



PLANNING AND DEVELOPMENT DEPARTMENT

BOARD OF VARIANCE

NOTICE OF MEETING

A meeting of the Board of Variance will be held on Thursday, May 2nd, 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: BOV00779

Applicant: NIVEDAN KAUSHAL, BOEHM CONSTRUCTION LTD

Civic Address: 480 WOODHAVEN DRIVE

Legal Description: STRATA LOT 178, SECTION 5, WELLINGTON DISTRICT, STRATA PLAN 830, (PHASE 3), TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1

Requested Variance: Section 6.5.1 of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” allows open decks to project a maximum of 2.0m into a required front yard.

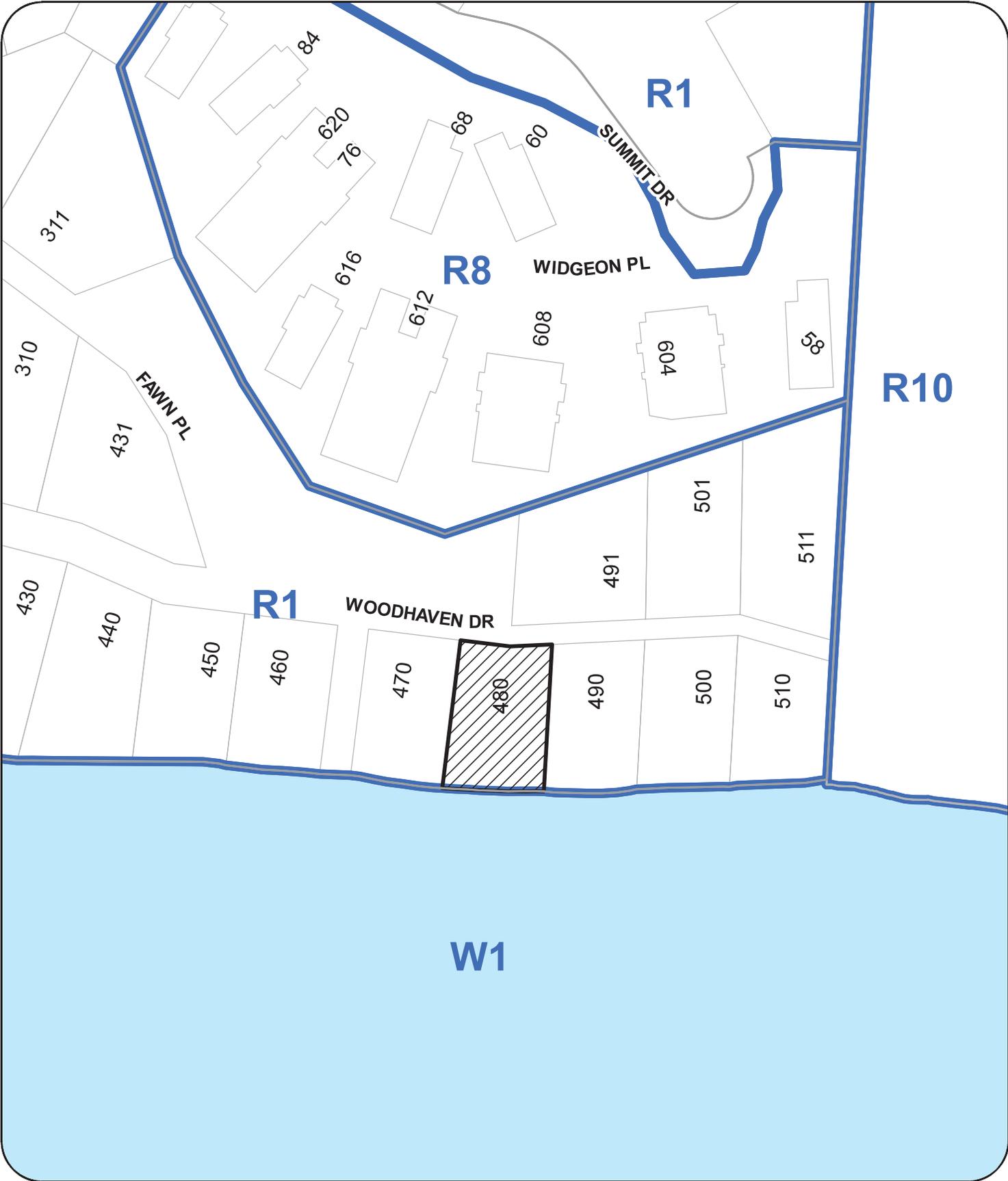
The applicant requests to increase the maximum projection from 2.0m to 2.06m to allow the replacement of the front deck as part of a renovation of the existing dwelling. This represents a variance of 0.06m.

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.

WRITTEN SUBMISSION: To submit comments in writing you must contact Current Planning no later than 2:30 p.m. May 2nd, 2024, by contacting Kirsten Dafoe, Planning Assistant, by email at kirsten.dafoe@nanaimo.ca, or by calling 250-755-4460 Ext. 4509.

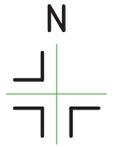
ATTEND IN-PERSON: To address this appeal in person you may attend this meeting, in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Thursday, May 2nd, 2024, at 4:00 p.m.

SUBJECT PROPERTY MAP



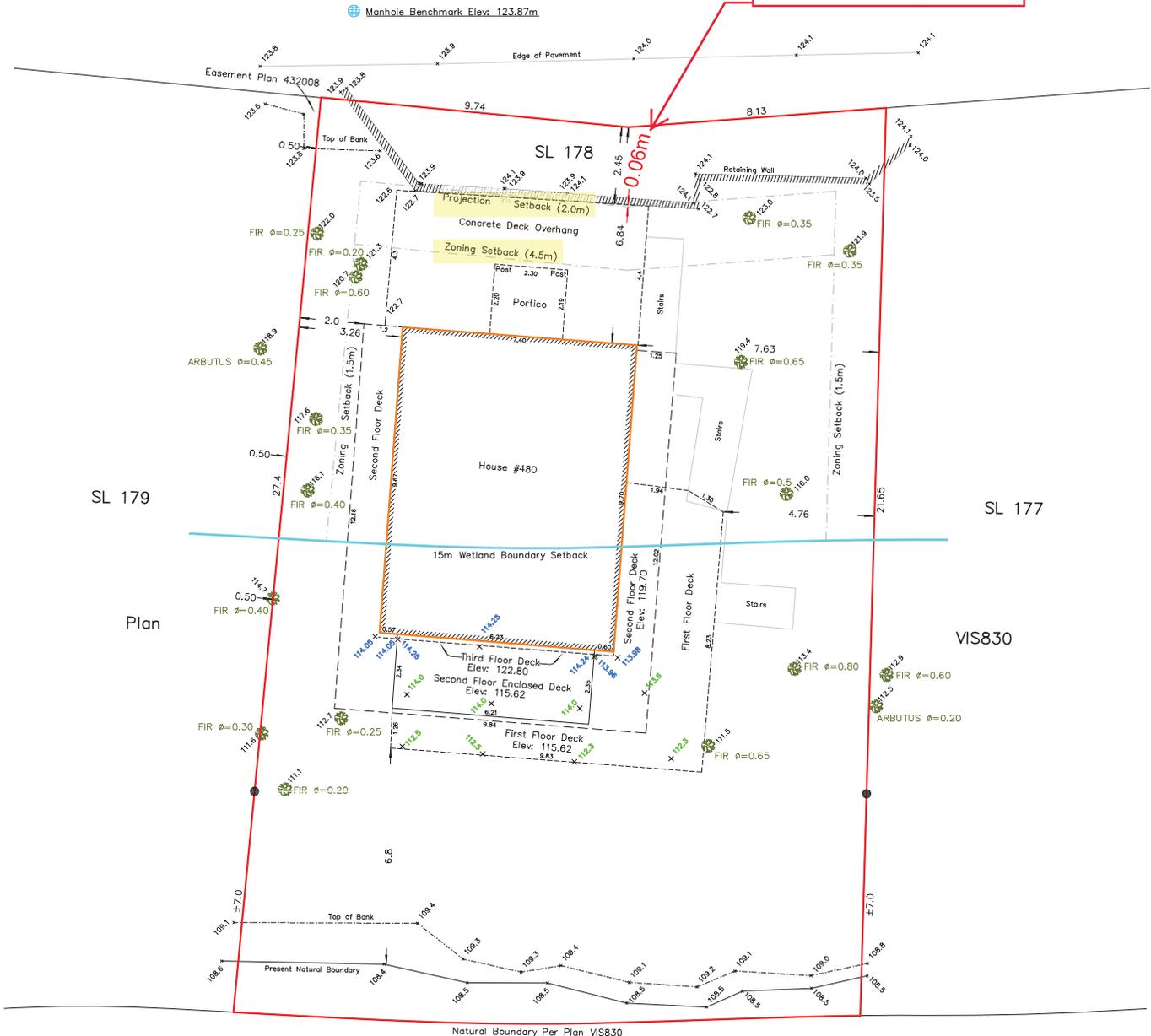
480 WOODHAVEN DRIVE

Book of Reference – Variance			
Bylaw Projection	Front Setback	Actual	Variance Requested
Open Deck – Concrete	2.00m	2.06m	0.06m



Woodhaven Drive
(Common Property)

Variance Requested



- Legend**
- + 120.0 Denotes Spot Elevation
 - + 114.3 Denotes Spot Elevation (Footings)
 - + 113.5 Denotes Spot Elevation (Top Concrete Deck Post)
 - Denotes Coniferous Tree
 - Denotes Tree Trunk Diameter
 - Denoted Standard Iron Post Found
 - Denotes Manhole Benchmark (April 11, 1989)

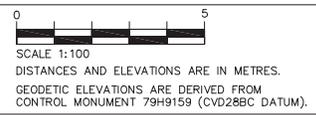
NOTE:
THE REGISTERED TITLE OF THIS PROPERTY IS AFFECTED BY THE FOLLOWING LEGAL NOTATIONS AND REGISTERED CHARGES, LIENS AND INTERESTS:
M76-300, LAND USE CONTRACT F98926, RIGHT OF WAY H40365, BUILDING SCHEME K3538, BUILDING SCHEME K98613, EASEMENT P22833.
THIS SITE PLAN DOES NOT CONFIRM OR VERIFY COMPLIANCE WITH THE ABOVE NOTED DOCUMENTS.

THIS SITE PLAN SHOWS THE RELATIVE LOCATION OF THE EXISTING AND PROPOSED STRUCTURES/IMPROVEMENTS WITH RESPECT TO THE BOUNDARIES OF THE DESCRIBED PARCEL ONLY.
THIS SITE PLAN SHALL NOT BE USED TO DEFINE PROPERTY LINES OR PROPERTY CORNERS.
THE SIGNATORY ACCEPTS NO RESPONSIBILITY FOR AND HEREBY DISCLAIMS ALL OBLIGATIONS AND LIABILITIES FOR DAMAGES ARISING OUT OF OR IN CONNECTION WITH ANY DIRECT OR INDIRECT USE OR RELIANCE UPON THE SITE PLAN BEYOND ITS INTENDED USE.

RECEIVED
BOV779
2024-APR-16
Current Planning

SITE PLAN SHOWING:
STRATA LOT 178, SECTION 5,
WELLINGTON DISTRICT, STRATA PLAN 830.

Client: JODIE WOOLMAN Civic Address: 480 WOODHAVEN DRIVE, NANAIMO
File: 18-101-178 Scale: 1:100 Drawn by: DRW Property Zoning: R1



Certified correct this 1st day of August, 2023.

[Signature]

Digitally signed by Jodie Woolman
Phillips / 76298N
Date: 2024.04.15 15:59:46
0200

Turner & Associates
land surveying
250.753.9778
435 Terminal Avenue North
Nanaimo, BC V9S 4J8
www.turnersurveys.ca

(This document is not valid unless originally signed and sealed.)



IMMERSIVE DESIGN

THIS DESIGN IS NOT TO BE REPRODUCED, COPIED OR REUSED WITHOUT THE WRITTEN APPROVAL OF IMMERSIVE DESIGN INC. THIS DESIGN IS TO BE UTILIZED ONLY FOR THE SITE INTENDED AND DESIGNATED ON THE DRAWINGS. IMMERSIVE DESIGN INC. NOR THE DESIGNER/DRAFTSMAN ACCEPT ANY RESPONSIBILITY FOR THE FOLLOWING CONFORMITY OF PLANS TO THE SITE, ERRORS AND OMISSIONS, VARIOUS ENGINEERING REQUIREMENTS, ANY HOUSE BUILT FROM THESE PLANS. INFORMATION PROVIDED ON EXISTING BUILDINGS OR SITE. THESE PLANS ARE NOT TO BE REPRODUCED, COPIED OR REUSED WITHOUT THE WRITTEN APPROVAL OF IMMERSIVE DESIGN INC.

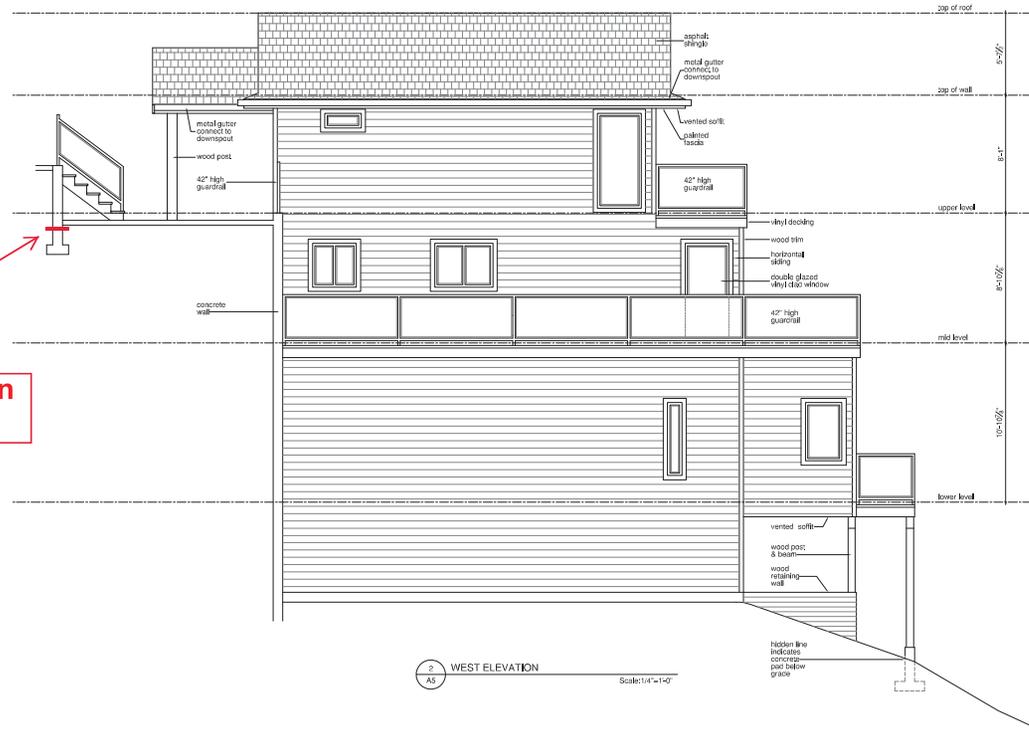
Project Name:
Renovation to a Single Family Residence

480 Woodhaven Drive
Nanaimo, B.C.

Drawing Name:
Elevations

RECEIVED
BOV779
2024-APR-04
COURTESY PLANNING

Scale: as noted	Drawing No.
Drawn by: P.L.	A5
Date: 12/12/22	
File Name: 2219	





March 28, 2024

RE: Variance Application for 480 Woodhaven

Dear Members of the Board of Variance,

Boehm Construction Ltd. is respectfully submitting this letter on behalf of Jodie and Larry Woolman to request a variance for their property located at 480 Woodhaven Drive, Nanaimo. This request is made with the intent to undertake critical structural repairs to the property to maintain the safe accessibility of the residence.

Structural Risk

480 Woodhaven Drive presents unique challenges due to its steep grade. Notably, a deck overhang at the front of the property was constructed to provide a safe landing for accessing the home's front door. This construction was undertaken without permit authorization before Jodie and Larry purchased the property, though the lot's topography justifies its presence.

As such, the deck overhang was not built to the standards of the BC Building Code. Jeff Allester, principal at Allester Engineering — a respected firm with four locations across the province and affiliation with the Engineers and Geoscientists Association of British Columbia — has evaluated the integrity of existing deck overhang. **His assessment reveals that the structure poses a threat to life safety, condemning it from further use until significant remedial work can be done (see Appendix 1).**

Variance Request #1: Deck Overhang Setback Relaxation

Given the structural concerns outlined above, we seek a variance to permit the deck overhang to encroach an additional 5 cm so that its connection to the existing retaining wall can be maintained. To not allow this 5 cm encroachment would create a gap between the deck and the retaining wall, forming a channel for water ingress. Allowing water to flow through this gap would exacerbate the risk of further damage to the structural members of the deck system as well as the foundation wall of the home, undermining the safety and longevity of the construction. Once again, the landing created by the deck is necessary to ensure safe access to the front door given the steep grade of the property (see Appendix 2 for images).



No Adverse Impact

We believe that these adjustments will not adversely impact the surrounding community, as the structures in question are already in place and the proposed repair work can be conducted by a standard carpentry crew with minimal disruption to the neighbourhood.

Conclusion

We at Boehm Construction, as well as the homeowners, are committed to resolving the existing issues within the City of Nanaimo's bylaws. This request is essential for rectifying safety concerns and ensuring the structural integrity of the residence at 480 Woodhaven Drive. We appreciate the Board of Variance's favourable consideration of our application and are prepared to comply with any conditions or requirements deemed necessary.

Sincerely,

Nivedan Kaushal

Project Coordinator

Boehm Construction Ltd.

Appendix 2 – Image 1

This image shows the front entry in question.



Appendix 2 – Image 2

This image illustrates the steepness of the property.



Appendix 2 – Image 3

This image shows the structural failure of the deck's support system. Notice how the ledger board is bending and sitting directly on the Sonotube footing, putting the whole structure at risk for collapse.



Appendix 2 – Image 4

This image shows the structural failure of the deck's support system. Notice how the ledger board is bending and sitting directly on the Sonotube footing, putting the whole structure at risk for collapse.



AERIAL PHOTO



 480 WOODHAVEN DRIVE