



AGENDA
BOARD OF VARIANCE MEETING

October 5, 2023, 4:00 PM
Boardroom, Service and Resource Centre,
411 Dunsmuir Street, Nanaimo, BC

Pages

1. CALL THE MEETING OF THE BOARD OF VARIANCE TO ORDER:

2. APPOINTMENT OF CHAIR:

That [insert member name] be appointed as Chair of the Board of Variance.

The Chair of the Board of Variance to appoint an Acting Chair to preside in the absence of the Chair.

3. INTRODUCTION OF LATE ITEMS:

4. ADOPTION OF AGENDA:

5. ADOPTION OF MINUTES:

a. Minutes

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Minutes of the Open Board of Variance Meeting held in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2023-AUG-03, at 4:00 p.m.

6. PRESENTATIONS:

a. Board of Variance Application No. BOV00775 - 4654 Ambience Drive

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The "City of Nanaimo Zoning Bylaw 2011 No. 4500" permits a maximum 9.0m building height for a principal building with a sloped roof (with a roof pitch of 4 in 12 or greater) in the Steep Slope Residential (R10) zone. The applicant requests to increase the maximum building height from 9.0m to 10.5m to allow the construction of a single residential dwelling. This represents a variance of 1.5m.

The subject property is legally described as: Lot 5, District Lot 55, Wellington District, Plan Epp113621.

7. REPORTS:

8. OTHER BUSINESS:

9. ADJOURNMENT:

MINUTES
BOARD OF VARIANCE MEETING
BOARDROOM, SERVICE AND RESOURCE CENTRE
411 DUNSMUIR STREET, NANAIMO, BC
THURSDAY, 2023-AUG-03 AT 4:00 P.M.

PRESENT: Members: Nelson Allen, At Large (Acting Chair)
 Brian Anderson, At Large
 John Hofman, At Large

 Absent: Daryoush Firouzli, At Large

 Staff: L. Rowett, Manager, Current Planning
 P. Carter, Planner, Current Planning
 J. Vanderhoef, Steno Coordinator, Legislative Services
 B. Binnersley, Community Development Clerk, Current Planning
 C. Richards, Recording Secretary

1. CALL THE BOARD OF VARIANCE COMMITTEE MEETING TO ORDER:

Jessica Vanderhoef, Steno Coordinator, Legislative Service, called the meeting to order at 4:00 p.m.

2. APPOINTMENT OF TEMPORARY ACTING CHAIR:

It was moved and seconded that Nelson Allen be appointed as Acting Chair for the 2023-AUG-03 Board of Variance meeting. The motion carried unanimously.

Nelson Allen assumed the role of Acting Chair from Jessica Vanderhoef, Steno Coordinator, Legislative Services.

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, 2023-APR-06, at 4:00 p.m., be adopted as circulated. The motion carried unanimously.

5. PRESENTATIONS:

a. Board of Variance Application No. BOV00773 – 2565 Battersea Road

Introduced by Nelson Allen, Acting Chair.

David Lavoie, property owner, spoke regarding Board of Variance Application No. BOV00773. Highlights included:

- The existing deck required maintenance;
- The owners replaced the deck posts unaware that a building permit was required;
- It was later determined that a building permit was required for replacing the post footings and that one of the replaced posts was not in compliance with the current setback requirements because the house was built close to the property line;
- The house and deck do not comply with the current required setbacks as the house and deck were constructed prior to the adoption of the current zoning bylaw.

Nelson Allen, Acting Chair, opened the floor for discussion regarding potential hardship associated with the project. The following topics were discussed:

- The location of the house at the rear of the property.
- The house and deck were constructed prior to the adoption of the current zoning bylaw.

It was moved and seconded that the Board of Variance finds that hardship exists in the case of application BOV00773, 2595 Battersea Road, due to physical site characteristics. The motion carried unanimously.

Nelson Allen, Acting Chair, opened the floor for discussion regarding the approval of the application. No discussion took place.

