

**MINUTES**  
BOARD OF VARIANCE MEETING  
BOARDROOM, SERVICE AND RESOURCE CENTRE  
411 DUNSMUIR STREET, NANAIMO, BC  
THURSDAY, 2020-JAN-16 AT 5:30 P.M.

---

PRESENT:   Members:   Jessica Kaman, Chair  
                                  Nelson Allen (arrived 5:32 p.m.)  
                                  Allan Dick  
                                  Ron Nadeau

                  Absent:    Kenneth Hample

                  Staff:     L. Nowak, 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.

N. Allen entered the Boardroom at 5:32 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 in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Thursday, 2019-OCT-17, be adopted as circulated.    The motion carried unanimously.

4.    PRESENTATIONS:

(a)   Board of Variance No. BOV730 – 210 Woodhaven Drive

          The Chair read the application requesting to vary the provisions of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” in order to allow perimeter wall heights of 12.0m on the rear and east internal side yard elevations at 210 Woodhaven Drive.

          The applicant, Rick Andrew, spoke to the rationale for the application.    He stated that the lot is steep and consists of solid rock, making it necessary to dig down to find stability for the foundation.

          Discussion took place regarding:

- The need for extra height

- The location of the variance
- Removing the third floor so that a perimeter wall height variance would not be needed
- Strata consultation, impacts to the surrounding neighbours, any letters of support
- Any other bylaw contraventions

The Chair asked if anyone else would like to speak regarding the application:

- The neighbour at 221 Woodhaven Drive, Joseph Baur, raised concerns about view obstruction.

It was moved and seconded that application BOV730 for 210 Woodhaven Drive to vary the provisions of “City of Nanaimo Zoning Bylaw 2011 No. 4500” in order to allow perimeter wall heights of 12.0m on the rear and east internal side yard elevations be approved. The motion carried unanimously.

(b) Board of Variance Application No. BOV731 – 740 Haliburton street

The Chair read the application requesting to vary the provisions of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” in order to vary the south side yard setback to 0.5m in order to legalize the setback of an existing non-conforming house.

The applicant, Bruce McQuade, spoke to the rationale for the application. He stated that the house was built in 1905 and he was hired to renovate the existing house. However, at an inspection, a Building Official determined that the renovations were more than 75% and it is now considered a rebuild so it must conform to the Bylaws. He claims he is asking for a variance so that he does not have to move the house.

Discussion took place regarding:

- The site survey and encroachment onto the neighbouring property at 742 Haliburton Street
- The regulation in the *Local Government Act* that requires that renovations to a structure that are more than 75% or more of its value above its foundations, only be repaired or reconstructed in a conforming use in accordance with the bylaw
- Concerns that the applicant should have been aware of the extent of work that was required when the Building Permit was issued and a variance could have been applied for at that time
- Concerns that the overhang is encroaching into the neighbour’s property
- The application not having enough information
- Board of Variance process

It was moved and seconded that application BOV731 for 740 Haliburton Street to vary the provisions of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” to vary the south side yard setback to 0.5m in order to legalize the setback of an existing non-conforming house be approved. The motion was defeated.

Opposed: *Allan Dick, Jessica Kaman*

5. ADJOURNMENT:

It was moved and seconded at 6:33 p.m. that the meeting terminate. The motion carried unanimously.

---

CHAIR

CERTIFIED CORRECT:

---

CORPORATE OFFICER