# BOARD OF VARIANCE MEETING TO BE HELD IN THE BOARD ROOM OF CITY HALL, THURSDAY, JANUARY-20<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 2004-December-16<sup>th</sup>

2. APPEAL: BOV00225

APPLICANT: Green Trader Enterprises

**LOCATION:** Legal Description: LOT 29, SECTION 15 AND 16,

CRANBERRY DISTRICT, PLAN 77863

Civic Address: 65 Ranchview Drive

**PURPOSE:** The applicant is requesting that the maximum height of a principal dwelling, as measured from curb level, be increased from 5 metres (16.4 feet) to 7 metres (22.97 feet), in order to construct a single family dwelling. This represents a height variance of 2 metres (6.56 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 6.2.7.3 – Height of Buildings

Notwithstanding Subsection 6.2.7.1 and 6.2.7.2, on lots less than 1,666.66 square metres (17,940.36 square feet) the height of a principal dwelling may also be measured from curb level of the highest street abutting the property as outlined in the following table:

Roof Pitch	Maximum Height
A flat roof (< 4:12)	3 metres (9.84 feet)
A sloped roof (≥ 4:12)*	5 metres (16.4 feet)

<sup>\*</sup>for an area of at least 80% of all roof surfaces measured in plan view."

3. APPEAL: BOV00226

APPLICANT: Gurdial Kaur Janjua

LOCATION: Legal Description: LOT 1, SECTION 1, NANAIMO

DISTRICT, PLAN VIP63361

Civic Address: 640 Howard Avenue

**PURPOSE:** The applicant is requesting that the maximum height of a principal dwelling be increased from 8.25 metres (27.06 feet) to 8.32 metres (27.29 feet), for a single family dwelling under construction. This represents a height variance of 0.07 metres (0.23 feet).

### **ZONING REGULATIONS:**

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

The height of a principal 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)

<sup>\*</sup>for an area of at least 80% of all roof surfaces measured in plain view

4. APPEAL: BOV00227

APPLICANT: Felix and Rose Cassidy

LOCATION: Legal Description: THE SOUTH 141.43 FEET OF

SECTION 24, RANGE 18, OF SECTION 20, RANGE 4,

CRANBERRY DISTRICT, PLAN 1332

Civic Address: 1359 Cranberry Avenue

**PURPOSE:** The applicant is requesting that the Board of Variance permit a structural addition to a mobile home pad, which is non-conforming as to use, in order to replace a single wide mobile home with a double wide.

## **ZONING REGULATIONS:**

This property is zoned Single Family Residential (RS-1) and the appeal seeks to vary the following provisions of the Local Government Act:

"Section 9.11. - Non-conforming Uses and Siting

(5) A structural alteration or addition, except one that is required by an enactment or permitted by a board of variance under section 901(2), must not be made in or to a building or structure while the non-conforming use is continued in all or any part of it."

<sup>&</sup>quot;Section 6.2.7.1 – Height of Buildings

5. APPEAL: BOV00228

APPLICANT: James Stuart

LOCATION: Legal Description: LOT A, DISTRICT LOT 54,

WELLINGTON DISTRICT, PLAN 37239

Civic Address: 4931 Fillinger Crescent

**PURPOSE:** The applicant is requesting that the maximum height of a fence (fence and retaining wall) in the side yard be increased from 2.4 metres (7.87 feet) to 7.57 meters (24.83 feet), in order to construct a retaining wall with a fence on top. This represents a variance of 5.17 metres (16.96 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 "City of Nanaimo Zoning Bylaw 4000":

"Section 4.1- Definitions

<u>"RETAINING WALL"</u>- means a wall erected to hold back water, or support a bank of earth, and which is considered a 'fence' for the purpose of regulating height"

"Section 6.1.9.2. – Height of Fences

The height of a fence shall not exceed 2.4 metres (7.87 ft.) in any side or rear yard".

### 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/Planning Technician, DSD
  - P. Murphy, Manager, Property Services Manager, DSD
  - R. Topliffe, Supervisor, Building Inspection Division, DSD
  - G. Trimmer, Engineering Liaison/Support Technician, Engineering & Environmental Division, DSD
  - J. Holm, Planner, DSD
  - D. Stewart, Assistant Planner, DSD

g/devplan/files/legis/3720/bovajan2005