

CITY OF NANAIMO

BOARD OF VARIANCE

**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD ON THURSDAY, 2005-JUNE-16th, IN THE BOARD ROOM,
CITY HALL, 455 WALLACE STREET, NANAIMO, BC**

PRESENT: Joy Cameron, Chairperson
Patricia Portsmouth
Dan Hooper
Jerome Howell

STAFF: David Stewart
Jason Carvalho

1. CALL TO ORDER:

The meeting was called to order at 7:05 p.m.

2. MINUTES

MOVED by Joy Cameron, SECONDED by Dan Hooper, that the minutes of the meeting held 2005-May-19th be adopted as circulated.

CARRIED

3. APPEAL: BOV00245

APPLICANT: Richard Byng Giruad and Peggy Ann Giruad

**LOCATION: Legal Description: LOT 145, DISTRICT LOT 53,
WELLINGTON DISTRICT, PLAN 33929
Civic Address: 524 West View Place**

PURPOSE: The applicant is requesting that the side yard setback be reduced from 1.5 metres (4.92 feet) to 1.0 metres (3.28 feet), for a recently constructed open deck addition to a single family dwelling that is non-conforming as to siting. This represents a 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 6.1.6.2- Yard Requirements

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

DISCUSSION

Mr. Richard Giruad and Mrs. Peggy Giruad (524 West View Place), Mr. Robert Gosling (518 West View Place) and Mr. Doug Milligan (519 West View Place) appeared in support of this appeal. Mr. Brian Herten and Mrs. Margot Herten (6254 Eldorado Place) appeared in opposition to the appeal. Mr. Wes Lade and Mrs. Carol Lade (6248 Eldorado Place) submitted a letter in opposition to the appeal.

DECISION

MOVED by Dan Hooper, SECONDED by Patricia Portsmouth, that the appeal be **granted**, subject to a building permit being issued within three months (2005-September-16th)

4. **APPEAL:** **BOV00248**
- APPLICANT:** **Seven Valleys Development**
- LOCATION:** **Legal Description:** LOT 22, SECTION 9, RANGE 8, MOUNTIAN DISTRICT, PLAN VIP77885
Civic Address: **455 Montclair Drive**

PURPOSE: The applicant is requesting that the maximum allowable height of a principal dwelling be increased from 8.25 metres (27.06 feet) to 8.96 metres (29.40 feet), for a single family dwelling. This represents a variance of 0.71 metres (2.33 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 road surfaces measured in plain view"*

DISCUSSION

Mr. David Diba (725 Caleb Pike Road, Victoria BC) appeared in support of this appeal.

DECISION

MOVED by Patricia Portsmouth, SECONDED by Jerome Howell, that the appeal be **granted**, subject to a building permit being issued within three months (2005-September-16th)

5. **APPEAL:** **BOV00249**

APPLICANT: **Holly Andrea Bradley and Andrew Charles Scott**

LOCATION: **Legal Description:** LOT 1, SECTION 5,
WELINGTON DISTRICT, PLAN 28334
Civic Address: 3191 Singleton 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 1.8 metres (5.9 feet). This represents a variance of 0.6 metres (1.96 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"

DISCUSSION

Mrs. Holly Bradley (3191 Singleton Road) appeared in 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 three months (2005-September-16th)

Patricia Portsmouth requested that her opposition to this motion be noted

6. **APPEAL:** **BOV00250**

APPLICANT: **Donald Kaluza**

LOCATION: **Legal Description:** LOT 4, BLOCK 19, SECTIONS
3 AND 5, WELLINGTON DISTRICT, PLAN 318A
Civic Address: 2901 105TH Street

PURPOSE: The applicant is requesting that the front yard setback be reduced from from 6 metres (19.69 feet) to 3.2 metres (10.50 feet) in order to accommodate an addition to a home, which is presently non-conforming as to siting. This represents a variance of 2.8 metres (9.19 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 6.1.6.1- Yard Requirements

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

DISCUSSION

Mr. Donald Kaluza (2901 105th Street) 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 (2005-September-16th).

7. **ATTENDANCE**

It was determined that all members present will be attendance at the meeting to be held 2005-July-21st

8. **ADJOURNMENT**

MOVED by Patricia Portsmouth, SECONDED by Dan Hooper, that the meeting be adjourned at 7:45 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
BOVMINJUN2005.doc