



**MINUTES OF THE MEETING  
OF THE BOARD OF VARIANCE  
HELD IN THE BOARDROOM AT 411 DUNSMUIR STREET  
ON TUESDAY, 2016-JUL-21 COMMENCING AT 5:30 PM**

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PRESENT: Members: Mr. Mark Dobbs - Chair  
Mr. Gerald (Gerry) Johnson  
Mr. Gordon Turgeon  
Mr. Richard Finnegan  
Staff: Ms. Jill Collinson, Planner, Planning & Design  
Absent: Mr. Tyler Brown

**1. CALL MEETING TO ORDER:**

The regular meeting was called to order at 5:30 p.m.

**2. ADOPTION OF MINUTES:**

It was moved and seconded that the Minutes of meeting of the Board of Variance held on Thursday, 2016-MAY-19 be adopted. The motion carried unanimously.

**3. APPLICATIONS:**

**APPEAL NO:** **BOV683**

**Applicant:** Mr. Jeff Boehm (Boehem Construction) on behalf of Diana Musgreave

**Civic Address:** 3820 Sundown Drive

**Legal Description:** LOT 5, DISTRICT LOT 39, WELLINGTON DISTRICT, PLAN 31821

**Purpose:** Zoning Bylaw No. 4500 requires a front yard setback of 6m for all garage doors and carport entrance ways facing a street on a single residential dwelling or duplex. The applicant is requesting to vary provisions of Zoning Bylaw No. 4500 in order to add a 0.3m addition to expand and enclose an existing legal non-conforming carport located 3.4m from the front property line. This represents a variance of 2.6m.

**Zoning Regulations:** Single Dwelling Residential – R1. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

*Section 7.5.3 – Yard Requirements  
Notwithstanding Section 7.5.1, all garages and carports facing a street on a single residential dwelling or duplex must be setback at least 6m."*

**Please Note:** A previous variance was granted (BOV000681) by the Board of Variance on 2016-MAY-19 which permitted construction of a covered entryway 1.38m from

the front yard property line and the enclosure of an existing legal non-conforming carport located 3.74m from the front property line.

**Local Government Act:** The property is considered legal- non-conforming as to sitting; Section 529 of the Local Government Act, states:  
*“if the use and density of buildings and structures conform to a bylaw under this division...but the siting, size or dimensions of a building or structure constructed before the bylaw was adopted does not conform with the bylaw,... the building may be maintained, extended or altered.. only to the extent that the repair, extension or alteration would, when completed, involve no further contravention of the bylaw than that existing at the time the repair, extension or alteration was started.”*

**Discussion:** Mr. Jeff Boehm (Boehm Construction) on behalf of Diana Musgreave was in attendance for their appeal.

**Decision:** It was moved and seconded that the variance be approved. The motion carried.

**4. OTHER BUSINESS:**

None.

**5. ADJOURNMENT**

It was moved and seconded at 5:35 p.m. that the meeting terminate. The motion carried.

**APPROVED BY:**

  
\_\_\_\_\_  
CHAIR

SEPT 15/16  
\_\_\_\_\_  
DATE

**CONCURRENCE BY:**

**CERTIFIED CORRECT:**

  
\_\_\_\_\_  
STAFF LIASON

  
\_\_\_\_\_  
CORPORATE OFFICER