

REGIONAL DISTRICT OF NANAIMO  
BOARD OF VARIANCE  
AGENDA

Wednesday, November 14, 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 - August 8, 2018 3  
That the minutes of the Board of Variance meeting held August 8, 2018, be adopted.
  - 3.2 Board of Variance Meeting - September 12, 2018 5  
That the minutes of the Board of Variance meeting held September 12, 2018, be adopted.
4. APPEALS
  - 4.1 Board of Variance Appeal No. PL2018-135 - 1856/1858 Kirkstone, Electoral Area A 7  
That the Board vary "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500, 1987" so as to reduce the watercourse setback from a stream centerline from 18.0 metres to 6.6 metres.
  - 4.2 Board of Variance Appeal No. PL2018-145 - Lot 57 Simmons Place, Electoral Area E 29  
That the Board vary "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500, 1987" so that the maximum height requirement for a dwelling unit be increased from 8.0 metres to 10.9 metres

**4.3 Board of Variance Appeal No. PL2018-162 - 1640 MacMillan Road, Electoral Area A**

62

That the Board vary "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500, 1987" so that the maximum setback for an "other lot line" be reduced from 5.0 metres to 2.49 metres.

**5. NEW BUSINESS**

**6. ADJOURNMENT**

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

**Wednesday, August 8, 2018  
4:00 P.M.  
Committee Room**

In Attendance:	D. Wiwchar	Chair
	D. Holme	BOV Member
Regrets:	L. Mathews	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 4:06 PM.

**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 - July 11, 2018**

It was moved and seconded that the minutes of the Board of Variance meeting held July 11, 2018 be adopted, with the amendment to add that Doug Holme declared a conflict of interest for application PL2018-094, and abstained from voting.

CARRIED UNANIMOUSLY

**APPEALS**

The Chair detailed for the 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. PL2018-113, 2516 Pylades Drive - 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 no letters from neighbours. No additional correspondence was received.

Agents Heidi Bianchini and Marianne Verigin 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 Stephen and Anne Cooper 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, be granted.

CARRIED UNANIMOUSLY

**ADJOURNMENT**

It was moved and seconded that the meeting be adjourned.

CARRIED UNANIMOUSLY

TIME: 4:30 PM

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CHAIR



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

**Wednesday, September 12, 2018**  
**4:00 P.M.**  
**Committee Room**

In Attendance:	D. Wiwchar L. Mathews	Chair BOV Member
Regrets:	D. Holme	BOV Member
Also in Attendance:	J. Holm B. Ritter S. Syme	Mgr. Current Planning Administrative Associate BOV Secretary

#### **CALL TO ORDER**

The Chair called the meeting to order.

#### **APPROVAL OF THE AGENDA**

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

CARRIED UNANIMOUSLY

#### **ADOPTION OF MINUTES**

The August 8, 2018 Minutes were not adopted at today's meeting due to a lack of quorum based on members present at the August 8<sup>th</sup> meeting.

#### **APPEALS**

The Chair detailed for the 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. PL2018-133 - 970 Lee Road – Electoral Area G**

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. One piece of correspondence was received.

Neighbours Linda and William Dryden spoke in opposition 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, and therefore the appeal submitted

by Donald C Ballard that the maximum height requirement for an accessory building be increased from 6.0 m to 6.5 m as shown on the attached plan, be granted.

CARRIED UNANIMOUSLY

**ADJOURNMENT**

It was moved and seconded that the meeting be adjourned.

CARRIED UNANIMOUSLY

TIME: 4:30 PM

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CHAIR

**TO:** Board of Variance **DATE:** November 14, 2018  
**FILE:** PL2018-135  
**SUBJECT:** Board of Variance Appeal No. PL2018-135  
1856/1858 Kirkstone – Electoral Area A

OWNER:	Colin & Jennifer Jones
LOCATION:	LOT 13 SECTION 14 RANGE 2 CEDAR DISTRICT PLAN VIP67829
CIVIC:	1856/1858 Kirkstone Way
ELECTORAL AREA	A
PURPOSE	<p>The applicant is requesting the following:</p> <p>That the Board vary “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500, 1987”</p> <ul style="list-style-type: none"> <li>To reduce the watercourse setback from a stream centerline from 18.0 m to 6.6 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"*.

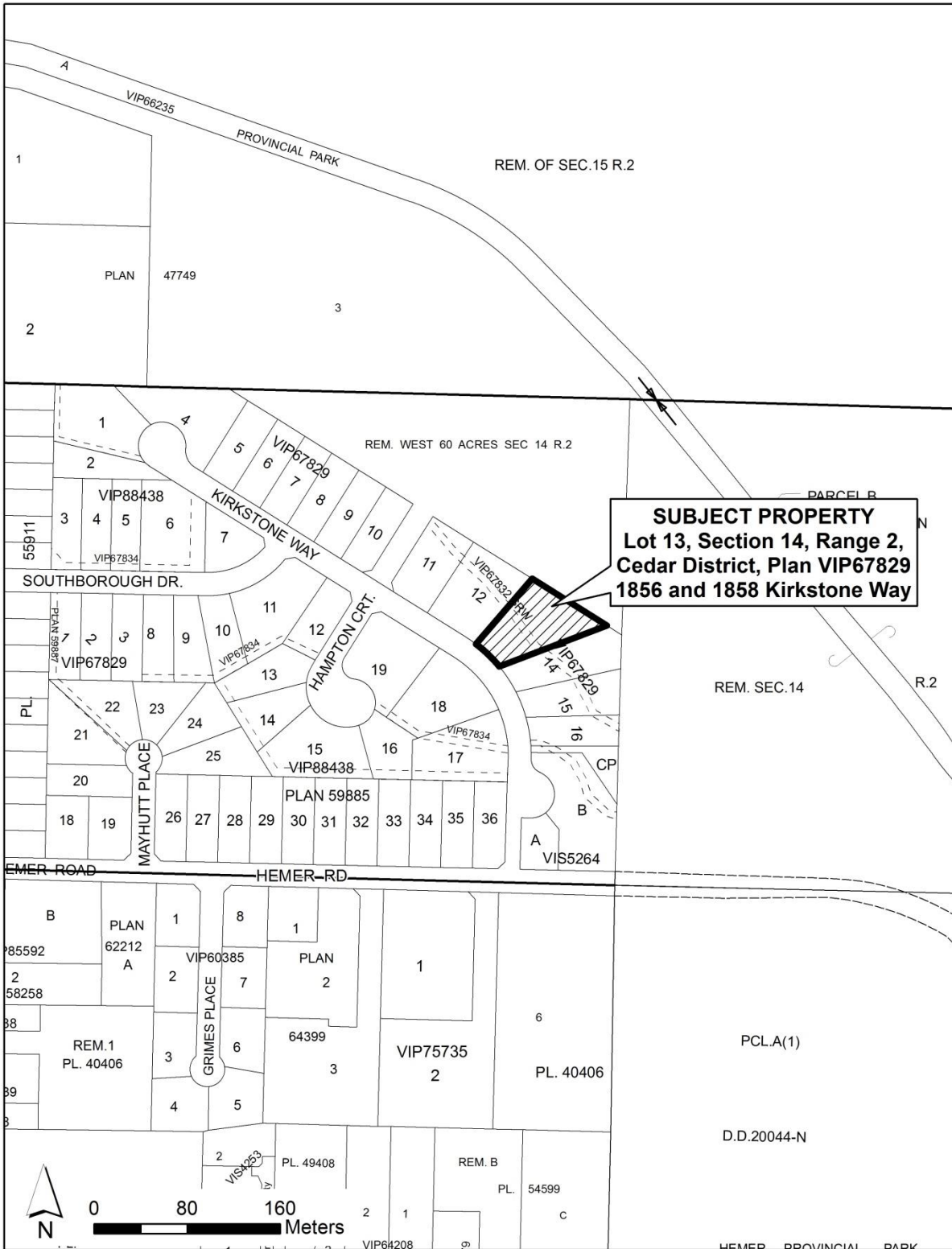
**Section 3.3.8a(i)**

*Setbacks – Watercourse – excluding the Sea - within 15.0 m horizontal distance from the natural boundary or within 18.0 m horizontal distance from a stream centerline, whichever is greater as illustrated in Table 1 and Table 2 of Schedule '3E'.*

Attachments to this appeal include:

1. Subject Property Map
2. Application
3. Certificate of Title
4. Correspondence from Applicant
5. Notification

### Attachment 1 Subject Property Map



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



October 22, 2018

RDN Board of Variance  
c/o RDN Planning Department

**Setback Variance Request – Letter of Rationale**

1856/1858 Kirkstone Way  
Lot 13, Section 14, Range 2, Cedar District, Strata Plan VIP67829

Board of Variance

Please accept this letter and attached documents as grounds to grant a setback relaxation on the above noted property. The owners of the property are hoping to build a second residence as permitted by the Zoning and due to its size. The second residence is proposed to be 32 feet wide by 48 feet long and under the 9 M. height allowance for residences and will be on the second floor of the structure only. The lower floor ceiling height is proposed at 14'-0" to accommodate a longer and taller boat.

The 2018 Survey in the addendum illustrates the nature of the existing development of the property and where you will observe the proposed second home. As you will be able to see, the proposed dwelling location meets all the RDN setback requirements with the exception to the Riparian Setback. Due to limited flow and upstream water retention, the riparian way is seasonal at best and the majority of the time it is dry. Please see the biologist report in the addendum. Due to that low flow, the watercourse location on this property had been routed by culvert by previous owners. The proposed setback will be 6.6 M. from the closest corner of the proposed building overhang to the perceived natural boundary of the watercourse as determined by a BCLS.

Our request for a variance is based on this being the only logical location for the second dwelling that will allow access through the existing driveway to the new building (boat storage). To meet the riparian setbacks, the new building would need to be located further North-East and into the existing Septic field reserved under covenant. Subsequently, the proposed location is the least intrusive to the naturally landscaped rear yard but will necessitate a variance to the riparian setback of 11.4 M. Our due hardship is that there is no other location on the property which could be further from the riparian watercourse.

In summary, on behalf of the owners of 1856/1858 Kirkstone Way, we respectfully seek your support for a 11.4 M. variance to the riparian setback due to the existing hardship of existing physical features and the existence of a covenanted septic field in the rear yard of the subject property.

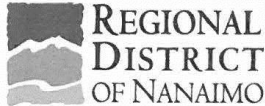
Respectfully submitted,

A handwritten signature in cursive script that reads "Keene Anderson".

Keene Anderson

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

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



Strategic & Community Development Department

6300 Hammond Bay Road Nanaimo, BC V9T 6N2  
 250-390-6510 (Nanaimo) 250-954-3798 (District 69)  
 1-877-807-4111 (within BC) Fax: 250-390-7511

**Board of Variance Application Form**

**OFFICE USE ONLY**

Application Fee: 400      Receipt No. \_\_\_\_\_      File No. PL2018-135

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

Legal Description Lot 13, Sec 14, R2, Cedar District, PLVIP67829  
 Civic Address 1858 & 1856 Kirkstone Way  
 Electoral Area \_\_\_\_\_      Parcel Identifier (PID) \_\_\_\_\_

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

1) <u>Colin Jones</u> Name <u>1858 Kirkstone Way</u> Mailing Address <u>Nanaimo V9X 1X1</u> Town / Province      Postal Code _____ Telephone/ Cell      Fax _____ Email _____	2) <u>Jennifer Jones</u> Name <u>1858 Kirkstone Way</u> Mailing Address <u>Nanaimo V9X 1X1</u> Town / Province      Postal Code _____ Telephone/ Cell      Fax _____ Email _____
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I would prefer all correspondence via:  email  regular mail  fax

**SECTION 3: AGENT INFORMATION**

<u>Keene Anderson</u> Name	<u>1653 Cedar Rd</u> Mailing Address	<u>Nanaimo BC</u> Town/Province
<u>V9X 1L4</u> Postal Code	<u>250 618-6630</u> Telephone/ Cell	<u>250 722 3453</u> Fax
	<u>Keene@greemplan.ca</u> 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  
(3 of 3)**

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

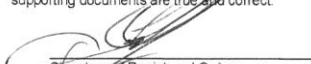
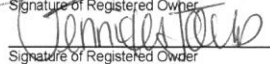
- A copy of Certificate of Indefeasible Title (dated within past 30 days)
- A letter of authorization
- A letter outlining the details of the appeal
- Application fee as required by Bylaw No. 1259, 2002
- Two (2) survey plans certified by a BC Land Surveyor to a maximum scale of 1:500, showing location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

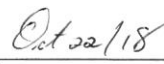
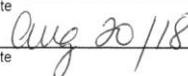
Additional information may be required, such as:

- 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  
  
\_\_\_\_\_  
Signature of Registered Owner

  
\_\_\_\_\_  
Date  
  
\_\_\_\_\_  
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 3  
Certificate of Title  
(1 of 3)**

**TITLE SEARCH PRINT**

2018-08-02, 13:08:53

File Reference:

Requestor: Building Inspection

Declared Value \$544000

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

**Land Title District**  
Land Title Office

VICTORIA  
VICTORIA

**Title Number**  
From Title Number

CA1017149  
EX47566

**Application Received**

2009-01-12

**Application Entered**

2009-01-13

**Registered Owner in Fee Simple**

Registered Owner/Mailing Address:

COLIN ARTHUR JONES, PAWN BROKER  
JENNIFER NAOMI JONES, PROCESS SERVER  
1858 KIRKSTONE WAY  
NANAIMO, BC  
V9X 1X1  
AS JOINT TENANTS

**Taxation Authority**

Nanaimo/Cowichan Assessment Area  
North Cedar Improvement District



**Description of Land**

Parcel Identifier:

024-262-951

Legal Description:

LOT 13 SECTION 14 RANGE 2 CEDAR DISTRICT PLAN VIP67829

**Legal Notations**

NONE

**Charges, Liens and Interests**

Nature:

