

MINUTES
BOARD OF VARIANCE MEETING
BOARDROOM, SERVICE AND RESOURCE CENTRE
411 DUNSMUIR STREET, NANAIMO, BC
THURSDAY, 2022-APR-07 AT 4:00 P.M.

PRESENT: Members: Kenneth Hample, At Large (Chair)
 Nelson Allen, At Large
 Daryoush Firouzli, At Large
 John Hofman, At Large
 Priyanka Roy, At Large

 Staff: S. Robinson, Planner, Current Planning Section
 L. Nielsen, Recording Secretary

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

Sadie Robinson, Planner, Current Planning Section called the meeting to order at 4:04 p.m., welcomed new Board members Priyanka Roy and John Hofman; and spoke regarding the need to elect a new Chairperson who would then appoint a Co-Chair.

(a) Kenneth Hample volunteered to serve as Chair of the Board of Variance.

 It was moved and seconded that Kenneth Hample be elected as Chair for the Board of Variance. The motion carried unanimously.

(b) Kenneth Hample, Chair, appointed Daryoush Firouzli as Co-Chair for the Board of Variance. Daryoush Firouzli accepted the appointment.

Sadie Robinson, Planner, Current Planning Section, advised Board members that this meeting was being livestreamed and not recorded, and if someone with interest in the property wished to speak to the application, they would have been in attendance electronically via Zoom.

2. INTRODUCTION OF LATE ITEMS:

(a) Addition of Neighbour Comments for Board of Variance Application No. BOV00758 - 3570 Planta Road (distributed via email 2022-APR-07 and hard copies were provided to Priyanka Roy and John Hofman for review at the meeting).

3. ADOPTION OF AGENDA:

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

4. ADOPTION OF MINUTES:

It was moved and seconded that the Minutes of the Board of Variance Meeting held electronically on Thursday, 2021-OCT-07, at 4:00 p.m., be adopted as circulated. The motion carried.

John Hofman was not in attendance at the meeting of 2021-OCT-07, and therefore did not vote.

5. PRESENTATIONS:

(a) Board of Variance Application No. BOV758 – 3570 Planta Road

Introduced by Kenneth Hample, Chair.

Jeet Minhas, of Nanaimo BC, representing Harjit Kahlon of Rajk Homes Ltd. (property owner), spoke regarding the suggested hardship pertaining to the existing setbacks and construction of a proposed single family home and siting limitations of the property. Items mentioned were future roads, views, and neighbours in the new subdivision or on the other side of Bonnie Drive having no objections.

Kenneth Hample, Chair opened floor for Questions:

- A conversation ensued among Board members and Staff regarding the variance requests for new builds.
- It was further noted the site is clear and flat, and the issues appear to be design related

Sadie Robinson, Planner, Current Planning Section spoke regarding:

- Past applications submitted for undeveloped sites and potential hardships, and included steep slope examples
- Where an applicant believes there is undue hardship with a minor variance regardless of Staff opinion, they can proceed to the Board of Variance who decides whether there is undue hardship; and
- Confirmed the sidewalk has been built and once the Bonnie Road (public road) is constructed it will connect to Planta Road.

It was moved and seconded that Board of Variance Application No. BOV00758 be denied to vary Section 7.5.1 of Zoning Bylaw No. 4500, to reduce the required flanking side yard setback from 4.0m to 2.2m in order to allow a proposed single residential dwelling. The motion carried unanimously.

6. OTHER BUSINESS:

- (a) It was suggested that a checklist be provided for the Board of Variance and applicants that would include examples of undue hardships. Staff will follow up with the request.

- (b) Kenneth Hample, Chair noted that where a committee has fewer than 12 persons, a seconder is not required according to the latest edition of Robert's Rules of Order.

It was moved and seconded that the Board of Variance not require a seconder for any subsequent motions. The motion carried unanimously.

Staff will confirm the validity of the motion with Legislative Services and return to the Board with a response.

- (c) A conversation ensued regarding dissemination of agenda packages. Members will communicate with Staff if they do not wish to continue receiving hard copy packages.
- (d) Sadie Robinson, Planner, Current Planning Section confirmed that if an application is denied or defeated by the Board of Variance, the applicant can apply to Council for further consideration.
- (e) A conversation ensued among members and Staff regarding the number of applications seen at the Board of Variance and City of Nanaimo processes regarding variance applications.

7. ADJOURNMENT:

It was moved and seconded at 5:03 p.m. that the meeting adjourn. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

RECORDING SECRETARY