



AGENDA
BOARD OF VARIANCE MEETING

August 20, 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:

[Note: This meeting will be live streamed and video recorded for the public.]

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, 2020-JUL-16 at 5:30 P.M.

5. PRESENTATIONS:

a. Board of Variance No. BOV739 - 93 Ashlar Avenue

6 - 14

Legal description: Lot 14, Block 2, Section 1, Nanaimo District, Plan 1465

The applicant is requesting a side yard setback of 1.2m along the northern property line in order to permit the addition of a second storey on an existing non-conforming single family dwelling. This represents a side yard setback variance of 0.3m.

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

Legal description: The South 1/2 of Lot 2 & 4, Block 2, Section 1, Nanaimo District, Plan 1642

The applicant is requesting a front yard setback of 4.0m and a rear yard setback of 1.5m in order to construct a single family dwelling. This represents setback variances of 3.0m and 6.0m, respectively.

Zoning Bylaw No. 4500 requires a minimum front yard setback of 7.0m where a property abuts a major road and minimum rear yard setback of 7.5m in the R1 zone.

6. OTHER BUSINESS:

7. ADJOURNMENT:

MINUTES
BOARD OF VARIANCE MEETING
BOARDROOM, SERVICE AND RESOURCE CENTRE
411 DUNSMUIR STREET, NANAIMO, BC
THURSDAY, 2020-JUL-16 AT 5:30 P.M.

PRESENT: Members: Jessica Kaman, Chair, At Large Member
 Nelson Allen, At Large Member
 Ron Nadeau, At Large Member
 Kenneth Hample, At Large Member

 Absent: Allan Dick, At Large Member

 Staff: L. Rowett, Current Planning, Manager
 L. Nowak, Planning Assistant
 K. Berke, Clerk, (Recording Secretary)

1. CALL THE BOARD OF VARIANCE COMMITTEE MEETING TO ORDER:

The Open Board of Variance Meeting was called to order at 5:31 p.m.

2. INTRODUCTION OF LATE ITEMS:

- a) Agenda Item 5(a) Board of Variance Application No. BOV737 – 140 Canterbury Crescent - Add a letter from adjacent property owners at 141 Canterbury Crescent who are opposed to the variance.

3. ADOPTION OF AGENDA:

It was moved and seconded that the Agenda, as amended, be adopted. 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, 2020-JUN-18, be adopted as circulated. The motion carried unanimously.

5. PRESENTATIONS:

Jessica Kaman, Chair, read a list of guidelines to ensure social distancing in the Board Room. In addition, she let the board room members know that the meeting would be recorded but would not be published.

(a) Board of Variance No. BOV737 – 140 Canterbury Crescent

The Chair read the application requesting to reduce the front yard setback from 4.5m to 3.0m in order to construct an accessory building. This represents a variance of 1.5m. Zoning Bylaw No. 4500 requires a minimum front yard setback from 4.5m in the R1 zone.

The applicant, Lorne Hill, spoke to the rationale and hardship for the application. He stated that the lot is steep which makes building an accessory building to the rear of the principal dwelling cost and functionally prohibitive inside the current zoning.

Ivan Plavetic, owner of 130 Canterbury Crescent, spoke in opposition to the application. He said he does not see a hardship as many of the other buildings in the neighbourhood were built without variances despite the steep slope. He stated concerns that the accessory building will cause excessive noise. He also stated that the design of the building does not fit with the current neighbourhood.

Discussion took place regarding:

- Noise and visual impact of the workshop on the neighbourhood given the proposed proximity to the street.
- Lot coverage.
- The design of the proposed accessory building.
- The potential for a smaller accessory building that could meet the bylaw requirements.
- Fitting the building within the bylaw requirements the building gets too skinny and turning it the other way it starts going down the slope.
- Extending the existing garage, instead of an accessory building.
- Discussion on letter from 141 Canterbury Crescent from neighbours who are opposed to the accessory building.
- The area being beautiful and understanding any neighbours concerns in regards to views.
- Concerns about sight lines and landscaping.

It was moved and seconded that application BOV737 for 140 Canterbury Crescent to vary the provisions of “City of Nanaimo Zoning Bylaw No. 4500” to reduce the front yard setback from 4.5m to 3.0m in order to construct an accessory building be denied. The motion was defeated.

Opposed: *Kenneth Hample, Ron Nadeau*

(b) Board of Variance Application No. BOV738 – 6462 Thornwood Place

The Chair read the application requesting to increase the permitted projection for an open deck within the required rear yard setback from 2m to 3.8m. This represents a variance of 1.8m. Zoning Bylaw No. 4500 permits an open deck to project 2m into the required rear yard setback.

The owner, Sheryl Staite, spoke to the rationale and hardship for the application. The primary reason for the variance request is to have a more usable outdoor space for her family. She brought pictures to show the board members the proposed deck and yard.

Alex Johnstone, from Pheasant Hill Homes, also spoke to the application as the builder for the proposed deck. He stated that when Pheasant Hill Homes approaches a project they take into consideration the customer's needs and wants and also the sight, the environment and the neighbours. They have a structural engineer involved with the overhang, as it is a large projection. He does not believe the proposed variance imposes onto anyone else and it does not overlook anyone's yard.

Discussion took place regarding:

- The small existing deck and the proposed deck location and size.
- Any impact on the public walkway along the north side of the property.

It was moved and seconded that application BOV738 for 6462 Thornwood Place to vary the provisions of "City of Nanaimo Zoning Bylaw No. 4500" to increase the permitted projection for an open deck within the required rear yard setback from 2m to 3.8m be approved. The motion carried unanimously.

6. ADJOURNMENT:

It was moved and seconded at 6:01 p.m. that the meeting adjourn. 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, 2020-AUG-20, 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: **BOV00739**

Applicants: COLLEEN PRICE

Civic Address: 93 ASHLAR AVENUE

Legal Description: LOT 14, BLOCK 2, SECTION 1, NANAIMO DISTRICT, PLAN 1465

Purpose: Zoning Bylaw No. 4500 requires a minimum side yard setback of 1.5m in the R1 zone. The applicant is requesting a side yard setback of 1.2m along the northern property line in order to permit the addition of a second storey on an existing non-conforming single family dwelling. This represents a side yard setback variance of 0.3m.

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

A minimum side yard setback of 1.5m 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, pre-register to attend in-person, or call-in to speak to the Board directly. **If you wish to provide written response, attend in-person, or call-in to speak to this application, you must contact the Planning Department no later than 4:00 p.m., August 20th, 2020 by emailing planning@nanaimo.ca or calling 250-755-4429 (x4220).** The Board of Variance decision will apply to subsequent owners of the land.

LOCATION PLAN



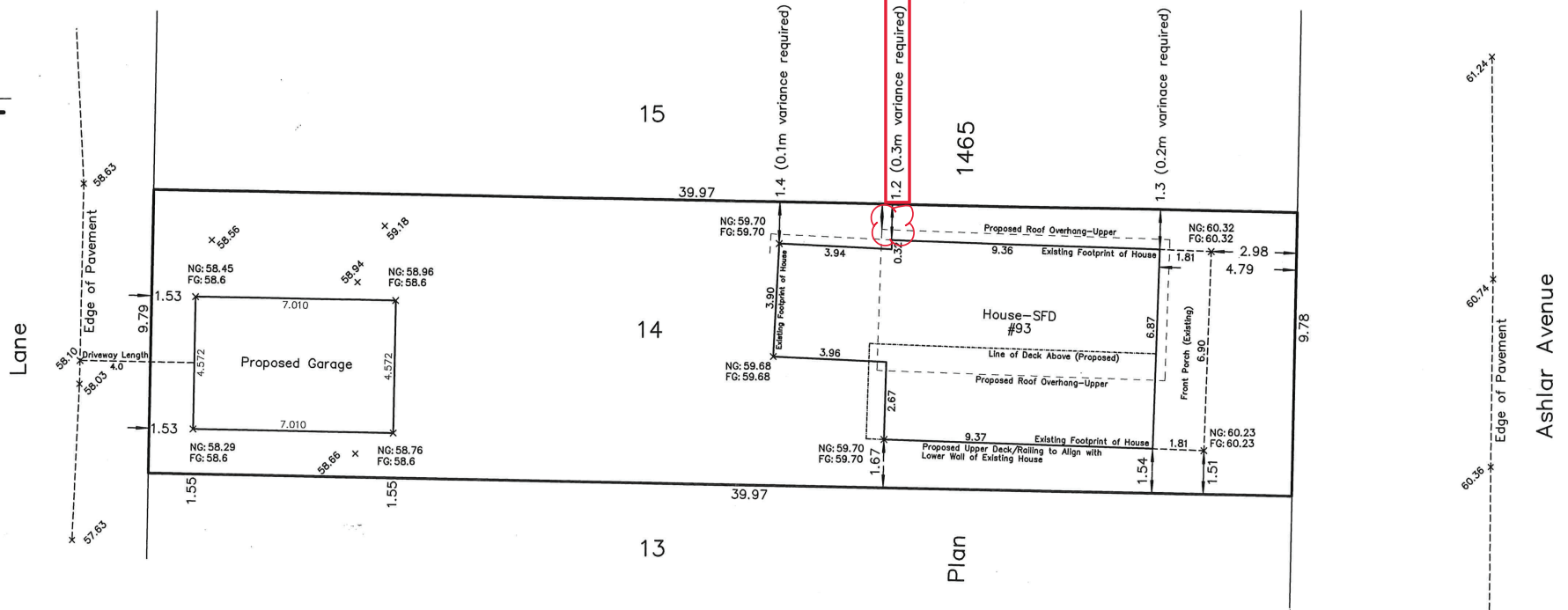
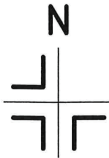
BOARD OF VARIANCE NO. BOV00739

CIVIC: 93 ASHLAR AVENUE

LEGAL: LOT 14, BLOCK 2, SECTION 1, NANAIMO DISTRICT, PLAN 1465



Subject Property



PROPOSED BUILDING HEIGHT CALCULATION-ACCESSORY	
Average natural grade	58.61
Average finished grade	58.60
Maximum accessory building height (R1 Zone)	4.50
Maximum building elevation	63.10
Proposed roof peak elevation	62.16
Proposed slab elevation	58.40

PROPOSED BUILDING HEIGHT CALCULATION-HOUSE	
Average natural grade	59.93
Average finished grade	59.93
Maximum building height (R1 Zone)	7.00
Maximum building elevation	66.93
Proposed roof peak elevation	66.80
Existing main floor elevation	60.74

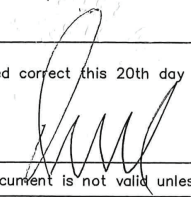
PROPOSED GARAGE SLAB ELEVATION	
Elevation at edge of pavement	58.10
Maximum garage slab	58.42
Proposed garage slab	58.40

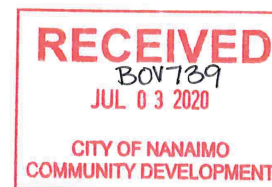
B.C.L.S. HAS BEEN RETAINED TO PIN
FOUNDATION LOCATION

SITE PLAN SHOWING PROPOSED GARAGE & ADDITION TO
THE EXISTING HOUSE SITUATED ON:
LOT 14, BLOCK 2, SECTION 1,
NANAIMO DISTRICT, PLAN 1465.

Client: DOUGLAS RYAN & COLLEEN PRICE
Civic Address: 93 ASHLAR AVENUE, NANAIMO
File: 14-098 Scale: 1:150 Drawn by: DRW Property Zoning: R1

Certified correct this 20th day of December, 2019.


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



DISTANCES AND ELEVATIONS ARE IN METRES.
GEODETIC ELEVATIONS ARE DERIVED FROM
CONTROL MONUMENT 77H5257 (CVD28BC DATUM).

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

Turner & Associates
land surveying™
250.753.9778
605 Comox Road
Nanaimo, BC V9R 3J4
www.turnersurveys.ca

June 30, 2020

Board of Variance,
City of Nanaimo

Dear Committee Chair and Members,

I am requesting a variance with respect to increasing the square footage of my principal dwelling in Nanaimo. The existing foundation and wall on the north side of the dwelling, built in the 1940's, extends from 0.1 - 0.3 metres into the building easement between the homes. I am proposing to increase the square footage of the home by adding a second storey family room and office. The existing foundation and wall will be used as support.

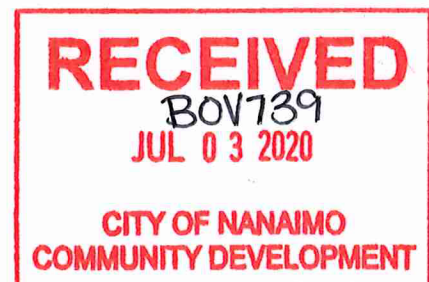
Removing the entire wall of a home in which we reside seems both unnecessary and unreasonable given that the structure is sound. I have spoken at length with neighbours on either side of me regarding the plans for the addition and there is no objection. There are several two storey homes on the street and the addition will improve the appearance the home and provide us with the increased space required to work from home.

Thank you for taking the time to consider this variance.

