



PLANNING & DEVELOPMENT

## BOARD OF VARIANCE

### NOTICE OF MEETING

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A meeting of the Board of Variance will be held on Thursday, March 5<sup>th</sup>, 2026, 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:** **BOV00793**

**Applicant:** Keene Anderson

**Civic Address:** 990 Terminal Avenue North

**Legal Description:** LOT 1, BLOCK 27, DISTRICT LOT 96-B, NANAIMO DISTRICT, PLAN 28930

**Zoning:** Residential Corridor (COR1 - Interim Corridor Area), "City of Nanaimo Zoning Bylaw 2011 No. 4500"

**Requested Variance:** Section 9.8.2 of the Residential Corridor (COR1) zone specifies that where the principal use is a single residential dwelling in the Interim Corridor Area, the zoning requirements including minimum setbacks from property lines shall be as specified within the Single Dwelling Residential (R1) zone. Section 7.5.3 of the R1 zone requires a minimum front yard setback of 6.0m for all garage doors and carport entrances facing a street.

The applicant requests a variance to reduce the minimum front yard setback from 6.0m to 1.2m to allow the reconstruction of a carport with a deck above in the same location as the existing non-conforming garage. This represents a variance of 4.8m.

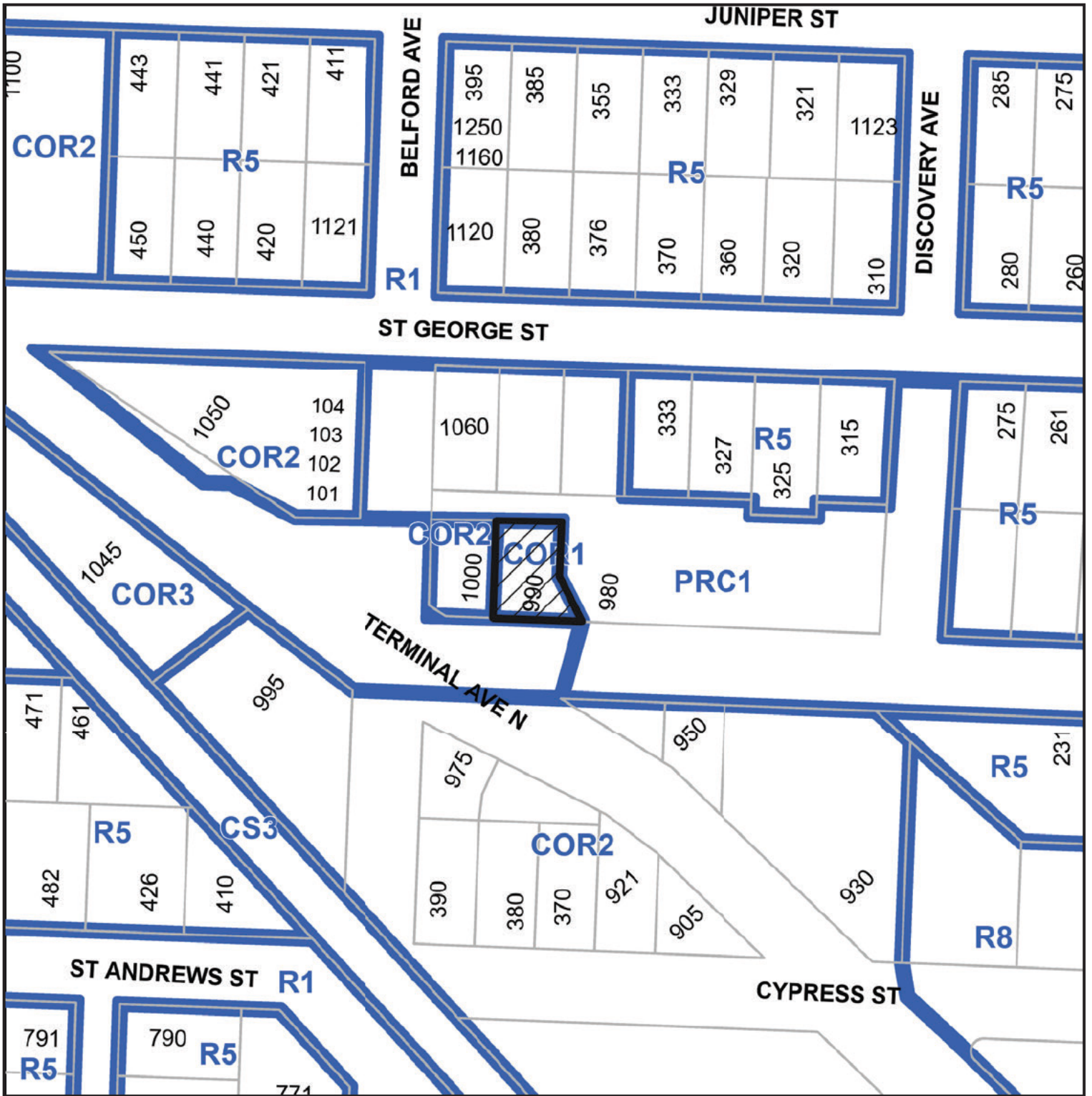
You are being notified as an owner or tenant of land that is adjacent to the property that is the subject of this application. If you deem your property to be affected by the proposed variance, and wish to address this appeal, you will be given the opportunity to be heard at the Board of Variance meeting. Members of the public may submit comments in writing or attend the meeting in-person.


For questions, please contact Vidhi Kyada, Planner, by email at [Vidhi.Kyada@nanaimo.ca](mailto:Vidhi.Kyada@nanaimo.ca), or by phone at 250-755-4460 ext. 4509.

**WRITTEN SUBMISSION:** Written comments must be submitted by email to the above address no later than 2:30 p.m. March 5<sup>th</sup>, 2026.

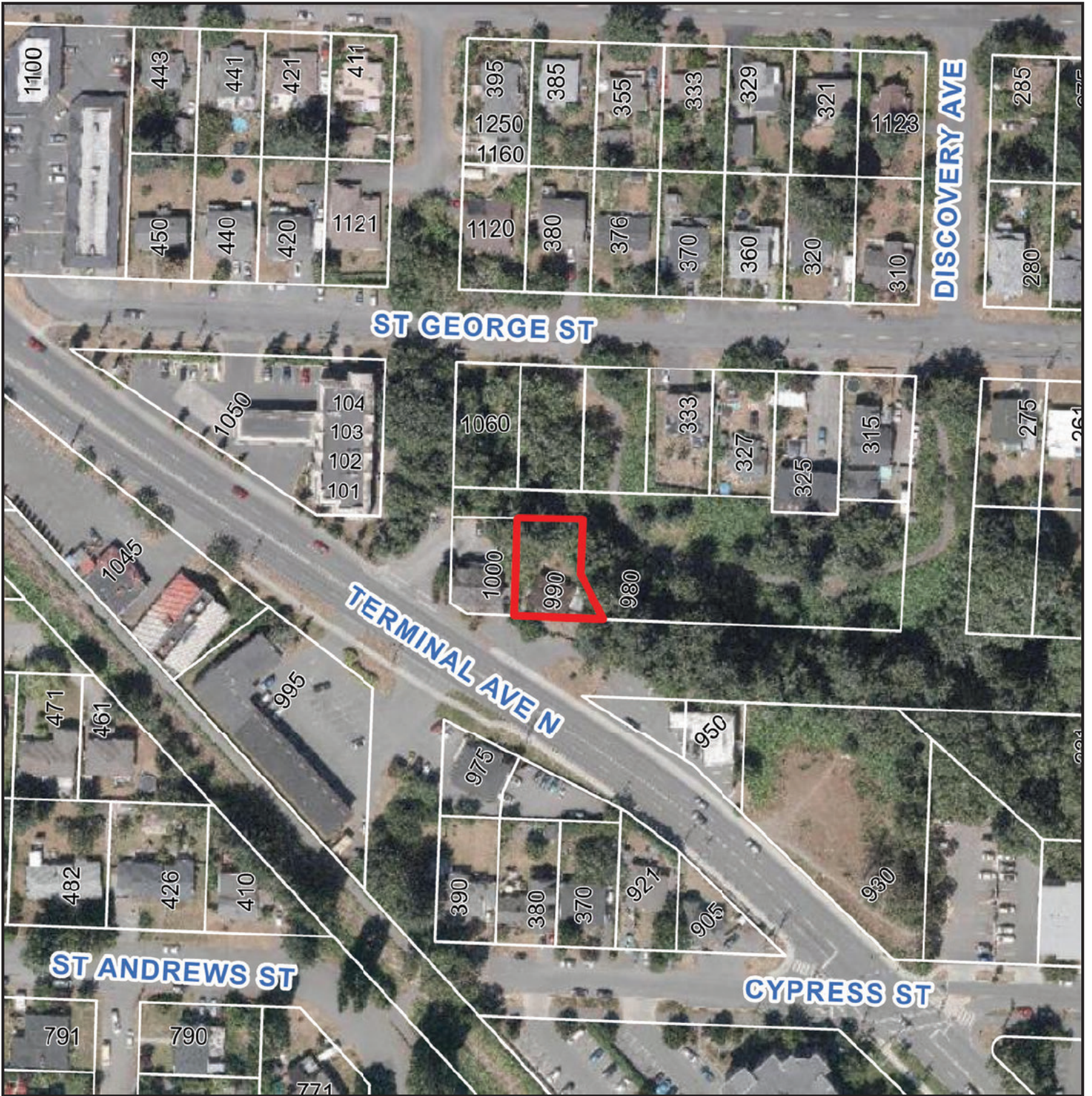
**ATTEND IN-PERSON:** To address this appeal in person you must attend this meeting, in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Thursday, March 5<sup>th</sup>, 2026, at 4:00 p.m.


# SUBJECT PROPERTY MAP



 990 TERMINAL AVENUE NORTH

# AERIAL PHOTO

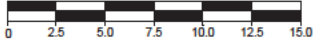


 990 TERMINAL AVENUE NORTH

# EXISTING SITE PLAN

**TOPOGRAPHIC PLAN OF:**

**LOT 1, BLOCK 27, DISTRICT LOT 96-B, NANAIMO DISTRICT, PLAN 28930.**



ALL DISTANCES AND ELEVATIONS ARE IN METRES AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.

THE INTENDED PLOT SIZE OF THIS PLAN IS 432 mm IN WIDTH BY 279 mm IN HEIGHT (B SIZE) WHEN PLOTTED AT A SCALE OF 1 250.

LOT DIMENSIONS ARE DERIVED FROM REGISTERED PLANS.

CIVIC ADDRESS 990 TERMINAL AVENUE NORTH, NANAIMO.

PID 001-454-978 ZONING COR1.

PARCEL DIMENSIONS SHOWN HEREON ARE DERIVED FROM LAND TITLE OFFICE RECORDS.

ELEVATION DATUM IS GEODETIC AND IS DERIVED FROM OBSERVATIONS TO CONTROL MONUMENT 77H5352. CONTROL MONUMENT ELEVATION 37.492.

SETBACKS ARE DERIVED FROM FIELD SURVEY COMPLETED ON JUNE 4 2025.

THIS SITE PLAN WAS PREPARED FOR THE EXCLUSIVE USE OF MH CONTRACTING AND THE PROPERTY OWNERS.

THIS PARCEL MAY BE SUBJECT TO REGISTERED CHARGES, INTERESTS AND LEGAL NOTATIONS AS SHOWN ON TITLE NO CB1979807.

THIS PLAN DOES NOT PURPORT TO VERIFY COMPLIANCE WITH THE RESTRICTIONS THEREIN.

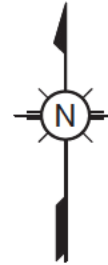
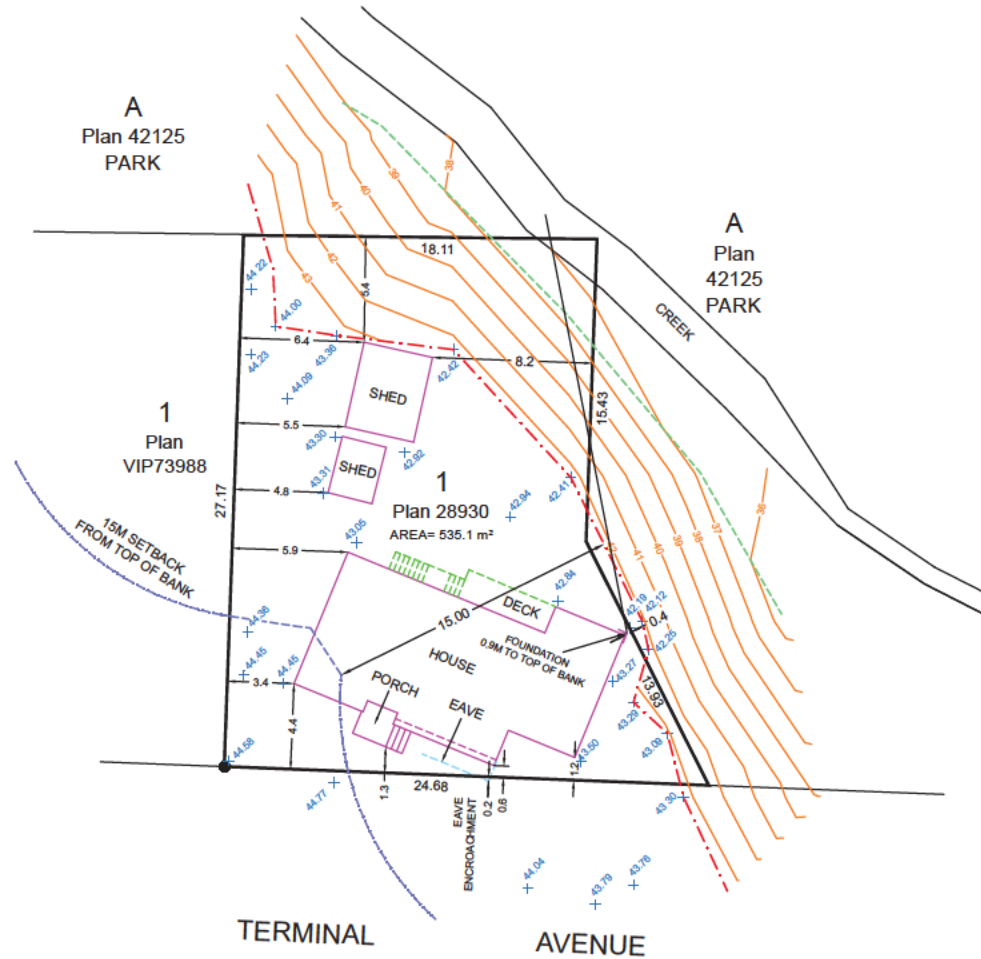
THE SIGNATORY ACCEPTS NO RESPONSIBILITY OR LIABILITY FOR ANY DAMAGES THAT MAY BE SUFFERED BY A THIRD PARTY AS A RESULT OF ANY DECISIONS MADE, OR ACTIONS TAKEN BASED ON THIS DOCUMENT.

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

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**LEGEND**

- STANDARD IRON POST FOUND
- - - TOP OF BANK
- - - BOTTOM OF BANK
- STRUCTURE
- - - 15 METRE SETBACK FROM TOP OF BANK



THIS DOCUMENT SHOWS THE RELATIVE LOCATION OF THE SURVEYED STRUCTURES AND FEATURES WITH RESPECT TO THE BOUNDARIES OF THE PARCEL DESCRIBED HEREON. THIS DOCUMENT SHALL NOT BE USED TO DEFINE PROPERTY LINES OR PROPERTY CORNERS.

THIS SITE PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE MANUAL OF STANDARD PRACTICE AND IT IS CERTIFIED CORRECT AS OF June 10, 2025.

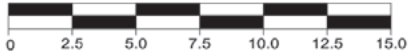
Harbour City Land Surveying Ltd.  
 1825 LATIMER ROAD  
 NANAIMO BC V9S 5H2  
 PHONE: 250-758-4180  
 DRAWING: 25004 TOPO REVINE JUNE 10 2025.DWG  
 BASE PLAN: 25004 BASE PLAN.DWG  
 LAYOUT: 3

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ANDRE MCNICOLL, BCLS  
 THIS DOCUMENT IS NOT VALID UNLESS DIGITALLY SIGNED.

# PROPOSED SITE PLAN

**B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION ON:**  
**LOT 1, BLOCK 27, DISTRICT LOT 96-B, NANAIMO DISTRICT, PLAN 28930.**



ALL DISTANCES AND ELEVATIONS ARE IN METRES AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.

THE INTENDED PLOT SIZE OF THIS PLAN IS 356 mm IN WIDTH BY 216 mm IN HEIGHT (LEGAL SIZE) WHEN PLOTTED AT A SCALE OF 1:250.

LOT DIMENSIONS ARE DERIVED FROM REGISTERED PLANS.

CIVIC ADDRESS: 990 TERMINAL AVENUE NORTH, NANAIMO.

PID: 001-454-978 ZONING: COR1.

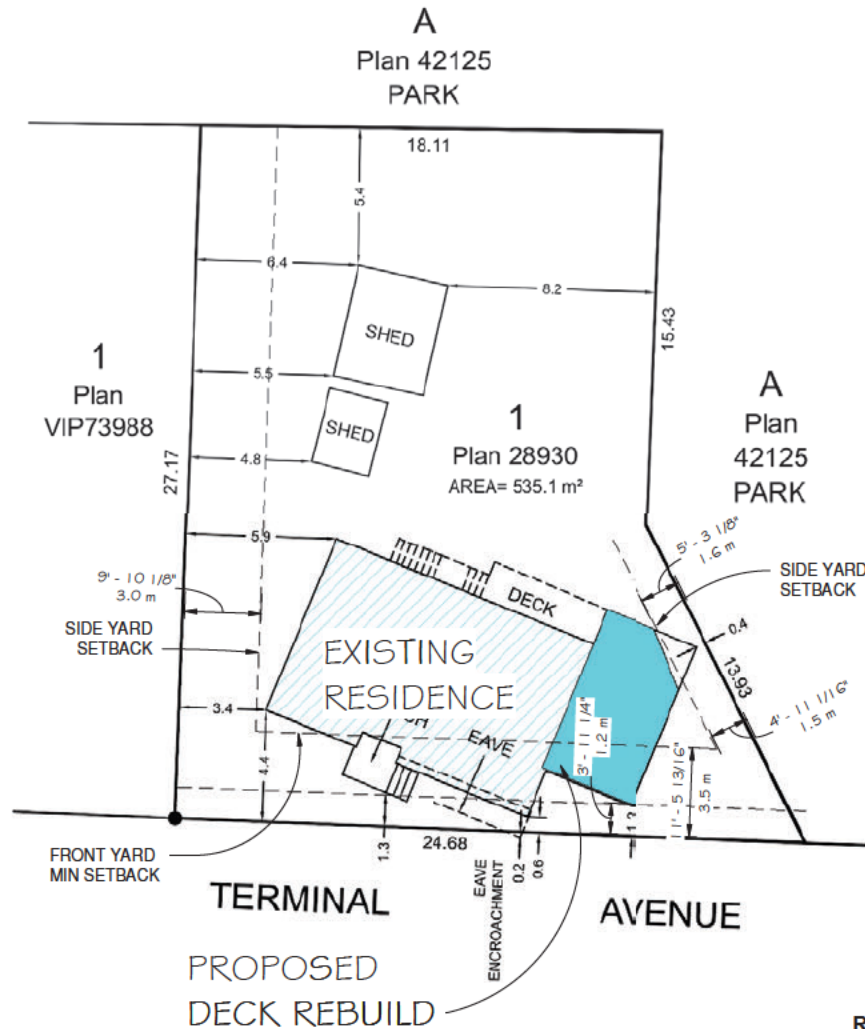
**LEGEND:**

● DENOTES LEGAL POST FOUND;

THIS PLAN PURPORTS TO POSITION ONLY THE ACTUAL AND/OR PROPOSED IMPROVEMENT(S) SHOWN RELATIVE TO ONLY THE BOUNDARIES SHOWN OF OR APPURTENANT TO THE ABOVE DESCRIBED PARCEL(S). THIS PLAN PROVIDES NO WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE LOCATION OF ANY OTHER ACTUAL OR PROPOSED IMPROVEMENT(S) RELATIVE TO ANY BOUNDARY OF OR APPURTENANT TO THE ABOVE DESCRIBED PARCEL(S). THIS PLAN IS NOT TO BE USED TO REESTABLISH BOUNDARY LINES.

Harbour City Land Surveying Ltd.  
 1825 LATIMER ROAD © 2025  
 NANAIMO BC V9S 5H2  
 PHONE: 250-758-4180

DRAWING: 25004 BLC.dwg  
 BASE PLAN: 25004 BASE PLAN.DWG  
 LAYOUT: 1



Revisions

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**Greenplan**  
 1665 Cedar Road  
 Nanaimo, B.C.  
 (250) 722-3456  
 www.greenplan.ca  
 info@greenplan.ca

Designed	Drawn	Checked
	KA	

Date  
12/08/2025

Project  
25046

Drawing #  
25046-1208-71

Scale  
1/16" = 1'-0"

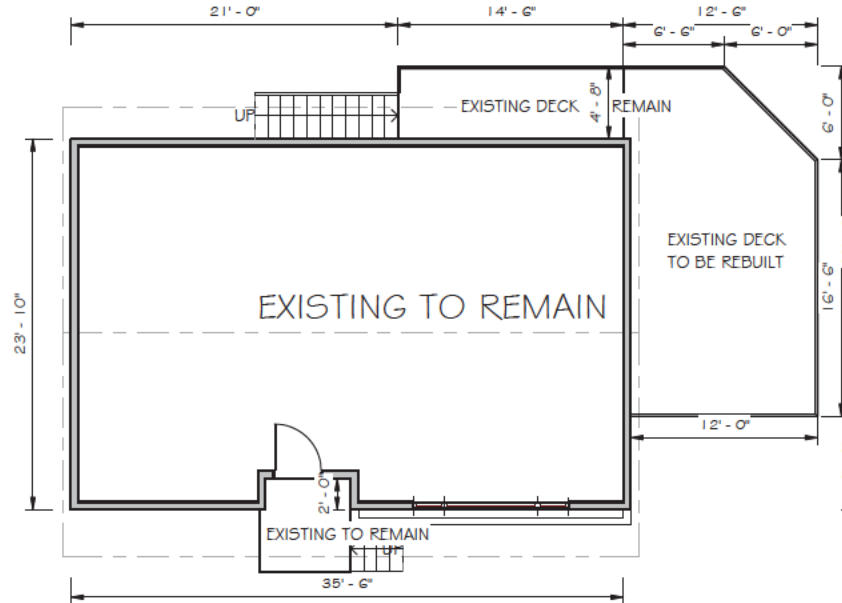
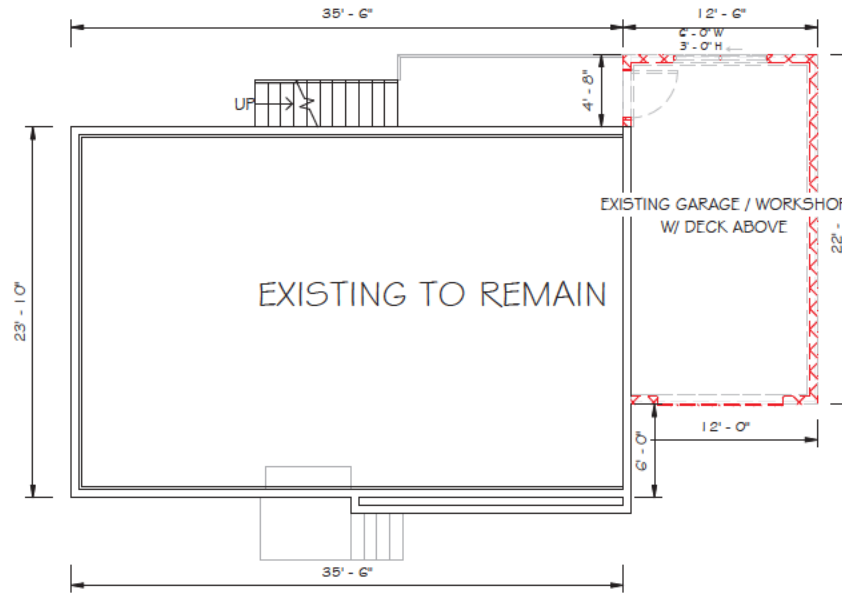
Sheet Title  
SITEPLAN

Sheet #  
**A-S**

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# FLOOR PLAN - LOWER - EXISTING

1/8" = 1'-0"



# FLOOR PLAN - UPPER - PROPOSED

1/8" = 1'-0"

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Designed	Drawn	Checked
Designer	Author	Checker

Date  
12/08/2025

Project  
25046

Drawing #  
25046-1208-71

Scale  
1/8" = 1'-0"

Sheet Title  
LAYOUTS

Sheet #

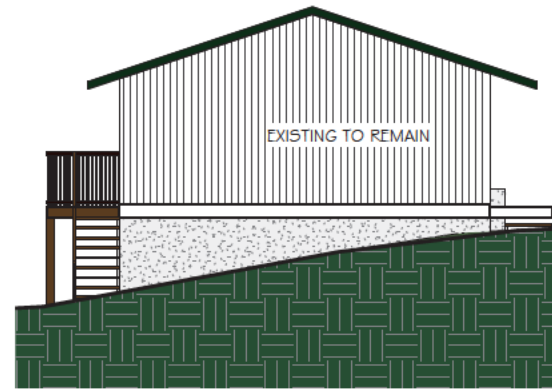
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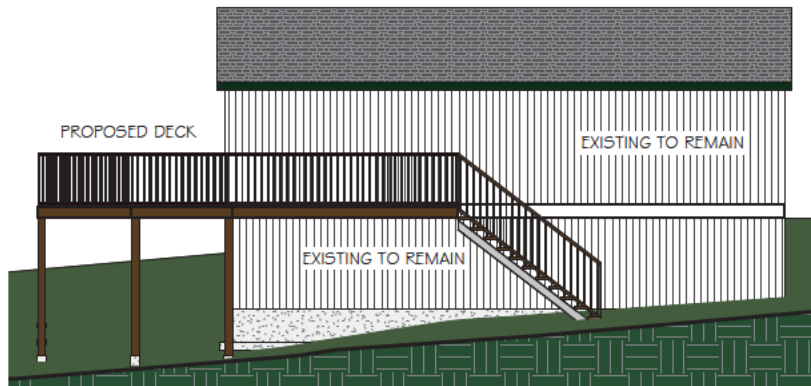
**NORTH ELEVATION**

1/8" = 1'-0"



**WEST ELEVATION**

1/8" = 1'-0"



**SOUTH ELEVATION**

1/8" = 1'-0"



**EAST ELEVATION**

1/8" = 1'-0"

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Designed Designer	Drawn Author	Checked Checker
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Date  
12/08/2025

Project  
25046

Drawing #  
25046-1208-71

Scale  
1/8" = 1'-0"

Sheet Title  
ELEVATIONS

Sheet #

A-E

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## **Letter of Rationale – Board of Variance Application**

### **Garage Door Setback Variance**

**Property:** 990 Terminal Avenue, Nanaimo (COR1\* – Interim Corridor Area)

**Date:** February 3 2026

Dear Members of the Board,

I am submitting this letter in support of my application to vary the required garage door setback for the above-noted property. While the property is zoned COR1, it is located within the Interim Corridor Area (COR1\*). As per Section 9.8 of the Zoning Bylaw, where the principal use is a single residential dwelling, the R1 zone regulations apply.

The purpose of this request is to permit the reconstruction of a carport in the same location as the existing garage structure, with the garage opening facing the street at a setback less than what is permitted under the R1 garage door setback requirement.

### **Background & Existing Conditions**

The subject property contains an older dwelling and garage that were constructed prior to the City's current zoning regulations. As a result, the existing garage is legally non-conforming with respect to the required garage door setback. Please see Appendix A for the BCLS survey.

The garage has deteriorated to the point where rebuilding or replacing the structure is necessary. The most practical and functional approach is to reconstruct a carport in the same location as the existing garage, maintaining its long-established siting and orientation on the lot. Concept drawings are provided in Appendix B.

Further limiting alternatives is a substantial bank at the rear of the property, which restricts viable locations for accessory buildings. The steep topography makes relocation physically challenging and economically unreasonable. As part of the proposed improvements, the rear corner of the deck has been removed to ensure the deck can be rebuilt in compliance with the 1.5 m side yard setback and to provide appropriate separation from the slope. These conditions are illustrated in the site plan in Appendix C.

### **Requested Variance**

Under the R1 zone, garage doors and carport entrances facing a street are required to be set back a minimum of 6.0 m from the front property line.

- **Required garage door setback:** 6.0 m
- **Existing / proposed setback:** approximately 1.2 m
- **Variance requested:** 4.8 m

This variance would allow the reconstructed carport to occupy the same general footprint and orientation as the existing legally non-conforming garage.

### **Undue Hardship**

We believe the application meets the Board's criteria for undue hardship for the following reasons:

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**1. Pre-Existing Non-Conforming Structure**

The garage was constructed prior to the current garage door setback requirement and reflects historical development patterns along Terminal Avenue. Requiring compliance would necessitate relocating the structure to a portion of the lot that is not practically usable.

**2. Physical and Topographic Constraints**

A steep rear bank significantly limits alternative building locations. Relocating the carport would require extensive excavation, engineered retaining walls, and major site alteration, resulting in costs disproportionate to a modest accessory structure replacement.

**3. Reconstruction Only — No Intensification**

The proposal does not increase floor area, introduce new uses, or intensify development. It simply replaces an existing structure in its established location.

**4. No Impact to Neighbours or the Streetscape**

The garage opening has existed in its current location for decades. Rebuilding a carport in the same location will not increase encroachment, alter sightlines, or create new visual or functional impacts to neighbouring properties or the public realm.

**Conclusion**

For the reasons outlined above, we respectfully request approval of a garage door setback variance to permit the reconstruction of a carport in the location of the existing legally non-conforming garage, with an approximate setback of 1.2 m from the front property line.

This variance reflects longstanding site conditions, the property’s historic development pattern, and the physical constraints of the lot. Approval will allow the continued safe and functional use of an accessory structure without imposing unnecessary or unreasonable hardship.

Thank you for your consideration.

Sincerely,

Keene Anderson  
Greenplan

