

**CITY OF NANAIMO**

**BOARD OF VARIANCE**

**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE  
HELD ON THURSDAY, 2006-May-18<sup>th</sup>, IN THE BOARD ROOM,  
CITY HALL, 455 WALLACE STREET, NANAIMO, BC**

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

**STAFF:** David Stewart

1. **CALL TO ORDER:**  
The meeting was called to order at 6:55 p.m.

2. **MINUTES**  
MOVED by Dorothy Rispin SECONDED by Jerome Howell, that the minutes of  
the meeting held 2006-April-20<sup>th</sup> be adopted

CARRIED

3. **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"*

Mr. Ken Schroder (1866 Kirkstone Way) appeared in support of this appeal.

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-August-18<sup>th</sup>)

**4. APPEAL:** BOV00320

**APPLICANT:** Alana Dawn Foster

**LOCATION:** **Legal Description:** LOT 10, BLOCK 4, SECTION 1,  
NANAIMO DISTRICT, PLAN 1352  
**Civic Address:** 633 Hamilton Avenue

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”:

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

## DISCUSSION

Ms. Alana Foster and Mr. Doug Carlson (3784 Avonlea Drive) appeared in support of this appeal.

**DECISION**

MOVED by Jerome Howell, SECONDED by Dorothy Rispin, that the appeal be **granted**. Approval is subject to a building permit being issued within 3 months (2006-August-18<sup>th</sup>)

CARRIED

5. **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 "*

**DISCUSSION**

Mr. Robert Turgeon and Ms. Jia Zhang (291 Woodhaven Drive) appeared in support of this appeal. Mr. Frank Provencal (301 Woodhaven Drive) and Mr. John Langkow (429 Craigflower Drive, Parksville) appeared to observe the appeal.

**DECISION**

MOVED by Dorothy Rispin, that the appeal be **denied**.  
No SECONDER

MOTION FAILED

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-May-18. Approval is subject to a building permit being issued within 3 months (2006-August-18<sup>th</sup>)

CARRIED

6. **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 (&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. Brad Wood (Oceans Edge Contracting) appeared in support of this appeal. Ms. Jennifer Tonsi and Mr. James Tonsi (873 Linwood Lane) appeared in opposition to the appeal

**DECISION**

MOVED by Dorothy Rispin, SECONDED by Dan Hooper that the appeal be **granted**, as depicted on the plans that were presented to the Board on 2006-May-18<sup>th</sup>.

CARRIED

Roger Richer requested his opposition to the appeal be noted.

**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)."*

## DISCUSSION

No one appeared to speak to the appeal.

## DECISION

MOVED by Jerome Howell SECONDED by Dan Hooper that the appeal be **deferred** to the meeting to be held on 2006-June-15<sup>th</sup>.

CARRIED

**8. 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 (&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. Joseph Downey and Mrs. Fidelma Downey (6050 Breonna Drive) 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-August -18<sup>th</sup>)

CARRIED

9.     **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)"*

**DISCUSSION**

Mr. Troy Connolly (156 Pryde Avenue) appeared in support of this appeal.

**DECISION**

MOVED by Dorothy Rispin SECONDED by Jerome Howell that the appeal be **granted**. Approval is subject to a building permit being issued within 3 months (2006-August -18<sup>th</sup>)

CARRIED

**10. ATTENDANCE**

It was determined that Roger Richer, Jerome Howell and Dorothy Rispin will be in attendance at the meeting to be held 2006-June-15<sup>th</sup>. Dan Hooper will be absent.

**11. ADJOURNMENT**

MOVED by Dan Hooper, SECONDED by Dorothy Rispin, that the meeting be adjourned at 7:30 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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