

CITY OF NANAIMO

BOARD OF VARIANCE

MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD ON THURSDAY, 2009-JUN-18, IN THE DOUG RISPIN ROOM,
VANCOUVER ISLAND CONFERENCE CENTRE, 80 COMMERCIAL STREET, NANAIMO, BC

PRESENT: Lars Apland, Chair
Janet Cowling
Allan Dick
Jim Galloway
Amarjit Minhas

STAFF: Dave Pady

1. **CALL TO ORDER:**
The meeting was called to order at 6:58 p.m.

2. **MINUTES**
MOVED by Janet Cowling, SECONDED by Alan Dick that the minutes of the meeting held 2009-May-21 be adopted.

3. **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.*

DISCUSSION

Mr. Joel Scobie (1770 Rajeena Way) appeared in support of the appeal.

DECISION

MOVED by Jim Galloway, SECONDED by Janet Cowling that the appeal be **approved**.

CARRIED

4. **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.*

DISCUSSION

Mr. Brian Mitchell (3620 Hammond Bay Road) appeared in support of the appeal.

DECISION

MOVED by Amarjit Minhas SECONDED by Janet Cowling, that the appeal be **approved**.

CARRIED

5. **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."*

DISCUSSION

Mr. Dwane Bell (5275 Toms Turnabout) appeared in support of the appeal.

DECISION

MOVED by Jim Galloway, SECONDED by Amarjit Minhas that the appeal be **approved**.

OPPOSED: Allan Dick

Approval is subject to a building permit being issued within 6 months (2009-December-18th).

CARRIED

6. **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."*

DISCUSSION

Judith Anne West (3069 Alan-A-Dale Place) appeared in support of the appeal.

DECISION

MOVED by Allan Dick, SECONDED by Janet Cowling that the appeal be **denied**.

In SUPPORT: Amarjit Minhas

CARRIED

7. **APPEAL:** **BOV00509**
- APPLICANT:** **Jody McCormick**
- LOCATION:** **Legal Description:** BAY 19, MHR 22578, MODULINE MH, LD 32
Civic Address: **Unit #19 1226 Lawlor Road**

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 0.1 metres (0.32 feet), in order to permit the siting of a Mobile Home. This represents a variance of 1.4 metres (4.58 feet).

ZONING REGULATIONS:

This property is included in the Mobile Home Park Subdivision Zone – (RM-8) and the appeal seeks to vary the following provisions of the “City of Nanaimo Zoning Bylaw 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. Charlene Stevens, (#18, 1226 Lawlor Road), Ms. Laura Page (#20, 1226 Lawlor Road) appeared in opposition of the appeal. Ms. Patricia Wilson (#9, 1226 Lawlor Road) appeared as a neutral observer to the appeal.

DECISION

MOVED by Jim Galloway, SECONDED by Allan Dick that the appeal be **denied**.

CARRIED

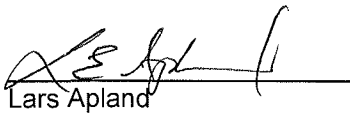
11. **ATTENDANCE**

It was determined that all members be in attendance for the meeting to be held 2009-JUL-16.

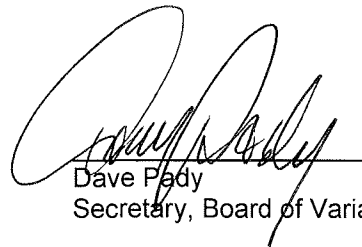
12. **ADJOURNMENT**

MOVED by Janet Cowling, SECONDED by Amarjit Minhas that the meeting be adjourned at 8:17 p.m.

CARRIED



Lars Apland
Chairperson, Board of Variance



Dave Pady
Secretary, Board of Variance

ec Planning and Development Department
Building Inspection Department
Bylaw Services Department
Cam Scott, Communications Officer
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