



COMMUNITY SAFETY & DEVELOPMENT

MINUTES OF THE MEETING OF THE BOARD OF VARIANCE HELD IN THE BOARDROOM, 455 WALLACE STREET, NANAIMO, BC ON THURSDAY, 2013-AUG-15 COMMENCING AT 5:30 P.M.

PRESENT: Members: Mr. Tim Wait - Chair
 Ms. Janet Cowling
 Mr. Mark Dobbs
 Mr. Amarjit Minhas

 Regrets: Mr. Allan Dick

 Staff: Mr. Dave Stewart, Planner, 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-JUL-18 be adopted. The motion carried unanimously.

3. APPLICATIONS:

APPEAL NO: **BOV629**

Applicant: Mr. David Edmondson of IHI Contracting on behalf of Ms. Amanda Ferguson and Mr. Yaro Gorsline

Civic Address: 4060 Salal Drive

Legal Description: STRATA LOT 125, DISTRICT LOT 17, WELLINGTON DISTRICT, STRATA PLAN 830 (PHASE 3) 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; an open deck is permitted to encroach by 2m. The applicant is requesting to vary provisions of Zoning Bylaw 4500 in order to permit the replacement of a deck 1.86m from the front property line. This represents a variance request of 0.64m.

Please note: This application was deferred by the Board of Variance at its meeting of 2013-JUL-18 as the applicant or owner were not in attendance to the meeting.

Zoning Regulations: Single Family 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."*

Section 6.5.1 – Projections into Yards

Feature	Permitted Projection into Required Yard Setback				Conditions of Use
	Front	Side	Flanking Side	Rear	
Open Deck	2m	- - -	2m	2m	

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 Amanda Ferguson and Mr. Yaro Gorsline were in attendance for their 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: **BOV630**

Applicant: Mr. Neil McNiven

Civic Address: 3305 Rock City Road

Legal Description: LOT A, DISTRICT LOT 18, WELLINGTON DISTRICT, PLAN EPP18512

Purpose: The applicant is requesting to vary the provisions of Zoning Bylaw 4500 in order to permit the placement of an existing heat pump to the front yard of a single residential dwelling. Zoning Bylaw 4500 requires a heat pump be located to the rear of the dwelling and have a setback of 4.5m from the side parcel line. The existing heat pump is not located to the rear of the dwelling. Thus, a variance is required to allow the placement a heat pump to the front of the dwelling.

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

"6. 5. 2 - 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. Neil McNiven was in attendance for his appeal. Mr. Paul Minhas of 296 Cilaire Drive was in attendance for this appeal.

Decision: It was moved and seconded that the variance request be **approved**. The motion failed. Opposed: Mr. Tim Wait, Ms. Janet Cowling, and Mr. Mark Dobbs.

The variance request was not deemed to be a hardship.

APPEAL NO: **BOV631**

Applicant: Mr. Michael Plavetic of MJP Homes Ltd.

Civic Address: 5740 Linley Valley Drive

Legal Description: LOT 7, DISTRICT LOT 32, WELLINGTON DISTRICT, PLAN EPP17440

Purpose: The applicant is requesting to vary the provisions of Zoning Bylaw 4500 in order to permit the placement of two proposed heat pumps in the front yards of two duplexes. 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 proposed heat pumps are not located to the rear of the dwellings. Thus, a variance is required to allow the placement of heat pumps to the front of the dwellings.

Zoning Regulations: Steep Slope Residential – R10. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

"6. 5. 2 - 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. Michael Plavetic was in attendance for his appeal.

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

The variance request was not deemed to be a hardship.

4. OTHER BUSINESS:

5. ADJOURNMENT:

It was moved and seconded at 6:35 p.m. that the meeting terminate. The motion carried unanimously.



CHAIR
CERTIFIED CORRECT



DATE: