



## COMMUNITY SAFETY & DEVELOPMENT

### MINUTES OF THE MEETING OF THE BOARD OF VARIANCE HELD IN THE BOARDROOM, 455 WALLACE STREET, NANAIMO, BC ON THURSDAY, 2013-DEC-19 COMMENCING AT 5:30 P.M.

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

                  Regrets:     Ms. Janet Cowling

                  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-OCT-17 be adopted. The motion carried unanimously.

**3.     APPLICATIONS:**

**APPEAL NO:**                   **BOV00639**

**Applicant:**                   Mr. Trevor Hogeweide of Collins Custom Contracting on behalf of Mr. Jaymi Dumper and Ms. Alison Kydd

**Civic Address:**             3342 Stephenson Point Road

**Legal Description:**        LOT 2, DISTRICT LOT 29, WELLINGTON DISTRICT, PLAN VIP86434

**Purpose:**                    The applicant is requesting to vary the provisions of Zoning Bylaw 4500 in order to permit the placement of a heat pump to the front of a principal building and to reduce the required side yard setback. Zoning Bylaw 4500 requires heat pumps be located to the rear of the dwelling and have a setback of 4.5m from the side parcel line.

The heat pump is proposed to be located to the front of the principal dwelling (between the principal dwelling and an accessory building) and 2.29m from the side parcel line. This represents a variance request to permit a heat pump to the front of a principal dwelling and a side yard setback variance of 2.21m.

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

*"6.5.2 – Where the principal use of the property is a single residential dwelling or duplex, heat pumps and central air condition units must be located to the rear of a principal building and shall not be closer than 4.5m from the side lot lines or closer than 3m from the rear property line."*

**Local Government Act:** The property is considered legal-conforming and, as such; Local Government Act, Section 911 - Non-conforming Uses and Siting, does not apply.

**Discussion:** Mr. Trevor Hogeweide was 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.

**APPEAL NO:** **BOV00640**

**Applicant:** Ms. Susanna Regula Leuenberger

**Civic Address:** 2850 Fairbanks Street

**Legal Description:** LOT 15, BLOCK 8, SECTION 1, WELLINGTON DISTRICT, PLAN 414

**Purpose:** Zoning Bylaw No. 4500 requires a front yard setback of 4.5m. The applicant is requesting to vary the provisions of Zoning Bylaw 4500 in order to permit the repair and proposed extension of an existing carport 2.6m from the front yard lot line. This represents a variance request of 1.9m.

**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 front yard setback of 4.5m is required."*

**Local Government Act:** The existing carport 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:** Ms. Susanna Regula Leuenberger was 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.

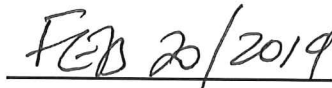
4. **OTHER BUSINESS:**

5. **ADJOURNMENT:**

It was moved and seconded at 6:10 p.m. that the meeting terminate. The motion carried unanimously.



CHAIR  
CERTIFIED CORRECT



DATE: