

CITY OF NANAIMO

BOARD OF VARIANCE

**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD ON THURSDAY, 2006-DECEMBER-19th, IN THE BOARD ROOM,
CITY HALL, 455 WALLACE STREET, NANAIMO, BC**

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

STAFF: David Stewart
Dave Pady

1. **CALL TO ORDER:**
The meeting was called to order at 7:00 p.m.

2. **MINUTES**
MOVED by Patricia Portsmouth SECONDED by Jerome Howell, that the minutes of the meeting held 2006-November-16th be adopted

CARRIED

MOVED by Dan Hooper SECONDED by Dorothy Rispin, that the minutes of the meeting held 2006-October-19th be adopted.

CARRIED

3. **APPEAL:** **BOV00353**

APPLICANT: **Ruthalena Johanna Weis**

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:
1) the rear yard setback be reduced from 7.5 metres (24.6 feet) to 0 metres (0 feet); and
2) the maximum allowable lot coverage be increased from 40% to 40.74% in order to permit a recently constructed addition to a single family dwelling which is non-conforming as to siting. This represents a setback variance of 7.5 metres (24.6 feet) and a lot coverage variance of 0.74%.

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."

“Section 6.1.5- 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. Severino Grando (296 Machleary Street) appeared in opposition to this appeal.

No one appeared in support of this appeal.

DECISION

MOVED by Patricia Portsmouth, SECONDED by Jerome Howell that the appeal be **denied**.

CARRIED

4. APPEAL: BOV00364

APPLICANT: Gunter Heinz Zimmer and Julie Anne Zimmer

LOCATION: **Legal Description:** LOT 15, SECTION 2,
WELLINGTON DISTRICT, PLAN 14324
Civic Address: 1605 Bay Street

PURPOSE: The applicant is requesting that the side yard setback be reduced from 1.5 metres (4.92 feet) to 1.32 metres (4.33 feet) in order to construct an addition to a single family dwelling which is non-conforming as to siting. This represents a variance of 0.18 metres (0.59 feet).

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”:

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

DISCUSSION

DECISION

MOVED by Dan Hopper, SECONDED by Jerome Howell, that the appeal be **granted**. Approval is subject to a building permit being issued within 6 months (2007-June-19th)

5. APPEAL: BOV00365

APPLICANT: Angus John Campbell and Sherryl Anne Campbell

LOCATION: **Legal Description:** LOT 2, SECTION 2,
WELLINGTON DISTRICT PLAN 14047
Civic Address: 2912 Hammond Bay Road

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 5.2.1.1- Yard Requirements

10 metres (32.8 feet) from a property line that abuts established urban arterials, urban collector roads and provincial highways, as designated by the Official Community Plan, when the required dedication to achieve the required right-of-way width has not occurred to facilitate the widening of the major road."

DISCUSSION

No one appeared in support of this 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-June-16th)

CARRIED

6. ATTENDANCE

It was determined that all members will be in attendance at the meeting to be held on 2007-January-18th.

7. ADJOURNMENT

MOVED by Dan Hooper, SECONDED by Dorothy Rispin, that the meeting be adjourned at 7:20 p.m.

CARRIED

Roger Richer
Chairperson, Board of Variance

Dave Stewart
Secretary, Board of Variance

ec Planning and Development Department
Building Inspection Department
Bylaw Services Department
Cam Scott, Communications Officer
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