



**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD 2009-JUL-16 IN THE DOUG RISPIN ROOM,
VANCOUVER ISLAND CONFERENCE CENTRE, 80 COMMERCIAL STREET, NANAIMO, BC**

PRESENT: Mr. Lars Apland, Chair
Ms. Janet Cowling
Mr. Amarjit Minhas

ABSENT: Mr. Allan Dick
Mr. Jim Galloway

STAFF: Mr. Kris Sillem

1 **CALL TO ORDER:**
The meeting was called to order at 6:57 p.m.

2. **ADOPTION OF MINUTES**
MOVED by Ms. Cowling, SECONDED by Mr. Minhas that the minutes of the meeting held 2009-JUN-18 be adopted.

CARRIED

3. **NEW APPLICATIONS:**

APPEAL: BOV00510

APPLICANT: ALICE JOAN DAVIS

CIVIC ADDRESS: 147 SWANSON ROAD

LEGAL DESCRIPTION: LOT A, SECTION 14, RANGE 6, MOUNTAIN DISTRICT, PLAN 38877, EXCEPT PART IN PLAN VIP70915

PURPOSE: The applicant is requesting that the maximum height of a non agricultural accessory building , as shown in the survey provided, be increased from 4.5 metres (14.76 feet) to 4.96 metres (16.27 feet), in order to permit the construction a non agricultural accessory building. This represents a variance of 0.46 metres (1.51 feet).

ZONING REGULATIONS: This property is included in the Rural Agricultural / Residential Zone – (A-1) and the appellant seeks to vary the following provisions of the City of Nanaimo “ZONING BYLAW 1993 NO. 4000”.

“Section 8.1.7.2. – Height of Buildings

The height of a non agricultural accessory building shall not exceed 4.5 metres (14.76 feet).”

DISCUSSION:

Ms. Alice Joan Davis (147 Swanson Road) and Mr. Cam Wilson (6481B McCollough Road) appeared in support of the appeal.

DECISION:

MOVED by Ms. Cowling, SECONDED, by Mr. Minhas that the appeal be **approved**.

CARRIED

APPEAL: BOV00511

APPLICANT: JODY MCCORMICK

Civic Address: UNIT #19 1226 LAWLOR ROAD

LEGAL DESCRIPTION: BAY 19, MHR 22578, MODULE MH, LD 32

PURPOSE: The applicant is requesting that the side yard setback, as shown in the survey provided, be reduced from 1.5 metres (4.92 feet) to 0.4 metres (1.31 feet), in order to permit the siting of a Mobile Home. This represents a variance of 1.1 metres (3.61 feet).

ZONING REGULATIONS: This property is included in the Mobile Home Park Subdivision Zone – (RM-8) and the appellant seeks to vary the following provisions of the City of Nanaimo “ZONING BYLAW 1993 NO. 4000”.

“Section 7.8.6.3. – Individual Mobile Home Lot

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

DISCUSSION:

Ms. Jody McCormick, Ms. Sandra McCormick and Mr. Hugh McCormick (4012 Jingle Pot Road) appeared in support of the appeal.

Ms. Charlene Stevens (#18 – 1226 Lawlor Road), Mr. Jeff Wisemiller (#16 – 1226 Lawlor Road) and Mr Roland Revel (1347 Fielding Road) appeared in opposition to the appeal.

DECISION:

MOVED by Mr. Minhas, SECONDED by Ms. Cowling, that the appeal be **approved**.

OPPOSED: Ms. Cowling, Mr. Aplan

IN FAVOUR: Mr. Minhas

DEFEATED

APPEAL: BOV00512

APPLICANT: KRIS & KERRI DALMAN

CIVIC ADDRESS: 5630 TURNSTONE PLACE

LEGAL DESCRIPTION: STRATA LOT 157, DISTRICT LOT 24G (FORMERLY DISTRICT LOT 24) WELLINGTON DISTRICT STRATA PLAN VIS3925 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V

PURPOSE: The applicant is requesting that the required front yard setback, as shown in the survey provided, be reduced from 6 metres (19.68 feet) to 4.5 metres (14.76 feet) in order to construct a single family dwelling with an attached garage. This represents a variance of 1.5 metres (4.92 feet).

PLEASE NOTE: Appeal BOV00512 was previously brought to the regular meeting of the Board of Variance held on 2007-DEC-20 as BOV00422; and to the regular meeting of the Board of Variance held 2008-JUN-19 the Board approved both requests. The applicant did not acquire a building permit within the required six months of the date of approval for either application and has thus resubmitted the appeal. The property has since changed ownership and the current owner wishes to resubmit the original variance in order to permit the construction of a single family dwelling.

ZONING REGULATIONS: This property is included in the Single Family Residential Small Lot Zone (RS-6) and the appellant seeks to vary the following provisions of the City of Nanaimo "ZONING BYLAW 1993 NO. 4000".

"Section 6.6.7.1-Yard requirements

A front yard of not less than 4.5 metres (14.76 feet) shall be provided. A front yard of not less than 6 metres (19.69 feet) shall be provided for all garages and carports whether considered part of the principal building or in an accessory building."

DISCUSSION:

Mr. Kris Dalman and Mrs. Kerri Dalman appeared in support of the appeal.

DECISION:

MOVED by Ms. Cowling, SECONDED by Mr. Minhas that the appeal be **approved**.

Approval is subject to a building permit being issued within 6 months (2010-JAN-16).

CARRIED

APPEAL: BOV00513

APPLICANT: MICHAEL CALVERLEY

CIVIC ADDRESS: 434 RENFREW STREET

LEGAL DESCRIPTION: LOT 19, SECTION 1, NANAIMO DISTRICT, PLAN 1751

PURPOSE: The applicant is requesting that the maximum height of an accessory building be increased from 4.5 metres (14.76 feet) to 4.86 metres (15.94 feet) in order to permit the construction of an accessory building. This represents a variance of 0.36 metres (1.18 feet).

ZONING REGULATIONS: This property is included in the Single Family Residential Zone (RS-1A) and the appellant seeks to vary the following provisions of the City of Nanaimo "ZONING BYLAW 1993 NO. 4000":

"Section 6.1.7.4 - 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:

Mr. Michael Calverley and Ms. Tracey Calverly (434 Renfrew Street) and Mr. Michael Ledingham (3270 DeCoursey Road) appeared in support of the appeal.

DECISION:

MOVED by Ms. Cowling, SECONDED by Mr. Minhas that the appeal be **approved**.

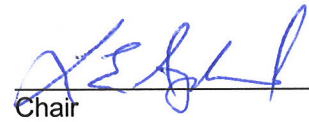
CARRIED

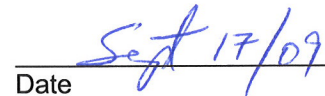
4. ADJOURNMENT

MOVED by Mr. Minhas, SECONDED by Ms. Cowling that the meeting be adjourned at 8:20 p.m.

CARRIED

APPROVED:


Chair


Date

/dp