

**BOARD OF VARIANCE MEETING
TO BE HELD IN THE BOARD ROOM OF CITY HALL,
THURSDAY, JULY 21st, 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-June-16th

2. **APPEAL:** **BOV00251**

APPLICANT: **Sigifredo Rossetto, Lucia Mackeigan, Liana Steele,
and Lorenzo Rossetto**

LOCATION: **Legal Description:** LOT 2, DISTRICT LOT 38,
WELLINGTON DISTRICT, PLAN VIP78934
Civic Address: 5795 Hammond Bay Road

PURPOSE: The applicant is requesting that the required side yard setback be reduced from 1.5 metres (4.92 feet) to 1.1 metres (3.61 feet) in order to construct a single family dwelling. This represents a variance of 0.4 metres (1.31 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"

3. **APPEAL:** **BOV00252**

APPLICANT: **Ralph and Louis Ten Have**

LOCATION: **Legal Description:** LOT 1, SECTION 5,
WELLINGTON DISTRICT, PLAN 18955, EXCEPT PART
IN PLAN VIP56407
Civic Address: 4850 Jordan Avenue

PURPOSE: The applicant is requesting that the maximum allowable height of a fence in a front yard fence be increased from 1.2 metres (3.94 feet) to 2.44 metres (8 feet). This represents a variance of 1.24 metres (4.06 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 6.1.9.1- Height of Fences

The height of a fence shall not exceed 1.2 metres (3.94 feet) in a front yard"

4. APPEAL: BOV00253

APPLICANT: Michael Alexander McWade and Kathie Zacharias

LOCATION: Legal Description: LOT 30, SECTION 15, RANGE 4, CRANBERRY DISTRICT, PLAN VIP60041
Civic Address: 1915 Healy Road

PURPOSE: The applicant is requesting that the required side yard setback be reduced from 1.5 metres (4.92 feet) to 0.56 metres (1.84 feet) for a single family dwelling under construction. This represents a variance of 0.94 metres (3.08 feet).

ZONING REGULATIONS:

This property is included in the Single Family Residential Zone (Large Lot) (RS-2) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 6.2.6.2- Yard Requirements

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

5. APPEAL: BOV00254

APPLICANT: Douglas Albert Halfyard and Doreen Halfyard

LOCATION: Legal Description: LOT 2, BLOCK C, SECTION 19, RANGE 8, MOUNTAIN DISTRICT, AND SECTION 1, NANAIMO DISTRICT, PLAN 7350
Civic Address: 2445 Departure Bay Road

PURPOSE: The applicant is requesting that the maximum allowable height of a fence in a front yard be increased from 1.2 metres (3.94 feet) to 1.83 metres (6 feet). This represents a variance of 0.63 metres (2.06 feet).

ZONING REGULATIONS:

This property is included in the Single Family Residential Zone (Large Lot) (RS-2) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 6.2.9.1- Height of Fences

The height of a fence shall not exceed 1.2 metres (3.94 feet) in a front yard"

6. APPEAL: BOV00255

APPLICANT: Kathryn Heather MacDonald

LOCATION: Legal Description: PARCEL B (DD 41759- N) OF
LOTS 1 AND 2, BLOCK 2, SECTION 1, NANAIMO
DISTRICT, PLAN 1465
Civic Address: 87 Ashlar Avenue

PURPOSE: The applicant is requesting that the front yard setback be reduced from 6 metres (19.96 feet) to 1.1 metres (3.61 feet) in order to accommodate a structural alteration to single family dwelling which is non-conforming as to siting. This represents a variance of 4.9 metres (16.35 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 6.1.6.1- Yard Requirements

A front yard of not less than 6 metres (19.96 feet) shall be provided"

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."

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 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, RM-11 shall not exceed a gross floor area of 70 square metres (753.5 square feet). For the purpose of this subsection, the calculation of gross floor area shall include an accessory building (or portion thereof) used for parking purposes."

9. APPEAL: BOV00258

APPLICANT: Xavier and Cindy Terris

LOCATION: Legal Description: LOT 11, SECTION 16, RANGE 4, CRANBERRY DISTRICT, PLAN VIP78745
Civic Address: 1787 White Blossom Way

PURPOSE: The applicant is requesting that the maximum allowable height of a single family dwelling be increased from 8.25 metres (27.06 feet) to 8.45 metres (27.72 feet) for a single family dwelling under construction. This represents a variance of 0.20 metres (0.66 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 principal 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 plan view*

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. Holm, Planner, DSD
 J. Carvalho, Planner, DSD
ec C. Scott, Communications Officer
p:/prospero/planning/boardvar/agenda_minutes/2005/bovagenda-jul-05