



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

September 17, 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:**

2 - 4

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-AUG-20 at 5:30 P.M.

**5. PRESENTATIONS:**

**a. Board of Variance No. BOV741 - 539 Weber Street**

5 - 13

Legal description: Lot 5, Section 1, Nanaimo District, Plan 26944

The applicant is requesting a side yard setback of 1.33m in order to enclose an existing non-conforming carport. This represents a setback variance of 0.17m.

Zoning Bylaw No. 4500 requires a minimum side yard setback of 1.5m 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-AUG-20 AT 5:30 P.M.

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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. Nowak, Planner  
                              K. Berke, 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, 2020-JUL-16, be adopted as circulated. The motion carried unanimously.

4.    PRESENTATIONS:

(a)   Board of Variance No. BOV739 – 93 Ashlar Avenue

The Chair read the application requesting a variance to allow 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.

The applicant, Colleen Price, spoke to the rationale. She stated that they would like to increase the square footage of their home by building upwards. The current square footage of their home is quite small, only about 22 x 26 feet. This addition would allow them to have a media room and office which would be more

spacious for her while she is working from home. She also added that she checked with surrounding neighbours and they did not have any objection.

Discussion took place regarding:

- The meaning of “legal non-conforming” and the relation to the subject property.

It was moved and seconded that application BOV739 for 93 Ashlar Avenue to vary the provisions of “City of Nanaimo Zoning Bylaw No. 4500” to reduce the minimum required side yard setback from 1.5m to 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 be approved. The motion carried unanimously.

(b) Board of Variance Application No. BOV740 – 458 Park Avenue

The Chair read the application 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.

The applicant, Douglas Riddell, Sun Porch Homes Ltd., spoke to the rationale and hardship of the application. He stated that 454 and 458 Park Avenue are four legal lots and there is one existing house encroaching on all four lots. He claimed the house is in disrepair and adds no positive street presence. His plan is to demolish the house and build four residential houses on the four separate lots. His main reason for the variance is because the required setbacks for Lot C make a very small building parcel that would not be feasible.

Discussion took place regarding:

- The existing four parcels and house.
- The setbacks required for Lot C.
- Rationale for mimicking the required setbacks for Lot A on Lot C.
- The civic address and building potential of Lot D as the only frontage is on a lane.
- Floor plans and designs of the proposed new houses.
- Figure 1. SRW CA6358857 being a right-of-way for a BC residential gas line and it being removed from title once the current house is demolished.
- Whether the shed will also be demolished.

It was moved and seconded that application BOV740 458 Park Avenue to vary the provisions of “City of Nanaimo Zoning Bylaw No. 4500” to reduce the front yard setback from 7.0m to 4.0m and the rear yard setback from 7.5m to 1.5m in order to construct a single family dwelling be approved. The motion carried unanimously.

5. ADJOURNMENT:

It was moved and seconded at 5:54 p.m. that the meeting adjourn. The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

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RECORDING SECRETARY



COMMUNITY DEVELOPMENT

## BOARD OF VARIANCE

### NOTICE OF MEETING

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A meeting of the Board of Variance will be held on Thursday, 2020-SEPT-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:** **BOV00741**

**Applicants:** ROBERTA ELIZABETH GREEN  
TROY DOUGLAS STENMARK

**Civic Address:** 539 WEBER STREET

**Legal Description:** LOT 5, SECTION 1, NANAIMO DISTRICT, PLAN 26944

**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 1.33m in order to enclose an existing non-conforming carport. This represents a setback variance of 0.17m.

**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. The Board of Variance decision will apply to subsequent owners of the land. 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 attend in-person as a delegation.

**WRITTEN SUBMISSION:** To submit comments in writing you must contact the Planning Department no later than 4:00 p.m., September 17<sup>th</sup>, 2020 by emailing [planning@nanaimo.ca](mailto:planning@nanaimo.ca) or calling 250-755-4429 (x4220).

**ATTEND IN-PERSON:** To attend in-person as a delegation, you must register no later than 11:00 a.m., September 14<sup>th</sup>, 2020 by visiting: <https://www.nanaimo.ca/your-government/city-council/council-meetings/appearing-as-a-delegation>.

# LOCATION PLAN



## BOARD OF VARIANCE NO. BOV00741



**Subject Property**

CIVIC: 539 WEBER STREET

LEGAL: LOT 5, SECTION 1, NANAIMO DISTRICT, PLAN 26944

SITE PLAN SHOWING:  
LOT 5, SECTION 1,  
NANAIMO DISTRICT, PLAN 26944.

Client: TROY AND BOBBIE STENMARK

Civic Address: 539 WEBER STREET, NANAIMO

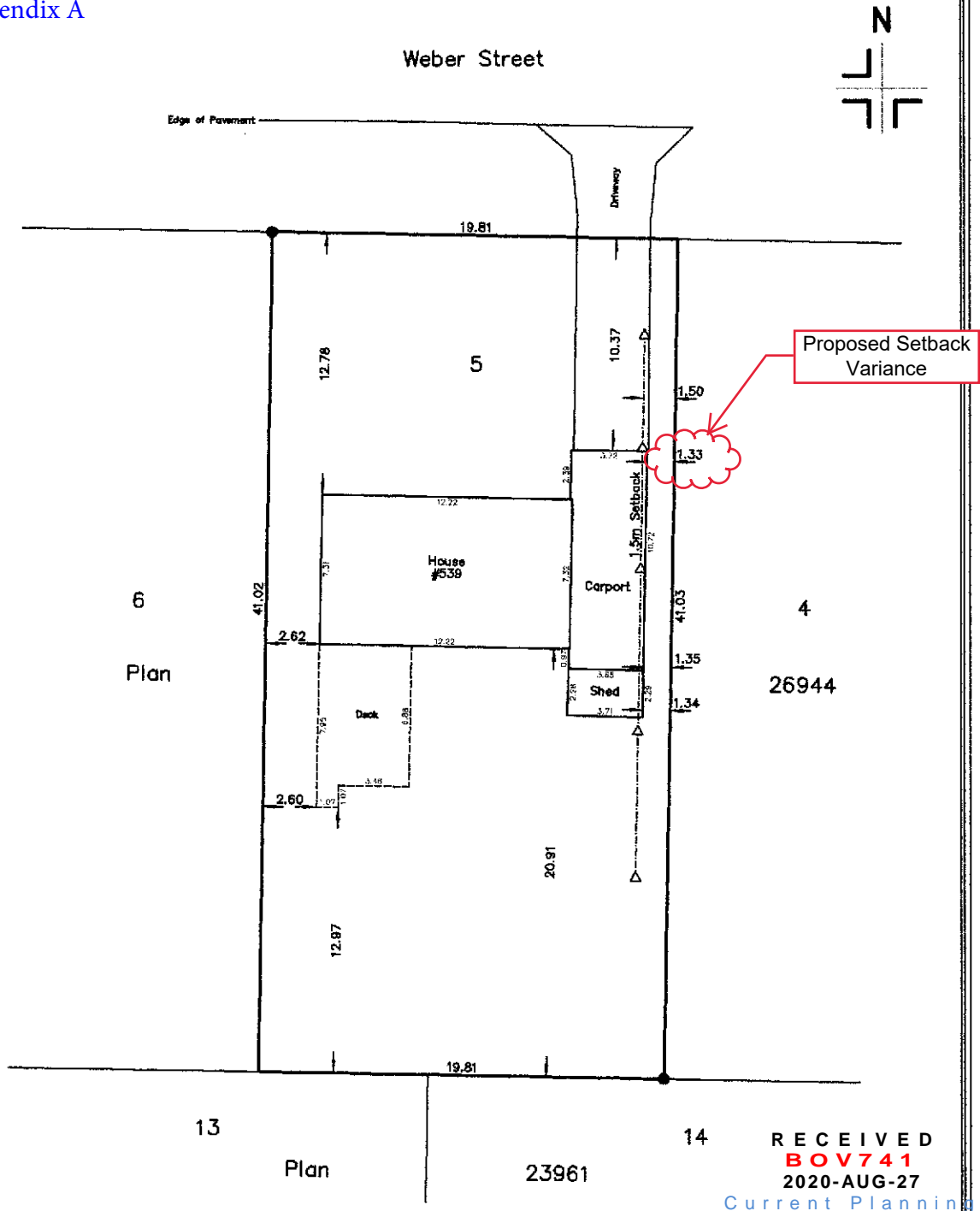
File: 20-108

Scale: 1:200

Drawn by: DRW

Property Zoning: R1

## Appendix A



SCALE 1:200

DISTANCES SHOWN ARE IN METRES.

### NOTE:

THE REGISTERED TITLE OF THIS PROPERTY IS AFFECTED BY THE FOLLOWING LEGAL NOTATIONS AND REGISTERED CHARGES, LIENS AND INTERESTS:

M78301, B88084 & C16883.

THIS SITE PLAN DOES NOT VERIFY COMPLIANCE WITH THE ABOVE NOTED DOCUMENTS.

- DENOTES STANDARD IRON POST FOUND
- △ DENOTES POINT SET ON 1.5m SETBACK

THIS SITE PLAN SHOWS THE RELATIVE LOCATION OF THE EXISTING AND PROPOSED STRUCTURES/IMPROVEMENTS WITH RESPECT TO THE BOUNDARIES OF THE DESCRIBED PARCEL ONLY.

THIS SITE PLAN SHALL NOT BE USED TO DEFINE PROPERTY LINES OR PROPERTY CORNERS.

THE SIGNATORY ACCEPTS NO RESPONSIBILITY FOR AND HEREBY DISCLAIM ALL OBLIGATIONS AND LIABILITIES FOR DAMAGES ARISING OUT OF OR IN CONNECTION WITH ANY DIRECT OR INDIRECT USE OR RELIANCE UPON THE SITE PLAN BEYOND ITS INTENDED USE.

**Turner & Associates**  
land surveying

250.753.9778  
435 Terminal Avenue North  
Nanaimo, BC V9S 4J8  
www.turnersurveyors.ca

Certified correct this 24th day of July, 2020.

**Matthew**

**Schnurch KAHJN6**

Digitally signed by Matthew  
Schnurch KAHJN6

Date: 2020.08.10 12:56:11 -07'00'

B.C.L.S.

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

August 25, 2020

City of Nanaimo – Board of Variance  
455 Wallace Street  
Nanaimo, BC V9R 5J6

RE: Board of Variance Application  
539 Weber Street, Nanaimo, BC V9R 5R9  
LOT 5, SECTION 1, NANAIMO DISTRICT, PLAN 26944

Please accept this letter and the attached material as the basis for a Board of Variance request for a small carport to garage conversion (side yard setback variance) on the above noted property.

A land survey completed by Matthew Schnurch with Turner & Associates Land Surveying., dated August 10, 2020 (Appendix A) determined that the location of the existing carport footing and attached shed was 1.33m from the property line. Which confirms that the existing footing is legal non-conforming for a garage conversion.

Given that our desired garage enclosure does not meet the current 1.5m setback requirement of Bylaw 4500. The purpose of this variance application is to seek a legal allowance for a 0.17M (6.69”) side yard setback which would allow us to enclose on the existing carport footing.

Keene Anderson with Greenplan came to site and provided drawings that show the proposed elevational views. See Appendix B.

The undue hardship of this variance is created by the fact that the existing carport/shed was built in a time that predated zoning requirements so does not meet current property set back requirements.

We have spoken with all our neighbors, specifically our neighbors on the carport side (East) and they are accepting of our desire to enclose the carport. See attached Appendix C – letter confirming support.

We would greatly appreciate the Cities support for this minor variance to allow construction on the existing footing.

Regards,

Troy and Bobbie Stenmark

539 Weber Street (Lot 5, Section 1, Nanaimo District, Plan 26944)

Nanaimo, BC [REDACTED]

[REDACTED]



RE: Board of Variance Application  
539 Weber Street, Nanaimo, BC V9R 5R9  
LOT 5, SECTION 1, NANAIMO DISTRICT, PLAN 26944

**SUPPORTING PHOTOS**



August 23<sup>rd</sup>, 2020

City of Nanaimo – Board of Variance  
455 Wallace Street  
Nanaimo, BC V9R 5J6

RE: The Stenmark's Carport Variance Request

To whom it may concern,

This letter is to confirm that I, Darlene Jobin, homeowner of 537 Weber Street, Nanaimo, BC V9R 5R9 (East side neighbor) am in agreeance with the Stenmarks, homeowners of 539 Weber Street in their desire to enclose their carport into a garage.

Warm regards,

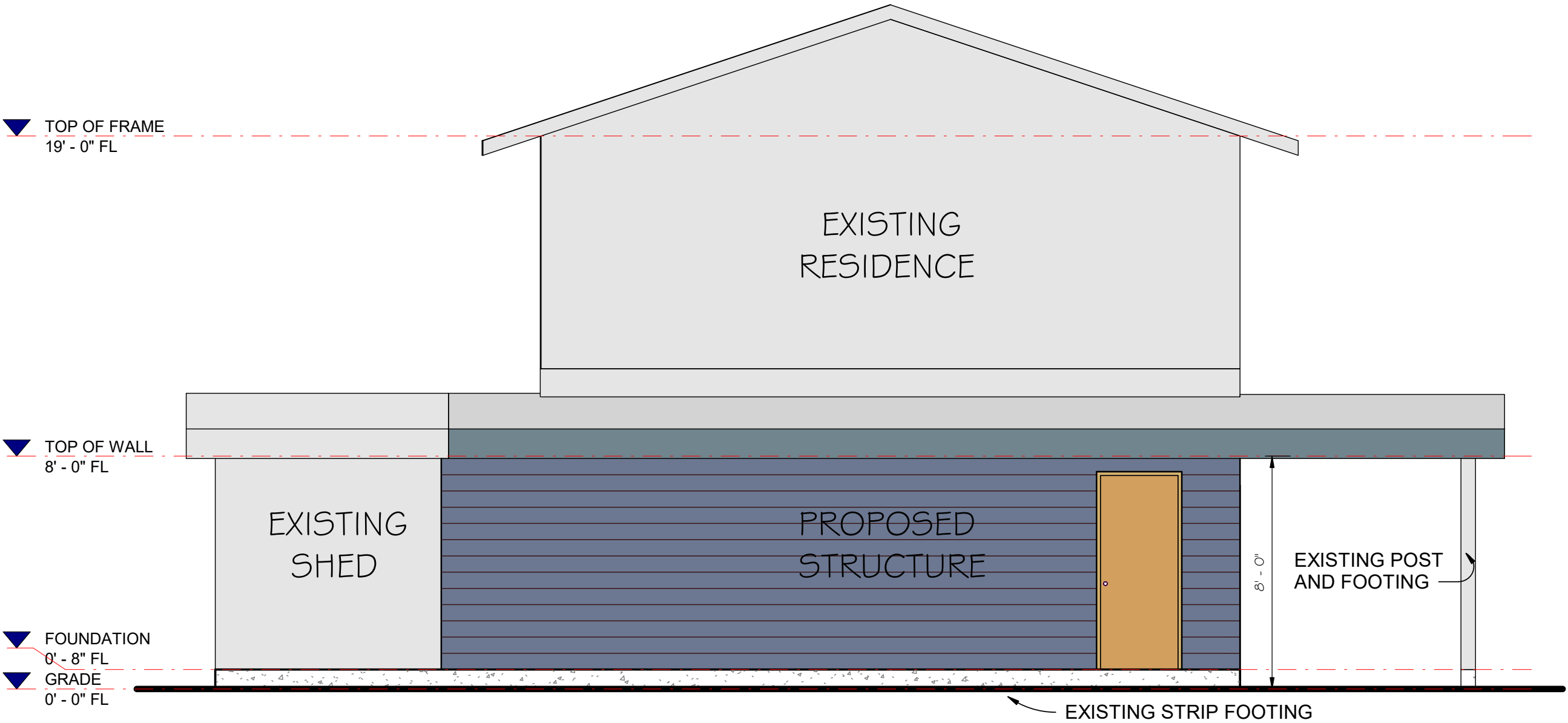


Darlene Jobin



RECEIVED  
BOV741  
2020-AUG-27  
Current Planning

Appendix B



RECEIVED  
BOV 741  
2020-AUG-27  
Current Planning

Revisions

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STENMARK  
539 WEBER STREET



1665 Cedar Road  
Nanaimo, B.C.  
(250) 722-3456  
www.greenplan.ca  
info@greenplan.ca

Designed Designer	Drawn MT	Checked Checker
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Date  
08/12/2020

Project  
VARIANCE APPLICATION

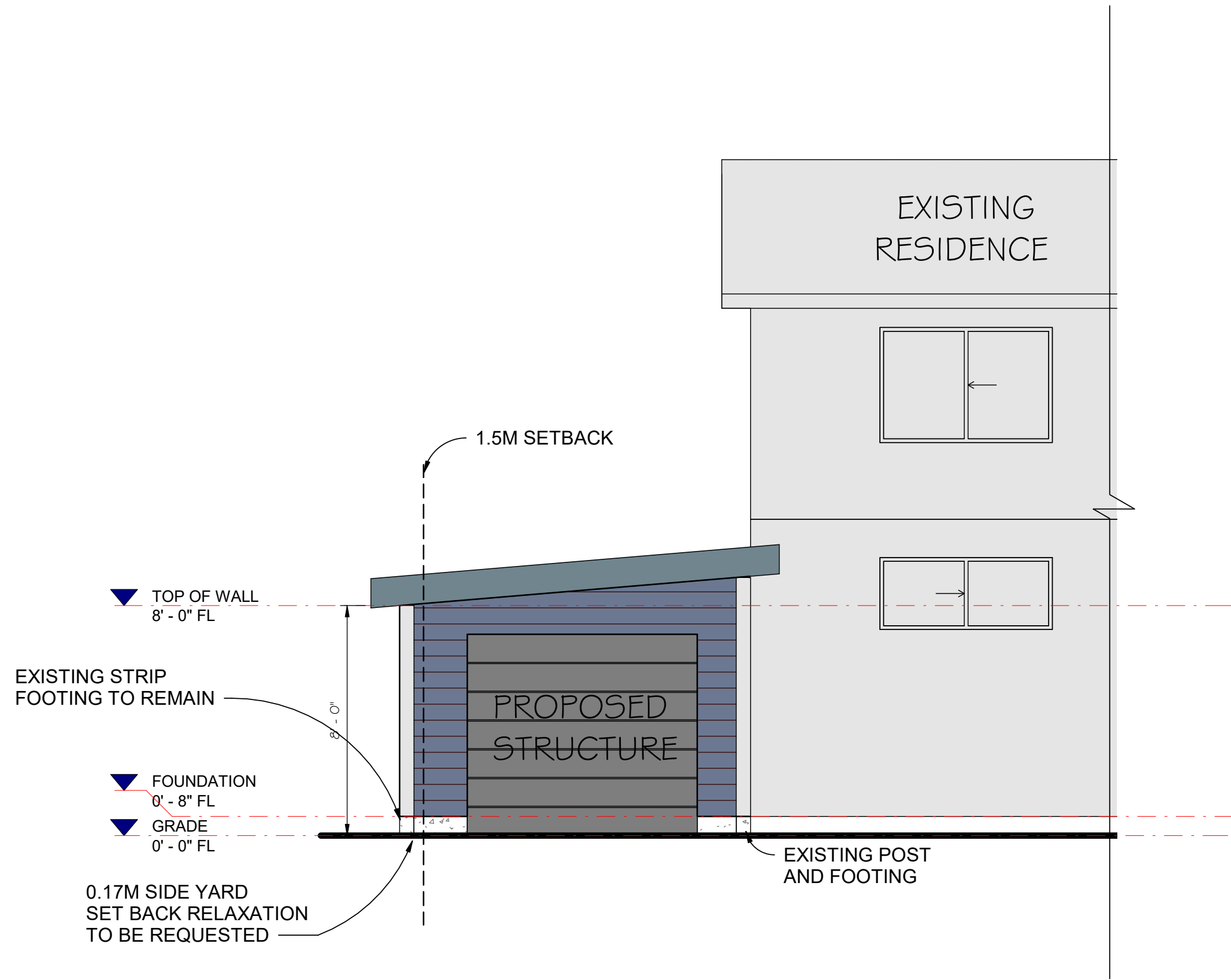
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Sheet Title  
SIDE ELEVATION

Sheet #  
A2

Appendix B



RECEIVED  
BOV741  
2020-AUG-27  
Current Planning

Revisions

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STENMARK  
539 WEBER STREET



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Designed Designer	Drawn MT	Checked Checker
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Date  
08/12/2020

