

REGIONAL DISTRICT OF NANAIMO
BOARD OF VARIANCE
AGENDA

Wednesday, July 11, 2018
4:00 P.M.
Committee Room

Pages

1. CALL TO ORDER
2. APPROVAL OF THE AGENDA
3. ADOPTION OF MINUTES
 - 3.1 Board of Variance Meeting - May 9, 2018 3

That the minutes of the Board of Variance meeting held May 9, 2018, be adopted.
4. APPEALS
 - 4.1 Board of Variance Appeal No. PL2018-089 - 3162 Hewstone Road, Electoral Area 'A' 5

That the minimum setback requirement for the front lot line be reduced from 8.0 metres to 4.1 metres for an accessory building as shown on the attached plan.
 - 4.2 Board of Variance Appeal No. PL2018-093 - 2405 Morland Road, Electoral Area 'A' 28

That the minimum setback requirement for an accessory building be reduced from 5.0 metres to 3.0 metres and from 2.0 metres to 1.0 metres, as shown on the attached plan.
 - 4.3 Board of Variance Appeal No. PL2018-091 - 2711 McQuarrie Road, Electoral Area 'A' 50

That the maximum height requirement for a dwelling unit be increased from 9.0 metres to 10.22 metres as shown on the attached plan.

**4.4 Board of Variance Appeal No. PL2018-094 - Lot 14, Plan VIP80854,
Bonnington Drive, Electoral Area 'E'**

69

That the maximum height requirement for a dwelling unit be increased from 8.0 metres to 8.78 metres as shown on the attached plan.

5. NEW BUSINESS

6. ADJOURNMENT

**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
OF THE REGIONAL DISTRICT OF NANAIMO
HELD May 9, 2018 AT 4:00 P.M. IN THE COMMITTEE ROOM
AT 6300 HAMMOND BAY ROAD, NANAIMO, BC**

Those in attendance: David Wiwchar, Chairperson
 Doug Holme, BOV Member
 Leigh Mathews, BOV Member
 Jeremy Holm, Current Planning Manager
 Sarah Preston, Recording Secretary
 Robert Shipley, Applicant
 Jacqueline Shipley, Applicant
 Ian Lindsay
 Neil Mawdsley, Applicant
 Blake Camp

The meeting was called to order at 4:03 p.m. with David Wiwchar presiding. D. Wiwchar detailed the selection and structure for the Board of Variance and introduced the other Board members and staff. Excerpts of the *Local Government Act* were read and the grounds upon which an appeal may be granted were explained.

PL2018-063 1410 Reef Road

Notification of the appeal was given to the owners and occupiers of all real property located within 50 metres of the property about which this appeal was being heard. The applicant provided three letters of support from neighbours; no additional correspondence was received.

Robert and Jacqueline Shipley, the owners, were in attendance with their guest, Ian Lindsay. D. Wiwchar asked them to speak to the appeal.

Mr. Shipley explained that the siting of the existing dwelling does not conform with the interior lot line setbacks for the zone. He also noted that the dwelling encroaches onto the abutting property. They are in the process of registering an easement. The easement and variance request are to aid in the sale of the property. Mr. Shipley advised that it is a condition of a current offer of sale, and that previous offers have been lost due to the encroachment.

Consideration of Appeal

PL2018-063 1410 Reef Road

It was moved and seconded that:

as the Board of Variance does not find undue hardship and is of the opinion that the request does not constitute a minor variance, the appeal to reduce the minimum interior lot line setback from 2.0 m to 0.0 m, as shown on the attached plan, be **DENIED**.

CARRIED UNANIMOUSLY

PL2018-065 Lot 15, Bonnington Drive

Notification of the appeal was given to the owners and occupiers of all real property located within 50 metres of the property about which this appeal was being heard. The applicant provided seven letters of support from neighbours; no additional letters was received.

Neil Mawdsley, the applicant, were in attendance with his guest, Blake Camp. D. Wiwchar asked Mr. Mawdsley to speak to the appeal.

Mr. Mawdsley noted that due to the topography of the site, it is necessary to elevate the dwelling and attached garage to reduce the grade of the driveway. In an effort to conform to the maximum height permitted per the zone, the orientation of the house was changed to allow for a longer driveway that better accommodated the existing grade. Mr. Mawdsley provided photographs to the Board Members, demonstrating the difference grade makes for the driveways of two similar properties.

Consideration of Appeal

PL2018-065 Lot 15, Bonnington

It was moved and seconded that:

as the Board of Variance finds undue hardship and is of the opinion that the request does constitute a minor variance, the appeal to increase the maximum height requirement for a dwelling unit from 8.0 m to 8.61 m, as shown on the attached plan, be **GRANTED**.

CARRIED UNANIMOUSLY

ADOPTION OF MINUTES

It was moved and seconded that:

the minutes of the Board of Variance meeting held on January 10, 2018 be adopted.

It was moved and seconded that:

the minutes of the Board of Variance meeting held on February 14, 2018 be adopted.

ADJOURNMENT

It was moved and seconded that this meeting be adjourned.

CARRIED UNANIMOUSLY

Time: 4:25PM

Chair

Sarah Preston, Recording Secretary

TO: Board of Variance **DATE:** July 17, 2018

FILE: PL2018-089

SUBJECT: **Board of Variance Appeal No. PL2018-089
3162 Hewstone Road – Electoral Area ‘A’**

OWNER:	Kevin and Nichola Palmer
LOCATION:	Lot 3, Section 10, Range 5, Cedar District, Plan 10772
CIVIC:	3162 Hewstone Road
ELECTORAL AREA	A
PURPOSE	<p>The applicant is requesting the following:</p> <ul style="list-style-type: none"> • That the minimum setback requirement for the front lot line be reduced from 8.0 m to 4.1 m for an accessory building as shown on the attached plan.

The appeal seeks a variance from the following provisions of the "*Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987*".

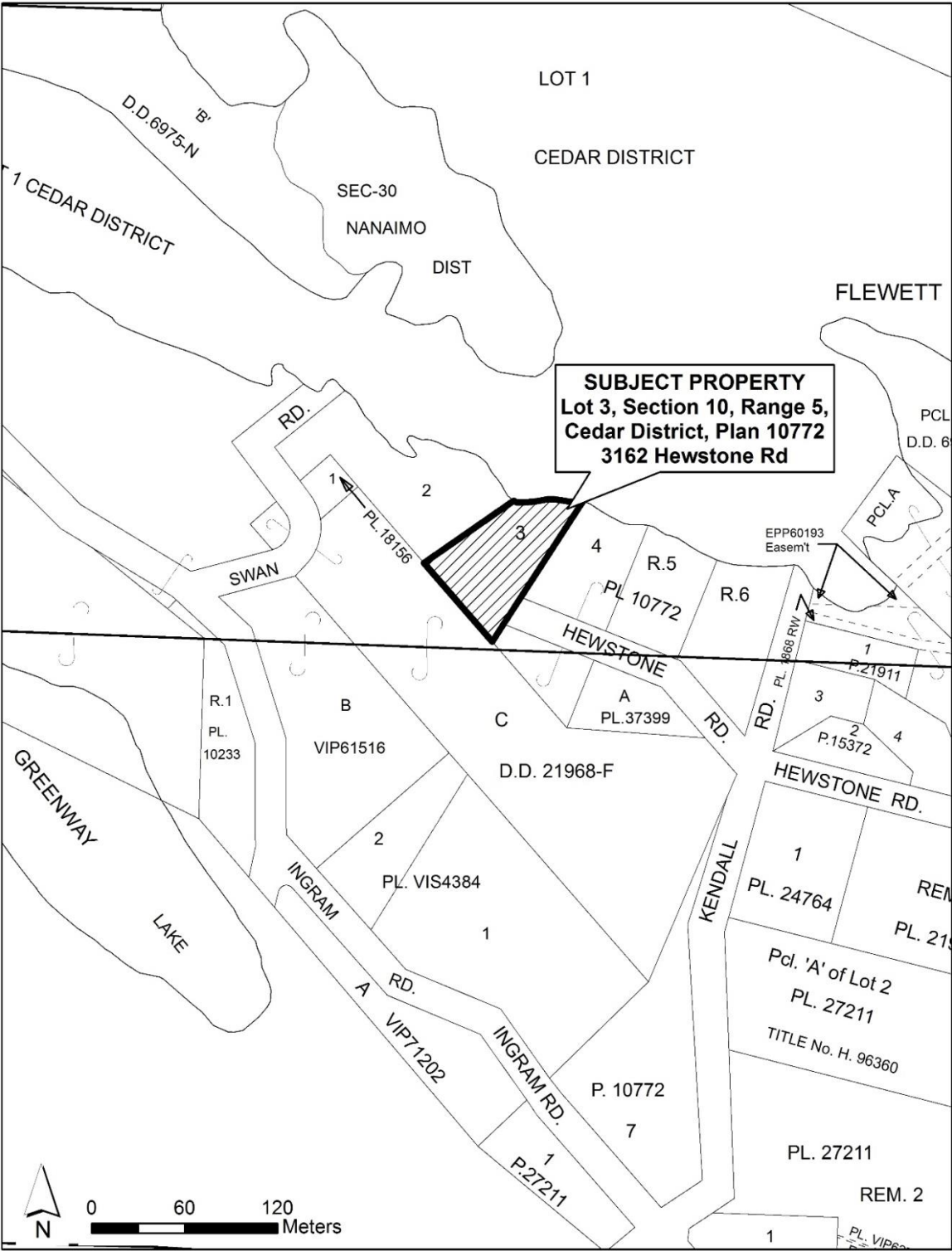
Section 3.4.62

*Minimum Setback Requirements
Front Lot Line – 8.0 m*

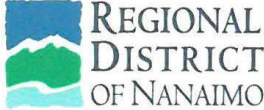
Attachments to this appeal include:

1. Subject Property Map
2. Application
3. Certificate of Title
4. Correspondence from Applicant
5. Site Plan
6. Elevations
7. Notification
8. Letters from Neighbours
9. Previous Board of Variance Applications

**Attachment 1
Subject Property Map**



**Attachment 2
 Application
 (1 of 3)**



Strategic & Community Development Department

6300 Hammond Bay Road Nanaimo, BC V9T 6N2
 250-390-6510 (Nanaimo) 250-954-3798 (District 69)
 1-877-607-4111 (within BC) Fax: 250-390-7511

Board of Variance Application Form

OFFICE USE ONLY

Application Fee: 5400 Receipt No. _____ File No. PL2018-089

SECTION 1: DESCRIPTION OF PROPERTY
(AS INDICATED ON THE STATE OF TITLE CERTIFICATE)

Legal Description LOT 3, SECTION 10, RANGE 5, CEDAR DISTRICT, PLAN 10772
 Civic Address 3162 HEWSTON ROAD, NANAIMO, V9X 1W8
 Electoral Area A Parcel Identifier (P I D) 004-890-957

SECTION 2: OWNER INFORMATION
(ATTACH ADDITIONAL PAGE IF MORE THAN TWO OWNERS)

1) <u>KEVIN PALMER</u> Name Mailing Address <u>NANAIMO</u> <u>V9X 1W1</u> Town / Province Postal Code Telephone/Cell Fax Email	2) <u>NICHOLA PALMER</u> Name Mailing Address <u>NANAIMO</u> <u>V9X 1W1</u> Town / Province Postal Code Telephone/Cell Fax Email
--	--

I would prefer all correspondence via: email regular mail fax

SECTION 3: AGENT INFORMATION

Name _____ Mailing Address _____ Town/Province _____
 Postal Code _____ Telephone/Cell _____ Fax _____ Email _____

I would prefer all correspondence via: email regular mail fax

SECTION 4: REASON FOR APPEAL

If/We, the registered owner(s) of the above noted property, hereby appeal to the Board of Variance for the following:

- To review a decision made by the Regional District of Nanaimo Manager of Building, Bylaw & Emergency Planning Services pursuant to Section 911(8) of the *Local Government Act*.

Or,

To determine that compliance with the following will cause undue hardship:

- Relating to siting, size and dimensions of a building or structure, or the siting of a manufactured home park. (Note: use and density, including varying maximum building size provisions, will not be considered for variance)
- The prohibition of structural alteration and addition pursuant to Section 911 (5) of the *Local Government Act*.
- A subdivision servicing requirement pursuant to Section 938 (1c) of the *Local Government Act* in an area zoned for agricultural or industrial uses.



**Attachment 2
Application
(2 of 3)**

SECTION 5: APPLICATION COMPLETION CHECKLIST:
ALL MEASUREMENTS TO BE IN METRIC

- A copy of Certificate of Indefeasible Title (dated within past 30 days)
- A letter of authorization
- A letter outlining the details of the appeal
- Application fee as required by Bylaw No. 1259, 2002
- Two (2) survey plans certified by a BC Land Surveyor to a maximum scale of 1:500, showing location of existing and proposed buildings and structures and parts thereof
- Electronic copies of all plans
- Riparian Areas Regulation Property Declaration Form

Additional information may be required, such as:

- Two (2) building elevation plans to a maximum scale of 1:100 *Pull fr. BP f. 16*
- Two (2) survey plans certified by a BC Land Surveyor including topographical information
- Professional Engineer's Report
- RDN Sustainable Development Checklist
- Other _____
- _____

SECTION 6: Registered Owner's Authorization
(ATTACH ADDITIONAL PAGE IF MORE THAN TWO OWNERS)

I hereby declare that all the above noted statements and information contained in this application and supporting documents are true and correct.

<p><u><i>[Signature]</i></u> Signature of Registered Owner</p>	<p><u>12th June 2018</u> Date</p>
<p><u><i>[Signature]</i></u> Signature of Registered Owner</p>	<p><u>18th June 2018</u> Date</p>

In order to process your application, please provide all necessary documentation with your application. Please refer to the Board Of Variance Guide for further information. Contact the Board of Variance Secretary if you require assistance.

Submit the completed application form, required fee, plans, and supporting material to the Regional District of Nanaimo. The fee is payable to the "Regional District of Nanaimo".



**Attachment 2
Application
(3 of 3)**



**Riparian Areas Regulations
Property Declaration Form**

Property Subject Legal Description: LOT 3, SECTION 10, RANGE 5, CEDAR DISTRICT, PLAN 10772

Subject Property Address: 3162 HEWSTONE ROAD, NANAIMO, V9X 1W8

I (we) acknowledge that the province of British Columbia enacted the **Riparian Areas Regulation** to protect the critical features, functions, and conditions required to sustain fish habitat. Furthermore, this legislation prohibits the Regional District of Nanaimo from approving, or allowing a development to proceed adjacent to a watercourse until it has received notice that a report prepared by a Qualified Environmental Professional has been received by the Ministry of Environment.

I (we) understand that a water feature includes any of the following:

- a) any watercourse, whether it usually contains water or not;
- b) any pond, lake, river, creek or brook; and/or,
- c) any ditch, culvert, spring, or wetland.



I (we) declare that (*Please check the one that applies*):

- A. that there are no water features located on the subject property,
- B. there are water features located on the subject property.

I (we) declare that all proposed development including land alteration, vegetation removal, construction and / or building (*Please check the one that applies*):

- A. is greater than 30.0 metres from a water feature, or
- B. is less than 30.0 metres from that water feature.

I (we) acknowledge that I (we) are familiar with the property and area, and have inspected the property and immediate area for the existence of any water features prior to signing this form.

Property Owner / Agent Signature(s): 1 [Signature] 2 [Signature]

Print Name(s): 1 KEVIN PALMER 2 NICHOLA PALMER

Mailing Address: [Redacted], V9X 1W1

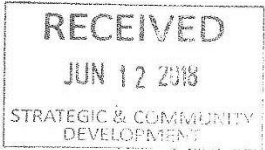
Postal Code: V9X 1W1 Phone: [Redacted]

Witnessed By: [Signature] Date: June 7, 2018

**Attachment 3
Certificate of Title
(1 of 2)**

LAND TITLE OFFICE
STATE OF TITLE CERTIFICATE
Certificate Number: STSR2547697

Kevin Palmer
[Redacted]
Nanaimo Cedar PO
Cedar BC V9X 1W1
Pick up by: Kevin Palmer



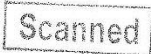
A copy of this State of Title Certificate held by the land title office can be viewed for a period of one year at <https://apps.ltsa.ca/cert> (access code 758753).

I certify this to be an accurate reproduction of title number **CA6551782** at 15:57 this 3rd day of June, 2018.

Kevin Palmer
REGISTRAR OF LAND TITLES



Land Title District Land Title Office	VICTORIA VICTORIA
Title Number From Title Number	CA6551782 ES39390
Application Received	2018-01-08
Application Entered	2018-01-10
Registered Owner in Fee Simple Registered Owner/Mailing Address:	KEVIN JOHN PALMER, GEOLOGIST NICHOLA JOAN PALMER, HEALTH CARE AIDE 3162 HEWSTONE ROAD NANAIMO, BC V9X 1W8 AS JOINT TENANTS
Taxation Authority	Nanaimo/Cowichan Assessment Area North Cedar Improvement District



**Attachment 3
Certificate of Title
(2 of 2)**

LAND TITLE OFFICE
STATE OF TITLE CERTIFICATE

Certificate Number: STSR2547697

Description of Land

Parcel Identifier: 004-890-957
Legal Description:
LOT 3, SECTION 10, RANGE 5, CEDAR DISTRICT, PLAN 10772

Legal Notations

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 29 OF THE MUNICIPAL ACT (SEE DF S89655)

Charges, Liens and Interests

Nature:	EXCEPTIONS AND RESERVATIONS
Registration Number:	M76300
Registered Owner:	ESQUIMALT AND NANAIMO RAILWAY COMPANY
Remarks:	INTER ALIA A.F.B. 9.693.7434A; SECTION 172(3); FOR ACTUAL DATE AND TIME OF REGISTRATION SEE ORIGINAL GRANT FROM ESQUIMALT AND NANAIMO RAILWAY COMPANY
Nature:	STATUTORY RIGHT OF WAY
Registration Number:	EB28231
Registration Date and Time:	1988-04-11 09:03
Registered Owner:	BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
Nature:	MORTGAGE
Registration Number:	CA6551783
Registration Date and Time:	2018-01-08 10:02
Registered Owner:	COMPUTERSHARE TRUST COMPANY OF CANADA INCORPORATION NO. A52313
Nature:	MORTGAGE
Registration Number:	CA6551784
Registration Date and Time:	2018-01-08 10:02
Registered Owner:	MCAP SERVICE CORPORATION INCORPORATION NO. A-0069992

Duplicate Indefeasible Title NONE OUTSTANDING

Transfers NONE

Pending Applications NONE

This certificate is to be read subject to the provisions of section 23(2) of the Land Title Act(R.S.B.C. 1996 Chapter 250) and may be affected by sections 50 and 55-58 of the Land Act (R.S.B.C. 1996 Chapter 245).

**Attachment 4
Correspondence from Applicant
(1 of 3)**

Kevin and Nichola Palmer
[REDACTED]
Nanaimo, B.C., V9X 1W8
12th June 2018

Committee Members
Board of Variance
Regional District of Nanaimo
6300 Hammond Bay Road
Lantzville, B.C., V0R 2H0



Dear Committee Members:

We would like to appeal for a variance for the alterations that are to be carried out on the storage/garage accessory building that is on our property.

The current building was constructed based on a variance granted (Appeal No. 98-30) to Robert Vermaskari and enclosed in a letter from the R.D.N. dated 10th September 1998 and we would like to be considered for the same variance on the altered building, to which there will be no changes in external dimensions.

The variance is for the following section of the “Regional District of Nanaimo Land Use and Subdivision Bylaw No.500, 1987” and request is that the requirement be reduced from 8.0 metres to 4.1 metres on the S.W. corner of the building. The exterior of the building is 6.1 metres from the Front Lot Line and a further 2.0 metres allows for the roof overhang.

Section 3.4.62 –Minimum Setback Requirements

Front Lot Line - 8.0 metres

Currently there are five people living in the house, 1,900 sq. ft., and I (Kevin) find it difficult to work when at home due to lack of space. I work a four week on and two week off rotation and I am expected to be able to do some work while at home. The availability of an office area in the storage/garage accessory build would facilitate my ability to work. The addition of a gym would enable us to train at home and enable a better use of our personal time.

The variance is being requested as there is limited space due to topography for buildings of this size and we would like to alter the current building to maximize its use. Renovating would result in less of an

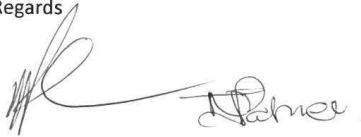
**Attachment 4
Correspondence from Applicant
(2 of 3)**

Committee Members
12th June 2018
Page 2

impact (window changes and an added door) on the neighbours than an additional building. There would be no footprint change in size of the existing building previously approved.

Thank you for your consideration on this matter.

Regards



Kevin and Nichola Palmer



Figure 1: Property Location (BC Assessment)

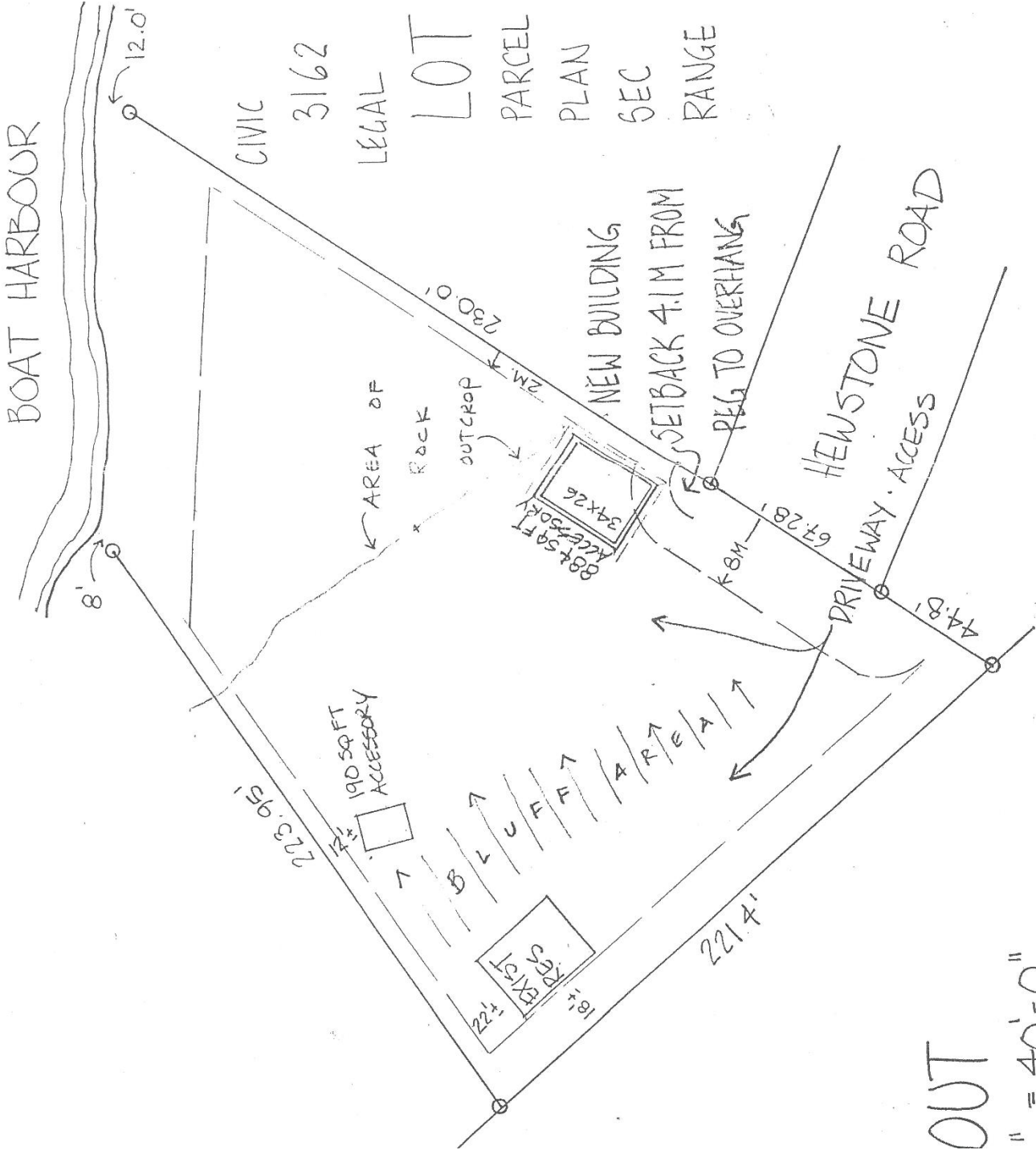
Attachment 4
Correspondence from Applicant
(3 of 3)

Committee Members
12th June 2018
Page 3



Figure 2: Property Location showing buildings (Google Maps). Property boundaries have been estimated.

Attachment 5
Site Plan



**Attachment 6
Elevations
(1 of 2)**



Camera 8

NORTH ELEVATION

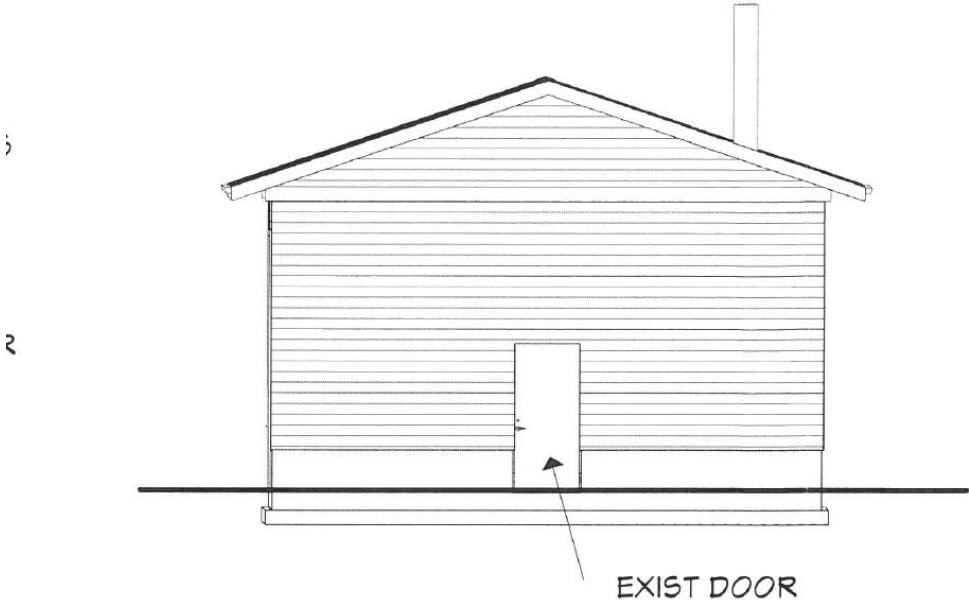
1/8" = 1'-0"



Camera 9

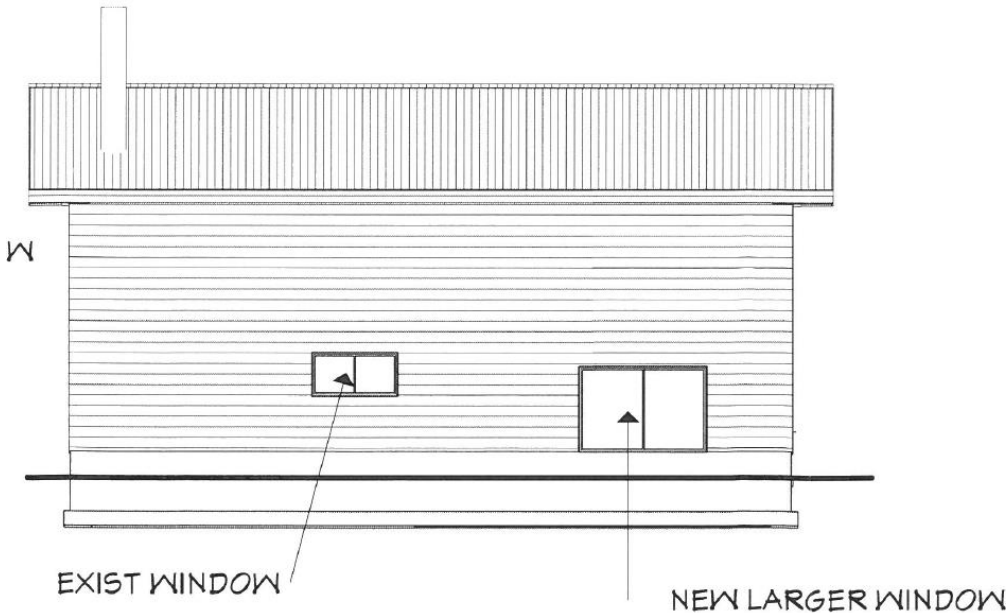
EAST ELEVATION

**Attachment 6
Elevations
(2 of 2)**



Camera 10

WEST ELEVATION



Camera 12

SOUTH ELEVATION

**Attachment 7
Notifications
(1 of 3)**



**NOTICE OF MEETING
BOARD OF VARIANCE
JULY 11, 2018**

Pursuant to Section 541 of the *Local Government Act*, we advise you that a meeting of the Board of Variance has been scheduled for Wednesday, July 11, 2018 at 4:00 pm in the Committee Room of the Regional District of Nanaimo to hear the following appeal:

APPEAL NO: BOV PL2018-089
OWNER: Kevin and Nichola Palmer
LOCATION: Lot 3, Section 10, Range 5, Cedar District, Plan 10772
CIVIC: 3162 Hewstone Road
ELECTORAL AREA: 'A'
PURPOSE: The applicant is requesting the following:

- That the minimum setback requirement for the front lot line be reduced from 8.0 m to 4.1 m for an accessory building as shown on the attached plan.

The appeal seeks a variance from the following provisions of the "*Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987*".

Section 3.4.62 *Minimum Setback Requirements
Front Lot Line – 8.0 m*

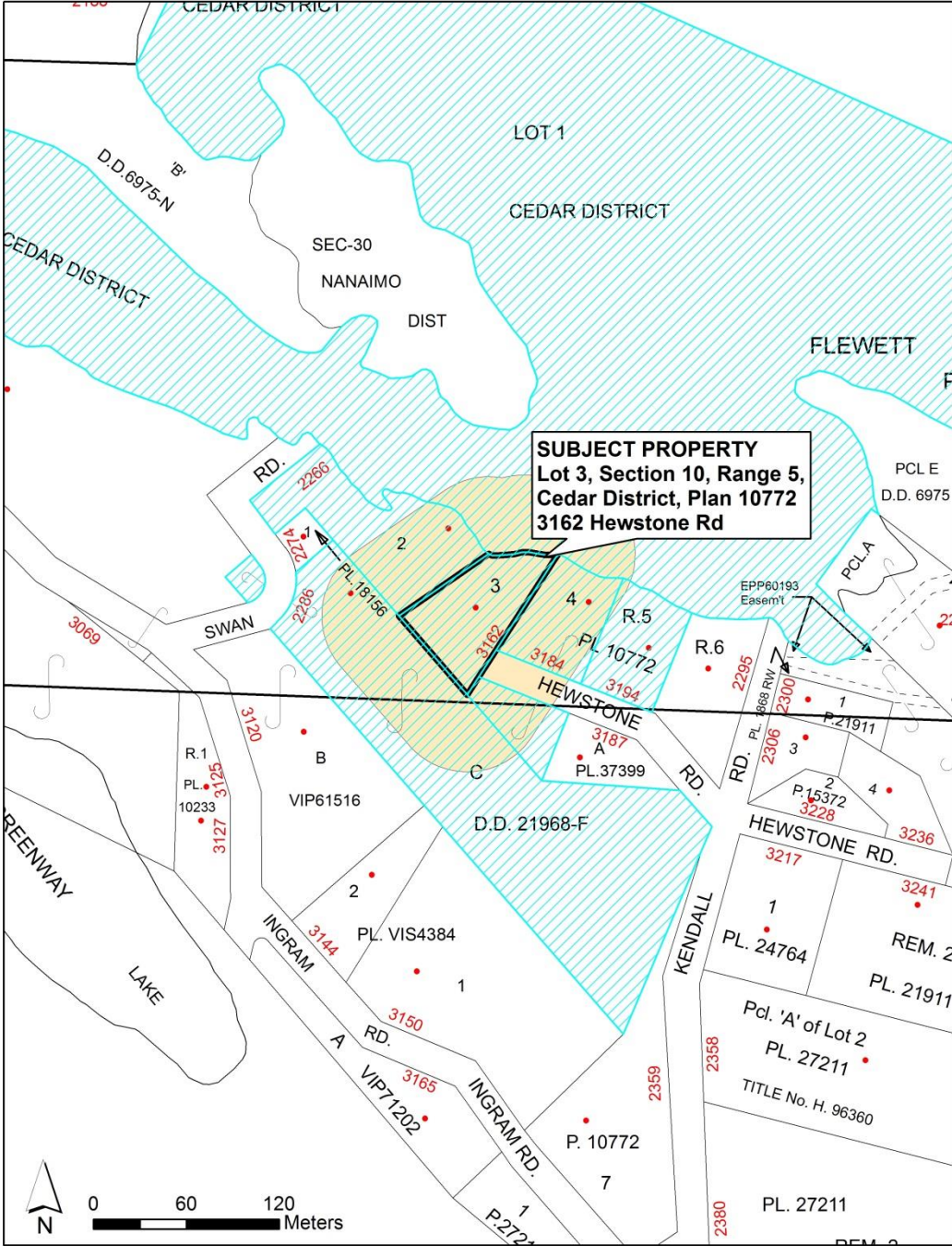
If you deem your property to be affected by this appeal, this meeting of the Board of Variance will be open to hear your representation either in person or by written submission.

This appeal may be viewed at the offices of the Regional District of Nanaimo Community Planning Department.

Further Information can also be found at the following:

250-390-6510 / 1-877-607-4111
planning@rdn.bc.ca
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

**Attachment 7
Notifications
(2 of 3)**



**Attachment 8
Letters from Neighbours
(1 of 3)**

Dear Paul and Emma Bayly

We are currently in the process of requesting a variance in order to optimize the use of the storage/garage accessory building on our property. The intention is to change the size of some of the windows and to add a door. The door will be added to the N.E. side of the building.

In order to get the approval from the R.D.N. Board of Variance we would appreciate your support.

If you are okay with the planned changes would you please sign below?

Thank you for your support



Kevin and Nicky Palmer
3162 Hewstone Road.



Name	Signature	Address
E. BAYLY	E. Bayly	[REDACTED]
	N.S. Bayly	

From: [KEVIN PALMER](#)
To: [Preston, Sarah](#)
Cc: [Palmer, Kevin Rdoqi](#)
Subject: Re: BOV Application PL2018-089 - Letter of Support
Date: Monday, June 25, 2018 7:52:03 AM

Good morning Sarah

Many thanks for the confirmation. Yes the two neighbours submissions you have and the email confirmation one from Bob Moran. I believe that the one that came with the Original paperwork has an incorrect address on it. It should be 2266 Swan Road from Emma and Paul Bayly. I can amend that if needed. That is all three of our neighbours.

No other questions thanks Sarah. We await the meeting now.

Many thanks, have a great day.

Nichola

Nicky Palmer
[REDACTED]

Attachment 8
Letters from Neighbours
(2 of 3)

From: [KEVIN PALMER](#)
To: [Planning Email](#)
Cc: [Palmer Kevin VANM](#)
Subject: Board of Variance Ref # PL20180000089
Date: Sunday, June 17, 2018 10:51:41 PM
Attachments: [image1.jpeg](#)

Att: Sarah and Riley

Re: Application to Board of Variance

Please find below and attached approval from our remaining neighbours. Documents to be added to our application please and thanks.

Please confirm receipt of this email and approvals.

Many thanks
Kevin and Nichola Palmer

From: Robert M [REDACTED]
Sent: Friday, June 15, 2018 7:15 AM
To: Palmer Kevin RDOG [REDACTED] >
Subject: Re: Variance R.D.N.
Hi Kevin
Go ahead with your alterations on the shop. No problem with me at all. But I would like to make a polite request that you move the address sign that is in front of my house over to your property. If you would like to chat over a coffee my phone number is [REDACTED].
Cheers
Bob Moran

From: Palmer Kevin RDOG [REDACTED]
Sent: June 12, 2018 7:54:08 PM
To: [REDACTED]
Subject: Variance R.D.N.
Hi Bob
We are your new neighbours, we bought Bert's place and moved in in January. We would like to alter the garage and due to the construction initially being carried out under a variance we need to apply for a variance to carry out the alterations. I have attached the letter we have discussed with the other neighbours. There will be no changes to the external dimensions of the building.
Please let me know if you have any issues with the alterations.
All the best
Kevin and Nicky Palmer

**Attachment 8
Letters from Neighbours
(3 of 3)**

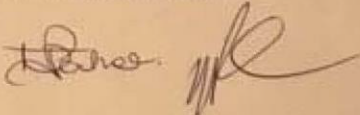
Dear Bruce McNabb

We are currently in the process of requesting a variance in order to optimize the use of the storage/garage accessory building on our property. The intention is to change the size of some of the windows and to add a door. The door will be added to the N.E. side of the building.

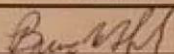

In order to get the approval from the R.D.N. Board of Variance we would appreciate your support.

If you are okay with the planned changes would you please sign below?

Thank you for your support



Kevin and Nicky Palmer
3162 Hewstone Road.

Name	Signature	Address
Bruce McNabb		

**Attachment 9
Previous Board of Variance Applications
(1 of 4)**



**REGIONAL DISTRICT OF NANAIMO
BOARD OF VARIANCE
DECISION**

APPEAL NO. 98-30

APPLICANT: Robert Jack Vermaskari

LOCATION: LEGAL: Lot 3, Section 10, Range 5, Cedar
District, Plan 10772
CIVIC: 3162 Hewstone Road
ELECTORAL AREA: "A"

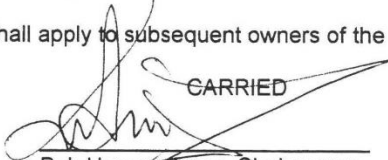
The decision of the board, made at its meeting on 1998-September-09th is as follows:

That the appeal submitted by Robert Jack Vermaskari, requesting that the front yard setback requirement be reduced from 8.0 metres (26.24 feet) to 4.10 metres (13.45 feet) in order to construct a storage/garage accessory building, as shown on Schedule "A" attached to and forming part of this decision, be **granted**;

And That the following section of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" be varied:

Section 6.4.62 – Minimum Setback Requirements
Front Lot Line – 8.0 metres
(26.24 feet)

And Further That this variance shall apply to subsequent owners of the land.

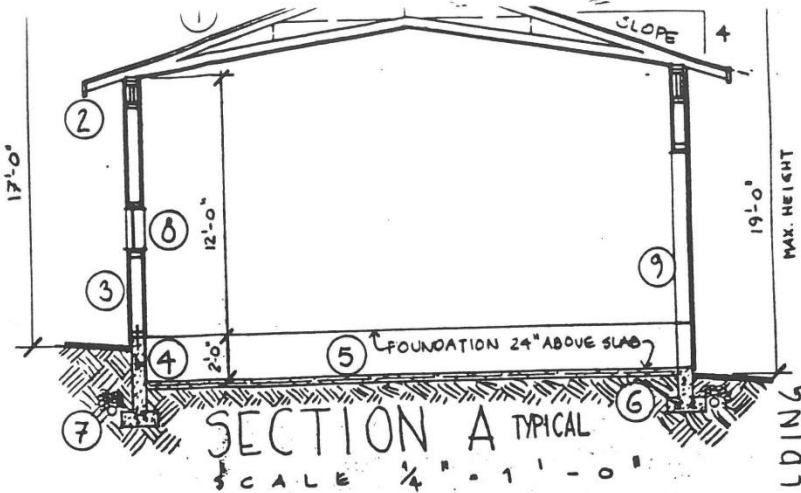

CARRIED
Bob Hoogenboom, Chairperson

a/sep98/dec

6300 Hammond Bay Rd.
P.O. Box 40
Lantzville, B.C.
V0R 2H0

Ph: (250)390-4111
District 69 Ph: (250)248-5511
Fax: (250)390-4163

Attachment 9
Previous Board of Variance Applications
(2 of 4)

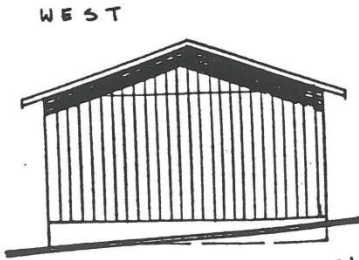
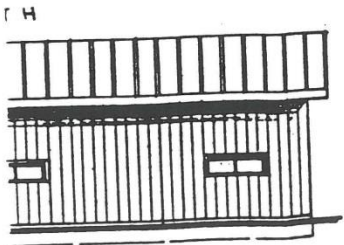


Schedule A attached to and forming part of BOV Decision 98-30
[Handwritten signature]

CONSTRUCTION SPECIFICATIONS 98-08-02

- ① **ROOF**
 metal clad roofing, colour to owners request
 2x4 strapping at 24" o/c or min. 1/2" plywood sheathing
 engineered scissors trusses at 24" o/c
 lateral bracing to manufacturer specs
- ② **EAVES**
 protection to 12" inside inner face of exterior
 24" overhangs at gable and eaves
 min. 4" trough c/w downspouts as required
 2x6 fascia and barge boards
- ③ **FRAMING and EXTERIOR FINISH**
 metal clad siding, colour to owners request
 tyvek breather type building skin or equal
 3/8" plywood sheathing
 2x6 walls with studs at 24" o/c
 2-2x10 headers at window openings
 (built-up beam as required at garage door)
 treated or moisture protected bottom plate c/w
 3/4" diameter framing anchors at max. 8' o/c
- ④ **FOUNDATION**
 8" concrete foundation wall,
 damp proofed below grade as required
 16" x 8" concrete strip footings

- ⑤ **FLOOR SLAB**
 4" concrete floor slab, c/w drains as required
 6 x 6 10 gauge mesh at center of slab
 min. 8 mil. poly. vapour barrier
 5" compact granular base
 - ⑥ **FOUNDATION NOTES**
 remove all vegetable and organic matter from under
 footings to bear on solid undisturbed base,
 min. 18" below grade and 6" above finished grade
 compression strengths
 un-reinforced 15 mpa @ 28 days
 garage floor 20 mpa @ 28 days
 continuous strip footing required at garage door
 - ⑦ **DRAINS** at perimeter
 8" perforated plastic pipe
 6" granular cover or max. 3/4" aggregate
 separation of roof and surface runoff as required
 - ⑧ **WINDOWS**
 double glass thermal break units
 security installations as required by code
 - ⑨ **DOORS**
 security installations as required by code
- HEATING**
 CSA approved propane/gas heating unit
 venting as required by manufacturer and code



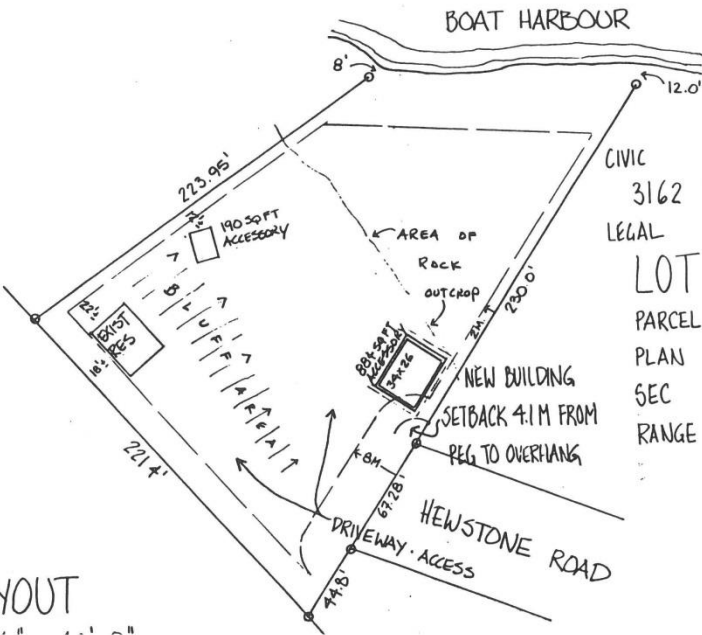
B. I. C. VERMAKARI STORAGE/GARAGE BUILDING

98-30 J.A. KIPP
 SHEET 1
 98-08-02

Attachment 9
Previous Board of Variance Applications
(3 of 4)

Schedule A attached to and forming part of
BOV Decision 98-30

VERMASKARI RESIDENCE GARAGE/STORAGE BUILDING LOCATION



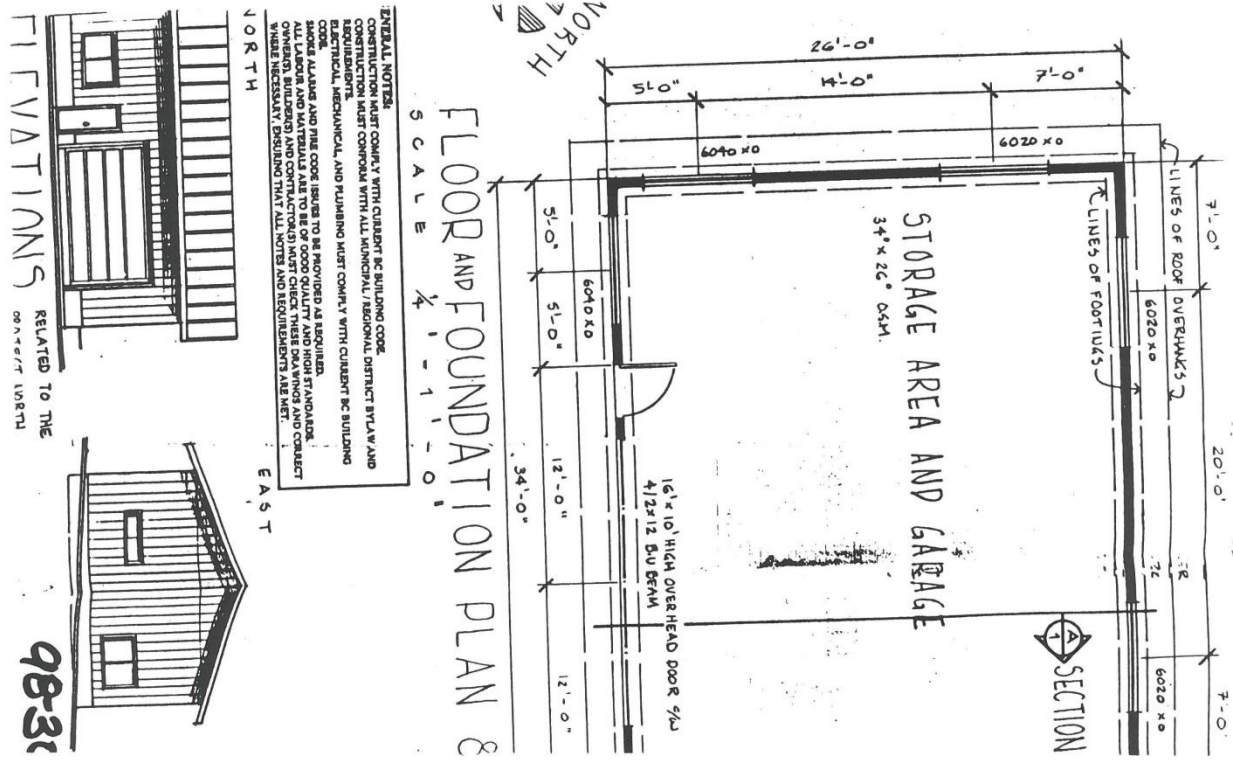
CIVIC
3162 HEWSTONE RD.
LEGAL
LOT 3
PARCEL ID 004-890-957
PLAN 10772
SEC 10
RANGE 5, CEDAR LAND DISTRICT

SITE LAYOUT

98-30
JAKIPP
00 08 02

Attachment 9
Previous Board of Variance Applications
(4 of 4)

Schedule A attached to and forming part of
BOV Decision 98-30
[Signature]



TO: Board of Variance **DATE:** July 11, 2018

FILE: PL2018-093

**SUBJECT: Board of Variance Appeal No. PL2018-093
2405 Morland Road – Electoral Area ‘A’**

OWNER:	David and Brenda Friesen
LOCATION:	Strata Lot C, Section 12, Range 2, Cedar District, Strata Plan VIS6751 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V
CIVIC:	2405 Morland Road
ELECTORAL AREA	A
PURPOSE	The applicant is requesting the following to accommodate a new accessory building: <ul style="list-style-type: none"> • That the minimum setback requirement for an accessory building be reduced from 5.0 m to 3.0 m and from 2.0 m to 1.0 m, as shown on the attached plan

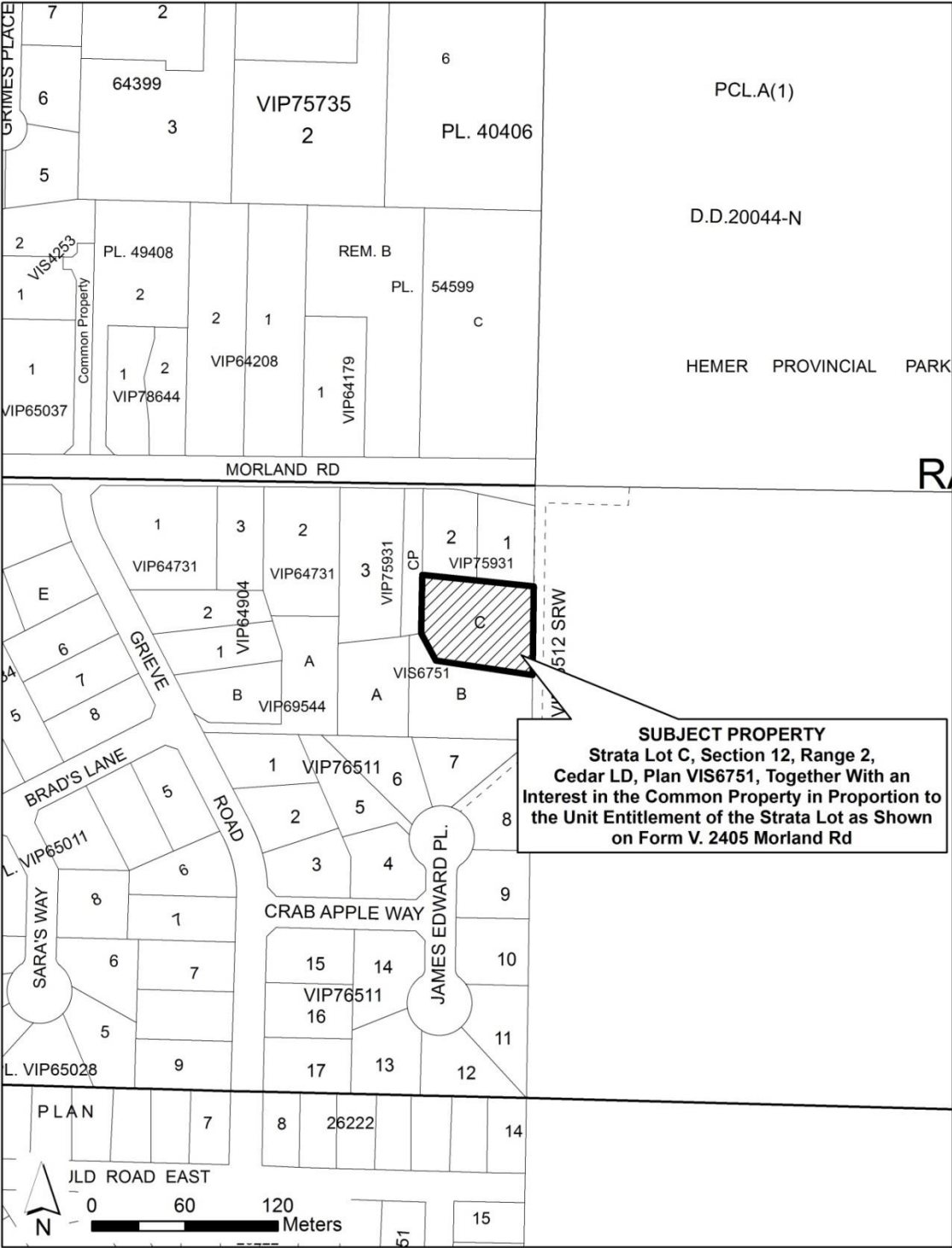
The appeal seeks a variance from the following provision of the "*Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987*":

*Section 3.4.62 Minimum Setback Requirements, Other lot line – 5.0 m
Minimum Setback Requirements, Interior side lot line – 2.0 m*

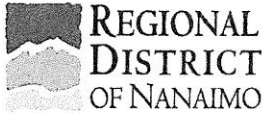
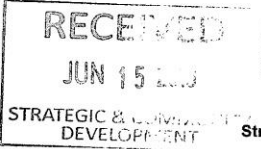
Attachments to this appeal include:

1. Subject Property Map
2. Application
3. Certificate of Title
4. Correspondence from Applicant
5. Site Survey
6. Building Elevations
7. Notification
8. Letters from Neighbours

**Attachment 1
Subject Property Map**



**Attachment 2
 Application
 (Page 1 of 4)**



Strategic & Community Development Department

6300 Hammond Bay Road Nanaimo, BC V9T 6N2
 250-390-6510 (Nanaimo) 250-954-3798 (District 69)
 1-877-607-4111 (within BC) Fax: 250-390-7511

Board of Variance Application Form

Application Fee: \$400 OFFICE USE ONLY Receipt No. _____ File No. PL2018-093

SECTION 1: DESCRIPTION OF PROPERTY
 (AS INDICATED ON THE STATE OF TITLE CERTIFICATE)

Legal Description _____
 Civic Address 2405 Morland Rd
 Electoral Area _____ Parcel Identifier (PID) _____

SECTION 2: OWNER INFORMATION
 (ATTACH ADDITIONAL PAGE IF MORE THAN TWO OWNERS)

1) <u>DAVID FRIESEN</u> Name	2) <u>BRENDA FRIESEN</u> Name
_____	_____
Mailing Address <u>NANAIMO BC V9X1J1</u>	Mailing Address <u>SAME</u>
Town / Province _____	Town / Province _____
Postal Code _____	Postal Code _____
Telephone/ Cell _____	Telephone/ Cell _____
Fax _____	Fax _____
Email _____	Email _____

I would prefer all correspondence via: email regular mail fax

SECTION 3: AGENT INFORMATION

Keene Anderson 1655 Cedar Rd Nanaimo BC
 Name Mailing Address Town/Province

V9X 1L4 _____ _____ _____
 Postal Code Telephone/ Cell Fax Email

I would prefer all correspondence via: email regular mail fax

SECTION 4: REASON FOR APPEAL

If We, the registered owner(s) of the above noted property, hereby appeal to the Board of Variance for the following:

To review a decision made by the Regional District of Nanaimo Manager of Building, Bylaw & Emergency Planning Services pursuant to Section 911(8) of the *Local Government Act*.

Or,

To determine that compliance with the following will cause undue hardship:

- Relating to siting, size and dimensions of a building or structure, or the siting of a manufactured home in a manufactured home park. (Note: use and density, including varying maximum building size provisions, will not be considered for variance)
- The prohibition of structural alteration and addition pursuant to Section 911 (5) of the *Local Government Act*.
- A subdivision servicing requirement pursuant to Section 938 (1c) of the *Local Government Act* in an area zoned for agricultural or industrial uses.

**Attachment 2
Application
(Page 2 of 4)**

SECTION 5: APPLICATION COMPLETION CHECKLIST:
ALL MEASUREMENTS TO BE IN METRIC

- A copy of Certificate of Indefeasible Title (dated within past 30 days) *emailed*
- A letter of authorization
- A letter outlining the details of the appeal
- Application fee as required by Bylaw No. 1259, 2002
- Two (2) survey plans certified by a BC Land Surveyor to a maximum scale of 1:500, showing location of existing and proposed buildings and structures and parts thereof
- Electronic copies of all plans
- Riparian Areas Regulation Property Declaration Form

Additional information may be required, such as:

- Two (2) building elevation plans to a maximum scale of 1:100
- Two (2) survey plans certified by a BC Land Surveyor including topographical information
- Professional Engineer's Report
- RDN Sustainable Development Checklist
- Other _____
- _____

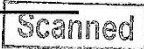
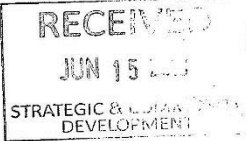
SECTION 6: Registered Owner's Authorization
(ATTACH ADDITIONAL PAGE IF MORE THAN TWO OWNERS)

I hereby declare that all the above noted statements and information contained in this application and supporting documents are true and correct.

 Signature of Registered Owner	<u>JUNE 1/18</u> Date
 Signature of Registered Owner	<u>JUNE 1/18</u> Date

In order to process your application, please provide all necessary documentation with your application. Please refer to the Board Of Variance Guide for further information. Contact the Board of Variance Secretary if you require assistance.

Submit the completed application form, required fee, plans, and supporting material to the Regional District of Nanaimo. The fee is payable to the "Regional District of Nanaimo".



**Attachment 2
Application
(Page 3 of 4)**



**Riparian Areas Regulations
Property Declaration Form**

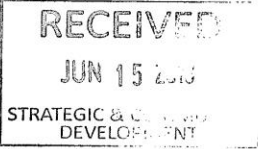
Property Subject Legal Description: _____

Subject Property Address: 2405 Morland

I (we) acknowledge that the province of British Columbia enacted the *Riparian Areas Regulation* to protect the critical features, functions, and conditions required to sustain fish habitat. Furthermore, this legislation prohibits the Regional District of Nanaimo from approving, or allowing a development to proceed adjacent to a watercourse until it has received notice that a report prepared by a Qualified Environmental Professional has been received by the Ministry of Environment.

I (we) understand that a water feature includes any of the following:

- a) any watercourse, whether it usually contains water or not;
- b) any pond, lake, river, creek or brook; and/or,
- c) any ditch, culvert, spring, or wetland.



I (we) declare that (*Please check the one that applies*):

- A. that there are no water features located on the subject property,
- B. there are water features located on the subject property.

I (we) declare that all proposed development including land alteration, vegetation removal, construction and / or building (*Please check the one that applies*):

- A. is greater than 30.0 metres from a water feature, or
- B. is less than 30.0 metres from that water feature.

I (we) acknowledge that I (we) are familiar with the property and area, and have inspected the property and immediate area for the existence of any water features prior to signing this form.

Property Owner / Agent Signature(s): 1 [Signature] 2 [Signature]

Print Name(s): 1 DAVID FRIESEN 2 BRENDA FRIESEN

Mailing Address: 2405 MORLAND RD NANAIMO

Postal Code: V9X1J1

Phone: [Redacted]

Witnessed By: [Signature]
Kevin Bray

Date: JUNE 1/18

**Attachment 2
Application (Page 4 of 4)**



Authorization Letter for Agent

I/ We DAVID & BRENDA FRIESEN the owners of property legally described as _____

at 2405 Morland (Legal Description)

authorized Keene Anderson (Civic Address)

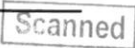
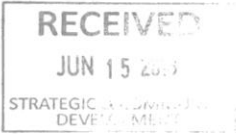
(Name of Agent)

To act as my/out agent for all purposes in relation to the application for permits from the Planning Department of the Regional District of Nanaimo and I/we acknowledge the authority of the agent to bind me/us in all matters relating to the work to be preformed under the permit.

The person signing the permit documents, if not the owner, acknowledges that his or her signature is as agent for the owner and that he or she is authorized to bind the owner who will be deemed to know of and to understand the contents of the documents.

David Friesen
Signature of Owner
Brenda Friesen
Signature of Owner

JUNE 1/18
Date
JUNE 1/18
Date



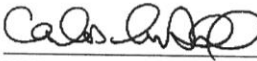
**Attachment 3
Certificate of Title
(Page 1 of 3)**

LAND TITLE OFFICE
STATE OF TITLE CERTIFICATE
Certificate Number: STSR2557543

Keene Anderson
1655 Cedar Road
Nanaimo BC v9x1l4
Pick up by: Keene Anderson

A copy of this State of Title Certificate held by the land title office can be viewed for a period of one year at <https://apps.ltsa.ca/cert> (access code 763049).

I certify this to be an accurate reproduction of title number **CA1544751** at 10:14 this 18th day of June, 2018.


REGISTRAR OF LAND TITLES



Land Title District Land Title Office	VICTORIA VICTORIA
Title Number From Title Number	CA1544751 FB246892
Application Received	2010-04-30
Application Entered	2010-05-10
Registered Owner in Fee Simple Registered Owner/Mailing Address:	DAVID STUART FRIESEN, BUSINESS OWNER BRENDA COLLEEN FRIESEN, PRODUCTION TECHNICIAN PO BOX 46 CEDAR, BC V9X 1W1 AS JOINT TENANTS
Taxation Authority	Nanaimo/Cowichan Assessment Area North Cedar Improvement District

Title Number: CA1544751

State of Title Certificate

Scanned Page 1 of 3

**Attachment 3
Certificate of Title
(Page 2 of 3)**

LAND TITLE OFFICE
STATE OF TITLE CERTIFICATE
Certificate Number: STSR2557543

Description of Land

Parcel Identifier: 027-838-129
Legal Description:
STRATA LOT C SECTION 12 RANGE 2 CEDAR DISTRICT STRATA PLAN VIS6751
TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT
ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V

Legal Notations

COAL TSN DF 43134, 18/19/1938, FORFEITED TO CROWN, 25/10/1939 DF 45246

Charges, Liens and Interests

Nature: UNDERSURFACE RIGHTS
Registration Number: M76301
Registered Owner: HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH
COLUMBIA
Remarks: INTER ALIA
ALL COAL OIL, ORES, MINES AND MINERALS IN EAST
60 ACRES, ASSIGNMENT OF 16330D, SEE DD 16375,
AFB 38.122.J102870, CB 34.459.J103563

Nature: STATUTORY BUILDING SCHEME
Registration Number: EE130424
Registration Date and Time: 1991-11-21 12:18
Remarks: INTER ALIA
SECTION 216, LTA

Nature: COVENANT
Registration Number: FB246896
Registration Date and Time: 2009-02-11 10:11
Registered Owner: VANCOUVER ISLAND HEALTH AUTHORITY
Remarks: INTER ALIA
PART AS SHOWN ON PLAN VIP86284

Nature: COVENANT
Registration Number: FB246898
Registration Date and Time: 2009-02-11 10:11
Registered Owner: THE CROWN IN RIGHT OF BRITISH COLUMBIA
THE REGIONAL DISTRICT OF NANAIMO
Remarks: INTER ALIA

Nature: MORTGAGE
Registration Number: CA1544752
Registration Date and Time: 2010-04-30 11:48
Registered Owner: LADYSMITH & DISTRICT CREDIT UNION
INCORPORATION NO. FI-103

**Attachment 3
Certificate of Title
(Page 3 of 3)**

LAND TITLE OFFICE
STATE OF TITLE CERTIFICATE

Certificate Number: STSR2557543

Nature: MORTGAGE
Registration Number: CA4154472
Registration Date and Time: 2014-12-23 11:29
Registered Owner: 460 MORTGAGE INVESTMENT CORPORATION
INCORPORATION NO. BC1005054

Nature: ASSIGNMENT OF RENTS
Registration Number: CA4154473
Registration Date and Time: 2014-12-23 11:29
Registered Owner: 460 MORTGAGE INVESTMENT CORPORATION
INCORPORATION NO. BC1005054

Duplicate Indefeasible Title NONE OUTSTANDING

Transfers NONE

Pending Applications NONE

This certificate is to be read subject to the provisions of section 23(2) of the Land Title Act(R.S.B.C. 1996 Chapter 250) and may be affected by sections 50 and 55-58 of the Land Act (R.S.B.C. 1996 Chapter 245).

**Attachment 4
Correspondence from Applicant
(Page 1 of 2)**



June 13, 2018

RDN Board of Variance
c/o RDN Planning Department

Setback Variance Request

2405 Morland Road
Strata Lot C, Section 12, Range 2, Cedar District, Strata Plan V156751
Letter of rationale

Board of Variance

Please accept this letter and attached documents as grounds to grant a setback relaxation on the above noted property. The owner of the property is hoping to build a larger detached accessory building to serve as a garage for a Class A Recreational Vehicle and for additional workshop space on his property. The accessory building is proposed to be 32 feet wide by 52 feet long, (length essential to accommodate the RV) and under the 6m height allowance for accessory buildings.

The 2016 site photo below illustrates the nature of the existing development of the property where you will observe the front yard area is developed with landscaping around the vehicle access requirements of the home. The owner thus seeks to locate the building where it will be secondary to the primary residence on the property and thus along either the side or in the rear yard of the property.



The one area of sufficient size for the proposed accessory building would be the rear yard however we are unable to utilize this location as the majority of the rear yard is dedicated by covenant for the existing septic field. The owner welcomes easy vehicle access to the workshop / RV garage from the existing paved driveway and thus the proposed location optimizes the access issues while minimizing the disruption to the existing rear yard and vegetation.

www.greenplan.ca
(250) 722-3456
FAX: (250) 722-3453
EMAIL: jack@greenplan.ca
1655 Cedar Road, Nanaimo, B.C. V9X 1L4

**Attachment 4
Correspondence from Applicant
(Page 2 of 2)**

Based on the hardship of finding an alternate feasible location for the required workshop / RV garage due to existing septic field, (with covenant), we are hereby requesting a variance of 1m from the interior side yard setback requirement of 2m and an Exterior Other setback relaxation of 2m from the setback requirement of 5m. It should be noted from the survey attached, that the front yard variance is only for a portion of the length of the front façade of the building as the setback line is from a radius point of where the side property line meets the front yard property line.

Pursuant to this request variance, the owner understands that the community and in particular the neighbours to his property will have an opportunity to speak for or against this variance request. He has subsequently done his due diligence to speak with all home owners in the strata neighbourhood to determine if they might object to this accessory building location. To illustrate their support for this variance, the owner prepared a letter that accompanied his site plan and asked his neighbours to acknowledge their support by signing the letter. You will find attached the prepared letter with support signatures from the owners of 2389, 2393, 2399, 2411, & 2417 Morland Road.

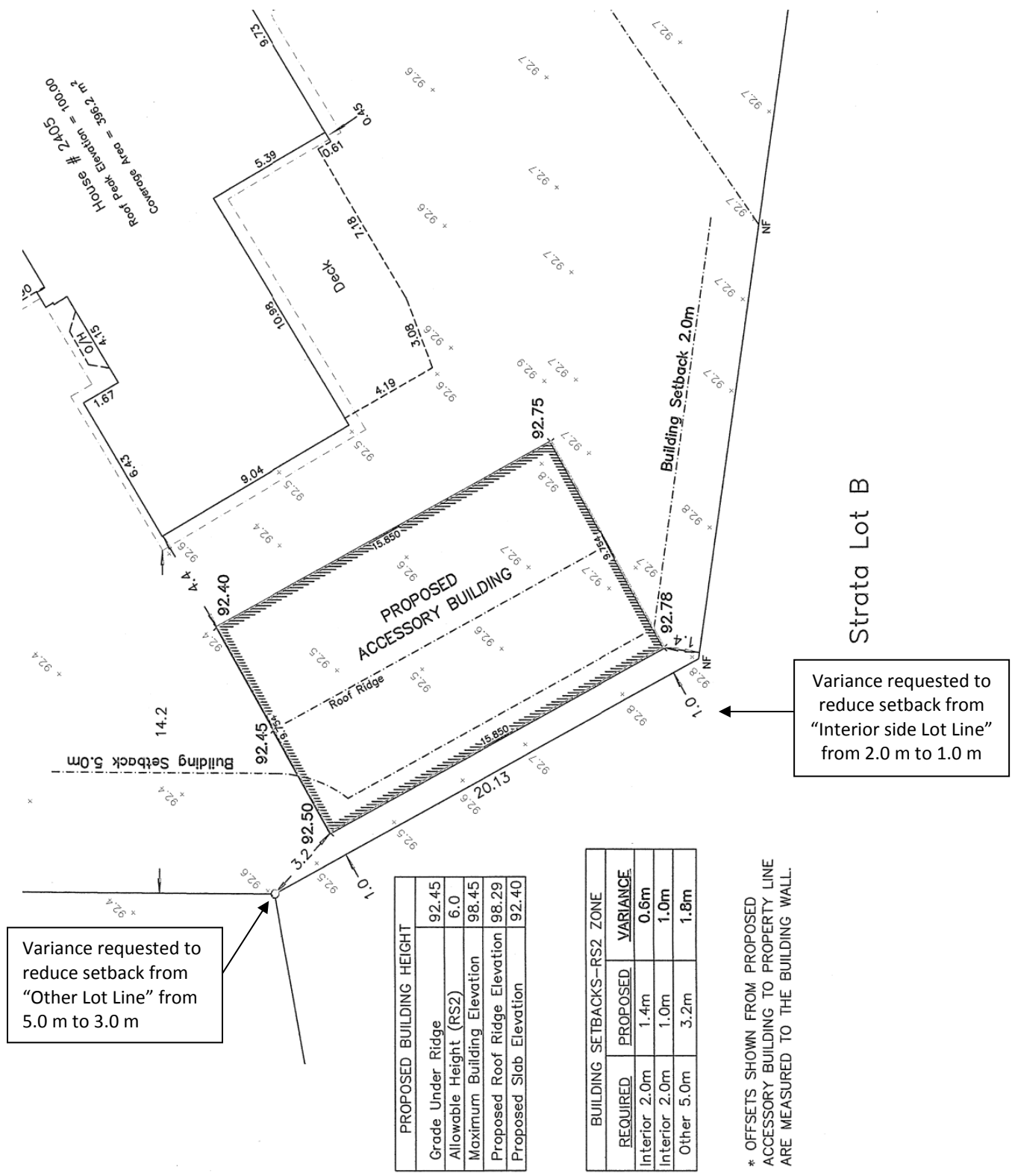
In summary, on behalf of the owners of 2405 Morland Road, we respectfully seek your support for a 1m side yard setback and a 2m exterior other setback variances for the placement of an accessory building due to the hardship of existing physical features in the front yard and the existence of a covenanted septic field in the rear yard of the subject property.

Respectfully submitted

Keene Anderson,

[Type text]

**Attachment 5
 Site Survey**

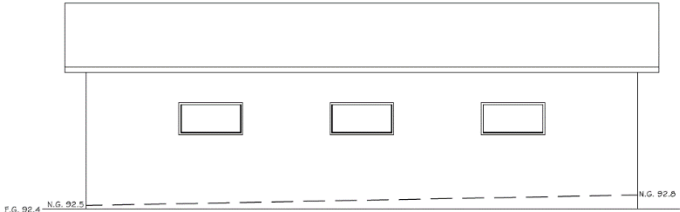


Strata Lot B

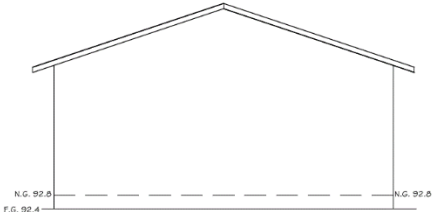
Variance requested to reduce setback from "Interior side Lot Line" from 2.0 m to 1.0 m

Variance requested to reduce setback from "Other Lot Line" from 5.0 m to 3.0 m

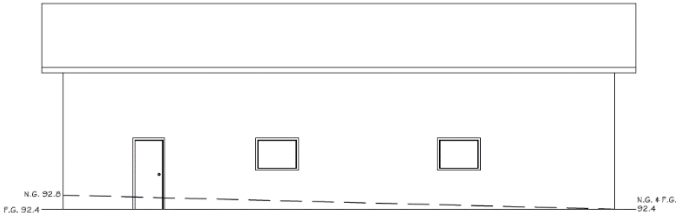
Attachment 6
Building Elevations (Page 1 of 2)



WEST ELEVATION

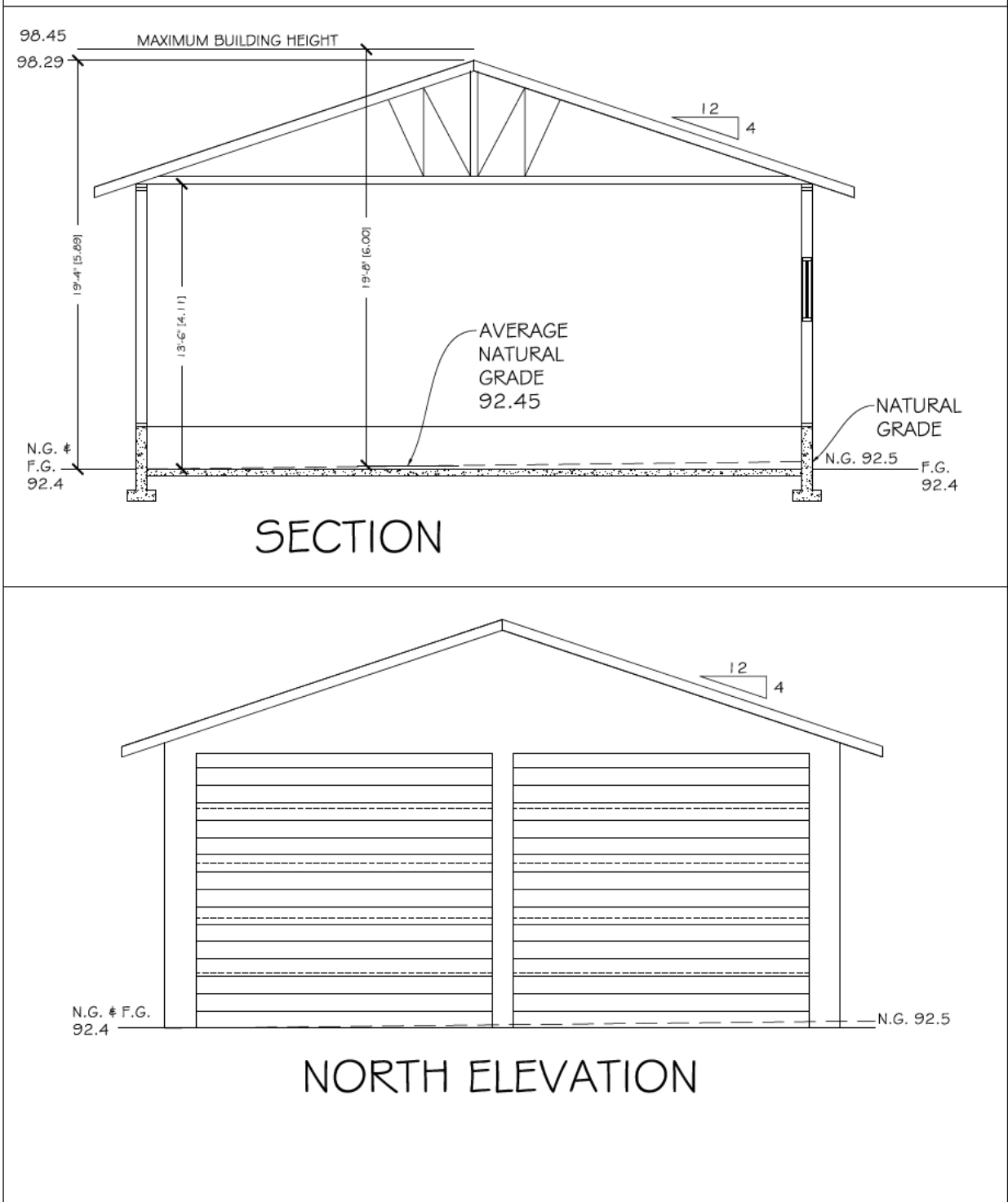


SOUTH ELEVATION



EAST ELEVATION

Attachment 6
Building Elevations (Page 2 of 2)



**Attachment 7
Notifications
(Page 1 of 3)**



**NOTICE OF MEETING
BOARD OF VARIANCE
JULY 11, 2018**

Pursuant to Section 541 of the *Local Government Act*, we advise you that a meeting of the Board of Variance has been scheduled for Wednesday, July 11, 2018 at 4:00 pm in the Committee Room of the Regional District of Nanaimo to hear the following appeal:

APPEAL NO.: BOV PL2018-093
OWNER: David and Brenda Friesen
LOCATION: Strata Lot C, Section 12, Range 2, Cedar District, Strata Plan VIS6751 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V
CIVIC: 2405 Morland Road
ELECTORAL AREA: 'A'
PURPOSE: The applicant is requesting the following to accommodate a new accessory building:

- That the minimum setback requirement for an accessory building be reduced from 5.0 m to 3.0 m and from 2.0 m to 1.0 m, as shown on the attached plan.

The appeal seeks a variance from the following provision of the "*Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987*":

Section 3.4.62 *Minimum Setback Requirements, Other Lot Line – 5.0 m*
Minimum Setback Requirements, Interior side lot line – 2.0 m

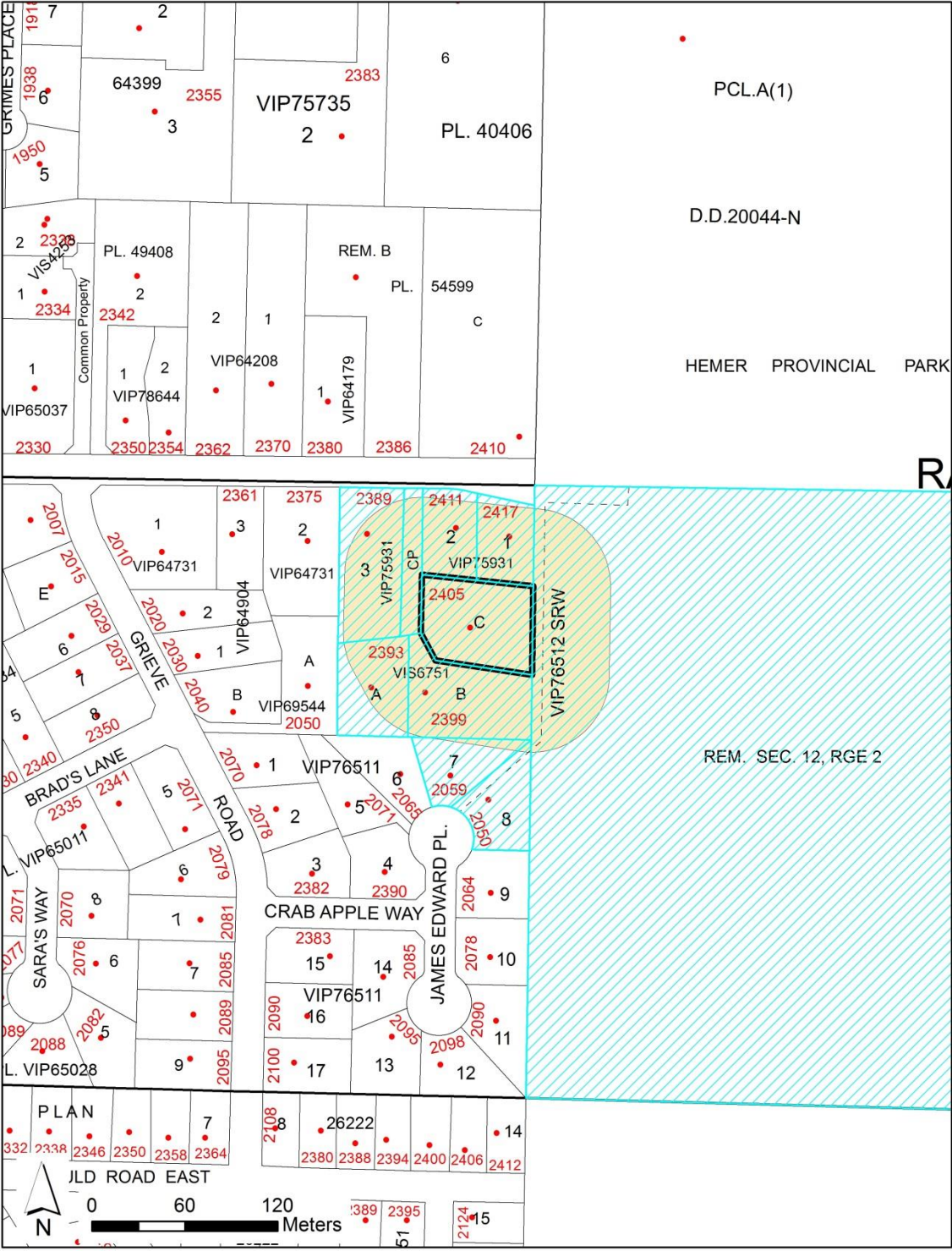
If you deem your property to be affected by this appeal, this meeting of the Board of Variance will be open to hear your representation either in person or by written submission.

This appeal may be viewed at the offices of the Regional District of Nanaimo Community Planning Department.

Further Information can also be found at the following:

250-390-6510 / 1-877-607-4111
Planning@rdn.bc.ca
6300 Hammond Bay Rd
Nanaimo, BC V9T 6N2

**Attachment 7
Notifications
(Page 2 of 3)**



**Attachment 8
Letters from Neighbours
(Page 1 of 5)**

Date:

To Whom It May Concern,

Greetings Neighbour!

I, Dave Friesen, am applying to the Regional District of Nanaimo (RDN), Planning Department, to build a garage on my property, 2405 Morland Road, Plan No.#75931 Section 12, Range 2.

Due to the setbacks requirements set forth by the RDN, I am applying to the Board of Variance to address building within these setbacks. Part of the application to the RDN includes approval from surrounding neighbours to ensure there is general approved consensus to proceed.

My request to you then, is to have your approval and consent. By signing below, inclusive of your address and contact information, you are agreeing to my request. I have attached my lot plan, including proposed garage build.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,
Dave Friesen

Name of Neighbour: WARR A WELTSEY / SHERI JACKSON
(Please print)

Address: ████████ MORLAND RD, NANAIMO

Contact Information: Home Phone: (250) ██████████

Cell Phone: _____

Email (if applicable): ████████████████████

**Attachment 8
Letters from Neighbours
(Page 2 of 5)**

Date:

To Whom It May Concern,

Greetings Neighbour!

I, Dave Friesen, am applying to the Regional District of Nanaimo (RDN), Planning Department, to build a garage on my property, 2405 Morland Road, Plan No.#75931 Section 12, Range 2.

Due to the setbacks requirements set forth by the RDN, I am applying to the Board of Variance to address building within these setbacks. Part of the application to the RDN includes approval from surrounding neighbours to ensure there is general approved consensus to proceed.

My request to you then, is to have your approval and consent. By signing below, inclusive of your address and contact information, you are agreeing to my request. I have attached my lot plan, including proposed garage build.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,
Dave Friesen

Name of Neighbour: DAVE WEINER
(Please print)

Address: [REDACTED] MORLAND RD.

Contact Information: Home Phone: 250 [REDACTED]

Cell Phone: 250 [REDACTED]

Email (if applicable): [REDACTED]

Scanned

**Attachment 8
Letters from Neighbours
(Page 3 of 5)**

Date:

To Whom It May Concern,

Greetings Neighbour!

I, Dave Friesen, am applying to the Regional District of Nanaimo (RDN), Planning Department, to build a garage on my property, 2405 Morland Road, Plan No.#75931 Section 12, Range 2.

Due to the setbacks requirements set forth by the RDN, I am applying to the Board of Variance to address building within these setbacks. Part of the application to the RDN includes approval from surrounding neighbours to ensure there is general approved consensus to proceed.

My request to you then, is to have your approval and consent. By signing below, inclusive of your address and contact information, you are agreeing to my request. I have attached my lot plan, including proposed garage build.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,
Dave Friesen

Name of Neighbour: GLEN BOYDA
(Please print)

Address: [REDACTED] MORLAND RD

Contact Information: Home Phone: [REDACTED]

Cell Phone: [REDACTED]

Email (if applicable): [REDACTED]
COM

Scanned

**Attachment 8
Letters from Neighbours
(Page 4 of 5)**

Date:

To Whom It May Concern,

Greetings Neighbour!

I, Dave Friesen, am applying to the Regional District of Nanaimo (RDN), Planning Department, to build a garage on my property, 2405 Morland Road, Plan No.#75931 Section 12, Range 2.

Due to the setbacks requirements set forth by the RDN, I am applying to the Board of Variance to address building within these setbacks. Part of the application to the RDN includes approval from surrounding neighbours to ensure there is general approved consensus to proceed.

My request to you then, is to have your approval and consent. By signing below, inclusive of your address and contact information, you are agreeing to my request. I have attached my lot plan, including proposed garage build.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,
Dave Friesen

Name of Neighbour: Steve McLurg
(Please print)

Address: [Redacted] Morland Rd

Contact Information: Home Phone: 250-[Redacted]

Cell Phone: _____

Email (if applicable): [Redacted]

Scanned

**Attachment 8
Letters from Neighbours
(Page 5 of 5)**

Date:

To Whom It May Concern,

Greetings Neighbour!

I, Dave Friesen, am applying to the Regional District of Nanaimo (RDN), Planning Department, to build a garage on my property, 2405 Morland Road, Plan No.#75931 Section 12, Range 2.

Due to the setbacks requirements set forth by the RDN, I am applying to the Board of Variance to address building within these setbacks. Part of the application to the RDN includes approval from surrounding neighbours to ensure there is general approved consensus to proceed.

My request to you then, is to have your approval and consent. By signing below, inclusive of your address and contact information, you are agreeing to my request. I have attached my lot plan, including proposed garage build.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,
Dave Friesen

Name of Neighbour: Tanja Thomassen
(Please print)

Address: [REDACTED] MORLAND RD

Contact Information: Home Phone: 250 [REDACTED]

Cell Phone: 250 [REDACTED]

Email (if applicable): [REDACTED]

Scanned

TO: Board of Variance **DATE:** July 11, 2018
FILE: PL2018-091
SUBJECT: Board of Variance Appeal No. PL2018-091
 2711 McQuarrie Road – Electoral Area ‘A’

OWNER:	Terence and Naomi Pellew
LOCATION:	Lot A, Section 5, Range 5, Cedar District, Plan VIP81531
CIVIC:	2711 McQuarrie Road
ELECTORAL AREA	A
PURPOSE	The applicant is requesting the following: <ul style="list-style-type: none"> • That the maximum height requirement for a dwelling unit be increased from 9.0 m to 10.22 m as shown on the attached plan.

The appeal seeks a variance from the following provisions of the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

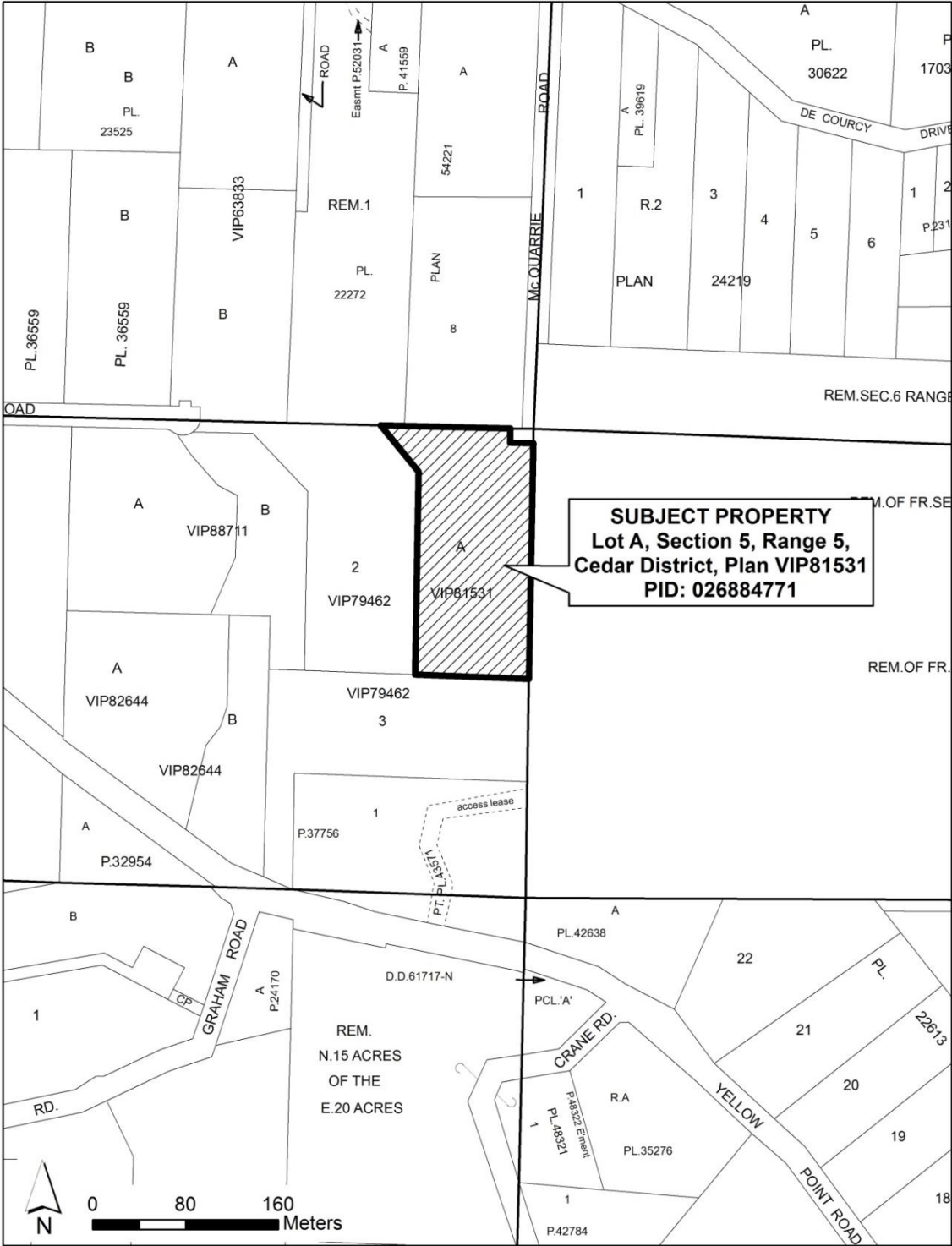
Section 3.4.84

*Maximum Number and Size of Buildings and Structures
Dwelling Unit Height – 9.0 m*

Attachments to this appeal include:

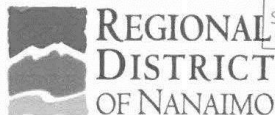
1. Subject Property Map
2. Application
3. Certificate of Title
4. Correspondence from Applicant
5. Site Survey
6. Building Elevations
7. Notification
8. Letter from Neighbours

**Attachment 1
Subject Property Map**



Attachment 2
Application
(1 of 3)

RECEIVED
JUN 18 2018
STRATEGIC & COMMUNITY DEVELOPMENT



STRATEGIC & COMMUNITY DEVELOPMENT

Strategic & Community Development Department

6300 Hammond Bay Road Nanaimo, BC V9T 6N2
250-390-6510 (Nanaimo) 250-954-3798 (District 69)
1-877-607-4111 (within BC) Fax 250-390-7511

Board of Variance Application Form

Application Fee: \$100 OFFICE USE ONLY Receipt No. File No. PL2018-091

SECTION 1: DESCRIPTION OF PROPERTY
(AS INDICATED ON THE STATE OF TITLE CERTIFICATE)
Legal Description: LOT A, SECTION 5, RANGE 5, CEDAR DISTRICT PLAN V1P81531
Civic Address: 2711 McQUARRIG ROAD
Electoral Area: A Parcel Identifier (PID): 026-884-771

SECTION 2: OWNER INFORMATION
(ATTACH ADDITIONAL PAGE IF MORE THAN TWO OWNERS)
1) TEARENCE ROMAN PELLEW 2) NAOMI GEORGINA PELLEW
Mailing Address: [Redacted] Mailing Address: [Redacted]
Town/Province: LAIVSMITH Postal Code: V9G 1E4 Town/Province: LAIVSMITH Postal Code: V9G 1E4
Telephone/Cell: [Redacted] Fax: [Redacted] Telephone/Cell: [Redacted] Fax: [Redacted]
Email: [Redacted] Email: [Redacted]

SECTION 3: AGENT INFORMATION
Name: N/A Mailing Address: Town/Province:
Postal Code: Telephone/Cell: Fax: Email:
I would prefer all correspondence via: email regular mail fax

SECTION 4: REASON FOR APPEAL
I/We, the registered owner(s) of the above noted property, hereby appeal to the Board of Variance for the following:
 To review a decision made by the Regional District of Nanaimo Manager of Building, Bylaw & Emergency Planning Services pursuant to Section 911(8) of the Local Government Act.
Or,
To determine that compliance with the following will cause undue hardship:
 Relating to siting, size and dimensions of a building or structure, or the siting of a manufactured home in a manufactured home park. (Note: use and density, including varying maximum building size provisions, will not be considered for variance)
 The prohibition of structural alteration and addition pursuant to Section 911 (5) of the Local Government Act.
 A subdivision servicing requirement pursuant to Section 938 (1c) of the Local Government Act in an area zoned for agricultural or industrial uses.

**Attachment 2
Application
(2 of 3)**

SECTION 5: APPLICATION COMPLETION CHECKLIST:
ALL MEASUREMENTS TO BE IN METRIC

- A copy of Certificate of Indefeasible Title (dated within past 30 days)
- A letter of authorization
- A letter outlining the details of the appeal
- Application fee as required by Bylaw No. 1259, 2002
- Two (2) survey plans certified by a BC Land Surveyor to a maximum scale of 1:500, showing location of existing and proposed buildings and structures and parts thereof
- Electronic copies of all plans
- Riparian Areas Regulation Property Declaration Form

Additional information may be required, such as:

- Two (2) building elevation plans to a maximum scale of 1:100
- Two (2) survey plans certified by a BC Land Surveyor including topographical information
- Professional Engineer's Report
- RDN Sustainable Development Checklist
- Other _____
- _____

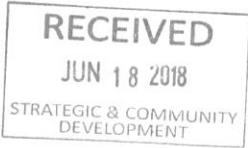
SECTION 6: Registered Owner's Authorization
(ATTACH ADDITIONAL PAGE IF MORE THAN TWO OWNERS)

I hereby declare that all the above noted statements and information contained in this application and supporting documents are true and correct.

 _____ Signature of Registered Owner	<u>13 JUNE 2018</u> _____ Date
 _____ Signature of Registered Owner	<u>13 JUNE 2018</u> _____ Date

In order to process your application, please provide all necessary documentation with your application. Please refer to the Board Of Variance Guide for further information. Contact the Board of Variance Secretary if you require assistance.

Submit the completed application form, required fee, plans, and supporting material to the Regional District of Nanaimo. The fee is payable to the "Regional District of Nanaimo".



**Attachment 2
Application
(3 of 3)**



**Riparian Areas Regulations
Property Declaration Form**

Property Subject Legal Description: LOTA, SECTIONS, RANGES, (CEJAR) DISTRICT, PLAN VIP81531

Subject Property Address: 2711 McQUARRIE ROAD, LAJYSMITH, V9G1E4

I (we) acknowledge that the province of British Columbia enacted the *Riparian Areas Regulation* to protect the critical features, functions, and conditions required to sustain fish habitat. Furthermore, this legislation prohibits the Regional District of Nanaimo from approving, or allowing a development to proceed adjacent to a watercourse until it has received notice that a report prepared by a Qualified Environmental Professional has been received by the Ministry of Environment.

I (we) understand that a water feature includes any of the following:

- a) any watercourse, whether it usually contains water or not;
- b) any pond, lake, river, creek or brook; and/or,
- c) any ditch, culvert, spring, or wetland.



I (we) declare that (*Please check the one that applies*):

- A. that there are no water features located on the subject property,
- B. there are water features located on the subject property.

I (we) declare that all proposed development including land alteration, vegetation removal, construction and / or building (*Please check the one that applies*):

- A. is greater than 30.0 metres from a water feature, or
- B. is less than 30.0 metres from that water feature.

I (we) acknowledge that I (we) are familiar with the property and area, and have inspected the property and immediate area for the existence of any water features prior to signing this form.

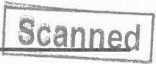
Property Owner / Agent Signature(s): 1 [Signature] 2 [Signature]

Print Name(s): 1 TERENCE PELLEW 2 NAOMI PELLEW

Mailing Address: [Redacted] LAJYSMITH

Postal Code: V9G1E4 Phone: [Redacted]

Witnessed By: Shante Pellew Date: 13 JUNE 2018
[Signature]



**Attachment 3
Certificate of Title
(1 of 2)**

TITLE SEARCH PRINT

File Reference: TONSI./MCQUARR
Declared Value \$435000

2018-06-13, 15:19:03
Requestor: Nanaimo office

CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN

Land Title District	VICTORIA
Land Title Office	VICTORIA
Title Number	CA6201079
From Title Number	CA1501690
Application Received	2017-08-04
Application Entered	2017-08-17
Registered Owner in Fee Simple	
Registered Owner/Mailing Address:	TERENCE RONALD PELLEW, ELECTRICAL CONTRACTOR NAOMI GEORGINA PELLEW, SELF EMPLOYED 2711 MCQUARRIE ROAD LADYSMITH, BC V9G 1E4 AS JOINT TENANTS
Taxation Authority	Nanaimo/Cowichan Assessment Area North Cedar Improvement District
Description of Land	
Parcel Identifier:	026-884-771
Legal Description:	LOT A SECTION 5 RANGE 5 CEDAR DISTRICT PLAN VIP81531
Legal Notations	
	THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL GOVERNMENT ACT, SEE EW9636
	THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL GOVERNMENT ACT, SEE FB268520
Charges, Liens and Interests	
Nature:	EXCEPTIONS AND RESERVATIONS
Registration Number:	M76300
Registered Owner:	ESQUIMALT AND NANAIMO RAILWAY COMPANY
Remarks:	INTER ALIA A.F.B. 9.693.7434A SECTION 172(3) FOR ACTUAL DATE AND TIME OF REGISTRATION SEE ORIGINAL GRANT FROM E & N RAILWAY COMPANY

**Attachment 3
Certificate of Title
(2 of 2)**

TITLE SEARCH PRINT

File Reference: TONSI.J/MCQUARR
Declared Value \$435000

2018-06-13, 15:19:03
Requestor: Nanaimo office

Nature: COVENANT
Registration Number: EW163668
Registration Date and Time: 2004-12-09 10:29
Registered Owner: REGIONAL DISTRICT NANAIMO
Remarks: INTER ALIA

Nature: COVENANT
Registration Number: EX108263
Registration Date and Time: 2005-08-26 14:14
Registered Owner: THE CROWN IN RIGHT OF BRITISH COLUMBIA
REGIONAL DISTRICT OF NANAIMO
Remarks: INTER ALIA

Nature: MORTGAGE
Registration Number: CA6201080
Registration Date and Time: 2017-08-04 06:01
Registered Owner: COASTAL COMMUNITY CREDIT UNION

Duplicate Indefeasible Title NONE OUTSTANDING

Transfers NONE

Pending Applications NONE

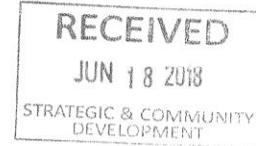
Attachment 4
Correspondence from Applicant
(1 of 3)

15th June 2018-06-15
Pellew

Mr. Terence and Mrs. Naomi

[REDACTED] bad

Regional District of Nanaimo
Board of Variance
6300 Hammond Bay Road
Nanaimo
V9T 6N2



Variance Application – Height

To whom this may concern

The original proposed custom building design and location was carefully considered in view of the restrictive nature of the topography, its eco sensitive area and the geology of the site.

The property has a pond/lake that seasonally divides the SW portion restricting its land use and its access.

The build location (NW portion) was set between between various influencing factors:

1. The required SPEAR/RAR setback of 15 meters on the north side of the pond/lake including the extra 15 meters as required by RDN bylaws.
2. accessible land, McQuarrie Road access point. This being the northern side of the pond that topographically has three natural banks.
3. the top bank, elevation 100.2 (Turners – B.C.L.S. Drawing) clearly displays an exposed solid rock seam, which extends from NW to SE of the property. The design of the house worked with and around this geological feature for ecological, septic systems, neighbourly and financial reasons.
4. a designated, unregistered, B.C. L. surveyed area for a septic field. This is where the previous owners have installed the present septic field.
5. consultation with our closest neighbours, (approximately 50 meters NW of the proposed site).

Bedrock has been struck at elevation 99.1 meters. This is just below Natural grade elevation of 99.4 meters. Rock breaking has been completed to achieve this.

To achieve the designed build benchmark at 98.5 meters plus a minimum 18" of footings and forms for finished floor level we would need to blast down approx. 1.2 meters of rock at the house foot print plus extra.

Scanned

Attachment 4
Correspondence from Applicant
(2 of 3)

Blasting the bedrock or moving the site is not an option for the following reasons:

1. The proposed site borders the eco sensitive 30 Meter set back; blasting will impact the eco system.
2. Our neighbours, prior to the build expressed their concerns to any blasting of rock. Their understanding is the blasting could affect their wells low supply of potable water and also their septic system. This was previously determined when a previous owner of our property applied for a building permit to develop. This development documentation is on file with the RDN. A letter from our neighbour is attached.
3. I have concerns for our existing well and septic system,
4. Development of this site was restrictive, as mentioned above and now becomes more inefficient and ineffective in terms of the physical allowable land usage, its varied elevations, buried within the elevations are the existing geological constraints, the increased financial constraints and not forgetting the increased carbon emissions.

To continue with the build at the present excavated depth and reduce the above impacts, we would exceed our height restriction by approximately 4'.

We have considered the following:

1. Reducing the heights of the walls on the upper level from 9' to 8'. This would reduce our Northern sun light exposure with the present design and cause the house to look out of proportion with the roof design with respect to its length and height.
2. Reducing the roof pitch by 1' is possible and would also maintain the cathedral design originally anticipated.
3. Reducing the lower floor is not a favourable option with the exposed rock ridge at 101.4M elevation.

Despite the above considerations our height would remain in excess of the RDN bylaw of 9M.

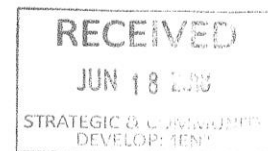
We herewith present our undue hardship and request relief for a height variance of 4' to continue with the build at the new and present excavated elevations.

Further to the above mentioned hardship, to reference a B.C. Land Surveyor, the height calculation as documented and applied by the RDN for Zone 4 areas does not work fairly for complex elevation builds such as ours.

The height variance is a minor variance for the following reasons:

1. The proposed build site and new elevations do not prevent any obstruction of view for any neighbour, (our closest neighbour is 50 M away and at a higher elevation, all other neighbours homes are at lower elevations or the land is undeveloped).
2. it would not impede sunlight exposure for any neighbour,

signed



Attachment 4
Correspondence from Applicant
(3 of 3)

3. it does not impede the flight path for any aircraft, the surrounding trees are higher,
4. it does not infringe on the privacy of any neighbours, (our closest neighbours are barely visible through the trees and their house elevation is significantly higher.
5. all other neighbours' developments are in excess of 100M and at lower elevations.
6. the general public cannot see the design of the house from McQuarrie Road.
7. the design of the house will not be aesthetically out of place in terms of its height in the neighbourhood.
8. the extra height will not affect the eco system.

Benefits:

1. the environment is protected,
2. our neighbours investment is protected,
3. our existing well and septic investment is protected,
4. the wood burning chimneystack would be higher and will be less impactful to the neighbours and environment.
5. the RDN benefits from revenues on a finished home,
6. housing density increases.

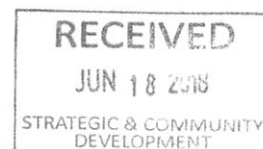
Your consideration of our hardship is appreciated.

Yours truly,

Mr. Terence Pellew & Mrs. Naomi Pellew

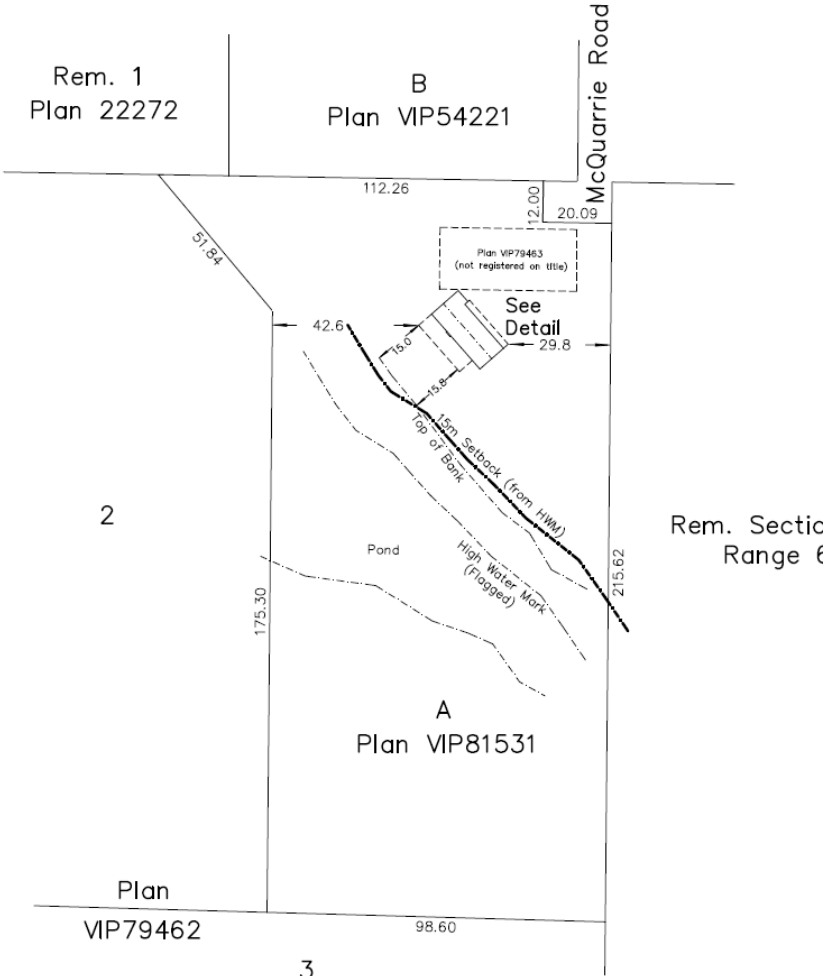
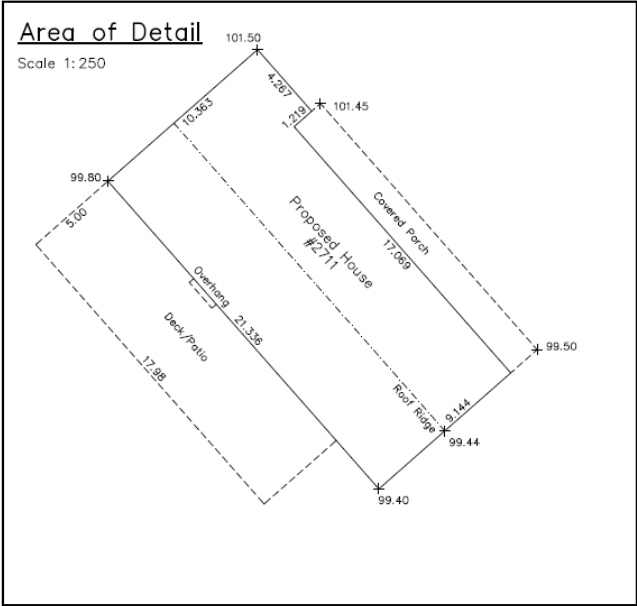


Scanned



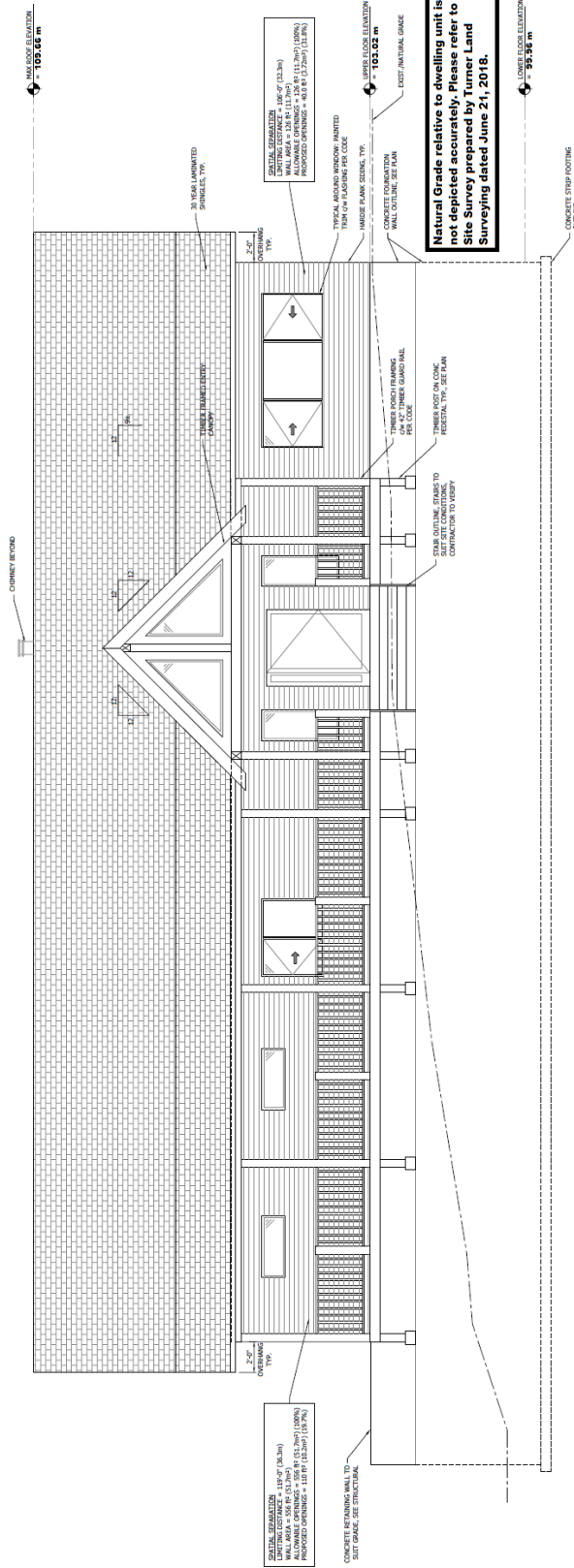
**Attachment 5
 Site Survey**

PROPOSED BUILDING HEIGHT	
Grade Under Ridge	99.44
Allowable Height (RU4)	9.0
Maximum Building Height	108.44
Proposed Roof Ridge	109.66
Proposed Main Floor	103.02
Proposed Basement Slab	99.96
* REQUIRED VARIANCE	1.22



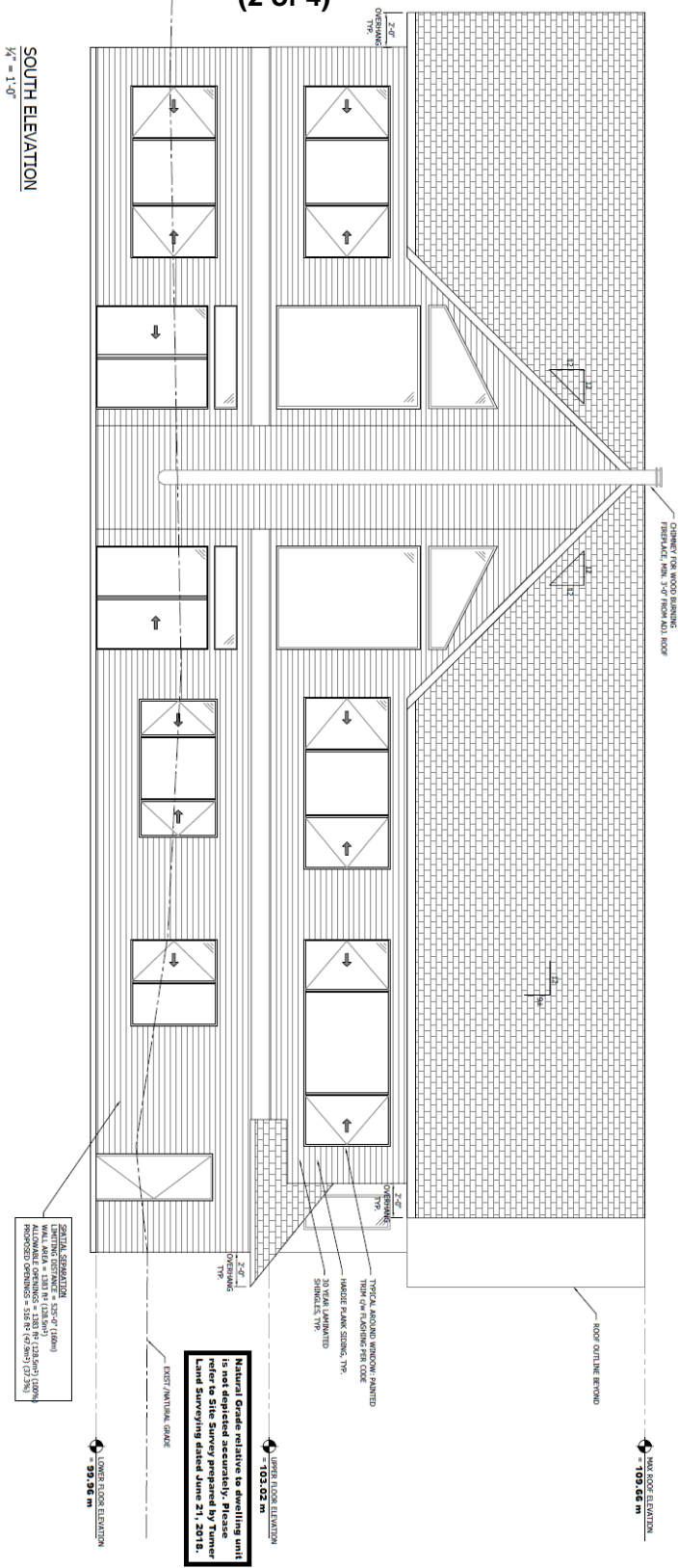
Note:

Attachment 6 Building Elevations (1 of 4)



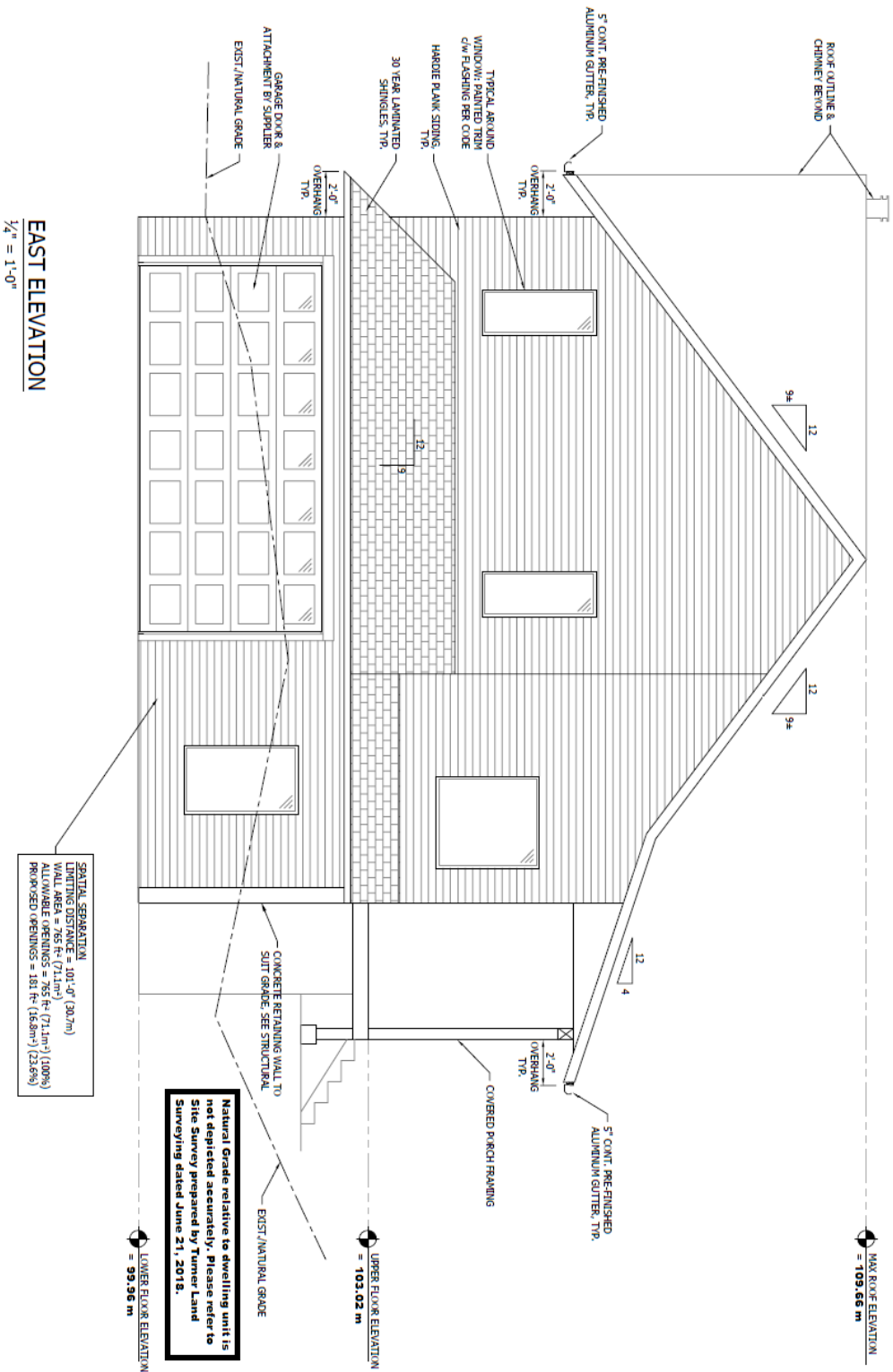
NORTH ELEVATION
 1/4" = 1'-0"

**Attachment 6
 Building Elevations
 (2 of 4)**



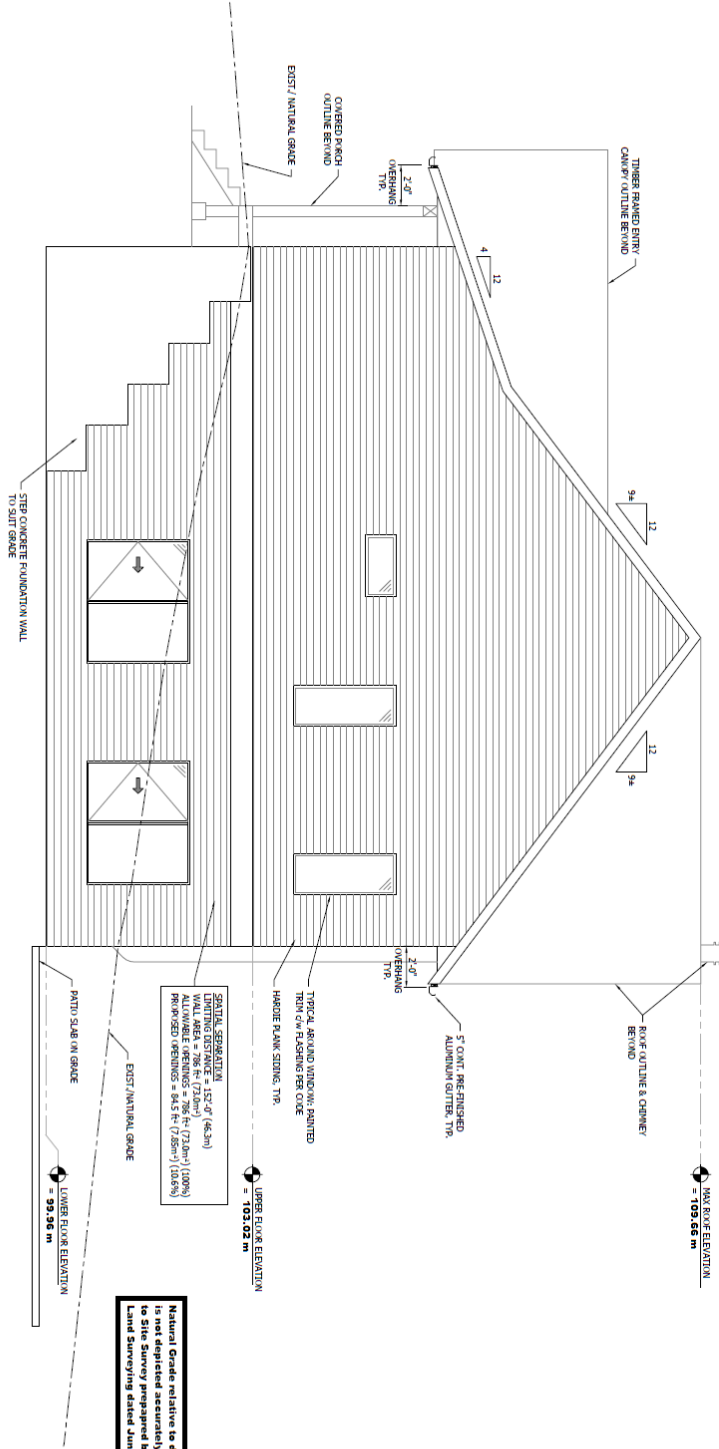
Natural Grade relation to dwelling unit is not depicted accurately. Please refer to site survey prepared by Turner Land Surveying dated June 21, 2018.

**Attachment 6
 Building Elevations
 (3 of 4)**



Attachment 6 Building Elevations (4 of 4)

WEST ELEVATION
 1/4" = 1'-0"



**Attachment 7
Notifications
(1 of 3)**



**NOTICE OF MEETING
BOARD OF VARIANCE
JULY 11, 2018**

Pursuant to Section 541 of the *Local Government Act*, we advise you that a meeting of the Board of Variance has been scheduled for Wednesday, July 11, 2018 at 4:00 pm in the Committee Room of the Regional District of Nanaimo to hear the following appeal:

APPEAL NO: BOV PL2018-091
OWNER: Terence and Naomi Pellew
LOCATION: Lot A, Section 5, Range 5, Cedar District, Plan VIP81531
CIVIC: 2711 McQuarrie Road
ELECTORAL AREA 'A'
PURPOSE The applicant is requesting the following:

- That the maximum height requirement for a dwelling unit be increased from 9.0 m to 10.22 m as shown on the attached plan.

The appeal seeks a variance from the following provisions of the "*Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987*".

Section 3.4.84

*Maximum Number and Size of Buildings and Structures
Dwelling Unit Height – 9.0 m*

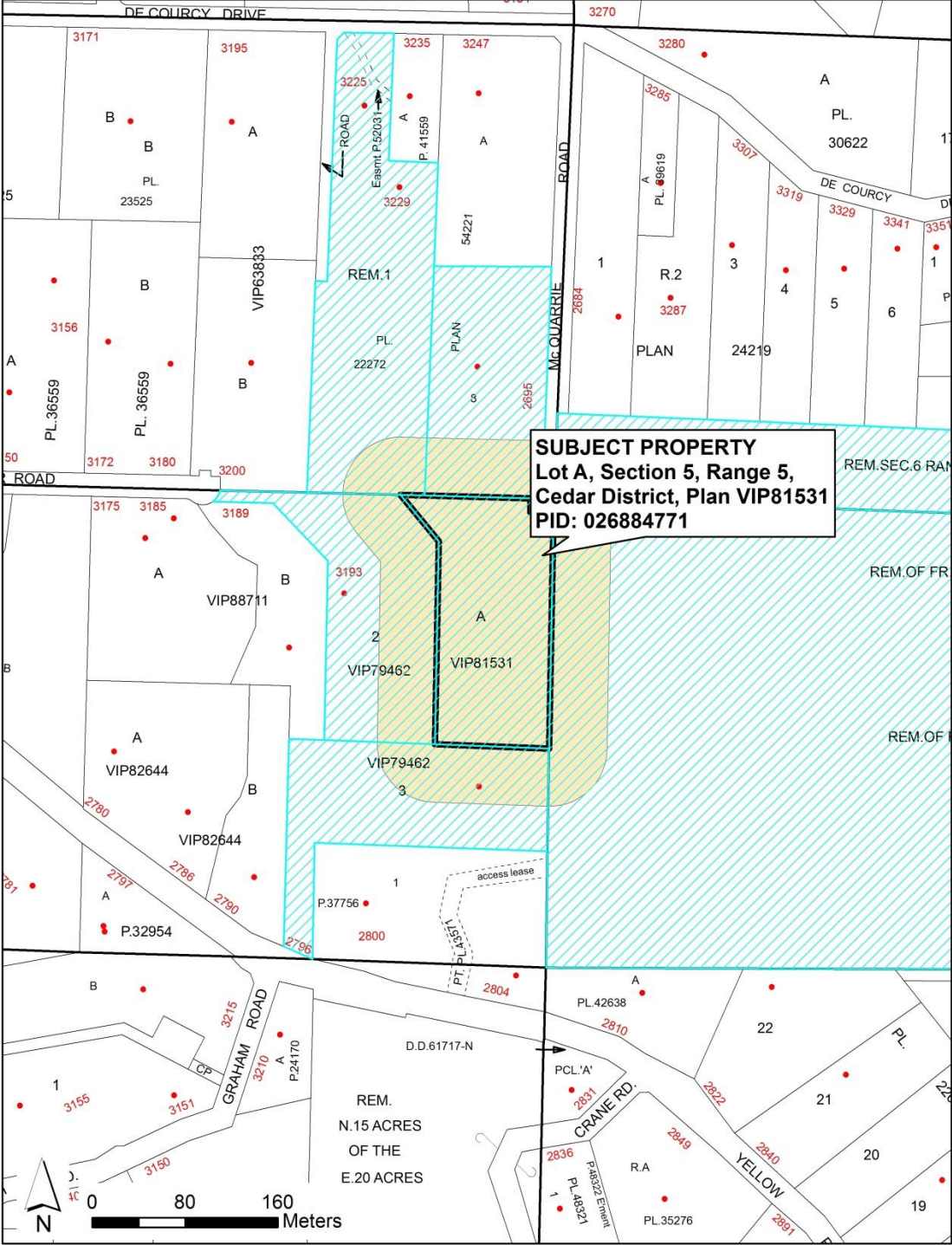
If you deem your property to be affected by this appeal, this meeting of the Board of Variance will be open to hear your representation either in person or by written submission.

This appeal may be viewed at the offices of the Regional District of Nanaimo Community Planning Department.

Further information can also be found at the following:

250-390-6510 / 1-877-607-4111
planning@rdn.bc.ca
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

**Attachment 7
Notifications
(2 of 3)**



**Attachment 8
Letter from Neighbours**

June 17th, 2018

Regional District of Nanaimo
Board of Variance
6300 Hammond Bay Road
Nanaimo
V9T 6N2




To whom it may concern,

I, Kevin Walde and my wife, Jennifer Walde have no objections to the request of our neighbors, Mr. and Mrs. Pellew to increase the height of their planned home at 2711 McQuarrie Rd. It will in not be an intrusion nor an inconvenience to us. We would prefer that the roofline of the planned home be raised to avoid the risks involved in blasting in such close proximity to our home, well, septic system and animals. We would appreciate any consideration that you may give this proposed plan as we believe that it would prove to be in the best interests of all involved. Please feel free to contact us with any questions or concerns at [REDACTED]

Thank you

Kevin and Jennifer Walde
[REDACTED]
Ladysmith
V9G 1E3



Kevin Walde


Jennifer Walde

TO: Board of Variance **DATE:** July 11, 2018
FILE: PL2018-094
SUBJECT: Board of Variance Appeal No. PL2018-094
 Lot 14, Plan VIP80854, Bonnington Drive – Electoral Area ‘E’

OWNER:	Angela Fildes, Jatinder Rai, and Manjit Rai
LOCATION:	Lot 14, District Lot 78, Nanoose District, Plan VIP80854
CIVIC:	Lot 14, Bonnington Drive
ELECTORAL AREA	E
PURPOSE	<p>The applicant is requesting the following:</p> <ul style="list-style-type: none"> • That the maximum height requirement for a dwelling unit be increased from 8.0 m to 8.78 m as shown on the attached plan

The appeal seeks a variance from the following provisions of the *"Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987"*.

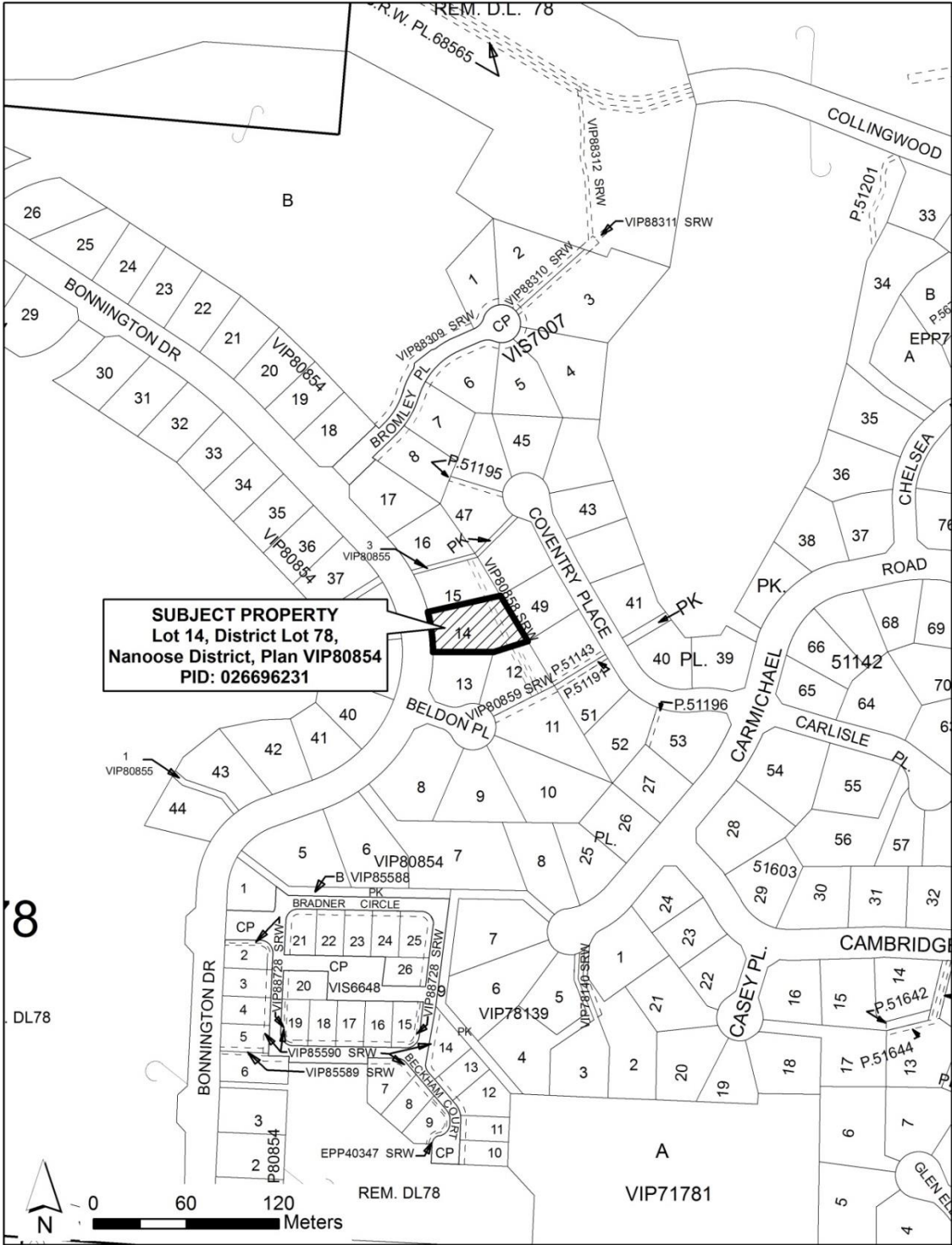
Section 3.4.61

*Maximum Number and Size of Buildings and Structures
Dwelling Unit Height – 8.0 m*

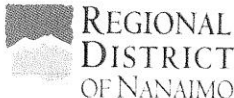
Attachments to this appeal include:

1. Subject Property Map
2. Application
3. Certificate of Title
4. Site Survey
5. Building Elevations
6. Notification

**Attachment 1
Subject Property Map**



**Attachment 2
 Application
 (1 of 5)**



Strategic & Community Development Department

6300 Hammond Bay Road Nanaimo, BC V9T 6N2
 250-390-6510 (Nanaimo) 250-954-3788 (District 69)
 1-877-607-4111 (within BC) Fax 250-390-7511

Board of Variance Application Form

OFFICE USE ONLY
 Application Fee: \$400 Receipt No. 2018-011085 File No. PL2018-094

SECTION 1: DESCRIPTION OF PROPERTY
 (AS INDICATED ON THE STATE OF TITLE CERTIFICATE)
 Legal Description Lot 14, Plan VIP 80854, District Lot 78, Nanase Land Distr
 Civic Address _____
 Electoral Area _____ Parcel Identifier (PID) 026-696-231

SECTION 2: OWNER INFORMATION
 (ATTACH ADDITIONAL PAGE IF MORE THAN TWO OWNERS)

1) <u>Jalinder Bai</u>	2) <u>Angela Fildes</u>
Name _____	Name _____
Mailing Address _____	Mailing Address _____
<u>Ladysmith B.C. V9G 1V7</u>	<u>Ladysmith B.C. V9G 1V7</u>
Town / Province _____ Postal Code _____	Town / Province _____ Postal Code _____
Telephone/ Cell _____ Fax _____	Telephone/ Cell _____ Fax _____
Email _____	Email _____

I would prefer all correspondence via: email regular mail fax

SECTION 3: AGENT INFORMATION

Name _____ Mailing Address _____ Town/Province _____
 Postal Code _____ Telephone/ Cell _____ Fax _____ Email _____

I would prefer all correspondence via: email regular mail fax

SECTION 4: REASON FOR APPEAL

If We, the registered owner(s) of the above noted property, hereby appeal to the Board of Variance for the following

- To review a decision made by the Regional District of Nanaimo Manager of Building, Bylaw & Emergency Planning Services pursuant to Section 911(8) of the **Local Government Act**

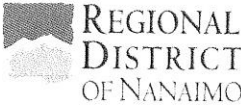
Or

To determine that compliance with the following will cause undue hardship

- Relating to siting, size and dimensions of a building or structure, or the siting of a manufactured home in a manufactured home park (Note: use and density, including varying maximum building size provisions, will not be considered for variance)
- The prohibition of structural alteration and addition pursuant to Section 911 (5) of the **Local Government Act**.
- A subdivision servicing requirement pursuant to Section 938 (1c) of the **Local Government Act** in an area zoned for agricultural or industrial uses.



**Attachment 2
 Application
 (2 of 5)**



Strategic & Community Development Department

6300 Hammond Bay Road Nanaimo, BC V9T 6N2
 250-390-6510 (Nanaimo) 250-954-3798 (District 69)
 1-877-607-4111 (within BC) Fax 250-390-7511

Board of Variance Application Form

OFFICE USE ONLY

Application Fee: _____ Receipt No. _____ File No. PL 2018-094

SECTION 1: DESCRIPTION OF PROPERTY
(AS INDICATED ON THE STATE OF TITLE CERTIFICATE)

Legal Description _____
 Civic Address _____
 Electoral Area _____ Parcel Identifier (P I D): _____

SECTION 2: OWNER INFORMATION
(ATTACH ADDITIONAL PAGE IF MORE THAN TWO OWNERS)

1) <u>Manjit Bai</u> Name _____ Mailing Address _____ <u>Kodysmith BC</u> <u>V9G 1V7</u> Town / Province _____ Postal Code _____ Telephone/ Cell _____ Fax _____ Email _____	2) _____ Name _____ Mailing Address _____ Town / Province _____ Postal Code _____ Telephone/ Cell _____ Fax _____ Email _____
--	--

I would prefer all correspondence via: email regular mail fax

SECTION 3: AGENT INFORMATION

Name _____ Mailing Address _____ Town/Province _____
 Postal Code _____ Telephone/ Cell _____ Fax _____ Email _____

I would prefer all correspondence via: email regular mail fax

SECTION 4: REASON FOR APPEAL

If We, the registered owner(s) of the above noted property, hereby appeal to the Board of Variance for the following

- To review a decision made by the Regional District of Nanaimo Manager of Building, Bylaw & Emergency Planning Services pursuant to Section 911(8) of the **Local Government Act**

Or

To determine that compliance with the following will cause undue hardship:

- Relating to siting, size and dimensions of a building or structure, or the siting of a manufactured home in a manufactured home park. (Note: use and density, including varying maximum building size provisions, will not be considered for variance)
- The prohibition of structural alteration and addition pursuant to Section 911 (5) of the **Local Government Act**.
- A subdivision servicing requirement pursuant to Section 938 (1c) of the **Local Government Act** in an area zoned for agricultural or industrial uses.

Scanned

**Attachment 2
Application
(3 of 5)**

SECTION 5: APPLICATION COMPLETION CHECKLIST:
ALL MEASUREMENTS TO BE IN METRIC

- A copy of Certificate of Indefeasible Title (dated within past 30 days)
- A letter of authorization
- A letter outlining the details of the appeal
- Application fee as required by Bylaw No. 1259, 2002
- Two (2) survey plans certified by a BC Land Surveyor to a maximum scale of 1:500, showing location of existing and proposed buildings and structures and parts thereof
- Electronic copies of all plans
- Riparian Areas Regulation Property Declaration Form

Additional information may be required, such as:

- Two (2) building elevation plans to a maximum scale of 1:100
- Two (2) survey plans certified by a BC Land Surveyor including topographical information
- Professional Engineer's Report
- RDN Sustainable Development Checklist
- Other _____
- _____

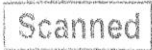
SECTION 6: Registered Owner's Authorization
(ATTACH ADDITIONAL PAGE IF MORE THAN TWO OWNERS)

I hereby declare that all the above noted statements and information contained in this application and supporting documents are true and correct.

<p>_____ Signature of Registered Owner</p> <p><i>Angelafillo</i> _____ Signature of Registered Owner</p>	<p>_____ Date</p> <p><i>June 18 / 2018</i> _____ Date</p> <p><i>June 18 2018</i> _____ Date</p>
--	---

In order to process your application, please provide all necessary documentation with your application. Please refer to the Board Of Variance Guide for further information. Contact the Board of Variance Secretary if you require assistance.

Submit the completed application form, required fee, plans, and supporting material to the Regional District of Nanaimo. The fee is payable to the "Regional District of Nanaimo".



**Attachment 2
Application
(4 of 5)**

SECTION 5: APPLICATION COMPLETION CHECKLIST:
ALL MEASUREMENTS TO BE IN METRIC

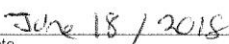
- A copy of Certificate of Indefeasible Title (dated within past 30 days)
- A letter of authorization
- A letter outlining the details of the appeal
- Application fee as required by Bylaw No. 1259, 2002
- Two (2) survey plans certified by a BC Land Surveyor to a maximum scale of 1:500, showing location of existing and proposed buildings and structures and parts thereof
- Electronic copies of all plans
- Riparian Areas Regulation Property Declaration Form

Additional information may be required, such as:

- Two (2) building elevation plans to a maximum scale of 1:100
- Two (2) survey plans certified by a BC Land Surveyor including topographical information
- Professional Engineer's Report
- RDN Sustainable Development Checklist
- Other _____
- _____

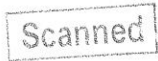
SECTION 6: Registered Owner's Authorization
(ATTACH ADDITIONAL PAGE IF MORE THAN TWO OWNERS)

I hereby declare that all the above noted statements and information contained in this application and supporting documents are true and correct.

 _____ Signature of Registered Owner	 _____ Date
_____ Signature of Registered Owner	_____ Date

In order to process your application, please provide all necessary documentation with your application. Please refer to the Board Of Variance Guide for further information. Contact the Board of Variance Secretary if you require assistance.

Submit the completed application form, required fee, plans, and supporting material to the Regional District of Nanaimo. The fee is payable to the "Regional District of Nanaimo".



**Attachment 2
Application
(5 of 5)**



**Riparian Areas Regulations
Property Declaration Form**

Property Subject Legal Description: Lot 14, Plan V1P80854, District Lot 78, Nanaimo Land District.

Subject Property Address: Bonington Drive Nanaimo Bay BC

I (we) acknowledge that the province of British Columbia enacted the *Riparian Areas Regulation* to protect the critical features, functions, and conditions required to sustain fish habitat. Furthermore, this legislation prohibits the Regional District of Nanaimo from approving, or allowing a development to proceed adjacent to a watercourse until it has received notice that a report prepared by a Qualified Environmental Professional has been received by the Ministry of Environment.

I (we) understand that a water feature includes any of the following:

- a) any watercourse, whether it usually contains water or not;
- b) any pond, lake, river, creek or brook; and/or,
- c) any ditch, culvert, spring, or wetland.

I (we) declare that (*Please check the one that applies*):

- A. that there are no water features located on the subject property,
- B. there are water features located on the subject property.

I (we) declare that all proposed development including land alteration, vegetation removal, construction and / or building (*Please check the one that applies*):

- A. is greater than 30.0 metres from a water feature, or
- B. is less than 30.0 metres from that water feature.

I (we) acknowledge that I (we) are familiar with the property and area, and have inspected the property and immediate area for the existence of any water features prior to signing this form.

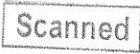
Property Owner / Agent Signature(s): 1 [Signature] 2 Angelafildes

Print Name(s): 1 Jatinder Rai 2 Angela Fildes

Mailing Address: [Redacted], Ladysmith, B.C.

Postal Code: V9G 1V7 Phone: [Redacted]

Witnessed By: Kam Sidhu Date: June 18 / 2018



**Attachment 3
Certificate of Title
(1 of 4)**

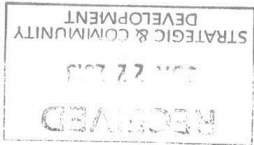
TITLE SEARCH PRINT

File Reference:
Declared Value \$172500

2018-06-22, 13:16:33
Requestor: Ashley Rutti

CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN

Land Title District	VICTORIA
Land Title Office	VICTORIA
Title Number	CA4181975
From Title Number	CA4152202
Application Received	2015-01-15
Application Entered	2015-01-20



Registered Owner in Fee Simple	
Registered Owner/Mailing Address:	ANGELA VIRGINIA REJEANNE FILDES, RESPIRATORY THERAPIST JATINDER RAI, SELF-EMPLOYED MANJIT KAUR RAI, FOOD SERVICES 109 - 2080 KENT AVE SE VANCOUVER, BC V5P 4X2 AS JOINT TENANTS



Taxation Authority	Port Alberni Assessment Area
---------------------------	------------------------------

Description of Land	
Parcel Identifier:	026-696-231
Legal Description:	LOT 14 DISTRICT LOT 78 NANOOSE DISTRICT PLAN VIP80854

Legal Notations
CONDITION, SEE DD 36265N

HERETO INTER ALIA IS ANNEXED RESTRICTIVE COVENANT EB106039 OVER LOTS 1 TO 60, PLAN 47638, AND LOTS 1 TO 22, PLAN 47639 DOMINANT TENEMENT IN RESPECT OF EB106039 CANCELLED AS TO PART IN PLAN 48585 EC91422 08.09.1989

HERETO INTER ALIA IS ANNEXED RESTRICTIVE COVENANT EC90316 OVER LOTS 1 TO 58, PLAN 49060

HERETO INTER ALIA IS ANNEXED RESTRICTIVE COVENANT ED100369 OVER LOTS 1 TO 84, PLAN 51142 MODIFIED BY ED115329

**Attachment 3
Certificate of Title
(2 of 4)**

TITLE SEARCH PRINT

File Reference:
Declared Value \$172500

2018-06-22, 13:16:33
Requestor: Ashley Rutti

HERETO INTER ALIA IS ANNEXED EASEMENT ED104610 OVER PART OF LOT 47, PLAN 51142, INCLUDED IN PLAN 51195.

