CITY OF NANAIMO

BOARD OF VARIANCE

MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD ON THURSDAY, 2006-SEPTEMBER-21ST, IN THE BOARD ROOM,
CITY HALL, 455 WALLACE STREET, NANAIMO, BC

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

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-August-17th be adopted

CARRIED

3. 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":

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“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”

DISCUSSION
Ms. Pamela Scaife (6504 Kestrel Crescent) 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 3 months (2006-December-21st)

CARRIED

4. 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.”

**DISCUSSION**
Mr. Keith Fox (67 Robarts Street) and Mr. Darcy Fox (425 Milford Street) appeared in support of this appeal.

**DECISION**
MOVED by Dorothy Rispin SECONDED by Jerome Howell that the appeal be granted. CARRIED

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5. 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).”

DISCUSSION
Mr. Michael McKillican (4199 Wellesley Avenue) appeared in support of this appeal.
DECISION
MOVED by Dorothy Rispin SECONDED by Dan Hooper that the appeal be
granted.

CARRIED

6. 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”

DISCUSSION
Mr. Wayne Henderson and Mrs. Brenda Henderson (149 Pirates Lane) appeared
in support of this appeal.

DECISION
MOVED by Jerome Howell SECONDED by Dan Hooper that the appeal be
granted.

CARRIED

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”

DISCUSSION
Mr. Don Fauchon and Mrs. Sharon Fauchon (3242 Lauren Mary Place) appeared in support of this appeal.

DECISION
MOVED by Dan Hooper SECONDED by Jerome Howell that the appeal be granted.

CARRIED

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:

<table>
<thead>
<tr>
<th>Roof Pitch</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>A flat roof (&lt; than 4:12)</td>
<td>6.71 metres (22 feet)</td>
</tr>
<tr>
<td>A sloped roof (≥ 4:12)*</td>
<td>8.25 metres (27.06 feet)</td>
</tr>
</tbody>
</table>

*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)”

DISCUSSION
Mr. Jeff Windley (2777 Tamara Drive) appeared in support of this appeal

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

CARRIED

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)”. 
DISCUSSION
Mr. Devin Hawes (210 Calder Drive) appeared in support of this appeal.

DECISION
MOVED by Dorothy Rispin SECONDED by Jerome Howell that the appeal be granted.

CARRIED

6. ATTENDANCE
It was determined that Jerome Howell will not be absent for the meeting to be held on 2006-October-19th all other members will be present.

7. ADJOURNMENT
MOVED by Dorothy Rispin, SECONDED by Dan Hooper, that the meeting be adjourned at 7:30 p.m.

CARRIED.

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Roger Richer                             Dave Stewart
Chairperson, Board of Variance           Secretary, Board of Variance

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