



AGENDA BOARD OF VARIANCE MEETING

September 19, 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. ADOPTION OF AGENDA:

3. ADOPTION OF MINUTES:

a. Minutes of the Meeting held 2019-AUG-15

2 - 4

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-AUG-15, at 5:30 p.m.

4. PRESENTATIONS:

a. Board of Variance Application No. BOV725 - 115, 25 Maki Road

5 - 12

Legal Description: Bay 115, MHR 49407, Highwood Mobile Home, Nanaimo District, Seabreeze Park

The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 and Mobile Home Park Bylaw No. 2704 in order to reduce the front yard setback from 4.5m to 0m and to reduce the side yard setback from 1.5m to 0m in order to relocate a mobile home on the same mobile home lot. This represents variances of 0.5m and 1.5m respectively.

b. Board of Variance Application No. BOV726 - 250 Pine Street

13 - 19

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

The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 in order to reduce the distance requirement to locate a heat pump from a side lot line from 4.5m to 3.66m. This represents a variance of 0.84m.

5. ADJOURNMENT:

MINUTES
BOARD OF VARIANCE MEETING
BOARDROOM, SERVICE AND RESOURCE CENTRE
411 DUNSMUIR STREET, NANAIMO, BC
THURSDAY, 2019-AUG-15 AT 5:30 P.M.

PRESENT: Members: Ron Nadeau (Acting Chair)
 Nelson Allen
 Allen Dick
 Kenn Hample
 Jessica Kaman

 Staff: C. Horn, Planner (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. INTRODUCTION OF LATE ITEMS:

Agenda Item 4(b) – Appointment of Board of Variance Chair moved to follow Agenda Item 5 – Presentations.

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 in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Thursday, 2019-JUL-18 at 5:00 p.m. be adopted as circulated. The motion carried unanimously.

5. NEW BUSINESS:

a. Introduction of New Board of Variance Member

Mr. Nelson Allen was introduced as a new Board of Variance member.

b. Appointment of Board of Variance Chair

It was moved and seconded that Jessica Kaman be appointed Chair of the Board of Variance. The motion carried unanimously.

6. PRESENTATIONS:

a. Board of Variance Application No. BOV723 – 1550 Discovery Avenue

- Mr. Ron Nadeau read the application requesting to vary the provisions of “City of Nanaimo Zoning Bylaw 2011 No. 4500” to allow a fence in the side yard setback with a maximum height of 2.4m, and allow a side yard setback of 2.2m in order to construct an open deck to the rear of an existing non-conforming single residential dwelling.
- Mr. Shawn Adrian, the applicant, spoke to the rationale for the application. The property supports a single residential dwelling but the commercial zoning is more restrictive than what would be permitted in a typical residential zone. The adjacent property to the north is an active commercial property.
- Mr. Kenn Hample asked where the over-height fence would be located.
 - Mr. Adrian answered that the fence requiring a variance would be located along the north property line and would not exceed the height of what would normally be permitted in residential zones.
- Ms. Jessica Kaman asked staff to clarify the history of the zoning.
 - Mr. Caleb Horn answered that the current commercial zoning, CC1, dates to the adoption of the current Zoning Bylaw in 2011 and was inherited from the previous C13 zoning.
- The Board discussed the requested variance and demonstration of undue hardship.

It was moved and seconded that application BOV723 for 1550 Discovery Avenue to vary the provisions of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” to increase the maximum height of a fence in the side yard setback from 1.2m to 2.4m and to reduce the side yard setback from 3m to 2.2m in order to construct an open deck be approved. The motion carried unanimously.

b. Board of Variance Application No. BOV724 – 1667 Waddington Road

- Mr. Ron Nadeau 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 0m in order to convert an existing non-conforming single residential dwelling into a carriage house and to legalize its siting.
- Mr. Jeff Boehm, on behalf of the applicant Chris Lipinski, spoke to the rationale for the application. The existing single residential dwelling currently encroaches into City road right-of-way. A new house will be constructed and the existing house will be converted into a carriage house. The portion of the structure encroaching into City right-of-way will be removed.
- Mr. Nelson Allen asked regarding the history of the single residential dwelling.
 - Mr. Boehm responded that he was unsure regarding the age of the home, but it is likely from the 1940s with additions.
- Mr. Kenn Hample asked if the new single residential dwelling will require any variances.
 - Mr. Boehm responded that no variances are anticipated.
- Mr. Allan Dick asked staff if the variance can be considered a minor variance.
 - Mr. Caleb Horn answered that there is no definition of a minor variance and that the Board of Variance can determine whether they feel a variance is minor or not.

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

It was moved and seconded that application BOV724 for 1667 Waddington Road to vary the provisions of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” to reduce the flanking side yard setback from 4m to 0m in order to legalize the siting of an existing structure be approved. The motion carried. Opposed: *Allan Dick and Kenn Hample*.

7. ADJOURNMENT:

It was moved and seconded at 6:15 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-SEP-19, 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: **BOV00725**

Applicants: Heather Cowley (Cole Developments Ltd. dba Seabreeze Mobile Home Park)

Civic Address: 115 – 25 Maki Road

Legal Description: Bay 115, MHR 49407, Highwood Mobile Home, Nanaimo District, Seabreeze Park

Purpose: Where an individual mobile home lot exists, Zoning Bylaw No. 4500 and Mobile Home Park Bylaw No. 2704 require a minimum front yard setback of 4.5m and a minimum side yard setback of 1.5m in the R12 zone. The applicant is requesting a front yard setback of 4m and a side yard setback of 0m in order to relocate an existing mobile home within the subject lot. This represents variances of 0.5m and 1.5m respectively.

Bylaw Regulations: Zoning – Mobile Home Park Residential – R12

The applicant requests variances to the following bylaws:

“City of Nanaimo Zoning Bylaw 2011 No. 4500”:

Section 7.5 – Siting of Buildings

The principal building must be set back a minimum of 4.5m from the front lot line.

The principal building must be set back a minimum of 1.5 from the side lot line.

“City of Nanaimo Mobile Home Parks Bylaw 1984 No. 2704”:

Section 27(1) – Yard Requirements (Setbacks)

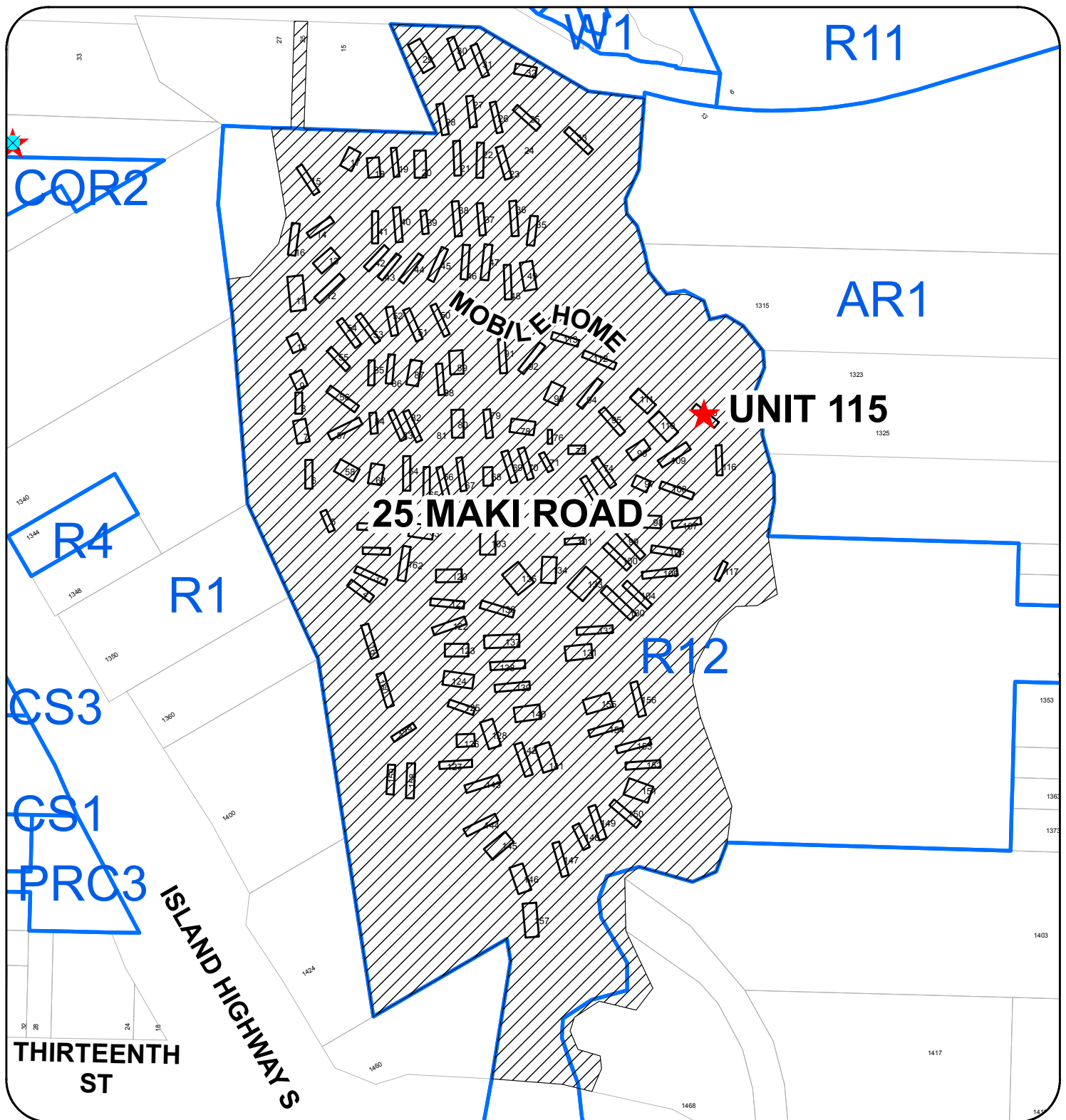
A front yard shall be provided on each mobile home lot of not less than 4.5m in depth.

Section 27(2) – Yard Requirements (Setbacks)

Side yards shall be provided on each mobile home lot, with the minimum width of the side yard being 1.5m and a sum total for both side yards of 3m.

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 Development Services 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-SEP-09 to 2019-SEP-19 inclusive. Questions, comments, or written submissions can also be sent by email to: planning@nanaimo.ca

LOCATION PLAN



BOARD OF VARIANCE NO. BOV00725

LOCATION PLAN

CIVIC: 115-25 MAKI ROAD

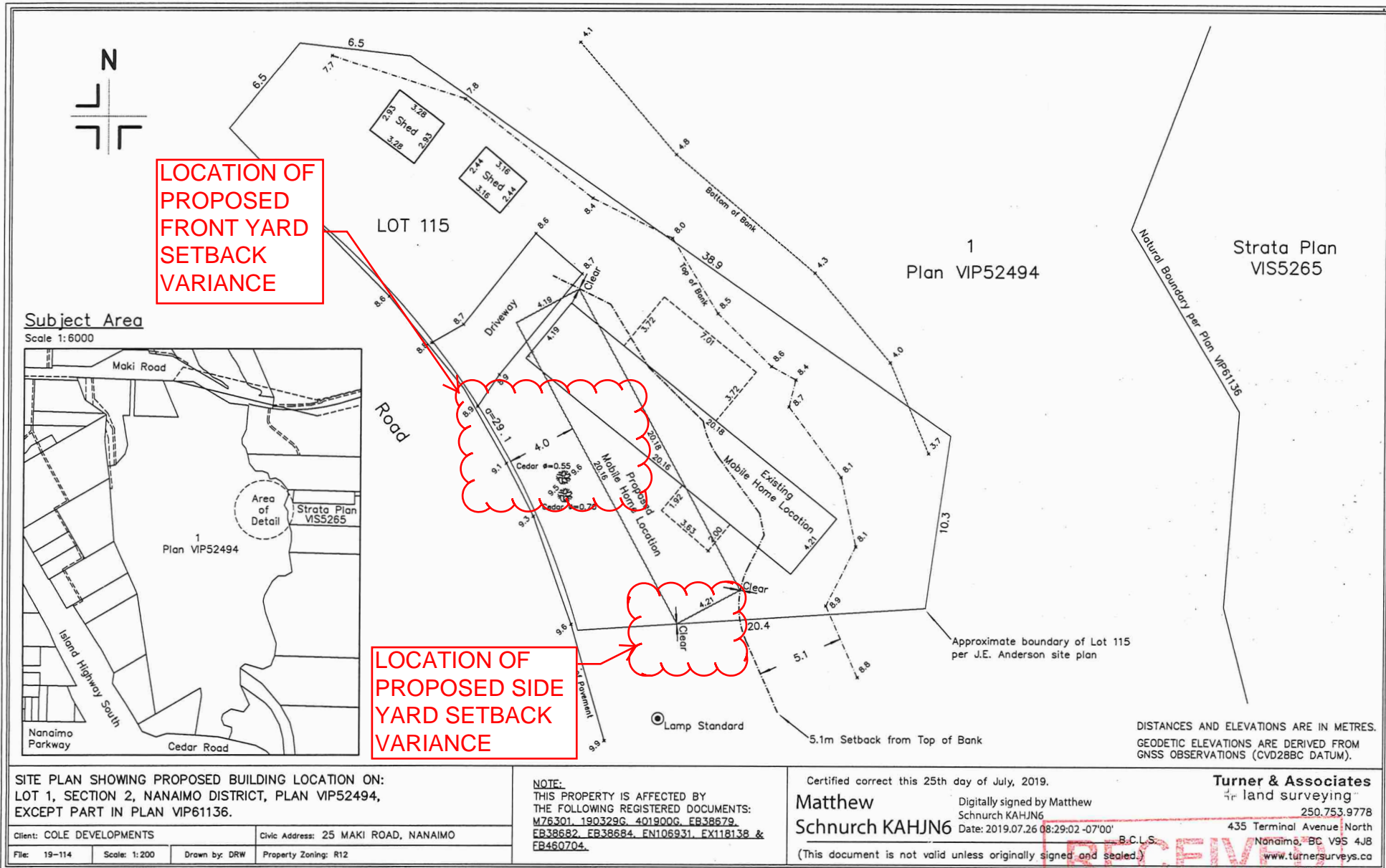
LEGAL: BAY 115, MHR 49407, HIGHWOOD MOBILE HOME, NANAIMO DISTRICT
SEABREEZE PARK (USER RATE BILLING FOLIO 16196.100)



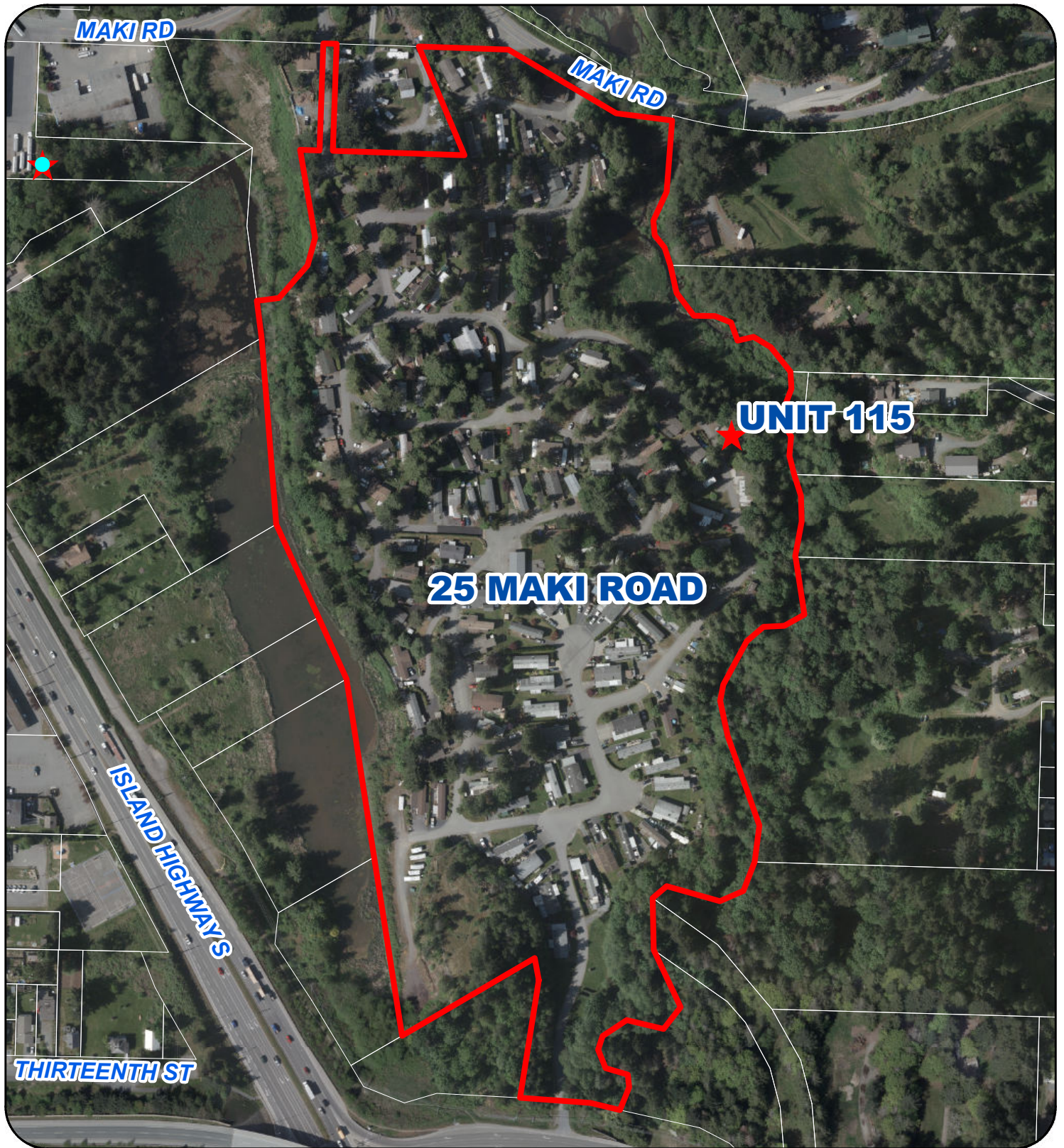
UNIT 115



SUBJECT PROPERTY



AERIAL PHOTO



BOARD OF VARIANCE APPLICATION NO. BOV00725



UNIT 115



SUBJECT PROPERTY

To the Board of Variance- City of Nanaimo

Unit 115-25 Maki Road in Seabreeze Manufactured Home Park needs to be relocated. It is too close to bank of Beck Creek and is unsafe.

The bank has a tension crack and the home is at risk of sliding down the bank.

The back end of the home will be swung over, so it is at least 5.1 meters from top of bank.

I have included the complete Geotechnical Report and the required surveys. There are pictures in the Geotec's report showing how close the home is to the bank.

According to the surveyors map we would be going from 1.5 meters to 0 meters of the side yard setback requirements, and 4.5 meters to 4.0 meters for the front yard setback, there is nowhere else on the site to build!

Thank you

Heather Cowley

Seabreeze Park Manager

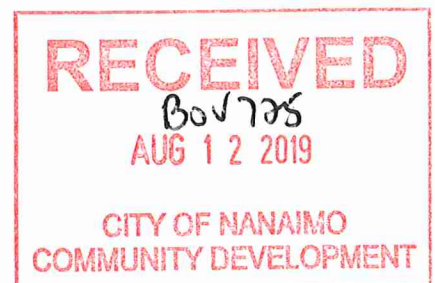




Photo 1 – Looking southeast



Photo 2 – Looking northwards along Cedar Cresc.



Photo 3 – Ground settlement at southeastern corner of #115



Photo 4 – Looking northwards along bank of Beck Creek adjacent to #115 showing frequent curved and leaning tree trunks indicative of slope movement



Photo 5 – Decayed log retaining structure



Photo 6 – silty sand and gravel soil exposed on slope



Photo 7 – gentler slope towards northern end of #115



COMMUNITY DEVELOPMENT

BOARD OF VARIANCE

NOTICE OF MEETING

A meeting of the Board of Variance will be held on Thursday, 2019-SEP-19, 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: **BOV00726**

Applicants: Jim Richardson

Civic Address: 250 Pine Street

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

Purpose: Zoning Bylaw No. 4500 requires that a heat pump or central air conditioning unit be located to the rear of a principal building and to be sited no closer than 4.5m from a side lot line. The applicant is requesting a variance to reduce the distance from a side lot line from 4.5m to 3.66m. This represents a variance of 0.84m.

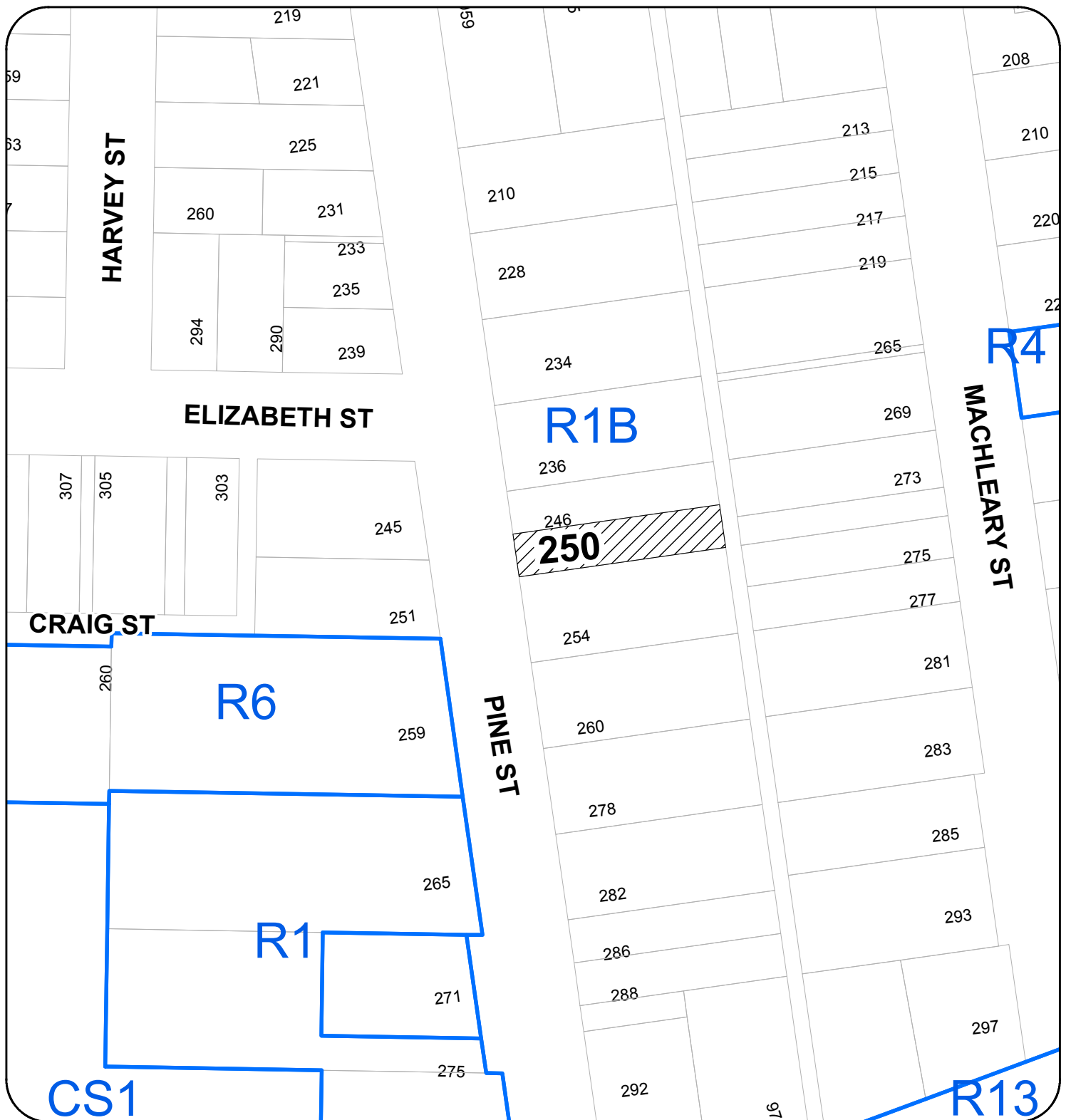
Zoning Regulations: Single Family Residential – R1b. The applicant requests a variance to the “City of Nanaimo Zoning Bylaw 2011 No. 4500”:

Section 6.5.2 – Siting of Buildings

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

The Board of Variance decision will apply to subsequent owners of the land. If you deem your property to be affected by this appeal, please feel free to attend this meeting. Anyone wishing to address this appeal will be afforded the opportunity to be heard at the Board of Variance meeting. This application may be reviewed with Staff at the Development Services 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-SEP-09 to 2019-SEP-19 inclusive. Questions, comments, or written submissions can also be sent by email to: planning@nanaimo.ca

LOCATION PLAN



BOARD OF VARIANCE NO. BOV00726

LOCATION PLAN

CIVIC: 250 PINE STREET

LEGAL: SOUTHERLY 1/2 OF SECTION B, OF LOT 3, BLOCK R, SECTION 1

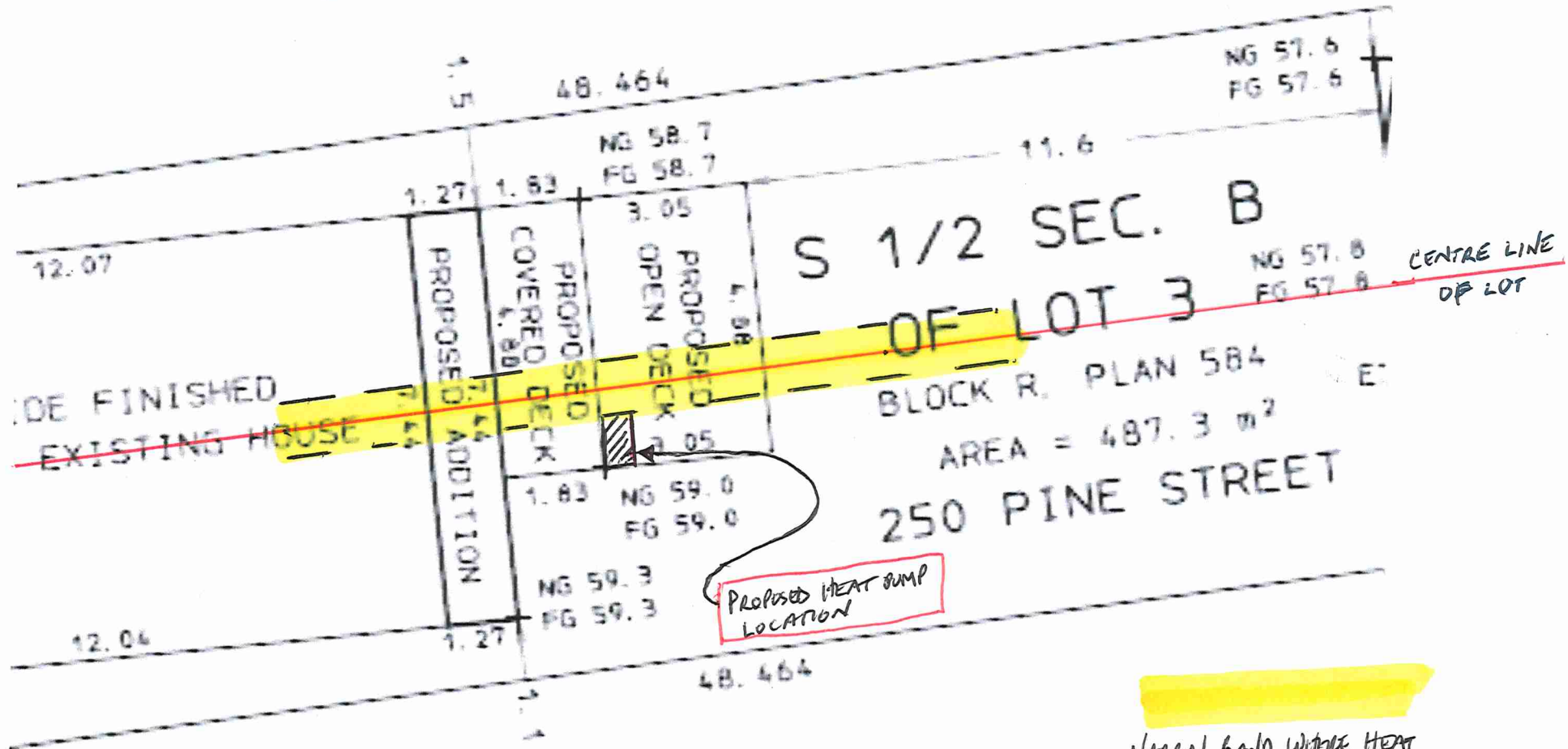
PLAN 584, NANAIMO DISTRICT



SUBJECT PROPERTY

BLOW UP OF
AUG 31, 2018 SURVEY.

