



AGENDA BOARD OF VARIANCE MEETING

February 15, 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. ADOPTION OF AGENDA:

3. ADOPTION OF MINUTES:

a. Meeting Minutes of December 21, 2017

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Minutes of the Board of Variance Meeting held in the Boardroom of the Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Thursday 2017-DEC-21.

4. PRESENTATIONS:

a. Board of Variance Application No. BOV697 - 5334 Georgiaview Crescent

4 - 17

Legal Description: Lot 38, District Lot 32, Wellington District, Plan VIP53577

The applicant is requesting to vary provisions of the City of Nanaimo 'ZONING BYLAW NO. 4500" in order to allow an existing deck with an addition to project 3m into the rear yard setback.

Zoning Bylaw 4500 (6.5.1) - permits open decks to project 2m into into the rear yard setback.

5. ADJOURNMENT:

**MINUTES
BOARD OF VARIANCE MEETING
SERVICE AND RESOURCE CENTRE BOARDROOM, 411 DUNSMUIR STREET, NANAIMO,
BC, ON THURSDAY, 2017-DEC-21 AT 5:30 P.M.**

PRESENT: Members: Mark Dobbs, Acting Chair
 Gerry Johnson
 Richard Finnegan
 Gord Turgeon

 Absent: Tyler Brown

 Staff: Keltie Chamberlain, Planning Assistant

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

The Open Board of Variance Meeting was called to order at 5:30 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 that the minutes of the Board of Variance Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo BC, on Thursday 2017-JUL-20 at 5:30 p.m. be adopted as circulated. The motion carried unanimously.

4. PRESENTATIONS:

(a) Board of Variance Application No. BOV693 - 4070 Gulfview Drive

Mr. Mark Dobbs, Acting Chair, read the application. Asked the applicant, Mr. Derek Lewis, forward.

It was moved and seconded that the requested variance be approved. The motion carried unanimously.

(a) Board of Variance Application No. BOV696 – 244 Emery Way

Mr. Mark Dobbs, Acting Chair, read the application. Asked the applicant, Mr. Anthony Gilks, forward.

It was moved and seconded that the requested variance be approved. The motion carried unanimously.

5. **ADJOURNMENT:**

It was moved and seconded at 5:41 p.m. that the meeting terminate. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER



BOARD OF VARIANCE

NOTICE OF MEETING

A meeting of the Board of Variance will be held on Thursday, 2018-FEB-15 at 5:30pm in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC to hear the following appeal:

APPEAL NO: **BOV697**

Applicant: JONKER CUSTOM BUILDING. (Mr. Pieter Jonker)

