

**BOARD OF VARIANCE MEETING  
TO BE HELD IN THE DOUG RISPIN ROOM,  
BESIDE THE SHAW AUDITORIUM,  
VANCOUVER ISLAND CONFERENCE CENTRE,  
THURSDAY, APRIL 16<sup>th</sup>, 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-March 19<sup>th</sup>.
2. **APPEAL:** **BOV00489**  
**APPLICANT:** **Tung Quoc Nguyen**  
**LOCATION:** **Legal Description:** LOTS 66 AND 67, BLOCK 7,  
SECTION 1, NANAIMO DISTRICT, PLAN 1662  
**Civic Address:** **210 View Street**

**PURPOSE:** The applicant is requesting that the required rear yard setback, as shown in the survey provided, be varied from 7.5 metres (24.6 feet) to 6.22 metres (20.40 feet) in order to permit an addition to a single family dwelling. This represents a variance of 1.28 metres (4.20 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 6.1.6.3. -Yard Requirements*

*A rear yard of not less than 7.5 metres (24.6 feet) shall be provided for a principal building. A rear yard of not less than 1.5 metres 4.92 feet shall be provided for an accessory building.”*

3. **APPEAL:** **BOV00496**  
**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 maximum perimeter wall height, as indicated in the survey provided, be varied from a maximum of 9.14 metres (29.98 feet) to 9.62 metres (31.56 feet) in order to permit a single family dwelling under construction. This represents a variance of 0.48 metres (1.66 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 6.7.9.1 – Maximum Perimeter Wall Heights  
The perimeter wall height of the principal building shall not exceed 7.32 metres (24.0 feet).  
The maximum perimeter wall height may be increased on rear and interior side yard elevations to a maximum of 9.14 metres (29.9 feet), provided:  
(a) any rear wall face over 7.32 metres (24.0 feet) in height is a minimum of 10.00 metres (32.8 feet) from the rear lot line;  
(b) no wall face over 7.32 metres (24.0 feet) in height shall exceed 7.32 metres (24.0 feet) in width and must be offset by a minimum of 0.60 metres (2.0 feet) from any adjacent wall over 7.32 metres (24.0 feet) in height;  
(c) any eave or gable end associated with a wall face over 7.32 metres (24.0 feet) in height must not exceed 8.50 metres (28.0 feet) in width and must be offset by at least 0.60 metres (2.0 feet) from any adjacent eave or gable end which is associated with any adjacent wall face over 7.32 metres (24.0 feet) in height.”*

- 4. **APPEAL:** **BOV00497**
- APPLICANT:** **Glenn Schmitke**
- LOCATION:** **Legal Description:** LOT 20, DISTRICT LOT 49, WELLINGTON DISTRICT, PLAN VIP85442  
**Civic Address:** **5355 Seascaple Terrace**

**PURPOSE:** The applicant is requesting that the required flanking side yard setback facing Seascaple Terrace, as shown in the survey provided, be reduced from 3.0 metres (9.84 feet) to 2.46 metres (8.07 feet) in order to permit a single family dwelling under construction. This represents a variance of .54 metres (1.77 feet).

**ZONING REGULATIONS:**

This property is included in the Single Family Small Lot Zone (RS-6) and the appeal seeks to vary the following provisions of the “City of Nanaimo Zoning Bylaw 4000”:

*“Section 6.6.7 - 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).”*

**5. APPEAL: BOV00498**

**APPLICANT: Shoa Organization Services**

**LOCATION: Legal Description: LOT 7, DISTRICT LOT 51,  
WELLINGTON DISTRICT, PLAN VIP82137  
Civic Address: 4244 Gulfview Drive**

**PURPOSE:** The applicant is requesting that the maximum perimeter wall height, as indicated in the survey provided, be varied from a maximum of 9.14 metres (29.98 feet) to 10.94 metres (35.89 feet) in order to permit a single family dwelling under construction. This represents a variance of 1.8 metres (5.91 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 6.7.9.1 – Maximum Perimeter Wall Heights*

*The perimeter wall height of the principal building shall not exceed 7.32 metres (24.0 feet).*

*The maximum perimeter wall height may be increased on rear and interior side yard elevations to a maximum of 9.14 metres (29.9 feet), provided:*

- (a) any rear wall face over 7.32 metres (24.0 feet) in height is a minimum of 10.00 metres (32.8 feet) from the rear lot line;*
- (b) no wall face over 7.32 metres (24.0 feet) in height shall exceed 7.32 metres (24.0 feet) in width and must be offset by a minimum of 0.60 metres (2.0 feet) from any adjacent wall over 7.32 metres (24.0 feet) in height;*
- (c) any eave or gable end associated with a wall face over 7.32 metres (24.0 feet) in height must not exceed 8.50 metres (28.0 feet) in width and must be offset by at least 0.60 metres (2.0 feet) from any adjacent eave or gable end which is associated with any adjacent wall face over 7.32 metres (24.0 feet) in height.”*

6. **APPEAL:** **BOV00499**

**APPLICANT:** **John Collins**

**LOCATION:** **Legal Description:** LOT 5, DISTRICT LOT 42,  
WELLINGTON DISTRICT, PLAN 16772  
**Civic Address:** **5476 Bayshore Drive**

**PURPOSE:** The applicant is requesting that the required front yard fence height be varied from 1.2 metres (3.94 feet) to a maximum of 2.5 metres (8.20 feet), as shown in the survey provided, in order to permit the construction of a retaining wall and the associated safety railing to be installed on top of the retaining wall. This represents a variance of 1.3 metres (4.26 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 6.1.9. – Height of Fences*

*The height of a fence shall not exceed 1.2 metres (3.94 feet) in a front yard.”*

Attachments to each appeal include:

- application form
- certificate of title
- letter from applicant
- detailed plans
- list of properties notified

pc D. Lindsay, Manager, Planning Division, DSD  
C. Nesselbeck, Acting Manager, Property Services, DSD  
R. Topliffe, Supervisor, Building Inspection Division, DSD  
G. Trimmer, Engineering Liaison/Support Technician, Engineering &  
Environmental Division, DSD  
D. Stewart, Planner, DSD

ec C. Scott, Communications Officer  
J. Holm, Subdivision Planner, DSD

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