



MINUTES
BOARD OF VARIANCE MEETING

May 2, 2024, 3:59 P.M.
Boardroom, Service and Resource Centre,
411 Dunsmuir Street, Nanaimo, BC

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

Staff: L. Rowett, Manager, Current Planning
K. Dafoe, Planning Assistant, Current Planning
B. McCallum, Community Development Clerk
J. Vanderhoef, Recording Secretary

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

The Chair called the meeting of the Board of Variance to order at 3:59 p.m.

2. INTRODUCTION OF LATE ITEMS:

(a) Agenda Item 5(a) Board of Variance Application No. BOV00779 - 480
Woodhaven Drive - Add correspondence dated 2024-APR-25 re:
BOV779.

3. ADOPTION OF AGENDA:

It was moved and seconded that the Agenda, as amended, 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 Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2024-JAN-04, at 4:00 p.m. be adopted. The motion carried unanimously.

5. PRESENTATIONS:

a. Board of Variance Application No. BOV00779 - 480 Woodhaven Drive

Introduced by Nelsen Allen, Chair.

Nivedan Kaushal, Boehm Construction Ltd., applicant, spoke regarding Board of Variance Application No. BOV00779 - 480 Woodhaven Drive. Highlights included:

- Purpose of the variance being requested is to address critical structural repairs needed to ensure safe accessibility of the building
- The property has unique challenges due to steep grade
- Existing deck overhang (near front door) was constructed without building permit during the mid-2000's and provides crucial access to front door
- The deck overhang does not meet the standards of the BC Building Code and is in disrepair and is considered unsafe in its current state
- The variance being requested would allow six centimeters of encroachment of the deck overhang into the setback. The deck overhang is currently allowed to project 2.0 meters into the setback; the total proposed projection would be 2.06 meters
- The variance would allow the deck overhang to maintain its connection to the existing retaining wall at the road
- Not having the variance would result in a gap between the deck and the retaining wall which could allow for water damage and potentially further structural damage
- The work will not be visible as it is being conducted below grade to address the foundation of the deck

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

- There is a threat to safety due to the current state of the deck making the repairs necessary. The six-centimeter gap is necessary in order to make the repair without needing to construct a second foundation wall to support the deck with waterproofing
- The concrete slab is not a grade supported slab. It is a suspended slab being supported by joists
- The deck is needed due to the slope of the property
- Discussion regarding how the deck is currently supported and how the deck would be reconstructed if granted the variance
- Discussion regarding drainage off the deck and waterproofing to avoid the six-centimeter gap and extensive engineering

It was moved and seconded that the Board of Variance finds that hardship exists in the case of application BOV00779 – 480 Woodhaven Drive due to physical site characteristics of the existing property. The motion carried unanimously.

It was moved and seconded that the Board of Variance approve application BOV00779 at 480 Woodhaven Drive to increase the maximum projection of an open deck from 2.0m to 2.06m to allow the replacement of the front deck as part of a renovation of the existing dwelling, representing a variance of 0.06m, there being evidence of undue hardship presented. The motion carried unanimously.

b. Board of Variance Application No. BOV00780 - 600 Madsen Road

Introduced by Nelsen Allen, Chair.

Damanvir and Mandy Singh, applicants, spoke regarding Board of Variance Application No. BOV00780 - 600 Madsen Road. Highlights included:

- Seeking three variances for their property
- The variances would allow for an addition to their home
- The property is an odd shape and due to it's shape the wider portion of the property is located on the front facing road impacting the setback from the property line

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

- This building predates any records in the City. Discussion regarding which lot line would be considered the front versus flanking side. The rear setback is along the south property line, and the front yard setback is along the north property line (Kerrisdale Road)
- Three variances are requested to address the zoning requirements for the property
- Clarification that the variances will allow the homeowners to construct the addition and allow them to park in the front yard
- Clarification that a second floor was not considered or within the current budget for this project

It was moved and seconded that the Board of Variance finds that hardship exists in the case of application BOV00780 – 600 Madsen Road due to physical site characteristics and the characteristics of neighbouring parcels. The motion carried unanimously.

It was moved and seconded that the Board of Variance approve application BOV00780 at 600 Madsen Road to vary the sections of the Zoning Bylaw No. 4500 as outlined on Page 2 of the Board of Variance agenda, dated 2024-MAY-02, there being evidence of undue hardship presented. The motion carried unanimously.

6. ADJOURNMENT:

It was moved and seconded at 4:24 p.m. that the meeting adjourn. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

RECORDING SECRETARY