



PLANNING & DEVELOPMENT

BOARD OF VARIANCE

NOTICE OF MEETING

A meeting of the Board of Variance will be held on Thursday, June 6th, 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: **BOV00781**

Applicant: DAVE DINH, POSH CONSTRUCTION LTD

Civic Address: 504 PINNACLE PLACE

Legal Description: LOT 20 SECTION 1 NANAIMO DISTRICT PLAN EPP113619

Requested Variance: Section 7.6.1 of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” permits a maximum building height of 9.0m for a principal building with a sloped roof (with a roof pitch of 4 in 12 or greater) in the Single Dwelling Residential (R1) zone.

The applicant requests to increase the maximum building height from 9.0m to 9.23m to allow the construction of a single residential dwelling. This represents a variance of 0.23m.

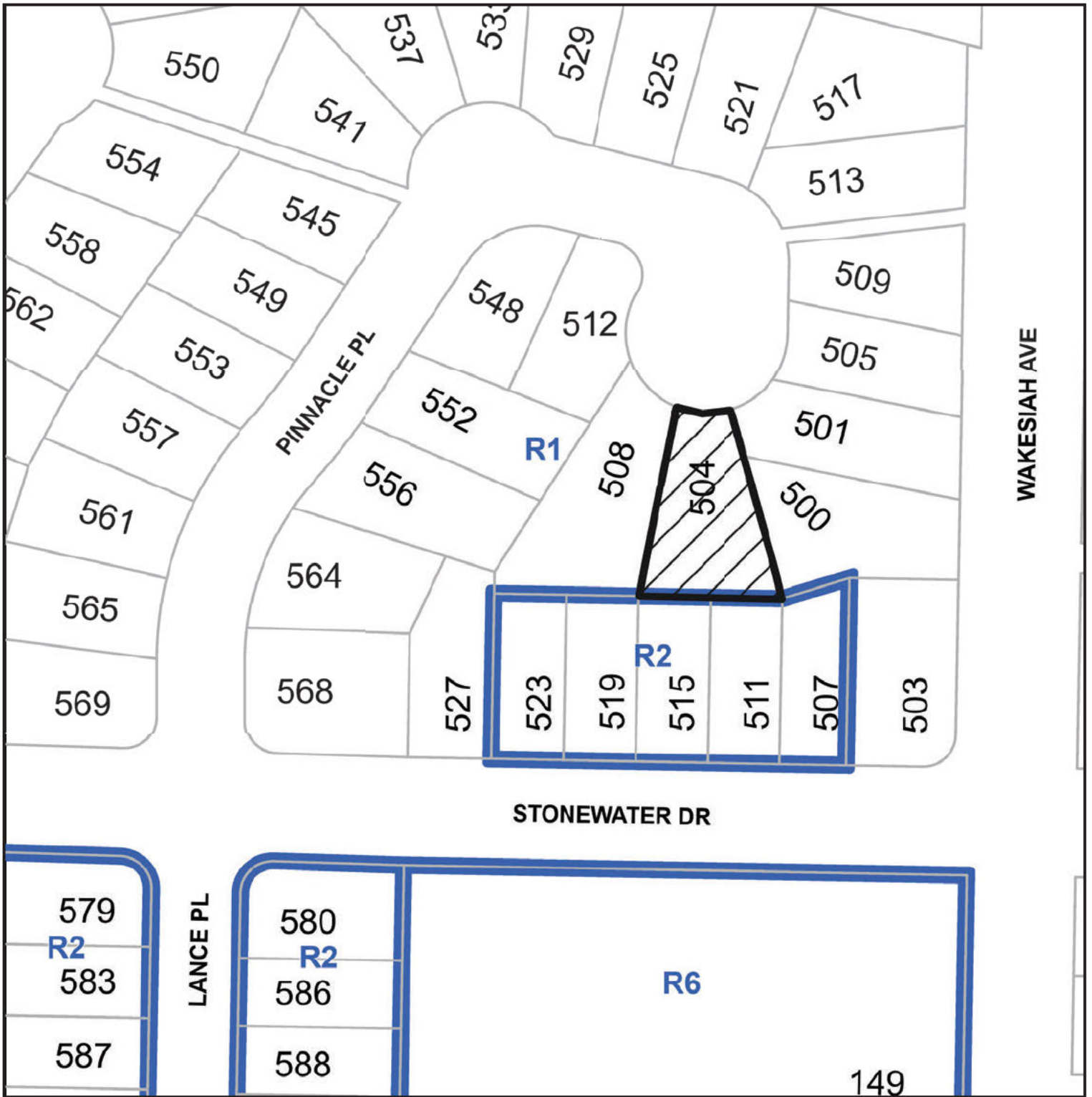
You are being notified as an owner or tenant of land that is adjacent to the property that is the subject of this application. If you deem your property is affected by the proposed variance, and wish to address this appeal, you will be given the opportunity to be heard at the Board of Variance meeting. 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. June 6th, 2024.

ATTEND IN-PERSON: To address this appeal in person you may attend this meeting, in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Thursday, June 6th 2024, at 4:00 p.m.

SUBJECT PROPERTY MAP



 504 Pinnacle Place

B.C. LAND SURVEYOR'S BUILDING LOCATION CERTIFICATE ON:
 LOT 20, SECTION 1,
 NANAIMO DISTRICT PLAN EPP113619.

P.I.D. 031-501-508

CIVIC ADDRESS: 504 PINNACLE PLACE, NANAIMO

THIS DOCUMENT WAS PREPARED FOR MUNICIPAL AND MORTGAGE PURPOSES AND IS EXCLUSIVE USE OF OUR CLIENT, POSH CONSTRUCTION.

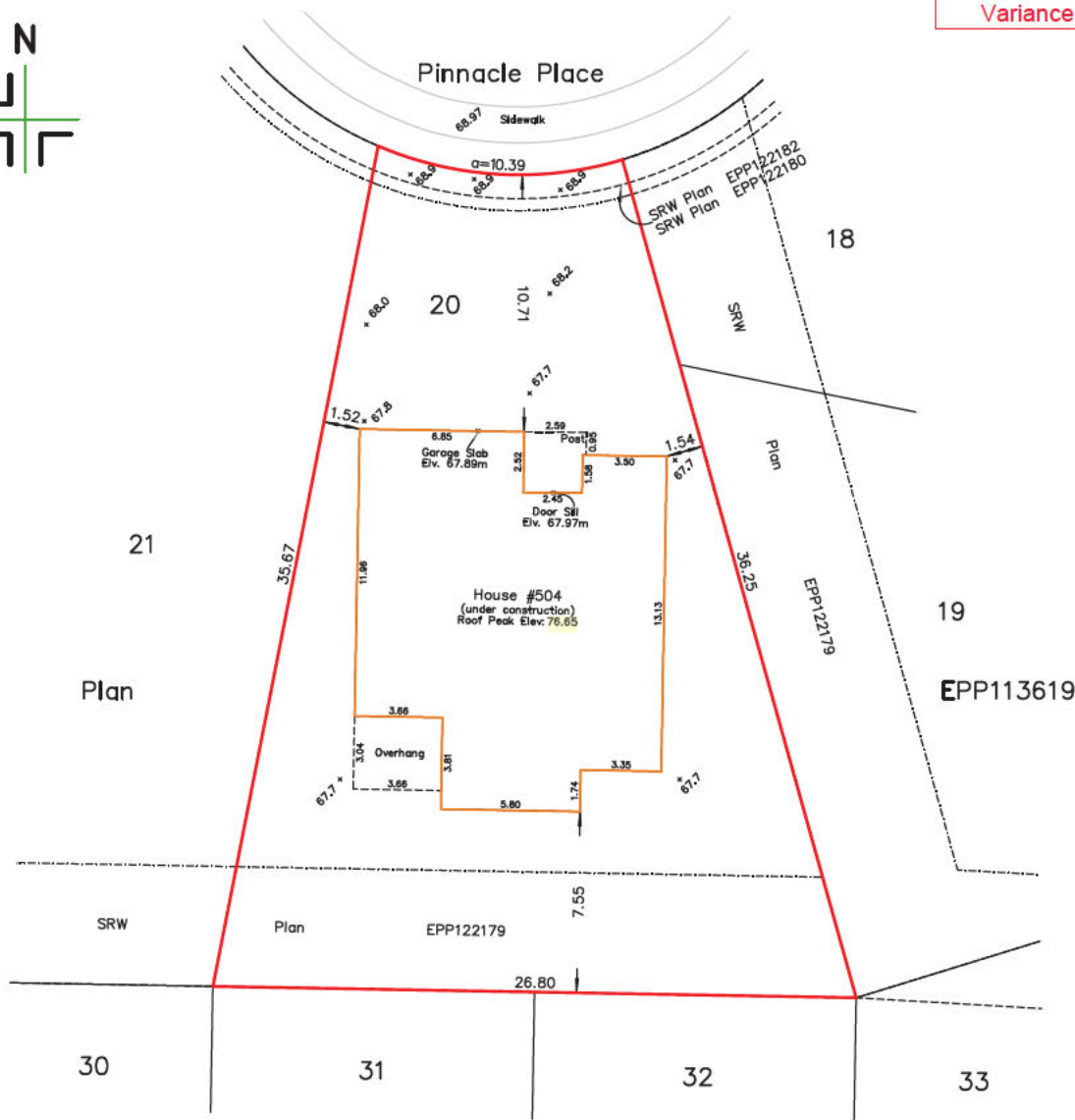
THIS DOCUMENT SHOWS THE RELATIVE LOCATION OF THE SURVEYED STRUCTURES AND FEATURES WITH RESPECT TO THE BOUNDARIES OF THE PARCEL DESCRIBED ABOVE. THIS DOCUMENT SHALL NOT BE USED TO DEFINE PROPERTY LINES OR PROPERTY CORNERS. TURNER & ASSOCIATES LAND SURVEYING INC. ACCEPTS NO RESPONSIBILITY FOR AND HEREBY DISCLAIM ALL OBLIGATIONS AND LIABILITIES FOR DAMAGES ARISING OUT OF OR IN CONNECTION WITH ANY DIRECT OR INDIRECT USE OR RELIANCE UPON THE PLAN BEYOND ITS INTENDED USE. CERTIFIED CORRECT THIS 24th DAY OF JANUARY, 2024.

MATTHEW D. SCHNURCH, B.C.L.S. #956
 (THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED).

PROPOSED BUILDING HEIGHT CALCULATION	
Average of grading plan elevations	67.42
Average finished grade	67.50
Maximum building height (R1 Zone)	9.00
Maximum building elevation	76.42
MBFE	66.07
Proposed roof peak elevation	76.07
Proposed main floor elevation	67.60
Proposed BFE	67.60
Constructed roof peak	76.65 (0.23 Variance)

PROPOSED GARAGE SLAB ELEVATION	
Elevation at back of sidewalk	68.97
Maximum garage slab	70.64
Minimum garage slab	67.49
Proposed garage slab	67.50 (12%)
Constructed garage slab	67.89 (8.7%)

Proposed Building Height Variance



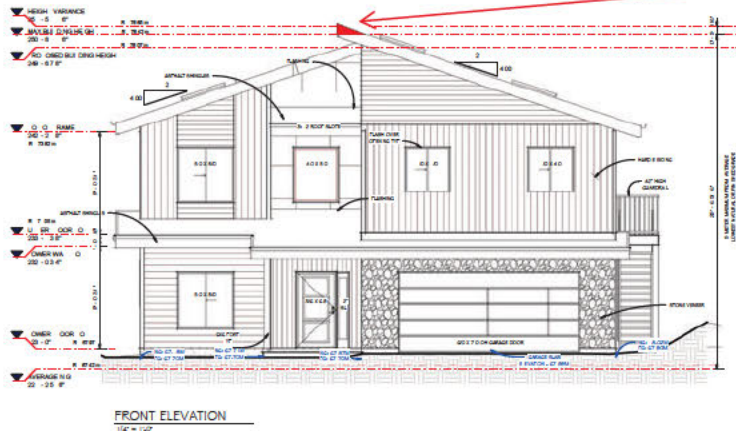
SCALE 1:200
 DISTANCES AND ELEVATIONS ARE IN METRES.
 GEODETIC ELEVATIONS ARE DERIVED FROM FINAL LOT GRADING PLAN.

Turner & Associates
 land surveying™
 435 TERMINAL AVENUE NORTH
 NANAIMO, B.C.
 V9S 4J8
 250-753-9778
 www.turnersurveys.ca
 File: 20-064A-20

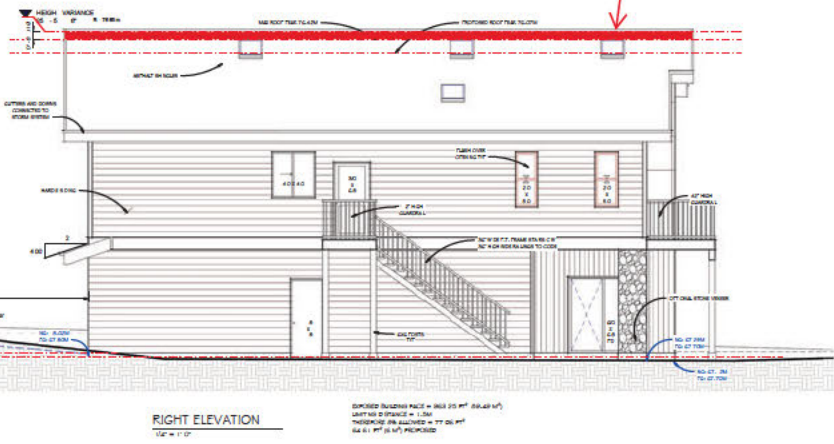
NOTE:
 THE REGISTERED TITLE OF THIS PROPERTY IS AFFECTED BY THE FOLLOWING LEGAL NOTATIONS AND REGISTERED CHARGES, LIENS AND INTERESTS:
 M76301, CB373782, CB373786, CB373787, CB373788, CB373789, CB373790, CB373820.
 THIS SITE PLAN DOES NOT VERIFY COMPLIANCE WITH THE ABOVE NOTED DOCUMENTS.

© ALL RIGHTS RESERVED. NO PERSON MAY COPY, REPRODUCE, TRANSMIT, OR ALTER THIS DOCUMENT IN WHOLE OR IN PART WITHOUT THE CONSENT OF THE SIGNATORY.

RECEIVED
 807781
 2024-MAY-18



Proposed Building Height Variance

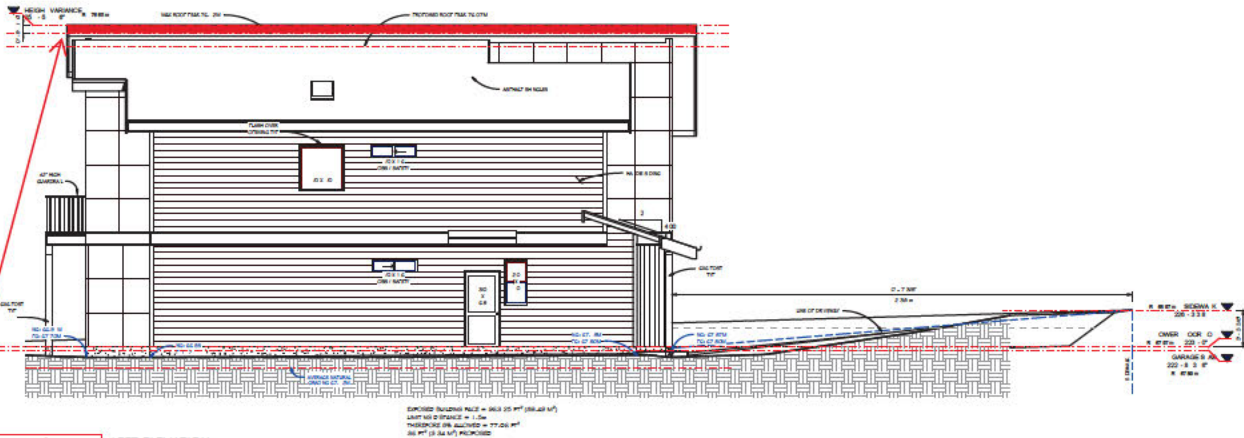


TNDesigns
 7400 Larchview Rd
 Vancouver, B.C. V6W 2H0
 (778) 877 9068

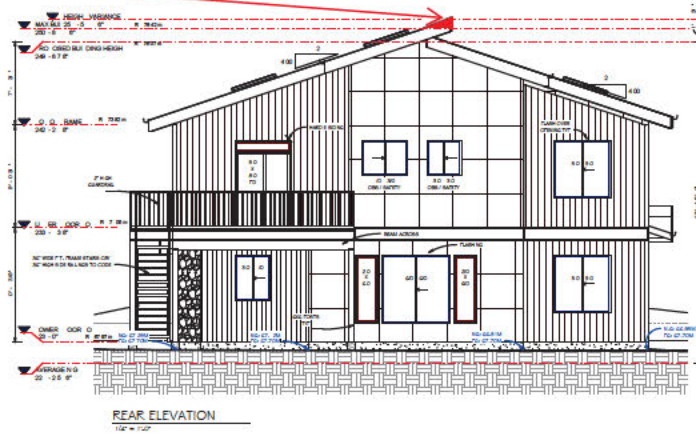
504 PINNACLE PL
 LOT 20 - HAWTHORNE

DATE	10/1/24
BY	AI
DESCRIPTION	
REVISION	
DATE	10/1/24
BY	AI
DESCRIPTION	
DATE	10/1/24
BY	AI
DESCRIPTION	

RECEIVED
 2024-MAY-10



Proposed Building Height Variance



Author	
Checked	
Drawn	
Scale	
Date	
Project	
Sheet	

TN Designs
7460 Lantana Rd
Norcross, GA 30079
(770) 877 9668

504 PINNACLE PL
LOT 20 - HAWTHORNE

Project	504 PINNACLE PL
Sheet	02-0000-0207-01
Date	12/23/23
Author	
Checked	
Drawn	
Scale	
Date	
Project	
Sheet	
Date	
Author	
Checked	
Drawn	
Scale	
Date	
Project	
Sheet	
Date	
Author	
Checked	
Drawn	
Scale	
Date	
Project	
Sheet	
Date	
Author	
Checked	
Drawn	
Scale	
Date	
Project	
Sheet	
Date	
Author	
Checked	
Drawn	
Scale	
Date	

RECEIVED
DEPT 1
2024-MAY-10

A2

May 16, 2024

Board of Variance c/o
City of Nanaimo
Legislative Services
455 Wallace Street
Nanaimo BC V9R 5J6

Dear Members of the Board:

Re: Application to the Board of Variance for a Height Variance of 0.23 metres for House Construction at 504 Pinnacle Place, Nanaimo Lot 20, Plan EPP113619, Section 1, Nanaimo Land District.

Please find enclosed /attached our application for a maximum roof height variance of 0.23 metres for our home under construction on the above-noted property. Our application package is comprised of:

1. Completed Application Form and \$250 Application Fee;
2. BOV Checklist;
3. Current title search of the property;
4. Surveyor's Certificate of Existing House Location signed May 13, 2024;
5. Surveyor's Certificate of Proposed House Location signed July 18, 2023;
6. Letters of consent from adjacent neighbours;
7. May 5th, 2024 Photo taken by Dave Dinh 504 Pinnacle Place;
8. Proposed Elevation Plans May 07, 2024;
9. Existing Elevation Revised Plans May 16, 2024

Site Context

504 Pinnacle is a parcel on a quiet Cul de sac of the road. The house is facing directly north and the sidewalk is higher than the driveway 1m. All the houses on the other side of the street are higher and against a bank. Therefore, there are no sight lines affected by this house and no ocean or mountain views are being affected either.

Reason for Variance Request

We have been informed by our land surveyor that the main floor elevation and the highest roof peak are higher than was designed and that the roof peak now exceeds the maximum allowable under the Zoning Bylaw by 0.35 metres and is 0.23 metres higher than originally designed. The roof peak that exceeds the maximum allowable makes up about 60% of the roof structure as visible from the road. It is our understanding that during the foundation stage, it was raised and a miscalculation mistake to help with the steepness of the driveway. The design driveway was at the minimum allowed under the city's engineering standards. The slope is supposed to gradually increase but it equals 12% from the back of the curb directly to the proposed slab. The final slope point-to-point is 8.7%.

Rationale for the Variance

To comply with the bylaw height requirement, it would be necessary to remove the roof structure, lower the height of the constructed upper floor walls and then reconstruct the roof. The roof truss pitch is 4:12 which is the lowest permitted under the bylaw to qualify for the 9 metre roof height calculation. Even the consideration of changing the roof truss pitch to 3:12 still not be achievable due to reconstructing the lower and upper walls, and the roof. This is a master planned community for which the look of the houses has been aesthetically designed with modern contemporary roof peaks for a distinct look. Having to cut the roofline would still be over by 0.03 metres, which would greatly affect the aesthetic of this house and make it stand out compared to the rest.

We have letters of support from the neighbours as they too want to keep the aesthetic of the street intact. Given that this is the first house in the Pinnacle community it must align with the feel of the neighbourhood.

We feel that the variance is minor and ask that a variance be granted. Reducing our roof height at this point to comply with the Zoning Bylaw would be extremely costly and time consuming. Also, the environmental impact of removing the roof or walls, putting that material in the landfill and rebuilding it with new material is very 'wasteful'.

Closure

Thank you for your consideration of this application. Should you have any questions or require any further information upon your review of the preceding and enclosed please contact us. We look forward to your response in due course.



Dave Dinh,
Posh Construction Ltd

May 8, 2024

City of Nanaimo Board of Variance

Building Height Variance Request – Letter of Rationale
504 Pinnacle Place
Lot 20, Plan EPP113619, Section 1, Nanaimo Land District

To whom it may concern,

We are the owners of Pinnacle Place. Dave Dinh from Posh Construction Ltd has acknowledged us and explained the over height at 504 Pinnacle Pl. The house is over height 0.23m. We understand and have no problems with it. It is not blocking out views or affecting us by any means.

Kim Hai Yen Nguyen, [REDACTED]
[REDACTED] Pinnacle Pl, Nanaimo

[REDACTED]

Dave McCammon & Huong Dinh, [REDACTED]
[REDACTED] Pinnacle Pl, Nanaimo

[REDACTED]

Jennifer Huynh, [REDACTED]
[REDACTED] Pinnacle Pl, Nanaimo

[REDACTED]

Ken Vissia & Duong Dinh, [REDACTED]
[REDACTED] Pinnacle Pl, Nanaimo

[REDACTED]

Hien Phan, [REDACTED]
[REDACTED] Pinnacle Pl, Nanaimo

[REDACTED]

Hong Vo, [REDACTED]
[REDACTED] Pinnacle Pl, Nanaimo

[REDACTED]

Cay Dinh, [REDACTED]
[REDACTED] Pinnacle Pl, Nanaimo

[REDACTED]

DinhPhan Group Ltd, [REDACTED]
561 Pinnacle Pl, Nanaimo [REDACTED]
557 Pinnacle Pl, Nanaimo [REDACTED]
553 Pinnacle Pl, Nanaimo [REDACTED]
549 Pinnacle Pl, Nanaimo [REDACTED]



DANGER
CONSTRUCTION ZONE
NO UNAUTHORIZED
ENTRY

