

CITY OF NANAIMO

BOARD OF VARIANCE

**AMMENDED MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD ON THURSDAY, 2008-APRIL-17th, 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: David Pady
Kris Sillem

1. **CALL TO ORDER:**
The meeting was called to order at 7:02 p.m.
2. **MINUTES**
MOVED by Dorothy Rispin SECONDED by Jim Galloway, that the minutes of the meeting held 2008-March-20th be adopted as amended.

CARRIED

3. **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."

DISCUSSION

Ms. Cindy Mcphail and Mr. John Mcphail (2305 East Wellington Road), Ms Marilyn Carter (2300 East Wellington Road) appeared in support of the appeal.

DECISION

MOVED by Dan Hooper, SECONDED by Dorothy Rispin that the appeal be **granted**. Approval is subject to a building permit being issued within 6 months (2008-October-17th).

CARRIED

4. **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":

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

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) appeared in support of the appeal.

Ms. Linda Reid and Mr. Steve Reid (4994 Vista View Crescent), Mr. Kenneth Warren and Ms. Margaret Warren, (4947 Fillingier Crescent), Mr. Philip Roblin, (4966 Vista View Crescent), Mr. Raymond Logan and Ms. Sharon Logan, (4974 View Crescent), Mr. David Bowman, (4978 Vista View Crescent), Mr. Firoz Allibhai, (4982 Vista View Crescent), Ms. Allison Twiss and Mr James Dunnigan (4970 Vista View Crescent) appeared in opposition to the appeal.

DECISION

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

CARRIED

5. **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".

DISCUSSION

Mr. Mark Northrup (3755 Glen Oaks Drive) and Mr. Glen Knappet (3752 Glen Oaks Drive) appeared in support of the appeal.

DECISION

MOVED by Dorothy Rispin, SECONDED by Jim Galloway, that the appeal be **granted**. Approval is subject to a building permit being issued within 6 months (2008-October-17th).

CARRIED

6. **NEW BUSINESS**

Jerome Howell was nominated for the position of Chairperson of the Board of Variance

DECISION

MOVED by Jim Galloway, Seconded by Dan Hooper, that Jerome Howell be instated as Chairman of The Board of Variance.

CARRIED

Jerome Howell accepted the position of The Board of Variance Chairperson

7. **ATTENDANCE**

All board members were in attendance for the regular Board Meeting held 2008-April-17th.

It was determined that all Board Members will be in attendance for the meeting to be held 2008-May-15th.

8. **ADJOURNMENT**

MOVED by Jerome Howell, SECONDED by Dorothy Rispin that the meeting be adjourned at 8:59 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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