

CITY OF NANAIMO
BOARD OF VARIANCE

**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD ON THURSDAY, 2009-FEBRUARY-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 6:58 p.m.
2. **MINUTES**
MOVED by Jim Galloway, SECONDED by Allan Dick that the minutes of the meeting held 2009-January-15th be adopted.

3. **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>

DISCUSSION

Ms. Clement Lavie (475 Hillcrest Avenue) 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-Aug-19th).

4. **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>

DISCUSSION

Mr. Edgar Haaland (525 Rosehill Street) and Mr. Kulwinder Dhamia (533 Deering Street) appeared in support of the appeal.

DECISION

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

5. **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."*

DISCUSSION

Ms Cathy Corbin (1812 Megan Place) and Ms. Wendy Leeson (5931 Island Highway North) appeared in support of the appeal.

DECISION

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

CARRIED

6. **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."*

DISCUSSION

Mr. Donny Izon and Ms Cheryl Izon of (847 Victoria Road) and Ms Lynda Donahue of (Chemainus) 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-August-19th).

CARRIED

7. **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.”

DISCUSSION

Mr. Michael Lebowitz (4917 Finnerty Crescent) appeared in support of the appeal. Mr Jim Rose (4880 Fillinger Crescent), Ms. Audreen Yaermchuk (4888 Fillinger Crescent) and Ms Sharon Smith 4915 Finnerty Crescent appeared in opposition to the appeal.

DECISION

MOVED by Jim Galloway, SECONDED by Allan Dick that the appeal be **approved**. Approval is subject to the fence being constructed on top of the "Stacked Rock Retaining Wall" located in the North-West corner of 4917 Finnerty Crescent as shown on the sketch plan attached.

CARRIED

8. **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.”

DISCUSSION

Mr. Thomas Turner (6136 Janelle Place) appeared in support of the appeal.

DECISION

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

CARRIED

9. **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>

DISCUSSION

Ms. Marilyn Woodruff (511 Wentworth Street) and Ms Annette Bowen-Roberts of (13344 Doole Road, Ladysmith) appeared in support of the appeal.

DECISION

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

CARRIED

10. **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.”

DISCUSSION

Ms. Terry Odonnel and Ms CJ Tripp (1442 Loat 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-August-19th).

CARRIED

11. ATTENDANCE

It was determined that all members be in attendance for the meeting to be held 2009-March-19th.

12. ADJOURNMENT

MOVED by Janet Cowling, SECONDED by Amarjit Minhas that the meeting be adjourned at 9:18 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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