



COMMUNITY SAFETY & DEVELOPMENT

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

PRESENT: Members: Mr. Tim Wait - Chair
 Ms. Janet Cowling
 Mr. Allan Dick
 Mr. Mark Dobbs
 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 5:25 p.m.

2. OTHER BUSINESS:

Discussed correct procedures for motions and deferrals at Board of Variance meetings. It was determined by the Board that a member cannot make a motion to deny prior to discussion and deferrals at Board of Variance meetings are not appropriate.

2. ADOPTION OF MINUTES:

It was moved and seconded that the Minutes of the meeting of the Board of Variance held on Thursday, 2013-AUG-115 be adopted. The motion carried unanimously.

3. APPLICATIONS:

APPEAL NO: **BOV00632**

Applicant: Mr. Bruce Smyth

Civic Address: 1573 Bartlett Street

Legal Description: LOT 2, SUBURBAN LOT 4, NEWCASTLE TOWNSITE, SECTION
1, NANAIMO DISTRICT, PLAN 17872

Purpose: Zoning Bylaw 4500 requires a side yard setback of 1.5m. The applicant is requesting to vary provisions of Zoning Bylaw 4500 in order to allow for the replacement of an existing legal non-conforming deck 1.1m from the side parcel line. This represents a variance request of 0.4m.

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: Mr. Bruce Smyth 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: **BOV00633**

Applicant: Mr. Arvid Carlson

Civic Address: 346B Kennedy Street

Legal Description: LOT 2, SECTION 1, NANAIMO DISTRICT, PLAN VIP87962

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. 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 approximately 1.5m from the northeast side parcel line. This represents a variance request of 3m.

Zoning Regulations: Old City Duplex Residential – R13. 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. Arvid Carlson was in attendance for the appeal.

Decision: It was moved and seconded that the variance request be **approved** to permit a heat pump 1.5m from the side property line and located to the rear of the principal dwelling.
The motion carried unanimously.

The variance request was deemed to be a hardship.

APPEAL NO: **BOV00634**

Applicant: Mr. Francois deJong

Civic Address: 623 Kennedy Street

Legal Description: SECTION A, OF LOT 8, BLOCK U, SECTION 1, NANAIMO DISTRICT, PLAN 584

Purpose: The applicant is requesting to vary the provisions of Zoning Bylaw 4500 in order to allow for construction of an accessory building 5.1m in height. Zoning Bylaw 4500 states that the maximum height of an accessory building, with a roof pitch <6:12, shall not exceed a maximum height of 4.5m. This represents a variance request of 0.6m

Zoning Regulations: Old City Low Density (Fourplex) Residential – R14. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

6.6.5 – The maximum height of an accessory building may vary depending on the roof pitch, but shall not exceed the corresponding maximum height provided in the following table:

Roof Pitch	Maximum Height
< 6:12	4.5m
≥ 6:12*	5.0m
≥ 8:12*	5.5m

**For an area of at least 80% of all roof surfaces measured in plan view*

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. Francois deJong and Ms. Kristina deJong 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 6:08 p.m. that the meeting terminate. The motion carried unanimously.



CHAIR
CERTIFIED CORRECT

OCTOBER 17, 2013

DATE: