

**REGIONAL DISTRICT OF NANAIMO  
BOARD OF VARIANCE  
AGENDA**

**Wednesday, August 8, 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 - July 11, 2018** 2

That the minutes of the Board of Variance meeting held July 11, 2018 be adopted.
4. **APPEALS**
  - 4.1 **Board of Variance Appeal No. PL2018-113, 2516 Pylades Drive - Electoral Area A** 5

That the minimum setback to the Sea for an accessory structure be reduced from 8.0 m to 6.5 m as shown on the attached plan.
5. **NEW BUSINESS**
6. **ADJOURNMENT**

**REGIONAL DISTRICT OF NANAIMO**  
**MINUTES OF THE BOARD OF VARIANCE MEETING**

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

In Attendance:	D. Wiwchar	Chair
	L. Mathews	BOV Member
	D. Holme	BOV Member

Also in Attendance:	J. Holm	Mgr. Current Planning
	B. Ritter	Recording Secretary

**CALL TO ORDER**

The Chair called the meeting to order at 4:00pm.

**APPROVAL OF THE AGENDA**

It was moved and seconded that the agenda be approved as presented.

CARRIED UNANIMOUSLY

**ADOPTION OF MINUTES**

**Board of Variance Meeting - May 9, 2018**

It was moved and seconded that the minutes of the Board of Variance meeting held May 9, 2018, be adopted.

CARRIED UNANIMOUSLY

**APPEALS**

The Chair detailed for each individual appeal 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.

**Board of Variance Appeal No. PL2018-089 - 3162 Hewstone Road, Electoral Area 'A'**

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.

Kevin and Nichola Palmer spoke in support of their appeal.

It was moved and seconded that as the Board of Variance found undue hardship and is of the opinion that the request does constitute a minor variance, the appeal submitted by Kevin and Nichola Palmer 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, be granted.

CARRIED UNANIMOUSLY

**Board of Variance Appeal No. PL2018-093 - 2405 Morland Road, Electoral Area 'A'**

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 one letter of support from a neighbour; no additional correspondence was received.

The agent Keene Anderson, and applicant David Friesen, spoke in support of the appeal.

It was moved and seconded that as the Board of Variance found undue hardship and is of the opinion that the request does constitute a minor variance, the appeal submitted by David and Brenda Friesen 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, be granted.

CARRIED UNANIMOUSLY

**Board of Variance Appeal No. PL2018-091 - 2711 McQuarrie Road, Electoral Area 'A'**

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 one letter of support from a neighbour; no additional correspondence was received.

The applicant Terrence Pellew, spoke in support of the appeal.

It was moved and seconded that as the Board of Variance found undue hardship and is of the opinion that the request does constitute a minor variance, the appeal submitted by Terence and Naomi Pellew 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, be granted.

CARRIED UNANIMOUSLY

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

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 confirmed verbal agreement of the neighbours with the variance.

The applicant Angela Fildes, spoke in support of the appeal.

It was moved and seconded that as the Board of Variance found undue hardship and is of the opinion that the request does constitute a minor variance, the appeal submitted by Angela Fildes, Jatinder Rai, and Manjit Rai 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, be granted.

CARRIED UNANIMOUSLY

**ADJOURNMENT**

It was moved and seconded that the meeting be adjourned.

CARRIED UNANIMOUSLY

TIME: 4:45 PM

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CHAIR

**TO:** Board of Variance **DATE:** August 8, 2018

**FILE:** PL2018-113

**SUBJECT: Board of Variance Appeal No. PL2018-113  
2516 Pylades Drive– Electoral Area A**

OWNER:	Stephen M Cooper and Anne Cooper
LOCATION:	LOT A, SECTION 7, RANGE 6, CEDAR DISTRICT, PLAN EPP83626
CIVIC:	2516 Pylades Drive
ELECTORAL AREA	A
PURPOSE	<p>The applicant is requesting the following:</p> <ul style="list-style-type: none"> <li>• That the minimum setback to the Sea for an accessory structure be reduced from 8.0 m to 6.5 m as shown on the attached plan.</li> </ul>

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

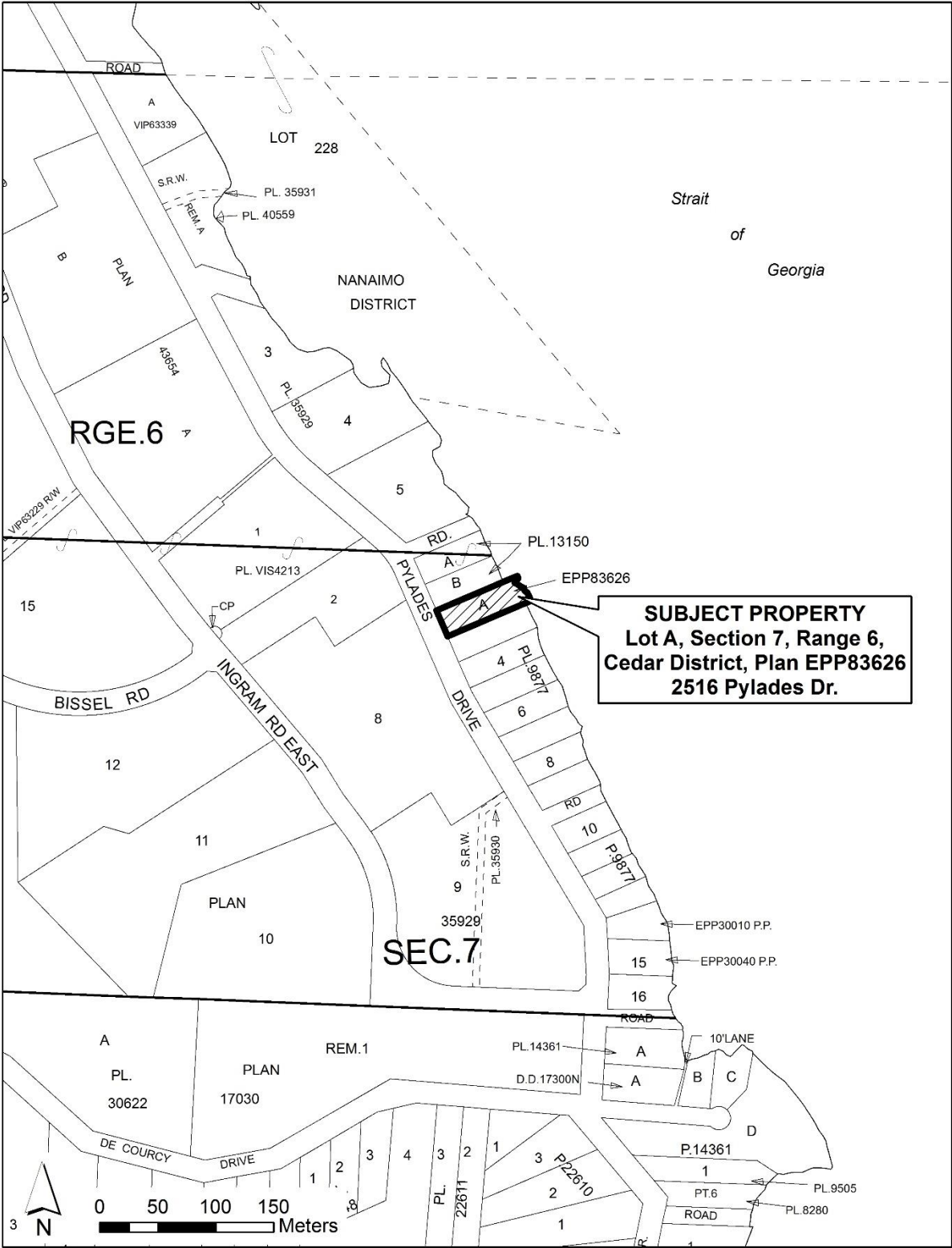
**Section 3.3.9)a)i)**

*Setbacks – Sea – within 8.0 metres horizontal distance inland from the top of a slope of 30% or greater.*

Attachments to this appeal include:

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

**Attachment 1  
Subject Property Map**



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



Strategic & Community Development Department

6300 Hammond Bay Road Nanaimo, BC V9T 6N2  
 250-350-6510 (Nanaimo) 250-954-3790 (District 69)  
 1-877-607-4111 (within BC) Fax: 250-350-7511

**Board of Variance Application Form**

**OFFICE USE ONLY**

Application Fee: \_\_\_\_\_ Receipt No. \_\_\_\_\_ File No. \_\_\_\_\_

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

Legal Description Lot 2, Section 7, Range 6, Cedar district Plan 9877  
 Civic Address 2516 Pylades Dr. Ladysmith, B.C.  
 Electoral Area A Parcel Identifier (PID) 005-402-298

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

1) <u>Stephen Cooper</u>	2) <u>Anne Cooper</u>
Name	Name
<u>2516 Pylades Dr</u>	<u>2516 Pylades Dr.</u>
Mailing Address	Mailing Address
<u>Ladysmith BC V9G1E5</u>	<u>Ladysmith BC V9G1E5</u>
Postal Code	Postal Code
<u>[REDACTED]</u>	<u>N/A</u>
Telephone/Cell	Fax
<u>[REDACTED]</u>	<u>[REDACTED]</u>
Email	Email

I would prefer all correspondence via:  email  regular mail  fax

**SECTION 3: AGENT INFORMATION**

Name GNB Builders Inc Mailing Address 13100 Magdalena Dr. Ladysmith  
 Postal Code V9G2B8 Telephone/Cell 250-245-5717 Fax 250-245-5727 Email info@gnbuilders.ca

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 4)**

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

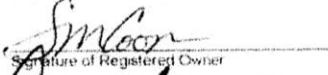

- A copy of Certificate of Indefeasible Title (dated within past 30 days)
- A letter of authorization
- A letter outlining the details of the appeal
- Application fee as required by Bylaw No. 1259, 2002
- Two (2) survey plans certified by a BC Land Surveyor to a maximum scale of 1:500 showing location 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

 _____ <small>Signature of Registered Owner</small>	July 6, 2018 _____ <small>Date</small>
 _____ <small>Signature of Registered Owner</small>	JULY 6, 2018 _____ <small>Date</small>

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 4)**



**Authorization Letter for Agent**

We Stephen & Anne Cooper, the owners of property legally described as Lot 2, Section 7, Range 6, Cedar District, Plan 9877 at 2516 Pythades Dr., Ladysmith, B.C. authorized GNB Builders Inc. 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 us in all matters relating to the work to be performed under the permit.

(Legal Description)  
(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 us in all matters relating to the work to be performed 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.

SM Cooper  
Signature of Owner

July 6, 2018  
Date

Anne Cooper  
Signature of Owner

JULY 6, 2018  
Date

Attachment 2  
Application  
(4 of 4)



Riparian Areas Regulations  
Property Declaration Form

Property Subject Legal Description Lot 2, Section 7, Range 6, Cedar District <sup>Plan 9877</sup>  
Subject Property Address 2516 Pylades Dr. Ladysmith, 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) SM Cooper 2 Anne Cooper

Print Name(s): 1 Stephen Cooper 2 Anne Cooper

Mailing Address 2516 Pylades Dr. Ladysmith, BC

Postal Code V9G 1E5

Phone: [REDACTED]

Witnessed By L. Handfield  
L. HANDFIELD

Date July 6, 2018

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

**TITLE SEARCH PRINT**

2018-07-20, 09:58:14

File Reference: 2232-00457-00

Requestor: Tyson Quocksister

**\*\*CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN\*\***

<b>Title Issued Under</b>	SECTION 98 LAND TITLE ACT
<b>Land Title District</b> Land Title Office	VICTORIA VICTORIA
<b>Title Number</b> From Title Number	CA6914896 CA1098778
<b>Application Received</b>	2018-07-06
<b>Application Entered</b>	2018-07-18
<b>Registered Owner in Fee Simple</b> Registered Owner/Mailing Address:	STEPHEN MICHAEL COOPER, CORPORATE PURCHASING MANAGER ANNE COOPER, IT DIRECTOR 610 GARROW DRIVE PORT MOODY, BC V3H 1H7 AS JOINT TENANTS
<b>Taxation Authority</b>	Nanaimo/Cowichan Assessment Area North Cedar Improvement District
<b>Description of Land</b> Parcel Identifier: Legal Description:	030-507-511 LOT A SECTION 7 RANGE 6 CEDAR DISTRICT PLAN EPP83626
<b>Legal Notations</b>	NONE
<b>Charges, Liens and Interests</b> Nature: Registration Number: Registered Owner: Remarks:	EXCEPTIONS AND RESERVATIONS M76300 ESQUIMALT AND NANAIMO RAILWAY COMPANY INTER ALIA A.F.B. 9.693.7434A 96829G; 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: 2232-00457-00

2018-07-20, 09:58:14

Requestor: Tyson Quocksister

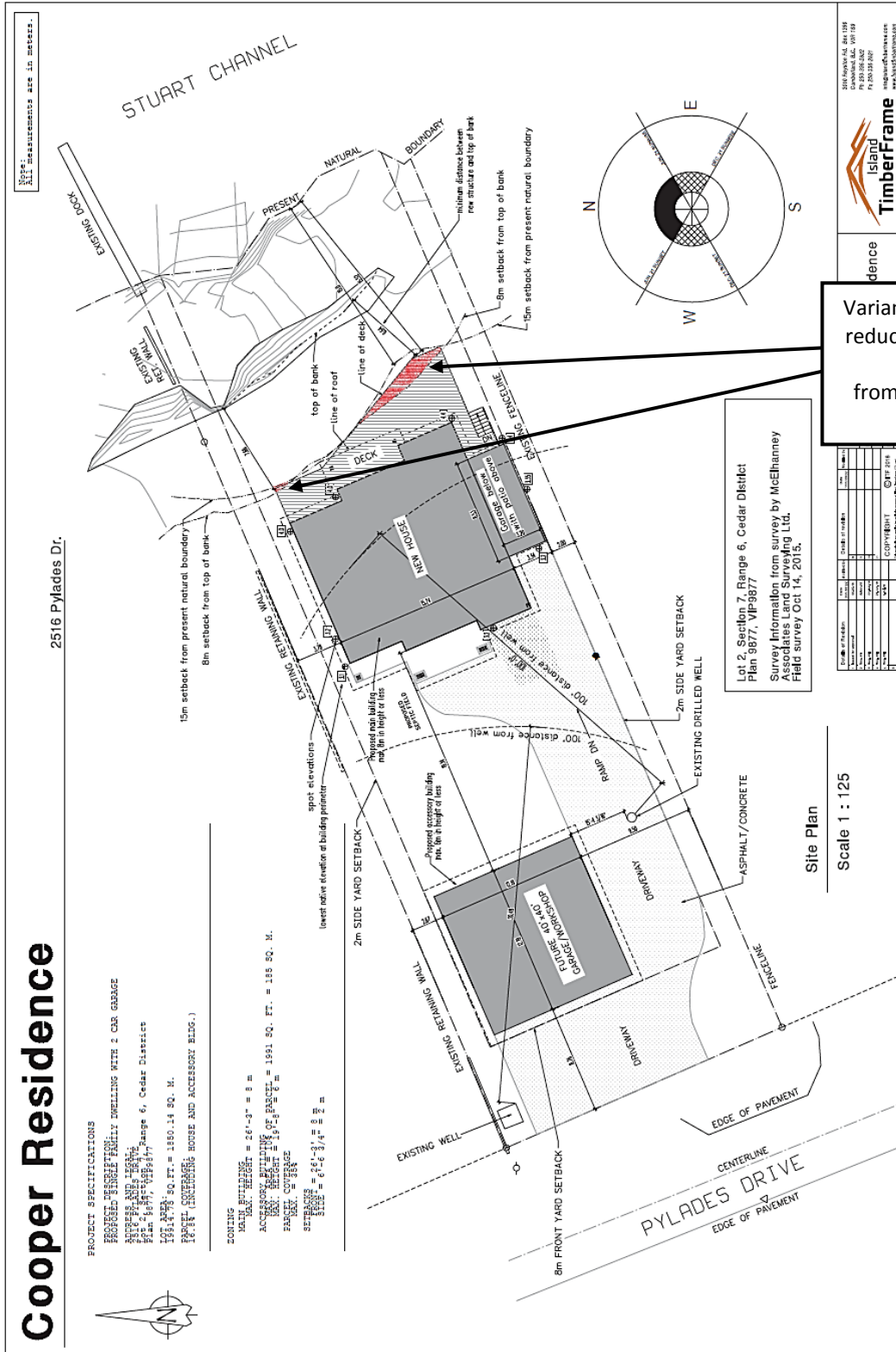
Nature:	MORTGAGE
Registration Number:	CA1098779
Registration Date and Time:	2009-04-30 10:09
Registered Owner:	ROYAL BANK OF CANADA

**Duplicate Indefeasible Title** NONE OUTSTANDING

**Transfers** NONE

**Pending Applications** NONE

**Attachment 4**  
**Site Plan**  
 (1 of 2)

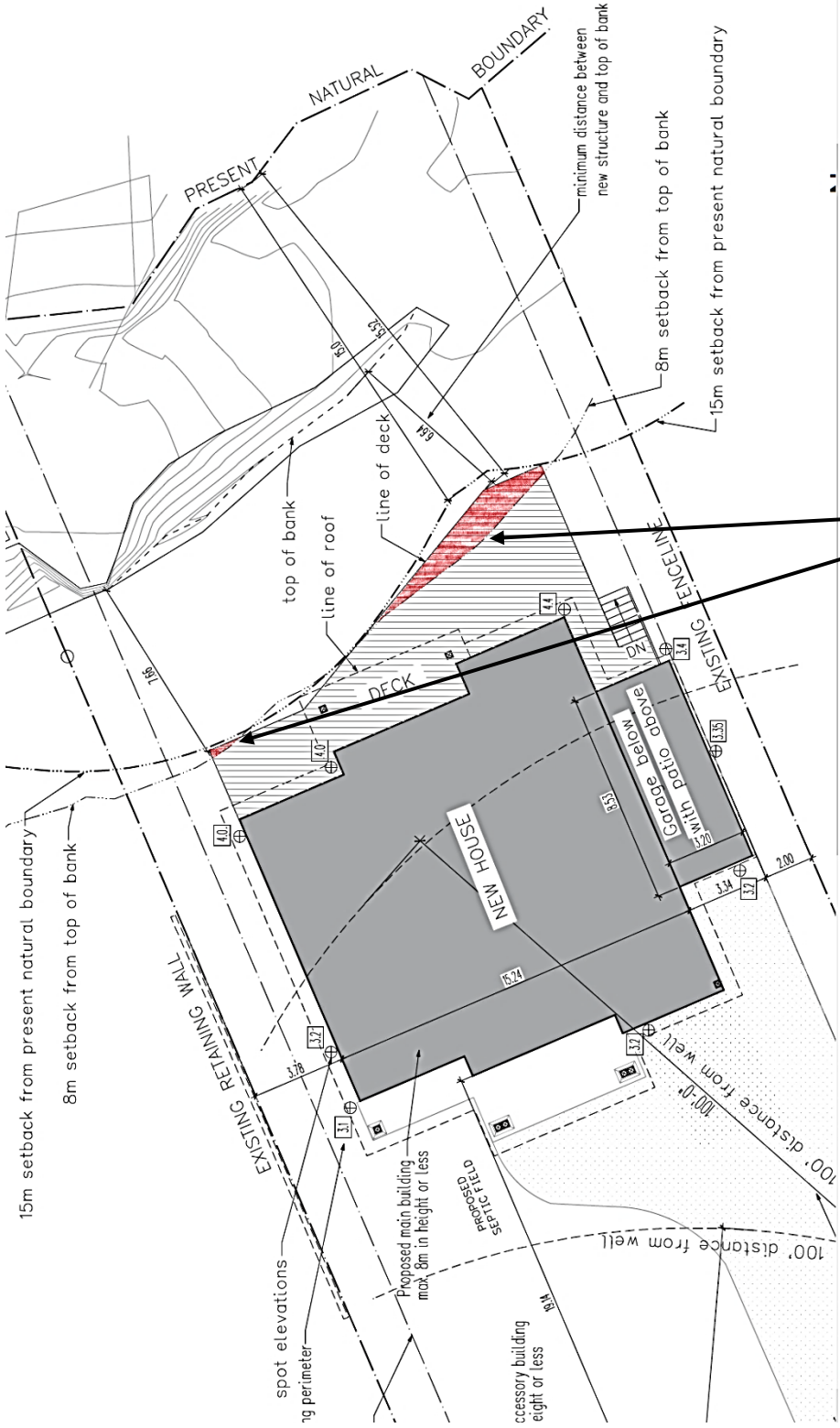


Island TimberFrame  
 dence

Variance requested to reduce setback to the Sea from 8.0 m to 6.5 m for a deck

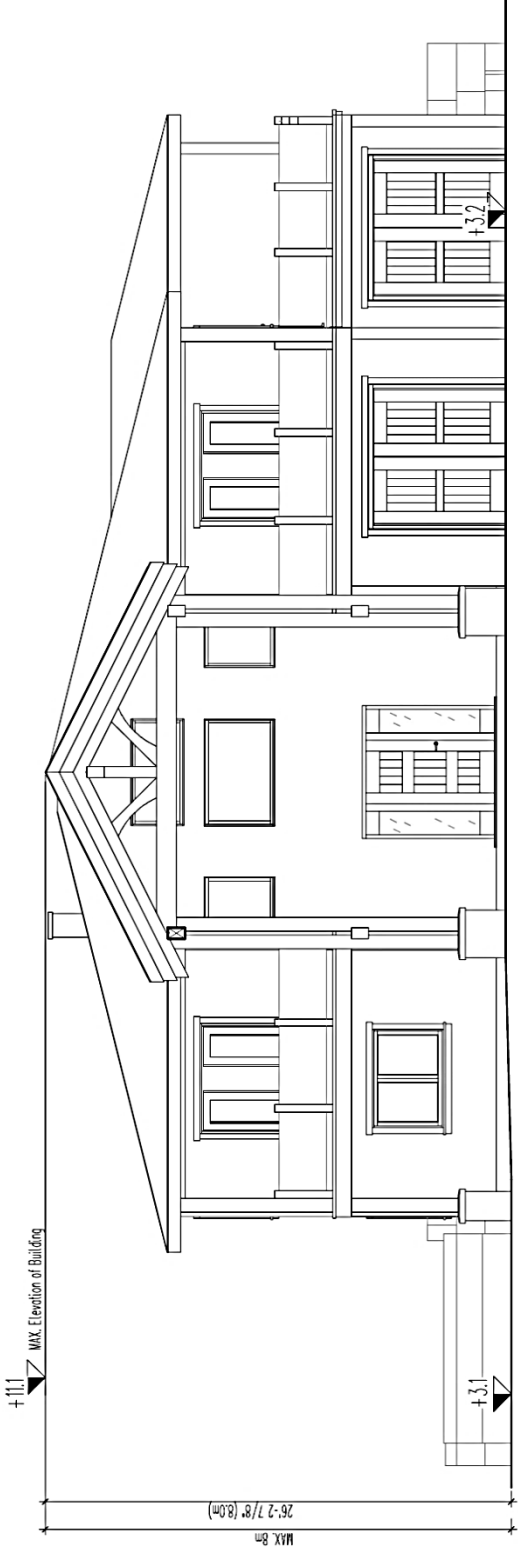
NO.	DATE	DESCRIPTION	BY	CHECKED
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

**Attachment 4  
Site Plan  
(2 of 2)**



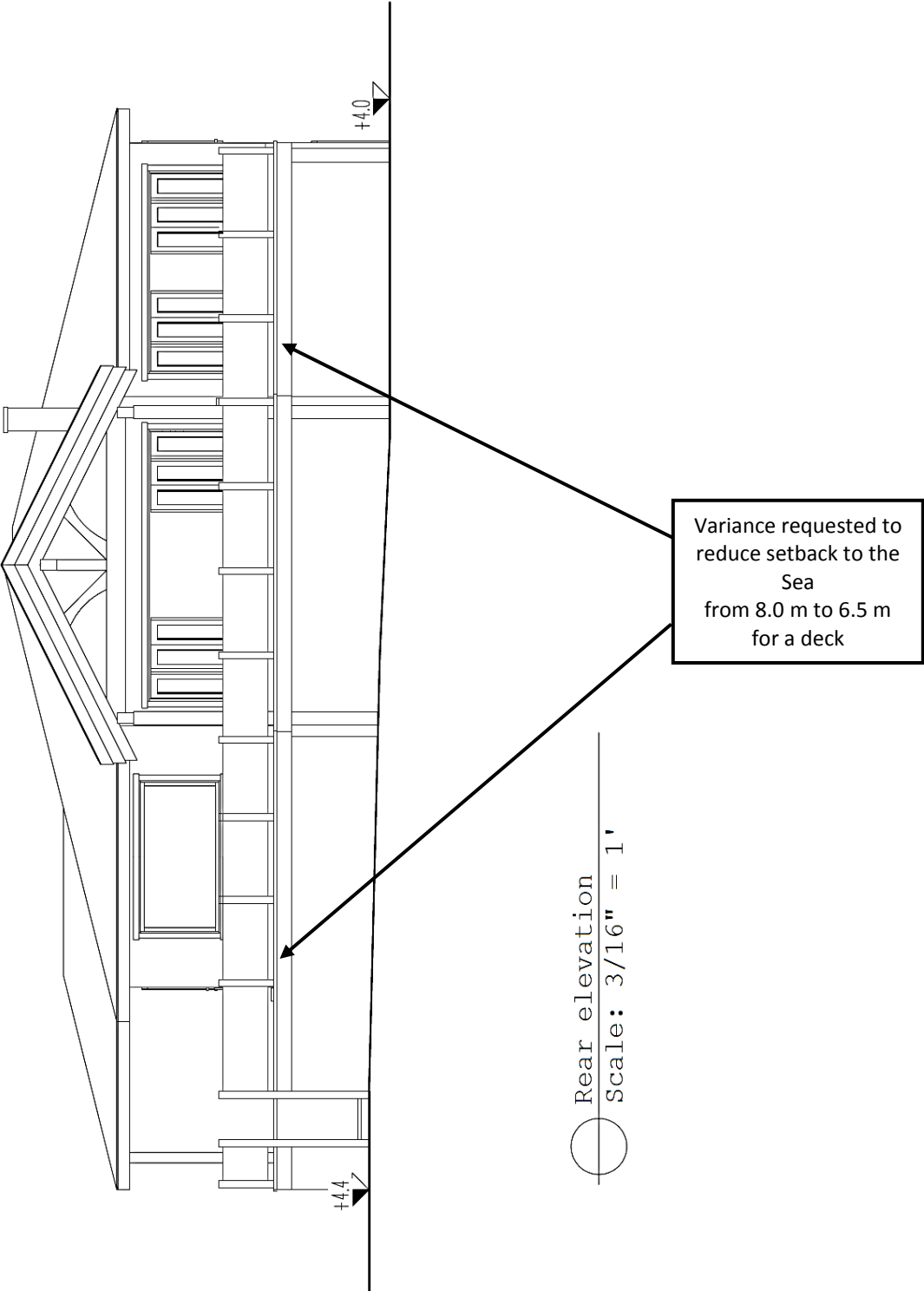
Variance requested to reduce setback to the Sea from 8.0 m to 6.5 m for a deck

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



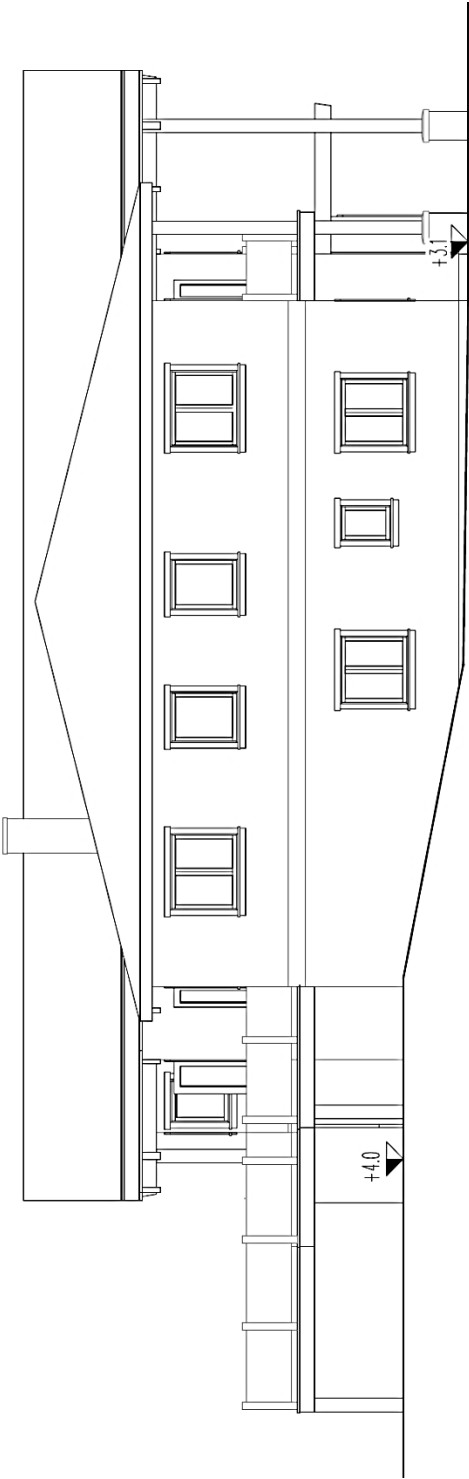
○ Front elevation  
Scale: 3/16" = 1'

