



**AGENDA FOR THE MEETING OF THE BOARD OF VARIANCE  
TO BE HELD ON 2009-OCT-15 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
3. **APPLICATIONS:**

**APPEAL NO.:** BOV00518

**APPLICANT:** CHRISTY GAUDIN

**CIVIC ADDRESS:** 730 OAKLEY STREET

**LEGAL DESCRIPTION:** LOT 4, NEWCASTLE RESERVE,  
SECTION 1, NANAIMO DISTRICT, PLAN  
7767

**PURPOSE:** The applicant is requesting that the required front yard setback be reduced from the required 6 metres (19.69 feet) to 5.15 metres (16.89 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 variance of 0.85 metres (2.8 feet).

**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."*

*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.”*

**APPEAL NO.:** BOV00521  
**APPLICANT:** DONNIE & SHERYL IZON  
**CIVIC ADDRESS:** 847 VICTORIA ROAD  
**LEGAL DESCRIPTION:** LOT 4, BLOCK 5, SECTION 1, NANAIMO DISTRICT, PLAN 2009

**PURPOSE:** The applicant is requesting that the required rear yard setback be reduced from 7.5 metres (24.6 feet) to 2.8 metres (9.18 feet), as shown on the survey provided, in order to permit the construction of an addition to a single family dwelling. This represents a rear yard variance of 4.7 metres (15.42 feet).

**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 6.1.6.3. -Yard Requirements

*A rear yard of not less than 7.5 metres (24.6 feet) shall be provided for a principal building. A rear yard of not less than 1.5 metres (4.92 feet) shall be provided for an accessory building.”*

*Please note, that the applicant previously applied for, and was granted, a variance (BOV00484) to reduce the rear yard requirement at 847 Victoria Road. Due to an error in measurement during construction of the addition, it is now necessary to apply for an additional variance.*

**APPEAL NO.:** BOV00522  
**APPLICANT:** MICHELE L. MCGORMAN  
**CIVIC ADDRESS:** 5850 ALPHA CIRCLE  
**LEGAL DESCRIPTION:** LOT 11, DISTRICT LOT 40, WELLINGTON DISTRICT, PLAN 28036

**PURPOSE:** The applicant is requesting that the required height of an accessory building with a roof pitch greater than or equal to 6:12 be

increased from 5.0 metres (16.4 feet) to 5.22 metres (17.12 feet), as shown on the survey provided, in order to permit an accessory building under construction. This represents an accessory building height variance of 0.22 metres (0.72 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:*

<b>Roof Pitch</b>	<b>Maximum Height</b>
< 6:12 Pitch	4.5 metres (14.76 feet)
≥ 6:12 Pitch	5.0 metres (16.4 feet)
≥ 8:12 Pitch	5.5 metres (18.04 feet)

**APPEAL NO.:** BOV00523

**APPLICANT:** TAMMY CAMPBELL

**CIVIC ADDRESS:** 52 KENNEDY STREET

**LEGAL DESCRIPTION:** THE NORTHERLY 49.5 FEET OF SECTION A OF LOT 3, BLOCK M, SECTION 1, NANAIMO DISTRICT, PLAN 584

**PURPOSE:** The applicant is requesting that the required front yard setback be reduced from 6.0 metres (19.68 feet) to 4.1 metres (13.45 feet), as shown on the survey provided, in order to permit the reconstruction of a front porch to an existing single family dwelling which is non-conforming as to siting. This represents a front yard variance of 1.9 metres (6.23 feet).

**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."*

*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.”*

**4. ADJOURNMENT**