CITY OF NANAIMO

BOARD OF VARIANCE

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

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-17th).

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-15th (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-17th)

CARRIED

4. APPEAL: BOV00287

APPLICANT: Richard Joseph Lemon and Lenore Ann Lemon

LOCATION: Legal Description: LOT 3, DISTRICT LOT 53,

WELLINGTON DISTRICT, PLAN VIP75051 Civic Address: 6508 Ptarmigan Way

PURPOSE: The applicant is requesting that the maximum height requirement be increased from 8.25 metres (27.06 feet) to 8.86 metres (29.06 feet), in order to construct a single family dwelling. This represents a variance of 0.61 metres (2.00 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 Requirements

The height of a principle 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 surface measured in plan view

DISCUSSION

Mr. Richard Lemon (524 Greenbriar Place) and Mr. Brian Henning (Land Surveyor) appeared in support of the appeal. Mr. Norman Hoyt and Mrs. Toni Timmermans (6509 Ptarmigan Way), Mr. Richard Rhodes and Mrs. Brenda Rhodes (6500 Ptarmigan Way), Mr. Moe Sihota and Mrs. Gurbax Sihota (6505 Raven Road), Mr. Morris Rix and Mrs. Lucille Rix (6473 Ptarmigan Way), Mr. Raj Parmar and Mrs. Kamal Parmar (6512 Raven Road), Mr. Harjeet Parmar and Mrs. Taranjit Parmar (6515 Ptarmigan Way), Mr. Kevin Thomson and Mrs. Leanne Thomson (6476 Raven Road), Mr. Leo Goulet and Mrs. Marylin Goulet (6530 Raven Road), Mr. Dieter Brucker and Mrs. Ursula Brucker (6526 Ptarmigan Way), Mr. James McIvor and Mrs. Julie McIvor (6521 Ptarmigan Way), Mr. Andrew Murray And Mrs. Barbara Murray (6506 Raven Road), Mr. Don Osterhaut and Mrs. Dianne Osterhaut (6514 Ptarmigan Way), and Mr. Jim Galloway (6558 Groveland Drive) appeared in opposition to the appeal.

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-17th)

CARRIED

10. MINUTES

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

CARRIED

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

CARRIED

11. ATTENDANCE

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

12. <u>ADJOURNMENT</u>

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

CARRIED.

Roger Richer	Dave Stewart
Chairperson, Board of Variance	Secretary, Board of Variance

ec Planning and Development Department
Building Inspection Department
Bylaw Services Department
Cam Scott, Communications Officer
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