

**MINUTES**  
BOARD OF VARIANCE MEETING  
BOARDROOM, SERVICE AND RESOURCE CENTRE  
411 DUNSMUIR STREET, NANAIMO, BC  
THURSDAY, 2020-JUL-16 AT 5:30 P.M.

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PRESENT:   Members:   Jessica Kaman, Chair, At Large Member  
                                  Nelson Allen, At Large Member  
                                  Ron Nadeau, At Large Member  
                                  Kenneth Hample, At Large Member

                  Absent:   Allan Dick, At Large Member

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

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

The Open Board of Variance Meeting was called to order at 5:31 p.m.

2.    INTRODUCTION OF LATE ITEMS:

- a) Agenda Item 5(a) Board of Variance Application No. BOV737 – 140 Canterbury Crescent - Add a letter from adjacent property owners at 141 Canterbury Crescent who are opposed to the variance.

3.    ADOPTION OF AGENDA:

It was moved and seconded that the Agenda, as amended, be adopted. 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, 2020-JUN-18, be adopted as circulated. The motion carried unanimously.

5.    PRESENTATIONS:

Jessica Kaman, Chair, read a list of guidelines to ensure social distancing in the Board Room. In addition, she let the board room members know that the meeting would be recorded but would not be published.

(a) Board of Variance No. BOV737 – 140 Canterbury Crescent

The Chair read the application requesting to reduce the front yard setback from 4.5m to 3.0m in order to construct an accessory building. This represents a variance of 1.5m. Zoning Bylaw No. 4500 requires a minimum front yard setback from 4.5m in the R1 zone.

The applicant, Lorne Hill, spoke to the rationale and hardship for the application. He stated that the lot is steep which makes building an accessory building to the rear of the principal dwelling cost and functionally prohibitive inside the current zoning.

Ivan Plavetic, owner of 130 Canterbury Crescent, spoke in opposition to the application. He said he does not see a hardship as many of the other buildings in the neighbourhood were built without variances despite the steep slope. He stated concerns that the accessory building will cause excessive noise. He also stated that the design of the building does not fit with the current neighbourhood.

Discussion took place regarding:

- Noise and visual impact of the workshop on the neighbourhood given the proposed proximity to the street.
- Lot coverage.
- The design of the proposed accessory building.
- The potential for a smaller accessory building that could meet the bylaw requirements.
- Fitting the building within the bylaw requirements the building gets too skinny and turning it the other way it starts going down the slope.
- Extending the existing garage, instead of an accessory building.
- Discussion on letter from 141 Canterbury Crescent from neighbours who are opposed to the accessory building.
- The area being beautiful and understanding any neighbours concerns in regards to views.
- Concerns about sight lines and landscaping.

It was moved and seconded that application BOV737 for 140 Canterbury Crescent to vary the provisions of “City of Nanaimo Zoning Bylaw No. 4500” to reduce the front yard setback from 4.5m to 3.0m in order to construct an accessory building be denied. The motion was defeated.

Opposed: *Kenneth Hample, Ron Nadeau*

(b) Board of Variance Application No. BOV738 – 6462 Thornwood Place

The Chair read the application requesting to increase the permitted projection for an open deck within the required rear yard setback from 2m to 3.8m. This represents a variance of 1.8m. Zoning Bylaw No. 4500 permits an open deck to project 2m into the required rear yard setback.

The owner, Sheryl Staite, spoke to the rationale and hardship for the application. The primary reason for the variance request is to have a more usable outdoor space for her family. She brought pictures to show the board members the proposed deck and yard.

Alex Johnstone, from Pheasant Hill Homes, also spoke to the application as the builder for the proposed deck. He stated that when Pheasant Hill Homes approaches a project they take into consideration the customer's needs and wants and also the sight, the environment and the neighbours. They have a structural engineer involved with the overhang, as it is a large projection. He does not believe the proposed variance imposes onto anyone else and it does not overlook anyone's yard.

Discussion took place regarding:

- The small existing deck and the proposed deck location and size.
- Any impact on the public walkway along the north side of the property.

It was moved and seconded that application BOV738 for 6462 Thornwood Place to vary the provisions of "City of Nanaimo Zoning Bylaw No. 4500" to increase the permitted projection for an open deck within the required rear yard setback from 2m to 3.8m be approved. The motion carried unanimously.

6. ADJOURNMENT:

It was moved and seconded at 6:01 p.m. that the meeting adjourn. The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

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CORPORATE OFFICER