

CITY OF NANAIMO
BOARD OF VARIANCE

**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD ON THURSDAY, 2007-JUNE-21st, 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
David Stewart

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-May-17th be adopted

CARRIED

3. **APPEAL:** BOV00384

APPLICANT: Doug Poulson and Jeanette Anderton

LOCATION: **Legal Description:** PARCEL A (DD 8365-N) OF LOTS 24 AND 25, BLOCK 1, SECTION 1, NANAIMO DISTRICT, PLAN 1476
Civic address: 309 Pine Street

PURPOSE: The applicant is requesting that the required front yard setback be reduced from 6 metres (19.69 feet) to 0.7 metres (2.30 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 5.3 metres (17.39 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 6.1.6.1 – Yard Requirements
A front yard of not less than 6 metres (19.69 feet) in 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. Doug Poulson and Ms. Jeanette Anderton (13 Kennedy Street) 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 (2007-December-21st)

CARRIED

4. **APPEAL:** BOV00385

APPLICANT: Larry McCafferty

LOCATION: **Legal Description:** LOT 38, DISTRICT LOT 14, WELLINGTON DISTRICT, PLAN VIP56051
Civic Address: 5105 Sam's Way

PURPOSE: The applicant is requesting that required rear yard setback be reduced from 7.5 metres (24.6 feet) to 4.7 metres (15.42 feet) in order to construct an addition to a single family dwelling. This represents a variance of 2.8 metres (9.18 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 6.1.6.3- Yard Requirements

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

DISCUSSION

Mr. Larry McCafferty and Mrs. Mary McCafferty (5105 Sam's Way) appeared in support of the appeal.

DECISION

MOVED by Dan Hooper, SECONDED by Jerome Howell that the appeal be **granted**. Approval is subject to a building permit being issued within 6 months (2007-December-21st)

CARRIED

5. **APPEAL:** BOV00386

APPLICANT: Denis Prue and Pat James

LOCATION: **Legal Description:** LOT 79, DISTRICT LOT 55, WELLINGTON DISTRICT, PLAN 25430
Civic Address: 5007 Laguna 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 8.61 metres (28.24 feet) in order to complete construction of a single family dwelling. This represents a variance of 0.36 metres (1.18 feet).

ZONING REGULATIONS:

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

"Section 6.2.7.1- 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. Denis Prue and Ms. Patricia James (5007 Laguna Way) appeared in support of the appeal.

DECISION

MOVED by Dorothy Rispin, SECONDED by Dan Hooper that the appeal be **granted**.

CARRIED

6. **APPEAL:** **BOV00387**

APPLICANT: **Ruthalena Weiss**

LOCATION: **Legal Description:** PARCEL A (DD 2846-N) OF SECTION B, LOT 1, BLOCK Y, SECTION 1, NANAIMO DISTRICT, PLAN 584
Civic Address: 820 Fitzwilliam Street

PURPOSE: The applicant is requesting that the required rear yard setback be reduced from 7.5 metres (24.6 feet) to 0.55 metres (1.80 feet) in order to permit the completion of a recently constructed addition to a single family dwelling which is non-conforming as to siting. This represents a variance of 6.95 metres (22.80 feet).

Please note: The applicant previously applied to the Board for the meeting held 2006-December-19th to vary the rear yard setback from 7.5 metres (24.6 feet) to 0 metres (0 feet) in order to permit the construction of an addition to a single family dwelling. The Board denied the variance.

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 6.1.6.3- Yard Requirements

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

Ms. Ruthalena Weiss (820 Fitzwilliam Street) and Mr. Garry Weiss (2974 Evergreen Street, Abbotsford BC) appeared in support of the appeal.

DECISION

MOVED by Dan Hooper, SECONDED by Jerome Howell that the appeal be **granted**. Approval is subject to a building permit being issued within 6 months (2007-December-21st)

CARRIED

7. **ATTENDANCE**

It was determined that Patricia Portsmouth, Jerome Howell and Dorothy Rispin will be in attendance for the meeting to be held 2007-July-19th.

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

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

8. **ADJOURNMENT**

MOVED by Jerome Howell, SECONDED by Dorothy Rispin, that the meeting be adjourned at 7:17 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
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