UNDERSURFACE RIGHTS

Registration Number:

373811G

Registration Date and Time:

1969-02-27 12:25

Registered Owner:

MAYO HOLDINGS LTD.  
INCORPORATION NO. 21,022  
CHANGE OF ADDRESS SEE ET9774  
INTER ALIA, ASSIGNMENT OF 53378G AND 80866G,  
AFB 38.21.22463F, CB 33.465, DD 93873N

Remarks:



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

**TITLE SEARCH PRINT**

2018-08-02, 13:08:53

File Reference:

Requestor: Building Inspection

Declared Value \$544000

Nature: STATUTORY RIGHT OF WAY  
Registration Number: EG12942  
Registration Date and Time: 1993-02-02 11:21  
Registered Owner: HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA  
Remarks: INTER ALIA

Nature: COVENANT  
Registration Number: EM92764  
Registration Date and Time: 1998-09-28 12:32  
Registered Owner: THE CROWN IN RIGHT OF BRITISH COLUMBIA REGIONAL DISTRICT OF NANAIMO  
Remarks: INTER ALIA

Nature: COVENANT  
Registration Number: EM92766  
Registration Date and Time: 1998-09-28 12:32  
Registered Owner: THE CROWN IN RIGHT OF BRITISH COLUMBIA  
Remarks: INTER ALIA

Nature: COVENANT  
Registration Number: EM92768  
Registration Date and Time: 1998-09-28 12:33  
Registered Owner: THE CROWN IN RIGHT OF BRITISH COLUMBIA  
Remarks: INTER ALIA  
PART SHOWN ON PLAN VIP67830



Nature: STATUTORY RIGHT OF WAY  
Registration Number: EM92770  
Registration Date and Time: 1998-09-28 12:34  
Registered Owner: THE CROWN IN RIGHT OF BRITISH COLUMBIA  
Remarks: INTER ALIA  
PART SHOWN ON PLAN VIP67832

Nature: STATUTORY BUILDING SCHEME  
Registration Number: EM94767  
Registration Date and Time: 1998-10-01 09:36  
Remarks: INTER ALIA

Nature: MORTGAGE  
Registration Number: CA1017150  
Registration Date and Time: 2009-01-12 12:23  
Registered Owner: ROYAL BANK OF CANADA

**Duplicate Infeasible Title**

NONE OUTSTANDING

Title Number: CA1017149

TITLE SEARCH PRINT

Page 2 of 3

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

**TITLE SEARCH PRINT**

File Reference:  
Declared Value \$544000

2018-08-02, 13:08:53  
Requestor: Building Inspection

**Transfers** NONE

**Pending Applications** NONE



**Attachment 4**  
**Correspondence from Applicant**  
**(1 of 9)**



January 31, 2018

Colin Jones  
1858 Kirkstone Way,  
Nanaimo BC V9X 1X1

**RE: WATERCOURSE ASSESSMENT**

**1.0 INTRODUCTION**

Aquaparian Environmental Consulting Ltd (Aquaparian) was retained to complete an assessment of a watercourse that traverses 1858 Kirkstone Way located in Area A of the Regional District of Nanaimo BC. A site location map has been included as Figure 1.

As understood, you plan to construct a workshop with a second story residential suite as a secondary residence allowed under the existing zoning for the parcel. The purpose of the assessment was to determine if the watercourse within the parcel is subject to the Riparian Areas Regulation and a Development Permit Area for protection of fish habitat as per the Area A Official Community Plan.

Aquaparian's Biologist Sarah Bonar R.P.Bio., completed a site assessment on January 31, 2018. Site photographs have been included as Appendix A.

**2.0 ASSESSMENT RESULTS**

The subject parcel is located approximately 500m northwest of two linear wetlands and an arm of Hemer Lake which are aligned in a northwesterly direction by undulations in topography. The two wetlands appear to be isolated from Hemer Lake. A review of the provincial Habitatwizard database did not identify a watercourse on the subject nor the two downstream wetlands. A review of the RDN map identified a Right-of-Way crossing the subject parcel and six adjacent parcels (VIP67832SRW).

A highly modified seasonal drainage course was identified during the site assessment which is confined within a culvert across the entire width of the subject parcel. The culvert is approximately 2m below grade and starts approximately 5m upstream on the adjacent parcel. Upstream of the culvert within the neighbouring parcel the open channel is deeply incised (>2m) and linear indicating it was ditched at the time of subdivision development. The culvert extends downstream onto the neighbouring parcel. Based on topography the modified drainage was

203-321 WALLACE ST. NANAIMO, BC V9R 5B6, 250-591-2258  
CELL SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

**Attachment 4  
Correspondence from Applicant  
(2 of 9)**

1858 KIRKSTONE WAY  
JANUARY 2018

2

likely a seasonal wetland that was ditched, converted and filled to create the subdivision. The flow is toward the southeast and likely drains into the wetland at the end of Hemer Road within Hemer Provincial Park. A review of Google Earth images shows the culvert installation and house construction was completed in 2006.

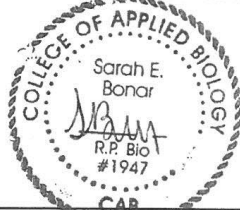
Because there is no open channel within the subject parcel, the Riparian Areas Regulation does not apply to the subject parcel; therefore the watercourse DPA does not apply to the subject parcel. Determining if the open channel sections of this watercourse on adjacent properties are subject to the RAR would require confirmation of its connectivity to fish bearing waters downstream which was beyond the scope of this assessment. Reports and approvals completed for the channel modifications at the time of subdivision are expected to contain this information.

**4.0 CLOSURE**

Aquaparian trusts that the information provided in this report meets your requirements. Any questions regarding information provided in this document, please contact the undersigned at (250) 591-2258.

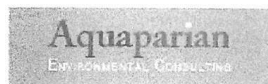
Respectfully submitted,

**AQUAPARIAN ENVIRONMENTAL CONSULTING LTD.**



Sarah Bonar, B.Sc., R.P. Bio  
Principal

\\AQUAPARIAN-NAS\Documents\Projects\Projects\N354 Kirkstone Way\1858 Kirkstone Way Drainage Assessment.docx



203-321 WALLACE ST, NANAIMO, BC V9R 5B6  
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

**Attachment 4**  
**Correspondence from Applicant**  
**(3 of 9)**

1858 KIRKSTONE WAY  
JANUARY 2018

3

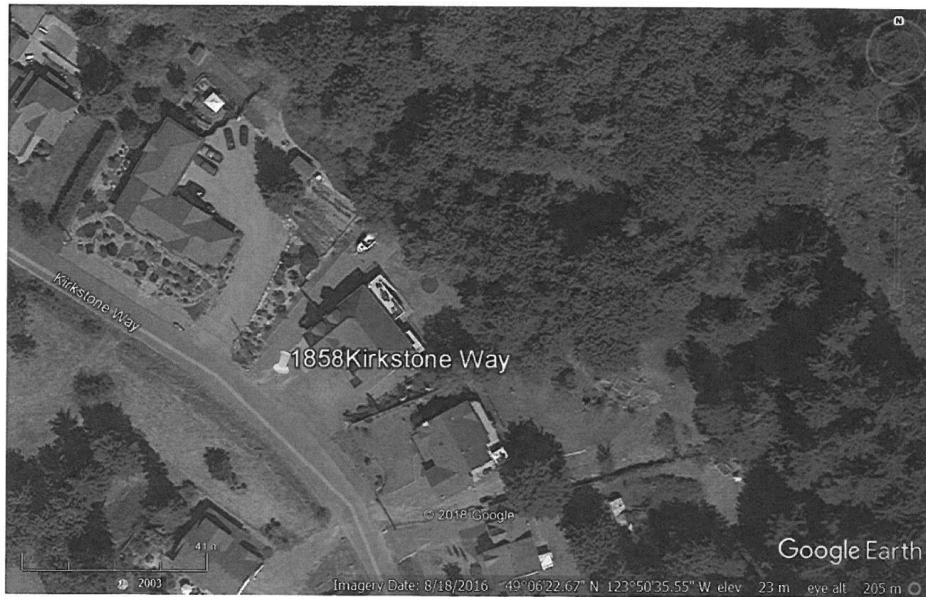
**FIGURE 1**  
**SITE LOCATION MAP**

**Aquaparian**  
ENVIRONMENTAL CONSULTING

203-321 WALLACE ST, NANAIMO, BC V9R 5B6  
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

**Attachment 4**  
**Correspondence from Applicant**  
**(4 of 9)**

**1858 KIRKSTONE WAY NANAIMO**  
**SITE LOCATION MAP**



**Attachment 4**  
**Correspondence from Applicant**  
**(5 of 9)**

1858 KIRKSTONE WAY  
JANUARY 2018

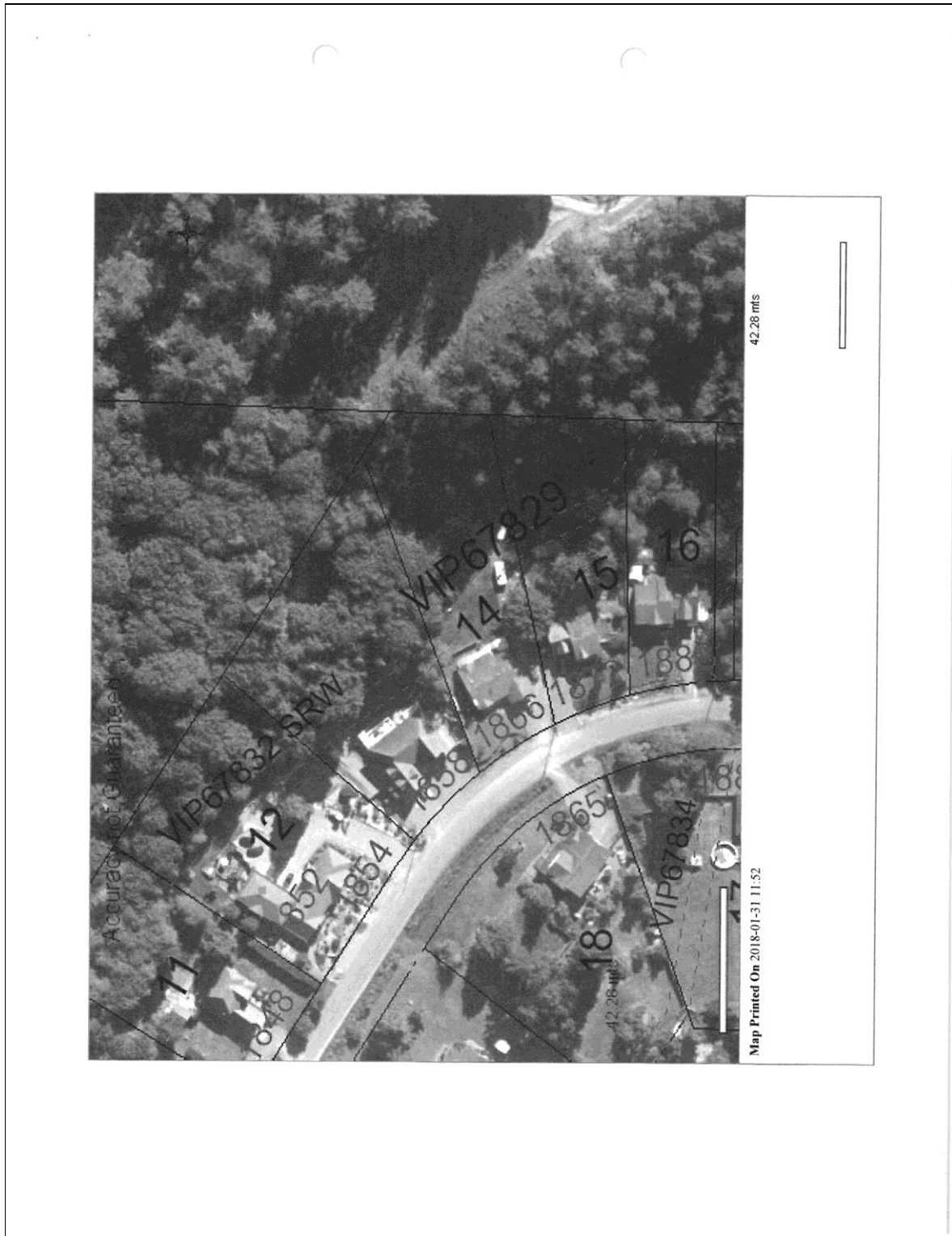
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**FIGURE 2**  
**RDN MAP**

**Aquaparian**  
ENVIRONMENTAL CONSULTING

203-321 WALLACE ST, NANAIMO, BC V9R 5B6  
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

**Attachment 4**  
**Correspondence from Applicant**  
**(6 of 9)**



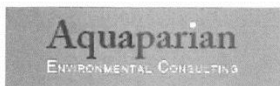


**Attachment 4  
Correspondence from Applicant  
(7 of 9)**

1858 KIRKSTONE WAY  
JANUARY 2018

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**APPENDIX A  
SITE PHOTOGRAPHS**



203-321 WALLACE ST, NANAIMO, BC V9R 5B6  
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

**Attachment 4**  
**Correspondence from Applicant**  
**(8 of 9)**

Photo Sheet 1



Photo 1. Looking downstream toward the subject parcel from the adjacent parcel with the open channel.

Photo 2. The upstream end of the culvert is approximately 5m from the parcel boundary



**Attachment 4**  
**Correspondence from Applicant**  
**(9 of 9)**

Photo Sheet 2



Photo 3. Showing the area of the buried culvert within the subject parcel.



Photo 4. Looking north along the culvert alignment.

Photo 5. Looking south along the culvert alignment.



**Attachment 5  
Notification  
(1 of 5)**



**NOTICE OF MEETING  
BOARD OF VARIANCE  
November 14, 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, November 14, 2018 in the Committee Room of the Regional District of Nanaimo to hear the following appeal:

APPEAL NO: BOV PL2018-135  
OWNER: Colin Jones & Jennifer Jones  
LOCATION: LOT 13 SECTION 14 RANGE 2 CEDAR DISTRICT PLAN VIP67829  
CIVIC: 1856/1858 Kirkstone Way  
ELECTORAL AREA A  
PURPOSE The applicant is requesting the following:

- To reduce the watercourse setback from a stream centerline from 18.0 m to 6.6 m

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

**Section 3.3.8a(i)** *Setbacks – Watercourse – excluding the Sea - within 15.0 m horizontal distance from the natural boundary or within 18.0 m horizontal distance from a stream centerline, whichever is greater as illustrated in Table 1 and Table 2 of Schedule '3E'.*

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.

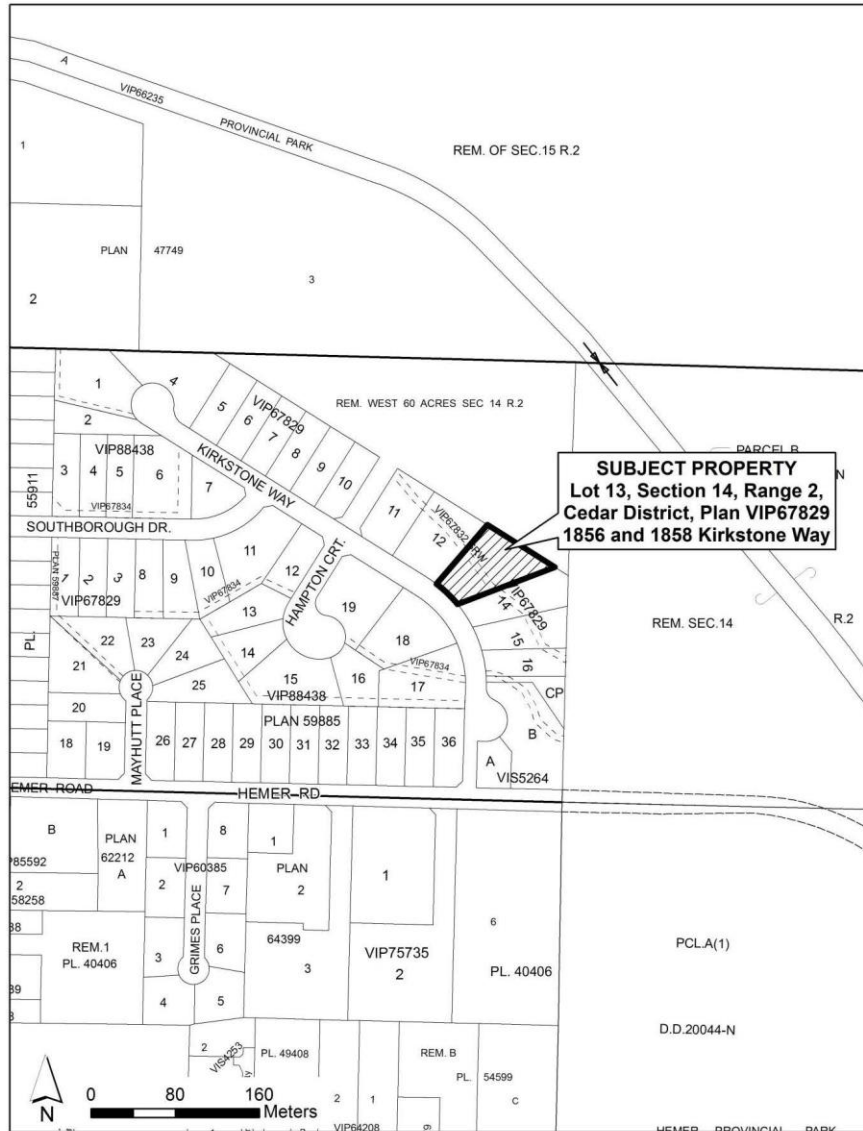
This appeal may be viewed at the offices of the Regional District of Nanaimo Strategic and Community Development department.

Further Information can also be found at the following:

250-390-6510 / 1-877-607-4111  
ssyme@rdn.bc.ca  
www.rdn.bc.ca/board-of-variance  
Strategic & Community Development  
6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2

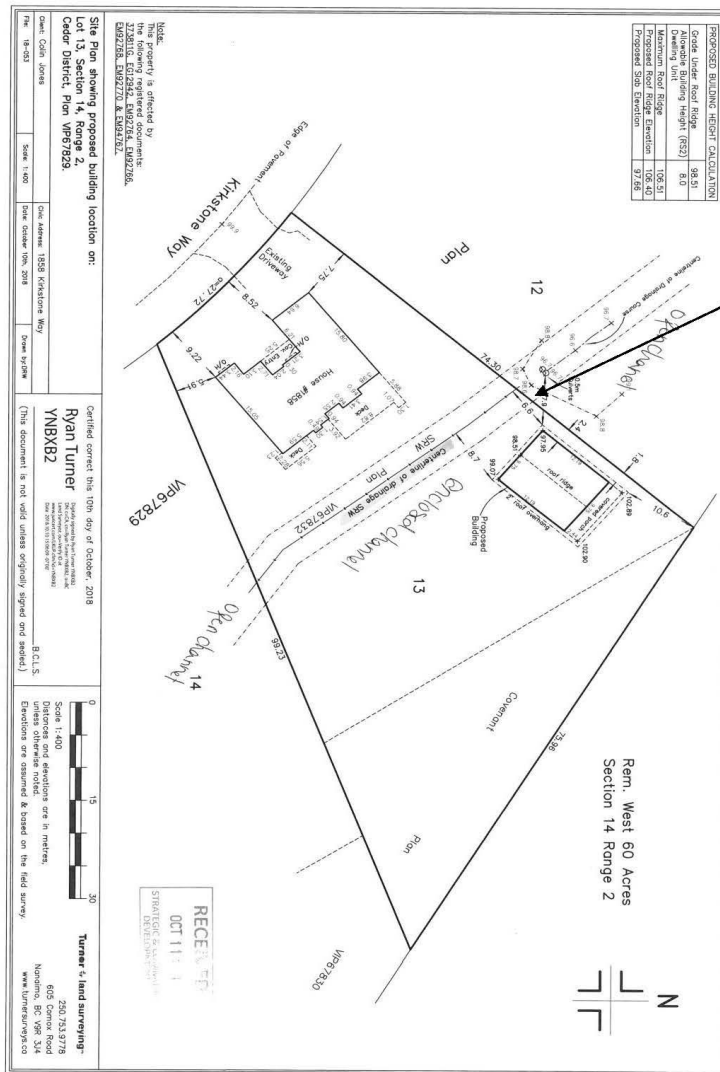
**Attachment 5  
Notification  
(2 of 5)**

**Attachment 1  
Location of Subject Property**



**Attachment 5  
 Notification  
 (3 of 5)**

**Attachment 2  
 Site Survey**



Variance requested to reduce setback to watercourse from 18.0 m to 6.6 m for a dwelling

**Attachment 5  
 Notification  
 (4 of 5)**

**Attachment 3  
 Building Elevations**

ELEVATIONS

SOUTH

WEST

NORTH

EAST

REVISION	DATE	BY	DESCRIPTION

**JONES RESIDENCE  
 1858 KIRKSTONE WAY  
 RESIDENCE**

**Greenplan**  
 1885 Cedar Road  
 Raleigh, NC  
 (919) 722-3469  
 www.greenplan.ca  
 info@greenplan.ca

Designed	Drawn	Checked

Date: JUL 31 2018  
 Project: 18-0-CJ  
 Drawing #: 18-0-W-0731-71  
 Scale: 1/8" = 1'  
 Sheet Title: ELEVATIONS  
 Sheet #: A-2 / 3





**TO:** Board of Variance **DATE:** November 14, 2018  
**FILE:** PL2018-145  
**SUBJECT:** **Board of Variance Appeal No. PL2018-145  
 Lot 57 Simmons Place – Electoral Area E**

OWNER:	Francis and Carolyn Bouma
LOCATION:	STRATA LOT 57, DISTRICT LOT 78, NANOOSE DISTRICT, STRATA PLAN VIS3393 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1
CIVIC:	Lot 57 Simmons Place
ELECTORAL AREA	E
PURPOSE	<p>The applicant is requesting the following:</p> <p>That the Board vary “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500, 1987”:</p> <ul style="list-style-type: none"> <li>• That the maximum height requirement for a dwelling unit be increased from 8.0 m to 10.9 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"*.

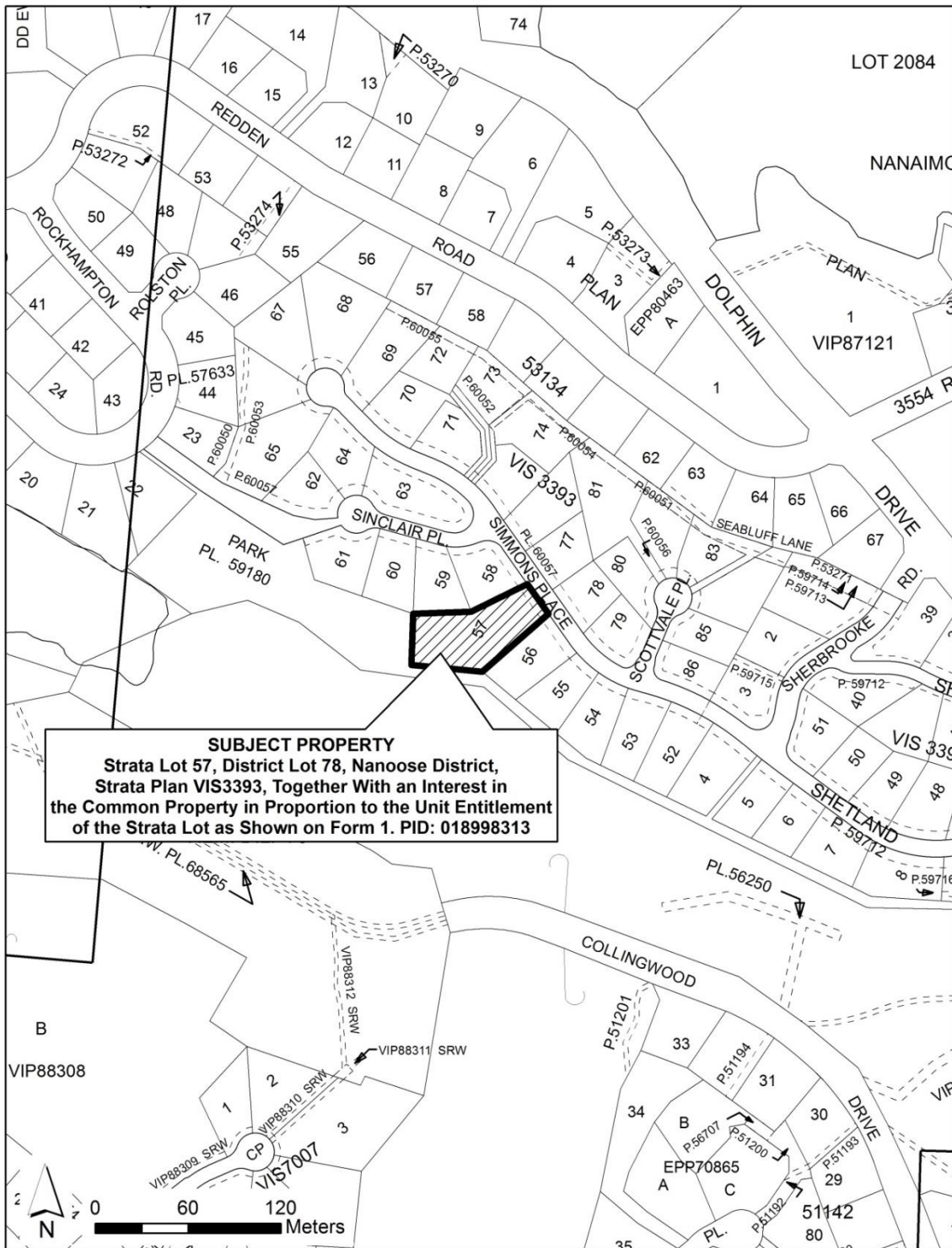
**Section 3.4.61**

*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. Correspondence from Applicant
5. Notification

### Attachment 1 Subject Property Map



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

Frank and Carolyn Bouma  
Lot 57 Simmons Place

Aug 17 2018

Board of Variance  
Regional District of Nanaimo

Dear Board of Variance,

Thank you in advance for reviewing my request for a height variance of my proposed home on Lot 57 Simmons Place, Nanoose Bay in Fairwinds. I have purchased a very difficult lot to build on and it has been passed over by many potential purchasers over the years. Lot 57 is .2949 ha with the golf course to the south, 2 neighbors to the north, park land to the west and one neighbor to the east. I have included survey drawings with contours to get a good visualization of the property. The building is set back 41.67 meters from the road. The main floor elevation is 9.5 meters below the curb of the road at the midpoint of the property line. The highest ridge is .5 meters below the center of the driveway at the curb. With the aid of a bench mark, I have tied survey tape in a tree at the elevation of the highest ridge for the neighbors and the variance committee to see and visualize the zero impact the height would cause.

I am requesting a 2.9-meter height variance due to the hardship of the slopes on the property. While working with my draftsmen and surveyor we could not find a placement that if we built within the height restriction it would allow the driveway to be usable. The lower the house elevation, the steeper the driveway, the flatter the driveway the greater the height variance. As currently designed the driveway would be at approximately 25% grade through the mid-section with good transitions at the top and bottom. As a team we have chosen the flattest spot on the lot to build on and there is still an elevation change of 8.88 meters from the high corner of the garage to the lowest corner of the lower floor. We all believe we have achieved the best scenario as presented. I could reduce the roof pitch but I

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

am trying to keep within the Fairwinds standards of architecture. If the variance is approved I would through a large rock retaining wall and fill create a backyard that is slightly below the lower slab elevation (49.4 meters geodetic).

The park land to the south and west of me is heavily treed and the house is so far below the street curb that no views of neighboring properties would be impacted. The proposed placement of the house is also set back 41.67 meters from the road, so that at any height the house would not look out of place with any neighboring homes.

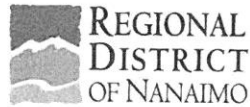
My consultants and I believe we have come up with the best siting and elevation for the home. Due to the hardship of the property, I am asking for your careful consideration and approval.

Sincerely,

Frank and Carolyn Bouma



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



Strategic & Community Development Department

6300 Hammond Bay Road Nanaimo, BC V9T 6N2  
 250-390-6510 (Nanaimo) 250-964-3798 (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. \_\_\_\_\_

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

Legal Description SL 57, Dist Lot 78, Nanose Dist. Strata Plan V153393  
 Civic Address Simmons Place, Nanose Bay, BC  
 Electoral Area \_\_\_\_\_ Parcel Identifier (PID) 018-998-313

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

1) <u>Francis Bouma</u> Name _____ Mailing Address _____ Town / Province _____ Postal Code _____ Telephone/ Cell _____ Fax _____ Email _____	2) <u>Carolyn Bouma</u> Name _____ Mailing Address <u>same</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 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  
 (4 of 5)**

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

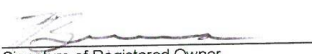
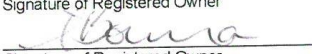
- A copy of Certificate of Indefeasible Title (dated within past 30 days)
- A letter of authorization
- A letter outlining the details of the appeal
- Application fee as required by Bylaw No. 1259, 2002
- Two (2) survey plans certified by a BC Land Surveyor to a maximum scale of 1:500, showing location 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	Sept 10/18 _____ Date
 _____ Signature of Registered Owner	Sept 10/18 _____ 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: SL 57, Dist Lot 78, Nanose Dist. Stata Plan V153393

Subject Property Address: Simmons Place, Nanose Bay B.C.

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 Francis Bouma 2 Carolyn Bouma

Mailing Address: [Redacted]

Postal Code: [Redacted] Phone: [Redacted]

Witnessed By: [Signature] Date: Sept 18th 2018



**Attachment 3  
Certificate of Title  
(1 of 12)**

**TITLE SEARCH PRINT**

File Reference:  
Declared Value \$226500

2018-09-10, 08:20:06  
Requestor: Frank Bouma

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

**Title Issued Under** STRATA PROPERTY ACT (Section 249)

**Land Title District** VICTORIA  
Land Title Office VICTORIA

**Title Number** CA6901545  
From Title Number CA6842599

**Application Received** 2018-06-29

**Application Entered** 2018-07-04

**Registered Owner in Fee Simple**  
Registered Owner/Mailing Address: FRANCIS BERNARD BOUMA, BUILDER  
CAROLYN WILLIMA BOUMA, HOMEMAKER  
PO BOX 1737  
LADYSMITH, BC  
V9G 1B3  
AS JOINT TENANTS

**Taxation Authority** Port Alberni Assessment Area

**Description of Land**  
Parcel Identifier: 018-998-313  
Legal Description:  
STRATA LOT 57, DISTRICT LOT 78, NANOOSE DISTRICT, STRATA PLAN VIS3393  
TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE  
UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1

**Legal Notations**  
RE: 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.

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 12)**

**TITLE SEARCH PRINT**

File Reference:

Declared Value \$226500

2018-09-10, 08:20:06

Requestor: Frank Bouma

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 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  
OF LOT 53, PLAN 51142 INCLUDED IN PLAN 51196

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

**Charges, Liens and Interests**

Nature: EXCEPTIONS AND RESERVATIONS  
Registration Number: M76300  
Registered Owner: ESQUIMALT AND NANAIMO RAILWAY COMPANY  
Remarks: INTER ALIA  
AFB 9.693.7434A; 63035G; SECTION 172(3)  
FOR ACTUAL DATE AND TIME OF REGISTRATION SEE  
ORIGINAL GRANT FROM E & N RAILWAY COMPANY

Nature: STATUTORY RIGHT OF WAY  
Registration Number: EB33  
Registration Date and Time: 1988-01-04 09:14  
Registered Owner: BRITISH COLUMBIA HYDRO AND POWER AUTHORITY  
Remarks: INTER ALIA

Nature: COVENANT  
Registration Number: EB38728  
Registration Date and Time: 1988-05-12 09:04  
Registered Owner: HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH  
COLUMBIA  
THE REGIONAL DISTRICT OF NANAIMO  
Remarks: INTER ALIA, SECTION 215 LTA

Nature: STATUTORY RIGHT OF WAY  
Registration Number: EG40097  
Registration Date and Time: 1993-04-05 11:36  
Registered Owner: REGIONAL DISTRICT OF NANAIMO  
Remarks: INTER ALIA

**Attachment 3  
Certificate of Title  
(3 of 12)**

**TITLE SEARCH PRINT**

2018-09-10, 08:20:06  
Requestor: Frank Bouma

File Reference:

Declared Value \$226500

Nature: STATUTORY BUILDING SCHEME  
Registration Number: EH139721  
Registration Date and Time: 1994-10-24 09:03  
Remarks: INTER ALIA

Nature: EASEMENT  
Registration Number: EH139752  
Registration Date and Time: 1994-10-24 09:06  
Remarks: INTER ALIA  
PART AS SHOWN ON PLAN VIP60057  
APPURTENANT TO THE COMMON PROPERTY OF  
STRATA PLAN VIS3393

Nature: STATUTORY RIGHT OF WAY  
Registration Number: EH139753  
Registration Date and Time: 1994-10-24 09:06  
Registered Owner: REGIONAL DISTRICT OF NANAIMO  
Remarks: INTER ALIA  
PART AS SHOWN ON PLAN VIP60057

**Duplicate Indefeasible Title** NONE OUTSTANDING

**Transfers** NONE

**Pending Applications** NONE

**Attachment 3  
Certificate of Title  
(4 of 12)**

**COMMON PROPERTY SEARCH PRINT**

2018-09-10, 08:20:08

File Reference:

Requestor: Frank Bouma

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

<b>Land Title District</b>	VICTORIA
Land Title Office	VICTORIA
Common Property Strata Plan	VIS3393
<b>Transfers</b>	NONE
<b>Legal Notations</b>	NONE
<b>Charges, Liens and Interests</b>	
Nature:	EXCEPTIONS AND RESERVATIONS
Registration Number:	M76300
Registered Owner:	ESQUIMALT AND NANAIMO RAILWAY COMPANY
Remarks:	INTER ALIA A.F.B. 9.693.7434A, 63035G, SECTION 172(3) FOR ACTUAL DATE AND TIME OF REGISTRATION SEE ORIGINAL GRANT FROM E AND N RAILWAY COMPANY FOR ACTUAL DATE AND TIME OF REGISTRATION SEE ORIGINAL GRANT FROM E & N RAILWAY COMPANY
Nature:	CONDITION
Registration Number:	36265N
Registration Date and Time:	1945-06-27
Remarks:	INTER ALIA SEE DD 36265N.
Nature:	STATUTORY RIGHT OF WAY
Registration Number:	EB33
Registration Date and Time:	1988-01-04 09:14
Registered Owner:	BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
Remarks:	INTER ALIA
Nature:	COVENANT
Registration Number:	EB38728
Registration Date and Time:	1988-05-12 09:04
Registered Owner:	HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA
Remarks:	THE REGIONAL DISTRICT OF NANAIMO INTER ALIA, SECTION 215 LTA

**Attachment 3  
Certificate of Title  
(5 of 12)**

**COMMON PROPERTY SEARCH PRINT**

2018-09-10, 08:20:08

File Reference:

Requestor: Frank Bouma

Nature: RESTRICTIVE COVENANT  
Registration Number: EB106039  
Registration Date and Time: 1988-11-17 13:53  
Remarks: INTER ALIA  
HERETO IS ANNEXED DOMINANT TENEMENT RESTRICTIVE  
COVENANT EB106039 OVER LOTS 1 TO 60, PLAN  
47638, AND LOTS 1 TO 22, PLAN 47639  
15983, 19688, 20762, 22994, 23477,  
23478, 25828, 28544, 28595, 31959, 47638,  
AND 47639,  
4) DISTRICT LOT 78, NANOOSE DISTRICT EXCEPT  
PART SHOWN OUTLINED IN RED ON PLAN DD19579I,  
EXCEPT PARCELS A AND B (DD7528N), AND EXCEPT  
PARTS IN PLANS 813R, 1567 O.S., 14212, 14250,  
14275, 15075, 15193, 22836, 24012, 25366,  
26219, 27129, 27206, 29869, 34675,  
AND 47638,  
5) DISTRICT LOT 7, NANOOSE DISTRICT,  
EXCEPT PART OUTLINED IN RED ON PLAN 1567 O.S.,  
6) DISTRICT LOT 11, NANOOSE DISTRICT,  
EXCEPT PART OUTLINED IN RED ON PLAN 1567 O.S.,  
7) LOT 1, PLAN 26219 EXCEPT PARTS IN PLANS 28246,  
29574, 30072, 30262, 34675, AND 36514,  
8) LOT 2, PLAN 28544,  
9) LOT 8, PLAN 30262.  
DOMINANT TENEMENT CANCELLED AS TO PART  
DEDICATED AS ROAD ON PLAN 48548 -  
EC58033 - 20.06.1989 - K JACQUES PER DC

**Attachment 3  
Certificate of Title  
(6 of 12)**

**COMMON PROPERTY SEARCH PRINT**

File Reference:

2018-09-10, 08:20:08

Requestor: Frank Bouma

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

RESTRICTIVE COVENANT  
EC90316  
1989-09-05 11:05  
INTER ALIA  
HERETO IS ANNEXED DOMINANT TENEMENT RESTRICTIVE  
COVENANT OVER LOTS 1 TO 58, PLAN 49060  
IN PLANS 15193, 26219, AND 48585.  
C) LOT A, DISTRICT LOTS 8, 30 AND 78, NANOOSE  
DISTRICT, PLAN 15193 EXCEPT PART IN  
PLANS 15983, 19688, 20762, 22994, 23477,  
23478, 25828, 28544, 28595, 31959, 47638,  
47639, 48548, 48585.  
D) DISTRICT LOT 78, NANOOSE DISTRICT, EXCEPT  
PART SHOWN IN RED ON PLAN DEPOSITED  
DD 19579I; EXCEPT PARCELS A AND B  
(DD 7528N); AND EXCEPT PARTS IN PLANS  
813R, 1567 O.S., 14212, 14250, 14275, 15075,  
15193, 22836, 24012, 25366, 26219, 27129,  
27206, 29869, 34675, 47638, 48548, 48585.  
E) DISTRICT LOT 7, NANOOSE DISTRICT, EXCEPT  
PART OUTLINED IN RED ON PLAN 1567 O.S.  
AND EXCEPT PART IN PLAN 48548.  
F) DISTRICT LOT 11, NANOOSE DISTRICT EXCEPT  
PART IN RED ON PLAN 1567 O.S. AND EXCEPT  
PART IN PLAN 48548.  
G) LOT 1, DISTRICT LOTS 30 AND 78, NANOOSE  
DISTRICT, PLAN 26219, EXCEPT PARTS IN PLANS  
28246, 29574, 30072, 30262, 34675, 36514,  
48548.  
H) LOT 2, DISTRICT LOT 78, NANOOSE DISTRICT,  
PLAN 28544.  
I) LOT 8, DISTRICT LOT 78, NANOOSE DISTRICT,  
PLAN 30262.

