

### AGENDA BOARD OF VARIANCE MEETING

January 7, 2021, 4:00 PM Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC

Pages

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#### 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-DEC-17, at 4:00 p.m.

#### 5. PRESENTATIONS:

a.	Board of Variance No. BOV744 - 5324 Kenwill Drive	5 - 11
	Legal description: Lot 99, District Lot 32, Wellington District, Plan VIP53577	
	The applicant is requesting a variance to locate a heat pump between the front of the principal building and the nearest front lot line.	
	Zoning Bylaw No. 4500 requires that a heat pump or central air conditioning unit be located to the rear or side of a principal building.	
b.	Board of Variance No. BOV745 - 2198 Departure Bay Road	12 - 23
	Legal description: Lot 220, Section 1, Nanaimo District, Plan 18900	

The applicant is requesting a variance to allow a fence height of up to 2.0m within the front yard setback and within the required 7m setback for visibility at intersections.

#### c. Board of Variance No. BOV746 - 30 Mt. Benson Street

Legal description: Parcel B (Being a Consolidation of Lots 15 and 16, See CA8249741), Block 4, Newcastle Townsite, Section 1, Nanaimo District, Plan 584

The applicant is requesting a front yard setback of 5.05m and a north side yard setback of 2.14m in order to renovate an existing non-conforming building and increase its height by approximately 1m. This represents front and side yard setback variances of 0.95m and 0.86m respectively.

Zoning Bylaw No. 4500 requires a minimum front yard setback of 6m and a minimum side yard setback of 3m in the R8 zone.

#### 6. OTHER BUSINESS:

7. ADJOURNMENT:

#### MINUTES BOARD OF VARIANCE MEETING BOARDROOM, SERVICE AND RESOURCE CENTRE 411 DUNSMUIR STREET, NANAIMO, BC THURSDAY, 2020-DEC-17 AT 4:00 P.M.

PRESENT:	Members:	Jessica Kaman, Chair, At Large Member Nelson Allen, At Large Member Allan Dick, At Large Member (joined electronically) Daryoush Firouzli, At Large Member (joined electronically) Kenneth Hample, At Large Member (joined electronically)
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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 4:06 p.m.

#### 2. INTRODUCTION OF LATE ITEMS:

(a) Agenda Item 5(a) Board of Variance Application No. BOV743 – 655 Franklyn Street - Add an email from an adjacent property owner who is in support of the variance.

#### 3. <u>ADOPTION OF AGENDA:</u>

It was moved and seconded that the Agenda be adopted as amended. The motion carried unanimously.

#### 4. <u>ADOPTION OF MINUTES:</u>

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-NOV-19, be adopted as circulated. The motion carried unanimously.

#### 5. <u>PRESENTATIONS</u>:

#### (a) <u>Board of Variance No. BOV743 – 655 Franklyn Street</u>

The Chair read the application 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.

Keene Anderson, from GreenPlan, acting on behalf of the owners, spoke to the rationale for the application. He stated that he met with the owners to explore putting in a secondary suite in their existing basement. He determined the basement ceiling height would be too low to meet the BC Building Code and that the building would need to be raised. He also recognized that the placement of the current building (the foundation) doesn't meet current bylaw setbacks. He requested a survey be completed to determine the exact location of the foundation. He stated that this is the homeowners first step in updating their existing home. He also added that if the variance were approved, the building permit and construction process would address the other legal non-conforming construction as it exists today such as spatial and fire separations. If the variance isn't approved it will be too costly for the homeowners to construct a new foundation.

Discussion took place regarding:

- The proposed deck in the rear and whether it will meet setbacks
- The variance only being in regards to the house being raised and keeping the existing foundation
- The roofline/gutterline and how it sits in relation to the property line
- The bedrooms being on that side of the house and adjacent to the lane way
- Whether the upper floor is remaining as is
- Whether all safety separations will be addressed in the building permit
- Whether a building permit had been applied for and that the complete design and structure hasn't been approved by the City yet
- The owners will be applying for a building permit if the variance is approved and at that point the concerns of fire separations and limiting distance will be dealt with

It was moved and seconded that application BOV743 for 655 Franklyn Street to vary the provisions of "City of Nanaimo Zoning Bylaw No. 4500" to reduce the side yard setback from 1.5m to 0.5m in order to raise an existing, non-conforming single residential dwelling be approved. The motion carried unanimously.

#### 6. ADJOURNMENT:

It was moved and seconded at 4:21 p.m. that the meeting adjourn. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

RECORDING SECRETARY



## NOTICE OF MEETING

A meeting of the Board of Variance will be held on Thursday, 2021-JAN-07, 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:	BOV00744
Applicant:	SCOTT PARKER AND JAIME CHECKLEY
Civic Address:	5324 KENWILL DRIVE
Legal Description:	LOT 99, DISTRICT LOT 32, WELLINGTON DISTRICT, PLAN VIP53577
Purpose:	Zoning Bylaw No. 4500 requires that a heat pump or central air conditioning unit be located to the rear or side of a principal building. The applicant is requesting a variance to locate a heat pump between the front of the principal building and the nearest front lot line.
Zoning Regulations:	Single Dwelling Residential – R1. The applicant requests a variance to the "City of Nanaimo Zoning Bylaw No. 4500":
	Section 6.5.2 – Projections into Yards Where the principal use of the property is a single residential dwelling or duplex, heat pumps and central air conditioning units shall not be located between the front face of a principal building and the nearest front lot line, and shall not be closer than 4.5m to side lot lines or closer than 3m to rear lot lines. Heat pumps and central air conditioning units shall be screened from view from streets.

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 via Zoom. In-person attendance will not be permitted at this time.

*WRITTEN SUBMISSION:* To submit comments in writing you must contact the Current Planning Section no later than 2:30 p.m., January 7<sup>th</sup>, 2021 by emailing <u>planning@nanaimo.ca</u> or calling 250-755-4429 (x4220).

**ATTEND VIA ZOOM:** To attend electronically as a delegation, you must register no later than 11:00 a.m., January 4th, 2021 by emailing <u>planning@nanaimo.ca</u> or calling 250-755-4429 (x4220).

## LOCATION PLAN



Subject Property

LEGAL: LOT 99, DISTRICT LOT 32, WELLINGTON DISTRICT, PLAN VIP53577



To Whom it may concern,

I would like to be able to put a Heat Pump or A/C unit at the side of my house facing Georgiaview Crescent.

Please note that although the civic address & access for my driveway are both on Kenwill, the city has designated Georgiaview as my front side.

I have summarized a few items for your consideration;

- I am on a corner lot and the distance between the proposed location and another residence is much greater than if it were located at the rear of the property.
- If the unit was located at either the rear or back of my property, the unit would be closer to both neighboring houses- 5320 Kenwill, 5351 Highridge (which would be right by their bedroom).
- The elevation of my house is higher than the closest house across the street (5311 Georgiaview), Any noise would travel over this property
- Additionally, the Heat Pump or A/C unit would be hidden from view because of my fence (please see the included picture of the "side" of my house).

I have included a Satellite photo from the City's website to show the location of the neighboring houses to support the shared information

Thank you for your consideration

Scott Parker 5324 Kenwill Drive Nanaimo BC







## **AERIAL PHOTO**



## **BOARD OF VARIANCE NO. BOV00744**

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5324 KENWILL DRIVE



## **BOARD OF VARIANCE**

## NOTICE OF MEETING

A meeting of the Board of Variance will be held on Thursday, 2021-JAN-07, 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:	BOV00745
Applicants:	CONSTANCE AND MELVIN CRUM
Civic Address:	2198 DEPARTURE BAY ROAD
Legal Description:	LOT 220, SECTION 1, NANAIMO DISTRICT , PLAN 18900
Purpose:	The applicant is requesting a variance to allow a fence height of up to 2.0m within the front yard setback and within the required 7m setback for visibility at intersections.
Zoning Regulations:	Single Dwelling Residential – R1. The applicant requests a variance to the "City of Nanaimo Zoning Bylaw No. 4500":
	Section 6.9.1 – Visibility At Intersections Where two streets intersect, there shall be no obstruction to the line of vision between 1.2m and 3m within an area bounded by the centre line of intersecting lot lines and a line joining each of the lot lines 7m from their point of intersection (see attached excerpt on Page 2).
	Section 6.10.2 – Fence Height The maximum height of a fence within the front yard shall not exceed 1.2m in height in the R1 zone.

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 via Zoom. In-person attendance will not be permitted at this time.

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#### 6.9 VISIBILITY AT INTERSECTIONS

6.9.1. Where two streets intersect, there shall be no obstruction to the line of vision between 1.2m and 3m within an area bounded by the centre line of intersecting lot lines and a line joining each of the lot lines 7m from their point of intersection. (4500.073; 2015-MAR-16)



## **LOCATION PLAN**



CIVIC: 2198 DEPARTURE BAY ROAD LEGAL: LOT 220, SECTION 1, NANAIMO DISTRICT , PLAN 18900

Subject Property



#### **Constance and Melvin Crum**

#### 2198 Departure Bay Road



December 8, 2020.



Board of Variance, City of Nanaimo Nanaimo, BC

#### Dear Board of Variance:

Our house is located on Departure Bay Road, where there is almost constant traffic (including many buses, trucks and motorcycles) on 4 lanes. The main entrance and main floor of our house is close to street level; we find it very noisy and stressful. The noise and busy-ness make it difficult to enjoy being outside gardening, talking or even getting into and out of the car! It's hard even to greet visitors or to say goodbye to them because of the traffic noise. It is particularly noisy due to vehicles braking and accelerating, at the traffic light, at the corner of Departure Bay Road and Montrose Avenue.

We'd like to build a 2 metre high fence inside our property line on Departure Bay Road, along the whole of our lot line bordering Departure Bay Road, to reduce the noise and give us some privacy from the large volume of traffic.

The variances we are requesting are:

- 1. Section 6.10 Fence Height. Increase allowable fence height to 2 metres. (The hardship with the height bylaw is that a 1.2 metre high fence is not high enough to help block the sound or sight of the constant traffic).
- 2. Section 6.9 Visibility at Intersections. Please waive the requirement for a 7 metre distance from the corner, reduction in height. (The hardship of this bylaw is that, although we are located on a "corner" and this rule applies to us, the road right of way is greater than 11 metres from Montrose Avenue to our lot. Our proposed fence would meet the intent of the bylaw, to not obstruct the visibility of the road. Please see the document titled "Aerial View").

Thank you very much. Yours truly,

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Constance and Melvin Crum



## ELEVATION DRAWING

# PROPOSED FENCE, 2198 DEPARTURE BAY ROAD NANAIMO, B.C.



DEPARTURE BAY ROAD







Constance and Melvin Crum 2198 Departure Bay Road

December 1, 2020

Dear Neighbour

We, Connie and Mel Crum, have applied to the Board of Variance, to be allowed to build a 2 metre high fence at the front of our property along Departure Bay Road (instead of 1.2 metres which is the bylaw). It would replace the existing hedge. We are hoping to block some of the traffic noise and have some privacy from all the vehicles going by.

The City might send out a notice about our application. We're asking you to support us, please! Would you be willing to sign saying you have no objections to our application?

Thank you in advance.

Sincerely

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Connie and Mel Crum

RECEIVED BOV 745 DEC 0 8 2020 CITY OF NANAIMO COMMUNITY DEVELOPMENT

We, the undersigned, support this application.



SIGNATURE NAME ADDRESS Doro L Chase \$2186 Departure Bay Rd Derek Chase Nanaimo, BC 2212 DEPARTURE BAN RD Tim BURLEY NANDAIMO B.C. SHEILINA PREMUT 2085-12195 De parture Bay Rd Nanaimo BC fame. Howard Jamieson 295 CilaireDrive Nanaimo, B21C

Constance and Melvin Crum 2198 Departure Bay Road

December 1, 2020

Dear Neighbour

We, Connie and Mel Crum, have applied to the Board of Variance, to be allowed to build a 2 metre high fence at the front of our property along Departure Bay Road (instead of 1.2 metres which is the bylaw). It would replace the existing hedge. We are hoping to block some of the traffic noise and have some privacy from all the vehicles going by.

The City might send out a notice about our application. We're asking you to support us, please! Would you be willing to sign saying you have no objections to our application?

Thank you in advance.

Sincerely

mylan le lerum

Connie and Mel Crum

RECEIVED BOV145 DEC 0 8 2020 CITY OF NANAIMO COMMUNITY DEVELOPMENT

We, the undersigned, support this application.

SIGNATURE/ ADDRESS NAME C2212 Departire Buy Road " Norame BC 221213 Departere Bay Rd. lony Hu Jaime Sands 2185 Departure Bay V Kout 286 DEPARTURE BAY RD Man her-Cari Gauthier CAALL DENNISON 2195 Departure Boy Rd. 3 cilaire GAIL POTVIN David Chem

## **AERIAL PHOTO**



## **BOARD OF VARIANCE NO. BOV00745**

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2198 DEPARTURE BAY ROAD



## **BOARD OF VARIANCE**

## NOTICE OF MEETING

A meeting of the Board of Variance will be held on Thursday, 2021-JAN-07, 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:	BOV00746
Applicants:	D ROBINSON HOLDINGS LTD.
Civic Address:	30 MT BENSON STREET
Legal Description:	PARCEL B (BEING A CONSOLIDATION OF LOTS 15 AND 16, SEE CA8249741), BLOCK 4, NEWCASTLE TOWNSITE, SECTION 1, NANAIMO DISTRICT, PLAN 584
Purpose:	<ul> <li>Zoning Bylaw No. 4500 requires a minimum front yard setback of 6m and a minimum side yard setback of 3m in the R8 zone. In order to renovate an existing non-conforming building and increase its height by approximately 1m, the applicant is requesting the following: <ul> <li>a front yard setback of 5.05m; and</li> <li>and a north side yard setback of 2.14m.</li> </ul> </li> <li>This represents front and side yard setback variances of 0.95m and 0.86m respectively.</li> </ul>
Zoning Regulations:	Single Dwelling Residential – R8. The applicant requests a variance to the "City of Nanaimo Zoning Bylaw No. 4500": Section 7.5.1 – Siting of Buildings A minimum front yard setback of 6m is required. A minimum side yard setback of 3m 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

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attend via Zoom. In-person attendance will not be permitted at this time.

## LOCATION PLAN



## **BOARD OF VARIANCE NO. BOV00746**

**CIVIC: 30 MT BENSON STREET** 

Subject Property

LEGAL: PARCEL B (BEING A CONSOLIDATION OF LOTS 15 AND 16, SEE CA8249741), BLOCK 4, NEWCASTLE TOWNSITE, SECTION 1, NANAIMO DISTRICT, PLAN 584



#### VARIANCE RATIONALE LETTER

We are applying for a building permit to do a renovation on the existing building located at 30 Mt Benson.

This renovation does not change any of the current buildings set backs from the road or side yards. There is a minor change to the height of the building as per the explanation below.

The BCLS Height Survey (attached) shows the building height increasing from 12.99m above geodetic sea level to 14.01m, an increase of 1.02m. The existing structure pre-dates the current Zoning Bylaw and is non-conforming in terms of siting. By raising the roofline of the building within the permitted front and side yard setbacks it increases the structure's area of nonconformity. The survey shows the structure is 5.05m away from the front (Newcastle Ave) property line at its closest point and 2.14m away from the side (north) property line at its closest point. The Zoning Bylaw requires a minimum front yard setback of 6m and a minimum side yard setback of 3m in the R8 zone. This represents a front yard setback variance of 0.95m and a side yard setback variance of 0.86m.

This height change does not impair any neighbouring buildings views and has no impact on any neighbouring properties.

Our plan brings this building to new life with an update to the structure as well as beautiful new landscapes.

We hope you consider and approve our variance.

Napr Robert Dec 23 2020

RECEIVED BOV746 2020-DEC-23 Current Planning







## **AERIAL PHOTO**



## **BOARD OF VARIANCE NO. BOV00746**

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30 MT BENSON STREET