

CITY OF NANAIMO

BOARD OF VARIANCE

**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD ON THURSDAY, 2007-MAY-17th, IN THE BOARD ROOM,
CITY HALL, 455 WALLACE STREET, NANAIMO, BC**

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

STAFF: David Stewart

1. **CALL TO ORDER:**
The meeting was called to order at 7:02 p.m.
2. **MINUTES**
MOVED by Dan Hooper SECONDED by Jerome Howell, that the minutes of the meeting held 2007-April-19th be adopted
CARRIED
3. **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.

DISCUSSION

Ms. Tricia Watson (1580 Grant Avenue) and Mr. Craig Hobbis (4705 Ross Road) 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-November-17th)

CARRIED

4. **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-21st 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-21st). 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."

DISCUSSION

Mr. Darin Abbey and Ms. Fiona Menninga (87 Ashlar Avenue) appeared in support of the appeal.

DECISION

MOVED by Jerome Howell, SECONDED by Dan Hooper that the appeal be **granted**. Approval is subject to a building permit being issued within 6 months (2007-November-17th)

CARRIED

5. **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-22nd, 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 (≥ 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. Allan J. Herle and Ms. Laura Tate (2363 Rosstown Road) appeared in support of the appeal.

DECISION

MOVED by Jerome Howell, SECONDED by Dan Hooper that the appeal be **granted**. Approval is subject to a building permit being issued within 6 months (2007-November-17th)

CARRIED

5. **ATTENDANCE**

It was determined that all members be in attendance for the meeting to be held 2007-June-21st.

Roger Richer expressed regret at not being able to attend the meetings held 2007-May-17th.

6. **ADJOURNMENT**

MOVED by Dan Hooper, SECONDED by Jerome Howell, that the meeting be adjourned at 7:35 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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