



AGENDA BOARD OF VARIANCE MEETING

July 18, 2019, 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:

3 - 5

Minutes of the Open Board of Variance Meeting held in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo BC, on Thursday, 2019-MAY-16, at 5:30 p.m.

5. PRESENTATIONS:

a. Board of Variance No. BOV721 - 56 Kennedy Street

6 - 14

Legal Description: Lot 1, Section 1, Nanaimo District, Plan VIP89224

The applicant is requesting a variance to allow a side yard setback of 1.0m in order to enlarge an existing carport on the north side of a single residential dwelling.

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

b. Board of Variance No. BOV722 - 126 Lindquist Road

15 - 24

Legal Description: Strata Lot B, District Lot 32, Wellington District, Strata Plan EPS5785, Together With An Interest In The Common Property In Proportion To The Unit Entitlement Of The Strata Lot As Shown On Form V.

The applicant is requesting a variance to locate a heat pump to the side of the principal building.

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

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
THURSDAY, 2019-MAY-16 AT 5:30 P.M.

PRESENT: Members: Bob Irwin, Chair
 Allan Dick
 Ron Nadeau

 Absent: Kenn Hample
 Jessica Kaman

 Staff: Caleb Horn, Planning Assistant (Recording Secretary)

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 2019-APR-18, Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC be adopted as circulated. The motion carried unanimously.

4. PRESENTATIONS:

a. Board of Variance Application No. BOV718 – 342 Howard Avenue

- Mr. Bob Irwin read the application requesting to vary the provisions of “City of Nanaimo Zoning Bylaw 2011 No. 4500” to allow a flanking side yard setback of 1.67m in order to construct a deck to the rear of an existing non-conforming single residential dwelling.
- Mr. Chris Chatterton, the applicant, spoke to the rationale for the application. An existing patio door is within the flanking side yard setback and it would be difficult to relocate this door.
- Mr. Allan Dick asked where the previous deck had been located.
 - Mr. Chatterton answered that a previous deck spanned the entire width of the non-conforming house.
- The Board discussed the requested variance and demonstration of undue hardship.

 It was moved and seconded that application BOV718 for 342 Howard Avenue to vary the provisions of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” to a reduce the flanking

side yard setback from 4m to 1.67m in order to construct a deck to the rear of an existing single residential dwelling be approved. The motion carried unanimously.

b. Board of Variance Application No. BOV719 – 3806 Marjorie Way

- Mr. Bob Irwin read the application requesting to vary the provisions of “City of Nanaimo Zoning Bylaw 2011 No. 4500” in order to locate a heat pump to the front of a single residential dwelling.
- Mr. Jeet Manhas, the applicant, spoke to the rationale for the application. The house was recently constructed with a heat pump / central air conditioning unit at the front of the house. The driveway and primary entrance for the house are located in the rear of the property and it would be difficult to locate a heat pump to the rear of the house.
- Mr. Allan Dick asked why the south of the property was considered front it lies adjacent to a dedicated park.
 - Mr. Caleb Horn answered that a covenant was registered on the property at the time of subdivision to stipulate that a house on the property must face Marjorie Way, to the south.
- Mr. Ron Nadeau asked if the location of the heat pump was shown on building plans and why it hadn’t been noticed by the City earlier.
 - Mr. Manhas answered that the location was shown on all building plans.
 - Mr. Horn responded that no permits are required for heat pumps or central air conditioning units.
- Mr. Irwin asked about the notification area for the Board of Variance notice.
 - Mr. Horn answered that the notification area is to all occupants and owners of properties within 10m of the subject property, or 10m in addition to the road right-of-way.
- Mr. Irwin commented that the City should consider requiring permits for heat pumps and central air conditioning units.
- Mr. Chris Lundy, representing the company currently building a house at the adjacent 3800 Marjorie Way, spoke against the requested variance. The proposed heat pump location would be below an open deck at 3800 Marjorie Way and impact residents at this property. The house at 3800 Marjorie Way is being designed to accommodate a heat pump in the rear.
- The Board discussed the requested variance and the demonstration of undue hardship.

It was moved and seconded that application BOV719 for 3806 Marjorie Way to vary the provisions of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” in order to locate a heat pump to the front of the principal building be denied. The motion carried unanimously.

c. Board of Variance Application No. BOV720 – 641 First Street

- Mr. Bob Irwin read the application requesting to vary the provisions of “City of Nanaimo Zoning Bylaw 2011 No. 4500” to allow a side yard setback of 0m in order to construct a front porch and exterior staircase at the front of an existing non-conforming single residential dwelling that is straddling an interior lot line.
- Mr. Kris Sillem, the applicant, spoke to the rationale for the application. The existing house is currently built over a lot line.
- The Board discussed the requested variance and demonstration of undue hardship.

It was moved and seconded that application BOV720 for 641 First Street to vary the provisions of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” to a reduce the side yard setback from 1.5m to 0m on either side of an interior lot line in order to construct a front porch and exterior staircase at the front of an existing single residential dwelling be approved. The motion carried unanimously.

5. ADJOURNMENT:

It was moved and seconded at 6:00 p.m. 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, 2019-JUL-18, at 5:30 p.m. in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC to hear the following appeal:

APPEAL NO: **BOV00721**

Applicants: Erle and Marian Wallace

Civic Address: 56 KENNEDY STREET

Legal Description: LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN VIP89224

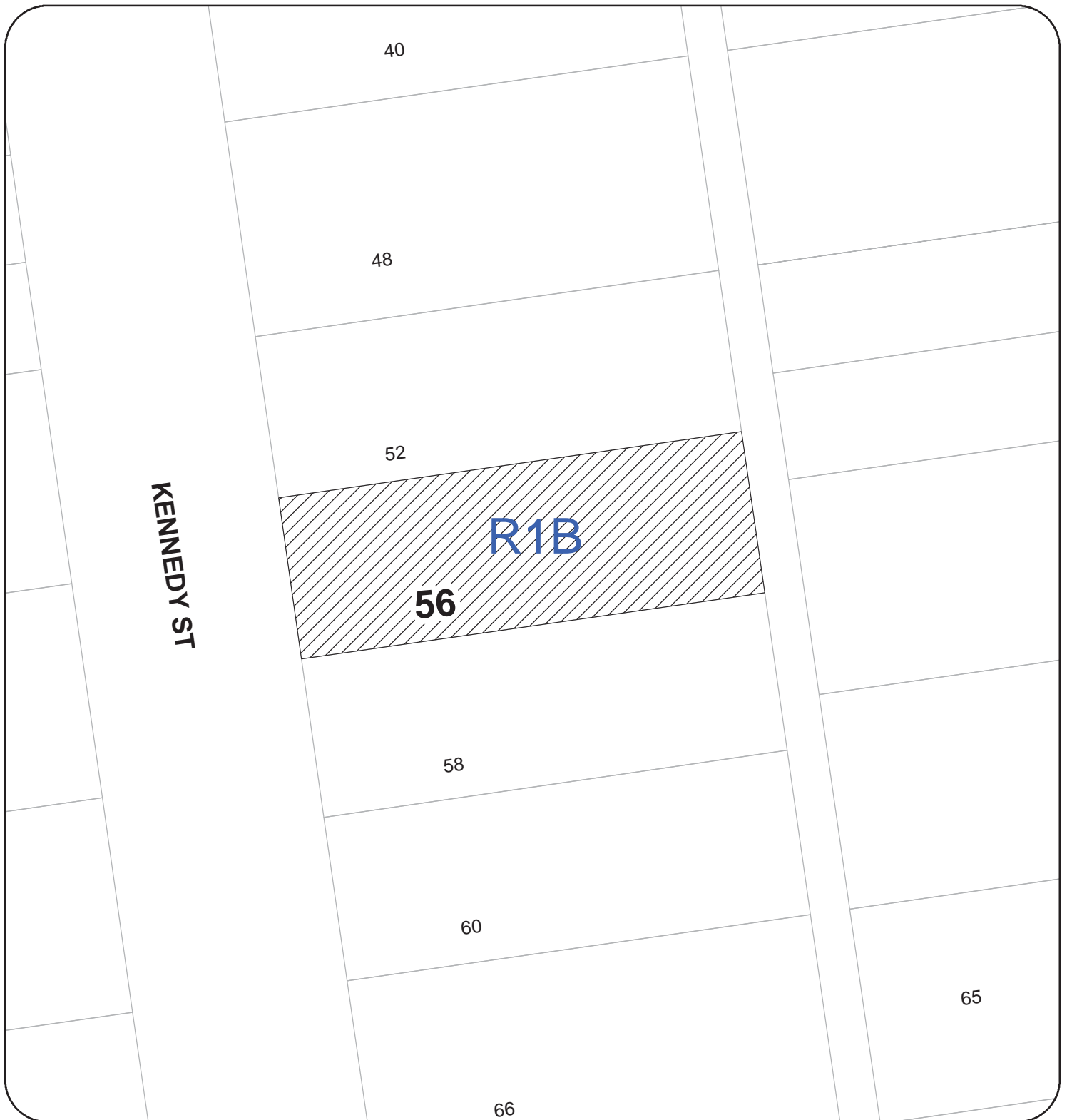
Purpose: Zoning Bylaw No. 4500 requires a minimum side yard setback of 1.5m in the R1b zone. The applicant is requesting a side yard setback of 1.0m in order to enlarge an existing carport on the north side of a single residential dwelling. This represents a variance of 0.5m.

