



**AGENDA**  
**BOARD OF VARIANCE MEETING**

June 18, 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 - 4

Minutes of the Open Board of Variance Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Thursday, 2020-FEB-20 at 5:30 P.M.

5. **PRESENTATIONS:**

a. **Board of Variance No. BOV735 - 2032 Forest Drive**

5 - 11

Legal description: Lot 74, Section 16, Range 8, Mountain District, Plan 13235

The applicant is requesting a variance to locate a heat pump on the front face of the principal building within the subject property.

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

b. **Board of Variance No. BOV736 - 6178 McGirr Road**

12 - 17

Legal description: Strata Lot A, District Lot 25G, Wellington District, Strata Plan EPS977 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 to reduce the rear yard setback from 7.5m to 6.34m in order to construct a staircase that will project a further 2m into the rear yard setback as permitted by the Zoning Bylaw. This represents a variance of 1.16m

Zoning Bylaw No. 4500 requires a minimum rear yard setback of 7.5m in the R1 zone. Steps and landings are permitted to project up to 2m into the rear yard setback.

6. OTHER BUSINESS:

7. ADJOURNMENT:

**MINUTES**  
BOARD OF VARIANCE MEETING  
BOARDROOM, SERVICE AND RESOURCE CENTRE  
411 DUNSMUIR STREET, NANAIMO, BC  
THURSDAY, 2020-FEB-20 AT 5:30 P.M.

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

                  Staff:       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. 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, 2020-JAN-16, be adopted as circulated. The motion carried unanimously.

4.    PRESENTATIONS:

(a)   Board of Variance No. BOV733 - 616 Victoria Road

The Chair read the application requesting to vary the provisions of the "City of Nanaimo Zoning Bylaw 2011 No. 4500" in order to allow a front yard setback of 4.0m to construct an addition at 616 Victoria Road.

The property owner, Ronald Miller, spoke to the rationale for the application. He stated that the proposed addition is to add more storage capacity in the master bedroom. Due to the proximity of the house to the street, a variance is required to permit the addition on the front and side.

Discussion took place regarding:

- Additional 2.5m setback required for properties on major roads
- Location of the existing stairs
- Future works and services on Victoria Road

- Proximity of the addition to the street
- Side yard setbacks

It was moved and seconded that application BOV733 for 616 Victoria Road to vary the provisions of “City of Nanaimo Zoning Bylaw 2011 No. 4500” in order to allow a front yard setback of 4.0m to construct an addition be approved. The motion carried unanimously.

(b) Board of Variance Application No. BOV734 - 178 Bryden Street

The Chair read the application requesting to vary the provisions of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” in order to vary the rear yard setback to 4.55m in order to reconstruct and legalize the location of an existing deck.

The applicant was not present.

Discussion took place regarding:

- Height of the proposed deck
- Impact on the surrounding neighbours
- Application not having enough information
- Board of Variance process

It was moved and seconded that application BOV734 for 178 Bryden Street to vary the provisions of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” to vary the rear yard setback to from 10.50m to 4.55m in order to reconstruct and legalize the location of an existing deck be approved. The motion carried.

Opposed: *Nelson Allen*

5. ADJOURNMENT:

It was moved and seconded at 6:18 p.m. that the meeting terminate. The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

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CORPORATE OFFICER





## BOARD OF VARIANCE

### NOTICE OF MEETING

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A meeting of the Board of Variance will be held on Thursday, **June 18<sup>th</sup>, 2020, 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:** **BOV00735**

**Applicants:** RAYMOND MATTHEWS

**Civic Address:** 2032 FOREST DRIVE

**Legal Description:** LOT 74, SECTION 16, RANGE 8, MOUNTAIN DISTRICT PLAN 13235

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

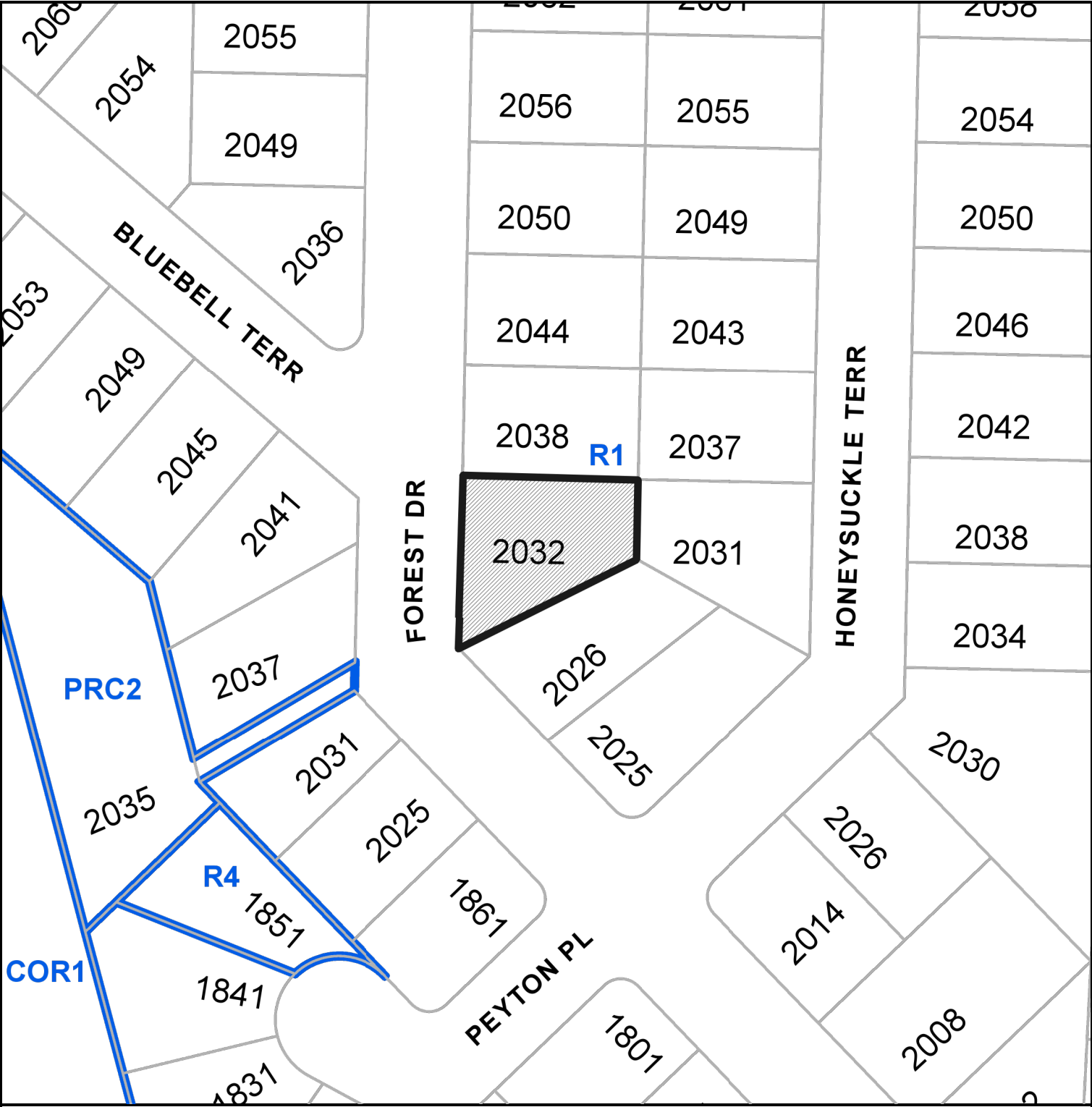
**Zoning Regulations:** Single Family Residential – R1. The applicant requests a variance to the “City of Nanaimo Zoning Bylaw No. 4500”:

*Section 6.5.2 – Projections into Yards*

*Where the principal use of the property is a single residential dwelling or duplex, heat pumps and central air conditioning units shall not be located between the front face of a principal building and the nearest front lot line, and shall not be closer than 4.5m to side lot lines or closer than 3m to rear lot lines. Heat pumps and central air conditioning units shall be screened from view from streets.*

You are being notified as an owner or tenant of land that is adjacent to land that is the subject of this application. If you deem your property is affected by the proposed variance, you will be given opportunity to be heard by the Board of Variance. In light of COVID-19, members of the public may submit comments in writing or pre-register to call-in to speak to the Board directly. Members of the public will not be allowed to attend in person. **If you wish to provide written response or call-in to speak to this application, please contact the Planning Department no later than 4:00 p.m., June 18<sup>th</sup>, 2020 by emailing [planning@nanaimo.ca](mailto:planning@nanaimo.ca) or calling 250-755-4429 (x4220).** The Board of Variance decision will apply to subsequent owners of the land.

LOCATION PLAN



BOARD OF VARIANCE APPLICATION NO. BOV00735



Subject Property

CIVIC: 2032 FOREST DRIVE

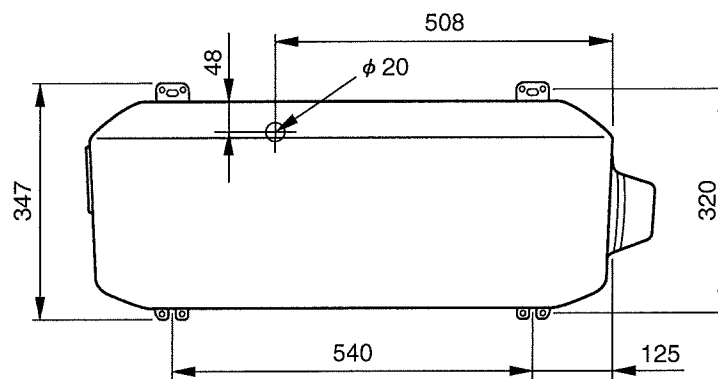
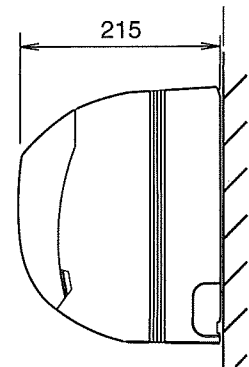
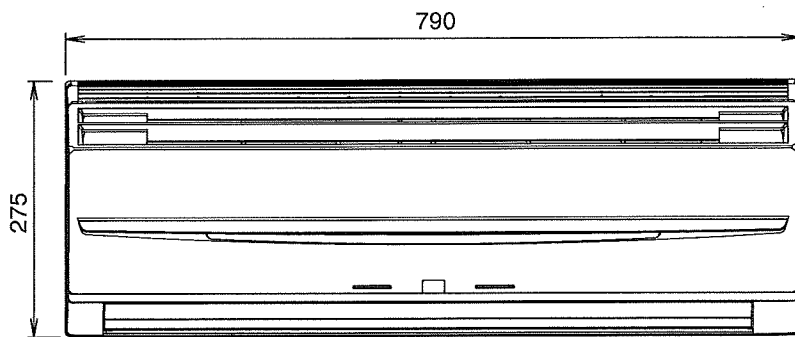
LEGAL: LOT 74, SECTION 16, RANGE 8, MOUNTAIN DISTRICT PLAN 13235



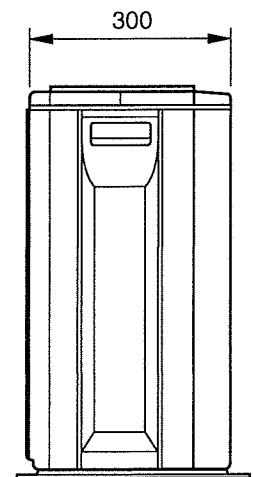
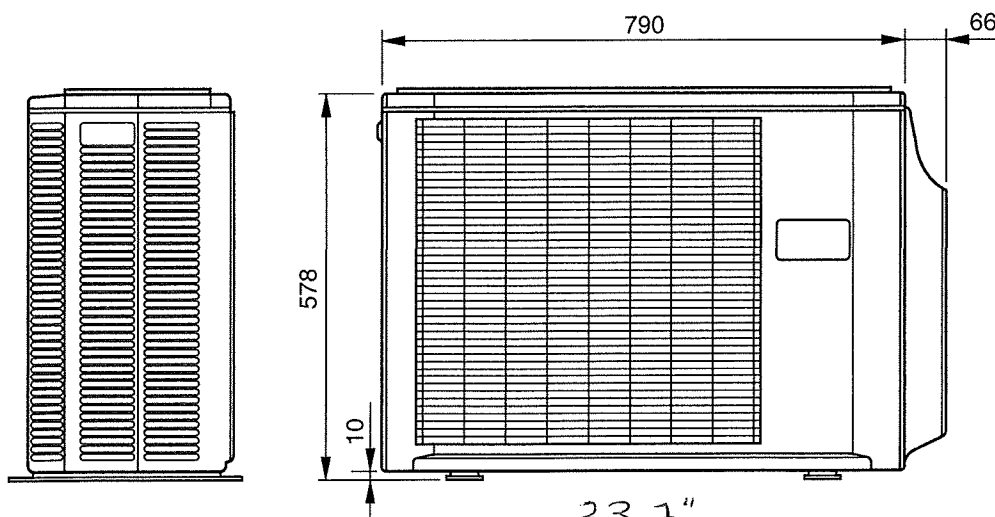
# UNIT DIMENSIONS

Models : ASU18CL / AOU18CL  
ASU18RL / AOU18RL

(unit : mm)



RECEIVED  
BOV735  
2020-MAR-09  
Current Planning



+ 4"

11.8"

= 15.8"

33.7"

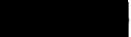
02-82

Raymond R Matthews  
Sue E Matthews



February 12, 2020

To: Board of Variance  
City of Nanaimo  
Dunsmuir St.  
Nanaimo BC

**Re: Request for Variance to install a mini-split heat pump at front of house.**  
LOT 47, SECTION 16, RANGE 8, MOUNTAIN DISTRICT, PLAN 13235  
(2032 Forest Dr. Nanaimo, BC )

**UNDUE HARDSHIP:**

**Installing it anywhere else outside the house would be an Undue Hardship, because:**

- The outdoor unit would otherwise need to be more than 25 feet from the indoor unit
- Running through ceiling would require tearing out ceiling and wall covering (drywall)

**Placement at the rear of the house is not possible because:**

- Windows and a door occupy the area at the rear of the house
- The heat pump for the main upper floor of house takes up space at rear of house
- Kitchen is at rear of suite and cupboards preclude placement of inside unit there

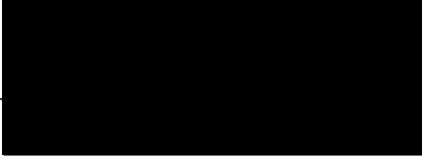

**Placement at the side of the house is not possible because:**

- There is a brick fireplace protruding at the side of the house
- The unit, if placed at the side of the house, would protrude out over the walkway

For all of the above reasons, we request that a variance be granted to allow us to place the mini-split heat pump unit at the front of house where it will be out of site behind a trellis and shrubbery.

**The outside unit of the mini-split would be placed 8.27 meters from city line, and 2.96 meters from the side line of property, as per modified site plan enclosed.**

We have included a statement from the neighbour nearest to the area in question.



Regarding placement of Heat Pump at front of house.

I have no problem with the neighbours, Raymond and Sue Matthews at 2032 Forest Dr. Placing a heat pump unit at the front of their house.



