



the side of the principal building without knowing of the Zoning Bylaw regulations. To relocate the unit to the rear would be difficult.

- Ms. Johanna Berry, representing the neighbours at 4930 Brodys Place, spoke to the neighbours' concerns with the proposed variance.
- The Board discussed the requested variance and alternate options for placement of the air conditioning unit.

It was moved and seconded that application BOV00701 for 4884 Blue Jay Trail to vary the provisions of the City of Nanaimo "ZONING BYLAW NO. 4500" in order to permit a central air conditioning unit to be located to the side of the principal building and to vary the distance from the side lot line from 4.5m to 3.1m be denied. The motion carried unanimously.

Board comments:

- Cost alone is not undue hardship.

(b) Board of Variance Application No. BOV702 – 34 Lebarz Road

- Mr. Bob Irwin read the application requesting to vary the provisions of Zoning Bylaw No. 4500 in order to permit a heat pump to be located to the side of the principal building.
- Mr. Mike Frajman, the applicant, spoke to the rationale for the application.
- The requested variance and rationale were discussed. The single residential dwelling is under construction and there is an open deck and suite to the rear of the building.
- Mr. Frajman was asked by the Board if the heat pump could be placed above or below the open deck. Mr. Frajman responded that it was not possible.
- The Board discussed the requested variance and demonstration of undue hardship.

It was moved and seconded that application BOV00702 for 34 Lebarz Road to vary the provisions of the City of Nanaimo "ZONING BYLAW NO. 4500" in order to permit a central air conditioning unit to be located to the side of the principal building be approved. The motion carried. Opposed: Ron Nadeau.

(c) Board of Variance Application No. BOV703 – 250 Pine Street

- Mr. Bob Irwin read the application requesting to vary the provisions of Zoning Bylaw No. 4500 in order to 1) raise an existing non-conforming house with a north side yard setback of 1.0m and a south side yard setback of 1.1m, and 2) replace an existing non-conforming accessory building with a north side yard setback of 0.9m.
- Mr. Keene Anderson, the applicant, spoke to the rationale for the application. The existing buildings are non-conforming and skewed relative to the lot lines. Rotating the primary dwelling to be parallel with the lot lines would reduce the fire separation from buildings on adjacent lots, which are also skewed.
- Mr. Jim Richardson, 330 Machleary Street, spoke to the application as the contractor for the project and commented that he had heard no concerns from the neighbours at 246 Pine Street.

- The Board discussed the requested variance and demonstration of undue hardship.

It was moved and seconded that application BOV00703 for Pine Street to vary the provisions of the City of Nanaimo “ZONING BYLAW NO. 4500” in order to raise an existing non-conforming house with a north side yard setback of 1.0m and a south side yard setback of 1.1m be approved. The motion carried unanimously.

It was moved and seconded that application BOV00703 for Pine Street to vary the provisions of the City of Nanaimo “ZONING BYLAW NO. 4500” in order to replace an existing non-conforming accessory building with a north side yard setback of 0.9m be approved. The motion carried unanimously.

(d) Board of Variance Application No. BOV704 – 5941 Stillwater Way

- Mr. Bob Irwin read the application requesting to vary the provisions of Zoning Bylaw No. 4500 in order to allow an eave to project 1.1m into the side yard setback for a single residential dwelling currently under construction.
- Mr. Darren Driver, the applicant, and Mr. Taranjit Parmar, the owner, spoke to the rationale for the application. The Building Permit for the single residential dwelling was issued without the eave projection being noted, and the structure has now been built.
- The Board discussed the requested variance and demonstration of undue hardship.

It was moved and seconded that application BOV00704 for 5941 Stillwater Way to vary the provisions of the City of Nanaimo “ZONING BYLAW NO. 4500” in order to allow an eave to project 1.1m into the side yard setback be approved. The motion carried unanimously.

(e) Board of Variance Application No. BOV705 – 312 Dorchester Place

- Mr. Bob Irwin read the application requesting to vary the provisions of Zoning Bylaw No. 4500 to increase the maximum height of a fence or retaining wall from 2.4m to 3.1m in order to complete an under construction retaining wall in the side yard and rear yard.
- Mr. Inder Malhotra and Ms. Bonnie Malhotra, the applicants, spoke to the rationale for the application. The retaining wall was originally proposed within the height regulations, but due to the topography of the property, larger footings were included which are counted towards the total height of the retaining wall.
- The Board discussed the requested variance and demonstration of undue hardship.

It was moved and seconded that application BOV00705 for 312 Dorchester Place to vary the provisions of the City of Nanaimo “ZONING BYLAW NO. 4500” to increase the maximum height of fence or retaining wall in the side yard and rear yard from 2.4m to 3.1m be approved. The motion carried unanimously.

(f) Board of Variance Application No. BOV706 – 431 Heron Place

- Mr. Bob Irwin read the application requesting to vary the provisions of Zoning Bylaw No. 4500 to reduce the side yard setback from 1.5m to 0.3m in order to construct exterior stairs along the south side of an existing single residential dwelling.
- Mr. Andrew Godley and Ms. Tracey Godley, the applicants, spoke to the rationale for the application. There is currently no access to the rear of the property except through the house, and the property is too steep to construct at-grade exterior stairs.
- The Board discussed the requested variance and demonstration of undue hardship.

It was moved and seconded that application BOV00706 for 431 Heron Place to vary the provisions of the City of Nanaimo “ZONING BYLAW NO. 4500” to reduce the side yard setback from 1.5m to 0.3m in order to construct exterior stairs be approved. The motion carried unanimously.

(g) Appointment of Acting Chair

Mr. Bob Irwin appointed Mr. Ron Nadeau as Acting Chair.

6. ADJOURNMENT:

It was moved and seconded at 6:40 p.m. that the meeting terminate. The motion carried unanimously.



CHAIR

CERTIFIED CORRECT:



CORPORATE OFFICER