



AGENDA BOARD OF VARIANCE MEETING

October 17, 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 - 4

Minutes of the Open Board of Variance Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo BC, on Thursday, 2019-SEP-19 at 5:30 p.m.

5. **PRESENTATIONS:**

a. **Board of Variance No. BOV727 - 571 Eighth Street**

5 - 12

Legal description: Lot 1, Section 12, Range 7, Nanaimo District, Plan 35017

The applicant is requesting a flanking side yard setback of 3.6m in order to construct a proposed front porch on the front of an existing non-conforming single residential dwelling.

Zoning Bylaw No. 4500 (7.5.1) requires a minimum flanking side yard setback of 4.0m in the R1 zone.

Legal description: Strata Lot 157, 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 (User Rate Billing Folio 07827.549)

The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 to legalize a non-conforming exterior staircase:

- i. To allow a side yard setback of 0.6m from the west property line.
- ii. To allow steps or landings to project 2.6m into the front yard setback.

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

Zoning Bylaw No. 4500 (6.5.1) allows steps and landings to project up to 2m into the front yard setback.

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

MINUTES
BOARD OF VARIANCE MEETING
BOARDROOM, SERVICE AND RESOURCE CENTRE
411 DUNSMUIR STREET, NANAIMO, BC
THURSDAY, 2019-SEP-19 AT 5:30 P.M.

PRESENT: Members: Jessica Kaman, Chair
 Ron Nadeau
 Nelson Allen
 Allen Dick
 Kenn Hample

 Staff: C. Horn, Planner
 L. Nowak, 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 as amended. The motion carried unanimously.

3. ADOPTION OF MINUTES:

It was moved and seconded that the Minutes of the Board of Variance Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Thursday, 2019-AUG-15, be adopted as circulated. The motion carried unanimously.

4. PRESENTATIONS:

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

- Ms. Jessica Kaman read the application requesting to vary the provisions of “City of Nanaimo Zoning Bylaw 2011 No. 4500” and “City of Nanaimo 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.
 - Mr. Caleb Horn identified that there was a mistake on the Agenda, and the variance as requested should be: “in order to reduce the front yard setback from 4.5m to 4m and to reduce the side yard setback from 1.5m to 0m”.
- Ms. Heather Cowley (Cole Developments Ltd. dba Seabreeze Mobile Home Park), spoke to the rationale for the application. She stated that there is nowhere else to move the mobile home.
- Mr. Kenn Hample asked about the reason for moving the mobile home.
 - Ms. Heather Cowley expressed that the Geotechnical Engineer determined that there is a stress fracture in the bank, however it will not erode any further.

- Mr. Allen Dick asked Mr. Caleb Horn about the setback requirements for a Mobile Home Park.
 - Mr. Caleb Horn referred to the Zoning Bylaw and stated that there are two setbacks for properties zoned R12. One applies to the mobile home park and one applies to the mobile home pad area. Caleb confirms that the front yard setback requirement for a pad area is 4.5m.
- Ms. Jessica Kaman asked if the stress fracture was caused naturally.
 - Ms. Heather Cowley confirmed that it was.
- The Board discussed the requested variance and the demonstration of undue hardship.

It was moved and seconded that application BOV725 for 115, 25 Maki Road to vary the provisions of “City of Nanaimo Zoning Bylaw 2011 No. 4500” and “City of Nanaimo Mobile Home Park Bylaw No. 2704” in order to reduce the front yard setback from 4.5m to 4m 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 be approved. The motion carried unanimously.

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

- Ms. Jessica Kaman read the application requesting to vary the provisions of “City of Nanaimo Zoning Bylaw 2011 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.
- Mr. Jim Richardson spoke to the rationale for the application. He stated that he is making improvements on an existing house on a very narrow and small lot.
- Mr. Nelson Allen asked the applicant about stacking the heat pumps.
 - Mr. Jim Richardson stated that the heat pumps for the main dwelling and the secondary suite will be stacked in the proposed location.
- The Board discussed the requested variance and the demonstration of undue hardship.

It was moved and seconded that application BOV726 for 250 Pine Street to vary the provisions of “City of Nanaimo Zoning Bylaw 2011 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 be approved. The motion carried unanimously.

5. ADJOURNMENT:

It was moved and seconded at 5:45 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-OCT-17, 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: **BOV00727**

Applicants: Ronald Eldon McFayden

Civic Address: 571 Eighth Street

Legal Description: Lot 1, Section 12, Range 7, Nanaimo District, Plan 35017

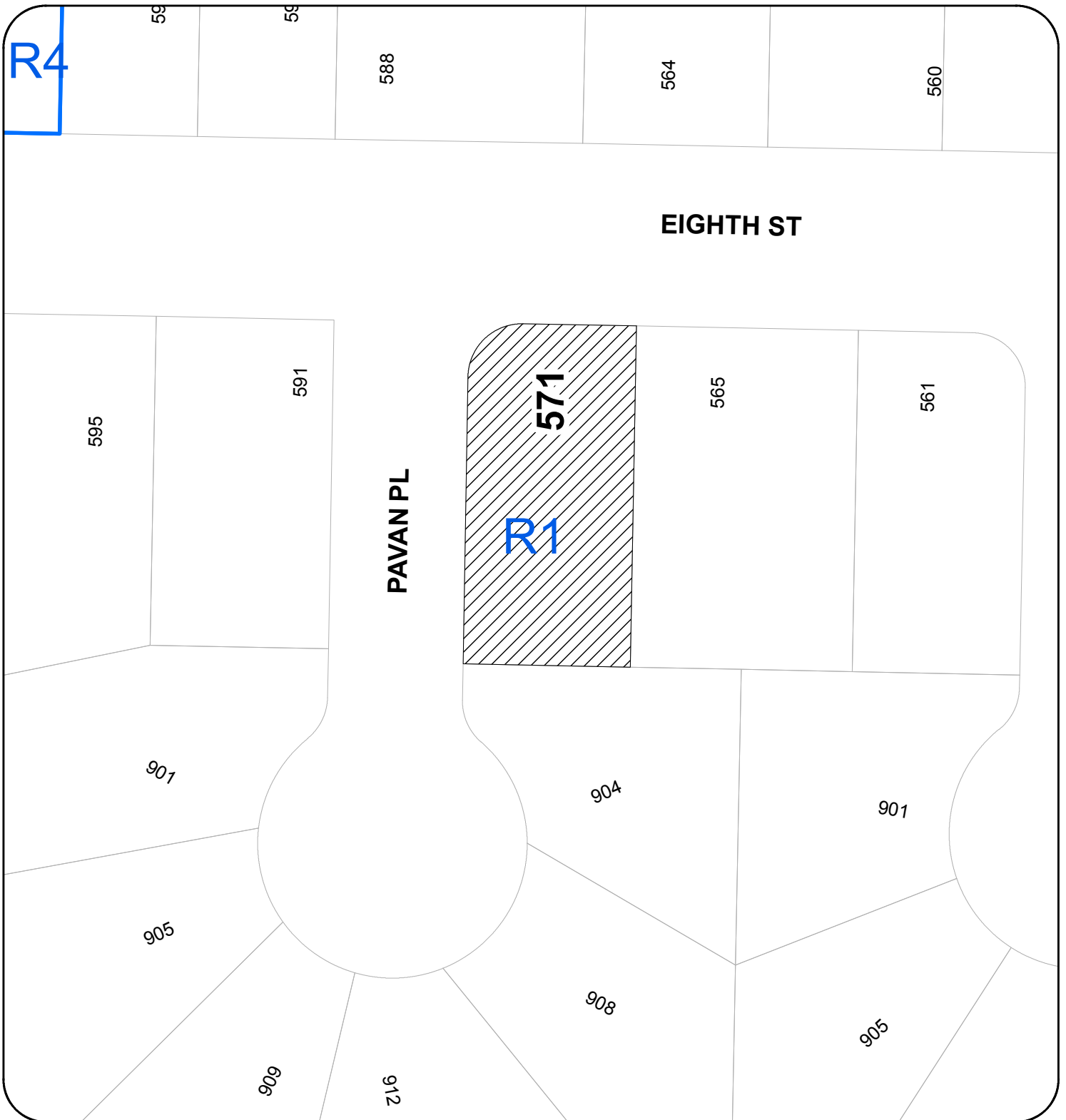
Purpose: Zoning Bylaw No. 4500 requires a minimum flanking side yard setback of 4.0m in the R1 zone. The applicant is requesting a flanking side yard setback of 3.6m in order to construct a proposed front porch on the front of an existing non-conforming single residential dwelling. This represents a variance of 0.4m.

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 flanking side yard setback of 4m 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 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-OCT-04 to 2019-OCT-17 inclusive. Questions, comments, or written submissions can also be sent by email to: planning@nanaimo.ca

LOCATION PLAN



BOARD OF VARIANCE NO. BOV00727

LOCATION PLAN

CIVIC: 571 EIGHTH STREET

LEGAL: LOT 1, SECTION 12, RANGE 7, NANAIMO DISTRICT, PLAN 35017



SUBJECT PROPERTY

**B.C. LAND SURVEYOR'S CERTIFICATE OF
LOCATION OF HOUSE ON LOT 1, PLAN 35017,
SECTION 1, NANAIMO DISTRICT.**

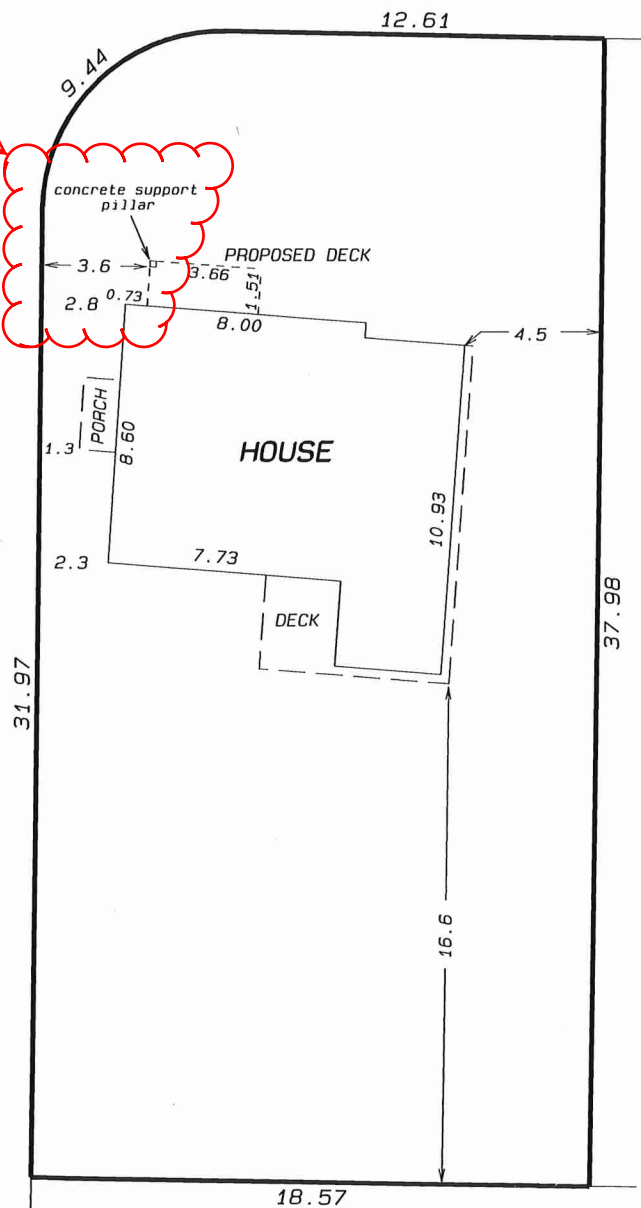
SCALE = 1: 250

All distances are in metres.

LOCATION OF
PROPOSED
FLANKING SIDE
YARD SETBACK
VARIANCE

EIGHTH STREET

PAVAN PLACE



RECEIVED
B55787
SEP 24 2019
CITY OF NANAIMO
COMMUNITY DEVELOPMENT

Bennett Land Surveying Ltd.®

B.C. Land Surveyors & Planners
Nanaimo, B.C.

Date: September 20, 2019.

File: 5-NM-1-22

Certified Correct

B.C.L.S.

This document is not valid unless
originally signed and sealed.

Ron McFadyen

September 18, 2019

Board of Variance
City of Nanaimo Community Development
Planning and Design Section
411 Dunsmuir Street, Nanaimo, BC.

Dear Board members,

This letter is a request for your consideration and approval for a minor variance under section 911(5) pertaining to pending permit BP125652. Please see attached segment of plan submitted for the addition of a small veranda to the front of our existing home and adjoining an existing front porch. The purpose of the proposed veranda is to improve the appearance and function of our modest home. Plans submitted will indicate the veranda roof to be 18 inches inside the corner boundary of the existing house. Roof support post foundation has been poured 32 inches from corner boundary of the house and fully complies with city specifications. Concrete pad/floor has been completed. This variance is to allow the addition of veranda roof and allow proper positioning of the corner support post onto the awaiting post foundation. I have been informed that the post would need to be moved 32" to allow for zoning bylaw setback. Please see the report and plans attached.

The setback line as indicated on modified survey report attached will indicate that the setback was likely altered after the construction of our neighboring subdivision Pevan Place in 2012 and has encroached the property on which our house was built in 1989. The setback details (if it were known to the previous owner) was not disclosed to me at time of purchase in 2016. This setback now also overlaps our proposed veranda roof by 0.4m or 18 inches. Thus, the issue.



To comply with this setback will result in undue hardship in several ways.

- a. The present setback after being moved to extend over my property in or around 2012 has resulted in my home/existing dwelling to now be legal non-conforming.
- b. The setback now restricts my efforts to upgrade or renovate the exterior of my modest Harewood home which is in much need of rejuvenation
- c. The complex process of moving the roof support post would require breaking up the existing concrete veranda pad and post footing, relocating and re-pouring the post footing and re-pouring the concrete pad. This would result in considerable labor, major time delays, materials needed, and materials wasted.
- d. Without the variance, the veranda would be reduced in length resulting in considerable loss of function and would be asymmetrical to the front of the house greatly impacting the appearance.

I respectfully request a variance of 32 inches or 0.81m to allow work to continue with our project and to allow my permit to be approved as per plans submitted. This file is currently on hold with Building Official Mr. Tim Warner.

I would be pleased to provide any additional information you may require.

Thank you for your consideration in this matter.

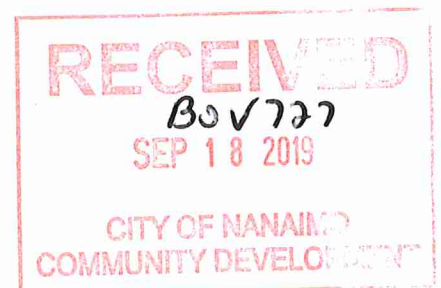
Sincerely,



Ron McFadyen RRT, CRE.



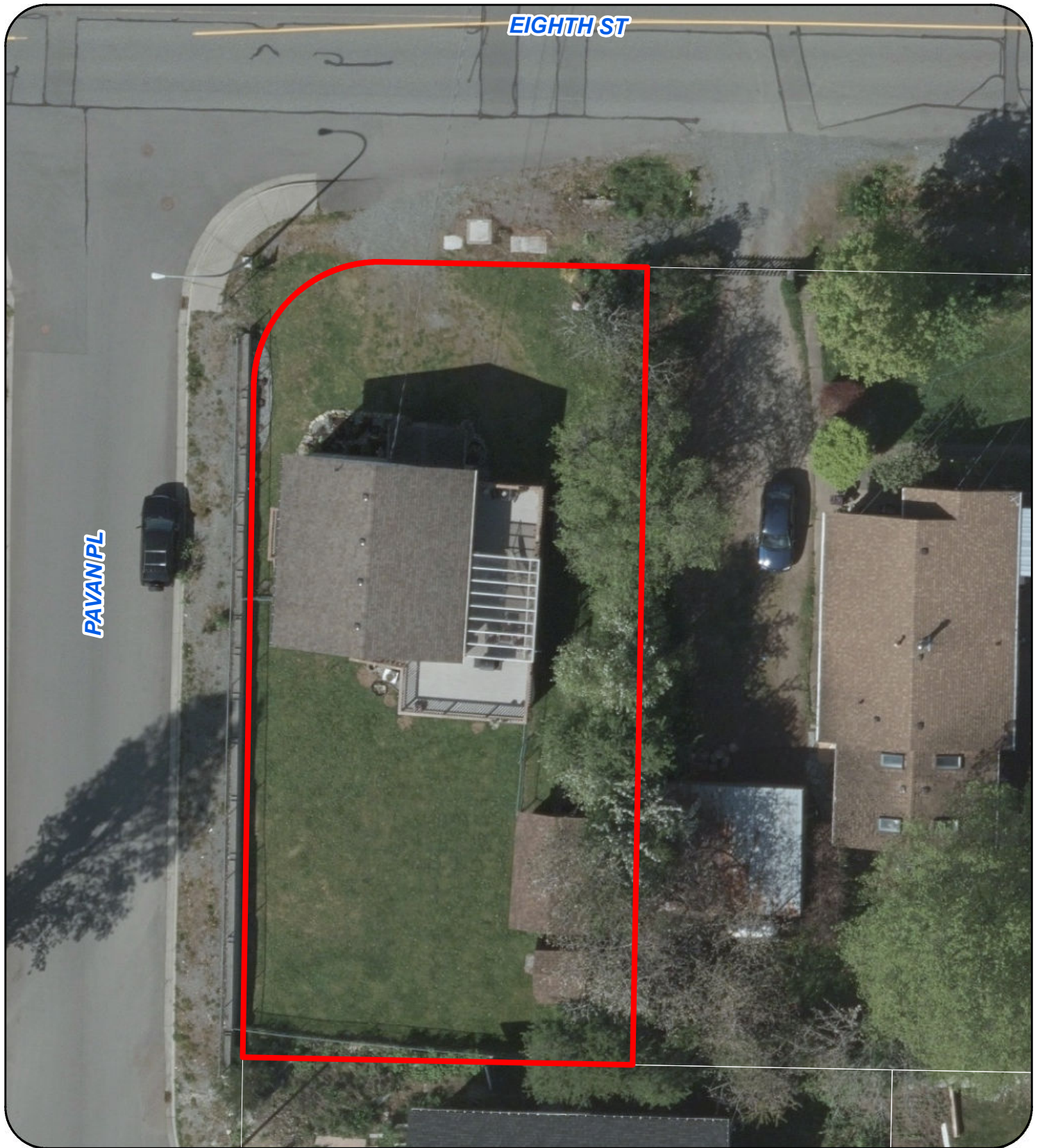
SUPPORT POST FOOTING
- BACK FILLED



NAVALMO, BC
FILE # BP 125652

11

AERIAL PHOTO



BOARD OF VARIANCE APPLICATION NO. BOV00727



571 EIGHTH ST



COMMUNITY DEVELOPMENT

BOARD OF VARIANCE

NOTICE OF MEETING

A meeting of the Board of Variance will be held on Thursday, 2019-OCT-17, 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: **BOV00728**

Applicants: Keene Anderson (Anderson Greenplan Ltd.)

Civic Address: 311 Woodhaven Drive

Legal Description: Strata Lot 157, 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 a minimum side yard setback of 1.5m and minimum front yard setback of 4.5m in the R1 zone. Steps and landings are permitted to project up to 2m into the front yard setback. The applicant is requesting the following variances in order to legalize a non-conforming exterior staircase:

- To allow a side yard setback of 0.6m from the west property line. This represents a variance of 0.9m.
- To allow steps or landing to project 2.6m into the front yard setback. This represents a variance of 0.6m

Zoning Regulations: Single Family Residential – R1. The applicant requests two variances to the “City of Nanaimo ZONING BYLAW 2011 NO. 4500”:

Section 6.5.1 – Projections into Yards

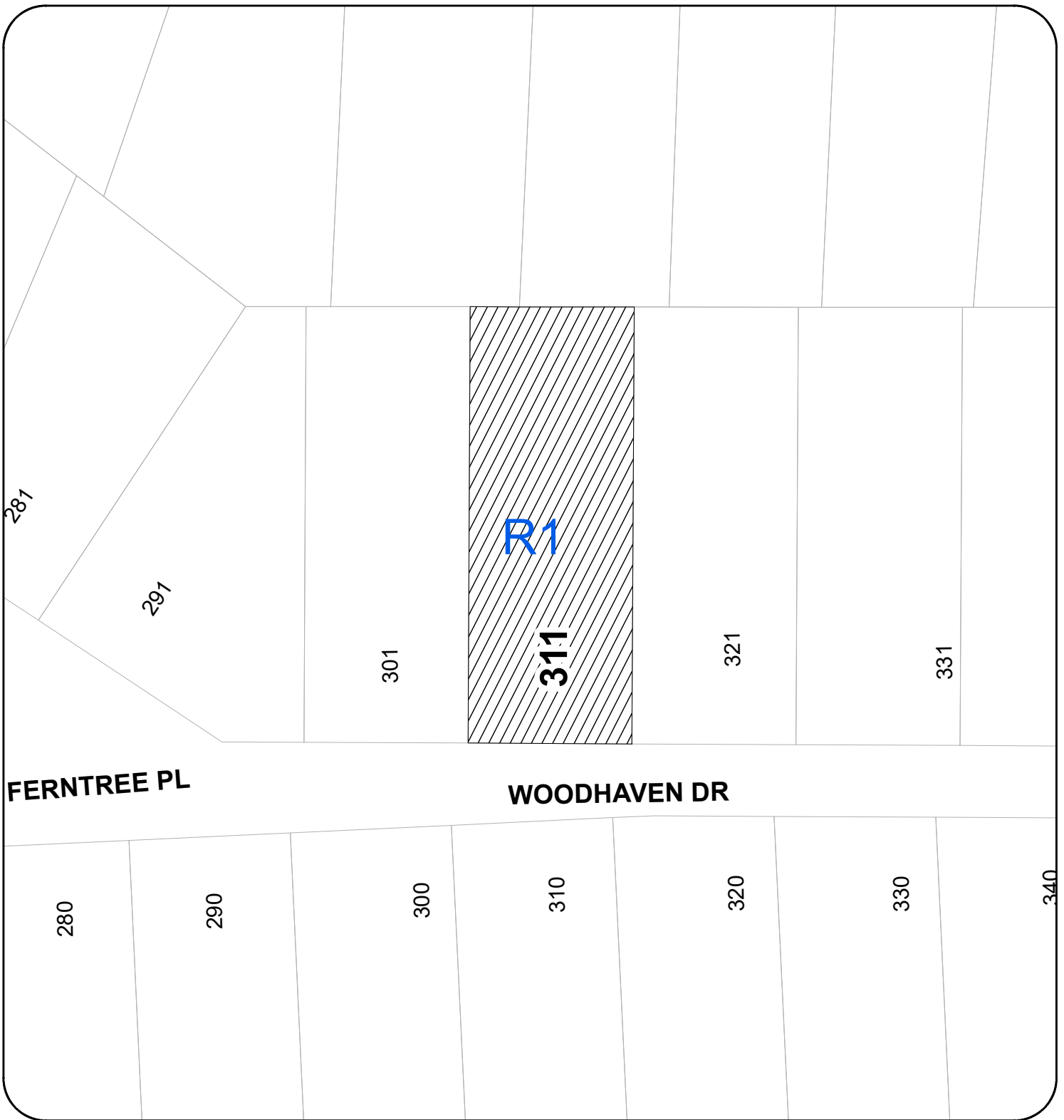
Steps and landings may project up to 2m into the front yard

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 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-OCT-04 to 2019-OCT-17 inclusive. Questions, comments, or written submissions can also be sent by email to: planning@nanaimo.ca

LOCATION PLAN



BOARD OF VARIANCE NO. BOV00728

LOCATION PLAN

CIVIC: 311 WOODHAVEN DRIVE
LEGAL: STRATA LT 157, SEC 5, LD 58, STRATA PLN 830



SUBJECT PROPERTY

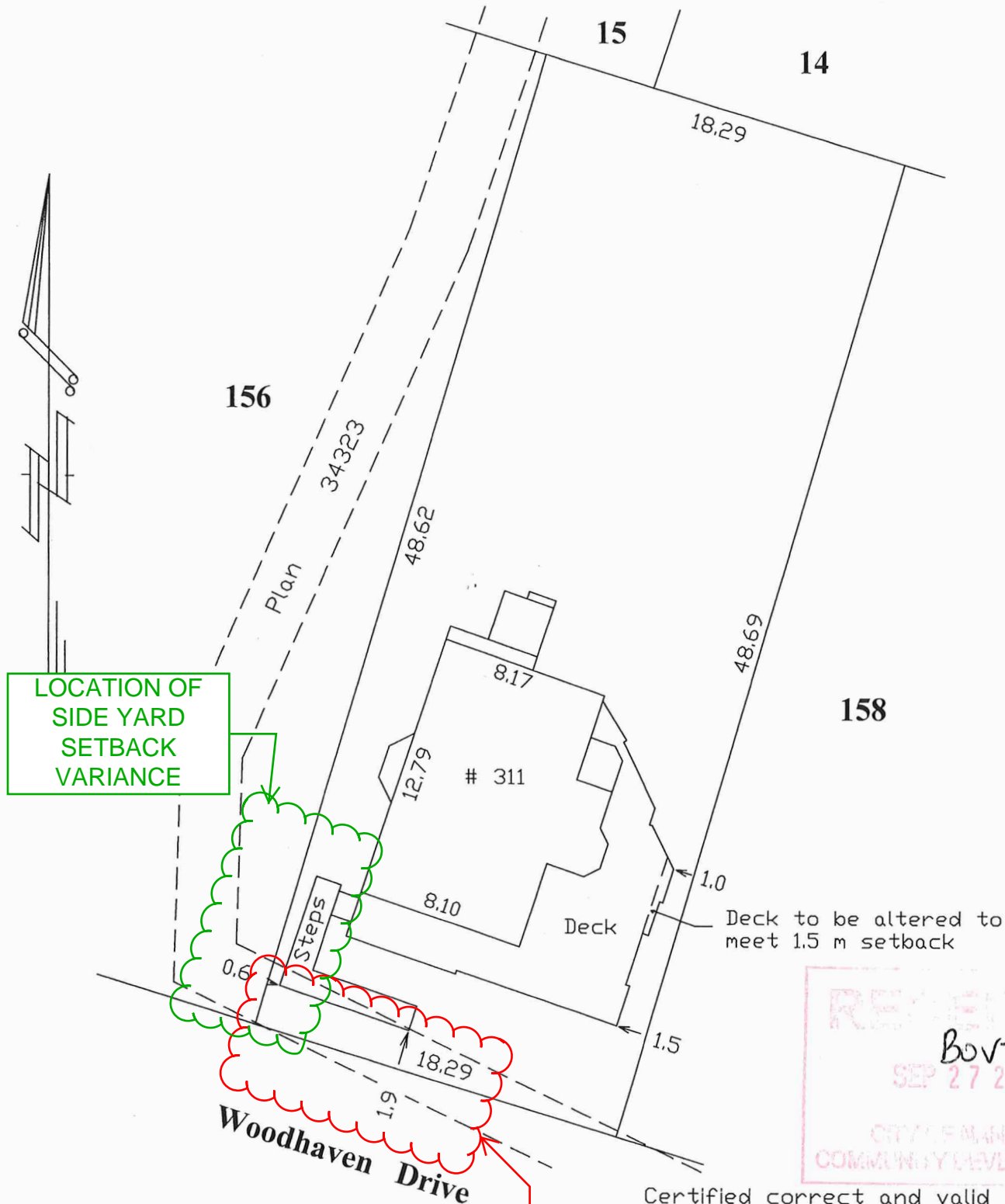
Surveyor's Certificate On:

Lot 157, Section 5,

Wellington District, Strata Plan 830

Scale 1:300

All distances in metres



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

**LOCATION OF
FRONT YARD
PROJECTION
VARIANCE**

Certified correct and valid only
in respect to improvements as
shown and located on the 12th
day of September, 2019

B.C.L.S.

September 27, 2019
City of Nanaimo
Board of Variance

Board of Variance Application

311 Woodhaven Drive
Lot 157, Section 5, Wellington District, Strata Plan 830

Please accept this letter and the attached material as the basis for a Board of Variance request for a front and side yard variance on the above noted property. A survey by T.G. Hoyt (BCLS), dated September 12, 2019 was undertaken to identify the location of the existing stairs and landings that were recently built without a permit and assessed a Stop Work Order. At this time, it was determined that the existing stairs and landings were only 1.9m from the front yard property line and 0.6m from the side yard property line (See attached BCLS). This is insufficient to meet the current setback requirements of Bylaw 500. The front yard setback is 4.5m but there is an exemption for stairs to project 2m into that setback making our setback requirement 2.5m. The side yard setback is 1.5m. The purpose of this variance request is to seek a legal allowance for a 0.6m variance to the front yard setback and a 0.9m variance to the side yard setback.

The home was originally built in 1992 with the only access by way of stairs and landings providing safe passage to the home. It is recognized that the features of this steep rocky sloped area of town provide inherent issues with access and parking. To the best of my knowledge, a variance wasn't required when the initial set of steps were built, however they didn't meet the setbacks (of today) at the time. More than 20 years, and a couple of owners later, my client purchased the home. What we believe to have been the original staircase was now showing signs of rot. When it was financially feasible, she spoke with a recommended contractor that would help her rebuild her access. Unfortunately, the proper permits were not retained and the contractors proceeded. The stair layout was adjusted slightly but the bearing was retained and the proximity to setback situation wasn't made worse.



Photo 1 – front view of the property

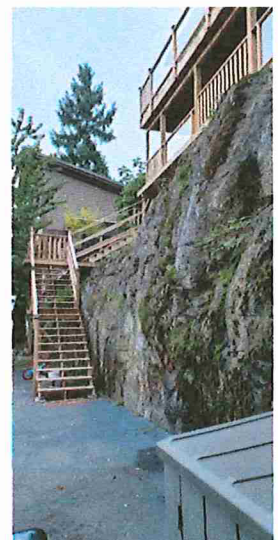
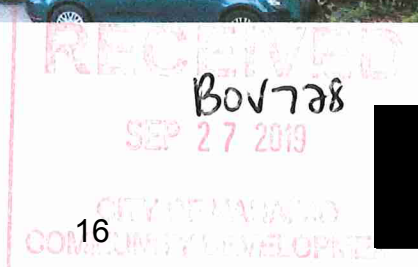


Photo 2 – view of front rock slope



Our rationale to support the variance request is to acknowledge that our undue hardship is created by the challenging topography and that the previous access was allowed within the front and side yard setbacks. The original construction has essentially determined the access and alterations now would be challenging, costly and would very likely compromise an already difficult parking situation.

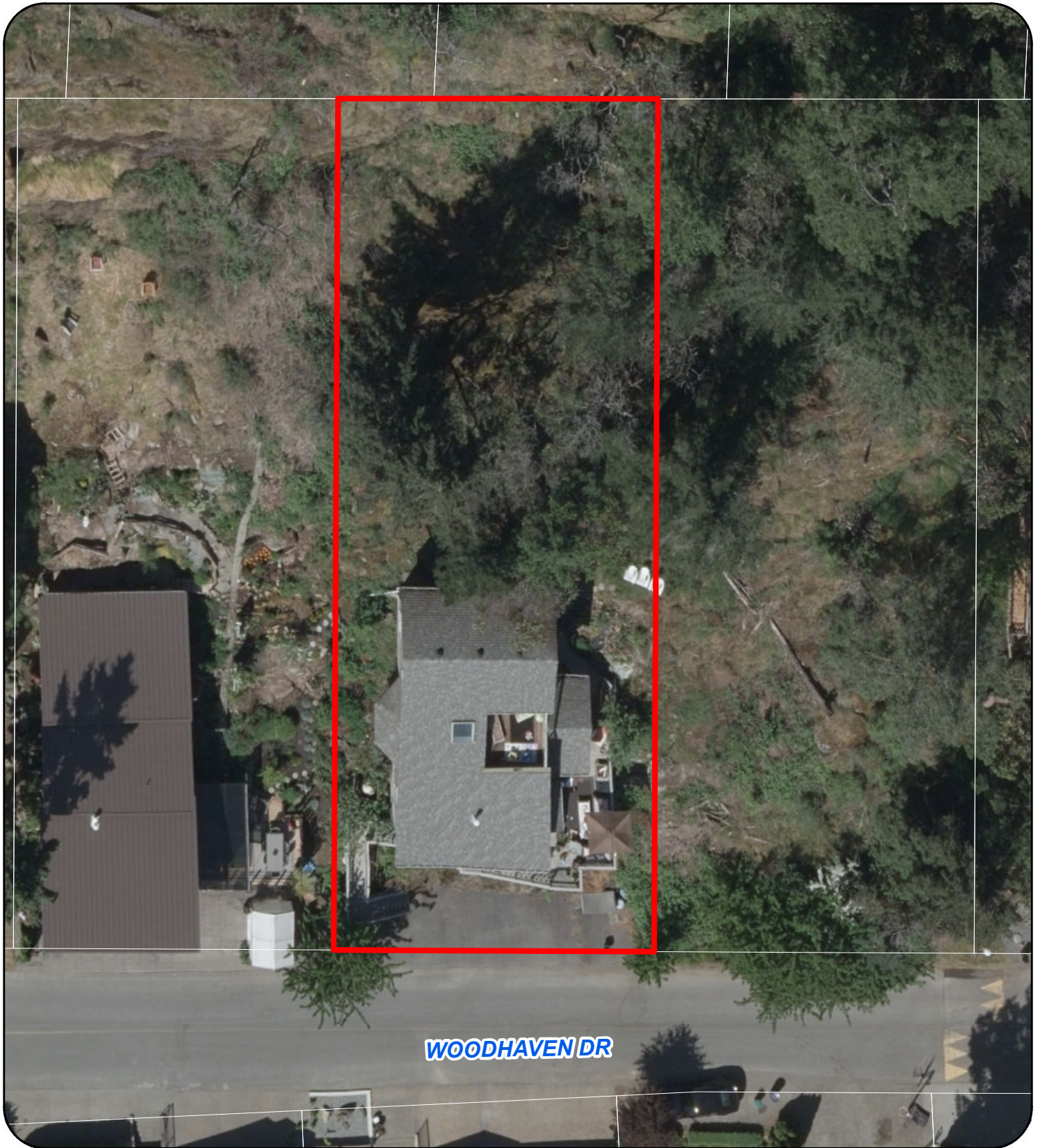
We trust the information provided in this application is sufficient to allow the volunteers of the Board of Variance the insight to rule on this application and that if any further questions pertinent to this decision are required, we will be happy to respond on the date of the BOV review. We respectfully seek your support for this setback relaxation in order to utilize an existing engineered foundation.

Regards

Keene Anderson,
Anderson Greenplan Ltd.

Agent for [REDACTED]

AERIAL PHOTO



BOARD OF VARIANCE APPLICATION NO. BOV00728



 311 WOODHAVEN DRIVE