

**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE  
HELD 2010-MAY-20 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

**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-APR-15 be adopted.

**CARRIED**

**3. APPLICATIONS:**

**Appeal No.:** BOV543

**Applicant:** Mr. Jim Routledge

**Civic Address:** 5876 Shadow Mountain Road

**Legal Description:** LT 8, DL 20, LD 58, VIP83287 LOT 8, DISTRICT LOT 20, WELLINGTON DISTRICT, PLAN VIP83287

**Purpose:** The applicant is requesting that the maximum height of a front yard fence be increased from 1.2 metres (3.94 feet) to 2.4 metres (7.87 feet), as shown in the survey provided, in order to permit an existing fence. This represents a height variance of 1.2 metres (3.94 feet).

**Zoning Regulations:** This property is within the Single Family Residential Zone (RS-1). The applicant seeks to vary the following provisions of the City of Nanaimo "ZONING BYLAW 1993 NO. 4000" as follows:

*"Section 6.1.9.1 – Height of fences*

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

Discussion: Mr. Jim Routledge and Mr. John Parker (tenant at 5876 Shadow Mountain Road) appeared in support of the application.

**DECISION:**

It was moved and seconded that the appeal be approved.

Opposed: Ms. Janet Cowling

**CARRIED**

**Appeal No.: BOV544**

**Applicant:** Mr. Greg Stevenson

**Civic address:** 26 Strickland Street

**Legal description:** LT N 1/2 OF 19, BLK: GALSWORTHY, SEC: 1, PLN: 584, LD: 32  
THE NORTHERLY 1/2 OF LOT 19, BLOCK "GALSWORTHY" 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 2.96 metres (9.71 feet), as shown on the survey provided, in order to permit the construction of front entrance stairs and a structural alteration on an existing single family dwelling, which is non-conforming as to siting. This represents a front yard variance of 3.04 metres (9.98 feet)

**Zoning Regulations:** This property is within the Single Family Residential Zone (RS-1a). The applicant seeks to vary the following provisions of the City of Nanaimo "ZONING BYLAW 1993 NO. 4000" as follows:

*"Section 6.1.6.1 – Yard Requirements*

*A front yard of not less than 6 metres (19.69 feet) shall be provided."*

*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. Greg Stevenson appeared in support of the appeal.

**DECISION:**

It was moved and seconded that the appeal be approved.

**CARRIED**

**Appeal No.: BOV545**

**Applicant:** Ms. Roneen Marcoux

**Civic address:** 645 Nicol Street

**Legal description:** LT 7, BLK D, SEC 1, PLN 584, ETC, LD 32  
LOT 7, BLOCK D, SECTION 1, NANAIMO DISTRICT, PLAN 584,  
EXCEPT THAT PART IN PLAN VIP59026

**Purpose:** The applicant is requesting that the required side yard setback be reduced from 1.5 metres (4.92 feet) to 1.21 metres (3.96 feet), as shown in the survey provided, in order to permit a structural alteration to an accessory building which is non-conforming as to siting. This represents a variance of 0.29 metres (0.96 feet).

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

*"Section 7.1.6.2 – Yard Requirements*

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

*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."*

Please note that the applicant previously applied to the Board on two occasions (2007-JUL-19) and (2008-MAY-15) requesting that the required side yard setback be reduced from 1.5 metres (4.92 feet) to 1.21 metres (3.96 feet), as shown in the survey provided, in order to permit a structural alteration to an accessory building which is non-conforming as to siting. This represents a variance of 0.29 metres (0.96 feet). In both cases the appeal was granted but a Building Permit application was not received within six months and, as such, the approvals have expired.

Discussion: Ms. Roneen Marcoux appeared in support of the appeal.

**DECISION:**

It was moved and seconded that the appeal be approved.

**CARRIED**

**Appeal No.:** BOV546

**Applicant:** Roetman Contracting Ltd. – Ms. Deborah Roetman

**Civic address:** 897 Girvin Avenue

**Legal description:** LT 6, DL 96B, NR, SEC 1, PL 10638, LD 32  
LOT 6, DISTRICT LOT 96B, NEWCASTLE RESERVE, SECTION 1,  
NANAIMO DISTRICT, PLAN 10638

**Purpose:** The applicant is requesting that the required front yard setback be reduced from 6 metres (19.69 feet) to 4.2 metres (13.78 feet), as shown in the survey provided, in order to construct a covered porch on an existing single family dwelling. This represents a front yard setback variance of 1.8 metres (5.91 feet).

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

*"Section 6.1.6.1 – Yard Requirements*

*A front yard of not less than 6 metres (19.69 feet) shall be provided."*

Discussion: Ms. Deborah Roetman, Mr. Lee Roetman, Ms. Shirley Reid and Ms. Angela Libeuk appeared in support of the appeal.

**DECISION:**

It was moved and seconded that the appeal be approved.

**CARRIED**

**Appeal No.:** BOV547

**Applicant:** Mr. Donald Kaluza

**Civic address:** 2901 105<sup>th</sup> Street

**Legal description:** LT 4, BLK 19, SEC 3 & 5, PLN 318A, LD 58, LOT 4, BLOCK 19, SECTIONS 3 AND 5, WELLINGTON DISTRICT, PLAN 318A

**Purpose:** The applicant is requesting that the required rear yard setback be reduced from 7.5 metres (24.6 feet) to 2.4 metres (7.87 feet), as shown in the survey provided, in order to permit the construction of an addition to a single family dwelling, which is non-conforming as to siting. This represents a rear yard setback variance of 5.1 metres (16.73 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" as follows:

*"Section 6.1.6.3. -Yard Requirements*

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

*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."*

Please note that the applicant previously applied to the Board requesting that the required front yard setback be reduced from 6 metres (19.69 feet) to 3.2 metres (10.49 feet) in order to accommodate an addition to a home, which is non-conforming as to siting. The appeal was granted on 2005-JUN-16

Discussion: Mr. Donald Kaluza appeared in support of the appeal.

**DECISION:**

It was moved and seconded that the appeal be approved.

**CARRIED**

**Appeal No.:** BOV548

**Applicant:** Mr. Tom Christian

**Civic address:** 3570 Planta Road

**Legal description:** LT 2, DL 29, PL VIP70853, LD 58, LOT 2, DISTRICT LOT 29, WELLINGTON DISTRICT, PLAN VIP70853

**Purpose:** The applicant is requesting that the maximum size of an accessory building be increased from 70 m<sup>2</sup> (753.5 ft<sup>2</sup>) to 148.82 m<sup>2</sup> (1601.89 ft<sup>2</sup>) in order to permit an addition to an existing accessory building. This represents a variance of 78.82 m<sup>2</sup> (848.39 ft<sup>2</sup>).

**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" as follows:

*"Section 5.5.5 – Accessory Buildings and Structures*

*The sum total of all accessory buildings on a lot zoned single family residential, RM-1, RM-2, RM-9 or RM-11 shall not exceed a gross floor area of 70 m<sup>2</sup> (753.5 ft<sup>2</sup>)."*

Please note that the applicant previously appealed to the Board requesting the maximum size of an accessory building be increased from 70 m<sup>2</sup> (753.5 ft<sup>2</sup>) to 112.69 m<sup>2</sup> (1213 ft<sup>2</sup>) in order to construct an addition to a previously constructed accessory building. The Board, at their meeting held 2001-NOV-15, approved the variance. The current application proposes an additional 36.22 m<sup>2</sup> (389.86 ft<sup>2</sup>) to the existing accessory building.

Discussion: Mr. Tom Christian and Ms. Elaine Christian appeared in support of the appeal. The Board of Variance did not feel that the applicant had a case for hardship.

**DECISION:**

It was moved and seconded that the appeal be denied.

Opposed: Mr. Amarjit Minhas.

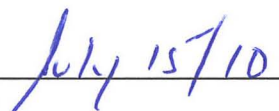
**CARRIED**

**4. ADJOURNMENT:**

It was moved and seconded that the meeting be adjourned at 8:27 pm.

**5. APPROVED:**

  
Chair

  
Date