

**CITY OF NANAIMO**

**BOARD OF VARIANCE**

**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE  
HELD ON THURSDAY, 2007-DECEMBER-20<sup>th</sup>, IN THE BOARD ROOM,  
CITY HALL, 455 WALLACE STREET, NANAIMO, BC**

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**PRESENT:** Jerome Howell, Acting Chair  
Dorothy Rispin  
Jim Galloway

**STAFF:** David Pady  
Kris Sillem

1. **CALL TO ORDER:**  
The meeting was called to order at 7:03 p.m.

2. **MINUTES**  
MOVED by Jim Galloway SECONDED by Dorothy Rispin, that the minutes of the meeting held 2007-October-29<sup>th</sup> be adopted as amended.  
CARRIED  
MOVED by Jim Galloway SECONDED by Dorothy Rispin, that the minutes of the meeting held 2007-November-20<sup>th</sup> be adopted.  
CARRIED

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 4.8 metres (15.74 feet) in order to construct an accessory building. This represents a variance of 0.30 metres (11.81 inches).

The applicant brought forward a revised survey dated 2007-December-20<sup>th</sup> which corrected the height calculations of the previous survey dated 2007-September-10<sup>th</sup> to the calculations noted above.

**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)."*

## **DISCUSSION**

Mr. John Foster and Mrs. Paige Foster (5676 Muggies Way), and Mr. Don Huberts (3348 Greyhawk Drive) appeared in support of the appeal.

Mr. Mark Rogers and Ms. Nolla Taylor (5628 Muggies Way), Mr. Terrance Bayliss (5680 Muggies Way) appeared in opposition to the appeal.

## **DECISION**

MOVED by Jim Galloway, SECONDED by Dorothy Rispin that the appeal be **granted**.

CARRIED

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, 2000-April-20<sup>th</sup>, 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".*

## **DISCUSSION**

Mr. Bradley Walker (301 Dundas Street) appeared in support of the appeal.

Ms. Christel Martin (641 Stirling Avenue) and Mr. Steven Jaques (2162 Cinnebar Drive) appeared in opposition to 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-June-20<sup>th</sup>).

CARRIED

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.*

**DISCUSSION**

Mr. Wilfred Leach and Mrs. Gloria Leach (135 Townsite Road) appeared in support of the appeal.

Ms. Taryn Langford and Mr. Dave Silver (2920 Haliday Crescent), Ms. Joyce Hardcastle (2900 James Street) and Ms. Linda Harold and Mr. Clint L'Heureux (2910 James Street) appeared in opposition to the appeal.

**DECISION**

MOVED by Jim Galloway, SECONDED by Dorothy Rispin that the appeal be **deferred** to the next Board of Variance meeting to be held on 2008-January-17<sup>th</sup>.

CARRIED

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."*

**DISCUSSION**

Mrs. Karen DeBorba and Mr. Jose Deborba 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-June-20<sup>th</sup>).

CARRIED

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."*

**DISCUSSION**

Mr. Dave Lundy (3292 Crystal Place) and Mr. Roland Rustad (410 Woodhaven Drive) 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-June-20<sup>th</sup>).

CARRIED

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."*

## DISCUSSION

Ms. Evonne Hebert (1360 Discovery Avenue) appeared in support of the appeal.

Ms. Andrea Cyr and Mr. Bryan Thomas (1352 Discovery Avenue) appeared in opposition to 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-May-15<sup>th</sup>).

CARRIED

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 m<sup>2</sup>) to 40 percent (178.8 m<sup>2</sup>) in order to construct a single family dwelling. This represents a variance of 5 percent (22.5 m<sup>2</sup>).

**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."*

**DISCUSSION**

Mr. Dave Lundy (3292 Crystal Place) and Mr. Roland Rustad (410 Woodhaven Drive) 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-June-20<sup>th</sup>).

CARRIED

10. **ATTENDANCE**

It was determined that Dorothy Rispin, will be in attendance for the meeting to be held 2008-January-17<sup>th</sup>.

Jerome Howell expressed regret for not being able to attend the meeting to be held 2008-January-17<sup>th</sup>.

Jim Galloway expressed regret for not being able to attend the meeting to be held 2008-January-17<sup>th</sup>.

11. **ADJOURNMENT**

MOVED by Jerome Howell, SECONDED by Dorothy Rispin that the meeting be adjourned at 8:53 p.m.

CARRIED

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Jerome Howell  
Acting Chairperson, Board of Variance

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Dave Pady  
Secretary, Board of Variance

ec Planning and Development Department  
Building Inspection Department  
Bylaw Services Department  
Cam Scott, Communications Officer  
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