



**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD 2009-OCT-15 IN THE DOUG RISPIN ROOM,
VANCOUVER ISLAND CONFERENCE CENTRE, 80 COMMERCIAL STREET, NANAIMO, BC**

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

ABSENT: Ms. Janet Cowling
Mr. Allan Dick

STAFF: Mr. Dave Pady

1. CALL TO ORDER:

The meeting was called to order at 6:56 P.M.

2. ADOPTION OF MINUTES:

MOVED by Mr. Minhas, SECONDED by Mr. Galloway that the minutes of the meeting held 2009-SEP-17 be amended and brought forward to be adopted at the meeting of 2009-NOV-19.

CARRIED

3. NEW 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) 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."

DISCUSSION:

Christy Gaudin appeared in support of the appeal.

DECISION:

MOVED by Mr. Galloway, SECONDED by Mr. Minhas that the appeal be approved.

OPPOSED: None

SUPPORTED: Mr. Galloway, Mr. Minhas, Mr. Apland

ALL IN FAVOUR: Yes

CARRIED

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) in order to permit the construction of an addition on 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.

DISCUSSION:

Donnie Izon appeared in support of the appeal.

DECISION:

MOVED by Mr. Minhas, SECONDED by Mr. Galloway that the appeal be approved.

OPPOSED: None

SUPPORTED: Mr. Minhas, Mr. Galloway, Mr. Apland

ALL IN FAVOUR: Yes

CARRIED

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) in order to permit the construction of an accessory building. 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:*

Roof Pitch	Maximum Height
< 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)

DISCUSSION:

Michele McGorman appeared in support of the appeal.

DECISION:

MOVED by Mr. Galloway, SECONDED by Mr. Minhas that the appeal be approved.

OPPOSED: None

SUPPORTED: Mr. Galloway, Mr. Minhas, Mr. Apland

ALL IN FAVOUR: Yes

CARRIED

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 in the survey provided, in order to permit the recent 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."*

DISCUSSION:

Tammy Campbell appeared in support of the appeal.

DECISION:

MOVED by Mr. Minhas, SECONDED by Mr. Galloway that the appeal be approved.

OPPOSED: None

SUPPORTED: Mr. Minhas, Mr. Galloway, Mr. Apland

ALL IN FAVOUR: Yes

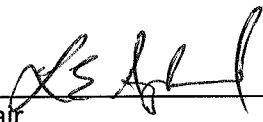
CARRIED

4. ADJOURNMENT:

MOVED by Mr. Galloway, SECONDED by Mr. Minhas that the meeting be adjourned at 7:29 p.m.

CARRIED

APPROVED:

Chair 
Date Nov 19/09

/dp