



COMMUNITY SAFETY & DEVELOPMENT

MINUTES OF THE MEETING OF THE BOARD OF VARIANCE HELD IN THE BOARDROOM, 411 DUNSMUIR STREET, NANAIMO, BC ON THURSDAY, 2013-JUL-18 COMMENCING AT 5:30 P.M.

PRESENT: Members: Ms. Janet Cowling – Acting Chair
Mr. Allan Dick
Mr. Mark Dobbs
Mr. Amarjit Minhas (Arrived at 5:41 p.m.)

Regrets: Mr. Tim Wait

Staff: Mr. Dave Stewart, Planner, Planning & Design Section
Ms. Jill Collinson, Planning Assistant, Planning & Design Section

1. CALL THE MEETING TO ORDER:

The regular meeting was called to order at 5:31 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-JUN-20 be adopted. The motion carried unanimously.

3. APPLICATIONS:

APPEAL NO: BOV627

Applicant: Mr. Jeff Windley of Windley Contracting (2010) Ltd. on behalf of Mr. Scott Lewis and Ms. Leanne Lewis

Civic Address: 5658 Oceanview Terrace

Legal Description: LOT 2, DISTRICT LOT 40, WELLINGTON DISTRICT, PLAN VIP86893

Purpose: Zoning Bylaw No. 4500 requires a rear yard setback of 7.5m; an open deck is permitted to encroach into the setback by 2m. The applicant is requesting to vary the provisions of Zoning Bylaw 4500 in order to permit the construction of a deck 5.3m from the rear yard lot line. This represents a variance request of 0.2m

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 rear yard setback of 7.5m 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: Mr. Jeff Windley was in attendance for his appeal. Ms. Maggie Murphy-Jacobsen and Mr. Bob Jacobsen of 5547 Finale Place were in attendance and spoke in support of the appeal.

There were three submissions received in regard to this appeal, they are attached as "Attachment A – Submissions for Board of Variance Application No. BOV00627".

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

The variance request was deemed to be a hardship.

APPEAL NO: **BOV628**

Applicant: Ms. Keltie Chamberlain on behalf of Mr. Andrew Chamberlain

Civic Address: 3160 Robin Hood Drive

Legal Description: LOT 13, SECTION 8, WELLINGTON DISTRICT, PLAN 29032

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 construction of an accessory building (garage) 2.18m from the front yard lot line. This represents a variance request of 2.32m.

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."

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. Keltie Chamberlain was in attendance for the appeal and provided a submission; it is attached as "Attachment B – Submission for Board of Variance Application No. BOV00628"

Decision: It was moved and seconded that the variance request be **approved**. The motion carried. Opposed: Ms. Janet Cowling

The variance request was deemed to be a hardship.

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.

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: The applicants were not in attendance for the appeal.

There were two submissions received by Building Inspection Staff in regard to this appeal, they are attached as "Attachment C – Submissions for Board of Variance Application No. BOV629".

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

4. **OTHER BUSINESS:**

5. **ADJOURNMENT:**

It was moved and seconded at 6:07 p.m. that the meeting terminate. The motion carried unanimously.



CHAIR
CERTIFIED CORRECT

AUGUST 15, 2013

DATE: