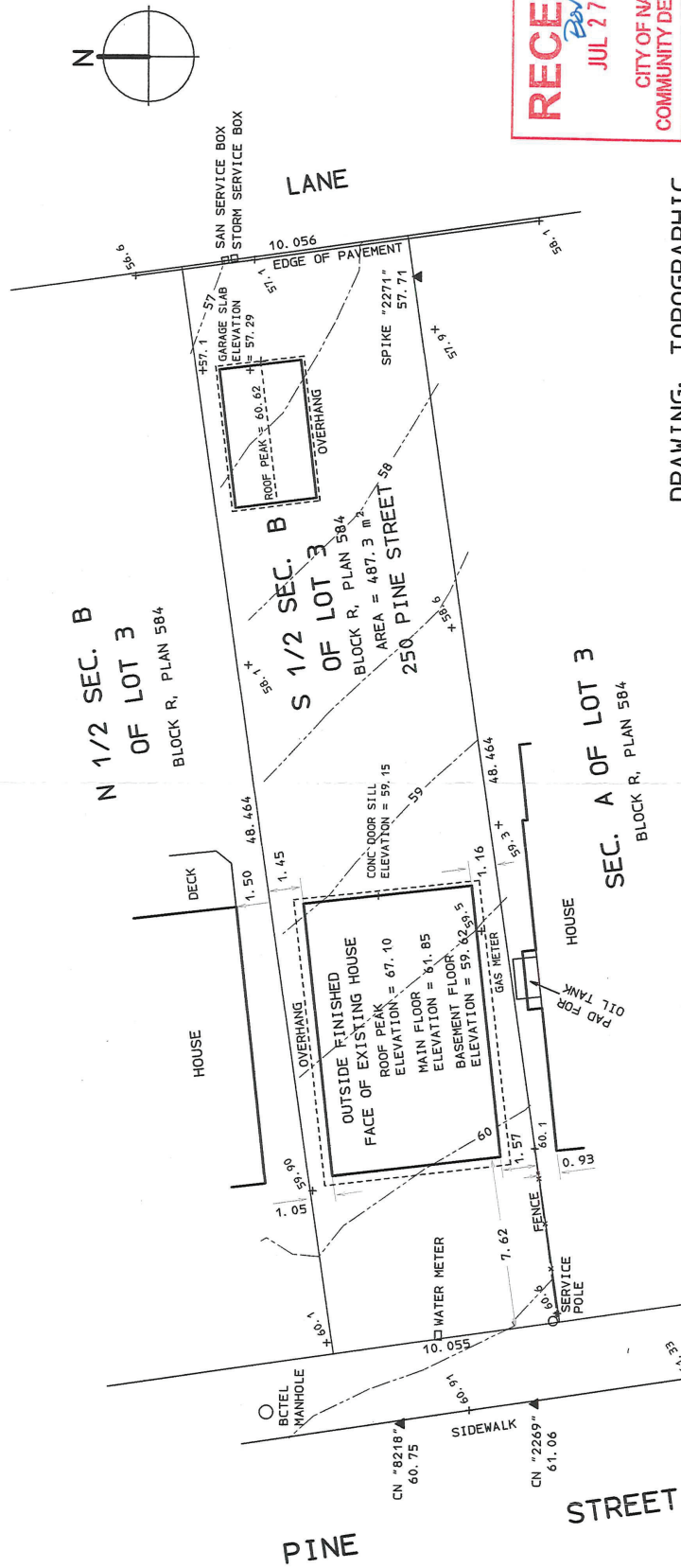
It is our believe that the undue hardship to support this application is the economic cost of having to remove the existing foundation and adjacent hard-surface landscaping to then rebuild the comparable foundation structure without encroachment of the existing setbacks.

We appreciate the community commitment of the Board's and seek their support for variances requested based on the existing undue hardships presented in the above narrative. We hope that we can count on your support to proceed as planned.

Respectfully submitted

Keene Anderson

Anderson Greenplan Ltd
1655 Cedar Road
Nanaimo, BC, V9X 1L4
250 722-3456
keene@greenplan.ca
www.greenplan.ca



DRAWING: TOPOGRAPHIC
 FILE: 13073-1 REV. 2 BP: 13073
 DATE: JAN. 25, 2018.
 SCALE 1:200

0 2 4 6 8 10 20 metres

NOTES:

- ELEVATION DATUM IS DERIVED FROM GEODETIC CONTROL MONUMENTS.
- LOT ALIGNMENT DERIVED FROM REGISTERED PLAN 40083.
- FIELD SURVEY COMPLETED MAY 30, 2013 AND NOV. 14, 2017
- GROUND SURFACE IS "NATURAL GRADE" AS DEFINED IN THE CITY OF NANAIMO ZONING BYLAW.

THIS BUILDING LOCATION CERTIFICATE HAS BEEN PREPARED IN ACCORDANCE WITH THE MANUAL OF STANDARD PRACTICE AND IS CERTIFIED CORRECT THIS DATE OF: JANUARY 25, 2018

Digitally signed by Brock Williamson IXFVP6
 cn=Brock Williamson, o=IXFVP6, ou=IXFVP6, email=brock@ixfvp6.com, c=CA
 www.ixfvp6.com/IXFVP6/IXFVP6/IXFVP6
 Date: 2018.01.25 12:01:40 -0800

Brock Williamson
 IXFVP6

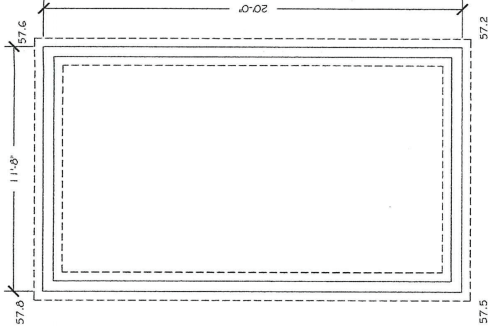
Brock E.J. Williamson B.C.L.S.
 THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED.

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

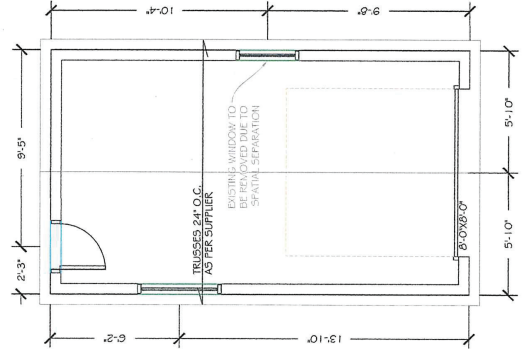
GENERAL NOTES

- ALL CONSTRUCTION MUST COMPLY WITH THE 2012 BC BUILDING CODE AND MUNICIPAL OR REGIONAL BYLAWS
- OWNER(S), BUILDER(S) AND CONTRACTOR(S) MUST CHECK DRAWINGS AND CORRECT WHERE NECESSARY TO ENSURE ALL NOTES AND REQUIREMENTS ARE MET PRIOR TO CONSTRUCTION
- NOTES BY PROFESSIONAL ENGINEERS, TRUSS SUPPLIERS AND PLAN CHECKERS TO TAKE PRECEDENCE WHERE IN CONFLICT WITH DRAWINGS NOTES. (OWNER TO ADVISE DESIGNER OF SUCH CONFLICTS)
- THE OWNER(S) AND BUILDER(S) TAKE SOLE RESPONSIBILITY FOR ANY DEVIATION FROM THE STRUCTURAL DRAWINGS AND SPECIFICATIONS
- ALL WORKMANSHIP SHALL CONFORM TO A STANDARD OF GOOD BUILDING PRACTICE
- WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALE MEASUREMENTS
- DIMENSIONS ARE FROM OUTSIDE OF EXTERIOR WALLS AND FROM THE CENTERLINE OF INTERIOR WALLS UNLESS SPECIFICALLY NOTED
- DOUBLE JOISTS ARE REQUIRED UNDER ALL PARALLEL PARTITIONS IN EXCESS OF 6 FEET IN LENGTH
- ALL LUMBER SHALL BE SPF#2 OR BETTER
- ALL LINTELS SHALL BE 2-2X10 UNLESS OTHERWISE NOTED

