

**BOARD OF VARIANCE MEETING
TO BE HELD IN THE BOARD ROOM OF CITY HALL,
THURSDAY, FEBRUARY 21st, 2008 AT 7:00 P.M.,
455 WALLACE STREET, NANAIMO, B.C.**

AGENDA

1. Adoption of Minutes of the Board of Variance Meeting held 2007-December-20th.

2. **APPEAL:** **BOV00420**

APPLICANT: **Wilfred Leach**

LOCATION: **Legal Description:** LOT 1, BLOCK 1, SECTION
15, WELLINGTON DISTRICT, PLAN 419
Civic address: 2900 Robson 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 8.64 metres (28.34 feet) for a single family dwelling under construction. This represents a variance of 0.39 metres (1.28 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 2007-December-20th. The amendment represents a height variance of 0.39 metres (1.28 feet) as opposed to the original application which sought a height variance of 0.75 metres (2.46 feet) this represents an overall height difference of 0.36 metres (1.18 feet) from the original height variance applied for.

At their regular meeting held 2007-December-20th the Board of Variance deferred application (BOV00420) to the next meeting to be held. BOV00420 will now be heard at the regular Board of Variance meeting to be held 2008-February-21st.

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 6.1.71 - 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.*

3. APPEAL: BOV00425

APPLICANT: Sandra Lee Tranfield

LOCATION: Legal Description: LOT 64, DOUGLAS ISLAND
(ALSO KNOWN AS PROTECTION ISLAND),
NANAIMO DISTRICT, PLAN 1411
Civic address: 67 Pirates Lane

PURPOSE: The applicant is requesting that the rear yard setback be reduced from 7.5 metres (24.6 feet) to 3.9 metres (12.8 feet) in order to permit an addition to a single family dwelling which is non conforming as to siting. This represents a variance of 3.6 metres (11.8 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 6.4.6.3. – Yard Requirements

A rear yard of not less than 7.5 metres (24.60 feet) shall be provided for a principal building. A rear yard of not less than 1.5 metres (4.92 feet) shall be provided for an accessory building."

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:** **BOV00426**

APPLICANT: **Marko Vinco Bajan**

LOCATION: **Legal Description:** PARCEL B (DD 7531-N), OF
LOT 6, BLOCK 18, SECTION 1, NANAIMO
DISTRICT, PLAN 584
Civic address: 132 Victoria Road

PURPOSE: The applicant is requesting that the side yard setback be reduced from 1.5 metres (4.98 feet) to 0.35 metres (1.14 feet) in order to permit an addition to a single family dwelling which is non-conforming as to siting. This represents a variance of 1.15 metres (3.84 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.”*

5. **APPEAL:** **BOV00427**

APPLICANT: **Terry Kephart**

LOCATION: **Legal Description:** LOT 3, SECTION 1,
NANAIMO DISTRICT, PLAN 10360
Civic address: 801 Short Avenue

PURPOSE: The applicant is requesting the front yard setback be reduced from 10 metres (32.8 feet) to 7.60 metres (24.8 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 2.4 metres (7.8 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 5.2.1 – Location and Siting of Buildings and Structures to Major Roads
Principal or accessory buildings or structures shall not be closer than....10 metres (32.8 feet) from a property line that abuts established urban arterials, urban collector roads and provincial highways as designated by the City of Nanaimo Official Community Plan, when the required dedication to achieve the required right-of-way width has not occurred to facilitate the widening of the major road.*

*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."*

6. APPEAL: BOV00428

APPLICANT: Richard Platt

LOCATION: Legal Description: LOT 2, DISTRICT LOT 30,
WELLINGTON DISTRICT, PLAN 26355,
NORTHWEST PARK MANOR MOBILE HOME,
MHR EX20006
Civic address: 6060 Pine Park Place

PURPOSE: The applicant is requesting that the Board of Variance permit a structural alteration to a mobile home which is non-conforming as to use.

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 Local Government Act:

Section 9.11.1 - Non-conforming Uses and Siting

(5) A structural alteration or addition, except one that is required by an enactment or permitted by a board of variance under section 901(2), must not be made in or to a building or structure while the non-conforming use is continued in all or any part of it.

7. **APPEAL:** **BOV00429**

APPLICANT: **Alexander Calvin Paley**

LOCATION: **Legal Description:** LOT 12, SECTION 2,
WELLINGTON DISTRICT, PLAN 23306
Civic address: 1589 Sherwood Drive

PURPOSE: The applicant is requesting that the side yard setback be reduced from 1.5 metres (4.92 feet) to 0.27 metres (.88 feet) in order to permit for a previously constructed deck which is non-conforming as to siting. This represents a variance of 1.23 metres (4.04 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 6.1.6.2 -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 4 metres (13.12 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."*

8. **APPEAL:** **BOV00430**

APPLICANT: **Edward J Jackson**

LOCATION: **Legal Description:** LOT 5, SECTION 1, NANAIMO
DISTRICT, PLAN 6234
Civic address: 17 Albion Street

PURPOSE: The applicant is requesting that the side yard setback be reduced from 4.0 metres (13.12 feet) to 3.7 metres (12.13 feet) in order to permit a structural alteration to a single family dwelling which is non-conforming as to siting. This represents a variance of .3 metres (.99 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 4 metres (13.12 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."

9. APPEAL: BOV00431

APPLICANT: Sea To Sky Construction

LOCATION: Legal Description: STRATA LOT 189,
SECTION 5, WELLINGTON DISTRICT, STRATA
PLAN 830. TOGETHER WITH AN INTEREST IN
THE COMMON PROPERTY IN PROPORTION TO
THE UNIT ENTITLEMENT OF THE STRATA LOT
AS SHOWN ON FORM 1 (USER RATE BILLING
FOLIO 07827.549)
Civic address: 370 Woodhaven Drive

PURPOSE: The applicant is requesting the front yard setback be reduced from 3 metres (9.84 feet) to 1.58 metres (5.18 feet) in order to permit an addition to an existing single family dwelling. This represents a variance of 1.42 metres (4.66 feet).

ZONING REGULATIONS:

This property is included in the Single Family Bare Land Strata Zone (RS-5) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 6.5.7.1 – Yard Requirements

A front yard shall be provided of not less than 3 metres (9.84 feet)."

This Board of Variance decision shall apply to subsequent owners of the land. If you deem your property to be affected by this appeal, this meeting of the Board of Variance will be open to hear your representation.

This appeal may be inspected at the offices of the Development Services Department, 238 Franklyn Street, Nanaimo, B.C. Monday to Friday (except statutory holidays) 8:30 a.m. to 4:30 p.m. from 2008-February-08th to 2008-February-21st both inclusive.

10. APPEAL: BOV00432

APPLICANT: Sharon Kofoed

**LOCATION: Legal Description: LOT 50, SECTION 11,
RANGE 6, MOUNTAIN DISTRICT, PLAN 27954
Civic address: 2322 Panorama View Drive**

PURPOSE: The applicant is requesting the front yard setback be reduced from 6 metres (19.69 feet) to 5.67 metres (18.60 feet) in order to permit an addition to an existing single family dwelling. This represents a variance of .33 metres (1.09 feet).

ZONING REGULATIONS:

This property is included in the Single Family Mobile Home Residential Zone (RS-3) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 6.3.5.1 – Yard Requirements

A front yard of not less than 6 metres (19.69 feet) shall be provided."

This Board of Variance decision shall apply to subsequent owners of the land. If you deem your property to be affected by this appeal, this meeting of the Board of Variance will be open to hear your representation.

This appeal may be inspected at the offices of the Development Services Department, 238 Franklyn Street, Nanaimo, B.C. Monday to Friday (except statutory holidays) 8:30 a.m. to 4:30 p.m. from 2008-February-08th to 2008-February-21st both inclusive.

11. APPEAL: BOV00433

APPLICANT: John Tait

**LOCATION: Legal Description: LOT 37, SECTION 11,
RANGE 6, MOUNTAIN DISTRICT, PLAN 27954
Civic address: 98 Timberview Drive**

PURPOSE: The applicant is requesting that the maximum size of an accessory building be increased from 70 square metres (753.5 square feet) to 79.43 square metres (855 square feet) in order to permit an addition to an accessory building. This represents a variance of 9.43 square metres (101.5 square 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 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.”

12. APPEAL: BOV00434

APPLICANT: Mark Dobbs

LOCATION: Legal Description: LOT I, SECTION 18, RANGE 7, MOUNTAIN DISTRICT, PLAN 22081
Civic address: 2321 Bowen Road

PURPOSE: The applicant is requesting the front yard setback be reduced from 7.5 metres (24.6 feet) to 7.13 metres (23.4 feet) in order to permit an addition to an existing single family dwelling which is non-conforming as to siting. This represents a variance of .37 metres (1.2 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 5.2.1 – Location and Siting of Buildings and Structures to Major Roads

Principal or accessory buildings or structures shall not be closer than....7.5 metres (24.6 feet) from a property line that abuts established urban arterials, urban collector roads and provincial highways as designated by the City of Nanaimo Official Community Plan, when dedication has occurred to achieve the required right-of-way width.

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.”

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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