

**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":

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

*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"*

Ms. Pamela Scaife (6504 Kestrel Crescent) appeared in support of this appeal

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-21<sup>st</sup>)

**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**

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”:

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

## DISCUSSION

## DECISION

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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