

CITY OF NANAIMO

BOARD OF VARIANCE

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

PRESENT: Roger Richer, Chairperson
Dan Hooper
Dorothy Rispin
Patricia Portsmouth

STAFF: Jason Carvalho

1. **CALL TO ORDER:**
The meeting was called to order at 7:00 p.m.
2. **MINUTES**
MOVED by Dorothy Rispin SECONDED by Dan Hooper, that the minutes of the meeting held 2007-March-15th be adopted
CARRIED
3. **APPEAL:** **BOV00377**

APPLICANT: **Wilco Construction Ltd.**

LOCATION: **Legal Description:** LOT 33, SECTION 1, NANAIMO DISTRICT,
PLAN VIP79549
Civic address: 685 Sarum Rise Way

PURPOSE: The applicant is requesting that the maximum height of an accessory building be increased from 4.5 metres (14.76 feet) to 5.1 metres (16.73 feet) in order to construct an accessory building. This represents a variance of 0.6 metres (1.97 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 6.1.7.4- Accessory Buildings and Structures
The maximum height of an accessory building shall not exceed 4.5 metres
(14.76 feet)."*

DISCUSSION

Mr. Trevor Wilson and Mrs. Chantelle Wilson (Box 392, Saltspring Island, BC) appeared in support of the appeal.

DECISION

MOVED by Patricia Portsmouth, SECONDED by Dorothy Rispin that the appeal be **granted**.
Approval is subject to a building permit being issued within 6 months (2007-October-19th)

CARRIED

4. **APPEAL:** **BOV00378**

APPLICANT: **Gary Brian Brown**

LOCATION: **Legal Description:** THE WEST 1/2 OF LOT 1 BLOCK 20,
SECTION 1, NANAIMO DISTRICT, PLAN 584
Civic Address: 575 Selby Street

PURPOSE: The applicant is requesting that the required rear yard setback be reduced from 7.5 metres (24.60 feet) to 6.2 metres (20.34 feet) in order to construct an addition to a single family dwelling which is non-conforming as to siting. This represents a variance of 1.3 metres (4.26 feet).

ZONING REGULATIONS:

This property is included in the Old City Medium Density Multiple Family Residential Zone (RM-10) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 7.10.6.3 – Yard Requirements

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

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. Brian Brown and Mr. Adam Parker (Box 2239, Ladysmith, BC) appeared in support of the appeal.

DECISION

MOVED by Patricia Portsmouth, SECONDED by Dan Hooper that the appeal be **granted**. Approval is subject to a building permit being issued within 6 months (2007-October-19th)

CARRIED

5. **APPEAL:** **BOV00379**

APPLICANT: **Kerry Smith**

LOCATION: **Legal Description:** LOT 8, BLOCK 10, SECTION 1,
WELLINGTON DISTRICT, PLAN 414
Civic Address: 2875 Fairbanks Street

PURPOSE: The applicant is requesting the side yard setback be reduced from 1.5 metres (4.92 feet) to 1.15 metres (3.77 feet) in order to construct an addition to an existing single dwelling. This represents a variance of 0.35 metres (1.15 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 6.1.6.2- Yard Requirements

Side yards of not less than 1.5 metres (4.92 feet) for each side yard shall be provided."

DISCUSSION

Mr. Kerry Smith (2875 Fairbanks Street) appeared in support of the appeal.

DECISION

MOVED by Dan Hooper, SECONDED by Patricia Portsmouth that the appeal be **granted**. Approval is subject to a building permit being issued within 6 months (2007-October-19th)

CARRIED

5. **APPEAL:** **BOV00380**

APPLICANT: **Arthur Edward Smith**

LOCATION: **Legal Description:** LOT A, SECTION 2, WELLINGTON DISTRICT, PLAN 15525, EXCEPT PLAN 41572
Civic Address: **2901 Hammond Bay Road**

PURPOSE: The applicant is requesting that the required front yard setback be reduced from 7.5 metres (24.60 feet) to 3.8 metres (12.46 feet) in order to construct an addition to a single family dwelling which is non-conforming as to siting. This represents a variance of 3.7 metres (12.14 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 5.2.1 – Location and Siting of Buildings and Structures to Major Roads

Principal or accessory buildings or structures shall not be closer than....7.5 metres (24.6 feet) from a property line that abuts established urban arterials, urban collector roads and provincial highways as designated by the City of Nanaimo Official Community Plan, when dedication has occurred to achieve the required right-of-way.

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. Edward Smith and Ms. Penny McRae (2901 Hammond Bay Road) appeared in support of the appeal.

DECISION

MOVED by Dorothy Rispin, SECONDED by Dan Hooper that the appeal be **granted**. Approval is subject to a building permit being issued within 6 months (2007-October-19th)

6. **ATTENDANCE**

It was determined that all members be in attendance for the meeting to be held 2007-May-17th.

Jerome Howell expressed regret at not being able to attend the meetings held 2007-April-19th.

7. **ADJOURNMENT**

MOVED by Dan Hooper, SECONDED by Patricia Portsmouth, that the meeting be adjourned at 7:11 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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