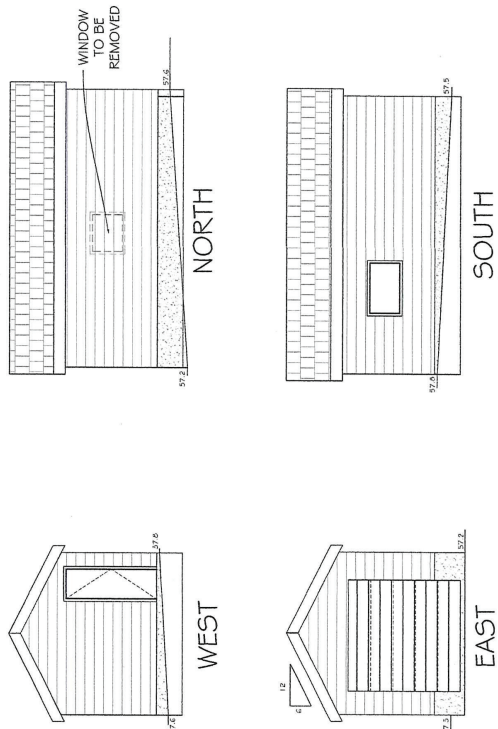
FOUNDATION



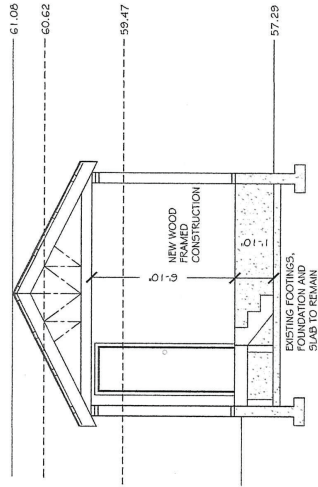
MAIN LAYOUT



ELEVATIONS



SECTION



250 PINE STREET
ACCESSORY BUILDING

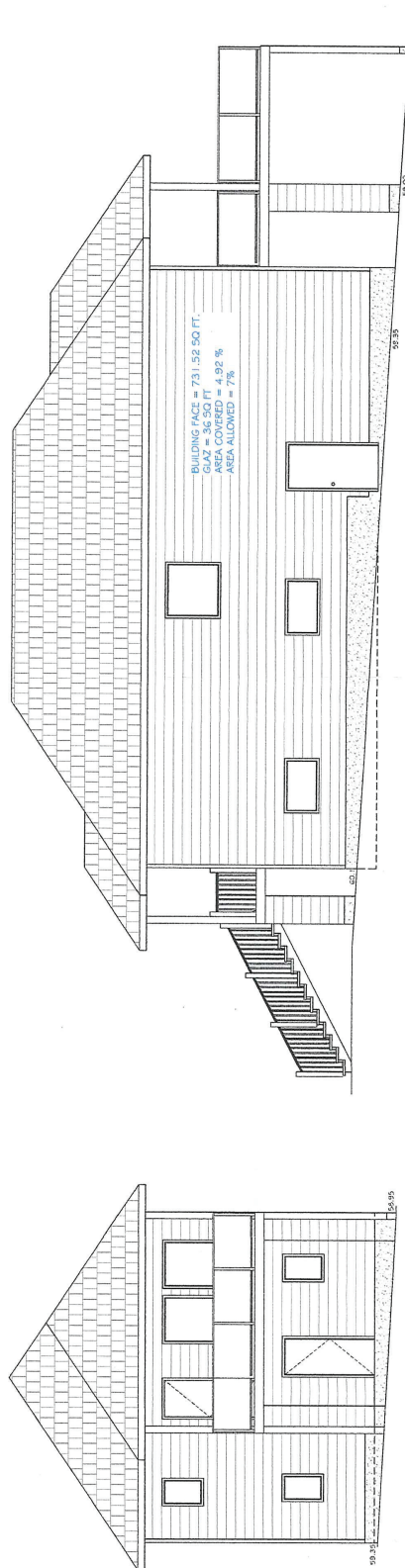
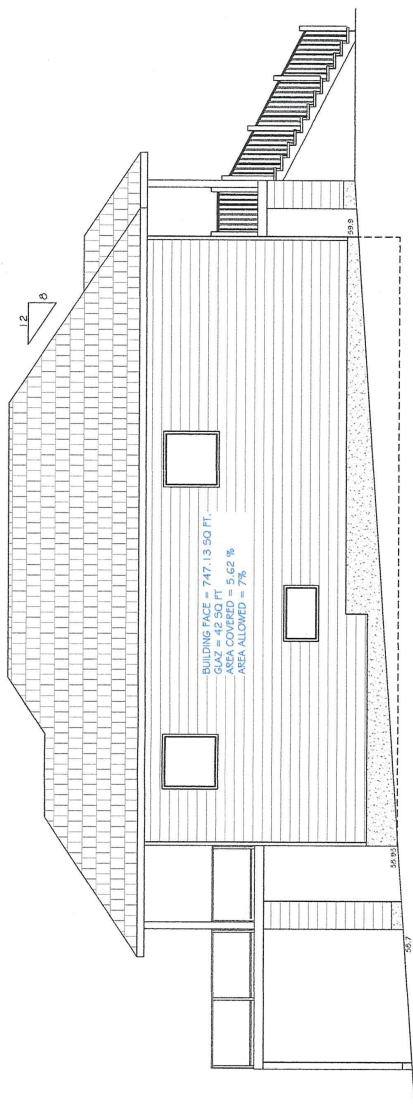
Greenplan
1685 Cedar Road
Nanaimo, BC
V9T 1P5
www.greenplan.ca
info@greenplan.ca

Designed: _____ Drawn: _____ Checked: _____

Date: JULY 26 2018
Project: 1843-JR1
Drawing #: 1843-W-0726-71
Scale: 3/8" OR 1/4" = 1'
Sheet Title: ACCESSORY BUILDING
Sheet #: A-1 / 1

RECEIVED
JUL 27 2018
CITY OF NANAIMO
COMMUNITY DEVELOPMENT

59.30 —
AVG. INCOME GR4DE
OF EXISTING RESIDENTS



250 PINE STREET

Greenplan
improving earth's future

1655 Cedar Road
Nanaimo, BC
(250) 722-3456
www.greenplan.ca
info@greenplan.ca

| Assigned | Drawn | Checked |
|----------|-------|---------|
| | | |

ato

object

Drawing #

— 410 —

Test Title

ELEVATIONS

101

R-1 / 1

RECEIVED

JUL 27 2018

CITY OF NANAIMO
COMMUNITY DEVELOPMENT



COMMUNITY DEVELOPMENT

BOARD OF VARIANCE

NOTICE OF MEETING

A meeting of the Board of Variance will be held on Thursday, 2018-SEP-20, at 5:30pm in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC to hear the following appeal:

APPEAL NO: BOV00704

Applicant: Darren Driver

Civic Address: 5941 STILLWATER WAY

Legal Description: LOT 18, DISTRICT LOT 14, WELLINGTON DISTRICT, PLAN EPP55143

Purpose: Zoning Bylaw 2011 No. 4500 permits an eave to project up to 0.75m into the required side yard setback. In the R2 zone, the side yard setback is 1.5m. The applicant is requesting a variance to allow an eave to project 1.1m into the side yard setback for a single residential dwelling currently under construction. This represents a variance of 0.35m.

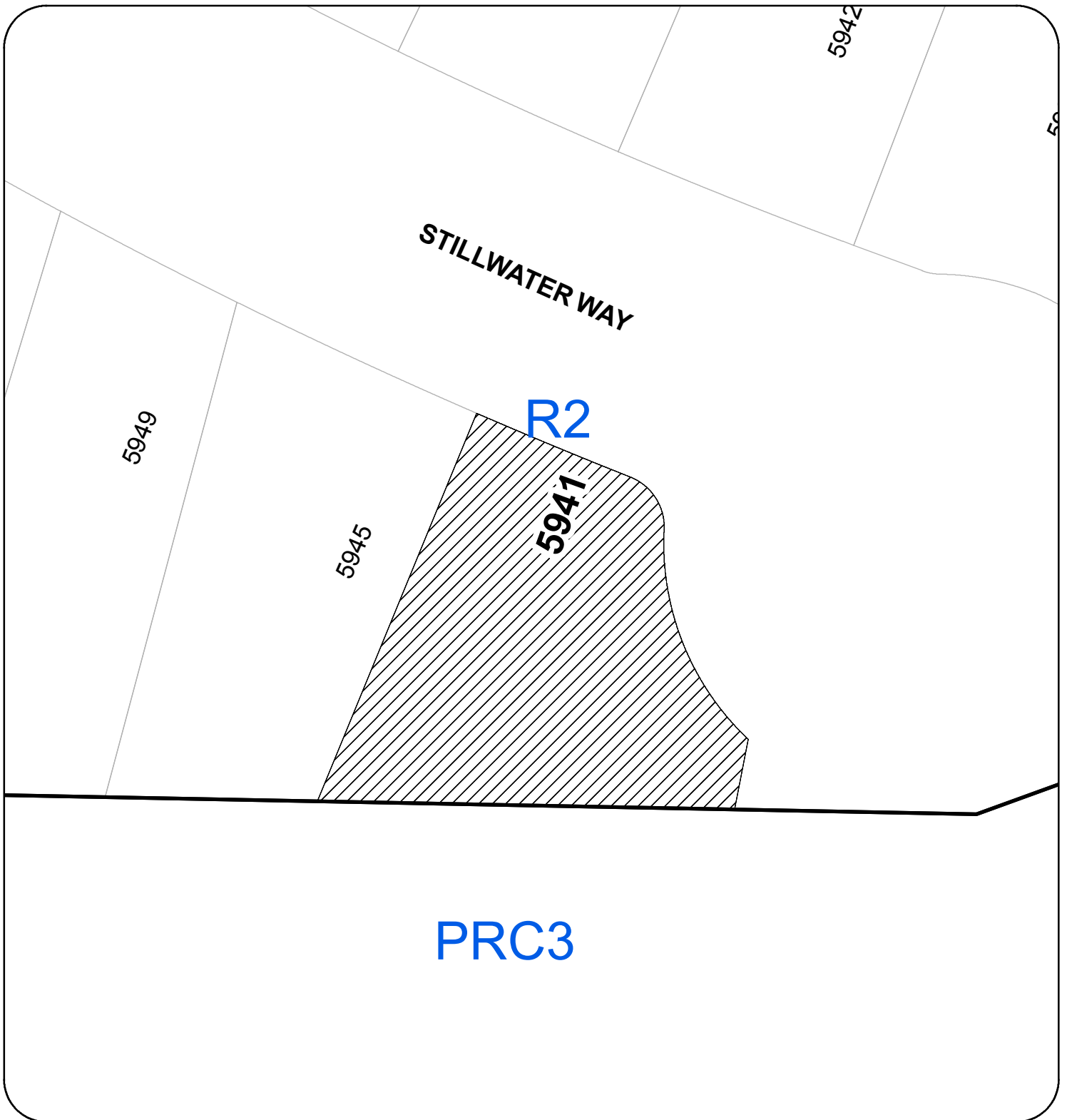
Zoning Regulations: Single Family Residential – R2. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

Section 6.5.1 – Projections into Yards

Eaves, exterior finishes, gutters, and cornices are permitted to project up to 0.75m into the required side yard setback.

The Board of Variance decision will apply to subsequent owners of the land. If you deem your property to be affected by this appeal, please feel free to attend this meeting. Anyone wishing to address this appeal will be afforded the opportunity to be heard at the Board of Variance meeting. This application may be reviewed with Staff at the Community Development Department, 411 Dunsmuir Street, Nanaimo, BC, or by calling 250-755-4460 (x4344), during normal business hours, Monday to Friday, excluding statutory holidays, from 2018-SEP-10 to 2018-SEP-20 inclusive. Questions or comments can also be sent by email to: planning@nanaimo.ca

LOCATION PLAN



BOARD OF VARIANCE NO. BOV00704

LOCATION PLAN

Civic: 5941 STILLWATER WAY
LOT 18, DISTRICT LOT 14,
WELLINGTON DISTRICT, PLAN EPP55143



Subject Property

British Columbia Land Surveyor's Certificate of Location on:

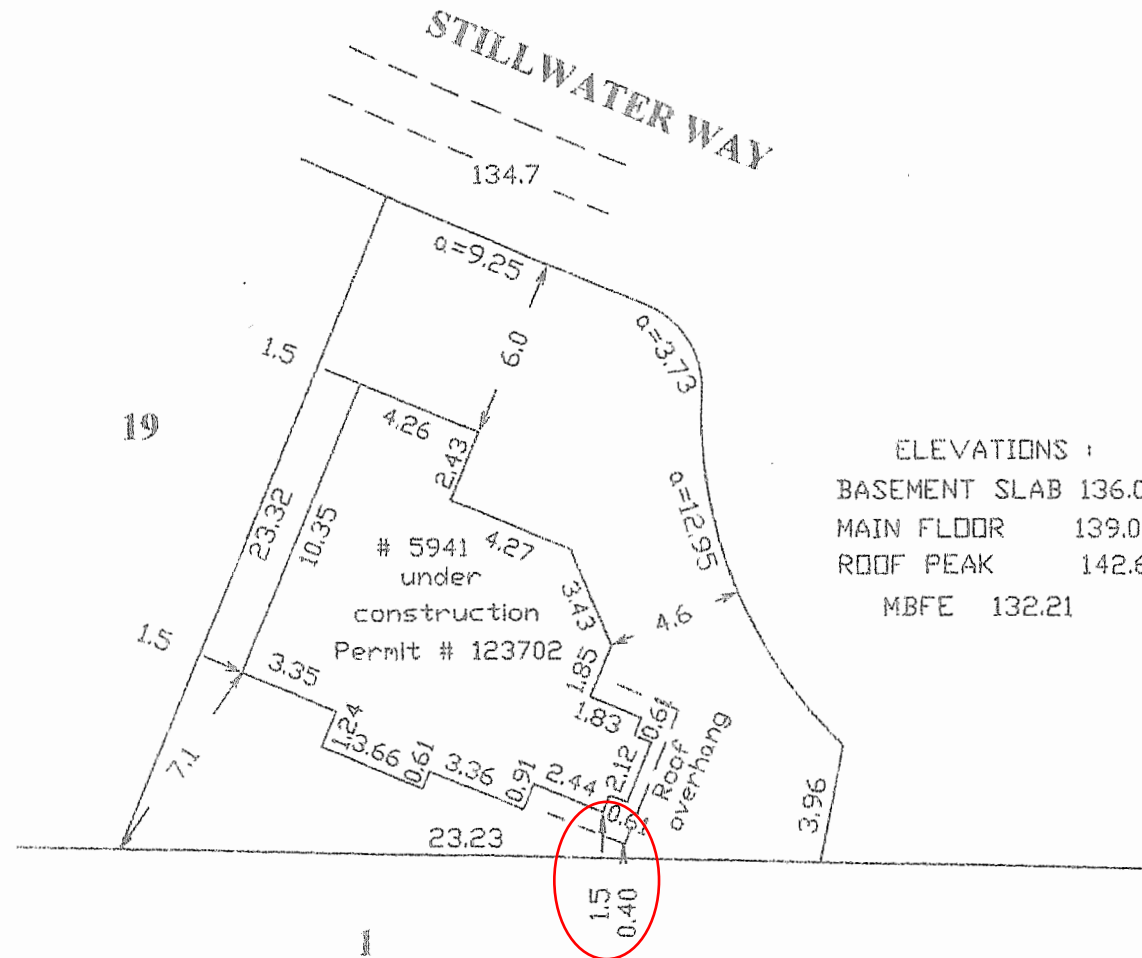
LOT 18, DISTRICT LOT 14,

WELLINGTON DISTRICT, PLAN EPP55143

SCALE 1:250

ALL MEASUREMENTS ARE IN METRES

ELEVATIONS ARE GEODETIC



VIP82682

Reinspected this 10th day
of August, 2018.

B.C.L.S.

Certified correct and valid only
in respect to Improvements as
shown and located on the 7th
day of April, 2018.

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BOV704
2018-AUG-27
Current Planning & Subdivision

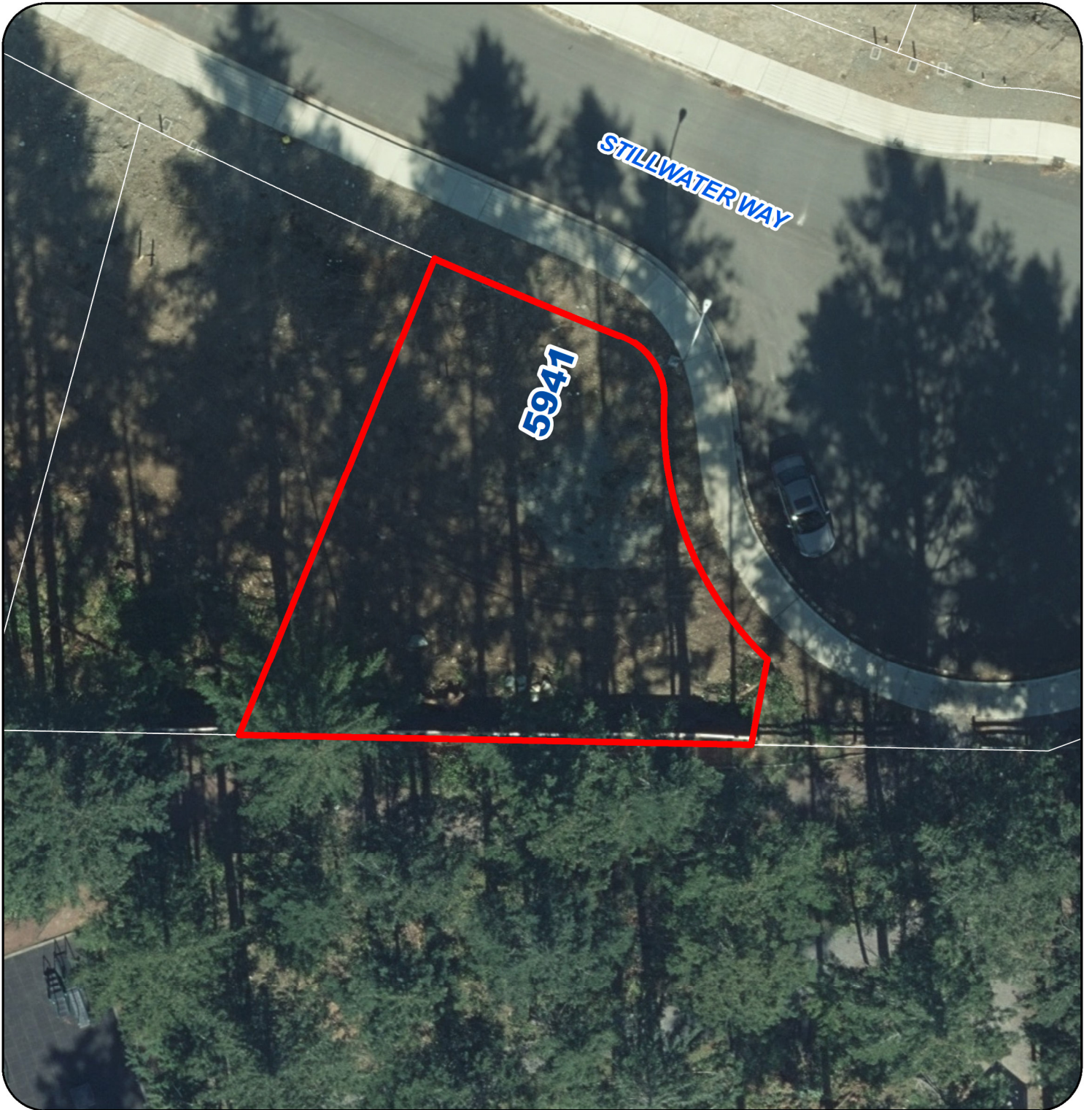
B.C.L.S.

T.G. Hoyt
B.C. Land Surveyor
2275 Godfrey Road
Nanaimo, B.C.
V9X 1E7
© 2018

FB 375/111

Not valid unless originally signed and sealed.

AERIAL PHOTO



BOARD OF VARIANCE APPLICATION NO. BOV00704

August 25, 2018

City of Nanaimo
455 Wallace Street
Nanaimo, BC

Attention Board of Variance

Re: Variance Rationale: Zoning Bylaw No.4500 – Zone R1 – Side Yard Set Back

Members of the Board,

My name is Taranjit S Parmar. I have a small construction business in Nanaimo. Today I am writing to request a variance to the Side Yard Set Back allowed for a new home I am constructing on 5941 Stillwater Way.

The variance requested is for 0.40m; from 1.5m to 1.1m. See the attached Site Plan

The foundation at 5941 Stillwater Way will comply with the Bylaw requirement of 1.5m, Variance requested is only for roof overhang which encroaches into the required 0.75m setback.

Project Description:

1597.04 ft² two storey single family dwelling slab on grade with attached garage.

Construction of this house was done with the approved permit. The floorplan and truss plan were approved by the building department. While working with the floorplan designer, the floorplan was designed to fit in with the neighbourhood design, surrounding environment and very difficult to build lot.

At this time, I also want to bring into your attention that the Park Fence on this side of the property is also encroaching into this property.

During the process of construction somehow overhang encroachment got overlooked by us and building inspector during framing inspections. Overhang encroachment was noticed by building inspectors after the drywall inspection.

RECEIVED
BOV704
2018-AUG-27
Current Planning & Subdivision

Rationale:

5941 Stillwater Way was constructed from the City approved plan.

Foundation of the house continues to comply with bylaw, fit in with the design of current neighbourhood, and does not impact adjacent property. Adjacent property is city park and house is in a cul-de-sac. Overhang does not encroach out of the property line.

If the attempt is made to fix this encroachment at this stage, house will not look good aesthetically. It will look out of place in neighbourhood.

Although it will cost a lot of money to fix this encroachment, the value of this home will be reduced considerably and will negatively impact small business like mine.

Thank you for your consideration of this variance request.

If there are any questions, I can be reached at _____, or via e-mail:

Regards

JMS Developments Nanaimo











COMMUNITY DEVELOPMENT

BOARD OF VARIANCE

NOTICE OF MEETING

A meeting of the Board of Variance will be held on Thursday, 2018-SEP-20, at 5:30pm in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC to hear the following appeal:

APPEAL NO: **BOV00705**

Applicant: Inder Paul Singh Malhotra

Civic Address: 312 Dorchester

Legal Description: LOT 14, SECTION 9, RANGE 8, MOUNTAIN DISTRICT, PLAN VIP82047

Purpose: Zoning Bylaw No. 4500 permits a retaining wall up to 2.4m height in a side yard and a rear yard in the R10 zone. The applicant is requesting a variance to allow a retaining wall up to 3.1m height in the side yard and rear yard. This represents a variance of 0.7m.

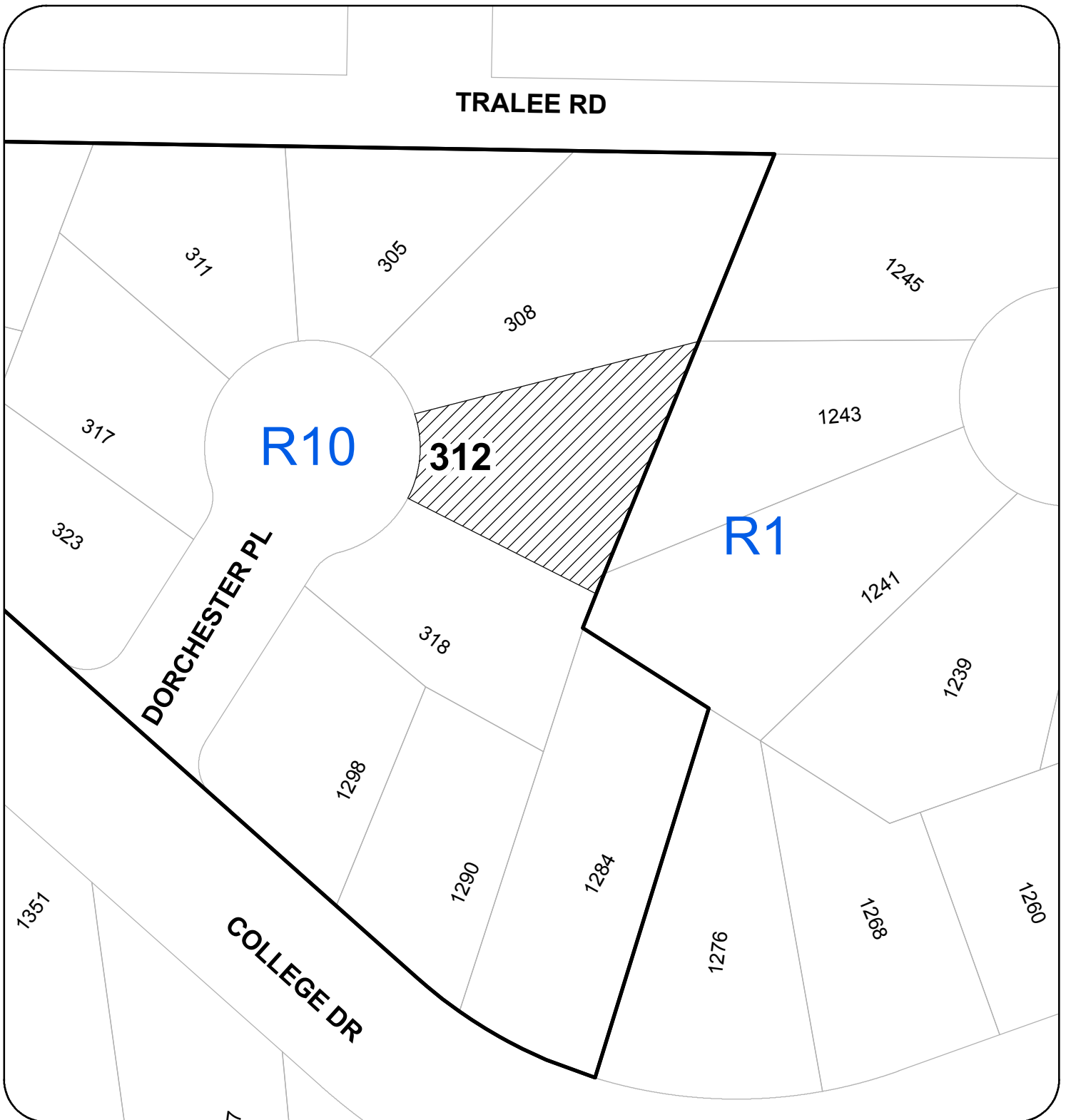
Zoning Regulations: Single Family Residential – R10. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

Section 6.10.2 – Fence Height

The height of a fence shall not exceed 2.4m in a side yard and rear yard in the R10 zone.

The Board of Variance decision will apply to subsequent owners of the land. If you deem your property to be affected by this appeal, please feel free to attend this meeting. Anyone wishing to address this appeal will be afforded the opportunity to be heard at the Board of Variance meeting. This application may be reviewed with Staff at the Community Development Department, 411 Dunsmuir Street, Nanaimo, BC, or by calling 250-755-4460 (x4344), during normal business hours, Monday to Friday, excluding statutory holidays, from 2018-SEP-10 to 2018-SEP-20 inclusive. Questions or comments can also be sent by email to: planning@nanaimo.ca.

LOCATION PLAN



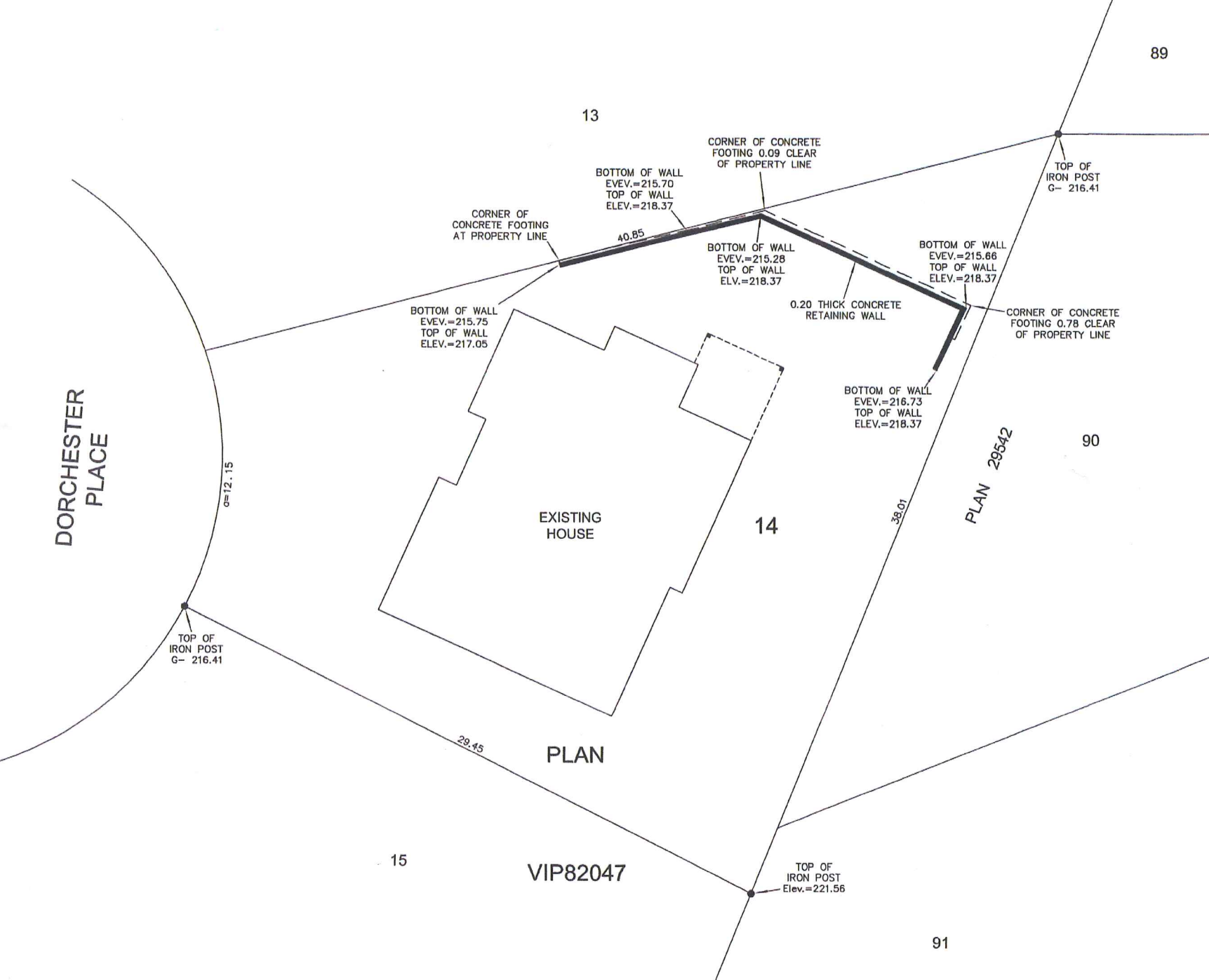
BOARD OF VARIANCE NO. BOV00705

LOCATION PLAN

Civic: 312 DORCHESTER PLACE
LOT 14, SECTION 9, RANGE 8
MOUNTAIN DISTRICT, PLAN VIP82047



Subject Property



AERIAL PHOTO



BOARD OF VARIANCE APPLICATION NO. BOV00705

August 29, 2018

City of Nanaimo
445 Wallace Street
Nanaimo, BC
V9R 5J6

Attn: The Board of Variance, City of Nanaimo - Variance Rationale Letter

To Whom It May Concern

We are homeowners at 312 Dorchester Place, Nanaimo in the College Heights community, seeking variance in height of engineered cast in place Retaining Wall, constructed on the North and West side of the property.

