



COMMUNITY SAFETY & DEVELOPMENT

MINUTES OF THE MEETING OF THE BOARD OF VARIANCE HELD 2010-SEP-16 IN THE DOUG RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE, 80 COMMERCIAL STREET, NANAIMO, BC

Present: Mr. Lars Apland, Chair
Ms. Janet Cowling
Mr. Allan Dick

Staff: Mr. Dave Pady

Regrets: Mr. Jim Galloway
Mr. Amarjit Minhas

1. CALL TO ORDER:

The meeting was called to order at 6:55pm.

2. ADOPTION OF MINUTES:

It was moved and seconded that the minutes of the meeting held 2010-AUG-19 be adopted.

CARRIED

3. APPLICATIONS:

APPEAL NO.: BOV559

Applicant: Mr. Wayne Peckett / Nanaimo Church of Christ

Civic address: 1720 Meredith Road

Legal Description: LOT E, SECTION 17, RANGE 8, MOUNTAIN DISTRICT, PLAN 14987

Purpose: The applicant is requesting that the required side yard setback be reduced from 4 metres (13.12 feet) to 0.1 metres (0.32 feet), as shown in the survey provided, in order to permit the construction of stairs and a landing to a side fire exit door on a church which is non-conforming as to siting. This represents a side yard setback variance of 3.9 metres (12.8 feet).

Zoning Regulations: This property is within the Public Institution Zone (P-2). The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 1993 NO. 4000":

"Section 12.2.5.2 – Yard Requirements

Side yards shall be provided of not less than 4 metres (13.12 feet) in depth"

Local Government Act: Please note: Section 911 (9) and (10) of the *Local Government Act*, which 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 than that existing at the time the repair, extension or alteration was started."

DISCUSSION: Mr. Wayne Peckett appeared in support of the appeal.

DECISION: It was moved and seconded that the side yard setback variance be approved.

CARRIED

APPEAL NO.: BOV560

Applicant: Ms. Eileen Webber

Civic address: 3290 Arrowsmith Road

Legal Description: LOT 8, DISTRICT LOT 31, WELLINGTON DISTRICT, PLAN 34840

Purpose: The applicant is requesting the maximum height of an accessory building be increased from 4.5 metres (14.76 feet) to 4.93 metres (16.17 feet), as shown in the survey provided, in order to permit the construction of an accessory building. This represents an accessory building height variance of 0.43 metres (1.41 feet).

Zoning Regulations: This property is within the Rural Agricultural / Residential Zone (A-2). The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 1993 NO. 4000";

*"Section 8.2.7.3. – Height of Buildings
The height of an accessory building (excluding farm buildings) shall not exceed 4.5 metres (14.76 feet)."*

DISCUSSION: Ms. Eileen Webber appeared in support of the appeal.

DECISION: It was moved and seconded that the appeal be approved.

CARRIED

APPEAL NO.: BOV561

Applicant: Mr. Jason Schmidt

Civic address: 5430 Dunster Road

Legal Description: LOT 1, DISTRICT LOT 16, WELLINGTON DISTRICT, PLAN VIP74093

Purpose: The applicant is requesting the maximum height of a single family dwelling with a flat roof be increased from 6.71 metres (22 feet) to 8.5 metres (27.88 feet), as shown in the survey provided, in order to permit a structural alteration to an existing single family dwelling. This represents a height variance of 1.79 metres (5.88 feet).

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

"Section 6.1.7.1 - Height of Buildings"

The height of a principal building shall not exceed the maximum height shown in the following table:

<i>Roof Pitch</i>	<i>Maximum Height</i>
<i>A flat roof (< than 4:12)</i>	<i>6.71 metres (22 feet)</i>
<i>A sloped roof (≥ 4:12)*</i>	<i>8.25 metres (27.06 feet)</i>

** for an area of at least 80% of all roof surfaces measured in plan view.*

DISCUSSION: Mr. Jason Schmidt appeared in support of the appeal.

DECISION: It was moved and seconded that the appeal be approved.

CARRIED

APPEAL NO.: BOV562

Applicant: Mr. Brad Richardson on behalf of Ms. Rebecca Booker and Mr. Aaron Cooper

Civic address: 5030 Banning Court

Legal Description: STRATA LOT 22, DISTRICT LOT 51, WELLINGTON DISTRICT, STRATA PLAN VIS6310 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN FORM V

Purpose: The applicant is requesting that the maximum height of a single family dwelling be increased from 8.25 metres (27.06 feet) to 9.87 metres (32.38 feet), as shown in the survey provided, and the maximum width of a wall face be increased from 7.32 metres (24 feet) to 13.67 metres (44.84 feet), as shown in the elevation drawings provided, in order to permit the construction of a single family dwelling. This represents a height variance of 1.62 metres (5.32 feet) and a maximum perimeter wall width variance of 6.35 metres (20.83 feet).

Please note: Single family dwellings constructed within the RM-3 zone are subject to the height requirements of the Single Family Residential Zone (RS-1).

Zoning Regulations: This property is within the Low Density Multiple Residential (Townhouse) Zone (RM-3). The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 1993 NO. 4000":

"Section 6.1.7.1 - Height of Buildings

The height of a principal building shall not exceed the maximum height shown in the following table:

<i>Roof Pitch</i>	<i>Maximum Height</i>
<i>A flat roof (< than 4:12)</i>	<i>6.71 metres (22 feet)</i>
<i>A sloped roof (≥ 4:12)*</i>	<i>8.25 metres (27.06 feet)</i>

** for an area of at least 80% of all roof surfaces measured in plan view.*

"Section 6.1.8. – Maximum Perimeter Wall Heights

(b) no wall face over 7.32 metres (24 feet) in height shall exceed 7.32 metres (24 feet) in width and must be offset by a minimum of .61 metres (2 feet) from any adjacent wall over 7.32 metres (24 feet) in height."

DISCUSSION: Ms. Rebecca Booker, Mr. Aaron Cooper, Mr. Ian Swanson, on behalf of Mr. Brad Richardson (Richardson Homes), and Mr. Ken Tange (574 Hazelwood Place, Qualicum Beach) appeared in support of the appeal.

Mr. Kevin Banks (4893 Finnerty Court), Mr. Ranjit Sall and Ms. Balbinder Sall (5019 Hinrich View) appeared in opposition of the appeal.

DECISION: It was moved and seconded that the appeal be denied.

CARRIED

APPEAL NO.: BOV563

Applicant: Mr. Jared Cross

Civic address: 4260 Butternut Drive

Legal Description: LOT 37, DISTRICT LOT 19, WELLINGTON DISTRICT, PLAN 32186

Purpose: The applicant is requesting that the maximum height of a single family dwelling with a flat roof be increased from 6.71 metres (22 feet) to 7.22 metres (23.68 feet), as shown in the survey provided, in order to permit the recently constructed single family dwelling. This represents a height variance of 0.51 metres (1.68 feet).

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

"Section 6.1.7.1 - Height of Buildings

The height of a principal building shall not exceed the maximum height shown in the following table:

<i>Roof Pitch</i>	<i>Maximum Height</i>
<i>A flat roof (< than 4:12)</i>	<i>6.71 metres (22 feet)</i>
<i>A sloped roof (≥ 4:12)*</i>	<i>8.25 metres (27.06 feet)</i>

** for an area of at least 80% of all roof surfaces measured in plan view.*

DISCUSSION: Mr. Jared Cross, Ms. Courtenay Cross and Mr. Sean Major (friend of applicant and contractor) appeared in support of the appeal.


DECISION: It was moved and seconded that the appeal be approved. **OPPOSED:** Ms. Janet Cowling.

CARRIED


4. ADJOURNMENT:

It was moved and seconded that the meeting be adjourned at 8:50pm. Ms. Cowling noted that she would not be attending the October, 2010 BOV meeting.

5. APPROVED:



 Chair



 Date