

MINUTES
BOARD OF VARIANCE MEETING
BOARDROOM, SERVICE AND RESOURCE CENTRE
411 DUNSMUIR STREET, NANAIMO, BC
THURSDAY, 2021-JUN-03 AT 4:00 P.M.

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

 Absent: Allan Dick, At Large Member

 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 4:03 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 5(a) Board of Variance Application No. BOV751 – 237 Irwin Street – Add an email from an adjacent property owner who is not 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, 2021-APR-01, at 4:00 p.m., be adopted as circulated. The motion carried unanimously.

5. PRESENTATIONS:

- (a) Board of Variance No. BOV751 – 237 Irwin Street

The Chair read the application requesting to reduce the required side yard setback from 1.5m to 0m in order to legalize an existing, non-conforming single residential dwelling and allow a proposed addition to the east side. This represents a side yard setback variance of 1.5m. Zoning Bylaw No. 4500 requires a minimum side yard setback of 1.5m in the R1 zone.

Allison and Noel Ainsley, property owners, spoke to the application. They stated that the current addition is over the lot line by 0.14m, which is covered by an easement agreement. They plan to replace the current addition with a two-storey addition built to the current building code and plan to move the proposed addition to 0.3m inside their property line, reduce the impact on the southerly neighbour, and greatly improve the structure to comply with fire regulations. The reason for the request to reduce the setback is due to the narrowness of the lot and placement of their current structure. Trying to fit the proposed addition within the current setbacks would greatly impact access to their backyard on the northerly side as the house to the north encroaches onto their property on that side.

Discussion took place regarding:

- Whether the main part of the house encroaches on the neighbours lot to the south
- Whether the encroachment will remain after the proposed improvements
- The width of the easement on the property to the south
- The easement allowing access to the south side of the house
- Whether the existing building is built out of concrete or just wood
- BC Building Code requiring a 2 hour fire rating at 0 property line
- Whether the addition can be built out of concrete block to meet the BC Building Code
- Email from the neighbouring property in regards to the easement agreement
- No attempt to keep the existing addition foundation
- Whether they explored options to build the addition within the current setbacks
- Whether they will be required to amend the existing easement agreement and its effect on obtaining a building permit
- The size of the window on the south house elevation
- Whether the south elevation window faces the neighbours house to the south

It was moved and seconded that application BOV751 for 237 Irwin Street to vary the provisions of “Section 7.5.1 of City of Nanaimo Zoning Bylaw No. 4500” to reduce the required side yard setback from 1.5m to 0m to legalize an existing, non-conforming single residential dwelling and allow a proposed addition to the east side be approved. The motion carried unanimously.

(b) Board of Variance Application No. BOV752 – 3410 Arrowsmith Road

The Chair read the application requesting to reduce the required side yard setback from 3.0m to 2.0m in order to permit an exterior staircase on a single family

dwelling currently under construction. This represents a side yard setback variance of 1.0m. Zoning Bylaw No. 4500 requires a minimum side yard setback of 3m in the AR2 zone.

Ted Sorenson, owner, spoke to the application. He stated that the lot is very steep and treed with a lot of rock and they spent a lot of time designing the house to accommodate the topography of the lot while maintaining the view and trying to minimize impact to trees. He said they applied for a revision to their building permit and it was approved. He then asked questions to City staff about the fencing around their pool, which is when it became apparent that the landing on the stairs to their mechanical room was projecting into the side yard setback.

Discussion took place regarding:

- Whether the landing is just open stairs or if it includes a covered area
- Whether there would be an impact to the safety of the neighbouring property
- Whether it was a construction detail that caused the change to happen which invoked the need for the variance

It was moved and seconded that application BOV752 for 3410 Arrowsmith Road to vary the provisions of “Section 8.5 of City of Nanaimo Zoning Bylaw No. 4500” to reduce the required side yard setback from 3.0m to 2.0m in order to permit an exterior staircase on a single family dwelling be approved. The motion carried unanimously.

(c) Board of Variance Application No. BOV753 – 5525 Turner Road

The Chair read the application requesting to reduce the front yard setback from 7.0m to 6.37m in order to allow a proposed garage addition. This represents a variance of 0.63m. Zoning Bylaw No. 4500 requires a minimum front yard setback of 7.0m in the R1 zone where property abuts a major road.

Joe Bassanello, owner, spoke to the application. He stated that they had a house fire and had to rebuild the house. They designed the house to fit the property and made a plan for the garage, which would be added to the front of the house at a later time. In 2015, Turner Road was deemed a major road and now the design for the garage doesn't meet current setback requirements. Without the requested 0.63m setback variance, he stated that he would have to turn the garage on a 90 degree angle but would then require a new driveway, new road access, and tree removal. In addition, getting out of the property would become an issue and it would cut off access to the back of the property.

Discussion took place regarding:

- Whether the intention is to have the garage door facing Turner Road
- Whether there is enough room for parking in front of the garage
- Whether the change to the setback will functionally effect the neighbours
- Whether the garage was part of the original house design

It was moved and seconded that application BOV753 for 5525 Turner Road to vary the provisions of “Sections 7.5.1 and 7.5.4 of City of Nanaimo Zoning Bylaw No. 4500” to reduce the combined front yard setback requirement from 7m to 6.37m in order to facilitate a proposed garage addition be approved. The motion carried unanimously.

6. OTHER BUSINESS:

(a) Board Member Term Extended

On 2021-APR-19, Council approved extending Jessica Kaman’s membership term on the Board of Variance until 2021-DEC-16.

7. ADJOURNMENT:

It was moved and seconded at 4:40 p.m. that the meeting adjourn. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

RECORDING SECRETARY