



COMMUNITY SAFETY & DEVELOPMENT

**MINUTES OF THE MEETING
OF THE BOARD OF VARIANCE
HELD IN THE BOARDROOM, 455 WALLACE STREET, NANAIMO, BC
ON THURSDAY, 2013-FEB-21 COMMENCING AT 5:30 P.M.**

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

 Regrets: Ms. Janet Cowling
 Mr. Allan Dick

 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, 2012-JAN-17 be adopted. The motion carried unanimously.

3. APPLICATIONS:

APPEAL NO.: **BOV617**

Applicant: Mr. Leo Victor Katila

Civic address: 4320 Stonewood Place

Legal Description: LOT 18, DISTRICT LOT 17, WELLINGTON DISTRICT, PLAN
VIP85484

Purpose: The required side yard setback is 1.5m. The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 in order to permit the placement of an existing accessory building (small shed) 0.7m from the side parcel line. This represents a side yard setback variance of 0.8m.

Zoning Regulations: Single Dwelling Residential – Small Lot (R2). 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. Leo Victor Katila was in attendance for his appeal.
Mr. Gerard Hurrell of 4325 Stonewood Place was in attendance and spoke in favour of the proposed variance.
Mr. Dave Timney of 4326 Stonewood Place was in attendance and spoke in opposition of the proposed variance.

There was one submission received from Mr. Dave Timney of 4326 Stonewood Drive; it is attached as "Attachment A – Submission for Board of Variance Application No. BOV617".

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.

APPEAL NO.: **BOV618**

Applicant: Mr. George Datoff (Datoff & Sons Building Ltd.) on behalf of Mr. Claudio and Mrs. Madonna Addis

Civic address: 5340 Cascara Drive

Legal Description: LOT 3, DISTRICT LOT 50, WELLINGTON DISTRICT, PLAN VIP88206

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 side of the single residential dwelling. Zoning Bylaw 4500 requires a heat pump be located to the rear of a dwelling and a side yard setback of 4.5m from the side parcel line. The existing heat pump meets the required 4.5m setback; however, as it is located to the side of the dwelling and not to the rear of the dwelling, a variance is required.

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. George Datoff was in attendance for his appeal.
Mr. and Mrs. Claude and Roseleagh Lalande were in attendance and spoke in favour of the proposed variance.

There were no submissions received in regard to this variance request.

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.: **BOV619**

Applicant: Mr. Glen and Mrs. Jennifer Gordon

Civic address: 5336 Cascara Drive

Legal Description: LOT 2, DISTRICT LOT 50, WELLINGTON DISTRICT, PLAN VIP88206

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 side of the single residential dwelling. Zoning Bylaw 4500 requires a heat pump to be located to the rear of a principal building and requires a side yard setback of 4.5m from the side parcel line. The proposed heat pump is located within the required side yard and the proposed setback is 1.6m from the side parcel line. This represents a side yard setback variance of 2.9m.

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. and Mrs. Glen and Jennifer Gordon were in attendance for their variance appeal.
Mr. and Mrs. Claude and Roseleagh Lalande were in attendance and spoke in favour of the proposed variance.

Ms. Kerry Goodwin of 6011 Marie Place was in attendance and spoke in opposition to the proposed variance on behalf of her client, Mr. Claudio Addis.
Mr. James Bear of Qualicum Beach was in attendance and spoke in opposition of the proposed variance.

There was one submission received from Mr. Claudio Addis of 5340 Cascara Drive; it is attached as "Attachment B – Submission for Board of Variance Application No. BOV619".

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:


The Board requested Staff assistance in preparing a recommendation letter to Council from the Board of Variance asking for a review of the Heat Pump Bylaw.

5. ADJOURNMENT:

It was moved and seconded at 6:52 p.m. that the meeting terminate. The motion carried unanimously.



CHAIR
CERTIFIED CORRECT



DATE: