

**BOARD OF VARIANCE MEETING  
TO BE HELD IN THE BOARD ROOM OF CITY HALL,  
THURSDAY, JULY 19<sup>th</sup>, 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-June-21<sup>st</sup>.

2. **APPEAL:** **BOV00388**

**APPLICANT:** **Doris Elaine Guest**

**LOCATION:** **Legal Description:** AMENDED LOT 24  
(DD54018N), BLOCK 2, SECTION 1, NANAIMO  
DISTRIC, PLAN 1566  
**Civic address: 635 Lambert Street**

**PURPOSE:** The applicant is requesting that the required side yard setback be reduced from 1.5 metres (4.92 feet) to 1.46 metres (4.79 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 0.04 metres (0.13 feet).

**ZONING REGULATIONS:**

This property is included in the Single Family Residential Zone (Large lot) (RS-2A) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

*"Section 6.2.6.2 – Yard Requirements*

*Side yard 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."*

3. **APPEAL:** **BOV00389**

**APPLICANT:** **Paula Wurth**

**LOCATION:**                      **Legal Description:**      LOT 5 SECTION 20 RANGE 4  
MOUNTAIN DISTRICT PLAN VIP81898  
**Civic Address: 3323 Savannah Place**

**PURPOSE:**      The applicant is requesting that the maximum height of a single family dwelling be increased from 8.25 metres (27.06 feet) to 8.65 metres (28.37 feet) for a single family dwelling under construction. This represents a variance of 0.40 metres (1.31 feet).

Please note: A Development Variance Permit (DVP00112) was issued 2007-April-16<sup>th</sup> which varied the maximum allowable Gross Floor Area from 390.18 square metres to 424.2 square metres in order to accommodate a covered rear and side yard deck.

**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 6.1.7.1- 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:**                      **BOV00390**

**APPLICANT:**                      **Kamran Mehrassa**

**LOCATION:**                      **Legal Description:**      LOT 1 DISTRICT LOT 55  
WELLINGTON DISTRICT PLAN VIP79560  
**Civic Address: 4520 Sheridan Ridge Road**

**PURPOSE:**      The applicant is requesting that the maximum height of a side yard fence be increased from 2.4 metres (7.87 feet) to 3.46 metres (11.35 feet) as shown on the provided survey in order to construct a fence above a retaining wall. This represents a variance of 1.06 metres (3.48 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 6.7.10.2- Height of Fences*

*The height of a fence shall not exceed 2.4 metres (7.87 feet) in any side or rear yard".*

5. **APPEAL:** **BOV00391**

**APPLICANT:** **Ivan Plavetic**

**LOCATION:** **Legal Description:** LOT 60, SECTION 15-A,  
WELLINGTON DISTRICT, PLAN 33755  
**Civic Address: 150 Locksley Place**

**PURPOSE:** The applicant is requesting that the maximum height of a single family dwelling be increased from 8.25 metres (27.06 feet) to 9.95 metres (32.64 feet) in order to construct a single family dwelling. This represents a variance of 1.7 metres (5.58 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.*

6. **APPEAL:** **BOV00392**

**APPLICANT:** **Julian Herter**

**LOCATION:** **Legal Description:** LOT 1, BLOCK 4, SECTION 1,  
NANAIMO DISTRICT, PLAN 584  
**Civic address: 1002 Milton 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 9.36 metres (30.71 feet) in order to construct a secondary suite and permit the relocation of a single family dwelling. This represents a variance of 1.11 metres (3.65 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.*

7. **APPEAL:** **BOV00393**
- APPLICANT:** **Tobias Luis Marcoux and Roneen Louise Marcoux**
- LOCATION:** **Legal Description:** LOT 7, BLOCK D, SECTION 1,  
NANAIMO DISTRICT, PLAN 584, EXCEPT THAT PART  
IN PLAN VIP59026  
**Civic address: 645 Nicol Street**

**PURPOSE:** The applicant is requesting that the required side yard setback be reduced from 1.5 metres (4.92 feet) to 1.21 metres (3.96 feet) in order to permit a structural alteration to an accessory building which is non-conforming as to siting. This represents a variance of 0.29 metres (0.96 feet).

**ZONING REGULATIONS:**

This property is included in the Residential Duplex Zone (RM-1a) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

*"Section 7.1.6.2 – Yard Requirements*

*Side yard 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."*

8.     **APPEAL:**                   **BOV00394**
- APPLICANT:**           **673587 BC LTD**
- LOCATION:**           **Legal Description:**     THAT PART OF SECTION 29,  
                                          RANGE 18 OF SECTION 7, NANAIMO DISTRICT, PLAN  
                                          630 LYING TO THE NORTH OF A STRAIGHT  
                                          BOUNDARY JOINING POINTS ON THE EASTERLY  
                                          AND WESTERLY BOUNDARIES OF SAID SECTION  
                                          DISTANT 175 FEET AND 175 FEET RESPECTIVELY  
                                          FROM THE NORTH EAST AND NORTH WEST  
                                          CORNERS OF SAID SECTION AND SHOWN  
                                          OUTLINED IN RED ON PLAN DEPOSITED UNDER DD  
                                          27585I  
                                          **Civic address: 10-1226 Lawlor Road**
- PURPOSE:**     The applicant is requesting that the required front yard setback  
                                  be reduced from 4.5 metres (14.76 feet) to 2.21 metres (7.25 feet) and the  
                                  required rear yard setback be reduced from 3 metres (9.84 feet) to 0.64 metres  
                                  (2.09 feet) in order to permit the siting of a mobile home. This represents a front  
                                  yard variance of 2.29 metres (7.51 feet) and a rear yard variance of 2.36 metres  
                                  (7.75 feet).
- ZONING REGULATIONS:**  
          This property is included in the Mobile Home Park Subdivision Zone (RM-8) and  
          the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning  
          Bylaw 4000":
- "Section 7.8.6.2 – Yard Requirements – Individual Mobile Home Lot  
          A front yard of not less than 4.5 metres (14.76 feet) shall be provided."*
- "Section 7.8.6.4 – Yard Requirements – Individual Mobile Home Lot  
          A rear yard of not less than 3 metres (9.84 feet) shall be provided."*
9.     **APPEAL:**                   **BOV00395**
- APPLICANT:**           **673587 BC LTD**
- LOCATION:**           **Legal Description:**     THAT PART OF SECTION 29,  
                                          RANGE 18 OF SECTION 7, NANAIMO DISTRICT, PLAN  
                                          630 LYING TO THE NORTH OF A STRAIGHT  
                                          BOUNDARY JOINING POINTS ON THE EASTERLY  
                                          AND WESTERLY BOUNDARIES OF SAID SECTION  
                                          DISTANT 175 FEET AND 175 FEET RESPECTIVELY  
                                          FROM THE NORTH EAST AND NORTH WEST

CORNERS OF SAID SECTION AND SHOWN  
OUTLINED IN RED ON PLAN DEPOSITED UNDER DD  
27585I  
**Civic address: 16-1226 Lawlor Road**

**PURPOSE:** The applicant is requesting that the required front yard setback be reduced from 4.5 metres (14.76 feet) to 0.99 metres (3.25 feet) and the required rear yard setback be reduced from 3 metres (9.84 feet) to 0.99 metres (3.25 feet) in order to permit the siting of a mobile home. This represents a front yard variance of 3.51 metres (11.51 feet) and a rear yard variance of 2.01 metres (6.59 feet).

**ZONING REGULATIONS:**

This property is included in the Mobile Home Park Subdivision Zone (RM-8) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

*"Section 7.8.6.2 – Yard Requirements - Individual Mobile Home Lot  
A front yard of not less than 4.5 metres (14.76 feet) shall be provided."*

*"Section 7.8.6.4 – Yard Requirement - Individual Mobile Home Lot  
A rear yard of not less than 3 metres (9.84 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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