

CITY OF NANAIMO

BOARD OF VARIANCE

MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD ON THURSDAY, 2009-MAY-22nd, 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: Kris Sillem

1. **CALL TO ORDER:**

The meeting was called to order at 7:01 p.m.

2. **MINUTES**

MOVED by Jim Galloway, SECONDED by Janet Cowling that the minutes of the meeting held 2009-April-16th be adopted.

3. **APPEAL:** **BOV00500**

APPLICANT: Bryce Johnson

LOCATION: **Legal Description:** LOT 14, SECTION 15A, WELLINGTON DISTRICT, PLAN VIP84751
Civic Address: 501 Nottingham Drive

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 9.20 metres (30.18 feet) in order to construct a single family dwelling. This represents a variance of 0.95 metres (3.11 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:

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. Bryce Johnson (5861 Parkway Drive), Mr Robert Johnson (46626 Ramona Road, Chilliwack, BC) and Mr Sandy Manhas (2345 Departure Bay Road) appeared in support of the appeal.

DECISION

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

OPPOSED; Allan Dick.

Approval is subject to a building permit being issued within 6 months (2009-November-22nd).

CARRIED

4. **APPEAL:** **BOV00501**

APPLICANT: **Nathan Middleton**

LOCATION: **Legal Description:** LOT 19, SECTION 1, NANAIMO DISTRICT, PLAN 5606 EXCEPT PART IN PLANS 18230, 1402RW AND VIP55313

Civic Address: **1811 Stewart Avenue**

PURPOSE: The applicant is requesting that the required front yard setback be reduced from 7.5 metres (24.6 feet) to 6.0 metres (19.68 feet) in order to construct a single family dwelling. This represents a variance of 1.5 metres (4.92 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 5.2.1–Location and Siting of Buildings and Structures to Major Roads
Notwithstanding the regulations for yards within all zones of this Bylaw, or any other regulations of the Highway Act, principal or accessory buildings or structures shall not be closer than: 7.5 metres (24.6 feet) from a property line that abuts established urban arterials, urban collector roads and provincial highways as designated by the City of Nanaimo Official Community Plan, when dedication has occurred to achieve the required right-of-way width.”*

DISCUSSION

Mr. Nathan Middleton and Ms Judith Middleton (553 Larch Street) appeared in support of the appeal.

DECISION

MOVED by Allan Dick SECONDED by Amarjit Minhas, that the appeal be **approved**.

OPPOSED; Janet Cowling.

Approval is subject to a building permit being issued within 6 months (2009-November-22nd).

CARRIED

5. **APPEAL:** **BOV00502**

APPLICANT: **Tom Bishop**

LOCATION: **Legal Description:** LOT 1, SECTION 11, RANGE 7, MOUNTAIN DISTRICT, PLAN 23748

Civic Address: **2233 Ashlee Road**

PURPOSE: The applicant is requesting the following variances to permit the construction of a retaining wall and the required safety railing associated with the retaining wall.

- 1) That the required height of a retaining wall, as measured from natural grade, located within the permitted building envelope setback, as shown in section (a) of the survey provided, be varied from 3 metres (9.80 feet) to a maximum of height of 3.47 metres (11.38 feet) in order to permit the construction of a retaining wall and fence. This represents a variance of 0.47 metres (1.58 feet).
- 2) That the required height of a retaining wall, as measured from natural grade, located within the required side yard setback, as shown in section (b) of the survey provided, be varied from 2.4 metres (7.87 feet) to a maximum height of 3.47 metres (11.38 feet) in order to permit the construction of a retaining wall and fence. This represents a variance of 1.07 metres (3.51 feet)

ZONING REGULATIONS:

This property is included in the Single Family Mobile Home Residential Zone (RS-3) and the appeal seeks to vary the following provisions of the “City of Nanaimo Zoning Bylaw 4000”:

“Section 5.9.4. – Fence Heights

Unless otherwise specified in each zone fences shall not exceed 3 metres (9.84 feet) in height.”

“Section 6.3.9.2. – Height of Fences

The height of a fence shall not exceed 2.4 metres (7.87 feet) in any side or rear yard.”

DISCUSSION

Mr. Tom Bishop (#1 2232 Wilgress Road) appeared in support of the appeal.

DECISION

MOVED by Janet Cowling, SECONDED by Amarjit Minhas that the appeal be **approved**. Approval is subject to a building permit being issued within 6 months (2009-November-22nd).

CARRIED

6. **APPEAL:** **BOV00503**
- APPLICANT:** **Shoa Organization Services**
- LOCATION:** **Legal Description:** LOT 8, DISTRICT LOT 51, WELLINGTON DISTRICT, PLAN VIP82137
Civic Address: **4240 Gulfview Drive**

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 0.30 metres (0.98 feet), in order to permit a recently constructed set of stairs in a sideyard. This represents a variance of 1.2 metres (3.94 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 6.7.7.2 - 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).”

DISCUSSION

Ms. Moni Khan (940 Hecate Street) appeared in support of the appeal.

DECISION

MOVED by Allan Dick, SECONDED by Amarjit Minhas that the appeal be **approved**.

OPPOSED; Jim Galloway, Janet Cowling.

Approval is subject to a building permit being issued within 6 months (2009-November-22nd).

CARRIED

7. **APPEAL:** **BOV00505**

APPLICANT: **Brad Squire**

LOCATION: **Legal Description:** LOT 11, DISTRICT LOT 31, WELLINGTON DISTRICT, PLAN 34840

Civic Address: **3206 Arrowsmith Road**

PURPOSE: The applicant is requesting that the maximum height of a single family dwelling, as shown in the surveys provided, be increased from 9.0 metres (29.53 feet) to 9.65 metres (31.66 feet) in order to permit a single family dwelling under construction. This represents a variance of 0.65 metres (2.13 feet).

ZONING REGULATIONS:

This property is included in the Rural Agricultural / Residential Zone – (A-3) and the appeal seeks to vary the following provisions of the “City of Nanaimo Zoning Bylaw 4000”:

“Section 8.3.7.1. – Height of Buildings

The height of a building or structure which contains a single family dwelling or a campground’s accessory laundry facility, washroom and shower facility, convenience store, office, and recreational facility shall not exceed 9.0 metres (29.53 feet).”

DISCUSSION

Mr. Brad Squire (3200 Arrowsmith Road and Mr. Blair McDaniel (#7 6421 Applecross Road) appeared in support of the appeal.

DECISION

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

OPPOSED; Allan Dick.

Approval is subject to a building permit being issued within 6 months (2009-November-22nd).

CARRIED

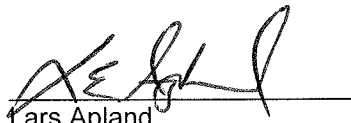
11. **ATTENDANCE**

It was determined that all members be in attendance for the meeting to be held 2009-June-18th.

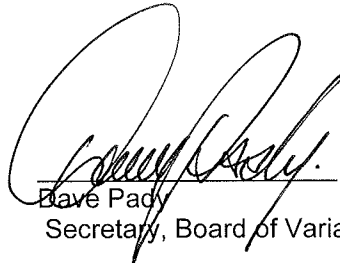
12. **ADJOURNMENT**

MOVED by Jim Galloway, SECONDED by Allan Dick that the meeting be adjourned at 8:28 p.m.

CARRIED



Lars Apland
Chairperson, Board of Variance



Dave Padgug
Secretary, Board of Variance

ec Planning and Development Department
Building Inspection Department
Bylaw Services Department
Cam Scott, Communications Officer
BOVminutesMAY2009.doc