

March 26, 2019
City of Nanaimo
Board of Variance

Board of Variance Application

64 Captain Morgan's Blvd. – Protection Island
Lot 157, Douglas Island, Nanaimo District, Plan 14111

Please accept this letter and the attached material as the basis for a Board of Variance request for a minor front yard variance on the above noted property. A survey by McElhanney Associates Land Surveying Ltd., dated March 13, 2019 was undertaken to identify the location of the existing home/cabin on the property, See Schedule 1. At that time, it was determined that the existing building was only 5.69m from the front yard property line and thus insufficient to meet the current 6m setback requirement of Bylaw 500. The purpose of this variance request is to seek a legal allowance for a 0.35m variance to the front yard setbacks.

It is recognized that the original building was constructed primarily as a summer cabin for the owners and subsequently is significantly sub-standard to current home construction practices. As Photo 1 below illustrates, the roof joists lack the depth to accommodate appropriate insulation levels to warrant comfortable year round dwelling use. The owners intend to re-develop their property and create a new residence that can be used year round and thus much of the building requires removal. The west portion of the home, however, was built on an engineered foundation under City of Nanaimo Building Permit #27488 dated June 8th, 1987. This portion of the home, noted in red hatched lines on the attached Schedule 2 Site Plan, is sound and worthy of retention as part of the re-build. The concrete foundation and crawlspace will be fully retained with some upgrades to both the walls and roof over this portion of the home, and new construction will be added to the east side of the home.



Photo 1 - view of North East corner of the cabin



Photo 2 - view of south face of cabin

Photo 2 above illustrates the east portion of the cabin, with raised clearstory windows as the area to be retained while the right side (west portion of old cabin) will be fully demolished and replaced with an addition.

Since the portion to be retained was built under the approval of a City Building Permit, and it includes the area requiring a variance, (see solid red area on Schedule 2), it is difficult to know if the construction undertaken in 1987 was in conformance to the Zoning Bylaws of the day, or if the foundation placement was never confirmed by a BCLS survey and thus incorrectly located relative to the 6m front yard setback. In either case, as we will be slightly taller than the existing cabin in the area of the variance request, we need approval to build on the existing engineered foundation.

Our rationale to support the variance request is to acknowledge that our undue hardship is created by the previous Building Permit approval allowing the construction of the cabin within the 6m setback from the front property line and that to now have to demolish and relocate the foundation wall and supporting floor system to meet the current zoning setback would prove to be a significant and unbudgeted expensive for the owners. If it is determined that the 1987 Zoning Bylaw had less than a 6m front yard setback then the existing construction would be deemed "legal non-conforming" but as we are now intending to be slightly taller, (still more than a meter below the maximum building height) than the existing building, a variance is still required for this new portion of construction that is higher than the current building. Again, for the saving of an existing engineered foundation, and a potential significant reduction in project costs, we would ask the support of the Board of Variance for a .35m relaxation from the current 6m front yard setback requirement. While we recognize that an open deck used to access the residence will also project within the 6m setback, we also acknowledge that Bylaw 500 supports an exemption for open deck in a front yard setback of up to 2m and subsequently the deck is not considered a portion of this BOV variance request.

We trust the information provided in this application is sufficient to allow the volunteers of the Board of Variance the insight to rule on this application and that if any further questions pertinent to this decision are required, we will be happy to respond on the date of the BOV review. We respectfully seek your support for this setback relaxation in order to utilize an existing engineered foundation.

Regards

Keene Anderson,
Anderson Greenplan Ltd.

Agent for [REDACTED]