

**BOARD OF VARIANCE MEETING  
TO BE HELD IN THE BOARD ROOM OF CITY HALL,  
THURSDAY, JULY 20<sup>TH</sup>, 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-June-15<sup>th</sup>

2. **APPEAL:** **BOV00331**

**APPLICANT:** **Robert William Borden**

**LOCATION:** **Legal Description:** LOT 10, SECTION 10, RANGE 8, MOUNTAIN DISTRICT, PLAN 10440  
**Civic Address: 2566 Holyrood Drive**

**PURPOSE:** The applicant is requesting that the maximum size of an accessory building be increased from 70 square metres (753.5 square feet) to 93.6 square metres (1007.17 square feet) in order to construct an accessory building. This represents a variance of 23.6 square metres (253.67 square feet).

**ZONING REGULATIONS:**

This property is included in the Single Family Residential (Large Lot) Zone (RS-2) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

*"Section 5.5.5- Accessory Buildings and Structures*

*The sum total of all accessory buildings on a lot zoned single family residential, RM-1, RM-2, RM-9, or RM-11 shall not exceed a gross floor area of 70 square metres (753.5 square feet). For the purpose of this subsection, the calculation of gross floor area shall include an accessory building (or portion thereof) used for parking purposes."*

3. **APPEAL:** **BOV00335**

**APPLICANT:** **Allan Paul Nickel and Dawn Grace Nickel**

**LOCATION:** **Legal Description:** STRATA LOT 56, DISTRICT LOT 24G, WELLINGTON DISTRICT, STRATA PLAN VIS3925, TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1  
**Civic Address: 5797 Quarry Road**

**PURPOSE:** The applicant is requesting that the maximum height for a principal dwelling be increased from 8.25 metres (27.06 feet) to 9.42 metres (30.91 feet) in order to construct a single family dwelling. This represents a variance of 1.17 metres (3.85 feet).

**ZONING REGULATIONS:**

This property is included in the Single Family Residential Small Lot Zone (RS-6) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

*"Section 6.6.8.1- 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 roof surfaces measured in plan view.*

**4. APPEAL: BOV00336**

**APPLICANT: Shea Keegan Godberson**

**LOCATION: Legal Description: LOT 14, SECTION 20, RANGE 4, MOUNTIAN DISTRICT, PLAN VIP79868**  
**Civic Address: 3615 Monterey Drive**

**PURPOSE:** The applicant is requesting that the maximum height for a principal dwelling be increased from 8.25 metres (27.06 feet) to 8.63 metres (28.31 feet) for a single family dwelling under construction. This represents a variance of 0.38 metres (1.25 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 6.1.7.1- 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 roof surfaces measured in plan view.*



*"Section 5.2.1.1- Location and Siting of Buildings to Major Roads  
Principal or accessory buildings or structures shall not be closed than... 10 metres (32.81 feet) from a property line that abuts established urban arterials, urban collector roads, and provincial highways, as designated by the City of Nanaimo Official Community Plan, when the required dedication to achieve the required right-of-way width has not occurred to facilitate widening the major road."*

*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: BOV00340**

**APPLICANT: Douglas Edward Dean Reid**

**LOCATION: Legal Description:** LOT 86, DISTRICT LOT 41,  
WELLINGTON DISTRICT, PLAN VIP58466  
**Civic Address: 4077 Eagle View Drive**

**PURPOSE:** The applicant is requesting the side yard setback be reduced from 1.5 metres (4.92 feet) to 0.85 metres (2.79 feet) in order to permit a recently constructed open deck. This represents a variance of 0.65 metres (2.13 feet).

**ZONING REGULATIONS:**

This property is included in the Single Family Residential (Large Lot) Zone (RS-2) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

*"Section 6.2.6.2- Yard Requirements  
Side yards of not less than 1.5 metres (4.92 feet) for each side yard shall be provided."*

**8. APPEAL: BOV00341**

**APPLICANT: Bradley David Maguire**

**LOCATION: Legal Description:** LOT 7, SECTION 1, NANAIMO  
DISTRICT, PLAN VIP77985  
**Civic Address: 852 Whistler Place**

**PURPOSE:** The applicant is requesting that the maximum projection of an open deck into the required rear yard setback be increased from 2 metres (6.56 feet) to 4.1 metres (13.45 feet) in order to construct an open deck. This represents a maximum projection variance of 2.1 metres (6.89 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 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 yard whichever is less"*

9. **APPEAL:** **BOV00342**

**APPLICANT:** **Craig David Jones and Angeline Marie Jones**

**LOCATION:** **Legal Description:** LOT 1 & 4, SECTION 1,  
NANAIMO DISTRICT, PLAN 18915  
**Civic Address: 624 Shepherd Avenue**

**PURPOSE:** The applicant is requesting that the maximum size of an accessory building be increased from 70 square metres (753.5 square feet) to 94.8 square metres (1020.45 square feet) in order to construct an accessory building. This represents a variance of 24.8 square metres (266.95 square feet).

**ZONING REGULATIONS:**

This property is included in the Single Family Residential (Large Lot) Zone (RS-2a) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

*"Section 5.5.5- Accessory Buildings and Structures*

*The sum total of all accessory buildings on a lot zoned single family residential, RM-1, RM-2, RM-9, or RM-11 shall not exceed a gross floor area of 70 square metres (753.5 square feet). For the purpose of this subsection, the calculation of gross floor area shall include an accessory building (or portion thereof) used for parking purposes."*

10. **APPEAL:** **BOV00343**

**APPLICANT:** **Diane Denton and Anne Stella Olenik**

**LOCATION:** **Legal Description:** SECTION B, OF LOT 6, BLOCK  
H, SECTION 1, NANAIMO DISTRICT, PLAN 584  
**Civic Address: 736 Albert Street**

**PURPOSE:** The applicant is requesting that:

- 1) The side yard setback be reduced from 1.5 metres (4.92 feet) to 0.80 metres (2.62 feet); and
- 2) The front yard setback be reduced from 10 metres (32.8 feet) to 2.2 metres (7.22 feet)

In order to construct an addition to a single family dwelling which, is non-conforming as to siting. This represents a side yard setback variance of 0.7 metres (2.30 feet) and a front yard setback variance of 7.8 metres (25.58 feet).

**ZONING REGULATIONS:**

*This property is included in the Old City Low Density (Fourplex) Residential Zone (RM-9) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":*

"Section 7.9.6.2- Yard Requirements

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

*"Section 5.2.1- Location and Sitting of Buildings and Structures- To Major Roads. Principal or accessory buildings or structures shall not be closed than... 10 metres (32.8 feet) from a property line that abuts established urban arterials, urban collector roads and provincial highways, as designated by the City of Nanaimo Official Community Plan, when the required dedication to achieve the required right-of-way width has not occurred to facilitate the widening of the major road"*

*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."*

11.   **APPEAL:**                           **BOV00344**
- APPLICANT:**                   **Dianne Joyce Stenberg**
- LOCATION:**                   **Legal Description:**     LOT 5, BLOCK 23, SECTION 1,  
  NANAIMO DISTRICT, PLAN 584  
  **Civic Address: 454 Prideaux Street**

**PURPOSE:** The applicant is requesting that:

- 1) front yard setback be reduced from 3 metres (9.84 feet) to 2.7 metres (8.86 feet);
- 2) the maximum projection for steps, landings or wheelchair ramps into a front yard setback be increased from 1.5 metres (4.92 feet) to 3 metres (9.84 feet);
- 3) the side yard setback (northern) be reduced from 3 metres (9.84 feet) to 1.7 metres (5.58 feet);
- 4) the side yard setback (southern) be reduced from 3 metres (9.84 feet) to 0.8 metres (2.62 feet);

in order to construct an addition to an existing single family dwelling which is non-conforming as to siting. This represents a front yard setback variance of 0.3 metres (0.98 feet), a projection variance of 1.5 metres (4.92 feet), and side yard setback variances of 1.3 metres (4.26 feet) and 2.2 metres (7.22 feet) respectively.

**ZONING REGULATIONS:**

*This property is included in the Old City Mixed Multiple Family/ Commercial Zone (C-17) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":*

**"Section 9.17.7.1- Yard Requirements**

A front yard of not less than 3 metres (9.84 feet) in depth shall be provided for the first storey and 4 metres (13.12 feet) for the second and third storeys"

**"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 yard whichever is less"*

**"Section 9.17.7.2- Yard Requirements**

Side yards of not less than 3 metres (9.84 feet) for each side yard shall be provided"

*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."*

12. **APPEAL:** **BOV00345**

**APPLICANT:** **Terry Alan Fiddick**

**LOCATION:** **Legal Description:** LOT 1, NEWCASTLE  
RESERVE, SECTION 1, NANAIMO DISTRICT, PLAN  
48118  
**Civic Address: 1321 Stewart Avenue**

**PURPOSE:** The applicant is requesting the side yard setback be reduced from 1.5 metres (4.92 feet) to 0.3 metres (0.98 feet) in order to permit a structural alteration to an existing single family dwelling which is non-conforming as to siting. This represents a variance of 1.2 metres (3.94 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 6.1.6.2- Yard Requirements*

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

13. **APPEAL:** **BOV00346**

**APPLICANT:** **Gilmour B. Luckham & J.E. Irving**

**LOCATION:** **Legal Description:** LOT 5, BLOCK 5, SECTION 1,  
NANAIMO DISTRICT, PLAN 1465  
**Civic Address: 609 First Street**

**PURPOSE:** The applicant is requesting that:

- 1) the rear yard setback be reduced from 7.5 metres (24.6 feet) to 1.37 metres (4.49 feet); and
- 2) the side yard setback be reduced from 1.5 metres (4.92 feet) to 0.28 metres (0.92 feet)

in order to permit a structural alteration to an existing single family dwelling which is non-conforming as to siting. This represents a rear yard setback variance of 6.13 metres (20.11 feet) and a side yard setback variance of 1.22 metres (4 feet).

Note: On December 20<sup>th</sup>, 1984 a variance to reduce the side yard setback from 1.5 metres (4.92 feet) to 0.30 metres (1 foot) to allow for a proposed addition was granted (Appeal #84-38).



**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 6.1.6.3- Yard Requirements**

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

**"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."*

*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."*

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  
p:/prospero/planning/boardvar/agenda\_minutes/2006/bovagendauly-06