

**MINUTES**  
BOARD OF VARIANCE MEETING  
SERVICE AND RESOURCE CENTRE BOARDROOM, 411 DUNSMUIR STREET, NANAIMO, BC  
THURSDAY, 2019-JAN-17 AT 5:30 P.M.

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PRESENT:   Members:   Bob Irwin, Chair  
                                  Kenn Hample  
                                  Jessica Kaman  
                                  Ron Nadeau

                  Absent:    Allan Dick

                  Staff:       Caleb Horn, Planning Assistant (Recording Secretary)  
                                  Lainy Nowak, Planning Assistant

1.    CALL THE BOARD OF VARIANCE COMMITTEE MEETING TO ORDER:

The Open Board of Variance Meeting was called to order at 5:30 p.m.

2.    ADOPTION OF AGENDA:

It was moved and seconded that the Agenda be adopted. The motion carried unanimously.

3.    ADOPTION OF MINUTES:

It was moved and seconded that the minutes of the Board of Variance Meeting held 2018-OCT-18, Training Room, City Hall, Nanaimo, BC be adopted as circulated. The motion carried unanimously.

4.    PRESENTATIONS:

a.    Introductions

- Mr. Bob Irwin introduced one of the two new Board of Variance members, Mr. Kenn Hample. The second new Board of Variance member, Mr. Allan Dick, sent his regrets.

b.    Board of Variance Application No. BOV710 – 610 Nicol Street

- Mr. Bob Irwin read the application requesting to vary the provisions of Zoning Bylaw No. 4500 to reduce the front yard setback from 4.5m to 4.17m, the north side yard setback from 1.5m to 1.2m, and the south side yard setback from 1.5m to 0.81m in order to raise an existing non-conforming house.
- Mr. Nigel Fee, the applicant, spoke to the rationale for the application. The existing non-conforming house was raised in order to replace the foundation but will not be able to be set down at the previous height due to issues with the existing foundation.

- Mr. Douglas Bree, on behalf of Ms. Wilda Colyn, raised concerns with the south side yard setback variance and its impact on 614 Nicol Street.
- Ms. Jessica Kaman asked staff to clarify the requirement for setback variances on an existing non-conforming house. Mr. Caleb Horn advised that the requested variances are required because there is a volumetric increase in non-conformity due to the increased height of the structure.
- The Board discussed the requested variance and demonstration of undue hardship.

It was moved and seconded that application BOV00710 for 610 Nicol Street to vary the provisions of the City of Nanaimo “ZONING BYLAW NO. 4500” in order to reduce the front yard setback from 4.5m to 4.17m, the north side yard setback from 1.5m to 1.2m, and the south side yard setback from 1.5m to 0.81m be approved. The motion carried. Opposed: Jessica Kaman.

c. Board of Variance Application No. BOV711 – 2554 Cosgrove Crescent

- 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 1.15m in order to replace an existing non-conforming deck.
- Ms. Amelia Mahony and Mr. Daniel Mahony, the applicants, spoke to the rationale for the application. The existing deck is non-conforming and would be difficult to replace with a conforming deck due to the location of the doorway between the house and the deck.
- The Board discussed the requested variance and the demonstration of undue hardship.

It was moved and seconded that application BOV00711 for 2554 Cosgrove Crescent to vary the provisions of the City of Nanaimo “ZONING BYLAW NO. 4500” in order to reduce the side yard setback for a deck from 1.5m to 1.15m be approved. The motion carried unanimously.

d. Board of Variance Application No. BOV712 – 2 View Street

- Mr. Bob Irwin read the application requesting to vary the provisions of Zoning Bylaw No. 4500 to reduce the flanking side yard setback from 4m to 1.15m and the side yard setback from 1.5m to 0.8m in order to raise an existing non-conforming house.
- Mr. Vieux Holland, the applicant, spoke to the rationale for the application. The existing house is being raised approximately 0.8m to replace the foundation and create living space on the ground floor.
- The Board discussed the requested variance and the demonstration of undue hardship.

It was moved and seconded that application BOV00712 for 2 View Street to vary the provisions of the City of Nanaimo “ZONING BYLAW NO. 4500” in order to reduce the flanking side yard setback from 4m to 1.15m and reduce the side yard setback from 1.5m to 0.8m be approved. The motion carried unanimously.

5. ADJOURNMENT:

It was moved and seconded at 6:00 p.m. that the meeting terminate. The motion carried unanimously.



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CHAIR

CERTIFIED CORRECT:

  
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CORPORATE OFFICER