

CITY OF NANAIMO

BOARD OF VARIANCE

**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD ON THURSDAY, 2006-AUGUST-17th, IN THE BOARD ROOM,
CITY HALL, 455 WALLACE STREET, NANAIMO, BC**

PRESENT: Roger Richer, Chairperson
Dan Hooper
Dorothy Rispin
Patricia Portsmouth
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 Roger Richer, that the minutes of the meeting held 2006-July-20th be adopted

CARRIED

3. **APPEAL:** **BOV00347**

APPLICANT: **Karen Nicole Von Holstein-Rathlou and Richard Howard Johnstone**

LOCATION: **Legal Description:** SECTION "A" OF LOT 1,
BLOCK P, SECTION 1, NANAIMO DISTRICT, PLAN 584
Civic Address: 492 Pine Street

PURPOSE: The applicant is requesting that:
1) the front yard setback be reduced from 10 metres (32.8 feet) to 7.85 metres (25.75 feet); and
2) the maximum projection of an open deck into the rear yard be increased from 2 metres (6.56 feet) to 3.5 metres (11.48 feet)
in order to construct a proposed addition with an open deck to a single family dwelling which is non-conforming as to sitting. This represents a front yard setback variance of 2.15 metres (7.05 feet) and an open deck projection variance of 1.5 metres (4.92 feet).

This property is included in the Old City Medium Density Multiple Family Residential Zone Residential Zone (RM-10) 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."

Ms. Karen Rathlou (492 Pine) and Mr. Greg Harvey (2127 Spencer) appeared in support of the appeal.

MOVED by Jerome Howell SECONDED by Patricia Portsmouth that the appeal be **granted**. Approval is subject to a building permit being issued within 3 months (2006-November-17th)

4. APPEAL: BOV00348

APPLICANT: Soraya Camile Andersen

LOCATION: **Legal Description:** THE NORTHERLY 20 FEET OF SECTION A, LOT 1, BLOCK R, SECTION 1, NANAIMO DISTRICT, PLAN 584
Civic Address: 288 Pine Street

PURPOSE: The applicant is requesting that the side yard setback be reduced from 1.5 metres (4.92 feet) to 0.21 metres (0.69 feet) in order to permit a recently completed structural alteration to an existing accessory building. This represents a variance of 1.29 metres (4.23 feet)

ZONING REGULATIONS:

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":

"Section 6.1.6.1- Yard Requirements

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

DISCUSSION

Mr. Ray Anderson (7065 Blackjack, Ladysmith) appeared in support this appeal. Ms. EKaterini Velve (296 Pine Street), Ms. Vicky Velve (296 Pine Street) and Mr. Basil Hobbs (representing EKaterini Velve) appeared in opposition to the appeal.

DECISION

MOVED by Dorothy Rispin SECONDED by Patricia Portsmouth that the appeal be **granted**.

CARRIED

5. OTHER BUSINESS

MOVED by Dan Hooper SECONDED by Patricia Portsmouth that the Board of Variance suggest staff reserve funds to allow Board of Variance members to attend conferences.

CARRIED

6. ATTENDANCE

It was determined all members will be present at the meeting to be held 2006-September-21st.

7. ADJOURNMENT

MOVED by Patricia Portsmouth, SECONDED by Dan Hooper, that the meeting be adjourned at 7:35 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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