

**CITY OF NANAIMO**

**BOARD OF VARIANCE**

**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE  
HELD ON THURSDAY, 2006-APRIL-20<sup>th</sup>, IN THE BOARD ROOM,  
CITY HALL, 455 WALLACE STREET, NANAIMO, BC**

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**PRESENT:** Roger Richer, Chairperson  
Patricia Portsmouth  
Dan Hooper  
Jerome Howell  
Dorothy Rispin

**STAFF:** David Stewart

**1. CALL TO ORDER:**

The meeting was called to order at 7:02 p.m.

**2. MINUTES**

MOVED by Dan Hooper, SECONDED by Jerome Howell, that the minutes of the meeting held 2006-March-16<sup>th</sup> be adopted

CARRIED

**3. 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"*

**DISCUSSION**

Mr. Patrick Wayne Jamieson (5366 Georgiaview Crescent) appeared in support of this appeal

**DECISION**

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-July-20<sup>th</sup>)

CARRIED

**4. 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 (&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 plain view"*

**DISCUSSION**

Mr. Mark Wonnacott (3784 Avonlea Drive) appeared in support of this appeal.

**DECISION**

MOVED by Dan Hooper, SECONDED by Jerome Howell, that the appeal be granted.

CARRIED

5. **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); and.
- 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) for a single family dwelling currently under construction. 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"*

**DISCUSSION**

Mr. Kamran Mehrassa (4939 Ney Drive) appeared in support of this appeal.

**DECISION**

MOVED by Dorothy Rispin, SECONDED by Dan Hooper, that the appeal be granted.

CARRIED

**APPEAL:**

**APPLICANT:**

**LOCATION:**

**Civic Address: 181 Woodhaven Drive**

**ZONING REGULATIONS:**

### “Section 6.5.6– Height of Buildings

## DISCUSSION

## DECISION

CARRIED





9. **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 allowable 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 (&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 plain view"*

**DISCUSSION**

Mr. Phillip Landick (6116 Garside Road) and Mr. Brian Henning (523 Vancouver Avenue) appeared in support of this appeal.

**DECISION**

MOVED by Dan Hooper SECONDED by Dorothy Rispin that the appeal be **granted**, as depicted on the plans that were presented to the Board on 2006-April-20. Approval is subject to a building permit being issued within 3 months (2006-July-20<sup>th</sup>)

CARRIED

Patricia Portsmouth requested that her opposition to the appeal be noted.

10.     **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."*

**DISCUSSION**

Mr. James Duifhuis and Ms. Misty Duifhuis (2644 Willow Grouse Crescent) appeared in support of this appeal

**DECISION**

MOVED by Dan Hooper SECONDED by Dorothy Rispin that the appeal be **granted**. Approval is subject to a building permit being issued within 3 months (2006-July-20<sup>th</sup>)

CARRIED



11. **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 13<sup>th</sup>, 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"*

**DISCUSSION**

Mr. Ken Leyden (3714 Glen Oaks Drive) appeared in support of this appeal.

**DECISION**

MOVED by Dan Hooper SECONDED by Jerome Howell that the appeal be **granted**, as depicted on the plans that were presented to the Board on 2006-April-20. Approval is subject to a building permit being issued within 3 months (2006-July-20<sup>th</sup>)

CARRIED

13. **ATTENDANCE**

It was determined that Roger Richer, Jerome Howell and Dorothy Rispin will be in attendance at the meeting to be held 2006-May-18<sup>th</sup>. Patricia Portsmouth and Dan Hooper will be absent.

14. **ADJOURNMENT**

MOVED by Dan Hooper, SECONDED by Patricia Portsmouth, that the meeting be adjourned at 7:50 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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