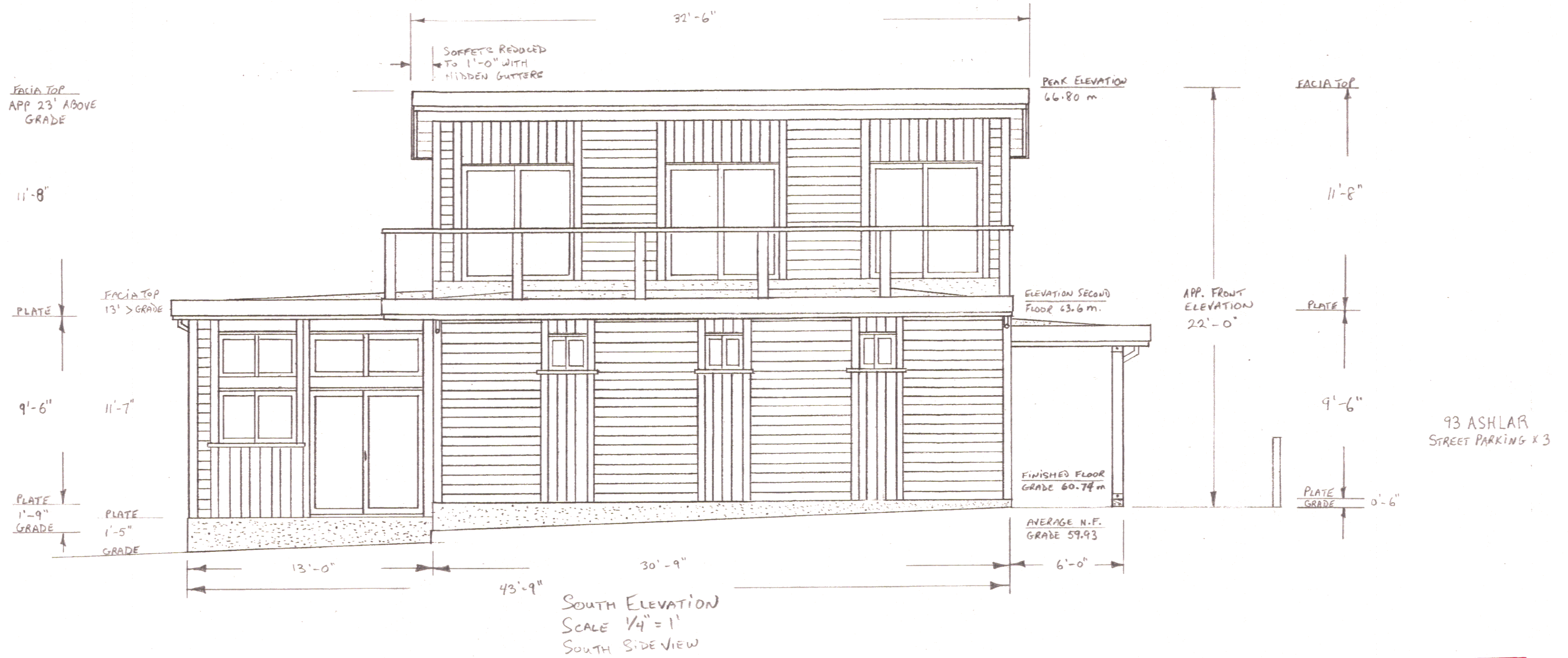
Sincerely,



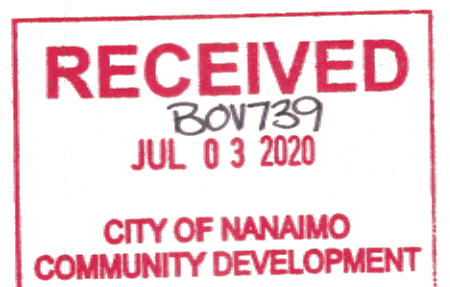
Colleen Price



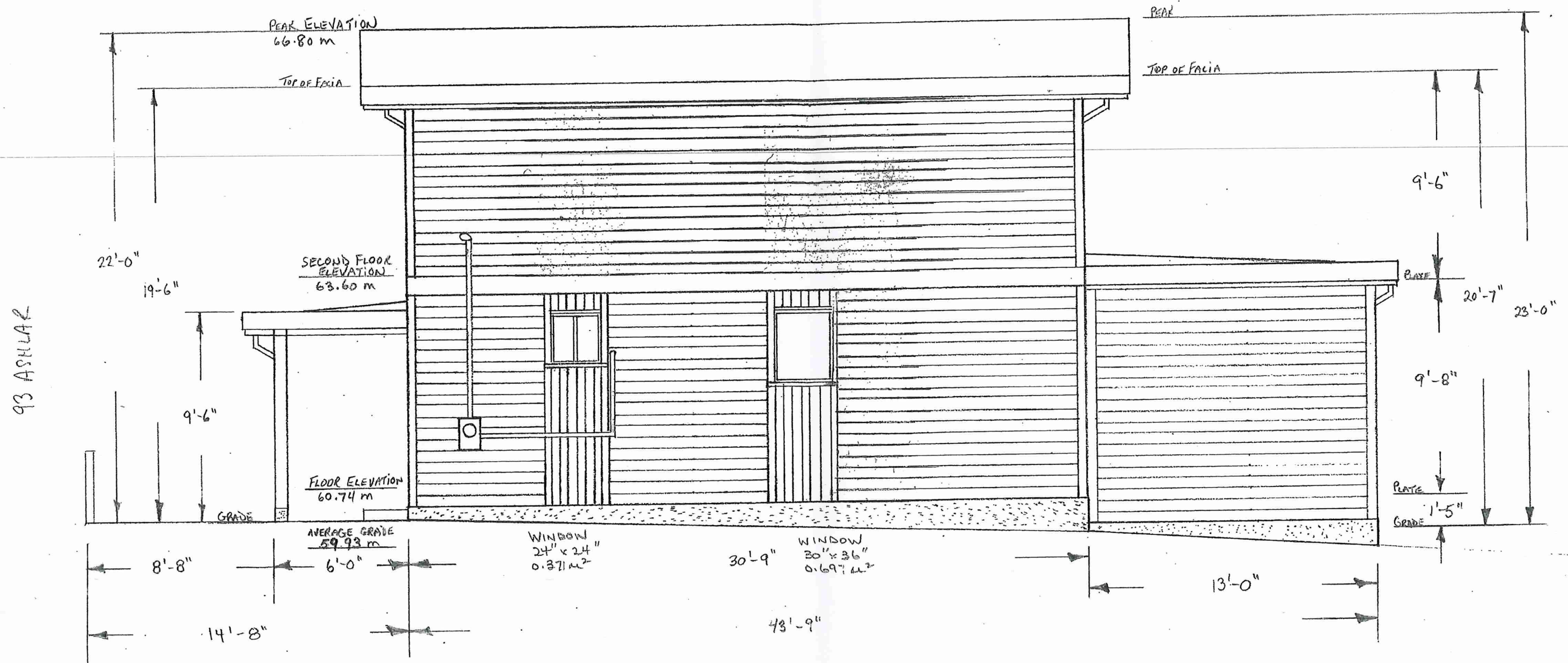
93 ASLAR



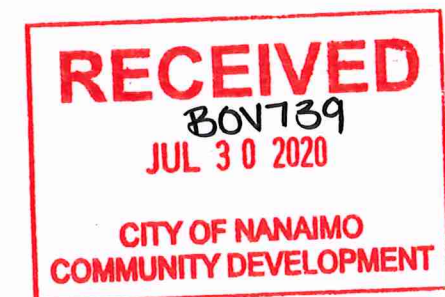
MAY 6/19
D. RYAN

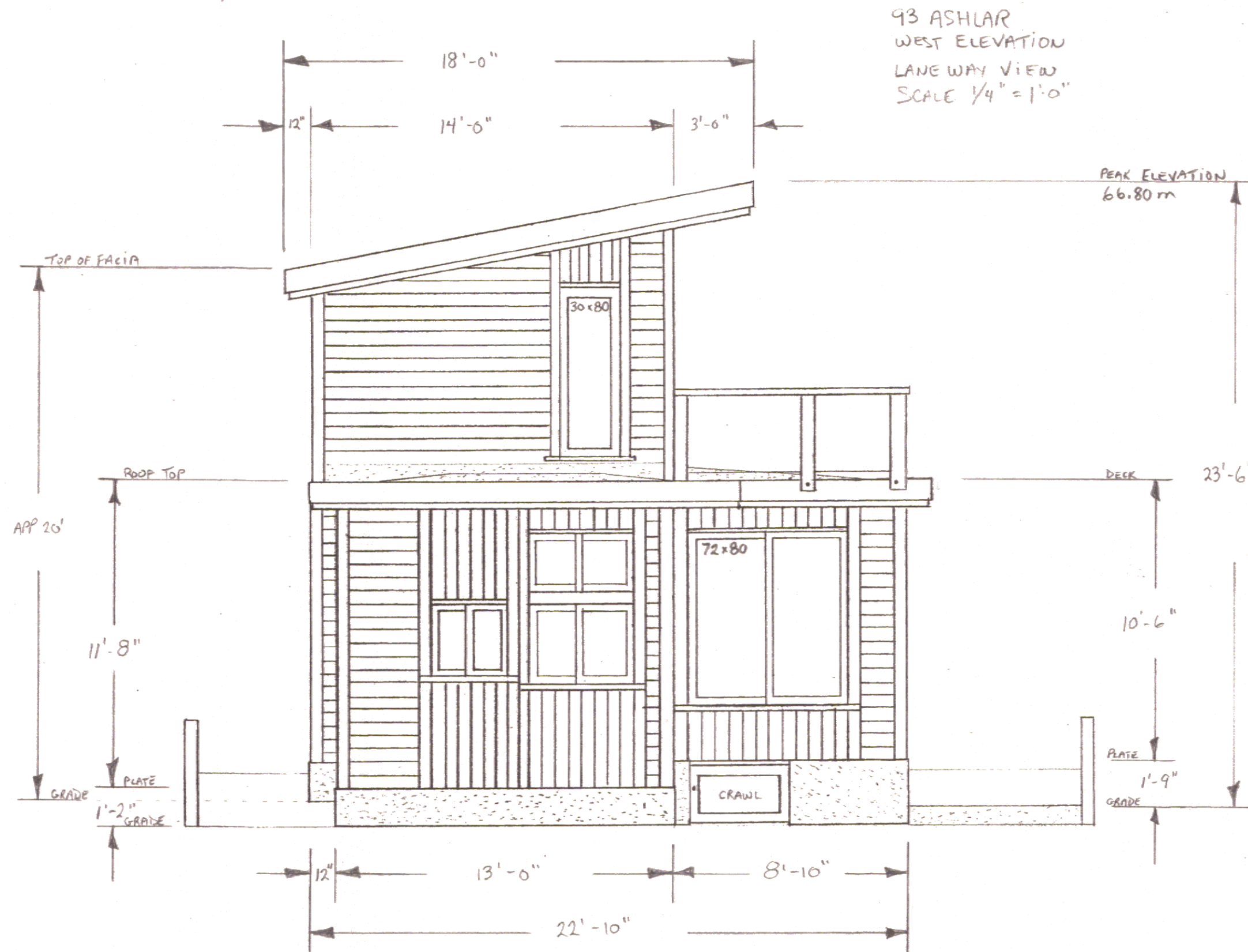


93 ASHAR
 NORTH ELEVATION
 WALL IN QUESTION
 SCALE 1/4" = 1'
 WALL HEIGHT REDUCED TO 7'-6"
 SOFFET DEPTH REDUCED TO 1'-0"

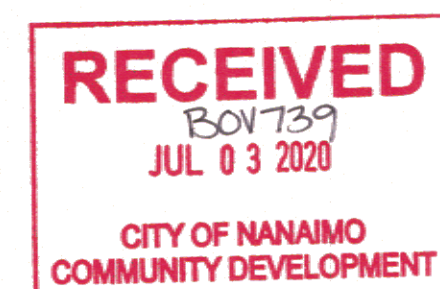


REVISED July 28/20
 MAY 6/19
 D. RYAN

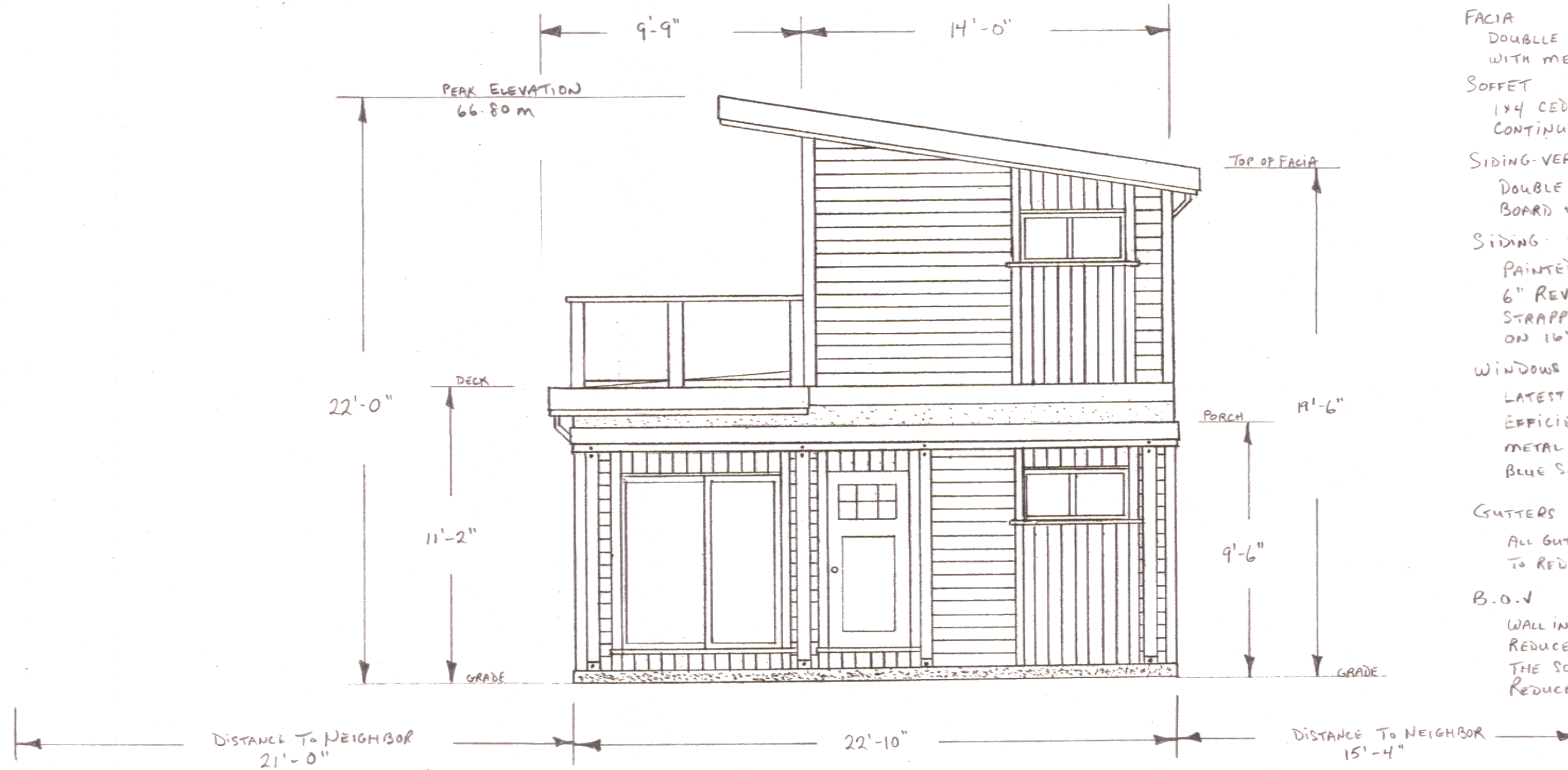




MAY 6/19
J. RYAN



93 ASHLAR
EAST ELEVATION
SCALE 1/4" = 1'-0"
STREET VIEW



FACIA
DOUBLE 1X8 PAINTED BOARD
WITH METAL FLASHING CAP

SOFFET
1X4 CEDAR TNG WITH
CONTINUOUS METAL VENT

SIDING-VERTICAL
DOUBLE 7/8" X 6" CEDAR
BOARD + BATTEN

SIDING-HORIZONTAL
PAINTED HARDY BOARD
6" REVEAL
STRAPPED AND NAILED
ON 16" CENTRE

WINDOWS AND DOORS
LATEST JEDWELL HIGH
EFFICIENT DOUBLE GAS
METAL FLASHING AND
BLUE SKIN USED ON EACH

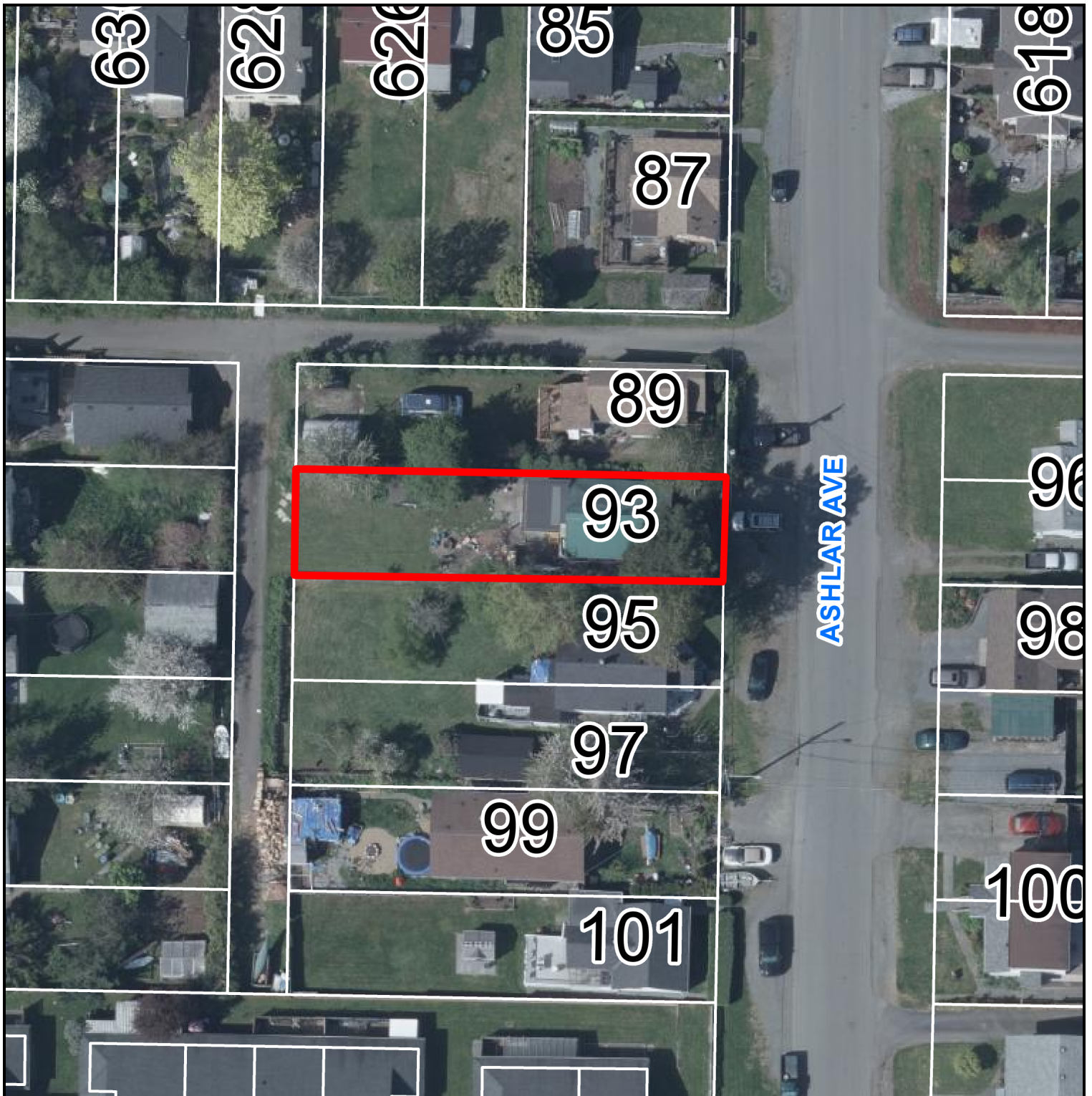
GUTTERS
ALL GUTTERS ARE HIDDEN
TO REDUCE FOOT PRINT

B.O.V
WALL IN QUESTION WILL BE
REDUCED TO 7'-6" AND
THE SOFFET WILL BE
REDUCED TO 1'-0"

MAY 6/19
L. RYAN



AERIAL PHOTO



BOARD OF VARIANCE NO. BOV00739

 93 ASHLAR AVENUE



COMMUNITY DEVELOPMENT

BOARD OF VARIANCE

NOTICE OF MEETING

A meeting of the Board of Variance will be held on Thursday, 2020-AUG-20, 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: **BOV00740**

Applicants: DOUGLAS RIDDELL (SUN PORCH HOMES LTD.)

Civic Address: 458 PARK AVENUE

Legal Description: SOUTH 1/2 OF LOT 2 & 4, BLOCK 2, SECTION 1, NANAIMO DISTRICT, PLAN 1642

Purpose: Zoning Bylaw No. 4500 requires a minimum front yard setback of 7.0m where a property abuts a major road and a minimum rear yard setback of 7.5m in the R1 zone. The applicant is requesting a front yard setback of 4.0m and a rear yard setback of 1.5m in order to construct a single family dwelling. This represents setback variances of 3.0m and 6.0m, respectively.

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

A minimum front yard setback of 4.5m is required.

A minimum rear yard setback of 7.5m is required.

Section 7.5.4

Where a property abuts a major road, an additional 2.5m front yard setback 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, pre-register to attend in-person, or call-in to speak to the Board directly. **If you wish to provide written response, attend in-person, or call-in to speak to this application, you must contact the Planning Department no later than 4:00 p.m., August 20th, 2020 by emailing 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. BOV00740

