



**City of Nanaimo
Board of Variance**

655 Franklyn Street
SECTION C OF LOT 10, BLOCK 24,
SECTION 1, NANAIMO DISTRICT, PLAN 584

Board of Variance

Please accept this letter and the attached supporting material as a request for a variance to the minimum setbacks requirements for a Side Yard (1.5 M.) Setback as specified for this property within the City of Nanaimo R14 zoning designation – Old City Residential.

The house at 655 Franklyn Street is an older home built prior to existing zoning or building permit requirements were regulated within the City of Nanaimo and subsequently, the home was built to within .5M of the east property line on the lane. By current zoning standards the existing home per the attached survey, (see Schedule 1), illustrates that the existing residence varies between 0.96M and 1.0M into the required 1.5m setback throughout the length of the building.

The homeowners contacted and met with Greenplan staff in September 2020 to discuss some design modifications to help with the flow and function of their old home and to identify a means to create a rental suite in the basement. The existing height of the lower floor basement is only 6'-5" and would not meet current BC Building Code (min. 6'-10 11/16" [2.1 M.]) for a habitable suite and subsequently the option to raise the building as sitting over the existing solid foundation was identified as the most logical and inexpensive option. While, the existing home is presumably recognized as legal non-conforming due to the projected date of the construction preceding the zoning bylaws, raising the home only slightly increases the Legal Non-Conforming portion of the home and thus necessitates this municipal variance request. At this point with your support, and via this application, we hope to legalize all portions of the home that extend beyond the 1.5M setback to the side yard and ensuring all construction is conforming on site.

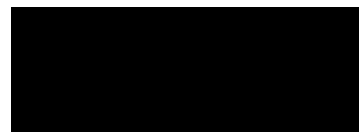
We are hereby requesting a variance of 1.0 M. to allow construction to within 0.5 M. from the side yard property line.

The variance request is based on the circumstances of two key hardships that limit the owner's options. Firstly, they welcome the opportunity to create a legal secondary suite for property income and to support the municipal densification initiatives in the Old City Core but are unable to use their existing basement area as it is approximately 4" too low in height. To raise the home to meet the code requirements for a legal suite, only makes financial sense, if raised on the existing foundation which by legal definition necessitates the increase in the amount of legal non-conforming structure within the setbacks. To obtain their objective of a suite, the owners will require your support for a variance.

To assist in your decision, we note a couple of key issues pertinent to the application.

1. To ensure a comfortable suite, the owners are planning to raise the home by 1'-7" to provide 8' ceilings and despite the building height increase, the home will be under the max building height.

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2. Should the owners be granted the variance to build, they will have an opportunity to renovate the home to ensure it will now also meet the Spatial Separation requirements to the flanking street as dictated by the BC Building Code, improving community safety.

We trust the information provided will be sufficient for the Board's review of the Variances requested and that if questions or concerns arise, we will have an opportunity to clarify the application at the BOV Meeting. The owners would be grateful for your support, so they can proceed with their vision for improving their property.

Respectfully submitted

Keene Anderson

Anderson Greenplan Ltd
1655 Cedar Road
Nanaimo, BC, V9X 1L4