

**MINUTES**  
BOARD OF VARIANCE MEETING  
BOARDROOM, SERVICE AND RESOURCE CENTRE  
411 DUNSMUIR STREET, NANAIMO, BC  
THURSDAY, 2020-JUN-18 AT 5:30 P.M.

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PRESENT:   Members:   Jessica Kaman, Chair  
                                  Nelson Allen  
                                  Allan Dick  
                                  Kenneth Hample  
                                  Ron Nadeau

                  Staff:       L. Rowett, Current Planning, Manager  
                                  L. Nowak, Planning Assistant  
                                  K. Berke, Community Development Clerk (Recording Secretary)

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

The Open Board of Variance Meeting was called to order at 5:33 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, 2020-FEB-20, be adopted as circulated. The motion carried unanimously.

4.    PRESENTATIONS:

Jessica Kaman, Chair, read a list of guidelines to ensure physical distancing in the Board Room.

(a)   Board of Variance No. BOV735 – 2032 Forest Drive

The Chair read the application requesting a variance to locate a heat pump on the front face of the principal building at 2032 Forest Drive. “City of Nanaimo Zoning Bylaw 2011 No. 4500” requires that a heat pump or central air conditioning unit be located to the rear or side of a principal building.

The applicant, Raymond Matthews, spoke to the rationale for the application. He stated that there is no place other than the front of the house to install the heat

pump. The rear of the house already has a heat pump for the main upper floor, a door and windows also occupy space at the rear of the house and there is a fireplace which protrudes at the side of the house.

Discussion took place regarding:

- Whether the house is a single family dwelling or a duplex, whether the suite is an upper or a lower and whether the suite is legal
- The heat pump being the second heat pump on the property
- Whether the current heat pump at the back of the house follows the Zoning Bylaw No. 4500
- Windows and suite door placement leave no room for a second heat pump at rear of house
- Placing heat pump to the side of the house. Chimney/fireplace on side of house. Zoning bylaw No. 4500 requires a minimum 4.5m from side yard setback otherwise requires a variance
- Existing screening at the front of the house
- Impact to and support of neighbours

It was moved and seconded that application BOV735 for 2032 Forest Drive to vary the provisions of “City of Nanaimo Zoning Bylaw No. 4500” to locate a heat pump on the front face of the principal building be approved. The motion carried.

Opposed: *Kenneth Hample*

(b) Board of Variance Application No. BOV736 – 6178 McGirr Road

The Chair read the application requesting to reduce the rear yard setback from 7.5m to 6.34m in order to construct a staircase that will project a further 2m into the rear yard setback as permitted by the Zoning Bylaw. This represents a variance of 1.16m. The Zoning Bylaw requires a minimum rear yard setback of 7.5m in the R1 zone. Steps and landings are permitted to project up to 2m into the rear yard setback.

The applicants, Thomas and Brenda McDermitt, spoke to the rationale for the application. They stated that there is currently no staircase off the sundeck. The sundeck is off the main living area and in the event of an emergency if they had to exit from this level to the sundeck there would be no way down to the ground level. Other exits are on the ground/basement level only and they primarily use the top area of the house.

Discussion took place regarding:

- The location of the property near Dover Bay School
- The current exit situation. The main entrance/exit is on the ground level and a second exit is on a lower level (which the applicants never use). There is currently no exit on the main living area on the upper level
- Whether applicants will be replacing the sundeck as well as adding a new staircase

- Retaining wall on right side prevents them from putting stairs to ground level
- Impact to neighbours

It was moved and seconded that application BOV736 for 6178 McGirr Road to vary the provisions of “City of Nanaimo Zoning Bylaw No. 4500” to reduce the rear yard setback from 7.5m to 6.34m in order to construct a staircase that will project a further 2m into the rear yard setback be approved. The motion carried unanimously.

5. ADJOURNMENT:

It was moved and seconded at 5:59 p.m. that the meeting adjourn. The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

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CORPORATE OFFICER