



**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE  
HELD 2009-DEC-17 IN THE DOUG RISPIN ROOM,  
VANCOUVER ISLAND CONFERENCE CENTRE, 80 COMMERCIAL STREET, NANAIMO, BC**

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**PRESENT:** Mr. Lars Apland, Chair  
Mr. Allan Dick  
Mr. Jim Galloway  
Mr. Amarjit Minhas

**ABSENT:** Ms. Janet Cowling

**STAFF:** Mr. Dave Pady  
Mr. Jeremy Holm

**1. CALL TO ORDER:**

The meeting was called to order at 6:55 p.m.

**2. ADOPTION OF MINUTES:**

It was moved and seconded that the minutes of the meeting held 2009-NOV-19 be adopted.

**CARRIED**

**3. NEW BUSINESS:**

Items to be included for future meetings:

- agenda summary page for members;
- place each new application in the Agenda package so it begins on a facing/right hand page and;
- include elevations (when possible) for height variances.

**4. 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 (&lt; 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:**  
 The applicant, Mr. George Clemensen (72 Strickland Street), appeared in support of the appeal.

**DECISION:**  
 It was moved and seconded that the appeal be approved.

**CARRIED**

**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 (&lt; 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. Lee Robinson and Mr. Tarsem Karod (2462 Balance Road) appeared in support of the appeal. The Board identified a clear hardship in relation to a small buildable area and steep slope conditions.

**DECISION:**


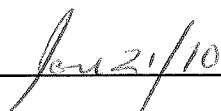
It was moved and seconded that the appeal be approved.

**CARRIED**

**5. ADJOURNMENT:**

The meeting be adjourned at 7:44 p.m.

**6. APPROVED:**

Chair   
Date 

/dp