



COMMUNITY SAFETY & DEVELOPMENT

**MINUTES OF THE MEETING
OF THE BOARD OF VARIANCE
HELD IN THE BOARDROOM, 455 WALLACE STREET, NANAIMO, BC
ON THURSDAY, 2012-FEB-16 COMMENCING AT 7:00 P.M.**

PRESENT: Members: Mr. Lars Apland - Chair
Mr. Allan Dick
Mr. Jim Galloway
Mr. Amarjit Minhas

 Regrets: Ms. Janet Cowling

 Staff: Mr. Dave Pady, Planning Assistant, Current Planning

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 January 19, 2012 be adopted as circulated. The Motion carried unanimously.

3. APPLICATIONS:

APPEAL NO.: BOV578

Applicant: Mr. Charanjit S. Manhas

Civic address: 5381 Jacobs Lane

Legal Description: LOT 6, DISTRICT LOT 49, WELLINGTON DISTRICT, PLAN 25430

Purpose: The request of the applicant is to increase the maximum height of a retaining wall in a side yard from 2.4 metres to 6 metres in order to permit the construction of a retaining wall and single family dwelling. This represents a side yard fence height variance of 3.6 metres.

Zoning Bylaw: Single Dwelling Residential – R1. The applicant requests a variance to the “CITY OF NANAIMO ZONING BYLAW 2011 NO. 4500”:

“6.10.2 – Fence Height – The height of a fence shall not exceed 2.4 metres in a side yard.”

“Retaining Wall – means a wall erected to hold back water, or support a bank of earth, and which is considered a fence for the purpose of regulating height”

LGA: The City of Nanaimo Board of Variance has been established in accordance with Section 899 of the *Local Government Act*.

Discussion: Ms. Jacquelyn Rud, of 5410 Jacobs Lane, Ms. Kathy Galvin, of 5355 Seascape Terrace and Ms. Pat Brown, of 5402 Jacobs Lane, appeared in opposition to the appeal. Mr. Charanjit was in attendance for his appeal.

Decision: It was determined by the Board that the interior of the two walls proposed was within the buildable portion of the lot and did not need to be included in the variance request. As such, a lesser variance of 0.6 metres was requested for the portion of retaining wall within the side yard.

It was moved and seconded that a lesser variance of 0.6 metres be approved. The Motion carried unanimously.

APPEAL NO.: **BOV588**

Applicant: Mr. Rob Turgeon on behalf of Mr. Jaco Kruger and Ms. Huajin Cui.

Civic address: 3134 Robin Hood Drive

Legal Description: LOT 7, SECTION 9, WELLINGTON DISTRICT, PLAN 29032

Purpose: The request of the applicant is to reduce the required rear yard setback from 7.5 metres to 1.7 metres in order permit an addition to an existing single family dwelling. This represents a rear yard variance of 5.8 metres.

Please note: at its meeting held July 03, 1992, the Board of Variance approved a rear yard setback to 4.8 metres in order to permit construction of the now existing single family dwelling.

Please note: at its meeting held December 15, 2011, the Board of Variance deferred this application until further information regarding the project could be provided by the applicant. This information has now been received.

Zoning Bylaw: Single Dwelling Residential – R1. The applicant requests a variance to the “CITY OF NANAIMO ZONING BYLAW 2011 NO. 4500”:

“7.5.1 – Siting of Buildings – a principle building must be setback a minimum distance of 7.5 metres from the rear lot line.”

LGA: The City of Nanaimo Board of Variance has been established in accordance with Section 899 of the *Local Government Act*.

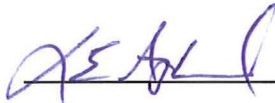
Discussion: Ms. Gail Jewsbury, owner of 3145 Monk Place, appeared in opposition of the variance application. Mr. Rob Turgeon appeared to present the variance application on behalf of the property owners, Mr. Jaco Kruger and Ms Huajin Cui, who were in attendance for their appeal.

Decision: It was moved and seconded that the appeal be denied. The Motion carried unanimously.

4. **OTHER BUSINESS:**

5. **ADJOURNMENT:**

It was moved and seconded the meeting terminate at 7:56 p.m. The Motion carried unanimously.



CHAIR
CERTIFIED CORRECT



DATE: