

CITY OF NANAIMO

BOARD OF VARIANCE

MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD ON THURSDAY, 2009-MARCH-19th, 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 6:54 p.m.

2. **MINUTES**

MOVED by Jim Galloway, SECONDED by Janet Cowling that the minutes of the meeting held 2009-February-19th be adopted.

3. **APPEAL:** **BOV00489** **APPLICATION WITHDRAWN**

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.”

4. **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."*

DISCUSSION

Mr. Stephen Dennis and Ms. Patricia Harper (#131 5854 Turner Road) and Mr. Richard Hobbis and Mrs. Kathy Hobbis (#2 5854 Turner Road) appeared in support of the appeal.
Mr. John Van Pel (130 5854 Turner Road) and Mr Gerry Pool (3358 Prince Edward Place) appeared in opposition to 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-September-19th).
CARRIED

5. **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."*

DISCUSSION

Mr. Ian Smith (1 – Newcastle Avenue) appeared in support of the appeal.

DECISION

MOVED by Jim Galloway, SECONDED by Allan Dick that the appeal be **approved**.
OPPOSED; Janet Cowling
Approval is subject to a building permit being issued within 6 months (2009-September-19th).
CARRIED

6. **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.”*

DISCUSSION
Mr. Eric Tait (277 Dawkins Lane) 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-September-19th).
CARRIED

7. **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.”

DISCUSSION

Mr. Duane Beausoleil (1181 Rocky Creek Road, Ladysmith) appeared in support of the appeal.

DECISION

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

CARRIED

8. **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:

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

DISCUSSION

Mr. Kevin Smith and Ms. Kathryn Smith (2521 Blackcomb Place) appeared in support of the appeal.

DECISION

MOVED by Amarjit Minhas, 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-September-19th).

CARRIED

9. **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.”

DISCUSSION

Mr. Lee Roetman and Ms. Tara Roetman (778 Southland Way), Ms. Debbie Roetman (4364 Rutherford Road) and Mr. Joseph Sawisky and Ms. Ellie Sawisky (774 Southland Way) appeared in support of the appeal.

DECISION

MOVED by Amarjit Minhas, SECONDED by Jim Galloway that the appeal be **approved**. Approval is subject to a building permit being issued within 6 months (2009-September-19th).

CARRIED

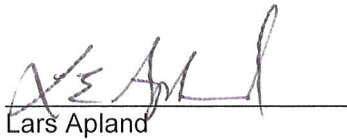
11. **ATTENDANCE**

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

12. **ADJOURNMENT**

MOVED by Janet Cowling, SECONDED by Amarjit Minhas that the meeting be adjourned at 8:22 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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