



COMMUNITY SAFETY & DEVELOPMENT

**MINUTES OF THE MEETING
OF THE BOARD OF VARIANCE
HELD IN THE BOARDROOM, 455 WALLACE STREET, NANAIMO, BC
ON THURSDAY, 2012-JUN-21 COMMENCING AT 7:00 P.M.**

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

Staff: Mr. Dave Pady, Planning Assistant, Current Planning
Mr. Brian Zurek, Planning Assistant, Current Planning
Ms. Penny Masse, Planning Clerk, Current Planning

1. CALL THE MEETING TO ORDER:

The regular meeting was called to order at 6:56 p.m.

2. NOMINATION OF BOARD OF VARIANCE CHAIR:

Ms. Cowling made a motion to nominate Mr. Wait for the Chair of the Board of Variance. The motion carried unanimously. Ms. Cowling offered to be Vice-Chair of the Board of Variance.

3. 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-MAY-17 be adopted as circulated. The motion carried unanimously.

4. APPLICATIONS:

APPEAL NO.: BOV595

Applicant: Ms. Sonya Robertson

Civic address: 2249 Neil Drive

Legal Description: LOT 21, SECTION 11, RANGE 7, MOUNTAIN DISTRICT, PLAN 25146 EXCEPT THAT PART IN PLAN 41217

Purpose: The request of the applicant is to vary the provisions of Zoning Bylaw No. 4500 to permit the placement of a heat pump to the side of a single family dwelling, as shown on the attached site survey.

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. and Mrs. Robertson were in attendance for their appeal.

Decision: It was moved and seconded that the request to vary the provisions of Zoning Bylaw No. 4500 to permit the placement of a heat pump to the side of a single family dwelling be approved. The motion was defeated.

Opposed: Mr. Wait, Mr. Dobbs and Mr. Dick.

The variance request was not deemed to be a hardship.

APPEAL NO.: **BOV596**

Applicant: Ms. Catherine Lynn O’Brien

Civic address: 141 Shammy’s Place

Legal Description: LOT 4, SECTION 5, WELLINGTON DISTRICT, PLAN 32033

Purpose: The request of the applicant is to vary the provisions of Zoning Bylaw No. 4500 to permit the placement of a heat pump to the front of a single family dwelling and to vary the side yard setback requirement for the heat pump from 4.5m to 2.9m. This represents a side yard heat pump variance of 1.6m.

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: Ms. O'Brien was in attendance for her appeal.

Decision: It was moved and seconded that the request to vary the provisions of Zoning Bylaw No. 4500 to permit the placement of a heat pump to the front of a single family dwelling and to vary the side yard setback requirement for the heat pump from 4.5m to 2.9m 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 7:30 p.m. that the meeting terminate. The motion carried unanimously.



CHAIR
CERTIFIED CORRECT



DATE: