



## COMMUNITY SAFETY & DEVELOPMENT

### MINUTES OF THE SPECIAL MEETING OF THE BOARD OF VARIANCE HELD IN THE BOARDROOM, 455 WALLACE STREET, NANAIMO, BC ON THURSDAY, 2012-OCT-04 COMMENCING AT 5:00 P.M.

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

                  Regrets:    Mr. Allan Dick  
                                  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 7:00 p.m.

**2.     ADOPTION OF MINUTES:**

It was moved and seconded that the Minutes of the meeting of the Board of Variance held in the Boardroom, 455 Wallace Street, Nanaimo, BC on Thursday, 2012-SEP-20 be adopted. The motion carried unanimously.

**3.     REQUEST FOR MOTION:**

It was moved and seconded to lift the motion from the table regarding Board of Variance Application No. BOV604. The motion carried unanimously.

**4.     APPLICATION:**

**APPEAL NO.:**               **BOV604**

**Applicant:**               Mr. Jason Clayton (Modern Aluminum & Vinyl Products Ltd.) on behalf of Ms. Fran Dowson.

**Civic address:**           6486 Peregrine Road

**Legal Description:** LOT 4, DISTRICT LOT 53, WELLINGTON DISTRICT, PLAN VIP76367

**Purpose:** The applicant is requesting to reduce the required rear yard setback from 7.5m to 3m and the required side yard setback from 1.5m to 0.65m in order to permit a structural addition (pool enclosure) to a single residential dwelling. This represents a rear yard variance of 4.5m and a side yard variance of 0.85m.

**Zoning Regulations:** Single Dwelling Residential - R1. The applicant requests variances 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.  
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:** Ms. Fran Dowson was in attendance for her appeal. Mr. Jason Clayton (Modern Aluminum & Vinyl Products Ltd.) was in attendance and presented elevation drawings to the Board regarding the appeal (Attachment A).

**Decision:** It was moved and seconded that the request to reduce the required rear yard setback from 7.5m to 3m, and the required side yard setback be reduced from 1.5m to 0.65m, in order to permit a structural addition (pool enclosure) to a single residential dwelling 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 7:09 p.m. that the meeting terminate. The motion carried unanimously.

  
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CHAIR  
CERTIFIED CORRECT

  
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DATE:

