

**MINUTES**  
BOARD OF VARIANCE MEETING  
BOARDROOM, SERVICE AND RESOURCE CENTRE  
411 DUNSMUIR STREET, NANAIMO, BC  
THURSDAY, 2020-DEC-17 AT 4:00 P.M.

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

          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 4:06 p.m.

2.    INTRODUCTION OF LATE ITEMS:

          (a)     Agenda Item 5(a) Board of Variance Application No. BOV743 – 655 Franklyn Street - Add an email from an adjacent property owner who is in support of the variance.

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, 2020-NOV-19, be adopted as circulated. The motion carried unanimously.

5.    PRESENTATIONS:

          (a)     Board of Variance No. BOV743 – 655 Franklyn Street

          The Chair read the application requesting a side yard setback of 0.5m in order to raise an existing, non-conforming single residential dwelling. This represents a side yard setback variance of 1.0m. Zoning Bylaw No. 4500 requires a minimum side yard setback of 1.5m in the R14 zone.

Keene Anderson, from GreenPlan, acting on behalf of the owners, spoke to the rationale for the application. He stated that he met with the owners to explore putting in a secondary suite in their existing basement. He determined the basement ceiling height would be too low to meet the BC Building Code and that the building would need to be raised. He also recognized that the placement of the current building (the foundation) doesn't meet current bylaw setbacks. He requested a survey be completed to determine the exact location of the foundation. He stated that this is the homeowners first step in updating their existing home. He also added that if the variance were approved, the building permit and construction process would address the other legal non-conforming construction as it exists today such as spatial and fire separations. If the variance isn't approved it will be too costly for the homeowners to construct a new foundation.

Discussion took place regarding:

- The proposed deck in the rear and whether it will meet setbacks
- The variance only being in regards to the house being raised and keeping the existing foundation
- The roofline/gutterline and how it sits in relation to the property line
- The bedrooms being on that side of the house and adjacent to the lane way
- Whether the upper floor is remaining as is
- Whether all safety separations will be addressed in the building permit
- Whether a building permit had been applied for and that the complete design and structure hasn't been approved by the City yet
- The owners will be applying for a building permit if the variance is approved and at that point the concerns of fire separations and limiting distance will be dealt with

It was moved and seconded that application BOV743 for 655 Franklyn Street to vary the provisions of "City of Nanaimo Zoning Bylaw No. 4500" to reduce the side yard setback from 1.5m to 0.5m in order to raise an existing, non-conforming single residential dwelling be approved. The motion carried unanimously.

6. ADJOURNMENT:

It was moved and seconded at 4:21 p.m. that the meeting adjourn. The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

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RECORDING SECRETARY