

**BOARD OF VARIANCE MEETING
TO BE HELD IN THE DOUG RISPIN ROOM,
BESIDE THE SHAW AUDITORIUM,
VANCOUVER ISLAND CONFERENCE CENTRE,
THURSDAY, MARCH 19th, 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-February 19th.
2. **APPEAL:** **BOV00489** **REMOVED FROM AGENDA**
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:** **BOV00490**
APPLICANT: **Patricia Harper**
LOCATION: **Legal Description:** BAY 131, MHR 78850,
WELLINGTON DISTRICT, WOODGROVE
ESTATES
Civic Address: **131 - 5854 Turner Road**

PURPOSE: The applicant is requesting that the required front yard setback, as shown in the survey provided, be varied from 4.5 metres (14.76 feet) to 3.54 metres (11.61 feet) in order to permit the construction of a carport. This represents a variance of 0.96 metres (3.15 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 7.8.6.2 -Yard Requirements
A front yard of not less than 4.5 metres (14.76 feet) shall be provided."*

PLEASE NOTE:
A previous application to the Board of Variance, application BOV00477, to vary the front yard setback requirement, was denied at the regular meeting held 2008-November-20th

4. **APPEAL:** **BOV00491**
- APPLICANT:** **Ian Smith**
- LOCATION:** **Legal Description:** LOT 48, BLOCK 10,
SECTION 1, NANAIMO DISTRICT, PLAN 584, NT
Civic Address: **1 Newcastle Avenue**

PURPOSE: The applicant is requesting that the required front yard setback facing Newcastle Avenue, as shown in the survey provided, be reduced from 6.0 metres (19.68 feet) to 2.7 metres (8.85 feet) in order to permit the recent addition of a deck structure to an existing building which is non-conforming as to siting and use. This represents a variance of 3.3 metres (10.82 feet) on the Newcastle Avenue frontage.

ZONING REGULATIONS:
This property is included in the Medium Density Multiple Family Residential (Suburban) Zone (RM-5) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

*"Section 7.5.6.1 -Yard Requirements
A front yard of not less than 6.0 metres (19.69 feet) shall be provided."*

PLEASE NOTE:
The yard requirements for 1 Newcastle Avenue were previously varied under BOV00461, Board of Variance application BOV00491 is seeking to further vary the yard requirements.

5. **APPEAL:** **BOV00492**

APPLICANT: **Eric Tait**

LOCATION: **Legal Description:** LOT 26, SECTION 11,
RANGE 7, MOUNTAIN DISTRICT, PLAN 25146
Civic Address: **277 Dawkins Lane**

PURPOSE: The applicant is requesting that the maximum height of a single family dwelling be increased from 8.25 metres (27.06 feet) to 8.88 metres (29.13 feet) and that the rear yard setback requirement be varied from 7.5 metres (24.6 feet) to 6.58 metres (21.58 feet), as shown in the survey provided, in order to permit an addition to a existing single family dwelling which is non conforming as to siting. This represents a height variance of 0.63 metres (2.07 feet) and a rear yard setback variance of 0.92 metres (3.02 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 6.3.7.1 - Height of Buildings

The height of a principal building shall not exceed 8.25 metres (27.06 feet)”

“Section 6.3.6.3. -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.”

6. **APPEAL:** **BOV00493**

APPLICANT: **Rock Steady Restorations**

LOCATION: **Legal Description:** LOT 9, DISTRICT LOT 96G,
NANAIMO DISTRICT, PLAN 5952
Civic Address: **580 Townsite Road**

PURPOSE: The applicant is requesting that the required major road setback be varied from 10 metres (32.8 feet) to 1.6 metre metres (5.25 feet) and that the required rear yard setback be varied from 1.5 metres (4.92 feet) to 0.6 metres (1.96 feet), as shown in the survey provided, in order to permit the construction of an accessory building. This represents a variance of 8.4 metres (27.55 feet) for the major road setback requirement and a variance of 0.9 metres (2.96 feet) for the rear yard setback requirement.

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 5.2.1.1 –Location and Siting of Buildings and Structures to Major Roads 10 metres (32.8 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 the required dedication to achieve the required right of way has not occurred to facilitate the widening of the major road.”

*“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.”*

- 7. **APPEAL:** **BOV00494**
- APPLICANT:** **Kevin Smith**
- LOCATION:** **Legal Description:** LOT 27, SECTION 18,
RANGE 6, MOUNTAIN DISTRICT, PLAN VIP64054
- Civic Address:** **2521 Blackcomb Place**

PURPOSE: The applicant is requesting that the required height of an accessory building with a roof pitch less than 6:12 be varied from 4.5 metres (14.76 feet) to 5.10 metres (16.73 feet), as shown in the survey provided, in order to permit the construction of an accessory building. This represents a variance of 0.60 metres (1.97 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 6.1.7.4 - Height of Accessory Buildings
The height of an accessory building shall not exceed the maximum height shown in the following table:*

<i>Roof Pitch</i>	<i>Maximum Height</i>
<i>(Less than >6:12)</i>	<i>4.5 metres (14.76 feet)</i>
<i>(Greater than or equal to (≥ 6:12)</i>	<i>5.0 metres (16.4 feet)</i>
<i>(Greater than or equal to (≥ 8:12)</i>	<i>5.5 metres (18.04 feet)</i>

8. **APPEAL:** **BOV00495**

APPLICANT: **Joseph Sawisky (774 Southland Way) & Tara Roetman (778 Southland Way)**

LOCATION: **Legal Description:** LOT 28, SECTION 1, NANAIMO DISTRICT, PLAN VIP77985 & LOT 29, SECTION 1, NANAIMO DISTRICT, PLAN VIP77985
Civic Address: **774 Southland Way & 778 Southland Way**

PURPOSE: The applicants are requesting the following variances.

- 1) That the maximum height of a front yard fence be varied from 1.2 metres (3.93 feet) to 2.4 metres (7.87 feet) in order to construct a retaining wall and fence as shown in section A of the survey provided. This represents a front yard fence height variance of 1.2 metres (3.93 feet).
- 2) That the maximum height of a side yard fence be varied from 2.4 metres (7.87 feet) to 4.2 metres (13.77 feet) in order to construct a retaining wall and fence as shown in section B of the survey provided. This represents a side yard fence height variance of 1.8 metres (5.9 feet).
- 3) That the maximum height of a side yard fence be varied from 2.4 metres (7.87 feet) to 3.5 metres (11.48 feet) in order to construct a retaining wall and fence as shown in section C of the survey provided. This represents a side yard fence height variance of 1.1 metres (3.6 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 6.1.9.1 – Height of fences

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

“Section 6.1.9.2 – Height of fences

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

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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