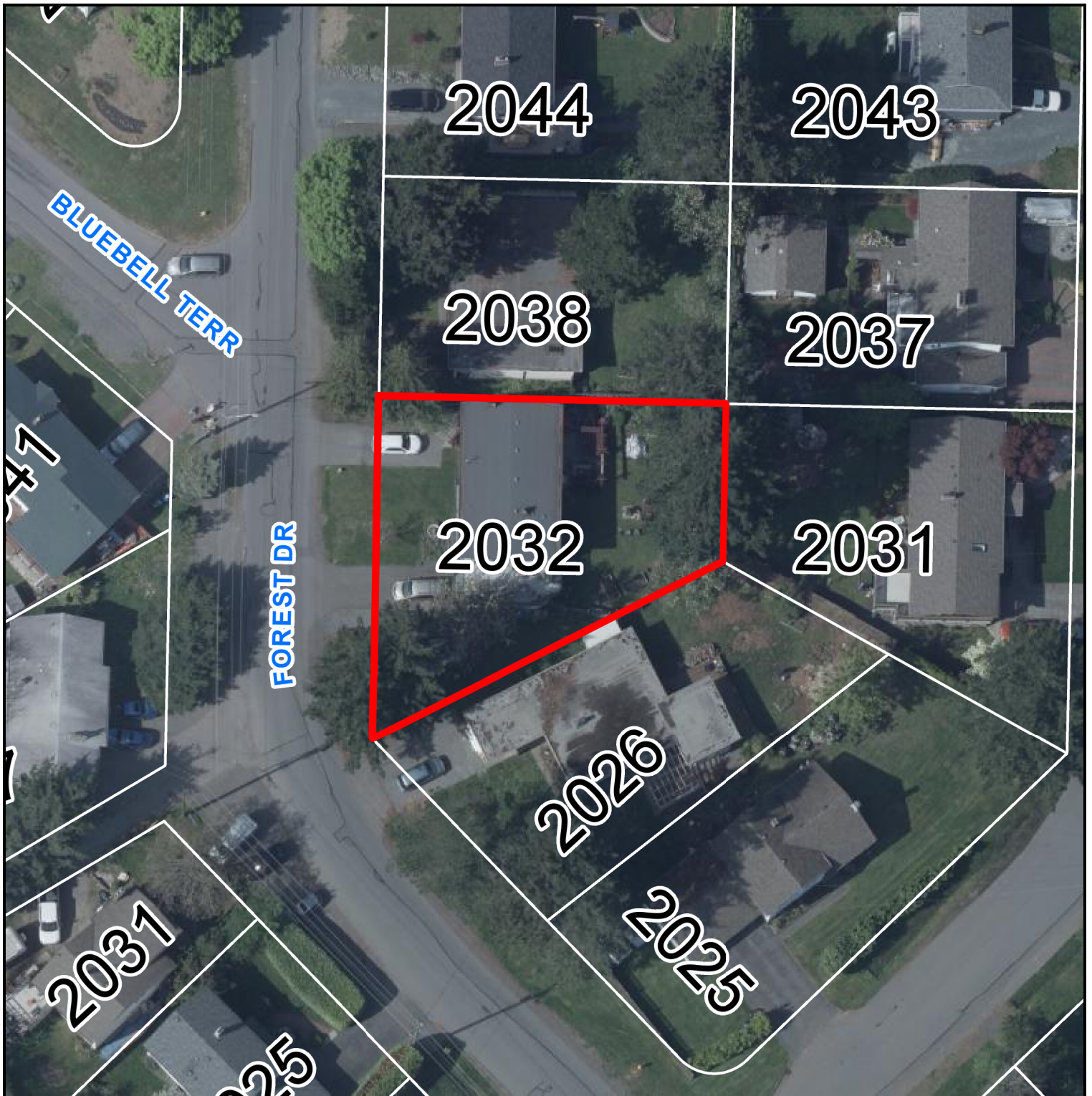
X

2038 Forest Dr.  
Nanaimo, BC





# AERIAL PHOTO



**BOARD OF VARIANCE APPLICATION NO. BOV00735**

 2032 FOREST DRIVE



## BOARD OF VARIANCE

### NOTICE OF MEETING

---

A meeting of the Board of Variance will be held on Thursday, **June 18<sup>th</sup>, 2020, 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:** **BOV00736**

**Applicants:** THOMAS AND BRENDA MCDERMITT

**Civic Address:** 6178 MCGIRR ROAD

**Legal Description:** STRATA LOT A, DISTRICT LOT 25G, WELLINGTON DISTRICT, STRATA PLAN EPS977 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 a minimum rear yard setback of 7.5m in the R1 zone. Steps and landings are permitted to project up to 2m into the rear yard setback. The applicant is requesting to reduce the rear yard setback from 7.5m to 6.34m in order to allow a staircase to project a further 2m into the rear yard setback. This represents a variance of 1.16m.

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

*Section 7.5.1 – Siting of Buildings  
A minimum rear yard setback of 7.5m is required*

You are being notified as an owner or tenant of land that is adjacent to land that is the subject of this application. If you deem your property is affected by the proposed variance, you will be given opportunity to be heard by the Board of Variance. In light of COVID-19, members of the public may submit comments in writing or pre-register to call-in to speak to the Board directly. Members of the public will not be allowed to attend in person. **If you wish to provide written response or call-in to speak to this application, please contact the Planning Department no later than 4:00 p.m., June 18<sup>th</sup>, 2020 by emailing [planning@nanaimo.ca](mailto:planning@nanaimo.ca) or calling 250-755-4429 (x4220).** The Board of Variance decision will apply to subsequent owners of the land.



# LOCATION PLAN



**BOARD OF VARIANCE NO. BOV00736**

## LOCATION PLAN

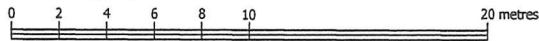
CIVIC: 6178 MCGIRR ROAD  
LEGAL: STRATA LOT A, DISTRICT LOT 25G, WELLINGTON DISTRICT, STRATA  
PLAN EPS977 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN  
PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT  
AS SHOWN ON FORM V



B.C. LAND SURVEYOR'S SITE PLAN OF PROPOSED DECK STAIRS:

STRATA LOT A, DISTRICT LOT 25G, WELLINGTON DISTRICT,  
STRATA PLAN EPS977, TOGETHER WITH AN INTEREST IN THE  
COMMON PROPERTY IN PROPORTION TO THE UNIT  
ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V.

SCALE 1:200



NOTES:

CIVIC ADDRESS: 6178 MCGIRR ROAD.

LOT DIMENSIONS ARE DERIVED FROM FIELD SURVEY AND  
REGISTERED PLAN EPS977.

DECK STAIRS DESIGN FROM AUXBOX PLANS DATED JAN. 22, 2020.

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.

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.

**WILLIAMSON & ASSOCIATES**  
PROFESSIONAL SURVEYORS © 2020  
3088 BARONS ROAD NANAIMO B.C. V9T 4B5  
PHONE: 250-756-7723 FAX: 250-756-7724  
EMAIL: WAPS@VIBCLS.CA  
FILE: 20024-1 SITE (BASE PLAN 20024)

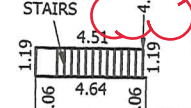
MCGIRR ROAD

31.200

a=11.738

22.000

PROPOSED STAIRS



EXISTING DECK

ALL MEASUREMENTS  
FROM BUILDING FOUNDATION  
TO DECK FASCIA

A

STRATA PLAN EPS977

COVERED ENTRY

OPEN DECK

OPEN DECK

B

OPEN DECK

COVERED ENTRY

14.542

NITINAT WAY

Proposed Rear Yard  
Setback Variance and 2m  
Projection

PROPOSED DECK STAIRS

- PROPOSED SETBACK 4.3 m
  - REQUIRED SETBACK 5.5 m
- VARIANCE REQUEST 1.2 m

2

PLAN VIP85834

3

PLAN VIP85834

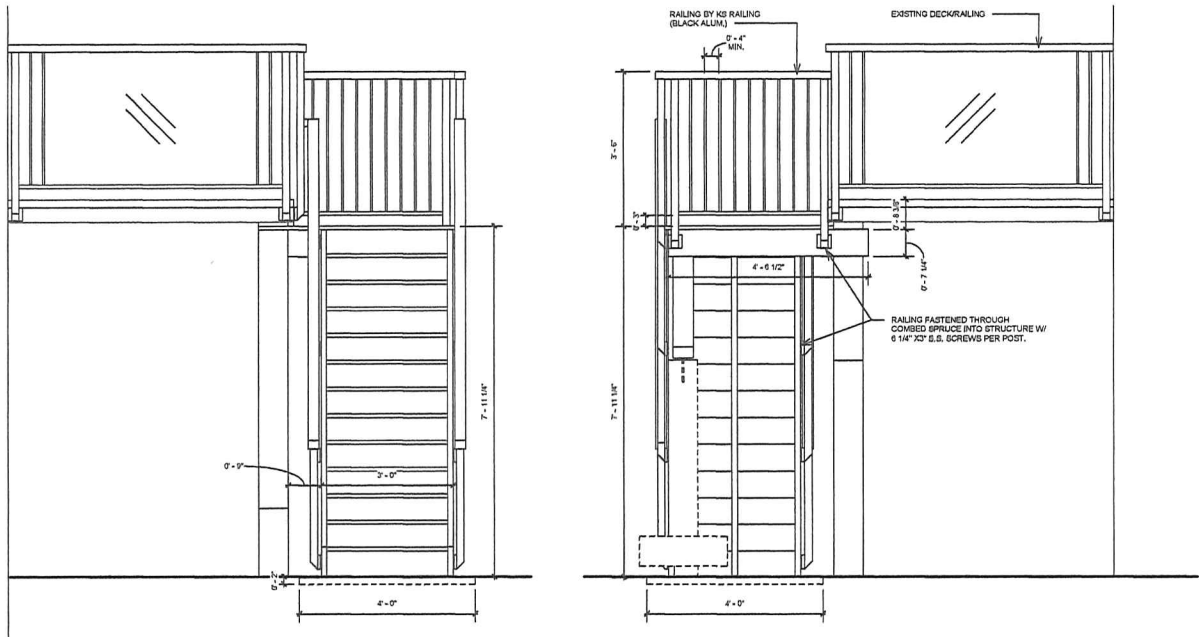
THIS BUILDING LOCATION CERTIFICATE HAS BEEN PREPARED IN  
ACCORDANCE WITH THE PROFESSIONAL REFERENCE MANUAL &  
IS CERTIFIED CORRECT THIS DATE OF: May 15, 2020.

Brian Henning  
QNXB8H

Digitally signed by Brian Henning QNXB8H  
DN: c=CA, cn=Brian Henning QNXB8H,  
ou=BC Land Surveyor, ou=Verify ID at  
www.juricert.com/LKUP.cfm?id=QNXB8H  
Date: 2020.05.15 08:38:43 -0700

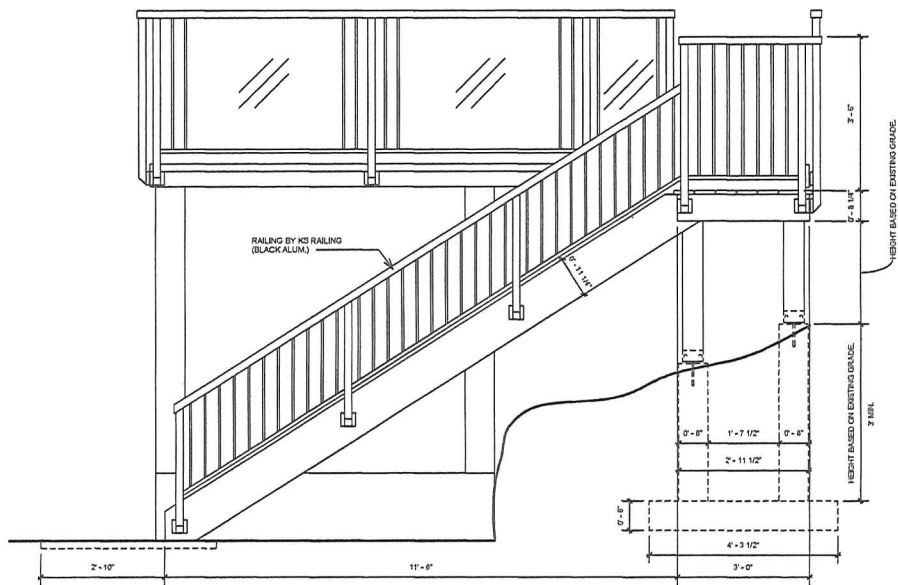
Brian S. Henning B.C.L.S.  
THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED.

RECEIVED  
BOV736  
2020-MAY-20  
Current Planning



① Left Elevation  
1/2" = 1'-0"

② Right Elevation  
1/2" = 1'-0"



③ Back Elevation  
1/2" = 1'-0"



www.auxbox.ca

**DISCLAIMER:**  
THIS PLAN AND SPECIFICATIONS ARE THE PROPERTY OF AUX BOX. IT IS TO BE USED FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED IN THE PROJECT TITLE. ANY REUSE OR MODIFICATION OF THIS PLAN WITHOUT THE WRITTEN PERMISSION OF AUX BOX IS PROHIBITED. AUX BOX IS NOT RESPONSIBLE FOR ANY CONSEQUENCES ARISING FROM THE USE OF THIS PLAN. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE ACCURACY OF THE SITE CONDITIONS. AUX BOX IS NOT A PROFESSIONAL ENGINEER OR ARCHITECT. THIS PLAN IS PROVIDED AS A GUIDE ONLY. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR THE FINAL DESIGN AND CONSTRUCTION OF THE PROJECT.

6178 McGirr Rd,  
Nanaimo BC,  
V9V 1R8

Landing/Stairs

Deck Elevations

Project No. 0061

Date Jan 22/20

Drawn By M. Seeber

A102

Scale 1/2" = 1'-0"

RECEIVED  
BOV 736  
2020-MAY-20  
Current Planning

City of Nanaimo  
Planning Department/Board of Variance Committee  
411 Dunsmuir St.

Re: Request for Minor Variance

May 19, 2020

To whom it my concern:

We are respectfully asking the committee to consider a minor variance request at our property 6178 McGirr Road, Nanaimo, BC. This would involve permitting a structure to have a reduced rear setback requirement from 5.5 m to 4.3m, **a variance of 1.2 m.**

We would like to add an outside staircase to our existing sundeck that leads to our backyard. We moved into this duplex approximately 1 year ago and we have discovered that should we need to exit for emergency reasons from the dining room, living room or kitchen we would only be able to go to our sundeck and not be able to exit to the ground level. On the sundeck we only have three available places to consider for a set of stairs and two are not feasible.

**Option 1: The option that we are requesting runs parallel to the sundeck and our back neighbours and changes the property rear setback from 5.5m to 4.3m.**

Option 2: Putting a staircase to the left side of the our deck looking from the outside and beside our left neighbours fence would block the exterior exit from our house on the ground level.

Option 3: Putting the stairs on the right side of the deck isn't really an option as there is a rip rock retaining wall that prevents us from allowing the stairs to reach ground level.

Options 2 and 3 create an undue hardship because of the rock retaining wall and the location of the basement door.

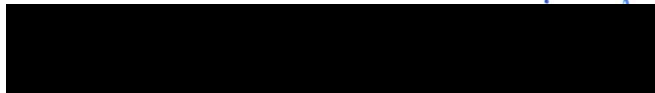
In addition to all necessary documents we have enclosed a couple of photos that gives visual assistance for the 3 options.

We thank you for your time for considering out request and look forward to a positive response.

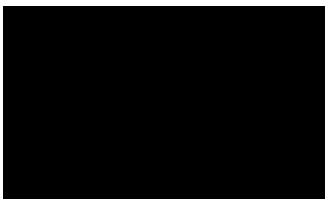
Sincerely



Tom McDermitt



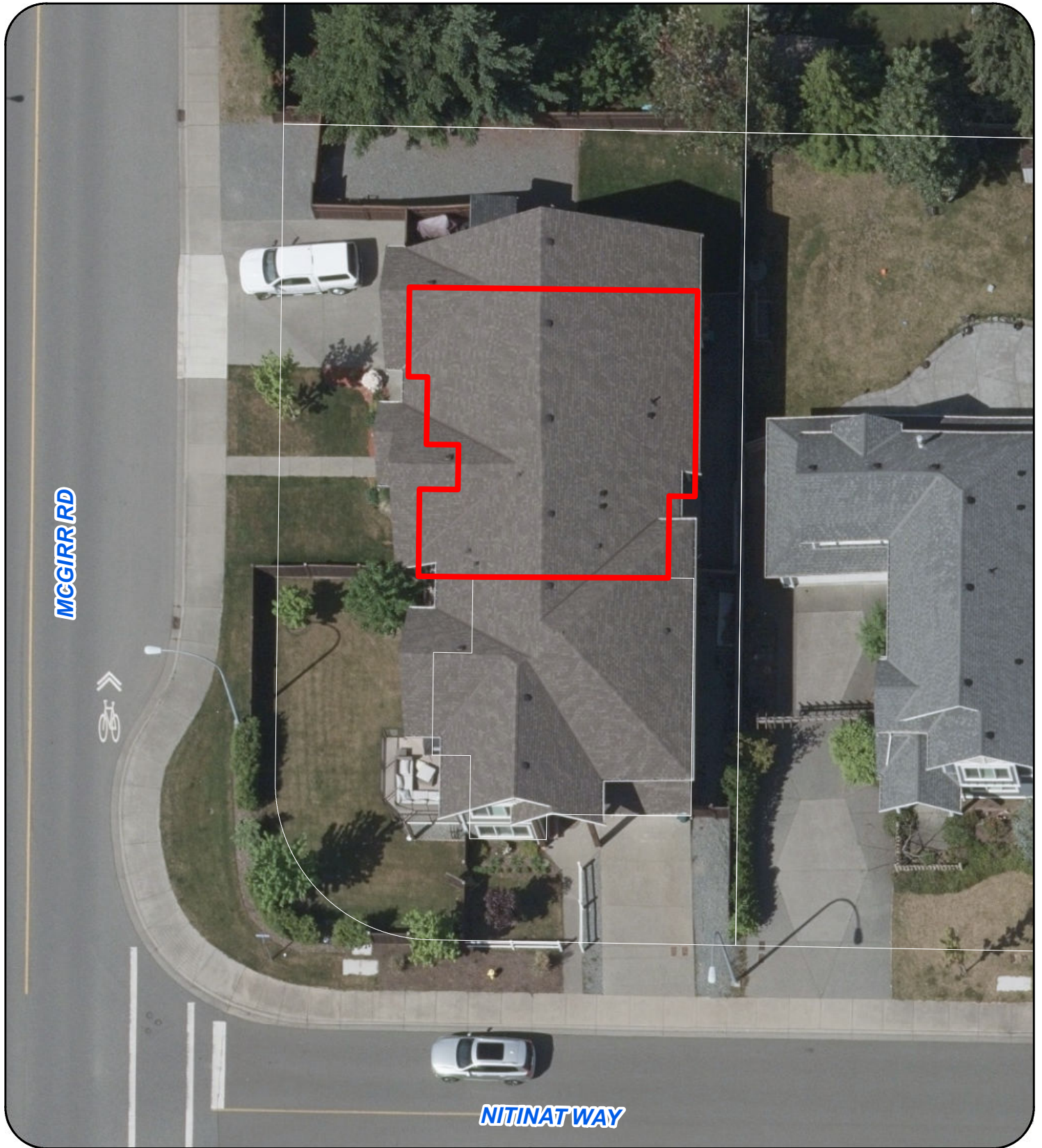
Brenda McDermitt



RECEIVED  
**BOV736**  
2020-MAY-20  
Current Planning



# AERIAL PHOTO



**BOARD OF VARIANCE APPLICATION NO. BOV00736**



**6178 MCGIRR ROAD**