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.*

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 2019-JUL-08 to 2019-JUL-18 inclusive. Questions, comments, or written submissions can also be sent by email to: planning@nanaimo.ca

LOCATION PLAN



BOARD OF VARIANCE NO. BOV00721

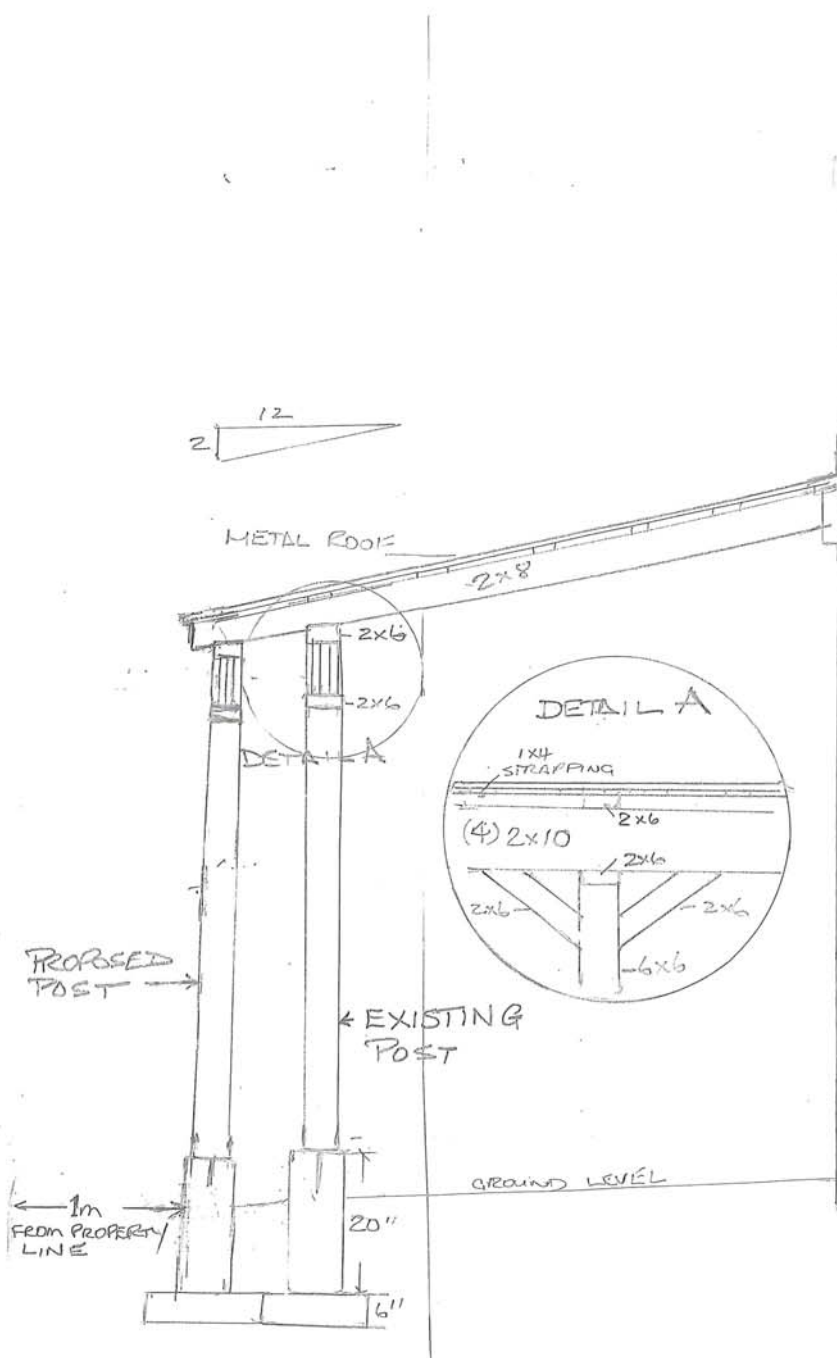
LOCATION PLAN

CIVIC: 56 KENNEDY STREET

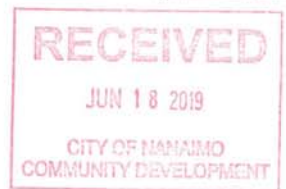
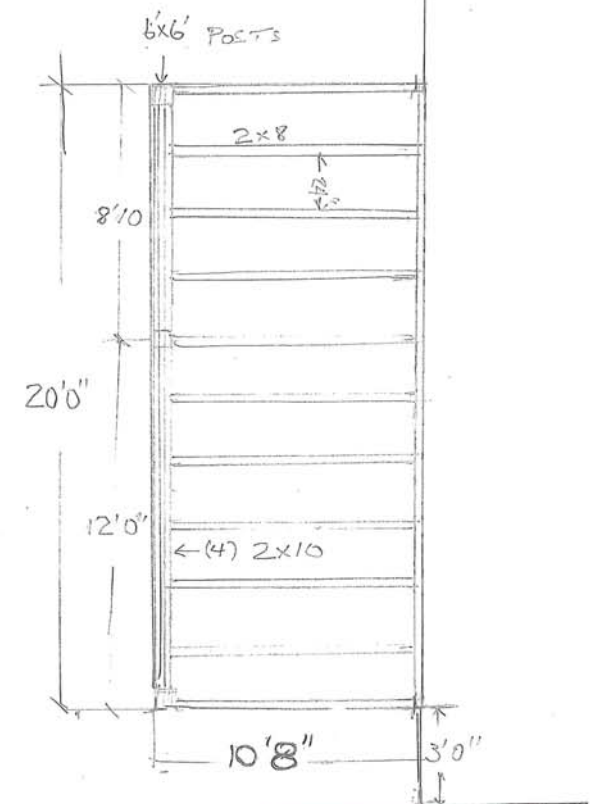
LEGAL: LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN VIP89224

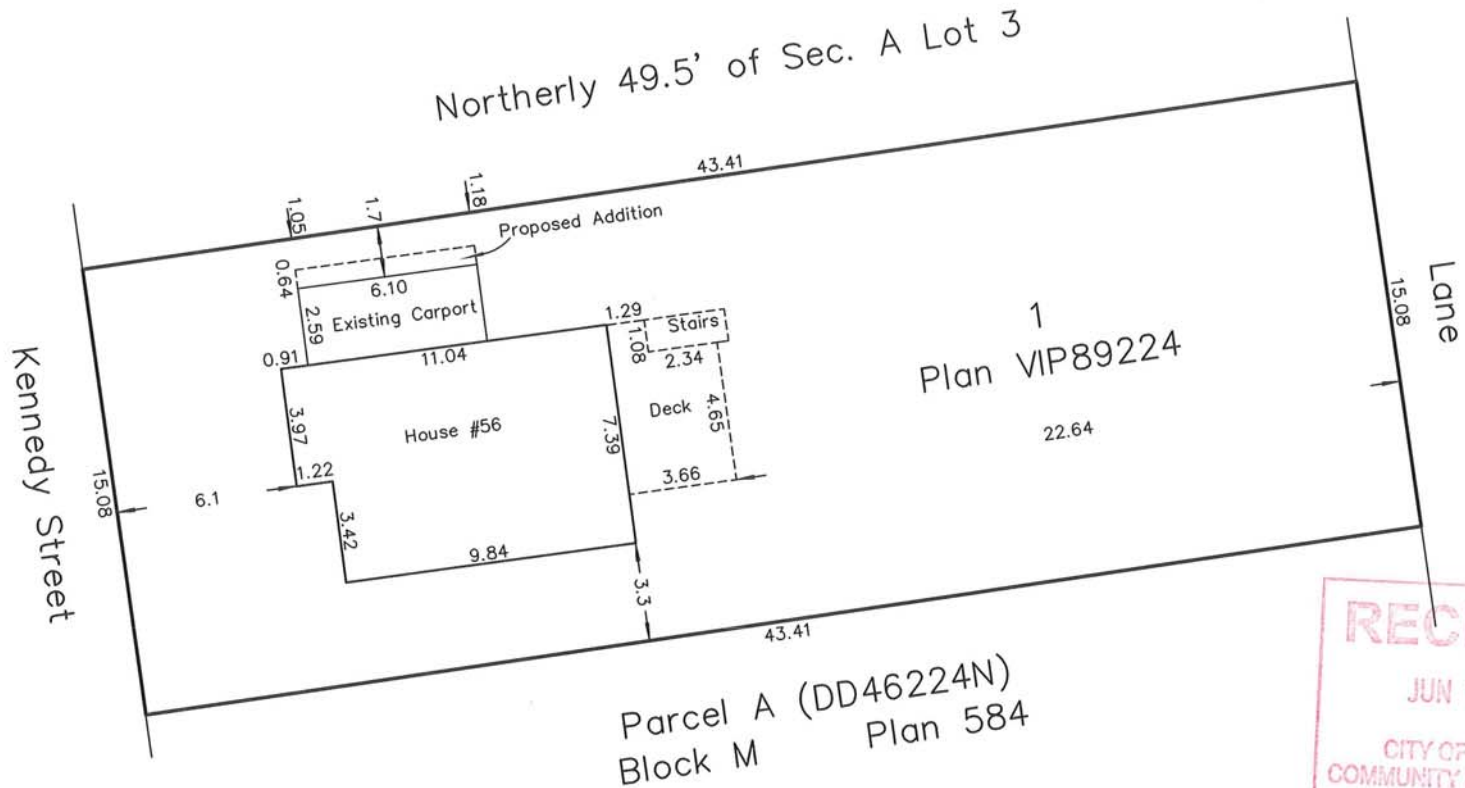


SUBJECT PROPERTY



CARPORT



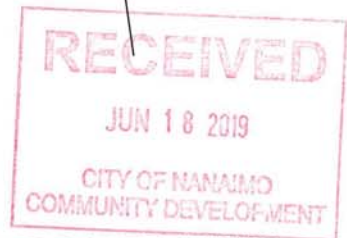


NOTE:
THIS PROPERTY IS AFFECTED BY
THE FOLLOWING REGISTERED DOCUMENTS:
M76301

SITE PLAN SHOWING:
LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN VIP89224

Certified correct this 5th day of June, 2019.

B.C.L.S.
(This document is not valid unless originally signed and sealed.)



DISTANCES SHOWN ARE IN METRES.

Client: ERLE WALLACE

Civic Address: 56 KENNEDY STREET

File: 19-086

Scale: 1:200

Drawn by: MDS

Property Zoning: R1B

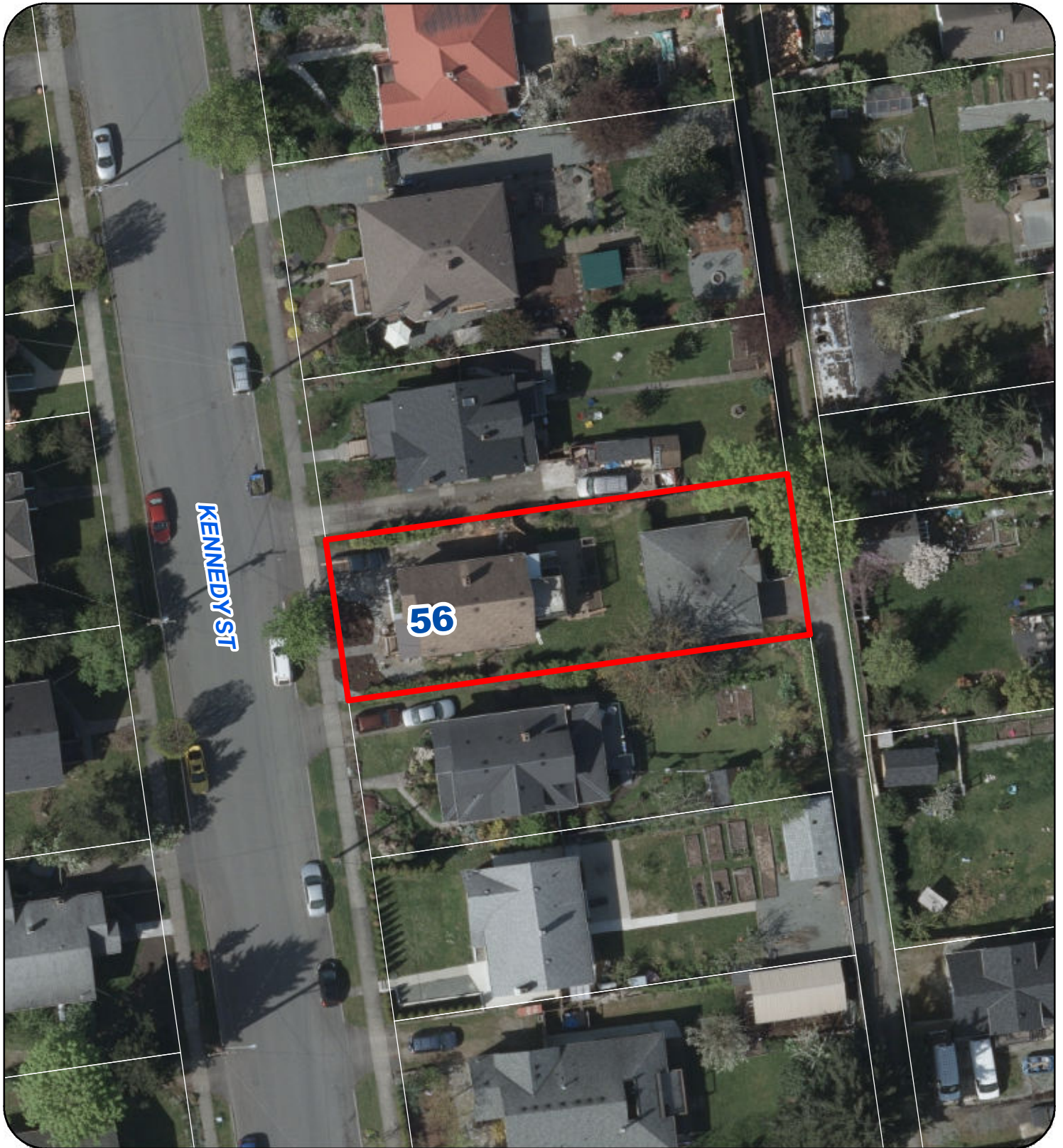
Turner & Associates
land surveying

250.753.9778

435 Terminal Avenue North
Nanaimo, BC V9R 3J4

www.turnersurveys.ca

AERIAL PHOTO



BOARD OF VARIANCE APPLICATION NO. BOV00721

 SUBJECT PROPERTY

Erle and Marian Wallace
56 Kennedy St
Nanaimo, BC
V9R 2H6

12 June 2019

Request for set back variance to move the three posts supporting the carport.

Last year we built a carport on the left side of the house. Although we can park our car in the carport, the three posts supporting it, do not allow us to open the car door next to the house, while the car is in the carport. Now, the passenger has to enter and exit the car in the front yard. If we back the car in, the driver has to climb over the console to exit. We are 75 and 78 years old and in inclement weather, snow, ice and rain, it would be safer to enter and exit in the carport.

We have discussed this issue with our neighbours, at 52 Kennedy St, and they have no objection to us moving the three posts from 1.5 meters to 1 meter from the property line.

We have enclosed a letter from [REDACTED], the owner of 52 Kennedy St, with the application.

Sincerely,

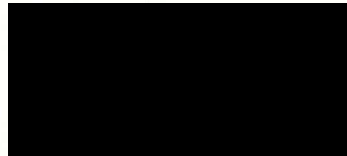
Erle Wallace

Marian Wallace

May 14, 2019

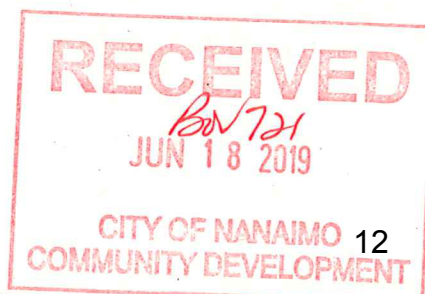
Concerning Application for variance of side yard building setback.

I, [REDACTED], the owner of 52 Kennedy St, Nanaimo,
have no objection to [REDACTED], property owner of 56 Kennedy St, Nanaimo, moving
his three carport posts to 1metre from the property line dividing our two properties.



WILL THIS BE REGISTERED
ON TITLE OF 52 KENNEDY ST?

★ AS LONG AS IT DOES NOT
BECOME CLOSED GARAGE.









COMMUNITY DEVELOPMENT

BOARD OF VARIANCE

NOTICE OF MEETING

A meeting of the Board of Variance will be held on Thursday, 2019-JUL-18, at 5:30 p.m. in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC to hear the following appeal:

APPEAL NO: **BOV00722**

Applicants: Rick Horsland

Civic Address: 126 Lindquist Road

Legal Description: STRATA LOT B, DISTRICT LOT 32, WELLINGTON DISTRICT, STRATA PLAN EPS5785, TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V

Purpose: Zoning Bylaw No. 4500 requires that a heat pump or central air conditioning unit be located to the rear of a principal building. The applicant is requesting a variance to locate a heat pump to the side of the principal building.

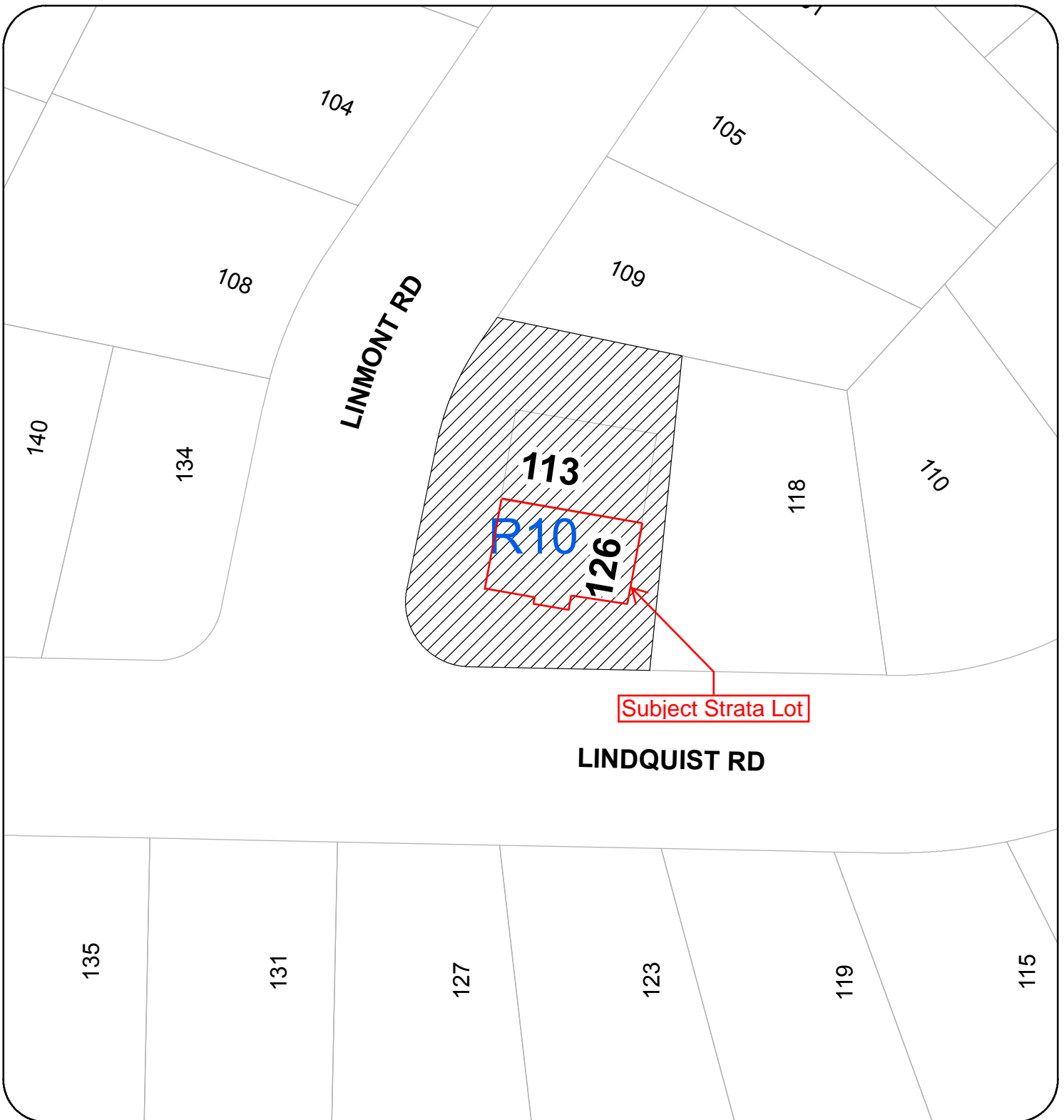
Zoning Regulations: Single Family Residential – R10. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

Section 7.5.1 – Siting of Buildings

Where the principal use of the property is a single residential dwelling or duplex, heat pumps and central 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 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 2019-JUL-08 to 2019-JUL-18 inclusive. Questions, comments, or written submissions can also be sent by email to: planning@nanaimo.ca

LOCATION PLAN

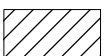


BOARD OF VARIANCE NO. BOV00722

LOCATION PLAN

CIVIC: 126 LINDQUIST ROAD & 113 LINMONT ROAD

LEGAL: STRATA LT B & STRATA LT A, DL 32, LD 58, STRATA PLN EPS5785



SUBJECT PROPERTY

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

LOT 5, PLAN EPP73181, DISTRICT LOT 32, WELLINGTON DISTRICT.

SCALE 1:200

0 2 4 6 8 10 metres

DISTANCES AND ELEVATIONS ARE IN METRES.

NOTES:

CIVIC ADDRESS: 126 LINDQUIST ROAD

LOT DIMENSIONS ARE DERIVED FROM REGISTERED PLANS.

ELEVATION DATUM IS DERIVED FROM INTEGRATED SURVEY CONTROL MONUMENTS.

HOUSE DESIGN FROM FINN & ASSOC. DESIGN DRAWINGS RECEIVED JULY 16/2018.

THE UNDERSIGNED CONFIRMS THAT HE HAS BEEN RETAINED BY RICK HORSLAND TO PROVIDE FOUNDATION LAYOUT IN ACCORDANCE WITH THE FOUNDATION LOCATION SHOWN ON THIS PLAN.

164.80 DENOTES PROPOSED GARAGE SLAB.

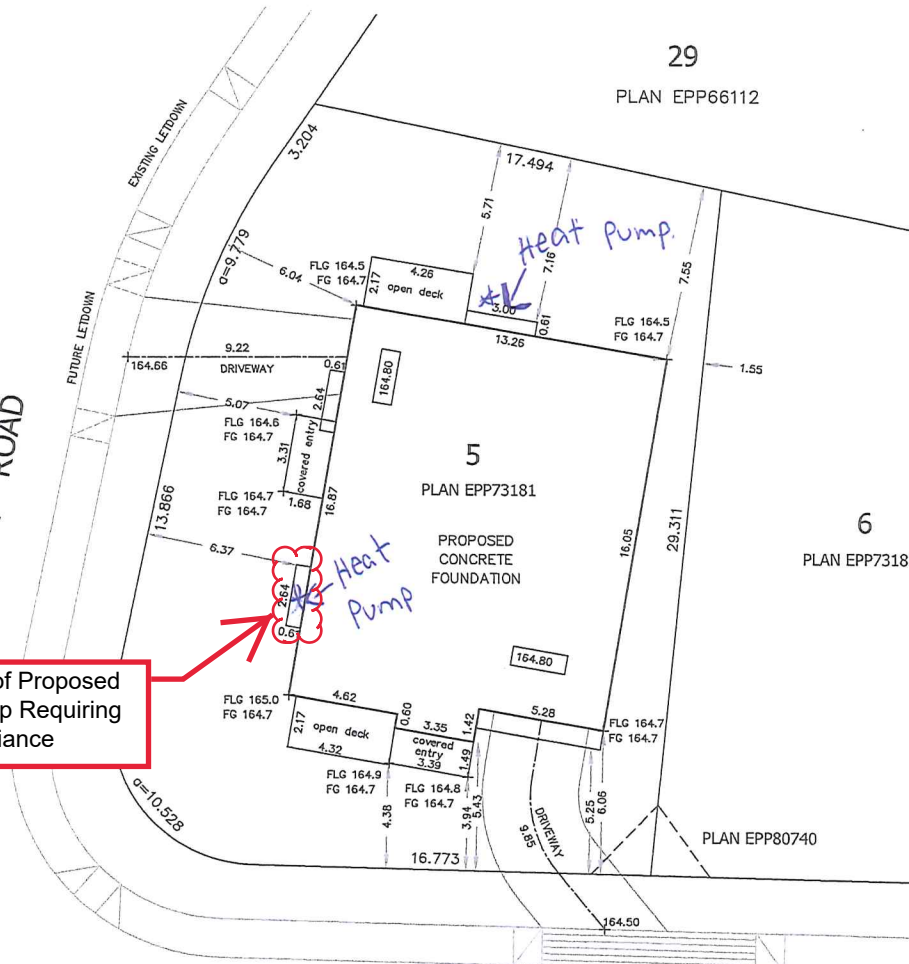
FLG 164.8 DENOTES TYPICAL SPOT ELEVATION OF FINAL LOT GRADE (FLG) DERIVED FROM THE FINAL LOT GRADING PLAN.

FG 164.5 DENOTES TYPICAL SPOT ELEVATION OF PROPOSED FINISHED GRADE (FG).

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 © 2018
3088 BARONS ROAD NANAIMO B.C. V9T 4B5
PHONE: 250-756-7723 FAX: 250-756-7724
EMAIL: WAPS@TELUS.NET
FILE: 18027-1 HEIGHT SURVEY (BASE PLAN 10102)

Location of Proposed
Heat Pump Requiring
Variance



29
PLAN EPP66112

6
PLAN EPP73181

LINDQUIST ROAD

**MAXIMUM HOUSE HEIGHT
CALCULATION BY GRADES**

MEAN FG	=	164.70
MEAN FLG	=	164.71
MAXIMUM HEIGHT	+	9.00
CON MAXIMUM ROOF PEAK	=	173.71
PROPOSED MAIN FLOOR	=	164.95
APPROX. HEIGHT TO UPPER	+	3.08
PROPOSED UPPER FLOOR	=	168.03
APPROX. HEIGHT TO PEAK	+	5.45
PROPOSED ROOF PEAK	=	173.48
MINIMUM BASEMENT FLOOR ELEVATION	=	162.52

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:

- PERMIT CA4139021, CA5430192, FB369975, FB417364;
- COVENANTS CA6417314;
- STATUTORY RIGHT OF WAYS CA641264, CA6417265;

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: AUGUST 20, 2018
Brian Henning
QNXB8H
Digitally signed by Brian Henning QNXB8H
DN: c=CA, cn=Brian Henning QNXB8H,
o=BC Land Surveyor, ou=Verify ID #1
www.juricert.com/LRUP.cfm?id=QNXB8H
Date: 2018.08.21 15:47:43 -07'00'

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



AERIAL PHOTO



BOARD OF VARIANCE APPLICATION NO. BOV00722



 SUBJECT PROPERTY

113 linmont/ 126 lindquist

To whom it may concern:

I am seeking approval for the existing location of heat pump stubs on the side yard and back yard of my attached duplex on the basis of undue hardship created by the zoning bylaw. Due to the corner location of the attached duplex and unit configuration which is front and back and **not** side by side, the only location possible is the side yard on 126 lindquist and the rear yard on 113 linmont (please see aerial photo). There is a fence concealing the heat pump at 126 lindquist and there is a 20 foot set back from the flanking side lot line. The heat pump stub on 113 linmont is located in the rear yard with a 23 foot setback to the rear fence. The soon to be owners of the duplex have specifically requested to have the option for heat pumps/ air conditioning in their respective units.

Thank you for your consideration

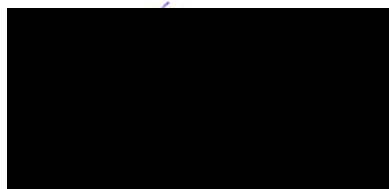
Sincerely

Rick Horsland

June 27/2019

To Whom it may concern:

I am the mechanical contractor responsible for the installing of the heating system for 126 lindquist road and 113 linmont road. Regarding the location of the heat pump stubs, we had no other location to place these given the configuration of the attached duplex and location of the corner lot.



contractor #

