



**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD 2010-MAR-18 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
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-FEB-18 be adopted.

CARRIED

3. NEW BUSINESS:

4. APPLICATIONS:

APPEAL NO.: BOV538

Applicant: Mr. Harry Gupta

Civic Address: 4576 Laguna Way

Legal Description: LT 21, DL 55, LD 58, PLN VIP82382, LOT 21, DISTRICT LOT 55,
WELLINGTON DISTRICT, PLAN VIP82382

Purpose: The applicant is requesting that the maximum height of a single family dwelling be increase from 8.25 metres (27.06 feet) to 8.39 metres (27.52 feet), as shown in the survey provided, in order to permit the recently constructed single family dwelling. This represents a height variance of 0.14 metres (0.46 feet).

Zoning Regulations: Steep Slope Residential Zone (RS-7)

"Section 6.7.8.1 - 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. and Mrs. Gupta appeared in support of the application.

DECISION:

It was moved and seconded that the appeal be approved.

CARRIED**APPEAL NO.: BOV539**

Applicant: Mr. Blair Dueck / DCC Holdings Ltd.

Civic address: 2333 Labieux Road

Legal description: LT A, SEC 19, RGE 6, PLN VIP74603, LD 31, LOT A, SECTION 19, RANGE 6, MOUNTAIN DISTRICT, PLAN VIP74603

Purpose: The applicant is requesting that the maximum height of an accessory building be increased from 4.5 metres (14.76 feet) to 4.73 metres (15.51 feet), as shown in the survey provided, in order to permit the recently constructed accessory building. This represents a height variance of 0.23 metres (0.75 feet).

Zoning Regulations: This property is within the Single Family Residential Zone (RS-1)."

"Section 6.1.7.4 - 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. Dueck appeared in support of the appeal.

DECISION:

It was moved and seconded that the appeal be approved.

Opposed: Mr. Allan Dick

CARRIED**APPEAL NO.: BOV540**

Applicant: Mr. Darren Karpuk

Civic address: 306 Seventh Street

Legal Description: LT 15, BLK 2, SEC 1, PLN 1555, LD 32, LOT 15, BLOCK 2, SECTION 1, NANAIMO DISTRICT, PLAN 1555

Purpose: The applicant is requesting that the required flanking side yard setback be reduced from 4 metres (13.12 feet) to 1.74 metres (5.71 feet) and to reduce the required front yard setback for a single family dwelling on a major road from 10 metres (32.8 feet) to 8.38 metres (27.49 feet), as shown on 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 flanking side yard variance of 2.26 metres (7.41 feet) and a front yard major road variance of 1.62 metres (5.31 feet).

Zoning Regulations: This property is within the Single Family Residential Zone (RS-1a).

"Section 6.1.6.2 – Yard Requirements

Side yards of not less than 1.5 metres (4.92 feet) for each side yard shall be provided. IN the case of a corner lot, the side yard adjoining the flanking street shall not be less than 4 metres (13.12 feet)."

"Section 5.2.1.1 – Location and Siting of Buildings and Structures to Major Roads

10 metres (32.8 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 the required dedication to achieve the required right of way has not occurred to facilitate the widening of the major road."

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. Karpuik appeared in support of the appeal.

DECISION:

It was moved and seconded that the appeal be approved.

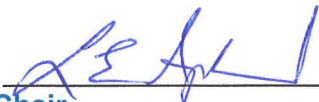
Opposed: Mr. Jim Galloway


CARRIED

5. ADJOURNMENT:

It was moved and seconded that the meeting be adjourned at 7:54 pm.

6. APPROVED:


Chair


Date