

**BOARD OF VARIANCE MEETING  
TO BE HELD IN THE BOARD ROOM OF CITY HALL,  
THURSDAY, APRIL 17<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-March-20<sup>th</sup>.
2. **APPEAL:** **BOV00440**  
**APPLICANT:** **Cindy Catherine McPhail**  
**LOCATION:** **Legal Description:** THAT PART OF LOT 21,  
BLOCK E, SECTION 1, NANAIMO DISTRICT,  
PLAN 584, LYING NORTHERLY OF A BOUNDARY  
PARALLEL TO AND PERPENDICULARLY  
DISTANT 41.5 FEET SOUTHERLY FROM THE  
NORTHERLY BOUNDARY OF SAID LOT  
**Civic address: 14 Gillespie Street**

**PURPOSE:** The applicant is requesting that the side yard setback be reduced from 1.5 metres (4.92 feet) to 0.8 metres (2.62 feet) in order to permit an addition to a single family dwelling which is non-conforming as to siting. This represents a variance of 0.7 metres (2.30 feet).

**ZONING REGULATIONS:**

This property is included in the Single Family Residential Zone (RS-1a) 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. 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."*

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."*

**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 9.62 metres (31.56 feet) in order to construct a single family dwelling. This represents a variance of 1.37 metres (4.5 feet).

**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":

*7.3.7.1-The height of a principal building shall not exceed the maximum height shown in the following table: (4000.303; 2002-Jul-29)*

<i>Roof Pitch</i>	<i>Maximum Height</i>
<i>A flat roof (&lt; 4:12) *</i>	<i>6.71 metres (22 feet)</i>
<i>A sloped roof (≥ 4:12)*</i>	<i>8.25 metres (27.06 feet)</i>

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

4. **APPEAL:** **BOV00442**

**APPLICANT:** **Mark G Northrup**

**LOCATION:** **Legal Description:** LOT A, DISTRICT LOT 39,  
WELLINGTON DISTRICT, PLAN VIP67207  
**Civic address: 3755 Glen Oaks Drive**

**PURPOSE:** The applicant is requesting that the maximum height of a rear yard fence be increased from 2.4 metres (7.87 feet) to 5.68 metres (18.63 feet) as shown on the provided survey in order to construct a retaining wall with a fence above it. This represents a variance of 3.28 metres (10.76 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 6.2.9.2.- Height of Fences*

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

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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