



COMMUNITY DEVELOPMENT DEPARTMENT

**MINUTES OF THE MEETING
OF THE BOARD OF VARIANCE
HELD IN THE BOARDROOM, 455 WALLACE STREET, NANAIMO, BC
ON THURSDAY, 2015-FEB-19 COMMENCING AT 5:30 P.M.**

PRESENT: Members: Mr. Tim Wait - Chair
Mr. Mark Dobbs
Mr. Amarjit Minhas

Regrets: Ms. Janet Cowling
Mr. Allan Dick

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

1. CALL THE MEETING TO ORDER:

The regular meeting was called to order at 5:31 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, 2014-SEP-04 and 2015-JAN-15 be adopted. The motion carried unanimously.

3. APPLICATIONS:

APPEAL NO: BOV00650

Applicant: Mr. Steve Strenja on behalf of Ms. Noreen McHale

Civic Address: 633 Victoria Road

Legal Description: Lot 23, Block FA, Section 1, Nanaimo District, Plan 584
(PID 008-863-407)

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 permit the construction of a washroom and laundry room addition 0.76m from the side property line. This represents a variance request of 0.74m.

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. Steve Strenja was in attendance for the appeal.

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

The variance request was deemed to be a hardship.

APPEAL NO: BOV00653

Applicant: Mr. Ken Connolly of Pheasant Hill Homes 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 (PID 008-844-682)

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 dwelling 0.35m from the side yard property line to permit increasing the basement ceiling height below grade. This represents a variance request 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 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. Jason Schmidt of Pheasant Hill Homes and Ms. Sarah Lane were in attendance for the 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 Board of Variance members were advised that all current member terms expire as of 2015-MAR-31. Legislative Services has not yet begun the advertising process to fill vacated seats on the Board of Variance. Terms will be extended until such time that Council appoints new members.

5. ADJOURNMENT:

It was moved and seconded at 6:15 p.m. that the meeting terminate. The motion carried.

C H A I R
CERTIFIED CORRECT

DATE: