



AGENDA
BOARD OF VARIANCE MEETING

December 17, 2020, 4:00 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-NOV-19, at 5:30 p.m.

5. PRESENTATIONS:

a. Board of Variance No. BOV743 - 655 Franklyn Street

5 - 12

Legal description: Section C of Lot 10, Block 24, Section 1, Nanaimo District, Plan 584

The applicant is requesting a side yard setback of 0.5m in order to raise an existing, non-conforming single residential dwelling. This represents a side yard setback variance of 1.0m.

Zoning Bylaw No. 4500 requires a minimum side yard setback of 1.5m in the R14 zone.

6. OTHER BUSINESS:

7. ADJOURNMENT:

MINUTES
BOARD OF VARIANCE MEETING
BOARDROOM, SERVICE AND RESOURCE CENTRE
411 DUNSMUIR STREET, NANAIMO, BC
THURSDAY, 2020-NOV-19 AT 5:30 P.M.

PRESENT: Members: Jessica Kaman, Chair, At Large Member
 Nelson Allen, At Large Member
 Allan Dick, At Large Member
 Daryoush Firouzli, At Large Member
 Kenneth Hample, At Large Member

 Staff: L. Stevenson, 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 5:34 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-SEP-17, be adopted as circulated. The motion carried unanimously.

4. PRESENTATIONS:

(a) Board of Variance No. BOV742 – 420 Holly Avenue

The Chair read the application 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.

Gary Carniato, designer acting on behalf of the owner, spoke to the rationale for the application. He stated that the owners hired him after a stop work order was posted on their facade and renovation project. The existing buildings do not

conform to the current setback requirements and thus a variance is required to expand the area of non-conformity and legalize the existing siting of the buildings. The owner's intent with the façade upgrade was to make the older building look better and they did not realize they required a building permit/variance application. He stated that a few things structurally have all been deemed okay by engineers and the existing lots have recently been consolidated.

Discussion took place regarding:

- Plans for the back and south property line like fencing or landscaping
- Lot lines and why Townsite Road is considered the front yard
- The hardship of the application and it being that the existing building is not conforming to existing setbacks and the roof overhangs
- The stop work order and building permit
- Whether a development permit is required

It was moved and seconded that application BOV742 for 420 Holly Avenue to vary the provisions of "City of Nanaimo Zoning Bylaw No. 4500 to reduce the minimum required front yard setback, flanking side yard setback and rear yard setback from 8.5m to 7.15m, from 4.0m to 3.5m and from 10.5m to 6.93m in order to permit a façade upgrade and legalize the siting of two existing, non-conforming, multi-family buildings be approved. The motion carried.

Opposed: Allan Dick

5. OTHER BUSINESS:

(a) 2021 Meeting Schedule & Change to Meeting Time

Board member discussion took place regarding the 2021 meeting schedule. It was confirmed by Staff that Council approved an amendment to the "Board of Variance Bylaw 2015 No. 7213" to change the meetings from the third Thursday of the month to the first Thursday starting in 2021. There was discussion regarding the July meeting falling on a holiday (July 1st) and a recommendation from Staff to change it to either June 30th or July 7th.

It was moved and seconded that the July 1st meeting be re-scheduled to Wednesday, June 30th. The motion carried unanimously.

Board member discussion took place regarding the change of meeting time from 5:30 p.m. to an earlier option.

It was moved and seconded that the Board of Variance Meeting start time change from 5:30 p.m. to 4:00 p.m. to commence on December 17, 2020 subject to room availability. The motion carried unanimously.

6. ADJOURNMENT:

It was moved and seconded at 6:22 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-DEC-17, at 4:00 p.m. in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC to hear the following appeal:

APPEAL NO: BOV00743

Applicant: KEENE ANDERSON

Civic Address: 655 FRANKLYN STREET

Legal Description: SECTION C OF LOT 10, BLOCK 24, SECTION 1, NANAIMO DISTRICT, PLAN 584

Purpose: Zoning Bylaw No. 4500 requires a minimum side yard setback of 1.5m in the R14 zone. The applicant is requesting a side yard setback of 0.5m in order to raise an existing, non-conforming single residential dwelling. This represents a side yard setback variance of 1.0m.

Zoning Regulations: Old City Low Density (Fourplex) Residential – R14. The applicant requests a variance to the “City of Nanaimo Zoning Bylaw 2011 No. 4500”:

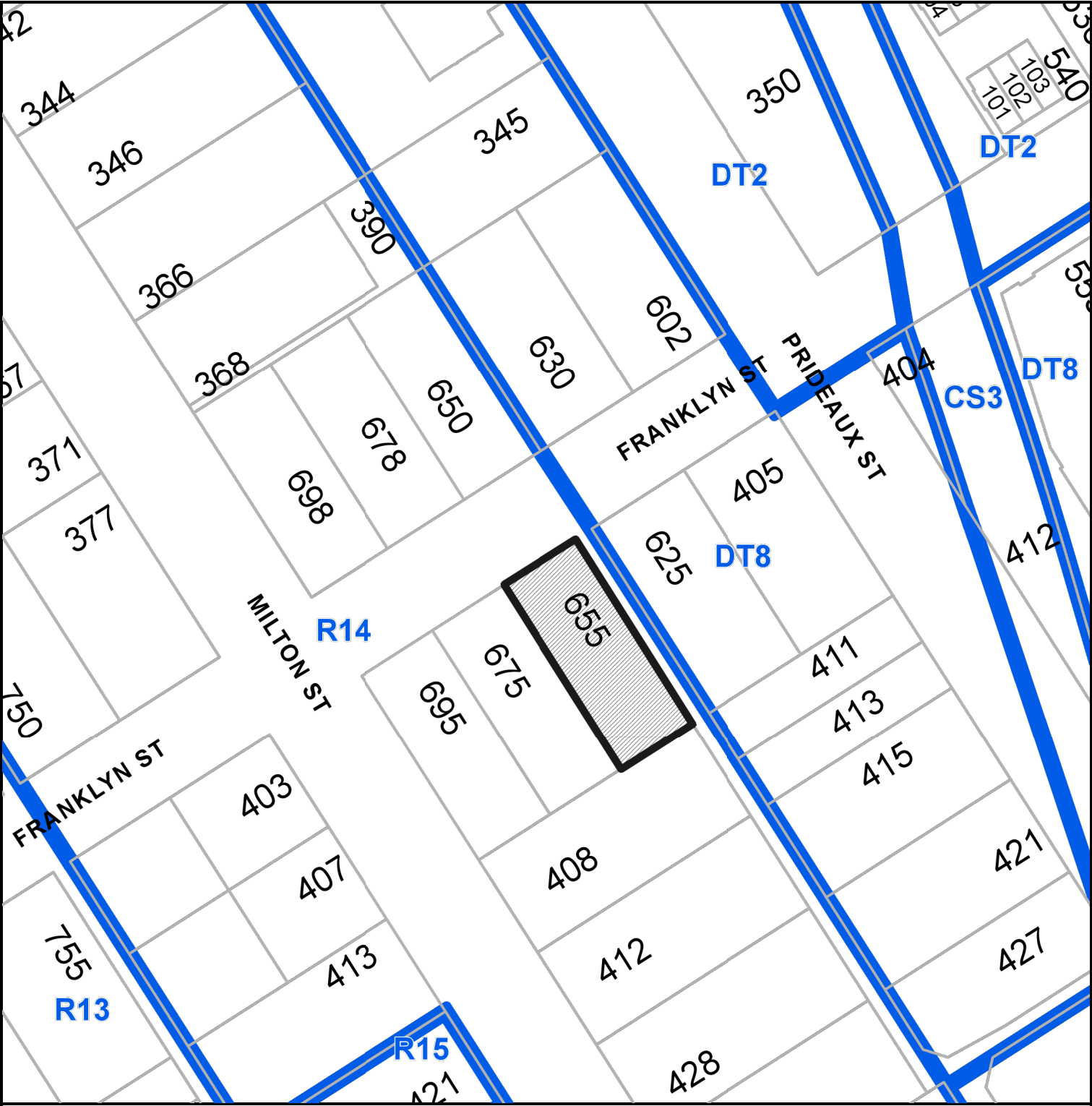
*Section 7.5.1 – Siting of Buildings
A minimum side yard setback of 1.5m is required.*

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 Current Planning Section no later than 2:30 p.m., December 17th, 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., December 14th, 2020 by visiting: <https://www.nanaimo.ca/your-government/city-council/council-meetings/appearing-as-a-delegation>.

LOCATION PLAN



**B.C. LAND SURVEYOR'S CERTIFICATE OF PROPOSED LOCATION ON:
SECTION C OF LOT 10, BLOCK 24, SECTION 1, NANAIMO
DISTRICT, PLAN 584.**



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

THE INTENDED PLOT SIZE OF THIS PLAN IS 356 mm IN WIDTH BY 216 mm IN HEIGHT (LEGAL SIZE) WHEN PLOTTED AT A SCALE OF 1:300.

LOT DIMENSIONS ARE DERIVED FROM REGISTERED PLANS.

CIVIC ADDRESS: 655 FRANKLYN STREET, NANAIMO.

PID: 008-794-189 ZONING: R14.

LEGEND:

FG DENOTES FINISHED GRADE;
NG DENOTES NATURAL GRADE.

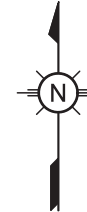
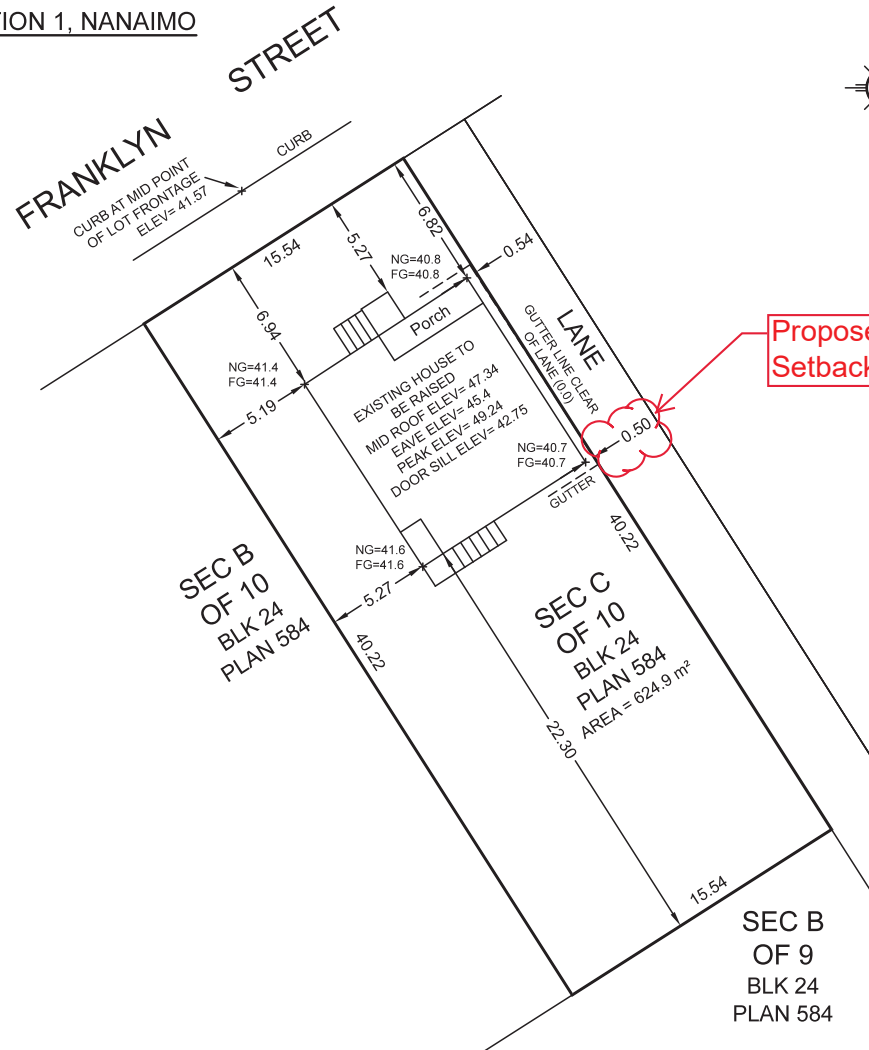
ELEVATION DATUM IS DERIVED FROM OBSERVATION TO GEODETIC MONUMENT 77H5103.
MONUMENT ELEVATION = 60.93 (CVD28BC).

HOUSE DESIGN FROM GREENPLAN.
DRAWINGS DATED NOVEMBER, 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 REESTABLISH BOUNDARY LINES.

Harbour City Land Surveying Ltd.
1825 LATIMER ROAD © 2020
NANAIMO BC V9S 5H2
PHONE: 250-758-4180

DRAWING: 20099 HS.DWG
LAYOUT: 1



MAXIMUM HOUSE HEIGHT CALCULATION	
MEAN FG = MEAN NG	41.13
CURB ELEV MID POINT	41.57
MAXIMUM HEIGHT PER BYLAW	7.75
MAXIMUM MID ROOF	49.32
PROPOSED MAIN FLOOR	43.23
HEIGHT MAIN TO MID ROOF	4.6
PROPOSED MID PEAK	47.80

**Proposed Side Yard
Setback Variance**

THE UNDERSIGNED CONFIRMS THAT HE HAS BEEN RETAINED BY JONKER CUSTUM BUILDING TO PROVIDE FOUNDATION LAYOUT IN ACCORDANCE WITH THE FOUNDATION LOCATION SHOWN ON THIS PLAN.

THIS PARCEL MAY BE SUBJECT TO REGISTERED CHARGES, INTERESTS AND LEGAL NOTATIONS AS SHOWN ON TITLE NO: CA2169113.

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

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.

THIS BUILDING LOCATION CERTIFICATE HAS BEEN PREPARED IN ACCORDANCE WITH THE MANUAL OF STANDARD PRACTICE AND IS CERTIFIED CORRECT THIS DATE OF NOVEMBER 25, 2020.

Digitally signed by Andre McNicoll QHSJGW
DN: cn=Andre McNicoll, o=Harbour City Land Surveying Ltd., ou=Harbour City Land Surveying Ltd., email=andre.mcnicoll@hcsjgw.com, c=CA
Andre McNicoll QHSJGW
Contact Info: andre.mcnicoll@hcsjgw.com
Date: 2020.11.25 16:31:56 -0800

**RECEIVED
BOV743
2020-NOV-27**

Current Planning

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

**City of Nanaimo
Board of Variance**

655 Franklyn Street
SECTION C OF LOT 10, BLOCK 24,
SECTION 1, NANAIMO DISTRICT, PLAN 584

Board of Variance

Please accept this letter and the attached supporting material as a request for a variance to the minimum setbacks requirements for a Side Yard (1.5 M.) Setback as specified for this property within the City of Nanaimo R14 zoning designation – Old City Residential.

The house at 655 Franklyn Street is an older home built prior to existing zoning or building permit requirements were regulated within the City of Nanaimo and subsequently, the home was built to within .5M of the east property line on the lane. By current zoning standards the existing home per the attached survey, (see Schedule 1), illustrates that the existing residence varies between 0.96M and 1.0M into the required 1.5m setback throughout the length of the building.

The homeowners contacted and met with Greenplan staff in September 2020 to discuss some design modifications to help with the flow and function of their old home and to identify a means to create a rental suite in the basement. The existing height of the lower floor basement is only 6'-5" and would not meet current BC Building Code (min. 6'-10 11/16" [2.1 M.]) for a habitable suite and subsequently the option to raise the building as sitting over the existing solid foundation was identified as the most logical and inexpensive option. While, the existing home is presumably recognized as legal non-conforming due to the projected date of the construction preceding the zoning bylaws, raising the home only slightly increases the Legal Non-Conforming portion of the home and thus necessitates this municipal variance request. At this point with your support, and via this application, we hope to legalize all portions of the home that extend beyond the 1.5M setback to the side yard and ensuring all construction is conforming on site.

We are hereby requesting a variance of 1.0 M. to allow construction to within 0.5 M. from the side yard property line.

The variance request is based on the circumstances of two key hardships that limit the owner's options. Firstly, they welcome the opportunity to create a legal secondary suite for property income and to support the municipal densification initiatives in the Old City Core but are unable to use their existing basement area as it is approximately 4" too low in height. To raise the home to meet the code requirements for a legal suite, only makes financial sense, if raised on the existing foundation which by legal definition necessitates the increase in the amount of legal non-conforming structure within the setbacks. To obtain their objective of a suite, the owners will require your support for a variance.

To assist in your decision, we note a couple of key issues pertinent to the application.

1. To ensure a comfortable suite, the owners are planning to raise the home by 1'-7" to provide 8' ceilings and despite the building height increase, the home will be under the max building height.

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BOV 743
2020-NOV-27
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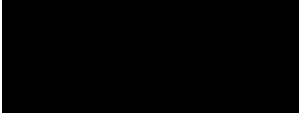
2. Should the owners be granted the variance to build, they will have an opportunity to renovate the home to ensure it will now also meet the Spatial Separation requirements to the flanking street as dictated by the BC Building Code, improving community safety.

We trust the information provided will be sufficient for the Board's review of the Variances requested and that if questions or concerns arise, we will have an opportunity to clarify the application at the BOV Meeting. The owners would be grateful for your support, so they can proceed with their vision for improving their property.

Respectfully submitted

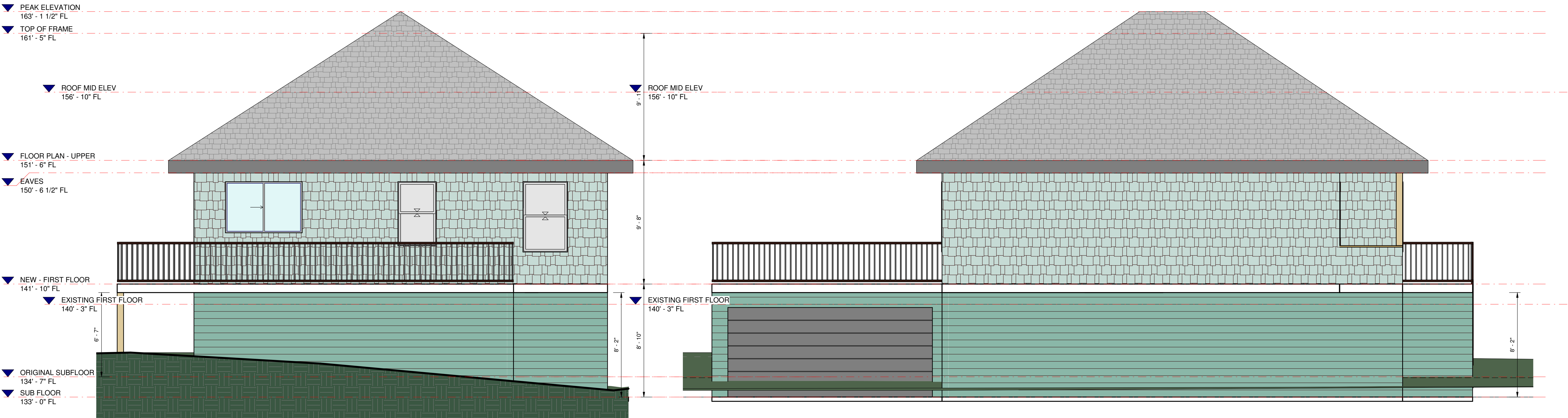
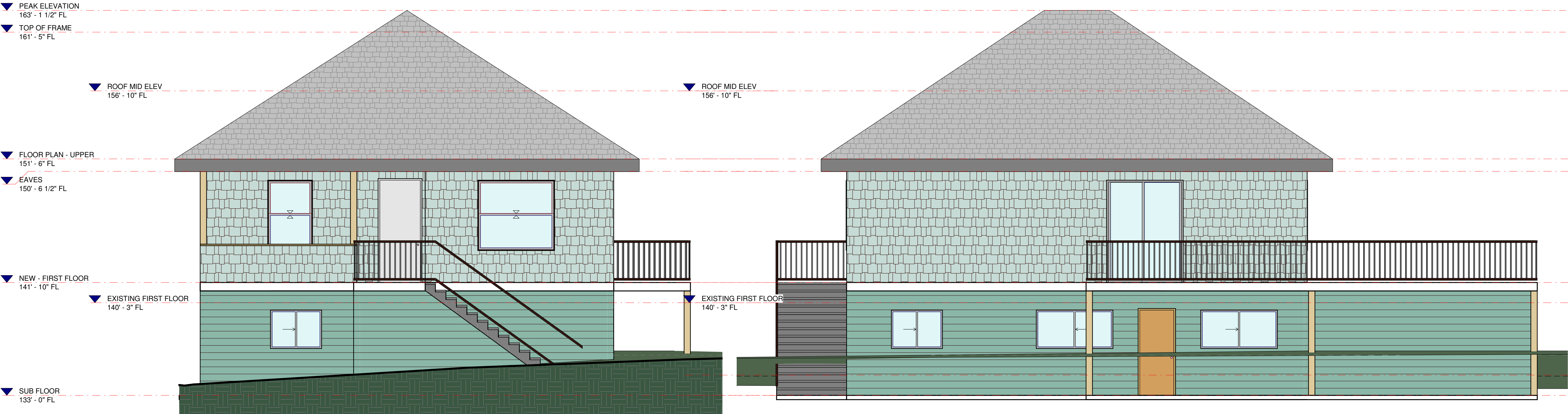
Keene Anderson

Anderson Greenplan Ltd
1655 Cedar Road
Nanaimo, BC, V9X 1L4



Revision

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655 FRANKLYN ST

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

Designed
Designer

Drawn
MT

Checked
Checker

Date
11/25/2020

Project
BASEMENT RENOVATION

Drawing #
2074-1125-71

Scale
1/4" = 1'-0"

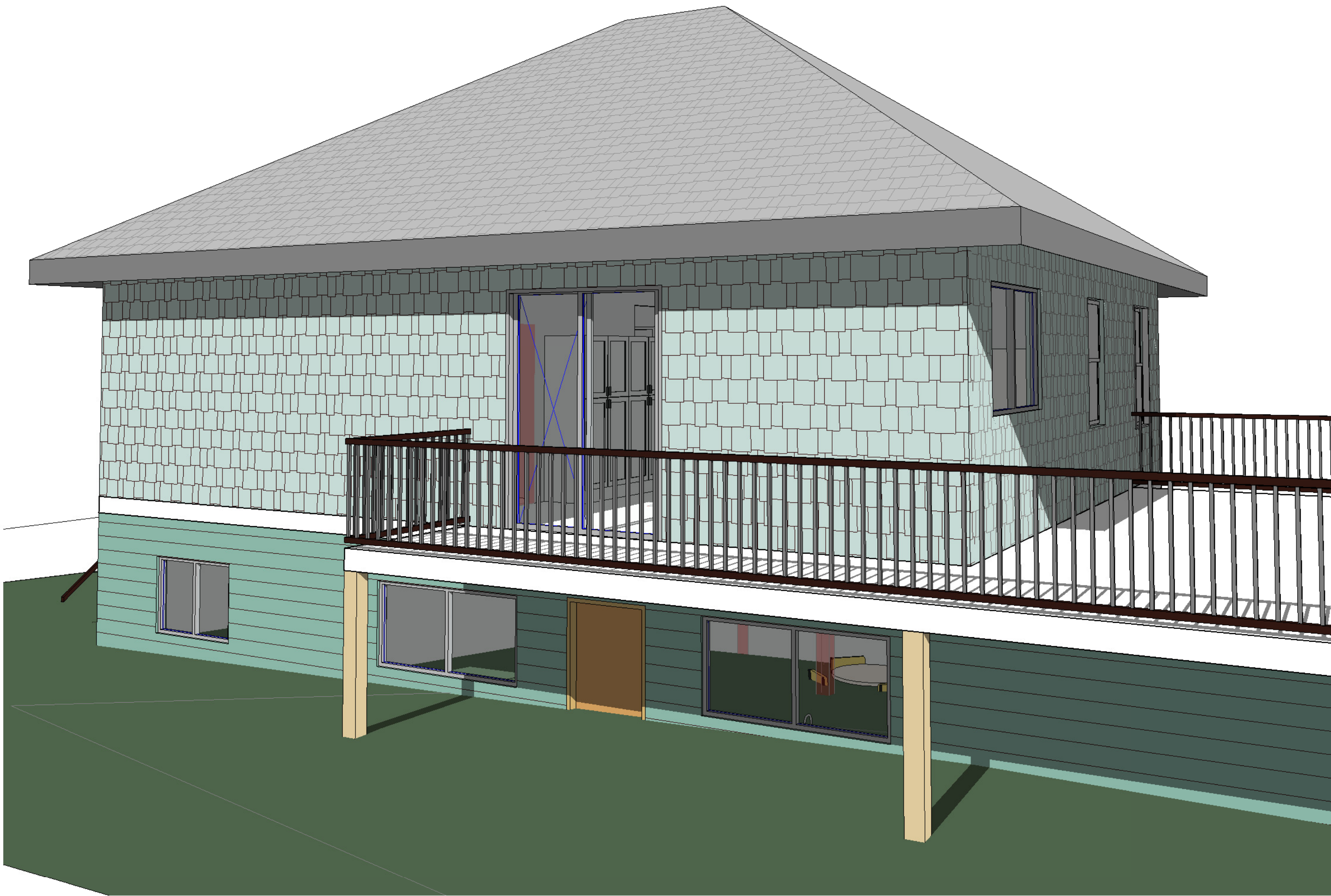
Sheet Title
ELEVATIONS

Sheet #
A3

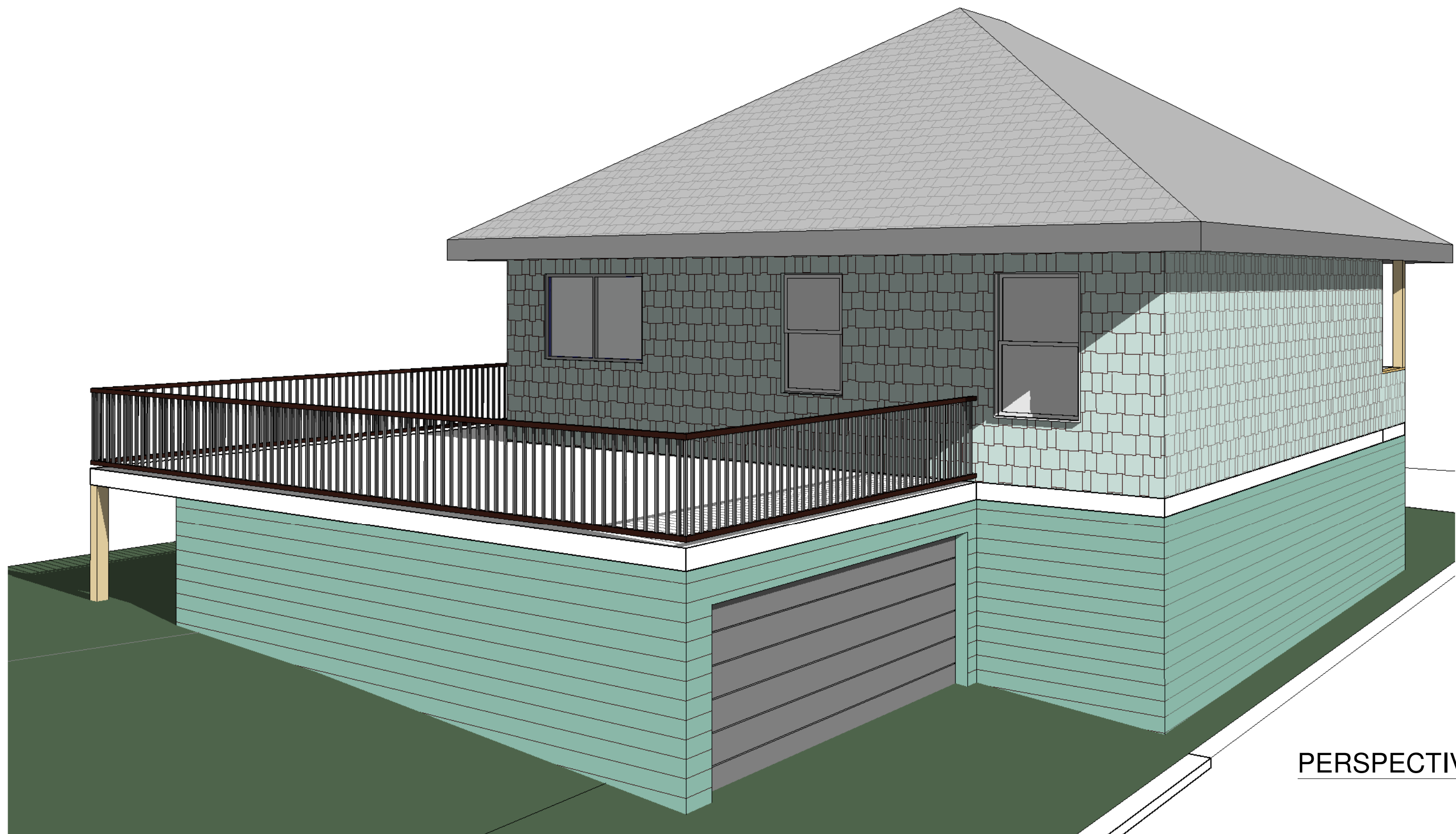
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PERSPECTIVE 1



PERSPECTIVE 3



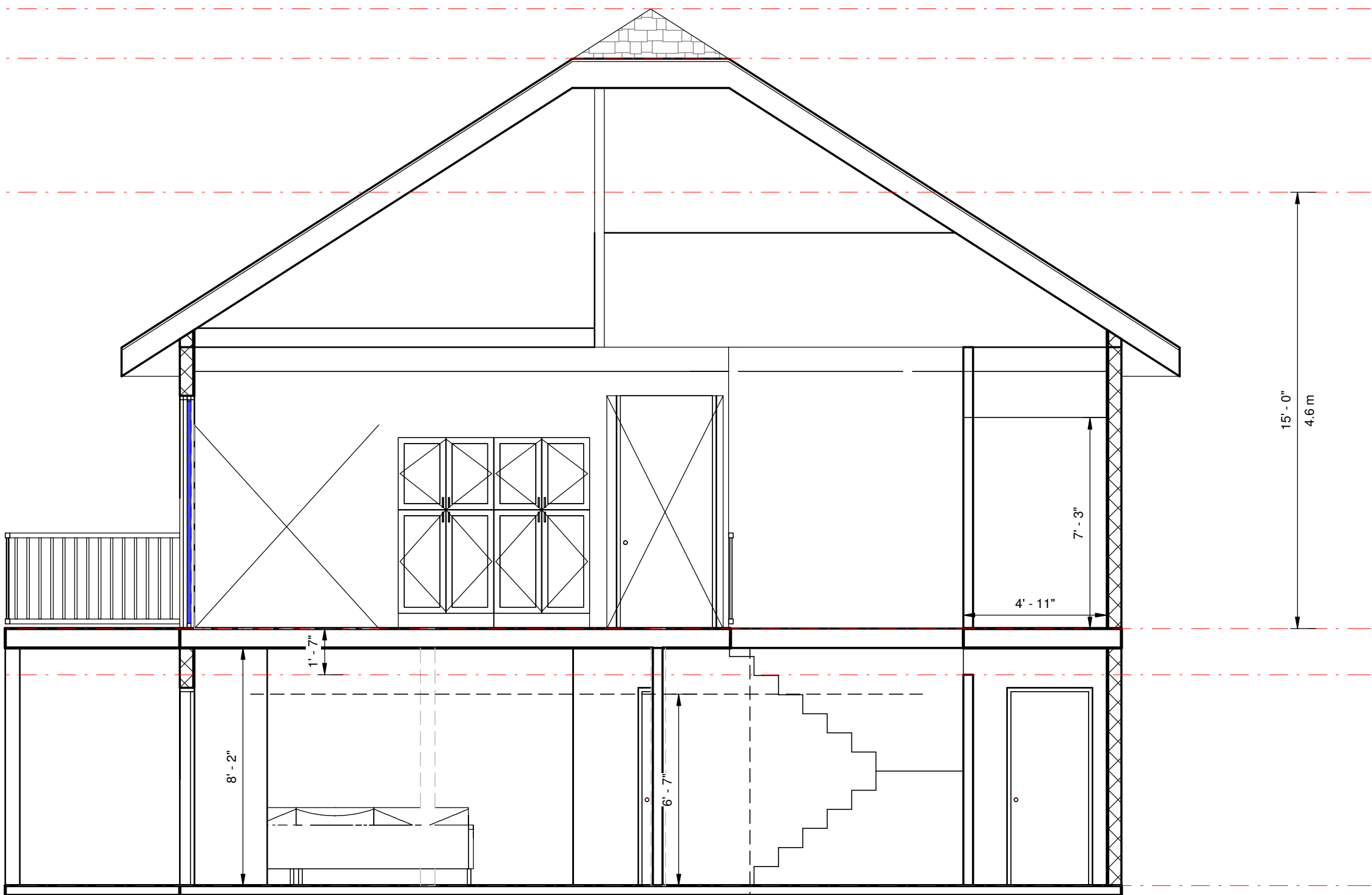
PERSPECTIVE 2

▼ PEAK ELEVATION 49.72
163' - 1 1/2" FL
▼ TOP OF FRAME 161' - 5" FL

▼ ROOF MID ELEV 47.803
156' - 10" FL

▼ NEW - FIRST FLOOR 43.23
141' - 10" FL
▼ EXISTING FIRST FLOOR 140' - 3" FL

▼ SUB FLOOR 133' - 0" FL



Section 1
1/4" = 1'-0"

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655 FRANKLYN ST

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

Designed Drawn MT Checked

Date: 11/25/2020

Project: BASEMENT RENOVATION

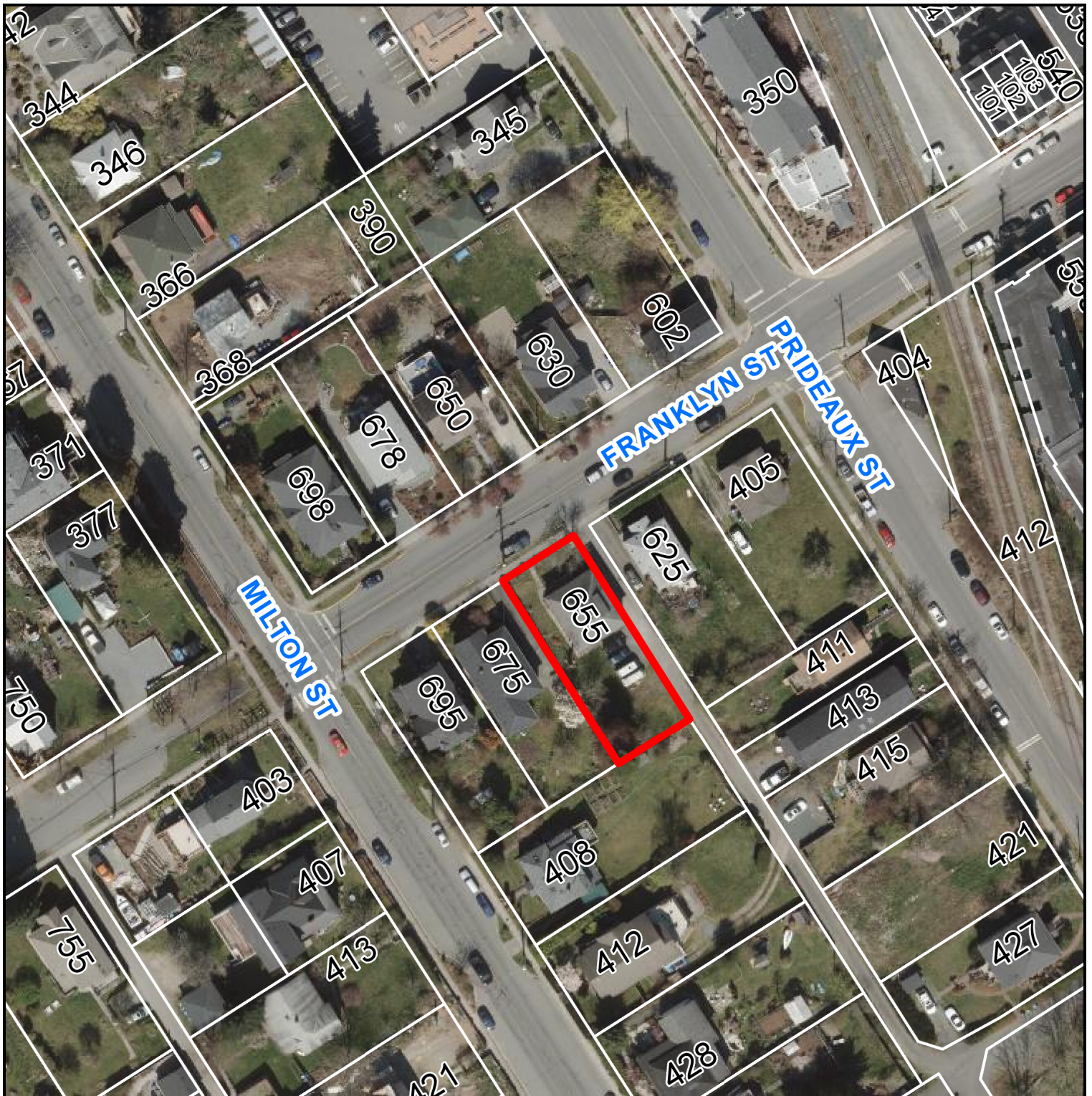
Drawing #: 2074-1125-71

Scale: 1/4" = 1'-0"

Sheet Title: PERSPECTIVES

Sheet #: A2

AERIAL PHOTO



BOARD OF VARIANCE NO. BOV00743

 655 FRANKLYN STREET