



MINUTES

BOARD OF VARIANCE MEETING

January 4, 2024, 4:00 P.M.
Boardroom, Service and Resource Centre,
411 Dunsmuir Street, Nanaimo, BC

Present: Nelson Allen, Chair
Brian Anderson, At Large
John Hofman, At Large
Jaime Dubyna, At Large
Michael Bassili, At Large

Staff: L. Rowett, Manager, Current Planning
K. Dafoe, Planning Assistant, Current Planning
A. O'Hanley, Planning Assistant, Current Planning
C. Richards, Recording Secretary
J. Kleywegt, Community Development Clerk

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

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

2. ADOPTION OF AGENDA:

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

3. PRESENTATIONS:

1. Board of Variance Application No. BOV00777 - 725 Trailside Road

Introduced by Nelson Allen, Chair.

Arne Halls, Williams & Associates, applicant, spoke regarding Board of Variance Application No. BOV00777. Highlights included:

- In the design phase, upon reviewing the proposed construction, the proposed roof was identified to be 16cm too high to meet the height

restrictions. The error was caught in time and the plans were amended to reflect a shorter roof height. Unfortunately, the amended plans were missed by the truss company, and the trusses were built to the incorrect measurements

- At the end of the construction, the house was 16cm too high due to the roof pitch being too high
- In order to remediate the roof height error at this time, the applicant would have to cut the roof pitch flat, which would not conform with the rest of the neighbourhood's aesthetics, or to replace the entire roof with a lower roof pitch
- As the error was caught after the roof construction had been completed, the applicant is requesting a variance to increase the allowable roof height by 0.16m to avoid cutting the roof pitch and to save construction materials

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

- The rationale for undue hardship is because the roof that is 16cm too high has already been installed
- The timing of when it was determined that the roof was going to exceed the height allowance
- The status of the roof. It was confirmed that the roof has been completed
- The limited number of letters of support. The majority of the lots surrounding the subject property are owned by the same owner (the builder). There is currently one neighbour lot that is not owned by the builder, and that owner provided a letter of support

It was moved and seconded that the Board of Variance approve application BOV00777 at 725 Trailside Avenue to vary section 7.6.1 of the Zoning Bylaw No. 4500, to increase the maximum principal building height for a building with a sloped roof (with a roof pitch of 4 in 12 or greater) 9.0m to 9.16m to allow the construction of a single residential dwelling, there being evidence of undue hardship presented. The motion carried unanimously.

2. Board of Variance Application No. BOV00778 - 721 Northumberland Avenue

Introduced by Nelson Allen, Chair.

Keene Anderson, Greenplan, applicant, spoke regarding Board of Variance Application No. BOV00778. Highlights included:

- The applicant is requesting a front yard setback variance to the west of the property to reduce the required setback from 4.5m to 1.7m to build an accessory building that is larger than 10m²
- The subject property is a through lot, comprising of two side yards and two front yards, making it difficult to build an accessory building (studio space) on the property
- The applicant has plans to build an addition to the south end of the property in the future, to accommodate a secondary suite
- The owners wish to build the proposed accessory building within the required west front yard setback

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

- Clarification regarding how the City interprets setback requirements for properties that have two front yards. Staff explained that the zoning bylaw defines a property that has two front yards as a through lot and allows one accessory building with a 1.5m front yard setback for such lots, provided the accessory building has a gross floor area less than 10m²
- It was confirmed that no water connection is proposed for the accessory building
- Clarification regarding the planned secondary suite. The addition to the dwelling will result in the existing garage being converted to living space. Part of the proposed accessory building will be used to contain items currently stored in the garage
- The proposed accessory building will be used as an art studio. As one of the owners work from home, having an art studio detached from the house and future secondary suite will eliminate any noise concerns during their working hours
- Staff confirmed the minimum lot depth requirement for new lots in the R1 – Single Dwelling Residential zone is 30 meters
- Staff noted that the reason why the applicant is requiring a variance is because the proposed accessory building is over 10m²
- A member inquired if the existing driveway and parking abutting Harding Avenue will be the parking for the future secondary suite, as using this space for the proposed accessory building might eliminate the need for the requested variance. It was confirmed that the parking for the future secondary suite parking will be located in this area
- It was confirmed that no other side yard setback variances are intended to be requested for the future addition to the house

It was moved and seconded that the Board of Variance approve application BOV00778 at 721 Northumberland Avenue to vary section 7.5.1 of the

Zoning Bylaw No. 4500, to reduce the minimum front yard setback from 4.5m to 1.77m on the west property line to allow the construction of an accessory building, there being evidence of undue hardship presented. The motion carried.

Opposed: *Jaime Dubyna and John Hofman*

5. 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, November 2, at 4:00 p.m., be adopted as circulated. The motion carried unanimously.

6. ADJOURNMENT:

It was moved and seconded at 4:33 p.m. that the meeting adjourn. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

RECORDING SECRETARY