

CITY OF NANAIMO

BOARD OF VARIANCE

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

PRESENT: Patricia Portsmouth, Acting Chair
Dan Hooper
Dorothy Rispin
Jerome Howell

STAFF: David Pady

1. CALL TO ORDER:

The meeting was called to order at 7:03 p.m.

2. MINUTES

MOVED by Dorothy Rispin SECONDED by Jerome Howell, that the minutes of the meeting held 2007-August-16th be adopted as amended.

CARRIED

3. 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)."

DISCUSSION

Mr. Rob Turgeon (291 Woodhaven Drive) appeared in support of the appeal.

DECISION

MOVED by Dorothy Rispin, SECONDED by Jerome Howell that the appeal be **granted**.
Approval is subject to a building permit being issued within 6 months (2008-March-20th)

CARRIED

4. **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.*

DISCUSSION

Mrs. Jennifer Erickson and Mr. Brent Erickson (1765 Rajeena Way) appeared in support of the appeal.

DECISION

MOVED by Dan Hooper, SECONDED by Jerome Howell that the appeal be **granted**.

CARRIED

5. **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.*

DISCUSSION

Mr. Jeffrey Gallimore (2835 Fairbanks Street) appeared in support of the appeal.

DECISION

MOVED by Jerome Howell, SECONDED by Dorothy Rispin that the appeal be **granted**. Approval is subject to a building permit being issued within 6 months (2008-March-20th).

CARRIED

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."

DISCUSSION

Mr. Blair Deptuck (1430 Princess Royal Avenue) appeared in support of the appeal.

DECISION

MOVED by Jerome Howell, SECONDED by Dorothy Rispin that the appeal be **granted**. Approval is subject to a building permit being issued within 6 months (2008-March-20th).

CARRIED

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."

DISCUSSION

Ms. Brenda Olson (134 Howard Avenue) 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-March-20th).

CARRIED

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."

DISCUSSION

Mr. Gary Medves (1666 Sheriff Way) appeared in support of the appeal.

DECISION

MOVED by Jerome Howell, SECONDED by Dorothy Rispin that the appeal be **granted**. Approval is subject to a building permit being issued within 6 months (2008-March-20th).

CARRIED

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.*

DISCUSSION

Mrs. Balbinder Sall and Mr. Randy Sall (4885 Finnerty Crescent, Nanaimo, BC, V9V 1N9) 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-March-20th).

CARRIED

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."

DISCUSSION

Mr. Brian Neal and Ms. Kim Doward (271 Blairgowrie Place), Mr. Dave Lundy (Westmark Construction) appeared in support of the appeal.

Ms. Jennifer Millbank (RLR Lawyers, 111 Wallace Street, Nanaimo, BC, V9R 5B2), and Mr. Brian McCourt (2412 Hollyrood Drive, Nanaimo, BC, V9S 4K8) appeared in opposition to the appeal.

DECISION

Ms. Dorothy Rispin excused herself from voting on the appeal due to a potential conflict.

MOVED by Jerome Howell, SECONDED by Dan Hooper that the appeal be **denied**.

CARRIED

5. ATTENDANCE

It was determined that Patricia Portsmouth, Dorothy Rispin, and Dan Hooper will be in attendance for the meeting to be held 2007-October-18th.

Jerome Howell expressed regret at not being able to attend the meeting to be held 2007-October-18th.

6. **ADJOURNMENT**

MOVED by Dorothy Rispin, SECONDED by Dan Hooper, that the meeting be adjourned at 8.29 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
BOVMINUTESSEPTEMBER2007.doc