

**BOARD OF VARIANCE MEETING  
TO BE HELD IN THE BOARD ROOM OF CITY HALL,  
THURSDAY, May 15<sup>th</sup>, 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-April-17<sup>th</sup>.

2. **APPEAL:** **BOV00441**

**APPLICANT:** Jack Anderson

**LOCATION:** **Legal Description:** STRATA LOT 14, 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: 5078 Banning Court**

**PURPOSE:** The applicant is requesting that the maximum height of a single family dwelling be increased from 8.25 metres (27.06 feet) to 9.09 metres (29.82 feet) in order to construct a single family dwelling. This represents a variance of 0.84 metres (2.75 feet).

Please note that this is an amended application brought forward by the applicant to replace the original application heard at the regular Board of Variance meeting held 2008-April-17<sup>th</sup>. The amendment represents a height variance of 0.84 metres (2.75 feet) as opposed to the original application which sought a height variance of 1.37 metres (4.5 feet) this represents an overall height difference of 0.53 metres (1.75 feet) from the original height variance applied for.

At their regular meeting held 2008-April-17<sup>th</sup> the Board of Variance deferred application (BOV00441) to the next meeting to be held. BOV00441 will now be heard at the regular Board of Variance meeting to be held 2008-May-15<sup>th</sup>.

**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":

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

Roof Pitch	Maximum Height
A flat roof (< 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

3. **APPEAL:** **BOV00444**

**APPLICANT:** **Bruce Laird**

**LOCATION:** **Legal Description:** LOT 30, DOUGLAS ISLAND  
(ALSO KNOWN AS PROTECTION ISLAND),  
NANAIMO DISTRICT, PLAN 14111  
**Civic address: 86 Pirates Lane**

**PURPOSE:** The applicant is requesting that the side yard setback be reduced from 1.5 metres (4.92 feet) to 1.0 metres (3.28 feet) in order to permit an accessory building which is non-conforming as to siting. This represents a variance of 0.5 metres (1.64 feet).

**ZONING REGULATIONS:**

This property is included in the Single Family Residential, Island Zone (RS-4) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

*"Section 6.4.6.2 -Yard Requirements*

*Side yards 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 2.5 metres (8.20 feet) in depth."*

4. **APPEAL:** **BOV00445**

**APPLICANT:** **Robyn White**

**LOCATION:** **Legal Description:** STRATA LOT 4, SECTION  
10, WELLINGTON DISTRICT, STRATA PLAN  
VIS6351 TOGETHER WITH AN INTEREST IN THE  
COMMON PROPERTY IN PROPORTION TO THE  
UNIT ENTITLEMENT OF THE STRATA LOT AS  
SHOWN ON FORM V (USER RATE BILLING  
FOLIO 07673.500)  
**Civic address: 6160 Dennie Lane**

**PURPOSE:** The applicant is requesting that the front yard setback be reduced from 6 metres (19.69 feet) to 5.7 metres (18.7 feet) in order to permit the construction of a single family dwelling which is non-conforming as to siting. This represents a variance of 0.3 metres (0.99 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 6.1.6.1 -Yard Requirements*

*A front yard of not less than 6 metres (19.69 feet) shall be provided"*

5. **APPEAL:** **BOV00446**

**APPLICANT:** **Vern Larson**

**LOCATION:** **Legal Description:** LOT 2, SECTION 19,  
RANGE 6, MOUNTAIN DISTRICT, PLAN 32828  
**Civic address: 2435 Labieux**

**PURPOSE:** The applicant is requesting that the rear yard setback be reduced from 7.5 metres (24.60 feet) to 1.3 metres (4.26 feet) in order to permit an addition to a single family dwelling which is non-conforming as to siting. This represents a variance of 6.2 metres (20.34 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 provide for a principal building. A rear yard of not less than 1.5 metres (4.92 feet) shall be provided for an accessory building. (4000.178; 1998-Feb-02)*

*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."*



**PURPOSE:** The applicant is requesting that the maximum height of a front yard fence be increased from 1.2 metres (3.94 feet) to 2.02 metres (6.62 feet) as shown on the provided survey in order to construct a fence. This represents a variance of .82 metres (2.68 feet).

Please note: The areas of front yard and flanking side yard fence within the visibility at intersections setback cannot be varied in height and must conform to the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

*"Section 5.8.1-Visibility at Intersections*

*Where two highways intersect, there shall be no obstruction to the line of vision between 1.2 metres (3.94 feet) and 3 metres (9.84 feet) within an area bounded by the centre line of intersecting lot lines, and a line joining each of the lot lines 7 metres (22.96 feet) from their point of intersection. (4000.086; 1994-Nov-28) "*

**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 6.1.9.1.- Height of Fences*

*The height of a fence shall not exceed 1.2 metres (3.94 feet) in a front yard".*

**8. NEW BUSINESS**

As requested by the Board of Variance on 2008-April-17<sup>th</sup>, Dale Lindsay, Manager of Current Planning, will meet with the Board to review Board of Variance procedures and practices.

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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