

**CITY OF NANAIMO**

**BOARD OF VARIANCE**

**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE  
HELD ON THURSDAY, 2006-SEPTEMBER-21<sup>st</sup>, IN THE BOARD ROOM,  
CITY HALL, 455 WALLACE STREET, NANAIMO, BC**

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**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-17<sup>th</sup> 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":



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

- 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:*

<i>Roof Pitch</i>	<i>Maximum Height</i>
<i>A flat roof (&lt; 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)”*

**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-19<sup>th</sup> 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  
Chairperson, Board of Variance

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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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