



**AGENDA FOR THE MEETING OF THE BOARD OF VARIANCE
TO BE HELD ON 2009-DEC-17 AT 7:00 P.M.
IN THE DOUG RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, B.C.**

1. **CALL TO ORDER**

2. **ADOPTION OF MINUTES:** 2009-NOV-19

3. **APPLICATIONS:**

APPEAL NO.: BOV00529

APPLICANT: GORDON CLEMMENSEN

CIVIC ADDRESS: 72 STRICKLAND STREET

LEGAL DESCRIPTION: LOT 26, 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 3.37 metres (11.06 feet), and that the maximum allowable height of a single family dwelling be increased from 8.25 metres (27.06 feet) to 8.72 metres (28.6 feet), as shown on the survey provided, in order to permit a structural alteration to an existing single family dwelling which is non-conforming as to siting. This represents a front yard setback of 2.63 metres (8.63 feet) and a height variance of 0.47 metres (1.54 feet).

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 Single Family Residential Zone (RS-1a). The appellant seeks to vary the following provisions of the City of Nanaimo "ZONING BYLAW 1993 NO. 4000" as follows:

"Section 6.1.6.1 – Yard Requirements

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

“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.”*

APPEAL NO.: BOV00530

APPLICANT: LEE ROBINSON

CIVIC ADDRESS: 907 BROOKFIELD PLACE

LEGAL DESCRIPTION: LOT 28, SECTION 1, NANAIMO DISTRICT,
PLAN VIP58547

PURPOSE: The applicant is requesting that the maximum allowable height of a single family dwelling be increased from 8.25 metres (27.06 feet) to 9 metres (29.52 feet), as shown on the survey provided, in order to permit the construction of a single family dwelling. This represents a height variance of 0.75 metres (2.46 feet).

ZONING REGULATIONS: This property is within the Single Family Residential Zone (RS-1). The appellant seeks to vary the following provisions of 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