Project  
VARIANCE APPLICATION

Drawing #  
2069-0812-62

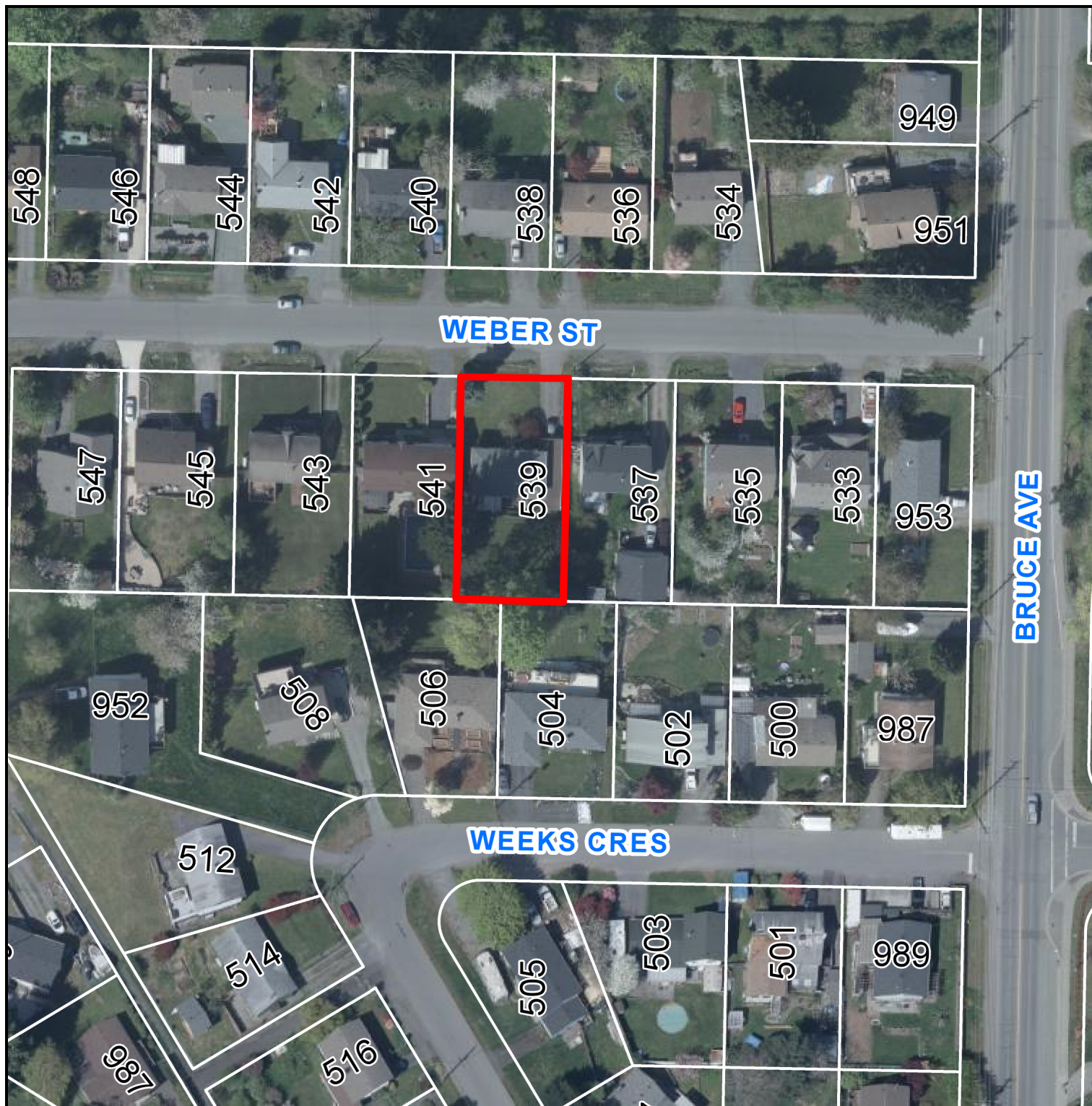
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1/4" = 1'-0"

Sheet Title  
FRONT ELEVATION

Sheet #  
A1



# AERIAL PHOTO



**BOARD OF VARIANCE NO. BOV00741**



539 WEBER STREET