



AGENDA BOARD OF VARIANCE MEETING

June 29, 2017, 5:30 PM

Board Room, Service and Resource Centre,
411 Dunsmuir Street, Nanaimo, BC

Pages

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

2. ADOPTION OF AGENDA:

3. ADOPTION OF MINUTES:

2 - 3

Minutes of the Board of Variance meeting held in the Board Room of the Service and Resource Centre at 411 Dunsmuir Street, Nanaimo BC, on Thursday, 2017-MAY-04.

4. PRESENTATIONS:

4 - 17

Board of Variance Application No. BOV00692 - 301 Dundas Street

Legal Description: Lot 15, Block 2, Section 1, Nanaimo District, Plan 1352

The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 in order to increase the maximum allowable height of an existing fence in a rear yard from 2.4m to 3.9m to replace the fence which had received BOV approval in 2007.

Zoning Bylaw No. 4500 (6.10.1) requires that fence heights are determined by measuring vertically from the grade shown on the final lot grading plan. In R1, Single Dwelling Residential, the maximum Side and Rear Yard fence height is 2.4m (6.10.2).

5. DISCUSSION:

6. ADJOURNMENT:



**MINUTES OF THE MEETING
OF THE BOARD OF VARIANCE
HELD IN THE CITY HALL TRAINING ROOM AT 455 WALLACE STREET
ON THURSDAY, 2017-MAY-04 COMMENCING AT 5:30 P.M.**

MEMBERS: Present Tyler Brown, Chair
Richard Finnegan
Gerry Johnson
Gord Turgeon

Absent Mark Dobbs

STAFF: Present Brian Zurek, Subdivision Planner
Marlis McCargar, Planning Assistant
Keltie Chamberlain, Planning Assistant

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

The Open Board of Variance Meeting was called to order at 5:30 p.m.

2. ADOPTION OF AGENDA:

MOTION: It was moved and seconded that the Agenda be adopted.

CARRIED
(Unanimously)

3. ADOPTION OF MINUTES:

MOTION: It was moved and seconded that the Minutes of the Regular Meeting of the Board of Variance on 2017-MAR-16 in the SARC Building, Room 105, Nanaimo, BC, be adopted as circulated.

CARRIED
(Unanimously)

4. APPLICATIONS:

(a) BOV690 – 2301 Sparrow Lane - Mr. John Johnson, owner of the subject property, requested to vary the provisions of the “Zoning Bylaw No. 4500” to permit an accessory building with a height of 5.17m: a variance request of 0.17m.

MOTION: It was moved and seconded that the requested variance be approved.

CARRIED

- (b) BOV691 – 5282 Somerset Drive – Chris Bragg represented the applicant, Jennifer Baumann, owner of the subject property. Mr. Bragg requested to vary the provisions of the “Zoning Bylaw No. 4500” to permit an accessory building with a height of 7.42m: a variance request of 0.42m.

MOTION: It was moved and seconded that the requested variance be approved.

CARRIED
(Unanimously)

5. OTHER BUSINESS:

6. ADJOURNMENT:

It was moved and seconded at 5:42 p.m. that the meeting terminate.

CARRIED
(Unanimously)

Next Scheduled Meeting – 2017-MAY-18

APPROVED BY:

_____	_____
CHAIR	Date

_____	_____
STAFF LIASON	Date

CERTIFIED CORRECT:

_____	_____
CORPORATE OFFICER	Date



COMMUNITY SAFETY & DEVELOPMENT

BOARD OF VARIANCE

NOTICE OF MEETING

A meeting of the Board of Variance will be held on Thursday, 2017-JUNE -29 at 5:30pm in the Boardroom of the Service and Resource Centre located at 411 Dunsmuir Street, Nanaimo, BC to hear the following appeal:

APPEAL NO: **BOV692**

Applicant: Mr. Brad Walker

Civic Address: 301 Dundas Street

Legal Description: LOT 15, BLOCK 2, SECTION 1, NANAIMO DISTRICT, PLAN 1352

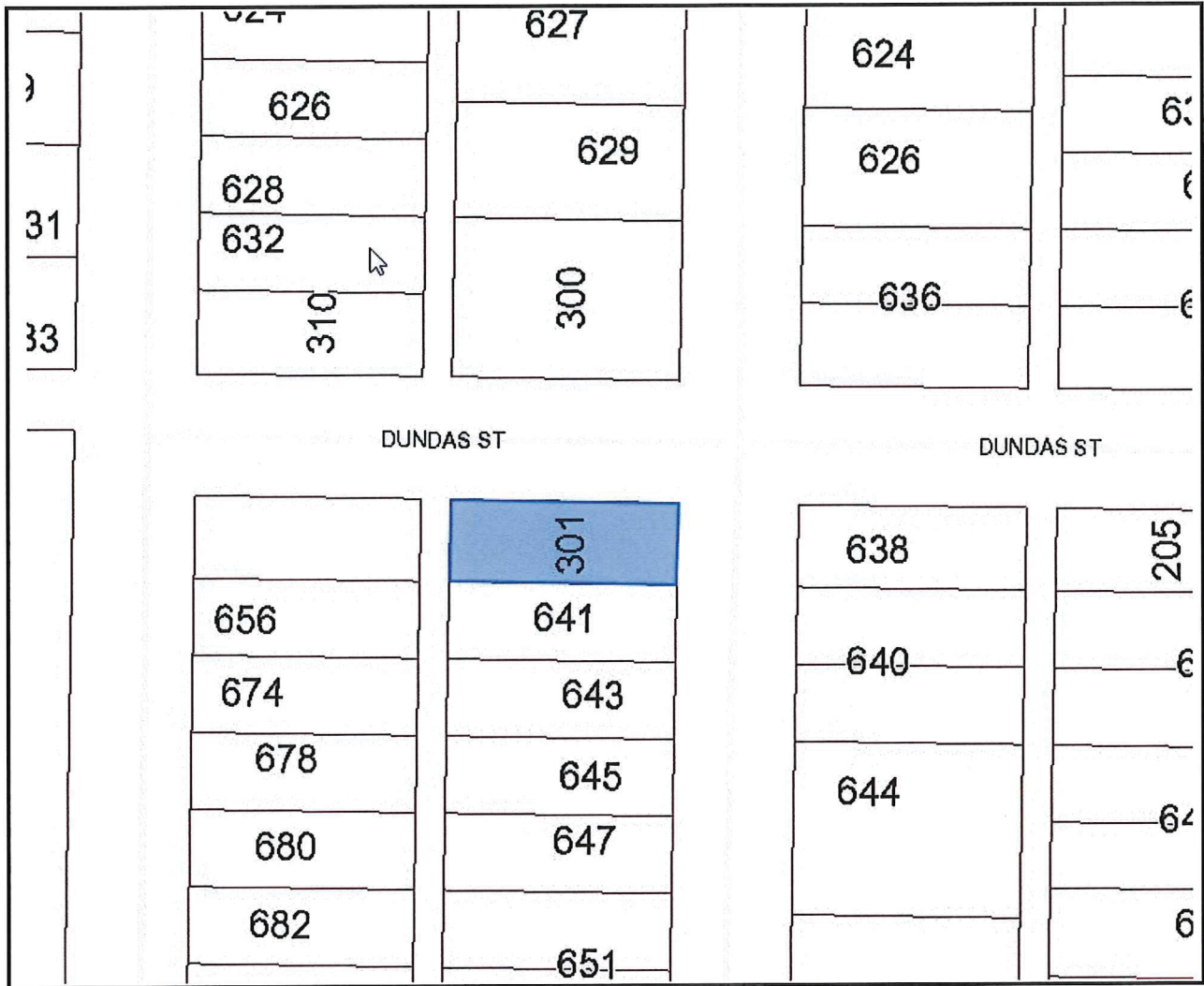
Purpose: The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 in order to increase the maximum allowable height of an existing fence in a rear yard from 2.4m to 3.9m. This represents a variance request of 1.5m.

Zoning Regulations: Single Dwelling Residential – R1. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

"Section 6.10.2 states the height of a rear yard fence shall not exceed 2.4m within the R1 zone"

Local Government Act: The Local Government Act, Sections 528/529 - Non-conforming Uses and Siting, does not apply.

The Board of Variance decision will apply to subsequent owners of the land. If you deem your property to be affected by this appeal, please feel free to attend this meeting. Anyone wishing to address this appeal will be afforded the opportunity to be heard at the Board of Variance meeting. This application may be reviewed with Staff at the Community Safety & Development offices, 411 Dunsmuir Street, Nanaimo, BC, or by calling 250-755-4460 (x4333), during normal business hours, Monday to Friday, excluding statutory holidays, from 2017-JUNE-14 to 2017-JUNE-29.



BOARD OF VARIANCE APPLICATION BOV00691

LOCATION MAP

CIVIC: 301 DUNDAS STRRET

LEGAL: LOT 15, BLOCK 2, SECTION 1, NANAIMO DISTRICT,
PLAN 1352

Board of Variance Application Form

Contact Information	
Name of Applicant (Contact Person): <i>** If the applicant is not the registered owner an Appointment of Agent form is required.</i>	Please Print <u>BRAD WALKER</u>
Company Name (If Applicable):	<u>/</u>
Company Search (If Applicable):	<u>/</u>
Phone:	Cell:
Fax:	Email:
Please indicate preferred method of correspondence: <input type="checkbox"/> Email <input checked="" type="checkbox"/> Post <input type="checkbox"/> Fax	

Property	
Civic Address of Property:	<u>301 DUNDAS ST. NANAIMO</u>
Legal Description of Property: <i>** Must match title</i>	<u>LOT 15 BLOCK 2 SECTION 1</u>
Proposed Variance Requested:	
Purpose of Proposed Variance:	
<input type="checkbox"/> Is this variance required to legalize a building or structure that has already been constructed? <input type="checkbox"/> Was a valid Building Permit issued prior to construction? If yes, BP#: _____	
<i>** Please note: In order for a variance to remain valid a Building Permit must be issued within six months of the appeal date. This time limit may be increased or decreased at the Board's discretion. A relaxation granted by the Board applies only to the City bylaw specified.</i>	

Signature for Board of Variance Application

I / we hereby declare that all of the above statements and the information and materials submitted in support of this application are, to the best of my knowledge, true and correct in all aspects.

May 24/17
Date

B. Walker
Applicant Signature (print name below)
BRAD WALKER

001327330

Board of Variance Application Checklist

Required Items
<input checked="" type="checkbox"/> Application Fee of \$250.00 (No GST)
<input checked="" type="checkbox"/> Completed Board of Variance Application Form
<input checked="" type="checkbox"/> Certificate of Title \$11.50
<input checked="" type="checkbox"/> Variance Rationale Letter undue hardship
<input checked="" type="checkbox"/> Completed Board of Variance Checklist (Dated and Signed)

Additional Items
NA <input type="checkbox"/> Appointment of Agent Form (When Applicant is not on Title to the Property)
<input type="checkbox"/> BCLS Site Survey (Setback Variances)
— <input checked="" type="checkbox"/> BCLS Height Survey (Height Variances)
— <input type="checkbox"/> Elevation Drawings Photos
<input type="checkbox"/> Letter from Applicable Professional (i.e.: Mechanical Engineer)
<p><i>Please note: a discussion with staff is required to determine additional application requirements.</i></p>

Certificate of Title (1 Copy)

Copy of the Certificate of Title for the subject land(s) and a copy of all relevant covenants. These documents must be obtained no longer than two weeks prior to application.

Variance Rationale Letter

A letter outlining the rationale of the proposed variance and how the current Zoning Bylaw regulations cause an "undue hardship" to the subject land(s).

BCLS Site Survey (2 Copies)

A sealed, legal survey from a Certified British Columbia Land Surveyor is required to confirm proposed dimensions and distances. The site survey needs to include all existing and proposed enhancements on the subject land(s) and must indicate distances from outer corners and external walls to adjacent property lines as well as to adjacent buildings or structures.

Certificate of Title (1 Copy)

Copy of the Certificate of Title for the subject land(s) and a copy of all relevant covenants. Must be obtained no longer than two weeks prior to application.

Signature for Board of Variance Application

I / we hereby declare that all of the above statements and the information and materials submitted in support of this application are, to the best of my knowledge, true and correct in all aspects.

Date

Applicant Signature (print name below)

I AM ASKING FOR A HEIGHT VARIANCE ADJUSTMENT SO I CAN PUT UP A NEW 8' CEDER PANEL FENCE WITH A LATTICE TOP. INSTEAD OF THE 4' OPEN LATTICE PANELS OF 2007.

THE FIRST AND MOST IMPORTANT THING IS SAFETY. WITHOUT A FENCE THERE IS A 8' DROP INTO MY NEIGHBOURS YARD.

IN THE PAST 10 YEARS I HAVE HAD 2 4' LATTICE (OPEN) PANEL FENCES AND A 4' WIRE FENCE IN THIS LOCATION. I DIDN'T KNOW THAT I WAS NOT ALLOWED TO FIX OR REPLACE THE FENCE OF 2007 BUT NOBODY COMPLAINED.

THE VARIANCE IS REQUESTED DUE TO THE HEIGHT OF THE ENGINEERED RETAINING WALL.

THE HEIGHT VARIANCE REQUESTED IS 5 FOOT WHICH IS LESS THAN GRANTED IN 2007. WITHOUT THE FENCE IT BECOMES A SAFETY ISSUE.

B. Walker.
BRAD WALKER.

SHOWING ELEVATIONS & LOCATION OF SHED AND WALL

All distances are in metres.

Elevation datum, in metres, is assumed.



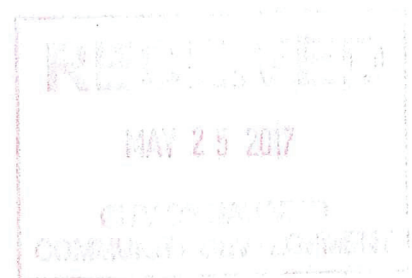
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originally signed and sealed.~~



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301 Dundas

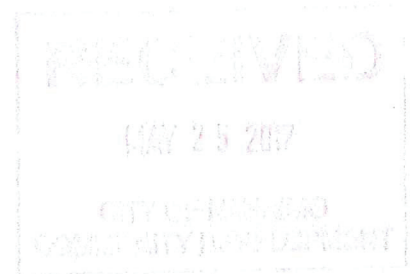


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301 Dundas_03





2017-05-10_15-37-05
301 Dundas_02





2017-05-10_15-37-29
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