



COMMUNITY DEVELOPMENT DEPARTMENT

**MINUTES OF THE MEETING
OF THE BOARD OF VARIANCE
HELD IN THE BOARDROOM, 455 WALLACE STREET, NANAIMO, BC
ON THURSDAY, 2014-FEB-20 COMMENCING AT 5:30 P.M.**

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

 Regrets: Ms. Janet Cowling
 Mr. Amarjit Minhas

 Staff: Mr. Dave Stewart, Planner, Planning & Design Section
 Ms. Jill Collinson, Planning Assistant, Planning & Design Section
 Ms. Penny Masse, Planning Clerk, 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 meeting of the Board of Variance held on Thursday, 2013-DEC-19 be adopted. The motion carried unanimously.

3. APPLICATIONS:

APPEAL NO: **BOV00643**

Applicant: Mr. Bryan Markel on behalf of Ms. Wilma Markel

Civic Address: 3226 Greystone Place

Legal Description: STRATA LOT 16, SECTION 5, WELLINGTON DISTRICT,
STRATA PLAN 1634 TOGETHER WITH AN INTEREST IN THE
COMMON PROPERTY IN PROPORTION TO THE UNIT
ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1

- Purpose:** Zoning Bylaw No. 4500 requires a front yard setback of 4.5m for a principal dwelling and 6.0m for garage doors facing the road; a flanking side yard setback of 4.0m; and a side yard setback of 1.5m. The applicant is requesting to legalize the existing, non-conforming siting of the single family dwelling, as noted on the attached survey, including the following variances:
- front yard setback for a garage from 6m to 4.3m, a variance request of 1.7m;
 - front yard setback from 4.5m to 2.47m, a variance request of 2.03m;
 - side yard setback from 1.5m to 0.79m, a variance request of 0.71m; and
 - flanking side yard setback from 4m to 2.8m, a variance request of 1.2m.
- Zoning Regulations:** Single Dwelling Residential – R1. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":
- "Section 7.5.3– all garage doors facing a highway on a single residential dwelling must be setback at least 6m."*
- "Section 7.5.1 – Yard Requirements
A front yard setback of 4.5m is required
A side yard setback of 1.5m is required
A flanking side yard setback of 4.0m 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. and Mrs. Bryan and Brenda Markel were in attendance for the appeal.
- 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:

5. ADJOURNMENT:

It was moved and seconded at 5:50 p.m. that the meeting terminate. The motion carried unanimously.



CHAIR
CERTIFIED CORRECT



DATE:

Penny Masse

From: Robin Kelley [robin@groupedenux.com]
Sent: Thursday, May 01, 2014 3:08 PM
To: David Stewart
Cc: Jill Collinson; Penny Masse
Subject: RE: BOV00644

Ok. You can put us down as not having a problem with it!

Regards,

Robin Kelley,
Managing Director, Vice-President
Investissements Camargue Inc. / The Denux Group
#3-772 Bay Street, Victoria, BC, V8T 5E4, Canada

Tel: 250.920.5435
Cel: 250.686.4746
Fax: 250.920.5437
@: robin@groupedenux.com
Skype: robinrjk

From: David Stewart [<mailto:David.Stewart@nanaimo.ca>]
Sent: May 1, 2014 12:01 PM
To: 'Robin Kelley'
Cc: Jill Collinson; Penny Masse
Subject: RE: BOV00644

Hi Robin

You are correct, the application is to permit the enclosure of the existing walkway between the two buildings. The application is required because a property line exists between the buildings and runs through the existing walkway.

Dave Stewart, M. Plan, MCIP
Planner, Planning and Design Section
Community Safety and Development
City of Nanaimo
phone: 250-755-4460 ext. 4332

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From: Robin Kelley [<mailto:robin@grouperdenux.com>]

Sent: Thursday, May 01, 2014 11:50 AM

To: David Stewart

Subject: BOV00644

Hello Mr. Stewart,

We own the building at 1500 Boundary Crescent. We received a notice of a variance for 1588 relating to the side yard setback. I received the variance information via fax from our onsite manager but it is not that legible. I highly doubt we would have a problem with it, however can you just let me know in a sentence what exactly it is addressing? I am assuming that they just want to enclose part of the existing walkways between a couple of buildings which we would not have a problem with.

Regards,

Robin Kelley,
Managing Director, Vice-President
Investissements Camargue Inc. / The Denux Group
#3-772 Bay Street, Victoria, BC, V8T 5E4, Canada

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@: robin@grouperdenux.com

Skype: robinrjk

David Stewart

From: Jill Collinson
Sent: Wednesday, May 07, 2014 9:53 AM
To: David Stewart
Subject: FW: 1588 Boundary - Kidney Care Clinic (VIHA) combining unit 6-10 - BOV - Tuesday, 2014-MAY-13

From: Janice Bailey
Sent: Wednesday, May 07, 2014 9:52 AM
To: Jill Collinson
Cc: Tom Weinreich; Ralph Topliffe; Penny Masse; Dale Lindsay; Bruce Anderson; Colin Bollinger
Subject: 1588 Boundary - Kidney Care Clinic (VIHA) combining unit 6-10 - BOV - Tuesday, 2014-MAY-13

Hi Jill:

RE: 1588 Boundary - Kidney Care Clinic (VIHA) combining unit 6-10

I was asked to provide you with comments for the BOV meeting noted below. We have no concerns with the project meeting the code requirements. We have had discussions with the applicant and a building code consultant and agreed that the proposal will meet the BC Building Code requirements.

The fire rating at each end of the walkway and the requirement for exposure protection between buildings and the walkway is intended to deal with potential for fire spread from one building to another via the walkway. Projections such as balconies have no such fire separation from the building they serve. The proposed walkway isn't considered a projection from either of the buildings, it's a completely separate entity. The walkway will comply with Article 3.2.3.19 of the 2012 BC Building Code. If you require further information regarding this, please let me know.

Regards

Janice Bailey, R.B.O.
BUILDING OFFICIAL
BUILDING INSPECTIONS
COMMUNITY DEVELOPMENT
CITY OF NANAIMO

Ph 250.755.4460 ext 4232
Fax 250.755.4439
Em janice.bailey@nanaimo.ca
Wb www.nanaimo.ca

From: Penny Masse
Sent: Monday, April 28, 2014 1:42 PM
To: BUILDING INSPECTION SECTION; Graham Trimmer; Kris Sillem
Cc: Bruce Anderson; David Stewart; Jill Collinson; Tamera Rogers
Subject: Full Agenda Package - BOV - Tuesday, 2014-MAY-13

Good afternoon.

I am attaching the link to the full BOV agenda package for the May meeting for your review and comment. Please notify me of any concerns by this Wednesday at 2pm. There is one application; however, notification for this application will be substantial and the delivery person is scheduled to arrive early Thursday morning.

Thanks very much, we appreciate your help.

Penny

<G:\DEVPLAN\FILES\ADMIN\0360\20\B01\BOV Monthly Agenda Packages\2014\2014May13 Full BOV Agenda Package.pdf>

Penny Masse

Nanaimo City Hall

Community Development Department

Planning & Design Section

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