AGENDA
BOARD OF VARIANCE MEETING

August 20, 2020, 5:30 PM
Board Room, Service and Resource Centre,
411 Dunsmuir Street, Nanaimo, BC

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:

   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

      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.
b. **Board of Variance No. BOV740 - 458 Park Avenue**

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:**
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
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.
BOARD OF VARIANCE NO. BOV00739

CIVIC: 93 ASHLAR AVENUE
LEGAL: LOT 14, BLOCK 2, SECTION 1, NANAIMO DISTRICT, PLAN 1465
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 of 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
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

CIVIC: 458 PARK AVENUE
LEGAL: THE SOUTH 1/2 OF LOT 2 & 4, BLOCK 2, SECTION 1, NANAIMO DISTRICT, PLAN 1642
PROPOSED SITE PLAN

PARK AVENUE

PROPOSED FRONT YARD SETBACK

PROPOSED REAR YARD SETBACK

AREA = 305.5 m² (3288 ft²)
PDI: 005-771-536

BUILDING ENVELOPE
AREA = 83.4 m² (897 ft²)

PROPOSED FRONT YARD SETBACK VARIANCE OF 3.0 M

PROPOSED REAR YARD SETBACK VARIANCE OF 3.0 M

RECEIVED
BOV740
2020-AUG-06
CURRENT PLANNING
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.
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.
**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](image-url)