

**CITY OF NANAIMO**

**BOARD OF VARIANCE**

**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE  
HELD ON THURSDAY, 2005-NOVEMBER-17<sup>th</sup>, IN THE BOARD ROOM,  
CITY HALL, 455 WALLACE STREET, NANAIMO, BC**

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**PRESENT:** Patricia Portsmouth, Chairperson  
Dan Hooper  
Jerome Howell

**STAFF:** David Stewart

**1. CALL TO ORDER:**

The meeting was called to order at 7:10 p.m.

**2. APPEAL: BOV00284**

**APPLICANT: Marguerite Jeanne Morden**

**LOCATION:** **Legal Description:** LOT 69, DISTRICT LOT 29,  
WELLINGTON DISTRICT, PLAN 36479  
**Civic Address: 308 Rockridge Place**

**PURPOSE:** The applicant is requesting that the maximum allowable projection for an open deck in a front yard be increased from 2.0 metres (6.56 feet) to 3.4 metres (11.15 feet) in order to allow for an addition to an existing open deck. This represents a variance of 1.4 metres (4.59 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..."*

**DISCUSSION**

Ms. Marguerite Mordon (308 Rockridge Place) appeared in support of the appeal.

**DECISION**

MOVED by Jerome Howell, SECONDED by Dan Hooper, that the appeal be **granted**, subject to a building permit being issued within three months (2006-February-17<sup>th</sup>).

CARRIED

**3. APPEAL: BOV00285**

**APPLICANT: Warren Douglas Kent and Angela Kent**

**LOCATION:**           **Legal Description:**     LOT 1, BLOCK 1, NEWCASTLE TOWNSITE, SECTION 1, NANAIMO DISTRICT, PLAN 5753  
                          **Civic Address: 355 Poplar Street**

**PURPOSE:**     The applicant is requesting that the flanking side yard setback requirement be reduced from 4 metres (13.12 feet) to 2.08 metres (6.82 feet) in order to construct a single family dwelling. This represents a variance of 1.92 metres (6.30 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 6.1.6.2- 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 adjoining the flanking street shall not be less than 4 metres (13.12 feet)"*

*Note: The applicant previously applied to the Board 2005-September-15<sup>th</sup> (BOV00264). The applicant, (Warren and Angela Kent) requested the flanking side yard setback requirement be reduced from 4 metres (13.12 feet) to 2.53 metres (8.3 feet) in order to construct a single family dwelling. The appeal was granted.*

**DISCUSSION:**

Mr. Warren Kent and Mrs. Angela Kent (2335 Brackenwood) appeared in the support of this appeal.

**DECISION:**

MOVED by Dan Hooper, SECONDED by Jerome Howell, that the appeal be granted, subject to a building permit being issued within 3 months (2006-February-17<sup>th</sup>)

CARRIED



Mr. Norman Hoyt and Toni Timmermans (6509 Ptarmigan Way), Mrs. Minh Banh (6503 Ptarmigan Way), Mr. Don Osterhout and Mrs. Dianne Osterhout (6514 Ptarmigan Way), Mr. Jerry Moreau (6562 Ptarmigan Way), Mr. Ian MacNeil and Mrs. Rosemarie MacNeil (6556 Ptarmigan Way), Mr. R. W. Huck (6535 Raven Road), Mr. Roy Vernon and Mrs. Regina Vivone-Vernon (6512 Raven Road), Mr. Joseph Stranan (6542 Raven Road), Mr. Dieter Brucker and Mrs. Ursula Brucker (6526 Ptarmigan Way), Mr. Jim McIver (6521 Ptarmigan Way), Mr. Brian Smith (6550 Ptarmigan Way), Mr. Stephen Forest and Mrs. Amanda Forest (6479 Ptarmigan Way), and Mr. Andrew Murray (6506 Raven Road) submitted letters in opposition to this appeal.

Mr. Ralph Topliffe (City of Nanaimo, Building Supervisor) submitted a letter for informational purposes regarding the appeal.

#### **DECISION**

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

CARRIED

5. **APPEAL:** **BOV00288**
- APPLICANT:** **Tim McLellan & Adrienne McLellan**
- LOCATION:** **Legal Description:** LOTS 36 AND 37, SECTION 1,  
NANAIMO DISTRICT, PLAN 1575  
**Civic Address: 510 Hillcrest Avenue**

**PURPOSE:** The applicant is requesting that the major road setback be reduced from 10 metres (32.8 feet) to 4.44 metres (14.57 feet) in order to accommodate an addition to an existing single family dwelling. This represents a variance of 5.56 metres (18.23 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 5.2.1.1- Location and Siting of Buildings and Structures- to Major Roads 10 metres (32.8 feet) from a property line that abuts established urban arterials, urban collector roads and provincial highways, as designated by the City of Nanaimo Official Community Plan, when the required dedication to achieve the required right-of-way width has not occurred to facilitate the widening of the major road"*

*Note: Lots 36 and 37 are currently two separate legal lots; the applicant has an active application to consolidate the lots into one legal lot. The Building permit will not be issued until the above noted lots have been consolidated.*

#### **DISCUSSION**

Mr. Tim McLellan and Mrs. Adrienne McLellan (510 Hillcrest Avenue) appeared in support of this appeal

#### **DECISION**

MOVED by Jerome Howell, SECONDED by Dan Hooper, that the appeal be **granted**, subject to a building permit being issued within three months (2006-February-17<sup>th</sup>)

CARRIED

#### **10. MINUTES**

MOVED by Jerome Howell, SECONDED by Dan Hooper, that the minutes of the meeting held 2005-September-15<sup>th</sup> be adopted as amended.

CARRIED

MOVED by Dan Hooper, SECONDED by Jerome Howell, that the minutes for the meeting held 2005-October-20<sup>th</sup> be adopted.

CARRIED

#### **11. ATTENDANCE**

It was determined that Jerome Howell will be absent at the meeting to be held 2005-December-15<sup>th</sup>. All other members present will be in attendance

#### **12. ADJOURNMENT**

MOVED by Dan Hooper, SECONDED by Jerome Howell, that the meeting be adjourned at 8:15 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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