



COMMUNITY SAFETY & DEVELOPMENT

MINUTES OF THE MEETING OF THE BOARD OF VARIANCE HELD IN THE BOARDROOM, 455 WALLACE STREET, NANAIMO, BC ON THURSDAY, 2011-JUN-16 COMMENCING AT 7:00 P.M.

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

 Absent: None

 Staff: Mr. Jeremy Holm, Manager, Planning Section, CSDD
 Ms. Joan Harrison, Manager, Legislative Services, CSD
 Mr. Dave Pady, Planning Assistant, Planning Section, CSDD
 Ms. Penny Masse, Planning Clerk, Planning Section, CSDD

1. **CALL THE MEETING TO ORDER:**

The meeting was called to order at 7:02 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-MAR-17 be adopted as circulated. The motion carried unanimously.

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-MAY-19 be amended by removing the following sentence under the 'Adoption of Minutes' section: "It was moved and seconded that the minutes of the meetings held 2011-MAR-17 be adopted." The motion carried unanimously.

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-MAY-19 be adopted as amended. The motion carried unanimously.

3. APPLICATIONS:

Appeal No.: BOV575

Applicant: Mr. Rawel Parmar of Improvement Building Maintenance

Civic address: 2353 Leighton Road

Legal Description: LOT 8, SECTION 10, RANGE 7, MOUNTAIN DISTRICT, PLAN EPP7103

Purpose: The applicant is requesting that the maximum height of a single family dwelling be increased from 8.25 metres (27.06 feet) to 8.62 metres (28.28 feet), as shown in the survey provided, in order to permit a single family dwelling currently under construction. This represents a height variance of 0.37 metres (1.22 feet).

Zoning Regs: This property is within the Single Family Residential Zone (RS-1). The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 1993 NO. 4000":

"Section 6.1.7.1 - Height of Buildings

The height of a principal building shall not exceed the maximum height shown in the following table:

<i>Roof Pitch</i>	<i>Maximum Height</i>
<i>A flat roof (< than 4:12)</i>	<i>6.71 metres (22 feet)</i>
<i>A sloped roof (≥ 4:12)*</i>	<i>8.25 metres (27.06 feet)</i>

** for an area of at least 80% of all roof surfaces measured in plan view.*

LGA: N/A

Discussion: Mr. Rawell Parmar appeared in support of the variance application. Mr. Ian Johnson, 380 Westwood Road, appeared in opposition of the City of Nanaimo Building Section's policy to allow non-conforming construction to continue as it causes a more difficult situation for the BOV and neighbours.

Decision: It was moved and seconded that the variance application be denied. The motion carried unanimously.

Appeal No.: BOV576

Applicant: Mr. Terry Fiddick

Civic address: 130 Holland Road

Legal Description: LOT 1, SECTION 14, RANGE 7, MOUNTAIN DISTRICT, PLAN 21104

Purpose: The applicant is requesting that the maximum height of a single family dwelling be increased from 9 metres (29.53 feet) to 9.09 metres (29.82 feet), as shown in the survey provided, in order to permit a single family dwelling currently under construction. This represents a height variance of 0.09 metres (0.29 feet).

Zoning Regs: This property is within the Rural Agricultural / Residential Zone (A-1). The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 1993 NO. 4000":

*"8.1.7.1 – Height of Buildings
The height of a building or structure used for dwelling purposes shall not exceed 9 metres (29.53 feet)."*

LGA: N/A

Discussion: Mr. Trevor McDonald, 2250 Bellwood Avenue, 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.: **BOV577**

Applicant: Mr. Jon Schuman

Civic address: 245 Juniper Street

Legal Description: LOT 5, BLOCK 111, NEWCASTLE TOWNSITE, SECTION 1, NANAIMO DISTRICT, PLAN 366

Purpose: The applicant is requesting that the front yard setback for a single family dwelling be reduced from 6 metres (19.69 feet) to 5.83 metres (19.13 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 setback variance of 0.6 metres (1.97 feet).

Zoning Regs: This property is within the Single Family Residential Zone (RS-1a). The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 1993 NO. 4000":

*"Section 6.1.6.1 – Yard Requirements
A front yard of not less than 6 metres (19.69 feet) 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: Mr. Jon Schuman appeared in support of the variance application. Ms. Joy Bremner, 235 St. George Street, appeared neither opposed nor in favour of the variance application; however, she noted she appreciates any improvements made in the neighbourhood.

Decision: It was moved and seconded that the variance application be approved. The motion carried unanimously.

4. OTHER BUSINESS:

Further to BOV575, Mr. Dick raised the discussion regarding the City of Nanaimo's policy to allow a builder to continue construction despite a contravention of regulations and issuance of a stop work order. Where the contravention requires an application to the Board of Variance, the builder may proceed with construction if they sign an agreement that they will bring a property into conformity with regulations if the Board of Variance votes in opposition to the appeal. Mr. Pady noted he would speak to the Supervisor of Building Inspections and would return to the Board with further information on the matter.

5. ADJOURNMENT:

It was moved and seconded at 7:54 p.m. that the meeting terminate. The motion carried unanimously.


VICE CHAIR
CERTIFIED CORRECT

June 21, 2011

ec: Building Inspection Section
Bill Corsan, Manager, Planning Section
Randy Churchill, Manager, Bylaw Regulation & Security, Bylaw Services Section
Nancy Peterson, Real Estate Technician, Real Estate Section
David Stewart, Planner, Planning Section
Cam Scott, E-Government / Communications Officer
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