

MINUTES
BOARD OF VARIANCE MEETING
BOARDROOM, SERVICE AND RESOURCE CENTRE
411 DUNSMUIR STREET, NANAIMO, BC
THURSDAY, 2023-MAR-02 AT 4:00 P.M.

PRESENT: Members: Kenneth Hample, At Large (Chair)
 Brian Anderson, At Large
 Daryoush Firouzli, At Large
 John Hofman, At Large

 Absent: Nelson Allen, At Large

 Staff: K. Dafoe, Planning Assistant, Current Planning
 B. Binnersley, Recording Secretary

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

The Chair called the meeting to order at 4:00 p.m.

2. ADOPTION OF AGENDA:

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

3. 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, 2022-NOV-03, at 4:00 p.m., be adopted as circulated. The motion carried unanimously.

4. PRESENTATIONS:

a. Board of Variance Application No. BOV00768 – 100 Canterbury Crescent

Introduced by Kenneth Hample, Chair.

Rhonda Heaslip, Owner, spoke regarding Board of Variance Application No. BOV00768. Highlights included:

- Deck was existing when home was purchased in 1998
- A steep slope exists in the rear yard, creating unusable land
- Extending the existing deck will increase the liveable outdoor space
- Safety concerns surrounding use of the front yard for outdoor living space due to proximity to the street
- No comments have been received from neighbours

- Neighbouring views will not be impeded by the proposed project

Kenneth Hample, Chair, opened the floor for discussion regarding potential hardship associated with the project. The following topics were discussed:

- Physical site characteristics
- Photos submitted by the applicant

It was moved and seconded that the Board of Variance finds that hardship does exist in the case of application BOV00768 at 100 Canterbury Crescent due to the physical site characteristics. The motion carried unanimously.

Kenneth Hample, Chair, opened the floor for discussion regarding the approval of the application. No discussion took place.

It was moved and seconded that the Board of Variance approve application BOV00768 at 100 Canterbury Crescent to vary section 6.5.1 of the Zoning Bylaw No. 4500, to increase the maximum projection into the rear yard setback from 2.0m to 2.6m to allow the construction of a rear deck, there being evidence of undue hardship presented. The motion carried unanimously.

b. Board of Variance Application No. BOV00769 – 426 Machleary Street

Introduced by Kenneth Hample, Chair.

Guy Beaudoin, Contractor, spoke on behalf of the property owner, regarding Board of Variance Application No. BOV00769. Highlights included:

- No visual disruption to the neighbours
- Desired aesthetic for the dwelling

Kenneth Hample, Chair, reiterated the meaning of undue hardship.

Guy Beaudoin continued regarding Board of Variance Application No. BOV00769, and noted the variance would allow the owner to maintain the shape of the existing dwelling.

Kirsten Dafoe, Planning Assistant, Current Planning, presented a portion of the Letter of Rationale provided by the property owner, to the Board of Variance Members.

Guy Beaudoin continued regarding Board of Variance Application No. BOV00769. Highlights included:

- Proposed addition is planned to be built within close proximity to the existing carriage house located on the property
- The existing principal dwelling is narrow, 6.21m
- Access between the principal dwelling and proposed addition may become obstructed should redesign of the proposed addition be required

- The chosen roof design

Kenneth Hample, Chair, opened the floor for discussion regarding potential hardship associated with the project. The following topics were discussed:

- Changes to setback requirements since the original building was constructed
- If changes to the building plans to comply with the Zoning Bylaw were possible
- The distance from the property line to the neighbouring dwelling

It was moved and seconded that the Board of Variance finds that hardship exists in the case of application BOV00769 at 426 Machleary Street due to physical site characteristics. The motion carried.

Opposed: *Kenneth Hample*

Kenneth Hample, Chair, opened the floor for discussion regarding the approval of the application. No discussion took place.

It was moved and seconded that the Board of Variance approve application BOV00769 at 426 Machleary Street to vary section 7.5.1 of the Zoning Bylaw No. 4500, to reduce the minimum side yard setback from 1.5m to 1.19m to allow the construction of a rear addition to the existing single residential dwelling, there being evidence of undue hardship presented. The motion carried.

Opposed: *Kenneth Hample*

5. OTHER BUSINESS:

(a) Meeting Cancellations

Discussion took place regarding reasons for cancelling Board of Variance meetings.

Kirsten Dafoe, Planning Assistant, Current Planning, advised the Board that there are a number of reasons that can contribute to a meeting cancellation:

- If additional items are required from the applicant, or if the applicant wishes to provide additional information without time to meet the notification deadlines
- During the referral process it may be determined that a variance is no longer required.
- An applicant chooses to adjust their plans to eliminate the requirement for a variance

(b) Consideration of Undue Hardship

Kirsten Dafoe, Planning Assistant, Current Planning, will distribute a document to members regarding the consideration of undue hardship.

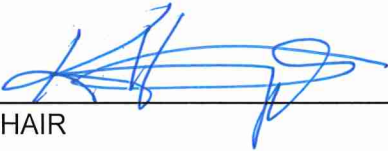
Discussion took place regarding interpretations of the legislation.

(c) Process for Appealing Decisions of the Board of Variance

Kirsten Dafoe, Planning Assistant, Current Planning, advised the Board that if an application is denied by the Board of Variance, the applicant can proceed to Council with their request through an application for Development Variance Permit. Council is not bound by undue hardship when considering a variance request.

6. ADJOURNMENT:

It was moved and seconded at 4:46 p.m. that the meeting adjourn. The motion carried unanimously.



CHAIR

CERTIFIED CORRECT:



RECORDING SECRETARY