



COMMUNITY SAFETY & DEVELOPMENT

**MINUTES OF THE MEETING
OF THE BOARD OF VARIANCE**

**HELD IN THE BOARDROOM, 455 WALLACE STREET, NANAIMO, BC
ON THURSDAY, 2012-MAY-17 COMMENCING AT 7:00 P.M.**

PRESENT: Members: Ms. Janet Cowling - Chair
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 6:59 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-MAR-15 be adopted as circulated. The motion carried unanimously.

3. APPLICATIONS:

APPEAL NO.: **BOV593**

Applicant: Mr. Raymond Debeeld on behalf of Mr. Emile Houle

Civic address: 3601 Shenton Road

Legal Description: LOT A, SECTION 3, WELLINGTON DISTRICT, PLAN EPP7500

Purpose: The request of the applicant is to construct an addition on an existing automotive repair shop, which is a legal non-conforming use.

Zoning Regulations: Light Industrial – I2. The applicant is requesting an enactment for a non-conforming use within the City of Nanaimo “ZONING BYLAW 2011 NO. 4500”:

Zoning Bylaw No.4000 Section 11.2.1 (*repealed 2012-AUG-08*) permitted Automotive Repair Shop. Zoning Bylaw No. 4500 (*adopted 2012-AUG-08*) does not permit Automotive Repair Shops.

Local Government Act: The use of the property is considered legal non-conforming. *Local Government Act, Section 911 – Non-conforming Uses and Siting* [article 5] states:

“A structural alteration or addition, except one that is required by an enactment or permitted by a board of variance under section 901 (2), must not be made in or to a building or other structure while the non-conforming use is continued in all or any part of it.”

Discussion: Mr. Debeeld and Mr. Houle were in attendance for this appeal.

Decision: It was moved and seconded that the request to construct an addition on an existing automotive repair shop, which is a legal non-conforming use be approved. The motion carried unanimously.

APPEAL NO.: **BOV594**

Applicant: Mr. Glenn Galbraith and Mrs. Denise Galbraith

Civic address: 320 Fawn Place

Legal Description: STRATA LOT 167, SECTION 5, 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: The request of the applicant is to reduce the required side yard setback from 1.5 metres to 0.5 metres in order to permit the reconstruction of previously constructed stairs and landing in a side yard. This represents a side yard setback variance of 1.0 metre.

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

“Section 7.5.1 – Siting of Buildings - a side yard of 1.5 metres must be provided.”

Local Government Act: The use of the property is considered non-conforming. *Local Government Act, Section 911 – Non-conforming Uses and Siting* does not apply.

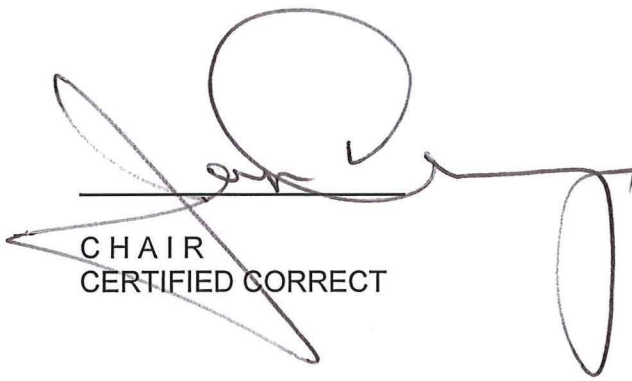
Discussion: Mr. Galbraith was in attendance for his appeal.

Decision: It was moved and seconded that the variance request be denied.
The motion carried. Mr. Minhas voted in opposition to the motion.

4. **OTHER BUSINESS:**

5. **ADJOURNMENT:**

It was moved and seconded at 7:41 p.m. that the meeting terminate. The motion carried unanimously.

 2012. JUN. 21
CHAIR
CERTIFIED CORRECT DATE: