

**MINUTES**  
BOARD OF VARIANCE MEETING  
BOARDROOM, SERVICE AND RESOURCE CENTRE  
411 DUNSMUIR STREET, NANAIMO, BC  
THURSDAY, 2019-AUG-15 AT 5:30 P.M.

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PRESENT:   Members:   Ron Nadeau (Acting Chair)  
                                  Nelson Allen  
                                  Allen Dick  
                                  Kenn Hample  
                                  Jessica Kaman

                  Staff:       C. Horn, Planner (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.    INTRODUCTION OF LATE ITEMS:

Agenda Item 4(b) – Appointment of Board of Variance Chair moved to follow Agenda Item 5 – Presentations.

3.    ADOPTION OF AGENDA:

It was moved and seconded that the Agenda be adopted as amended. The motion carried unanimously.

4.    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-JUL-18 at 5:00 p.m. be adopted as circulated. The motion carried unanimously.

5.    NEW BUSINESS:

a.    Introduction of New Board of Variance Member

Mr. Nelson Allen was introduced as a new Board of Variance member.

b.    Appointment of Board of Variance Chair

It was moved and seconded that Jessica Kaman be appointed Chair of the Board of Variance. The motion carried unanimously.

6. PRESENTATIONS:

a. Board of Variance Application No. BOV723 – 1550 Discovery Avenue

- Mr. Ron Nadeau read the application requesting to vary the provisions of “City of Nanaimo Zoning Bylaw 2011 No. 4500” to allow a fence in the side yard setback with a maximum height of 2.4m, and allow a side yard setback of 2.2m in order to construct an open deck to the rear of an existing non-conforming single residential dwelling.
- Mr. Shawn Adrian, the applicant, spoke to the rationale for the application. The property supports a single residential dwelling but the commercial zoning is more restrictive than what would be permitted in a typical residential zone. The adjacent property to the north is an active commercial property.
- Mr. Kenn Hample asked where the over-height fence would be located.
  - Mr. Adrian answered that the fence requiring a variance would be located along the north property line and would not exceed the height of what would normally be permitted in residential zones.
- Ms. Jessica Kaman asked staff to clarify the history of the zoning.
  - Mr. Caleb Horn answered that the current commercial zoning, CC1, dates to the adoption of the current Zoning Bylaw in 2011 and was inherited from the previous C13 zoning.
- The Board discussed the requested variance and demonstration of undue hardship.

It was moved and seconded that application BOV723 for 1550 Discovery Avenue to vary the provisions of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” to increase the maximum height of a fence in the side yard setback from 1.2m to 2.4m and to reduce the side yard setback from 3m to 2.2m in order to construct an open deck be approved. The motion carried unanimously.

b. Board of Variance Application No. BOV724 – 1667 Waddington Road

- Mr. Ron Nadeau read the application requesting to vary the provisions of “City of Nanaimo Zoning Bylaw 2011 No. 4500” to allow a flanking side yard setback of 0m in order to convert an existing non-conforming single residential dwelling into a carriage house and to legalize its siting.
- Mr. Jeff Boehm, on behalf of the applicant Chris Lipinski, spoke to the rationale for the application. The existing single residential dwelling currently encroaches into City road right-of-way. A new house will be constructed and the existing house will be converted into a carriage house. The portion of the structure encroaching into City right-of-way will be removed.
- Mr. Nelson Allen asked regarding the history of the single residential dwelling.
  - Mr. Boehm responded that he was unsure regarding the age of the home, but it is likely from the 1940s with additions.
- Mr. Kenn Hample asked if the new single residential dwelling will require any variances.
  - Mr. Boehm responded that no variances are anticipated.
- Mr. Allan Dick asked staff if the variance can be considered a minor variance.
  - Mr. Caleb Horn answered that there is no definition of a minor variance and that the Board of Variance can determine whether they feel a variance is minor or not.

- The Board discussed the requested variance and the demonstration of undue hardship.

It was moved and seconded that application BOV724 for 1667 Waddington Road to vary the provisions of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” to reduce the flanking side yard setback from 4m to 0m in order to legalize the siting of an existing structure be approved. The motion carried. Opposed: *Allan Dick and Kenn Hample*.

7. ADJOURNMENT:

It was moved and seconded at 6:15 p.m. that the meeting terminate. The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

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CORPORATE OFFICER