

CITY OF NANAIMO

BOARD OF VARIANCE

**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD ON THURSDAY, 2008-JUNE-19th, IN THE BOARD ROOM,
CITY HALL, 455 WALLACE STREET, NANAIMO, BC**

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

STAFF: David Pady
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 Dan Hooper that the minutes of the meeting held 2008-May-15th be adopted as amended.

CARRIED

3. **APPEAL:** **BOV00449**
APPLICANT: **Manjit Sidhu**
LOCATION: **Legal Description:** LOT 10, DISTRICT LOT 54, WELLINGTON DISTRICT, PLAN VIP80182
Civic address: 5157 Dunn Place

PURPOSE: The applicant is requesting that the maximum height of a rear yard fence be increased from 2.4 metres (7.87 feet) to 4.02 metres (13.18 feet) as shown on the provided survey in order to permit a fence above a recently constructed retaining wall. This represents a variance of 1.62 metres (5.31 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 6.7.10.2. - Height of Fences

The height of a fence shall not exceed 2.4 metres (7.87 feet) in any side or rear yard".

DISCUSSION

Ms. Manjit Sidhu and Mr. Sahtnam Sidhu (6541 Peregrine Road) appeared in support of the appeal.

DECISION

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

MOTION NOT CARRIED

MOVED by Dorothy Rispin, SECONDED by Dan Hooper that the appeal be **granted**.

OPPOSED: Jim Galloway, Lars Apland

Approval is subject to a building permit being issued within 6 months (2008-December-19th).

CARRIED

3. **APPEAL:** **BOV00450**

APPLICANT: **Kenneth Smart**

LOCATION: **Legal Description:** SECTION B OF LOT 2, BLOCK 25,
SECTION 1, NANAIMO DISTRICT, PLAN 584
Civic address: 366 Milton Street

PURPOSE: The applicant is requesting that the front yard setback be reduced from 6 metres (19.68 feet) to 4.04 metres (13.25 feet) in order to permit a structural alteration to a single family dwelling which is non-conforming as to siting. This represents a variance of 1.96 metres (6.43 feet).

ZONING REGULATIONS:

This property is included in the Old City Low Density (Fourplex) Residential Zone (RM-9) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 7.9.6.1. -Yard Requirements

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

Please note: Section 911 (9) and (10) of the Local Government Act, which states:

"If the use and density of buildings and structures conform to a bylaw under this division... but the siting, size or dimensions of a building or structure constructed before the bylaw was adopted does not conform with the bylaw, ... the building or structure ... may be maintained, extended or altered ... only to the extent that the repair, extension or alteration would, when completed, involve no further contravention of the bylaw than that existing at the time the repair, extension or alteration was started."

DISCUSSION

Mr. Kenneth Smart (1490 Bush Street), appeared in support 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 (2008-December-19th).

CARRIED

4. **APPEAL:** **BOV00451**

APPLICANT: **Dave Lundy**

LOCATION: **Legal Description:** STRATA LOT 157, DISTRICT LOT 24G
(FORMERLY DISTRICT LOT 24) WELLINGTON DISTRICT
STRATA PLAN VIS3925 TOGETHER WITH AN INTEREST IN
THE COMMON PROPERTY IN PROPORTION TO THE UNIT
ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V
Civic address: 5630 Turnstone Place

PURPOSE: The applicant is requesting that the required front yard setback be reduced from 6 metres (19.68 feet) to 4.5 metres (14.76 feet) in order to construct a single family dwelling. This represents a variance of 1.5 metres (4.92 feet).

Please Note: Appeal BOV00451 was previously brought to the regular meeting of the Board of Variance held on December-20th-2007 as BOV00422; at this meeting the Board approved the applicant's request. The applicant did not acquire a building permit within the required 6 months of the date of approval and has thus resubmitted the appeal.

ZONING REGULATIONS:

This property is included in the Single Family Residential Small Lot Zone (RS-6) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 6.6.7.1-Yard requirements

A front yard of not less than 4.5 metres (14.76 feet) shall be provided. A front yard of not less than 6 metres (19.69 feet) shall be provided for all garages and carports whether considered part of the principal building or in an accessory building."

DISCUSSION

Mr. Dave Lundy (PO BOX 37033 38-3200 Island Highway) 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 (2008-December-19th).

