

**BOARD OF VARIANCE MEETING
TO BE HELD IN THE BOARD ROOM OF CITY HALL,
THURSDAY, OCTOBER 19TH, 2006 AT 7:00 P.M.,
455 WALLACE STREET, NANAIMO, B.C.**

AGENDA

1. Adoption of Minutes of the Board of Variance Meeting held 2006-September-21st

2. **APPEAL:** **BOV00357**

APPLICANT: **Irwin Neville Axness and Barbara Diane Axness**

LOCATION: **Legal Description:** LOT 4, DISTRICT LOT 38,
WELLINGTON DISTRICT, PLAN VIP78353
Civic Address: 5550 Norton Road

PURPOSE: The applicant is requesting that the flanking side yard setback be reduced from 4 metres (13.12 feet) to 3.60 metres (11.81 feet) in order to construct a single family dwelling. This represents a variance of 0.4 metres (1.31 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 6.1.6.2- Yard Requirements

Side yards of not less than 1.5 metres (4.92 feet) for each side yard shall be provided. In the case of a corner lot, the side yard adjoining the flanking street shall not be less than 4 metres (13.12 feet). "

3. **APPEAL:** **BOV00320**

APPLICANT: **Alana Dawn Foster**

LOCATION: **Legal Description:** LOT 10, BLOCK 4, SECTION 1,
NANAIMO DISTRICT, PLAN 1352
Civic Address: 633 Hamilton Avenue

PURPOSE: The applicant is requesting the front yard setback be reduced from 6.0 metres (19.69 feet) to 4.43 metres (14.53 feet) in order to construct an addition to a single family dwelling which is non-conforming as to siting. This represents a variance of 1.57 metres (5.16 feet)

Please note: At their meeting of 2006-May-18 the Board approved the above variance. As a condition of approval the applicant was informed, a building permit must be issued within 3 months of the date of approval (2006-August-18th). No building permit application was received prior 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 (19.69 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: BOV00358

APPLICANT: Rena Ann Poulsen and Clay Edward Volen

**LOCATION: Legal Description: LOT B, SECTION 2, WELLINGTON DISTRICT, PLAN VIP77992
Civic Address: 1672 Sheriff Way**

PURPOSE: The applicant is requesting that:

- 1) the maximum height of a principal dwelling be increased from 6.71 metres (22 feet) to 10.44 metres (34.25 feet); and
- 2) the rear yard setback be reduced from 7.5 metres (24.6 feet) to 6.3 metres (20.67 feet)

in order to construct a single family dwelling. This represents a height variance of 3.73 metres (12.25 feet) and a rear yard setback variance of 1.2 metres (3.93 feet).

Please note: The applicant previously applied to the Board of Variance to increase the maximum allowable height for a dwelling from 6.71 metres (22 feet) to 8.84 metres (29 feet) in order to construct a single family dwelling. This represents a variance of 2.13 metres (7 feet). The variance was granted during the meeting held on 2006-June-15th.

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 6.2.7.1- 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.*

5. **APPEAL:** **BOV00359**

APPLICANT: **James Thomas Routledge**

LOCATION: **Legal Description:** LOT 2, DISTRICT LOT 20,
WELLINGTON DISTRICT, PLAN 18371
Civic Address: 6021 Hammond Bay Road

PURPOSE: The applicant is requesting that the major road setback be reduced from 10 metres (32.8 feet) to 3.8 metres (12.47 feet) in order to relocate a detached garage. This represents a variance of 6.2 metres (20.34 feet)

Please note: The above noted property currently has an active subdivision application. The above variance is measured from the existing lot lines; however, the completion of the subdivision and dedication of Hammond Bay Road will not result in a further contravention of the bylaw then that proposed in the above variance.

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- Location and Siting of Buildings and Structures- to Major Roads
Principal or accessory buildings or structures shall not be closer than... 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 widening of a major road."*

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
 J. Holm, Subdivision Planner, DSD
 C. Nesselbeck, Acting Manager, Property Services, DSD
 R. Topliffe, Acting Manager, Building Inspection Division, DSD
 G. Trimmer, Engineering Liaison/Support Technician, Engineering &
 Environmental Division, DSD
ec J. Carvalho, Planner, DSD
 C. Scott, Communications Officer
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