

**BOARD OF VARIANCE MEETING
TO BE HELD IN THE BOARD ROOM OF CITY HALL,
THURSDAY, JANUARY 19th, 2005 AT 7:00 P.M.,
455 WALLACE STREET, NANAIMO, B.C.**

AGENDA

1. Adoption of Minutes of the Board of Variance Meeting held 2005-December -15th

2. **APPEAL:** **BOV00286**

APPLICANT: **Adrienne Bandet**

LOCATION: **Legal Description:** LOT 61, DOUGLAS ISLAND
(ALSO KNOWN AS PROTECTION ISLAND), NANAIMO
DISTRICT, PLAN 14111
Civic Address: 61 Pirates Lane

PURPOSE: The applicant is requesting that the required side yard setback be reduced from 1.5 metres (4.92 feet) to 0.67 metres (2.20 feet) in order to permit a recently constructed accessory building. This represents a variance of 0.83 metres (2.72 feet).

ZONING REGULATIONS:

This property is included in the Single Family Residential Zone (RS-4) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 6.4.6.2– Yard Requirements

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

3. **APPEAL:** **BOV00293**

APPLICANT: **Ronald William Poulter and Lynnel Janet Poulter**

LOCATION: **Legal Description:** LOT 17, SECTION 5,
WELLINGTON DISTRICT, PLAN 25277
Civic Address: 3065 Shamrock Place

PURPOSE: The applicant is requesting that the required front yard setback be reduced from 6 metres (19.69 feet) to 4.56 metres (14.96 feet) in order to construct an addition to a single family dwelling. This represents a variance of 1.44 metres (4.73 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 6.1.6.1– Yard Requirements

A front yard of not less than 6 metres (19.6 feet) shall be provided"

4. APPEAL: BOV00294

APPLICANT: DGC Holdings Corp.

LOCATION: Legal Description: STRATA LOT B, SECTION 12, RANGE 9 OF SECTION 1, NANAIMO DISTRICT, STRATA PLAN VIS5911, TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V
Civic Address: 475 Eight Street

PURPOSE: The applicant is requesting that the maximum height of a principal dwelling be increased from 8.25 metres (27.06 feet) to 8.95 metres (29.36 feet) for a single family dwelling under construction. This represents a height variance of 0.7 metres (2.30 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 building shall not exceed the maximum height shown in the following table:

Roof Pitch	Maximum Height
A flat roof (< than 4:12)	6.71 metres (22 feet)
A sloped roof (≥ 4:12)*	8.25 metres (27.06 feet)

*for an area of at least 80% of all roof surfaces measured in plain view

5. **APPEAL:** **BOV00295**

APPLICANT: **Joseph Reginald Battye**

LOCATION: **Legal Description:** AMENDED LOT 7 (DD 50952N), BLOCK 6, SECTION 1, NANAIMO DISTRICT, PLAN 1352
Civic Address: 207 Sixth Street

PURPOSE: The applicant is requesting that the required rear yard setback be reduced from 7.5 metres (24.6 feet) to 5 metres (16.40 feet) in order to permit an addition to a single family dwelling. This represents a variance of 2.5 metres (8.20 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 6.1.6.3– Yard Requirements

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

6. **APPEAL:** **BOV00296**

APPLICANT: **Noel Roehlen Noble**

LOCATION: **Legal Description:** LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 1617
Civic Address: 205 Seventh Street

PURPOSE: The applicant is requesting that:

- 1) the maximum height of an existing principal dwelling be increased from 8.25 metres (27.06 feet) to 9.11 metres (29.89 feet)
- 2) the required front yard setback be reduced from 6 metres (19.69 feet) to 3.9 metres (12.80 feet)
- 3) the required flanking side yard setback be reduced from 4 metres (13.12 feet) to 3.8 metres (12.46 feet); and
- 4) the interior side yard setback be reduced from 1.5 metres (4.92 feet) to 1.0 metre (3.28 feet).

In order to allow for an addition to an existing single family dwelling which is presently non-conforming as to siting and height. This represents a height variance of 0.86 metres (2.83 feet), a front yard setback variance of 2.1 metres (6.89 feet), a flanking side yard setback variance of 0.2 metres (0.66 feet), and a internal side yard setback variance of 0.5 metres (1.64 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 6.1.7.1– Height of Buildings

The height of a building shall not exceed the maximum height shown in the following table:

Roof Pitch	Maximum Height
A flat roof (< than 4:12)	6.71 metres (22 feet)
A sloped roof (≥ 4:12)*	8.25 metres (27.06 feet)

*for an area of at least 80% of all roof surfaces measured in plain view

"Section 6.1.6.2– Yard Requirements

A front yard of not less than 6 metres (19.6 feet) shall be provided"

"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. In the case of a corner lot, the side yard setback adjoining the flanking street shall not be less than 4 metres (13.12 feet)"

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: BOV00297

APPLICANT: Noni Ruth Watson

**LOCATION: Legal Description: LOT 1, SECTION 11, RANGE 7,
MOUNTAIN DISTRICT, PLAN 23748
Civic Address: 2233 Ashlee Road**

PURPOSE: The applicant is requesting that the maximum allowable height of a principal dwelling be increased from 8.25 metres (27.06 feet) to 11.42 metres (37.46 feet), in order to construct a single family dwelling. This represents a variance of 3.17 metres (10.40 feet).

ZONING REGULATIONS:

This property is included in the Single Family Mobile Home Residential Zone (RS-3) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 6.3.6.1- Height of Buildings

The height of a principle building shall not exceed 8.25 metres (27.06 feet)"

Note: The applicant previously applied for and was granted a height variance of 3.17 metres (10.40 feet) on 2005-September-15th (BOV00274). The applicant has subsequently altered the plans originally reviewed by the Board and therefore a new appeal is required.

8. APPEAL: BOV00298

APPLICANT: Gunter Emil Gutsche and Merlinda Ng Gutsche

**LOCATION: Legal Description: LOT 74, DISTRICT LOT 53,
WELLINGTON DISTRICT, PLAN 33929
Civic Address: 330 Cambridge Place**

PURPOSE: The applicant is requesting that the required rear yard setback be reduced from 7.5 metres (24.60 feet) to 6.72 metres (22.05 feet) in order to accommodate a addition to an existing single family dwelling. This represents a variance of 0.78 metres (2.55 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 6.1.6.3– Yard Requirements

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

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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