



COMMUNITY SAFETY & DEVELOPMENT

MINUTES OF THE MEETING OF THE BOARD OF VARIANCE HELD IN THE BOARDROOM, 455 WALLACE STREET, NANAIMO, BC ON THURSDAY, 2011-JUL-21 COMMENCING AT 7:00 P.M.

PRESENT: Members: Ms. Janet Cowling - Chair
 Mr. Allan Dick
 Mr. Jim Galloway
 Absent: Mr. Lars Apland
 Mr. Amarjit Minhas

 Staff: Mr. Bill Corsan, Manager, Planning Section, CSD
 Mr. Dave Pady, Planning Assistant, Planning Section, CSD
 Ms. Penny Masse, Planning Clerk, Planning Section, CSD

1. CALL THE MEETING TO ORDER:

The 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, 2011-JUN-16 be adopted as circulated. The motion carried unanimously.

Ms. Cowling asked that it be formally recorded that the agenda for this evening's meeting was amended due to the removal of an application (BOV581) for a height variance at 111 Captain Morgans Boulevard on Protection Island.

3. APPLICATIONS:

APPEAL NO.: **BOV579**

Applicant: Ms. Heather Middleton and Mr. Brian Berg

Civic address: 451 Milton Street

Legal Description: THAT PART OF SECTION A OF LOT 15, BLOCK H, SECTION 1, NANAIMO DISTRICT, PLAN 584, LYING SOUTH EASTERLY OF A STRAIGHT BOUNDARY JOINING THE POINTS OF BISECTION OF THE NORTH EASTERLY AND SOUTH WESTERLY BOUNDARIES OF SAID SECTION A.

- Purpose:** The applicant is requesting that the front yard major road setback for a single family dwelling be reduced from 10 metres (32.8 feet) to 7.2 metres (23.62 feet), as shown in the survey provided, in order to permit a structural alteration to an existing single family dwelling which is non-conforming as to siting. This represents a front yard major road setback variance of 2.8 metres (9.18 feet).
- Zoning Regs:** Old City Low Density (Fourplex) Zone – (RM-9). The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 1993 NO. 4000":

"Section 5.2.1.1 – Location and Siting of Buildings and Structures to Major Roads 10 metres (32.8 feet) from a property line that abuts established urban arterials, urban collector roads and provincial highways, as designated by the City of Nanaimo Official Community Plan, when the required dedication to achieve the required right of way has not occurred to facilitate the widening of the major road."
- LGA:** Please note: Section 911 (9) and (10) of the Local Government Act, which states:

"If the use and density of buildings and structures conform to a bylaw under this division... but the siting, size or dimensions of a building or structure constructed before the bylaw was adopted does not conform with the bylaw, ... the building or structure ... may be maintained, extended or altered ... only to the extent that the repair, extension or alteration would, when completed, involve no further contravention of the bylaw than that existing at the time the repair, extension or alteration was started."
- Discussion:** Ms. Heather Middleton appeared in support of the variance application.
- Decision:** It was moved and seconded that the variance application be approved. The motion carried unanimously.
- Appeal No.:** **BOV580**
- Applicant:** Ms. Kimberley Garland
- Civic address:** 505 Kennedy Street
- Legal Description:** SECTION C OF LOT 11, BLOCK V, SECTION 1, NANAIMO DISTRICT, PLAN 584
- Purpose:** The applicant is requesting that the required side yard setback be reduced from 1.5 metres (4.92 feet) to 0.5 metres (1.64 feet), as shown in the survey provided, in order to permit a deck currently under construction on a single family dwelling which is non-conforming as to siting. This represents a side yard setback variance of 1 metre (3.28 feet).

Zoning Regs: Old City Medium Density Multiple Family Residential Zone – (RM-10). The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 1993 NO. 4000":

*"Section 7.10.6.2. -Yard Requirements
Side yards of not less than 1.5 metres (4.92 feet) for each
side yard shall be provided."*

LGA: Please note: Section 911 (9) and (10) of the Local Government Act, which states:

"If the use and density of buildings and structures conform to a bylaw under this division... but the siting, size or dimensions of a building or structure constructed before the bylaw was adopted does not conform with the bylaw, ... the building or structure ... may be maintained, extended or altered ... only to the extent that the repair, extension or alteration would, when completed, involve no further contravention of the bylaw than that existing at the time the repair, extension or alteration was started."

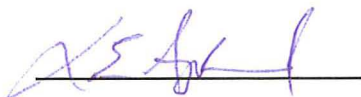
Discussion: Ms. Kimberley Garland appeared in support of the variance application. Ms. Penny MacMillan, 503 Kennedy Street, appeared in opposition of the variance application.

Decision: It was moved that the variance application be denied. The motion was not seconded. It was moved and seconded that the variance application be approved. The motion was defeated. Opposed: Mr. Allan Dick and Ms. Janet Cowling.

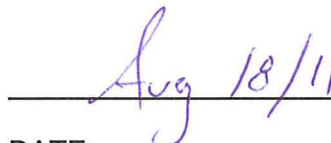
4. OTHER BUSINESS:

5. ADJOURNMENT:

It was moved and seconded at 7:55 p.m. that the meeting terminate. The motion carried unanimously.



CHAIR
CERTIFIED CORRECT



DATE: