

CITY OF NANAIMO
BOARD OF VARIANCE

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

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

STAFF: Dave Pady

1. **CALL TO ORDER:**
The meeting was called to order at 7:00 p.m.
2. **MINUTES**
MOVED by Janet Cowling, SECONDED by Allan Dick that the minutes of the meeting held 2009-March-19th be adopted.

3. **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, V9R 4N7**

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.”

DISCUSSION

Ms. Leanne Marlow and Mr. Bill Marlow (208 Finlayson Street) and Mr. Tung Nguyen (210 View Street) appeared in support of the appeal.

DECISION

MOVED by Janet Cowling, SECONDED by Alan Dick that the appeal be **approved**.
Approval is subject to a building permit being issued within 6 months (2009-October-16th).

CARRIED

4. **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."*

DISCUSSION

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

DECISION

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

Approval is subject to a building permit being issued within 6 months (2009-October-16th).

CARRIED

5. **APPEAL:** **BOV00497**

APPLICANT: **Glenn Schmitke**

LOCATION: **Legal Description:** LOT 20, DISTRICT LOT 49, WELLINGTON DISTRICT, PLAN VIP85442
Civic Address: **5355 Seascapes Terrace**

PURPOSE: The applicant is requesting that the required flanking side yard setback facing Seascapes 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)."

DISCUSSION

Mr. Glenn Schmitke appeared in support of the appeal.

DECISION

MOVED by Jim Galloway, SECONDED by Janet Cowling that the appeal be **approved**.
Approval is subject to a building permit being issued within 6 months (2009-October-16th).

CARRIED

6. **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."*

DISCUSSION

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

DECISION

MOVED by Janet Cowling, SECONDED by Allan Dick that the appeal be **approved**.
Approval is subject to a building permit being issued within 6 months (2009-October-16th).

CARRIED

7. **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.”

DISCUSSION

Mr. John Collins (1500 Dorcas Point road) appeared in support of the appeal.

DECISION

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

CARRIED

11. **ATTENDANCE**

It was determined that all members be in attendance for the meeting to be held 2009-May-21st.

It was determined that all members be in attendance for the Board of Variance legal seminar to be held 2009-April-27th

12. **ADJOURNMENT**

MOVED by Jim Galloway, SECONDED by Allan Dick that the meeting be adjourned at 7:40 p.m.

CARRIED

Lars Apland
Chairperson, Board of Variance

Kris Sillem
Secretary, Board of Variance

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