

**BOARD OF VARIANCE MEETING
TO BE HELD IN THE BOARD ROOM OF CITY HALL,
THURSDAY, MARCH 20th, 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-February-21st.

2. **APPEAL:** **BOV00435**

APPLICANT: **Ian Geoffrey Andexser**

LOCATION: **Legal Description:** LOT 5, BLOCK D, SECTION 1, NANAIMO DISTRICT, PLAN 7350
Civic address: 1405 Windsor Avenue

PURPOSE: The applicant is requesting that the maximum size of an accessory building be increased from 70 square metres (753.47 square feet) to 91.5 square metres (984.89 square feet) in order to permit an addition to an accessory building. This represents a variance of 21.5 square metres (231.42 square 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 5.5.5- Accessory Buildings and Structures

The sum total of all accessory buildings on a lot zoned single family residential, RM-1, RM-2, RM-9, or RM-11 shall not exceed a gross floor area of 70 square metres (753.5 square feet). For the purpose of this subsection, the calculation of gross floor area shall include an accessory building (or portion thereof) used for parking purposes."

3. **APPEAL:** **BOV00436**

APPLICANT: **Megan Frances Arundel**

LOCATION: **Legal Description:** THE EASTERLY 1/2 OF SECTION B, LOT 4, BLOCK V, SECTION 1, NANAIMO DISTRICT, PLAN 584
Civic address: 523 Kennedy Street

PURPOSE: The applicant is requesting that the side yard setback be reduced from 1.5 metres (4.92 feet) to 0.51 metres (1.67 feet) in order to permit a structural alteration to an existing single family dwelling which is non-conforming as to siting. This represents a variance of 0.99 metres (3.25 feet).

ZONING REGULATIONS:

This property is included in the Old City Medium Density Multiple Family Residential Zone – (RM-10) and the appeal seeks to vary the following provisions of the “City of Nanaimo Zoning Bylaw 4000”:

*“Section 7.10.6.2 -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.”*

- 4. **APPEAL:** **BOV00437**

- APPLICANT:** **Guy-Rejean Paquin**

- LOCATION:** **Legal Description:** LOT 1, SECTION 12,
WELLINGTON DISTRICT, PLAN 24603
Civic address: #16- 6245 Metral Drive

PURPOSE: The applicant is requesting that the front yard setback requirement for an individual mobile home lot, within a mobile home park, be reduced from 4.5 metres (14.76 feet) to 1.52 metres (5.0 feet) in order to permit a previously constructed wheelchair access ramp. This represents a variance of 2.98 metres (9.76 feet).

ZONING REGULATIONS:

This property is included in the Mobile Home Park Subdivision Zone (RM-8) and the appeal seeks to vary the following provisions of the “City of Nanaimo Zoning Bylaw 4000”:

*“Section 7.8.6.2 – Yard Requirements- Individual Mobile Home Lot
A front yard of not less than 4.5 metres (14.76 feet) shall be provided”*

5. **APPEAL:** **BOV00438**

APPLICANT: **Shawn Cofield**

LOCATION: **Legal Description:** THE WESTERLY 132 FEET OF THE SOUTHERLY 66 FEET OF LOT 9, BLOCK K, SECTION 1, NANAIMO DISTRICT, PLAN 584
Civic address: 238 Kennedy Street

PURPOSE: The applicant is requesting that the maximum height of a single family dwelling be increased from 8.25 metres (27.06 feet) to 9.75 metres (31.98 feet) for a structural alteration to a single family dwelling. This represents a variance of 1.5 metres (4.92 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 6.1.71 - Height of Buildings

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

Roof Pitch	Maximum Height
A flat roof (< than 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.*

6. **APPEAL:** **BOV00439**

APPLICANT: **Edwin Galloway**

LOCATION: **Legal Description:** LOT 25, DISTRICT LOT 53, WELLINGTON DISTRICT, PLAN VIP57612
Civic address: 6558 Groveland Drive

PURPOSE: The applicant is requesting the rear yard setback be reduced from 7.5 metres (24.60 feet) to 5.35 metres (17.55 feet) in order to construct an addition to a single family dwelling. This represents a variance of 2.15 metres (7.05 feet).

Please note: The Board of Variance at its regular meeting held 2007-August-16th approved (BOV00398) which varied the rear yard setback from 7.5 metres (24.60 feet) to 5.55 metres (18.21feet) in order to construct an addition to a single family dwelling. This represented a variance of 1.95 Metres (6.39 feet).

The further variance requested by the applicant is to accommodate the projection of the eaves of the proposed addition into the rear yard setback which was not accounted for in the original application. This represents an additional variance of 0.20 metres (0.66 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 (24.60 feet) shall be provided for a principle building."

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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