



**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD 2009-SEP-17 IN THE DOUG 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
Mr. Amarjit Minhas

STAFF: Mr. Dave Pady

1 **CALL TO ORDER:**
The meeting was called to order at 7:03 p.m.

2. **ADOPTION OF MINUTES:**
MOVED by Ms. Cowling, SECONDED by Mr. Minhas that the minutes of the meeting held 2009-JUL-16 & 2009-AUG-20 be adopted.

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:

The applicant was not available at the meeting to answer questions, therefore, the Board moved to defer the application to the next meeting.

DECISION:

MOVED by Mr. Galloway, SECONDED by Ms. Cowling that the appeal be deferred to the next meeting.

ALL IN FAVOUR

CARRIED

APPEAL NO.: BOV00519
APPLICANT: MARC RICHARD VALETTE
CIVIC ADDRESS: 617 HILLCREST AVENUE
LEGAL DESCRIPTION: LOTS 10 AND 11, BLOCK 1, SECTION 1, NANAIMO DISTRICT, PLAN 1566

PURPOSE: The applicant is requesting that the required sideyard setback be reduced from 1.5 metres (4.92 feet) to 0.7 metres (2.3 feet), and the required rear yard setback be reduced from 7.5 metres (24.60 feet) to 4.7 metres (15.42 feet) in order to permit the reconstruction of a garage on a single family dwelling, which is non-conforming as to siting. This represents a side yard variance of 0.8 metres (2.62 feet) and a rear yard variance of 2.8 metres (9.18 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."*

*"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."*

*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: Marc Valette appeared in support of the appeal.

DECISION:

MOVED by Ms. Cowling, SECONDED by Mr. Galloway that the appeal be APPROVED.

OPPOSED: Mr. Dick and Mr. Minhas

SUPPORTED: Mr. Apland, Ms. Cowling, Mr. Galloway

CARRIED

APPEAL NO.: BOV00520

APPLICANT: DAVID H. HARGRAVE

CIVIC ADDRESS: 31 ALBION STREET

LEGAL DESCRIPTION: LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 17381

PURPOSE: The applicant is requesting that the required sideyard setback be reduced from 1.5 metres (4.92 feet) to 0.9 metres (2.95 feet) in order to permit the reconstruction of a carport on a single family dwelling. This represents a side yard variance of 0.6 metres (1.97 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 6.1.6.2 – Yard Requirements

Side yards of not less than 1.5 metres (4.92 feet) for each side yard shall be provided.”

*Please note that the applicant previously applied to the Board of Variance requesting that the required side yard setback be reduced from 1.5 metres (4.92 feet) to 0.9 metres (2.96 feet) in order to construct a carport. At their regular meeting held 2008-JUN-19 the Board of Variance approved the application. A building permit was not received within the required 6 month period following the meeting and, as such, the approval has expired.

DISCUSSION:

Mr. David Hargrave appeared in support of the appeal. A discussion ensued regarding the unsightliness of the property and the outstanding bylaw issues regarding the number of vehicles on the lot.

DECISION:

MOVED by Mr. Dick, SECONDED by Ms. Cowling that the appeal be DENIED

OPPOSED: Mr. Galloway and Mr. Minhas

SUPPORTED: Mr. Apland, Mr. Dick, Ms. Cowling

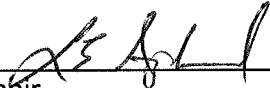
CARRIED

4. **ADJOURNMENT:**

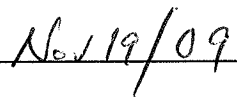
MOVED by Mr. Minhas, SECONDED by Mr. Dick that the meeting be adjourned at 7:38 p.m.

CARRIED

APPROVED:



Chair



Date

/dp