

CITY OF NANAIMO

BOARD OF VARIANCE

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

PRESENT: Roger Richer, Chairperson
Dan Hooper
Dorothy Rispin

STAFF: David Stewart

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-September-21st be adopted as amended.

CARRIED

3. **OTHER BUSINESS**
MOVED by Dan Hooper SECONDED by Dorothy Rispin that where a building permit is required, Board of Variance approvals be subject to a building permit being issued within 6 months as opposed to 3 months.

CARRIED

4. **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":

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). ”

Mr. Brian Henning, Land Surveyor (523 Vancouver Avenue) appeared in support of this appeal.

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-April-19th)

4. APPEAL: BOV00320

APPLICANT: Alana Dawn Foster

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

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”:

"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

Ms. Alana Foster and Mr. Doug Carlson (3784 Avonlea Drive) appeared in support of this 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-April-19th)

CARRIED

5. 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.*

DISCUSSION

Ms. Rena Poulsen and Mr. Clay Volen (1674 Sherwood Drive) appeared in support of the appeal.

DECISION

MOVED by Dan Hooper, SECONDED by Dorothy Rispin that the appeal be **granted**, as depicted on the plans that were presented to the Board on 2006-October-19th. Approval is subject to a building permit being issued within 6 months (2007-April-19th)

CARRIED

6. **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."*

DISCUSSION

Mr. Jim Routledge (6021 Hammond Bay Road) appeared in support of this 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-April-19th)

CARRIED

7. ATTENDANCE

It was determined that all members present will be in attendance at the meeting to be held 2006-November-16th.

8. ADJOURNMENT

MOVED by Dan Hooper, SECONDED by Dorothy Rispin, that the meeting be adjourned at 7:15 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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