

CITY OF NANAIMO

BOARD OF VARIANCE

**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD ON THURSDAY, 2007-JULY-19th, IN THE BOARD ROOM,
CITY HALL, 455 WALLACE STREET, NANAIMO, BC**

PRESENT: Patricia Portsmouth, Acting Chair
Dorothy Rispin
Jerome Howell

STAFF: David Pady

1. CALL TO ORDER:

The meeting was called to order at 6:55 p.m.

2. MINUTES

MOVED by Jerome Howell SECONDED by Dorothy Rispin, that the minutes of the meeting held 2007-June-21st be adopted

CARRIED

3. 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."

DISCUSSION

Mrs. Doris Elaine Guest (635 Lambert 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-January-19th)

CARRIED

4. **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-16th 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.*

DISCUSSION

Mr. Dan Wurth and Mrs. Paula Wurth (3323 Savannah Place) and Mr. Chris Bragg (2320 Whitney Road) 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-January-19th)

CARRIED

5. **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".

DISCUSSION

Mr. Kamran Mehrassa (4520 Sheridan Ridge) appeared in support of the appeal.

DECISION

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

CARRIED

6. **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.*

DISCUSSION

Mr. Michael Plavetic (4525 Wellington Road) appeared in support of the appeal. Mr. Flavio Tonella (270 Canterbury Crescent) and Mr. Roger Falkiner (260 Canterbury Crescent) appeared in opposition to the appeal.

DECISION

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

CARRIED

7. **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.*

DISCUSSION

Mr. Edmund Chan and Mrs. Sydney Robertson Chan (102-2381 Trinity Street, Vancouver BC) and Mr. Gino Sedola (153 Irwin Street) appeared in support of the appeal.

DECISION

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

The approved variance was greater than that which was indicated on the notification package; therefore, due to procedural issues regarding notification of adjacent properties, the approval is not valid. This item will be **deferred** until the next meeting to be held 2007-August-16th.

CARRIED

8. **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."

DISCUSSION

Mr. Tobias Marcoux (645 Nicol Street) and Ms. Lisa Bury (567 Bradley Street) appeared in support of the appeal.

DECISION

MOVED by Dorothy Rispin, SECONDED by Jerome Howell that the appeal be **approved**. Approval is subject to a building permit being issued within 6 months (2008-January-19th)

CARRIED

9. **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 275851
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."*

DISCUSSION

Mr. Keith Colton (2834 Hallberg Road, Ladysmith, BC), Mr. John Lee (673587 BC LTD), Ms. Suzy Lee (28-1226 Lawlor Road), Ms. Irene Bremsak (4580 Cedarcrest Avenue, North Vanvouver, BC), Mr. Don Rakowski (20-1226 Lawlor Road) and Ms. Patricia Wilson (23-1226 Lawlor Road) appeared in support of the appeal.

DECISION

MOVED by Dorothy Rispin, SECONDED by Jerome Howell that the appeal be **approved**. Approval is subject to a building permit being issued within 6 months (2008-January-19th)

CARRIED

10. **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 275851
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."*

DISCUSSION

Mr. Keith Colton (2834 Hallberg Road, Ladysmith, BC), Mr. John Lee (673587 BC LTD), Ms. Suzy Lee (28-1226 Lawlor Road), Ms. Irene Bremsak (4580 Cedarcrest Avenue, North Vancouver, BC), Mr. Don Rakowski (20-1226 Lawlor Road) and Ms. Patricia Wilson (23-1226 Lawlor Road) appeared in support of the appeal.

DECISION

MOVED by Dorothy Rispin, SECONDED by Jerome Howell that the appeal be **approved**. Approval is subject to a building permit being issued within 6 months (2008-January-19th).

CARRIED

11. ATTENDANCE

It was determined that Patricia Portsmouth, Jerome Howell and Dorothy Rispin will be in attendance for the meeting to be held 2007-August-16th.

Roger Richer expressed regret at not being able to attend the meetings held 2007-June-21st, July-19th, and to be held August-16th.

Dan Hooper expressed regret at not being able to attend the meeting held 2007-July-19th.

12. **ADJOURNMENT**

MOVED by Jerome Howell, SECONDED by Dorothy Rispin, that the meeting be adjourned at 8:15 p.m.

CARRIED

Roger Richer
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
BOVminutesJuly2007.doc