

MINUTES
BOARD OF VARIANCE MEETING
BOARDROOM, SERVICE AND RESOURCE CENTRE
411 DUNSMUIR STREET, NANAIMO, BC
THURSDAY, 2023-AUG-03 AT 4:00 P.M.

PRESENT: Members: Nelson Allen, At Large (Acting Chair)
 Brian Anderson, At Large
 John Hofman, At Large

 Absent: Daryoush Firouzli, At Large

 Staff: L. Rowett, Manager, Current Planning
 P. Carter, Planner, Current Planning
 J. Vanderhoef, Steno Coordinator, Legislative Services
 B. Binnersley, Community Development Clerk, Current Planning
 C. Richards, Recording Secretary

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

Jessica Vanderhoef, Steno Coordinator, Legislative Service, called the meeting to order at 4:00 p.m.

2. APPOINTMENT OF TEMPORARY ACTING CHAIR:

It was moved and seconded that Nelson Allen be appointed as Acting Chair for the 2023-AUG-03 Board of Variance meeting. The motion carried unanimously.

Nelson Allen assumed the role of Acting Chair from Jessica Vanderhoef, Steno Coordinator, Legislative Services.

3. ADOPTION OF AGENDA:

It was moved and seconded that the Agenda be adopted. 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, 2023-APR-06, at 4:00 p.m., be adopted as circulated. The motion carried unanimously.

5. PRESENTATIONS:

a. Board of Variance Application No. BOV00773 – 2565 Battersea Road

Introduced by Nelson Allen, Acting Chair.

David Lavoie, property owner, spoke regarding Board of Variance Application No. BOV00773. Highlights included:

- The existing deck required maintenance;
- The owners replaced the deck posts unaware that a building permit was required;
- It was later determined that a building permit was required for replacing the post footings and that one of the replaced posts was not in compliance with the current setback requirements because the house was built close to the property line;
- The house and deck do not comply with the current required setbacks as the house and deck were constructed prior to the adoption of the current zoning bylaw.

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

- The location of the house at the rear of the property.
- The house and deck were constructed prior to the adoption of the current zoning bylaw.

It was moved and seconded that the Board of Variance finds that hardship exists in the case of application BOV00773, 2595 Battersea Road, due to physical site characteristics. The motion carried unanimously.

Nelson Allen, Acting 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 BOV00773 at 2595 Battersea Road to vary section 7.5 of the City of Nanaimo Zoning Bylaw No. 4500, to reduce the minimum flanking side yard setback from 4.0m to 0.0m to facilitate repairs to an existing non-conforming deck, there being evidence of undue hardship presented. The motion carried unanimously.

b. Board of Variance Application No. BOV00774 – 4541 Suncrest Road

Introduced by Nelson Allen, Acting Chair.

Michael Plavetic, property owner, spoke regarding Board of Variance Application No. BOV00774. Highlights included:

- Requested a 0.18m height variance as there was an error made during construction;
- As the project is near completion, it would be difficult to resolve the height error;
- The surveyor performed an as-built survey (for the framing inspection). At this time, the height inaccuracy was discovered;
- A miscommunication had occurred between the building/owner and the truss manufacturing company;
- The neighbours surrounding the property have submitted correspondence in support of keeping the building as-is.

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

- The building process that took place.

It was moved and seconded that the Board of Variance finds that hardship exists in the case of application BOV00774, 4541 Suncrest Road, due to physical site characteristics, resulting in a variance of 0.18m in height. The motion carried unanimously.

Nelson Allen, Acting 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 BOV00774, 4541 Suncrest Road, to vary section 7.6 of the Zoning Bylaw No. 4500, to increase the maximum allowable height from 9.0m to 9.18m to facilitate the height of the building, there being evidence of undue hardship presented. The motion carried unanimously.

6. ADJOURNMENT:

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

ACTING CHAIR

CERTIFIED CORRECT:

RECORDING SECRETARY