

CITY OF NANAIMO

BOARD OF VARIANCE

**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD ON THURSDAY, 2006-JANUARY-19th, IN THE BOARD ROOM,
CITY HALL, 455 WALLACE STREET, NANAIMO, BC**

PRESENT: Roger Richer, Chairperson
Patricia Portsmouth
Dan Hooper

STAFF: David Stewart

1. CALL TO ORDER:

The meeting was called to order at 7:00 p.m.

2. MINUTES

MOVED by Dan Hooper, SECONDED by Patricia Portsmouth, that the minutes of the meeting held 2005-DECEMBER-15th be adopted

CARRIED

3. 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"

DISCUSSION

No persons appeared to speak to this appeal

DECISION

MOVED by Dan Hooper, SECONDED by Patricia Portsmouth, that the appeal be **deferred** as the applicant was not present to speak to the appeal.

CARRIED

4. 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"

DISCUSSION:

Mr. Ronald Poulter (3065 Shamrock Place) appeared in support of the appeal.

DECISION:

MOVED by Dan Hooper, SECONDED by Patricia Portsmouth, that the appeal be **granted**, subject to a building permit being issued within 3 months (2006-April-19th)

CARRIED

5. **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:

<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*

DISCUSSION

Mr. Blair Dueck (DGC Holdings) and Mr. Brian Mollet (475 Eight Street) appeared in support of this appeal.

DECISION

MOVED by Dan Hooper, SECONDED by Patricia Portsmouth, that the appeal be **granted**

CARRIED

6. **APPEAL:** **BOV00295**

APPLICANT: **Joseph Reginald Battye**

LOCATION: **Legal Description:** AMENDED LOT 7 (DD50952N),
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"

DISCUSSION

Mr. Joseph Battye (207 Sixth Street) and Mr. Bruce Stevens (Pheasant Hill Developments) appeared in support of this appeal.

DECISION

MOVED by Patricia Portsmouth, SECONDED by Dan Hooper, that the appeal be granted.

CARRIED

7. **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:

<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*

"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."

DISCUSSION

Mr. Ray Statshuk (237 Irwin Street) appeared in support of the appeal

DECISION

MOVED by Dan Hooper, SECONDED by Patricia Portsmouth, that the appeal be **granted** subject to a building permit being issued within 3 months (2006-April-19th)

CARRIED

8. **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.

DISCUSSION

Ms. Noni Watson, Mr. Sandy Watson (2686 Departure Bay Road) and Mr. Bill Thompson (Builder) appeared in support of the appeal

DECISION

MOVED by Dan Hooper, SECONDED by Patricia Portsmouth, that the appeal be **granted**, subject to a building permit being issued within 3 months (2006-April-19th)

CARRIED

Patricia Portsmouth requested her opposition to the appeal be noted

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”

DISCUSSION

Mr. Gunter Gutsche (330 Cambridge Place) appeared in support of the appeal.

DECISION

MOVED by Patricia Portsmouth SECONDED by Dan Hooper that the appeal be **granted.**

CARRIED

10. ATTENDANCE

It was determined that all members present will be in attendance

11. ADJOURNMENT

MOVED by Dan Hooper, SECONDED by Patricia Portsmouth, that the meeting be adjourned at 7:20 p.m.

CARRIED.

Roger Richer
Chairperson, Board of Variance

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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