



**COMMUNITY DEVELOPMENT DEPARTMENT**

**MINUTES OF THE MEETING  
OF THE BOARD OF VARIANCE  
HELD IN THE BOARDROOM, 455 WALLACE STREET, NANAIMO, BC  
ON THURSDAY, 2014-JUN-19 COMMENCING AT 5:30 P.M.**

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**PRESENT:**   Members:     Mr. Tim Wait - Chair  
                                  Ms. Janet Cowling  
                                  Mr. Mark Dobbs

                  Regrets:     Mr. Allan Dick  
                                  Mr. Amarjit Minhas

                  Staff:        Mr. Dave Stewart, Planner, Planning & Design Section  
                                  Ms. Tamera Rogers, Planning Asst., 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, 2014-FEB-20 and 2014-MAY-13 be adopted. The motion carried unanimously.

**3.     APPLICATIONS:**

**APPEAL NO:**                   **BOV00645**

**Applicant:**                   Mr. Leif Brooke on behalf of Mrs. Carole Brooke

**Civic Address:**             450 Renfrew Street

**Legal Description:**        LOT 15, SECTION 1, NANAIMO DISTRICT, PLAN 1751

**Purpose:** Zoning Bylaw No. 4500 requires a side yard setback of 1.5m. The applicant is requesting to reconstruct an existing non-conforming accessory building 0.15m from the side property line, as noted on the attached survey. This represents a variance request of 1.35m.

**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 accessory building 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. Leif Brooke was in attendance for the appeal. Two submissions were received in regard to the appeal (Attachment A).

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

The variance request was not deemed to be a hardship.

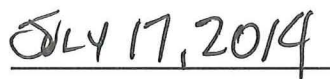
4. **OTHER BUSINESS:**

5. **ADJOURNMENT:**

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



CHAIR  
CERTIFIED CORRECT



DATE:

**Attachment A**

**Submissions**

**For**

**BOV00645**

*(450 Renfrew Street)*

## Penny Masse

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**From:** Darcy Fox  
**Sent:** Thursday, June 05, 2014 8:30 AM  
**To:** Penny Masse  
**Subject:** RE: Full Agenda Package - BOV - Thursday, 2014-JUN-19

Penny,

The accessory building at 450 Renfrew requires non combustible cladding and a 45 min fire resistance rating on the building face adjacent to the side property line. No eve projections are permitted on that side either.

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**From:** Penny Masse  
**Sent:** June 4, 2014 10:44 AM  
**To:** BUILDING INSPECTION SECTION; Graham Trimmer; Kris Sillem  
**Cc:** Bruce Anderson; David Stewart; Jill Collinson; Tamera Rogers  
**Subject:** Full Agenda Package - BOV - Thursday, 2014-JUN-19

Good morning.

I am attaching the link to the full BOV agenda package for the June meeting for your review and comment. Please notify me of any comments or concerns by this Thursday at 3pm.

Thanks very much, we appreciate your help.

Penny

<G:\DEVPLAN\FILES\ADMIN\0360\20\B01\02 - Agenda\2014\2014Jun19 Full Agenda Package.pdf>

## Penny Masse

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Community Development Department  
Planning & Design Section  
Service & Resource Centre - 411 Dunsmuir Street  
Nanaimo, BC V9R 5J6  
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[www.nanaimo.ca/whatsbuilding](http://www.nanaimo.ca/whatsbuilding)





## Penny Masse

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**Subject:** FW: A board of variance notice

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**From:** Ed McCormick [<mailto:wardo2e@gmail.com>]

**Sent:** Wednesday, June 11, 2014 9:19 AM

**To:** David Stewart

**Subject:** A board of variance notice

To Mr David Stewart:

My father and I have received this Variance report about the building next door. Discussing this with him there has been many promises from these neighbours of repairs and aid to help maintain a longevity for the buildings, these were never met.

There are many reasons to have that building moved. This would enable us to put up a fence all the way around to keep hoodlums out, as we have lost many possessions. Fire safety to them and us. longevity for both buildings and a bit of sound barrier if they are moving into like they told my dad(reside). Change of the peak of their roof adds to the damage it will cause to our shop. It also intrudes onto our property.

The fact that they just tried to get away with doing way more to the property let alone that building with out the permits. How far does it go, everyone likes to see upgrades and fix ups. But all the changes to the shape, dimensions, doors and windows and roof, this isn't a repair it is all new construction. Where is all this wood coming from. Way to much construction coming from the entire lot. We really need to get along with our neighbours, this isn't the first time that there has been attempts of a second dwelling on that property. last time it was a bus. My dad said that he has been asking for years to have a gutter put up to save on water damage. It would be a really big stress reliever to have a fence that can enclose our yard for our animals and safety. We also have many repairs on our shop on that wall from water damage. It would be nice to be able to use that part of the yard.

Thank you for your Time

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Ed McCormick  
250.740.5591

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