



COMMUNITY SAFETY & DEVELOPMENT

MINUTES OF THE MEETING OF THE BOARD OF VARIANCE HELD 2010-AUG-19 IN THE DOUG RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE, 80 COMMERCIAL STREET, NANAIMO, BC

Present: Mr. Lars Apland, Chair
Ms. Janet Cowling
Mr. Jim Galloway
Mr. Amarjit Minhas

Staff: Mr. Dave Pady

Regrets: Mr. Allan Dick

1. **CALL TO ORDER:**

The meeting was called to order at 7:01pm.

2. **ADOPTION OF MINUTES:**

It was moved and seconded that the minutes of the meeting held 2010-JUL-15 be adopted.

CARRIED

3. **APPLICATIONS:**

APPEAL NO.: **BOV552**

Applicant: Ms. Patricia Lynne Courtney on behalf of Mr. Barry Poirier

Civic address: 1363 Fielding Road

Legal Description: LT S 142.5 FTOF52, SEC 2, PL 1386, EXC S 82.5 FT, LD 32, THE SOUTHERLY 142.5 FEET OF LOT 52, SECTION 2, NANAIMO DISTRICT, PLAN 1386, EXCEPT THE SOUTHERLY 82.5 FEET THEREOF.

Purpose: The applicant is requesting that:

- a) the maximum height of an accessory building be increased from 4.5 metres (14.76 feet) to 6.5 metres (21.32 feet), as shown in the survey provided, in order to permit the construction of an accessory building; and
- b) the maximum lot coverage be increased from 20% to 29%.

This represents an accessory building height variance of 2 metres (6.56 feet) and a lot coverage variance of 9%.

Please note: the applicant previously appealed to the Board requesting that:

- a) the required rear yard setback for an accessory building be reduced from 3 metres (9.84 feet) to 2 metres (6.56 feet), as shown in the survey provided; and
- b) the allowable height of a non-agriculture accessory building be increased from 4.5 metres (14.76 feet) to 7.16 (23.5 feet) in order to construct an accessory building.

This represents a rear yard setback variance of 1 metre (3.28 feet) and a height variance of 2.66 metres (8.74 feet).

There was an omission in the original application with respect to lot coverage. The maximum allowable lot coverage in the A-1 Zone is 20% and, as such, the Board, at its meeting held 2010-JUL-15, deferred the application until all required variances could be reviewed prior to consideration.

Zoning Regulations: This property is within the Rural Agricultural Residential Zone (A-1).

The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 1993 NO. 4000":

"Section 8.1.7 – Height of Buildings

The height of a non-agricultural accessory building shall not exceed 4.5 metres (14.76 feet)."

"Section 8.2.5 – Lot Coverage

The maximum lot coverage, excluding farm buildings, shall not exceed 20% of the lot area."

DISCUSSION: Ms. Patricia Lynne Courtney appeared in support of the appeal.

DECISION:

It was moved and seconded that the lot coverage variance be approved.

CARRIED

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

CARRIED

APPEAL NO.: BOV554

Applicant: Mr. Ted Sorensen

Civic address: 6462 Peregrine Road

Legal Description: LOT 18, DISTRICT LOT 53, WELLINGTON DISTRICT, PLAN VIP76095.

Purpose: The applicant is requesting that:

- a. the maximum height of a fence in a rear yard be increased from 2.4 metres (7.87 feet) to 2.95 metres (9.67 feet), as shown in the survey provided, in order to permit the construction of a retaining wall and fence; and
- b. the required side yard setback be reduced from 1.5 metres (4.92 feet) to 0.66 metres (2.17 feet) in order to permit the recently constructed accessory building.

This represents a fence height variance of 0.55 metres (1.8 feet) and a side yard setback variance of 0.84 metres (2.75 feet).

Please note: the applicant previously appealed to the Board of Variance requesting that the required side and rear yard fence heights be varied to permit the construction of a retaining wall and fence. The requested variances are as follows:

- 1) that the rear yard fence height be increased from 2.4 metres (7.87 feet) to a maximum of 3.27 metres (10.72 feet) this represents a variance of .87 metres (2.85 feet);
- 2) that the (east) side yard fence height be increased from 2.4 metres (7.87 feet) to a maximum of 3.55 metres (11.64 feet) this represents a variance of 1.15 metres (3.77 feet); and
- 3) that the (west) side yard fence height be increased from 2.4 metres (7.87 feet) to a maximum of 3.05 metres (10.00 feet) this represents a variance of 0.65 metres (2.13 feet).

At its meeting held 2008-JUL-21, the Board of Variance approved a lesser variance than requested. The Board denied variances #1 and #2 and approved variance #3.

Zoning Regulations: this property is within the Single Family Residential Zone (Large Lot) – (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 6.2.6.2. -Yard Requirements

Side yards of not less than 1.5 metres (4.92 feet) for each side yard shall be provided.

DISCUSSION: Mr. Ted Sorensen and Ms. Natalie Sorensen appeared in support of the appeal.

DECISION:

It was moved and seconded that the appeal be approved.

CARRIED

APPEAL NO.: BOV556

Applicant: Mr. Darcy Ohlson and Mr. Josh Fayerman (Fittlehed Forge Inc. and Milestone Contracting)

Civic address: 401 Belmonte Place

Legal Description: LOT 57, DISTRICT LOT 29, WELLINGTON DISTRICT, PLAN 36479

Purpose: The applicant is requesting that the maximum height of a flanking side yard fence be increased from 1.8 metres (5.9 feet) to 5.01 metres (16.43 feet), and that the rear yard fence be increased from 2.4 metres (7.87 feet) to 5.01 metres (16.43 feet) as shown in the survey provided, in order to permit the reconstruction of a retaining wall and fence.

This represents a flanking side yard fence height of 3.21 metres (10.53 feet) and a rear yard fence height variance of 2.61 metres (8.56 feet).

Zoning Regulations: This property is within the Single Family Residential Zone (large lot) – (RS-2).

The applicant requests a variance to the City of Nanaimo “ZONING BYLAW 1993 NO. 4000”:

“Section 6.2.9.3 – Height of Fences

In the case of a corner lot, the height of a fence shall not exceed 1.8 metres (5.9 feet) when sited in a flanking side yard.”

DISCUSSION: Mr. Darcy Ohlson, Mr. Josh Fayerman, Mr. John Hails (405 Belmont Place) and Mr. Norm Gardner (2229A McCullough Road) appeared in support of the appeal. Mr. Earle Johnston (3507 Wiltshire Drive) submitted a letter of opposition to the appeal.

DECISION:

It was moved and seconded that the appeal be approved.

CARRIED

APPEAL NO.: BOV557

Applicant: Mr. Darcy Ohlson and Mr. Josh Fayerman (Fittlehed Forge Inc. and Milestone Contracting)

Civic address: 3677 Glen Oaks Drive

Legal Description: LOT 58, DISTRICT LOT 29, WELLINGTON DISTRICT, PLAN 36479

Purpose: The applicant is requesting that the maximum height of a rear yard fence be increased from 2.4 metres (7.87 feet) to 5.01 metres (16.43 feet), as shown in the survey provided, in order to permit the reconstruction of a retaining wall and fence.

This represents a rear yard fence height variance of 2.61 m (8.56 feet).

Zoning Regulations: This property is within the Single Family Residential Zone (large lot) – (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."

DISCUSSION: Mr. Darcy Ohlson, Mr. Josh Fayerman, Mr. John Hails (405 Belmont Place) and Mr. Norm Gardner (2229A McCullough Road) appeared in support of the appeal. Mr. Earle Johnston (3507 Wiltshire Drive) submitted a letter of opposition to the appeal.

DECISION:

It was moved and seconded that the appeal be approved.

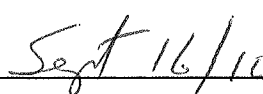
CARRIED

4. ADJOURNMENT:

It was moved and seconded that the meeting be adjourned at 8:21 pm.

5. APPROVED:


Chair


Date