



## **AGENDA BOARD OF VARIANCE MEETING**

October 18, 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-SEP-20, at 5:30pm.** 3 - 6
5. **PRESENTATIONS:**
  - a. **Board of Variance Application No. BOV707 - 154 Royal Pacific Way** 7 - 14

Legal Description: Lot 2, District Lot 49, Wellington District, Plan EPP58540

The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 to reduce the side yard setback from 1.5m to 0.55m in order to legalize stairs along the east side of an existing single residential dwelling. This represents a variance of 0.95m.

Zoning Bylaw No. 4500 (7.5.1) requires a minimum side yard setback of 1.5m in the R2 zone.

**b. Board of Variance Application No. 708 - 420 Woodhaven Drive**

15 - 27

Legal Description: Strata Lot 184, Section 5, Wellington District, Strata Plan 830, 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 setback for a garage door facing a street from 6m to 1.98m in order to construct a new single residential with attached garage. This represents a variance of 4.02m.

Zoning Bylaw No. 4500 (7.5.3) requires a setback of 6m for garage doors facing a street on a single residential dwelling.

**c. Board of Variance Application No. 709 - 5364 Vincent Place**

28 - 35

Legal Description: Lot 35, District Lot 32, Wellington District, Plan VIP53577

The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 to reduce the side yard setback from 1.5m to 0.46m in order to legalize exterior stairs along the east side of an existing single residential dwelling. This represents a variance of 1.04m.

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

6. **REPORTS:**
7. **OTHER BUSINESS:**
8. **QUESTION PERIOD:**
9. **ADJOURNMENT:**

MINUTES  
BOARD OF VARIANCE MEETING  
SERVICE AND RESOURCE CENTRE BOARDROOM, 411 DUNSMUIR STREET, NANAIMO,  
BC, ON THURSDAY, 2018-SEP-20 AT 5:30 P.M.

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PRESENT:   Members:   Bob Irwin, Chair  
                                  Jessica Kaman  
                                  Ron Nadeau

                 Absent:   Gerry Johnson

                 Staff:     Caleb Horn, Planning Assistant  
                                  Dave Stewart, Planner

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.    INTRODUCTION OF LATE ITEMS:

- (a)   Appointment of Acting Chair, to be added as item (g) under Presentations.
- (b)   Submissions from neighbours regarding applications BOV701 and BOV706 were circulated to Board members.

3.    ADOPTION OF AGENDA:

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

4.    ADOPTION OF MINUTES:

It was moved and seconded that the Minutes of the Board of Variance Meeting held 2018-JUL-19 in the Service and Resource Centre Building, Room 105, Nanaimo, BC be adopted as circulated. The motion carried unanimously.

5.    PRESENTATIONS:

(a)   Board of Variance Application No. BOV701 – 4884 Blue Jay Trail

- Mr. Bob Irwin read the application 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.
- Mr. James Northrup and Ms. Laura McIntyre, the applicants, spoke to the rationale for the application. The central air conditioning unit was installed to

the side of the principal building without knowing of the Zoning Bylaw regulations. To relocate the unit to the rear would be difficult.

- Ms. Johanna Berry, representing the neighbours at 4930 Brodys Place, spoke to the neighbours' concerns with the proposed variance.
- The Board discussed the requested variance and alternate options for placement of the air conditioning unit.

It was moved and seconded that application BOV00701 for 4884 Blue Jay Trail to vary the provisions of the City of Nanaimo "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 be denied. The motion carried unanimously.

Board comments:

- Cost alone is not undue hardship.

(b) Board of Variance Application No. BOV702 – 34 Lebarz Road

- Mr. Bob Irwin read the application 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.
- Mr. Mike Frajman, the applicant, spoke to the rationale for the application.
- The requested variance and rationale were discussed. The single residential dwelling is under construction and there is an open deck and suite to the rear of the building.
- Mr. Frajman was asked by the Board if the heat pump could be placed above or below the open deck. Mr. Frajman responded that it was not possible.
- The Board discussed the requested variance and demonstration of undue hardship.

It was moved and seconded that application BOV00702 for 34 Lebarz Road to vary the provisions of the City of Nanaimo "ZONING BYLAW NO. 4500" in order to permit a central air conditioning unit to be located to the side of the principal building be approved. The motion carried. Opposed: Ron Nadeau.

(c) Board of Variance Application No. BOV703 – 250 Pine Street

- Mr. Bob Irwin read the application requesting to vary the provisions of Zoning Bylaw No. 4500 in order to 1) raise an existing non-conforming house with a north side yard setback of 1.0m and a south side yard setback of 1.1m, and 2) replace an existing non-conforming accessory building with a north side yard setback of 0.9m.
- Mr. Keene Anderson, the applicant, spoke to the rationale for the application. The existing buildings are non-conforming and skewed relative to the lot lines. Rotating the primary dwelling to be parallel with the lot lines would reduce the fire separation from buildings on adjacent lots, which are also skewed.
- Mr. Jim Richardson, 330 Machleary Street, spoke to the application as the contractor for the project and commented that he had heard no concerns from the neighbours at 246 Pine Street.



- The Board discussed the requested variance and demonstration of undue hardship.

It was moved and seconded that application BOV00703 for Pine Street to vary the provisions of the City of Nanaimo “ZONING BYLAW NO. 4500” in order to raise an existing non-conforming house with a north side yard setback of 1.0m and a south side yard setback of 1.1m be approved. The motion carried unanimously.

It was moved and seconded that application BOV00703 for Pine Street to vary the provisions of the City of Nanaimo “ZONING BYLAW NO. 4500” in order to replace an existing non-conforming accessory building with a north side yard setback of 0.9m be approved. The motion carried unanimously.

(d) Board of Variance Application No. BOV704 – 5941 Stillwater Way

- Mr. Bob Irwin read the application requesting to vary the provisions of Zoning Bylaw No. 4500 in order to allow an eave to project 1.1m into the side yard setback for a single residential dwelling currently under construction.
- Mr. Darren Driver, the applicant, and Mr. Taranjit Parmar, the owner, spoke to the rationale for the application. The Building Permit for the single residential dwelling was issued without the eave projection being noted, and the structure has now been built.
- The Board discussed the requested variance and demonstration of undue hardship.

It was moved and seconded that application BOV00704 for 5941 Stillwater Way to vary the provisions of the City of Nanaimo “ZONING BYLAW NO. 4500” in order to allow an eave to project 1.1m into the side yard setback be approved. The motion carried unanimously.

(e) Board of Variance Application No. BOV705 – 312 Dorchester Place

- Mr. Bob Irwin read the application requesting to vary the provisions of Zoning Bylaw No. 4500 to increase the maximum height of a 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.
- Mr. Inder Malhotra and Ms. Bonnie Malhotra, the applicants, spoke to the rationale for the application. The retaining wall was originally proposed within the height regulations, but due to the topography of the property, larger footings were included which are counted towards the total height of the retaining wall.
- The Board discussed the requested variance and demonstration of undue hardship.

It was moved and seconded that application BOV00705 for 312 Dorchester Place to vary the provisions of the City of Nanaimo “ZONING BYLAW NO. 4500” to increase the maximum height of fence or retaining wall in the side yard and rear yard from 2.4m to 3.1m be approved. The motion carried unanimously.

(f) Board of Variance Application No. BOV706 – 431 Heron Place

- Mr. Bob Irwin read the application 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.
- Mr. Andrew Godley and Ms. Tracey Godley, the applicants, spoke to the rationale for the application. There is currently no access to the rear of the property except through the house, and the property is too steep to construct at-grade exterior stairs.
- The Board discussed the requested variance and demonstration of undue hardship.

It was moved and seconded that application BOV00706 for 431 Heron Place to vary the provisions of the City of Nanaimo "ZONING BYLAW NO. 4500" to reduce the side yard setback from 1.5m to 0.3m in order to construct exterior stairs be approved. The motion carried unanimously.

(g) Appointment of Acting Chair

Mr. Bob Irwin appointed Mr. Ron Nadeau as Acting Chair.

