



**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD 2009-NOV-19 IN THE DOUGLAS 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

ABSENT: Mr. Amarjit Minhas

STAFF: Mr. Dave Pady

1. CALL TO ORDER:

The meeting was called to order at 6:59 p.m.

2. ADOPTION OF MINUTES

It was moved and seconded that the minutes of the meeting held 2009-SEP-17 be adopted.

CARRIED

It was moved and seconded that the minutes of the meeting held 2009-OCT-15 be adopted.

CARRIED

3. NEW BUSINESS:

The Board discussed some of the issues around the recording of each member's support or opposition for Board decisions. It was decided that the minutes will include the direction of each member's support or opposition to an appeal.

4. NEW 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."*

DISCUSSION:

Mr. George Holt appeared in support of the appeal.

DECISION:

It was moved and seconded that the appeal be approved.

CARRIED

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:

Roof Pitch	Maximum Height
<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. Dickson (owners) appeared in support of the appeal. Mr. and Mrs. Burton (5006 Vista View Cres.), Ms. Judy Robson (5012 Vista View Cres.) appeared in opposition to the appeal. Mr. Gordon Halkett appeared neutral to the appeal.

DECISION:

It was moved and seconded that the appeal be approved.

Opposed: Mr. Dick.

CARRIED

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."*

DISCUSSION:

Mr. Simair (applicant), Mr. Peter Blok-Anderson (owner) and Mr. Erik Blok-Anderson appeared in support of the appeal. Mr. and Mrs. Nieman (560 Rosehill Street) and G. Sandrine (568 Rosehill Street) appeared in opposition of the appeal.

DECISION:

It was moved and seconded that the appeal be denied.
Opposed: Ms. Cowling.

CARRIED

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).”

DISCUSSION:

Mr. Peter Monga appeared in support of the appeal.

DECISION:

It was moved and seconded that the appeal be approved.

CARRIED

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 >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:

Ms. Jana Ziman appeared in support of the appeal.

DECISION:


It was moved and seconded that the appeal be approved.

CARRIED

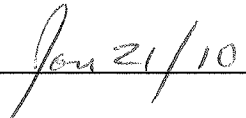
5. ADJOURNMENT:

The meeting adjourned at 8:17 p.m.

APPROVED:



Chair



Date

DP/hd