

CITY OF NANAIMO

BOARD OF VARIANCE

**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD ON THURSDAY, 2007-MARCH-15th, IN THE BOARD ROOM,
CITY HALL, 455 WALLACE STREET, NANAIMO, BC**

PRESENT: Roger Richer, Chairperson
Dan Hooper
Dorothy Rispin

STAFF: David Stewart
Dave Pady

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 2006-February-15th be adopted
CARRIED

3. **APPEAL:** **BOV00372**

APPLICANT: **Cory Charles Porter**

LOCATION: **Legal Description:** LOT 12, SECTION 16, RANGE 4, CRANBERRY DISTRICT, PLAN VIP77863
Civic address: 1794 Rajeena 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 (Large Lot) Zone (RS-2) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 6.2.7.4- Accessory Buildings and Structures

The maximum height of an accessory building shall not exceed 4.5 metres (14.76 feet)".

DISCUSSION

Mr. Cory Porter (1794 Rajeena Way), Mr Chad Porter and Ms. Allison Hempel (1660 Sherwood Drive) 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-September-15th)

CARRIED

4. **APPEAL:** **BOV00373**

APPLICANT: **Andrew John Rodocanachi**

LOCATION: **Legal Description:** THE WESTERLY 37 FEET OF LOT 1,
SECTION 1, NANAIMO DISTRICT, PLAN 4377
Civic Address: 821 Farquhar Street

PURPOSE: The applicant is requesting that:

- 1) the front yard setback be reduced from 6 metres (19.69 feet) to 2.6 metres (8.53 feet)
 - 2) the maximum lot coverage be increased from 40% to 40.8%
- in order to construct an addition to an existing single family dwelling which is non-conforming as to siting. This represents a front yard setback variance of 3.4 metres (11.16 feet) and a lot coverage variance of 0.48%.

ZONING REGULATIONS:

This property is included in the Residential Triplex and Quadruplex Zone (RM-2) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 7.2.7-Yard Requirements

A front yard of not less than 6 metres (19.69 feet) shall be provided."

"Section 7.2.5 – Lot Coverage

The maximum lot coverage shall not exceed 40% of the lot area."

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. Andrew Rodocanachi (821 Farquhar Street) appeared in support of the appeal.

DECISION

MOVED by Dan Hooper, SECONDED by Dorothy Rispin that the appeal be **granted**. Approval is subject to a building permit being issued within 6 months (2007-September-15th)

CARRIED

5. **APPEAL:** **BOV00374**

APPLICANT: **Terry Fiddick**

LOCATION: **Legal Description:** LOT 1, NEWCASTLE RESERVE, SECTION 1,
NANAIMO DISTRICT, PLAN 48118 EXCEPT PART IN PLAN VIP71940
Civic Address: 1321 Stewart Avenue

PURPOSE: The applicant is requesting the side yard setback be reduced from 1.5 metres (4.92 feet) to 0.3 metres (0.98 feet) in order to permit a structural alteration to an existing single family dwelling. This represents a variance of 1.2 metres (3.94 feet).

Please note: At their meeting held 2006-June-15th 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 (2006-October-15th). 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 6.1.6.2- Yard Requirements

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

DISCUSSION

Mr. Terry Fiddick (1611 Brierly Hill) 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-September-15th)

CARRIED

5. **APPEAL:** **BOV00375**

APPLICANT: **Tracey Benoit**

LOCATION: **Legal Description:** LOT 14, SECTION 1, NANAIMO
DISTRICT, PLAN 6044,
Civic Address: 840 Brechin Road

PURPOSE: The applicant is requesting that the maximum height of a single family dwelling be increased from 8.25 metres (27.06 feet) to 9.78 metres (32.09 feet) in order to add an additional floor to an existing single family dwelling. This represents a variance of 1.53 metres (5.03 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- Height of Buildings

The height of a principal building shall not exceed the maximum height shown in the following table:

<i>Roof Pitch</i>	<i>Maximum Height</i>
<i>A flat roof (< than 4:12)</i>	<i>6.71 metres (22 feet)</i>
<i>A sloped roof (≥ 4:12)</i>	<i>8.25 metres (27.06 feet)</i>

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

Discussion

Please note that the appeal was **withdrawn** by the applicant prior to the meeting. The Board did not make any motion regarding the appeal.

6. **APPEAL:** **BOV00376**

APPLICANT: **Allison Chang**

LOCATION: **Legal Description:** STRATA LOT 188, SECTION 5, WELLINGTON
DISTRICT, STRATA PLAN 830. TOGETHER WITH AN INTEREST IN
Board of Variance Minutes
2007-March-15th

THE COMMON PROPERTY IN PROPORTION TO THE UNIT
ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1
Civic Address: 380 Woodhaven Drive

PURPOSE: The applicant is requesting the side yard setback be reduced from 1.5 metres (4.92 feet) to 0.8 metres (2.62 feet) in order to permit a recently constructed stairway on a single family dwelling. This represents a variance of 0.7 metres (2.30 feet).

ZONING REGULATIONS:

This property is included in the Single Family Bare Land Strata Zone (RS-5) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 6.5.7.2- Yard Requirements

Side yards shall be provided with a minimum width of 1.5 metres (4.92 feet) for each side yard."

Discussion

Mr. John Lam (6146 McGirr Road) and Mr. Gary Reynolds (6447 Wedgewood Place) appeared in support of the appeal.

Decision

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

CARRIED

7. ATTENDANCE

It was determined that Jerome Howell will not be in attendance for the meeting to be held 2007-April-19th. All other members will be present.

Patricia Portsmouth expressed regret at not being able to attend the meetings held 2007-February-15th, 2007-March-15th.

8. ADJOURNMENT

MOVED by Dan Hooper, SECONDED by Dorothy Rispin, that the meeting be adjourned at 7:05 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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