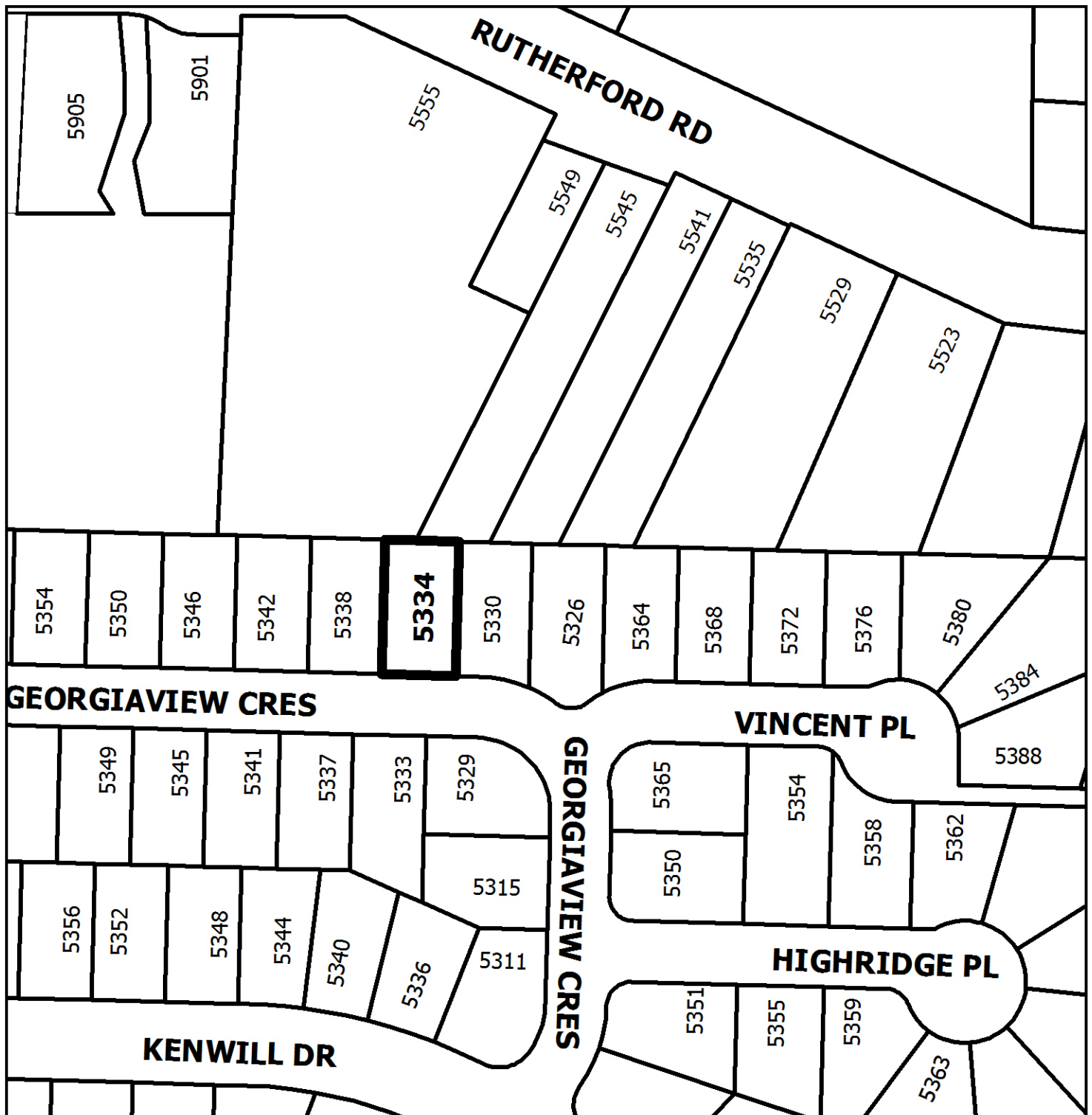
Civic Address: 5334 Georgiaview Crescent

Legal Description: ***Lot 38, District Lot 32, Wellington District, Plan VIP53577
(PID 017-641-675)***

Purpose: Zoning Bylaw No. 4500 permits Open Decks to Project 2m into the Rear Yard Setback. The applicant is requesting to vary provisions of the City of Nanaimo 'ZONING BYLAW NO. 4500" in order to allow an existing deck with an addition to project 3m into the Rear Yard setback.

Zoning Regulations: General Regulations. The applicant is requesting a variance to Zoning Bylaw 4500:
Section 6.5 Projections into Yards
The Permitted Projection into Required Rear Yard Setback of an Open Deck is 2m.

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 (x4333), during normal business hours, Monday to Friday, excluding statutory holidays, from 2018-FEB-02 to 2018-FEB-15, inclusive.



BOARD OF VARIANCE NO. BOV00697

LOCATION PLAN

Civic: 5334 Georgiaview Crescent
 Lot 38, District Lot 32, Wellington District,
 Plan VIP53577



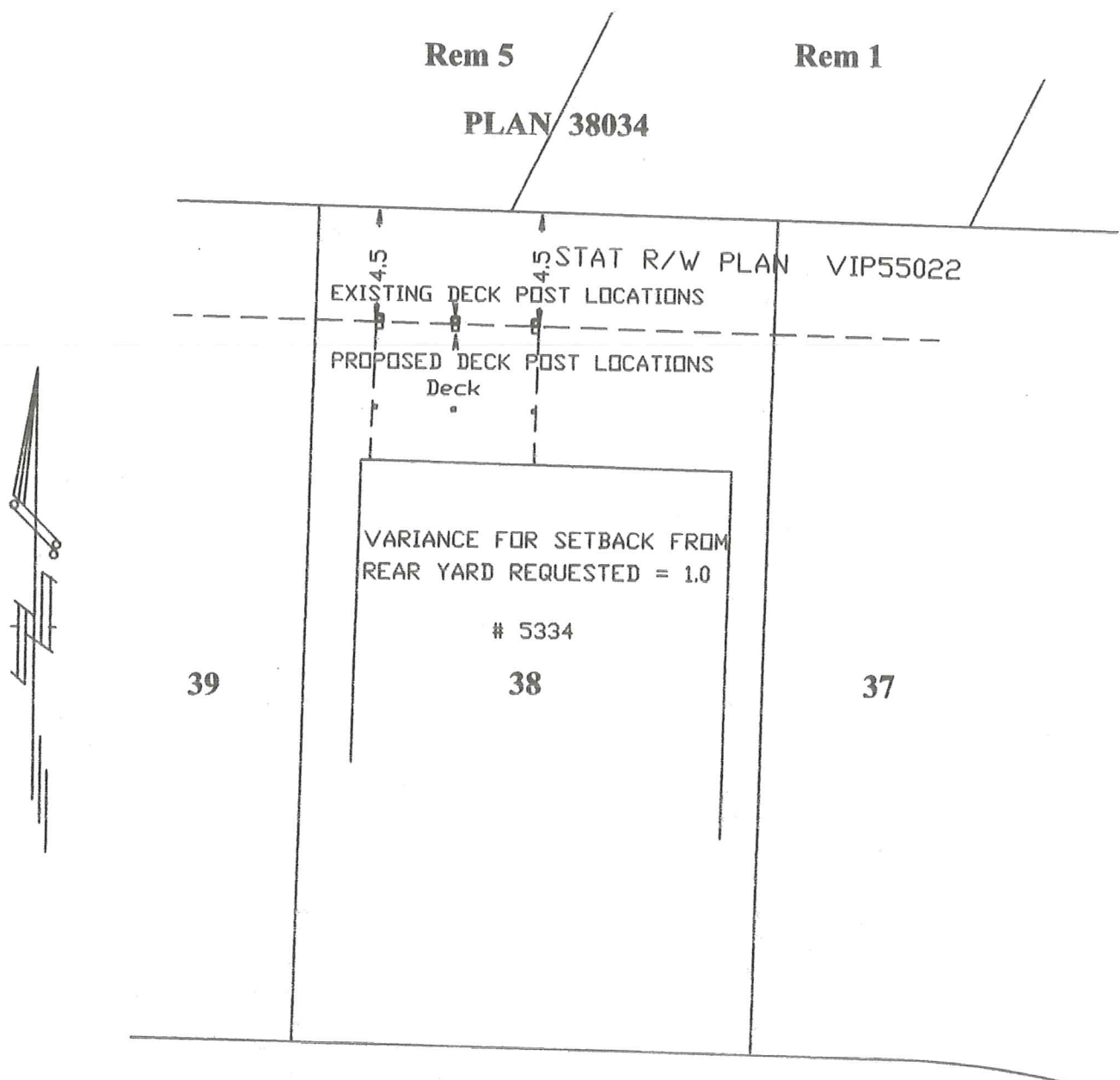
Subject Property



Parks & Open Spaces

PLAN SHOWING PROPOSED DECK CONSTRUCTION ON LOT 38,
DISTRICT LOT 32, WELLINGTON DISTRICT, PLAN VIP53577

SCALE 1:250
MEASUREMENTS ARE IN METRES



GEORGIAVIEW CRESCENT

T.G. Hoyt
B.C. Land Surveyor
2275 Godfrey Road
Nanaimo, B.C.
V9X 1E7
250-753-2921

FB 374/22

6

This 24th day of January, 2018.

[Signature]
B. C. L. S.

Board of Variance Application Form

Contact Information	
Name of Applicant (Contact Person): <small>** If the applicant is not the registered owner an Appointment of Agent form is required.</small>	Please Print PIETER JONKER
Company Name (If Applicable):	JONKER CUSTOM BUILDING
Company Search (If Applicable):	
Phone: 250 616 9805	Cell: SAME
Fax:	Email: piet@jonkercustombuilding.com
Mailing Address: 147 CRAIG ST. NANAIMO, BC.	
VAR 3V2.	
Please indicate preferred method of correspondence: <input checked="" type="checkbox"/> Email <input type="checkbox"/> Post <input type="checkbox"/> Fax	

Property	
Civic Address of Property:	5334 GEORGIA VIEW
Legal Description of Property: <small>** Must match title</small>	LOT 38, PLAN VIPS3577, D.L. 32, WELLINGTON DISTRICT
Proposed Variance Requested:	REAR DECK INTO REAR SETBACK
Purpose of Proposed Variance:	
TO EXTEND REAR DECK INTO 5.5m	
REAR SETBACK.	
<input type="checkbox"/> Is this variance required to legalize a building or structure that has already been constructed? <input type="checkbox"/> Was a valid Building Permit issued prior to construction? If yes, BP#: _____	
<small>** Please note: in order for a variance to remain valid a Building Permit must be issued within six months of the appeal date. This time limit may be increased or decreased at the Board's discretion. A relaxation granted by the Board applies only to the City bylaw specified.</small>	

Signature for Board of Variance Application

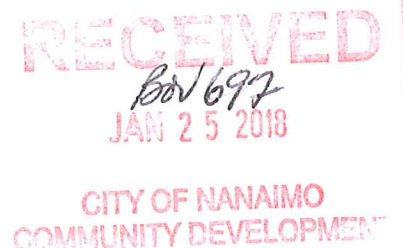
I / we hereby declare that all of the above statements and the information and materials submitted in support of this application are, to the best of my knowledge, true and correct in all aspects.

JAN 14th 2018

 Date

 Applicant Signature (print name below)

PIETER JONKER



Board of Variance Application Checklist

BoV 00697

Required Items

- ☒ Application Fee of \$250.00 (No GST)
- ☒ Completed Board of Variance Application Form
- ☒ Certificate of Title
- ☐ Variance Rationale Letter
- ☒ Completed Board of Variance Checklist (Dated and Signed)

Additional Items

- ☒ Appointment of Agent Form (When Applicant is not on Title to the Property)
- ☒ BCLS Site Survey (Setback Variances)
- ☐ BCLS Height Survey (Height Variances)
- ☒ Elevation Drawings
- ☒ Letter from Applicable Professional (i.e.: Mechanical Engineer)

Please note: a discussion with staff is required to determine additional application requirements.

Certificate of Title (1 Copy)

Copy of the Certificate of Title for the subject land(s) and a copy of all relevant covenants. These documents must be obtained no longer than two weeks prior to application.

Variance Rationale Letter

A letter outlining the rationale of the proposed variance and how the current Zoning Bylaw regulations cause an "undue hardship" to the subject land(s).

BCLS Site Survey (2 Copies)

A sealed, legal survey from a Certified British Columbia Land Surveyor is required to confirm proposed dimensions and distances. The site survey needs to include all existing and proposed enhancements on the subject land(s) and must indicate distances from outer corners and external walls to adjacent property lines as well as to adjacent buildings or structures.

Certificate of Title (1 Copy)


Copy of the Certificate of Title for the subject land(s) and a copy of all relevant covenants. Must be obtained no longer than two weeks prior to application.

Signature for Board of Variance Application

I / we hereby declare that all of the above statements and the information and materials submitted in support of this application are, to the best of my knowledge, true and correct in all aspects.

Jan 14th 2018

Date



Applicant Signature (print name below)

Pieter Jonker

TITLE SEARCH PRINT

File Reference:

Declared Value \$397500

2018-01-23, 09:19:44

Requestor: Sarah Gaudreault

****CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN******Land Title District**

Land Title Office

VICTORIA

VICTORIA

Title Number

From Title Number

CA3433891

EK95350

Application Received

2013-10-31

Application Entered

2013-11-04

Registered Owner in Fee Simple

Registered Owner/Mailing Address:

DOUGLAS HAZEN GRIFFITH, SKIPPER
PATRICIA ANNE MARIA GRIFFITH, HOMEMAKER
5334 GEORGIAVIEW CRESCENT
NANAIMO, BC
V9T 5Z7
AS JOINT TENANTS

Taxation Authority

Nanaimo, City of

Description of Land

Parcel Identifier:

017-641-675

Legal Description:

LOT 38, DISTRICT LOT 32, WELLINGTON DISTRICT, PLAN VIP53577

Legal Notations

NONE

Charges, Liens and Interests

Nature:

EXCEPTIONS AND RESERVATIONS

Registration Number:

M76300

Registered Owner:

ESQUIMALT AND NANAIMO RAILWAY COMPANY

Remarks:

INTER ALIA

AFB 9.693.7434A

SECTION 172(3)

FOR ACTUAL DATE AND TIME OF REGISTRATION SEE

ORIGINAL GRANT FROM E & N RAILWAY COMPANY

TITLE SEARCH PRINT

2018-01-23, 09:19:44
Requestor: Sarah Gaudreault

File Reference:

Declared Value \$397500

Nature:	STATUTORY RIGHT OF WAY
Registration Number:	EE144013
Registration Date and Time:	1991-12-23 13:44
Registered Owner:	CITY OF NANAIMO
Remarks:	INTER ALIA CANCELLED AS TO ALL EXCEPT PART IN PLAN VIP55022, BY EJ63228

Nature:	STATUTORY BUILDING SCHEME
Registration Number:	EF939
Registration Date and Time:	1992-01-06 10:23
Remarks:	INTER ALIA SECTION 216 L.T.A.

Nature:	MORTGAGE
Registration Number:	CA3433892
Registration Date and Time:	2013-10-31 12:42
Registered Owner:	CANADIAN IMPERIAL BANK OF COMMERCE

Duplicate Indefeasible Title

NONE OUTSTANDING

Transfers

NONE

Pending Applications

NONE

Pieter Jonker

147 Craig Street
Nanaimo, B.C. V9R 3V2
250-616-9805
piet@jonkercustombuilding.com

January 23, 2018

To whom it may concern,

This letter is meant to support the board of variance application concerning the rear deck at 5334 Georgiaview Cr.

The original deck at 5334 Gergiaview Cr. was built eight feet wide with stairs exiting the deck from the east end. This size and configuration resulted in a deck that was too small to fit a table, chairs, and BBQ. There is also an issue with soil erosion that, if left unattended will eventually cause structural issues with the original deck.

At present an extension has been added to the original deck. This extension was done without a permit, and has received a stop work order. The extension is complete, except for the guardrails.

As the extension sits, it is encroaching on the rear yard setback as well as a sewer/water line easement. The edge of the easement is 4.5m from the rear property line. The edge of the footing supporting the deck is presently sitting at 4.22m from the rear property line. I am proposing that the three pad footings/piers be moved towards the house .2794m to fall outside of the 4.5m sewer/water line easement. The deck would then no longer be encroaching on the easement, but, would still be encroaching on the rear yard setback by 1m. This application for valiance is to ask for allowance to situate the deck at 4.5 from the rear property line as opposed to the allowable 5.5m allowed with in the zoning.



The majority of the neighbouring houses have rear decks that are about double the eight foot depth of 5334 Georgiaview. They are larger due to the fact that they are built out to the 5.5m setback that is allowable. The original deck at 5334 Georgiaview was not built out to the 5.5m setback. This is due to the specific topography of the site. In order to maximize the deck size by building to the 5.5m setback, the piers supporting the deck would have had to have been placed on a very steep bank. The steep bank begins at approximately 8m from the rear property line and abruptly decreases in elevation until 5m from the rear property line. The elevation change is approximately 2.2m. The bank is unstable, and excavating for pad footings within it may cause sluffing of soil and undermining of the original deck pad footings. Whereas, placing the new pad footings at 4.5m off of the rear property line, would have them land not on the steep bank, nor would the bank be disturbed by the excavation.



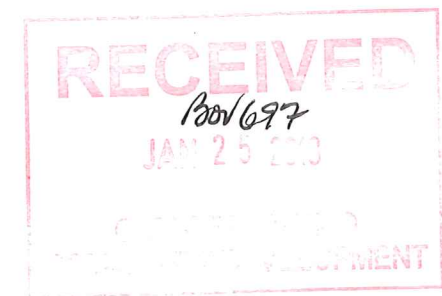
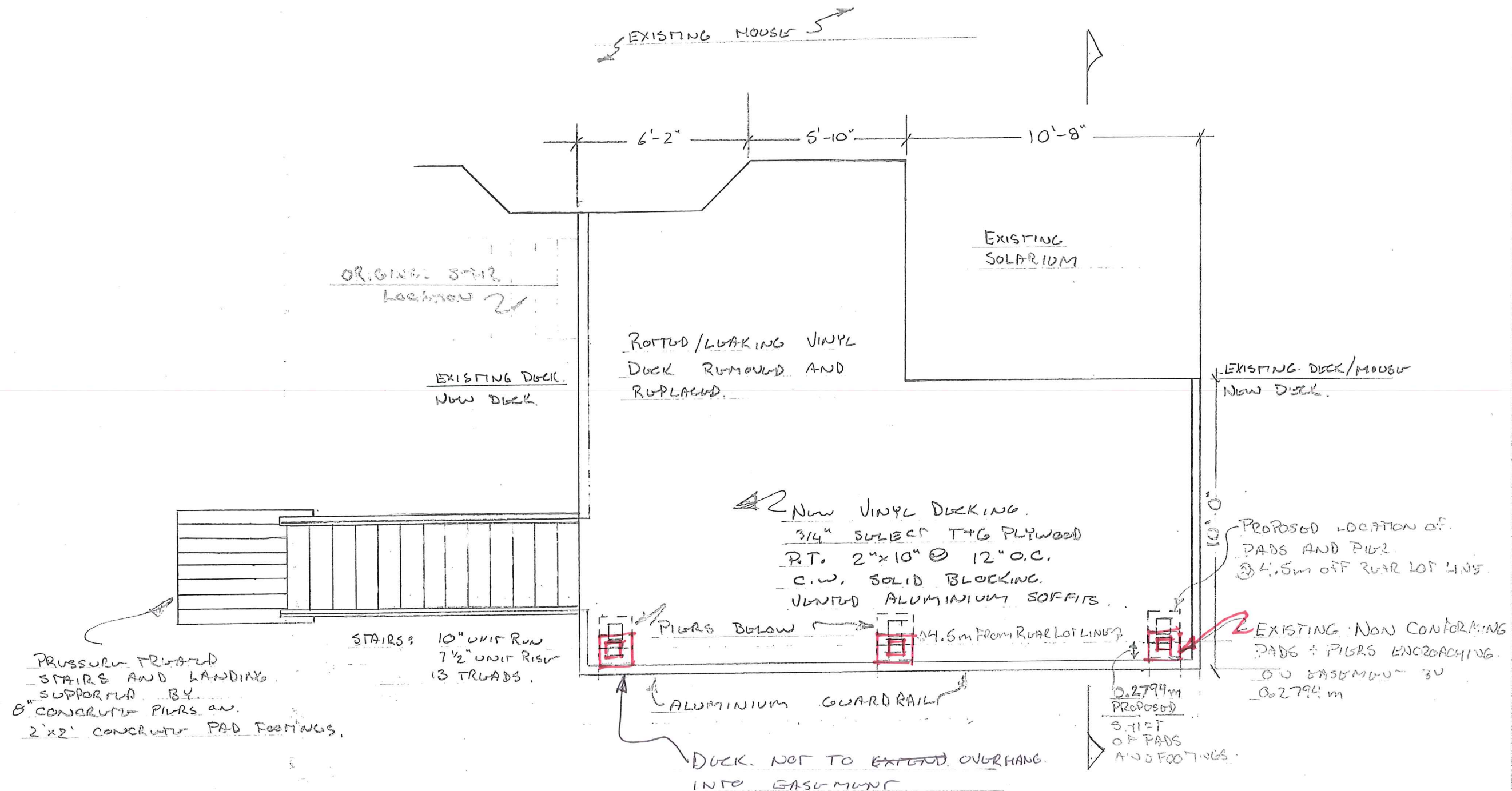
Regarding the instability of the bank, without the proposed deck covering the unstable bank, in recent years the earth and the rocks have been steadily washing away into the lower portion of the yard. The owners built a make shift retaining wall to try and slow this soil erosion down, the retaining wall is now failing. Situating the deck as proposed by this application would eliminate all rain caused erosion issues, and in turn eliminate any future problems of bearing loss of the existing pad footings.

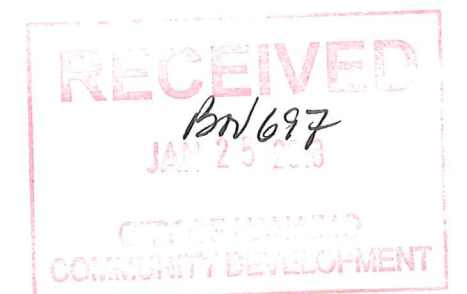
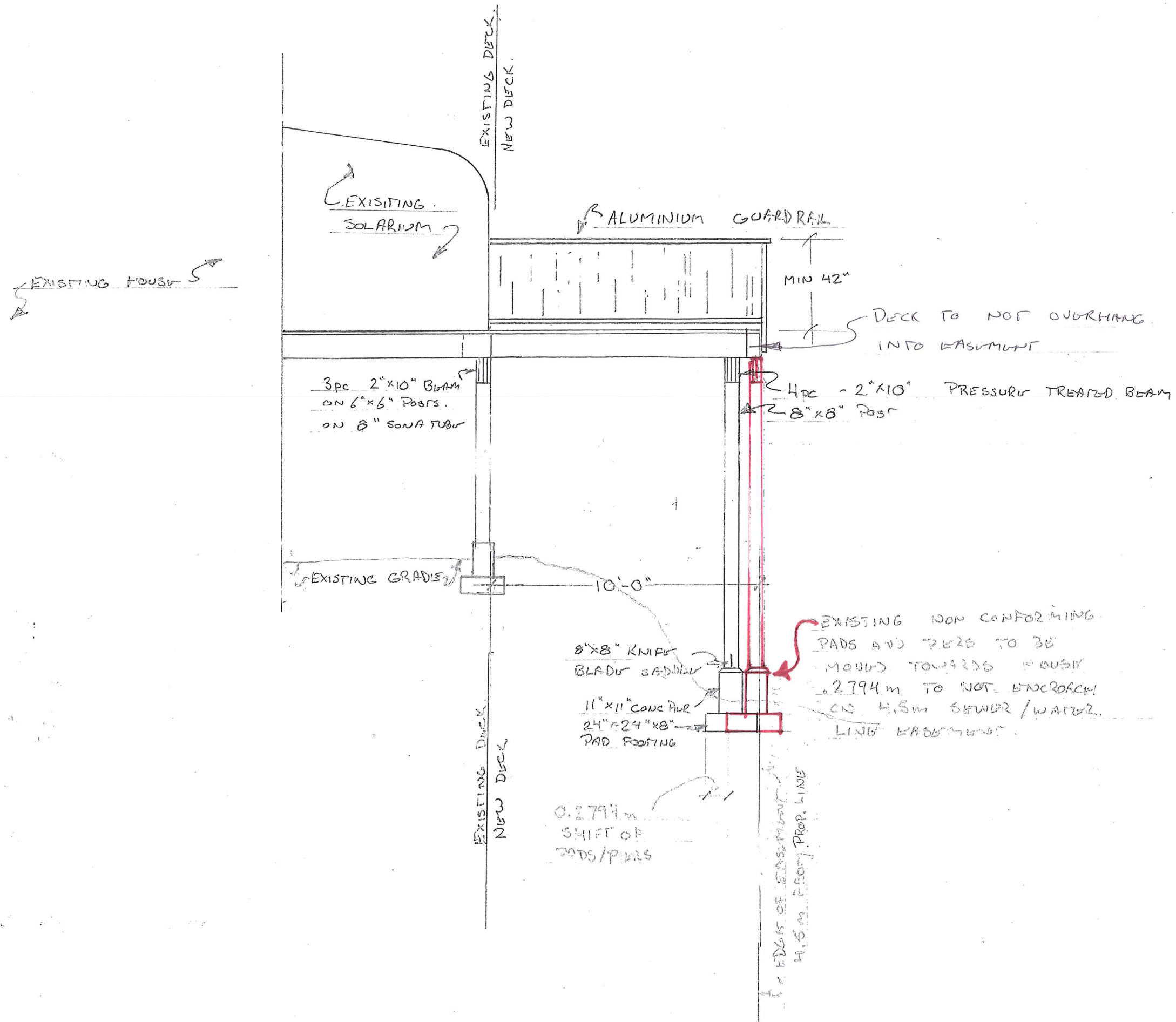
The surrounding houses do not have the issue of the 5.5m setback falling on such a precarious slope; this situation is unique to this lot. The extension of the deck beyond the 5.5m setback to 4.5m would not affect the views nor the privacy of the surrounding neighbours. There is also the sewer and water line easement that takes up the rear 4.5m of the lot. As proposed the new deck would not encroach on this easement.

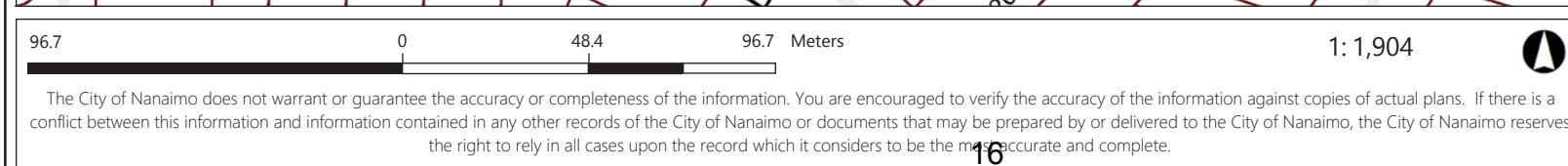
All things considered, I believe that a variance allowing the deck to be situated at 4.5m from the rear lot line would remedy all of the issues with deck size, function, and future structural and safety issues, and would do this, without causing any detriment to the surrounding neighbours.

Sincerely yours,

Pieter Jonker







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RE: 5364 5329 GEORGIAVIEW
CRESCENT
OCCUPANT
5364 5329 GEORGIAVIEW CRESCENT
NANAIMO BC V9T 5Z7

RE: 5337 GEORGIAVIEW CRESCENT
NGUYEN YEN THU
5337 GEORGIAVIEW CRESCENT
NANAIMO BC V9T 5Z7

RE: 5541 RUTHERFORD ROAD
DAS ANUPAM
DAS THANNE
5541 RUTHERFORD ROAD
NANAIMO BC V9T 5M8

RE: 5200 5329 GEORGIAVIEW
CRESCENT
OCCUPANT
5200 5329 GEORGIAVIEW CRESCENT
NANAIMO BC V9T 5Z7

RE: 5333 GEORGIAVIEW CRESCENT
KIM SIN KWANG
SIM JUNG SOOK
5333 GEORGIAVIEW CRESCENT
NANAIMO BC V9T 5Z7

RE: 5535 RUTHERFORD ROAD
COOMBES ANDREA LEE
COOMBES RYAN CASEY
5535 RUTHERFORD ROAD
NANAIMO BC V9T 5M8

RE: 5364 5329 GEORGIAVIEW
CRESCENT
OCCUPANT
5364 5329 GEORGIAVIEW CRESCENT
NANAIMO BC V9T 5Z7

RE: 5329 GEORGIAVIEW CRESCENT
MONSEN KEITH ANDREW
5239 GEORGIAVIEW CRESCENT
NANAIMO BC V9T 5Z7

RE: 5326 GEORGIAVIEW CRESCENT
HOVEY MICHAEL JEFFREY
HOVEY SANDRA LEE
5326 GEORGIAVIEW CRESCENT
NANAIMO BC V9T 5Z7

RE: 5329 GEORGIAVIEW CRESCENT
OCCUPANT
5329 GEORGIAVIEW CRESCENT
NANAIMO BC V9T 5Z7

RE: 5330 GEORGIAVIEW CRESCENT
MITCHELL DAVID BUCHANAN
DIXON SANDRA CAMILLE
5330 GEORGIAVIEW CRESCENT
NANAIMO BC V9T 5Z7

RE: 5555 RUTHERFORD ROAD
OCCUPANT
5555 RUTHERFORD ROAD
NANAIMO BC V9T 5M8

RE: 5338 GEORGIAVIEW CRESCENT
WRIGHT VERONICA CHRISTINE
5338 GEORGIAVIEW CRESCENT
NANAIMO BC V9T 5Z7

RE: 5555 RUTHERFORD ROAD
TIAN JIE
6505 RAVEN ROAD
NANAIMO BC V9V 1V7

RE: 5342 GEORGIAVIEW CRESCENT
PHILLIPS CLAIRE M
PHILLIPS KEITH WAYNE
5342 GEORGIAVIEW CRESCENT
NANAIMO BC V9T 5Z7

RE: 5545 RUTHERFORD ROAD
CAHILL ROBERT FRANK
CAHILL TRISHA LEANNE
5545 RUTHERFORD ROAD
NANAIMO BC V9T 5M8