



COMMUNITY SAFETY & DEVELOPMENT

MINUTES OF THE MEETING OF THE BOARD OF VARIANCE HELD IN THE BOARDROOM, 455 WALLACE STREET, NANAIMO, BC ON THURSDAY, 2013-OCT-17 COMMENCING AT 5:30 P.M.

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-SEP-19 be adopted. The motion carried unanimously.

3. APPLICATIONS:

APPEAL NO: **BOV00635**

Applicant: Ms. Patricia Moore

Civic Address: 77 Princess Street

Legal Description: LOT 8, BLOCK 2, SECTION 1, NANAIMO DISTRICT, PLAN 1662,
EXPECT THAT PART IN PLAN 35441

Purpose: Zoning Bylaw 4500 requires a side yard setback of 1.5m for an open deck. The applicant is requesting to vary provisions of Zoning Bylaw 4500 in order to allow for a recently constructed open deck (as shown on the attached survey) 0.6m from the side yard property line. This represents a variance request of 0.9m.

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 side yard setback of 1.5m is required."*

Local Government Act: The existing house (but not the recently constructed deck) 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. Patricia Moore and Mr. Joel Duffin (contractor) were in attendance for the appeal.

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

The variance request was deemed to be a hardship.

APPEAL NO: **BOV00636**

Applicant: Ms. Carla Paler

Civic Address: 2165 Michigan Way

Legal Description: LOT 57, SECTION 12, RANGE 7, MOUNTAIN DISTRICT, PLAN 38727

Purpose: The applicant is requesting to vary the provisions of Zoning Bylaw 4500 in order to permit the placement of a heat pump in a side yard and to the side of a single residential dwelling. 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 side of the existing dwelling and approximately 2.6m from the side parcel line. This represents a variance request to permit a heat pump to the side of an existing dwelling and a side yard setback variance of 1.9m.

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: Ms. Carla Paler, Mr. Murray Briggs (contractor) and Ms. Evelyn MacEachern of 2169 Michigan Way 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.

APPEAL NO: **BOV00637**

Applicant: Ms. Nancy Rose Dunlop

Civic Address: 1140 Strathmore Street

Legal Description: LOT 7, SECTION 1, NANAIMO DISTRICT, PLAN 8632

Purpose: Zoning Bylaw 4500 requires a side yard setback of 1.5m for an accessory building. The applicant is requesting to vary provisions of Zoning Bylaw 4500 in order to allow for the reconstruction of an existing garage 0.8m from the side yard property line. This represents a variance request of 0.7m.

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 property 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. Nancy Rose Dunlop and Mr. Hans Zychlinski of 2175 Spurs Place were in attendance for the appeal.

Decision: It was moved and seconded that the variance request be **approved** based on the survey provided.
The motion carried. *Opposed: Mr. Al Dick*

The variance request was deemed to be a hardship.

APPEAL NO: **BOV00638**

Applicant: Mr. Rob Grey on behalf of SPR Construction Ltd. (Mr. Jarnail Sidhu)

Civic Address: 981 St. Andrews Street

Legal Description: LOT 1, BLOCK 3, DISTRICT LOT 96G, NANAIMO DISTRICT, PLAN 2039

Purpose: Zoning Bylaw 4500 requires a flanking side yard setback of 4m for a principal dwelling. The applicant is requesting to vary provisions of Zoning Bylaw 4500 in order to allow for a proposed single residential dwelling 2.12m from the flanking side yard property line. This represents a variance request of 1.88m.

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

Discussion: Mr. Rob Grey was in attendance for the appeal.

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

The variance request was deemed to be a hardship.

4. **OTHER BUSINESS:**

5. **ADJOURNMENT:**

It was moved and seconded at 6:19 p.m. that the meeting terminate. The motion carried unanimously.



CHAIR
CERTIFIED CORRECT

2013 DEC. 19.

DATE: