

CITY OF NANAIMO

BOARD OF VARIANCE

**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD ON THURSDAY, 2008-MARCH-20th, IN THE BOARD ROOM,
CITY HALL, 455 WALLACE STREET, NANAIMO, BC**

PRESENT: Jerome Howell, Acting Chair
Dorothy Rispin
Jim Galloway
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 Jim Galloway SECONDED by Lars Apland, that the minutes of the meeting held 2008-February-21st be adopted.

CARRIED

3. **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."

DISCUSSION

Mr. Ian Andexser (1405 Windsor Avenue) 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-September-20th).

CARRIED

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.”

DISCUSSION

Mrs. Bronwyn Arundel and Mr. Blake Covert (523 Kennedy Street) appeared in support of 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-September-20th).

CARRIED

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"*

DISCUSSION

Mr. Guy-Rejan Paquin and Mrs. Marlaire Paquin (#16 6245 Metral Drive) appeared in support of 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-September-20th).

CARRIED

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 6.1.7.1 - 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.*

DISCUSSION

Mr. Shawn Cofield (238 Kennedy Street) and Mrs. Linda Taylor (3007 Charles Street) appeared in support of the appeal.

DECISION

MOVED by Jim Galloway, SECONDED by, Dorothy Rispin, that the appeal be **granted**. Approval is subject to a building permit being issued within 6 months (2008-September-20th).

CARRIED

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 (18.21 feet) 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."

DISCUSSION

Mr. Edwin Galloway (6558 Groveland Drive) appeared in support of the appeal.

DECISION

MOVED by Lars Aplan, SECONDED by Dorothy Rispin that the appeal be **granted**. Approval is subject to a building permit being issued within 6 months (2008-September-20th).

CARRIED

7. **ATTENDANCE**

Dan Hooper expressed regret for not being able to attend the meeting held 2008-March-20th.

It was determined that all Board Members will be in attendance for the meeting to be held 2008-April-17th.

8. **ADJOURNMENT**

MOVED by Lars Apland, SECONDED by Jim Galloway that the meeting be adjourned at 7:45 pm.

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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