

**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD 2010-JUN-17 IN THE DOUGLAS RISPIN ROOM,
VANCOUVER ISLAND CONFERENCE CENTRE, 80 COMMERCIAL STREET, NANAIMO, BC**

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

Staff: Mr. Dave Pady

1. CALL TO ORDER:

The meeting was called to order at 7:00pm.

2. ADOPTION OF MINUTES:

The adoption of the minutes of the meeting held on 2010-MAY-15 was deferred until the July 2010 meeting.

3. APPLICATIONS:

APPEAL NO.: BOV549

Applicant: Straight Street Design on behalf of Mr. Raj Banga

Civic address: 5541 Rutherford Road

Legal Description: LT 1, DL 38, LD 58, PLN VIP86996, LOT 1, DISTRICT LOT 38, WELLINGTON DISTRICT, PLAN VIP86996

Purpose: The applicant is requesting that the maximum permitted height of a retaining wall and fence in a side yard be increased from 2.4 metres (7.87 feet) to 3.5 metres (11.48 feet), as shown in the survey provided, in order to permit the recently constructed fence on top of a retaining wall within a side yard. This represents a fence height variance of 1.1 metres (3.61 feet).

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

*"Section 6.1.9.2 – 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. Ken Brault (Straight Street Design) appeared in support of the application.

DECISION:

It was moved and seconded that the appeal be approved.

CARRIED

APPEAL NO.: BOV551

Applicant: Ms. Heather Robertson

Civic address: 238 Kennedy Street

Legal Description: WLY 132 FT OF SLY 66 FT OF LT 9, BLK K, SEC 1, LD 32, PLN 584, THE WESTERLY 132 FEET OF THE SOUTHERLY 66 FEET OF LOT 9, BLOCK K, SECTION 1, NANAIMO DISTRICT, PLAN 584

Purpose: The applicant is requesting that the required front yard setback be reduced from 6 metres (19.69 feet) to 5.53 metres (18.14 feet), as shown in the survey provided, in order to permit the construction of a covered porch on a single family dwelling currently under construction. This represents a front yard setback variance of 0.47 metres (1.54 feet).

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

*"Section 6.1.6.1 – Yard Requirements
A front yard of not less than 6 metres (19.69 feet) shall be provided."*

Please note that the applicant previously appealed to the Board of Variance requesting that the maximum height of a single family dwelling be increased from 8.25 metres (27.06 feet) to 9.75 metres (31.98 feet) for a structural alteration to a single family dwelling. This represents a variance of 1.5 metres (4.92 feet). At their regular meeting held 2008-MAR-20, the Board approved the appeal.

Discussion: Mr. Shawn Cofield and Mrs. Heather Robertson appeared in support of 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 7:22pm.

5. **APPROVED:**

Chair _____
[Handwritten Signature]

Date _____
July 15/10