

**BOARD OF VARIANCE MEETING  
TO BE HELD IN THE BOARD ROOM OF CITY HALL,  
THURSDAY, MAY 19<sup>th</sup>, 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-April-21<sup>st</sup>
  
2. **APPEAL:** **BOV00241**  
  
**APPLICANT:** **Nur Enterprises Ltd.**  
  
**LOCATION:** **Legal Description:** LOT 24, SECTION 9, RANGE 8,  
MOUNTIAN DISTRICT, PLAN VIP77885  
**Civic Address: 467 Montclair Drive**  
  
**PURPOSE:** The applicant is requesting that the side yard setback be reduced from 1.5 metres (4.92 feet) to 1.25 metres (4.10 feet), for a single family dwelling under construction. This represents a variance of 0.25 metres (0.82 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 6.2.6.2- Yard Requirements  
*A side yard of not less than 1.5 metres (4.92 feet) shall be provided*"
  
3. **APPEAL:** **BOV00242**  
  
**APPLICANT:** **Garsan Holdings Ltd.**  
  
**LOCATION:** **Legal Description:** STRATA LOT 45, DISTRICT LOT 17, WELLINGTON DISTRICT, STRATA PLAN 830, (PHASE 2), TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1.  
**Civic Address: 511 Otter Place**  
  
**PURPOSE:** The applicant is requesting that the side yard setback be reduced from 1.5 metres (4.92 feet) to 1.11 metres (3.64 feet), for a recently constructed open deck. This represents a variance of 0.39 metres (1.28 feet).

**ZONING REGULATIONS:**

This property is included in the Single Family Bare Land Strata Residential Zone (RS-5) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 6.5.7.2- Yard Requirements

*Side yards shall be provided with a minimum width of 1.5 metres (4.92 feet) for each side yard..."*

**4. APPEAL: BOV00243**

**APPLICANT: Re-new Surface Systems Inc.**

**LOCATION: Legal Description:** LOT A, SECTION 14, RANGE 8, MOUNTIAN DISTRICT, PLAN VIP77895  
**Civic Address: 1620 Morey Road**

**PURPOSE:** The applicant is requesting that the rear yard setback be reduced from 7.5 metres (24.6 feet) to 5.33 metres (17.5 feet), in order to construct a single family dwelling. This represents a variance of 2.17 metres (7.1 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 6.1.6.3- Yard Requirements

*A rear yard of not less than 7.5 metres (24.6 feet) shall be provided for a principle building..."*

**5. APPEAL: BOV00244**

**APPLICANT: Nanaimo Lakeside Estates Inc.**

**LOCATION: Legal Description:** STRATA LOT 139, DISTRICT LOT 24G (FORMERLY DISTRICT LOT 24), WELLINGTON DISTRICT, STRATA PLAN VIS3925 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V  
**Civic Address: 6176 Garside Road**

**PURPOSE:** The applicant is requesting that the required sideyard setback be reduced from from 1.5 metres (4.92 feet) to 1.4 metres (4.59 feet) for a single family dwelling under construction. This represents a variance of 0.1 metre (0.33 feet).

**ZONING REGULATIONS:**

This property is included in the Single Family Residential Small Lot Zone (RS- 6) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

*"Section 6.6.7.2- Yard Requirements*

*Side yards shall be provided with a minimum width of 1.5 metres (4.92 feet) for each side yard."*

**6. 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"*

**7. APPEAL: BOV00246**

**APPLICANT: Weston Scott Jamieson**

**LOCATION: Legal Description: LOT A, SECTION 17, RANGE  
7, MOUNTIAN DISTRICT, PLAN VIP71189 EXCEPT  
PART IN PLAN VIP71190  
Civic Address: 2229 Northfield Road**

**PURPOSE:** The applicant is requesting that the front yard setback be reduced from 7.5 metres (24.6 feet) to 3.7 metres (12.14 feet) in order to accommodate an addition to a single family dwelling, which is presently non-conforming as to siting. This represents a variance of 3.8 metres (12.46 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 5.2.1.2- Location and Siting of Buildings and Structures- To Major Roads  
Principal or accessory structures shall not be closer than 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 dedicated 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.”*

8.     **APPEAL:**                             **BOV00247**  
  
          **APPLICANT:**                   **K. A. F. Contracting Ltd.**  
  
          **LOCATION:**                   **Legal Description:**     LOT 22, SECTION 20, RANGE  
  4, MOUNTIAN DISTRICT, PLAN VIP78456  
  **Civic Address: 3355 Prince Edward Place**

**PURPOSE:** The applicant is requesting that the maximum projection for a open deck into the rear yard be increased from 2 metres (6.56 feet) to 3 metres (9.84 feet). This represents a variance of 1 metre (3.28 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 5.4.2. – Projections into Yards*

*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 . . .”*

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  
g/devplan/files/legis/3720/bovagenda-may-05