

**MINUTES**  
BOARD OF VARIANCE MEETING  
BOARDROOM, SERVICE AND RESOURCE CENTRE  
411 DUNSMUIR STREET, NANAIMO, BC  
THURSDAY, 2021-APR-01 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:           S. Robinson, Planning Assistant  
                                  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 4:05 p.m.

2.    INTRODUCTION OF LATE ITEMS:

- (a)    Agenda Item 5(a) Board of Variance Application No. BOV749 – 5524 Cliffside Road - Add sun shadow study plans as per the applicant's request.
- (b)    Agenda Item 5(a) Board of Variance Application No. BOV749 – 5524 Cliffside Road - Add email correspondence from a neighbouring property owner.

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, 2021-MAR-04, at 4:00 p.m., be adopted as circulated. The motion carried unanimously.

5.    PRESENTATIONS:

- (a)    Board of Variance No. BOV749 – 5524 Cliffside Road

The Chair read the application requesting a variance to construct a single residential dwelling with a flat roof up to 9m in height. This represents a variance of 2m. The applicant is also requesting to vary the perimeter wall height from 7.32m to 9.30m on the east and west elevations and to vary the perimeter wall height from 9.14m to 9.50m on the south elevation. This represents a variance of 1.98m on the east and west elevations, and 0.36m on the south elevation.

Michele & Robin Brulotte, property owners, spoke to the application. They spoke to their history in discovering Nanaimo and Vancouver Island as their desired retirement location. They purchased the subject property as it had potential and significant challenges in regards to the rocky surface and steep slope. After purchasing the lot they researched the building height requirements in the City of Nanaimo and they realized the calculations don't cater to steep slope lots. They sent letters to their surrounding neighbours and stated that they received two responses from 5567 Lost Lake Road & 5530 Cliffside Road which were both positive.

J. Colizza, architect, stated that him and the owners spent a lot of time trying to select a suitable location for the house as to not upset the natural landscape and to keep as many trees as possible. The setbacks from neighbours are quite significant. They made a conscious effort to make sure the scale of the building wouldn't appear as a large mass.

Discussion took place regarding:

- The property being a challenging difficult lot
- Whether this was the first and only design for the lot
- Stepping the building down a bit
- The height of the outside walls
- The geotech report, safe building site
- The hardship for the application
- What redesigning the house to meet the zoning bylaws would mean
- The size/height of the crawlspace if any
- Whether the house will be blocking the neighbours views
- Setting a precedent for other projects
- Whether there were any complaints from the three neighbouring properties near the back of the property
- Views from properties that weren't notified about the application
- The architectural design for a flat roof over a pitched roof and the intent of the zoning bylaw
- Development Variance Permit applications vs Board of Variance applications

It was moved and seconded that application BOV749 to vary Section 7.6.1 and 7.6.6 of Zoning Bylaw No. 4500 in order to increase the maximum height of a principal building with a flat roof from 7m to 9m, and to increase the maximum perimeter wall height on the east and west elevations from 7.32m to 9.30m and on the south elevation from 9.14m to 9.50m in order to construct a single residential dwelling be denied. The motion carried.

Opposed: *Nelson Allen and Daryoush Firouzli*

(b) Board of Variance Application No. BOV750 – 3230 Singleton Road

The chair read the application requesting to reduce the required setback for a garage door from 6m to 4.47m in order to legalize the existing dwelling setback and allow for a proposed addition (east side) to an existing attached garage. This represents a variance of 1.53m.

Tim Kroeker, Alair Homes, spoke to the application on behalf of the owner. He stated that the house was built before the current zoning requirement. The garage was built 4.47m from the setback. The owner would like to add onto the garage and he would not be encroaching further into the setback. If he were to setback a further 1.53m he wouldn't be able to build onto the garage or even have a garage.

Stuart Merilees, owner, stated he is doing a renovation to build two extra rooms and adding to one bathroom onto the side of the house. In regards to esthetics from the road, it makes the most sense to continue the addition towards the front and to widen the existing garage to line up with the current front setback.

Discussion took place regarding:

- Whether the house is currently under renovation
- Location of the house on the street
- Whether there were any reactions from neighbours
- Intent of zoning bylaw in regards to 6m setback for adequate off street parking
- Parking Bylaw and stall length
- There being a Hydro pole on the edge of the property line
- Intent of application
- The plans in regards to the garage door

It was moved and seconded that application BOV750 to vary Section 7.5.3 of Zoning Bylaw No. 4500 to reduce the required setback for a garage door facing a street from 6m to 4.47m in order to legalize the siting of an existing single residential dwelling and permit a proposed addition be approved. The motion carried unanimously.

6. ADJOURNMENT:

It was moved and seconded at 5:29 p.m. that the meeting adjourn. The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

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RECORDING SECRETARY