

**CITY OF NANAIMO**

**BOARD OF VARIANCE**

**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE  
HELD ON THURSDAY, 2008-AUGUST-21<sup>st</sup>, IN THE BOARD ROOM,  
CITY HALL, 455 WALLACE STREET, NANAIMO, BC**

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**PRESENT:** Jerome Howell, Chair  
Lars Aplan  
Jim Galloway  
Dan Hooper  
Dorothy Rispin

**STAFF:** Kris Sillem

1. **CALL TO ORDER:**  
The meeting was called to order at 7:03 p.m.
2. **MINUTES**  
MOVED by Dorothy Rispin, SECONDED by Lars Aplan that the minutes of the meeting held 2008-July-17<sup>th</sup> be adopted.

CARRIED

3. **APPEAL:** **BOV00456**  
**APPLICANT:** Ted Sorenson.  
**LOCATION:** **Legal Description:** LOT 9, DISTRICT LOT 53, WELLINGTON DISTRICT, PLAN VIP80309  
**Civic address:** 6462 Peregrine Road

**PURPOSE:** The applicant is requesting that the required side and rear yard fence heights, as shown in the provided survey, be varied to permit the construction of a retaining wall and fence. The requested variances are as follows:

- 1) That the rear yard fence height be increased from 2.4 metres (7.87 feet) to a maximum of 3.27 metres (10.72 feet), as measured from grading plan grade, this represents a variance of .87 metres (2.85 feet).
- 2) That the (east) side yard fence height be increased from 2.4 metres (7.87 feet) to a maximum of 3.55 metres (11.64 feet), as measured from grading plan grade, this represents a variance of 1.15 metres (3.77 feet)
- 3) That the (west) side yard fence height be increased from 2.4 metres (7.87 feet) to a maximum of 3.05 metres (10.00 feet), as measured from grading plan grade, this represents a variance of 0.65 metres (2.13 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 ft.) in any side or rear yard.”*

## DISCUSSION

Mr. Ted Sorenson (5577 Sunridge Place) appeared in support of the appeal.

Mr. Jonathan Riceman and Ms. Jackie Riceman (3714 Mallard Place), Mr. Manuel Monteiro and Ms. Kari Monteiro (6429 Lewis Road) appeared in opposition to the appeal.

## DECISION

MOVED by Jim Galloway, SECONDED by Dan Hooper that variances #1 and #2 of the appeal be **denied** and that variance #3 of the appeal be **approved**. Approval is subject to a building permit being issued within 6 months (2009-February-21<sup>st</sup>).

CARRIED

3. **APPEAL:** **BOV00462**

**APPLICANT:** **Brent Hargreaves and Marilyn Joyce**

**LOCATION:** **Legal Description:** LOT A, DISTRICT LOT 55, WELLINGTON DISTRICT, PLAN 47121  
**Civic address: 5311 Tanya Drive**

**PURPOSE:** The applicant is requesting that the maximum height of an accessory building be increased from 4.5 metres (14.76 feet) to 6.11 metres (20.04 feet), as shown in the supplied survey, in order to construct an accessory building. This represents a variance of 1.61 metres (5.28 feet).

### ZONING REGULATIONS:

This property is included in the Rural Agricultural/Residential Zone (A-2) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 8.2.7.3 - Height of Buildings

The height of an accessory building (excluding farm buildings) shall not exceed 4.5 metres (14.76 feet)".

## DISCUSSION

Mr. Brent Hargreaves and Ms Marilyn Joyce (1490 Bush Street), and Mr Bob Wall (6040 Hammond Bay Road) appeared in support of the appeal.

## DECISION

MOVED by Dan Hooper, SECONDED by Lars Aplan that the appeal be **approved**. Approval is subject to a building permit being issued within 6 months (2009-February-21<sup>st</sup>).

CARRIED

4. **APPEAL:** **BOV00463**

**APPLICANT:** **Dale Longeau.**

**LOCATION:** **Legal Description:** LOT 27 DISTRICT LOT 51 WELLINGTON DISTRICT PLAN VIP81477  
**Civic Address: 4794 Ney Drive**

**PURPOSE:** The applicant is requesting that the required side yard setback and the required height of an accessory building, as shown in the provided survey, be varied in order to permit a recently constructed accessory building. The requested variances are as follows:

- 1) That the side yard setback be reduced from 1.5 metres (4.92 feet) to 1.3 metres (4.26 feet), this represents a variance of 0.2 metres (0.65 feet).
- 2) That the height of an accessory building be increased from 4.5 metres (14.76 feet) to 4.85 metres (15.91 feet), this represents a variance of 0.35 metres (1.15 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. In the case of a corner lot, the side yard adjoining the flanking street shall not be less than 4.0 metres (13.1 feet), except where the lot area is less than 600 square metres (6’459 square feet) in which case the side yard adjoining the flanking street shall not be less than 3.0 metres (9.8 feet).*

##### *“Section 6,7,8.4 - Height of Buildings*

*The height of an accessory building shall not exceed 4.5 metres (14.7 feet).*

#### **DISCUSSION**

Mr. Dale Longeau (4794 Ney Drive) appeared in support of the appeal. Mr. Kim Park and Mr Bob Park (4838 Shortcliff Point appeared in opposition to the appeal. Lundy

#### **DECISION**

MOVED by Jim Galloway, SECONDED by Dorothy Rispin that the appeal be **approved**. Approval is subject to a building permit being issued within 6 months (2009-February-21<sup>st</sup>).

CARRIED

6. **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, 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).

#### **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"*

#### **DISCUSSION**

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

#### **DECISION**

MOVED by Lars Apland, SECONDED by Dorothy Rispin that the appeal be **deferred** to the regular Board of Variance meeting to be held 2008-September-18<sup>th</sup>.

CARRIED

7. **APPEAL:** **BOV00465**

**APPLICANT:** **Parminder Sandhu**

**LOCATION:** **Legal Description:** LOT 2 SECTION 18 RANGE 4  
**CRANBERRY DISTRICT PLAN VIP82187**  
**Civic Address: 2294 Dodds Road**

**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 8.47 metres (27.78 feet) in order to permit the recent construction of a single family dwelling. This represents a variance of 0.22 metres (0.72 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:*

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.*

#### **DISCUSSION**

Mr. Parminder Sandhu (9376 124<sup>th</sup> Street, Surrey BC) and Mr. Chris Everett 2273 Kingsford appeared in support of the appeal. Ms. Susan Rather 2288 Dodds Road appeared in opposition of 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-February-21<sup>st</sup>.)

CARRIED

9. **ATTENDANCE**

It was determined that all Board Members will be in attendance for the meeting to be held 2008-September-21<sup>st</sup>.

10. **ADJOURNMENT**

MOVED by Jim Galloway, SECONDED by Dorothy Rispin that the meeting be adjourned at 9:21 p.m.

CARRIED

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Jerome Howell  
Chairperson, Board of Variance

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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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