



AGENDA
BOARD OF VARIANCE MEETING

January 16, 2020, 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 Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo BC, on Thursday, 2019-OCT-17 at 5:30 p.m.

5. **PRESENTATIONS:**

a. **Board of Variance No. BOV730 - 210 Woodhaven Drive**

6 - 12

Legal description: Strata Lot 205, 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 a variance to allow perimeter wall heights of 12.0m on the rear and east internal side yard elevations.

Zoning Bylaw No. 4500 (7.6.1) permits a perimeter wall height up to 9.14m on rear and internal side yard elevations.

b. **Board of Variance No. BOV731 - 740 Haliburton Street**

13 - 17

Legal description: Lot 19, Section 1, Nanaimo District, Plan 1875

The applicant is requesting a south side yard setback of 0.5m in order to legalize the setback of an existing non-conforming house.

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
BOARDROOM, SERVICE AND RESOURCE CENTRE
411 DUNSMUIR STREET, NANAIMO, BC
THURSDAY, 2019-OCT-17 AT 5:30 P.M.

PRESENT: Members: Jessica Kaman, Chair
 Ron Nadeau
 Nelson Allen

 Absent: Allan Dick
 Kenneth 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 5:33 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 in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Thursday, 2019-SEP-19, be adopted as circulated. The motion carried unanimously.

4. PRESENTATIONS:

(a) Board of Variance No. BOV727 - 571 Eighth 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 flanking side yard setback from 4.0m to 3.6m at 571 Eighth Street in order to construct a proposed front porch on the front of an existing non-conforming single residential dwelling.
- The applicant, Mr. Ronald Eldon McFadyen, spoke to the rationale for the application. He gave a brief history of the issue, including discussions with the City’s Building and Planning departments around the requirement for a variance. He stated that the existing dwelling is non-conforming due to a road being developed beside his property, which changed the side yard in to a flanking side yard.

- Discussion took place regarding the definition of a flanking side yard.
 - Ms. Lainy Nowak responded that a flanking side yard is created on a corner lot where the front and side lot lines both abut a street.
 - A question regarding the no-conformity was asked.
 - Mr. Caleb Horn then responded that the non-conformity may have been created through the adjacent subdivision.
- The applicant was asked if a Building Permit has been approved for the proposed porch.
 - The applicant stated that a Building Permit has not yet been issued, however he has already poured the concrete footing for the porch.
- There was some discussion by the Board regarding the character of the porch and its benefit towards the aesthetic of the house and positive impact on the neighbourhood.
- The Board discussed the requested variance and demonstration of undue hardship.

It was moved and seconded that application BOV727 for 571 Eighth Street to vary the provisions of “City of Nanaimo Zoning Bylaw 2011 No. 4500” in order to vary the flanking side yard setback in the R1 zone from 4.0m to 3.6m in order to construct a proposed front porch on the front of an existing non-conforming single residential dwelling be approved. The motion carried unanimously.

(b) Board of Variance Application No. BOV728 – 311 Woodhaven Drive

- Ms. Jessica Kaman read the application requesting to vary the provisions of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” in order to reduce the side yard setback from 1.5m to 0.6m from the west property line and increase the allowance of steps or landings to project 2.0m to 2.6m into the front yard setback in order to legalize a non-conforming exterior staircase on the property located at 311 Woodhaven Drive.
- Mr. Keene Anderson (Anderson Greenplan Ltd.) discussed the history of the house. The stairs were added in 1992 to provided access to the house because it is a very steep lot in Long Lake Heights. He stated that at the time, the stairs were conforming to setback requirements. A new staircase has been constructed in the same location but requires a variance, as it no longer complies with the Zoning Bylaw.
- Discussion took place regarding the survey.
 - The Applicant explained that a survey was not required when the house was designed in 1992; however, a BCLC was recently completed to confirm the location of the stairs.
- Discussion took place regarding the replacement stairs were built to code.
 - The Applicant confirmed that they were not built to code and that a structural engineer will be involved and new stairs will be built.
- Discussion took place regarding the location of the existing non-conforming stairs would change.
 - The applicant confirmed that the location would not change.
- Discussion took place regarding any negative affect on the neighbours if the stairs were rebuilt in the existing location.
 - Discussion on the character of the neighbouring properties took place regarding the steep grade in Long Lake Heights. A comment was made that many of the properties require a large staircase for access.
- A question was asked about the implications on the strata.

- Mr. Caleb Horn responded that Long Lake Heights is a bare land strata, which only regulates the land, not the buildings.
- Ms. Lainy Nowak added that the strata was sent a notification of the variance due to statutory requirements.
- The Board discussed the requested variance and demonstration of undue hardship.

It was moved and seconded that application BOV728 for 311 Woodhaven Drive to vary the provisions of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” to legalize a non-conforming exterior staircase for 311 Woodhaven in order to allow a side yard setback of 0.6m from the west property line and to allow steps or landings to project 2.6m into the front yard setback. The motion carried unanimously.

5. ADJOURNMENT:

It was moved and seconded at 6:09 p.m. that the meeting terminate. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER



BOARD OF VARIANCE

NOTICE OF MEETING

A meeting of the Board of Variance will be held on Thursday, 2020-JAN-16, at 5:30pm in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC to hear the following appeal:

APPEAL NO: BOV00730

Applicants: Rick and Susan Andrew

Civic Address: 210 Woodhaven Drive

Legal Description: Strata Lot 205, 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 permits a perimeter wall height up to 9.14m on rear and internal side yard elevations in the R1 zone. The applicant is requesting a variance to allow perimeter wall heights of 12.00m on the rear and east internal side yard elevations. This represents a variance of 2.86m for each elevation.

Zoning Regulations: Single Family Residential – R1. The applicant requests a variance to the “City of Nanaimo Zoning Bylaw 2011 No. 4500”:

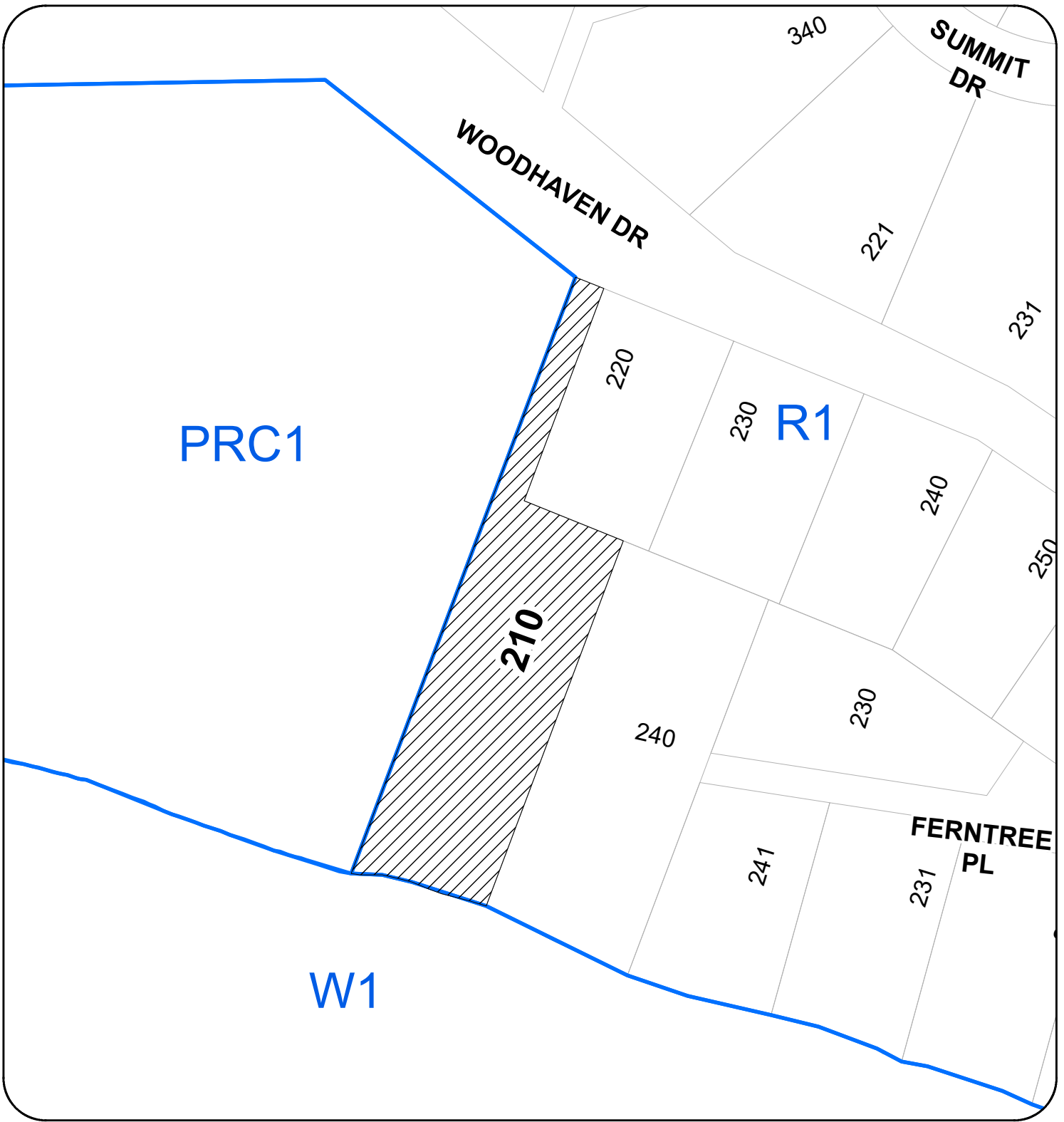
Section 7.6.6 – Size of Buildings

Notwithstanding Subsection 7.6.1, the maximum perimeter wall height may be increased on rear and internal side yard elevations to a maximum of 9.14m, provided:

- (a) any rear wall face over 7.32m in height is a maximum of 10m from the rear property line;*
- (b) no wall face over 7.32m in height shall exceed 7.32m in width and must be offset by a minimum of 0.61m from any adjacent wall over 7.32m in height; and*
- (c) any eave or gable end associated with a wall face over 7.32m in height must not exceed 8.53m in width and must be offset by at least 0.61m from any adjacent eave or gable end which is associated with any adjacent wall face over 7.32m in height.*

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 (x4220), during normal business hours, Monday to Friday, excluding statutory holidays, from 2019-JAN-06 to 2019-JAN-16 inclusive. Questions, comments, or written submissions can also be sent by email to: planning@nanaimo.ca

LOCATION PLAN



BOARD OF VARIANCE NO. BOV00730

LOCATION PLAN

CIVIC: 210 WOODHAVEN DRIVE
LEGAL: STRATA LT 205, SEC 5, LD 58, STRATA PLN 830



SUBJECT PROPERTY

SCALE : 1:250



(ALL DIMENSIONS ARE IN METRES)

LEGEND

- △ DENOTES TRAVERSE HUB SET
- DENOTES STANDARD IRON POST FOUND
- ⊙ DENOTES STANDARD CONCRETE POST FOUND
- ☼ DENOTES TREE

DATE OF SURVEY: MARCH 18, 2016 AND SEPTEMBER 24, 2019

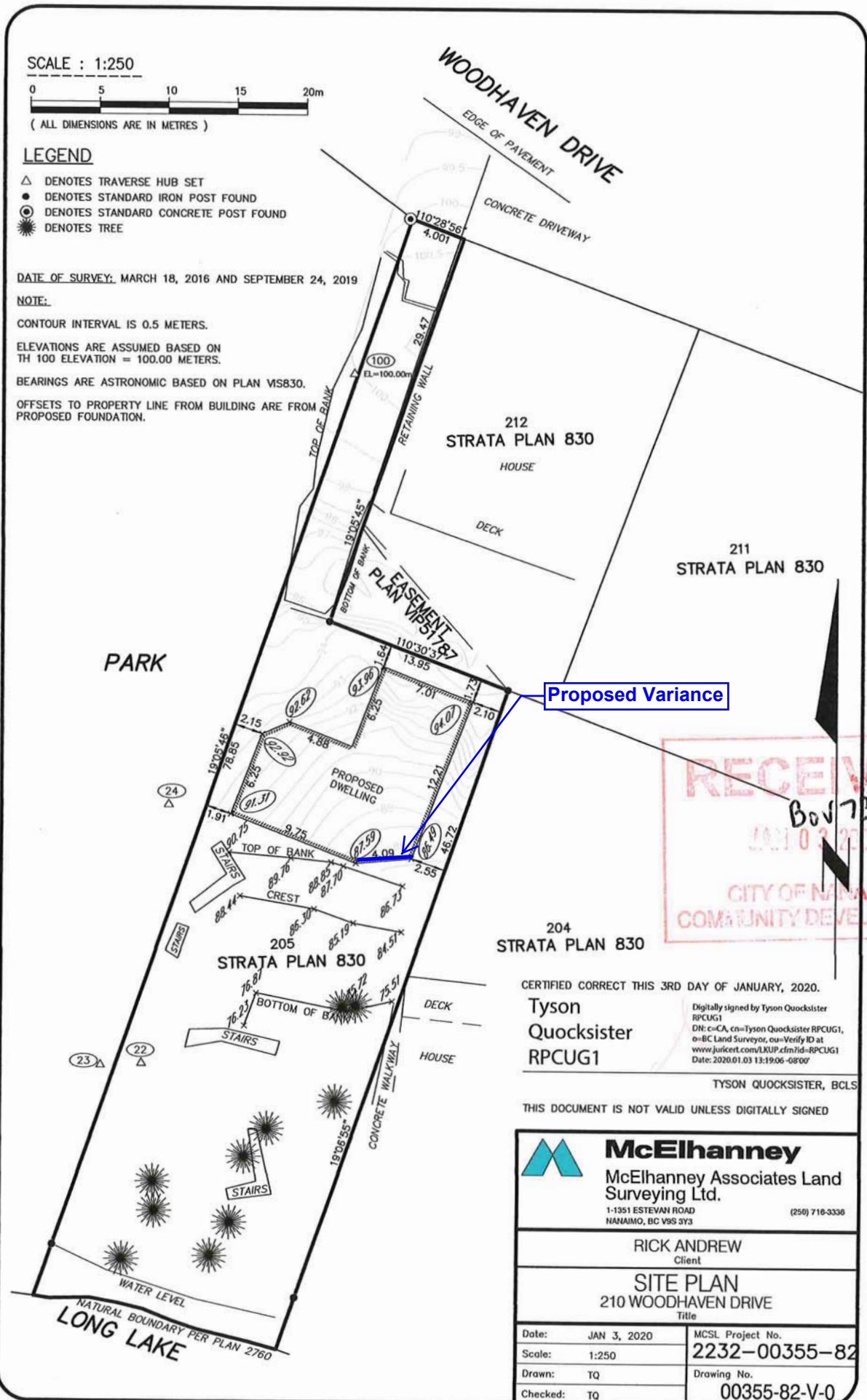
NOTE:

CONTOUR INTERVAL IS 0.5 METERS.

ELEVATIONS ARE ASSUMED BASED ON TH 100 ELEVATION = 100.00 METERS.

BEARINGS ARE ASTRONOMIC BASED ON PLAN VS830.

OFFSETS TO PROPERTY LINE FROM BUILDING ARE FROM PROPOSED FOUNDATION.



Proposed Variance



204 STRATA PLAN 830

CERTIFIED CORRECT THIS 3RD DAY OF JANUARY, 2020.

Tyson Quocksister RPCUG1

Digitally signed by Tyson Quocksister
 RPCUG1
 DN: c=CA, cn=Tyson Quocksister RPCUG1,
 o=BC Land Surveyor, ou=Verify ID at
 www.juricert.com/LKUP.dfm?id=RPCUG1
 Date: 2020.01.03 13:19:06 -0800

TYSON QUOCKSISTER, BCLS

THIS DOCUMENT IS NOT VALID UNLESS DIGITALLY SIGNED

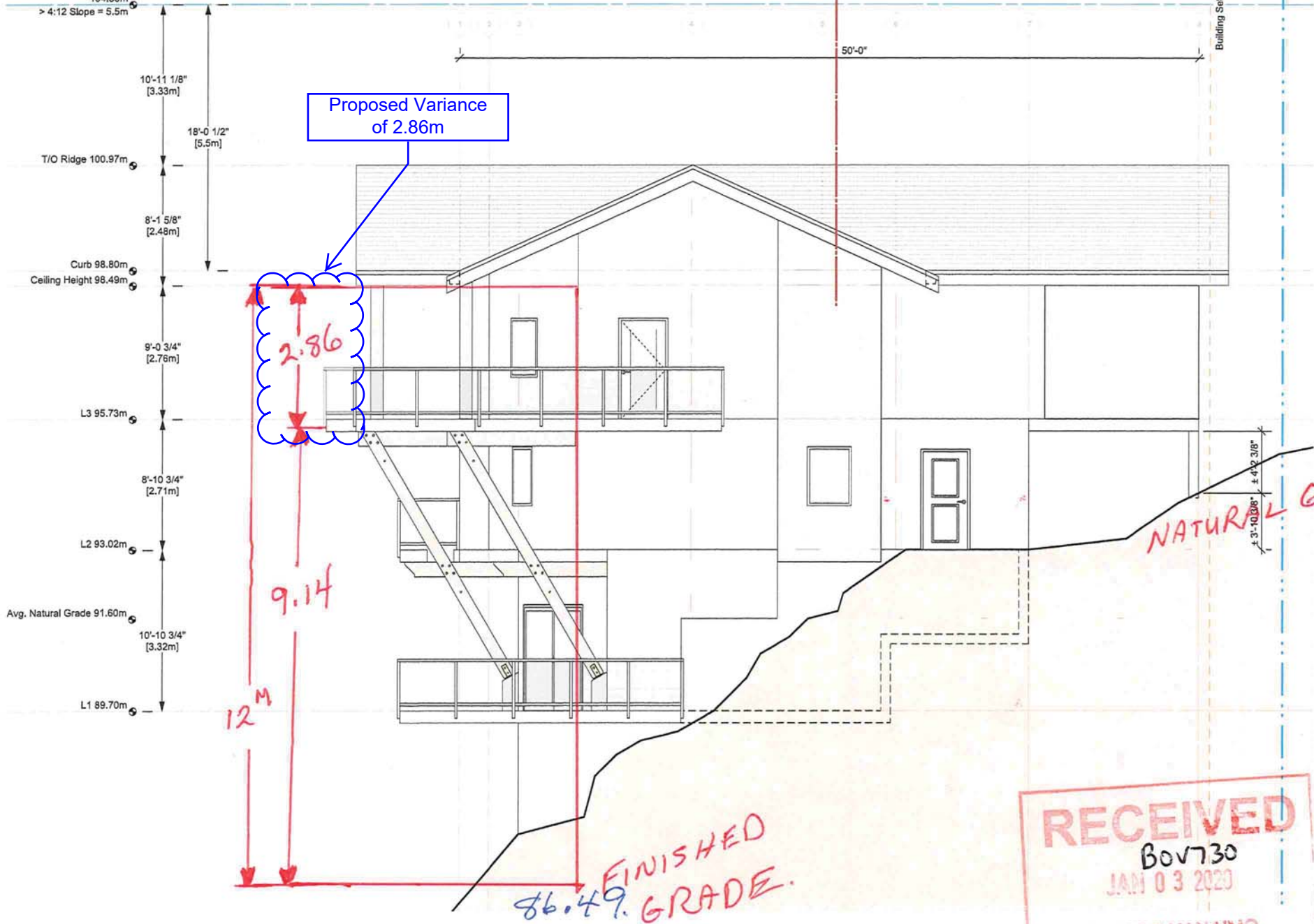
McElhanney
 McElhanney Associates Land Surveying Ltd.
 1-1351 ESTEVAN ROAD
 NANAIMO, BC V9S 3Y3 (250) 710-3336

RICK ANDREW
Client

SITE PLAN
210 WOODHAVEN DRIVE
Title

Date:	JAN 3, 2020	MCSL Project No.	2232-00355-82
Scale:	1:250	Drawing No.	00355-82-V-0
Drawn:	TQ	Checked:	TQ

b Method; Max Bldg. Height
104.30m
> 4:12 Slope = 5.5m



East Elevation
Scale: 3/16" = 1'-0"



NATURAL GRADE.

Proposed Variance of 2.86m

2.86

12'

9.14

86.49 FINISHED GRADE

2 South Elevation
Scale: 3/16" = 1'-0"



December 16, 2019

Re: Strata Lot 205, section 5, LD 58, Strata plan 830

We are requesting a perimeter wall height variance of 12 meters on the above mentioned property as we are experiencing a severe hardship trying to build on the lot because of the difference in the elevations from one side of the property to the other. We have tried to design a plan that fits the contours of the property.

There is an existing driveway into the property. From the driveway there is a 5 meter drop to the north side of the proposed home which will end up with approximately a 20% grade driveway to the front of the home. The difference in elevation from the north side of the garage to the southeast corner is 8 meters. There is an approximate 6 meter section that is on an angle shown on the plan in the southeast corner, this section steps up along the east side. In order to build on the property we are requesting an additional 2.86 meters at the southeast corner added to the 9.14 meter allowable perimeter wall height bringing the requested height to 12 meters.

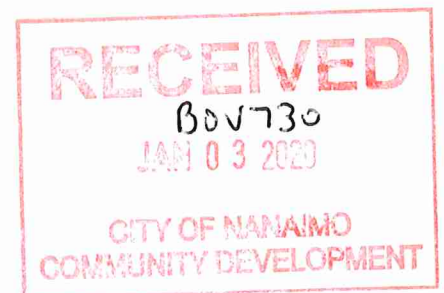
The variance is needed as in order to get to good quality rock in the southeast corner to build on more rock than anticipated had to be removed causing a deep hole. A foundation wall will be built where the excess depth is then back filled and a cement floor poured on top of it. That cement wall will cantilever out 8 feet as a deck.

We thank you for your consideration of this request.

Rick and Susan Andrew

1

11



AERIAL PHOTO



BOARD OF VARIANCE APPLICATION NO. BOV00730



 210 WOODHAVEN DRIVE



COMMUNITY DEVELOPMENT

BOARD OF VARIANCE

NOTICE OF MEETING

A meeting of the Board of Variance will be held on Thursday, 2020-JAN-16, at 5:30pm in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC to hear the following appeal:

APPEAL NO: **BOV00731**

Applicant: Bruce McQuade

Civic Address: 740 Haliburton Street

Legal Description: Lot 19, Section 1, Nanaimo District, Plan 1875

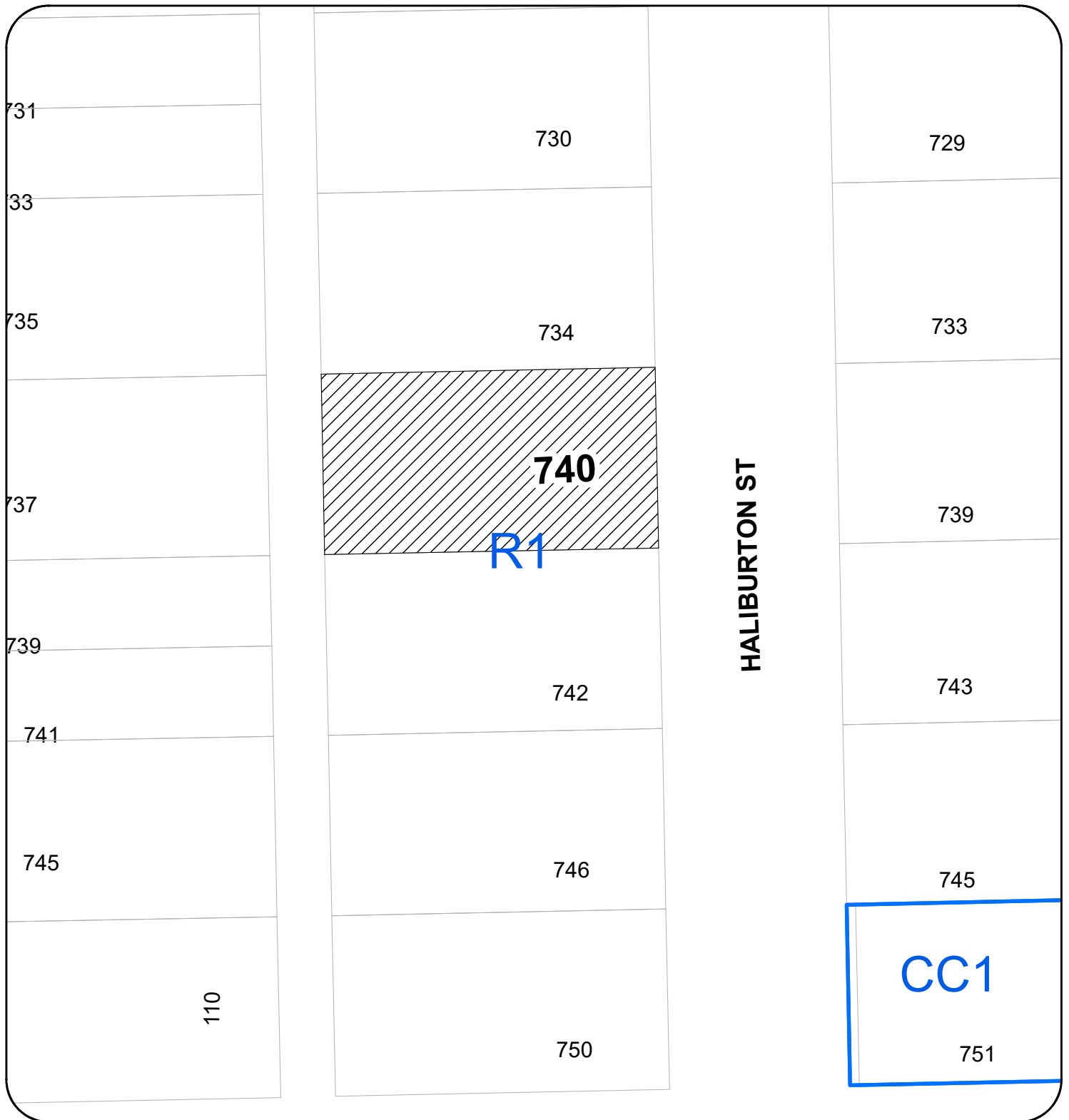
Purpose: Zoning Bylaw No. 4500 requires a minimum side yard setback of 1.5m in the R1 zone. The applicant is requesting a south side yard setback of 0.5m in order to legalize the setback of an existing non-conforming house. This represents a setback variance of 1.0m.

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 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 Development Services Department, 411 Dunsmuir Street, Nanaimo, BC, or by calling 250-755-4460 (x4220), during normal business hours, Monday to Friday, excluding statutory holidays, from 2019-JAN-06 to 2019-JAN-16 inclusive. Questions or comments can also be sent by email to: planning@nanaimo.ca

LOCATION PLAN



BOARD OF VARIANCE NO. BOV00731

LOCATION PLAN

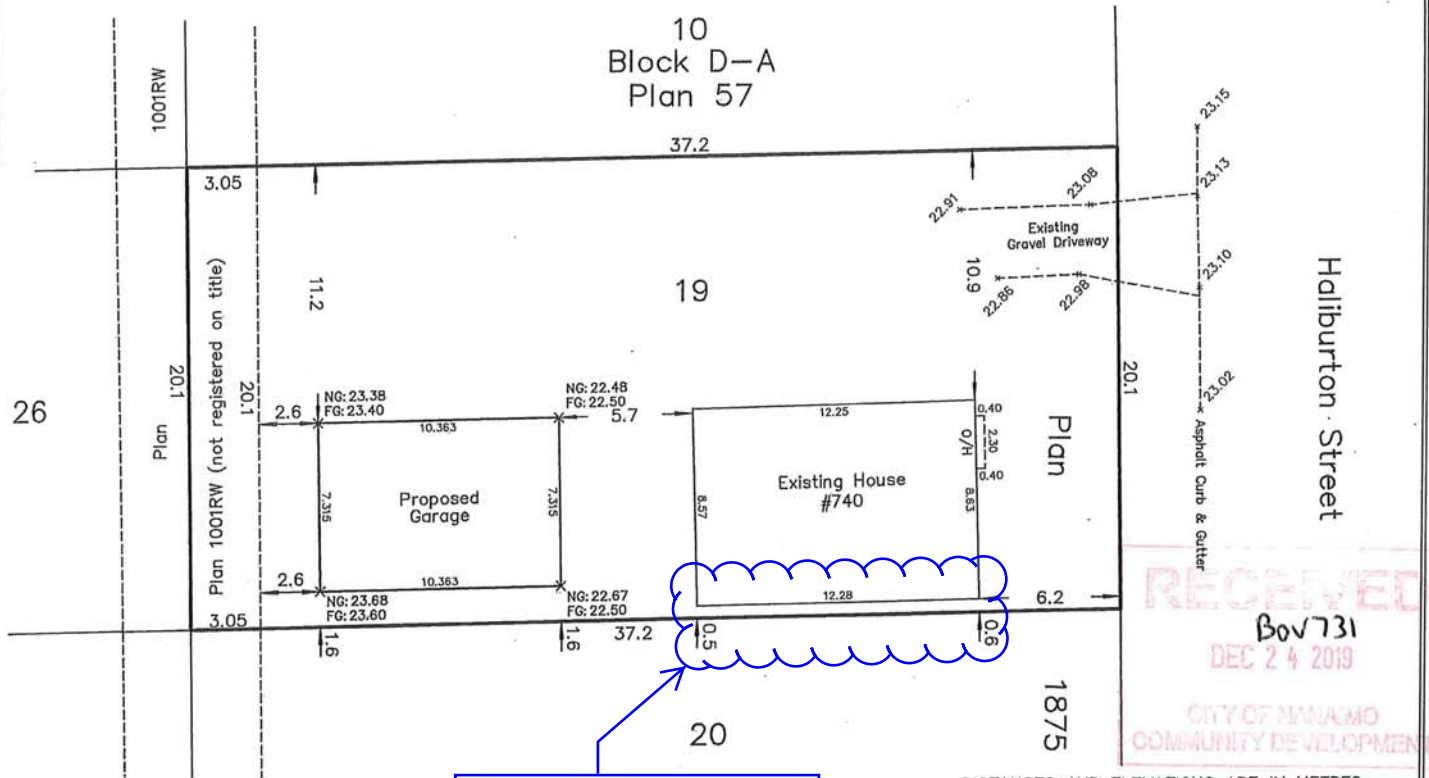
CIVIC: 740 HALIBURTON STREET
LEGAL: LOT 19, SECTION 1, NANAIMO DISTRICT, PLAN 1875



SUBJECT PROPERTY

PROPOSED BUILDING HEIGHT CALCULATION	
Average of natural grade elevations	23.05
Average finished grade	23.00
Maximum building height (R1 Zone)	4.50
Maximum building elevation	27.50
Proposed roof peak elevation	26.82
Proposed garage slab	22.55

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



NOTE:
THIS PROPERTY IS AFFECTED BY
THE FOLLOWING REGISTERED DOCUMENT:
M76301.

Proposed Variance of 1.0m

DISTANCES AND ELEVATIONS ARE IN METRES.
GEODETIC ELEVATIONS ARE DERIVED FROM
CONTROL MONUMENT 77H5099 (CVD28BC DATUM).

SITE PLAN SHOWING PROPOSED GARAGE LOCATION ON:
LOT 19, SECTION 1,
NANAIMO DISTRICT, PLAN 1875.

Certified correct this 14th day of August, 2018.

Turner land surveying™

Client: E R HOMES LTD.

Civic Address: 740 HALIBURTON STREET, NANAIMO

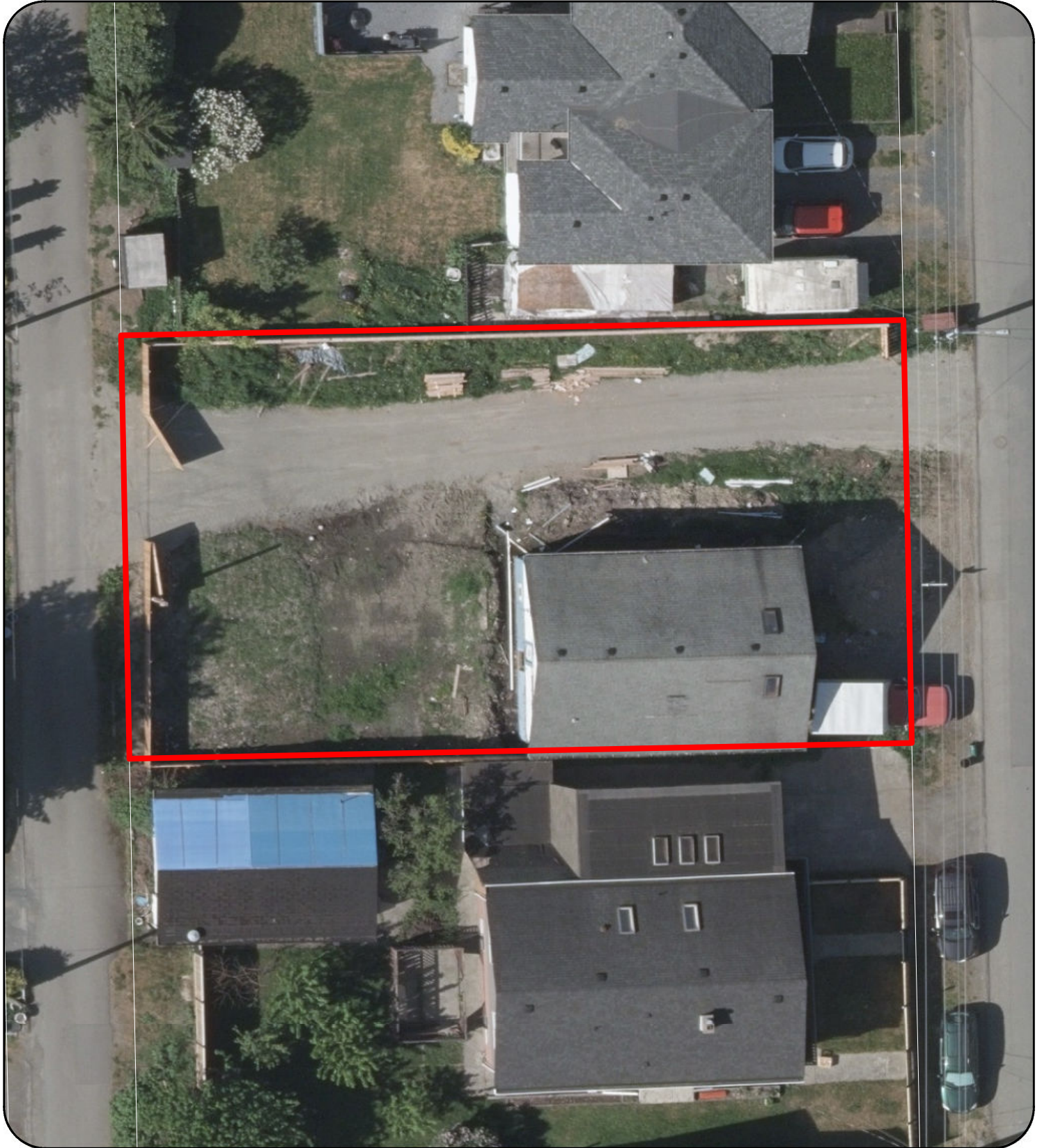
B.C.L.S.

(This document is not valid unless originally signed and sealed.)

250.753.9778
605 Comox Road
Nanaimo, BC V9R 3J4
www.turnersurveys.ca

File: 18-132 Scale: 1:250 Drawn by: DRW

AERIAL PHOTO



BOARD OF VARIANCE APPLICATION NO. BOV00731



 740 Haliburton Street

From: [REDACTED]
Subject: 740 Haliburton Street
Date: December 22, 2019 at 4:49 PM
To: To The Board OfVariances



We are performing an extensive renovation on an old 1905 house on Haliburton Street.

The scope of the work including new 2 X 6 studs for better insulation, upgrading the electrical and plumbing as well as seismic systems.

While performing the work we encountered substantial wood rot in the exterior walls sub par structural components and roof rafters that has sagged and cracking. As a rebuilt our job has turned into what the city calls a “rebuild” instead of a renovation.

As a “REBUILD” we must conform to the zoning setbacks, and because it is impossible to move the house at this point, we must

obtain a variance to Proceed Turning This Old House INTO SOMETHING BEAUTIFUL.