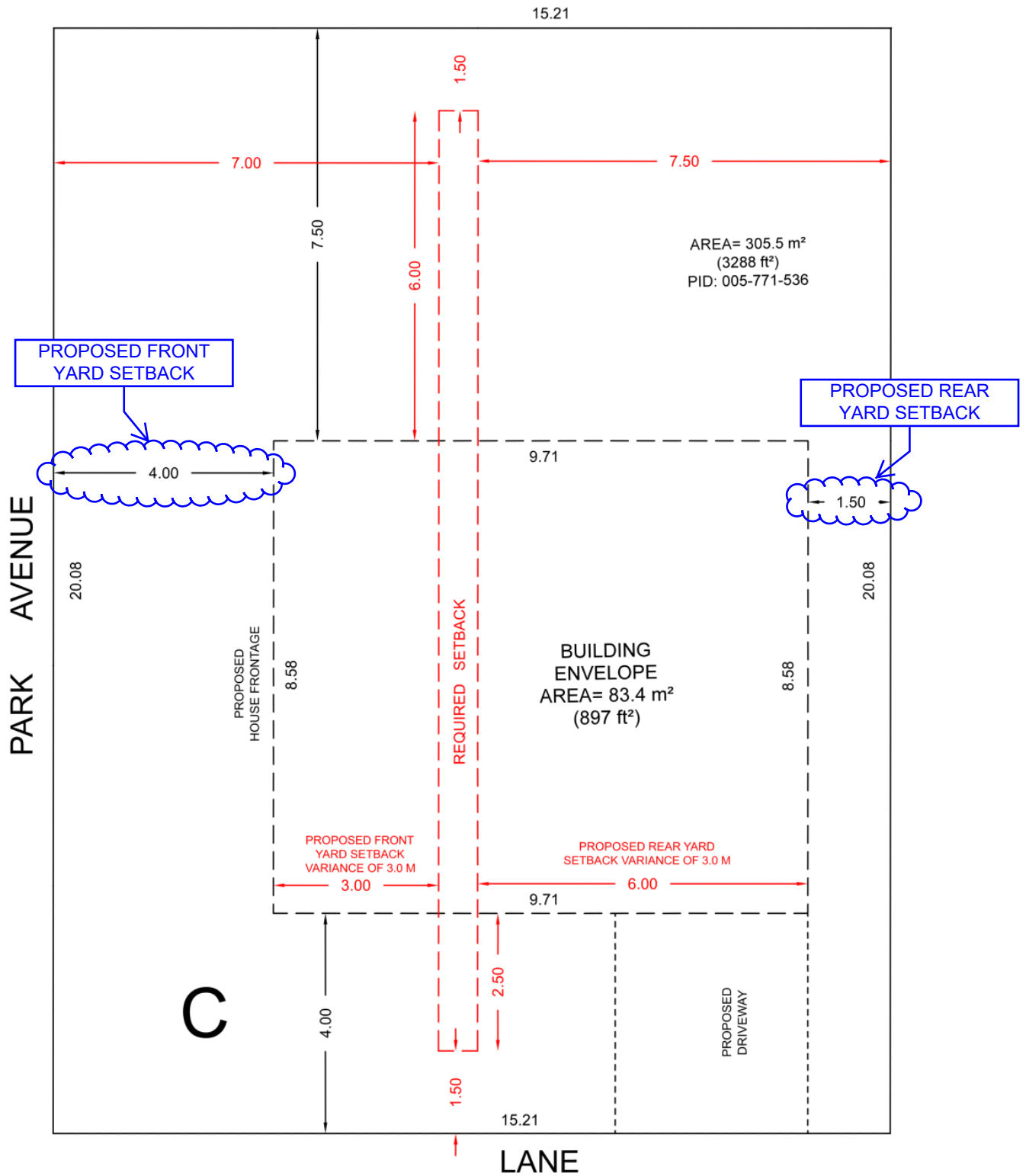


Subject Property

CIVIC: 458 PARK AVENUE

LEGAL: THE SOUTH 1/2 OF LOT 2 & 4, BLOCK 2, SECTION 1, NANAIMO DISTRICT, PLAN 1642

PROPOSED SITE PLAN



RECEIVED
BOV740
2020-AUG-06
Current Planning

Variance Request & Rationale ~ 458 Park Ave – Lot C



Overview of the Project:

Presently on this site there is one old derelict house located on four PID lots. We intend to demolish the derelict house and build a total of four craftsman styled houses (one house per one PID lot). This project helps address the increasing demand for affordable housing located within walking distance of the historic downtown core. The craftsman inspired design and its affordability will appeal to both young families and first-time homeowners. Each home has 4 bedrooms, a study area, 3 full bathrooms and private outdoor spaces. Lot A & B will have access from Albion Street and Lot C & D will have lane access. Each home will have a one car garage complete with a roughed-in EV charging station.

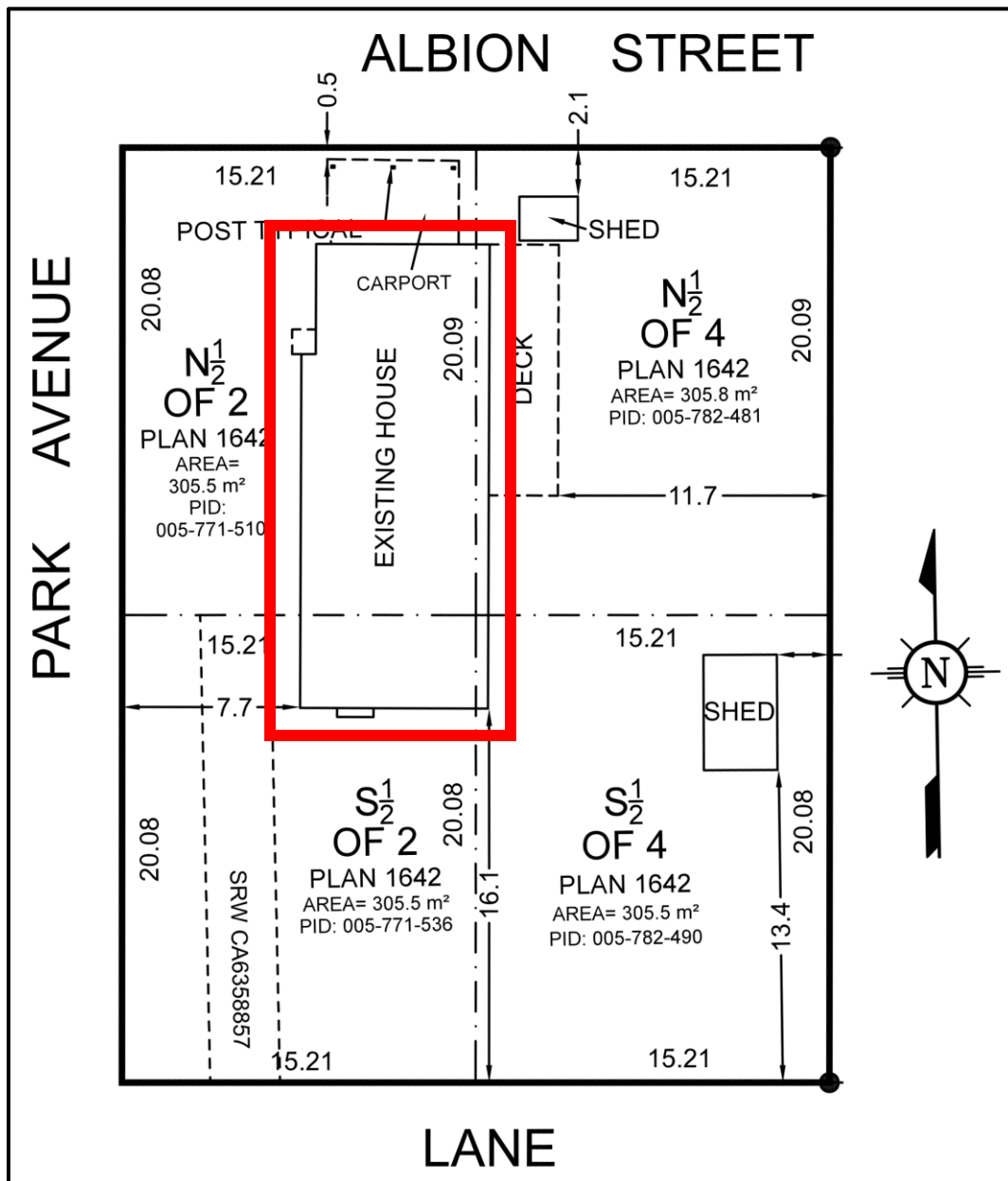


Figure 1 – Existing House Located on All Four Lots

RECEIVED
BOV740
2020-AUG-06
Current Planning

Variance Request – Front Yard & Rear Yard Setbacks:

- To reduce the front yard setback from 4.5m to 4m; and
- To reduce the rear yard setback from 7.5m to 1.5m.

