



AGENDA BOARD OF VARIANCE MEETING

December 21, 2017, 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 May 4, 2017** 3 - 4

Minutes of the Board of Variance meeting held in the Board Room of the Service and Resource Centre, 411 Dunsmuir Street, Nanaimo BC, on Thursday, 2017-MAY-04.
 - b. **Meeting Minutes of June 29, 2017** 5 - 6

Minutes of the Board of Variance meeting held in the Board Room of the Service and Resource Centre, 411 Dunsmuir Street, Nanaimo BC, on Thursday 2017-JUN-29.
 - c. **Meeting Minutes of July 20, 2017** 7 - 8

Minutes of the Board of Variance meeting held in the Board Room of the Service and Resource Centre, 411 Dunsmuir Street, Nanaimo BC, on Thursday 2017-JUL-20.
4. **PRESENTATIONS:**

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

9 - 23

Legal Description: Lot 77, District Lot 41, Wellington District, Plan VIP58466

The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 in order to allow a heat pump to be located to the side of a principal building; and, to reduce the required west side yard setback for a heat pump from 4.5m to 2.2m.

Zoning Bylaw 4500 (6.5.2) – requires 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 closer than 4.5m from the side lot lines or closer than 3m from the rear property line.

b. Board of Variance Application No. BOV696

24 - 34

Legal Description: Lot 20, Section 1, Nanaimo District, Plan 31157

The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 in order to increase the maximum permitted fence height for a single dwelling residential lot from 1.2m to 1.8m to legalize an existing fence along a front lot line (on a through lot) facing Bowen Road.

Zoning Bylaw 4500 (6.10.2) restricts fence height to 1.2m within the front yard setback in the R1 zone.

5. ADJOURNMENT:

MINUTES
BOARD OF VARIANCE MEETING
SERVICE AND RESOURCE CENTRE BOARDROOM, 411 DUNSMUIR STREET, NANAIMO,
BC, ON THURSDAY, 2017-JUL-20 AT 5:30 P.M.

MEMBERS:	Present	Tyler Brown, Chair Richard Finnegan Gerry Johnson Gord Turgeon
	Absent	Mark Dobbs
STAFF:	Present	Brian Zurek, Subdivision Planner Marlis McCargar, Planning Assistant Keltie Chamberlain, Planning Assistant

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

The 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 Regular Meeting of the Board of Variance on 2017-MAR-16 in the SARC Building, Room 105, Nanaimo, BC, be adopted as circulated. The motion carried unanimously.

4. APPLICATIONS:

(a) *Board of Variance Application No. BOV690 – 2301 Sparrow Lane*

Mr. John Johnson, owner of the subject property, requested to vary the provisions of the “Zoning Bylaw No. 4500” to permit an accessory building with a height of 5.17m: a variance request of 0.17m.

It was moved and seconded that the requested variance to increase the maximum permitted height for an accessory building from 5.0m to 5.17m be approved. The motion carried unanimously.

(b) *Board of Variance Application No. BOV691 – 5282 Somerset Drive*

Chris Bragg represented the applicant, Jennifer Baumann, owner of the subject property. Mr. Bragg requested to vary the provisions of the “Zoning Bylaw No. 4500” to permit an accessory building with a height of 7.42m: a variance request of 0.42m.

It was moved and seconded that the requested variance to increase the maximum permitted height of an accessory building from 7.0m to 7.42m be approved. The motion carried unanimously.

5. OTHER BUSINESS:

6. ADJOURNMENT:

It was moved and seconded at 5:42 p.m. that the meeting terminate. The motion carried unanimously.

Next Scheduled Meeting – 2017-MAY-18

APPROVED BY:

_____	_____
CHAIR	Date

_____	_____
STAFF LIASON	Date

CERTIFIED CORRECT:

_____	_____
CORPORATE OFFICER	Date

MINUTES
BOARD OF VARIANCE MEETING
SERVICE AND RESOURCE CENTRE BOARDROOM, 411 DUNSMUIR STREET, NANAIMO,
BC, ON THURSDAY, 2017-JUN-29 AT 5:30 P.M.

MEMBERS: Present Richard Finnegan, Acting Chair
Gerry Johnson

Absent Tyler Brown
Mark Dobbs
God Turgeon

STAFF: Present Keltie Chamberlain, Planning Assistant
Dave Pady, Subdivision Planner

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

This Board of Variance Meeting was cancelled due to a lack of quorum.

2. ADOPTION OF AGENDA:

3. ADOPTION OF MINUTES:

4. APPLICATIONS:

(a) Board of Variance Application No. BOV692 – 301 Dundas Street
Mr. Walker is requesting to vary the provisions of Zoning Bylaw No. 4500 in order to increase the maximum allowable height of an existing fence on a retaining wall in a rear and side yard from 2.4m to 3.9m (the combined height) to replace the fence which had received BOV approval in 2000.

5. OTHER BUSINESS:

6. ADJOURNMENT:

Next Scheduled Meeting – 2017-JUN-20

APPROVED BY:

CHAIR

Date

STAFF LIASON

Date

CERTIFIED CORRECT:

CORPORATE OFFICER

Date

MINUTES
BOARD OF VARIANCE MEETING
SERVICE AND RESOURCE CENTRE BOARDROOM, 411 DUNSMUIR STREET, NANAIMO,
BC, ON THURSDAY, 2017-JUL-20 AT 5:30 P.M.

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

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.

3. ADOPTION OF AGENDA:

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

3. ADOPTION OF MINUTES:

It was moved and seconded that the Minutes of the Regular meeting of the Board of Variance on 2017-MAY-04 held in the SARC Building, Room 105, Nanaimo, BC, be adopted as circulated.

It was moved that the Minutes of the Special Meeting of the Board of Variance on 2017-JUN-29 be adopted as circulated. The motion carried unanimously.

5. APPLICATIONS:

- (a) Board of Variance Application No. BOV692 – 301 Dundas Street – Mr. Brad Walker, owner of the subject property.

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

- (b) Board of Variance Application No. BOV694 – 1460 Sherwood Drive – Mr. Gurjeet Manhas, owner of the subject property.

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

6. **DISCUSSION:**

Staff advised Board members on an issue of procedure. The Board cannot place a condition on an applicant in order to rule on an application.

7. **ADJOURNMENT:**

It was moved and seconded at 6:30 p.m. that the meeting terminate. The motion carried unanimously.

Next Scheduled Meeting - 2018-JAN-18

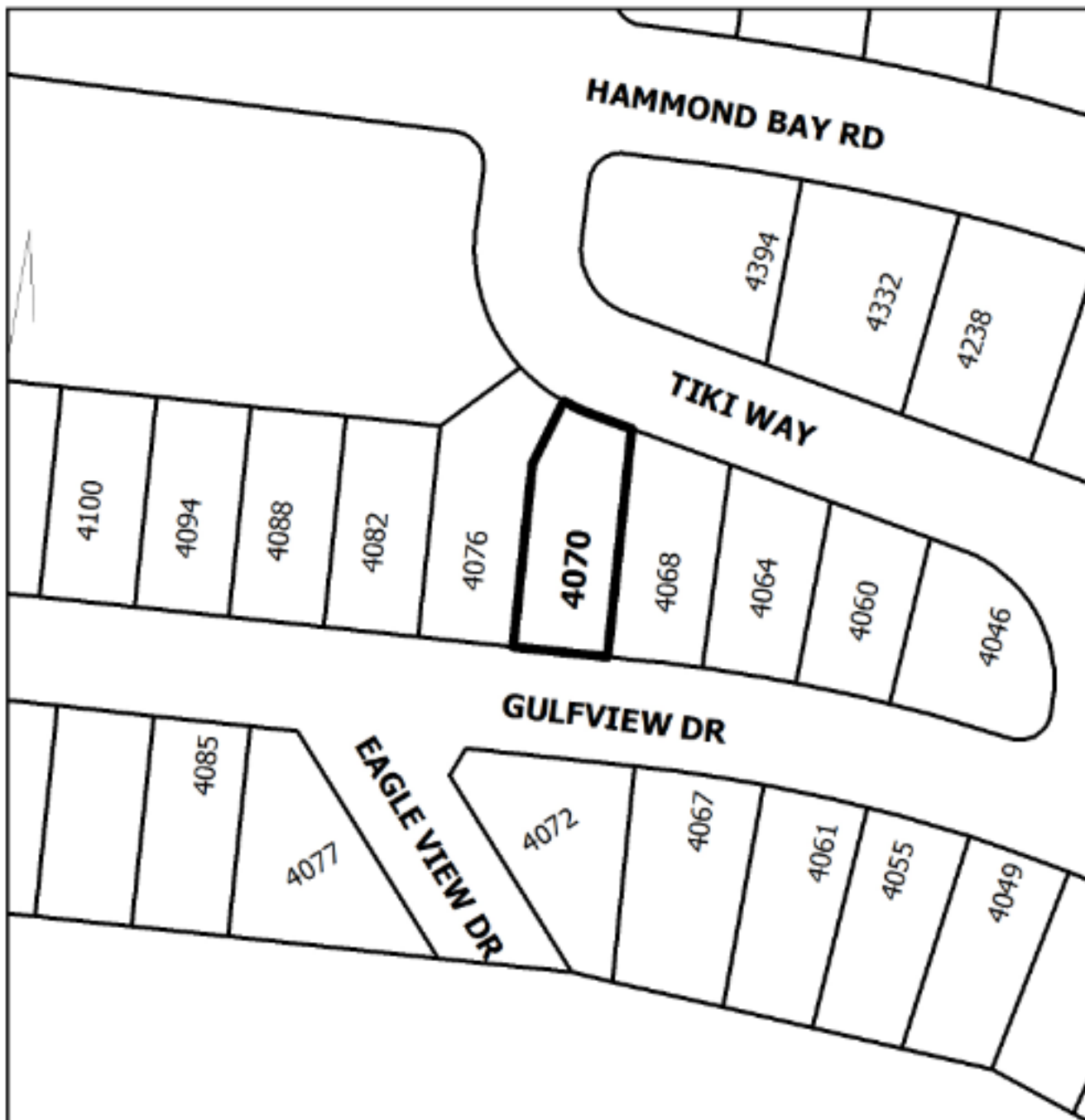
APPROVED BY:

_____	_____
CHAIR	Date

_____	_____
STAFF LIASON	Date

CERTIFIED CORRECT:

_____	_____
CORPORATE OFFICER	Date



BOARD OF VARIANCE NO. BOV693

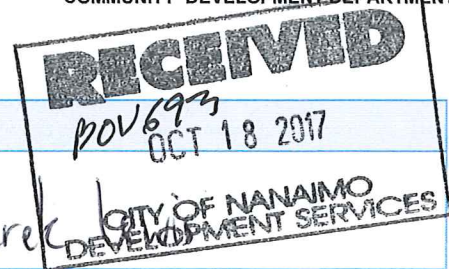
LOCATION PLAN

Civic: 4070 Gulfview Drive
Lot 20, Section 1, Nanaimo District,
Plan 31157



Subject Property

Board of Variance Application Form



Contact Information	
Name of Applicant (Contact Person): <i>** If the applicant is not the registered owner an Appointment of Agent form is required.</i>	Please Print <u>Derek</u>
Company Name (If Applicable):	
Company Search (If Applicable):	
Phone: <u>250-585-5736</u>	Cell: <u>250-613-5740</u>
Fax:	Email: <u>derlewis@shaw.ca</u>
Mailing Address: <u>4070 Gulfview Drive</u>	
<u>Nanaimo, BC V9T 6B4</u>	
Please indicate preferred method of correspondence: <input checked="" type="checkbox"/> Email <input type="checkbox"/> Post <input type="checkbox"/> Fax	

Property	
Civic Address of Property:	<u>4070 Gulfview Drive, Nanaimo, B.C.</u>
Legal Description of Property: <i>** Must match title</i>	<u>Lot 77, District Lot 41, Wellington District</u> <u>Plan VIP 58466 PID: 013-679-625</u>
Proposed Variance Requested:	<u>By-Law 4500 Section 6.5.2 Heat Pump at side of home</u>
Purpose of Proposed Variance:	<u>Homeowner replaced old, inefficient heat pump that had been located at the side of the house since the house was constructed in 2004. Not feasible to move to the rear of the property due to R-10 Steep slope zoning and distance from air handler.</u>
<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.

Oct. 16, 2017

Date

Applicant Signature (print name below)

Derek Lewis

Board of Variance Application Checklist

Required Items
<input checked="" type="checkbox"/> Application Fee of \$250.00 (No GST) <input checked="" type="checkbox"/> Completed Board of Variance Application Form <input checked="" type="checkbox"/> Certificate of Title <input checked="" type="checkbox"/> Variance Rationale Letter <input checked="" type="checkbox"/> Completed Board of Variance Checklist (Dated and Signed)

Additional Items
<input type="checkbox"/> Appointment of Agent Form (When Applicant is not on Title to the Property) <input checked="" type="checkbox"/> BCLS Site Survey (Setback Variances) <input type="checkbox"/> BCLS Height Survey (Height Variances) <input checked="" type="checkbox"/> Elevation Drawings (Exhibit A) <input checked="" type="checkbox"/> Letter from Applicable Professional (i.e.: Mechanical Engineer) <p style="color: #0070C0; font-style: italic;">Please note: a discussion with staff is required to determine additional application requirements.</p>

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)

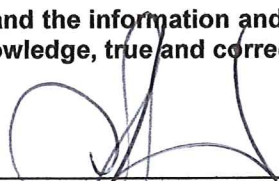
Copy of the Certificate of Title for the subject land(s) and a copy of all relevant covenants. Must be obtained no longer than two weeks prior to application.

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.

Oct. 16, 2017

Date



 Applicant Signature (print name below)
 Derek Lewis

TITLE SEARCH PRINT

File Reference:

Declared Value \$ 544000

2017-10-16, 09:34:03

Requestor: Tessa Holness

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

Land Title Office

VICTORIA

VICTORIA

Title Number

From Title Number

FB386926

EW27171

Application Received

2010-11-26

Application Entered

2010-11-30

Registered Owner in Fee Simple

Registered Owner/Mailing Address:

DEREK IVAN LEWIS, BANKER
KIM MARIE LEWIS, HOMEMAKER
4070 GULFVIEW DRIVE
NANAIMO, BC
V9T 6B4
AS JOINT TENANTS

Taxation Authority

Nanaimo, City of

Description of Land

Parcel Identifier:

018-679-625

Legal Description:

LOT 77, DISTRICT LOT 41, WELLINGTON DISTRICT, PLAN VIP58466

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, DD 51745G & 5651, SECTION 172(3),
FOR ACTUAL DATE AND TIME OF REGISTRATION SEE
ORIGINAL GRANT FROM E & N RAILWAY COMPANY

TITLE SEARCH PRINT

2017-10-16, 09:34:03

File Reference:

Requestor: Tessa Holness

Declared Value \$ 544000

Nature: STATUTORY RIGHT OF WAY
Registration Number: EH31743
Registration Date and Time: 1994-03-11 14:09
Registered Owner: CITY OF NANAIMO
Remarks: INTER ALIA
CANCELLED AS TO ALL EXCEPT PART IN PLAN VIP58467
BY EL120801, 1997.10.20

Nature: STATUTORY BUILDING SCHEME
Registration Number: EH31744
Registration Date and Time: 1994-03-11 14:09
Remarks: SECTION 216 LAND TITLE ACT, INTER ALIA

Nature: MORTGAGE
Registration Number: CA1817213
Registration Date and Time: 2010-11-26 11:04
Registered Owner: COASTAL COMMUNITY CREDIT UNION
INCORPORATION NO. FI114

Duplicate Infeasible Title

NONE OUTSTANDING

Transfers

NONE

Pending Applications

NONE

October 16, 2017

City of Nanaimo
238 Franklyn Street
Nanaimo, BC V9R 2X4

Attn: Board of Variance

Re: Heat Pump located to side of residence in contravention of Bylaw 4500 Section 6.5.2

Dear Board of Variance members:

In February 2016, the heat pump that had been installed when our home was originally constructed in 2004 suffered catastrophic failure and ceased operating. We hired The Comfort Group Heating Corporation to fix the heat pump and they installed a by-pass to allow the heat pump to continue to temporarily operate and get us through the winter. At the time, they advised us that the temporary fix could last six months to a year, but that it was not a long-term solution.

In March 2016, my wife and I decided to replace the heat pump with a new Lennox XP-14048, a much quieter and more energy efficient unit than the old unit. We again used The Comfort Group Heating Corporation (via Costco Canada) to supply and install a replacement heat pump in the same location on the north side of the house that the previous heat pump had been located. At no point were we ever advised that the replacement heat pump could not be installed in the same location as the old one and we were unaware of the City of Nanaimo bylaw with respect to heat pumps having to be located to the rear of the home.

In late August 2017, we were advised verbally by City of Nanaimo Bylaw Enforcement Officer, Dion Klassen, that our neighbour had complained about the noise from the heat pump and that we were in contravention of a bylaw, although the exact bylaw we were in contravention of was never provided to us, verbally or in writing. When we reached out to the installer/supplier, The Comfort Group Heating Corporation, they were surprised to hear that the heat pump was in contravention of the bylaw since it was replacing an existing unit. Their understanding of the bylaw was that it only applied to new construction.

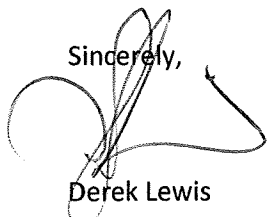
The zoning of our property is R10 – Residential Steep Slope and the design of the home entails that the only feasible location for the air handler for the heat pump is in the crawl space located under the second floor towards the front of the home. There is no mechanical room in the home. There are also large concrete blocks located on the north side of the home to prevent sedimentation of the soil due to the steep slope nature of the property. The heat pump is located midway down the side of the property and there would be no way to run heating and electrical lines underground due to the footings of the home and the concrete blocks protecting against sedimentation. If we were required to move the heat pump to the rear of the property, the heating and electrical lines would be exposed above grade.

With no other location in the home for the air handler, if the heat pump were moved to the rear of the property to comply with the current Bylaw, it would be located approximately 35 feet from the air handler and end up being located under exterior stairs to our 2nd floor patio or right in front of window that opens. It is our understanding that the farther away the heat pump is located from the air handler, the less efficient it is and, by lowering its efficiency, the heat pump would then have to run longer to continue to heat our home.

We have lived next to the neighbours that complained to the City of Nanaimo about the noise from the heat pump for over three years and until August 2017, they had never voiced any issues with us about the noise. We find it a very interesting coincidence that their complaint comes now, 16 months after the heat pump was replaced, with their home listed for sale for over four months.

If there is in fact an issue with the noise from the heat pump, we would be more than happy to install either a cedar hedge or fence around the heat pump to help deflect the noise, but based on the steep grade of the property and with no other location for the air handler connected to the heat pump, we hereby request a variance to Bylaw 4500 Section 6.5.2 and allow the replacement heat pump to remain on the side of our home in the same location as the original heat pump it replaced.

Sincerely,



Derek Lewis
Homeowner
4070 Gulfview Drive
Nanaimo, BC

Enclosures:

Exhibit A – Cross section of the north side of the home showing the crawl space with the air handler.

Exhibit B – Picture of the original heat pump before the neighbouring house was constructed

Exhibit C – Picture of the new heat pump in the same location

Exhibit D – Picture of the concrete blocks preventing sedimentation

MAXIMUM ROOF PEAK ELEV. = 164.24' (50.06m)

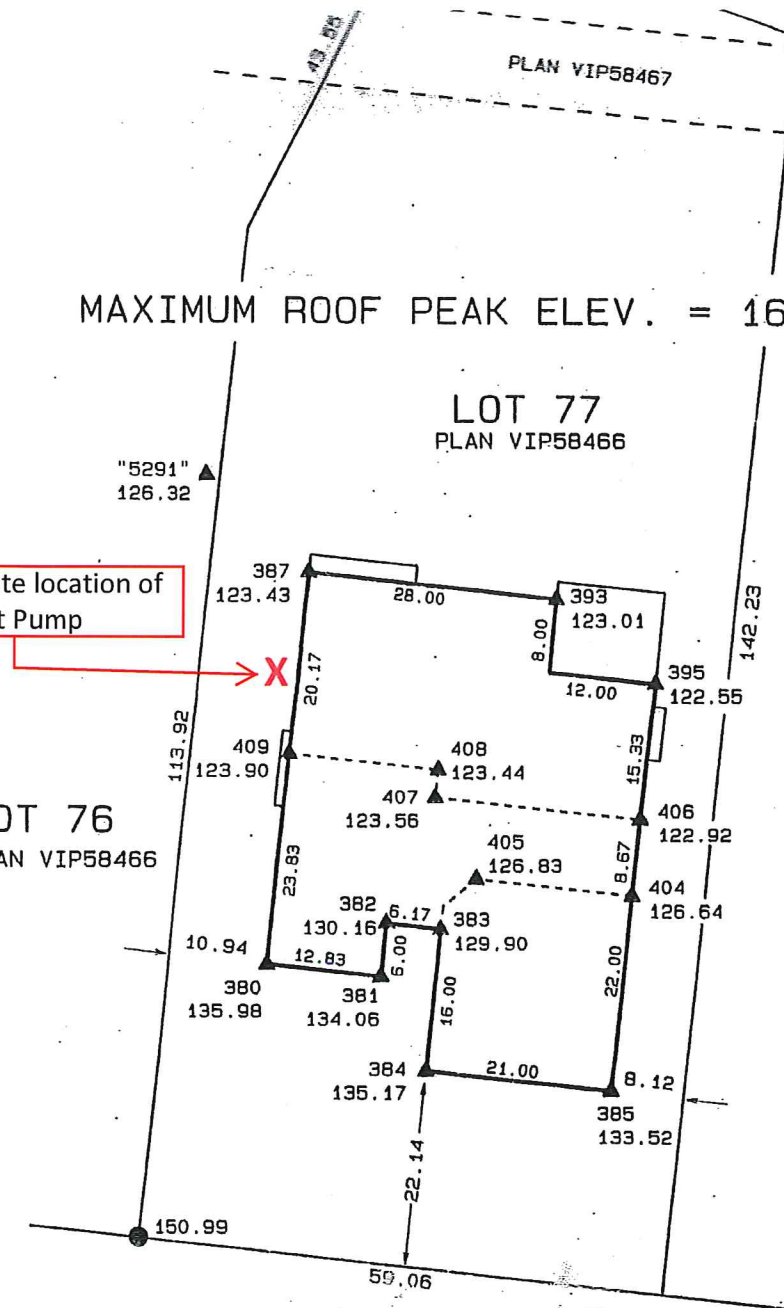
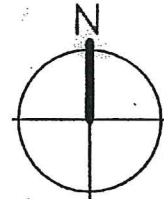
LOT 77
PLAN VIP58466

"5291"
126.32

Approximate location of
Heat Pump

LOT 76
PLAN VIP58466

LOT 78
PLAN VIP58466



NOTES:

- IRON POST FOUND.
- LAYOUT / WORKING POINT SET.

BUILDER TO CONFIRM ELEVATION DIFFERENCE
BETWEEN BENCH MARKS AND HORIZONTAL
DISTANCES BETWEEN LAYOUT POINTS
PRIOR TO CONSTRUCTION.

ALL DISTANCES AND ELEVATIONS ARE IN FEET
UNLESS OTHERWISE INDICATED.

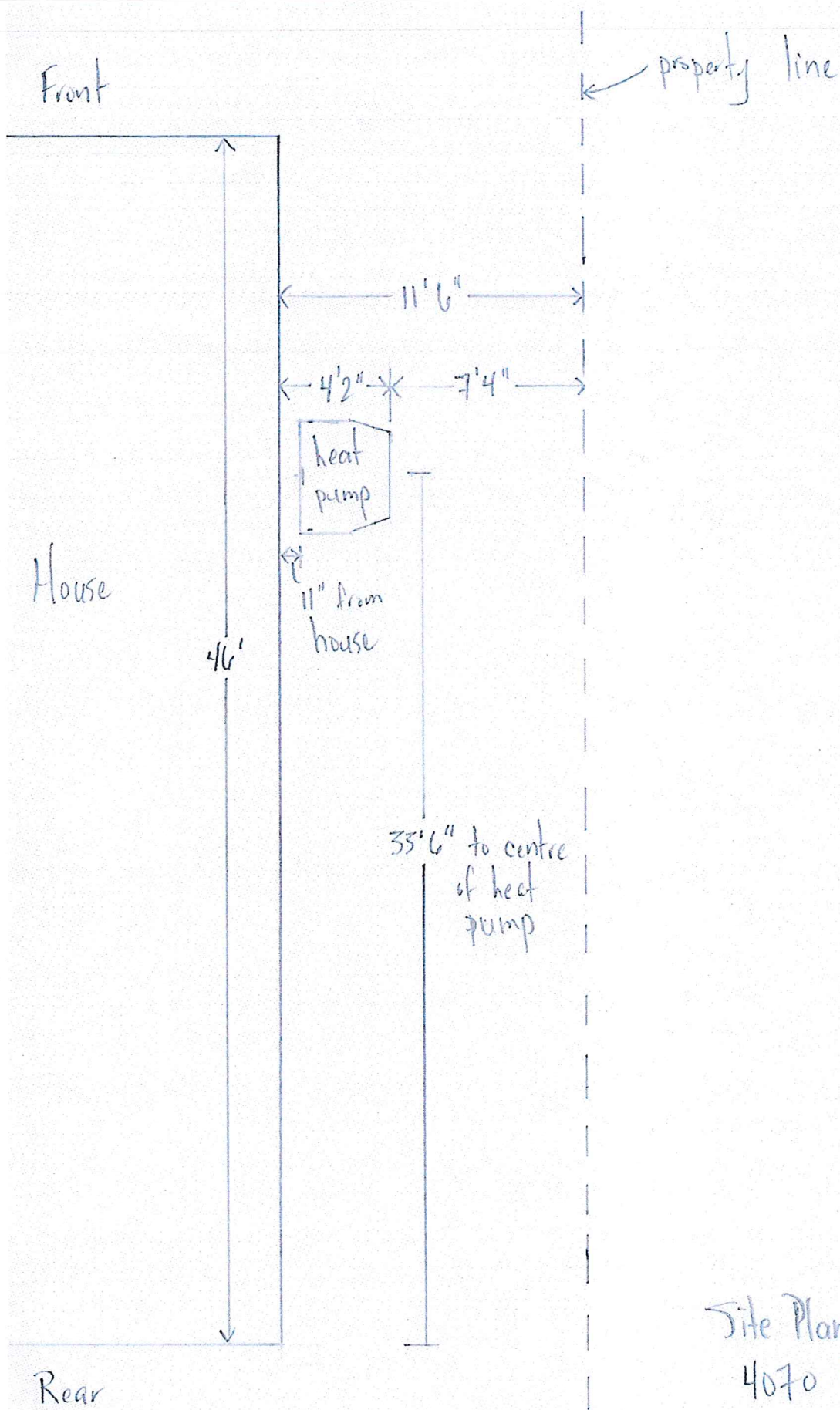
ELEVATION DATUM IS DERIVED FROM
INTEGRATED SURVEY MONUMENTS.

SCALE: 1" = 20'

DATE: JULY 22, 2004.



WILLIAMSON & ASSOCIATES
PROFESSIONAL SURVEYORS
3088 BARONS ROAD NANAINO B.C. V9T 4B5
PHONE: 250-756-7723 FAX: 250-756-7724
EMAIL: WAPS@TELUS.NET FILE: 04170-3 BAS PLAN: 04164



Site Plan for heat pump
4070 Culbriew Dr.

Exhibit B



Exhibit C



Exhibit D





COMMUNITY DEVELOPMENT

BOARD OF VARIANCE

NOTICE OF MEETING

A meeting of the Board of Variance will be held on Thursday, 2017-DEC-21 at 5:30pm in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC to hear the following appeal:

APPEAL NO: **BOV693**

Applicant: Mr. Derek Lewis

Civic Address: 4070 Gulfview Drive, Nanaimo BC

Legal Description: LOT 77, DISTRICT LOT 41, WELLINGTON DISTRICT, PLAN VIP 58466

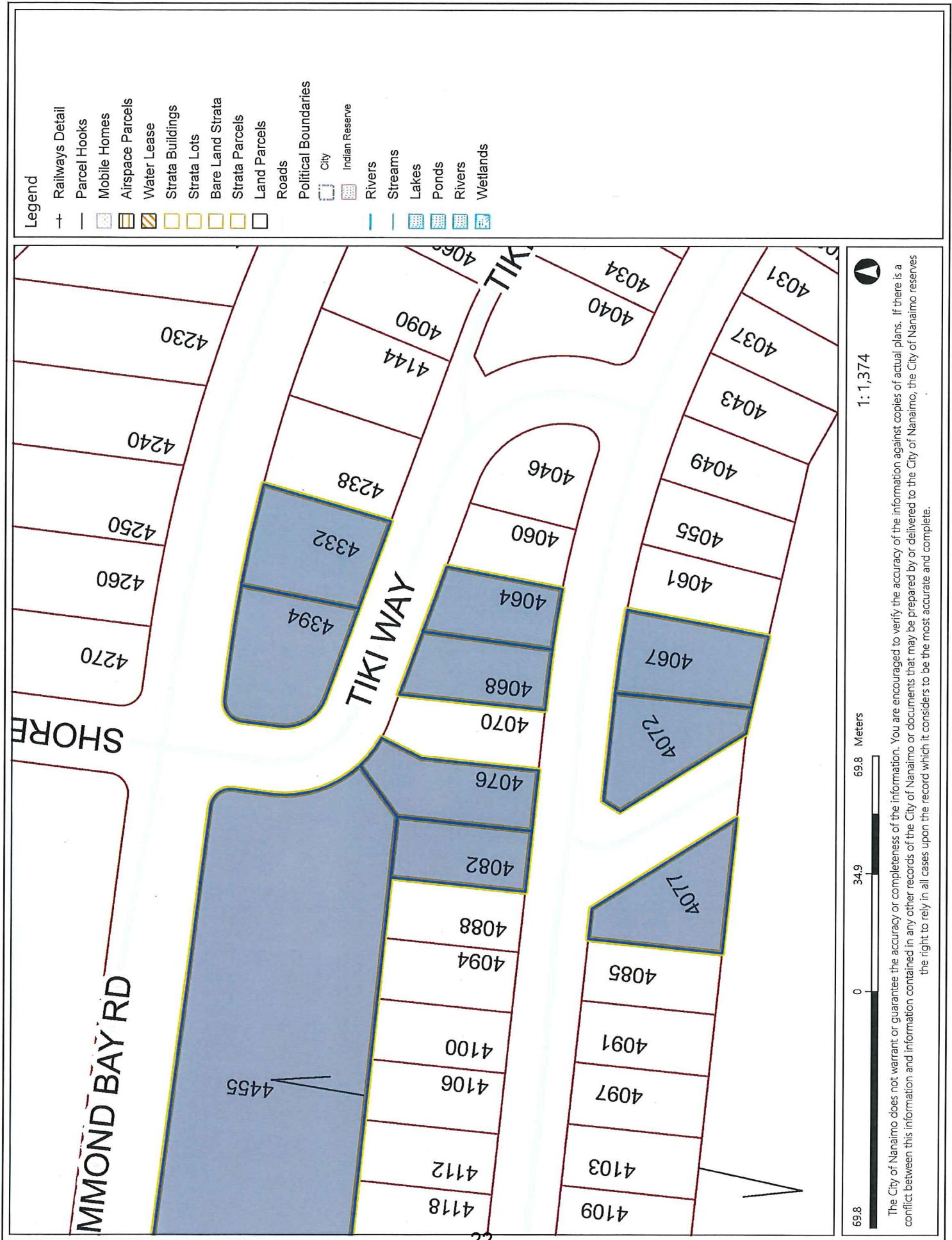
Purpose: The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 in order to allow a heat pump to be located to the side of a principal building; and, to reduce the required west side yard setback for a heat pump from 4.5m to 2.2m.

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

Section 6.5.2 – requires the following:

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 closer than 4.5m from the side lot lines or closer than 3m from the rear property line.

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 offices, 411 Dunsmuir Street, Nanaimo, BC, or by calling 250-755-4460 (x4333), during normal business hours, Monday to Friday, excluding statutory holidays, from 2017-DEC-11 to 2017-DEC-21, inclusive.



1:1,374

69.8 Meters

34.9

0

69.8

The City of Nanaimo does not warrant or guarantee the accuracy or completeness of the information. You are encouraged to verify the accuracy of the information against copies of actual plans. If there is a conflict between this information and information contained in any other records of the City of Nanaimo or documents that may be prepared by or delivered to the City of Nanaimo, the City of Nanaimo reserves the right to rely in all cases upon the record which it considers to be the most accurate and complete.

69.8

RE: 4455 HAMMOND BAY ROAD
CENTURY GROUP LANDS
CORPORATION
CENTRAL CITY TOWER
25TH FLOOR
13450 102 AVENUE

RE: 4068 GULFVIEW DRIVE
OCCUPANT
4068 GULFVIEW DRIVE
NANAIMO BC V9T 6B4

RE: 4455 HAMMOND BAY ROAD
OCCUPANT
4455 HAMMOND BAY ROAD
NANAIMO BC V9T 5A9

RE: 4068 GULFVIEW DRIVE
MA MIN
3905 GULFVIEW DRIVE
NANAIMO BC V9T 6B5

RE: 4332 TIKI WAY
LOVRIC ANTON
LOVRIC SHARON A
4332 TIKI WAY
NANAIMO BC V9T 4A8

RE: 4064 GULFVIEW DRIVE
BRIEBA CARLOS OSCAR
1226 MATSQUI AVENUE
PO BOX 356
PORT ALICE BC V0N 2N0

RE: 4394 TIKI WAY
EPPICH ROBERT ALOIS HUGO
EPPICH CAROLYN JOY
2600 PIERCY ROAD
DENMAN ISLAND BC V0R 1T0

RE: 4064 GULFVIEW DRIVE
OCCUPANT
4064 GULFVIEW DRIVE
NANAIMO BC V9T 6B4

RE: 4394 TIKI WAY
EPPICH REBECCA MARIA
STEVENS ANDREW
4394 TIKI WAY
NANAIMO BC V9T 4A8

RE: 4067 GULFVIEW DRIVE
BARNED ANDREW JAMES
BARNED ROSANNA
4067 GULFVIEW DRIVE
NANAIMO BC V9T 6G3

RE: 4082 GULFVIEW DRIVE
1010278 BC LTD
4082 GULFVIEW DRIVE
NANAIMO BC V9T 6B4

RE: 4072 EAGLE VIEW DRIVE
ELGERT GUS
ELGERT LORETTA A
4072 EAGLE VIEW DRIVE
NANAIMO BC V9T 6B4

RE: 4076 GULFVIEW DRIVE
PARENTEAU JENNIFER ANN
PARENTEAU BARRY JOHN ROBERT
4076 GULFVIEW DRIVE
NANAIMO BC V9T 6B4

RE: 4077 EAGLE VIEW DRIVE
CUI JING
4077 EAGLE VIEW DRIVE
NANAIMO BC V9T 6B4

Board of Variance Application Form

BOV00696


Contact Information	
Name of Applicant (Contact Person): <i>** If the applicant is not the registered owner an Appointment of Agent form is required.</i>	Please Print <u>Anthony Gilks</u>
Company Name (If Applicable):	
Company Search (If Applicable):	
Phone: <u>250 753 1429</u>	Cell: <u>250 616 8306</u>
Fax:	Email: <u>zarsoth@shaw.ca</u>
Mailing Address: <u>244 Emory Way</u> <u>Nanaimo BC</u> <u>V9R 5Z8</u>	
Please indicate preferred method of correspondence: <input checked="" type="checkbox"/> Email <input type="checkbox"/> Post <input type="checkbox"/> Fax	

Property	
Civic Address of Property:	<u>244 Emory Way, Nanaimo BC V9R5Z8</u>
Legal Description of Property: <i>** Must match title</i>	<u>L20 Sec 1 Nanaimo District PL31157</u>
Proposed Variance Requested:	<u>Increase fence height to 6'3"</u>
Purpose of Proposed Variance:	<u>To allow newly built 6'3" fence to remain.</u>
<u>001-179-624</u>	
<input checked="" 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#: _____	
<i>** 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.</i>	

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.

Nov 24, 2017
Date


Applicant Signature (print name below)
Anthony G Gilks

RECEIVED
BOV696
2017-NOV-27
Current Planning & Subdivision

Board of Variance Application Checklist

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.

Nov 24, 2017

Date



Applicant Signature (print name below)

Anthony G Gilks

TITLE SEARCH PRINT

File Reference:

Declared Value \$308000

2017-11-27, 09:04:44

Requestor: Shelley Matthewman

CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN

Land Title District

Land Title Office

VICTORIA

VICTORIA

Title Number

From Title Number

CA1038642

EM119226

Application Received

2009-02-13

Application Entered

2009-02-18

Registered Owner in Fee Simple

Registered Owner/Mailing Address:

ANTHONY GORDON GILKS, DRAFTER WORKLEADER
SERENA SARA ELAINE GILKS, COMMUNITY SUPPORT WORKER
244 EMERY WAY
NANAIMO, BC
V9R 5Z8
AS JOINT TENANTS

Taxation Authority

Nanaimo, City of

Description of Land

Parcel Identifier:

001-179-624

Legal Description:

LOT 20, SECTION 1, NANAIMO DISTRICT, PLAN 31157

Legal Notations

PERSONAL PROPERTY SECURITY ACT NOTICE SEE CA5577846 EXPIRES 2031/08/22

Charges, Liens and Interests

Nature:

UNDERSURFACE RIGHTS

Registration Number:

M76301

Registered Owner:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH
COLUMBIA

Remarks:

A.F.B. 38.94.D32029 DD 47226N
INTER ALIA SECTION 172(3)

Nature:

RIGHT OF WAY

Registration Number:

F60002

Registration Date and Time:

1977-07-12 12:15

Registered Owner:

CITY OF NANAIMO

Remarks:

INTER ALIA

RECEIVED
BOV696
2017-NOV-27
Current Planning & Subdivision

TITLE SEARCH PRINT

2017-11-27, 09:04:44

File Reference:

Requestor: Shelley Matthewman

Declared Value \$308000

Nature: STATUTORY BUILDING SCHEME
Registration Number: F98220
Registration Date and Time: 1977-12-01 13:29
Remarks: INTER ALIA

Nature: MORTGAGE
Registration Number: CA1038643
Registration Date and Time: 2009-02-13 09:02
Registered Owner: COMPUTERSHARE TRUST COMPANY OF CANADA
Transfer Number: FB371850
Remarks: CHANGE OF ADDRESS FILED, SEE CA3449393

Nature: ASSIGNMENT OF RENTS
Registration Number: CA1056130
Registration Date and Time: 2009-03-09 16:38
Registered Owner: COMPUTERSHARE TRUST COMPANY OF CANADA
Transfer Number: FB371827
Remarks: CHANGE OF ADDRESS FILED, SEE CA3449394

Duplicate Indefeasible Title

NONE OUTSTANDING

Transfers

NONE

Pending Applications

NONE

Anthony Gilks
244 Emery Way
Nanaimo, B.C., V9R 5Z8
Nov 24, 2017

Dear Members of the Board of Variance:

I am writing to seek a fence variance for my single-family home at 244 Emery Way. My property is a thru lot thus having two front yards. My home faces Emery Way and my back yard is adjacent to Bowen Road. Current zoning bylaws state that a fence must be no more than 4 feet tall at the front. I have recently replaced the old fence 6' with a fence that is 6' 3" tall at the back of my property facing Bowen Road.

It wasn't long after we purchased the home that I realized that people were using my yard as a shortcut between Emery Way and Bowen Road rather than walking up the additional 4 lots to the city walkway. The portion of fence facing Bowen Rd had a gate that they were using. I tried locking the gate at the back of my property but they broke the fence to access the lock. After repairing the fence a couple of times I finally boarded up the gate to keep people from using my yard as a shortcut. That worked.

When the fence collapse during the last winter's wind storms the shortcut traffic resumed. When I had the fence replaced a short while ago it was built to match the height of the neighbors fence. The new fence and no gate have stopped the traffic thru my back yard.

I hope that you will allow the new fence to remain as it is at 6' 3". Thank you for your thoughtful consideration of the request.

Sincerely,



Anthony Gilks







COMMUNITY DEVELOPMENT

BOARD OF VARIANCE

NOTICE OF MEETING

A meeting of the Board of Variance will be held on Thursday, 2017-DEC-21, at 5:30 p.m. in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC to hear the following appeal:

APPEAL NO: **BOV696**

Applicant: Mr. Anthony Gilks and Mrs. Serena Gilks

Civic Address: 244 Emery Way, Nanaimo BC

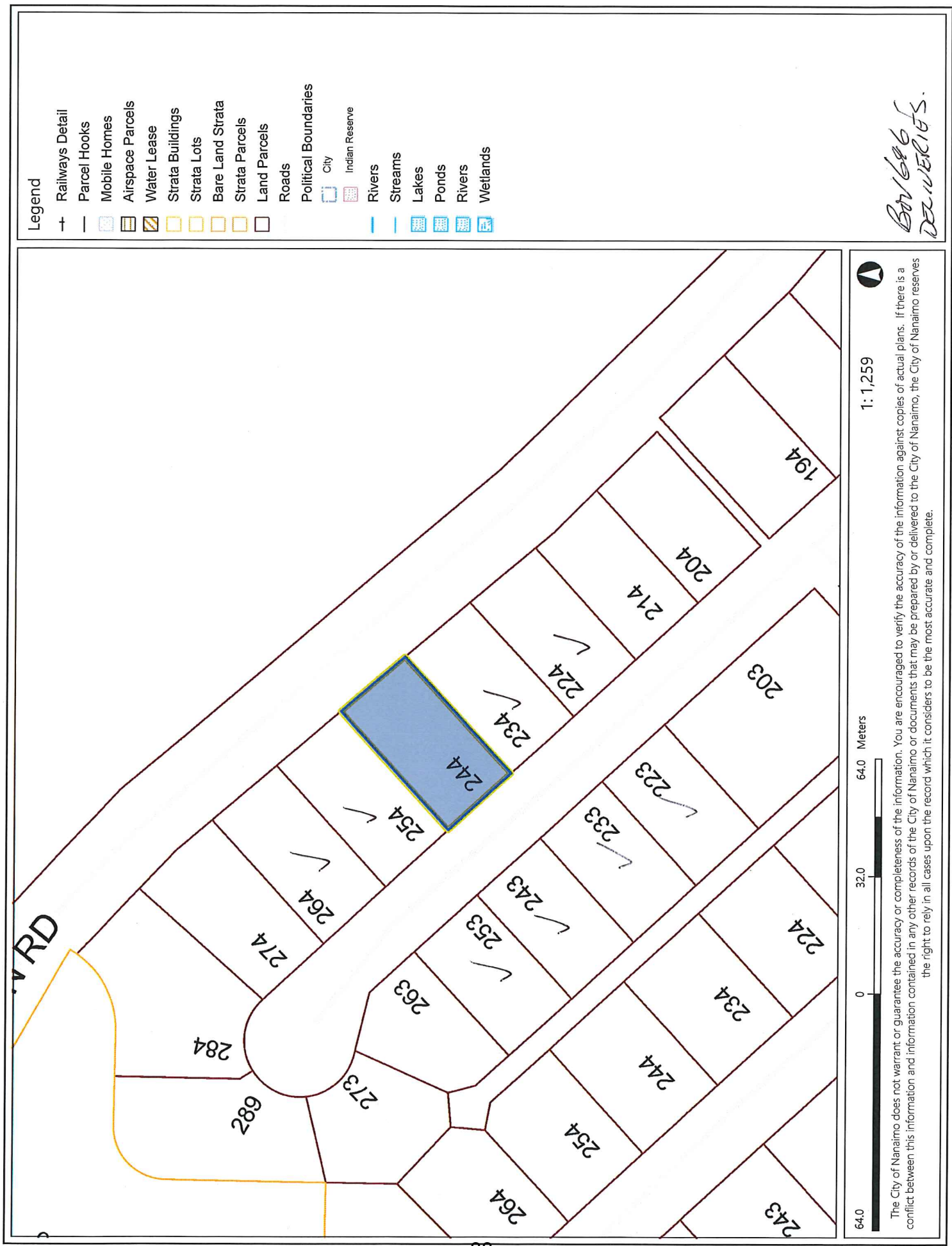
Legal Description: LOT 20, SECTION 1, NANAIMO DISTRICT, PLAN 31157

Purpose: The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 in order to increase the maximum permitted fence height for a single dwelling residential lot from 1.2m to 1.8m to legalize an existing fence along a front lot line (on a through lot) facing Bowen Road.

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

Section 6.10.2 of the City of Nanaimo Zoning Bylaw restricts fence height to 1.2m within the front yard setback in the R1 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 offices, 411 Dunsmuir Street, Nanaimo, BC, or by calling 250-755-4460 (x4333), during normal business hours, Monday to Friday, excluding statutory holidays, from 2017-DEC-11 to 2017-DEC-21, inclusive.



Br 686 S.
DEVELOPERS.

RE: 223 EMERY WAY
FRANK LUCY LINDA
FRANK RALPH FRANCIS
223 EMERY WAY
NANAIMO BC V9R 5Z4

RE: 234 EMERY WAY
MANHAS BALDEV SINGH
MANHAS MANMOHAN KAUR
234 EMERY WAY
NANAIMO BC V9R 5Z8

RE: 233 EMERY WAY
TRAYNOR WENDY L
233 EMERY WAY
NANAIMO BC V9R 5Z4

RE: 224 EMERY WAY
BARRON PAUL G
BARRON SHARON E
224 EMERY WAY
NANAIMO BC V9R 5Z8

RE: 243 EMERY WAY
PABLA GURDEV S
PABLA JIT K
243 EMERY WAY
NANAIMO BC V9R 5Z4

RE: 253 EMERY WAY
MCNAUGHTON ANDREW JOSEPH
MCNAUGHTON GINA JACINTO
253 EMERY WAY
NANAIMO BC V9R 5Z4

RE: 264 EMERY WAY
GILMOUR DIANE L
JENSEN GLENN C
264 EMERY WAY
NANAIMO BC V9R 5Z8

RE: 254 EMERY WAY
KIM WOO JONG
KIM YOOSUN
254 EMERY WAY
NANAIMO BC V9R 5Z8

Burser
~~RE: 244 EMERY WAY
GILKS ANTHONY GORDON
GILKS SERENA SARA ELAINE
244 EMERY WAY
NANAIMO BC V9R 5Z8~~