

**MINUTES**  
BOARD OF VARIANCE MEETING  
BOARDROOM, SERVICE AND RESOURCE CENTRE  
411 DUNSMUIR STREET, NANAIMO, BC  
THURSDAY, 2020-NOV-19 AT 5:30 P.M.

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PRESENT:   Members:    Jessica Kaman, Chair, At Large Member  
                          Nelson Allen, At Large Member  
                          Allan Dick, At Large Member  
                          Daryoush Firouzli, At Large Member  
                          Kenneth Hample, At Large Member

                  Staff:        L. Stevenson, Planner  
                          K. Berke, Recording Secretary

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

The Open Board of Variance Meeting was called to order at 5:34 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-SEP-17, be adopted as circulated. The motion carried unanimously.

4.    PRESENTATIONS:

(a)   Board of Variance No. BOV742 – 420 Holly Avenue

The Chair read the application requesting a front yard setback of 7.15m, a flanking side yard setback of 3.5m and a rear yard setback of 6.93m in order to permit a façade upgrade and legalize the siting of two existing, non-conforming, multi-family buildings. This represents setback variances of 1.35m, 0.5m and 3.57m, respectively. Zoning Bylaw No. 4500 requires a minimum front yard setback of 8.5m where a property abuts a major road, a minimum flanking side yard setback of 4.0m, and a minimum rear yard setback of 10.5m in the R8 zone.

Gary Carniato, designer acting on behalf of the owner, spoke to the rationale for the application. He stated that the owners hired him after a stop work order was posted on their facade and renovation project. The existing buildings do not

conform to the current setback requirements and thus a variance is required to expand the area of non-conformity and legalize the existing siting of the buildings. The owner's intent with the façade upgrade was to make the older building look better and they did not realize they required a building permit/variance application. He stated that a few things structurally have all been deemed okay by engineers and the existing lots have recently been consolidated.

Discussion took place regarding:

- Plans for the back and south property line like fencing or landscaping
- Lot lines and why Townsite Road is considered the front yard
- The hardship of the application and it being that the existing building is not conforming to existing setbacks and the roof overhangs
- The stop work order and building permit
- Whether a development permit is required

It was moved and seconded that application BOV742 for 420 Holly Avenue to vary the provisions of "City of Nanaimo Zoning Bylaw No. 4500 to reduce the minimum required front yard setback, flanking side yard setback and rear yard setback from 8.5m to 7.15m, from 4.0m to 3.5m and from 10.5m to 6.93m in order to permit a façade upgrade and legalize the siting of two existing, non-conforming, multi-family buildings be approved. The motion carried.

Opposed: *Allan Dick*

5. OTHER BUSINESS:

(a) 2021 Meeting Schedule & Change to Meeting Time

Board member discussion took place regarding the 2021 meeting schedule. It was confirmed by Staff that Council approved an amendment to the "Board of Variance Bylaw 2015 No. 7213" to change the meetings from the third Thursday of the month to the first Thursday starting in 2021. There was discussion regarding the July meeting falling on a holiday (July 1<sup>st</sup>) and a recommendation from Staff to change it to either June 30<sup>th</sup> or July 7<sup>th</sup>.

It was moved and seconded that the July 1<sup>st</sup> meeting be re-scheduled to Wednesday, June 30<sup>th</sup>. The motion carried unanimously.

Board member discussion took place regarding the change of meeting time from 5:30 p.m. to an earlier option.

It was moved and seconded that the Board of Variance Meeting start time change from 5:30 p.m. to 4:00 p.m. to commence on December 17, 2020 subject to room availability. The motion carried unanimously.

6. ADJOURNMENT:

It was moved and seconded at 6:22 p.m. that the meeting adjourn. The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

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RECORDING SECRETARY