

CITY OF NANAIMO

BOARD OF VARIANCE

**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD ON THURSDAY, 2008-MAY-15th, IN THE BOARD ROOM,
CITY HALL, 455 WALLACE STREET, NANAIMO, BC**

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

STAFF: Dale Lindsay
David Pady
Kris Sillem

1. **CALL TO ORDER:**
The meeting was called to order at 7:03 p.m.

2. **MINUTES**
MOVED by Jerome Howell SECONDED by Dan Hooper, that the minutes of the meeting held 2008-April-17th be adopted as amended.

CARRIED

3. **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-17th. 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-17th the Board of Variance deferred application BOV00441 to the next meeting to be held. BOV00441 will be heard at the regular Board of Variance meeting to be held 2008-May-15th.

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*

DISCUSSION

Mr. Jack Anderson (1653 Cedar Road Nanaimo BC V9X 1L4), Mr. Wally and Ms Wendy Large (5090 Carriage Drive) appeared in support of the appeal.

Mr. Steve Reid (4994 Vista View Crescent), appeared in opposition to the appeal.

DECISION

MOVED by Jim Galloway, SECONDED by Lars Aplan that the appeal be **granted**. Approval is subject to a building permit being issued within 6 months (2008-November-15th).

CARRIED

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."

DISCUSSION

Mr. Bruce Laird (86 Pirates Lane), appeared in support of the appeal.

DECISION

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

CARRIED

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"*

DISCUSSION

Mr. Robyn White (# 1, 4488 Wellington Road) appeared in support of the appeal.

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 (2008-November-15th).

CARRIED

6. **APPEAL:** **BOV00447**

APPLICANT: **Tobias Luis Marcoux**

LOCATION: **Legal Description:** LOT 7, BLOCK D, SECTION 1, NANAIMO DISTRICT, PLAN 584, EXCEPT THAT PART IN PLAN VIP59026
Civic address: 645 Nicol Street

PURPOSE: The applicant is requesting that the required side yard setback be reduced from 1.5 metres (4.92 feet) to 1.21 metres (3.96 feet) in order to permit a structural alteration to an accessory building which is non-conforming as to siting. This represents a variance of 0.29 metres (0.96 feet).

ZONING REGULATIONS:

This property is included in the Residential Duplex Zone (RM-1a) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

*"Section 7.1.6.2 – Yard Requirements
Side yard of not less than 1.5 metres (4.92 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

Mr. Toby Marcoux (45/47 Nicol Street) appeared in support of 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 (2008-November-15th).

CARRIED

7. **APPEAL:** **BOV00448**

APPLICANT: **Robert Johnson**

LOCATION: **Legal Description:** LOT 5, SECTION 13, RANGE 8,
MOUNTAIN DISTRICT, PLAN 9942
Civic address: 123 Pryde Avenue

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".

DISCUSSION

Mr. Robert Johnson (123 Pryde Avenue) appeared in support of the appeal.

DECISION

MOVED by Jim Galloway, SECONDED by Dan Hooper that the appeal be **denied**.

CARRIED

8. **NEW BUSINESS**

REPORT ON BOARD OF VARIANCE PROCEDURES

MOVED by Jim Galloway, SECONDED by Dan Hooper that Staff review and prepare a report on Board of Variance procedures as well as schedule a seminar regarding Board of Variance procedures for existing and new members.

REQUEST FOR COMPENSATION FOR EXPENSES INCURRED BY MEMBERS OF THE BOARD OF VARIANCE

MOVED by Jim Galloway, Seconded by Dan Hooper that Staff prepare a report to Council on behalf of the Board of Variance regarding compensation for expenses incurred by Board Members while serving on the Board of Variance.

9. **ATTENDANCE**

It was determined that all Board Members will be in attendance for the meeting to be held 2008-June-19th.

10. **ADJOURNMENT**

MOVED by Lars Apland, SECONDED by Jim Galloway that the meeting be adjourned at 8:53 p.m.

CARRIED

Jerome Howell
Acting 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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