

**BOARD OF VARIANCE MEETING
TO BE HELD IN THE BOARD ROOM OF CITY HALL,
THURSDAY, MAY 18TH, 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-April-20th
2. **APPEAL:** **BOV00317**
APPLICANT: **Lars Pieter Looijen & Marianne Rose Vander Putten**
LOCATION: **Legal Description:** LOT 89, DISTRICT LOT 49,
WELLINGTON DISTRICT, PLAN 25430
Civic Address: 5221 Laguna Way

PURPOSE: The applicant is requesting the maximum allowable projection for an open deck in the rear yard be increased from 2 metres (6.56 feet) to 3.1 metres (10.17 feet) in order to construct an open deck addition to a single family dwelling. This represents a variance of 1.1 metres (3.61 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 5.4.2- 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"

3. **APPEAL:** **BOV00320**
APPLICANT: **Alana Dawn Foster**
LOCATION: **Legal Description:** LOT 10, BLOCK 4, SECTION 1,
NANAIMO DISTRICT, PLAN 1352
Civic Address: 633 Hamilton Avenue

PURPOSE: The applicant is requesting the front yard setback be reduced from 6.0 metres (19.69 feet) to 4.43 metres (14.53 feet) in order to construct an addition to a single family dwelling which is non-conforming as to siting. This represents a variance of 1.57 metres (5.16 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

A front yard of not less than 6 metres (19.69 feet) 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."

4. APPEAL: BOV00321

APPLICANT: Robert Scott Turgeon and Jia Zhang

LOCATION: Legal Description: STRATA LOT 155, SECTION 5, WELLINGTON DISTRICT, STRATA PLAN 830, (PHASE 3), TOGETHER WITH AN INTEREST IN COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1.

Civic Address: 291 Woodhaven Drive

PURPOSE: The applicant is requesting the maximum height of a principal building be increased from 8.25 metres (27.06 feet) to 11.1 metres (36.41 feet), in order to construct a single family dwelling. This represents a variance of 2.85 metres (9.35 feet).

ZONING REGULATIONS:

This property is included in the Single Family Bare Land Strata Zone (RS-5) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 6.5.6.1– Height of Buildings

The height of a principal building shall not exceed 8.25 metres (27.06 feet) as determined by Part 4 "Height, Building", or 8.25 metres (27.06 feet) above the average height upon which the parcel fronts, whichever is highest "

5. APPEAL: **BOV00322**

APPLICANT: **Tibor Jando and Magda Jando**

LOCATION: **Legal Description:** LOT 19, SECTION 1, NANAIMO DISTRICT, PLAN VIP79473
Civic Address: 882 Linwood Lane

PURPOSE: The applicant is requesting the maximum height of a principal building be increased from 8.25 metres (27.06 feet) to 8.68 metres (28.48 feet), for a single family dwelling under construction. This represents a variance of 0.43 metres (1.42 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 6.2.7.1– 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 (< 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 plain view"*

6. APPEAL: **BOV00323**

APPLICANT: **Sharlene Rae Wright and Alan McEwan Wright**

LOCATION: **Legal Description:** LOT A, DISTRICT LOT 32, WELLINGTON DISTRICT, PLAN VIP55905
Civic Address: 5290 Rutherford Road

PURPOSE: The applicant is requesting that the maximum size of an accessory building be increased from 70 square metres (753.5 square feet) to 102.6 square metres (1104.41 square feet) in order to construct an accessory building. This represents a variance of 32.6 square metres (350.91 square feet).

ZONING REGULATIONS:

This property is included in the Steep Slope Residential Zone (RS-7) 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 shall not exceed a gross floor area of 70 square metres (753.5 square feet)."

- 7. APPEAL:** **BOV00324**
- APPLICANT:** **Joseph Patrick Downey and Fidelma Mary Downey**
- LOCATION:** **Legal Description:** LOT 2, SECTION 2, NANAIMO DISTRICT, PLAN 6295, EXCEPT PARTS IN PLANS 3212 RW, 956 RW AND VIP66160
Civic Address: 1495 Wilson Road

PURPOSE: The applicant is requesting the maximum height of a principal building be increased from 8.25 metres (27.06 feet) to 9.35 metres (30.67 feet), in order to construct a single family dwelling. 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 6.1.7.1– 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 (< 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 plain view"*

- 8. APPEAL:** **BOV00325**
- APPLICANT:** **Troy Michael Connolly and Lisa Mary-Ellen Connolly**
- LOCATION:** **Legal Description:** LOT 5, SECTION 1, NEWCASTLE TOWNSITE, NANAIMO DISTRICT, PLAN 8970
Civic Address: 156 Pryde Avenue

PURPOSE: The applicant is requesting the flanking side yard setback be reduced from 4.0 metres (13.12 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 variance of 1.8 metres (5.9 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

...the side yard adjoining the flanking street shall not be less than 4 metres (13.12 feet)"

Attachments to each appeal include:

- application form
- certificate of title
- letter from applicant
- detailed plans
- list of properties notified

pc B.N. Mehaffey, General Manager, Development Services Department
 D. Lindsay, Manager, Planning Division, 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
 J. Carvalho, Planner, DSD
ec C. Scott, Communications Officer
 J. Holm, Planner, DSD
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