It was moved and seconded that the Board of Variance approve application BOV00773 at 2595 Battersea Road to vary section 7.5 of the City of Nanaimo Zoning Bylaw No. 4500, to reduce the minimum flanking side yard setback from 4.0m to 0.0m to facilitate repairs to an existing non-conforming deck, there being evidence of undue hardship presented. The motion carried unanimously.

b. Board of Variance Application No. BOV00774 – 4541 Suncrest Road

Introduced by Nelson Allen, Acting Chair.

Michael Plavetic, property owner, spoke regarding Board of Variance Application No. BOV00774. Highlights included:

- Requested a 0.18m height variance as there was an error made during construction;
- As the project is near completion, it would be difficult to resolve the height error;
- The surveyor performed an as-built survey (for the framing inspection). At this time, the height inaccuracy was discovered;
- A miscommunication had occurred between the building/owner and the truss manufacturing company;
- The neighbours surrounding the property have submitted correspondence in support of keeping the building as-is.

Nelson Allen, Acting Chair, opened the floor for discussion regarding potential hardship associated with the project. The following topics were discussed:

- The building process that took place.

It was moved and seconded that the Board of Variance finds that hardship exists in the case of application BOV00774, 4541 Suncrest Road, due to physical site characteristics, resulting in a variance of 0.18m in height. The motion carried unanimously.

Nelson Allen, Acting Chair, opened the floor for discussion regarding the approval of the application. No discussion took place.

It was moved and seconded that the Board of Variance approve application BOV00774, 4541 Suncrest Road, to vary section 7.6 of the Zoning Bylaw No. 4500, to increase the maximum allowable height from 9.0m to 9.18m to facilitate the height of the building, there being evidence of undue hardship presented. The motion carried unanimously.

6. ADJOURNMENT:

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

ACTING CHAIR

CERTIFIED CORRECT:

RECORDING SECRETARY



DEVELOPMENT SERVICES DEPARTMENT

BOARD OF VARIANCE

NOTICE OF MEETING

A meeting of the Board of Variance will be held on Thursday, October 5th, 2023, 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: **BOV00775**

Applicant: SANDEEP KAMBOJ

Civic Address: 4654 AMBIENCE DRIVE

Legal Description: LOT 5 DISTRICT LOT 55 WELLINGTON DISTRICT PLAN EPP113621

Requested Variance: Section 7.6.1 of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” permits a maximum 9.0m building height for a principal building with a sloped roof in the Steep Slope Residential (R10) zone.

The applicant requests to increase the maximum building height from 9.0m to 10.5m to allow the construction of a single residential dwelling. This represents a variance of 1.5m.

You are being notified as an owner or tenant of land that is adjacent to the property 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, and wish to address this appeal, you will be given the opportunity to be heard at the Board of Variance meeting. Members of the public may submit comments in writing or attend the meeting in-person.

WRITTEN SUBMISSION: To submit comments in writing you must contact the Current Planning Section no later than 2:30 p.m. October 5th, 2023, by contacting Kirsten Dafoe, Planning Assistant, by email at kirsten.dafoe@nanaimo.ca, or by calling 250-755-4460 Ext. 4509.

ATTEND IN-PERSON: To address this appeal in person you may attend this meeting, in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Thursday, October 5th, 2023, at 4:00 p.m.

This map illustrates a residential subdivision with the following features:

- Streets:**
 - ABALONE PL:** A curved street at the top of the map.
 - AMBIENCE DR:** A curved street running horizontally through the middle.
 - WHITEFISH PL:** A curved street at the bottom right.
- Highlighted Parcel:** A rectangular lot is outlined with a thick black border and filled with diagonal hatching. It is located between Ambience Dr and Abalone Pl, with the number 4654 written inside it.
- Other Lots and Numbers:**
 - Top Section (near Abalone Pl):** Lots 105, 101, 106, 110, 114, 118, 119, 113, 109, 100, 102, 104.
 - Bottom Section (near Whitefish Pl):** Lots 108, 104, 100, 101, 105.
 - Left Section (near Ambience Dr):** Lots 4671, 4667, 4663, 4659, 4655, 4651, 4647, 4643.
 - Right Section (near Ambience Dr):** Lots 4650, 4646, 4642.
- Other Labels:**
 - A blue label **R10** is positioned near the highlighted parcel.
 - Numbers 4668 and 4672 are located on the far left edge.



