

September 27, 2019
City of Nanaimo
Board of Variance

Board of Variance Application

311 Woodhaven Drive
Lot 157, Section 5, Wellington District, Strata Plan 830

Please accept this letter and the attached material as the basis for a Board of Variance request for a front and side yard variance on the above noted property. A survey by T.G. Hoyt (BCLS), dated September 12, 2019 was undertaken to identify the location of the existing stairs and landings that were recently built without a permit and assessed a Stop Work Order. At this time, it was determined that the existing stairs and landings were only 1.9m from the front yard property line and 0.6m from the side yard property line (See attached BCLS). This is insufficient to meet the current setback requirements of Bylaw 500. The front yard setback is 4.5m but there is an exemption for stairs to project 2m into that setback making our setback requirement 2.5m. The side yard setback is 1.5m. The purpose of this variance request is to seek a legal allowance for a 0.6m variance to the front yard setback and a 0.9m variance to the side yard setback.

The home was originally built in 1992 with the only access by way of stairs and landings providing safe passage to the home. It is recognized that the features of this steep rocky sloped area of town provide inherent issues with access and parking. To the best of my knowledge, a variance wasn't required when the initial set of steps were built, however they didn't meet the setbacks (of today) at the time. More than 20 years, and a couple of owners later, my client purchased the home. What we believe to have been the original staircase was now showing signs of rot. When it was financially feasible, she spoke with a recommended contractor that would help her rebuild her access. Unfortunately, the proper permits were not retained and the contractors proceeded. The stair layout was adjusted slightly but the bearing was retained and the proximity to setback situation wasn't made worse.



Photo 1 – front view of the property

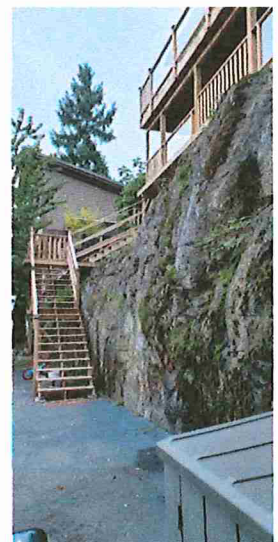
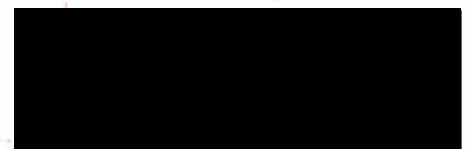


Photo 2 – view of front rock slope

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Our rationale to support the variance request is to acknowledge that our undue hardship is created by the challenging topography and that the previous access was allowed within the front and side yard setbacks. The original construction has essentially determined the access and alterations now would be challenging, costly and would very likely compromise an already difficult parking situation.

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 