Rationale for Variance Request:

We are requesting the Board of Variance to consider our variance request due to hardship.

The current setback requirements on Lot C result in a 3.21 meter (10.53') wide house. This makes the lot both unbuildable and oddly matched to the other houses located on Park Ave. See Figure 2.

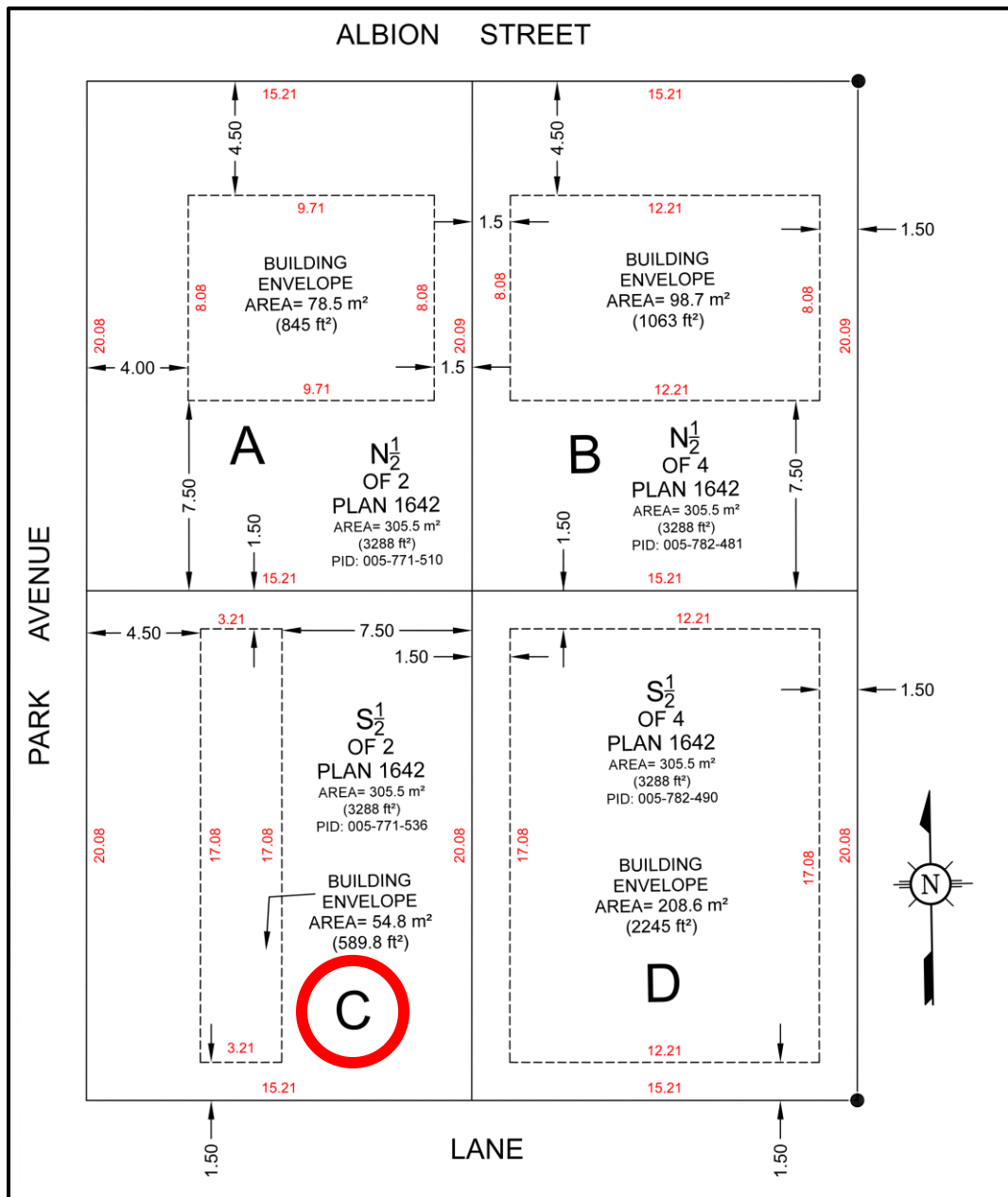


Figure 2 – Lot C – Current Required Setbacks

Impact on Variance Request:

Changing the front yard setbacks on Lot C to 4m and the rear yard setback to 1.5m will impact the community positively by:

1. Lot C will now match Lot A in terms of street presence.
2. Lot C will now have a usable side yard.
3. Lot C's front door entrance will remain on Park Avenue, enhancing the architectural impact of the street.
4. Higher density is created by building one more affordable house that is located within walking distance of the historic downtown core.

