



**AGENDA FOR THE MEETING OF THE BOARD OF VARIANCE
TO BE HELD ON 2010-FEB-18 AT 7PM IN THE DOUG RISPIN ROOM,
VANCOUVER ISLAND CONFERENCE CENTRE, 80 COMMERCIAL STREET, NANAIMO, BC**

1. **Call to Order**
2. **Adoption of Minutes: 2010-JAN-21**
3. **Applications:**

Appeal No.: **BOV534**

Applicant: Marc Landry

Civic Address: 3434 Arrowsmith Road

Legal Description: STRATA LT 3, DL 31, LD 58, STRATA PLN VIS5731
STRATA LOT 3, DISTRICT LOT 31, WELLINGTON DISTRICT, STRATA
PLAN VIS5731 TOGETHER WITH AN INTEREST IN THE COMMON
PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE
STRATA LOT AS SHOWN ON FORM V

Purpose: The applicant is requesting that the maximum height of an accessory building be increased from 4.5 metres (14.76 feet), as shown in the survey provided, to 4.84 metres (15.87 feet) in order to permit the construction of an accessory building. This represents a height variance of 0.34 metres (1.12 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).

Appeal No.: **BOV535**

Applicant: Geoffrey Simair

Civic address: 564 Rosehill Street

Legal description: LT 4, SEC 1, PLN 1505, LD 32 , LOT 4, SUBURBAN LOT 32, SECTION
1, NANAIMO DISTRICT, PLAN 1505

Purpose: The applicant is requesting that the required side yard setback be reduced from 1.5 metres (4.92 feet) to 0.05 metres (0.16 feet), as shown in the survey provided, in order to permit the recently constructed stairs and landing on a single family dwelling which is non-conforming as to siting. This represents a side yard setback of 1.45 metres (4.76 feet).

Please note: The applicant previously applied to Board of Variance to reduce the side yard setback from 1.4 metres (4.92 feet) to 0.05 metres (0.16 feet) in order to permit the recently constructed stairs and landing on a single family dwelling which is non-conforming as to siting. At their regular meeting held 2010-NOV-19 the Board denied the variance. The applicants have removed a portion of the landing and this constitutes a change in the variance request.

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."

Zoning Regulations: This property is within the Medium Density Multiple Family Residential (Suburban) Zone (RM-5). Single family dwellings within this zone are subject to the yard requirements of the Single Family Residential Zone (RS-1/RS-1a). The appellant seeks to vary the following provisions of the City of Nanaimo "ZONING BYLAW 1993 NO. 4000" as follows:

"Section 6.1.6 - Yard Requirements

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

Appeal No.: **BOV537**

Applicant: Rod Welbourn

Civic address: 5796 Bradbury Road

Legal description: LT 8, DL 38, LD 58, PLN VIP77284, LOT 8, DISTRICT LOT 38, WELLINGTON DISTRICT, PLAN VIP77284

Purpose: The applicant is requesting that the maximum height of a single family dwelling be increased from 8.25 metres (27.06 feet) to 9.17 metres (30.08 feet), as shown in the survey provided, in order to permit the construction of a single family dwelling. This represents a height variance of 0.92 metres (3.02 feet).

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

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

"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.*

4. Adjournment