



AGENDA
BOARD OF VARIANCE MEETING

November 7, 2024, 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. 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 Boardroom of the Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2024-JUN-06 at 4:01 p.m.

5. PRESENTATIONS:

a. **Board of Variance Application No. BOV00782 - 5342 Somerset Drive**

5 - 20

Sections 9.8.2 and 7.5.1 of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” set out a minimum 7.5m rear yard setback for properties in the Interim Corridor Area of the Residential Corridor (COR1) zone.

The applicant requests to reduce the minimum rear yard setback from 7.5m to 1.56m to allow an addition to the existing single residential dwelling to contain a secondary suite.

6. REPORTS:

7. OTHER BUSINESS:

8. QUESTION PERIOD:

9. ADJOURNMENT:



MINUTES

BOARD OF VARIANCE MEETING

June 6, 2024, 4:01 P.M.

Boardroom, Service and Resource Centre,
411 Dunsmuir Street, Nanaimo, BC

Present: Nelson Allen, Chair
Brian Anderson, At Large
John Hofman, At Large
Jaime Dubyna, At Large
Michael Bassili, At Large

Staff: C. Horn, Planner, Current Planning
J. Vanderhoef, Steno Coordinator, Legislative Services
A. Bullen, Recording Secretary

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

The Chair called the meeting of the Board of Variance to order at 4:01 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 Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2024-MAY-02, at 3:58 p.m. be adopted. The motion carried unanimously.

4. PRESENTATION:

Board of Variance Application No. BOV00781 - 504 Pinnacle Place

Introduced by Nelson Allen, Chair.

Dave Dinh, Posh Construction, applicant, spoke regarding Board of Variance Application No. BOV00781. Highlights included:

- House is located on a steep slope, about a 12% incline from the sidewalk to the front of the garage
- There was a miscalculation for the foundation, and it was completed higher than anticipated which resulted in a building height greater than the allowable building height
- Applicant has used all brand-new materials, and there would be an environmental impact to reverse/correct the miscalculation
- No neighbouring properties will be affected by the height variance

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

- During the survey the applicant planned to remain 0.35 m below the maximum permitted height. However, when the foundation was laid there was an error in calculation causing the height to be 0.23 m over the allowable height
- If the top slope of the house were to be cut back, it would still be over the allowable height
- The house was built to the required setbacks so the house could not be pushed further back to help with the slope issue
- The increased height does not enhance the house's appearance or value
- Clarification that the height for single residential dwellings is measured from the average finished grade or average natural grade, whichever is lower, to the peak
- The applicant can make an application to Council if the Board chooses not to approve the application

It was moved that the Board of Variance finds that undue hardship exists in the case of application BOV00781 at 504 Pinnacle Place, due to physical characteristics of the site. The motion was defeated.

Opposed: *Nelson Allen, Michael Bassili, and Jamie Dubyna*

Caleb Horn, Planner, noted that the applicant would have the option to apply for a development variance permit which would be considered by Council; however, that process would not consider the element of hardship.

Nelson Allen, Chair, noted concerns regarding the number of similar applications brought to the Board recently.

5. ADJOURNMENT:

It was moved and seconded at 4:29 p.m. that the meeting adjourn. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

RECORDING SECRETARY



PLANNING & DEVELOPMENT

BOARD OF VARIANCE

NOTICE OF MEETING

A meeting of the Board of Variance will be held on Thursday, November 7th, 2024, 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: **BOV00782**

Applicant: TREVOR MILROY, ALAIR HOMES

Civic Address: 5342 SOMERSET DRIVE

Legal Description: LOT B, SECTION 4, RANGE 4, WELLINGTON DISTRICT, PLAN 21424

Requested Variance: Sections 9.8.2 and 7.5.1 of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” set out a minimum 7.5m rear yard setback for properties in the Interim Corridor Area of the Residential Corridor (COR1) zone.

The applicant requests to reduce the minimum rear yard setback from 7.5m to 1.56m to allow an addition to the existing single residential dwelling to contain a secondary suite. This represents a variance of 5.94m.

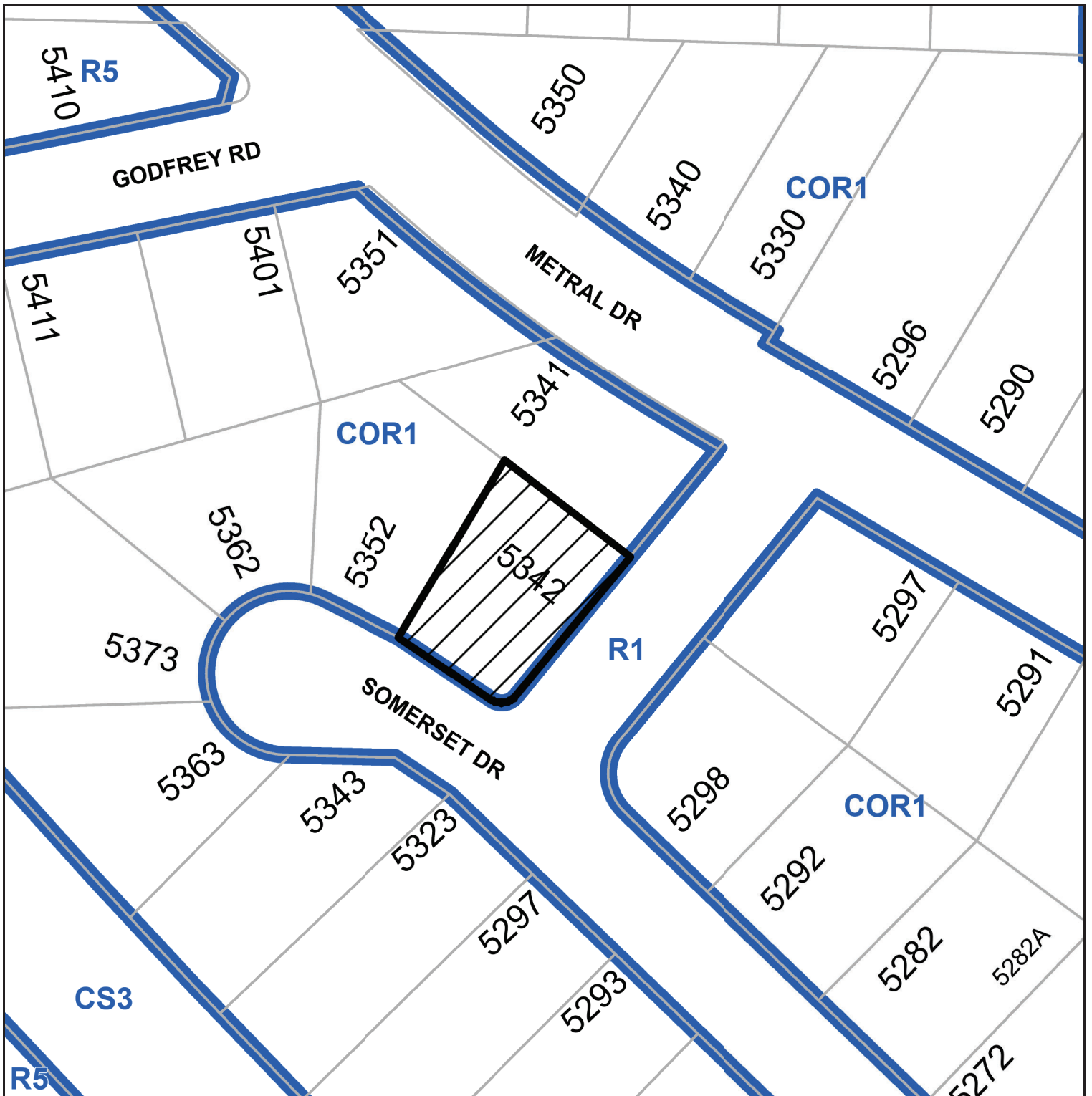
You are being notified as an owner or tenant of land that is adjacent to the property that is the subject of this application. If you deem your property is affected by the proposed variance, and wish to address this appeal, you will be given the opportunity to be heard at the Board of Variance meeting.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

For questions, please contact Kirsten Dafoe, Planning Assistant by email at kirsten.dafoe@nanaimo.ca, or by phone at 250-755-4460 ext. 4509.

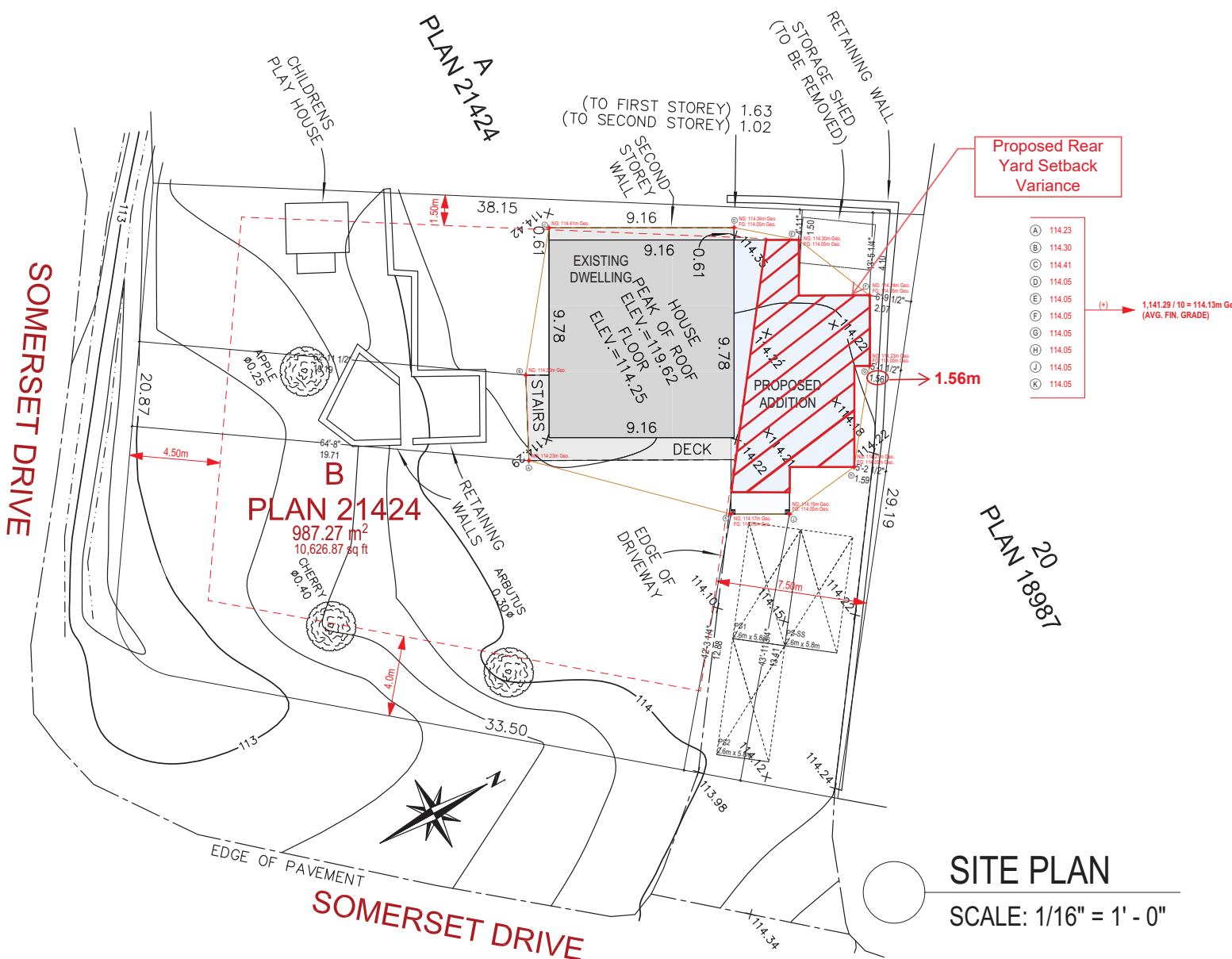
WRITTEN SUBMISSION: Written comments must be submitted by email to above address no later than 2:30 p.m. November 7th, 2024.

ATTEND IN-PERSON: To address this appeal in person you must attend this meeting, in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Thursday, November 7th, 2024 at 4:00 p.m.

SUBJECT PROPERTY MAP



 5342 Somerset Drive



CITY OF NANAIMO SINGLE FAMILY DWELLING - PROPOSED RENOVATION		
ADDRESS	5342 SOMERSET DRIVE	
LOT SIZE	987.27m ² (10,626.87ft ²)	
ZONING	COR1 / INTERIM CORRIDOR AREA / R1	
	PROPOSED	ALLOWED
LOT COVERAGE		
LOT COVERAGE (TOTAL)	18.08% 178.54m ² (1,921.78ft ²)	40% 394.91m ² (4,250.75ft ²)
SETBACKS		
FRONT LINE	19.19m (62.96ft)	4.50m (14.76ft)
REAR LOT LINE	1.56m (5.13ft)*	7.50m (24.60ft)
FLANKING EXTERIOR SIDE	12.88m (42.26ft)	4.0m (13.12ft)
INTERIOR SIDE	1.50m (4.92ft)	1.50m (4.92ft)
HEIGHT		
AVERAGE NATURAL GRADE	114.13m Geo.	
HIGHEST ROOF POINT	6.24m (20.48ft)	7.0m (22.97ft)
EXISTING AREA		
MAIN FLOOR AREA	83.85m ² (902.52ft ²)	
UPPER FLOOR AREA	104.61m ² (1,126.06ft ²)	
TOTAL PROPOSED AREA		
PRIMARY MAIN FLOOR AREA	113.28m ² (1,219.34ft ²)	
SECONDARY SUITE MAIN FLOOR AREA	33.45m ² (360.02ft ²)	
TOTAL MAIN FLOOR AREA	146.73m ² (1,579.35ft ²)	
PRIMARY UPPER FLOOR AREA	90.38m ² (972.84ft ²)	
SECONDARY SUITE UPPER FLOOR AREA	47.77m ² (514.21ft ²)	
TOTAL UPPER FLOOR AREA	138.15m ² (1,487.05ft ²)	
ALLOWABLE SECONDARY SUITE FLOOR AREA (ALLOWABLE FROM GFA OF PRIMARY DWELLING)	81.22m ² (874.23ft ²)	40 81.46m ² (876.87ft ²)
TOTAL GROSS FLOOR AREA	284.88m ² (3,066.40ft ²)	

