

**BOARD OF VARIANCE MEETING
TO BE HELD IN THE DOUG RISPIN ROOM,
BESIDE THE SHAW AUDITORIUM,
VANCOUVER ISLAND CONFERENCE CENTRE,
THURSDAY, JUNE 18th, 2009 AT 7:00 P.M.,
80 COMMERCIAL STREET, NANAIMO, B.C.**

AGENDA

1. Adoption of Minutes of the Board of Variance Meeting held 2009-May-21st.

2. **APPEAL:** **BOV00504**

APPLICANT: **Doug Miller & Joel Scobie
679378 BC. Ltd.**

LOCATION: **Legal Description:** LOT 26, SECTION 16,
RANGE 4, CRANBERRY DISTRICT, VIP83453
Civic Address: **1770 Rajeena Way**

PURPOSE: The applicant is requesting that the maximum height of a single family dwelling, as shown in the survey provided, be increased from 8.25 metres (27.06 feet) to 8.36 metres (27.42 feet) in order to permit a single family dwelling currently under construction. This represents a variance of 0.11 metres (0.36 feet).

ZONING REGULATIONS:

This property is included in the Steep Slope Residential Zone (RS-7) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 6.7.8.1 - Height of Buildings

The height of a principal building shall not exceed the maximum height shown in the following table:

<i>Roof Pitch</i>	<i>Maximum Height</i>
<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.*

3. **APPEAL:** **BOV00506**

APPLICANT: **Brian Mitchell**

LOCATION: **Legal Description:** LOT 12, DISTRICT LOT 50,
WELLINGTON DISTRICT, PLAN VIP84702
Civic Address: **5133 Owlstone Place**

PURPOSE: The applicant is requesting that the maximum height of a single family dwelling, as shown in the surveys provided, be increased from 8.25 metres (27.06 feet) to 8.32 metres (27.29 feet) in order to permit a single family dwelling currently under construction. This represents a variance of 0.07 metres (0.22 feet).

ZONING REGULATIONS:

This property is included in the Single Family Residential Zone (RS-1) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"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
A flat roof (< than 4:12)	6.71 metres (22 feet)
A sloped roof (≥ 4:12)*	8.25 metres (27.06 feet)

** for an area of at least 80% of all roof surfaces measured in plan view.*

4. **APPEAL:** **BOV00507**

APPLICANT: **Dwane Bell**

LOCATION: **Legal Description:** LOT 2, DISTRICT LOT 49,
WELLINGTON DISTRICT, PLAN VIP86496
Civic Address: **5265 Toms Turnabout**

PURPOSE: The applicant is requesting that the required front yard setback, as shown in the survey provided, be reduced from 6 metres (19.69 feet) to 5.46 metres (17.91 feet) in order to permit the construction of a single family dwelling. This represents a variance of 0.54 metres (1.78 feet).

ZONING REGULATIONS:

This property is included in the Single Family Residential Zone (RS-1) and the appeal seeks to vary the following provisions of the “City of Nanaimo Zoning Bylaw 4000”:

*“Section 6.1.6.1 – Yard Requirements
A front yard of not less than 6 metres (19.69 feet) shall be provided.”*

5. **APPEAL:** **BOV00508**
- APPLICANT:** **Judith Anne West**
- LOCATION:** **Legal Description:** LOT: 2 BLOCK: 8
SECTION: 1 **PLAN:** 5624
Civic Address: **40 Irwin Street**

PURPOSE: The applicant is requesting that the side yard setback, as shown in the survey provided, be reduced from 1.5 metres (4.9 feet) to 1.15 metres (3.76 feet), in order to permit a recently reconstructed deck in a side-yard. This represents a variance of 0.35 metres (1.14 feet).

ZONING REGULATIONS:

This property is included in the Single Family Residential Zone (RS-1A) and the appeal seeks to vary the following provisions of the “City of Nanaimo Zoning Bylaw 4000”:

*“Section 6.1.6.2 - 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 3 metres (9.84 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.”*

6. **APPEAL:** **BOV00509**
- APPLICANT:** **Jody McCormick**

