

**BOARD OF VARIANCE MEETING
TO BE HELD IN THE BOARD ROOM OF CITY HALL,
THURSDAY, NOVEMBER 15th, 2007 AT 7:00 P.M.,
455 WALLACE STREET, NANAIMO, B.C.**

AGENDA

1. Adoption of Minutes of the Board of Variance Meeting held 2007-October-29th.

2. **APPEAL:** **BOV00408**

APPLICANT: **Greg Hogan**

LOCATION: **Legal Description:** LOT 6, SECTION 10 RANGE
7 MOUNTAIN DISTRICT PLAN VIP80643
Civic address: 224 Shiloh Drive

PURPOSE: The applicant is requesting that the maximum height of a front yard fence be increased from 1.2 metres (3.94 feet) to 1.92 metres (6.30 feet) in order to construct a fence. This represents a variance of 0.72 metres (2.36 feet).

ZONING REGULATIONS:

This property is included in the Steep Slope Suburban Residential Zone (RS-8) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 6.8.10.1 - Height of Fences

The height of a fence shall not exceed 1.2 metres (3.9 feet) in any side or rear yard".

3. **APPEAL:** **BOV00413**

APPLICANT: **Dean Muir**

LOCATION: **Legal Description:** LOT 1 SECTION 9 RANGE 8
MOUNTAIN DISTRICT PLAN VIP80283
Civic address: 1301 Thalia Place

PURPOSE: The applicant is requesting that:

1. the maximum height of a flanking side yard fence be increased from 1.8 metres (5.9 feet) to 3.84 metres (12.60 feet) as indicated on Section G of the attached survey and;

- in order to permit a recently constructed retaining wall and fence. This represents a flanking side fence height variance of 2.04 metres (6.69 feet) and a rear yard fence height variance of 1.67 metres (5.38 feet).

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”:

In the case of a corner lot, the height of a fence shall not exceed 1.8 metres (5.9 feet) when sited in a flanking side yard."

The applicant is requesting that;

in order to permit a structural alteration to an existing single family dwelling which is non-conforming as to siting. This represents a front yard variance of 4.77 metres (15.64 feet) and a flanking side yard variance of 1.41 metres (4.62 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....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.

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:** **BOV00415**

APPLICANT: **John Graham Calder**

LOCATION: **Legal Description:** LOT 7, BLOCK 4,
NEWCASTLE RESERVE, SECTION 1, NANAIMO
DISTRICT, PLAN 5753
Civic address: 1361 Discovery Avenue

PURPOSE: The applicant is requesting the side yard setback be reduced from 1.5 metres (4.92 feet) to 1.29 metres (4.23 feet) in order permit the a structural alteration to a single family dwelling which is non-conforming as to siting. This represents a variance of 0.21 metres (0.69 feet).

ZONING REGULATIONS:

This property is included in the Residential Single Family 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.”

6. **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).”

7. **APPEAL:** **BOV00417**

APPLICANT: **Lanny Smith**

LOCATION: **Legal Description:** LOT 1, BLOCK 3, SECTION
37, RANGE 7, SECTION 1, NANAIMO
DISTRICT, PLAN 1145
Civic address: 151 Craig Street

PURPOSE: The applicant is requesting that:

1. the front yard setback be reduced from 6 metres (19.69 feet) to 3.74 metres (12.27 feet)
2. the flanking side yard be reduced from 10 metres (32.8 feet) to 3.85 metres (12.63 feet)

in order to permit a structural alteration to an existing single family dwelling which is non-conforming as to siting. This represents a front yard variance of 2.26 metres (7.41 feet) and a flanking side yard variance of 6.15 metres (20.17 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":

"6.1.6.1 – Yard Requirements

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

"Section 5.2.1.1 – 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 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."

8. **APPEAL:** **BOV00418**

APPLICANT: **Robert Johnson**

LOCATION: **Legal Description:** LOT 5, SECTION 13,
RANGE 8, MOUNTAIN DISTRICT, PLAN 9942
Civic address: 123 Pryde Avenue

PURPOSE: The applicant is requesting the front yard setback be reduced from 6 metres (19.69 feet) to 5.86 metres (19.23 feet) in order to permit a recent structural alteration to an existing single family dwelling. This represents a variance of 0.14 metres (0.46 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":

"6.1.6.1 – Yard Requirements

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

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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