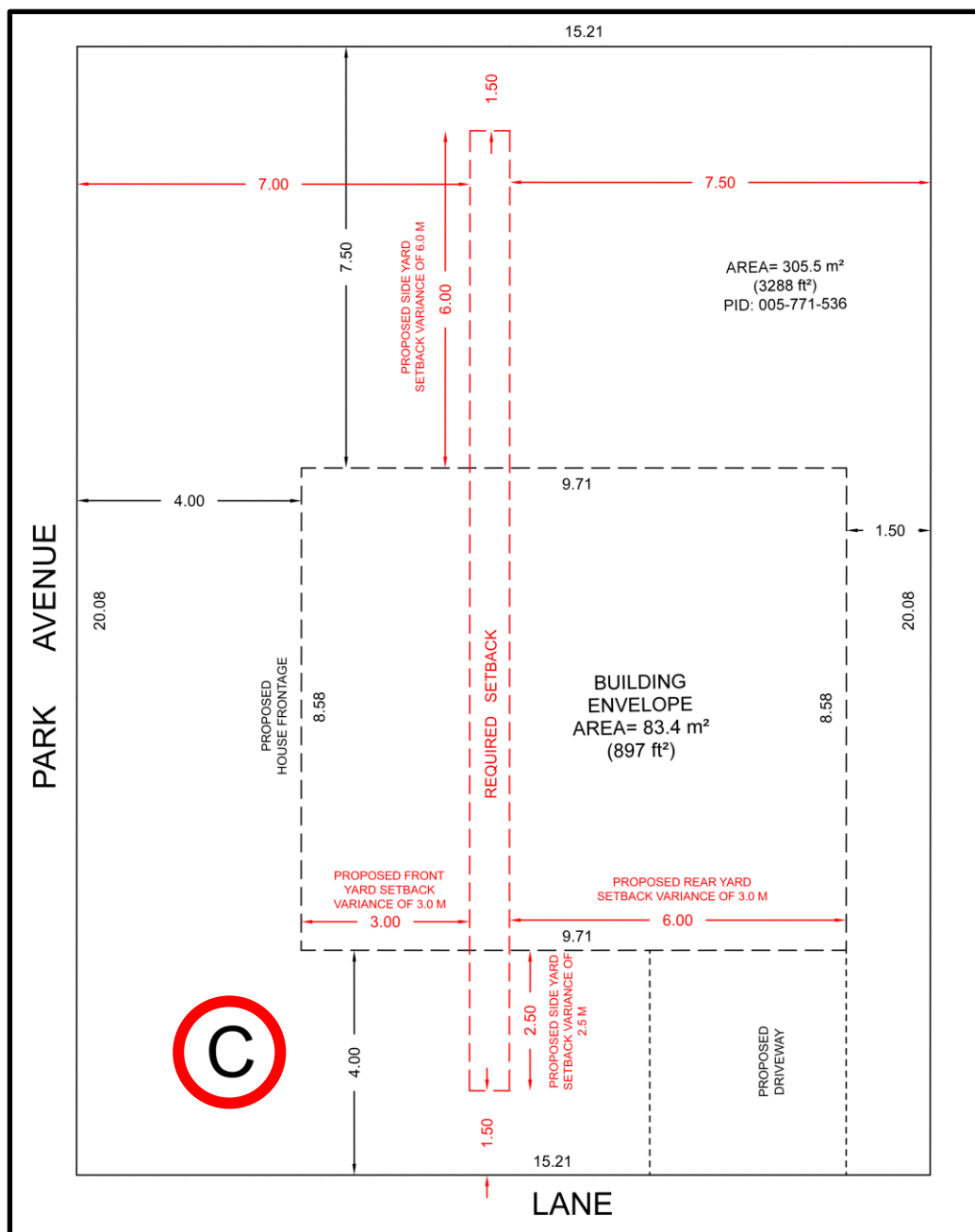


Figure 3 – Proposed Setbacks on Lot C

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

THE N₂¹ AND THE S₂¹ OF LOTS 2 & 4, BLOCK 2, SECTION 1, NANAIMO DISTRICT, PLAN 1642



ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF,
UNLESS OTHERWISE NOTED.

THE INTENDED PLOT SIZE OF THIS PLAN IS 279 mm IN WIDTH
BY 216 mm IN HEIGHT (LETTER SIZE)
WHEN PLOTTED AT A SCALE OF 1:400.

LOT DIMENSIONS ARE DERIVED FROM FIELD SURVEY.

CIVIC ADDRESS: 454 AND 458 PARK AVENUE, NANAIMO.

PIDS: 005-771-536, 005-771-510, 005-782-481 AND 005-782-490
ZONING: R1.

LEGEND:

● DENOTES LEGAL POST FOUND.

THIS PARCEL MAY BE SUBJECT TO REGISTERED CHARGES,
INTERESTS AND LEGAL NOTATIONS AS SHOWN ON TITLE NO:
EF112131 AND EF112133, EF112132,

THIS PLAN DOES NOT PURPORT TO VERIFY COMPLIANCE
WITH THE RESTRICTIONS THEREIN.

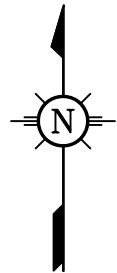
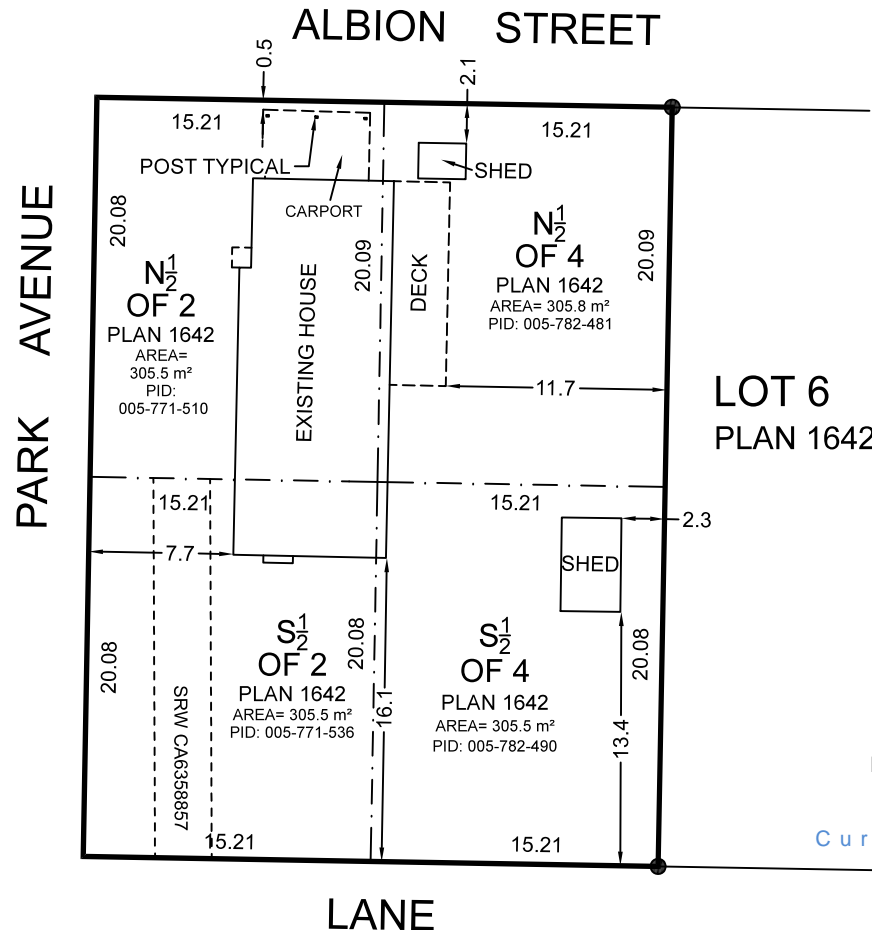
THIS PLAN PURPORTS TO POSITION ONLY THE ACTUAL
AND/OR PROPOSED IMPROVEMENT(S) SHOWN RELATIVE
TO ONLY THE BOUNDARIES SHOWN OF OR APPURTENANT
TO THE ABOVE DESCRIBED PARCEL(S).
THIS PLAN PROVIDES NO WARRANTY OR
REPRESENTATION WHATSOEVER WITH RESPECT TO THE
LOCATION OF ANY OTHER ACTUAL OR PROPOSED
IMPROVEMENT(S) 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.

Harbour City Land Surveying Ltd.

1825 LATIMER ROAD © 2019
NANAIMO BC V9S 5H2
PHONE: 250-758-4180

DRAWING: 19024-BLC-LETTER-ELECT.DWG
LAYOUT: 2

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.



RECEIVED
BOV 740
2020-JUL-24
Current Planning

THIS BUILDING LOCATION CERTIFICATE HAS BEEN
PREPARED IN ACCORDANCE WITH THE MANUAL OF
STANDARD PRACTICE AND IS CERTIFIED CORRECT THIS
DATE OF: JULY 11, 2019.

ANDRÉ MCNICOLL B.C.L.S.
THIS DOCUMENT IS INVALID UNLESS ELECTRONICALLY SIGNED.

AERIAL PHOTO



BOARD OF VARIANCE NO. BOV00740

 458 PARK AVENUE