



COMMUNITY DEVELOPMENT DEPARTMENT

**MINUTES OF THE MEETING
OF THE BOARD OF VARIANCE
HELD IN THE BOARDROOM, 455 WALLACE STREET, NANAIMO, BC
ON THURSDAY, 2014-MAY-13 COMMENCING AT 5:30 P.M.**

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

 Regrets: Mr. Amarjit Minhas

 Staff: Mr. Dave Stewart, Planner, Planning & Design Section
 Ms. Jill Collinson, 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 determined that a letter regarding BOV00643 (3226 Greystone Place) be formally sent to City of Nanaimo from the Board of Variance Chair requesting a legal opinion regarding ownership on title to the subject property be obtained. The minutes of the BOV meeting of 2014-FEB-20 were not adopted as the Board is waiting to receive the legal opinion.

3. APPLICATIONS:

APPEAL NO: **BOV00644**

Applicant: Mr. Bil Derby (Tectonica Management Inc.) on behalf of Vadols Investments Ltd. (BC232539) and Mr. John Kaye.

Civic Address: 1588 Boundary Crescent

Legal Description: LOTS 1 & 2, DISTRICT LOT 97G, NEWCASTLE RESERVE, SECTION 1, NANAIMO DISTRICT, PLAN 27521 (PID 000-413-119 & PID 000-413-143)

Purpose: Zoning Bylaw No. 4500 requires a side yard setback of 3m. The applicant is requesting to legalize an existing, non-conforming siting of the commercial building. The building crosses a shared property line and the applicant is requesting to vary the side yard(s) between the two subject properties to 0m, as noted on the attached survey.

Zoning Regulations: Hospital Urban Centre – CC5. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

*"Section 10.5.1– Yard Requirement
A side yard setback of 3m is required."*

Local Government Act: The existing commercial 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."

Note: The walkway is existing non-conforming in regards to the side yard setback. The proposed structural alteration will result in a further increase to the non-conforming area; as such a variance is required.

Discussion: Ms. Rae Tuck, Property Manager, DTZ, was in attendance for the appeal. Mr. Bil Derby was in attendance for the appeal. A revised drawing (attached) was provided to the Board.

Correspondence regarding the application was received from Mr. Robin Kelley (attached) and Ms. Janice Bailey, Building Official, City of Nanaimo (attached).

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

The variance request was deemed to be a hardship.

4. OTHER BUSINESS:

It was requested by the Board members that the Chair send a letter to the City formally requesting a legal opinion regarding the ownership on title to 3226 Greystone Place (BOV00643).

5. ADJOURNMENT:

It was moved and seconded at 5:27 p.m. that the meeting terminate. The motion carried unanimously.



CHAIR
CERTIFIED CORRECT

JUNE 20, 2014,

DATE: