



MINUTES
BOARD OF VARIANCE MEETING

June 6, 2024, 4:01 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: C. Horn, Planner, Current Planning
J. Vanderhoef, Steno Coordinator, Legislative Services
A. Bullen, 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 4:01 p.m.

2. ADOPTION OF AGENDA:

It was moved and seconded that the Agenda, be adopted. 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 Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2024-MAY-02, at 3:58 p.m. be adopted. The motion carried unanimously.

4. PRESENTATION:

Board of Variance Application No. BOV00781 - 504 Pinnacle Place

Introduced by Nelson Allen, Chair.

Dave Dinh, Posh Construction, applicant, spoke regarding Board of Variance Application No. BOV00781. Highlights included:

- House is located on a steep slope, about a 12% incline from the sidewalk to the front of the garage
- There was a miscalculation for the foundation, and it was completed higher than anticipated which resulted in a building height greater than the allowable building height
- Applicant has used all brand-new materials, and there would be an environmental impact to reverse/correct the miscalculation
- No neighbouring properties will be affected by the height variance

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

- During the survey the applicant planned to remain 0.35 m below the maximum permitted height. However, when the foundation was laid there was an error in calculation causing the height to be 0.23 m over the allowable height
- If the top slope of the house were to be cut back, it would still be over the allowable height
- The house was built to the required setbacks so the house could not be pushed further back to help with the slope issue
- The increased height does not enhance the house's appearance or value
- Clarification that the height for single residential dwellings is measured from the average finished grade or average natural grade, whichever is lower, to the peak
- The applicant can make an application to Council if the Board chooses not to approve the application

It was moved that the Board of Variance finds that undue hardship exists in the case of application BOV00781 at 504 Pinnacle Place, due to physical characteristics of the site. The motion was defeated.

Opposed: *Nelson Allen, Michael Bassili, and Jamie Dubyna*

Caleb Horn, Planner, noted that the applicant would have the option to apply for a development variance permit which would be considered by Council; however, that process would not consider the element of hardship.

Nelson Allen, Chair, noted concerns regarding the number of similar applications brought to the Board recently.

5. ADJOURNMENT:

It was moved and seconded at 4:29 p.m. that the meeting adjourn. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

RECORDING SECRETARY