**Attachment 3  
Certificate of Title  
(7 of 12)**

**COMMON PROPERTY SEARCH PRINT**

2018-09-10, 08:20:08

File Reference:

Requestor: Frank Bouma

Nature: RESTRICTIVE COVENANT  
Registration Number: ED100369  
Registration Date and Time: 1990-09-21 13:59  
Remarks: INTER ALIA  
HERETO IS ANNEXED DOMINANT TENEMENT RESTRICTIVE COVENANT ED100369 OVER LOTS 1 TO 84, PLAN 51142, MODIFIED BY ED115329  
15983, 19688, 20762, 22994, 23477, 23478, 25828, 28544, 28595, 31959, 47638, 47639, 48548 AND 48585  
4) DISTRICT LOT 78, NANOOSE DISTRICT, EXCEPT PART OUTLINED IN RED ON PLAN DD 19579I, EXCEPT PARCELS A AND B (DD 7528N), AND EXCEPT PARTS IN PLANS 813R, 1567 OS, 14212, 14250, 14275, 15075, 15193, 22836, 24012, 25366, 26219, 27129, 27206, 29869, 34675, 47638, 48548, 48585, 49669, 50872 AND 51142  
5) DISTRICT LOT 7, NANOOSE DISTRICT, EXCEPT PART OUTLINED IN RED ON PLAN 1567 OS, AND EXCEPT PART IN PLAN 48548  
6) DISTRICT LOT 11, NANOOSE DISTRICT, EXCEPT PART OUTLINED IN RED ON PLAN 1567 OS, AND EXCEPT PART IN PLAN 48548  
7) LOT 1, DISTRICT LOTS 30 AND 78, NANOOSE DISTRICT, PLAN 26219, EXCEPT PARTS IN PLANS 28246, 29574, 30072, 30262, 34675, 36514 AND 48548  
8) LOT 2, DISTRICT LOT 78, NANOOSE DISTRICT, PLAN 28544  
9) LOT 8, DISTRICT LOT 78, NANOOSE DISTRICT, PLAN 30262  
10) LOT 1, DISTRICT LOTS 8, 30 AND 78, NANOOSE DISTRICT, PLAN 48585, EXCEPT PART IN PLAN 51142  
MODIFIED BY ED115329

Nature: EASEMENT  
Registration Number: ED104610  
Registration Date and Time: 1990-10-03 09:03  
Remarks: INTER ALIA  
HERETO IS ANNEXED EASEMENT ED104610 OVER THAT PART OF LOT 47, PLAN 51142 INCLUDED IN PLAN 51195

**Attachment 3  
Certificate of Title  
(8 of 12)**

**COMMON PROPERTY SEARCH PRINT**

2018-09-10, 08:20:08

File Reference:

Requestor: Frank Bouma

Nature: EASEMENT  
Registration Number: ED104613  
Registration Date and Time: 1990-10-03 09:04  
Remarks: INTER ALIA  
HERETO IS ANNEXED EASEMENT ED104613 OVER THAT  
PART OF LOT 53, PLAN 51142 INCLUDED IN PLAN 51196

Nature: RESTRICTIVE COVENANT  
Registration Number: ED131358  
Registration Date and Time: 1990-12-17 09:14  
Remarks: INTER ALIA  
HERETO IS ANNEXED DOMINANT TENEMENT RESTRICTIVE  
COVENANT ED131358 OVER LOTS 1 TO 34,  
PLAN VIP51603  
F) DL 7, NANOOSE DISTRICT EXCEPT PLAN  
1567 O.S. AND 48548,  
G) DL 78, NANOOSE DISTRICT EXCEPT PLAN  
DD 19579I, EXCEPT PARCELS A AND B  
(DD7528N), AND EXCEPT PLANS 813R, 1567 O.S.,  
14212, 14250, 14275, 15075, 15193, 22836,  
24012, 25366, 26219, 27129, 27206, 29869,  
34675, 47638, 48548, 48585, 49669, 50872,  
51142, VIP51603,  
H) LOT A, PLAN 15193, EXCEPT PLANS 15983,  
19688, 20762, 22994, 23477, 23478, 25828,  
28544, 28595, 31959, 47638, 47639, 48548,  
48585,  
I) DL 30, NANOOSE DISTRICT, EXCEPT PLANS  
15193, 26219, 48585,  
J) DL 8, NANOOSE DISTRICT, PLAN 15193, 48548,  
HERETO IS ANNEXED RESTRICTIVE COVENANT ED131358  
OVER LOTS 1 TO 34, PLAN VIP51603

**Attachment 3  
Certificate of Title  
(9 of 12)**

**COMMON PROPERTY SEARCH PRINT**

File Reference:

2018-09-10, 08:20:08  
Requestor: Frank Bouma

Nature: RESTRICTIVE COVENANT  
Registration Number: ED134378  
Registration Date and Time: 1990-12-24 12:48  
Remarks: INTER ALIA  
HERETO IS ANNEXED RESTRICTIVE COVENANT ED134378  
OVER LOTS 1 TO 50, PLAN VIP51707  
31959, 47638, 47639, 48548, 48585 AND VIP51707  
D) DISTRICT LOT 78, NANOOSE DISTRICT, EXCEPT THAT  
PART IN RED ON PLAN DEPOSITED UNDER DD 195791;  
EXCEPT PARCELS A AND B (DD 7528N); AND EXCEPT  
PLANS 813R, 1567OS, 14212, 14250, 14275, 15075  
15193, 22836, 24012, 25366, 26219, 27129, 27206  
29869, 34675, 47638, 48548, 48585, 49669, 50872  
51142, VIP51603, VIP51706 AND VIP51707  
E) DISTRICT LOT 7, NANOOSE DISTRICT, EXCEPT THAT  
PART OUTLINED IN RED ON PLAN 1567OS, AND  
EXCEPT PLAN 48548  
F) DISTRICT LOT 11, NANOOSE DISTRICT, EXCEPT THAT  
PART OUTLINED IN RED ON PLAN 1567OS, AND  
EXCEPT PLAN 48548  
G) LOT 1, PLAN 26219, EXCEPT PLANS 28246, 29574,  
30072, 30262, 34675, 36514 AND 48548  
H) LOT 2, PLAN 28544  
I) LOT 8, PLAN 30262  
J) LOT 1, PLAN 48585, EXCEPT PLAN 51142



**Attachment 3  
Certificate of Title  
(10 of 12)**

**COMMON PROPERTY SEARCH PRINT**

2018-09-10, 08:20:08

File Reference:

Requestor: Frank Bouma

Nature: RESTRICTIVE COVENANT  
Registration Number: EE114912  
Registration Date and Time: 1991-10-15 10:30  
Remarks: INTER ALIA  
HERETO IS ANNEXED RESTRICTIVE COVENANTS EE114912  
TO EE114978 INCLUSIVE OVER LOTS 1 TO 67, INCLUSIVE  
PLAN VIP53134  
20762, 22994, 23477, 23478, 25828, 28544,  
28595, 31959, 47638, 47639, 48548, AND  
48585;  
DISTRICT LOT 78, NANOOSE DISTRICT EXCEPT  
PARCELS A AND B, EXCEPT PARTS IN PLANS  
DD19579I, 813R, 1567OS, 14212, 14250, 14275,  
15075, 15193, 22836, 24012, 25366, 26219,  
27129, 27206, 29869, 34675, 47638, 48548,  
48585, 49669, 50872, 51142, VIP51603,  
VIP51706, VIP51707 AND VIP53134;  
DISTRICT LOT 7, NANOOSE EXCEPT PLANS  
1567OS AND 48548;  
DISTRICT LOT 11, NANOOSE DISTRICT EXCEPT  
PLANS 1567OS AND 48548;  
LOT 1, PLAN 26219 EXCEPT PLANS 28246, 29574,  
30072, 30262, 34675, 36514, 48548 AND VIP53001;  
LOT 8, PLAN 30262;  
LOT 1, PLAN 48585 EXCEPT PLAN 51142

Nature: EASEMENT  
Registration Number: EE125863  
Registration Date and Time: 1991-11-08 11:19  
Remarks: INTER ALIA  
PART IN PLAN VIP53271  
APPURTENANT TO LOTS 62, 63, 64, 65 AND 67,  
PLAN VIP53134

Nature: STATUTORY RIGHT OF WAY  
Registration Number: EG40097  
Registration Date and Time: 1993-04-05 11:36  
Registered Owner: REGIONAL DISTRICT OF NANAIMO  
Remarks: INTER ALIA

Nature: EASEMENT  
Registration Number: EH118312  
Registration Date and Time: 1994-08-31 14:22  
Remarks: INTER ALIA  
DOMINANT TENEMENT EASEMENT OVER THOSE PARTS OF  
STRATA LOTS 1 TO 51 STRATA PLAN VIS3393 INCLUDED  
IN PLAN VIP59712

**Attachment 3  
Certificate of Title  
(11 of 12)**

**COMMON PROPERTY SEARCH PRINT**

2018-09-10, 08:20:08

File Reference:

Requestor: Frank Bouma

Nature: STATUTORY RIGHT OF WAY  
Registration Number: EH118318  
Registration Date and Time: 1994-08-31 14:23  
Registered Owner: REGIONAL DISTRICT OF NANAIMO

Nature: EASEMENT  
Registration Number: EH118325  
Registration Date and Time: 1994-08-31 14:25  
Remarks: INTER ALIA  
DOMINANT TENEMENT EASEMENT OVER THAT PART OF  
STRATA LOT 1, STRATA PLAN VIS3393 INCLUDED IN  
PLAN VIP59714

Nature: EASEMENT  
Registration Number: EH118349  
Registration Date and Time: 1994-08-31 14:29  
Remarks: INTER ALIA  
DOMINANT TENEMENT EASEMENT OVER THAT PART OF  
STRATA LOT 23, STRATA PLAN VIS3393 INCLUDED IN  
PLAN VIP59722

Nature: EASEMENT  
Registration Number: EH118352  
Registration Date and Time: 1994-08-31 14:29  
Remarks: INTER ALIA  
DOMINANT TENEMENT EASEMENT OVER THOSE PARTS OF  
STRATA LOTS 29 AND 30, STRATA PLAN VIS3393  
INCLUDED IN PLAN VIP59723

Nature: EASEMENT  
Registration Number: EH118361  
Registration Date and Time: 1994-08-31 14:30  
Remarks: INTER ALIA  
DOMINANT TENEMENT EASEMENT OVER THAT PART OF  
STRATA LOT 34, STRATA PLAN VIS3393 INCLUDED  
IN PLAN VIP59726

Nature: EASEMENT  
Registration Number: EH139736  
Registration Date and Time: 1994-10-24 09:05  
Remarks: INTER ALIA  
HERETO IS ANNEXED DOMINANT TENEMENT  
EASEMENT OVER PART OF STRATA LOT 65,  
STRATA PLAN VIS3393 AS SHOWN ON PLAN VIP60053

**Attachment 3  
Certificate of Title  
(12 of 12)**

**COMMON PROPERTY SEARCH PRINT**

2018-09-10, 08:20:08

File Reference:

Requestor: Frank Bouma

Nature: EASEMENT  
Registration Number: EH139744  
Registration Date and Time: 1994-10-24 09:05  
Remarks: INTER ALIA  
HERETO IS ANNEXED DOMINANT TENEMENT EASEMENT  
OVER PART OF STRATA LOTS 69, 72, 73, 74, 81 - 84  
STRATA PLAN VIS3393 AS SHOWN ON PLAN VIP60055

Nature: EASEMENT  
Registration Number: EH139752  
Registration Date and Time: 1994-10-24 09:06  
Remarks: INTER ALIA  
HERETO IS ANNEXED DOMINANT TENEMENT EASEMENT  
OVER PART OF STRATA LOTS 52 - 86 INCL.,  
STRATA PLAN VIS3393 AS SHOWN ON PLAN VIP60057

Nature: STATUTORY RIGHT OF WAY  
Registration Number: EV23370  
Registration Date and Time: 2003-03-07 14:55  
Registered Owner: TERASEN GAS (VANCOUVER ISLAND) INC.  
INCORPORATION NO. 236352  
Transfer Number: EV102431  
Remarks: PART IN PLAN VIP59712 AND VIP60057

**Miscellaneous Notes:** NONE



**Attachment 4  
Correspondence from Applicant  
(1 of 8)**



**Top Ribbon is highest ridge**



**Attachment 4  
Correspondence from Applicant  
(2 of 8)**



**Looking down onto the building site**



**Attachment 4  
Correspondence from Applicant  
(3 of 8)**



**Looking up at the North neighbor**



**Attachment 4  
Correspondence from Applicant  
(4 of 8)**



**Looking up at North neighbor**



**Attachment 4  
Correspondence from Applicant  
(5 of 8)**

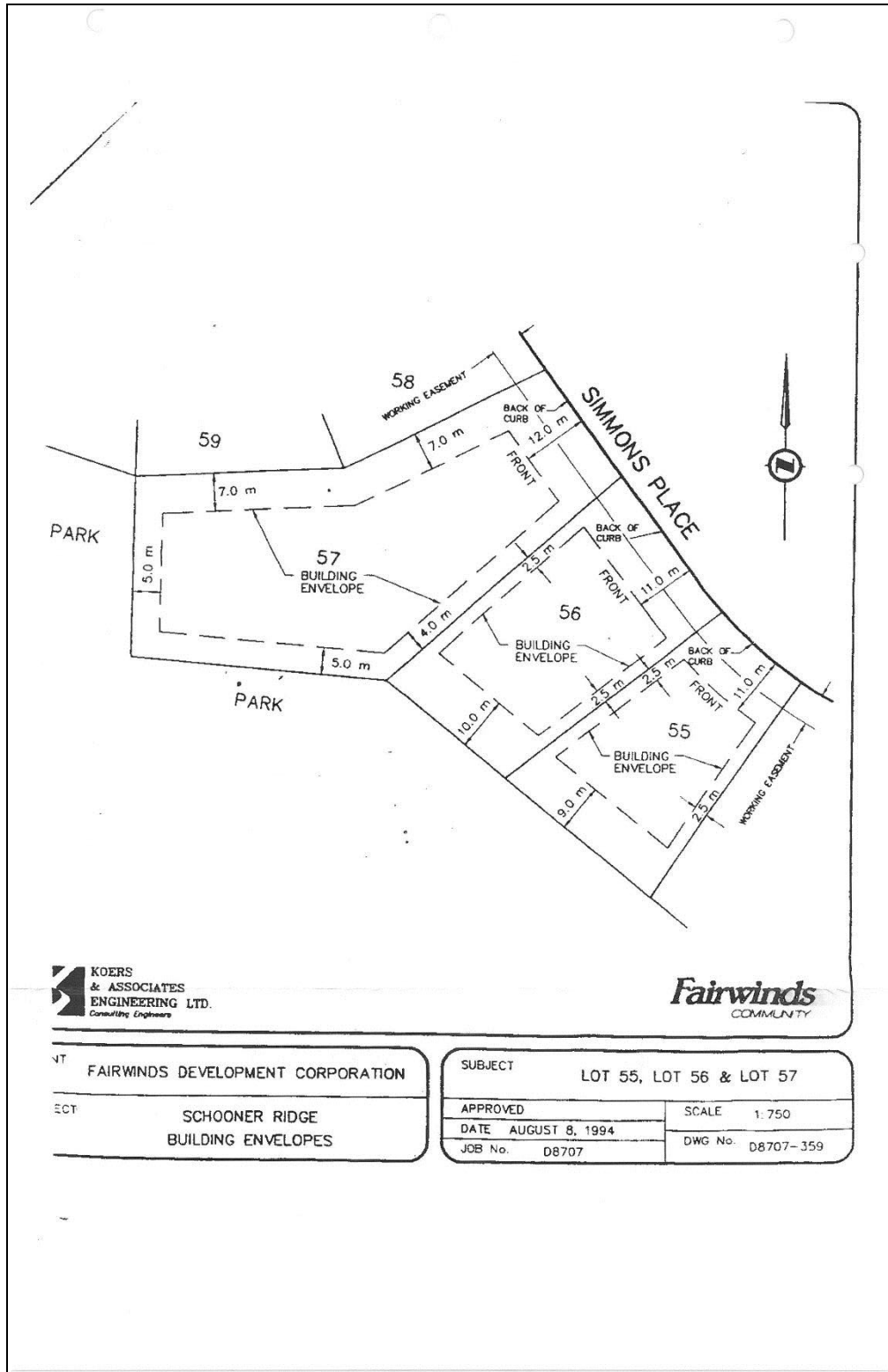


**View from the street showing cross grade**





**Attachment 4**  
**Correspondence from Applicant**  
**(7 of 8)**



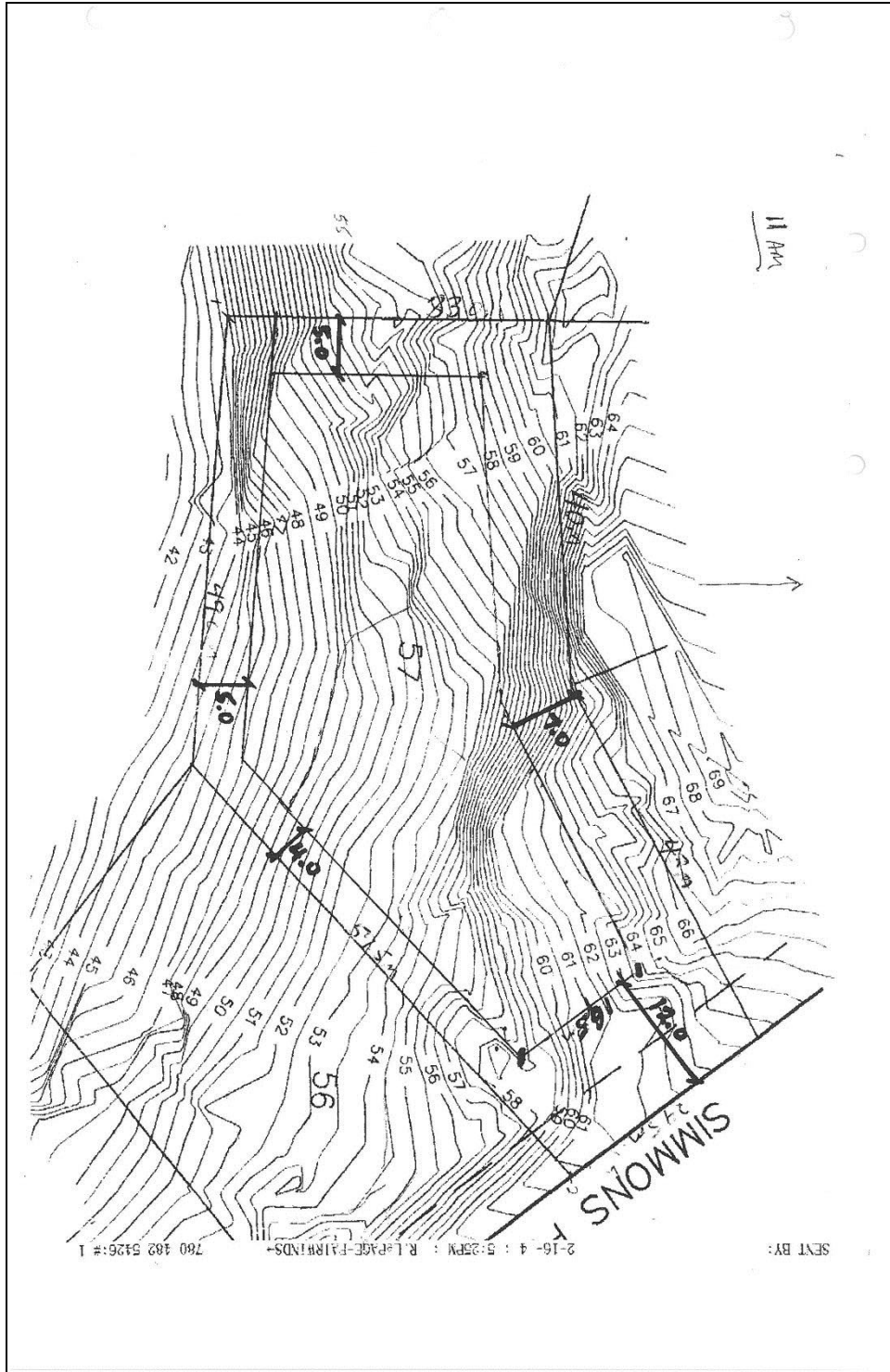
**KOERS & ASSOCIATES ENGINEERING LTD.**  
 Consulting Engineers

**Fairwinds**  
 COMMUNITY

CLIENT	FAIRWINDS DEVELOPMENT CORPORATION
PROJECT	SCHOONER RIDGE BUILDING ENVELOPES

SUBJECT		LOT 55, LOT 56 & LOT 57	
APPROVED		SCALE	1:750
DATE	AUGUST 8, 1994	DWG No.	D8707-359
JOB No.	D8707		

**Attachment 4**  
**Correspondence from Applicant**  
**(8 of 8)**



**Attachment 5  
Notification  
(1 of 6)**



**NOTICE OF MEETING  
BOARD OF VARIANCE  
November 14, 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, November 14, 2018 at 4:00 pm in the Committee Room of the Regional District of Nanaimo to hear the following appeal:

APPEAL NO: BOV PL2018-145  
OWNER: Francis & Carolyn Bouma  
LOCATION: STRATA LOT 57, DISTRICT LOT 78, NANOOSE DISTRICT, STRATA PLAN VIS3393 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1  
CIVIC: Simmons Place  
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 10.9 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.

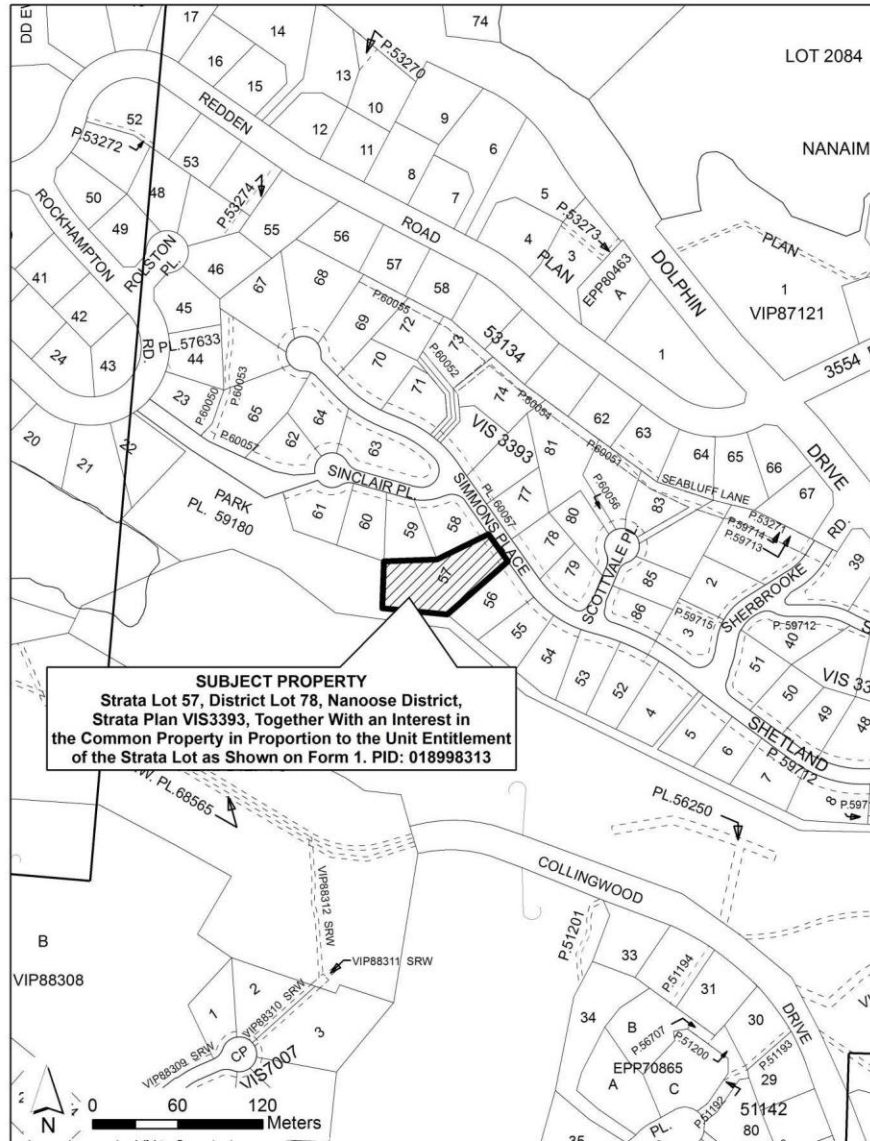
This appeal may be viewed at the offices of the Regional District of Nanaimo Strategic and Community Development department.

Further Information can also be found at the following:

250-390-6510 / 1-877-607-4111  
ssyme@rdn.bc.ca  
www.rdn.bc.ca/board-of-variance  
Strategic & Community Development  
6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2

**Attachment 5  
Notification  
(2 of 6)**

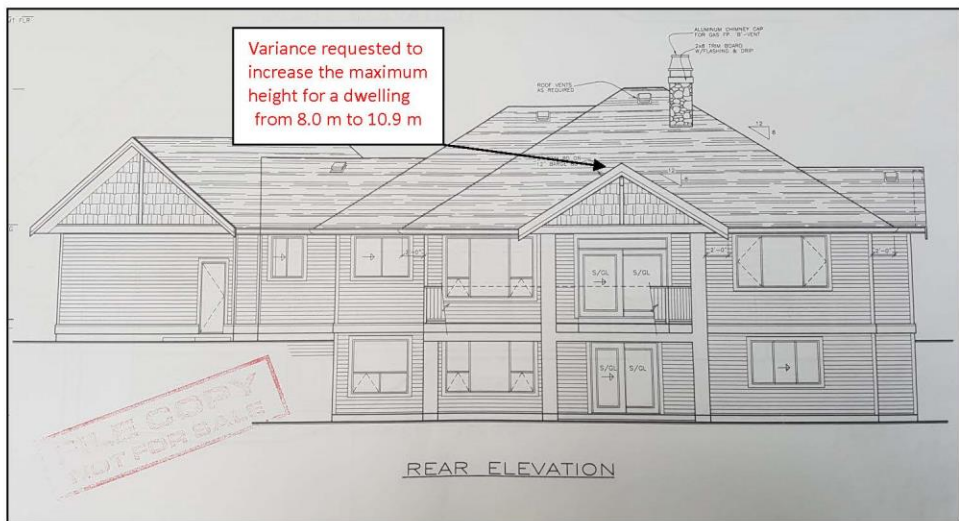
**Attachment 1  
Location of Subject Property**





**Attachment 5  
Notification  
(4 of 6)**

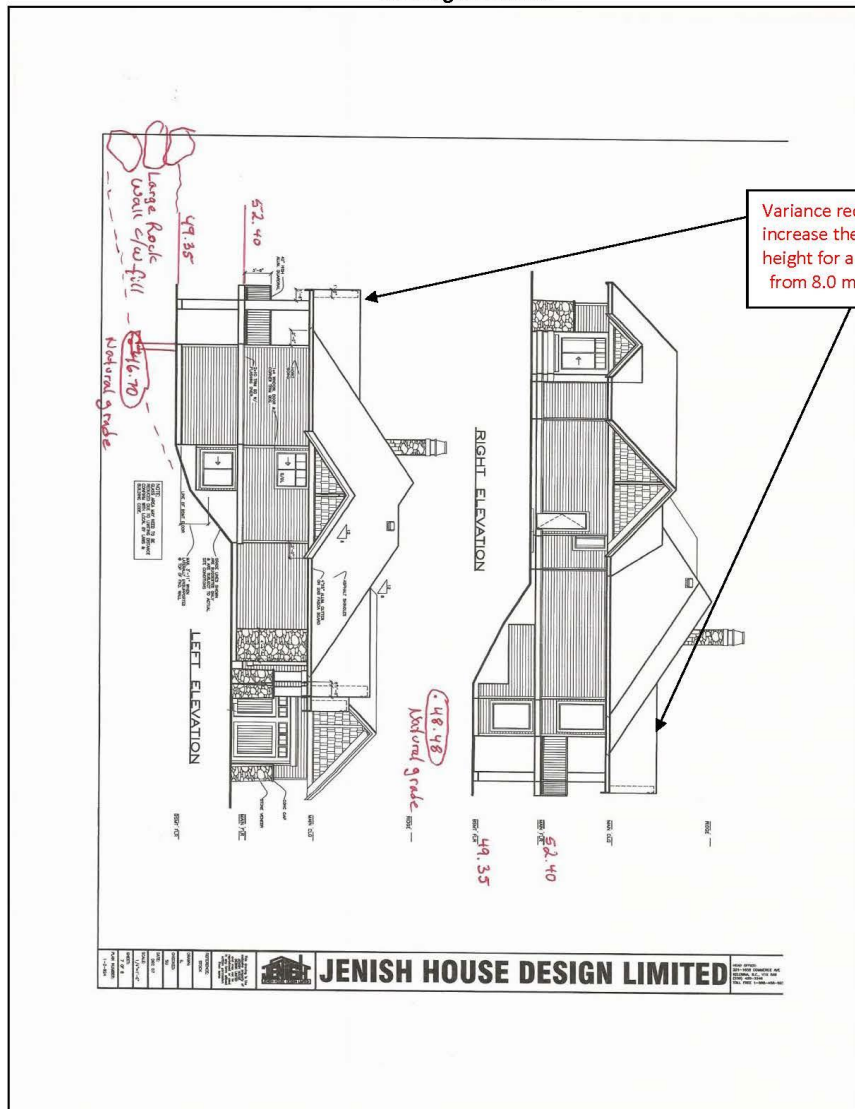
**Attachment 3  
(1 of 2)  
Building Elevations**





