

CITY OF NANAIMO

BOARD OF VARIANCE

**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD ON THURSDAY, 2008-September-18th, IN THE BOARD ROOM,
CITY HALL, 455 WALLACE STREET, NANAIMO, BC**

PRESENT: Jerome Howell, Chair
Lars Apland
Jim Galloway
Dan Hooper

STAFF: Kris Sillem

1. **CALL TO ORDER:**
The meeting was called to order at 7:00 p.m.

2. **MINUTES**
MOVED by Lars Apland, SECONDED by Dan Hooper that the minutes of the meeting held 2008-June-19th as amended be adopted.
CARRIED

3. **MINUTES**
MOVED by Jim Galloway, SECONDED by Lars Apland that the minutes of the meeting held 2008-August-21st be adopted.
CARRIED

4. ***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.”

DISCUSSION

Mr. Michael Louie and Ms. Marcy Ann Boudreau (5263 Colbourne Drive) appeared in support of the appeal.

Mr. Norman Blattgerste (3792 Gilfillan) appeared in opposition to the appeal.

DECISION

MOVED by Jim Galloway, SECONDED by Dan Hooper that the appeal be **approved**. Approval is subject to a building permit being issued within 6 months (2009-March-18th).

CARRIED

5. **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 flat roofed principal building as measured from curb level be increased from 3.0 metres (9.84 feet) to 4.46 metres (14.63 feet), as shown in the supplied survey, in order to construct a flat roofed 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 6.2.7.3 - Height of Buildings

Notwithstanding Subsection 6.2.7.1 and 6.2.7.2, on lots less than 1,666.66 square metres (17,940.36 square feet) the height of a principal dwelling may also be measured from curb level of the highest street abutting the property as outlined in the following table:

Roof Pitch	Maximum Height
A flat roof (< than 4:12)	3.0 metres (9.84 feet)
A sloped roof (≥ 4:12)*	5.0 metres (16.40 feet)

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

DISCUSSION

Mr. Dan Kershaw (1234 Okanagan Place) appeared in support of the appeal.

Mr. Barry Entwistle and Ms. Penny Mitchell (3717 Belaire Drive) appeared in opposition to the appeal.

DECISION

MOVED by Dan Hooper, SECONDED by Jim Galloway that the appeal be **approved**. Approval is subject to a building permit being issued within 6 months (2009-March-18th).

CARRIED

6. **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.

DISCUSSION

Mr. Mark Wonnacott (1321 Thalia Place) 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-March-18th).

CARRIED

7. **ATTENDANCE**

Ms. Dorothy Rispin expressed regret for not being in attendance at the regular meeting held 2008-September-18th

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 Lars Apland, SECONDED by Dan Hooper that the meeting be adjourned at 8:03 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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