

**BOARD OF VARIANCE MEETING
TO BE HELD IN THE BOARD ROOM OF CITY HALL,
THURSDAY, SEPTEMBER 21ST, 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-August-17th

2. **APPEAL:** **BOV00349**

APPLICANT: **Pamela Ann Scaife**

LOCATION: **Legal Description:** LOT 2, DISTRICT LOT 53,
WELLINGTON DISTRICT, PLAN VIP75172
Civic Address: 6504 Kestrel Crescent

PURPOSE: The applicant is requesting that:

- 1) the side yard setback be reduced from 1.5 metres (4.92 feet) to 0 metres (0 feet)
 - 2) the maximum allowable projection into a rear yard be increased from 2 metres (6.56 feet) to 2.78 metres (9.12 feet);
- in order to construct a wheelchair ramp for a proposed day-care in a single family dwelling. This represents a side yard setback variance of 1.5 metres (4.92 feet) and a projection variance of 0.78 metres (2.56 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"

"Section 5.4.2- Projections

The maximum projection into the required front and rear yard shall be 2 metres (6.56 feet) or half the distance of the required setback whichever is less"

3. APPEAL: BOV00350

APPLICANT: Keith Dennis Fox and Margaret Jean Fox

LOCATION: Legal Description: LOT 5, BLOCK 16, SECTION 1, NANAIMO DISTRICT, PLAN 584, EXCEPT PARCEL B (DD 982N)
Civic Address: 67 Robarts Street

PURPOSE: The applicant is requesting that the front yard setback be reduced from 6 metres (19.69 feet) to 3.66 metres (12 feet) in order to construct an addition to a single family dwelling which is non-conforming as to siting. This represents a variance of 2.34 metres (7.69 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 7.10.6.1- Yard Requirements

A front yard of not less than 6 metres (19.69 feet) in depth shall be provided for a principal 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."

4. APPEAL: BOV00351

APPLICANT: Michelle Ann Peakman and Michael Richard McKillican

LOCATION: Legal Description: LOT 8, BLOCK 6, SECTION 5, WELLINGTON DISTRICT, PLAN 318
Civic Address: 4199 Wellesley Avenue

PURPOSE: The applicant is requesting that the maximum permitted height for an accessory building be increased from 4.5 metres (14.76 feet) to 5.64 metres (18.5 feet) in order to construct a detached garage. This represents a height variance of 1.14 metres (3.74 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- Height of Buildings

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

5. APPEAL: BOV00352

APPLICANT: Thomas Wayne Henderson and Brenda Ann Henderson

LOCATION: **Legal Description:** LOT 255, DOUGLAS ISLAND
(ALSO KNOWN AS PROTECTION ISLAND),
NANAIMO DISTRICT, PLAN 14111
Civic Address: 149 Pirates Lane

PURPOSE: The applicant is requesting that the side yard setback be reduced from 1.5 metres (4.92 feet) to 0.20 metres (0.66 feet) for an accessory building, under construction. This represents a variance of 1.3 metres (4.26 feet).

ZONING REGULATIONS:

This property is included in the Single Family Residential Island Zone (RS-4) and the appeal seeks to vary the following provisions of the “City of Nanaimo Zoning Bylaw 4000”:

“Section 6.4.6.2- Yard Requirements

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

6. **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 the rear yard setback be reduced from 7.5 metres (24.6 feet) to 0 metres (0 feet) in order to permit a recently constructed addition to a single family dwelling, which is non-conforming as to siting. This represents a variance of 7.5 metres (24.6 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 6.1.6.3- Yard Requirements

A rear yard of not less than 7.5 metres (24.6 feet) shall be provided for a principal 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."

7. **APPEAL:** **BOV00354**

APPLICANT: **Donald Edward Fauchon**

LOCATION: **Legal Description:** LOT F, DISTRICT LOT 56,
WELLINGTON DISTRICT, PLAN 41255
Civic Address: 3242 Lauren Mary Place

PURPOSE: The applicant is requesting that the side yard setback be reduced from 1.5 metres (4.92 feet) to 0.4 metres (1.31 feet) in order to replace an open deck. This represents a variance of 1.1 metres (3.61 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"

8. APPEAL: BOV00355

APPLICANT: Heatherwood Hills Estates Ltd.

LOCATION: Legal Description: LOT 33, SECTION 19,
RANGE 5, MOUNTAIN DISTRICT, PLAN VIP80216
Civic Address: 2777 Tamara Drive

PURPOSE: The applicant is requesting that:

1) the maximum height of a principal dwelling be increased from 8.25 metres (27.06 feet) to 9.25 metres (30.35 feet); and

2) the maximum allowable height for an accessory building be increased from 4.5 metres (14.76 feet) to 5.52 metres (18.11 feet)

in order to construct a single family dwelling with a detached garage. This represents a height variance of 1.0 metre (3.29 feet) for the principal dwelling, and 1.02 metres (3.35 feet) for the accessory building.

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 6.1.7.1- 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 all roof surfaces measured in plan view"*

"Section 6.1.7.4- Height of Buildings

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

9. **APPEAL:** **BOV00356**

APPLICANT: **Michele Katherine Hawes**

LOCATION: **Legal Description:** LOT 5, SECTIONS 10 AND 11,
RANGE 8, MOUNTAIN DISTRICT, PLAN 1527
Civic Address: 210 Calder Road

PURPOSE: The applicant is requesting that:
1) the maximum height of an accessory building be increased from 4.5 metres (14.76 feet) to 5.11 metres (16.77 feet); and
2) the maximum size of an accessory building be increased from 70 square metres (753.5 square feet) to 101.05 square metres (1087.73 square feet)
In order to construct an accessory building. This represents a height variance of 0.61 metres (2.01 feet) and a gross floor area variance of 31.05 square metres (334.23 square feet).

ZONING REGULATIONS:

This property is included in the Single Family Residential 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- Height of Buildings

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

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
P. Thorkelsson, Manager, Building Inspections, DSD
M. Pilcher, Subdivision Technician, DSD
C. Nesselbeck, Acting Manager, Property Services, DSD
R. Topliffe, Supervisor, 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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