

**BOARD OF VARIANCE MEETING
TO BE HELD IN THE BOARD ROOM OF CITY HALL,
THURSDAY, SEPTEMBER 20th, 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-August-16th.

2. **APPEAL:** **BOV00399**

APPLICANT: Rob Turgeon

LOCATION: **Legal Description:** STRATA LOT 155,
SECTION 5, WELLINGTON DISTRICT, STRATA
PLAN 830, (PHASE 3), TOGETHER WITH AN
INTEREST IN THE COMMON PROPERTY IN
PROPORTION TO THE UNIT ENTITLEMENT OF
THE STRATA LOT AS SHOWN ON FORM 1.
Civic address: 291 Woodhaven Drive

PURPOSE: The applicant is requesting that the maximum height of an accessory building be increased from 4.5 metres (14.76 feet) to 6.65 metres (21.82 feet) in order to construct an accessory building. This represents a variance of 2.15 metres (7.06 feet).

Please note: The applicant previously applied to the Board requesting the maximum height of a principal building be increased from 8.25 metres (27.06 feet) to 11.1 metres (36.41 feet), in order to construct a single family dwelling. This represents a variance of 2.85 metres (9.35 feet). At their meeting held 2006-May-18th the Board approved the appeal.

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 6.5.6.2. – Height of Buildings

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

3. **APPEAL:** **BOV00400**

APPLICANT: **Jennifer Erickson**

LOCATION: **Legal Description:** LOT 17 SECTION 16
RANGE 4 CRANBERRY DISTRICT PLAN VIP82362

Civic address: **1765 Rajeena Way**

PURPOSE: The applicant is requesting that the maximum height of a single family dwelling be increased from 8.25 metres (27.06 feet) to 8.35 metres (27.39 feet) for a single family dwelling under construction. This represents a variance of 0.1 metres (0.33 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 6.7.8.1- 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.*

4. **APPEAL:** **BOV00401**

APPLICANT: **Jeffrey Gallimore**

LOCATION: **Legal Description:** LOT 4, BLOCK 10,
SECTION 1, WELLINGTON DISTRICT, PLAN 414
Civic address: **2835 Fairbanks Street**

PURPOSE: The applicant is requesting that the maximum height of a single family dwelling be increased from 6.71 metres (22 feet) to 7.72 metres (25.33 feet) in order to construct a single family dwelling. This represents a variance of 1.01 metres (3.31 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 6.1.7.1- 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.*

5. APPEAL: BOV00402

APPLICANT: Blair Deptuck

LOCATION: Legal Description: LOT 12, DISTRICT LOT 14,
NEWCASTLE RESERVE, SECTION 1, NANAIMO
DISTRICT, PLAN 10848
Civic address: 1430 Princess Royal Avenue

PURPOSE: The applicant is requesting that the maximum size of an accessory building be increased from 70 square metres (753.5 square feet) to 81.75 square metres (880 square feet) in order to construct an accessory building. This represents a variance of 11.75 square metres (126.5 square 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 5.5.5- 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."

6. APPEAL: BOV00403

APPLICANT: Brenda Olson

LOCATION: Legal Description: LOT 8 AND THE
NORTHERLY 10 FEET OF LOT 7, BLOCK 4,
SECTION 1, NANAIMO DISTRICT, PLAN 1145
Civic address: 134 Howard Avenue

PURPOSE: The applicant is requesting the front yard setback be reduced from 10 metres (32.8 feet) to 4.38 metres (14.37 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 5.62 metres (18.43 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."*

7. APPEAL: **BOV00404**

APPLICANT: **Gary Medves**

LOCATION: **Legal Description:** LOT 1, SECTION 5,
WELLINGTON DISTRICT, PLAN 41375
Civic address: 3750 Departure Bay Road

PURPOSE: The applicant is requesting that the required front yard setback for a single family dwelling be reduced from 7.5 metres (24.60 feet) to 6.7 metres (21.98 feet) in order to construct an addition to a single family dwelling which is non-conforming as to siting. This represents a variance of 0.8 metres (2.62 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.

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:** **BOV00405**

APPLICANT: **Balbinder Sall**

LOCATION: **Legal Description:** STRATA LOT 4, 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: 5019 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 8.94 metres (29.33 feet) in order to construct a single family dwelling. This represents a variance of 0.69 metres (2.27 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.*

9. **APPEAL:** **BOV00406**

APPLICANT: **Brian Neal**

LOCATION: **Legal Description:** LOT 7, SECTION 5,
WELLINGTON DISTRICT, PLAN 33530
Civic address: 271 Blairgowrie Place

PURPOSE: The applicant is requesting the side yard setback be reduced from 1.5 metres (4.92 feet) to 0.23 metres (0.75), and the rear yard setback be reduced from 1.5 metres (4.92 feet) to 0 metres (0 feet) in order to permit a recently constructed accessory building. This represents a side yard variance of 1.27 metres (4.17 feet) and a rear yard variance of variance of 1.5 metres (4.92 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".

"Section 6.1.6.3.

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

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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