CARRIED

6. **APPEAL:** **BOV00452**

APPLICANT: **Peter Jorgensen**

LOCATION: **Legal Description:** LOT 1, DISTRICT LOT 29, WELLINGTON DISTRICT, PLAN 15766
Civic address: 3396 Stephenson Point Road

PURPOSE: The applicant is requesting that the required rear yard setback be reduced from 7.5 metres (24.6 feet) to 2.59 metres (8.50 feet) in order to construct an addition to a single family dwelling. This represents a variance of 4.91 metres (16.10 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 (24.6 feet) shall be provided for a principal building. A rear yard of not less than 1.5 metres (4.92 feet) shall be provided for an accessory building."

DISCUSSION

Mr. Peter Jorgensen (1975 Highland Road), Mr. Fraser King and Ms. Kimberly Hogg (3396 Stephenson Pt Road) 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 (2008-December-19th)

CARRIED

7. **APPEAL:** **BOV00453**

APPLICANT: David Hargrave

LOCATION: **Legal Description:** LOT 1, SECTION 1, NANAIMO DISTRICT,
PLAN 17381
Civic address: 31 Albion Street

PURPOSE: The applicant is requesting that the required side yard setback be reduced from 1.5 metres (4.92 feet) to 0.9 metres (2.96 feet) in order to construct a carport. This represents a variance of 0.6 metres (1.96 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

A side yard of not less than 1.5 metres (4.92 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. David Hargrave (3340 Smugglers Hill Drive) appeared in support of the appeal. Mr. Michael Doverstein (469 Stirling Avenue) appeared in concern of the appeal.

DECISION

MOVED by Dan Hooper, SECONDED by Lars Apland that the appeal be **approved**. Approval is subject to a building permit being issued within 6 months (2008-December-19th)

CARRIED

8. **APPEAL:** **BOV00454**

APPLICANT: Marilyn Woodruff

LOCATION: **Legal Description:** PARCEL A (DD 409-N), OF LOT 10,
BLOCK 34, SECTION 1, NANAIMO DISTRICT, PLAN 584
Civic address: 511 Wentworth Street

PURPOSE: The applicant is requesting that the following required side and front yard setbacks be reduced to permit a structural alteration to single family dwelling which is non conforming as to siting.

- 1) That the required side yard setback on the west of the property be reduced from 3.0 metres (9.84 feet) to 0.78 metres (2.55 feet). This represents a variance of 2.22 metres (7.28 feet).
- 2) That the required side yard setback on the east of the property be reduced from 3.0 metres (9.84 feet) to 0.46 metres (1.51 feet). This represents a variance of 2.54 metres (8.33 feet).
- 3) That the required front yard setback be reduced from 3.0 metres (9.84 feet) to 1.41 metres (4.62 feet). This represents a variance of 1.59 metres (5.22 feet).

ZONING REGULATIONS:

This property is included in the Old City Mixed Multiple Family/Commercial Zone (C-17) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 9.17.7.1.-Yard requirements

A front yard of not less than 3 metres (9.84 feet) in depth shall be provided for the first storey and 4 metres (13.12 feet) for the second and third storeys."

"Section 9.17.7.2.-Yard requirements

Side yards of not less than 3 metres (9.84 feet) for each side yard shall be provided."

Please note: Section 911 (9) and (10) of the Local Government Act, which states:

"If the use and density of buildings and structures conform to a bylaw under this division... but the siting, size or dimensions of a building or structure constructed before the bylaw was adopted does not conform with the bylaw, ... the building or structure ... may be maintained, extended or altered ... only to the extent that the repair, extension or alteration would, when completed, involve no further contravention of the bylaw than that existing at the time the repair, extension or alteration was started."

DISCUSSION

Ms. Marilyn Woodruff (511 Wentworth Street) and Mr Jim Hazelwood (4974 Fillinger Crescent) appeared in support of the appeal.

DECISION

MOVED by Dan Hooper, SECONDED by Lars Apland that the appeal be **approved**. Approval is subject to a building permit being issued within 6 months (2008-December-19th)

CARRIED

9. ATTENDANCE

It was determined that all Board Members will be in attendance for the meeting to be held 2008-July-17th.

10. ADJOURNMENT

MOVED by Jim Galloway, SECONDED by Lars Apland that the meeting be adjourned at 7:58 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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