



AGENDA
BOARD OF VARIANCE MEETING

November 19, 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-SEP-17, at 5:30 p.m.

5. PRESENTATIONS:

a. Board of Variance No. BOV742 - 420 Holly Avenue

6 - 11

Legal description: Lot A Plan 43455 & Lot 2 Plan 18120, Suburban Lot 34, Newcastle Reserve, Section 1, District Lot 96G, Nanaimo District

The applicant is requesting a front yard setback of 7.15m, a flanking side yard setback of 3.5m and a rear yard setback of 6.93m in order to permit a façade upgrade and legalize the siting of two existing, non-conforming, multi-family buildings. This represents setback variances of 1.35m, 0.5m and 3.57m, respectively.

Zoning Bylaw No. 4500 requires a minimum front yard setback of 8.5m where a property abuts a major road, a minimum flanking side yard setback of 4.0m, and a minimum rear yard setback of 10.5m in the R8 zone.

6. OTHER BUSINESS:

a. Board Discussion

Discussion on change to meeting time and upcoming 2021 meeting schedule.

7. ADJOURNMENT:

MINUTES
BOARD OF VARIANCE MEETING
BOARDROOM, SERVICE AND RESOURCE CENTRE
411 DUNSMUIR STREET, NANAIMO, BC
THURSDAY, 2020-SEP-17 AT 5:30 P.M.

PRESENT: Members: Kenneth Hample, Acting Chair, At Large Member
 Jessica Kaman, At Large Member (joined electronically)
 Nelson Allen, At Large Member
 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 5:30 p.m.

2. INTRODUCTION OF LATE ITEMS:

- a) Section 3(3) of "Board of Variance Bylaw 2015 No. 7213" requires that the Chair appoint an Acting Chair to preside in the absence of the Chair. Jessica Kaman, Chair, appointed Kenneth Hample as Acting Chair to replace Ron Nadeau. He accepted the appointment and will be the acting chair going forward. As Jessica was attending electronically, he agreed to Chair the meeting.

The acting chair advised:

- Members of the public may only participate as registered delegations or by providing a written submission to comment on a specific variance application.
- All meetings will be livestreamed and recorded for public viewing.

3. ADOPTION OF AGENDA:

It was moved and seconded that the Agenda 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-AUG-20, be adopted as circulated. The motion carried unanimously.

5. PRESENTATIONS:

(a) Board of Variance No. BOV741 – 539 Weber Street

The Acting Chair read the application 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.

The applicant, Roberta Green, spoke to the rationale. She stated that when they first purchased their house the carport was already built and they are looking to enclose it into a garage. Once they got a survey and elevation plans drawn up by Greenplan they realized that the footing of the carport was 0.17m into the 1.5m side yard setback. They are requesting the variance in order to remove the carport roof and posts and build an enclosed garage on the existing footings.

Discussion took place regarding:

- Building permit requirements
- Using the existing footings and foundation
- Concerns from the neighbouring property

It was moved and seconded that application BOV741 for 539 Weber Street to vary the provisions of “City of Nanaimo Zoning Bylaw No. 4500” to reduce the minimum required side yard setback from 1.5m to 1.33m in order to enclose an existing non-conforming carport be approved. The motion carried unanimously.

6. OTHER BUSINESS:

(a) Building Permit Timelines

Board member discussion took place regarding timelines for processing building permits. It was suggested that if most building permit applications come from construction, there needs to be a separate expedited process for Board of Variance Applications where building permits are required.

7. ADJOURNMENT:

It was moved and seconded at 5:42 p.m. that the meeting adjourn. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

RECORDING SECRETARY



COMMUNITY DEVELOPMENT

BOARD OF VARIANCE

NOTICE OF MEETING

A meeting of the Board of Variance will be held on Thursday, 2020-NOV-19, 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: BOV00742

Applicant: GARY CARNIATO

Civic Address: 420 HOLLY AVENUE

Legal Description: LOT A PLAN 43455 & LOT 2 PLAN 18120, SUBURBAN LOT 34, NEWCASTLE RESERVE, SECTION 1, DISTRICT LOT 96G, NANAIMO DISTRICT

Purpose: Zoning Bylaw No. 4500 requires a minimum front yard setback of 8.5m where a property abuts a major road, a minimum flanking side yard setback of 4.0m, and a minimum rear yard setback of 10.5m in the R8 zone. The applicant is requesting a front yard setback of 7.15m, a flanking side yard setback of 3.5m and a rear yard setback of 6.93m in order to permit a façade upgrade and legalize the siting of two existing, non-conforming, multi-family buildings. This represents setback variances of 1.35m, 0.5m and 3.57m, respectively.

Zoning Regulations: Medium Density Residential – R8. The applicant requests variances to the “City of Nanaimo Zoning Bylaw 2011 No. 4500”:

Section 7.5.1

A minimum front yard setback of 6.0m is required.

A minimum flanking side yard setback of 4.0m is required.

A minimum rear yard setback of 10.5m is required.

Section 7.5.4

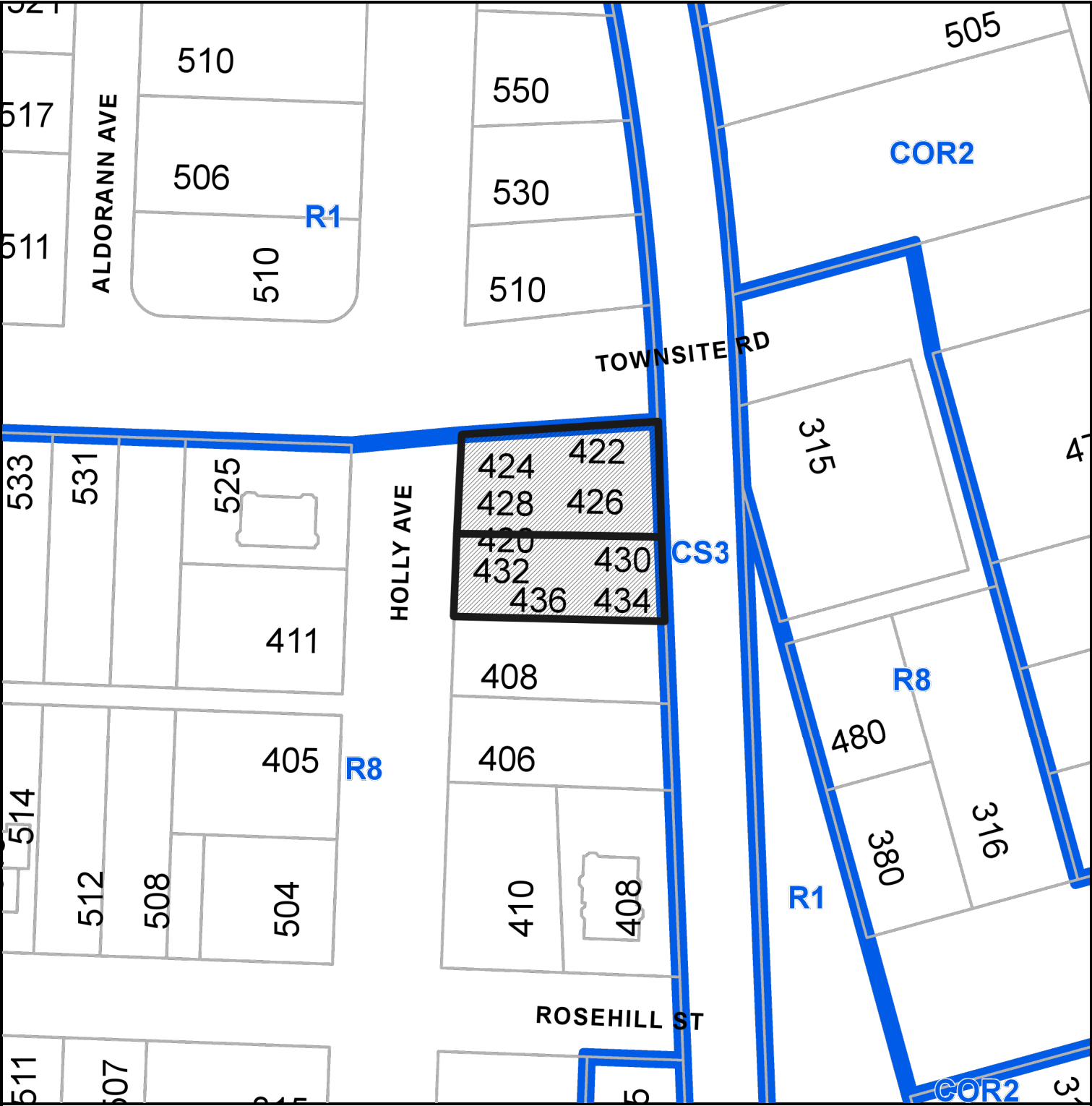
Where a property abuts a major road, an additional 2.5m front yard setback is required.

You are being notified as an owner or tenant of land that is adjacent to land that is the subject of this application. 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., November 19th, 2020 by emailing 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., November 16th, 2020 by visiting: <https://www.nanaimo.ca/your-government/city-council/council-meetings/appearing-as-a-delegation>.

LOCATION PLAN



Subject Property

BOARD OF VARIANCE NO. BOV00742

CIVIC: 420 HOLLY AVENUE

LEGAL: LOT A PLAN 43455 & LOT 2 PLAN 18120, SUBURBAN LOT 34,
NEWCASTLE RESERVE, SECTION 1, DISTRICT LOT 96G, NANAIMO DISTRICT

B.C. LAND SURVEYOR'S BUILDING LOCATION CERTIFICATE ON:
 LOT 2, PLAN 18120, AND LOT A, PLAN 43455, SUBURBAN LOT 34,
 NEWCASTLE RESERVE, SECTION 1, (LYING WITHIN DISTRICT LOT 96G),
 NANAIMO DISTRICT

P.I.D. 003-565-866 & 003-988-856

Civic Address: 420 HOLLY AVENUE

This document was prepared for municipal and mortgage purposes

and is for the exclusive use of our client, MDC HOMES.

This document shows the relative location of the surveyed structures

and features with respect to the boundaries of the parcel described above.

This document shall not be used to define property lines or property corners.

Turner & Associates Land Surveying Inc. 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 plan beyond its intended use.

Certified correct this 29th day of October, 2020.

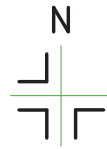
Digitally signed by Matthew

Schnurch KAHJN6

Date: 2020.10.29 14:49:56 -07'00'

Matthew D. Schnurch, B.C.L.S.

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



Townsite Road



Scale 1:125
 DISTANCES SHOWN ARE IN METRES.

Turner & Associates
 land surveying™

435 Terminal Avenue North
 Nanaimo, B.C.
 V9S 4J8
 250-753-9778
 www.turnersurveys.ca
 File: 20-042

LOT A:
 NOTE:
 THIS PROPERTY IS AFFECTED BY
 THE FOLLOWING REGISTERED DOCUMENTS:
 M76300, 55555G, FM67522, CA6572403,
 CA6572404

LOT 2:
 NOTE:
 THIS PROPERTY IS AFFECTED BY
 THE FOLLOWING REGISTERED DOCUMENTS:
 M76300, 55555G, FM67522

RECEIVED
 B O V 7 4 2
 2020-OCT-30
 Current Planning

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 reproduce, transmit or alter this document in
 whole or in part without the consent of the signatory.

To:
City of Nanaimo
Planning Department

Re:
Request for variance
420 Holly Avenue Facade and renovation

Legal Description:

LOT 2, PLAN 18120, AND LOT A, PLAN 43455, SUBURBAN LOT 34,
NEWCASTLE RESERVE, SECTION 1, (LYING WITHIN DISTRICT LOT 96G),
NANAIMO DISTRICT

P.I.D. 003-565-866 & 003-988-856
Civic Address: 420 HOLLY AVENUE

Zoning:
R8 Medium Density Residential

Site Description:

This lot borders Townsite Road to the North, Holly Avenue to the west, E&N Railway right of way to the East and a single family home on an R8 zoned lot to the South. The site consists of 2 -2 storey 4 plexes built in 1966. We must address some setback issues before we can continue with our renovation and facade improvement. We are in the process of consolidating the 2 existing lots into 1 parcel with the land titles office. We would like to grandfather the existing buildings to their non-conforming setbacks and get a variance on the flanking side yard to allow articulated projections to dress up the old building.

There are existing hardships with the building positions and subsequent zoning changes since 1966. The original building placement does not conform to bylaw 4500 flanking side and rear yard setbacks for the R8 zone, bylaw 4500, table 7.5.1. As well, the recent designation of Townsite Road as a major collector requires an additional 2.5M front yard setback making the front yard non-conforming to bylaw 4500, section 7.5.4. The site area is less than the minimum lot area prescribed by the R8 zoning in table 7.4.1 and when all of the setbacks are taken off the building envelope is less than the 40% coverage allowed by the R8 zoning table 7.6.1.

Statistics for the requested variances:

1.35 M variance for the front yard setback, from 8.5 M to 7.15 M to suit existing siting.

0.5 M variance for the flanking side yard setback, from 4 M to 3.5 M. This allows for our existing encroachment and 1M projections in keeping with the bylaw.

3.57 M variance for the rear yard setback, from 10.5 to 6.93M to suit existing siting. The rear yard for all intents and purposes acts as a side yard.

Since our building fronts onto Holly Avenue and the eaves are at a height that does not impact clearances for trucks, I think it is within the spirit of the bylaw to ask for a 0.5M variance on the flanking side yard setback. In the interest of articulation and aesthetic proportion, for the facade, we have 1 meter wing wall projections with roof overhangs jogging from 0.33M proud on the ends and flush to 0.3M recessed over the body of the Holly Avenue frontage. The existing building is askew on the 4M flanking side yard setback and at 3.84M the N/W corner encroaches by 0.16M and the S/w corner is at 4.13M 1.0M wing wall + .33M roof overhang + 0.16M encroachment means we would need a 1.49 M projection from the 4M setback on the N/W corner.

We are asking for a 0.5M variance from 4M to 3.5M so the projections fall within the 1.0M allowed by the zoning bylaw. Bylaw 4500, table 6.5.1, allows eaves and exterior finishes to project 1 M and allows open decks to project 2M into the flanking side setback.

If the building was not askew to the setback, all we would be asking for is a playful stepping of the soffit 0.33M proud of the 1M prescribed projections on the ends staggered to 0.3M recessed and flush to the prescribed 1M projections over the body of the building. This stepping of the roofline is integral to pulling your Eye into the centre of the facade.

Since the proposed facade adds up to a few slivers on each end of the second storey roof projections and a few inches on 2 wing wall projections, only due to existing conditions, it is hoped that the board of variance sees this to be in keeping with the intent of the bylaw. We think the proposed project would be an improvement to the neighborhood.

Sincerely for 1171950 B.C. Ltd.
Gary Carniato – agent





Before



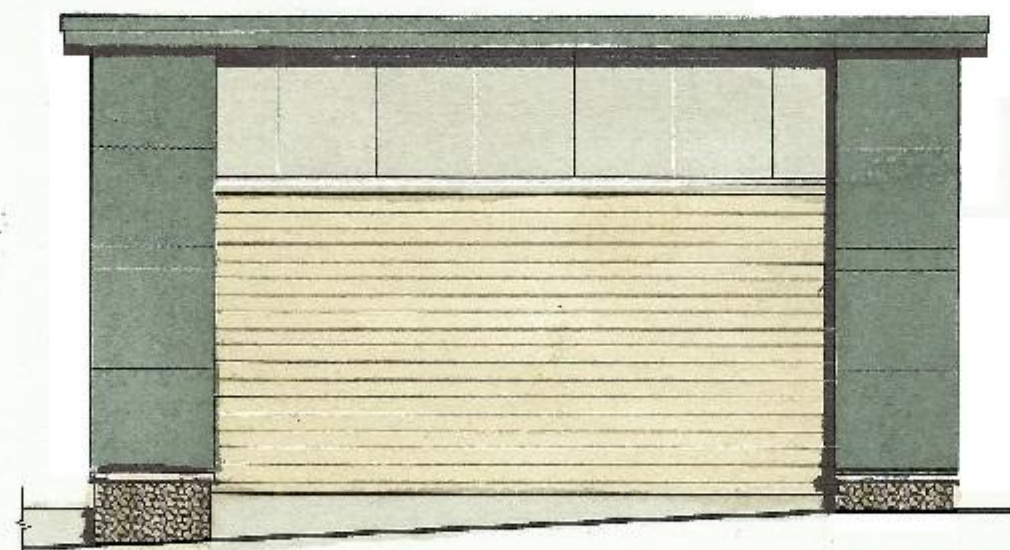
Under Construction



South Elevation
SCALE 1/8" = 1'-0"



East Elevation
SCALE 1/8" = 1'-0"



North Elevation
SCALE 1/8" = 1'-0"



West Elevation
Holly Avenue 1/8" = 1'-0"



Proposed Facade

RECEIVED
BOV742
2020-OCT-27
Current Planning

GARY CARNIATO
145-D McPhee Road
Campbell River, BC
V9W 5L5
TEL: 250-263-9700
gcarniato@coastal.ca

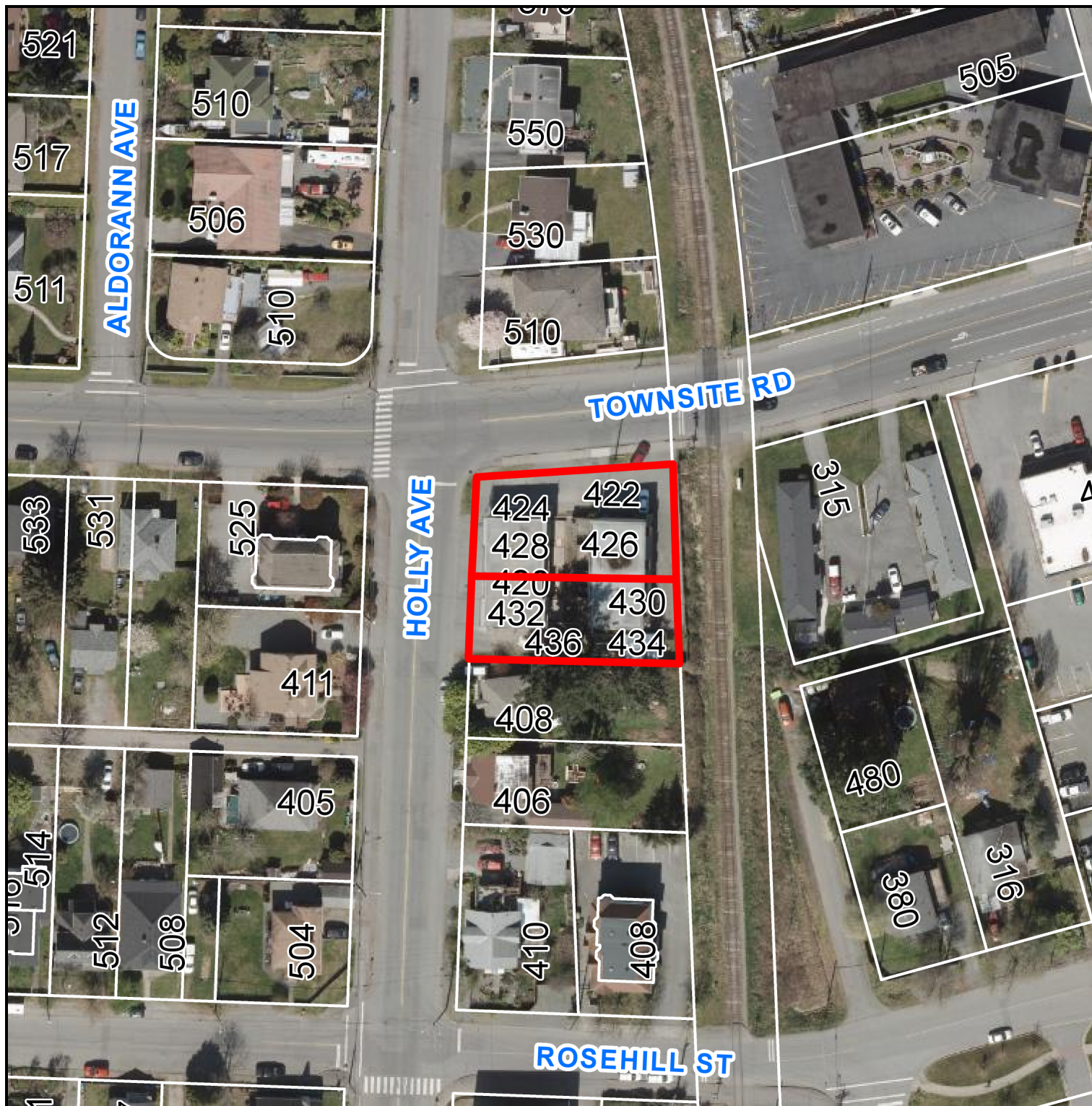


ELEVATIONS Materials and Colours

Project: Facade & Renovation
420 Holly Avenue
Nanaimo, B.C.

Scale:	AS NOTED
Drawn:	G.J.C.
Date:	2020/07/24
Job:	17-1890 B.C. LDD
Sheet:	A-7

AERIAL PHOTO



BOARD OF VARIANCE NO. BOV00742



420 HOLLY AVENUE