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



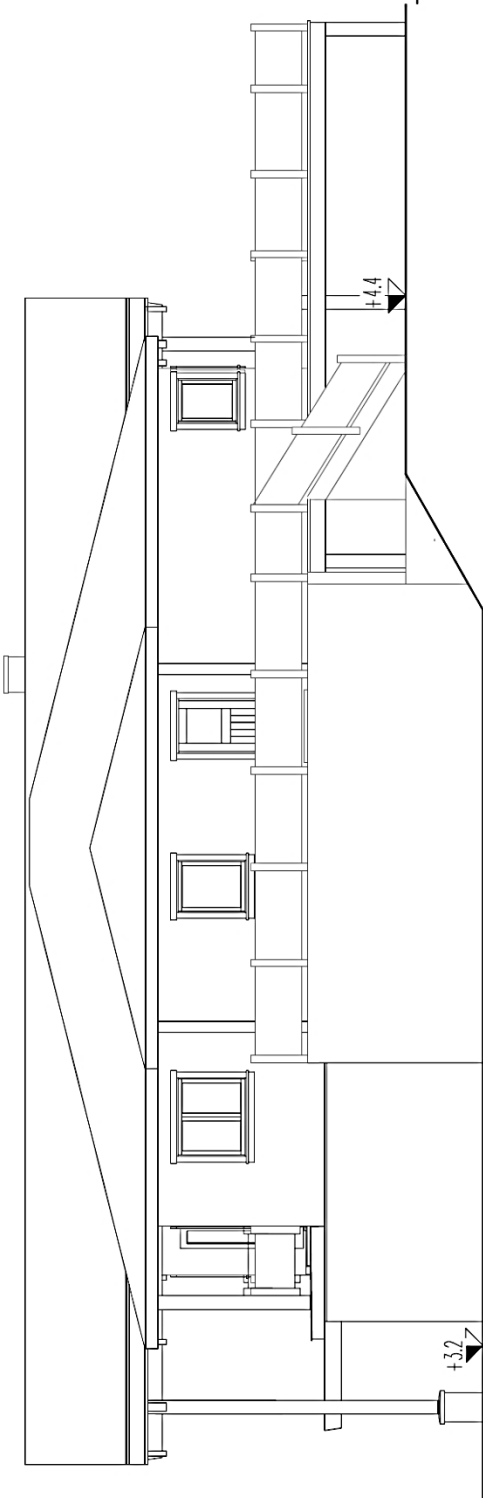


**Attachment 5  
Elevations  
(3 of 4)**



Side elevation  
Scale: 3/16" = 1'

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



○ Side elevation  
Scale: 3/16" = 1'

**Attachment 6  
Notifications  
(1 of 3)**



**NOTICE OF MEETING  
BOARD OF VARIANCE  
August 8, 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, August 8, 2018 at 4:00 pm in the Committee Room of the Regional District of Nanaimo to hear the following appeal:

APPEAL NO: BOV PL2018-113  
OWNER: Stephen and Anne Cooper  
LOCATION: Lot A, Section 7, Range 6, Cedar District, Plan EPP83626  
CIVIC: 2516 Pylades Drive  
ELECTORAL AREA 'A'  
PURPOSE The applicant is requesting the following:

- That the minimum setback to the Sea for an accessory structure be reduced from 8.0 m to 6.5 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 3.3.9a)i)** *Setbacks – Sea – within 8.0 metres horizontal distance inland from the top of a slope of 30% or greater*

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 Strategic and Community Development 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 3)**

