



**COMMUNITY SAFETY & DEVELOPMENT**

**AGENDA FOR THE MEETING OF THE BOARD OF VARIANCE  
TO BE HELD ON 2012-DEC-20 AT 5:30PM IN THE BOARDROOM,  
CITY HALL, 455 WALLACE STREET, NANAIMO, BC**

1. **CALL TO ORDER**
2. **ADOPTION OF MINUTES: 2012-NOV-15 BOV MEETING**
3. **APPLICATIONS:**

**APPEAL NO.:** **BOV611**

**Applicant:** Ms. Carole Ann Grayson on behalf of Ms. Betty Ann Pinnegar.

**Civic Address:** 4747 Lost Lake Road

**Legal Description:** LOT 20, DISTRICT LOT 55, WELLINGTON DISTRICT, PLAN 21742

**Purpose:** The applicant is requesting to vary the following provisions of Zoning Bylaw No. 4500:

- 1) The required side yard setback is 1.5m. The applicant is requesting to reduce the setback to 0.3m in order to permit an existing open deck; and
- 2) The required rear yard setback is 7.5m. The applicant is requesting to reduce the setback to 6.82m in order to legalize the siting of the existing single family residential dwelling; and
- 3) The maximum allowable projection for an open deck into the required 7.5m rear yard setback is 2m. The applicant is requesting to increase the allowable projection for an open deck into a rear yard setback from 2m to 3m in order to permit a proposed addition to an existing deck.

These variance requests represent a side yard setback variance of 1.2m; a rear yard setback variance of 0.68m; and a rear yard projection variance (for an open deck) of 1m.

**Zoning Regulations:** Single Dwelling Residential - R1. The applicant requests variances to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

*Section 7.5.1. - Yard Requirements*  
*A side yard setback of 1.5m is required.*  
*A rear yard setback of 7.5 m is required*

*Section 6.5 – Projections into Yards*  
*An open deck is permitted to project into a rear yard by 2m*

**Local Government Act:** Section 911(9) and (10) of the Local Government Act states:

“If the use and density of buildings and structures conform to a bylaw under this division...but the siting, size or dimensions of a building or structure constructed before the bylaw was adopted does not conform with the bylaw, ... the building or structure ... may be maintained, extended or altered ... only to the extent that the repair, extension or alteration would, when completed, involve no further contravention of the bylaw that that existing at the time of the repair, extension or alternation was started.”

**APPEAL NO.:** **BOV612**

**Applicant:** Mr. Charanjit S. Manhas

**Civic Address:** 5381 Jacobs Lane

**Legal Description:** LOT 6, DISTRICT LOT 49, WELLINGTON DISTRICT, PLAN 25430

**Purpose:** The permitted height of a perimeter wall is 9.14m. The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 in order to increase the height of a perimeter wall from 9.14m to 11.14m, which represents a variance request of 2m.

**Please Note:** A previous application (BOV578) was heard at the BOV meeting held 2012-FEB-16; the applicant requested to increase the maximum height of a retaining wall in a side yard from 2.4m to 6m in order to permit the construction of a retaining wall and single family dwelling. This represented a side yard fence height variance of 3.6m. It was determined by the Board that the interior of the two walls proposed were within the buildable portion of the lot and did not need to be included in the variance request. As such, a lesser variance of 0.6 metres was requested for the portion of retaining wall within the side yard. This lesser variance of 0.6m was approved

**Zoning Regulations:** Single Dwelling Residential - R1. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

7.6.1 – The maximum allowable perimeter wall height in is 7.32m.  
7.6.6 – Notwithstanding Subsection 7.6.1, the maximum perimeter wall height may be increased on rear and internal side yard elevations to a maximum of 9.14m, provided:

- (a) any rear wall face over 7.32m in height is a minimum of 10m from the rear property line; and
- (b) no wall face over 7.32m in height shall exceed 7.32m in width and must be offset by a minimum of 0.61m from any adjacent wall over 7.32m in height.

**Local Government Act:** The property is considered legal-conforming and, as such; Local Government Act, Section 911 - Non-conforming Uses and Siting, does not apply.

**APPEAL NO.:** **BOV613**

**Applicant:** Mr. Tony Arruda and Mrs. Wilma Arruda

**Civic address:** 413 Belmonte Place

**Legal Description:** LOT 54, DISTRICT LOT 29, WELLINGTON DISTRICT, PLAN 36479

**Purpose:** The required setback from the side parcel line is 4.5m. The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 in order to permit the placement of a heat pump to the side of the single residential dwelling. The proposed setback is approximately 2m from the side parcel line, which represents a variance of 2.5m.

**Zoning Regulations:** Single Dwelling Residential - R1. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

6. 5. 2 - Heat pumps and central air condition units must be located to the rear of a principal building and shall not be closer than 4.5m from the side lot lines or closer than 3m from the rear property line.

**Local Government Act:** The property is considered legal-conforming and, as such; Local Government Act, Section 911 - Non-conforming Uses and Siting, does not apply.

**APPEAL NO.:** **BOV614**

**Applicant:** Mr. Bert K. Nielsen

**Civic address:** 1295 Waddington Road

**Legal Description:** LOT 6, BLOCK 14, DISTRICT LOT 97G, NEWCASTLE RESERVE, SECTION 1, NANAIMO DISTRICT, PLAN1712

**Purpose:** The required flanking side yard setback is 4m. The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 in order to permit the siting of an accessory building (garage) 1.82m from the flanking side parcel line, which represents a variance of 2.18m.

**Zoning Regulations:** Single Dwelling Residential - R1. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

Section 7.5.1. - Yard Requirements  
A flanking side yard setback of 4m is required

**Local Government Act:** The property is considered legal-conforming and, as such; Local Government Act, Section 911 - Non-conforming Uses and Siting, does not apply

#### **4. ADJOURNMENT**

JC/pm  
ec: *Graham Trimmer, Engineering Development Technician*  
*Building Inspection Section*  
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