6. ADJOURNMENT:

It was moved and seconded at 6:40 p.m. that the meeting terminate. The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

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CORPORATE OFFICER



COMMUNITY DEVELOPMENT

## BOARD OF VARIANCE

### NOTICE OF MEETING

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A meeting of the Board of Variance will be held on Thursday, 2018-OCT-18, at 5:30pm in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC to hear the following appeal:

**APPEAL NO:** **BOV00707**

**Applicant:** Glenn Schmitke

**Civic Address:** 154 ROYAL PACIFIC WAY

**Legal Description:** LOT 2, DISTRICT LOT 49, WELLINGTON DISTRICT, PLAN EPP58540

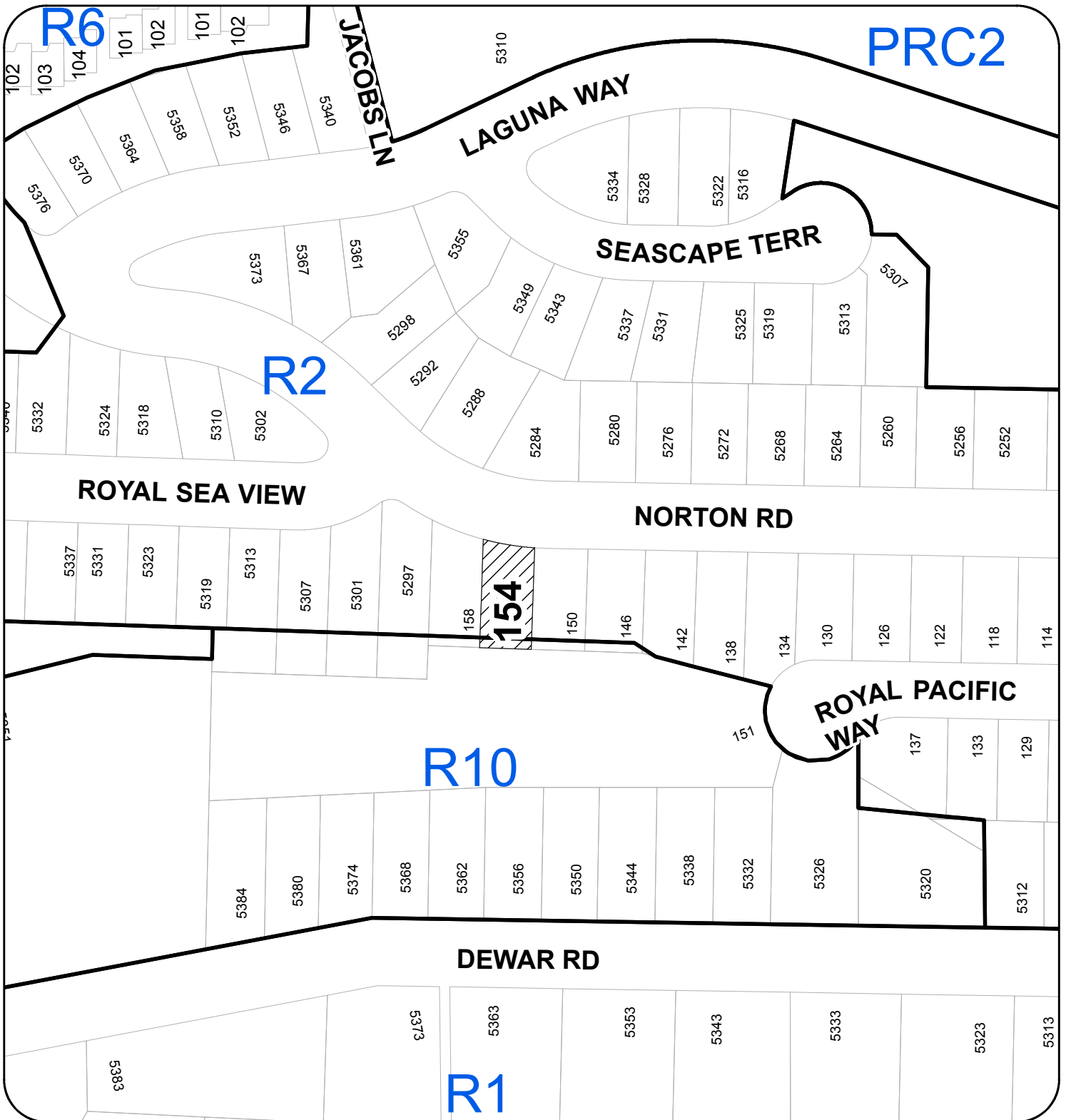
**Purpose:** Zoning Bylaw No. 4500 requires a minimum side yard setback of 1.5m in the R2 zone. The applicant is requesting a side yard setback of 0.55m in order to legalize exterior stairs along the east side of an existing single residential dwelling. This represents a variance of 0.95m.

**Zoning Regulations:** Single Family Residential – R2. 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-OCT-05 to 2018-OCT-18 inclusive. Questions or comments can also be sent by email to: [planning@nanaimo.ca](mailto:planning@nanaimo.ca).

# LOCATION PLAN



**BOARD OF VARIANCE NO. BOV00707**

## LOCATION PLAN

Civic: 154 ROYAL PACIFIC WAY  
 Legal Description: LOT 2, DISTRICT LOT 49  
 WELLINGTON DISTRICT, PLAN EPP58540

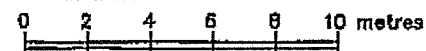


Subject\_Property

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

**LOT 2, PLAN EPP58540, DISTRICT LOT 49, WELLINGTON DISTRICT.**

SCALE 1:200



DISTANCES AND ELEVATIONS ARE IN METRES.

**NOTES:**

CIVIC ADDRESS: 154 ROYAL PACIFIC WAY

LOT DIMENSIONS ARE DERIVED FROM REGISTERED PLANS.

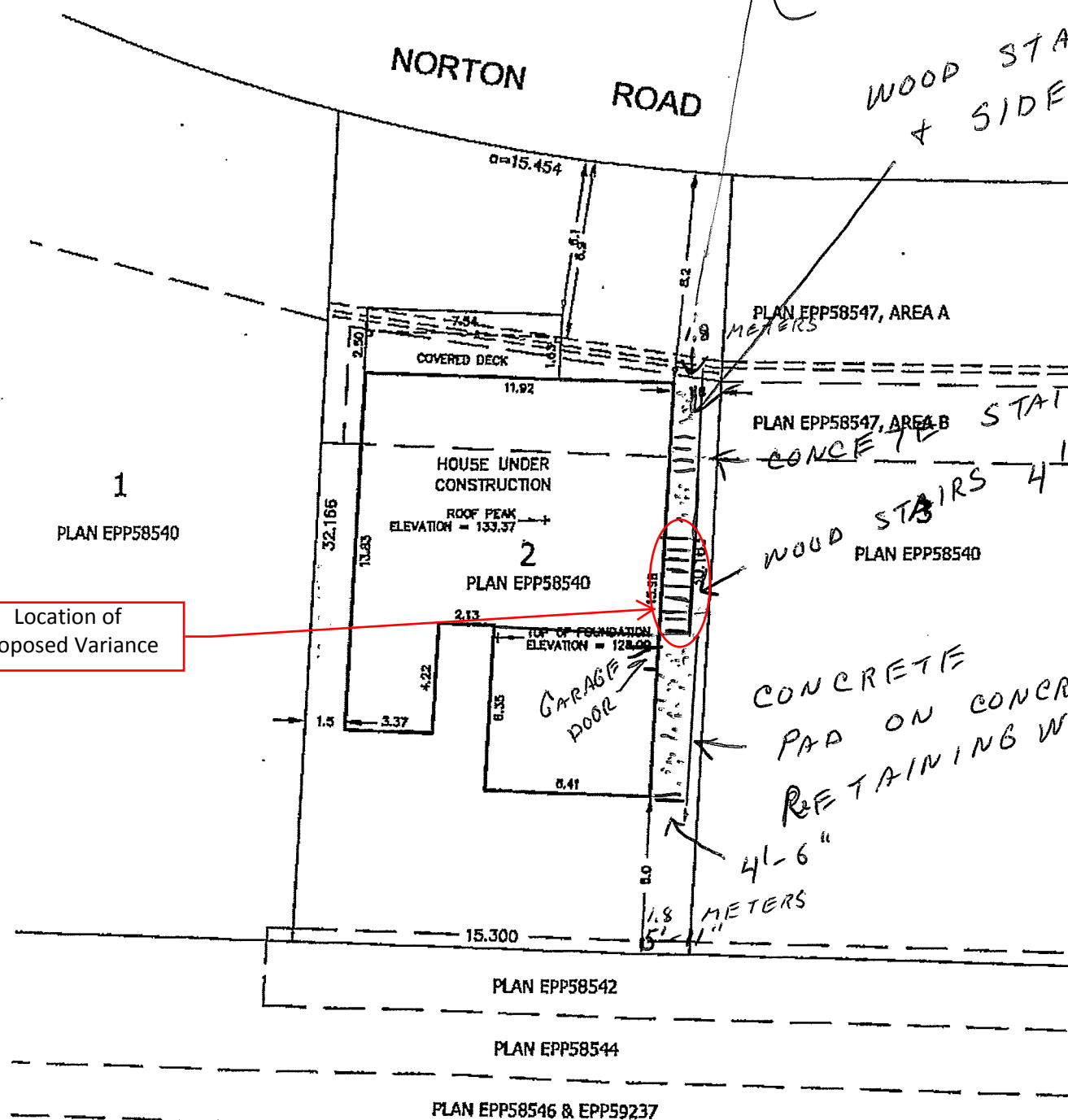
ELEVATION DATUM IS DERIVED FROM INTEGRATED SURVEY CONTROL MONUMENTS.

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

**WILLIAMSON & ASSOCIATES  
PROFESSIONAL SURVEYORS © 2015**

3068 BARONS ROAD NANAIMO B.C. V9T 4B4  
PHONE: 250-766-7723 FAX: 250-756-7724  
EMAIL: WAPS@TELUS.NET  
FILE: 18063-4 CERT (BASE PLAN 08130)

Location of  
Proposed Variance



SIDE YARD PROPERTY IS - 1.8 METER OR 5'-11" CONCRETE SIDE WALK + CONCRETE STEPS AND WOOD STEPS ARE 48" WIDE THAT LEAVES 1'-11" TO PROPERTY LINE

WOOD STAIRS + SIDEWALK IS 4' WIDE FROM THE HOUSE

WOOD STAIRS + SIDE WALKS 4' WIDE

CONCRETE STAIRS 4' WIDE

CONCRETE PAD ON CONCRETE RETAINING WALL 4'-6"

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

THIS PARCEL MAY BE SUBJECT TO REGISTERED CHARGES & PERMITS:

- STATUTORY RIGHTS OF WAY FB197588, FB197590, FB197595, CA4292199, CA4292200, CA5175888 & CA5175889;
- COVENANTS CA5175873 & CA5175883;
- EASEMENTS CA5175875, FB503080, FB503081, FB503082, FB503083, FB503084, FB503085, FB503086, FB503087, FB503088, FB503089, FB503090, FB503091, FB503092 & FB503093;

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

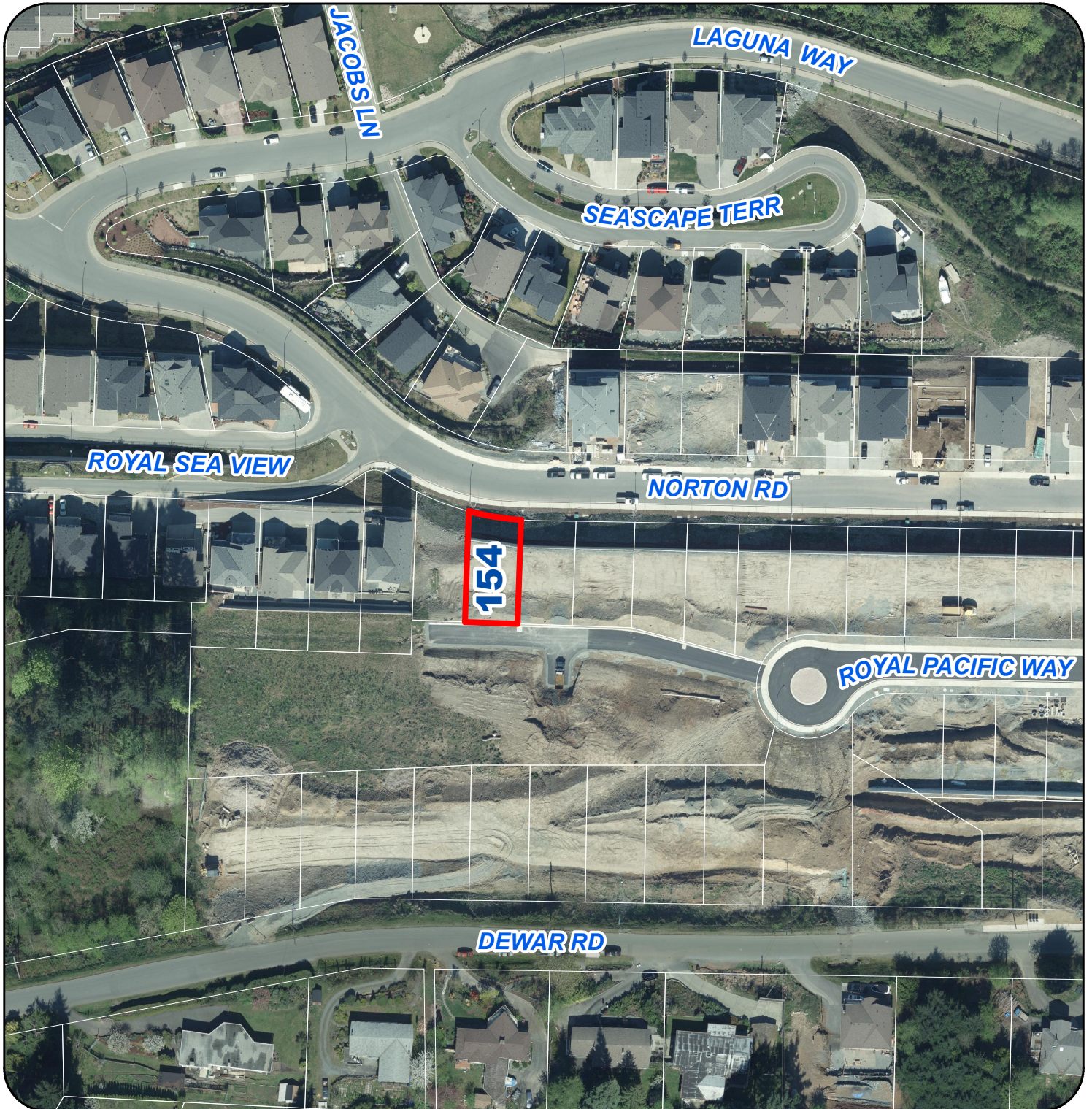
THIS BUILDING LOCATION CERTIFICATE HAS BEEN PREPARED IN ACCORDANCE WITH THE MANUAL OF STANDARD PRACTICE AND IS CERTIFIED CORRECT THIS DATE OF: NOVEMBER 15, 2016.

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

**RECEIVED  
BOV707  
2018-SEP-06**  
Current Planning & Subdivision



# AERIAL PHOTO



**BOARD OF VARIANCE APPLICATION NO. BOV00707**





## **Ocean Green Homes Ltd.**

5307 Seascapes Terrace Nanaimo, BC V9T 0B8

Ph: (250) 713-03810 Fax: (250) 585-3810

E-mail: [oceangreenhomes@shaw.ca](mailto:oceangreenhomes@shaw.ca)

**To: The Board of Variance, concerning 154 Royal Pacific Way**

**Subject: Exterior stairs going down to Basement**

### **To whom this may concern:**

Ocean Green Homes has built a combination of concrete and wood stairs on the Right hand side of the Garage and house in order to accommodate a safe passage for the entrance door to the garage and stairs down to the basement suite, in doing this, the Wood set of stairs are more than two feet higher off the finished grade, which according to city bylaws is not acceptable. With the grade issues of the neighbor's home, I could not come up with any other way to make this work. If you look at the pictures that I have provided you will see that all the stairs and landing are very well protected for the safety of Human passage. So, Ocean Green Homes is asking that the Board of Variance to please have a close look at this, and hopefully you can come to a conclusion that works for both of us without any more expense.

Thank You for your time

**Glenn Schmitke.**



City of Nanaimo  
Board of Variance  
Appeal No: BOV00707

To whom it may concern,

We the owners of 150 Royal Pacific way have noticed work being performed next door to our address to remedy a Stop work order that was posted regarding a staircase.

It is our belief that the first stair case was installed while our home was being built, as it was the only safe means for the tenants of 154 Royal Pacific way to enter their legal suite.

Since then our home has been completed and there have been more permanent stairs installed. We find that the new staircase fits into our neighborhoods design without looking too industrial (all concrete). I don't believe that there is a visual and or structural problem with the stair case in its entirety. This is the only safe means for the tenants of 154 Royal Pacific way to enter their suite, as the other side of the house is an unfinished cliff. We believe the stair case and its size to be fitting in its placement between our homes.

If there are any questions or concerns, please don't hesitate to contact us

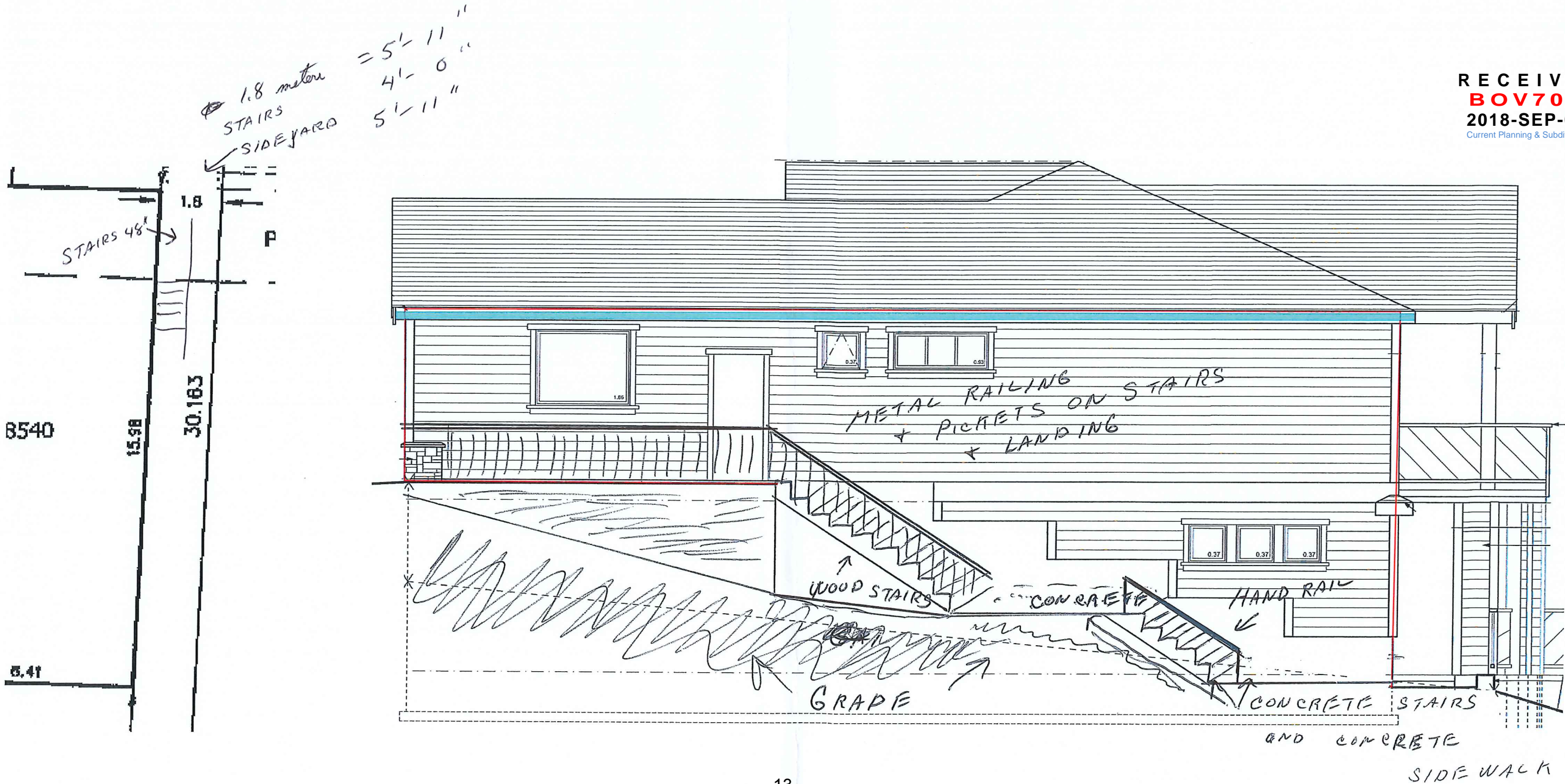
150 Royal Pacific way  
Nanaimo B.C. V9t0B9

██████



154 ROYAL PACIFIC WAY

RECEIVED  
BOV707  
2018-SEP-06  
Current Planning & Subdivision







RECEIVED  
**BOV707**  
2018-SEP-06  
Current Planning & Subdivision





COMMUNITY DEVELOPMENT

## BOARD OF VARIANCE

### NOTICE OF MEETING

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A meeting of the Board of Variance will be held on Thursday, 2018-OCT-18, at 5:30pm in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC to hear the following appeal:

**APPEAL NO:** **BOV00708**

**Applicant:** Troy Keen

**Civic Address:** 420 WOODHAVEN DRIVE

**Legal Description:** STRATA LOT 184, SECTION 5, WELLINGTON DISTRICT, STRATA PLAN 830, 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 No. 4500 requires garage doors facing a street on a single residential dwelling to be setback at least 6m. The applicant is requesting to construct a new single residential dwelling with a garage door 1.98m from the property line. This represents a variance of 4.02m.

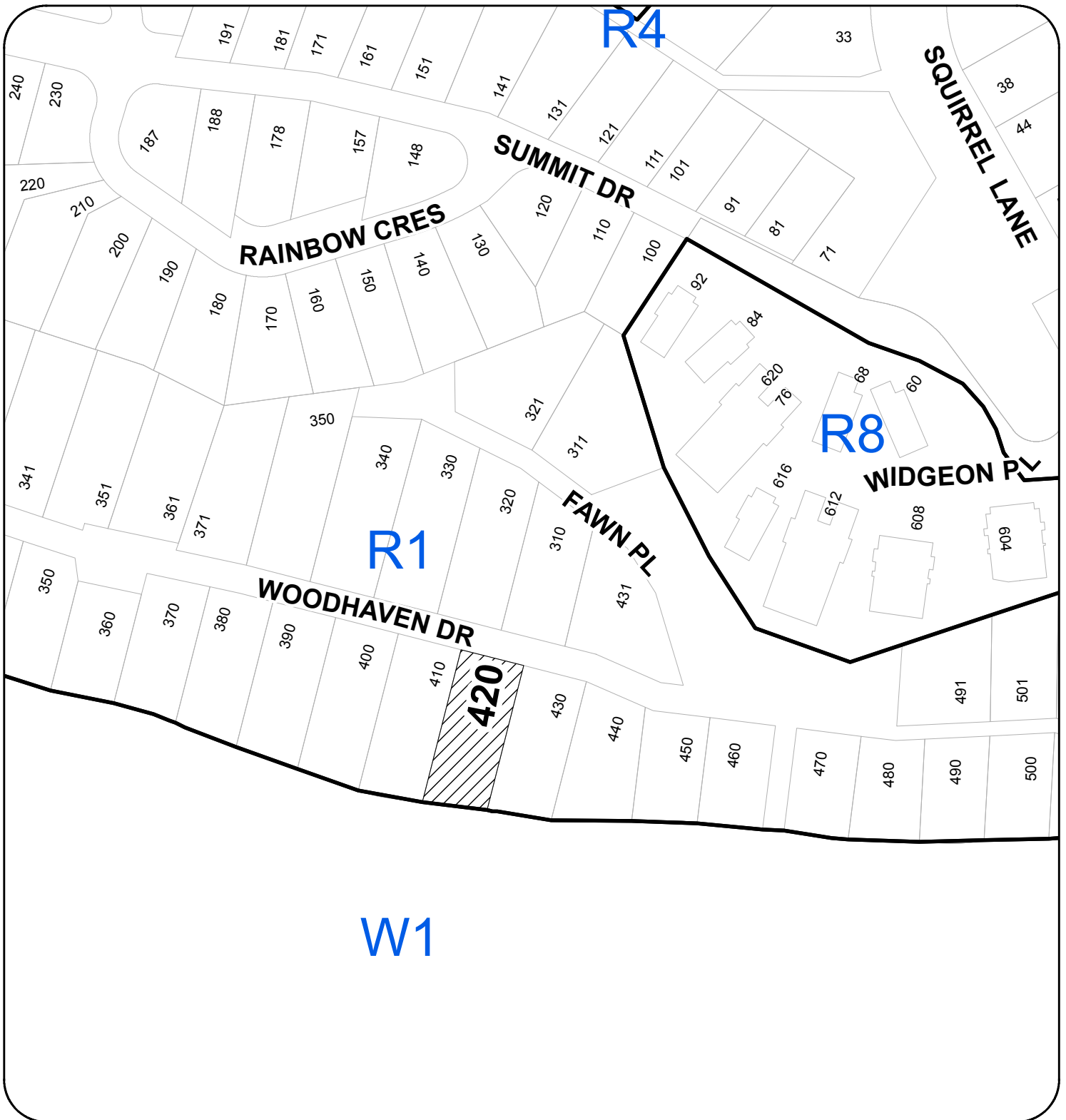
**Zoning Regulations:** Single Family Residential – R1. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

*Section 7.5.3 – Siting of Building*

*All garage doors and carport entrance ways facing a street on a single residential dwelling or duplex must be setback at least 6m.*

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-OCT-05 to 2018-OCT-18 inclusive. Questions or comments can also be sent by email to: [planning@nanaimo.ca](mailto:planning@nanaimo.ca).

# LOCATION PLAN



**BOARD OF VARIANCE NO. BOV00708**

## LOCATION PLAN

Civic: 420 WOODHAVEN DRIVE  
Legal Description: WATER LOT, SECTION 5  
WELLINGTON DISTRICT, PLAN SP830  
FORESHORE FRONTING LONG LAKE-PRIVATE MOORAGE  
(UPLAND FOLIO - 07827.884)



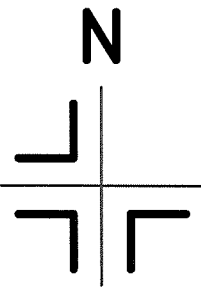
Subject\_Property

SITE PLAN SHOWING PROPOSED BUILDING LOCATION ON:  
STRATA LOT 184, SECTION 5,  
WELLINGTON DISTRICT, STRATA PLAN 830.

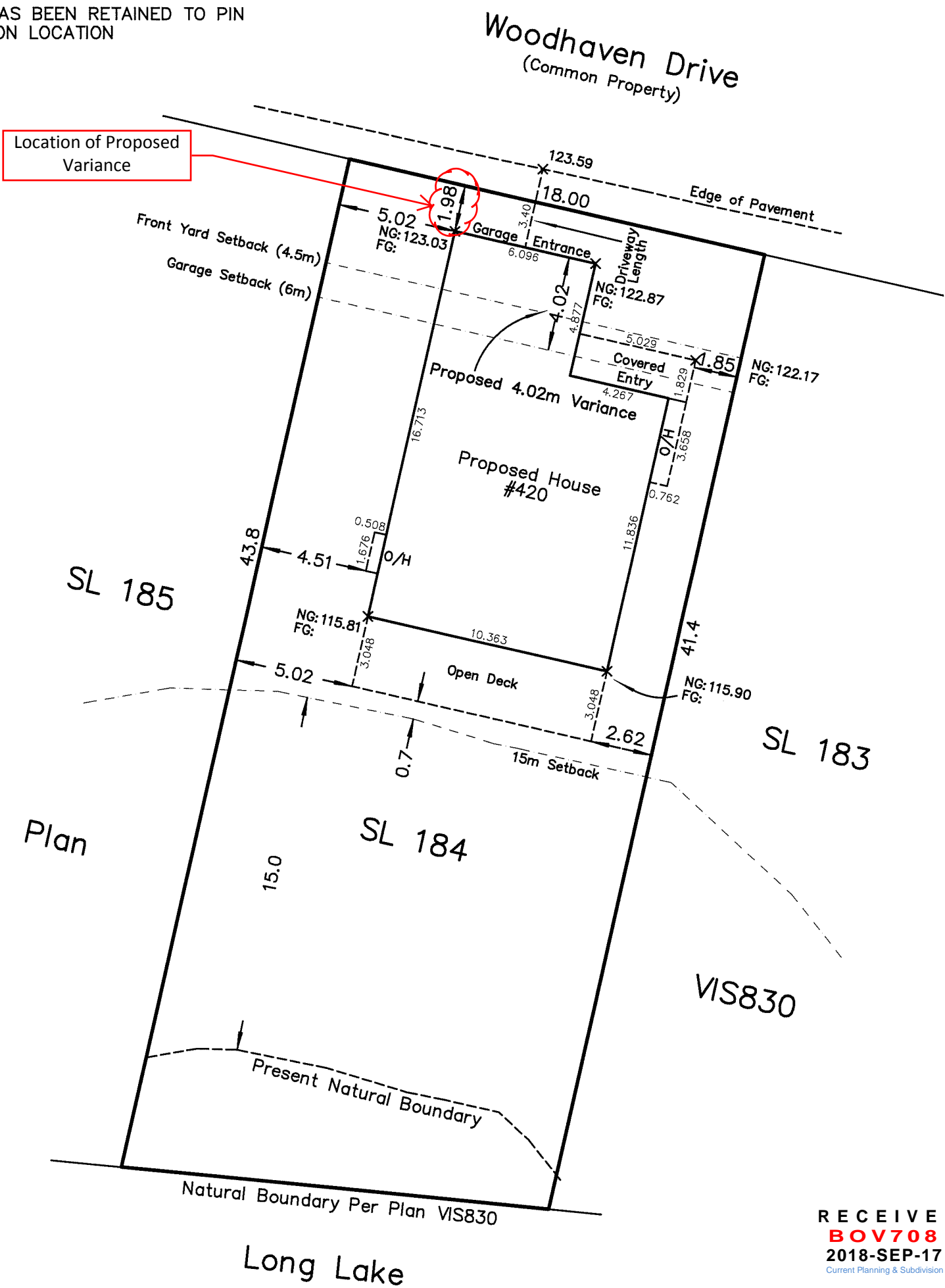
Client: TROY KEEN  
Civic Address: 420 WOODHAVEN DRIVE, NANAIMO  
File: 18-101      Scale: 1:250      Drawn by: DRW

PROPOSED BUILDING HEIGHT CALCULATION	
Average natural grade	119.96
Average finished grade	_____
Maximum building height (R1 Zone)	9.00
Maximum building elevation	_____
Proposed roof peak elevation	_____
Proposed main floor	_____
MBFE	_____
Proposed MBFE	_____

PROPOSED GARAGE SLAB ELEVATION	
Elevation at back of sidewalk	123.59
Maximum garage slab	123.83
Minimum garage slab	123.43
Proposed garage slab	_____



B.C.L.S. HAS BEEN RETAINED TO PIN  
FOUNDATION LOCATION



NOTE:  
THE SUBJECT PROPERTY IS AFFECTED BY  
THE FOLLOWING REGISTERED DOCUMENTS:  
M76300, E98926, H40365, K3538 & K98613.

DISTANCES AND ELEVATIONS ARE IN METRES.  
GEODETIC ELEVATIONS ARE DERIVED FROM CONTROL  
MONUMENT 79H9159 (CVD28BC).

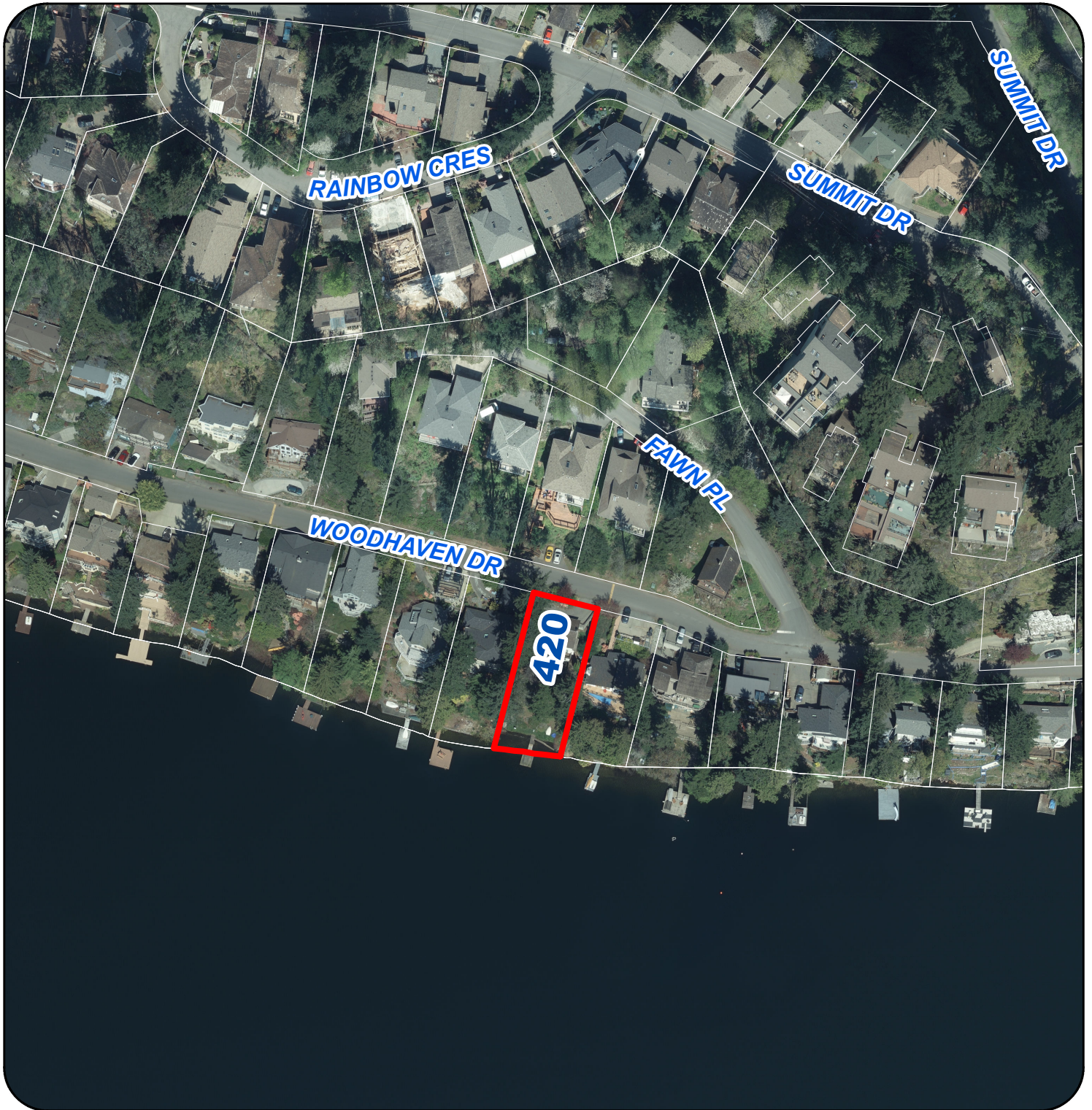
RECEIVED  
**BOV708**  
2018-SEP-17  
Current Planning & Subdivision

**Turner + land surveying**  
250.753.9778  
605 Comox Road  
Nanaimo, BC V9R 3J4  
www.turnersurveys.ca

Certified correct this 24th day of September, 2018.  
**Ryan Turner**  
YNBXB2  
Digitally signed by Ryan Turner YNBXB2  
DN: c=CA, cn=Ryan Turner YNBXB2,  
o=BC Land Surveyor, ou=Verify ID at  
www.juricert.com/LKUP.cfm?  
id=YNBXB2  
Date: 2018.09.24 13:44:12 -07'00'  
B.C.L.S.  
(This document is not valid unless originally signed and sealed.)



# AERIAL PHOTO



BOARD OF VARIANCE APPLICATION NO. BOV00708

RE: 420 Woodhaven Drive, Nanaimo, BC V9T4X5  
PID 000-273-431  
STRATA LOT 184, SECTION 5, WELLINGTON DISTRICT, STRATA PLAN 830

My wife and I recently moved to Nanaimo and purchased this property on Woodhaven Drive with the intention of renovating it now that we are both retired. We have since discovered that renovating was not going to be possible due to structural issues making it cost prohibitive. We have now completed a house plan and will be demolishing the current house. We have discovered from the survey that was completed for the build that there has been some erosion at the lake shore that has made the lot considerably smaller. This has directly affected the placement of the house on the lot. This letter is regarding the construction of our single residential dwelling on the above noted property located on Long Lake and a request for a variance.

To have Nanaimo City bylaw 4500-Sec 7.5.3 strictly applied would cause undue hardship to us for the following reasons:

1. The 6 meter setback for the garage would cause this reasonably sized home to extend into the 15 meter riparian zone set back, lake side. The present natural boundary is shown on the attached site survey.
2. This property has a steep slope from roadway to lake shoreline and the 6 meter setback would cause the driveway to have an unreasonably steep slope towards the residence.

Due to the unique characteristics of the Long Lake Heights area (Strata); narrow roadway, limited parking, no sidewalks on either side of Woodhaven Drive, there are several homes that I assume have had variances approved relative to Nanaimo City bylaw 4500-Sec 7.5.3. There are homes along Woodhaven Drive, both to the East and West of our home that have garage entry to the roadway less than 6 meters. See attached photographs.

In order to ensure that the 15 meter natural boundary is not encroached upon, we propose to vary the required setback from 6 meters (Nanaimo City Bylaw 4500 - Sec 7.5.3) to 1.98 meters; a proposed variance of 4.02 meters.

Thank you for your consideration in this matter.



Troy Keen  
420 Woodhaven Dr.  
Nanaimo BC



From: [REDACTED]  
Subject: Re: Variance to City Bylaw 4500 Sec 7.5.3 (garage)  
Date: September 18, 2018 at 8:11 PM  
To: Troy Keen [REDACTED]

From Owner  
of 430 Woodhaven Dr.

BM

Yes, I approve. A 6 meter setback is completely impractical for our lots. The majority of homes on woodhaven have obviously received such a variance. As your immediate neighbour on the east side I support your request for the variance you are requesting.

Regards  
[REDACTED]

On Tue, Sep 18, 2018 at 7:52 PM Troy Keen <[REDACTED]> wrote:

Hi [REDACTED],

As you know we are in the process of getting approval to demolish our home at 420 Woodhaven Dr. and rebuild it with an attached 2 car garage included. Due to limitations to the 15 Meter setback from the water and the steep slope of the of the lot, we are in a position where we will be asking the City of Nanaimo to relax the bylaw that states that a garage has to be built 6 Meters or about 20 Feet from the front property line onto Woodhaven Drive. We are seeking an exemption from this bylaw and asking for permission to build the garage 1.98 Meters or about 6.5 Feet from the property line. It will end up being 3.4 Meters or 11 feet from the edge of the roadway.

Besides the two parking spaces in the garage we will also have three additional parking spaces in front of the home.

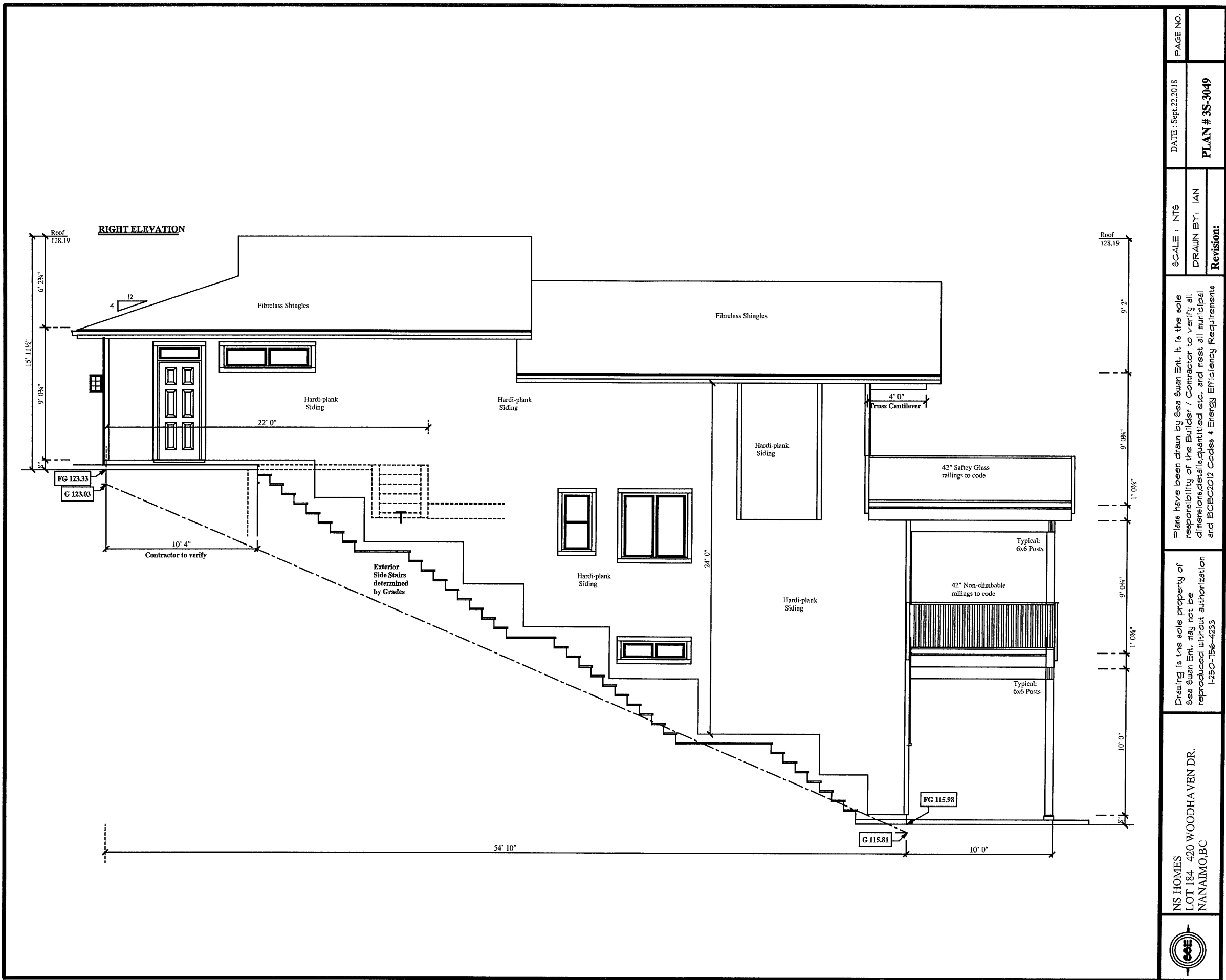
Please call me if you have any questions [REDACTED].

I am sending this message to you as my neighbour and am asking you to please reply to this e-mail and let me know if you are Ok with this request we are making to the City or if you are opposed to the idea.

Thank you,

Troy Keen





Photos of  
nearby garage  
entrances



RECEIVED  
BOV708  
2018-SEP-17  
Bovis Lend Lease & Co.

























COMMUNITY DEVELOPMENT

## BOARD OF VARIANCE

### NOTICE OF MEETING

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A meeting of the Board of Variance will be held on Thursday, 2018-OCT-18, at 5:30pm in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC to hear the following appeal:

**APPEAL NO:** **BOV00709**

**Applicant:** Haemi Kim

**Civic Address:** 5364 VINCENT PLACE

**Legal Description:** LOT 35, DISTRICT LOT 32, WELLINGTON DISTRICT, PLAN VIP53577

**Purpose:** Zoning Bylaw No. 4500 requires a minimum side yard setback of 1.5m in the R1 zone. The applicant is requesting a side yard setback of 0.46m in order to legalize exterior stairs along the east side of an existing single residential dwelling. This represents a variance of 1.04m.

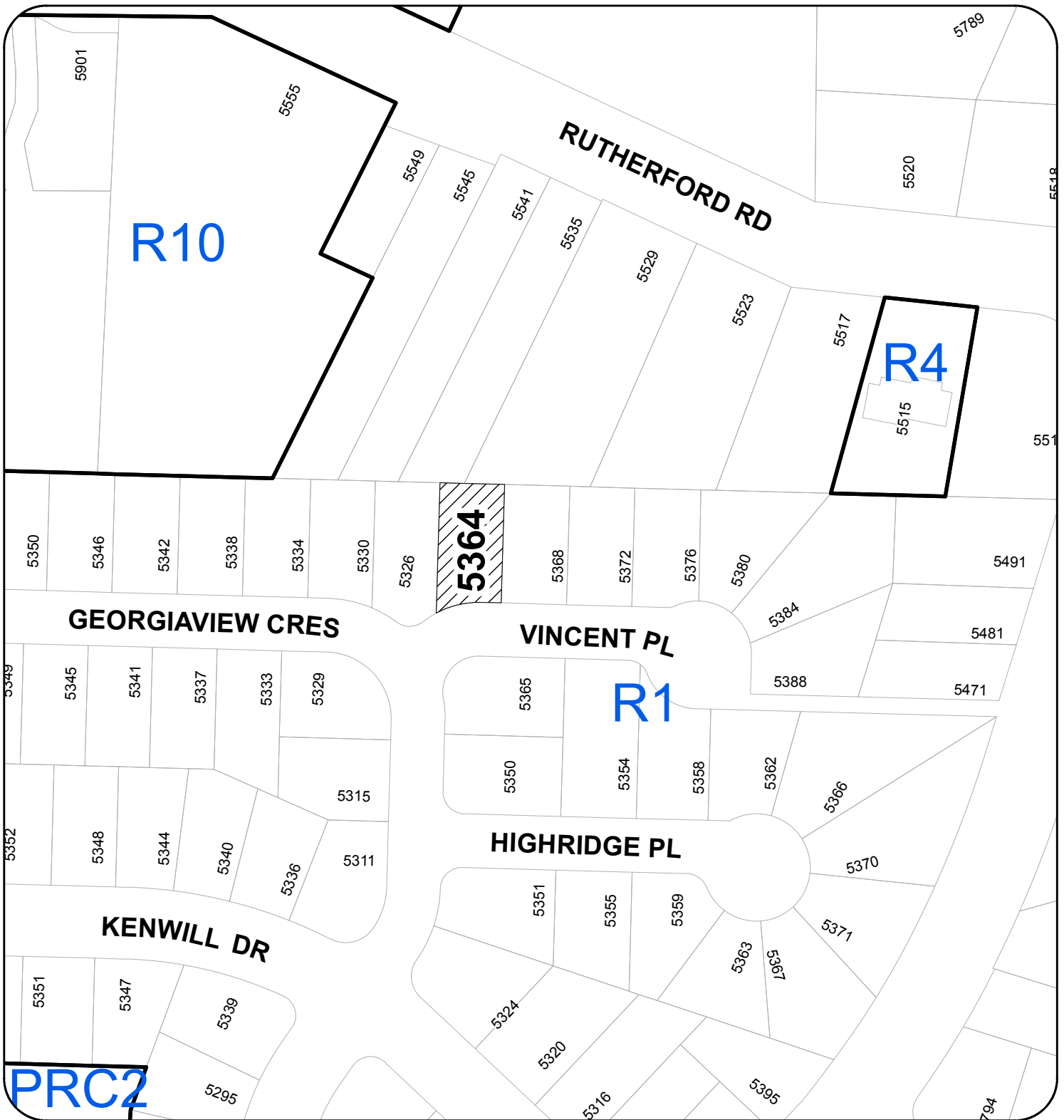
**Zoning Regulations:** Single Family Residential – R1. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

*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-OCT-05 to 2018-OCT-18 inclusive. Questions or comments can also be sent by email to: [planning@nanaimo.ca](mailto:planning@nanaimo.ca).



# LOCATION PLAN



## BOARD OF VARIANCE NO. BOV00709 LOCATION PLAN



Subject\_Property

Civic: 5364 VINCENT PLACE  
Legal Description: LOT 35, DISTRICT LOT 32  
WELLINGTON DISTRICT, PLAN VIP53577

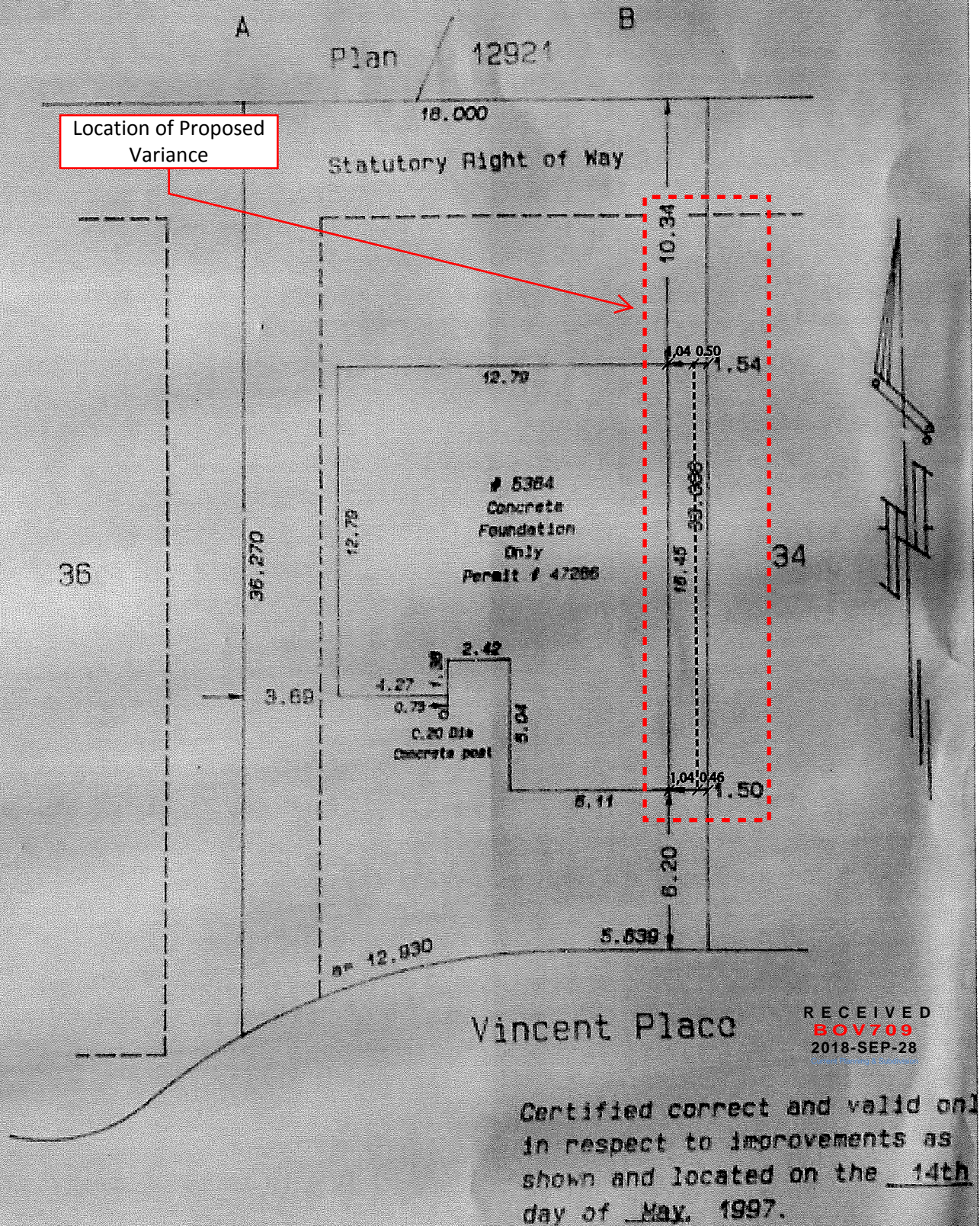


British Columbia Land Surveyor's Certificate of Location on.

Lot 35, District Lot 32,

Wellington District, Plan VIP 53577

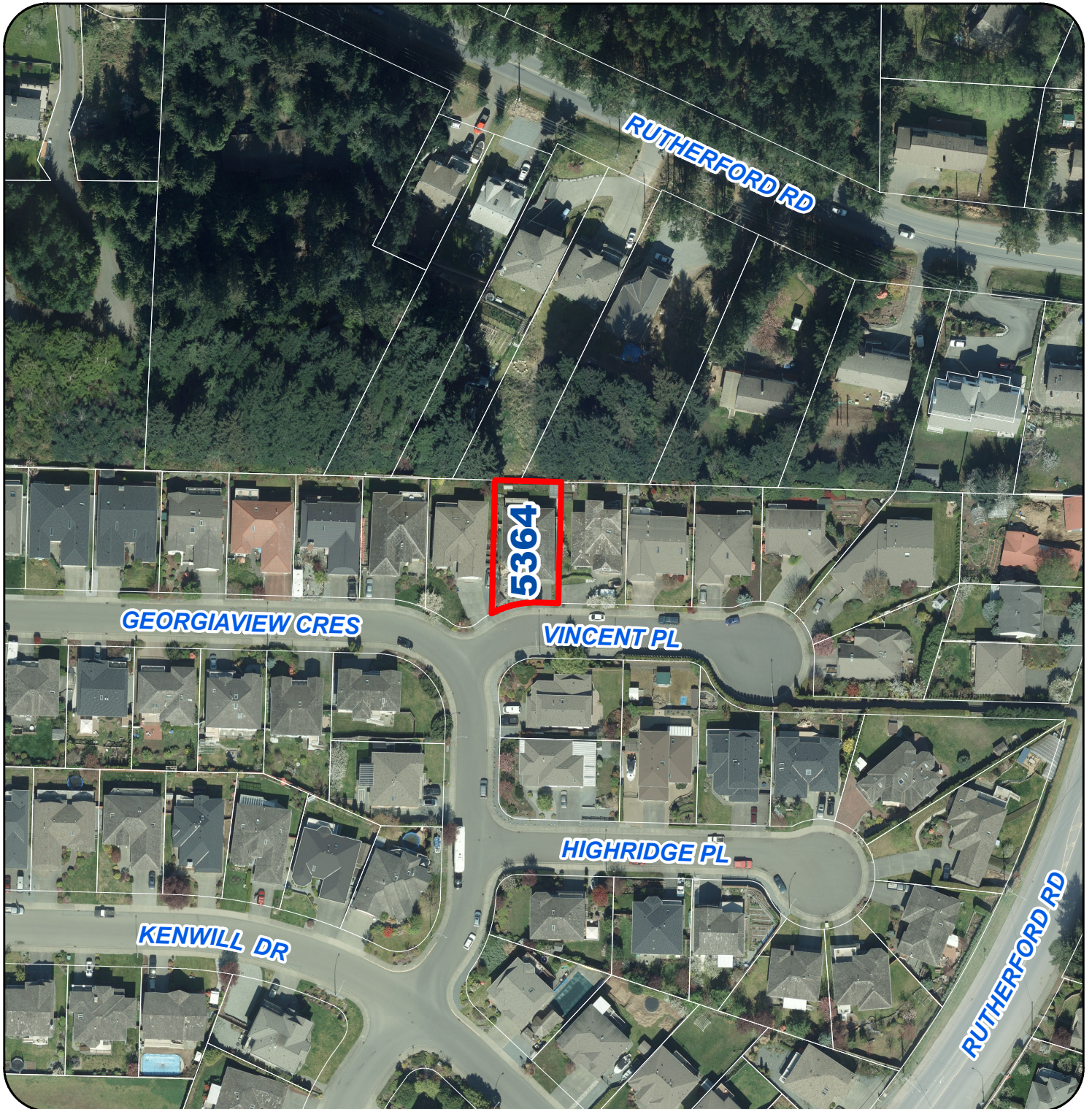
Scale 1:250  
All distances in metres



T.G. Hoyt  
B.C. Land Surveyor  
194 Cliff Street  
Nanaimo, B.C.  
V9R 5E7



# AERIAL PHOTO



BOARD OF VARIANCE APPLICATION NO. BOV00709



downright  
house.

32



Sep-12-2018

**CITY OF NANAIMO BOARD OF VARIANCE**

The reason i am asking for a variance is for using the right side of house existing stairs to access to backyard and suite entrance,

On our application you can see that the left side of the house we can't do any stairs because of sanitary and storm reasons (red and green line on the picture A)

I already got letters of support from neighbours that it will be ok to use the existing stairs on the right side of the house and already added it into my legal suite permit application

Please review our application with all our supporting documents

Sincerely,

Haemi Kim

5364 Vincent place  
Nanaimo B.C.



Cell 6 ↗



TURDAY ↗

RECEIVED  
**BOV709**  
2018-SEP-28  
Current Planning & Subdivision

