

**BOARD OF VARIANCE MEETING
TO BE HELD IN THE BOARD ROOM OF CITY HALL,
THURSDAY, SEPTEMBER 15th, 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-August 18th

2. **APPEAL: BOV00262**

APPLICANT: Driftwood Island Holdings

**LOCATION: Legal Description: LOT 170, DOUGLAS ISLAND
(ALSO KNOWN AS PROTECTION ISLAND), NANAIMO
DISTRICT, PLAN 14111
Civic Address: 48 Cutlass Lookout**

PURPOSE: The applicant is requesting that:
1) the maximum height of an accessory building be increased from 4.5 metres (14.76 feet) to 7.00 metres (22.96 feet); and
2) that the maximum size of an accessory building be increased from 70 square metres (753.3 square feet) to 95.6 square metres (1030 square feet), in order to construct an accessory building
This represents a height variance of 2.5 metres (8.20 feet) and a gross floor area variance of 25.69 metres (276.5 square feet) for maximum gross floor area.

ZONING REGULATIONS:

This property is included in the Single Family Residential Island Zone (RS-4) 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, RM-1, RM-2, RM- 9 or RM-11 shall not exceed a gross floor area of 70 square metres (753.5 square feet). For the purposes of this subsection, the calculation of gross floor area shall include an accessory building (or portion thereof) used for parking purposes"

"Section 6.4.7.2- Accessory Buildings and Structures

The maximum height of an accessory building shall be 4.5 (14.76 feet)"

3. APPEAL: **BOV00263**

APPLICANT: **CDF Developments Ltd.**

LOCATION: **Legal Description:** LOT 14, BLOCK 5, SECTION 1,
NANAIMO DISTRICT, PLAN 2009
Civic Address: 120 South Street

PURPOSE: The applicant is requesting that the maximum height requirement be increased from 8.25 metres (27.06 feet) to 9.51 metres (31.20 feet) in order to construct a single family dwelling. This represents a variance of 1.26 metres (4.14 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 principle 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 80% of all roof surfaces measured in plan view"*

4. APPEAL: **BOV00264**

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 2.53 metres (8.3 feet) in order to construct a single family dwelling. This represents a variance of 1.47 metres (4.82 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":

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)”

LOCATION: **Legal Description:** LOT 2, DISTRICT LOT 47,
WELLINGTON DISTRICT, PLAN 12718
Civic Address: 5960 Waldbank Road

<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 (\geq 4:12)*</i>	<i>8.25 metres (27.06 feet)</i>

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)"

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: BOV00267

APPLICANT: Richard Edward Perks and Purisima Mesina Perks

LOCATION: Legal Description: LOT 2, SECTION 5,
WELLINGTON DISTRICT, PLAN 9557, EXCEPT THAT
PART IN PLANS 30782 AND 37111
Civic Address: 3555 Ross Road

PURPOSE: The applicant is requesting that the maximum height requirement be increased from 8.25 metres (27.06 feet) to 9.25 metres (30.35 feet), in order to construct a single family dwelling. This represents a variance of 1 metre (3.29 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 principle 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 80% of all roof surfaces measured in plan view"*

8. **APPEAL:** **BOV00269**
- APPLICANT:** **Chapman Laurent Desrochers and Nancy Jane Desrochers**
- LOCATION:** **Legal Description:** PARCEL G (DD 9934- N) OF SECTION 4, WELLINGTON DISTRICT, EXCEPT THE NORTH EASTERLY ½ THEREOF
 Civic Address: **4321 Jingle Pot Road**
- PURPOSE:** The applicant is requesting the maximum allowable gross floor area for all accessory buildings be increased from 70 square metres (753.5 square feet) to 149.68 square metres (1611.19 square feet), in order to allow for the proposed reconstruction of an accessory building which is presently non-conforming as to size. This represents a variance of 79.68 square metres (857.69 square 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 5.5.5- Accessory Buildings and Structures
The sum total of all accessory buildings on a lot zoned single family residential, RM-1, RM-2, RM- 9 or RM-11 shall not exceed a gross floor area of 70 square metres (753.5 square feet). For the purposes of this subsection, the calculation of gross floor area shall include an accessory building (or portion thereof) used for parking purposes”
- 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.”
9. **APPEAL:** **BOV00270**
- APPLICANT:** **Seven Valleys Development Ltd.**
- LOCATION:** **Legal Description:** LOT 30, SECTION 9, RANGE 8, MOUNTIAN DISTRICT, PLAN VIP77885
 Civic Address: **1124 College Drive**

PURPOSE: The applicant is requesting that the maximum height requirement be increased from 8.25 metres (27.06 feet) to 9.57 metres (31.40 feet) in order to construct a single family dwelling. This represents a variance of 1.32 metres (4.34 feet).

ZONING REGULATIONS:

This property is included in the Single Family Residential 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 principle 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 80% of all roof surfaces measured in plan view"*

10. APPEAL: BOV00271

APPLICANT: John Stephen Kludash and Carla Ellen Kludash

**LOCATION: Legal Description: LOT 2, DISTRICT LOT 20,
WELLINGTON DISTRICT, PLAN VIP52917
Civic Address: 5864 Tweedsmuir Crescent**

PURPOSE: The applicant is requesting that:

- 1) the required sideyard setback be reduced from 1.5 metres (4.92 feet) to 0.18 metres (0.59 feet)
 - 2) the required front yard setback be reduced from 7.5 metres (24.6 feet) to 1.65 metres (5.41 feet)
- for a recently constructed open-deck. This represents a side yard setback variance of 1.32 metres (4.33 feet) and a front yard setback variance of 5.85 metres (19.19 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

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)"

*"Section 5.2.1.2- Location of Buildings and Structures to Major Roads
7.5 metres (24.6 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 dedication has occurred to achieve the
required right-of-way width"*

11. APPEAL: BOV00272

APPLICANT: Barry Gordon Coe

**LOCATION: Legal Description: LOT 4, DISTRICT LOT 23- G,
WELLINGTON DISTRICT, PLAN 17844
Civic Address: 5655 AND 5657 Metral Drive**

PURPOSE: The applicant is requesting that the front yard setback requirement be reduced from 7.5 metres (24.60 feet) to 6.59 metres (21.62 feet), for a structural alteration to an existing duplex which is presently non- conforming as to siting. This represents a variance of 0.91 metres (2.98 feet).

ZONING REGULATIONS:

This property is included in the Single Family Residential Zone (RM-1) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

*"Section 5.2.1.2- Location 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 dedication has occurred to achieve the
required right-of-way width"*

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."

12. **APPEAL:** **BOV00273**

APPLICANT: **Jerome Bruce Herbert Reade and Katherine Mabel
 Anne Reade**

LOCATION: **Legal Description:** LOT 1, BLOCK 2, DISTRICT
 LOT 97G, NEWCASTLE RESERVE, SECTION 1,
 NANAIMO DISTRICT, PLAN 1712
 Civic Address: 815 Beaufort Drive

PURPOSE: The applicant is requesting that the required flanking side yard setback be reduced from 4.0 metres (13.12 feet) to 3.38 metres (11.1 feet) in for an addition to a single family dwelling which is presently non- conforming as to siting. This represents a variance of 0.62 metres (2.02 feet).

ZONING REGULATIONS:

This property is included in the Single Family Mobile Home 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)"

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."

13. **APPEAL:** **BOV00274**

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 height requirement of a 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)"

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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