**Attachment 5  
Notification  
(5 of 6)**

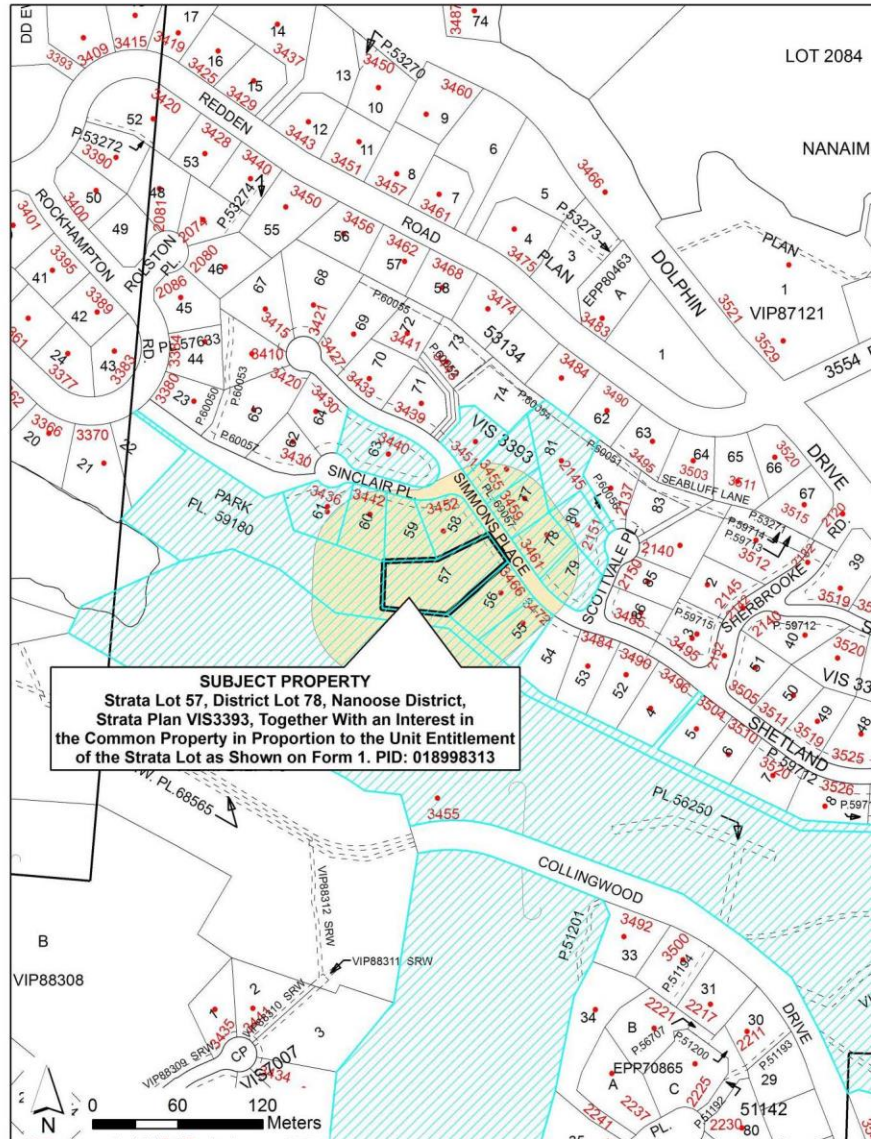
**Attachment 3  
(2 of 2)  
Building Elevations**





**Attachment 5  
Notification  
(6 of 6)**

**Attachment 4  
50m Notification Map**



**TO:** Board of Variance **DATE:** November 14, 2016  
**FILE:** PL2018-162  
**SUBJECT:** Board of Variance Appeal No. PL2018-162  
1640 MacMillan Road – Electoral Area A

OWNER:	The Board of Education of School District No.68 (Nanaimo-Ladysmith)
LOCATION:	LOT A, SECTION 16, RANGE 8, CRANBERRY DISTRICT AND OF SECTION 16, RANGE 1, CEDAR DISTRICT, PLAN 48768
CIVIC:	1640 MacMillan Drive
ELECTORAL AREA	A
PURPOSE	<p>The applicant is requesting the following:</p> <p>That the Board vary “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500, 1987”</p> <ul style="list-style-type: none"> <li>• That the Minimum Setback Requirements of “other lot lines” for a sign be reduced from 5.0 m to 2.49 m</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 3.4.41**

*Minimum Setback Requirements for “other lot lines” be reduced from 5.0 m to 2.49 m*

Attachments to this appeal include:

1. Subject Property Map
2. Application
3. Certificate of Title
4. Notification



**Attachment 2  
Application  
(1 of 7)**



From the Department of Facilities

September 19, 2018

To Whom It May Concern:

Re: Cedar Secondary School sign replacement

With reference to the proposed school sign replacement at Cedar Secondary School, we respectfully offer the following explanation for its location and features.

We believe that the location of the existing illuminated school sign provides the highest visibility to the greatest number of passing vehicles and pedestrians without compromising local residential areas with inordinate light levels. The new sign will be placed in the same location as the existing sign (perpendicular to the adjacent road) and will be operated under conditions dictated by current bylaws. It is more energy efficient than the current sign and will be visually more appealing as it features a dimmable LED display. We contend that to comply with current set-back requirements, the sign would be placed too close to the school and it would lose much of its visual impact.

Due to its digital control, the sign has the ability to be changed quickly to respond to any school or community notices that may be required.

It is with these aspects in mind that we respectfully request that the current location be accepted for the replacement sign.

Sincerely,

Mike Ross  
Facilities Planning Manager

**Attachment 2  
 Application  
 (2 of 7)**



Strategic & Community Development Department

6300 Hammond Bay Road Nanaimo, BC V9T 6N2  
 250-390-6510 (Nanaimo) 250-954-3798 (District 68)  
 1-877-807-4111 (within BC) Fax: 250-390-7511

**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 A, Plan VIP48768, Section 16, Range 8, Cranberry Land Dist, & of Sec 16, Rge 1, Cedar Dist; N Cedar School

Civic Address 1640 MacMillan Road, Nanaimo, BC V9X 1L9

Electoral Area \_\_\_\_\_ Parcel Identifier (P I D) 014-379-716

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

Board of Education of School District No 68  
 (Nanaimo Ladysmith)

1) Name _____	2) Name _____
395 Wakeshah Avenue	
Mailing Address _____	Mailing Address _____
Nanaimo, BC V9R 3K6	
Town / Province _____	Postal Code _____
Telephone/ Cell _____	Fax _____
Email _____	Email _____

I would prefer all correspondence via:  email  regular mail  fax

**SECTION 3: AGENT INFORMATION**

HI-Lite Signs	P.O. Box 1245 PS A	Comox, BC
Name _____	Mailing Address _____	Town/Province _____
V9M 7Z8		
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  
(3 of 7)**

**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

SEPT 13/18  
\_\_\_\_\_  
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  
(4 of 7)**



**Riparian Areas Regulations  
Property Declaration Form**

Property Subject Legal Description: Lot A, Plan VIP48768, Section 16, Range 8, Cranberry Land District, & of Sec 16, Rge 1, Cedar Land District: N. Cedar School

Subject Property Address: 1640 MacMillan Road, Nanaimo, BC V9X 1L9

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 \_\_\_\_\_

Print Name(s): 1 Mike Voss 2 \_\_\_\_\_

Mailing Address: 395 Wakesiah Avenue, Nanaimo, BC

Postal Code: V9R 3K6 Phone: [Redacted]

Witnessed By: \_\_\_\_\_ Date: \_\_\_\_\_







**Attachment 2  
Application  
(6 of 7)**



**Authorization Letter for Agent**

I/ We Board of Education of School District No 68 (Nanaimo-Ladysmith), the owners of property legally described as Lot A, Plan VIP487868, Section 16, Range 8, Cranberry Land Dist, & of Sec 16, Rge 1, Cedar Dist: N Cedar School at 1640 MacMillan Road, Nanaimo, BC V9X 1L9 (*Legal Description*) authorized Hi-Lite Signs (*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.

 SEPT. 13/18  
*Signature of Owner* *Date*

\_\_\_\_\_  
*Signature of Owner* *Date*

**Attachment 2  
Application  
(7 of 7)**



September 5, 2018

0016-260

Via email: bryan [REDACTED]

School District #68 (Nanaimo-Ladysmith)  
395 Wakesiah Ave  
Nanaimo, BC  
V9R 3K6

Attn: Bryan Badgley, Facilities Planner

**Re: Secondary School Sign Replacement Program  
Structural Foundation Review**

Dear Bryan:

This letter pertains to the following schools:

- Cedar Community Secondary School (CCSS)
- John Barsby Community School (JBS)
- Wellington Secondary School (WSS)

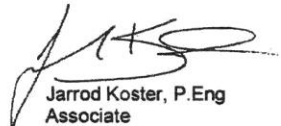
At the request of SD #68, Herold Engineering Limited reviewed the demand on the existing foundations at the above noted schools. The existing demand was compared to the proposed new sign configurations by Hi-Lite Signs (August 10, 2018) in order to determine if the existing foundations can be re-used.

It is the opinion of Herold Engineering Limited that the existing foundations are capable of carrying the design loads of the new sign configurations.

We trust this meets your current requirements. If you have any further questions or comments please contact the undersigned.

Yours truly,

**HEROLD ENGINEERING LIMITED**



Jarrod Koster, P.Eng  
Associate

2018.09.05

3701 Shenton Road, Nanaimo, BC V9T 2H1 Telephone: 250-751-8558 Email: mail@heroldengineering.com

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

**TITLE SEARCH PRINT**

File Reference:

2018-09-19, 09:42:37

Requestor: Ruth Williams

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

<b>Land Title District</b> Land Title Office	VICTORIA VICTORIA
<b>Title Number</b> From Title Number	FB310165 EC64478
<b>Application Received</b>	2009-10-30
<b>Application Entered</b>	2009-11-12
<b>Registered Owner in Fee Simple</b> Registered Owner/Mailing Address:	THE BOARD OF EDUCATION OF SCHOOL DISTRICT NO. 68 (NANAIMO-LADYSMITH) 395 WAKESIAH AVENUE NANAIMO, BC V9R 3K6
<b>Taxation Authority</b>	Nanaimo/Cowichan Assessment Area North Cedar Improvement District
<b>Description of Land</b> Parcel Identifier: Legal Description:	014-379-716 LOT A, SECTION 16, RANGE 8, CRANBERRY DISTRICT AND OF SECTION 16, RANGE 1, CEDAR DISTRICT, PLAN 48768

**Legal Notations**

THIS CERTIFICATE OF TITLE MAY BE AFFECTED BY THE AGRICULTURAL LAND COMMISSION ACT: SEE AGRICULTURAL LAND RESERVE PLAN NO. 5 DEPOSITED 26 07 1974 R.E. HOOPER REGISTRAR, PER: M. C.

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE MUNICIPAL ACT, SEE EN40599

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL GOVERNMENT ACT, SEE ES20185

Title Number: FB310165

TITLE SEARCH PRINT

Page 1 of 2

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

**TITLE SEARCH PRINT**

2018-09-19, 09:42:37

File Reference:

Requestor: Ruth Williams

**Charges, Liens and Interests**

Nature:	UNDERSURFACE RIGHTS
Registration Number:	D23415
Registration Date and Time:	1975-01-27 08:10
Registered Owner:	HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA
Remarks:	INTER ALIA ASSIGNMENT OF 51756G (SEE 6238N & 379902I) SEE 325370G, 325378G, AND 325383G.

Nature:	LEASE
Registration Number:	EP107413
Registration Date and Time:	2000-12-20 09:49
Registered Owner:	REGIONAL DISTRICT OF NANAIMO
Remarks:	PART SHOWN ON PLAN VIP71705

**Duplicate Indefeasible Title** NONE OUTSTANDING

**Transfers** NONE

**Pending Applications** NONE

**Attachment 4  
Notification  
(1 of 8)**



**NOTICE OF MEETING  
BOARD OF VARIANCE  
November 14, 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, November 14, 2018 at 4:00 pm in the Committee Room of the Regional District of Nanaimo to hear the following appeal:

APPEAL NO: BOV PL2018-162  
OWNER: School District No. 68 Nanaimo Ladysmith  
LOCATION: LOT A, SECTION 16, RANGE 8, CRANBERRY DISTRICT AND OF SECTION 16, RANGE 1, CEDAR DISTRICT, PLAN 48768  
CIVIC: 1640 MacMillan Road  
ELECTORAL AREA A  
PURPOSE The applicant is requesting the following:

- That the maximum setback for a sign be reduced from 5.0 m to 2.49 m.

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

**Section 3.4.41** *Maximum Setback Requirements from "other lot lines" – 5.0 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.

