



COMMUNITY SAFETY & DEVELOPMENT

MINUTES OF THE MEETING OF THE BOARD OF VARIANCE HELD 2010-NOV-18 IN THE DOUG RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE, 80 COMMERCIAL STREET, NANAIMO, BC

Present: Mr. Lars Aplan, Chair
Ms. Janet Cowling
Mr. Allan Dick
Mr. Jim Galloway
Mr. Amarjit Minhas

Staff: Mr. Dave Pady

1. CALL TO ORDER:

The meeting was called to order at 6:59pm.

2. ADOPTION OF MINUTES:

It was moved and seconded that the minutes of the meeting held 2010-OCT-21 be adopted.

CARRIED

3. APPLICATIONS:

APPEAL NO.: BOV565

Applicant: Mr. John Schlitz (John Schlitz Construction Ltd.)

Civic address: 36 Turnabout View

Legal Description: LOT 11, SECTION 17, RANGE 4, CRANBERRY DISTRICT, PLAN 20363

Purpose: The applicant is requesting that the maximum height of an accessory building be increased from 4.5 metres (14.76 feet) to 5.29 metres (17.35 feet) in order to permit the construction of an accessory building. This represents an accessory building height variance of 0.79 metres (2.59 feet).

Zoning Regulations: This property is within the Single Family Residential (Large Lot) Zone (RS-2). The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 1993 NO. 4000":

"Section 6.2.7.4. - Height of Accessory Buildings

The height of an accessory building shall not exceed the maximum height shown in the following table:

<i>Roof Pitch</i>	<i>Maximum Height</i>
<i>(Less than >6:12)</i>	<i>4.5 metres (14.76 feet)</i>
<i>(Greater than or equal to (≥ 6:12)</i>	<i>5.0 metres (16.4 feet)</i>
<i>(Greater than or equal to (≥ 8:12)</i>	<i>5.5 metres (18.04 feet)</i>

DISCUSSION: Mr. John Schlitz, Ms. Jennifer Warden and Mr. Gord Warden appeared in support of the appeal.

DECISION: It was moved and seconded that the building height variance be approved.

CARRIED

APPEAL NO.: BOV570

Applicant: Mr. Michael Plavetic

Civic address: 5647 Oceanview Terrace

Legal Description: LOT 5, DISTRICT LOT 40, WELLINGTON DISTRICT, PLAN VIP86638

Purpose: The applicant is requesting that the maximum height of a retaining wall and fence be increased from 1.2 metres (3.94 feet) to 3.32 metres (10.89 feet), as shown in the survey provided, in order to permit the recently constructed retaining wall and fence. This represents a fence height variance of 2.12 metres (6.95 feet).

Zoning Regulations: This property is within the Residential Duplex Zone (RM-1). The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 1993 NO. 4000":

"Section 7.1.9.1. – Height of fences

The height of a fence shall not exceed 1.2 metres (3.94 feet) in a front yard."

DISCUSSION: Mr. Michael Plavetic appeared in support of the appeal.

DECISION: It was moved and seconded that the fence height variance be approved.

CARRIED

APPEAL NO.: BOV566

Applicant: Mr. Rana Prihar

Civic address: 229 Concordia Place

Legal Description: LOT 18, SECTION 9, RANGE 8, MOUNTAIN DISTRICT, PLAN 32919

Purpose: The applicant is requesting that the maximum height of a retaining wall and fence in a side yard be increased from 2.4 metres (7.87 feet) to 4.29 metres (14.07 feet) and the maximum height of a retaining wall and fence in a front yard from 1.2 metres (3.94 feet) to 2.26 metres (7.41 feet) in order to permit the recently constructed retaining wall and fence.

This represents a side yard fence height variance of 1.89 metres (6.2 feet) and a front yard fence height variance of 1.06 metres (3.47 feet).

Zoning Regulations: This property is within the Single Family Residential (Large Lot) Zone (RS-2). The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 1993 NO. 4000":

"Section 6.2.9.2 – Height of fences

The height of a fence shall not exceed 2.4 metres (7.87 feet) in any side or rear yard."

"Section 6.2.9.1 – Height of fences

The height of a fence shall not exceed 1.2 metres (3.94 feet) in any front yard."

DISCUSSION: Mr. Hamid Khorassani and Ms. Lois Khorassani appeared in opposition of the appeal. Mr. Rana Prihar appeared in support of the appeal.

DECISION: It was moved and seconded that the fence height variance be denied.

Opposed: Mr. Alan Dick and Mr. Amarjit Minhas

CARRIED

APPEAL NO.: BOV567

Applicant: Mr. Hamid Khorassani / Ms. Lois Khorassani

Civic address: 235 Concordia Place

Legal Description: LOT 17, SECTION 9, RANGE 8, MOUNTAIN DISTRICT, PLAN 32919

Purpose: The applicant is requesting the maximum allowable projection for an open deck within the rear yard be increased from 2 metres (6.56 feet) to 3.40 metres (11.15 feet) in order to permit a previously constructed open deck. This represents a rear yard projection variance of 1.4 metres (4.59 feet).

Zoning Regulations: This property is within the Single Family Residential (Large Lot) Zone (RS-2). The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 1993 NO. 4000":

"Section 6.2.6.3. -Yard Requirements

A rear yard of not less than 7.5 metres (24.6 feet) shall be provided for a principal building.

"Section 5.4.2. – The maximum projection in to the required front and rear yard shall be 2 metres (6.56 feet) or half the distance of the required yard whichever is less."

DISCUSSION: Mr. Hamid Khorassani and Ms. Lois Khorassani appeared in support of the appeal. Mr. Rana Prihar appeared in opposition of the appeal.

It was moved by Mr. Alan Dick and seconded by Ms. Janet Cowling that the appeal be denied.

Opposed: Mr. Jim Galloway, Ms. Janet Cowling and Mr. Lars Aplan.

DECISION: It was moved and seconded that the rear yard projection variance be approved.

Opposed: Mr. Alan Dick and Mr. Amarjit Minhas.

CARRIED

APPEAL NO.: BOV568**Applicant:** Mr. Jay Gaudreau**Civic address:** Lot 111 – 5854 Turner Drive (Woodgrove Estates Mobile Home Park)**Legal Description:** LOT 1, DISTRICT LOT 23-G, WELLINGTON DISTRICT, PLAN 20327, EXCEPT THAT PART IN PLAN 33807

Purpose: The applicant is requesting that the required major road setback for an individual mobile home be reduced from 7.5 metres (24.6 feet) to 6.8 metres (22.30 feet) in order to permit a recently sited mobile home. This represents a major road setback variance of 0.7 metres (2.30 feet).

Zoning Regulations: This property is within the Mobile Home Park Subdivision Zone (RM-8). The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 1993 NO. 4000":

*"Section 5.2.1.2 – Location and Siting of Buildings and Structures to Major Roads
7.5 metres (24.6 feet) from a property line that abuts established urban arterials, urban collector roads and provincial highways as designated by the City of Nanaimo Official Community Plan, when dedication has occurred to achieve the required right-of-way width."*

DISCUSSION: Mr. Jay Gaudreau, Ms. Kathy Hobbis and Mr. Dick Hobbis appeared in support of the appeal.

DECISION: It was moved and seconded that the major road setback variance be approved.
Opposed: Mr. Alan Dick and Ms. Janet Cowling

CARRIED**APPEAL NO.: BOV569****Applicant:** Mr. Gary Small**Civic address:** 1962 Cinnabar Drive**Legal Description:** LOT 59, SECTION 14, RANGE 4, CRANBERRY DISTRICT, PLAN 22987

Purpose: The applicant is requesting that the maximum height of an accessory building be increased from 4.5 metres (14.76 feet) to 4.7 metres (15.41 feet) in order to permit a recently constructed accessory building. This represents an accessory building height variance of 0.2 metres (0.65 feet).

Zoning Regulations: This property is within the Single Family Residential (Large Lot) Zone (RS-2). The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 1993 NO. 4000":

*"Section 6.2.7.4. - Height of Accessory Buildings
The height of an accessory building shall not exceed the maximum height shown in the following table:*

<i>Roof Pitch</i>	<i>Maximum Height</i>
<i>(Less than >6:12)</i>	<i>4.5 metres (14.76 feet)</i>
<i>(Greater than or equal to (≥ 6:12)</i>	<i>5.0 metres (16.4 feet)</i>
<i>(Greater than or equal to (≥ 8:12)</i>	<i>5.5 metres (18.04 feet)</i>

DISCUSSION: Mr. Gary Small appeared in support of the appeal.

DECISION: It was moved and seconded that the accessory building height variance be approved.

CARRIED

4. ADJOURNMENT:

It was moved and seconded that the meeting be adjourned at 9:17pm.

5. APPROVED:


Chair


Date