

CITY OF NANAIMO

BOARD OF VARIANCE

**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD ON THURSDAY, 2008-October-16th, IN THE BOARD ROOM,
CITY HALL, 455 WALLACE STREET, NANAIMO, BC**

PRESENT: Lars Apland
Jim Galloway
Dan Hooper, Acting Chair

STAFF: Kris Sillem

1. **CALL TO ORDER:**
The meeting was called to order at 6:59 p.m.

2. **MINUTES**
MOVED by Lars Apland, SECONDED by Jim Galloway that the minutes of the meeting held 2008-September-19th be adopted.

CARRIED

3. **APPEAL:** **BOV00468**

APPLICANT: Ron Dirkson

LOCATION: **Legal Description:** LOT 19, SECTION 1, NANAIMO DISTRICT,
PLAN 5606 EXCEPT PART IN PLANS 18230, 1402RW AND
VIP55313
Civic Address: 1811 Stewart Avenue

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 1.5 metres (4.92 feet) in order to permit the construction of a carport. This represents a variance of 2.5 metres (8.2 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 (4.9 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. Ron Dirkson (4084 Magnolia Drive) appeared in support of the appeal.
Ms. Jessie Chan and Mr. Erling Jepsen (426 Drake Street), Mr. Ingvar Vikan (440 Drake Street), Mr. Brian Cash (420 Drake Street), Ms. Janis Chung (429 Drake Street), Mr Roy Reynolds (1823 Stewart Avenue), appeared in opposition to the appeal.

DECISION

MOVED by Jim Galloway, SECONDED by Lars Aplan that the appeal be **approved**, subject to the condition that the wording of the variance ensures that the carport is not enclosed. Approval is subject to a building permit being issued within 6 months (2009-April-16th).

CARRIED

4. **APPEAL:** **BOV00469**

APPLICANT: **Christiane Ouellet**

LOCATION: **Legal Description:** LOT 3, DISTRICT LOT 49, WELLINGTON DISTRICT, PLAN 32037
Civic address: 5219 Hammond Bay Road

PURPOSE: The applicant is requesting that the required rear yard setback, as shown in the provided survey, be reduced from 7.5 metres (24.6 feet) to 7.4 metres (24.27 feet), in order to permit a single family dwelling under construction. This represents a variance of 0.1 metres (0.32 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 (24.6feet) shall be provided for a principal building.

DISCUSSION

Mr. Joe Beaulac (842 Bluffs Drive) appeared in support of the appeal.

DECISION

MOVED by Jim Galloway, SECONDED by Lars Aplan that the appeal be **approved**. Approval is subject to a building permit being issued within 6 months (2009-April-16th).

CARRIED

5. **APPEAL:** **BOV00470**

APPLICANT: **Dennis Gauthier**

LOCATION: **Legal Description:** STRATA LOT 20, DISTRICT LOT 51 & 54, WELLINGTON DISTRICT, VIS6310, TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOW ON FORM V, USER RATE BILLING FOLIO 08290.550
Civic address: 5042 Banning Court

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 8.45 metres (27.72 feet) in order to permit a single family dwelling under construction. This represents a variance of 0.20 metres (0.65 feet).

ZONING REGULATIONS:

This property is included in the Low Density Multiple Family Residential (Townhouse) Zone – (RM-3) and the appeal seeks to vary the following provisions of the “City of Nanaimo Zoning Bylaw 4000”:

“Section 6.1.71 - 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

Mr. Dennis Gauthier (4826 Shorecliff Point) 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-April-16th).

CARRIED

6. **APPEAL:** **BOV00471**

APPLICANT: **Roy Logan**

LOCATION: **Legal Description:** LOT 4, DISTRICT LOT 96-G, NANAIMO DISTRICT, PLAN 5546
Civic address: 810 Millstone Avenue

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 1.27 metres (4.16 feet) in order to permit a previously constructed accessory building. This represents a variance of 0.23 metres (0.76 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.

DISCUSSION

Mr. Roy Logan (810 Millstone Avenue) 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-April-16th).

CARRIED

7. **ATTENDANCE**

Ms. Dorothy Rispin was not in attendance at the regular meeting held 2008-October-16th

Mr Jerome Howell expressed regret that he would not be in attendance for the regular meeting to be held 2008-October-16th

8. **ADJOURNMENT**

MOVED by Jim Galloway, SECONDED by Lars Aplan that the meeting be adjourned at 8:00 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
BOVminutesOCTOBER2008.doc