Our Property details:

PID: 026-867-061, Lot 14, Section 9, Range 8, Mountain district, Plan VIP82047

Purpose

Lot 14, from the line demarcated by the deck on the north side, has a very steep gradient, rendering a significant portion of the lot, very unstable and unsafe for homeowners, our neighbours, guests and casual visitors. Further continuous erosion from elements over time, has led to slope instability of exposed slopes. (Photos attached). This is also the side which enjoys most sunlight and view.

Herold Engineering Limited, Nanaimo were approached to design and provide engineered drawings for 9'-0" cast in place retaining wall, which would provide immediate stability and safety to homeowners and our neighbours; arresting further erosion of soil at exposed slopes. Building permit was obtained from City of Nanaimo.

Extreme diligence was exercised during construction of concrete footings /retaining wall, satisfying requirements of approved drawings. Geotechnical engineers and BCLS surveyor were contracted during construction of cast in place retaining wall. (Photos attached).

Measured Height of retaining wall, above concrete footings, was measured 91.3 inches (2.32m) on north side and 90.6 inches (2.31m) on north west corner. Concrete Wall along west side was poured to a height of 48 inches (1.20m) only, due to reduced footing depth due to site constraints. Height of concrete footing from bedrock varies due to steep gradient of bedrock.

During final building inspection, we were informed to address "maximum height of the wall 2.4m variance is required for multiple parts of wall over height.", height being measured from bedrock. Under further guidance, wooden planters have been erected all along the outer periphery of the Engineered concrete wall, which has reduced wall visibility to less than 2.4m and improve esthetics of retaining wall. The planter will contain suitable soil /plants, providing minimal to zero impact on neighbours property. (Photos attached).

100% support in approval towards our variance application, has been obtained from all adjoining neighbours. Signed copies of their support are attached with our Variance application. Variance in wall height over 2.40m exist in Nanaimo. Photos are attached for kind reference.

Summary

Our request for variance is submitted, with the sincere intention to overcome undue hardship posed by the steep gradient in our lot, ensuring safety to homeowners and immediate neighbours, arresting soil erosion of exposed slope, conserving property value, conserving aesthetics and providing more practical and appropriate use of our property.

Yours sincerely,

I

312 Dorchester Place,
Nanaimo, BC
V9R 1M5

August 28, 2018

3354-001

Via email: planning@nanaimo.ca

City of Nanaimo
455 Wallace Street
Nanaimo, BC
V9R 5J6

Attn: City of Nanaimo - Board of Variance

**Re: 312 Dorchester Place Retaining Wall
Nanaimo, BC**

To Whom it May Concern:

On June of 2014, Herold Engineering Limited was retained by Mr. Malhotra, registered Owner of the above mentioned residence. Herold Engineering was retained to design and provide field reviews during construction of a new property line retaining wall located on the north and west side of the property.

During our initial meeting with Mr. Malhotra, Herold Engineering Limited was under the assumption that the retaining wall was to be designed for a maximum backfill pressure of 9'-0" and the wall was to bear on solid bedrock which was approved and considered adequate by a local Geotechnical Engineer.

Because of the topography / terrain that slopes towards the adjacent property, Mr. Malhotra was unable to backfill the required 1'-6" as shown on our building permit set of structural drawings.

After consulting back with us Herold Engineering Limited designed the wall with 20mm diameter rock anchors tying the footing to the bedrock to resist the overturning and sliding forces in order to compensate the lack of passive soil pressure on the exposed face of the wall.

Herold Engineering also reviewed the west portion of the wall where currently there is a single course of Allan block on top of the wall. This wall had to be reduced in height because a suitable footing to resist 9'-0" of back fill could not be constructed due to site constraints. Mr. Malhotra was advised to limit the backfill height to a maximum of 5'-0" and based on our recent site visit review, this requirement has been satisfied.

Herold Engineering Limited has performed multiple site visits during construction and believes that the wall in question satisfies all current building code requirements.

RECEIVED
BOV705
2018-AUG-30
Current Planning & Subdivision

If you have any questions or concerns please feel free to contact the undersigned.

Yours truly,

HEROLD ENGINEERING LIMITED



Sean Herold, P.Eng.
Principal

Enclosure

Dear Neighbour,

We are homeowners at 312 Dorchester Place, Nanaimo in the College Heights community. To introduce ourselves, our names are Inder Paul, Harpal and Bani Malhotra.

Our Property details:

PID: 026-867-061, Lot 14, Section 9, Range 8, Mountain district, Plan VIP82047

This letter is to inform you that we have submitted an application to The Board of Variance, City of Nanaimo, seeking a variance in height of Engineered Retaining Wall constructed on steep gradient on the NE side. Engineered Retaining Wall was constructed with Building permit from City of Nanaimo.

The lot from the line demarcated by the deck on the NE side, has quite a steep gradient, rendering a significant portion of the lot very unsafe and unusable. The purpose of the retaining wall is primarily to provide enhanced safety for owners i.e. my family and myself, our neighbours, guests and casual visitors.

During final inspection, we were informed that maximum height of the wall 2.4m variance is required for multiple parts of wall overheight. Under further guidance, a wooden planter has been erected, along the outer periphery of the Engineered concrete wall, which has reduced wall visibility to less than 2.4m. The planter will contain suitable plants and the retaining wall will have minimal to zero impact on neighbours property.

Your support in approval of our application for this variance would be greatly appreciated. Please provide your name, address, contact information and approval of variance request, to the City of Nanaimo, in the area below.

Sincerely,

Inder, Harpal, Bani Malhotra
312 Dorchester Place
Nanaimo V9R1M5
Home: [REDACTED]
Cell: [REDACTED]

Name : [REDACTED]

Address : 308 DORCHESTER PL

Contact No. : [REDACTED]

Approval : [REDACTED]

LOT NO : 13

Dear Neighbour,

We are homeowners at 312 Dorchester Place, Nanaimo in the College Heights community. To introduce ourselves, our names are Inder Paul, Harpal and Bani Malhotra.

Our Property details:

PID: 026-867-061, Lot 14, Section 9, Range 8, Mountain district, Plan VIP82047

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Your support in approval of our application for this variance would be greatly appreciated. Please provide your name, address, contact information and approval of variance request, to the City of Nanaimo, in the area below.

Sincerely,

Inder, Harpal, Bani Malhotra

312 Dorchester Place

Nanaimo V9R1M5

Home: [REDACTED]

Cell: [REDACTED]

Name

:

Address

:

Contact No.

:

Approval

:

Lot No : 89

Dear Neighbour,

We are homeowners at 312 Dorchester Place, Nanaimo in the College Heights community. To introduce ourselves, our names are Inder Paul, Harpal and Bani Malhotra.

Our Property details:

PID: 026-867-061, Lot 14, Section 9, Range 8, Mountain district, Plan VIP82047

This letter is to inform you that we have submitted an application to The Board of Variance, City of Nanaimo, seeking a variance in height of Engineered Retaining Wall constructed on steep gradient on the NE side. Engineered Retaining Wall was constructed with Building permit from City of Nanaimo.

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Your support in approval of our application for this variance would be greatly appreciated. Please provide your name, address, contact information and approval of variance request, to the City of Nanaimo, in the area below.

Sincerely,

Inder, Harpal, Bani Malhotra
312 Dorchester Place
Nanaimo V9R1M5
Home: [REDACTED]
Cell: [REDACTED]

Name : [REDACTED]

Address : 1243 Okanagan Place

Contact No. : [REDACTED]

Approval : [REDACTED]

LOT NO : 90

Dear Neighbour,

We are homeowners at 312 Dorchester Place, Nanaimo in the College Heights community. To introduce ourselves, our names are Inder Paul, Harpal and Bani Malhotra.

Our Property details:

PID: 026-867-061, Lot 14, Section 9, Range 8, Mountain district, Plan VIP82047

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Your support in approval of our application for this variance would be greatly appreciated. Please provide your name, address, contact information and approval of variance request, to the City of Nanaimo, in the area below.

Sincerely,

Inder, Harpal, Bani Malhotra
312 Dorchester Place
Nanaimo V9R1M5
Home: [REDACTED]
Cell: [REDACTED]

Name : [REDACTED]
Address : 1279 Okanagan Pl
Contact No. : [REDACTED]
Approval : [REDACTED]

LOT No : 91

Dear Neighbour,

We are homeowners at 312 Dorchester Place, Nanaimo in the College Heights community. To introduce ourselves, our names are Inder Paul, Harpal and Bani Malhotra.

Our Property details:

PID: 026-867-061, Lot 14, Section 9, Range 8, Mountain district, Plan VIP82047

This letter is to inform you that we have submitted an application to The Board of Variance, City of Nanaimo, seeking a variance in height of Engineered Retaining Wall constructed on steep gradient on the NE side. Engineered Retaining Wall was constructed with Building permit from City of Nanaimo.

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Your support in approval of our application for this variance would be greatly appreciated. Please provide your name, address, contact information and approval of variance request, to the City of Nanaimo, in the area below.

Sincerely,

Inder, Harpal, Bani Malhotra
312 Dorchester Place
Nanaimo V9R1M5
Home: [REDACTED]
Cell: [REDACTED]

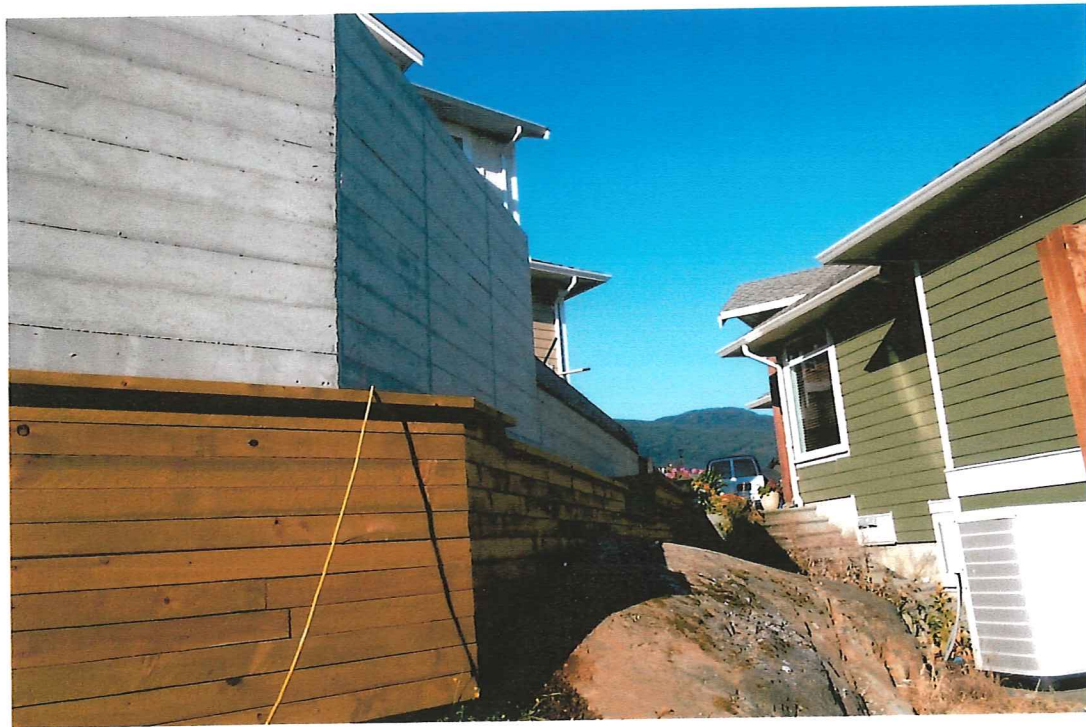
Name : [REDACTED]
Address : 312 DORCHESTER PLACE
Contact No. : [REDACTED]
Approval : [REDACTED]
Lot No : 15



312 DORCHESTER PLACE
NANAIMO, BC, V9R1M5
RETAINING WALL CONSTRUCTION
-10N









COMMUNITY DEVELOPMENT

BOARD OF VARIANCE

NOTICE OF MEETING

A meeting of the Board of Variance will be held on Thursday, 2018-SEP-20, at 5:30pm in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC to hear the following appeal:

APPEAL NO: **BOV00706**

Applicant: Andrew Godley

Civic Address: 431 HERON PLACE

Legal Description: STRATA LOT 43, SECTION 5, WELLINGTON DISTRICT, STRATA PLAN 830 (PHASE 2), TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1

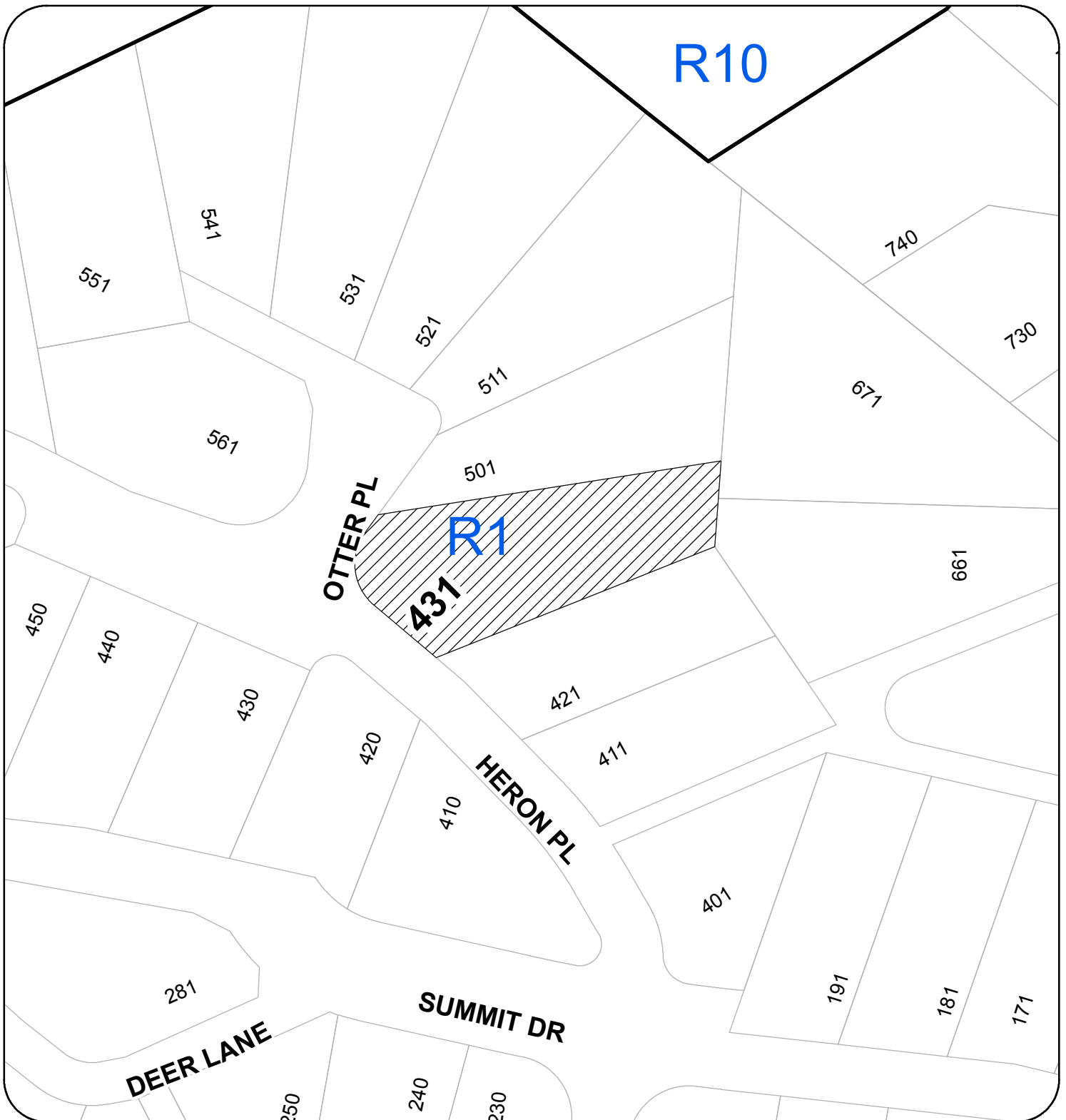
Purpose: Zoning Bylaw 2011 No. 4500 requires a minimum side yard setback of 1.5m in the R1 zone. The applicant is requesting a side yard setback of 0.3m in order to construct exterior stairs along the south side of an existing single residential dwelling. This represents a variance of 1.2m.

Zoning Regulations: Single Family Residential – R1. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

*Section 7.5.1 – Siting of Building
A minimum side yard setback of 1.5m is required.*

The Board of Variance decision will apply to subsequent owners of the land. If you deem your property to be affected by this appeal, please feel free to attend this meeting. Anyone wishing to address this appeal will be afforded the opportunity to be heard at the Board of Variance meeting. This application may be reviewed with Staff at the Community Development Department, 411 Dunsmuir Street, Nanaimo, BC, or by calling 250-755-4460 (x4344), during normal business hours, Monday to Friday, excluding statutory holidays, from 2018-SEP-10 to 2018-SEP-20 inclusive. Questions or comments can also be sent by email to: planning@nanaimo.ca

LOCATION PLAN



BOARD OF VARIANCE NO. BOV00706 LOCATION PLAN



Civic: 431 HERON PLACE
Legal Description: STRATA LOT 43, SECTION 5, WELLINGTON DISTRICT,
STRATA PLAN 830, (PHASE 2), TOGETHER WITH AN INTEREST
IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT
ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1.

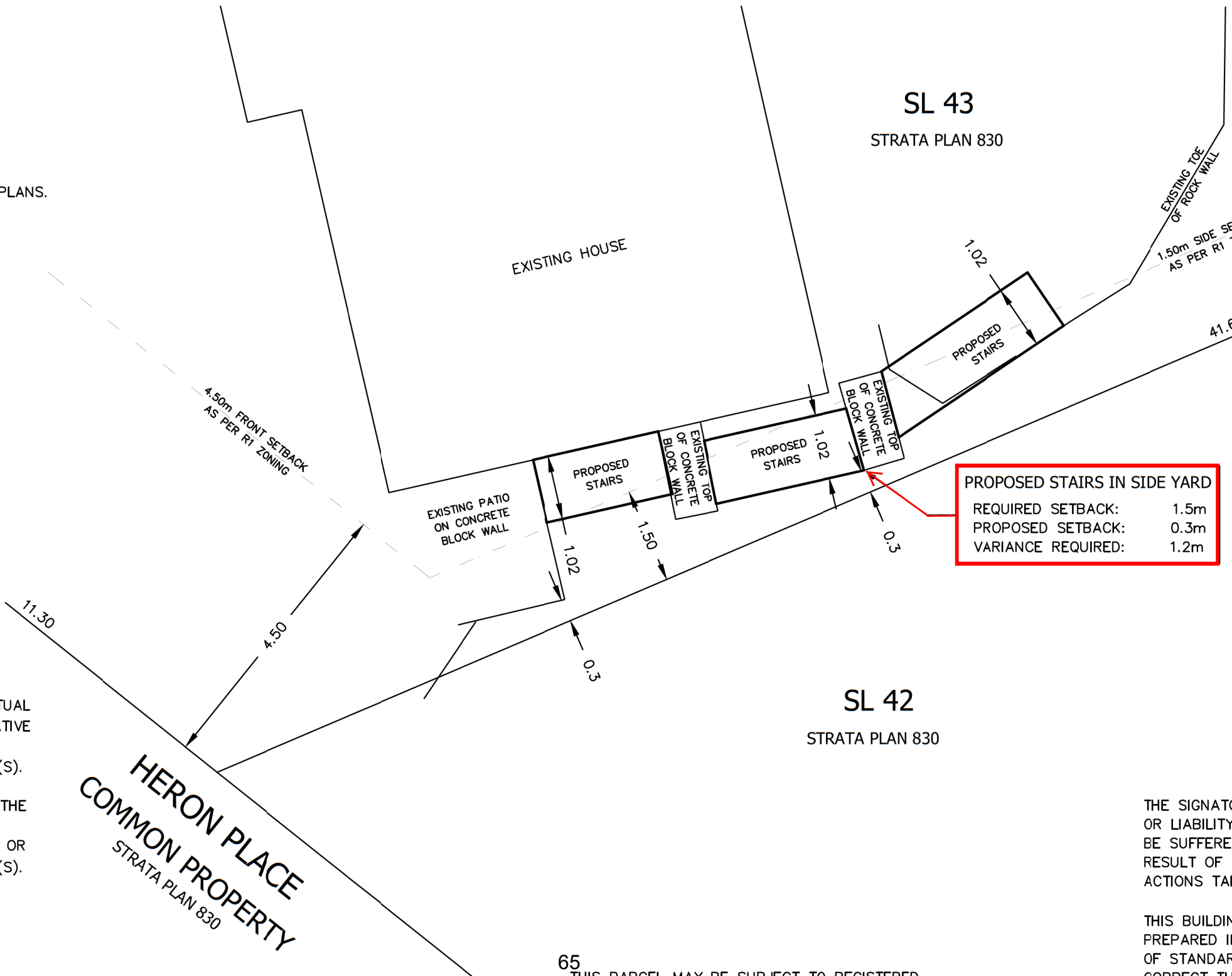
metres

REGISTERED PLANS.

DRAWINGS

ONLY THE ACTUAL
SHOWN RELATIVE
OR
BED PARCEL(S).
OR
RESPECT TO THE
PROPOSED
BOUNDARY OF OR
BED PARCEL(S).
E-ESTABLISH

CIATES
KENCOR.COM



431 Heron Place
Nanaimo, B.C. V9T 4X7
Phone: 250-668-3540

August 10, 2018

City of Nanaimo
Planning Department
411 Dunsmuir Street
Nanaimo, B.C. V9R 0E4

We, Tracey and Andrew Godley, are the owners of

- STRATA LOT 43, STRATA PLAN 830, SECTION 5, WELLINGTON DISTRICT
- Civic: 431 Heron Place, Nanaimo

We are requesting that the minimum setback requirement for the South East side lot line be reduced from 1.5 m to .5 m to accommodate proposed stairs.

We seek a variance from the "City of Nanaimo Zoning By-law No. 4500, 1987": Section 7.5.1 Minimum Setback Requirements Interior side lot line – 1.5m

Background

Our property is a three-level home built on a steep slope with street level entry on the top floor. The lowest floor exits to a deck and patio and below that a natural back yard.

An outdoor electrical sub-panel is attached to the house on the south east side.

Since purchasing the property in September, 2017, we have installed a hot tub and a heat pump, both on the lower patio (in compliance with by-laws). The hot tub, heat pump and patio power outlets are all connected to the outdoor electrical sub-panel located on the south east side of the house.

Accessing the lowest level can be done through the house, although this can be a challenge depending on the nature of the materials and tools required to service the heat pump, hot tub, back yard, etc.

Accessing the electrical sub-panel must be done either through the neighbour's property or by scaling a retaining wall from the patio to the side of the house.

Safety

The most significant issue causing undue hardship relates to safety. During the installation of both the hot tub and the heat pump, tradespeople scaled down the concrete retaining wall to move tools, machinery, and materials to the lower level. The retaining wall was not designed for foot traffic and, while no incidents have occurred, scaling the retaining wall exposes workers to undue risk.

Currently, we have verbal permission from our neighbour to access our electrical sub-panel through their property. If this permission were to be withdrawn, we would need to scale the retaining wall to access the sub-panel. Not only is this unsafe, but physical limitations due to age or disability would make this an impossibility.

We hired a tree management company to perform some tree assessments and some maintenance work. All tools and equipment were transported over the retaining wall structure.

Convenience

The lack of an external staircase creates undue hardship due to inconvenience. Our back yard is in a native state, but overgrown with invasive species (primarily Scotch Broom, blackberries and holly). We have started the removal of these species and have, so far, transported over 100 bags of waste, as well as related larger branches, through the house.

Numerous workers have accessed our lowest level through our house resulting in both an invasion of our privacy and incidental dirt and exposure to potential damage to our hardwood floors and walls

Other Considerations

The neighbour of the adjoining property and our Strata Counsel both approve of our proposed staircase. In our opinion, the proposed staircase does not impact the natural environment, change the intended land use, or contradict the intended spirit of the set-back by-law.

Yours Sincerely