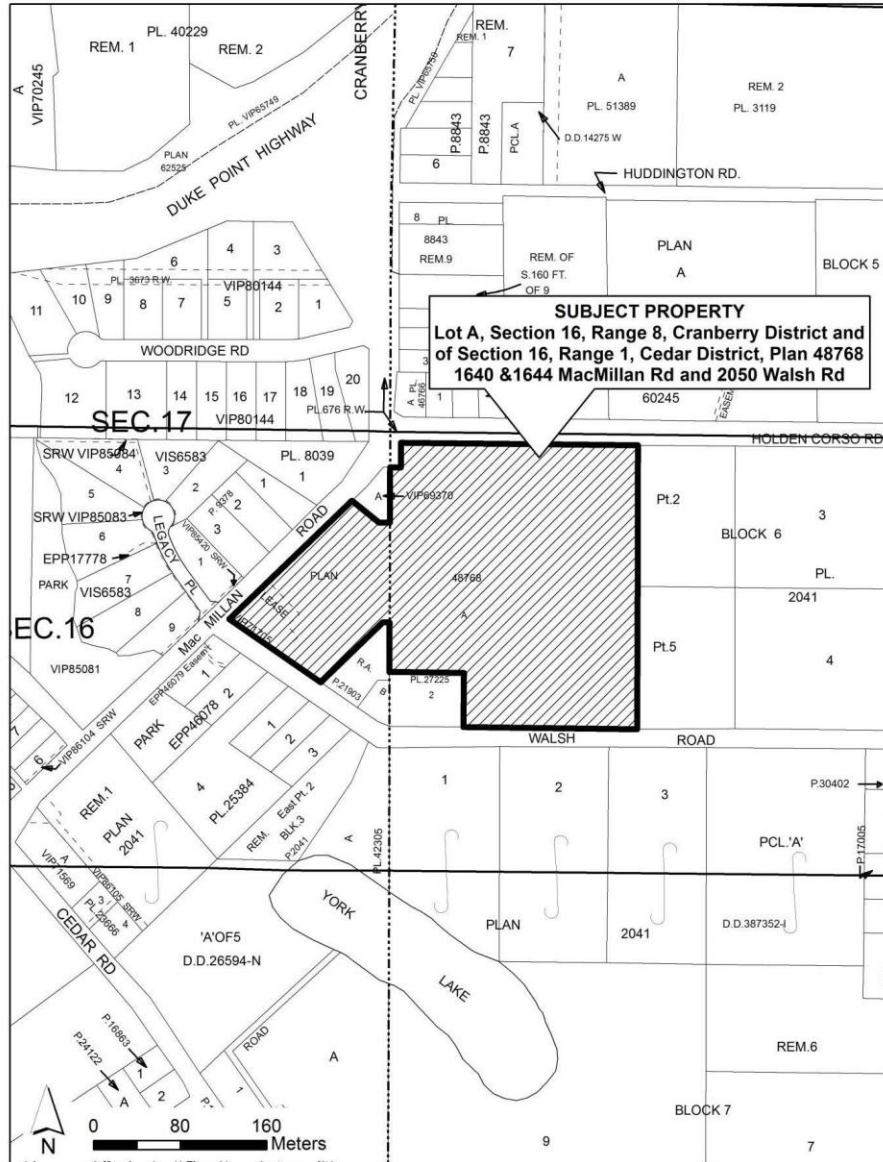
This appeal may be viewed at the offices of the Regional District of Nanaimo Strategic and Community Development department.

Further Information can also be found at the following:

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ssyme@rdn.bc.ca  
www.rdn.bc.ca/board-of-variance  
Strategic & Community Development  
6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2

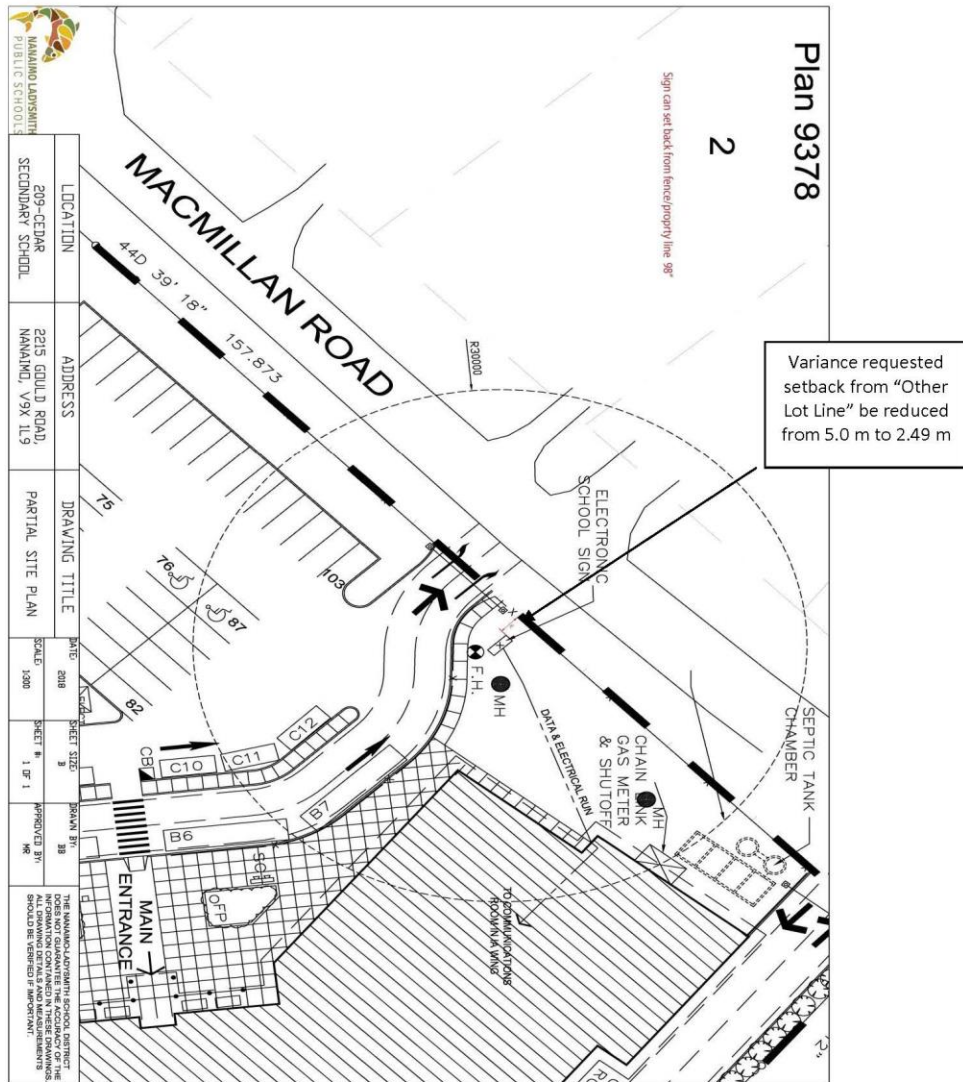
**Attachment 4  
Notification  
(2 of 8)**

**Attachment 1  
Location of Subject Property**

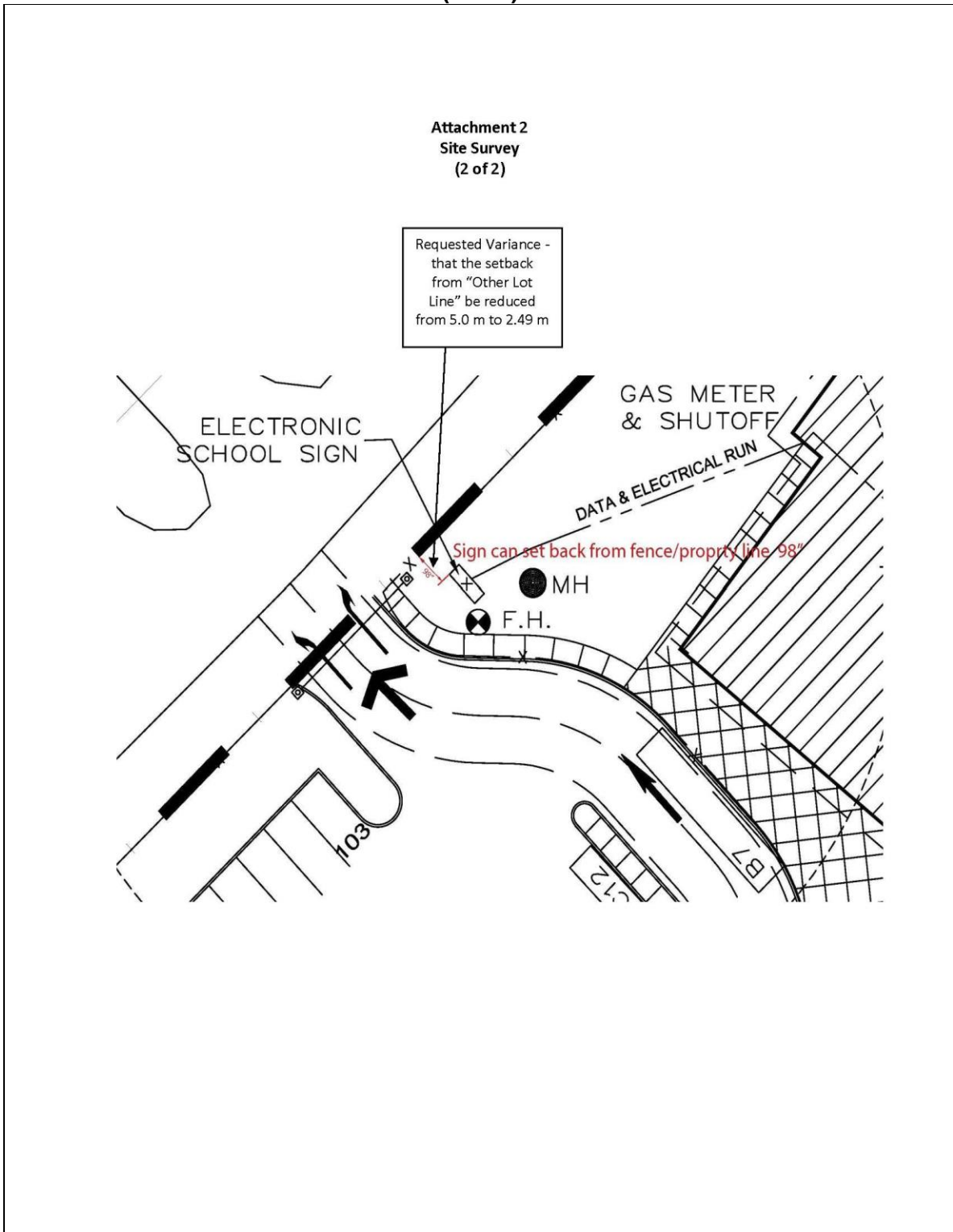


**Attachment 4  
 Notification  
 (3 of 8)**

**Attachment 2  
 Site Survey  
 (1 of 2)**



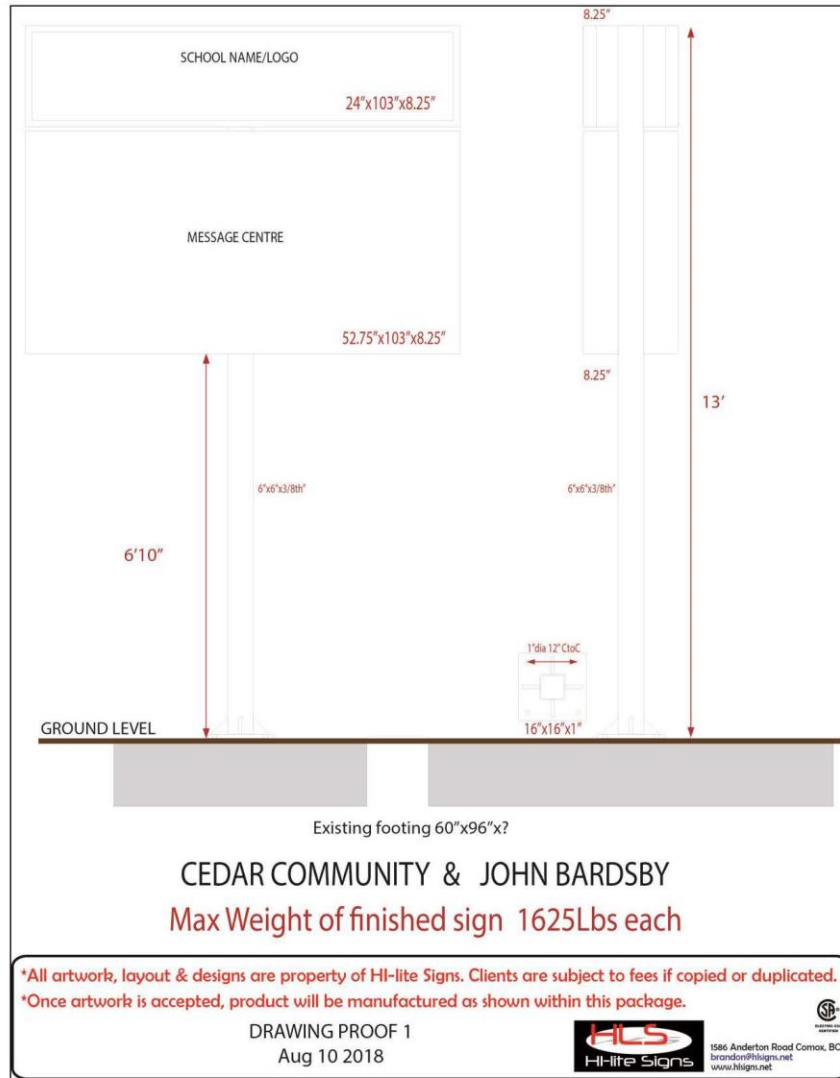
**Attachment 4  
Notification  
(4 of 8)**





**Attachment 4  
Notification  
(5 of 8)**

**Attachment 3  
Building Elevations  
(1 of 3)**



**Attachment 4  
Notification  
(6 of 8)**

**Attachment 3  
Building Elevations  
(2 of 3)**



**Attachment 4  
Notification  
(7 of 8)**

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



**Attachment 4  
Notification  
(8 of 8)**

**Attachment 4  
50 m Notification Map**

