

**BOARD OF VARIANCE MEETING
TO BE HELD IN THE DOUG RISPIN ROOM,
BESIDE THE SHAW AUDITORIUM,
VANCOUVER ISLAND CONFERENCE CENTRE,
THURSDAY, FEBRUARY 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-January 15th.

2. **APPEAL:** **BOV00481**

APPLICANT: **Clement Lavie**

LOCATION: **Legal Description:** **LOT 21, BLOCK 1,
SECTION 1, NANAIMO DISTRICT, PLAN 1325**
Civic Address: **475 Hillcrest Avenue**

PURPOSE: The applicant is requesting that the required height of an accessory building, with a roof pitch less than 6:12, as shown in the provided survey, be varied from 4.5 metres (14.76 feet) to 5.25 metres (17.22 feet) in order to permit the recent reconstruction of an accessory building. This represents a variance of 0.75 metres (2.46 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 5.5.3 - 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>

3. **APPEAL:** **BOV00482**

APPLICANT: **Edgar Haaland**

LOCATION: **Legal Description:** LOT 48, SUBURBAN LOT 27, NEWCASTLE TOWNSITE, NANAIMO DISTRICT, PLAN 388C
Civic Address: **525 Rosehill Street**

PURPOSE: The applicant is requesting the following variances:

1. That the required side yard setback, as shown in the provided survey, be varied from 1.5 metres (4.92 feet) to 1.4 metres (4.59 feet) in order to permit the construction of an accessory building. This represents a side yard variance of 0.1 metres (0.32 feet)
2. The applicant is requesting that the required height of an accessory building, with a roof pitch less than 6:12, as shown in the provided survey, be varied from 4.5 metres (14.76 feet) to 4.83 metres (15.84 feet) in order to permit the construction of an accessory building. This represents a height variance of 0.33 metres (1.08 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 6.1.6.2. -Yard Requirements

Side yards of not less than 1.5 metres (4.92 feet) for each side yard shall be provided. In the case of a corner lot, the side yard adjoining the flanking street shall not be less than 4.0 metres (13.12 feet) in depth."

"Section 5.5.3 - 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>

4. **APPEAL:** **BOV00483**

APPLICANT: **Cathy Corbin**

LOCATION: **Legal Description:** BAY 8, MHR 30937,
BRITTANY GENTRY MOBILE HOME,
WELLINGTON DISTRICT, PLEASANT VALLEY
PARK (USER RATE BILLING FOLIO 07862.100)
Civic Address: **8-5931 Island Highway North**

PURPOSE: The applicant is requesting that the front yard setback, as shown in the provided survey, be varied from 4.5 metres (14.76 feet) to 3.1 metres (10.17 feet) in order to permit the siting of a mobile home. This represents a variance of 1.4 metres (4.59 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."

5. **APPEAL:** **BOV00484**

APPLICANT: **Donnie Izon**

LOCATION: **Legal Description:** LOT 4, BLOCK 5, SECTION
1, NANAIMO DISTRICT, PLAN 2009
Civic Address: **847 Victoria Road**

PURPOSE: The applicant is requesting that the rear yard setback, as shown in the provided survey, be varied from 7.5 metres (24.6 feet) to 4.37 metres (14.33 feet) in order to permit an addition to a single family dwelling. This represents a variance of 3.13 metres (10.27 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."

6. **APPEAL:** **BOV00485**
APPLICANT: **Michael Lebowitz**
LOCATION: **Legal Description:** LOT 19, DISTRICT LOT 51,
WELLINGTON DISTRICT, PLAN 48484
Civic Address: **4917 Finnerty Crescent**

PURPOSE: The applicant is requesting that the maximum height of a side yard fence be varied from 2.4 metres (7.87 feet) to 3.72 metres (12.2 feet) in order to construct a side yard fence. This represents a variance of 1.32 metres (4.33 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 6.1.9.2 – Height of fences

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

7. **APPEAL:** **BOV00486**
APPLICANT: **Thomas Turner**
LOCATION: **Legal Description:** LOT 32, DISTRICT LOT 48,
WELLINGTON DISTRICT, PLAN VIP53806
Civic Address: **6136 Janelle Place**

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 3.8 metres (12.46 feet) in order to permit a recently constructed deck. This represents a variance of 3.7 metres (12.14 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 6.1.6.3. -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.”

8. **APPEAL:** **BOV00487**

APPLICANT: **Marilyn Woodruff**

LOCATION: **Legal Description:** PARCEL A (DD 409-N), OF LOT 10, BLOCK 34, SECTION 1, NANAIMO DISTRICT, PLAN 584
Civic Address: **511 Wentworth Street**

PURPOSE: The applicant is requesting that the parking requirements of the City of Nanaimo Development Parking Regulations Bylaw 2005 NO. 7013 be varied from the required 3 off-street parking spaces to 0 off-street parking spaces in order to permit the construction of a secondary suite and an addition to an existing single family dwelling which is non-conforming as to parking requirements. This represents a variance of 3 off-street parking spaces.

ZONING REGULATIONS:

This property is included in the Old City Mixed Multiple Family/Commercial Zone – (C-17) and the appeal seeks to vary the following provisions of the “City of Nanaimo Development Parking Regulations Bylaw 2005 NO. 7013”:

“Schedule ‘A’ Parking Bylaw 7013

Required number of off street parking spaces:

<i>Single family dwelling</i>	<i>2</i>
<i>Secondary suite</i>	<i>1</i>

9. **APPEAL:** **BOV00488**

APPLICANT: **Mabel Morrison**

LOCATION: **Legal Description:** AMENDED LOT 4 (DD 341453I) BLOCK 5, SECTION 1, WELLINGTON DISTRICT, PLAN 414
Civic Address: **1440 Loat 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 5.6 metres (18.37 feet) in order to permit an addition to a multiple family dwelling which is non-conforming as to siting. This represents a variance of 1.9 metres (6.23 feet).

ZONING REGULATIONS:

This property is included in the Residential Duplex Zone – (RM-1A) and the appeal seeks to vary the following provisions of the “City of Nanaimo Zoning Bylaw 4000”:

“Section 7.1.6.3. -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.”

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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