



**MINUTES OF THE MEETING
OF THE BOARD OF VARIANCE
HELD IN THE BOARDROOM, AT 411 DUNSMUIR STREET
ON TUESDAY, 2015-SEP-17 COMMENCING AT 5:30 PM**

PRESENT: Members: Mr. Tyler Brown – Chair
 Mr. Mark Dobbs
 Mr. Gordon Turgeon
 Mr. Gerald (Gerry) Johnson
 Mr. Richard Finnegan (5:45 p.m.)

 Staff: Mr. Dave Stewart, Planner, Planning & Design Section

1. CALL THE MEETING TO ORDER

The regular meeting was called to order at 5:30 p.m.

2. ADOPTION OF MINUTES:

It was moved and seconded that the Minutes of the meeting of the Board of Variance held on Thursday, 2015-AUG-25 be adopted. The motion carried unanimously.

3. APPLICATIONS:

APPEAL NO: **BOV661**

Applicant: Mr. Clifford Yates & Mrs. Shirley Yates

Civic Address: 643 Kennedy Street

Legal Description: SECTION D, OF LOT 3, BLOCK U, SECTION 1, NANAIMO DISTRICT,
PLAN 584

Purpose: Zoning Bylaw No. 4500 requires a side yard setback of 1.5m for a principal dwelling. The applicant is requesting to vary provisions of Zoning Bylaw No. 4500 in order to legalize the siting of the existing legal non-conforming residential dwelling 0m from the side yard property line. This represents a variance request of 1.5m.

Zoning Regulations: Old City Low Density (Fourplex) Residential – R14. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

*"Section 7.5.1 – Yard Requirements
A side yard setback of 1.5m is required."*

Local Government Act: The existing single family dwelling is considered legal non-conforming. Section 911(9) and (10) of the *Local Government Act* states:

"If the use and density of buildings and structures conform to a bylaw under this division but the siting, size or dimensions of a building or structure constructed before the bylaw was adopted does not conform with the bylaw, the building or structure may be maintained, extended or altered only to the extent that the repair, extension or alteration would, when completed, involve no further contravention of the bylaw than that existing at the time the repair, extension or alteration was started."

Discussion: Mr. Clifford Yates & Mrs. Shirley Yates were in attendance for their appeal.

Decision: It was moved and seconded that the variance request be **denied**. The motion carried.

The variance request was not deemed to be a hardship.

APPEAL NO: **BOV662**

Applicant: Mr. Rick Feuchuk

Civic Address: 798 Franklyn Street

Legal Description: SECTION A, OF LOT 8, BLOCK J, SECTION 1, NANAIMO DISTRICT, PLAN 584

Purpose: Zoning Bylaw No. 4500 requires a front yard setback of 4.5m for a principal dwelling. Stairs can project 2m into the front yard setback. The applicant is requesting to vary provisions of Zoning Bylaw No. 4500 in order legalize the siting of the exiting legal non-conforming residential dwelling 2.86m from the front yard property line. This represents a variance request of 1.64m.

Zoning Regulations: Old City Duplex Residential – R13. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

*"Section 7.5.1 – Yard Requirements
A front yard setback of 4.5m is required."*

Local Government Act: The existing single family dwelling is considered legal non-conforming. Section 911 (9) and (10) of the *Local Government Act* states:

"If the use and density of buildings and structures conform to a bylaw under this division but the siting, size or dimensions of a building or structure constructed before the bylaw was adopted does not conform with the bylaw, the building or structure may be maintained, extended or altered only to the extent that the repair, extension or alteration would,

when completed, involve no further contravention of the bylaw than that existing at the time the repair, extension or alteration was started."

Discussion: Mr. Rick Feuchuk was in attendance for their appeal.

Decision: It was moved and seconded that the variance request be **approved**. The motion carried.

The variance request was deemed to be a hardship.

APPEAL NO: **BOV663**

Applicant: Mr. Ken Connolly of Pheasant Hill Homes Ltd, on behalf of Mr. Andre Sullivan

Civic Address: 106 Pine Street

Legal Description: SECTION A, OF LOT 2, BLOCK S, SECTION 1, NANAIMO DISTRICT, PLAN 584

Purpose: The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 in order to permit the placement of a heat pump in a side yard of a single residential dwelling. Zoning Bylaw No. 4500 requires heat pumps be located to the rear of the dwelling and have a setback of 4.5m from the side parcel line. The heat pump is proposed to be located to the side of the existing dwelling and approximately 8.54m from the side parcel line. This represents a variance request to permit a heat pump to the side of an existing dwelling.

NOTE: BOV653 Approved 19-FEB-2015

Zoning Bylaw No. 4500 requires a side yard setback of 1.5m for a principal dwelling. The applicant is requesting to vary provisions of Zoning Bylaw 4500 in order to legalize the siting of the existing dwelling 0.35m from the side yard property line to permit increasing the basement ceiling height below grade. This represents a variance of 1.15m.

Zoning Regulations: Single Dwelling Residential – R1b. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

"Section 6.5.2 – Projections into Yards

Where the principal use of the property is a single residential dwelling or duplex, heat pumps and central air conditioning units must be located to the rear of a principal building and shall not be closer than 4.5m from the side lot lines or closer than 3m from the rear property line"

Local Government Act: The property is considered legal-conforming and, as such; Local Government Act, Section 911 - Non-conforming Uses and Siting, does not apply.

Discussion: Mr. Ken Connolly and Mr. Andre Sullivan were in attendance for their appeal.

Ms. Theresa Hood -110 Pine Street – Opposed.

Decision: It was moved and seconded that the variance request be **denied**. The motion carried.

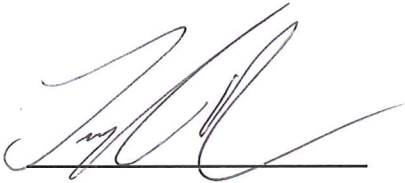
The variance request was not deemed to be a hardship.

4. OTHER BUSINESS:

Welcome to Mr. Richard Finnegan, new member of the Board Of Variance Committee.

5. ADJOURNMENT

It was moved and seconded at 6:05 p.m. that the meeting terminate. The motion carried.



CHAIR
CERTIFIED CORRECT

Nov 19/2015

DATE: