

**Municipality of North Cowichan
Board of Variance
MINUTES**

**October 30, 2019, 2:00 p.m.
Municipal Hall - Maple Bay Meeting Room**

Members Present	Shannon Roome, Chair Don Bruniski Peter Ordynec
Members Absent	Daniel Robin David Wiebe
Staff Present	Nelda Richardson, Deputy Corporate Officer Alyssa Meiner, Deputy Corporate Officer Rob Conway, Director, Planning Larissa Barry Thibodeau, Planning Technician

1. CALL TO ORDER

There being a quorum present, the Chair called the Board of Variance meeting to order at 2:00 p.m.

2. APPROVAL OF AGENDA

It was moved and seconded:
That the Board of Variance approve the October 30, 2019 agenda as circulated.

CARRIED

3. ADOPTION OF MINUTES

It was moved and seconded:
That the Board of Variance adopt the minutes of the meeting held June 26, 2019.

CARRIED

4. BUSINESS

4.1 Application to Accommodate a Stand-by Generator at 6130 Marsh Road

The Board heard from the applicant regarding his application to site a stand-by generator in the rear yard.

The applicant advised that he would be placing the generator on concrete, based on installation requirements and the generator is gas powered. The Board asked if the applicant had an alternate source of heat during a power outage, and the Board heard there is a natural gas furnace.

The Board asked the applicant to explain how this application differs from his previous application and heard the current application is for the rear rather than the front yard and there are difficulties siting the generator to the zoning regulations in the rear yard.

The Board received a presentation from the Planning Technician outlining the requested variances to the setback requirements of the Zoning Bylaw. Staff noted that the intent for the setback is to mitigate noise and fumes. Staff also noted that heat pumps operate continuously and the generator would only operate during power outages.

The Board reviewed the overall lot width and the items in the rear yard and heard from the Director of Planning and Building that no objections to the proposed variance were received.

The Board gave the following reasons for their decision:

Member Bruniski stated his biggest concern is noise and fumes. This does not appear to be a factor based on Staff's comments with regard to the decibels being less than a heat pump.

Member Ordyniec stated that 66 decibels is not bad, the generator will not operate often like a heat pump does.

The Board asked if they would be setting a precedence by approving the application and heard from the Director of Planning and Building that with a Board of Variance there is no setting of precedence as each appeal must be considered on its own merit.

A question was asked if a small shed was constructed around the generator, would it then be considered as a structure. The Director of Planning and Building indicated there is a bit of greyness around what a structure is in the Zoning Bylaw. The Zoning Bylaw speaks directly to generators and they create noise unlike a garden shed.

Member Bruniski stated he has no objections to siting the generator in the rear yard location requested by the applicant.

The Board reviewed the test in Section 542 of the *Local Government Act* to determine if there is a minor variance and undue hardship.

Member Bruniski stated that stand by generators are fairly common in North America. The generator would have to be sited on the back deck to meet the Zoning Bylaw requirements. We should not be so niggly to deny someone to do something with their property when it's reasonable.

Member Ordyniec stated that a generator gives you a piece of mind and the request is not unreasonable and the decision comes down to interpretation of hardship.

The Chair asked if there were any other questions. The Information Management Officer read out the Motion.

It was moved and seconded:

That the Board approve the application to reduce the rear yard setback to 1.52 m and reduce the south side yard setback to 3.96 m at 6130 Marsh Road, instead of 4.5 m as required by section 35 (3) of "Zoning Bylaw No. 2950, 1997", in order to accommodate a stand-by generator.

CARRIED

5. NEW BUSINESS

None.

6. ADJOURNMENT

The Board of Variance meeting ended at 2:41 p.m.

Signed by Chair

Certified by Recording Secretary