



COMMUNITY DEVELOPMENT DEPARTMENT

**MINUTES OF THE MEETING
OF THE BOARD OF VARIANCE
HELD IN THE BOARDROOM, 411 DUNSMUIR STREET, NANAIMO, BC
ON THURSDAY, 2015-JUL-16 COMMENCING AT 5:30 P.M.**

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

 Regrets: Mr. Robert Gibson

 Staff: Ms. Lauren Wright, Planning Assistant, 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 Amended Minutes of the meetings of the Board of Variance held on Thursday, 2015-JUN-18 be adopted. The motion carried by Mark Dobbs, Tyler Brown and Gordon Turgeon.

3. APPLICATIONS:

APPEAL NO: BOV00657

Applicant: Ms. Laura McIntosh & Mr. Clayton McIntosh – 2471 Glenayr Drive
 Mr. Nathan Middleton – 1464 Estevan Road

Civic Address: 1464 Estevan Road

Legal Description: Lot 11, Block 8, Newcastle Reserve, Section 1, Nanaimo
 District, Plan 1972 (PID 006-617-140)

Purpose: Zoning Bylaw No. 4500 requires a front yard setback of 6m for a principle dwelling. The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 in order to permit the construction of a detached duplex 2.5m from the front yard lot line adjacent to a major road. This represents a variance request of 6m.

Zoning Regulations: Medium Density Residential – R8. 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 6m is required."*

*"Section 7.5.4 – Yard Requirements
Notwithstanding Subsection 7.5.1, where a property abuts a major road, an additional 2.5m front yard setback is required when the dedication to achieve the required right-of-way width has not occurred to facilitate the widening of the major road."*

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: Ms. Laura McIntosh & Mr. Clayton McIntosh and Mr. Nathan Middleton were in attendance for this 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: BOV00658

Applicant: Mr. David Poiron
Ms. Deanne Orrell & Mr. Darren Rinaldi – 410 Kennedy Street

Civic Address: 410 Kennedy Street

Legal Description: Lot 3, District Lot 55, Wellington District, Plan 41493
(PID 000-614-581)

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 4500 in order to permit a structural alteration to a legal non-conforming single residential dwelling which is located 0.45m from the west side lot line and 0.55m from the east side lot line. This represents a side yard setback variance of 1.05m and 0.95m, respectively.

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 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."

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Discussion: Mr. David Poiron, Ms. Deanne Orrell & Mr. Darren Rinaldi were in attendance for this appeal.

Handed out updated elevation information 5.54m to 6.30m height.

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

The variance request was deemed to be a hardship.

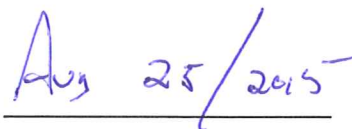
4. OTHER BUSINESS:

5. ADJOURNMENT

It was moved and seconded at 5:55 p.m. that the meeting terminate. The motion carried.



CHAIR
CERTIFIED CORRECT



DATE: