

**BOARD OF VARIANCE MEETING  
TO BE HELD IN THE BOARD ROOM OF CITY HALL,  
THURSDAY, MAY 17<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-April-19<sup>th</sup>

2. **APPEAL:** **BOV00381**

**APPLICANT:** **Tricia Watson**

**LOCATION:** **Legal Description:** LOT A, DISTRICT LOT 97G,  
SECTION 1, NANAIMO DISTRICT, PLAN 18344  
**Civic address: 1580 Grant Avenue**

**PURPOSE:** The applicant is requesting that the required rear yard setback be reduced from 7.5 metres (24.60 feet) to 1.2 metres (3.94 feet) in order to construct an addition to a single family dwelling. This represents a variance of 6.3 metres (20.66 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 6.1.6.3 – Yard Requirements*

*A rear yard of not less than 7.5 metres (24.60 feet) in depth shall be provided for a principle building.*

3. **APPEAL:** **BOV00382**

**APPLICANT:** **Darin Abbey**

**LOCATION:** **Legal Description:** PARCEL B (DD 41759-N) OF  
LOTS 1 AND 2, BLOCK 2, SECTION 1, NANAIMO  
DISTRICT, PLAN 1465  
**Civic Address: 87 Ashlar Avenue**

**PURPOSE:** The applicant is requesting that the front yard setback be reduced from 6 metres (19.96 feet) to 1.1 metres (3.61 feet) in order to accommodate a structural alteration to single family dwelling which is non-conforming as to siting. This represents a variance of 4.9 metres (16.35 feet).

Please note: At their meeting held 2005-July-21<sup>st</sup> the Board approved the above noted variance. As a condition of approval the applicant was informed, a building permit must be issued within 3 months of the date of the approval (2005-October-21<sup>st</sup>). No building permit has been issued to this date and the variance has subsequently expired.

**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 (19.96 feet) 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."*

**4. APPEAL: BOV00383**

**APPLICANT: Allan J. Herle**

**LOCATION: Legal Description: LOT 19, SECTION 1,  
WELLINGTON DISTRICT, PLAN 5439  
Civic Address: 2705 Departure Bay Road**

**PURPOSE:** The applicant is requesting that the maximum height of a single family dwelling be increased from 6.71 metres (22 feet) to 7.92 metres (25.98 feet) in order to construct a roof-top deck on a single family dwelling. This represents a variance of 1.21 metres (3.97 feet).

Please note: that the Council of the City of Nanaimo, during its regular meeting held on 2007-January-22<sup>nd</sup>, approved the issuance of the Development Variance Permit for the above-noted location to vary the front yard setback for the subject property from 10 metres (32.8 feet) to 7.5 metres (24.6 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 ( $\geq$ 4:12)*	8.25 metres (27.06 feet)

*\* for an area of at least 80% of all roof surfaces measured in plan view.*

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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