



**AGENDA FOR THE MEETING OF THE BOARD OF VARIANCE  
TO BE HELD ON 2009-NOV-19 AT 7:00 P.M.  
IN THE DOUG RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE,  
80 COMMERCIAL STREET, NANAIMO, B.C.**

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1. **CALL TO ORDER**
2. **ADOPTION OF MINUTES:** 2009-SEP-17 & 2009-OCT-15
3. **APPLICATIONS:**

**APPEAL NO.:** BOV00524

**APPLICANT:** GEORGE HOLT

**CIVIC ADDRESS:** 139 HALIBURTON STREET

**LEGAL DESCRIPTION:** LOT 3, BLOCK 7, SECTION 1, NANAIMO DISTRICT, PLAN 584

**PURPOSE:** The applicant is requesting that the required front yard setback be reduced from 6 metres (19.68 feet) to 2 metres (6.56 feet), as shown on the survey provided, in order to permit the construction of stairs in a multi-unit building which is non-conforming as to siting. This represents a front yard variance of 4 meters (13.12 feet).

Please note: Section 911 (9) and (10) of the Local Government Act 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). The appellant seeks to vary the following provisions of the City of Nanaimo "ZONING BYLAW 1993 NO. 4000" as follows:

*"Section 7.5.6.1. – Yard Requirements  
A front yard of not less than 6 metres (19.69 feet) shall be provided."*

**APPEAL NO.:** BOV00525

**APPLICANT:** BRAD RICHARDSON (RICHARDSON HOMES LTD.)

**CIVIC ADDRESS:** 5084 BANNING COURT

**LEGAL DESCRIPTION:** STRATA LOT 13, DISTRICT LOT 51 & 54, WELLINGTON DISTRICT, VIS6310, TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOW ON FORM V, USER RATE BILLING FOLIO 08290.550

**PURPOSE:** The applicant is requesting that the maximum height of a single family dwelling be increased from 8.25 metres (27.06 feet) to 8.91 metres (29.23 feet), as shown on the survey provided, in order to permit the construction of a single family dwelling. This represents a height variance of 0.66 metres (2.17 feet).

**ZONING REGULATIONS:** This property is within the Low Density Multiple Family Residential (Townhouse) Zone (RM-3). Single Family Dwellings in this zone are subject to height requirements within 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 6.1.7.1 - Height of Buildings  
The height of a principal building shall not exceed the maximum height shown in the following table:*

<b>Roof Pitch</b>	<b>Maximum Height</b>
<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.*

**APPEAL NO.:** BOV00526

**APPLICANT:** GEOFREY D. SIMAIR

**CIVIC ADDRESS:** 564 ROSEHILL STREET

**LEGAL DESCRIPTION:** 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 on 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: 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.:** BOV00527  
**APPLICANT:** PETER MONGA (P J & R HOLDINGS LTD.)  
**CIVIC ADDRESS:** 678 HOWARD AVENUE  
**LEGAL DESCRIPTION:** LOT 6, SECTION 1, NANAIMO DISTRICT,  
PLAN VIP81888

**PURPOSE:** The applicant is requesting that the required flanking side yard setback be reduced from 4 metres (13.12 feet) to 2 metres (6.56 feet), as shown on the survey provided, in order permit the construction of a single family dwelling. This represents a flanking side yard setback of 2 metres (6.56 feet).

\*\*Please note that the applicant previously appealed to the Board of Variance requesting that the side yard setback be reduced from 4 metres (13.12 feet) to 2.33 metres (7.64 feet) in order to construct a single family dwelling, which represented a side yard variance of 1.67 metres (5.48 feet). The Board, at their regular meeting held 2007-JAN-18, approved the appeal.

The applicant did not apply for a building permit within the six month period following the Board's decision and, as such, the approval has expired.

**ZONING REGULATIONS:** This property is within the Single Family Residential Zone (Large lot) – (RS-2a). The appellant seeks to vary the following provisions of the City of Nanaimo "ZONING BYLAW 1993 NO. 4000" as follows:

*"Section 6.2.6. - Yard Requirements  
Side yards shall be provided with a minimum width of 1.5 metres (4.92 feet) for each side yard. In the case of a corner lot, the side yard adjoining the flanking street shall not be less than 4 metres (13.12 feet)."*

**APPEAL NO.:** BOV00528  
**APPLICANT:** JANA ZIMAN  
**CIVIC ADDRESS:** 2421 HOLYROOD DRIVE  
**LEGAL DESCRIPTION:** LOT 46, SECTION 19, RANGE 8, MOUNTAIN DISTRICT, PLAN 11945

**PURPOSE:** The applicant is requesting that the maximum height of an accessory building be increased from 4.5 metres (14.76 feet) to 4.62 metres (15.15 feet) in order to permit the construction of a yurt. This represents a height variance of 0.12 metres (0.39 feet).

**ZONING REGULATIONS:** This property is within the Single Family Residential Zone (large lot) – (RS-2). The appellant seeks to vary the following provisions of the City of Nanaimo "ZONING BYLAW 1993 NO. 4000" as follows:

*"Section 6.2.7.4 - Height of 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 &gt;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>

**4. ADJOURNMENT**