

CITY OF NANAIMO

BOARD OF VARIANCE

**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD ON THURSDAY, 2007-OCTOBER-29th, IN THE BOARD ROOM,
CITY HALL, 455 WALLACE STREET, NANAIMO, BC**

PRESENT: Patricia Portsmouth, Acting Chair
Dan Hooper
Dorothy Rispin

STAFF: David Pady

1. **CALL TO ORDER:**
The meeting was called to order at 7:02 p.m.

2. **MINUTES**
MOVED by Patricia Portsmouth, SECONDED by Dan Hooper, that the minutes of the meeting held 2007-September-20th be adopted as amended.
CARRIED

3. **APPEAL:** **BOV00407**

APPLICANT: **Gurdev Gill**

LOCATION: **Legal Description:** LOT 3, SUBURBAN LOT 4, NEWCASTLE TOWNSITE, SECTION 1, NANAIMO, PLAN 483
Civic address: 1583 Bartlett Street

PURPOSE: The applicant is requesting the side yard setback be reduced from 1.5 metres (4.92 feet) to 0.16 metres (0.52 feet) in order permit a recently reconstructed addition to a single family dwelling. This represents a variance of 1.34 metres (4.4 feet).

ZONING REGULATIONS:

This property is included in the Residential Triplex and Quadruplex Zone (RM-2) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 7.2.7.2- Yard Requirements

Side yards of not less than 1.5 metres (4.92 feet) for each side yard shall be provided.

DISCUSSION

Mr. Gurdev Gill (801 Porier Street, Coquitlam, BC) appeared in support of the appeal. Mrs. Pat Smyth and Mr. Bruce Smyth (1573 Bartlett Street) appeared in opposition to the appeal.

DECISION

MOVED by Dorothy Rispin, SECONDED by Jerome Howell that the appeal be **denied**.

CARRIED

4. **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".

DISCUSSION

The applicant was not in attendance at the meeting.

DECISION

The application was deferred until the next meeting to be held 2007-November-15th.

5. **APPEAL:** **BOV00409**

APPLICANT: **Dale Longeau**

LOCATION: **Legal Description:** LOT 27 DISTRICT LOT 51 WELLINGTON DISTRICT PLAN VIP81477
Civic address: 4794 Ney Drive

PURPOSE: The applicant is requesting that the maximum height of a single family dwelling be increased from 8.53 metres (28 feet) to 9.13 metres (29.95 feet) for a single family dwelling under construction. This represents a variance of 0.6 metres (1.95 feet).

ZONING REGULATIONS:

This property is included in the Steep Slope Residential Zone (RS-7) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 6.7.8.2- Height of Buildings

In addition to Subsection 6.7.8.1, for those properties identified on Schedule H, the maximum height of a principal building may be increased as shown in the following table:

Roof Pitch	Maximum Height
A sloped roof (≥ 8:12)*	8.53 metres (28 feet)
A sloped roof (≥ 10:12)*	9.14 metres (30 feet)

** for an area of at least 80% of all roof surfaces measured in plan view.*

DISCUSSION

Mr. Dale Longeau and Mrs. Cheryl Longeau (4794 Ney Drive) appeared in support of the appeal.

DECISION

MOVED by Dan Hooper, SECONDED by Dorothy Rispin that the appeal be **granted**. Approval is subject to a building permit being issued within 6 months (2008-April-29th).

CARRIED

5. **APPEAL:** **BOV00410**

APPLICANT: **Georgina Holdt**

LOCATION: **Legal Description:** LOT 88, SECTION 16, RANGE 8,
MOUNTAIN DISTRICT, PLAN 13235
Civic address: 2072 Bluebell Terrace

PURPOSE: The applicant is requesting the side yard setback be reduced from 1.5 metres (4.92 feet) to 1.1 metres (3.61 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 0.4 metres (1.31 feet).

ZONING REGULATIONS:

This property is included in the Residential Single Family 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."

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

Mr. Georgina Holdt and Jan Holdt (2072 Bluebell Terrace) appeared in support of the appeal.

DECISION

MOVED by Dorothy Rispin, SECONDED by Dan Hooper that the appeal be **granted**. Approval is subject to a building permit being issued within 6 months (2008-April-29th).

CARRIED

6. **APPEAL:** **BOV00411**

APPLICANT: **Troy Gibson**

LOCATION: **Legal Description:** STRATA LOT 2 DISTRICT LOT 51
WELLINGTON DISTRICT STRATA PLAN VIS6310 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: 5006 Hinrich View

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) in order to construct a single family dwelling. This represents a variance of 0.75 metres (2.46 feet).

ZONING REGULATIONS:

This property is included in the Low Density Multiple Family Residential (Townhouse) Zone (RM-3) 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. Troy Gibson (5815 Quarry Crescent) appeared in support of the appeal.

DECISION

MOVED by Dan Hooper, SECONDED by Dorothy Rispin that the appeal be **granted**. Approval is subject to a building permit being issued within 6 months (2008-April-29th).

CARRIED

7. **APPEAL:** **BOV00412**

APPLICANT: **Paul Cimolini**

LOCATION: **Legal Description:** LOT 1 DISTRICT LOT 25G WELLINGTON
DISTRICT PLAN VIP78635
Civic address: 6060 Hammond Bay Road

PURPOSE: The applicant is requesting that:

1. the required front yard setback for a single family dwelling be reduced from 7.5 metres (24.60 feet) to 6.03 metres (19.78 feet),
2. the required flanking side yard setback be reduced from 4 metres (13.12 feet) to 3.21 metres (10.53 feet),
3. the rear yard setback be reduced from 7.5 metres (24.6 feet) to 3.34 metres (10.95 feet), in order to permit a structural alteration and to construct an addition to a single family dwelling which is non-conforming as to siting. This represents a front yard variance of 1.47 metres (4.82 feet), a flanking side yard variance of 0.79 metres (2.59 feet), and a rear yard variance of 4.16 metres (13.65 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."

"Section 6.1.6.2 – Yard Requirements

In the case of a corner lot, the side yard adjoining the flanking street shall not be less than 4 metres (13.12 feet)."

"Section 6.1.6.3 – Yard Requirements

A rear yard of not less than 7.5 metres (24.6 feet) shall be provided for a principal 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."

DISCUSSION

Mr. Paul Cimolini (7432 Andrea Crescent, Lantzville, BC, V0R 2HB) and Mr. Jason Schmidt (5430 Dunster Road) appeared in support of the appeal.

DECISION

MOVED by Dorothy Rispin, SECONDED by Dan Hooper that the appeal be **granted**. Approval is subject to a building permit being issued within 6 months (2008-April-29th).

CARRIED

5. ATTENDANCE

It was determined that Patricia Portsmouth, Dorothy Rispin, Jerome Howell, and Dan Hooper will be in attendance for the meeting to be held 2007-November-15th.

At their regular meeting held 2007-October-29th Council appointed Edwin James (Jim) Galloway as an At-large Representative on the Board of Variance. Jim Galloway will be in attendance at the next meeting to be held 2007-November-15th.

6. **ADJOURNMENT**

MOVED by Dorothy Rispin, SECONDED by Dan Hooper, that the meeting be adjourned at 7:42 p.m.

CARRIED

Patricia Portsmouth
Acting Chairperson, Board of Variance

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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