

**MINUTES**  
BOARD OF VARIANCE MEETING  
SERVICE AND RESOURCE CENTRE BOARDROOM, 411 DUNSMUIR STREET, NANAIMO, BC  
THURSDAY, 2019-MAY-16 AT 5:30 P.M.

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PRESENT:   Members:   Bob Irwin, Chair  
                                  Allan Dick  
                                  Ron Nadeau

                  Absent:    Kenn Hample  
                                  Jessica Kaman

                  Staff:     Caleb Horn, Planning Assistant (Recording Secretary)

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 2019-APR-18, Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC be adopted as circulated. The motion carried unanimously.

4.   PRESENTATIONS:

a.   Board of Variance Application No. BOV718 – 342 Howard Avenue

- Mr. Bob Irwin read the application requesting to vary the provisions of “City of Nanaimo Zoning Bylaw 2011 No. 4500” to allow a flanking side yard setback of 1.67m in order to construct a deck to the rear of an existing non-conforming single residential dwelling.
- Mr. Chris Chatterton, the applicant, spoke to the rationale for the application. An existing patio door is within the flanking side yard setback and it would be difficult to relocate this door.
- Mr. Allan Dick asked where the previous deck had been located.
  - Mr. Chatterton answered that a previous deck spanned the entire width of the non-conforming house.
- The Board discussed the requested variance and demonstration of undue hardship.

It was moved and seconded that application BOV718 for 342 Howard Avenue to vary the provisions of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” to a reduce the flanking

side yard setback from 4m to 1.67m in order to construct a deck to the rear of an existing single residential dwelling be approved. The motion carried unanimously.

b. Board of Variance Application No. BOV719 – 3806 Marjorie Way

- Mr. Bob Irwin read the application requesting to vary the provisions of “City of Nanaimo Zoning Bylaw 2011 No. 4500” in order to locate a heat pump to the front of a single residential dwelling.
- Mr. Jeet Manhas, the applicant, spoke to the rationale for the application. The house was recently constructed with a heat pump / central air conditioning unit at the front of the house. The driveway and primary entrance for the house are located in the rear of the property and it would be difficult to locate a heat pump to the rear of the house.
- Mr. Allan Dick asked why the south of the property was considered front it lies adjacent to a dedicated park.
  - Mr. Caleb Horn answered that a covenant was registered on the property at the time of subdivision to stipulate that a house on the property must face Marjorie Way, to the south.
- Mr. Ron Nadeau asked if the location of the heat pump was shown on building plans and why it hadn’t been noticed by the City earlier.
  - Mr. Manhas answered that the location was shown on all building plans.
  - Mr. Horn responded that no permits are required for heat pumps or central air conditioning units.
- Mr. Irwin asked about the notification area for the Board of Variance notice.
  - Mr. Horn answered that the notification area is to all occupants and owners of properties within 10m of the subject property, or 10m in addition to the road right-of-way.
- Mr. Irwin commented that the City should consider requiring permits for heat pumps and central air conditioning units.
- Mr. Chris Lundy, representing the company currently building a house at the adjacent 3800 Marjorie Way, spoke against the requested variance. The proposed heat pump location would be below an open deck at 3800 Marjorie Way and impact residents at this property. The house at 3800 Marjorie Way is being designed to accommodate a heat pump in the rear.
- The Board discussed the requested variance and the demonstration of undue hardship.

It was moved and seconded that application BOV719 for 3806 Marjorie Way to vary the provisions of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” in order to locate a heat pump to the front of the principal building be denied. The motion carried unanimously.

c. Board of Variance Application No. BOV720 – 641 First Street

- Mr. Bob Irwin read the application requesting to vary the provisions of “City of Nanaimo Zoning Bylaw 2011 No. 4500” to allow a side yard setback of 0m in order to construct a front porch and exterior staircase at the front of an existing non-conforming single residential dwelling that is straddling an interior lot line.
- Mr. Kris Sillem, the applicant, spoke to the rationale for the application. The existing house is currently built over a lot line.
- The Board discussed the requested variance and demonstration of undue hardship.

It was moved and seconded that application BOV720 for 641 First Street to vary the provisions of the "City of Nanaimo Zoning Bylaw 2011 No. 4500" to a reduce the side yard setback from 1.5m to 0m on either side of an interior lot line in order to construct a front porch and exterior staircase at the front of an existing single residential dwelling 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.



CHAIR

CERTIFIED CORRECT:

  
CORPORATE OFFICER