HERETO INTER ALIA IS ANNEXED EASEMENT ED104613 OVER THAT PART LOT LOT 53, PLAN 51142, INCLUDED IN PLAN 51196

HERETO INTER ALIA IS ANNEXED RESTRICTIVE COVENANT ED131358 OVER LOTS 1 TO 34, PLAN VIP51603

HERETO INTER ALIA IS ANNEXED RESTRICTIVE COVENANT ED134378 OVER LOTS 1 TO 50, PLAN VIP51707

HERETO IS ANNEXED RESTRICTIVE COVENANTS EE114912 TO EE114978, INCLUSIVE OVER LOTS 1 TO 67, INCLUSIVE, PLAN VIP53134

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 29 OF THE MUNICIPAL ACT, SEE EJ37031

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL GOVERNMENT ACT, SEE EP76339

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL GOVERNMENT ACT, SEE ES7235

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL GOVERNMENT ACT, SEE ES76157

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL GOVERNMENT ACT, SEE ES87628

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL GOVERNMENT ACT, SEE ES87629

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL GOVERNMENT ACT, SEE ET1654

**Attachment 3
Certificate of Title
(3 of 4)**

TITLE SEARCH PRINT

2018-06-22, 13:16:33

File Reference:
Declared Value \$172500

Requestor: Ashley Rutti

Charges, Liens and Interests

Nature:
Registration Number:
Registered Owner:
Remarks:

EXCEPTIONS AND RESERVATIONS
M76300
ESQUIMALT AND NANAIMO RAILWAY COMPANY
INTER ALIA
A.F.B. 9.693.7434A 63035G SECTION 172(3)
FOR ACTUAL DATE AND TIME OF REGISTRATION SEE
ORIGINAL GRANT FROM E & N RAILWAY COMPANY

Nature:
Registration Number:
Registration Date and Time:
Registered Owner:
Remarks:

STATUTORY RIGHT OF WAY
EB33
1988-01-04 09:14
BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
INTER ALIA

Nature:
Registration Number:
Registration Date and Time:
Registered Owner:

COVENANT
EB38728
1988-05-12 09:04
HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH
COLUMBIA
THE REGIONAL DISTRICT OF NANAIMO
INTER ALIA

Remarks:

Nature:
Registration Number:
Registration Date and Time:
Remarks:

EASEMENT
EH106199
1994-08-04 11:00
INTER ALIA
APPURTENANT TO LOT B, PLAN VIP59494;
CANCELLED AS TO THAT PART INCLUDED WITHIN PLAN
VIP73214 BY ET4537, 2002.01.15

Nature:
Registration Number:
Registration Date and Time:
Remarks:

STATUTORY BUILDING SCHEME
FA48695
2006-04-26 10:20
INTER ALIA

Nature:
Registration Number:
Registration Date and Time:
Registered Owner:
Remarks:

STATUTORY RIGHT OF WAY
FA48697
2006-04-26 10:21
THE CROWN IN RIGHT OF BRITISH COLUMBIA
INTER ALIA
PART IN PLAN VIP80858

Duplicate Infeasible Title

NONE OUTSTANDING

**Attachment 3
Certificate of Title
(4 of 4)**

TITLE SEARCH PRINT

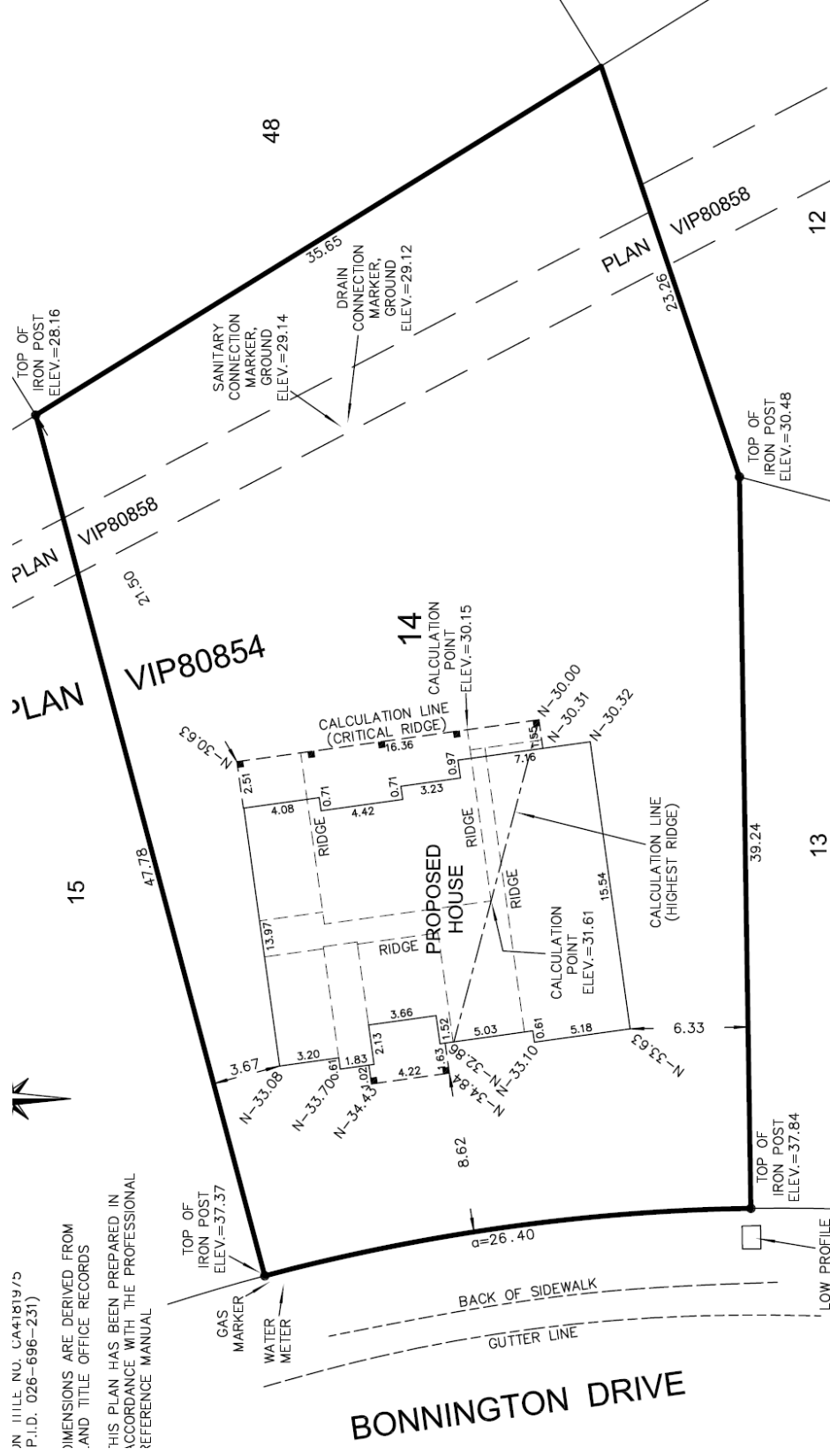
File Reference:
Declared Value \$172500

2018-06-22, 13:16:33
Requestor: Ashley Rutti

Transfers NONE

Pending Applications NONE

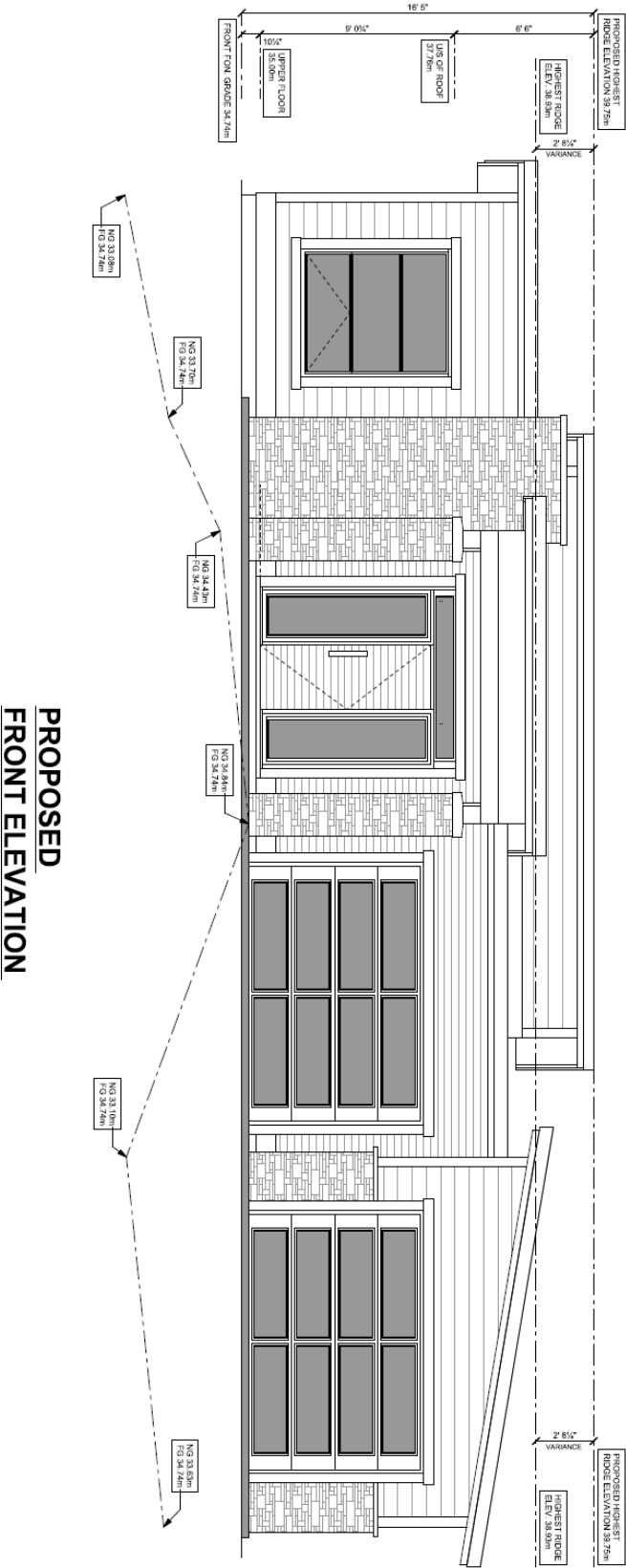
**Attachment 4
 Site Plan**



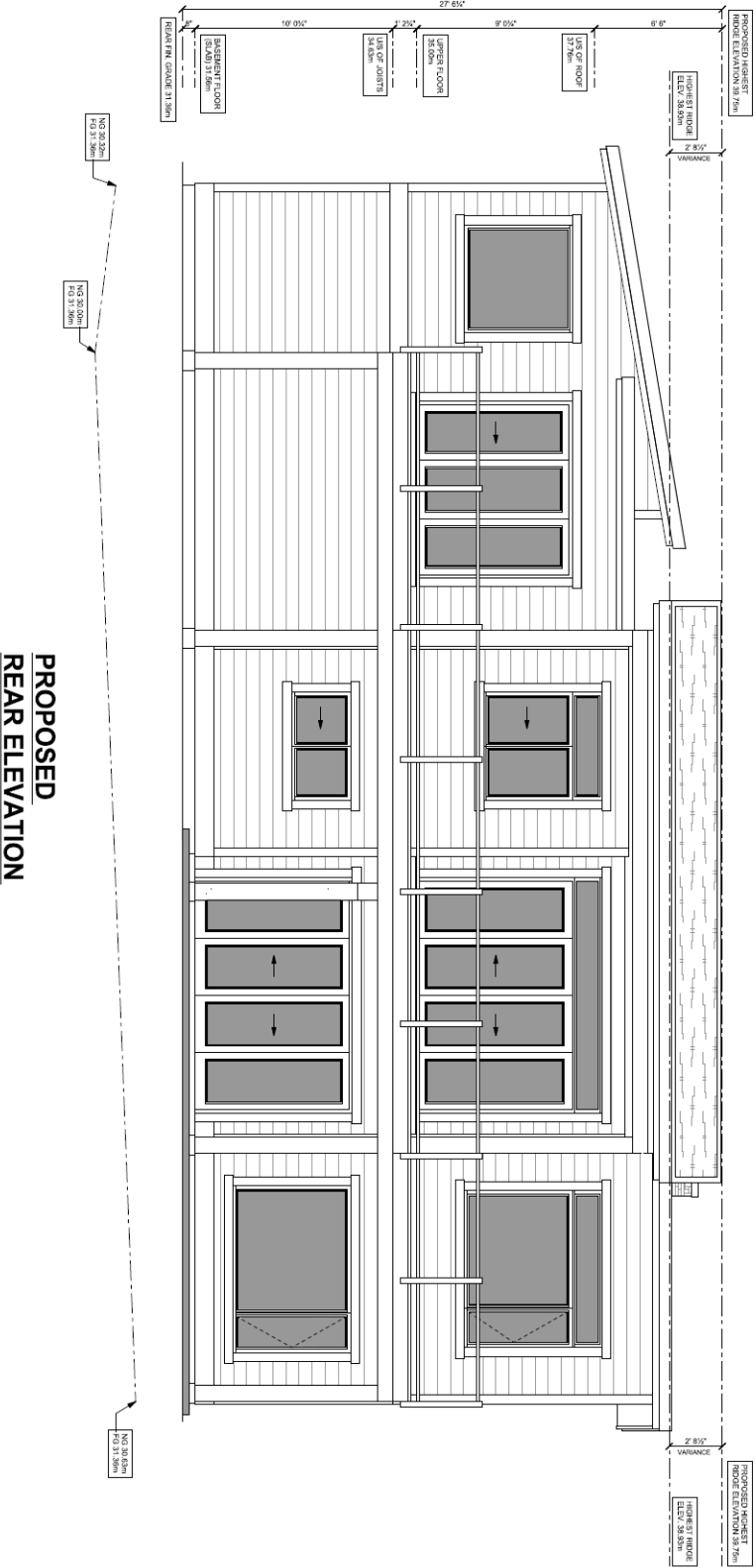
ALL DIMENSIONS ARE DERIVED FROM P.L.D. 026-696-231 AND TITLE OFFICE RECORDS. THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE PROFESSIONAL REFERENCE MANUAL.

BONNINGTON DRIVE

**Attachment 5
Elevations
(1 of 4)**

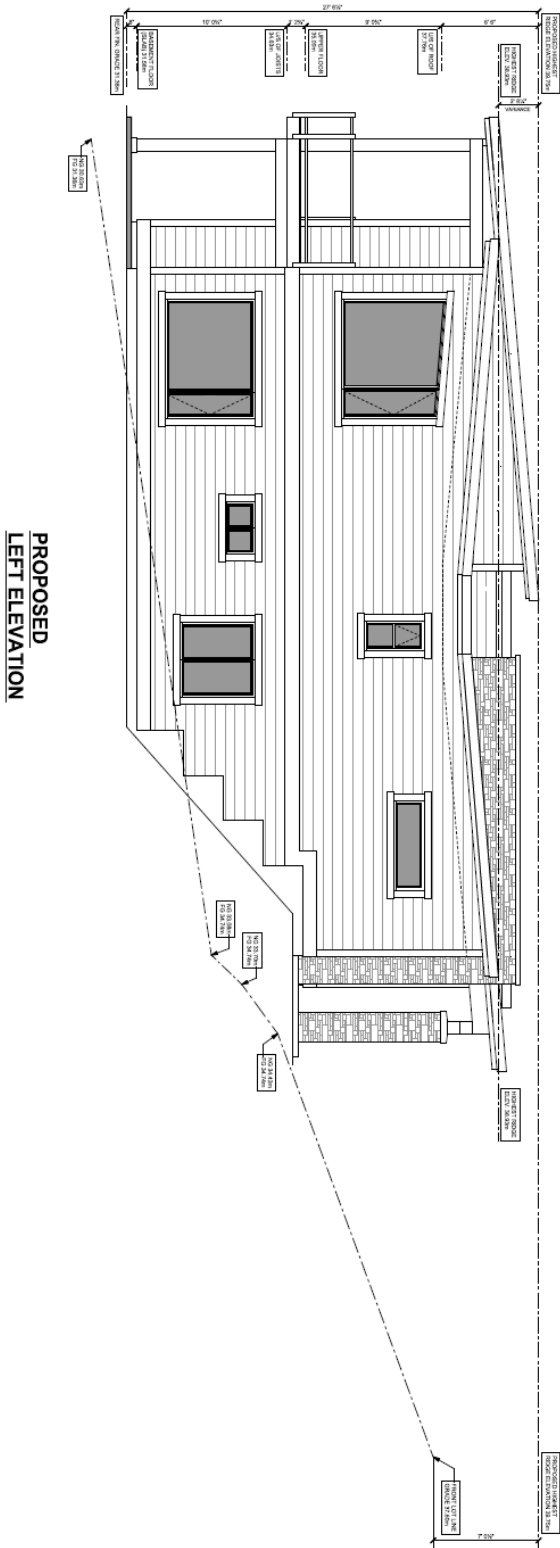


Attachment 5
Elevations
(2 of 4)

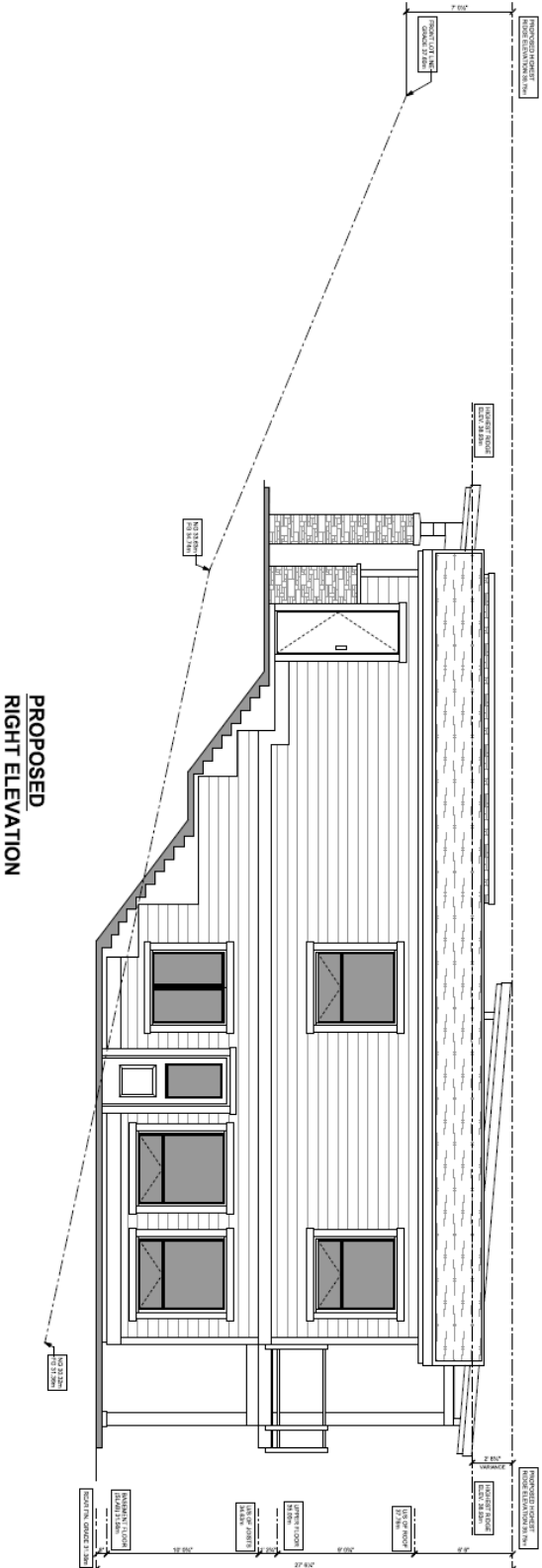


**PROPOSED
REAR ELEVATION**

**Attachment 5
Elevations
(3 of 4)**



Attachment 5 Elevations (4 of 4)



**Attachment 6
Notifications
(1 of 4)**



**NOTICE OF MEETING
BOARD OF VARIANCE
JULY 11, 2018**

Pursuant to Section 541 of the *Local Government Act*, we advise you that a meeting of the Board of Variance has been scheduled for Wednesday, July 11, 2018 at 4:00 pm in the Committee Room of the Regional District of Nanaimo to hear the following appeal:

APPEAL NO: BOV PL2018-094
OWNER: Angela Fildes, Jatinder Rai, and Manjit Rai
LOCATION: Lot 14, District Lot 78, Nanoose District, Plan VIP80854
CIVIC: Lot 14, Bonnington Drive
ELECTORAL AREA 'E'
PURPOSE The applicant is requesting the following:

- That the maximum height requirement for a dwelling unit be increased from 8.0 m to 8.78 m as shown on the attached plan.

The appeal seeks a variance from the following provisions of the "*Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987*".

Section 3.4.61 *Maximum Number and Size of Buildings and Structures
Dwelling Unit Height – 8.0 m*

If you deem your property to be affected by this appeal, this meeting of the Board of Variance will be open to hear your representation either in person or by written submission.

This appeal may be inspected at the offices of the Regional District of Nanaimo Community Planning Department.

Further Information can also be found at the following:

250-390-6510 / 1-877-607-4111
planning@rdn.bc.ca
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

**Attachment 6
Notifications
(2 of 4)**

