

CITY OF NANAIMO

BOARD OF VARIANCE

**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD ON THURSDAY, 2008-November-20th, IN THE BOARD ROOM,
CITY HALL, 455 WALLACE STREET, NANAIMO, BC**

PRESENT: Jerome Howell, Chair
Lars Apland
Jim Galloway

STAFF: Kris Sillem

1. CALL TO ORDER:

The meeting was called to order at 7:00 p.m.

2. MINUTES

MOVED by Jim Galloway, SECONDED by Lars Apland that the minutes of the meeting held 2008-October-16th be adopted.

CARRIED

3. APPEAL: BOV00473

APPLICANT: Sukhi Nagra

LOCATION: **Legal Description:** LOT 7, DISTRICT LOT 40, WELLINGTON DISTRICT, PLAN VIP77177
Civic Address: 5667 Muggies Way

PURPOSE: The applicant is requesting that the required flanking side yard setback, as shown in the provided survey, be varied from 4 metres (13.12 feet) to 2.1 metres (6.88 feet) in order to permit an open deck on a single family dwelling under construction. This represents a variance of 1.9 metres (6.24 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 6.1.6.2– Yard Requirements

Side yards of not less than 1.5 metres (4.9 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 metres (13.12 feet).”

DISCUSSION

Mr. Raj Banga Sukhminder (205 Terminal Avenue North) appeared in support of the appeal.

DECISION

MOVED by Jim Galloway, SECONDED by Lars Apland that the appeal be **denied**.

CARRIED

4. **APPEAL:** **BOV00474**

APPLICANT: **Jasbir Manhas**

LOCATION: **Legal Description:** LOT 6, DISTRICT LOT 51, WELLINGTON DISTRICT, PLAN VIP81477
Civic address: **4827 Whalley Way**

PURPOSE: The applicant is requesting that the maximum height of a single family dwelling, as shown in the provided survey, be increased from 8.25 metres (27.06 feet) to 8.61 metres (28.24 feet) in order to permit a single family dwelling under construction. This represents a variance of 0.36 metres (1.18 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 6.7.8.1 - Height of Buildings

The height of a principal building shall not exceed the maximum height shown in the following table:

<i>Roof Pitch</i>	<i>Maximum Height</i>
<i>A flat roof (< than 4:12)</i>	<i>6.71 metres (22 feet)</i>
<i>A sloped roof (≥ 4:12)*</i>	<i>8.25 metres (27.06 feet)</i>

** for an area of at least 80% of all roof surfaces measured in plan view.*

DISCUSSION

Ms. Jasbir Manhas (2345 Departure Bay Road) and Mr Sandy Manhas (2345 Departure Bay Road) appeared in support of the appeal.

DECISION

MOVED by Lars Apland, SECONDED by Jim Galloway that the appeal be **approved**. Approval is subject to a building permit being issued within 6 months (2009-May-20th).

CARRIED

5. **APPEAL:** **BOV00475**

APPLICANT: **Terry Waters**

LOCATION: **Legal Description:** LOT 8, DISTRICT LOT 54, WELLINGTON DISTRICT, PLAN 36604
Civic address: **4954 Fillinger Crescent**

PURPOSE: The applicant is requesting that the required side yard setback, as shown in the provided survey, be reduced from 1.5 metres (4.92 feet) to 0.5 metres (1.64 feet) in order to permit the construction of an elevated walkway, as shown in the plans provided. This represents a variance of 1.00 metres (3.28 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 6.1.6.2 – Yard Requirements

Side yards of not less than 1.5 metres (4.92 feet) for each side yard shall be provided.

DISCUSSION

Mr. Terry Waters (4954 Fillinger Crescent) appeared in support of the appeal.

DECISION

MOVED by Lars Aplan, SECONDED by Jim Galloway that the appeal be **approved**. Approval is subject to a building permit being issued within 6 months (2009-May-20th).

CARRIED

6. **APPEAL:** **BOV00476**

APPLICANT: **Chris Gagnon**

LOCATION: **Legal Description:** LOT 2, SECTION 16, RANGE 8,
MOUNTAIN DISTRICT, PLAN 25099
Civic address: **1716 James Way**

PURPOSE: The applicant is requesting that the required front yard setback, as shown in the provided survey, be reduced from 6.0 metres (19.69 feet) to 4.55 metres (14.92 feet) in order to permit the construction of an accessory building. This represents a variance of 1.45 metres (4.77 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 6.1.6.1 – Yard Requirements

A front yard of not less than 6.0 metres (19.69 feet) shall be provided.

DISCUSSION

Mr. Chris Gagnon (1716 James Way) appeared in support of the appeal. Mr. Giovanni Sciarpetti and Ms. Rosa Sciarpetti (1720 James Way) appeared in opposition to the appeal.

DECISION

MOVED by Jim Galloway, SECONDED by Lars Aplan that the appeal be **denied**.

CARRIED

7. **APPEAL:** **BOV00477**

APPLICANT: **Stephen Dennis**

LOCATION: **Legal Description:** BAY 131, MHR 78850, WELLINGTON
DISTRICT, WOODGROVE ESTATES (USER RATE BILLING
FOLIO 07862.200)
Civic address: **#131 5854 Turner Road**

PURPOSE: The applicant is requesting that the required front yard setback, as shown in the provided survey, be reduced from 4.5 metres (14.76 feet) to 1.19 metres (3.9 feet) in order to permit the recent construction of an accessory building. This represents a variance of 3.31 metres (10.86 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 (#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 Lars Aplan that the appeal be **denied**.

CARRIED

8. ATTENDANCE

Ms. Dorothy Rispin was not in attendance at the regular meeting held 2008-November-20th
Mr Dan Hooper was not in attendance at the regular meeting held 2008-November 20th

9. ADJOURNMENT

MOVED by Jerome Howell, SECONDED by Lars Aplan that the meeting be adjourned at 8:33 p.m.

CARRIED

Jerome Howell
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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