



COMMUNITY DEVELOPMENT DEPARTMENT

**MINUTES OF THE MEETING
OF THE BOARD OF VARIANCE
HELD IN THE BOARDROOM, 411 DUNSMUIR STREET, NANAIMO, BC
ON THURSDAY, 2015-JUN-18 COMMENCING AT 5:30 P.M.**

PRESENT: Members: Mr. Tyler Brown - Chair
 Mr. Mark Dobbs
 Mr. Robert Gibson

 Regrets: Mr. Gordon Turgeon
 Mr. Gerald (Gerry) Johnson

 Staff: Mr. Dave Stewart, Planner, Planning & Design Section
 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 Minutes of the meetings of the Board of Variance held on Thursday, 2015-MAY-21 be adopted. The motion carried unanimously.

3. APPLICATIONS:

APPEAL NO: BOV00655

Applicant: Mr. Gordon James MacKay and Mr. Donald Alexander MacKay

Civic Address: 1455 Boundary Crescent

Legal Description: Lot 11, District Lot 97G, Newcastle Reserve, Section 1, Nanaimo District, Plan 18612 (PID 003-766-454)

Purpose: Zoning Bylaw No. 4500 requires a maximum allowable height of 4.5m for an accessory building with a roof pitch of less than 6:12. The applicant is requesting to vary provisions of Zoning Bylaw No. 4500 in order to allow for a height of 4.84m for an accessory building currently under construction (as shown on the attached survey). This represents a variance request of 0.34m.

Zoning Regulations: Single Dwelling Residential – R1. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

*"Section 6.6.5 – Accessory Building Height Requirements
The maximum height of an accessory building with a <6:12 pitch shall not exceed 4.5m."*

Local Government Act: Non-conforming legislation does not apply to this variance request.

Discussion: Mr. Gordon James MacKay was in attendance for his 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: BOV00656

Applicant: Mr. Larry Wagar and Ms. Eleanor Ruth Lord

Civic Address: 4611 Lost Lake Road

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 the reconstruction and expansion of an existing open deck 0.84m from the side yard property line. This represents a variance of 0.66m.

NOTE: A Board of Variance appeal was previously granted for the deck reconstruction on 2009-AUG-20 but the variance has since expired. The application is to renew the previously approved variance.

Zoning Regulations: Single Dwelling Residential – R1. 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. Larry Wagar was in attendance for his 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.

4. OTHER BUSINESS:

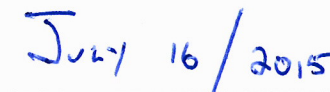
The draft Board of Variance bylaw was presented to the Board.

5. ADJOURNMENT

It was moved and seconded at 5:58 p.m. that the meeting terminate. The motion carried.



CHAIR
CERTIFIED CORRECT



DATE: