

**MINUTES**  
BOARD OF VARIANCE MEETING  
SERVICE AND RESOURCE CENTRE BOARDROOM, 411 DUNSMUIR STREET, NANAIMO, BC  
THURSDAY, 2019-JUL-18 AT 5:30 P.M.

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PRESENT: Members: Bob Irwin, Chair  
Allan Dick  
Ron Nadeau  
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-MAY-16, 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. BOV721 – 56 Kennedy 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 1.0m in order to enlarge an existing carport on the north side of a single residential dwelling.
- Ms. Marian Wallace, the applicant, spoke to the rationale for the application. The posts for the current carport do not allow for vehicle doors to open easily. The requested variance will move the posts closer to the property line but the roof will stay the same as existing.
- Mr. Ron Nadeau asked if the variance would be registered on title and if the carport could be converted into a garage at a later date.
  - Mr. Caleb Horn answered that a Board of Variance decision is not registered on title but is kept on file with the City. In this case, the variance request specifically refers to a carport and not a garage.
- Ms. Jessica Kaman asked if a Building Permit is required to move the location of the carport posts.

- Ms. Wallace answered that a Building Permit is required but no application has been made at this time.
- The Board discussed the requested variance and demonstration of undue hardship.

It was moved and seconded that application BOV721 for 56 Kennedy 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 1.0m in order to expand an existing carport on the north side of a single residential dwelling be approved. The motion carried unanimously.

b. Board of Variance Application No. BOV722 – 126 Lindquist Road

- 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 side of the principal building.
- Mr. Rick Horsland, the applicant, spoke to the rationale for the application. The property contains a front-to-back duplex and there is already a heat pump to the rear of the building for the duplex unit in the back, but a variance is requested to place a heat pump to the side for the unit in the front.
- Mr. Allan Dick asked if there was any opportunity to place the second heat pump to the rear of the building.
  - Mr. Horsland answered that there is a shear wall between the two units and it would not be possible to bring the necessary equipment through the wall.
- Mr. Kenn Hample asked staff why the Zoning Bylaw requires heat pumps to be located to the rear of duplexes.
  - Mr. Horn answered that the Zoning Bylaw only speaks to heat pump locations for single residential dwellings and duplexes, regardless of whether the duplex is front-to-back or side-by-side. It is possible that the Zoning Bylaw only anticipated side-by-side duplexes.
- Mr. Nadeau asked if the front duplex unit could be serviced by a heat pump in the rear with conduits running underground, to the exterior of the building.
  - Mr. Horsland answered that a second heat pump in the back would lose efficiency, could unfairly impact the rear duplex unit, and would involve tearing up the driveway.
- Ms. Kaman asked staff if the Zoning Bylaw could be updated to allow for heat pumps on the side of front-to-back duplexes.
  - Mr. Horn answered that staff are currently proposing a general amendment to the Zoning Bylaw that would allow for heat pumps on the sides of single residential dwellings and duplexes, so long as the heat pump is setback at least 4.5m from side lot lines.
- The Board discussed the requested variance and the demonstration of undue hardship.

It was moved and seconded that application BOV721 for 126 Lindquist Road to vary the provisions of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” in order to locate a heat pump to the side of the principal building be approved. The motion carried unanimously.

5. OTHER BUSINESS

a. Resignation of Chair

Mr. Bob Irwin announced that this would be his last Board of Variance meeting. Mr. Irwin recommended that the Board vote to appoint a new chair at the next Board of Variance meeting.

6. ADJOURNMENT:

It was moved and seconded at 6:00 p.m. that the meeting terminate. The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

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CORPORATE OFFICER