



DEVELOPMENT VARIANCE PERMIT NO. DVP00235

**THE OWNER'S, STRATA PLAN VIS4541 on behalf of
the Owners of Strata Lots 1 – 70, VIS4541**

Name of Owner(s) of Land (Permittee)

Civic Address: 6728 & 6738 DICKINSON ROAD

1. This development variance permit is issued subject to compliance with all of the bylaws of the municipality applicable thereto, except as specifically varied by this permit.
2. This permit applies to and only to those lands within the municipality described below, and any and all building structures and other developments thereon:

Legal Description:

**STRATA LOTS 1-70, DISTRICT LOT 53, WELLINGTON DISTRICT,
STRATA PLAN VIS4541**

3. The City of Nanaimo "SIGN BYLAW 1987 NO. 2850" is hereby varied as follows:

Section 6(1)(C)


Real Estate signs shall be removed from the property two years from the date the sign is erected.

4. The permittee, as a condition of the issuance of this permit, shall develop the land described herein strictly in accordance with the following terms and conditions and provisions and in accordance with any plans and specifications attached hereto which shall form a part thereof.

Schedule A Location Plan
Schedule B Rationale
Schedule C Existing Signage (photo)

5. An extension has been granted for the existing sign to remain erected on the subject property for an additional two years, until 2016-JUL-14.
6. This permit prevails over the provisions of the bylaw in the event of conflict.
7. This permit is not a building permit nor does it constitute approval of any signage. Separate applications must be made for a building permit and sign permit.

AUTHORIZING RESOLUTION PASSED BY COUNCIL
THE 14TH DAY OF JULY, 2014.



Corporate Officer

2014. Jul. 18

Date

DS/lb
Prospero attachment: DVP00235

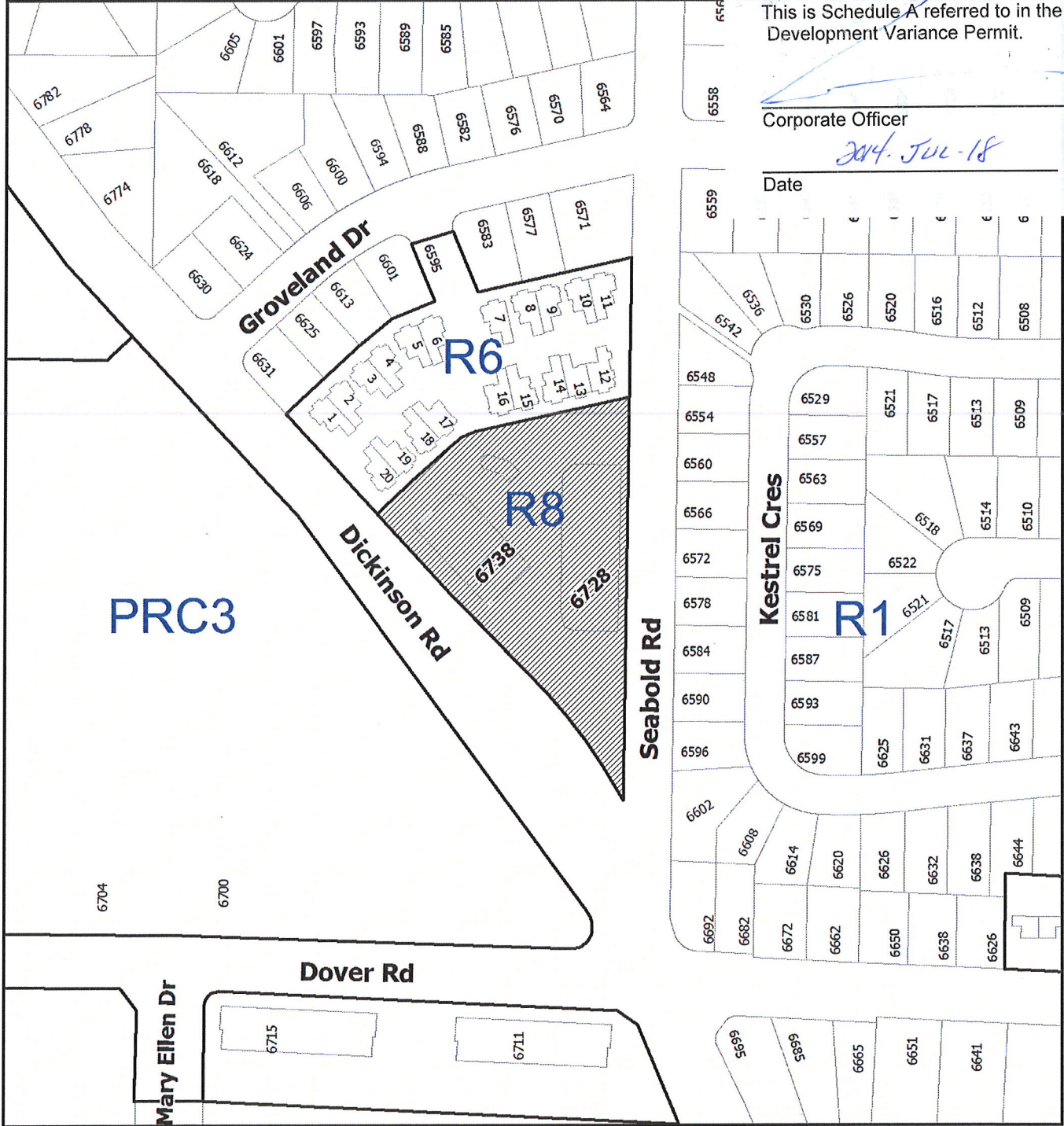
SCHEDULE A

This is Schedule A referred to in the Development Variance Permit.

Corporate Officer

2014. Jul-18


Date



DEVELOPMENT VARIANCE PERMIT NO. DVP00235

LOCATION PLAN

Civic: 6728 and 6738 Dickinson Road
Common Property Strata Plan VIS4541

 **Subject Property**

This is Schedule B referred to in the Development Variance Permit.

VINING SENINI

An Association of Law Corporations

Corporate Officer

Brett R. Vining*
D. Douglas Torrie*
Bentley J. Falkenberg*

Brian J. Senini*
R. Dean Oliphant*
Trent A.B. Vining*

Tel: (_____
Fax: _____ Date
P.O. _____
30 Front Street
Nanaimo, B.C. V9R 5K9

2014. Jul-18

*denotes Law Corporation

OUR FILE: 206232
REPLY TO: Brian J. Senini
Email: bsenini@viningssenini.com

June 12, 2014

CITY OF NANAIMO
455 Wallace Street
Nanaimo, BC V9R 5J6

Attention: City Council

Dear Mayor and Council Members:

**RE: DVP APPLICATION FOR REAL ESTATE SIGN
CITY FILE NO. CIB02340 (CFS 286826)
INITIAL DVP PERMIT NO. DVP00193**

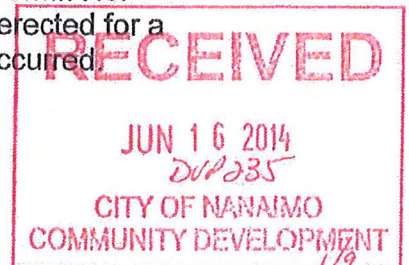
I advise that I am the lawyer for 0773048 B.C. Ltd., which company was the Developer of the second phase of the residential strata titled development located at 6728 Dickinson Road in Nanaimo known as "Clearview at Regency Vista".

The first phase of this development was completed by a prior developer in March of 1998. The Developer completed construction of Phase 2 in September of 2009.

Phase 1 includes 28 residential units and Phase 2 includes 42 residential units.

Section 6(1)(C) of City of Nanaimo Sign Bylaw No. 2850 provides that real estate signs, such as the sign in question, may be erected without a permit provided they are removed from the property within 14 days after the final sale of all dwelling units in a development or 2 years following issuance of an Occupancy Permit.

On May 31, 2012 the City of Nanaimo issued Development Variance Permit No. DVP00193 which granted an extension for the existing sign to remain erected for a maximum of two years, or until the last unit was sold, whichever first occurred.



In May of 2012 my client still had 28 of its 42 residential units for sale. It has since sold 18 of those units, with 10 remaining unsold.

The 10 remaining units continue to be listed for sale with Coast Realty Group of Nanaimo.

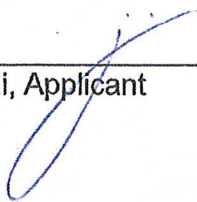
I once again respectfully submit that, in consideration of the prevailing residential real estate market conditions, the two year time limit provided for in the subject Sign Bylaw is unrealistic and should be amended generally to permit a developer to maintain appropriate real estate signage until the final sale of all units in a development.

Please note that Section 30 of the Schedule of Standard Bylaws contained in the *Strata Property Act* permit a developer who has unsold units to carry on sales functions that relate to the sale of those units, including the posting of signs for an indefinite period.

I have spoken with the President of the Strata Council for The Owners of Strata Plan VIS4541 and she has confirmed that The Owners are in agreement with the sign remaining in place until such time as the remaining units have been sold to the first purchasers thereof.

All of which is respectfully submitted.

Yours truly,



Brian Senini, Applicant

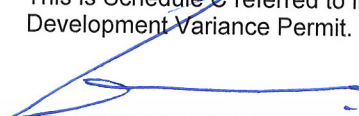


Development Variance Permit DVP00235
6728 & 6738 Dickinson Road

Schedule C

Existing Signage

This is Schedule C referred to in the
Development Variance Permit.


Corporate Officer

Date

2017-JUL-18