VARIANCES REQUIRED*

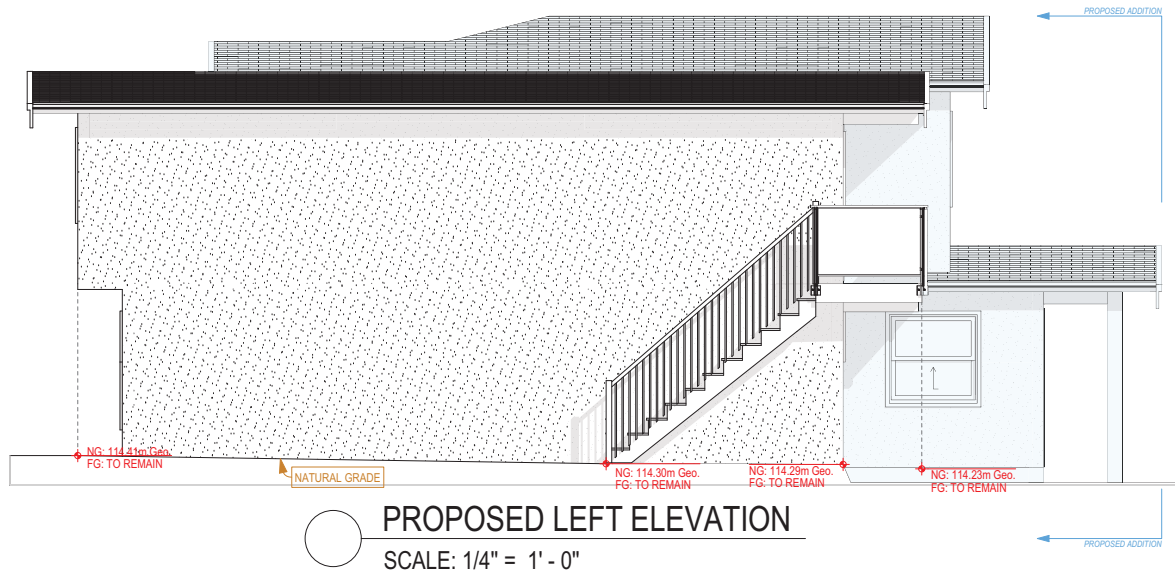
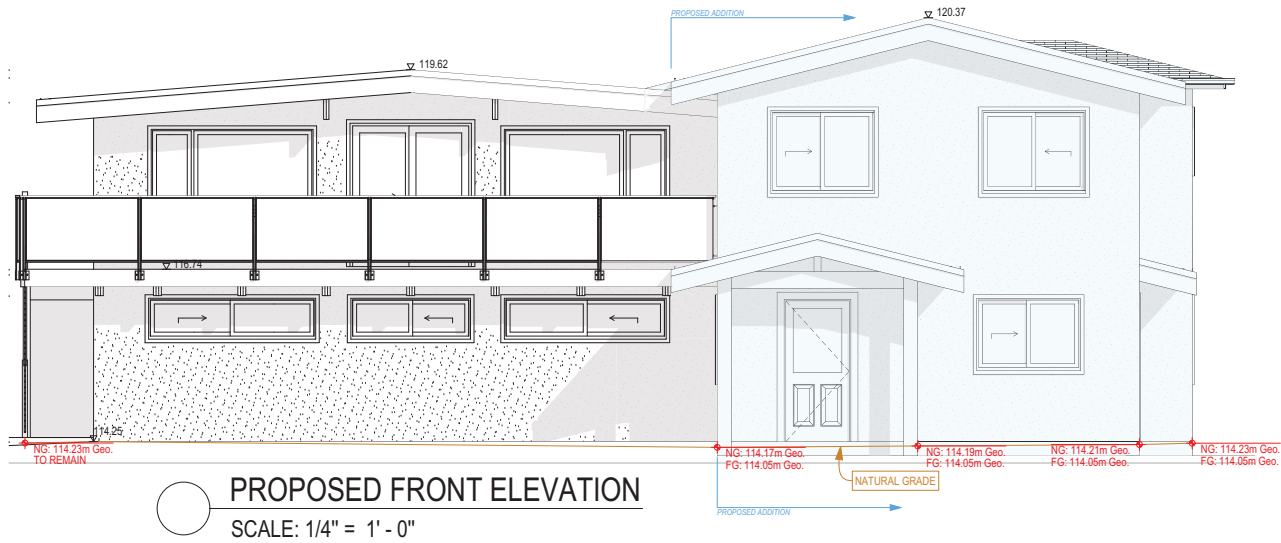
SITE PLAN
SCALE: 1/16" = 1' - 0"

RECEIVED
BOV782
2024-OCT-15
Current Planning



TITLE	DATE	PROJECT NO.	PROJECT TITLE	GENERAL NOTES
PROPOSED SITE PLAN	11OCT24	1241	5342 SOMERSET DRIVE - ALAIR HOMES	ISSUED FOR NANAIMO BOARD OF VARIANCE

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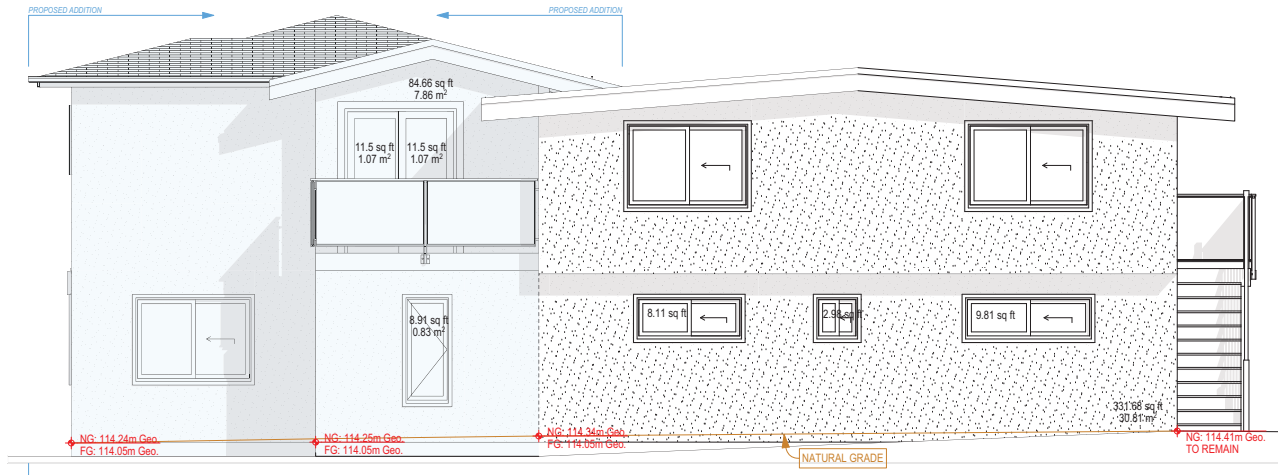


RECEIVED
RA504
2024-OCT-10
Current Planning



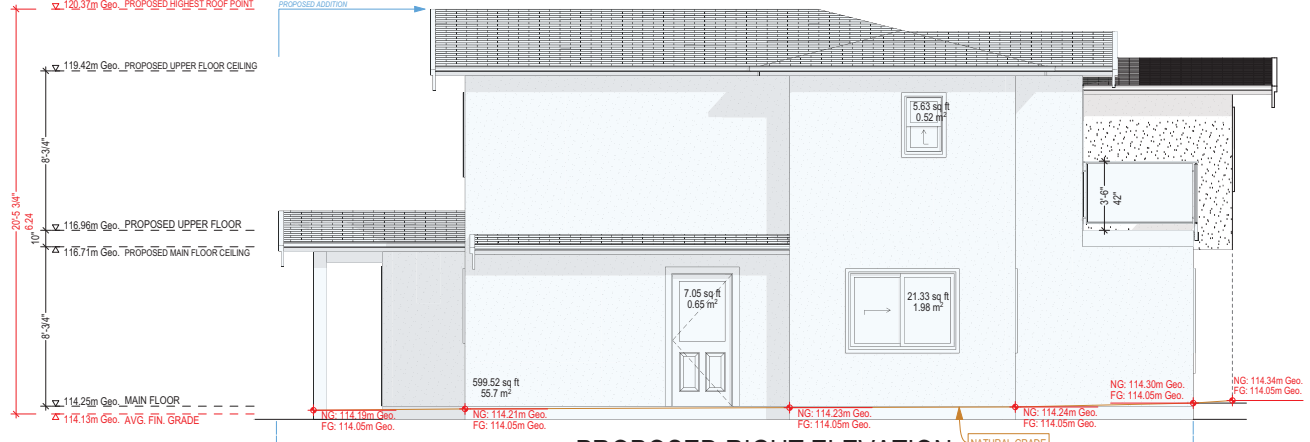
TITLE	DATE	PROJECT NO.	PROJECT TITLE	GENERAL NOTES
PROPOSED ELEVATION	11OCT24	1241	5342 SOMERSET DRIVE - ALAIR HOMES	ISSUED FOR NANAIMO BOARD OF VARIANCE

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PROPOSED REAR ELEVATION

SCALE: 1/4" = 1' - 0"
 LIMITING DISTANCE 1.50 m
 EXPOSED BUILDING FACE 30.81 sq m
 ALLOWABLE OPENINGS 9.0 %
 (as per Table 9.10.15.4)
 ALLOWABLE OPENING AREA 2.77 sq m
 PROPOSED OPENINGS 2.77 sq m



PROPOSED RIGHT ELEVATION

SCALE: 1/4" = 1' - 0"
 LIMITING DISTANCE 1.56 m
 EXPOSED BUILDING FACE 55.70 sq m
 ALLOWABLE OPENINGS 9.50 %
 (as per Table 9.10.15.4)
 ALLOWABLE OPENING AREA 5.29 sq m
 PROPOSED OPENINGS 3.15 sq m

RECEIVED
RA504
2024-OCT-10
 Current Planning



TITLE	DATE	PROJECT NO.	PROJECT TITLE	GENERAL NOTES
PROPOSED ELEVATION	11OCT24	1241	5342 SOMERSET DRIVE - ALAIR HOMES	ISSUED FOR NANAIMO BOARD OF VARIANCE

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File: 90808

Civic: 5342 Somerset Drive, Nanaimo, B.C.

Legal: Lot B, Section 4, Range 4, Wellington District, Plan 21424.

Dimensions are in metres and are derived from Plan 21424.

This sketch does not constitute a redefinition of the legal boundaries hereon described and is not to be used in any matter which would assume same.

This sketch plan has been prepared in accordance with the Professional Reference Manual and is certified correct this 15th day of October, 2024.

Douglas Holme HKUDSF Digitally signed by Douglas Holme HKUDSF
Date: 2024.10.15 07:48:46 -0700

This document is not valid unless originally signed and sealed or digitally signed by BCLS

B.C.L.S.

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The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decision made, or actions taken based on this document.

Subject to charges, legal notations, and interests shown on: Title No. CB683585 (P.I.D. 003-405-575)

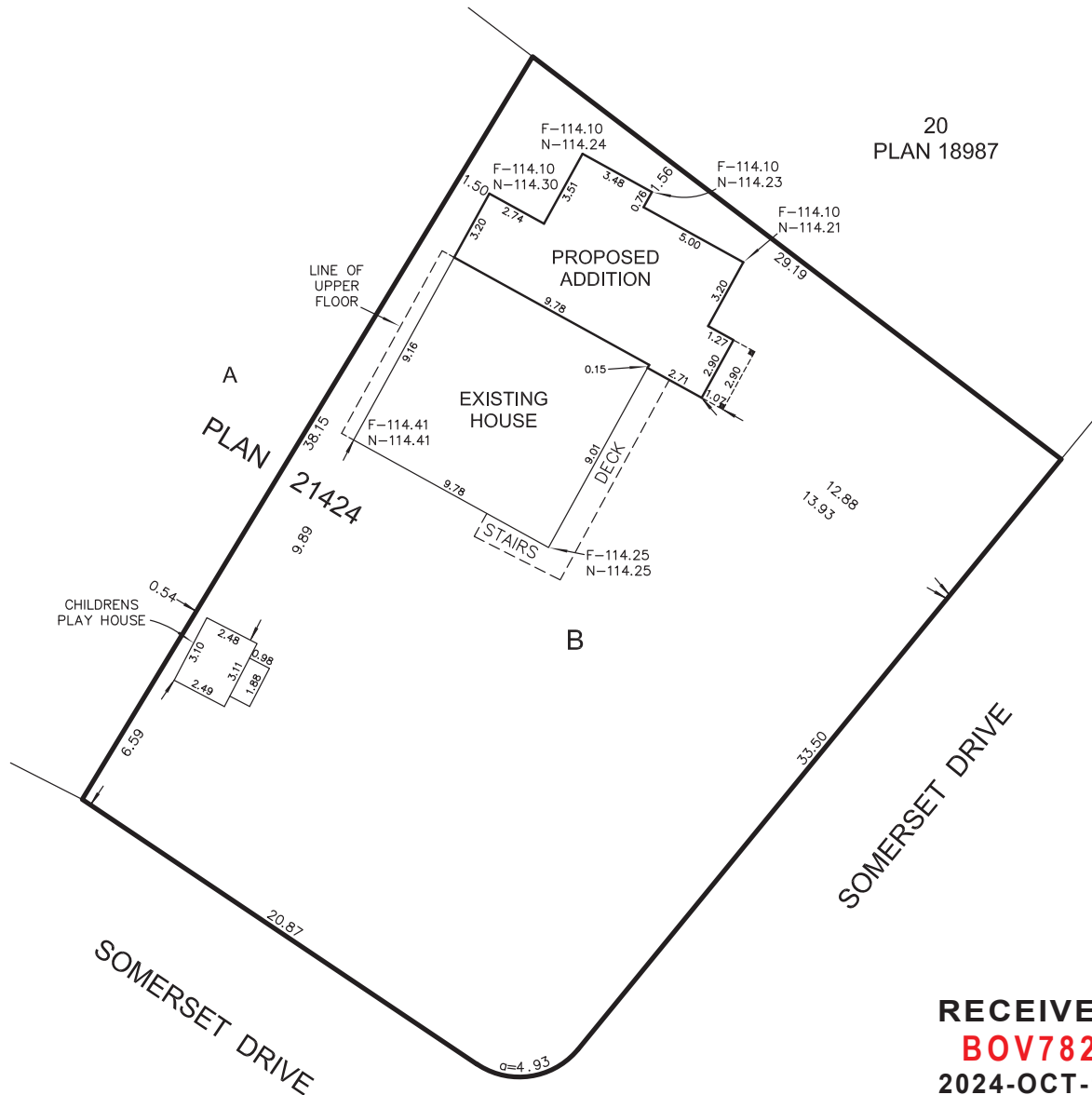
Scale 1:200



Datum for elevations, in metres, is geodetic
F- denotes finished grade as per building plans
N- denotes natural grade

Average natural grade = 114.27
Average finished grade = 114.18
Maximum peak of roof = 121.18

Proposed main floor = 114.25
Proposed upper floor = 116.96
Proposed peak of roof = 120.37



RECEIVED
BOV782
2024-OCT-15
Current Planning

Rear Setback Variance Rationale Letter

Trevor Milroy – Alair Homes Nanaimo Appointed Agent

96 Wallace Street

Nanaimo, BC v9R 0E2

trevor.milroy@alairhomes.com

250.797.8738

October 7, 2024

Board of Variance

City of Nanaimo

455 Wallace Street

Nanaimo, BC V9R 5J6

Subject: Request for Variance – Reduction of Rear Yard Setback for Proposed Addition

Dear Board:

I am writing on behalf of my clients Matthew and Anna Schwarz to request a variance from the City of Nanaimo to reduce the required rear yard setback for the property located at 5342 Somerset Drive. The purpose of this application is to:

1. Allow for a proposed addition along the side of the home where an existing structure will be removed to allow for the addition in its place. This addition will require a reduction in the rear yard setback from 7.5m to 1.56m.

The proposed addition will provide additional square footage for the Schwarz family as well as a 3-bedroom self-contained suite for the property. The variance would allow for the demolition of the existing non-conforming car port which would then allow for the addition to be built in its place. The purpose of the proposed addition is to:

1. Increase the living space of the existing dwelling.
2. Create a self-contained 3-bedroom suite for rental purposes.
3. Enhance the overall value, functionality and aesthetic of the property.

Key Features of the Proposal:

- 3-bedroom suite addition for rental purposes
- New entryway and separate access for main dwelling
- Additional living space for the existing dwelling

Rationale:

- The proposed addition will not alter the character of the neighbourhood.
- The demolition of the existing structure and construction of the new addition will enhance the property and character of the neighbourhood.
- The design and materials used will be consistent with the existing dwelling and surrounding homes.
- The addition will provide much-needed space for the Schwarz family as well as a well-suited rental suite for an additional family.
- The project will increase property value and the overall aesthetic of the existing home.

Granting this variance will not:

- Substantially alter the character of the property or neighbourhood.
- Adversely affect the adjacent properties.
- Undermine the intent and purpose of the Zoning Bylaw.

Rather, the variance will:

- Enable the construction of a well-designed and functional addition.
- Enhance the overall value and livability of the property.
- Allow the demolition of the existing car port and construction of an addition that provides additional living space and upholds neighbourhood character.

The property was purchased by the Schwarz family in 2023. As the dwelling was built in 1968 prior to the current zoning bylaws it does not meet current setback requirements. This in turn restricts the ability to renovate or expand the property causing the Schwarz family undue hardship as the current dwelling does not meet City of Nanaimo zoning requirements. Additionally, the construction of an addition on this side of the home is typical of this type of lot. The current setbacks do not allow the clients to use their home in a way that a lot of this orientation would typically see an addition.

The location of the existing dwelling creates an undue hardship for the following reasons:

1. The dwelling's non-conformity with the rear yard setback requirements restricts the owner's ability to renovate or expand the property.
2. Compliance with the current setback requirements would require significant alterations to the existing dwelling, resulting in substantial financial burden.
3. The properties unique constraints including the existing location of the current home and configuration on the property make it impractical to meet the rear yard setback requirements. As well as making any addition or alteration to the property significantly harder.

Request:

We respectfully request a variance to:

1. Reduce the current rear yard setback from 7.5m to 1.56m
2. Allow for an addition to be built in place of the existing car port area that does not further encroach upon the rear yard setback.

Granting this variance will:

1. Alleviate undue hardship caused by circumstances beyond control.
2. Permit reasonable use of the property.
3. Not substantially alter the character of the neighbourhood.
4. Allow the construction of an addition that would create a much-needed suite for a family in the area.
5. Allow the construction of an addition that would not encroach further into the rear yard setback than the existing structure.

Attached Documents:

- Site plan illustrating the existing dwelling and property constraints
- Site plan illustrating the proposed addition
- Plans & Elevations
- Photographs of the existing dwelling and surrounding area
- Letters of support from neighbours
- All required items set out in the Board of Variance application checklist

We believe that this variance is necessary to address the unique circumstances of the property and would greatly appreciate your consideration. We look forward to discussing the proposal with the Board to address any concerns or questions. Please let me know if any additional information is required.

Thank you for reviewing our application.

Sincerely,

Trevor Milroy

Alair Homes – Appointed Agent







DOUGLAS GRAY
METRAL DRIVE

OCT. 8/2024

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

Subject: Letter of Support - Variance Request for Rear Yard Setback Reduction

Dear Board of Variance Members,

I am writing to express my support for the variance request submitted by Trevor Milroy of Alair Homes on behalf of Matthew and Anna Schwarz, the owners of the property located at 5342 Somerset Drive, to reduce the rear yard setback requirement.

I have reviewed the details of the existing dwelling location as well as the proposed addition with the property owners. I am aware of the application for a reduction in the rear yard setback requirements from 7.5m to 1.02m which would allow the existing dwelling and proposed addition to conform should the variance request be approved.

We have been informed of the size and location of the addition and have reviewed and been given a copy of the Sketch Plan showing the proposed addition.

Background:

As a neighbouring property owner, I am familiar with the unique constraints of 5342 Somerset Drive and the need for this variance. The proposed addition will not only improve the aesthetic appeal of the property but also bring the structure into conformity with side yard zoning setbacks.

Reasons for Support:

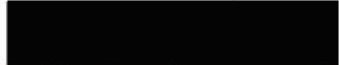
1. The variance will allow for the demolition of the current non-conforming structure, improving the overall character of our neighborhood.

2. The proposed 3-bedroom suite and additional square footage will enhance the livability and value of the property.
3. The new addition will conform to side yard zoning setbacks, aligning with city regulations.
4. I do not foresee any adverse impacts on my property or the surrounding neighbourhood.

Statement of Support:

I hereby express my support for the variance request, believing it to be reasonable and necessary given the unique circumstances of the property. I trust that the Board of Variance will carefully consider this application.

Sincerely,


DOUG GRAY
OCT. 8/2024.

Mike Swift

SOMERSET DR

10/09/2024

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

Subject: Letter of Support - Variance Request for Rear Yard Setback Reduction

Dear Board of Variance Members,

I am writing to express my support for the variance request submitted by Trevor Milroy of Alair Homes on behalf of Matthew and Anna Schwarz, the owners of the property located at 5342 Somerset Drive, to reduce the rear yard setback requirement.

I have reviewed the details of the existing dwelling location as well as the proposed addition with the property owners. I am aware of the application for a reduction in the rear yard setback requirements from 7.5m to 1.02m which would allow the existing dwelling and proposed addition to conform should the variance request be approved.

We have been informed of the size and location of the addition and have reviewed and been given a copy of the Sketch Plan showing the proposed addition.

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As a neighbouring property owner, I am familiar with the unique constraints of 5342 Somerset Drive and the need for this variance. The proposed addition will not only improve the aesthetic appeal of the property but also bring the structure into conformity with side yard zoning setbacks.

Reasons for Support:

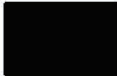
1. The variance will allow for the demolition of the current non-conforming structure, improving the overall character of our neighborhood.

2. The proposed 3-bedroom suite and additional square footage will enhance the livability and value of the property.
3. The new addition will conform to side yard zoning setbacks, aligning with city regulations.
4. I do not foresee any adverse impacts on my property or the surrounding neighbourhood.

Statement of Support:

I hereby express my support for the variance request, believing it to be reasonable and necessary given the unique circumstances of the property. I trust that the Board of Variance will carefully consider this application.

Sincerely,



Mike Swift

10/09/2024