

**BOARD OF VARIANCE MEETING
TO BE HELD IN THE BOARD ROOM OF CITY HALL,
THURSDAY, September 18th, 2008 AT 7:00 P.M.,
455 WALLACE STREET, NANAIMO, B.C.**

AGENDA

1. Adoption of Minutes of the Board of Variance Meeting held 2008-June-19th.
2. Adoption of Minutes of the Board of Variance Meeting held 2008-August-21st
3. **APPEAL:** **BOV00464**

APPLICANT: **Michael Louie**

LOCATION: **Legal Description:** LOT 3 DISTRICT LOT 50
WELLINGTON DISTRICT PLAN VIP78550
Civic Address: 5263 Colbourne Drive

PURPOSE: The applicant is requesting that the required side and rear yard setbacks, rear yard fence height requirements and lot coverage requirements as shown in the provided survey, be varied in order to permit a recently constructed deck. The requested variances are as follows:

- 1) That the required rear yard setback be reduced from 7.5 metres (24.6 feet) to 0.15 metres (0.49 feet), this represents a variance of 7.35 metres (24.11 feet).
- 2) That the required east side yard setback be reduced from 1.5 metres (4.92 feet) to 0 metres (0 feet), this represents a variance of 1.5 metres (4.92 feet).
- 3) That the required west side yard setback be reduced from 1.5 metres (4.92 feet) to 0 metres (0 feet), this represents a variance of 1.5 metres (4.92 feet).
- 4) That the rear yard fence height be increased from 2.4 metres (7.87 feet) to a maximum of 4.88 metres (16.01 feet), this represents a variance of 2.48 metres (8.12 feet).
- 5) That the allowable lot coverage be increased from 248 square metres (2'669.4 square feet) to 299.3 square metres (3'221.6 square feet), this represents a variance of 51.3 square metres (552.2 square 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."

"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 principle building"

"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."

"Section 6.1.5 – Lot Coverage

The maximum lot coverage shall not exceed 40% of the lot area."

3. **APPEAL:** **BOV00466**

APPLICANT: **Dan Kershaw**

LOCATION: **Legal Description:** LOT 15, DISTRICT LOT 29,
WELLINGTON DISTRICT, PLAN VIP62182
Civic address: 3716 Belaire Drive

PURPOSE: The applicant is requesting that the maximum height of a principal building be increased from 6.71 metres (22 feet) to 8.17 metres (26.80 feet), as shown in the supplied survey, in order to construct a principal building. This represents a variance of 1.46 metres (4.79 feet).

ZONING REGULATIONS:

This property is included in the Single Family Residential Zone (Large Lot) – (RS-2)) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 6.2.7.1 - Height of Buildings

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

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

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

4. **APPEAL:** BOV00467

APPLICANT: Roxan Wonnacott.

LOCATION: **Legal Description:** LOT 12, SECTION 11,
WELLINGTON DISTRICT, PLAN VIP82356
Civic Address: 3390 Greyhawk Drive

PURPOSE: The applicant is requesting that the required side yard setback be reduced from 1.5 metres (4.92 feet) to 1.0 metres (3.28 feet), as shown in the provided survey, in order to permit a single family dwelling under construction. This represents a variance of 0.5 metres (1.64 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 6.7.7.2. – Yard Requirements

Side yards of not less than 1.5 metres (4.9 feet) shall be provided.

5. **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, front yard setback as well as the maximum height of a principal building be varied, as shown in the provided survey, in order to permit the construction of a single family dwelling and an accessory building. The requested variances are as follows:

- 1) That the required front yard setback be reduced from 7.5 metres (24.6 feet) to 6.0 metres (19.68 feet), this represents a variance of 1.5 metres (4.92 feet).
- 2) That the required flanking side yard setback be reduced from 4.0 metres (13.12 feet) to 1.5 metres (4.92 feet), this represents a variance of 2.5 metres (8.20 feet).

- 3) That the maximum height of a principal building be increased from 8.25 metres (27.06 feet) to 9.13 metres (29.95 feet), this represents a variance of 0.88 metres (2.89 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 5.2.1.2 – Location and Siting of Buildings and Structures – to Major Roads

7.5 metres (24.6 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 dedication has occurred to achieve the required right-of-way width."

"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)."

"Section 6.2.7.1 - Height of Buildings

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

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

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

Please note: A similar application, to the above noted Board of Variance application BOV00468, was previously brought before Council on 2007-May-14th as Development Variance Permit DVP00117. At that time Council denied the application. DVP00117 has been attached to BOV00468 for reference purposes.

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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