

**BOARD OF VARIANCE MEETING
TO BE HELD IN THE BOARD ROOM OF CITY HALL,
THURSDAY, DECEMBER 20th, 2007 AT 7:00 P.M.,
455 WALLACE STREET, NANAIMO, B.C.**

AGENDA

1. Adoption of Amended Minutes of the Board of Variance Meeting held 2007-October-29th.
2. Adoption of Minutes of the Board of Variance Meeting held 2007-November-20th.

3. **APPEAL:** **BOV00416**

APPLICANT: **Paige Foster**

LOCATION: **Legal Description:** LOT 3 DISTRICT LOT 40
WELLINGTON DISTRICT PLAN VIP76305
Civic address: **5676 Muggies Way**

PURPOSE: The applicant is requesting that the maximum height of an accessory building be increased from 4.5 metres (14.76 feet) to 5.31 metres (17.42 feet) in order to construct an accessory building. This represents a variance of 0.81 metres (2.66 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 6.1.7.4. – Height of Buildings

The height of an accessory building shall not exceed 4.5 metres (14.76 feet)."

4. **APPEAL:** **BOV00419**

APPLICANT: **Bradley Walker**

LOCATION: **Legal Description:** LOT 15, BLOCK 2,
SECTION 1, NANAIMO DISTRICT, PLAN 1352
Civic address: **301 Dundas Street**

PURPOSE: The applicant is requesting that the side yard setback be reduced from 1.5 metres (4.98 feet) to 0 metres (0 feet) in order to permit an addition to a single family dwelling. This represents a variance of 1.5 metres (4.98 feet).

Please be advised that the applicant previously appealed to the Board of Variance, 200-April-20th, to reduce the rear yard and side yard setback requirements be reduced to 0.07 metres (0.22 feet) in order to permit an accessory building. This represents a rear yard and side yard variance of 1.43 metres (4.69 feet). The applicant also requested that the height of the existing fence/retaining wall along the rear and side yard property lines be increased from 2.4 metres (7.87 feet) to 4.8 metres (15.74 feet). This represents a variance of 2.4 metres (7.87 feet). All variances were granted.

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".

5. **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 9 metres (29.52 feet) for a single family dwelling under construction. This represents a variance of 0.75 metres (2.46 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 6.1.71 - 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:** **BOV00421**

APPLICANT: **Karen DeBorba and Jose Deborba**

LOCATION: **Legal Description:** LOT 12, BLOCK 1,
NEWCASTLE RESERVE, SECTION 1, NANAIMO
DISTRICT, PLAN 5753
Civic address: 320 Larch Street

PURPOSE: The applicant is requesting that the required front yard setback for a single family dwelling be reduced from 6 metres (19.68 feet) to 3.25 metres (10.66 feet) in order to construct an addition to a single family dwelling which is non-conforming as to siting. This represents a variance of 2.75 metres (9.02 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 6.1.6.1 – Yard Requirements

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

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."

7. **APPEAL:** **BOV00422**

APPLICANT: **Nanaimo Lakeside Estates Ltd**

LOCATION: **Legal Description:** STRATA LOT 157,
DISTRICT LOT 24G (FORMERLY DISTRICT LOT
24) WELLINGTON DISTRICT STRATA PLAN
VIS3925 TOGETHER WITH AN INTEREST IN THE
COMMON PROPERTY IN PROPORTION TO THE
UNIT ENTITLEMENT OF THE STRATA LOT AS
SHOWN ON FORM V
Civic address: 5630 Turnstone Place

PURPOSE: The applicant is requesting that the required front yard setback be reduced from 6 metres (19.68 feet) to 4.5 metres (14.76 feet) in order to construct 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 Small Lot Zone (RS-6) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 6.6.7.1-Yard requirements

A front yard of not less than 4.5 metres (14.76 feet) shall be provided. A front yard of not less than 6 metres (19.69 feet) shall be provided for all garages and carports whether considered part of the principal building or in an accessory building."

8. **APPEAL:** **BOV00423**

APPLICANT: **Charles Panet**

LOCATION: **Legal Description:** LOT 14, BLOCK 3,
NEWCASTLE RESERVE, SECTION 1, NANAIMO
DISTRICT, PLAN 5753
Civic address: 1360 Discovery Avenue

PURPOSE: The applicant is requesting that the side yard setback be reduced from 1.5 metres (4.98 feet) to 0.63 metres (2.07 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 0.87 metres (2.85 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".

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: BOV00424

APPLICANT: Nanaimo Lakeside Estates Ltd

LOCATION: Legal Description: STRATA LOT 156,
DISTRICT LOT 24G (FORMERLY DISTRICT LOT
24) WELLINGTON DISTRICT STRATA PLAN
VIS3925 TOGETHER WITH AN INTEREST IN THE
COMMON PROPERTY IN PROPORTION TO THE
UNIT ENTITLEMENT OF THE STRATA LOT AS
SHOWN ON FORM V
Civic address: 5636 Turnstone Place

PURPOSE: The applicant is requesting that the maximum allowable lot coverage be increased from 35 percent (156.45 m²) to 40 percent (178.8 m²) in order to construct a single family dwelling. This represents a variance of 5 percent (22.5 m²).

ZONING REGULATIONS:

This property is included in the Single Family Residential Small Lot Zone (RS-6) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 6.5.6 – Lot Coverage

The maximum lot coverage shall not exceed 35 percent of the lot area."

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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