BLOCK R, PLAN



$$\begin{aligned}
 &7.44\text{m less } 4.88\text{m} \\
 &= 2.56\text{m} \\
 &+ 1.10\text{m} \\
 &\hline
 &3.66\text{m}
 \end{aligned}$$

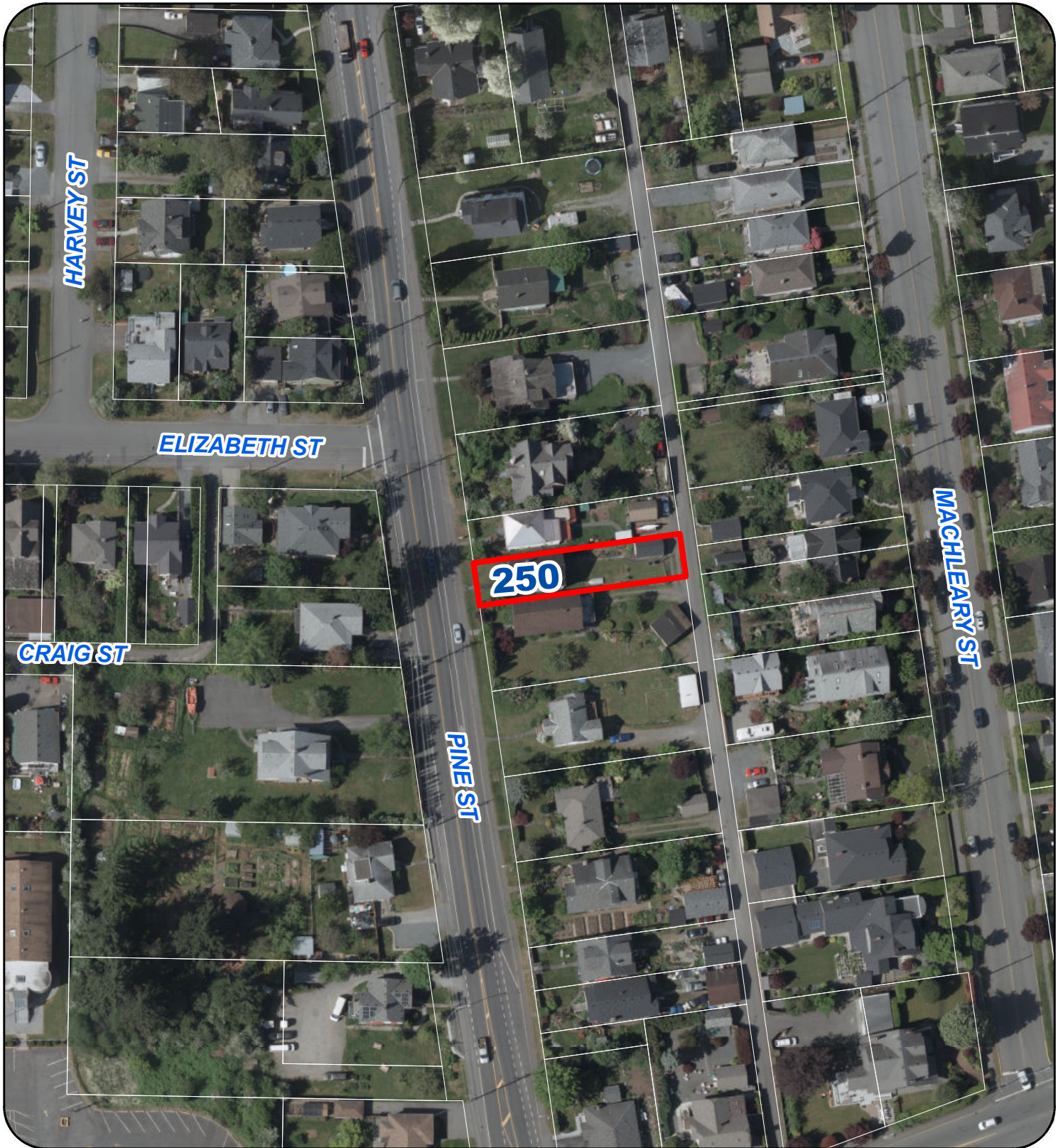
actual set back at
proposed location

$$\begin{aligned}
 &4.5\text{m less } 3.66\text{m} \\
 &= 0.84\text{m Variance.}
 \end{aligned}$$

NARROW BAND WHERE HEAT
PUMP LOCATION FITS
WITHIN SETBACKS.



AERIAL PHOTO



BOARD OF VARIANCE APPLICATION NO. BOV00726



 SUBJECT PROPERTY

August 27, 2019

City of Nanaimo
Board of Variance

Re: 250 Pine Street (Southerly ½ of Section B, of Lot 3, Block R, Section 1, Plan 584, Nanaimo District)

Please accept this letter and the attached supporting material as a request for variance to Side Yard Setback (4.5m) for a heat pump, as specified in City of Nanaimo Bylaw 4500.

The subject property is an existing house located in the Old City neighbourhood on a narrow lot (10.05m wide). The owners, Jeannie Isbister and Leigh Richardson, have been undertaking a thorough renovation of this century old home.

In planning to heat the home in an energy efficient manner, heat pump units have been selected as the method of choice. The challenge is finding a suitable location on such a narrow lot which can meet the specified side yard setbacks, as it only leaves a band 1.0 m wide at the rear of the house in which to meet this requirement.

The plan is to install two heat pump units one on top of the other, in the back yard and to site them at the south edge of the deck, adjacent to the deck support post and shear wall. In order to minimize potential noise disturbance, the heat pump units will be oriented so the fans discharge to the rear of the property.

However, in this location, the outer side edge of the heat pump units would only be 3.66 m from the adjacent property located at 254 Pine Street, requiring a variance of 0.840m from the provisions of the current bylaw.

We have discussed the installation of the heat pump units at this location with our neighbours at 254 Pine Street and they have no objections to this location, and they have provided a letter of support.

It is our belief that if the board were to support our request, it would not substantially affect the use and enjoyment of adjacent land, nor would it defeat the intent of the existing bylaw.

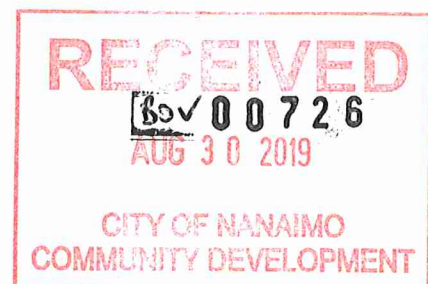
The hardship in trying to meet the bylaw requirements is due to the pre-existing location of the original home, the narrowness of the existing lot and the fact that the three adjacent homes were all built askew to the actual property lines, thus enhancing the encroachment to the property set backs.

We appreciate the Board's review of the Variance requested and hope we can count on your support to allow us to proceed as proposed.

Respectfully submitted,



Jim Richardson
(Appointed Agent)
(250) 751-5069



August 28, 2019

City of Nanaimo
Board of Variance

Re: 250 Pine Street (Southerly ½ of Section B, of Lot 3, Block R, Section 1, Plan 584, Nanaimo District)

My brother and I are the registered owners of the property located at 254 Pine Street, Nanaimo, B.C.

We have had discussions with our neighbours at 250 Pine Street with respect to their intention to locate a pair of heat pump units (one on top of the other) at a location to the rear of their home and closest to our side of the yard.

It is our understanding that the proposed location for the heat pump units will encroach on the current City of Nanaimo bylaws which require heat pump units to have a Side Yard Setback of at least 4.5m.

We have looked at the proposed location on the edge of the first deck wall (facing to the rear) and we do not believe that locating the units at this location will cause us any hardship, nor will it affect the enjoyment of our property.

Please accept this letter as a document supporting the Applicant's request for a variance.

Sincerely,

[Redacted Signature]

254 Pine Street
Nanaimo, B.C.



250 PINE ST - REAR YARD PHOTOS

PROPOSED LOCATION OF
HEAT PUMPS



VIEW FROM REAR OF 250 PINE.
NOTICE NEIGHBOURING HOUSES
ALSO ENCROACH ON SIDE SETBACKS.

PROPOSED LOCATION
OF HEAT PUMPS



VIEW FROM REAR LEFT OF 250 PINE
CLOSEST TO NEIGHBOUR @ 254 PINE ST.

PLYWOOD REPRESENTS WHERE
HEAT PUMPS NEED TO BE TO
MEET 4.5m SET BACK.



VIEW FROM REAR ILLUSTRATING HOW
4.5m SET BACK BLOCKS SAFE EGRESS
FROM EXISTING HOUSE BACK DOOR.

PROMISED HEAT PUMP LOCATION



VIEW ACROSS PROPERTY TOWARDS
NEIGHBOUR AT 254 PINE

RECEIVED

BoV 00726

AUG 30 2019

CITY OF NANAIMO
COMMUNITY DEVELOPMENT