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B.C. LAND SURVEYOR'S CERTIFICATE OF PROPOSED LOCATION ON:
LOT 5, DISTRICT LOT 55, WELLINGTON DISTRICT, PLAN EPP113621.



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: 4654 AMBIENCE DRIVE, NANAIMO.

PID: 031-523-650 ZONING: R10.

LEGEND:

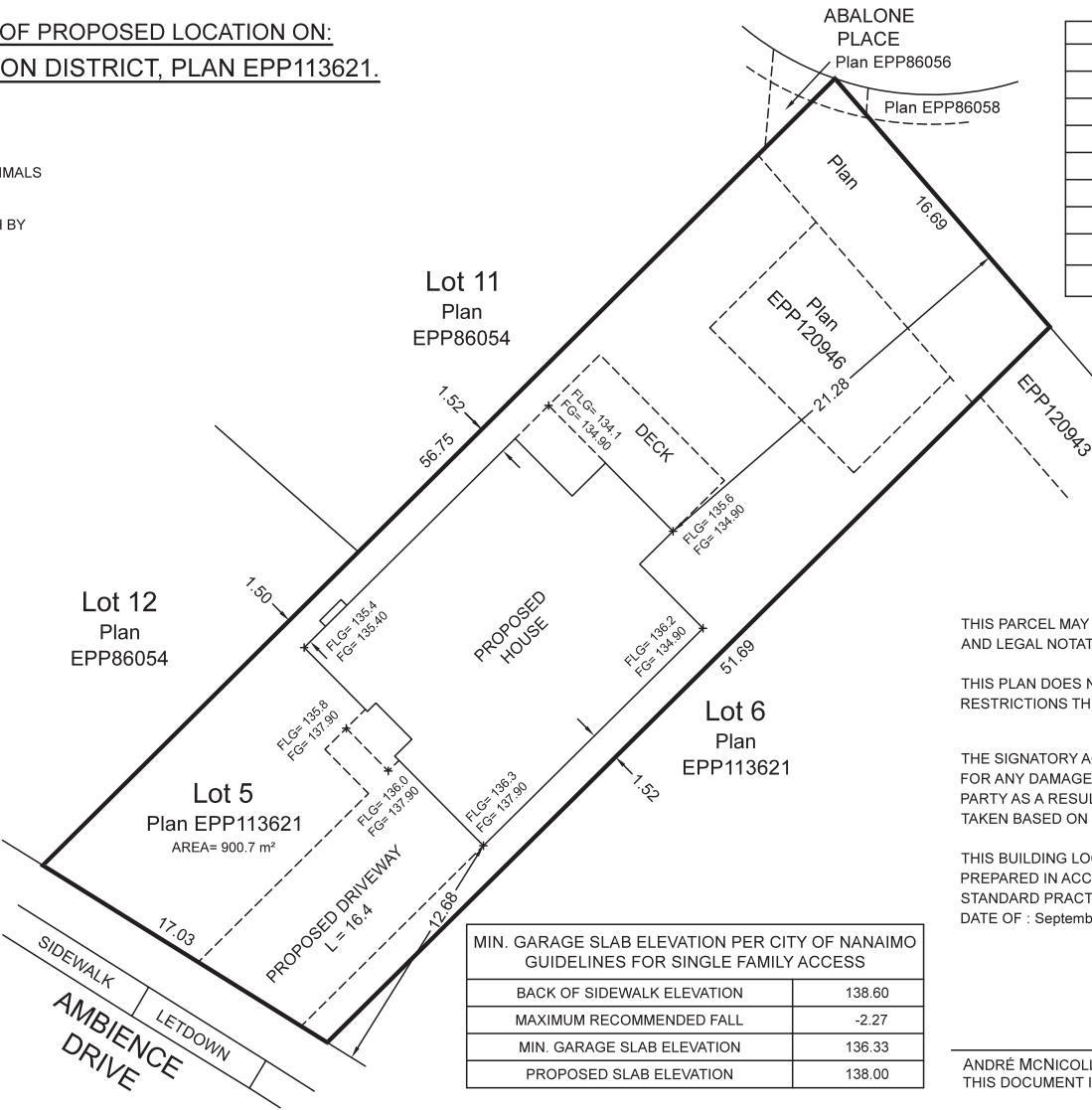
- + DENOTES SPOT ELEVATION;
- FLG DENOTES FINAL LOT GRADE;
- FG DENOTES FINISHED GRADE;
- L DENOTES LENGTH.

ELEVATION DATUM IS DERIVED FROM THE FINAL LOT GRADING PLAN #25512 ON FILE AT THE CITY OF NANAIMO ENGINEERING DEPARTMENT.

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.

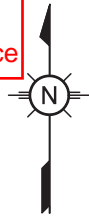
Harbour City Land Surveying Ltd.
1825 LATIMER ROAD
NANAIMO BC V9S 5H2
PHONE: 250-758-4180
© 2023

DRAWING: 22083 HS REV 1.dwg
BASE PLAN: 22083 BASE PLAN.DWG
LAYOUT: 1



MAXIMUM HOUSE HEIGHT CALCULATION	
MBFE	128.51
MEAN FG	136.26
MEAN FLG	135.63
MAXIMUM HEIGHT	9.0
MAXIMUM ROOF PEAK	144.63
PROPOSED BASEMENT FLOOR	135.10
HEIGHT BASEMENT TO PEAK	10.91
PROPOSED ROOF PEAK	146.01
VARIANCE REQUIRED	1.50

Proposed
1.5m building
height variance



THIS PARCEL MAY BE SUBJECT TO REGISTERED CHARGES, INTERESTS AND LEGAL NOTATIONS AS SHOWN ON TITLE NO: CB231549.

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 : September 19, 2023.

MIN. GARAGE SLAB ELEVATION PER CITY OF NANAIMO GUIDELINES FOR SINGLE FAMILY ACCESS	
BACK OF SIDEWALK ELEVATION	138.60
MAXIMUM RECOMMENDED FALL	-2.27
MIN. GARAGE SLAB ELEVATION	136.33
PROPOSED SLAB ELEVATION	138.00

ANDRÉ MCNICOLL
THIS DOCUMENT IS INVALID UNLESS DIGITALLY SIGNED.

RECEIVED
BOV775
2023-SEP-19
Current Planning

RESPECTED BOARD OF VARIANCE

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] My parents, who are senior citizens, have been living in Surrey since we moved to Canada back in 1998 with my mentally disabled sister, who is wheelchair bound. My parents, my elder sister and myself have been looking after my disabled sister since birth. We have planned to live together here in Nanaimo in our new house as we lived before I moved here to Nanaimo because of the better opportunities available 10 years ago. My other sister also lives in Nanaimo with her family since 2001. I am able to establish myself here and I can afford now to built a house where all of us can live together. They need to live with us because they're health is deteriorating.

I have purchased LOT 5, District LOT 55, Wellington District, Plan 113621 to build our desired house that fits our needs. Our architect has designed a master bedroom suite on the main floor with an attached full bathroom and walk in closet, this room is big enough for 2 queen sized beds. The main floor also has a kitchen, a family room, and a deck at the back. I have no plans of putting my parents and sister in a senior facility. They will live with us and we will look after them. So I am here requesting the board to allow us to raise the main floor to EL: 138.20 to avoid steps and driveway slope to the main floor. My parents and sister will have a very hard time walking up and down the steep slope and steps. I want them to accommodate them as much as possible. Please

look into our request and grant us permission to make propose changes. We will be very thankful to the board.

AERIAL PHOTO



4654 Ambience Drive