

**BOARD OF VARIANCE MEETING
TO BE HELD IN THE BOARD ROOM OF CITY HALL,
THURSDAY, APRIL 20TH, 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-March-16th
2. **APPEAL: BOV00310**

APPLICANT: Patrick Wayne Jamieson and Margaret Elaine Jamieson

**LOCATION: Legal Description: LOT 46, DISTRICT LOT 32,
WELLINGTON DISTRICT, PLAN VIP53577
Civic Address: 5366 Georgiaview Crescent**

PURPOSE: The applicant is requesting the maximum allowable projection for an open deck in the rear yard be increased from 2.0 metres (6.56 feet) to 3.05 metres (10.00 feet) in order to construct an open deck addition to a single family dwelling. This represents a variance of 1.0 metre (3.44 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"

3. **APPEAL: BOV00311**

APPLICANT: Rega Properties Ltd.

**LOCATION: Legal Description: LOT 20, SECTION 20, RANGE
4, MOUNTIAN DISTRICT, PLAN VIP78456
Civic Address: 3363 Prince Edward Place**

PURPOSE: The applicant is requesting that the maximum height of a principal building be increased from 8.25 metres (27.06 feet) to 8.39 metres (27.52 feet), for a single family dwelling currently under construction. This represents a variance of 0.14 metres (0.46 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"*

- 4. APPEAL:** **BOV00312**
- APPLICANT:** **Amir Houshang Mehrassa and Simin Mehrassa**
- LOCATION:** **Legal Description:** LOT 24, DISTRICT LOT 55,
WELLINGTON DISTRICT, PLAN VIP79560
Civic Address: **4544 Sheridan Ridge Road**

PURPOSE: The applicant is requesting that:

1) the required rear yard setback be reduced from 7.5 metres (24.6 feet) to 5.27 metres (17.29 feet) for a single family dwelling currently under construction.

2) the maximum allowable projection for an open deck in the rear yard be increased from 2.0 metres (6.56 feet) to 2.23 metres (7.32 feet)

This represents a variance of 2.23 metres (7.31 feet) for the rear yard setback and 0.23 metres (0.75 feet) for the open deck projection.

ZONING REGULATIONS:

This property is included in the Single Family Residential Zone (RS-7) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 6.7.7.4– Yard Requirements

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

"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"

(30.35 feet) but as no building permit was issued within 3 months of the date of approval the variance expired.

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"*

- 7. APPEAL:** **BOV00315**
- APPLICANT:** **Peter James Samuel and Catharine Elizabeth Roddick**
- LOCATION:** **Legal Description:** SECTION D, OF LOT 8, BLOCK U, SECTION 1, NANAIMO DISTRICT, PLAN 584
Civic Address: **646 Farquhar Street**

PURPOSE: The applicant is requesting that:

- 1) the front yard setback be reduced from 6.0 metres (19.69 feet) to 4.94 metres (16.21 feet); and
- 2) the side yard setback be reduced from 1.5 metres (4.92 feet) to 1.16 metres (3.80 feet)

in order to construct an addition to a single family dwelling which is non-conforming as to siting. This represents a variance of 1.06 metres (3.48 feet) for the front yard, and 0.34 metres (1.12 feet) for the side yard.

ZONING REGULATIONS:

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

"Section 7.9.6.1- Yard Requirements

A front yard of not less than 6 metres (19.69 feet) shall be provided"

"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"

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."

8. APPEAL: BOV00316

APPLICANT: Phillip Landick Developments Ltd.

LOCATION: Legal Description: LOT 8, SECTION 1, NANAIMO DISTRICT, PLAN VIP77985
Civic Address: 856 Whistler Place

PURPOSE: The applicant is requesting the maximum height of a principal building be increased from 8.25 metres (27.06 feet) to 9.36 metres (30.71 feet) in order to construct a single family dwelling. This represents a variance of 1.11 metres (3.65 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"*

9. APPEAL: BOV00318

APPLICANT: James Warren Duifhuis and Nadine Lee-Anne Duifhuis

LOCATION: Legal Description: LOT 57, SECTION 19, RANGE 5, MOUNTIAN DISTRICT, PLAN 22499
Civic Address: 2644 Willow Grouse Crescent

PURPOSE: The applicant is requesting that the required side yard setback be reduced from 1.5 metres (4.92 feet) to 1.4 metres (4.59 feet) in order to construct an addition to a single family dwelling which is non-conforming as to siting. This represents a variance of 0.10 metres (0.33 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"

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."

10. APPEAL: BOV00319

APPLICANT: Kenneth Leyden

**LOCATION: Legal Description: LOT 17, DISTRICT LOT 39,
WELLINGTON DISTRICT, PLAN VIP60366
Civic Address: 3765 Oak Crest Place**

PURPOSE: The applicant is requesting that the required front yard setback be reduced from 6.0 metres (19.69 feet) to 4.53 metres (14.86 feet) in order to construct a single family dwelling. This represents a variance of 1.47 metres (4.83 feet).

Please note: A previous Development Variance Permit (DVP00072) was approved on June 13th, 2005 for the above noted property to reduce the front yard setback from 6.0 metres (19.69 feet) to 4.5 metres (14.76 feet). This variance did not apply to garages and carports.

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 6.2.6.1- Yard Requirements

A front yard of not less than 6 metres (19.69 feet) shall be provided"

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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