



**MINUTES OF THE MEETING
OF THE BOARD OF VARIANCE
HELD IN THE BOARDROOM, 411 DUNSMUIR STREET
ON TUESDAY, 2015-AUG-25 COMMENCING AT 5:30 PM**

PRESENT: Members: Mr. Tyler Brown - Chair
Mr. Robert Gibson
Mr. Gordon Turgeon
Mr. Gerald (Gerry) Johnson

Regrets: Mr. Mark Dobbs

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 meetings of the Board of Variance held on Thursday, 2015-JUL-16 be adopted. The motion carried unanimously.

3. APPLICATIONS:

APPEAL NO: **BOV659**

Applicant: Mr. Daniel Ryper and Ms. Tracy Ryper

Civic Address: 5261 Dewar Road

Legal Description: LOT 7, DISTRICT LOT 49, WELLINGTON DISTRICT, PLAN VIP82245

Purpose: The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 in order to permit the placement of a heat pump to the side of a single family dwelling.

Zoning Regulations: Single Dwelling Residential – R1. 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. Daniel Ryper and Ms. Tracy Ryper were in attendance for their appeal.

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

APPEAL NO: BOV660

Applicant: Mr. John McLaughlin and Ms. Joan Sheehan

Civic Address: 5697 Oceanview Terrace

Legal Description: STRATA LOT A, DISTRICT LOT 40, WELLINGTON DISTRICT, STRATA PLAN VIS7103, TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V

Purpose: The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 in order to permit the placement of a heat pump within the flanking side yard, 2.84m from the flanking yard lot line. This represents a flanking setback variance of 1.16m.

Zoning Regulations: Duplex Residential – R4. 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. John McLaughlin and Ms. Joan Sheehan were in attendance for their appeal.

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

4. **OTHER BUSINESS:**

Mr. Robert Gibson resigned from the Board of Variance Committee.

5. **ADJOURNMENT**

It was moved and seconded at 5:45 p.m. that the meeting terminate. The motion carried.



CHAIR
CERTIFIED CORRECT

SEPT. 17/2015

DATE: